

STATE OF NEW JERSEY

PUBLIC HEARING

THE SPECIAL JOINT LEGISLATIVE COMMITTEE TO STUDY CRIME
AND THE SYSTEM OF CRIMINAL JUSTICE IN NEW JERSEY, AS
CREATED BY SENATE CONCURRENT RESOLUTION NUMBER 44

HELD:

April 4, 1968
Assembly Chamber
State House
Trenton, New Jersey

Before

THE SPECIAL JOINT LEGISLATIVE COMMITTEE TO STUDY CRIME
AND THE SYSTEM OF CRIMINAL JUSTICE IN NEW JERSEY

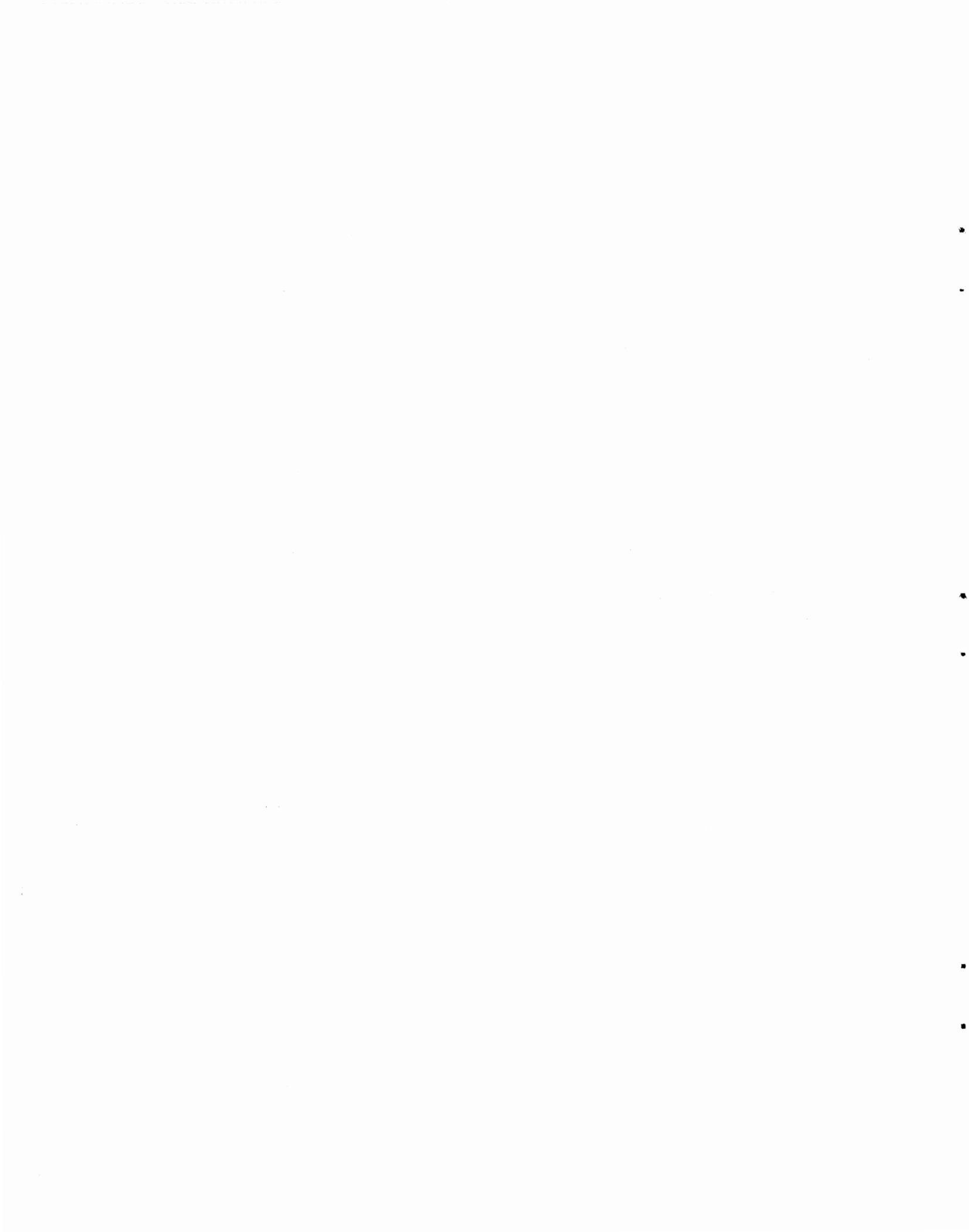
Members of the Committee:

SENATOR E. B. FORSYTHE, Chairman
SENATOR W. DUMONT, JR.
SENATOR W. F. KELLY, JR.
SENATOR J. A. LYNCH
SENATOR F. X. McDERMOTT
SENATOR M. A. WALDOR
SENATOR J. C. WOODCOCK, JR.
ASSEMBLYMAN W. K. DICKEY
ASSEMBLYMAN H. F. GAVAN
ASSEMBLYMAN P. MORIATES
ASSEMBLYMAN R. OWENS
ASSEMBLYMAN H. M. RINALDI
ASSEMBLYMAN A. S. SMITH
ASSEMBLYMAN P. W. THOMAS

ELIOT H. LUMBARD, ESQ., Chief Criminal Justice Consultant,
HENRY S. RUTH, JR., ESQ., Asst Criminal Justice Consultant

I N D E X

<u>Witnesses</u>	<u>Page</u>
William W. Ramsay	3
Walter J. O'Brien	25
Mrs. William Sayer	61
Edward Feld	75
David J. Harris Jr.	96
James G. Caffrey, Jr.	116
Joel R. Jacobson	135
James R. Sutphen	163
Judge Horace S. Bellfatto	177



SENATOR FORSYTHE: I will call the hearing to order. Our first witness is Dr. Ramsay. Would you identify yourself for the record, Doctor, and then let me swear you in.

DR. RAMSAY: Yes, Senator Forsythe, and members of the Committee, I am William W. Ramsay and I am Executive Director of the New Jersey Association of School Administrators.

D R. W I L L I A M W. R A M S A Y, having been duly sworn as a witness, testified as follows.

SENATOR FORSYTHE: Do you have a statement you would like to read into the record?

DR. RAMSAY: Yes.

SEANTOR FORSYTHE: Would you proceed.

DR. RAMSAY: Our association includes among its membership most of the superintendents of the public school districts in the State. These superintendents, because of their responsibility for the development of educational programs for youth, are vitally concerned with all matters dealing with the behavior of youth.

I wish to express the appreciation of our membership for this opportunity to present to the

Commission the thinking of our association on these critical matters.

I would like to confine my remarks chiefly to three areas, the operation of juvenile conference committees, rehabilitation, and the establishment of a liaison between the schools and the local law enforcement agencies.

Juvenile Conference Committee

The Juvenile Conference Committee can be an effective instrument for working with young people whose misbehavior is not sufficiently serious to require a formal hearing and an adjudication. Its effectiveness, however, is directly related to the sensitivity and dedication of its membership and to the close relationship it enjoys with the local police department.

A well-functioning committee will place certain youngsters under the guidance of individual committee members who are able to provide reasonably regular supervision. The committee members, in these instances, will also maintain a close contact with the youths' parents.

For many young people one visit before a juvenile conference committee is sufficient. They are helped to understand the seriousness of their

offenses, and the potential danger to their future aspirations, should there be a repeat performance.

Juvenile conference committees, since they work with the young offenders, can be an effective force for law and order in a community. Further, they assist in keeping minor cases out of the juvenile courts, thereby permitting juvenile courts to concentrate their time on serious and persistent infractions.

Unfortunately, all juvenile conference committees do not perform equally well. This may be related to the haphazard selection of committee members or the failure on the part of an appointing body to orient new members to their duties and responsibilities.

I would submit at this time that there is need for a full-time administrator, at the State level, to assist in the development and guidance of juvenile conference committees. This person, in coordination with the juvenile courts, could also help determine the kinds of violations which should come to the attention of the juvenile conference committees. For example, juvenile conference committees should be allowed to deal with first

offenders in all cases excepting serious offenses.

Sufficient funds should be provided from the State to permit the efficient operation of these committees. These funds would provide for clerical assistance, needed supplies and perhaps per diem allowances for those committee members who might be away from their positions while carrying out committee responsibilities.

Rehabilitation

If probation is to be considered an integral part of a youngster's rehabilitation, the probation services of juvenile courts must be expanded. Many superintendents report that the case load for probation officers is too great to permit an intensive follow-up.

Regarding rehabilitation, most of the young people who are released from the State's correctional institutions usually return to their former patterns of behavior. A tremendous effort is needed upon the part of the State in strengthening the educational facilities in these institutions. Some superintendents are discussing the possibility of developing half-way houses in order that they may work with returnees.

Here again, school districts, particularly

in urban areas, will need substantial financial assistance if they are to assist these young persons in returning to the main stream with less difficulty.

Liaison Between School and Local Law Enforcement Agencies

Since the school is the one institution which serves all children, it is the logical location for carrying out preventive measures. The school, however, cannot work alone on this and needs assistance from the local law enforcement agency.

At this point I am not referring to the acquisition of security guards under the "Public Schools Safety Act of 1967". Although the employment of such persons is necessary for those schools where there has been student unrest, another kind of relationship with the police is needed if we are to create effective pupil-school and pupil-community relations.

I am referring here to the utilization of a trained, non-uniformed police officer who has an office in the school and works closely with the members of the school staff and the pupils. Such a program exists in Flint, Michigan where they have found that the police-school liaison provides certain

benefits: (1) Good communications are developed between the schools and the police department, and a cooperative program for the guidance of young people is available. (2) When the policeman becomes a friend of the youth of a community, a greater respect for law enforcement is created. (3) Preventive work gives a partial solution to the problem of juvenile anti-social behavior.

In the Flint program, the police officer does not work alone. He is part of a regional counseling team. The program has been so successful that by 1965 all secondary schools in Flint had regional counseling teams, each with a liaison police officer.

The program is subsidized jointly by the Flint Board of Education and the Police Department.

It would seem that an approach such as this could be explored in New Jersey.

Conclusion:

The superintendents of schools in New Jersey are anxious to create a close, effective relationship with the local law enforcement agencies. I believe that by and large such relationships now exist in most of our State's communities. Where they don't, there are probably misunderstandings

on both sides.

In a few cases the superintendents may feel that the police did not take the school people into their confidence. In one such situation, a county newspaper contained items about "widespread drug abuse in the schools of the county". It seemed that the prosecutor's office had released information to the newspapers without discussing the situation with school authorities. A subsequent meeting between the prosecutor and the representatives of the county's schools cleared the air. I feel certain that the prosecutor involved left that meeting willing to share future information with the school authorities and confident that they would be cooperative. I feel equally certain that the school authorities left the meeting with a healthier respect for the problems of the prosecutor's office.

I can assure you gentlemen that the New Jersey Association of School Administrators will do all it can to effect a cooperative relationship between the school administrators and the police departments of the State.

Thank you!

EXAMINATION BY
MR. LUMBARD:

Q Your first point was the Juvenile Conference
Committee.

A Yes.

Q Could you spell out a little more clearly
exactly how many there are, if you know, of those
groups and what they do?

A Well, first of all I must say I don't know the
specific number, I would imagine that most com-
munities in the State have a juvenile commission
of one kind or another.

They are basically a creature apparently of
the juvenile courts. They are really established
to keep the young offender away from adjudication,
to make it possible for him not to have a record
and to perhaps nip in the bud any future potential
for wrongdoing.

The juvenile court basically approves these
committees.

Q When you say basically, does it in fact?

A Well, what happens is that in the communities
usually appointments may be made by an authority,
which could be the police department. In my
experience as a member and chairman of a commission,

I was actually named by a police department and I know that my name had to be approved by the juvenile court authorities.

But the point is that the original appointments, the initial appointments are probably made at the local level. Now, as I say a great deal depends upon who is making those appointments, who is naming those people, to be certain that you get the kind of people on the commission, the committee, who are deeply concerned with youth and willing to expend the time to work with them.

In talking with a number of superintendents, we have reason to believe that this is not always the case.

Q You mean school superintendents?

A Yes.

Q We have had that term used in other capacities here.

A Yes, I'm sorry, school superintendents. My own experience was a good one, with a juvenile conference committee. I don't take credit for it, a number of us were on it and we were interested, we appeared regularly. I don't know about its status now, I have been away from it for four or five years, but I know what can make a good juvenile

conference committee.

What my point is, if this committee is effective in certain instances, and I say I have reason to believe that it is, then I think there should be interest at the State level in preserving it and strengthening it, and I think it can do a great deal for these children who take a first so-called misstep.

Q Are you familiar with the proposals of the President's Crime Commission to establish youth bureaus?

A Not in detail, I know that that is a proposal, yes.

Q It is a good book, I recommend you get it.

A I will do that.

Q It has every implication for educators, but unfortunately it didn't receive a distribution to educators, it was sent only to police chiefs.

What you describe seems to be somewhat similar to the sort of youth bureau that was recommended -- Youth Services Bureau recommended on page 69 of this report, and I will read you just a brief description of it because I would like to see if it is in fact something quite similar to what you have been talking about, and that might be useful.

A All right, yes.

Q Indeed on page 70, just as a reference, section

headed "The Slum School," in the President's Crime Commission report. Another section headed "Failure in School and Delinquency, the Downward Spiral of Failure," and another headed "School Response to Behavior Problems."

Now, it talks about the initial contact point with the juvenile justice system, the report does, and then it goes on to make this specific recommendation on page 83.

"Police forces should make full use of the central diagnosing and coordinating services of a Youth Services Bureau. Station adjustment should be limited to release and referral," that is to the bureau.

"It should not include hearings of the imposition of sanctions by the police. Court referral by the police should be restricted to those cases involving serious criminal conduct or repeated misconduct of the more than trivial nature."

Then it goes on to talk about,

"An essential objective in the community delinquency and control plan should therefore be the establishment of a neighborhood youth serving agency, a youth services bureau with

a broad range of services and certain mandatory functions."

I won't go into the whole section on 83, but it seemed to me to be a number of analogies to what you were talking about.

A Yes, that's right.

Q And that is why I wanted you to be specific if you would.

A Let me say this, that I mentioned the Flint plan which is somewhat like a youth services bureau.

Q Well, the Flint plan is stronger than that, that is sort of a liaison between school and law enforcement and it seems to me as you describe it to me, one level above a guard that happens to be around.

A Yes, but again it would be probably a trained person working closely with the guidance people, the superintendent, the teachers. I didn't go into detail on the paper on it but this regional team would involve a number of people who provided services to youth, working with whom would be a trained police officer. I just wanted to say this, Mr. Lumbard, in regard to the juvenile conference commissions, they already exist.

Q Are they supported by statute or are they an informal affair?

A The juvenile court of course is established by statute and all I know is that the commission is a creature of the juvenile court, that is as best I can make it, but my point is they do exist in many communities which do not now have bureaus of services.

Q And you say in your experience it has been salutary?

A Yes, and I don't think it should be the only thing, I think there should be a bureau of pupil services, I think there is value in this kind of thing, first of all that exists there now, it will be there long before they have their bureau of pupil services.

Q Do you think it should be established by statute with certain guidelines in it so that people not only have the leadership of it, but the specific correction and judgment by the Legislature, do you think that is advisable?

A Yes, I think so, and I think that it should be spelled out that it should work very closely with the schools and with the police department. I think it is more than a one-way street.

Now, I think it can be effective, I don't think it is the only answer though. I think that your urban areas obviously have to have bureaus of pupil

services, I know Jersey City has for years had such a bureau.

I mention in here the possibility of a half-way house, this could be part of the activities of the bureau for those children who return from a correctional institution. But I would certainly endorse this, Mr. Lumbard, a bureau such as you mentioned from the Crime Commission.

There is another value to the juvenile conference commission, it does involve the citizens in the community who are not necessarily parts of the school staff, so I think it develops a greater sensitivity on the part of the community to what is happening. They are always being told by the school what is a problem, what they read in the paper is one thing. If they participate in something of this nature, they see first hand what is happening and it will make them more effective.

I think along with the bureau and so forth, we should try to retain this, and I personally endorse the concept of the juvenile conference committee.

Q I have a slightly different request. I gather you feel that with many people that education doesn't refer only to children?

A Right.

Q And it is a serious problem with education of those who are presently convicted and in institutions, whether they are young or old?

A Right.

Q Many are of an age where they otherwise would be in an education system if they were not in these other facilities?

A Right.

Q The wardens of several institutions have told us that there is constant, just a constant number of absolutely illiterate persons in the institutions who would then be released in the streets and who would then be incapable of even filling out a job application. However, also these institutions are staffed with almost no educational facilities or teachers of any scope or consequence.

A Right.

Q Is education in the ^{corrective} facilities in any way within the province of the education establishment in New Jersey?

A I think as I mentioned, Mr. Lumbard, that the State should play a role in strengthening educational facilities here, and I think they should be strengthened through the existing coordination of the existing

Department of Education and the Department of Institutions and Agencies. I think that has to be a joint role there.

But I think that the Department of Education should distinctly play a role in the ultimate strengthening of these facilities, because the Department of Education has at firsthand specialized personnel. They don't have enough to be sure, but they have the categories and the know-how to send people out to work with the Institutions and Agencies people and strengthen the educational aspect of these institutions.

Q Do you know what they are now doing in this area, if anything?

A As far as the institutions are concerned?

Q The State Education Department.

A I don't know of a direct line or an effort now -- I say I don't know, there could be, but I don't know that the Department presently is structured and manned so that they can get into these areas; I don't think so.

Q Would you think that to be a desirable objective of them?

A Yes.

Q Would you recommend it?

A Yes.

Q Do you think your organization would?

A Yes, I think so.

EXAMINATION BY
SENATOR FORSYTHE:

Q Dr. Ramsay, back just a bit to this juvenile conference committee, and I am somewhat familiar with it.

Do you believe that the citizen participation is one of the vital factors involved?

A Yes.

Q The bringing in, other than the police and the school administration, that bringing in others is one of the important things that should be promoted?

A Yes, definitely.

Q Another subject which you did not cover in your statement and there has been some activity just in recent days, and this is in the area of education in the problem of drug use in the school system, that education again is a very important key to this. And do you believe that as a part of the curriculum of our schools, that education in this field as to the dangers of drug abuse, that it is possible, practical and should be done?

A First I think it is necessary and I noticed in this morning's paper a little bit of pressure, that the Commissioner of Education is working with the Legislature regarding this. I think it has to be handled very carefully. Historically when you said narcotics in schools, we were talking about coffee and tea and cigarettes, and New York City found out a long time ago kids were taking main liners while teachers were talking about coffee, tea and cigarettes.

Now, many teachers, including myself as a former teacher, are not experts in getting across in this area, and I don't know if I would want to at the moment without some specific background, walk into a class of high school kids and talk to them about the use of narcotics, at the level which I understand them.

I think, like sex education, there is specific information to get across, but it has to be done in such a way that it does not heighten interest to try. If I read the article correctly this morning, the Commissioner is anxious to train people, and this I think is important.

MR. LUMBARD: Apparently the news this morning also contained the announcement

that New Jersey was number one in registered narcotics --

SENATOR FORSYTHE: The report that I heard on the radio, it registered narcotics addiction in New Jersey as the highest increase, or that we had the highest increase of any state in the Union, and we have had substantial testimony as to the narcotics problem and that is perhaps one of our most serious problems, and that does then lead on into the criminal problem, so that I thoroughly agree that the competence of the teacher in this area is all important. Much harm could be done if it wasn't properly handled.

A Right.

EXAMINATION BY
SENATOR WALDOR:

Q Dr. Ramsay, I assume that in your capacity you travel throughout the various counties and different schools and so forth. Can you tell me, sir, if you know, why there is a tendency on the part of for example principals of different high schools and junior high schools, to cover up or to fail to give information to law enforcement authorities regarding the use of drugs or marijuana or narcotics of any kind, in their high schools and

also their apparent lack of cooperation on their part with law enforcement authorities?

A Well, I don't know that I agree with you, but if that is so, I don't know that that is widespread. But if it is so in some cases, it might be as a result of the way it was handled initially.

I think here a situation in the rear of the paper that if the law enforcement authorities here have something and it receives widespread publicity first, it is possible for a building principal, a human being, to go on the defensive. I don't say he should, but I say it is possible to do that. This is why I think when information is gained, before publicity is given, if at all possible, there should be a conference immediately with the school authority and they can say, all right, in confidence, here is what we have discovered and we want your complete cooperation.

The few high school principals to whom I have spoken regarding this kind of thing, they seem to be reacting to the fact that publicity was given to this, word was spread about that here was widespread drug abuse, about which he and they were not advised of, not knowing, you see. I say it might cause them to go on the offensive, it could

be the early contact by the law enforcement people saying, look, we are going to come in and talk to you about something.

Q As far as the situation has progressed, Dr. Ramsay, that the school authorities determine prior to the time that law enforcement authorities do, that there is a use of or widespread use of marijuana let's say or any of the psychedelic drugs or hallucinatory drugs or drugs of many kind being used in a high school, wouldn't you say that in your judgment the responsibility of the school administrative, the principal, whoever it may be, to advise the law enforcement agencies that they are aware that such a situation exists?

A Yes, without a question.

Q There is no question about that?

A No question in my mind.

Q So we have had situations in Essex County where I have heard or seen in print, I haven't spoken with them myself, where certain mayors in municipalities in Essex County indicated and said, well, fifty percent of the kids in such and such a town in Essex County are involved in the use of marijuana or have experimented with marihuana and this has been known to the principal of the school and yet

the school has tried to cover it up or there were reefers found on the floor of the gym after a basketball game, or something of this nature, and yet there was never a report made by the school authorities to the law enforcement agencies.

Now, is there something perhaps you could do in that area to indicate to these administrators and principals that their responsibility is just as serious, that is to report that to law enforcement authorities, as it is for law enforcement authorities to report to the officials?

A Well, I will relate my experience here on Wednesday and I will definitely advise them to place this on the agenda and move on it.

SENATOR WALDOR: Thank you.

SENATOR FORSYTHE: Senator

Dumont?

EXAMINATION BY
SENATOR DUMONT:

Q How many members in your association, Doctor?

A Actually we have a membership of actually four hundred sixty-one professionals and out of that I would say in excess of four hundred are superintendents. I haven't made the last count, we are still getting membership in for the year. We have

actually the chief administrative offices in the school district which would include superintendents and administrative principals and plus college administrators, etcetera, and I would say the superintendents are in excess of four hundred in the organization.

Q Thank you. No further questions.

SENATOR FORSYTHE: Thank you very much, Dr. Ramsay.

SENATOR FORSYTHE: Mr. O'Brien.

Would you identify yourself, please.

MR. O'BRIEN: I am Walter J. O'Brien, Director of Development for the New Jersey Education Association.

W A L T E R J. O ' B R I E N having been duly sworn as a witness, testified as follows.

MR. O'BRIEN: Senators and Mr. Lumbard, the New Jersey Education Association is a professional organization of some sixty thousand certificated school personnel in New Jersey. In other categories of membership, including college students, we would have an additional twenty thousand members, so our organization, which is a voluntary one, consists of some eighty thousand members.

MR. LUMBARD: I have been an

admirer of that magnificent building you have across the street, and sometimes as I walk across the street, I wished that the public was organized on the issue of crime control and had a specific voice sitting right across from the State Capital as the State Education Association.

MR. O'BRIEN: Thank you. That building was inspired by the American exhibit at the Brussels World Fair.

MR. LUMBARD: Unfortunately there doesn't seem to be many P.T.A.'s working in the area of crime control. Not that that has anything to do with your organization.

MR. O'BRIEN: In the report of the Executive Secretary to the New Jersey Education Association Delegate Assembly in Atlantic City on November 3, 1966, Dr. Frederick L. Hipp made these points:

1. It is no longer possible for man, woman, or child to walk the streets of our cities during most hours of the day.

2. Teachers are attacked in broad daylight in the schools.

3. People suffer violence in the slums and in the affluent sections of communities.

4. We must give our attention to encouraging some of our ablest students to enter the law enforcement field.

5. NJEA should support police organizations in their efforts to enhance their economic status.

6. Teacher organizations should render law enforcement officials every support.

A few weeks thereafter the NJEA Committee on Education for Law Enforcement was appointed. Professional law enforcement officers, a representative of the Attorney General's office and a juvenile court judge have served as consultants.

We have received testimony from the New Jersey Police Benevolent Association, the New Jersey Association of Police Chiefs, the Trenton Police Superiors Association, the New Jersey State Police, the New Jersey Attorney General's office, and the New Jersey Police Training Commission. We have had visits from representatives of the New Jersey Department of Community Affairs and the New Jersey Department of Education, Curriculum Division.

The Committee decided that the emphasis of its work should fall in three areas: (a) police recruitment, (b) police training, and (c) police-community relationships.

Negative image and low pay slows down police recruitment.

We plan to distribute to each New Jersey teacher a pamphlet entitled, "What Every Teacher Should Know About Law Enforcement Career Opportunities." Last November, the New Jersey State Police and the New Jersey Police Training Commission mounted and manned substantial exhibits at the NJEA Convention at which more than 55,000 persons were registered. We are encouraging school districts to step up Trooper Youth Week, police involvement in career day programs and in general assemblies.

However, this is modest and the recommendations that we would make to this committee, that the Legislature consider and pass a minimum salary schedule for police throughout the State, and secondly that a State financed recruitment promotion campaign commence.

I might say parenthetically that in 1954 when Senator Dumont and Assemblyman Houser helped us with NJEA's /minimum salary schedule for teachers, that up to that time the colleges were, the teacher colleges as they were at the time, were not up to capacity, and that we were having extreme difficulty in

recruiting young people into teaching and that we can show with figures that after salaries began to rise in New Jersey, and directly related to the minimum salary schedule of 1954, that many young people came into teaching and we feel that this is a practical approach to getting more able young men and women recruited into police agencies.

The Association recommends that the New Jersey Criminal Justice Study Committee, to aid in recruitment and retention of able career policemen, consider, (1) a minimum salary schedule for policemen, and (2) a statewide recruitment promotion campaign.

Law enforcement officers will have to have the ability to adjust to ever-changing social, legal, and training conditions.

The basic training, in-service education, and college opportunities for policemen all need to be strengthened. The qualifications for police instructors should be raised and standardized.

We can report that an Instructional Methods for Police Trainers course at Trenton State College, sponsored by NJEA, is in progress with 26 career law enforcement officers enrolled. A list of the students is attached to this report. A total of

82 persons applied for admission to the course; 56 applicants were turned down.

I might say that no promotional piece of literature was ever developed for this, we never put it in an advertisement, the State Police merely put it out on their wire once and in four days we had 86 applications for career policemen to get into this course in Trenton.

Police Chief Campbell of Plainfield called the NJEA office to express his disappointment that he could not place six of his staff members as students in the course. He indicated that a lot of attention has been given to the Plainfield Police Department since the civil disturbances in his city last year. He indicated that he is having difficulty finding college level courses for members of his staff who are willing to improve themselves through more education.

Police Chief Campbell and the Police Chief in Woodbridge, they both indicated that they would need police to serve as an internal faculty within their police agency for training police in those districts, the new techniques, new decisions coming down, Escobedo and others, and they want to have as it were a faculty of people trained to

teach other men in the department at all times, especially since these opportunities are not available at present in any great numbers in our colleges.

We have had inquiries about this course including one from Dr. Paul B. Weston, Director, Police Science and Administration, Sacramento State College, Sacramento, California.

NJEA urges that the New Jersey Legislative Criminal Justice Committee consider recommending:

1. That Associate in Arts Degrees in Police Science be offered at the community colleges (2 year programs);

2. That Rutgers, the State University, offer a Bachelor's Degree program in police administration, supervision, community relations, etc., (City College of New York offers such programs, now.)

New York City has invested heavily in this kind of college opportunity for career enforcement officers at the CCNY, which I am sure now is known as John Jay, but at any rate we do not have at the present time in the State of New Jersey an opportunity for a man or a woman to get a Bachelor's Degree in an area of police work so

that the people in a police agency can have the opportunity to go forward with further education.

3. That the New Jersey State Colleges offer Instructional Methods for Police Trainers courses as long as the need exists. These colleges are well-suited for instructor training.

Of course, all of these recommendations are predicated on the calibre of men and women we can attract into police service. It would therefore seem there is a need to establish minimum entrance standards legislation for police applicants.

Day-after-day in thousands of New Jersey classrooms teachers are instructing youth in the basic operation and significance of our legal system. The overwhelming majority of New Jersey's young people are decent and law-abiding citizens, eager to learn more about their responsibilities and willing to accept their role in society.

In a few schools physical assaults on teachers and pupils by weapon-carrying students are a very disturbing reality. This cannot be tolerated.

NJEA supports the present law which provides a system whereby the State Education Commissioner could require uniformed guards at schools in areas

found by the Commissioner to be violence areas. The State provides up to 75% of the cost of the guards.

We favor this system so long as it (a) works through the New Jersey Department of Education, (b) meets the needs of violent areas, and (c) is flexible enough with regard to use of police personnel (uniformed/plainclothesmen).

These are divergent viewpoints and practices with respect to a teacher's role in situations involving students using drugs.

The New York City Board of Education gives this advice to teachers. "When suspicions are aroused, it is best to avoid direct accusations. The wiser course is to refer the matter to the school principal, whose responsibility it is to take the next step - referral to the School Health Service."

The Chicago Board of Education warns school personnel to "avoid becoming involved in any way other than to report recognized or suspected incidents of drug users or sellers."

In some New Jersey communities teachers have been urged to look for danger signals which might indicate a student is on drugs.

Governor Hughes is reported to be urging trained teaching specialists for high school courses in drug abuses, particularly marijuana.

This proposal and others are of immediate concern to us as we are preparing a policy statement and guidelines on this subject for approval by the NJEA Delegate Assembly.

To be very frank, the teachers have very divergent views in their role on handling this drug situation. We had a meeting last night and a teacher from Newark indicated that he felt that marijuana was not habit forming and that it was not necessarily so that youngsters would take the next step to the more serious drugs, and that he could do more by working with youngsters without reporting them to officials.

Now, we had other teachers at the meeting saying just the opposite. We had State Police present, a juvenile judge, a representative of the A.G., and to be very frank with you at the end of three hours, we couldn't say, on the basis of that discussion, we could not give any effective clear-cut guidance to the teachers as to what their role is when they are dealing with youngsters known to be on marijuana.

We had a situation where in some high schools certain areas on the school property are given over to smoking perhaps for seniors. Some teachers are aware of the fact that perhaps some of these youngsters are on marijuana.

They want to know for example their legal liability in this situation. It is easy to say, yes, they should just report it to the principal. Some teachers feel that this situation is not curing the youngster to whom they have a responsibility, so I can say to you on the basis of several hours of discussion last night, including one teacher from the Bordentown Reformatory for men, who sees the youngster after he has been sentenced and is in a reformatory and he is working with him as a teacher after he is inside, I can only say to you in all candor, that after three hours of this discussion, all we concluded was that we are going to have to have several more meetings before the NJEA can set out some guidelines as to what the teachers' role is, with respect to youngsters who are using drugs.

EXAMINATION BY
MR. LUMBARD:

Q May we just pause a moment there.

So long as the Legislature has decided that something is against the law, is there really any basis for confusion in teachers' minds as to what the teachers' obligation is, insofar as reporting the probable or suspected violation of that law?

A I think if you would ask a teacher directly if he has any misunderstanding of the law, he would say, no, but if you were to say, what is your obligation in helping that youngster, you might get several different answers.

Q How can his obligation to the youngster be contrary to what the law states, as to what a teacher should decide what it should be?

A I don't want to be in a position to say that a teacher should be instrumental in helping a youngster break the law, I am not saying that at all, I am just saying that if you want the answer, that teachers understand the law and will try to abide by it, you will get that answer, but if you are asking a question in reality how do many teachers for example in Newark, how do they feel about this, many of them will say, I know what the law says,

but if I am going to help these young people, I might try some other things; and this is the way it is.

Q There are two things going on here, the first is how it is you say, and the second is what should be.

My question was addressed to what should be, and merely eliciting from you do you think young teachers, as long as they know what the law is, to report the violation whether it is marijuana or anything else?

A I am reporting to you that there is a diversion of opinions on this, as far as the meeting is concerned, and this is not the position of the NJEA, I am saying that/a meeting held on this point last night, as a result of I can only conclude to you that there is a disparity of opinions among people who have this responsibility, that is all I am saying.

Q From the position of the NJEA, perhaps in its leadership role you could assist in the clarification in some of these questions.

A Well, I am certain that the NJEA feels for example in the marijuana situation, that regardless of statements to the contrary about it not being

habit forming, it not being necessarily a next step to heroin, that marijuana is smoked in environmental situations where youngsters are going to be in contact with people who are on these other drugs and are trying to sell them, and obviously the youngster who is involved in a situation where he is smoking marijuana and is around people who are on more serious stuff, increases his opportunity to get there .

Certainly the Association, as it has in the past, supports drug education and you might be interested in knowing that we had this brought out last night by the judge, that the law on the books in the State of New Jersey requiring education on narcotics is a law which was enacted in 1904, so there must have been a problem even at that time with respect to narcotics . and drugs

So we are in support of the law, we do support education in this area, we certainly will give the Commissioner of Education every support if he is attempting to work in the schools to point out the evils and dangers of these drugs. I was only saying before that the teacher, is not seeing his role as

merely one of pointing out that someone is using drugs, he is beginning to feel that if he wants to help these youngsters, he is going to want to have a bigger role, and that might for example mean that he may have something to do with the dispositions of these cases.

When I was teaching, and I taught in situations where you would just get a note saying John Smith will not report to your class Monday and you were not told why, you were not told if he would return, he just was out of town was the expression that was used, out of town. I as a teacher had nothing to do with any aspect of the disposition of his case, although a week later he might be back in my class and every youngster in that class but^{not} the teacher knew where he had gone, and the fact that he was coming back.

I think that teachers feel, in this day, that they can't accept anymore that there is some mystique that administrators know how to handle children in trouble and that they^{the teachers,} working with ^{students} day in and day out have no role to play.

I think in trying to forge the role that teachers want to play in this particular problem, some of them are going to oppose any notion

that all they do is report ^{youngsters} and they have nothing else to do with them.

Q I think that was a very interesting statement, but I am getting at a different point. Perhaps it will be sharpened by saying this.

Whatever the rationales some teachers may have, whether permissive or not, what is the justification for allowing any student ever, or the need to allow any student ever, to smoke marijuana on the school property, in a school room amidst students?

A There would be none whatsoever.

Q Right, now, if there is none whatsoever for the smoking of marijuana at school, in terms of theory or necessity or whatever, then doesn't that clarify the teachers' position in terms of reporting the violation?

A If the violation is in fact taking place on school property.

I may have left a misconception here. If the violation is taking place on school property, the obligation is clear and present. I am talking about the fact that a teacher may very well know that youngsters are on drugs or marijuana outside of school and he feels he may have obligations

there.

One teacher reported that he knew a certain place or at least he had a strong suspicion of a source of marijuana .

There again I think his obligation is rather clear and present, but this is happening after school. What is his obligation then?

Q Are you asking me or is that a rhetorical question?

A No, I am saying these are some of the problems that we are pressed with in this area and do hope to be able to say to the teachers and administrators of the State, these are the roles we think teachers should be playing in this serious problem of student drug use.

But I would leave it perfectly clear that if the smoking of marijuana were going on on school property, it is obviously a crime, the obligation is very clear for a teacher to report it. I was speaking more of a fact that teachers know that certain youngsters might be using this drug but not actually see them or have this happen on school property.

I know I am taking considerable time here, so I am just going to skip on to the bottom of --

Q Mr. O'Brien, don't worry about the committee's

time, you go right ahead and we will worry about that, all right?

A All right. Thank you, sir.

The President's Commission on Law Enforcement and Administration of Justice, 1967, (p. 279) concludes, "...crime flourishes where the conditions of life are the worst, and that therefore the foundation of a national strategy against crime is an unremitting national effort for social justice."

NJEA concurs in this statement.

I am happy that you said there should be copies of this made available and we would point up that we would hope that the report of this legislative committee would get wide dissemination in the schools, if the schools in turn are going to be expected to play a role in the curtailment of crime.

Unemployment, poverty, discrimination, urban blight must be reduced if we are to reduce crime.

A sizable number of New Jersey public school pupils are affected by environmental factors which limit their aspirations and their achievements in the process of education.

Each school in New Jersey must be dedicated

to handling the individual needs of each child enrolled.

A major shift in financing of education - through increased state equalization aid - is essential if local school districts are to handle the particular educational needs of disadvantaged children.

School systems which have a concentration of disadvantaged children should have teachers and special teams trained to work with disadvantaged children and other pupils having learning difficulties.

Class size in schools which have a concentration of disadvantaged children should be under 20 pupils.

I visited two weeks ago a first grade classroom which had over 40 youngsters, in a slum area, and almost half of the youngsters spoke Spanish while their teachers could not. The pupils could not speak English and the teacher could not speak Spanish and this was in a class with 42 pupils.

Q This sounds like chaos.

A I think the teacher was trying to do everything possible and I think the principal was doing everything he could, but there are factors .
central administration

It is not in the school.
I believe everyone/ ^{in the school} is trying to do the job.

Schools should have special enrichment programs to broaden the cultural experiences of disadvantaged children.

Schools should provide a continuous program of vocational orientation and guidance.

School systems should give a thorough reexamination to opportunities offered for vocational training and revise or add such programs as are necessary to give every child job skills appropriate to the demands of a modern technological society.

High schools should experiment more fully with work-study programs.

Schools in areas which have a concentration of disadvantaged children should have an active community cooperation program.

Obviously these things are said over and over again, but they are not new to you, but the NJEA certainly would be remiss in testifying if we didn't say over and over again, if we didn't say that we think these things are important and that for the State at large, the schools have discharged these responsibilities well, but in some

instances we know that we must provide even more educational experiences for students which would overcome the problems.

The above recommendations on schools derive from "The Disadvantaged Child: A Program For Action" published by the NJEA Special Committee on the Disadvantaged more than two years ago. For the state at large the schools have discharged these responsibilities well. In some instances, we know that we must provide even more educational experiences for students which would overcome the effects of discrimination and deprivation. The alternative is to relegate thousands of young people to tragic, wasteful lives of crime.

The school programs we propose need the financial and participating support of district boards of education, municipal and county officials, legislators, the Federal Government, citizens and their organizations, industry, labor unions, religious institutions, foundations, colleges and universities and professional organizations. In short, educating disadvantaged children is everybody's business.

We wish to commend you on undertaking this

important work. In inviting NJEA to testify we know that you recognize that the public school is one of the major agencies through which society assures both its stability and evolution.

Thank you.

MR. LUMBARD CONTINUING:

Q Several witnesses before the committee, including one yesterday, testified as to a potential deleterious effect upon the school children as to what this witness characterized yesterday as a so-called "social promotion," which I gather when people get promoted automatically this leads to one or more problems, and would you care to comment on that?

A The social promotion is used in some respects to keep the youngster in school. When I was in the fifth or sixth grade that perhaps being normal age for that grade, I used to look up and see youngsters sixteen years of age in a class with me, they were made fun of very frequently because they might have stood six feet tall and the rest of the kids were the normal age for the grade. The older pupils were made fun of and obviously they weren't taking this kind of education / ^{seriously} and sooner or later they quit,

out of embarrassment or humiliation or maybe they would go to work and help the family.

Today I think one of the main reasons for the social promotions is to see that a youngster keeps going along. But is he getting the programs in the school that are going to be helpful to him? Yes, we believe that the schools should tenaciously try to hold on to youngsters as long as we can, hopefully to give them programs that they need.

In the high schools, comprehensive programs which give them not only academic subjects if they can take them and profit from them go on to college, but also work which will develop marketable skills for them so they can go out and get jobs in a competitive field.

Are we against social promotion? I think we are for comprehensive programs in schools so that as long as we are going to keep youngsters, to prevent them from being drop-outs, we will be giving students useful education. We need creative education, we need money, and most often these programs are the most costly ones, they are on a low pupil-teacher ratio and they usually involve equipment in these areas, and we would like to hold on to the youngsters as long as we feel they can gain in school.

Social promotion is a technique for doing this.

SENATOR FORSYTHE: Senator

Waldor?

EXAMINATION BY
SENATOR WALDOR:

Q Mr. O'Brien, on the statement that you made, Mr. Lumbard questioned you as to what the clear cut duty of the teacher is if they recognize that a student is indulging in the use of marijuana or any other narcotic drug, and you said there was a three hour discussion last night whether it was addictable and habit forming and so forth. Now, notwithstanding the fact that the law at the present time in New Jersey makes the use of marijuana unlawful under the Narcotics Act, why should the NJEA have to wrestle with any problem about directing the teachers as to what their responsibility is, unless they feel that the law enforcement authorities are not properly handling the problem and it can be better handled by the teacher.

Is that a consideration that was undertaken in your discussion last night for three hours?

A In some instances, yes, in some no. What I am

saying, Senator, is that some teachers were able to report that an effective relationship exists between police and school authorities and that there is teacher involvement, others said that they felt there was some bumbling in the handling of youngsters.

Q As far as the police were concerned?

A Yes, I am saying some said that.

Q I understand.

A And also we recognize, as Dr. ^{William} Ramsay said, that there is need without question for teachers to get more education themselves on the use of drugs.

It was brought out by one teacher that sometimes the youngsters know so much more about this, that a teacher's ignorance only encourages them.

Q Well, this is the very point that I --

A So we do welcome every opportunity we can get to get teachers in service to know more about this problem.

Q But that is not what I am discussing. I have to accept what you say to me and I do, that you had a three hour discussion as a result of which, forget the teachers that participated in the discussion, the NJEA is wrestling, to quote you, with what their policies should be to direct the teachers or

to suggest to the teachers, whatever terminology you want to use, what they should do under the circumstances of knowing for example where marijuana is available or that children or school students are selling it or smoking it, or doing anything whatsoever with it, whether it be during school hours or after school hours, and now, this is notwithstanding the fact that the teachers know what the law is, and NJEA knows what the law is, right?

A That's right.

Q So all I am asking you, sir, without telling me about better qualified teachers or the educational programs which is going into effect and which I believe is in effect in Essex County now, all I am suggesting to you is that these teachers must feel that the reason that they don't want to report violations of the law to the principal, who in turn I assume would report it to law enforcement authorities, is because they feel they can do better with the students than the facilities that are available to the law enforcement authorities, to take care of these children, is that a fact or isn't it?

A I have to qualify, Senator, because I wouldn't say

that all teachers feel this way and I wouldn't want to give too much status to the meaning of this. I am saying that some teachers definitely agree with what you just said. ^{teacher said,} One/ I know that this youngster is on marijuana, I might be able to work better with him on a one-to-one basis.

Q Rather than having him arrested by a police officer and possibly having him faced with a mandatory penalty?

A That's right, and I am saying to you that no teacher said that a youngster smoking a reefer in a boy's room is something that should be condoned, any teacher would go down immediately --

Q I recognize that.

A But I am saying you could know a youngster is on the stuff without ever seeing him in the act in a school building, and some of the teachers felt that what happens to the youngster after he is in the hands of authorities, they feel maybe we don't have enough half-way houses, treatment centers, this kind of thing, and I think they should be commended for feeling this way. They have an obligation as a teacher to do more than this.

SENATOR WALDOR: Thank you.

SENATOR FORSYTHE: Senator

Dumont?

EXAMINATION BY
SENATOR DUMONT:

Q Mr. O'Brien, your organization over the years, at least fifteen of them, has been very able in submitting salary bills to the Legislature, and you advocate something like that for the policemen's bills, and do you have a proposal?

A Well, we have a minimum salary bill in both houses for teachers and I wouldn't want to be guilty of giving a salary schedule suggestion for police that was higher than what we are suggesting for teachers.

MR. LUMBARD: That would be a matter of guilt?

THE WITNESS: No, I don't think it would be, it would be a matter of saving my job perhaps.

Senator Dumong, we know that the PBA and others in the field who are more familiar with the actual recruitment problems

have suggestions, I am not positive of this but I do think that there is a minimum salary schedule bill in the Assembly at the present time, and I would say that we would

support what the police professionals feel would be an adequate going rate to recruit and retain law enforcement officers.

SENATOR DUMONT: Thank you.

EXAMINATION BY
SENATOR WOODCOCK:

Q Mr. O'Brien, getting back to this question of narcotics, I believe that you stated that there were some teachers who felt, and I think I am quoting you correctly, that they say I know what the law says, but if I am going to help these kids, I am going to have to do something else other than just finger the boy and say, he is using marijuana, is that correct?

A That's correct, sir.

Q So actually what you are talking about here, is the role of the teacher in this narcotics problem, isn't that so, rather than just their duty as any other citizen, to point out when someone is breaking the law?

So actually what you are advocating, or let's say these people who take this position within the NJEA, is taking a position of greater involvement, rather than one of less involvement, is that so?

A Yes, sir.

Q So that actually you have no position as a professional group, as to mandatory sentences or non-mandatory sentences, but merely that you think that your role in this whole program should be something other than just junior G-men fingering narcotic users?

A That's right.

Q And that it ought to extend beyond the school hours and into the post conviction or whatever happens to these students, is that so?

A That's right.

For example, we know at the present time of no high school which has a faculty committee addressing itself to the problem of student drug use. Perhaps one of the reasons there is no faculty committee addressing itself to that problem is that no one sees the teacher as having a role larger than fingering a student.

In other words, the teachers ask for more of a role in this, not less, and I would, if I may say one more thing, I would like to say a few years back in Union County a teacher was apprehended for taking part in a pot party with students. The NJ Education Association recommended that his license be revoked and it was

subsequently revoked, so that we have no confusion in our minds as to what the teachers' role is in / ^{student} drug use, but we are trying to enlarge the role of the teacher in it, not minimize it.

Q Well, let me say, Mr. O'Brien, that I agree with that position, I think that if we are going to do anything with narcotics, I think that the teachers should be involved in the program because God knows, you have more contact with the children than some of the parents and I think from that standpoint, the educators in the State can be of great assistance.

One other thing. In your recommendations with respect to all of the problems, you state that a major shift in financing of education through increased State equalization aid, and are you talking about increasing all aid, minimum and maximum, are you talking about a revision of the formulas? You know, just what does that mean?

A Well, as you know there is another legislative committee studying this situation, and we have testified before them, and we are saying first of all that something which everyone says it seems, and that is that there has to be more state assistance to the local school districts, the

defeated budgets will indicate that.

We are saying too that it is more costly to educate youngsters in disadvantaged areas and that considerations will have to be made to compensate for the fact that our cities do have generally speaking a burden of educating more disadvantaged children than other parts of the State, and that State aid formulas will have to take that into consideration.

Q And of course just one more question. Considering the limitations of the finances, would you say that the emphasis should be placed in those disadvantaged areas of the State, if we are going to make any increase in the aid?

A Our Association has not taken a position on that direct question.

In other words, we feel that the need is great in small areas of Warren County, in Cape May, in Sussex, in other areas, and we couldn't say that one should come before the other, we are saying that a formula, when it provides money generally, will have to take into consideration that it does cost more to educate a disadvantaged child and it happens that the cities have had the largest share of them.

Q So you don't expect that your Association would be taking a position with respect to that when it comes down to a question of the limitation of the finances --

A We would say that it is not either or it is both, we have to support more aid for all school districts in the State.

SENATOR WOODCOCK: Thank you.

SENATOR DUMONT: Thank you.

MR. LUMBARD: Senator Forsythe has received a letter from an inmate in a State institution, perhaps engendered as a result of a visit the other day. I would like to read into the record part of that letter.

"Each inmate of each institution is an individual member of society -- a part of that society, like it or not. By crushing and debilitating an inmate, therefore, society is crushing and debilitating a part of itself. This is self-defeating, as is the entire system of criminal justice in New Jersey.

"Why, for example, are first offenders placed into a hodge-podge prison with hardened criminals? Why is there not a separate and special prison for first offenders, where

every possible effort is made to keep that person from becoming a repeater? What efforts? Prison is a place where society can, but does not, put its best face forward. A man is not only rejected by society but is forced to reject it in turn. He is told he is an out-cast, that he is stigmatized for life, and he is then de-humanized methodically by stripping him of whatever dignity he may have, by flaunting the full naked, raw power of the state in his face, by taking every measure to prevent him from asserting himself legally and individually, by stripping him of every last vestige of privacy, by subjecting him to assorted indignities and hardships, and by depriving him of a normal love-outlet and then persecuting him with a vengeance if he should seek an abnormal one. As if this isn't enough, his family, unless independently wealthy, are usually forced to become wards of the state, with all the accompanying indignities and deprivations this automatically necessitates, and innocent spouses and children are deprived of normal emotional happiness, wives are deprived of their normal love-outlet,

families have their mail censored and so forth.

"All this in the name of Justice? Or to appease the thirst for revenge in too many repressed individuals?

"Prison, especially a first offender prison, gives society an excellent opportunity, under controlled circumstances, to cure a part of itself, the inmate. Cure, by showing and proving that society is good and desirable, thus creating a favorable climate for the inmate to rehabilitate himself. These prisons should be staffed by the cream of society (just as are the doctors and other specialists who cure other ailments) not the worst, or even the mediocre. Rehabilitation programs should be everyone's first priority, even if the reason is simply economic -- consider here the economic costs of crime to society. Stiffer punishments have never worked -- and never will.

"The present prisons are simply custodial institutions, whatever other semantics are applied. The institutional keepers do the best they can with what they have. But they have very little. They provide certain diversions

for the prisoners and they don't practice corporal punishment. Basic comforts are also provided. The State Use Industries provide certain obsolete or obsolescent jobs, which keep men busy at an insultingly low rate of pay. How much better if these men could be taught construction work, or how to operate a lathe or a drill press or a computer, or numerous other skills that are both satisfying and lucrative. How much better if full time school programs, on all levels, could be run from morning till night. And what real purpose does mail censorship serve, besides thought control? Other states have abolished censorship with no known ill results. What real purpose does the censorship of reading material have, except the imposition of one man's taste upon another's? There seems to be a great fear (based on popular myth) that certain writings or certain words will particularly cause sexual arousal in certain individuals. Whether or not this is true is purely academic. The only intelligent answer to this whole concept is: SO WHAT!"

MR. LUMBARD: That letter was

received by Senator Forsythe by an inmate currently in one of the State institutions.

SENATOR DUMONT: With that we will take our fifteen minute recess.

(At which time a fifteen minute recess was taken.)

SENATOR FORSYTHE: I will call the hearing to order and the first witness is Mrs. William Sayer, Vice President of the New Jersey Congress of Parents and Teachers.

M R S. W I L L I A M S A Y E R, having been duly sworn testified as follows.

SENATOR FORSYTHE: Do you have a prepared statement that you would like to read?

THE WITNESS: Yes.

SENATOR FORSYTHE: Would you proceed.

THE WITNESS: Yes.

Senator Forsythe, members of the Criminal Justice Study Commission, I am Mrs. William Sayer, Vice President of the New Jersey Congress of Parents and Teachers, branch of the National Congress. We are an organization of nearly one-half million memberships that include the 21 counties of New Jersey, and which comprise

1,457 local units.

We are all volunteers who serve in many areas of concern for the benefit of children and youth.

Through the legislation and the juvenile protection committees we alert our members to the need for adequate laws to protect juveniles, and the enforcement of laws pertaining to juvenile acts of delinquency. Education and information to prevent juveniles from becoming delinquents are also continuing concerns of these committees.

Through conferences, workshops, convention programs as well as programs on the local unit level, the New Jersey Congress has from its start, 71 years ago, disseminated information and supported legislation that would involve its membership in united efforts to combat and control crime.

In 1963 the State Action Committee for Children and Youth made a concerted effort to focus attention on "Juvenile Misbehavior". A study of "Parental Responsibility" was again undertaken by this group.

In 1962 a committee to study the problem of gluesniffing was appointed. Through this committee a resolution was adopted at the convention of 1963. Information regarding dangers of

gluesniffing was made available to all members. An alcohol education study was also made. The legislation committee during this year also worked for better laws to control narcotics and to increase penalty for drug pushing, and laws to govern the sale and the distribution of obscene literature.

In 1964 attempts were made to alert the communities to problems of Mass Media with the dangerous effects of hard-core pornography and harmful films, comic magazines and radio and TV programs to which youth may be exposed.

Letters were sent to major TV stations asking that they discontinue directing smoking ads to teenagers. Education programs regarding the drop-out, the need for family courts and parole systems were also suggested.

A Family Court Study Committee appointed in 1963 continued its efforts through 1965 for the establishment of a Family Court within the framework of the Superior Court of N.J. The frightening increase in suicides among teenagers was also studied and recommendations were made to relieve tensions and pressures on youth.

In 1966 a conference was held in cooperation

with the Juvenile Court Judges of New Jersey to acquaint PTA leaders with juvenile courts and the children who come before these courts, and to find out how local communities could improve situations for children in trouble.

In 1967 at its convention in Atlantic City a project to combat the child molester was adopted. Through its juvenile protection chairman and the cooperation of state and local police a uniform "Helping Hand" program recently has been instituted.

Countless articles appear in the National magazine and the New Jersey Parent-Teacher Bulletin giving pertinent information and direction to the membership concerning the ever-increasing need to be alert to the danger signals pertaining to crime.

Recently the U.S. Attorney General, testifying before the House of Representatives Committee on Education and Labor stated:

"While arrests of adults declined 1 per cent in 1966, arrests of juveniles increased 9 per cent. Youths between 11 and 17 (comprising 13 per cent of the population) were convicted of 50 per cent of all burglaries, larcenies and car thefts. Half of all crime against property was committed by minors. Of all ages from cradle to grave, our 15

year olds are arrested most frequently."

We know from reading the daily press that teenage involvement with drugs is on the increase. Many educational programs have been conducted throughout our local units as well as through county and state conferences, alerting parents to the dangers of drugs as well as outward signs indicating their use. A resolution concerning drugs was adopted at the 1967 convention.

The State PTA conducted a conference last fall with emphasis on the problem of drinking and driving. PTA representatives were present from states bordering on New York. Out of a discussion concerning minors crossing state boundaries to buy alcohol, a resolution was presented and adopted at our state convention urging New York State to raise the minimum age limit to 21 for the purchase of intoxicating beverages.

Through these efforts a similar resolution was adopted by each state whose boundaries touched those of New York. During this past year Parent's Pledge forms were distributed to parents of all high school students, private as well as public, in New Jersey encouraging them to influence their children to foster abstinence from alcoholic

beverages of all kinds until they are 21 years of age.

Our goal in PTA work is to prevent disaster--moral, social, mental and physical--from touching children and youth. In its efforts to make progress toward this goal, the Juvenile Protection Committee attempts to know the areas having the greatest potential threat to children and youth and to avert or lessen dangers, to be concerned about the facilities and services necessary to children and youth already in trouble and to help rehabilitate youth whose lives have been touched by disaster and to help them achieve a normal relationship with society.

Through stronger legislation we must bring about constructive changes to prevent juvenile delinquency. It will take courage, patience and perserverance on the part of all interested groups and the members of our Legislature to solve these many problems.

We must act with unity and enthusiasm in preserving the lives of all children and youth.

Thank you.

EXAMINATION BY
MR. LUMBARD:

Q You have been here this morning I gather while the other two representatives of education spoke?

A Yes.

Q First of all, do you have any reaction to their testimony, things they said?

A I will speak now as an individual and not as a member of our national organization.

I have feeling for the teacher, especially in this last case the teacher who must decide whether he should turn his pupil over to the law. I think if we, and I am saying we now as lay people outside of the legislative branch of the government, I think if we were convinced, and I don't think we need strong convincing, I think we need to be shown, maybe convinced is the wrong word, perhaps I should say if we could be shown that there are facilities where youngsters who for the first time run afoul of the law, whether it be narcotics or any other situation, could be rehabilitated without going further into crime or further into narcotics, I think we would definitely say, turn these children over to the law, whether it be the first time or if it had only been a half a time, if it had just been a little inkling of doubt that they were guilty of

the misdemeanor.

But I think it is a frightening thing that we see so many facts and figures, we who have visited the Trenton School for Girls, and I am not about to sit here and say they are not doing an admirable job, but I wish I were very rich because I would be their benefactor because they need so many things, they need so many things to make their lives a little prettier, to make them want to be rehabilitated. I can see where we put them into institutions and we have so little to recommend in the institutions that when they are there, the loneliness, the stark reality of this institution without any of the little extras that we need to make life a little pleasanter, and when I think in some cases, and again I can't generalize, but I think there would be cases where you would have to be a terribly strong person, and if they were strong they wouldn't be there, but I think they are going to be back on the streets again because I think quite frankly the life of crime to them will give them more of these extra things in life.

I think the letter that received, that you read into the testimony, was an excellent cry from

someone who might have felt this very thing, the need to not be separated so much from society but to be rehabilitated in a program that is very near to normal life, and where they cannot harm those who have not run afoul of the law. If we could turn them over to the police and we knew that the police were going to have the facilities, and I am not blaming the police, I think the police are admirable, and when they do konk someone over the head, if I was in that situation I would probably black out if an offender attacked me, but it is almost a stone wall where you have this situation where you take that first offender, and where do you take them? We don't have the facilities in New Jersey and when we do, they are not the kind of facilities that are indicative of rehabilitation.

Q Well, is it fair to say then that it is your view, again speaking as an individual, because I asked you to react to what you heard this morning --

A Yes, and I think if I were to react as an organization member, I am traditionally a conservative to some extent, and I would think that I would have to say that we would have to say that we would have to turn them over to authorities that

know far better than we as an organization would know, how to handle them. But I can certainly see that if there is a rapport or feeling between yourself even as a Sunday school teacher and one of your pupils, that you might have this feeling that you could reach that child better, even if you knew that this child might have been shoplifting the night before, and perhaps your legal obligation as a citizen would be to turn this child over to the authorities.

Q Is it fair to say then that you're really concluding, at least for yourself, that there is a lack of confidence in the ability of the rehabilitative system in New Jersey to actually work?

A Yes, I think that is what I would say, that there is a lack, not of confidence in those in the institutions, not a lack in the men and women doing a job I think against great odds, but I think our money is never diverted into those channels.

For instance even our libraries, and I can speak now of when we visited the Trenton School for Girls, and I don't want to make this a state-wide crusade, really I don't, this is just telling the facts as I saw them, and on the shelves where the girls were supposed to go for their extra

reading, there would be a Ladies Home Journal of something like 1958 I believe and this was last year that we visited.

Now, I know that I keep memos because I am very active in several organizations, but many times they are only memos, I could not be terribly interested in 1958 Ladies Home Journal. You know that even a Life Magazine is outdated when it is a month old, unless it has a really constructive or educational feature that we are going to refer to.

What is the saying, there is nothing as stale as yesterday's news. These girls want up-to-date modern type magazines. Now, whether the old magazine is there for a purpose, I have never thought of that until that very little ending of the testimony that you read, whether we keep the old magazines there for a psychological factor, whether new magazines would arouse them to the feeling of perhaps to run away and get out into society, I have never thought of that. It just seems to me that they were entitled as human beings, because none of them are there for very serious offenses, and I think they are entitled as human beings to a little pleasure.

I think the most serious offense that they have committed against anyone is against themselves, they haven't committed very serious offenses in that particular institution and I would feel that they were entitled to more up-to-date reading.

Q I see Mr. O'Brien is still in the audience and if Senator Forsythe would allow me to make one simple comment. It seems to me that your joint organizations could add an enormous new dimension to the life of the average prisoner if you simply concerned yourselves to the institutional libraries. They contain pitifully few books, and the last one we were in, the Mercer County Workhouse, had a section called Education, and I think your organization would be very interested in what books were labeled under Education, maybe even astounded.

I am reacting only to your comment that enormous things can be accomplished that don't take a great amount of money in terms of the average prisoner's existence.

A I am very happy to hear you say that because I was wondering whether I might have been far out in mentioning these magazines being so old.

Q You're dead on target.

A I might also say or add that the day that we went, about sixty or seventy of us went on the tour and we stopped, but of course we had some books and papers for that organization, and again it is a drop in the bucket and we haven't gone in in over a year, and not only that, we haven't visited all of the places.

My own Bergen County, while it may be more modern because I think it is a newer building perhaps than Trenton School for Girls, it too may lack a great many of these extra things and I think perhaps if the communication was wide open, organizations such as ours would much rather work for things of that nature than some of the things that our local units, and of course they are autonomous, but the suggestion could come from them, from the State that they do some of these things.

Q I would like to suggest to you that you suggest it to them.

A I mean our State organization suggest to them, that we, through our State organizations, suggest to the local units.

Q We have been talking just about libraries and the mind of man is very important. I don't underestimate that, but it just illustrates a larger

point, which is that a great proportion of numbers of people involved in the criminal justice system are young, of an age where they would normally be in the educational process if they were not in the institutions. While they are in the institutions, do they get the same kind of educational attention that they would get if they were outside of the institutions? I think the answer is obvious.

But has the educational establishment, Mr. O'Brien's organization, your organization, really zeroed in on the fact that here are vast numbers of those who are within the statutory educational limits, but are not really being educated with any kind of attention comparable to what they would be if they were outside, yet the pretense of the system that they are being rehabilitated while they are inside, and I think this is crucial to try to do something serious about youth and juvenile delinquency, because of the very figures you show that indicate that the great wave of the criminal problem that is now upon us is of persons within the age scope of your very organizations and it is not just an adult problem for someone else.

Pardon me for the editorializing.

SENATOR WOODCOCK: I have
no questions.

SENATOR FORSYTHE: Senator
Dumont?

SENATOR DUMONT: No.

SENATOR FORSYTHE: I think
then, Mrs. Sayer, we do appreciate your coming and
maybe we have had an exchange here that may help
in this area.

THE WITNESS: I thank you for
the privilege.

MR. LUMBARD: We did have
scheduled for this moment, Henry DeSavario, the
Executive Director of the New Jersey American Civil
Liberties Union. He has informed us that he has a
court commitment and will have to be moved over
until tomorrow.

In the meantime I understand Edward Feld of
the American Legion is here, perhaps he can come
forward and we will take him out of order to
accommodate the absence of Mr. DeSavario.

SENATOR FORSYTHE: Mr. Feld
would you identify yourself, give your full name.

MR. FELD: I am Edward Feld,
F-e-l-d, I live at 561 Passaic Avenue, Clifton,

and I am a member of the Bar of the State of New Jersey for forty-eight years and I am presently Judge Advocate of the American Legion, on whose behalf I am appearing today.

E D W A R D F E L D, having been duly sworn testified as follows.

SENATOR FORSYTHE: You have a statement, would you proceed, sir.

THE WITNESS: I have a prepared statement here that I have developed, unfortunately I didn't have a chance to discuss the matter with any of the officials of the American Legion, but I am reasonably certain that what I have, does reflect the opinion of the American Legion generally.

Volumes have been written about the administration of criminal justice in our country. I believe the hearings being held today should lead to legislation to improve upon this phase of law, correct both procedural and substantive law applicable to crimes, provide for enforcement of the criminal statutes without hindering the enforcement agencies. Protect the police and save the public.

Clarification is especially appropriate with respect to the police in every municipality in this State, to what extent are they permitted to

exert force to resist force, what reservations must be told to one apprehended for the commission of a crime, how and to what length must the police in enforcing the law restrain his activities. Can there be any established line of demarcation of what is permitted and what is prohibited?

Our National and State Constitutions guarantee to each person his right to life, liberty and property, to the protection under the law of the right to refuse answers which may tend to incriminate him.

Starting with the case of *Miranda vs. Arizona*, the United States Supreme Court removed certain enforcement rights and opened the way for criminals to assert their constitutional privilege of the 5th Amendment and hamstring the law enforcement officers in the performance of their duties. The trend today spells coddling of criminals, immunity to known communists to carry on agitation, denial of prayer in our schools and retreating from the freedoms which were enjoyed by the vast majority of our people.

It appears to me that the Judicial branch of the government has undertaken by legal decisions to legislate what the legislative bodies ought

to have done. The all embracing charge is that the U.S. Supreme Court has its own social standard and in most instances only by a bare majority decision.

Rene A. Wormser, a legal scholar in New York and author of "The Story of the Law and the Men Who Made It" stated that the Supreme Court erred broadly in abandoning the role of interpreter of the law for that of social reformer.

Of great significance is the minority opinions written by Justice White in the Miranda vs. Arizona case by which he predicted that the majority opinion ignores the security of the individual by giving freedom to criminals. Justice Harlan in Harper vs. Virginia objected to the court in that they inferentially constituted themselves a law making body.

I believe that your august body should review the present statutes and the rules of evidence promulgated by the Courts as a guide to the Court and members of the Bar, to the end that statutes which lend itself to dual interpretation may be clarified.

While I personally have alienated myself from the practice of criminal law, I am interested as a

citizen in the proper administration of justice, halting the coddling of known criminals and communists and bring a more realistic approach to the processes of criminal justice.

J. Edgar Hoover said recent court decisions seem to place more emphasis on the conduct of the police officer than on the conduct and action of the criminal. The question of guilt is obscured and lost in a maze of procrastinating technicalities.

The American Legion at its 49th National Convention in Boston adopted a resolution urging all people in this country to respect "Law and Order"; that the judicial, legislative and Executive branches reappraise procedure and adopt such measures to assist the enforcement officers and the Courts to protect society.

The American Legion has in the past and will exert the power at its command to inculcate a greater sense of individual obligation to our community, state and nation.

How this may be accomplished depends on what legislators, what Governors, what Courts will do to protect and preserve "Law and Order". Preserving "Law and Order" is meaningless without adequate

statutes permitting our law enforcement agencies to find support in the law.

(1) One avenue open for serious improvement pertains to confessions acceptable in the trial of criminal indictments. A police officer on apprehending an accused, should be permitted to use tape recording devices during the period of investigation and make known to the accused that a transcript of the investigation will be available as a matter of right to the accused. The precise conditions under which such is conducted can well be defined by concerted effort on the part of a conference of Judges, Prosecutors, a special committee of lawyers with experience in the trial of criminal cases and the Office of the Attorney General. I am certain that with outstanding personalities on the Bench and Bar appropriate safeguards can be enacted to afford equal protection to the accuser and the accused.

(2) Provide for Judges from different vicinages to be available to assist the courts in certain areas in processing cases resulting from arrests in large numbers for violations of civil order, riots, etc.

We know of a tremendous amount of arrests

from riots and so forth and yet there is only a limited amount of Judges available to deal with the matters and as a result of that they are postponed and we felt if we were able to bring Judges from other areas and bring them in so we can dispose of these criminals, dispose of the crimes that have been committed or an infraction of the law, we think a great deal would be done and the Courts would not be so crowded with cases that are pending.

(3) Adopt laws respecting the use of fire-arms by compelling manufacturers to register make, model and serial number of every gun, pistol or weapon capable of inflicting bodily harm, with a central bureau. Registration from manufacturer to wholesale and retail dealer, and to ultimate consumer, and from consumer to consumer shall be mandatory.

In other words, I know there has been a gun registration law requiring individuals to get permits, but this does not go to that phase of it. They start off with tracing guns and other weapons that are used almost every day, and this probably may be a matter for national development, probably with New Jersey starting the program.

We compel every manufacturer to register every gun and give the serial number and so forth to the wholesaler and eventually to the retailer and each one in turn will be compelled to register that particular firearm, until it reaches the consumer and even impose the obligation upon the consumer, if he disposes of the gun to another person, to so register it at the penalty of a fine of some kind. In that way I think the law enforcement officers can trace guns from the manufacturer all the way down to the final use.

(4) Enact statutes prohibiting Civilian Review Boards to adjudicate matters involving police officers. I believe the morale of the Department demands that the review continue in the hands of the Police Commissioner following the plan now existing in New York City.

(5) Permit fingerprinting of all persons accused of the commission of a crime.

MR. LUMBARD: That's your fifth suggestion?

THE WITNESS: Yes, that's my fifth suggestion.

(6) Impose more rigid test requirements for persons interested in joining police enforcement

units and increase salaries sufficient to attract men and women with higher educational background.

MR. LUMBARD: That's number six?

THE WITNESS: That's number six.

(7) Provide for severe penalties for looting during a period of civil disorder or riots.

(8) Prohibit by statute the use of police radios by persons other than enforcement officers.

I know it to be a fact that in many instances small radios are available in garages and some other places and are listened to by young boys and young hoodlums and as the police reports are coming through the radio on these shortwave sets, they get information quicker than many others.

I know it to be a fact in many instances it affects the enforcement of the laws by the police officer in the community.

(9) Refuse bail to a person who is accused of a second and subsequent offense while pending trial of a charge on which the individual is out on bail.

It is apparent that there must be some legislation which will give society in general a

greater right over the individual's rights. Presently it seems that the individual's rights are paramount to that of the public.

Now, we have had experiences and I refer to matters that happened in Clifton, New Jersey, where a person is apprehended for the commission of a crime and is placed on bail of a thousand or two thousand dollars, whatever it may be, depending upon the nature of the crime committed. He is released on bail and he is out and before the case is actually tried, he is apprehended a second time, and then again he is released again on bail and then he is left out and a third time this happens, so before he is even tried in the first case, he has committed three offenses and out on bail each time so that he may roam around in the community or anywhere else without any restriction, despite the fact that he has three charges of having committed a crime in the area.

And I think certain things ought to be done legislatively, that if a person is apprehended and is out on bail, his case has not been disposed of, whether guilty of not guilty, that is something to be determined at a future date, but for the present purposes, he ought not to be allowed

to roam free if he continues to do the same thing over again.

The public through an existing agency of the State should be periodically informed of the enactment of criminal statutes and the penalties provided thereunder and soliciting cooperation from the public to the end that crime may be eliminated.

The public look to the elected and appointed officials of the State and nation to provide the needed ammunition on our statute books to reduce the increasing crime rate and remove these parasites of mankind from roaming the streets.

The American Legion earnestly hopes that resulting from these hearings some constructive statutes can be adopted giving teeth to the law and the method of its enforcement.

Thank you.

EXAMINATION BY
MR. LUMBARD:

Q Mr. Fild, so that the record is clear, where is your residence?

A In Clifton, New Jersey, Passaic County.

Q Now, the committee's charge, its interest, is to look at the whole system of administering criminal justice, from the police through the courts on to the correction area and parole,

which is the last step in the whole system.

Now, almost all of your statement has been, as has been the case with so many witnesses before the committee, has concerned itself only with police, with the first part of the system, with catching the person and as I look at it, there is nothing in it that concerns itself with that part of the system which operates after the moment that an offender has been convicted.

Now, what happens after he is convicted of course is of deepest importance to society because almost every one who is convicted, whether he goes to jail or not, returns to live among you.

Do you have any thoughts or any recommendations about the rehabilitative, the correctional system which really embraces probation, the institutions and parole, by the broad function of the classification?

A I do believe, unless you have a seasoned criminal, a man who has been apprehended continuously, the first or second offender, particularly in youth, I feel that some educational institution ought to be set up away from the confines of the prison walls where these men can be kept under proper guard at the same time and given a certain amount

of freedom to develop their background and to remove these criminal tendencies that may develop, probably due to disturbances at home, emotionally disturbed families and so forth.

I know I have had the experience in my early days of practice where we have found in many instances where disturbance in a home arose, the lack of attendance of churches and so forth, ^{no} proper guidance by parents, that it led to the youngsters being led astray and I think the proper educational background with psychologists at the head, psychiatrists to cure certain defects, I think the State should undertake to have schools established for that purpose and so that we can eliminate the tendency to commit the crime.

Q Well, your statement then I guess is that yourself in any way as an individual and perhaps the American Legion, would support appropriate efforts in the rehabilitative area?

A Oh, yes.

Q And you are not just solely concerned about the police, in catching them?

A No, no.

SENATOR FORSYTHE: Senator

Dumont?

EXAMINATION BY
SENATOR DUMONT:

Q You commented on the registration of firearms by having the manufacturer register at the time of sale or at least at the time that it left the plant I take it, and you also mentioned that where an individual procures a firearm and then goes to sell it, that that ought to be registered, is that right?

A That's right.

Q What is your feeling with respect to the registration of existing firearms, that is firearms that each individual owns at the present time?

A Well, I believe that the appropriate legislation would compel individuals who are owners of firearms, to have them registered.

Q Not existing firearms, if you buy one you have got to register it.

A I am speaking about the firearms that are going to be manufactured and place a limitation upon those firearms already in existence, so that you can have a complete registration of every firearm that might exist in the State of New Jersey.

It is a big order, there is no question about it, it will take time before that thing can be

realized.

I feel that disregard of registration of firearms, they pass the guns from one person to another and we are never in a position to trace it, and I think it is something that can be developed and set up.

Q Is that the position of the American Legion, that all firearms now owned, as well as those purchased in the future, should be registered or is that your position?

A My answer to that is, yes, with this one reservation. I know the American Legion sometime ago had adopted a resolution in respect to the firearms, where under the existing law today those who can use certain types of guns, do not have to get licenses for them. I think that is your gun law that was enacted in 1965 or '66, I don't remember the exact date.

Q But that law does not require the registration of firearms that people owned at the time that the law was passed.

A That's correct, sir.

Q It only applies to those purchased thereafter.

A That's right.

Q Now, you're recommending all firearms, including

those that were owned at the time the law was passed, also should register them, is that correct?

A That's my feeling in the matter.

Q Is that the position of your organization?

A Well, I won't say that is the position of the organization, I don't want to commit them to that one thing because there may be a question about some of the men objecting to the registration of a gun, but I think there should be a difference drawn between getting a license to carry a gun and registering a gun.

Registration is intended only for the tracing of that particular weapon. The licensing is another thing. I think you are drawing a distinction there in some form.

SENATOR DUMONT: Thank you.

SENATOR FORSYTHE: Senator

Woodcock?

EXAMINATION BY
SENATOR WOODCOCK:

Q Sir, you have nine recommendations here, are these all approved by the American Legion?

A Yes, they all are applicable to the American Legion.

Q But all of them have the approval of the American Legion or are these your recommendations?

A In the main I would say all of them have the approval of the American Legion. As a matter of fact I have discussed this prepared statement I have here with our National Executive Committeeman, Mr. Lyons, you probably know him, Mr. Dumont, and he passed upon it as the basic policy of the American Legion's.

Q Well, looking at number nine, which is refuse bail to a person who is accused, and I emphasize that word "accused" of a second and subsequent offense, while pending trial.

Now, isn't this subverting the reason for bail? In other words, bail is for the purpose of having the man appear at the time of his trial.

A Not alone that, but the purpose of bail is the man has his freedom and he is out of the custody of the court, other than to appear at a designated time to answer the charges.

Q Right, because he has only been accused of the crime, he has not been convicted.

A That's correct.

Q And you say you would deny bail to a man who is merely accused of a crime if he has already been

out on bail once?

A Yes. Where he is out on bail on a previous crime and the matter has not been disposed of, in order to curtail activities of one who intends and does commit further crimes of a similar nature.

Q Well, that has not been established yet, the man is out on bail, he is accused, which in our theory of law at any rate is somewhat different than conviction.

A That's correct, I agree with your statement on that one respect, but at the same time if we are going to establish law and order in some form, we also have to curb the activities of individuals from going out and making attempts or actually committing crimes.

Q Right, and I have some difficulty with this because isn't this almost stepping away from the necessity of having a trial, because you would be meting out the punishment before the conviction.

A It may do one thing, it may hasten the trial of the individual and bring him out to the forefront by having more judges on the bench.

Q Then wouldn't it be better if the recommendation was that in this type of case, that there be

speedy trials, rather than calling for a refusal of bail?

A That may be the alternative of expediting the matter, that is to set a limit on trials of this type or any crime as a matter of fact.

We have had many charged with crime who are in jail without bail for extended periods of time, and eventually the case is tried and the men are found not guilty, I have had that experience.

Q Right, and that is something that the --

A But then of course it comes right down to the question of what can the Judicial Branch of the government do to expedite these matters and how can it be done, and let's not kid ourselves about that phase of it, as far as I am concerned we need a larger staff of judges to eliminate this high backlog of criminal cases, and though the judges are generally trying to do that in every court in the State, but they are handicapped because of the volume that they face.

Q Now, under number five, it states, "Permit fingerprinting of all persons accused of the commission of a crime."

Now, first of all at what point? In other words, is this going to be immediately upon arrest

he is going to be subjected to being fingerprinted?

A No, I will say that you will define the type of crimes which fingerprinting should be permitted.

Q Let me ask you this, is this after arraignment?

A Yes.

Q After he has been formally served with a complaint?

A That's right, that is after arraignment.

Q And that would be before --

A Before trial.

Q Would this be at the preliminary hearing?

A Well, in most instances where a person is accused of a crime, there is a preliminary hearing before the local magistrate.

Q Right, but before the Grand Jury has acted?

A Oh, yes.

Q Now, just one last question.

Down here it states that it is apparent that there must be some legislation which will give society in general a greater right over the individual's right.

Now, is this what you mean by the legislation, these nine, or are there others that you have in mind?

A Well, the thing is the combination of everything would resolve that.

Q Well, sir, the only trouble that I have with this statement is, as it is stated here it almost seems to me that the basic difference between our form of government and those which we oppose is just the fact that the individual's rights are superior to the rights of the government.

A That's true, but at the same time if you have -- let's illustrate this by riots, strikes and damages done to property, and in instances of that type I feel that the public's interest, the damage is done, the losses resulting therefrom should be given protection than that of the individuals who commit the rioting and looting and so forth.

Q Yes, but not by a suspension of individual rights. By individual law enforcement, is that what you are talking about?

A That's correct.

SENATOR FORSYTHE: Anything further?

All right, thank you very much.

We will now recess for lunch until 1:30.

(At which time a one hour luncheon recess was taken.)

SENATOR FORSYTHE: Would you identify yourself, for the record, sir.

MR. HARRIS: David J. Harris,

Jr., President of the Urban League of Greater New Brunswick.

D A V I D J. H A R R I S, J R., having been duly sworn testified as follows.

SENATOR FORSYTHE: Do you have a statement that you would like to read to the committee?

THE WITNESS: Yes, I do, Mr. Chairman.

While thinking about which segment of the important subject of crime that I should present before this committee today, I remembered seeing an article in the March 26 edition of the New Brunswick Daily Home News. It quoted Senate President Edwin B. Forsythe as he stated the purpose of these hearings. He said, "We don't conceive of ourselves to be engaged in a notorious adventure of some kind." The committee's goal is to restore a peaceful climate for all our people." It goes on to mention that the fear that many New Jerseyans experience when entering "certain neighborhoods in certain cities" has grown.

I am intrigued by the "fear" that is mentioned in the article. It seems to always be

mentioned when people talk about law and order. Could it refer to the fear that a black youngster might experience when he sees a policeman in his community? Or is it the fear of the minority group man who might be driving around lost in white suburbia afraid that he might be arrested for failure to give a good account of himself.

Frankly, I don't think that white America is talking about either of the mentioned situations. Today when we talk about "crime in the streets" and "law and order" it's usually a rallying cry of politicians playing on the insecure feelings in the white community.

Many citizens see the growing unrest in the black slum communities as a "break-down in law and order." It might be. But whose law and what order?

With the scales of justice in an unbalanced position, we charge our police departments with the responsibility of "saving our society." We do this not by developing meaningful pre-service and in-service human relations training programs for state and local police, but with riot control programs and increasing allocations for rifles and ammunition.

In today's "Urban Crisis" the impoverished blacks and whites aren't the only victims. When we expect the police to keep the lid on nearly 400 years of suffering and degradation, we make them victims also. When we as a society decided as late as 1964 that black Americans could sit at a lunch counter and get a glass of water, we made victims of the police. I say victims because the police were told to "keep 'em orderly" even though the water was served in a dirty glass.

In the short run, nothing much can be done to remove the policemen from the role in which our society places him. But there are some things that can be done to help police develop a more positive relationship with the minority group communities throughout New Jersey.

I suggest that immediate steps be taken in these main areas:

1. Developing rapport with minority groups
2. Recruiting techniques
3. Standards for acceptance of applicants

Developing Rapport With Minority Groups

There is a need to improve the attitude of the police toward minority groups. Many policemen see their role as entirely punitive without

reference to the overall responsibility for citizen protection. When minority group people believe that the police treat them differently whether or not there is ample evidence to support it, developing rapport is difficult.

The following suggestions might overcome this difficulty:

1. Human relations training must be expanded in pre-service and in-service police training.

2. Minority group leaders from all segments of the black and Spanish-speaking communities should be called on to aid police. This should be done all year 'round not just during the summer.

3. Consistency should be practiced in law enforcement.

4. Police-community relations departments should be expanded.

5. Community education should be a role of the policemen.

6. Police officers should play a greater part in community activities.

7. Police departments should be assigned to work on the staffs of anti-poverty agencies for at least one week per year.

8. Minority group policemen should not be

restricted to areas of the community where minority group members predominate.

Recruiting Techniques

Present techniques have failed to produce a sufficient number of qualified candidates to fill existing positions in many departments. While there have been some changes in recent years, there is a need for a variety of experiments and exchange of ideas.

The following are suggestions in the recruitment area:

1. Increase salaries, fringe benefits and opportunities for advancement.
2. Enhance the status of officers who are members of minority groups by providing for advancement and rotating assignments in all areas of the city.
3. Set up mobile recruiting units.
4. Use black and Spanish-speaking officers as recruiters.
5. Lower height requirements (particularly important for Spanish-speaking applicants.)
6. Publicize the opportunities for training and continuing education.

Standards for Acceptance of Applicants

I agree that standards must be maintained at a high level. However, these standards need to be re-examined to make sure that the emphasis is placed on true qualifications to do the job. Ability and achievement can be more important than formal credentials.

Suggestions:

1. There should be uniform requirements throughout the state.
2. Oral and written examinations should be given in Spanish.
3. Residency requirements should be waived.
4. Age limits should be expanded.
5. Prior record should not be a basis for disqualification.
6. Men who don't have high school diploma should not be disqualified.
7. Slots should be opened for subprofessionals in areas such as traffic and processors.

Finally, gentlemen, in the area of riot control, our society should ponder the question whether we have the moral right to order our police to shoot to kill when a bottle of liquor is stolen from a store. I say that we don't have that right.

When a riot starts, instead of having the

police move in and shoot at looters, they should encircle the riot area so that it doesn't spread. Placing the emphasis on forcefully putting down the violence only leads to more killing and heightening of hostilities. Buildings and merchandise can be replaced, but lives cannot.

Thank you.

If you have any questions?

EXAMINATION BY
MR. LUMBARD:

Q What are the factors that led you to make these recommendations?

A Well, mainly my experience -- we will start from the end first, my experience in the New Brunswick situation last July, working with the City Administration in trying to develop communications between the City and the black community.

I felt that there was a great misunderstanding on both parts, and I felt that the police really didn't understand why the black people were in the streets and I thought that they really didn't believe that there was some white people that were concerned about whether they shot them or not.

Now, I think that much weight, like I said before, that much weight has been put on the

police department and they are kind of like catching it from both ends and I think it is time to rethink the role of the policeman in our changing society and also to reexamine some of the attitudes of those people who are responsible for putting policemen in their jobs, politicians mainly.

This I don't think we will ever be able to get politics out from the point of appointment of police, but I think we should do something about the attitudes of the public officers and the policemen before they take the job and while they are on the job.

Q You feel that these needs are present today in New Brunswick in any event, from your own direct observation?

A Yes, I think the thing that saved the New Brunswick situation from becoming a riot probably was the fact that the community, that the people in the community were tied in with the administration that had just taken office and that there was some rapport between the city fathers and the police department and the community, therefore the policemen -- a significant factor of the New Brunswick situation was that the policemen were

taken off the street when the confrontation was made, not because of any great speech by the Mayor on the steps of the police department, but just prior to that the police were removed from the street at the time of the ten o'clock curfew, and in most cases you wouldn't find city fathers who are willing to say to the police, okay, if there is a confrontation, pull back, because we really don't lose anything and the people finally say what they have to say and go home.

Q Who made the order to pull back?

A Well, first it came -- the request for it came from the scene. The police there, some were from New Brunswick and some from surrounding communities, which was another problem, and then some from the sheriff's department.

We felt that the people who were at the scene felt that the police should be removed, some people felt and if we have to go home, what are they doing here, and we will go if they go. And finally the word got to the police headquarters and Lieutenant Bolanati called the police headquarters, called his chief at police headquarters and the chief was against the idea of pulling the police back from the scene and the new administration, the decision

was finally made by the new administration.

Q Which means the Mayor?

A The Mayor and some of her advisers at police headquarters.

Q What is the Mayor's name?

A Patricia Sheehan. And then finally after kind of like overriding the Chief of Police, the decision was made and the police were pulled back and that's when the group marched to police headquarters to talk about the situation.

Q At the time that the order to pull back was made, had there been any looting or destruction of property?

A Well, there had been window breaking and there had been some looting of TV sets, liquor, the same things that have been looted in other cities.

There were very few shots that were fired, but shots were fired and I do -- I would like to underline the point that I really don't think that it is important for us to shoot at looters while the riot is in progress. It doesn't stop the situation, it just tends to exacerbate it, rumors fly around. I don't see why we can't replace the liquor supply or the furniture or the buildings, why must we go in and shoot at people?

In all cases I believe that the black community has been very patient and I really don't think that we should treat rioters as we would treat a bank robber or rapist, I don't think we should put him in that same category and use rifles on him, the machine gun, no, I just don't think that is right in any human society, that we should trade a bottle of liquor for a life, and whenever we do that, whenever we see the pictures on TV where policemen are shooting at looters and rioters, I really think that that is just another scar on the democratic process, and I don't think it is right.

SENATOR FORSYTHE: Senator

Dumont?

EXAMINATION BY
SENATOR DUMONT:

Q Mr. Harris, the old National Guard Armory on Joyce Kilmer Avenue, that has been taken over by the town?

A Yes.

Q Is that being used for community purposes now?

A Yes, it is what they call a Community Center. It is very interesting, though, somehow the people in the community know that the center is supposed

to be used for black people and you see very few white kids there. It is a very strange phenomenon.

Q It is being used as a center of activities for black people?

A Yes.

Q And the town didn't have to pay for that armory?

A It was a dollar or --

Q Yes, a very nominal consideration.

A Yes. It did come along with the gift of the boat there, the circle line boat. Steps like this are, you know, fine, but they do not deal with the long range problem, and I should say this in all fairness, that nothing has really significantly changed in New Brunswick since last summer, and I really don't think that you could point to the establishment of an armory or five or six wading pools and expect people who are living in some of these slum tenements to be happy.

We have some people who are paying something like forty-four dollars per week for rent and it seems to me that until we can deal with that problem of rent housing, etcetera, I think we are still going to have outbreaks.

Q You don't think then any of the things that have

been done since last summer have gone to the heart of crime, to prevent any further civil disturbance?

A No, because you have the pressure from the white community that always comes up, you know, they say you are doing too much for them niggers, and it seems to me that the problem is one for the white community to deal with, we have been working, trying to change black people, but really the problem is the white community.

Up here in Trenton when we don't give the Division on Civil Rights the proper money and power to deal with housing discrimination and these other situations, things are going to continue to get worse. Until we decide that we want to face up to this thing, you see, until white people stop asking, well, what could I do, things will get worse.

If your house is on fire, you would know what to do, you don't have to ask anybody, you just go and either call the fire department, get some water, you see, so until we stop asking that question, it seems to me that the situation will be the same.

Q And these recommendations that you made in your

statement, you do not feel they have been implemented in New Brunswick and these are the things that ought to be done?

A I think this will deal with part of the problem concerning police community relations, which is one segment of the problem.

As far as the things that were mentioned in the riot report of the President's Commission on Civil Disorders, where they mentioned the problems in New Brunswick, at least the grievances that they outlined, education and the housing and just the general attitude, you know, of my community, of the white community to black people, and this is only a very small segment of that, and it talks about a very small portion of it, and it would be a step in the right direction to adopt these recommendations.

EXAMINATION BY
SENATOR WOODCOCK:

Q Our standards of acceptance for applicants, you suggest prior records should not be a basis for disqualifications.

What kind of a record are you referring to?

A I am talking about minor offenses and even major ones that, you know, there is a significant period

of time that has gone by. If a person is involved in a serious crime at age eighteen and ten years later he has a, you know, he has developed the character and proven that he, you know, wants to take a positive position in society, I don't think he should be denied the right to be on the police force.

It seems to me that we shouldn't rehabilitate a person and then punish him as a result of rehabilitation. After we send him through that process, after he pays his debt, I don't think we should worry about what he has done in the past, as long as he has been rehabilitated at the present time.

Q Would it be fair to say that your recommendation would be that the record should not be the basis for an arbitrary decision?

A Right.

Q But should be weighed in with all the other factors?

A That's right. We shouldn't tell the youngster -- the first question that a youngster should hear, you know, do you have a record, that's before he even goes through the procedure of trying to get on the police department.

Are there any offenses on your record? Well,

he shouldn't be excluded right off the bat because he has a record.

Q One other thing, Mr. Harris, we have had other people testify before this committee with respect to standards for policemen and so forth, as a matter of fact we had Mr. O'Brien this morning who thought that there ought to be greater educational opportunities for in-training and pre-training for police officers. How do you feel about that?

A Greater educational opportunities or do you mean that he should have more qualifications before he goes in?

Q Well, in and present, in other words before he goes in he should have a greater training, I think even to a Bachelor's Degree in some instances, and one with a sub Bachelor's Degree.

A Well, one thing that we should do is make three or four entry levels, three or four standards for an entry.

Now, you could have a community service officer at a low level and steps up from there and make entry not just on one rigid line, so we could use what they have done in the Chicago Police Department where they have made three very clear entry levels, the low which is being a community services

officer, and then also required their policemen to pick up twelve credit hours while they are on the force at their own expense.

Q Now, Mr. Harris, do you have much hope that we will be able to avert further civil disorders this summer?

A Do I have much hope? I don't like to be in the business of predicting riots and all, but let me put it this way, that the conditions that brought about last year's situations are still here. As a matter of fact in many cases they are worse.

I don't think anything has happened in Newark and nothing has happened in New Brunswick. We have a facade community involvement, we have a facade of progress and it seems to me that we have gone into the public relations business about changes.

Gee, look at all the people we are hiring and we are really just hiring people for the normal openings we have, we are not making any new careers, we are not bending backwards to do anything. The Congress of the United States struggled with a housing bill. I would like to see a bill that would give me the right to buy a house anywhere I want to, today, 1968, and they are just trying to

decide whether I should be able to buy a house anywhere I wanted.

I would put it this way, I am more angry this year than I was last year, and I can talk your language and sit here and give testimony, but the same people who weren't touched last year, the hard-core unemployed, are in the same situation and even worse.

Now, I don't think we can expect anything less than what we got last summer.

Q I would just like to say this was a very, very good presentation.

A Thank you very much.

EXAMINATION BY
MR. LUMBARD:

Q I just have one question.

Again like many witnesses you talked mainly about police areas of the system of administering criminal justice, you did not address yourself particularly to convicted offenders, assuming they are guilty and they are all coming back, and the question is what happens to them after they have been convicted?

Do you have any suggestions to the committee with respect to the probation institutions and

parole area, of those who are coming back to live in society?

A Well, one thing that distresses me a little bit is that when men are confined, they are forced to adopt another set of standards, another way to exist while under confinement, and it seems to me that we have no system to bridge the reentry problem into society.

We have too few employers who are willing to provide jobs for people and it seems to me that, one, the prison system within has to be reconstructed to reflect what life is on the outside, and we need to move toward more experiments in the area of allowing prisoners to work on the outside and return in the evening, we need to build in some standards that will help them in the future life after confinement, rather than forcing them to adopt the standards for a prison life, and even before they get there, the whole system has to be reexamined.

There is enough history here to show that the poor suffer, whether guilty or not, while waiting for trial and you sit there and rot if you don't have the bail money, and we should move to release people in their own recognizance much more quickly

than we do. The municipal court system is outdated, and just a host of things.

Q What would you have to say about the municipal court system?

A Well, I feel that we should put that under the Attorney General -- not under the Attorney General, under the Supreme Court of New Jersey so that, one, we can deal with some of the arbitrary situations at the local level and we could have some systems too, not police it, but to oversee it so that we could break the log jam of what I would call injustice.

Q What are some of the problems that you specifically see in the municipal court that would lead you to make that recommendation?

A Well, one, the municipal court is too close to the local political situation.

It seems to me that those who have their ins with the so-called local government, no problem. Like if one of their children have trouble or they get in trouble, they can much more easily manipulate the system, and it seems to me that you could move that responsibility, place that under the State, under the Supreme Court, Chief Justice Weintraub, and I think it would be much more

equitable.

SENATOR FORSYTHE: Thank you very much.

THE WITNESS: Thank you, Mr. Chairman.

SENATOR FORSYTHE: Would you identify yourself for the record and then I would like to swear you in.

MR. CAFFREY: My name is James G. Caffrey, Jr., C-a-f-f-r-e-y, State Commander of the New Jersey V.F.W.

J A M E S G. C A F F R E Y, J R., having been duly sworn, testified as follows.

SENATOR FORSYTHE: Will you proceed with your statement.

THE WITNESS: Gentlemen, the Department of New Jersey of the Veterans of Foreign Wars represents 52,000 VFW members and their families throughout the state. Ours is a national organization of 1,450,000 members.

We are overseas veterans of the wars of our country and have an all-consuming interest in its status as the greatest country on the face of the globe.

We support the laws of our government. We

support the individuals who enforce these laws-----
we support them completely.

Laws are for the benefit of society. Everyone must abide by these laws. Not some of them, but all of them until they are removed, superceded, altered or amended.

Rioting and looting are manifestations of lawlessness that affect the lives and safety of the citizens! An outbreak of this nature regardless of causes or principals should be promptly dealt with and forcibly quelled! Redress should be by the ballot box and not by bullets. No one or no group has a right to take up arms against the forces of law and order and the people.

We sincerely feel that a riot is not a time for --

- a. a debate on its so-called causes
- b. capitulation to demands
- c. compromise of any nature.

We repeat, a riot is against the people! The inherent basic right of the people is that it be summarily suppressed!

We respectfully offer the following for the consideration of the committee.

1. Increased money for training for all

police and national guard units in riot control.

2. Purchase of additional equipment for municipalities for specific usage during an outbreak of civil violence: i.e. light armored vehicles, personnel carriers, floodlights, radio, sound equipment, gasses, weaponry, protective devices, etc.

3. Consideration for usage of portable television equipment for transmission back to area control centers.

4. Full preparation of a liaison plan involving municipal, county and state police and the National Guard and federal military forces.

5. Inception of a riot training plan for active military reserve units.

6. Establishment and maintenance of area sub-precinct police stations in selected locales.

7. Increased pay for police on a yearly basis including a riot pay provision of 50%.

8. Elimination of residency requirements in recruiting policemen.

9. Augmenting police forces with auxiliary police utilizing retired military personnel on a separate pay and pension schedule.

10. Serious consideration to the formation

of a state guard to supplement the New Jersey National Guard.

We also believe that all members of the New Jersey National Guard should affirm that they are prepared to defend our nation with no reservations whatsoever.

We believe that schools and public buildings should not be rented to or leased to individuals and groups who advocate the overthrow of our government, refuse to salute the flag of the United States of America or respect our National Anthem.

We believe that such disrespect to our National symbols should be made a misdemeanor.

We believe that possession of a Molotov Cocktail or other incendiary device should be a High Misdemeanor.

We believe that anyone advocating the overthrow of our City, State and National government by force and violence should be dealt with forthwith by arrest and prosecution.

We, of the Veterans of Foreign Wars of the United States, Department of New Jersey feel privileged in appearing before this body today.

EXAMINATION BY
MR. LUMBARD:

Q The message that went out to you requesting that you or someone from your organization appear, was to the effect that the committee was concerned with whether the system of administering criminal justice is adequate for today's needs. I don't think there was anything in that message that went out about riots or civil disorders, I note that your statement is almost exclusively directed at that problem.

I am not drawing judgments as to whether that is right or not, I am merely inquiring as to the system, and does your organization have any recommendation or suggestion for the committee to consider, outside of the riot problem?

A Well, the reason we express the riot problem is because it is currently the biggest problem in law enforcement, it is the biggest thing we have today.

I would say at the outset that we have also taken the stand in the Veterans of Foreign Wars, that we always back up the law enforcement people in our country. We feel that they have a serious responsibility and we also feel that if citizens like ourselves do not get involved actively in supporting the law enforcement people, that the

morale of the department is going to deteriorate to such an extent that people are not going to care.

Now, as we said before, being Veterans of Foreign Wars and seeing what happened in other countries, we don't want it to happen here and we stand ready at any time to help any committee in any way, if it is conducting a survey, if it is testifying, if it is giving of our opinion, if it is giving of our finances, we stand ready to help any way possible.

Q You said you were a law enforcement officer?

A Yes, sir, I am a detective in the County Detective's Department in Middlesex County.

SENATOR WALDOR: You were a detective in the Newark Police Department for many years, too.

THE WITNESS: That's correct.

MR. LUMBARD CONTINUING:

Q Have you been identified?

MR. WALKER: My name is Roy Walker, I am the Public Relations Officer for the VFW.

Q Go ahead.

A We have a feeling that tomorrow, that people

today just don't care what happens. When we organize a post in a community, we expect that post to be part and parcel of the community, we expect that post to do something for the community, not just take something out of the community, and I feel that the more we can get involved in our every day life, the more assistance we can give to people.

Now, if you are just going to sit down and say, you don't care what happens, this is what happens. We have also taken an interest in everything, everything in our government and we feel strongly about this situation. We also feel strongly on one more point, that it gets to the point where it becomes aggravating and distasteful when we have been having difficulty in having -- I don't like to use the word, demonstration, but if we want to have a parade or an affair, there never seems to be finances enough to support such a thing, but when these people have it in the back of their minds, the intent and purpose to overthrow this country and government and everything that you and I stand for, they can get a high school and speak before 5,000 people and tell all this, as I call it, political garbage, tell it to kids,

and I don't understand it. I just don't think it is right, I think there should be a law that they cannot be allowed to use these facilities that are paid by the taxpayers' money. I think it is unfair to us as United States citizens that believe in our country, to have to listen to these people.

Q Do you have any suggestion in regard to that part of the system in administering criminal justice which comes after the courts have acted and the man has been found guilty, namely the rehabilitative correctional process involving probation, institutions and parole? Because whatever product they may have, it is coming back to live among you.

A Sure. I think the bail situation is a hard situation to really understand. I have heard people say that it would be better to put a man out on his own recognizance than have him in jail and not have him get bail.

Now, I have to speak from personal experience and we are finding now that we are getting more people out on their own recognizance and then they fail to show up for a plea and then we have a fugitive on our hands, so whether this is good or not, I think we have to go into this further before

we can really tell. But I have noticed that to be a fact, not everybody, but many who have been on their own recognizance, they have just disappeared and never show up to even enter a plea and there we have a fugitive on our hands before we finally find him, or never find him.

Q Again that happens before the person is convicted, assuming you do get him and he does get convicted.

A True.

Q One last question. Do you or your organization have any suggestions or recommendations with respect to the correction of the rehabilitation process?

A Yes, I think that the rehabilitation corrections, parole and probation is a very important part of society, and I think that more advantages, more steps should be taken to increase the knowledgeable people who administer the probation and parole.

Now, I think a probation officer is a very important individual in the community because he has to evaluate the person who is being returned from the society or institution and he has to be able to tell when the person is being sincere and when he is not being sincere, what his intentions are, whether they are really to make himself a

better citizen.

I think these people are poorly underpaid, and of course maybe that is part of the reason why we don't get the competent people that we would like to have in the field of probation and parole, because of the fact of the low salaries, and the same goes for police officers, that is why you have trouble getting them.

I don't think we should lower the standards either for probation or police officers. I heard the argument where we should reduce the height one inch, and I don't believe this is the case. I think if we lessen the standards, we lessen the person that we get to administer the job.

SENATOR FORSYTHE: Senator

Dumont?

EXAMINATION BY
SENATOR DUMONT:

Q Mr. Caffrey, number ten here, you talk about the formation of the State Guard, and what do you have in mind by that?

A I believe, Senator, some years ago we had a State Guard during the war and their main function was to guard the security of places that maybe weapons and things of that nature were in. I believe there

was such a thing as a State Guard.

We try to think of this back over the years, maybe people in a different category than a national guard, maybe they would be available to help in cases like we had in New Brunswick and so forth.

Q Aren't you really talking about the time when the National Guard units are in Federal service and you need some security back home, isn't that what you mean really?

A Which can happen, they can be federalized tomorrow. I just figured it might be an idea, it is just a suggestion and we give it for that reason, sir.

Q Your next comment is that you believe that all members of the National Guard should affirm that they are prepared to defend our nation with no reservation whatsoever, and I believe that is in the oath that we take now.

A The reason for that statement is that several of the people in my organization have made the same remark, it is quite a coincidence that I heard it from more than one source and I heard it from some law enforcement people that I have a great respect for and the remark was that some of the people in the Guard made some type of statement

at one time and it didn't seem as though if we were going to choose up sides, if it was going to be white or black, that these people would be on one side instead of being for the oath that they took.

Now, of course we can't pinpoint it to individuals, but it was just something I heard that I didn't like. I also like to feel that anybody, police officers or National Guardsmen, they will uphold our country notwithstanding anything, and that was the reason that I made this statement.

Q There was a gentleman here this morning who indicated that he was presenting the viewpoints of the American Legion who indicated, if I got his testimony right, and I thought he said this, that he believed that all firearms, including those in existence and in the possession of individuals, at the time the present law was enacted, ought to be registered the same as firearms newly purchased.

Now, personally I doubt if this is the position of the organization he represented, but I would like to get a point of view of your organization on that score.

A Well, not having discussed the particular point

with my counsel administration, I could only give you my personal observation.

We have a counsel administration which is more or less of the governing body of the organization and any major programs that we undertake, it is discussed before I make the statement because when I make it, I represent thousands of people and I want to be sure that I am correct.

I think the registering of firearms is invaluable because now with the kids coming back from Vietnam and the amount of weapons being brought into the country that we don't even know about, it may be used in any type of crime and we may never even find it. We have to do something to tighten up the security of the weapons being brought into this country illegally.

Q Do you think then that all firearms ought to be registered?

A Yes, sir.

Q Your position then would be the same as the one that he expressed?

A I think the registering of firearms -- if I had a firearm, I wouldn't be afraid to have it registered as long as it is in my possession and under my control, then we would know -- you probably

would never know everyone that has a firearm but you would know most of them or have a pretty good idea how many are around in the city that we live in.

SENATOR FORSYTHE: Senator

Woodcock?

EXAMINATION BY
SENATOR WOODCOCK:

Q It seems that the thrust of your position here is punitive in attempting to quell the riot after it starts. Have you got any recommendations to make with respect to meeting the problem or the causes of the riots before they happen?

A Well, I think that the easiest way would be the way we operate the Veterans of Foreign Wars, we don't have any problems, we don't have any racial problems, we have integrated posts all over the country and we have them in the state, we have three new posts that we just formed that are integrated posts.

Now, I think this is the thing that made us a good organization because we haven't had the

problem of one person against the other, and my attitude also has been and always will be, maybe because I was a poor boy once in Newark, but I feel that if we do these things, we will have less problems.

Now, in our organization, any man who wants to rise up to the chair to be State Commander, County Commander, has every opportunity to do so. When we pick a convention site, we won't pick that convention site unless we know that every member of our organization can come in and sit down at the same table and same bar and same arena, and this is the way we have operated over the years, and I think if communities could operate this way, and maybe it is a little idealistic for communities, but it would be a much better place to live.

Now, this is what I would like to see in the communities, similar to the way we operate our organization.

Q The position stated by many people before this committee has been to the effect that in the areas of Newark and elsewhere in this state and in this country where they have had riot conditions, there have been problems such as housing, inferior

housing, inferior educational opportunities, problems with police community relations and so on, and with respect to those, do you have any recommendations?

A Well, as you say many people have spoken about the situation. We all know that there is a problem with housing and education. I think in order to receive these what I would say are benefits, these things, I think that people have to apply themselves toward the goal that they are seeking.

Now, I don't think it should be just a hand-out, here you are, take it, because I think you have to do a little something on your own to earn it and to keep it, otherwise it doesn't mean anything if you get it for nothing. I think the people themselves have to apply themselves and we in turn have to meet them on an even basis and if both parties are willing to do this, maybe something good and constructional will come out of a situation like that.

I know the area that you speak of because I have worked in it for years as a police officer and the problems just didn't happen overnight and they won't be cured overnight, but everybody has to work for it, not just two or three people, and

if they don't, it will never be done.

EXAMINATION BY
SENATOR WALDOR:

Q Commander, you have here that you believe that schools and public buildings, etcetera, should not be rented and leased to individuals or groups who advocate the overthrow of our government, refuse to salute the flag or respect the National Anthem. Being somewhat familiar with the oath of obligation with every person with the VFW, or other national associations, so that there is no misunderstanding, you are not advocating anything that would be contrary to the provisions of the Constitution of the United States so far as the freedom of speech with respect to one's freedom, or anything of that nature, when you make this statement in your prepared text, are you?

A Not that I am advocating anything contrary to the Constitution, but you can go so far.

Q Who is to be the judge of that, Commander?

A That's true, Senator, I agree with that. Everyone is entitled to his day in court and his right to free speech. Of course we know it is not true in every country, it is only true here, but it gets a little exasperating for people like us, and

yourselves who have been a Commander of a great organization, to have to listen to these people.

Q We may have to listen to them and I am not trying to engage in colloquy or argument or dialogue with you, but what I am trying to bring out is that your organization stands for the concepts and precepts in the Constitution set forth in this country and you are not trying to limit them in any way as to what they say, even though they may be repugnant to us, they have the right to say that and as long as we have a nation --

A Yes.

Q And many people disagree with me on positions I took on Vietnam, I respected the right of the individuals to express their disagreement and their concept, and I am sure that the VFW does also, isn't that so?

A Yes, sir.

Q So that the only thing you are really saying here, as I understand it, you are referring to people who advocate the overthrow of our government, and are you referring to organizations that would appear for example on what used to be the Attorney General's subversive list or something of that nature?

A Yes. Things like the doctor who -- if a doctor would say he feels there is an obligation --

Q Well, I wish you didn't say that, because like Dr. Spock I may not agree with him but I certainly feel he has a right to express his viewpoint, wherever he may find a forum for expression of his viewpoint. You may very well say the same thing, and the situation was brought to my attention and I was invited, with certain authorities, up there to speak, and I agree with his right to speak and I say he has the right to speak.

There was a lady who said, don't pay income tax, well, she is not saying anything different than Dr. Spock when he says burn your draft card, and I disagree with both of them but yet neither your organization or mine would have gotten into an uproar about her speaking in Fair Lawn High School and saying, don't pay your income tax, do you follow me?

A Yes.

Q So your 52,000 members served for the purpose of giving people the right to express their opinions and I think everyone should have that right and I think you do, too, and I know your organization does, so even if we disagree with Dr. Spock, I

certainly think he should have the right to speak.

A I do agree, but my organization is on record with disagreeing with him or any person like him having the right to speak in a public building, not his right to speak but where he wants to speak. This is just our opinion and as you say we are entitled to it.

Q I think it is the opinion of my organization, too, and I disagree with them violently.

SENATOR FORSYTHE: Thank you.
We will recess for fifteen minutes.

(At which time a fifteen minute recess was taken.)

SENATOR FORSYTHE: Would you identify yourself.

MR. JACOBSON: My name is
Joel R. Jacobson, I am President of the New Jersey
Industrial Council of the A.F. of L. C.I.O.

J O E L R. J A C O B S O N, having been duly sworn,
testified as follows.

THE WITNESS: I have a few
preliminary remarks that I would like to make.

My organization consists of about a hundred
and fifty thousand members in the State of New
Jersey who charge us with problems affecting
workers in the field of legislation, political

action, education,^{and} community relations.

I want to emphasize what is perfectly obvious to all of you that I am not a law enforcement officer and I do not make any claims to, nor do I have any expertise, but I am a citizen and I am concerned with and do want to respect law and order. However I would like to suggest that^{whenever} the phrase, "law and order" is used, and perhaps it might also be wise to include the additional word to make it "law, order and justice."

Now, I have, for want of a better name, a philosophical approach to this general problem that I would like to present to you. I urge that in approaching the problems of crime, I understand and recognize that I am speaking to a legislative committee, I would urge that the committee consider the treatment of the causes of crime and not so much as to the symptoms of crime. Now, I am aware of the fact that most crimes are committed by people who we would call poor people. This is not justification for it, I do not condone it, I condemn it, yet I would suggest that one of the most fundamental deep-rooted attacks on crimes that could be taken by a legislative committee, is to adopt those

programs that could be moved or at least alleviate circumstances of poverty, hunger, slums and hopelessness, which lead to so much crime.

If I may be subjective for just one moment, I draw a little analogy of my own life. When I was seventeen years old, during the depression looking for a job, I didn't resort to crime but I resorted to radicalism, I started to read. But as soon as I got a job, I abandoned my radicalism, I started going out on dates, and being there are no women here, I can say that this sort of transferred my activism from Lenin to linen. My desire to do something to relieve that situation was removed, I had a job, I was in the mainstream of things.

Now, I do find that my sense of justice is outraged on occasion when the heat of ^{attention about} crimes is focused on those with too little and not enough and not necessarily upon those with too much who seek to have more. If a man steals some food, it is still a crime and I condemn him, but if you give him food, the probabilities are he won't steal.

What do you do with a man who has plenty already and still continues to steal, and I am suggesting here sort of a class structure. Obviously we support all proper legal efforts to

support or to crush crime. Yet I must say, after having caught the last few moments of the preceding witness, that I have no intention of waiving or losing any of my individual liberties under the guise of fighting crime. I would resist with all the opposition that I possess, vigilantes, I would resist any attempt to curb my free speech, whether / ^{the previous witness} likes it or not, and I do not want my telephone tapped and I do not consider the attempt to control the riots as a function which we will tolerate equally on my rights to strike.

I make this point emphatically representing my union, because we have fought too long and too hard for the freedom that we possess, to lose it under the guise of pursuing 'law and order.' I emphasize again we would like to see 'law and order and justice.' Now, of course I do not have first-hand knowledge of a great number of situations, but consulting with the ^{New Jersey} leaders of our great industrial unions in our country, and this is second-hand information that I can assume is reliable. With that as a preface, I will be happy to answer your questions.

EXAMINATION BY
MR. LUMBARD:

Q The committee on its very first day heard testimony from Attorney General Sills and Superintendent Kelly of the State Police, and their testimony ranged over a wide variety of subjects, but one area that they did testify to was organized crime, and they both said under oath that there is a great and growing problem of organized crime and labor in the State of New Jersey.

Yesterday both members of the Waterfront Commission which is a bi-state commission and has a New York commission and a New Jersey commission, were heard, they again said that there is in their judgment a serious problem of organized crime around the docks and the labor movement and from their activities, right or wrong, those who can't get into the union on the docks are working now and trying to get into other unions and they named certain of them.

Could you tell the committee from your knowledge and experience about that subject, the subject of organized crime in labor, is there a problem in New Jersey and if so, what would you recommend be done about it?

A I would have to first indicate to you that the structure of labor in New Jersey is a little peak,

and it is not what most of the observers of labor understand. I am the President of the Industrial Union Council, which means ^{that} /the local unions that are under my jurisdiction are local unions that are organized in the large mass-producing industries, such as automobiles, electrical workers, steel workers, textile workers and so forth.

Now, the specific union of the docks and longshoremen is a union which is not affiliated with / ^{the State IUC} and my information is only what I have read in the papers and what I have heard from people, and I would not submit it as something with great authenticity, and I just don't know from first-hand knowledge.

Q My question was not confined solely to the I.L.A., I was merely citing those people who had testified to the general subject, and Attorney General Sills and Superintendent Kelly did not focus on the waterfront, they talked generally about the problem throughout the State of organized crime, trying to penetrate the labor movement, so we are interested in whatever you know about that subject.

A I know on occasion there is some petty gambling

going on in some places, and this has been brought to our attention. I must tell you in complete candor that where gambling exists in an industrial plant, such as numbers, horses, it could not exist in an industrial plant without the knowledge, the silence and ^{the} acquiescence of management.

Now, the union will not pursue or file any grievance to save the job of a man who has been found guilty of conducting gambling operations. We do not, and where ^{gambling} continues to exist and flourish, whether it is detected or undetected, it is with the expressed acceptance of management, and I do know that I have heard and suspected in many cases ^{that} the second and third line supervision consorts with these gentlemen and get their cut. It may not ^{be} company policy, but it exists.

But we have taken a very firm position, we will not process a grievance of any man who has been found guilty of gambling operations.

Q Your general testimony is to the effect then that you know of no organized crime problem in the labor movement in New Jersey?

A I do not.

Q You do not?

A I do not.

Q Other than that area to which perhaps the committee members may wish to return later, do you have any specific suggestions to the committee with respect to the functioning of the system of administering justice in New Jersey, how it operates, how it can be improved, how it affects your membership?

A Well, I think I tried to indicate my general approach in the preliminary remarks I made. I am not an expert, I really don't know.

Q I might say we are here listening to representative citizens whose views we solicit, although they are not in law enforcement, and that is the point of the hearings yesterday and today.

This morning we had a series of educators, so you are here as a citizen.

A I recognize that this is a committee of the legislature. There are a great many things which can be done to help remove crime and I strongly and hopefully urge the passage of such ^{progressive} legislation.

EXAMINATION BY
SENATOR DUMONT:

Q I think that is a very laudable approach, but I think we are working in another area. I would just like to go on from Mr. Lumbard's questioning, more as to the enforcement end again.

Do you have any feeling in terms of the operation in rehabilitation, probation, parole, in this area as to whether we are being able to do a job in turning back into society rehabilitated people, because again this is so true with relatively few exceptions, every person is coming back and if we are just putting them through as repeaters, we are not doing the job and I wonder if you had any expression here?

A I know there had been a few examples in some of our unions who made specific suggestions for purposes of rehabilitation, and I would say that it is desirable and I would support it. I do believe / ^{the returning offender} is entitled to rehabilitation.

Q How about the position of organized labor in terms of the training program within a rehabilitation structure and then entry?

A This again is a fine objective and everybody will tell you they are for it, but there are problems, particularly in the declining jobs. It is the same kind of problem we have with regard to minority

for employment.
groups who have not had the opportunity / Where
there are jobs and there are not large numbers
of workers or members of the union available, for
employment,
such/ This would be perfectly ideal and we are
perfectly happy to assist in this operation.

EXAMINATION BY
MR. LUMBARD:

Q Would you follow that up, please.

You mention the receptivity to the return
offender , let's call him back.

A What do you call him?
offender

Q Returning / he is returning to society.

A I know a lot of them who never left.

Q Maybe you could assist us in that regard, too.
But have any of the unions in your jurisdiction
taken a definite policy stand either for or
against, or do you think there is something you
in your organization could do to assist the ease
with which these men obtain jobs?

A I think a great deal more could be done.

SENATOR WALDOR: I didn't
hear the answer.

MR. LUMBARD: I think he
said a great deal more could be done.

A Yes.

Q Could you tell us what and how, that's what we

are really interested in.

A Again we have a desire to do something on one hand while the question is really whether we have the ability to do it.

The union's first responsibility is to serve its constituents. Every gentlemen sitting here knows that perfectly well. The need of the constituents takes highest priority. Where those needs have been met and there are still opportunities for new employment, the union is perfectly willing to do so.

But I must say where the needs of the constituents are such where members of the union are employed, you are not going to find much enthusiasm for this, and this problem must be recognized.

Q Well, perhaps something has to be done about it somewhere, because this position is exactly, and I don't mean to be ironic about this, what Mr. Harris of the Urban League argued against here earlier in the day when he was sort of taking the other side of the same point. He said, you fellows have to give a little and reach a little, and he was speaking of it in a riot disorder context, but the same thing applies.

The returning offender, if he happens to be

Negro especially and has a criminal record, really faces the roughest time of all, and many people in the prison rehabilitation area say, yes, this is true but the problem is ^{for} management and labor, we can't get the job, even though we train them in prison.

A Well, the solution is to create more jobs. The fight doesn't come down to who walks the street unemployed, this is not the argument of who gets the job, the white or the Negro, the man who left or the man who stayed, but the problem is to create the jobs and then you have a situation, but somebody should do something about it and perhaps you could talk to our Congressmen.

EXAMINATION BY
SENATOR DUMONT:

Q Again to follow in that vein, the hard-core area or the ones that we are particularly interested in and dealing with, the returning offender, they are making up most of that group, it is this situation that more jobs -- I mean you get to an irreducible minimum and how close are we to that in terms of job opportunities at this time?

A I don't know, but I would tell you that every intelligent sincere trade union leader would be

delighted to afford opportunities in a situation like this, if it were possible.

Q I would like to refer back to your statement that in plant gambling, that it could not be conducted without the management's knowledge. One of our earlier witnesses who was a law enforcement officer, testified to the fact that he went to one employer and requested the employer permit his police department to put undercover men in the plant where they suspected there was an organized ring. He said that the employer turned down his request to put in the undercover men because of his concern about disrupting his relationships with the union.

Now, do you think that that is an unjustified outlook on the part of the employer?

A I would say that it is a justified fear on the part of the union, because I would suspect in the long history of our country, that perhaps there were other motivations behind it, and perhaps we have found that the fellow encouraging it, that he might want more information. As a union man I wouldn't want my members spied upon.

Q Even though they are engaged in criminal activity?

A If they are engaging in criminal activity, it is the responsibility for the law enforcement agency not the management.

Q I believe it was Colonel Kelly who said it, that he wanted to put a couple State Police in a certain plant, where they pretty well knew that there was gambling and this employer turned them down and the reason he did it is because he said --

A I don't know the specifics but I could guess that the employer or his supervisors could have told him very easily who was conducting the gambling.

MR. LUMBARD: It is the age old problem, you have got to have proof and to get the proof, you have got to get in and gamble, and if you have a closed shop or some situation where there is a number of known employees that work in a certain room, you have to get a member in that room and so you are in a circle and you won't get out of that unless you have someone on the premises.

THE WITNESS: I would have no objection to a reasonable investigation like this, but we have had such poor experience in the past in that we don't believe this is the

sole objective.

Q Would you believe that a State Policeman in a situation like this would do otherwise?

A I do not imply any criticism, there have been opportunities in the past in situations with employers that weren't very desirable.

Q You mean that State Police were used in strike situations?

A Yes, the former Commissioner of Labor and Industry, Carl Holderman, and he had been locked up by picket line activity by the State Police, through his tears we were laughing at the irony of it.

**EXAMINATION BY
SENATOR McDERMOTT:**

Q You are talking about a situation prior to the passage of the Wagner Act, you haven't seen that in recent years, have you?

A No.

Q In about twenty years.

A And I don't intend to see it again.

Q But to get back to this in-plant gambling, maybe there is another approach to be used perhaps I think the organized labor movement would be the best vehicle to use to stamp out in-plant

gambling. There was testimony that the average individual, not necessarily just plant personnel, but the average citizen on the street, doesn't see anything wrong with gambling, betting on the horses, numbers. He thinks that it is something that he is not really engaging in in any criminal activity. However, testimony came out that it is the gambling proceeds that feeds organized crime interests in narcotics, and that it is ^{mainly} the profits from gambling that are able to get them deeper and deeper into the narcotics trade.

There was testimony to the fact that the average citizen doesn't know this and that is why he thinks gambling is harmless. Is there any possible way of getting organized labor in New Jersey to set up some sort of educational program where they will tell their members, now you have a lot of papers in the labor movement, practically every local has his own newspaper, and is it possible that we could enlist your aid to talk to these locals to get them to publish the facts about in-plant gambling?

A Two things very quickly, I remember making an impassioned speech when I was much younger on

that very same subject and in particular the situation that proceeds from plant gambling were being used to finance union busting activity by the racketeers. This is many years ago but of course these are things I think which should be limited.

Number two, in response to your suggestion, is my recollection that as long ago as fifteen years there was the federal attorney in Essex County who had launched such a program and the CIO State/at that time had contributed funds to assist in precisely what you were talking about. We would certainly be willing to cooperate with you now.

Q I think that would be helpful because I know of no other way except through education.

EXAMINATION BY
SENATOR WALDOR:

Q In certain of these areas that are covered by the organization that you represent, certain of the trades, you have almost full employment, do you not, insofar as your constituency as you refer to them is concerned, or am I incorrect?

A Some plants, yes.

Q I am getting back to this original question, I think perhaps the labor movement could be of the greatest help insofar as the rehabilitation process is concerned for those who learned trades in corrective institutions, but I don't notice or haven't been made aware of the fact that there has been any efforts, any efforts concentrated or otherwise on the part of the labor movement, to attempt any rehabilitation, if those individuals who learn trades while being incarcerated, and as a matter of fact if I recall and I am not quoting anyone because I don't recall the exact wordage used by them, there has been testimony before this committee to the effect that labor unions have discouraged, those who are returning from prison as well as management, not exclusively labor unions but management as well have discouraged membership in trade unions by those coming out of prison.

Now, I am not going into the justification of this or right or wrong, but whether there isn't something that could be done by you as the head of this union and 50,000 member organization, to attempt to gain membership for these individuals into some of your unions where employment

possibilities are perhaps greater than in others.

Is there some efforts positively affirmative that can be undertaken in that direction?

A I don't want to duck your question, but I must give you a preliminary answer.

Again there is an interest within the union in our union, in our organization as some of the others. In an industrial union the auto workers in the General Motors plant do not have the right to hire and fire. The employment of all people is done exclusively by management and our --

Q But they must employ union members?

A No, no, anyone can walk off the street and be employed. The requirement is that they join the union after a probationary period of about thirty days. However, I still don't think that relieves us of the responsibility of contributing, to progress and we would be delighted to do what we can.

EXAMINATION BY
MR. LUMBARD:

Q There is one specific side to that. Again this may be one of those unfortunate circles of misunderstanding.

There seems to be a feeling among many of the people in the rehabilitative area of government, the people that work in the institutions and

whatnot, feel we can't do this program because if we did, labor and management would object. That is before a certain kind of training installation into the prison begins. For the prisoners to work on or if we undertook a certain kind of activity in the prison, the industry would object since we might have to seel some of the products and with the industry objecting and the union objecting, because every one objects, we wouldn't do it. We won't fight and try for it because it will bring down their wrath on our heads and our budget falls.

I suggest to you that there is a real possibility here that perhaps your meeting with some of the institution people, management or other union people, may enlighten them as to what you would object. Apparently they are not doing a great many things because of unjustified misapprehension.

A This is an old problem and perhps in the printing trade it exists most. Again I have to ask you gentlemen to tell me what you would do if you were the leader of a printing union and found that your people were unemployed and had no jobs because printing was being done in

institutions.

I realize these men have a right to be rehabilitated, at the same time the printers have a right to get and hold their jobs.

How do you justify it?

Q Maybe the next step is not for everybody not to talk, and as a labor man I am sure you realize the value of talk of different people, but perhaps a valuable committee and a valuable dialogue could be started between yourself and the institution people as a regular matter and that much good could come of this.

I offer that as a sincere thought to you.

A I think it is a fine idea and I have always pursued the policy that I would rather disagree with a person over a tablecloth than a picket line. We love to talk.

EXAMINATION BY
SENATOR DUMONT:

Q What would be the average percentage of Negroes in your organization throughout the State?

A I would have to guess around 25%.

Q Do you make any particular effort to recruit them?

A Into membership?

Q Yes.

A Well, as I indicated we don't employ.

Q Beg pardon.

A The union does not employ in mass-producing industries, but I tell you this, that we make great efforts to make sure that the opportunities for promotion and advancement are based strictly on the principle of seniority rather than on race.

Q But they are granted the same openings for membership in your union, providing they are otherwise qualified, as white people, right?

A Absolutely.

Let me be completely honest. This is the official policy, but I must confess there are varying degrees of enthusiasm with which it is implemented.

Q Now, as a leader of labor, you are keenly interested of course in salaries, and what is your feeling with regard to the salaries of law enforcement people throughout the State?

A Much too low, and I have made feeble efforts on occasion to impress upon these gentlemen that perhaps they should join a union.

And I must say that I find myself very hard-pressed to justify the strikes of law

enforcement officers.

Q Do you have any specific recommendations as to the amounts that ought to be paid to law enforcement personnel?

A I think the salary being paid to policemen, patrolmen and firemen are scandalously low. I don't see why a man should even consider risking his life for less than \$10,000 a year.

Q Less than what?

A Less than \$10,000 a year, and I'm not so sure I would be willing to do it for that.

Q I know you're opposed, from your remarks, to the use of any wire tapping or electronic devices, and what is your feeling to immunity to witnesses?

A I would have to duck that, that is a question for a lawyer to answer and I really don't know.

Q But you are opposed to any form or use of electronic devices?

A I would consider these invasions of privacy.

Q Even if the use were closely circumscribed, for example by having to get a court order?

A I still would indicate that I would be opposed to it.

SENATOR DUMONT: Thank you.

EXAMINATION BY
SENATOR WOODCOCK:

Q Mr. Jacobson, with respect to the civil disorders that we experienced last summer, do you have any suggestions to make as to how we might avoid a similar occurrence this summer?

A Well, I am sure if I could come up with a definitive answer on that, both political parties would nominate me for the Presidency.

SENATOR WALDOR: I'm not so sure of that.

A Are you a delegate, Senator? Perhaps you're right.

I just repeat for the third time, that when the causes which motivate people to commit crime are removed or alleviated, there will be less crime. When a man is hungry and drifts and is cut off from society, he is going to do something about it in one way or another, and again I would hope that the Legislature could make a fundamental thrust in this area.

Q Mr. Jacobson, Austin Tobin, the Director of the Port Authority, a couple of months ago I believe said that the Port of New York was losing shipping to the areas of Baltimore and Philadelphia and elsewhere on the eastern seaboard because there

elsewhere on the eastern seaboard because there weren't enough people to handle the cargo in the port, and he suggested at that time that the register be open to allow a thousand more stevedors.

A Several hundred.

Q I think he recommended a thousand, but ultimately they opened up seven hundred and fifty and the port closed.

I just wondered if you have any recommendation as to how that dilemma might be solved?

A Well, the union which has jurisdiction in that area has proposed port wide seniority. This is a problem that exists within that union, and while I may have my own private opinions about it, I don't think that I would care to make any comment on that.

Q I didn't hear that, I'm sorry.

A I don't think I would care to comment on that.

EXAMINATION BY
MR. LUMBARD:

Q Have you ever protested to any correctional officials about a program of rehabilitation that is in their facilities as being in conflict with any of your union's activities?

A I think at one time I was concerned about it.

Q I can't hear you.

A With the problem of prison labor.

Q When was that?

A That was a good many years ago, twenty years ago.

Q What was the protest?

A My protest was ^{about} printing being done in the prison that could have been done by private industry.

Q To whom did you make that protest?

A I think it was the head of the institution, but I don't remember.

Q Have you made any others?

A None that I can recall.

Q Have any ^{complaints been made} recently, say in the last five years .

Do you know of any constituency of yours or member or whatever you call them, which has made such a protest?

A I don't recall, I have a feeling in the back of my head there had been something, but I just don't recall. I would just be guessing.

Q It seems to be a very sensitive area and I was wondering why, speaking for myself, and I solicit your attention to the fact that this is in the area where your union could work to assist the criminal justice system that is most related to the general goals that you yourself stated in

with
your opening sentence, which I personally agree .

This is where you could help, to try to get better, more up-to-date twentieth century youth job training in the prisons, because if they go there and all they make is license plates, then as one of the members of this committee said, only persons that can make license plates in the State will come right back. It is a bad joke I know, but it is very necessary to get some kind of improved training.

**EXAMINATION BY
SENATOR DUMONT:**

Q Mr. Jacobson, there have been bills before the Legislature and there are this year, providing for a work release program from county prisons. What is your attitude on this legislation in which a prisoner holds his own job but has to reside in jail at night?

A Well, the only organizational concern I would have about it, that he not be used to replace a man on a good job by receiving lower wages.

Q As I understand the work release program, he would actually hold his own job and in fact would pay board, pay to be housed, but he would also be maintaining his family and he would be keeping

his family off the welfare program and in this sense would not be replacing another worker, but would be maintaining his place in society in terms of his work relationship and perhaps in the area of rehabilitation and all the rest, and be able to keep this man as a productive man of society, rather than turn him into another one who has trouble.

A That sounds pretty good.

EXAMINATION BY
MR. LUMBARD:

Q If I may again take the liberty, Danbury, Connecticut, is a city in this country where that has been worked out, they have many unions with which I am sure you are familiar

A federal correctional institution is located there and over a period of the last several years there has been some very interesting work, developments worked out between the federal prisons and the local community and the local unions, and perhaps that might be the situation that you might wish to explore or your staff, because the guidelines there seem now to be accepted by everyone in the program working very well.

A I think that is a good idea.

SENATOR FORSYTHE: Thank you very much.

SENATOR DUMONT: Thank you.

SENATOR FORSYTHE: Would you identify yourself for the record, please.

MR. SUTPHEN: My name is James R. Sutphen, S-u-t-p-h-e-n, I am a resident of Harrington Park, I am Managing Editor of the Record in Hackensack and I am here I guess as Chairman of the News-Editorial Committee of the New Jersey Press Association.

SENATOR FORSYTHE: Would you raise your right hand and we will swear you in.

J A M E S R. S U T P H E N, having been duly sworn, testified as follows.

SENATOR FORSYTHE: Do you have a statement that you would like to make?

THE WITNESS: Yes, I have a statement that I would have to preface it with a brief statement of my own.

I assume that I am here as Chairman of our News-Editorial Committee and I think what I am going to say has the blessing of most of our members, but I have not cleared it with them, so you have to understand that.

MR. LUMBARD: As a good representative to the press, do you have some copies of your statement?

THE WITNESS: Oh, indeed, sir.

MR. LUMBARD: May we have them?

THE WITNESS: Yes.

(At which time the statements were handed to the Senate Commission.)

THE WITNESS: It is difficult if not impossible to assess reliably the rate of crime in New Jersey because right up until now, there has been no accurate way of knowing how much crime had been committed. Whether the new system of uniform crime reporting adopted last year for the first time will supply the answer remains to be seen. If it bears any similarity to the crime news doled out to the information media, it will not be of much help.

Virtually all police departments keep two sets of books. One contains the runs to the hospital with expectant mothers, the dog bites, and the fender benders. That's available to press and public. The other contains the community's crime activity. That isn't available.

It isn't available because to expose criminal activity, great or small, would quote be bad for the community unquote. We in the information business have always taken the opposite view, that to conceal crime tends to encourage it.

One of the reasons information media are alarmed at what we feel is the constant erosion of the public's right to know is that it gives aid and comfort to this sort of concealment. After the Van Dwyne decision police in Hudson County refused even to admit that a homicide had been committed. In New Jersey we are fortunate in keeping the doors of communications open through a committee of the Supreme Court on press relations headed by Mr. Justice Proctor and our own news editorial committee. This committee was told that after the Van Dwyne decision, one law enforcement official told his subordinates, "OK, you can forget all about that freedom of information nonsense". And now in the Reardon report we face the ominous prospect of the court's use of its powers of contempt if we print something the court believes prejudicial to a fair trial, or for all we know, unpleasant or

embarrassing.

Principally involved in this concealment is a crime phase which I would like to discuss briefly with your committee -- breaking, entering and larceny. It goes on all the time but it rarely is released to the public until it is solved, if it ever is. Then only too often some out-of-town hot head is picked up trying to break into a house to get enough for a fix and he's charged with everything the police haven't been able to solve before. As newspaper people we feel that awareness of the occurrence of breaking and entering might just possibly deter some of it. As an example some years back there was a breaking and entering in one of our more polite communities and as it developed later part of the loot was a pre-Revolutionary spoon rack. Since the thief probably was not aware of its value we felt that a little public information to be on the lookout for anyone trying to fence a hot antique spoon rack might be helpful, but the local department could not see it that way.

Crime falls roughly into two classifications, crimes of passion and crime for profit. I think we do not need to be unduly concerned about

crimes of passion. The world will always have its jealous Othellos and its ambitious Lady MacBETHs. These crimes should, quite obviously, be diligently investigated and prosecuted lest, as has been hinted in the past, in New Jersey one can literally get away with murder. These crimes will exist as long as we have men and women and haves and havenots.

Crime for profit is something else again. It too falls into two classifications, syndicate crime and what we might call amateur crime. Your committee heard a remarkably candid discussion by Attorney General Sills of syndicate crime. It certainly exists in New Jersey and it strikes deep at the roots and fiber of society. But gathering evidence on it which is usable, admissible, or even printable is an exercise in gigantic frustration.

The FBI "Crime in the United States" released last summer, shows these alarming statistics about crime for profit: robbery up 34 percent since 1960; burglary, which includes breaking and entering, up 55 percent since 1960; larceny of \$50 or more, up 77 percent since 1960; auto theft, up 71 percent since 1960.

Bear in mind that larceny includes shoplifting, but only if more than \$50 which probably does not take into account a great percentage of non-professional shoplifting in our stores. You heard Commissioner Spina testify here that better than 50 percent of criminals in Newark are drug addicts. Probably an even higher percentage of the proceeds of this sort of crime for profit goes for drugs, to satisfy a craving which can cost up to \$50 a day or even more.

If I may be so bold as to make two recommendations for crime study in New Jersey in which the mass information media may be of some small help, it would be these two; first, the assurance of uniform, accurate, realistic, regular crime reporting. Mr. Sills has told you that the New Jersey report will be available in August. All of us will await it with interest, and at least in my own case because of the source of the information, with some reservations. In his preface to Crime in the United States, J. Edgar Hoover has this to say: "One vital need remains clearly apparent, namely meaningful information for sound decision making." In other words, you can't solve the problem until you know what the

problem is.

The second suggestion is a better working relationship between mass information media and law enforcement agencies. There is altogether too much secrecy about crime in our municipalities. I suppose it is indiginous to my calling that unless you are playing James Bond the cloak and dagger gambit is a bit square.

But there is more to it than that. No one wants to interfere prejudicially in a progressing investigation but pretending that crime does not exist will not make it go away. The public is entitled to know how well its police department is performing its job. In many municipalities all it has by which to weigh that performance are the pious assurances of the police commissioner that all is well. Much of the sort of crime for profit that I was discussing a bit back is committed by persons who can still be rehabilitated.

Public information has been and will continue to be helpful in crime prevention and detection. I guess what I'm asking, in an oversimplification, is a freer -- and easier flow of information between communications media and law enforcement agencies. An alert and informed public is a

useful law enforcement tool.

EXAMINATION BY
MR. LUMBARD:

Q Thank you. Perhaps you could add to your two-fold category of crime, namely crimes of passion and crimes of profit, that which you might call meaningless crime, wanton violence to strangers which has nothing to do with either profit or passion.

A That certainly exists.

Q The committee has had some requests, it has made some requests to the Attorney General for the crime statistics such as they may be, unstudied, unanalyzed, etcetera, and we are waiting with interest, but have not received them as yet.

I think it shares your comment that unless the nature of the problem is known, it cannot be understood. But I would like to ask you this. How many of the police departments in the jurisdiction that your newspaper covers, issues an annual report to the public of its activities?

A I can't say. I rather suspect that ⁱⁿ the larger ^{it is} ⁱⁿ ones, ^{included} a report of the police department in whatever annual report the governing body makes to the people of the community, but this

is not in any great detail, I know that.

Q Do you think that would be salutary?

A I think any information would be helpful, any information that we are not getting now would be helpful.

I think one of the reasons, if I may pursue this a second, I think one of the reasons that it is so important that you have a complete and public uniform crime reporting system, is that just on account of this breaking and entering business I was talking about, that it develops in the Attorney General's summation of crime reporting that community A has had thirty reports of breaking and entering, someone will ask why didn't you report it, where and when and what happened.

Q I would like to come back though if I may to the question of do you know/^{if} in your community or your area whether or not the police department or the prosecutor issues an annual report to the public of that agency's activities?

A I know the prosecutor does not and some of the police -- I honestly cannot say whether the police departments of any community in Bergen County issue an annual report.

I suppose that there must be some kind of an annual report submitted to the mayor and council, but how detailed it is or how accurate it is, I would have no notion.

Q One other thought. You mentioned that much of the crime for profit is committed by persons who can still be rehabilitated. It is clear from the evidence that the committee has received, that there is a major job ahead in educating the public, I hate to use that phrase, but in educating the public to accept returning offenders, to accept the concept of rehabilitation and to sort of let them back into society after they have come out, and almost all of them come back, 98% or 97%, and this is of some consequence as to whether or not they are accepted.

Would there be something that the mass media could do to try to assist this education process?

A Well, rather oddly enough we are right in the middle of doing something about this. There is an organization in Jersey City called "PAR," and for the life of me I can't remember what P-A-R stands for, but it is sort of a half-way house which endeavors to shelter and also to place discharged convicts, and we are at the

moment in the middle of doing a story on this organization and I think the endeavors of the mass media to promote that sort of activity could probably be helpful.

SENATOR FORSYTHE: Senator

McDermott?

EXAMINATION BY
SENATOR McDERMOTT:

Q Has the press of New Jersey adopted any policy with regard to reporting of incidents which might precipitate race riots?

A No, sir.

Q The reason I brought this up, I believe I read recently that some communities in Ohio and the press had agreed not to publish incidents that had occurred, which if read by the population might incite a riot. Have you heard about that?

A No, I haven't, I couldn't say I agree with it though.

Q You believe in the complete uncensored --

A Well, no, we will have to qualify that just a little bit, too.

I don't think that any racial news should be overemphasized, and again I don't think that

we should back away from it. I think not to report it at all sometimes might be a greater error than to even over-report it. In this way nobody is aware of what is going on and perhaps it festers more than it would, even though it is exposed.

I think that we do have, however, the press and all the mass information media have a great deal to learn and a great deal of responsibility in reporting racial disturbances, no matter when and where they may occur, and the exercise of restraint is certainly that which all of us have to learn.

Q Suppose an incident should occur --

A I don't think, Senator, however, that it would be feasible to adopt any kind of a hard and fast rule saying this is what you can report and this is what you can't report.

Q In the absence of a rule, do you have any thoughts on what a newspaper might do if the police of a community requested that they not reveal an incident, occurrence for several hours or skip a day, in a particular tense situation?

A I think it would depend entirely on what the situation is. If there were logical reasons why

such an incident should not be reported, I think that most newspapers would agree that they would not report it.

Q Very good. But there is no policy?

A There is no policy whatsoever.

SENATOR FORSYTHE: Senator Waldor?

SENATOR WALDOR: I have no questions.

EXAMINATION BY
SENATOR DUMONT:

Q Do you have any policy with respect to the use of wire tapping or electronic devices as a means under proper prescribed rules and regulations, for example by a court order, and for the apprehension of criminals?

A Do you mean an editorial policy, Senator?

Q Yes, editorial policies.

A You have placed me in an extremely embarrassing situation. Our editorial policy sometimes varies.

Q I am aware of that as a matter of fact.

A My recollection today is that we have been pretty thoroughly opposed to any legalization of any use of any electronic eavesdropping devices.

Q At the present time you are opposed?

A That is my understanding.

Q What do you do by way of encouraging or discouraging better pay for police personnel?

A We are foremost I think in New Jersey for advocating more education, better pay and more respect for law enforcement officials on every level.

SENATOR WOODCOCK: I have no questions.

EXAMINATION BY
MR. LUMBARD:

Q What is your personal view about electronic eavesdropping?

A Well, I guess my personal view corresponds with my personal view about a good deal of the trend of law enforcement today, and that seems to me to be that the defendant is getting an awful lot of help from everybody and the State isn't getting very much. And as was said here Tuesday, if eavesdropping equipment is so readily available to anybody who wants to go out and buy it, then it seems to me that under the proper control, the State ought to be allowed to use it, too, under the proper circumstances.

SENATOR FORSYTHE: Thank you very much.

SENATOR FORSYTHE: Would you identify yourself, please.

HONORABLE BELLFATTO: My name is Horace S. Bellfatto, I am one of the four judges of Juvenile Court of Essex County. I haven't had the pleasure of meeting you before, maybe because I am a Democrat, I know Senator Waldor of course from Essex County.

SENATOR McDERMOTT: I'm not a democrat, Judge.

HONORABLE BELLFATTO: I notice the R's over here.

J U D G E H O R A C E S . B E L L F A T T O, having been duly sworn, testified as follows.

MR. LUMBARD: Do you have a statement?

THE WITNESS: No, I don't. I will prepare one if you want me to. I know it was requested but frankly I didn't get around to it.

EXAMINATION BY
MR. LUMBARD:

Q Perhaps we can discuss it and come to the same point.

A Probably so. Of course I have the permission from

the Supreme Court, the Administrative Director and my Assignment Judge to be here today, and they wouldn't say get here at nine or nine thirty, but get here at three thirty, court time.

Q Well, the committee is studying the whole system of the administration of criminal justice, we have heard from a wide variety of witnesses, including the Chief Justice, and we are trying to inquire into the present system, does it function, does it have strength, does it have weaknesses, what should be done and of course that certainly would embrace the court in which you sit.

A It would seem to me that, because we are dealing with youth, I think we have twenty-five juvenile court judges and they are especially appointed throughout the State of New Jersey covering thirteen counties, eight counties have no especially appointed judges and that work is detailed to the regular county court judge.

I can only now speak for Essex County. I have had a little experience in juvenile court work over the past thirteen years, I suppose I have heard 27,000 cases. I know a little bit about boys and girls, having no children myself.

The problem today -- or I may say this, in

a few years I understand from reading reports that more than half of the population of this country will be under the age of twenty-five. We deal with youth, we deal with I think our most important problem. Essex County is a most densely populated county in the State and we deal on an average of 5,500 cases a year. Most of it comes from Newark, 70 or 75% comes from the City of Newark.

Now, I may say statistically, and we can't say -- you know, you can switch them around wherever you want, but statistically in the last few years the number of cases that have come before the court, the complaints filed, have decreased from about 9 to 7%. Now, don't ask me the reason for it, I don't know, but this is a decrease and our records show it, but it is still alarming.

Q What is alarming, you mean the conditions, not the decrease?

A Oh, yes, the conditions.

Some question was raised about this recidivism, you know, returning back. Now, the State of New Jersey and our county in the State has provided certain facilities but this is what

we lack.

In my last year, the Gault case came out, and you may be familiar with it, as a result of which throughout the country juvenile court judges are somewhat now run like criminal county courts are. We have a prosecutor, we have defense attorneys, assigned in those cases that are put on a formal calendar where commitment may be in the offering, so in those instances we are sitting as county criminal court judges, and this is so. Whether we like it or not is something else, but this has some effect upon the children and I feel in New Jersey we have always given the kids a break, we have always been accused of being softies but this doesn't happen throughout the country.

Last year I was the President of the National Council of Juvenile Court Judges and in some areas the way children have been treated is abominable, but that is neither here nor there, we are interested in what we can do here in New Jersey. We certainly need more probation officers, they ought to get paid more money, and it costs much less to put a boy on probation than to put him in an institution.

Q Do you think probation is an effective tool?

A Oh, certainly, I can vouch for that a thousand percent, but you have got to pay them more money because we are losing probation officers, they are going to other agencies where there is more money and you can't blame them because they have families.

for

In our county, Essex/instance there are nine judges sitting in the criminal courts now. They haven't enough -- we have half of the probation offices serving the juvenile courts and the county court just must call upon the people that we use, their case loads are 80, 90 and 100.

When the National Council on Crime and Delinquency suggests it should only be 50 or 60, you can't do a qualitative job, it is impossible to do it. Our institutions, to which we finally have to commit perhaps 10%, which costs the State a million five hundred thousand dollars a year, are overcrowded. Instead of a program say at Anandale which would normally last from fourteen to twenty-two months, they are out in nine months and ten months, because they can't contain them.

Now, take the State Home for Boys where the program usually ran from twelve to sixteen months,

they are out now in seven to nine months, because there is no room in the institution to hold them. Now, the program falls. Fortunately very recently the State has provided the Yardville complex, and you gentlemen ought to see it if you haven't, it is terrific, but here again it is lack of personnel, you don't have it. It requires money to attract the right kind of people.

I think Yardville in my opinion, and I have traveled around to see some of the other places in the country, and this is it, this is it, it is a diagnostic center where youngsters that get there are diagnosed, they are then to be slotted in the areas that will be most beneficial to them, and there are other institutions where they have this, but this is a step in the right direction.

You take Anandale. Now, Yardville of course has drawn from Anandale about a couple of hundred kids, which is good. The State Home for Boys have built a clinic on the grounds, psychiatric, that is good. You're building one in Princeton now at Skillman, they call it, and the Wharton Tract has been open for about sixty kids for the State Home for Boys, and this is fine. The State has also

provided Highfields program for youngsters sixteen and seventeen who are of average intelligence and not psychotic. That is rather than send them to Anandale, it is much better to send them to a Highfields program for a four months duration, work during the day, group therapy at night.

Now, this has proven very successful and the superintendent at Yardville, he and I think there is much merit to the survey that found that recidivism dropped from 50% to 20% compared to those out of Anandale, compared to those out of the Highfields program, which is a successful program.

We have three of them, we need maybe a couple more of these Highfields programs, it is excellent. We are short of facilities and probation officers and it seems to me if we can get many more probation officers, we are going to have them pay better attention to the boys and there will be less commitments, I am sure of that.

If you do have the proper institutions or enough of them so that they are not overcrowded, you will have less recidivism, and I have found

that there are so many more youngsters coming back to court on parole.

How long have they been in Anandale? Well, ten months. They didn't get through the program, there is no room for them and I know all this costs money but it is a situation state-wise and nation-wise which is getting worse and worse and we need this kind of help.

Then there is also the perennial bill of reducing the age from the eighteenth birth date to the sixteenth.

Q What is the significance of doing that in New Jersey?

A I will tell you. Originally the law, in the juvenile court, went to the sixteenth birthday. Sixteen year olds and seventeen year olds were referred to Grand Juries, no indictments, and the prosecutors were tearing their hair out. What are you giving these kids to us for, juries aren't even convicting them, so you subsequently passed a law some years ago stating that sixteen and seventeen year olds may be heard by the juvenile court/ ^{and} prosecutors/ ^{said} hooray for that.

Now, if we were to dump now sixteen and seventeen year olds into the prosecutors in

Essex County, we have to have seven more county judges. Now, this doesn't deny the right of the sixteen and seventeen year old where it is an indictable offense to have a trial by jury, he has a right to that, but they don't want it, they would rather stay in the juvenile court and in our court they are treated as delinquents and not criminals, and so does our Supreme Court hold that this is not a criminal court.

So there is the situation where we now have jurisdiction of sixteen and seventeen year olds with the privilege of a youngster trial by jury, he has that privilege. I want presentment by a Grand Jury and if I am indicted, I want trial by a jury, so he is not denied his rights.

Q Judge, what you're describing is sort of a system in form but not in fact, is that a fair statement?

A Well, substantially in form -- in fact, yes, but in -- well, you name it, it's the same thing.

Q It doesn't work well, is that a fair statement?

A Well, it is working substantially, yes, it is. The State is aware of our problems, I can speak for Essex County and they are aware of our problems.

Now, another point I want to make is that we

need some more Highfields programs. We had an experiment in Essex County, what we call Essexfields. Instead of confinement, away from home, treatment centers are what they are called, and we had a Highfields program in Newark where the youngsters went home every night and weekends, during the day he worked on county property and was paid a nominal fee and at night they engaged themselves in group therapy, and this has worked, but the funds dropped out, the Ford Foundation gave us some money and the funds dropped out and we have tried to get our county to take it over, with as yet no success.

We also had a federally funded program called Collegefields for pre-delinquent drop-outs, fourteen and fifteen, and this is important, where the boys went to school on the grounds at the Teachers' College in Union. They were very well-behaved and every afternoon they engaged themselves in group therapy. Most of those boys went back to school and were not drop-outs, but the federal funds dropped out and nobody else picked up the tab, so I think the citizens of New Jersey have lost two good programs, Essexfields and Collegefields.

Now, if we don't have the tools, you know, we are blamed for all the delinquency that ever happens, the juvenile court judges.

Q May I come back to this theory, which is the theory of juvenile court.

A The theory is rehabilitation, that is what it is. We are charged with first finding the boy guilty, adjudicate him guilty if he is so, and then when we so find, what to do with him.

We are first charged with the responsibility, if it is not a too serious offense, that he stays in a home, his own home preferably, and perhaps under supervision.

Q The theory embraces much more than simple rehabilitation, you don't engage him in a contested kind of proceeding that --

A We are in the adversary stage now due to the Gault decision.

Q I was coming to that in a moment. The theory of the court is you treat him differently than we do adults?

A Yes.

Q Would you spell that out, please.

A We are the father of the child by statute, every child is adjudicated a delinquent as a ward of the

State of New Jersey and the judge is his father, and we have got to treat this son accordingly, or daughter.

Q Do you think that theory has worked properly?

A Well, take it from me, and I can only speak for myself, with the vast amount of experience I have had it always worked prior to Gault, because as I say we are always accused of being moddly coddlers, and we are not because even in those days it was causing the State a million five hundred thousand dollars for kids we sent to institutions, and that is only about 10% of the kids that appear in our court.

Now, we are now in the adversary situation.

Q As a result of Gault?

A As a result of Gault. Now, some of these kids, they have a mouthpiece and you can hear them say it, I am not going to talk until I get my lawyer. Well, that's all right. Justice Weintraub in a prior case before Gault, said that he thinks kids should tell the truth. 95% of the kids coming to court before Gault told the truth, now they all deny everything, and this is why in our Essex County -- and I have had this, that is one year ago in our county at the end of

February, for the month of February, complaints pending 305 cases were pending, February 28 of '67, under one month 207 cases, one to three months 300 and nothing over three months.

Now, one year later, February 29, leap year, and the Gault decision, we are 1,941 cases, which is the case load and we have 374 cases under one month, 526 from one to three, 690 up to six months, and 226 cases over six months, and this is not justice to the kids.

We were able to hear cases within two months prior to Gault. We are going to need more judges in Essex County. As a matter of fact two are sitting now and there has been assigned a third judge to sit in our court, that's three.

Q Now, what are the consequences upon the children before the court as you see it of the Gault decision, switching from the original theory of whatever you want to call it, to the adversary situation?

A Well, I mean the street-wise kid denies everything.

Q Today?

A Today.

Q He didn't before?

A He didn't before, he would tell the truth.

Q What else?

A Well, the length of time to get to hear the cases.

Q Delay?

A Delay.

Q All the implications that come from that?

A Everything. Instead of one prosecutor being assigned to our court, we have two assigned to our court. We have the graciousness of the Bar in Essex who come to represent the indigent children, they are happy to do it, and I think there is a bill in now which you should consider of augmenting, of having a public defender in the juvenile court.

Q Do you recommend that bill?

A I certainly do.

Q Why?

A I'll tell you why. When the public defender comes in our court, I think he should be indoctrinated into the philosophy of our court. He should protect the kids constitutionally, no doubt about that.

There was an attorney for one of five defendants each represented by an attorney, as an example in one case and I came to his client. The attorney said, Judge, I am not going to stand for all this

nonsense about constitutional rights, what can you do for my kid. He knew the kid was guilty, and/what are we going to do to help my boy.

Now, this is fine, I didn't say the other fellows didn't do their job, but they pose so many objections / ^{at} trial, and after I heard all the facts they still were guilty. But you see there it is.

Now, a public defender who will be there every day, he will screen all these cases and he will know which ones ^{contest.} to / He is going to be entitled to look at the police reports, which he is entitled to see, and he is going to judge whether or not, and we don't say plea, but it is getting so adversary and we are using all the criminal terms, whether or not to plead them or not.

Now, on the informal list we don't send anyone away, so the public defender will know that and he will want to get the truth out of the kid, come up and say, all right, he is guilty of the offense, Judge, what are we going to do to help him. Or he may himself after a while know enough about our facilities to make suggestions, and this is going to help the court. Or in a very serious case, atrocious assault and battery or murder, we hear murder cases, and this is a full dress trial, it

has to be, freedom is certainly at stake here and whether he is in there for the first time or not you have this situation. But the public defender is going to help our situation. We will get to know the public defender, he will get to know us, he will get to know the thinking of the judge and he will protect the young man.

Now, I had a case where a youngster was ^{in court} / for use of narcotics, he had an attorney, not a public defender; this kid is seeking help. He comes and tells me, he says I am going to plead this boy guilty because he needs some help, he wants it. No problem.

You get another lawyer representing this kid, don't tell the judge anything, let them prove it. What for? We are there to help the kid, and some lawyers don't understand that, even though we appreciate the fact that they are doing their services.

Q In other words, you think the public defender would be sort of an assistance to the court?

A He certainly would.

Q Do you think in so assisting the court, however, he will also adequately represent the defendant?

A I am quite sure of it.

Q There won't be any confusion of that?

A No siree.

Q When you say that the public defender would get to understand the philosophy of the court and perhaps I gather by implication you feel the average member of the Bar does not understand that philosophy?

A That's correct.

Q What philosophy are you meaning?

A Well, in the overall picture here we have a boy whose father is we don't know where, he is declared a delinquent. By statute it is the obligation of the court to help this child, not to punish.

Now, in the criminal court it is punishment, although they are still getting away from that. Take California, they are getting into the rehabilitative programs, and I am sure in New Jersey to some extent, but in California it is getting down to the treatment of the defendant in the criminal court, more than punishing him.

In other words, there may be a term of some kind but if he is sufficiently rehabilitated to come out prior to his serving his time as punishment, I think there is some provision where he

can come out. Of course you know in Europe and some area, they go home weekends, too. You see, there it is.

Now, this is our philosophy, juvenile court, right from the beginning what can we do and what will we do to help this youngster and how shall we do it, do we have the facilities. We are lacking some as I have explained to you and, remember, these are the kids that are our future citizens, 6,000 every year, 5,500 every year and in one county.

Q Pass through your port alone?

A Yes.

Q One of the things that interests me now, what percentage of those boys who appear before you do you find not guilty, or do you find that you dismiss the charge?

A I wouldn't say a substantial amount but what we do -- I can't get to a percentage yet but what we do, a kid is charged and he has only been in once and charged with breaking and entry. He is coming out of a boarded store, he doesn't have anything -- well, he got in there of course but we can say that is unlawful breaking and entry, but his school record is very good. I don't have to sustain it,

I can review it in three months, three months and three months and in nine months if he has adjusted and has made a good adjustment at the end of nine months, I will dismiss the case, no record.

Now, what's wrong with that? You can't do that in criminal court. He is guilty and that is it, you're punished.

Now, there is quite a few of these cases that judges do this with. Of course if he is a repeated offender, you have got to try the case.

Q Judge, one of the charges that have been leveled at the juvenile courts generally is that oftentimes the person didn't commit the offense but because he doesn't get a fair trial or a full determination, he is treated as though he did, and he sort of gets swept into the system, a good percentage of them.

A I'll say this --

Q And that everyone means well but he is still getting swept into the system, even though he shouldn't be there.

A You're right. This is about all over in the United States. Some judges for instance will order, not in our State anymore, but some of them did, and

we never did it in Essex County but at least -- well, at least I never did, but some will order an investigation prior to an adjudication. This is unfair, it is affecting a family's privacy and you have no right to do it and all our judges by rule can't do it anymore. Some of our judges used to do it, and only on adjudication may you do it now.

Now, in the United States many of the judges still do it and they are not right, it is improper for them to snoop into a family, the boy's families and relatives. Now, that has been one of the complaints about the juvenile court.

Q That is one of the real feelings expressed by the Supreme Court in Gault.

A Well, on procedure, yes.

Q And the misuse of the original conception which might have been fine in theory but wasn't in actuality.

A You're right. Our Supreme Court stated that the United States Supreme Court made law on the worst set of facts that they can ever find, and that is unfortunate for those areas.

Now, we have an adversary proceeding and we can't tell what effect it will have so soon after

its moving, but I do know that the cases --

Q That your case load is way up?

A Not way up, back logged. We can't hear enough cases.

EXAMINATION BY
SENATOR DUMONT:

Q But you said that your case load was actually down, didn't you?

A Yes, last year and the year before it went down to about 7% but our back log is getting up because where we could hear and dispose of the case within half an hour, sometimes it takes three hours or a day. But we could generally hear perhaps twenty or twenty-two cases a day before, maybe twenty-five on the average. If you hear ten today you're lucky.

Now, where are the other twelve or fifteen, you just add them up every day and you will see what you have.

Q That is what I am getting at and I want to make sure that you understand this.

I thought you said that your inventory of cases in February of '67 was 305 and your inventory in February of 1968 was 1,942.

A Due to Gault.

- Q That is an absolute increase in back log. I think there is confusion here. How many cases are you receiving pre-Gault and after?
- A On the average the same. We are receiving each month -- let's just check that. Last year new complaints filed in February, 357 and this year in February, well, there was one more today, 407, and that is about the average, about 350 to 450 each month, that is about the average but we are not hearing all these cases, they are being back logged and that is why we need a third judge to try to help us out.
- Q You mentioned there was a distinction between a formal and informal calendar?
- A Informal is where the offense is slight or perhaps a first offense which isn't in the category of a felony, where there will be no incarceration or commitment, but when it is on the formal list, this is where the probability is of the boy being committed to one of the State institutions and then we have the attorney and the prosecutor, a real adversary proceeding.

EXAMINATION BY
SENATOR McDERMOTT:

- Q Judge, quite frequently the Legislature has been

asked to consider legislation that will reveal the names of juvenile offenders, and as you know right now they are under the protection of secrecy and there is quite a bit of philosophical differences between those who want to retain the system and those who say, no, expose the name of the offender so the parents will know and the children will stay away from them. What is your opinion?

A I think when the Governor was Chairman of the Supreme Court Committee that I am now on, and they met at Rutgers and they came out with a resolution. First of all there is no rule prohibiting the press from publishing any names they wish to, there is no rule. But they came out and stated that it was their reason or philosophy not to do so, except in certain cases.

Now, the judges don't object to that. We invite the press to come in. Thirteen years ago one of our newspapers called up and said, may we sit in. Sure. That particular newspaper still in existence has never been up there since.

But don't just use any names or don't specifically mention this, that or the other thing, but to see how we operate, and they are

invited any time. Some of these kids want their name in the papers, they carry papers with them, look, my name was in the paper. One kid passed around the front page of the Newark News which had a story ^{his} having to do with/batting a kid on the head. He never did it, he just told the cops he did it to get his name in the paper to be a big shot.

Q Then I take it you don't feel we should reveal the names?

A I don't think so. Here is a young girl who is charged with having sexual relations, and she is caught so she comes into court, now, if it is good for one side it will be good for anyone else. Why should her name be published in the newspaper, for what reason? Here is a kid who has been say breaking and entering and a couple of other complaints, and in the spirit of rehabilitative programs, this won't do them any good.

I'll say this, in congested areas everybody knows what everybody else did.

EXAMINATION BY
MR. LUMBARD:

Q What law did the young girl break?

A Section 2A:4-18 Section M, that is delinquent conduct, deportment, endangering general health

and welfare.

Q So interpreted by the court. I mean the law doesn't say --

A No, but I consider it delinquent conduct. It might be a lot of pleasure for the kids, but it is still delinquent conduct.

Now, what I would do with that case, I wouldn't sustain it.

Q What other offenses are within that phrase? What was it, department --

A Department, endangering general health and welfare.

Q Of himself or hers?

A Of anybody. Loitering and obscene language or going out with older people who have records in the juvenile court or in the criminal court. Trivia, let's say that.

Q But are these spelled out, these various offenses, as described by that phrase?

A You have to spell it out. This is a catch-all phrase.

Q That is clear, yes.

A But you have to spell it out in that this girl did commit sexual relations with John Jones.

Q What I'm trying to get at is, we hold adults where the law is applicable to them that says

that the State, to make anything a crime, it must so state with clarity in the statute.

I don't know what this means, it sort of means whatever the judge says it means.

A This is not a criminal court.

Q But someone can be put away for it?

A The complaint must state the essential facts.

Q What I am getting at is whether or not the child or instant company know at the time they committed this act, that it would be regarded as an offense for which they could be committed?

A They will find out when they get to court.

Q Do you think that statute should be amended? Is this sufficiently particular?

A Well, provided that the department is enumerated, you may say that, you may spell it out, but sometimes like today --

Q Has that statute ever been challenged as to its constitutionality?

A I had a case this morning, a youngster, he was in possession of a stolen automobile with someone, an adult. Now, possession is a high misdemeanor, punishable up to two thousand dollars and State's Prison, that is what the statute says. He was out late at night and this kid, who is only

fourteen years old, and the fellow who was driving it had a loaded revolver in his pocket at two o'clock in the morning.

Now, the kid stated that he was out helping him pick up auto parts. Junk, junk, you know. You know, how can you believe that kind of a story, but he is in a foster home and the foster mother of foster home stated the boy has a good record. How he got with this other fellow, I don't know. I didn't charge him with all this business.

Department, endangering the general health and welfare, he was out at 2:20 in the morning and he was in a stolen automobile, he was with some character. What is wrong with that? I spelled it out, then I have to spell it out because it is all taped.

Q Do you draw the complaint?

A The police report.

Q When you say spell it out --

A In the adjudication. No, the police complaints spell it out, schools may file a complaint, any person may file a complaint in court, but they have to spell the facts out. They necessarily do not have to refer to the statute but they must spell out sufficiently to have it apply.

EXAMINATION BY
SENATOR McDERMOTT:

Q I just have one last question and it has to do with the Gault decision.

Right now in Union County there has been a case assigned to an attorney to represent a chronic truancy school child. In your opinion, your Honor, isn't that going kind of far afield in the Gault decision?

A That I think should be up to the school.

Q This is something before you.

A Oh, yes, truancy is as defined by statute.

Q Do you think truancy should be a criminal offense?
Not a criminal offense but --

A An offense cognizable by the juvenile court.

Q Yes.

A You can take ^{it} /out, as far as I am concerned. Except in truancy, there is underlying a deep-seated situation and this is where the *parens patriae* comes in. Do we have the facility to help this child? The school hasn't done anything about it.

Now, they have had this kid for four or five years, what have they been doing about it?

Q Can there be incarceration for chronic truancy?

A I wouldn't do it. It has been done, I don't think

it should be, but what we do in Essex County is remand them to our youth house for social study, have our psychiatrists see the boy, our psychologists.

Now, if he is a slow reader, in three weeks time we can raise this boy's reading ability two grades. Now, what is wrong with that? That is being a father.

I won't say send him to the State Home for Boys, others just may do it but I don't think it is fair.

EXAMINATION BY
SENATOR DUMONT:

- Q You mentioned that there are three Highfields type institutions, aren't there actually three for boys and one for girls?
- A That's right.
- Q But you can only take care of about twenty at each time?
- A That's right.
- Q How effective are these work programs such as the ones run out of Anandale?
- A That's good.
- Q They are working well?
- A Very well, I wish we had more of them, even within

the complex.

MR. LUMBARD: May we have that calendar of yours?

THE WITNESS: Do you want some statistics, too?

MR. LUMBARD: Yes, we would like to have whatever statistics you could spare.

THE WITNESS: Here is one that I want you to hear, this is a letter written by one of the boys who was in Warrenfields.

"Well, Dave and I have been up here for four days and we are getting along okay. We went to work for the first time today and I didn't dig it too much, but I guess you have to work for something that's good. I eat like a pig up here because the food is just like being home and you can eat all you want. I figure that you're going to Highfields so you won't know what Warrenfields is like, but take my word for it, if it is anything like Highfields is here, you will be glad to go and you will like it.

"Today Dave and I worked in the grinding room and ground up fifteen

hundred pounds of dead fish. It sounds hard but I think it is worth it. You have more freedom and work in forty-four hours a week and it isn't a high price to pay for the privilege you have up here. One thing I know you won't dig about the program is that everyone tells on each other, that's group therapy, but I guess it's all part of the program to try and find out about yourself.

"Well, time to sign off, say hello to everyone."

That's Highfields.

Q I might add when that was established, it was one of the hottest issues I ever went through, but everybody said it is a great idea but don't put it in our back yard, put it in somebody else's.

We finally got it and it worked splendidly.

SENATOR FORSYTHE: Thank you very much. And the hearing is adjourned for today. We will meet tomorrow at ten o'clock. (At which time the hearing was adjourned.)

I, Richard A. Merlino, do
hereby certify that the foregoing is a true
and correct transcript of testimony taken at
the time and place hereinbefore mentioned.

Richard A Merlino

