

T A T E O F N E W J E R S E Y

P U B L I C H E A R I N G

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

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

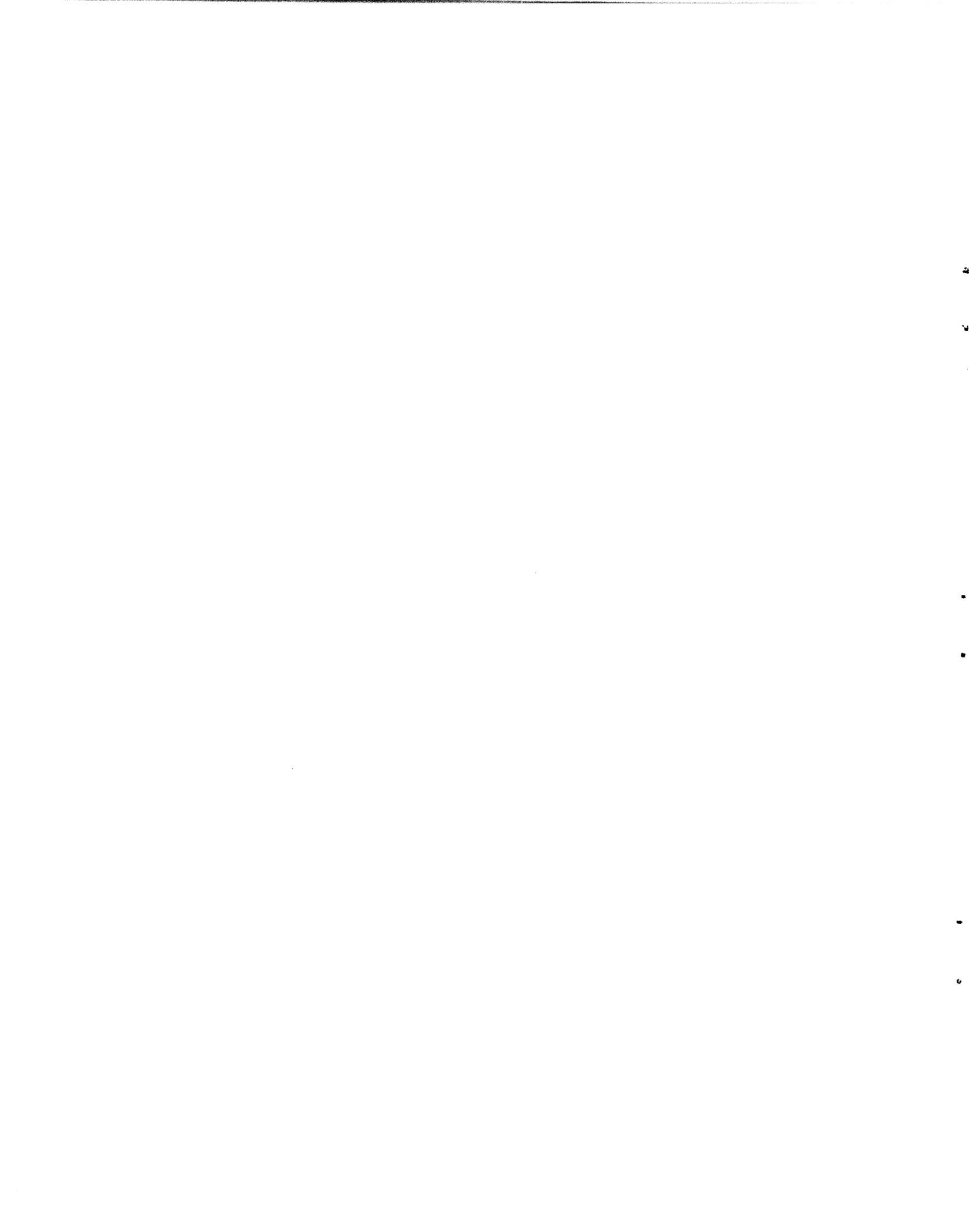
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THE CHAIRMAN: We'll call the hearing to order. I would like to open this morning's hearing by reading for the record a statement.

Yesterday, a great man was assassinated in Memphis, Tennessee, and his death is a tragic loss to all Americans.

Dr. Martin Luther King believed that all people in this country could and should live together in freedom and peace and brotherly love; that all men indeed are created equal; that the divisions in this county could be healed and bridged by non-violence.

To Dr. King, violence was wrong for many reasons, and impractical as an approach to social justice for citizens. He repudiated it as a technique, together with its practitioners.

Yet he died by the ultimate violence of a sniper's rifle bullet, never uttering another word after he was shot.

Dr. King's assassination is an act that magnifies the duties in these difficult days of all persons concerned with peace in our communities. And it focuses anew the charge of this Committee, for we are deeply concerned with violence of every nature, senseless violence that strikes our great men down at the height of their power, senseless violence in

our homes and shops and on our streets, senseless violence that shreds our communities.

Violence brings no solace, no peace, no satisfaction. It brings only tragedy to its victims. Too often, one act of violence begets another. In a very real sense, all acts of violence are interrelated.

We must come to understand and reverse the trends to violence in our society, as we must gain greater understanding of our people and the proper role and operation of our system of criminal justice, for it is our principal protection from the pain, the agony that is afflicting our nation. We want no more.

So we must learn from the life, the leadership, the death, of Dr. Martin Luther King.

We must spur our efforts to control those swelling forces at work among us which daily lead to tragedy from crime, all kinds of crime. Let us dedicate ourselves anew.

Dr. Bacon, Mr. Lumbard said we're happy that you are here, and if you would identify yourself for the record, then I would like to swear you in.

DR. BACON: The name is Seld'n D. Bacon, Professor of Sociology, Director of the Center of Alcoholic Studies at Rutgers, the State University.

D R. S E L D E N D. B A C O N, duly sworn.

THE CHAIRMAN: Mr. Lombard.

MR. LUMBARD: Doctor, the Committee is interested in the whole system of administering criminal justice. The President's Crime Commission Reports, and I am sure you are well aware, that the problem of alcohol in one way or another, in collusion with the system of administering criminal justice, is enormous. Indeed, perhaps you and I can agree, that most persons don't have any understanding of the degree of the amount or how much cost that involvement is levying upon the taxpayers or to perhaps what point.

So we're interested in having you appear here, and I am grateful to you, to tell us about that involvement as you see it in the State of New Jersey, and what trends are involved, what directions you might suggest, because the Committee is interested in recommendations of all natures.

THE WITNESS: Well, as you stated, it's a very broad area, and in my remarks I would be talking frankly as much about other places in the country as I would about the State of New Jersey, although we have no reason to believe that there is any striking difference in the main aspects of the problem.

MR. LUMBARD: I can give you one fact that the Committee has received testimony on and other information to the effect that one-third or to one-half of all the prisoners in all the penal institutions, workhouses, county penitentiaries, are there because of outright drunkenness or directly related alcohol problems.

THE WITNESS: That's about true. I tried to find out what the ~~infacts~~ ~~lower~~ ~~re~~ ~~all~~ ~~be~~ in New Jersey, and found it very, very difficult, and I think one thing, perhaps the major thing that might be suggested, is that people who may be concerned, including the Legislature, and many other groups, will find it very difficult to get information, useable information, for the purposes of setting policy, that is, how many people are arrested for what and what does it mean.

In order to find out what the extent of this problem is, what the costs of it are, what you're doing, it's very difficult to get this information.

Now, to suggest that there be some great uniform system that everybody is going to live up to a hundred percent, I think is pretty ridiculous, but, on the other hand, there is a great scarcity of information

that will be meaningful for setting policy.

Many of the records that are available are chiefly kept, I think, for administrative purposes or for traditional reasons, they were always kept or there is a scarcity of such records,

to find out how many people are in work-houses, jails, et cetera, for a particular offense on a given day or for a period of a whole year, is extremely difficult.

MR. LUMBARD: Now, is it fair to say that such information does not exist in New Jersey today?

THE WITNESS: I couldn't find it. I finally had to hire a student and send him out to make personal visits; he was able to get some typewritten, confidential material from the people in charge in three or four instances. I made inquiries of various officers in Trenton. I talked with a man, Mr. Goff, I think, who had been four or five years earlier trying to do this.

MR. LUMBARD: Was this Mr. Goff of the Correction Association?

THE WITNESS: Of the Correction Association. This is one area. Let me say, I don't think it does very much good to try to blame somebody as to why this is so. I don't think that makes much

sense.

I think it would be worthwhile to find out how you could get certain types of information, ~~define~~ who wants that information, and for what, and if you got it, what would you have.

Just collecting a whole lot of data is often rather pointless. I don't think that finding out whatever you mean by drunkenness or the impact of alcohol on different kinds of arrests, which have all sorts of names, breach of peace, disorderly conduct, suspicion, idling, anything, we really don't know, that it is enormous in percentage of all the rest, all police types.

MR. LUMBARD: Let's come down to the first point you made, which is the lack of information.

THE WITNESS: Useful information.

MR. LUMBARD: Obviously, we could also agree that until there is information and understanding, we can't get anywhere.

THE WITNESS: It is very hard.

MR. LUMBARD: Would you have some recommendations, therefore, as to the kinds of information that should be collected, so that society could get some understanding of the problem that is going on

and what public resources are being devoted to it and what is the point of that effort and those resources?

THE WITNESS: I think "what is the point" is terribly significant.

MR. LUMBARD: I think that is a second aspect, after we get what should be collected.

THE WITNESS: Yes.

MR. LUMBARD: What are your recommendations in that regard?

THE WITNESS: I think -- remembering I'm a college professor --

MR. LUMBARD: There is nothing wrong with that.

THE WITNESS: Perhaps not, but it is relevant because/ I do not like to jump to answers. I'm talking about means. I think that trying out, demonstrating in a selected area, say a given jurisdiction or even a part of a jurisdiction, what, let us say, the police can do, what their information currently is, how much training their men get for the keeping of records, that will be available say to the Legislature or any given group, would be one of the first things to do.

There would be a requirement of training for these persons, evaluation, from the point of view of the police department, as well as the point of view of the people that are going to use this information, as to how much this cost, whether they need additional manpower or more training.

To suggest a complete revision of the records system, I think would be very illadvised, but there is a lack of leadership and concern for doing this information collecting. This is very clear, I think.

MR. LUMBARD: Very clear.

THE WITNESS: The particular area of alcohol, alcohol offenses, is the concern of many people, not just the law and order people.

Now, the Drunkenness Task Force Report of the President's Commission, I think, can be rather criticized in its desire to get this drunkenness problem out of the field of ^{law} enforcement. They have forgotten where it was going to ^{be placed.} It was more a handwash deal, ~~and not a~~ answer to a problem.

MR. LUMBARD: Will you spell that out, please?

THE WITNESS: Merely to suggest that chronic drunkenness, sir, the behavior associated with

chronic drunkenness, should not be the responsibility of the police and the courts is not enough. This may or may not be true.

There are these people and these behaviors out on the streets, and something is going to have to be done.

Now, years, generations ago, the medical and health profession decided they wanted to "get out." They did. The welfare and social agency people 40, 50 years ago, they wanted to "get out," and they did, except one or two religious sects, and we were left with the jail down at the bottom. Now, 50 years later to turn around and try to put people is not going to be received with the joy or affirmative agreement you might hope for.

Those groups have shown they don't want this.

I think it is a joint responsibility, and just to put it under this magic word, ^{health,} is so much paper; it is not going to happen. In one or two instances it might.

I think the experience in Washington, D.C. is a pretty good example of this. The health structure was quite unable, unprepared, to take over such a responsibility, and ^{finally the courts} were suggesting they throw

the doctors in jail, instead of the drunks in jail.

I don't think this resolved any problem. It left a lot of people very angry at each other, which is history of the alcohol world.

I don't think the law and law enforcement people can get out of this business.

MR. LUMBARD: In the sense that there is a disorderly type problem confronting the community?

THE WITNESS: That's equal parts, disorderly behaviors and diseases. In order to get the alcohol problems out of the old moralistic ball park, they tried to put them in a new ball park, medical therapy; they find that the new ball park doesn't fit well either.

It is a very complex problem of disorder, disease ethics, economics, law and a whole series of things. I think what is required is some imaginative leadership saying what is to be done. This is quite different from everybody in line saying "I'm out next, I don't want to do this."

We may repeat ourselves in buck passing on this matter. I criticize that Task Force Report.

MR. LUMBARD: The President's?

THE WITNESS: Yes, in terms of buck passing and also for a lack of historical orientation. One can see governmental statements, the earliest I can recall was 1827 in Connecticut, which

said, "This was not a matter of law and law enforcement, but of disease, and should be taken care of by the health people."

You can go every ten years for the next 130 years and find these task forces/^{stating;} "Isn't this terrible, somebody else should do something about it."

I think it is time for these people to recognize this failure, that we have another revolving door.

We speak of the revolving door for the drunks coming in and going out. There is/^{also} a revolving door of task forces on the drunkenness problem, and they keep making the same reports every 20, 15, sometimes seven years.

I think we need a task force on task forces and on reformists as to why they are not making any significant contribution, and if they have good suggestions, and maybe they have,^{why} they have been unable to implement them and get any changes.

The criticism today, except for automobile accidents affected by alcohol, /is just about those of 60 or 120 years ago. We haven't gotten anywhere.

Now, another criticism of this Drunkenness Task Force Report, which/^{even} led many in leaders in the alcoholism world to be very aggressive towards that report, surprisingly enough, is that the chronic

drunkenness offender represents only perhaps five percent of the alcoholism problem, although a very dramatic five percent. One of the greatest problems in meeting alcoholism over the last hundred years has been a stereotype that the alcoholic is a drunken bum. Finally in the last 25 years we have gotten out of that; we now know alcoholism is spread throughout the society, and this drunken bum bit is a tiny percentage.

However, all the excitement, tension, and drama, with action by the Supreme Court, the Congress, the White House, may be frowned on this little bit then State Legislatures and foundations may come across and do something on this little bit. This can be considered a step backwards, if it makes the public feel we did something significant about the major problem of alcoholism when in fact we only hit that five percent of the problem.

To isolate out the chronic drunken offender from the whole field, without paying attention to the other 95 percent, could be a backward step.

I think the people raising this criticism are being hyperanxious. I think it is time we do something, even if to only do something on one segment of it.

You do have an alcoholism bureau. I can't

Alcoholism

say its name, the Bureau of Rehabilitation in the Department of Public Health, et cetera, in New Jersey. It is a very small bureau with a very small budget. It is not primarily directed towards this extreme group.

I do think that it has some know-how, some experience as to how to work with people with continuing alcohol problems.

I think it should play a part in whatever is being done, but with the amount of budget and size and support it has or has not got, ^{it} would be asking a great deal for them to do very much.

They are one of the smallest of all the state alcoholism agencies.

MR. LUMBARD: Your group at Rutgers was originally the Yale School?

THE WITNESS: The Yale Center of Alcohol Studies, and in 1962 we moved to Rutgers.

MR. LUMBARD: And you have been continuously engaged in what activities since 1962?

THE WITNESS: The same as before, in research, in biological science and chemistry, social sciences, psychiatry, in education and training, in publication of sociology and scientific literature, and we are the information or the documentation center for the

alcohol study field in the world.

MR. LUMBARD: The \$64 question.

THE WITNESS: All right.

MR. LUMBARD: After all these years of study, what do you recommend should be done in the State of New Jersey?

THE WITNESS: On what; on this chronic drunkenness?

MR. LUMBARD: How alcohol collided with the criminal justice system.

THE WITNESS: I think there needs to be some significant leadership, whether through voluntary or government accelerators, some leadership on doing something. I think this is the immediate key need, who is really concerned about doing something about these problems, who has a little weight and a little oomph, so that something will happen, and I will say that this has been markedly absent. The closest thing you had to it in the last 20 years in New Jersey has been the development of Alcoholics Anonymous.

I would say next, I ^{certainly} would like to have information, and I distinguish that in many ways from research. I think from the point of view of research,

we are more advanced now than we were years ago, but we need some applied information, better information than we are getting now as to the extent of these problems in New Jersey, the different types of problems that there are, and as to what is, in fact, being done, as opposed to the usual talk.

I think we need some activity on what I call this chronic drunkenness offender population with recurrent problems with alcohol, especially those of the lowest socio-economic status. These are the people who get almost nothing, except jail terms.

In setting up such a program, I would-- there are a whole series of things I could suggest to do, for example, sort of facility, sort of community action, sort of therapist, all that, and I would accept most of the tested techniques.

I would strongly suggest, however, that the very people who are involved in the problem be involved in doing something about the problem.

In other words, when it comes to working with what is called the skid row offender and so, that these very people be utilized as aides, as helpers, as there are many functions they can serve, instead

of trying to depend upon high price, scarce, and frankly, very disinterested professionals, such as psychiatrists, physicians, ^{usual titles} psychologist, the/ proposed.

This is a matter for utilizing the very people who are being hurt or who are hurting the community.

I think we have had a tremendous illustration on how this works through Alcoholics Anonymous, very largely on a middle class level.

We know also that this will work on this other level. These people should be utilized, they should be given a certain amount of training, on the job training, and it is important that they themselves should be paid, I think, for working with others in this field. This will allow visible signs of activity to those who are the chronic drunkenness offenders, to show that we mean something, that somebody who they understand can talk to them. They can't talk to a psychiatrist, it doesn't mean anything, or a middle-age person who has a certain type of clothing, job, language, they can't talk to these people, they can't believe them.

There / ^{will have} to be one or two experiments on this level. I think there is mentioned perhaps in the Drunkenness Task Force letters, the work tried by the Vera Foundation in New York City, the experience

going on in Atlanta, the experience in St. Louis, perhaps particularly the failures of the experience in Washington, D.C. These things are around us.

Maryland has just passed legislation on the whole drunkenness matter. I believe the Governor just signed it.

MR. LUMBARD: What kind?

THE WITNESS: On the chronic drunkenness offender and all alcoholic problems. It was enacted because ^{expected} of the/Supreme Court decision in the next month or two.

MR. LUMBARD: What does it say or do?

THE WITNESS: Almost repeats the language of the Drunkenness Task Force; where alcoholism is involved in a drunken offender case, that this primarily is a matter for health and rehabilitation, for community action, other than police, punitive action, court, jail, et cetera.

The Alcoholism Bureau, Department, or Division located, I think in Mental Health ~~Department~~ should take a more active role in developing community resources for dealing with these people, et cetera.

There are one or two criticisms of that legislation, the major one being the appropriation which

was to come at the end was left blank, which left those who are given the job a very sorrowful feeling, but even this much, I think, was an innovating step.

Except for the District of Columbia,
/I don't know of other legislation like this

yet, although the Supreme Court decision is probably going to result in several acts of this sort.

I think as these people start doing something, they will begin getting followers, which I don't think they were getting before, community action, service, which are separate items.

As you do one, you learn the others, that something can be done.

I think there are many things that could be done. I think there are many groups around the country in the last fifteen years that have had/^{relevant} first experience. But/^{first} there has to be a will, and there has to be some guiding leadership up at top to make this go. There are people, researchers, leadership, who know how to go. I don't say they are a hundred percent effective, but/^{their activities are} more effective than what is going on now. This would cost money, no question about that. You are not going to get it for nothing.

If you could relieve some of the time of police, some of the time of this patrolling and

paddy wagon, some of this lock-up time, some of this taking people over to the Court, ^{Court activity} Some of the/ itself -- they usually handle these cases in a minute or two, particularly when you get to these big city courts, and it is a disgusting sort of thing.

There are plenty of things to do, although none are perfect. Although the research is here, what it needs is recognition, leadership, and then action, and I think we're long overdue.

This is my feeling.

MR. LUMBARD: Well, Doctor, I'll come back to the specific, the \$64 question. What do you recommend that New Jersey do next?

THE WITNESS: I used to write books and pamphlets advising everybody what to do. I learned a long time ago to give that up.

MR. LUMBARD: You can't get away that easily. Rutgers is part of the State University. You put your whole life into this field, this great effort. Now I want to know what next, specifically, not more information, more studies today, but what do we do. Part of which, of course, might be to study, get more information also, but

what action.

THE WITNESS: I would find the city or segment of the city in which I felt that there was concern and interest and obviously a problem and start with one or two action units.

Now, this would require a certain amount of money. It would require some organized leadership, imaginative leadership, that would be given responsibility by the State Government to develop certain kinds of services.

Now, I would say above all, these services must be in conjunction with other services in the community. You don't want to isolate these problems from everything else.

Take some of the experience from New York City, Baltimore, Philadelphia, and put it to work. We have these things. I can't give you a blueprint now, but I think you can see these plans written up, some of those written in the Task Force Report.

I don't think this is the place to try to work out a blueprint.

A plan can get going, because we have seen them going in four or five cities, within 200 miles from where we are at the moment.

Rather than trying to work out the great plan

all over, I would take the advice of knowledgeable people as to what sort of people you use on this, how large it should be, what goals are going to be, what your relations are going to be with, vocational rehabilitation, hospitals, and police department are going to be needed and go into action in 2 or 3 places.

I would strongly hope there would be evaluation going on right at the time, and that they would come back in a year or a year and a half and say what they did. They would report that we spent this much money and this is what we did.

But I would hesitate to spend too much time on great research programs and theoretical statements. Things are presently going on, you can see them and they can be used.

MR. LUMBARD: All right. There are various alternatives from which to choose. There is the new Vera Project in New York. There are others in Washington D. C. and elsewhere. Do you have any suggestion for the State of New Jersey as to which of those we might commence with?

THE WITNESS: I would feel that a combination -- I have been in St. Louis, but I haven't gone out to that facility, but I know the people running it. I would say that some of that, with the thrust of the Vera people--and this has now been turned over to

somebody else -- as you probably know -- to go beyond the police department, perhaps using this volunteer group, these scouts, or I forget what they call them, and go out on the streets.

MR. LUMBARD: They are not volunteers in New York. It is a team made up of policemen, who handle the disorderly problem or bringing in of the persons, assist in that regard, usually an alcoholic.

THE WITNESS: That is the person I was talking about.

MR. LUMBARD: They are not volunteers.

THE WITNESS: They are paid. They are not policemen and not social workers.

MR. LUMBARD: To get specific, do you suggest it would be advisable for New Jersey to commence seeing if this kind of facility could make a contribution?

THE WITNESS: Yes.

MR. LUMBARD: Where in New Jersey should this be located?

THE WITNESS: I'll just point out two opposing viewpoints here. One would be to go to the most difficult, as I see it, the most complex place you could go, let's say certain areas of Newark. I also

see a certain objection to this, although the need might be the greatest there. The other problems are so enormous, that I wonder whether you would really get a testing of the value of this project, if it were to be done. I suggest it also be tried in a place where there was less extraordinary complexity, so one can get a better testing, to find out if it will work.

I had proposed sort of a preliminary plan to the State Department of Health alcoholism group a year or two ago, which suggested Trenton, as opposed to Newark, for just that reason. There was enough of a problem, you had a big city, et cetera, but wouldn't run into this enormous problem.

MR. LUMBARD: Would you recommend one sort of pilot facility to see how it goes, before any greater program is undertaken?

THE WITNESS: The word facility I would question. I think many problems died on that basis. They got so concerned with beds or a building. We are talking about maladjusted people in daily life, and we are not preparing people to live inside an institution. It is a matter of liaison, as to how you attach this facility to a community health group set-up, so people don't jump from one agency to another, to put too much reliance on having 20, 30 beds in an institution.

In other words, you are going to change the revolving door to that place, instead of the jail.

Although you need such a facility, I think that is/ ^{just one} but of the means, /not the central means at all.

The central point is for that proportion who can be rehabilitated, who can make life out there, without being a pain in the neck to everybody in the community. A facility with X beds is leaning on a weak strand.

Indeed, if that is all that is done, I can assure you, within two years, people will say we tried that and failed.

It is the matter of these people living through time in that community, 24 hours a day, on their own, increasingly independent, not having this drunkenness manifestation, which is your goal. The setting up of just single facilities within which people will stay for two or four days, ^{only} is/a first step in work with them and by itself will accomplish little.

They need support, friendship, they need some kind of job rehabilitation, they need to change their old view of themselves with their peers,

not with some psychiatrist or somebody else, not in their world.

It means that certain agencies in the community, which had for generations avoided drunks, hated them, distrusted them, punished them, will change. Very gradually as they begin to work with them they will find they can do something. We have many resources, Salvation Army, A A, the local employment office, the Youth --whatever they are -- Economic Opportunity people, and so on, they're there. These people needs God's help and assistance of many sorts. Maybe 20 percent of them can be helped at this time. Maybe 50 percent in five years as we learn more.

Beyond 50 percent, the more difficult it will be. You get a hard core. Maybe you aren't going to do anything with them in our time. But now we're doing nothing for any of them.

MR. LUMBARD: Would the school you head at Rutgers University be interested in assisting in the development of one such facility?

THE WITNESS: Without any question. We have one member on our staff who is working with two such groups in New York City, who is acknowledged expert in this field.

MR. LUMBARD: How large is your staff?

THE WITNESS: The permanent staff, that is 12

months, year round, who are of a professional status, I would say would run about 20 or so, plus eight or ten graduate students, who are some half-time, some full-time. So it would run about 30 people. This would expand, at times, when we run the Summer School, when we would bring in 16 outside staff members for a month.

In all, if you take in secretaries and everybody else, it's a group of about 40 to 50.

MR. LUMBARD: Could you write the Chairman of the Committee, Senator Forsythe, a letter within the next several days that perhaps you could develop, together with your facility, as to a hard, a very specific suggestion, for that first step, which we have been talking about and what Rutgers might do, your school might do, to assist the development in that step, how should that step be designed, what roughly, what potential budget would it entail, what would be your best professional opinion as to where it should be located?

THE WITNESS: When did you want that?

MR. LUMBARD: Within the next week. We're talking about an expert letter.

THE WITNESS: Yes, you are.

MR. LUMBARD: Then you misinterpreted me.

A rough outline would be enough, but ^{detail for} sufficient enough/
non-experts to begin to understand.

We're not interested in whether you are going to give paragonite or what you are going to give for breakfast.

We're interested in a rough outline of what the idea is and what would be accomplished and what would be done and what would be the budget in the inception, not done to the cents. I think you understand what I am talking about.

THE WITNESS: Yes.

MR. LUMBARD: It is not going to be examined in the technical level in any sense.

THE WITNESS: Yes. That makes it harder.

MR. LUMBARD: But the non-technician is going to make the decision.

THE WITNESS: That's correct.

MR. LUMBARD: So the objective is try to satisfy the mind of these other persons.

THE WITNESS: I just don't think I can do that in a week. I happen to know I'm going to be out of the State; Dr. Rubington is going to be going in to New York for two or three days. So if you give me two weeks, I'll try to get it in.

THE CHAIRMAN: Fine.

THE WITNESS: You want blood.

MR. LUMBARD: The 19th. It is very important we have it for the 19th.

THE WITNESS: All right.

THE CHAIRMAN: It would be very helpful.

THE WITNESS: I will go up there this morning and try to start action.

MR. LUMBARD: It should be in the Senator's hands on the 19th, not mailed the 19th to arrive the next morning.

THE WITNESS: I'll bring it down myself.

MR. LUMBARD: Do you have any other suggestions? We're not trying to be specific, but gathering the kind of information in a routine way we talked about. There is a proposal that is being considered by the Committee to have a Criminal Justice statistics system, which is perhaps beyond the scope of the present criminal records, which doesn't seem to make reports out.

THE WITNESS: That's right.

MR. LUMBARD: So it could be perhaps put in that consensus, some information on that level.

THE WITNESS: We have just been working over in the Alcohol Traffic Accident Field. We had one man, a police administrator visiting 17 or 20 departments in nine states in the northeast, to study the actual reporting, not so much what the policeman wrote down at the scene of the accident, but what happens in the next three or four recording steps, and all we can say is, that the information that comes out to the public is almost meaningless. Whether through the National Safety Council or through the FBI reports, or the reports that go into State Governments, that although a given department might have some figure meaningful for that jurisdiction, we have only found three or four in the country, which are useful for understanding and for policy. Whenever you try to combine two, the figures are meaningless.

MR. LUMBARD: What jurisdiction, would you suggest, as a model?

THE WITNESS: This study concerned reporting on alcohol involved traffic accidents. That's different.

MR. LUMBARD: I see.

THE WITNESS: For that, there are one or two pretty good systems. We found Columbus, Ohio, and Santa Clara County in California reliable and representative. We utilized a lot of their data.

This is different from the chronic drunkenness offender

group, but it's amazing how they overlap.

MR. LUMBARD: Who keeps good record in that system?

THE WITNESS: This subject has hardly been considered by the police world, is hardly mentioned as such, even in text books in that field.

I know some of these people, O. W. Wilson, for instance who wrote a two volume work on police administration. I pointed out to him at least 15 years ago that the word alcohol came up only three times in two volumes. I pointed out in his own department, when I was visiting them, that in two weeks, something like 30 percent of the arrests was of this nature. It was not a popular subject. It has been avoided, and in police academies, they are putting an odd legend on alcoholics, which is a narrow part of the police responsibility.

I think it is need for considerable rethinking although any dent could probably do better.

For instance, I believe that in Charles, South Carolina, there are 27 or 28 different alcohol items for arrests and in another department there will be one. In that department, whatever the offense, there is the opportunity to report whether alcohol was involved and thus develop a more meaningful

and then distinguish them.

How they happen to do that, I couldn't tell you. Perhaps some temperance group 30 years ago forced them to do it, but this is very rare.

MR. LUMBARD: Do you find a relationship of any kind or not between those who become addicts to narcotics and those who have a serious alcohol problem?

THE WITNESS: Yes. I would judge from what we get from clinics around the country, that somewhere from 30 to 40 percent of the alcoholism clients they get are on some other drug or have been with ^{some} at least/regularity using some other drug. You said narcotics?

MR. LUMBARD: I would expand to narcotics and dangerous drugs.

THE WITNESS: When these get dangerous, it is a matter of professional whim. We all agree heroin is dangerous. When you get down to tranquilizers and others, the psychiatrists fight with each other. People who get in trouble and are in trouble a series of years, let's say, and who find relief through a chemical, are very likely to hit ^{upon} alcohol first and are also likely to experiment with others. Which one will

become a drug of preference for them, is a matter we don't understand.

We know it is 20 to one alcohol over any other. Those of us in the alcoholism field are inclined to snicker a little about all the excitement about drugs in terms of numbers.

In these terms, I think the estimates, and I underline estimates, would run closer to 40 to one, alcohol addicts to all the others, but these are just estimates. That is the sort of ball park you are in, however--an enormous disparity in numbers.

Then we find this specific title, this is an alcohol addiction. ^{For many purposes} /this is not a good title, because ^{Of course many} many chronic problem drinkers are not addicts./alcoholics don't touch other drugs. Some drug addicts even sneer at alcoholics. However, even of these we often find out if they can't get their drugs, they may go for alcohol, although they don't like to talk about it.

People who are in trouble can find they get relief from chemicals. It's very likely that they will move from one to the other. That there is any necessity for one who uses one to go into the other, no, not at all. But, suddenly there is a great

overlapping of people with problems.

MR. LUMBARD: Do you find that there is a particular concentration of this alcohol problem with so-called problem families?

THE WITNESS: Almost by definition. You see, the alcoholic usually has a relatively long career. Sure, he dies ten years earlier than otherwise, but he will be an active alcoholic in one stage or other for ten, 20 years.

If he has a family, these people are going to have to react to fighting to certain disgracing behavior, his income goes down, and that he becomes a less regular, less socialized person. Something is going to happen in the family, something is going to give way. So there are other problems, almost certain not only him, but in the families.

It is a pretty tough thing for a 6, 8, 10, 12, 14 year old child to have an alcoholic as a father. They're going to be a little different because of that. I can't tell you just how, but the mother also is going to react to the alcoholism and that will show up in the family.

We know people with alcohol problems show up in greater numbers, let's say, with tuberculosis.

TB people began to have a tremendous^s victory in the forties, the fifties. The rate kept going down, down, down, and all of a sudden the rate dropped and went into a plateau. Public health researchers went into public T B sanitariums -- private, alcoholics are not going to get in -- and found 30 to 40 percent of the people in the public sanitariums were alcoholics. You go to skid row areas, where the incident of chronic problem drinking is very high, you find rates of TB are 20 times the rate in the next adjoining counties. There is a tremendous overlap of TB and alcoholism. There is a tremendous overlap of drinking driving problems, obviously. Alcoholics tend to have a whole lot of other problems, not just traffic, not drinking. They're on all the other lists.

They say 20 percent regularly on public welfare rolls have a chronic drinking problem, this is probably a minimum.

Nobody is given any reports. We know in some agencies, they put the word alcoholism down, the client is thrown off the list.

The same thing occurs in many hospitals, the word "alcohol" is omitted, and very obviously why. Maybe a change is coming about.

Fifteen, twenty years ago, alcoholism in mental hospitals was somewhere around 8 to 11 percent, but today it is the single largest category of cases coming in.

There is a change in recording in some ways. This is a very exciting change. It means people are getting to recognize the problems, and public welfare people are going to report this pretty soon.

Certain agencies, institutions and companies know there are problems in the company. Now, they recognize this on the lower echelon. They don't have the junior executive so labeled, but they're coming to have this recognized. I would say on the upper echelon, there are going to be articles on that in three weeks, the Dun & Bradstreet magazine, ^{and} Fortune. It is coming out, and after this is recognized, then it is possible to do something.

This recognition of chronic offenders on the streets keeps coming up and coming up, but nothing begins to happen. As something begins to happen on the higher level, something will happen, other than this breast beating that goes on every 15 years.

I think there are things to be done. You put me on a spot say it, and then I'll get pessimistic about an immediate program. Give me 18 years --

MR. LUMBARD: We want to be very practical. You had all the years you really need.

THE WITNESS: All right.

MR. LUMBARD: One last area of question. The Committee is concerned with the area of juveniles and, of course, it must be, concerned with crime in America today. We appreciate any comment or reactions you have about the relationship of alcohol and alcoholism with youth, and as they must thus collide and result in some kind of response to the criminal justice system.

THE WITNESS: Well, is youth to mean those under 21?

MR. LUMBARD: Yes.

THE WITNESS: I'm afraid I'm going to have to adopt what may be an unpopular position. It doesn't lead to headlines. I think youth has been used as one of the chief scapegoats in this area.

In such studies as we have, we find that youth, particularly those under 21, tend to drink in small amounts. About 70 percent or more probably do drink and have been alcohol users for a year or more. It is true that they are inexperienced drinkers, and so their behavior may show a greater change

of amounts of alcohol^{consumed} than would be the case of a person with ten years experience in drinking who had the same amount.

Nevertheless, the relationship of alcohol to their behavior which is disorderly, unpopular with adults, or whatever, is, I think, vastly exaggerated.

Most of the behaviors that they are showing are quite characteristic of the same youths without the alcohol. It does make it seem to the middle class, older generation, peculiarly objectionable, and they show the same behavior when they have a can of beer or four drinks. Then when you get this very occasional use, almost always a boy who does drink, in the way say an adult would be excessive, like that Darien case of four, six years ago, it turned out that a great campaign was waged against drinking youths, against youths, and a very great campaign had been waged.

I was told by people who were there that this Darien boy had 12 or 13 shot glasses of whiskey in an hour or an hour and a quarter before this event took place. This is not drinking, but is alcoholic ingestion and a very different behavior.

MR. LUMBARD: It is a wonder that it wouldn't

kill him.

THE WITNESS: Youth can take a great deal. You can see the amount of beer they can drink, which a person over 25 can't take. This business of filling the tables with empty bottles, I never saw anybody over 23 or 24 do that. It is almost amazing. The same boy was picked up again, this time with drugs.

MR. LUMBARD: With what?

THE WITNESS: Drugs, the same boy in Darien. This was, I would say, a very sick boy. To explain his behavior in terms of drinking by youth, is, I think, a very far-fetched idea. If it wasn't alcohol, it would be something else. This was a sick kid.

Youth can be objectionable to a person over 30, particularly since they have more money, more cars, more freedom. It's quite true, they are going to experiment with being adults as a usual thing, and one of the ways of being an adult is drinking, especially for boys.

Does this automatically mean that it leads to crime, criminal behavior and the like? This is not so.

I can say this, I think definitively, studies have been made in all parts of this country of

drinking behavior of 14 to 19 year olds and the percentage of those using alcohol, more than once or twice a year, may run anywhere from 40 to 80 percent, among these is the percentage who become delinquent. One Staten Island study shows an exact reverse relationship between the two behaviors. The kids who did the most drinking, the heaviest, did commit the heaviest disorder, but not when they were drinking. It looks like one substituted for the other. When they were drinking, they weren't picked up. The ones that were picked up by the police were picked up for behaviors not preceded by drinking, yet this easily is one of the most popular correlations youth disorder and drinking, which has allowed a magnificent scapegoat for people to attack.

There is a problem here, a tremendous problem, about educating youth about alcohol and drinking, one on which we do a rotten job.

To jump off to this alcohol-youth-crime problem is avoiding the real issue, because we know it is the male between 25 and 50. Whether this is out on the roads driving -- of course, you get youth when the crimes are more violent -- or to drunkenness which usually isn't violent at all, the great bulk of the arrests are the older men.

MR. LUMBARD: All right.

THE CHAIRMAN: Just one question, Doctor. You know there has been a long term discussion, if not controversy, about the drinking age in New York and New Jersey.

THE WITNESS: Yes.

THE CHAIRMAN: What are your thoughts?

THE WITNESS: I don't believe that the law as to age of drinking, when it's a restrictive law, is of very great effect in this county. Whether it is 22 or 20 or 18 or 16, doesn't seem to make much difference in the behavior of the parents of those youths, because when most of the youths drink, according to their reports, about 50 percent are drinking with the knowledge and at least a partial acceptance of their parents, and this is a source of conflict.

The law has little effect on the behavior. It remains an unproven hypothesis.

It is very interesting to note that in a country like Poland, where the age limitation is down to 18, they find that it has no effect either. The age when drinking begins over there is about 17. They had the age limitation higher and lower.

My first comment on this, insofar as behavior is concerned, is that these laws have not been very significant in relation to actual behavior.

I happen to disapprove of them, because I think they make both parents and youth 100 percent aware that some laws, the ones they don't like, are silly, unpopular, not believed in by anyone and unnecessary to obey. I happen to feel that is quite significant. Thank you very much.

THE CHAIRMAN: We thank you very much, Doctor. Thank you for being here.

THE WITNESS: And I will put in something by the 18th.

THE CHAIRMAN: I think we will take a five-minute break.

(A short recess was taken.)

THE CHAIRMAN: We'll call the hearing back to order. The next witnesses are representatives of the New Jersey Association of Chosen Freeholders. Senator Coffee, who is a past president of that association is here, and I think he'd like to introduce the witnesses for us.

SENATOR COFFEE: Mr. President, it's a great pleasure for me to have the opportunity to

comment and introduce some of my former colleagues of the State Association of Freeholders and who have asked and been afforded the opportunity to appear before your Committee.

Senators, Assemblymen, distinguished gentlemen, the Freeholders Association, I think you are well aware, has not only been interested in the County collectively, but in all matters having to do with the responsibility of operating this great State of ours.

We feel the association also stands ready to be a part of operating and cooperating with the State of New Jersey, to see that this State is made a safer and better state in which to live. We hope to have this morning two representatives to appear, Freeholder Farley and John Bennie from Camden and representing the State Association of Freeholders, to speak on two subjects. Mr. Bennie has been detained in Court in Camden and is not here as yet. I am going to ask you, after you hear our first Freeholder, ^{that} you hear from Mr. James Lamping, of the State Association of Freeholders.

It is my pleasure to present to you, a member of the Essex County Freeholders, the

Director, who I think has distinguished himself as an outstanding public official, and he is representing the State of New Jersey Freeholders Association, and I would like to present Freeholder Thomas Farley of Essex County.

T H O M A S F A R L E Y, duly sworn.

THE CHAIRMAN: You have a copy of a statement?

THE WITNESS: I rather just try to develop them without any formal statement.

THE CHAIRMAN: Proceed.

THE WITNESS: I'll try to present this as quickly, in as best an organized fashion as I can.

There is presently pending, both in the Senate and the Assembly, about five bills. In essence, these bills would turn over the fiscal responsibility of the Superior Court of New Jersey to the State of New Jersey. In effect, it would be transferring the cost of the Court from the Counties to the State.

Now, essentially what happens is this, and, of course, I examined this problem from Essex County's point of view, but I think the same position would apply to the other counties.

We're living with an antiquated, 19th Century format, as to who has the responsibility for operating

the Superior Court. As a starting point, you could say this is a State oriented agency, that is, the entire control of the Court, the policymaking, the appointment, right down the line, everything related to the State.

The County has no control whatsoever over the Superior Court, but in somewhat an inconsistent way, the body controlling the Court does not pay for it. So there is a divorce between the governmental body that controls the Court and the governmental body that pays for the Court.

It is not sound that the part that controls doesn't have the responsibility for paying the Court.

Now, under this ancient set of laws that presently governs the fiscal responsibility, the County pays about 93 percent of the cost of the Superior Court, as it is distinguished between a Court of Chancery and a Court of Law, that is presently the formula or the dividing line as to who pays for what.

Under our present law, the State pays for the Chancery Court and the Counties for the Law Division.

Well, anyone that is certainly in the law business knows that the litigation explosion has occurred in the Law Division, where we have thousands of automobile negligence cases.

What it boils down to, that the Counties are paying for 93 percent of the entire expense.

Now, we have no say in this. We don't appoint anybody. We have absolutely no control whatsoever over the Court.

Now, oddly enough, I can just relate this to Essex County, one of the glaring inequities in Essex County in 1966, about 10,000 cases were started in the Law Division. If you multiply that out by the filing fee, \$35 to file a case, and the \$10 to file an Answer, the state got about \$450,000 for the filing fees, even though we are paying the operating of the Court, the State retains the filing fees.

This money does not work its way back. You have a horrible inconsistency. Not only we pay the whole operating, we don't get the revenue.

Certainly, it seems to be fair and equitable, the agency paying, should get the money from the filing fees.

I discussed this with Mr. McConnell, the Administrator of the Courts, and he frankly concedes that really, the thing of the future, is that the State should bear the cost of its court system.

I quote from his recent letter to me, dated January 29th of this year, "If it is determined that part of the cost of the government not borne by the County should be assumed by the State, the cost of maintaining the Superior Court would certainly be a logical one to be transferred. Another, cost of the probation service, is not borne completely by the Counties. Incidentally, I think the trend nationally is towards the Judicial Branch of the Government financed by the State, rather than local level."

So this is a statement by the Administrator of the Court, that we are running contrary to the acceleration of the policy as indicated by other States.

I have a letter from Judge Weintraub that I don't want to quote from. He says the present system is haphazard, ^{this} is the word he uses.

MR. LUMBARD: Court or financing?

THE WITNESS: Financing. What we would like to do is correct this fiscal problem, which we think is inherently unsound, by giving back the fiscal responsibility of the Courts to the State, in view of the fact that they operate them.

I don't think anyone could logically say here, hypothetically speaking, that the County of Essex was paying Governor Hughes' secretary's salary. We would all laugh. The analogy is all different in relativity.

Why should the Counties have to pay for this State problem, especially impacted Counties, with a tremendous amount of welfare and poverty, really feeling the sting.

In Essex, if we change the formula, it would mean a savings on local level of about a million and a half dollars a year.

Of course, this problem is accelerating every year.

Let me give you a few specifics on it. You'll have the Supreme Court of New Jersey, ^{and} the Appellate Division, where they say ^{that} in juvenile proceedings you have to have a transcript of the records. Well, this will ultimately percolate down to the County level,

and the Board of Freeholders will get a Court Order, that in view of this recent case we have to go out and buy five new recording machines, and every machine has to be manned by a person that earns about \$6,000 a year. So we're confronted with the problem of a unilateral edict presented on us. We can't discuss it, because we get this bill, not in the form of an advisory consent, but in the form of an edict. It comes in the form of a Court Order.

I just think that we should try to make some progress and try to bring the fiscal responsibility of the Court system into the 20th Century.

I honestly think, gentlemen, that this is ancient in its thinking, and we ought to bring ourselves to the reality of the day and let the State finance that which it controls, and certainly this problem of not getting any of the fees is outrageous.

Let me give you another example. We get a Court Order --

MR. LUMBARD: When you say how we feel in Essex --

THE WITNESS: I'm speaking of the Freeholders.

MR. LUMBARD: You're speaking as the representative of the County.

THE WITNESS: But I'm relating --

MR. LUMBARD: As a case history, you're using Essex County, which you are a Freeholder?

THE WITNESS: Yes. What happens in Essex, we get a Court Order, we are to receive four new Superior Court Judges. We have a tight problem on space up there. We have to do it. We have to rearrange our whole courthouse complex, and recently, in order to provide facilities for all of these new Judges that are coming in, we had to move a traditional County agency out of the courthouse, so we could make the space for the four new Judges, and, at the same time, we had to relocate our Probation Department in lease quarters outside.

This is costing \$168,000 a year, to lease facilities for the Probation Department. So you can see this backs up, and the cost is just tremendous, and my simple point, and I didn't think ^{I'd} / have to take this long, is that it would seem to me good fiscal policy to have this State underwrite the expenses of its own Court and not saddle the Counties with the expense over which they have no control.

I would be glad to answer any questions you have.

MR. LUMBARD: The first question appears to me, wouldn't the same logic apply to the Prosecutor's office?

THE WITNESS: Yes, but I had --

MR. LUMBARD: I'm talking about ^{prosecutors being} entirely paid for by the State, entirely controlled by the State, entirely free from the County Government.

THE WITNESS: Let me say --

MR. LUMBARD: Right?

THE WITNESS: Yes. The Musto Committee came out, which I think is a marvelous piece of work, on the State and County Government. They made an interim recommendation that any State department or service that is run by the State, ought to be financed by the State, which would embrace the Probation Department, Prosecutor's office.

MR. LUMBARD: If it embraces the Probation, should it also embrace the County penitentiary and County jail?

THE WITNESS: I think you have to draw a distinction between a County penitentiary and County jail.

MR. LUMBARD: How?

THE WITNESS: It is the County's problem.

MR. LUMBARD: It is the same legal system. They're just the end products of the same legal system, that the whole thrust of your logic should be the same. If the prosecutors are to be State, and the Court, ^{since} they are endorsing State Law, it should equally apply to the correction system, which is simply doing the end product with State Law, that they encourage --

THE WITNESS: Let me return to my primary thrust, which is that there is a divorce between control and fiscal responsibility. You have an inherently unsound situation. Let me relate this to the County Jail.

The County Jails are not run by the State. We run the County Jail. We hold the budget up or down. We can do anything we want. We fire people, hire people. We make the policy.

We do not have this with the Superior Court, for probation, or prosecutor's office. We are mute in this area. They don't want to know what we think.

What I am saying is, there is a difference between the jail and other State agencies.

MR. LUMBARD: I see the difference, only in practical operations, not in the theory of logical sense, why the State should take over at first.

THE WITNESS: I would say this, Mr. Lumbard, if I come back 25 years from today, you will find the Superior Court, the Prosecutor's office and the Probation will be the fiscal responsibility of the State.

MR. LUMBARD: How many years?

THE WITNESS: I'd say in 25 years. Hopefully, we're trying to make one move at a time. Especially in the impacted areas, we have such problems, that we need relief, because, in my own particular County, and I know this exists in other Counties, the rising cost of County Government, have left the residual so little that you have a confiscatory tax on real estate. Mr. Owens knows this. You can have a modest home in Newark -- my mother lives in Newark, in a home not worth more than 18 or \$20,000, and you have a real estate tax of \$1500. This isn't good for the community.

What we're trying to do is lift some of the onus off the County and put it where it really belongs. We have to reduce the impact of real estate taxes.

MR. LUMBARD: Is it not applicable, therefore, in the same logical trend to the County Jail?

THE WITNESS I don't exactly follow you, Mr.

Lumbard.

MR. LUMBARD: Should the County Jails be placed within the State correctional system?

THE WITNESS: I don't think so.

MR. LUMBARD: Why not?

THE WITNESS: I thought I answered that. I said as long as we control a given function, I think we should bear the fiscal responsibility for its operation.

I can say that with respect to the County Jail, we do control and operate it. Hence, we should pay for it. I say this, we do not control the Superior Court and we should be in some way relieved of the fiscal responsibility for it.

Just last week we were given another set of bills over which we have no control. I feel rather strange as an elected officer, receiving \$10,000 a year, in many instances having nothing more to do than to receive Court Orders and pass them on to the treasurer. It is not the right way to run the shop.

MR. LUMBARD: Aside from the mechanics of the payment, is there a substitute of reason why you feel it should be either under State or County? I come back now to the County Jail. I am going

to the merits of the case, rather than the method.

THE WITNESS: Is this in respect to the Superior Court or jails?

MR. LUMBARD: The jails.

THE WITNESS: I would feel that substantially, or any way, sir, that we in Essex, or any other County, should bear the cost of its own County Jail. I think the running of the jail is incident to the running of the County, and as long as we control, I have no objection against it.

THE CHAIRMAN: One question, Mr. Freeholder. I think you're aware that the Chief Justice, in this whole area of the Court, has also recommended that the County Court, for instance, be integrated in the Superior Court. What is your feeling?

THE WITNESS: I'm strongly in favor of that. To me, it doesn't make sense to have this piecemeal courtroom, which even causes a great deal of problems on the County level.

My pleading of that, if there is a merger of the Courts, as a by-product of the merger, the State would assume the fiscal responsibility.

MR. LUMBARD: Is it the position of the Freeholders as a group that their response to the Senator's question would be the same?

THE WITNESS: Yes, no question about that, in the most affirmative way possible. We would concur with a consolidation of the Courts, that would be my feeling.

THE CHAIRMAN: Any other questions?

MR. LUMBARD: The Committee has been considering the whole structure by which the criminal justice is administered. You have spoken of several, facets and we're grateful for your raising them. Are there any other recommendations that you want to bring to our attention?

THE WITNESS: No. Actually, ultimately, I concur in the statement you made, in the form of a question to me, the whole package that is controlled by the State^{and State}/oriented, the Court system, the Prosecutor's office and the Probation office, should be the fiscal responsibility of the State, and I must also state that the Musto Committee's recommendations were quite firm in that respect.

THE CHAIRMAN: Coming back again, I think you said that there was a difference between the County Jail and County Workhouse in your interpretation?

THE WITNESS: Yes. I think I could elaborate on that. In Essex County, we have a County Jail and penitentiary and we bear the expense of both.

In almost all other counties throughout the State, they would only have a County Jail. I think they're three or four counties with a County penitentiary as well.

MR. LUMBARD: They have workhouses.

THE WITNESS: Yes.

MR. LUMBARD: Same function.

THE WITNESS: A penitentiary, I think, for a person that has a lengthy sentence, whereas where the jail is somewhat of an interim custodial institution.

THE CHAIRMAN: Could we perhaps clear this a little bit more, that the prime function of the County Jail is for the detention of those awaiting trial, whereas you move into the correctional system after trial, would you then say that the correctional system should be a State function, all the way through the whole system, or do you still feel that the County Jail, wherever it is retained, is still a County function?

THE WITNESS: I agree with your former premise.

THE CHAIRMAN: That the correctional system is a State problem?

THE WITNESS: Surely.

THE CHAIRMAN: And the jail would be a County problem?

THE WITNESS: Yes. I think it is unfair that some Counties have a penitentiary, but I certainly would agree with that, that it would be uniform throughout the State and organized from a centralized concept.

MR. LUMBARD: You provide for flexibility of program, transfer from one place to another, where now all this is quite impossible.

THE WITNESS: Absolutely.

THE CHAIRMAN: Thank you.

SENATOR COFFEE: I assume that all of you on the panel are familiar with James Lamping of the State Association of Freeholders, and ^{he is} one of the reasons the County and the Freeholders Association in recent years have made great strides in the administration of local and county government.

Mr. Chairman, last year I had the opportunity to represent the State Freeholders, to serve with you.

At that time, the counties developed a position, which was upheld, the Public Defenders Commission, in that the Public Defenders system be financed by the State of New Jersey and not by the counties. The counties were very grateful.

There is another subject matter which is now before this Legislature, and it has to do with extending the Public Defenders' Act to juveniles. You are very much a part of that legislation proposal, and, I think, Mr. Lamping would like to develop some dialogue and present the position of the State Freeholders Association pertaining to this matter.

So it gives me a great deal of pleasure to present Jack Lamping, Executive Director of the New Jersey State Association of Chosen Freeholders.

J A C K L A M P I N G, duly sworn.

THE WITNESS: Mr. Chairman, members of the Committee, the Gault decision of the Federal Court, the Supreme Court, has changed the matter of criminal justice in relation to juvenile court, and all of us have come to realize that we have been perpetrating upon minor members of our society a different type and brand of justice than what we have extended to those who have reached their 21st birthday or legal maturity.

MR. LUMBARD: Even with the best of motives.

THE WITNESS: That I would concede. At the same time, we have recently set up a system of Public

Defenders here in the State, which, because of the fact that most of the offenders are brought before the Court are not accused of indictable offenses the statute as presently constituted, does not extend to them.

We're dealing in an area of indigency, where the economic resources of the families, the parents or guardians of the minor children are concerned, and your Bill, Mr. Chairman, with your co-Senators, adequately reflects a manner of taking care of that.

We would like to place county government squarely on the record as being in favor of not being perpetrators of the old method of voluntary or assigned counsel, and presently the Courts, reacting to the Gault decision feel forced to assign counsel, above and beyond or outside of the purview of the Public Defenders' system, and we strongly recommend on behalf of 21 counties in concert, that this legislation be passed with the support and recommendation of your Committee, to the effect that juveniles on non-indictable offenses may be included under the services provided by

the Public Defender.

I would like to stand on that statement.

MR. LUMBARD: We had testimony yesterday from Judge Belfatto, who gave us some statistics, amazing statistics, to the docket of the juvenile court.

I don't recall the exact figure, but his basic point, February 1, 1967, was 3,000 cases on the docket in all the juvenile courts.

In February of 1968, there were over 6,000, and that this gap is a direct result of the growing procedural involvements in juvenile cases from the Gault decision.

That, of course, is going to have a great deal of impact well beyond what you are talking about. It is going to increase the cost of the whole juvenile court system.

THE WITNESS: I agree. And I might add, that the Public Defender has the legal responsibility, the legal welfare, such as the public welfare.

MR. LUMBARD: The lawyers might object to legal welfare.

THE WITNESS: Not being a member of the bar, I'll stand on that statement.

We have heard that the possibility is that

40 percent of the cases handled by the Public Defenders office will go up on appeal to the higher courts.

MR. LUMBARD: How much?

THE WITNESS: 40 percent.

MR. LUMBARD: Do you give credence to that statement?

THE WITNESS: I'm not giving ^{it} credence, I'm only reporting a statement by a member of the bar, that as many as 40 percent of the cases by the office handling public cases, indigents, will wind up in the higher courts.

All of us then realize the case involvement, what you will be up against in employing staff and facilities.

I just raise that as a warning. If it's five percent or eight percent or 20 or 30 percent, the same sort of emergency situation is certainly going to set in on the courts very early.

MR. LUMBARD: Has your association made a study of the economic impact of the Gault decision?

THE WITNESS: No, we have not. We have discussed it with the Administrator of the Courts. We have consulted with our National Association, in some other states, which have had an experience like this,

and, as I recall, I think the generation factor was in excess of 20 percent in New York State, and the cases referred to higher courts were in the nature of 15 percent in the first year of operation.

MR. LUMBARD: Don't we now have enough experience in the Gault case, that we can begin to think where we are going, and wouldn't it be in order for a group such as yours, to sit down and study the question, rather than guess at it?

THE WITNESS: In answer to your question or suggestion, we have two lines of defense. We're working with the auditor of the courts, and, likewise, we have asked the office of the Public Defender to analyze his initial experience for us, to give us some idea. We haven't received this information yet.

THE CHAIRMAN: Thank you very much, Freeholders.

SENATOR COFFEE: Mr. Forsythe, I would like to suggest that if your consultant and assistant consultant have not already received the copies of the Musto Commission Report, I will see that you do have them.

MR. LUMBARD: We do have them.

THE CHAIRMAN: Mr. Satz.

D A V I D M. S A T Z, J R., duly sworn.

THE CHAIRMAN: Do you have any remarks you would like to make?

THE WITNESS: Senator, when I received the various notices and invitations to appear, I called Mr. Lumbard, I believe last week, and I asked what in particular he might want to have for the Committee and I did not prepare any formal statements. I told him I would not.

He told me essentially what matters would be of interest to the Committee, especially with respect to the Federal Government and its interest in crime in the State generally and specifically in organized crime.

I notice here an unexpected visitor, an old friend of mine, who knows quite a bit about New Jersey, Professor Ruth up there. I haven't seen him in awhile, but I read a lot about him. I am sure he is aware of the situation, as a special assistant. He had the duty, and it was my pleasure of being here, 18 months, two years or so.

So he is quite familiar with the area we're

interested in, although I might say, we continued since he has been there.

So I don't have anything specific to give you, except as Mr. Lumbard outlined to me what would be of interest.

I didn't know if you wanted to do this in question form.

MR. LUMBARD: First of all, could you outline for the Committee and the record, the involvement of the Federal Government in New Jersey by way of administering criminal justice?

THE WITNESS: Surely. As you know, the United States Attorney administers or represents the Department of Justice in not only criminal, but also civil matters in courts, and functions as the prosecutor of the Federal Government in New Jersey. He has 18 assistants in the State, with offices in Newark, which is the chief office, Trenton and Camden.

We are involved in a broad range of criminal justice, as well as civil.

I might say that as of the beginning of this fiscal year, we had some 517 criminal cases that were in the process of being tried or awaiting trial and about 725 investigations, or what we

call matters, in addition to those, which our office handles.

We also have about 873 civil cases and matters, that these 18 people handle in addition to myself.

Now, our jurisdiction operates in conjunction with about 26 federal agencies, which act as our investigators. We don't have investigators ourselves, like the County Prosecutor, or the State Attorney General. The various Federal agencies investigate various types of federal crimes, and, in turn, present to our office what has happened, as a matter of fact, and we then determine within our discretion whether or not a federal violation does exist.

Some of these are disposed of through complaints, where there is an arrest made, and then there is a Grand Jury -- after an investigation, the Grand Jury investigation of those facts, and indictments are returned, and then trials occur, and the sentences ^{are} processed after that.

Now, chief among those, and I'll only outline the chief ones, are bank robberies, counterfeiting cases, motor vehicle thefts, stolen property, where there is ^{at least} \$5,000 involved, and the property goes across State lines or ^{is} caused to be taken across

State lines. We have hijacking and thefts from carriers and truck terminals or railroad terminals. We are involved in consumer protection through various types of offenses. We have quite an increase in selective service cases. We are in the gambling business, through Internal Revenue quite heavily, up until January 25th, when the Wagering Tax cases came down from the Supreme Court and the statute itself wasn't declared unconstitutional, but for all intents and purposes the Internal Revenue Service cannot really effectively force the Wagering Tax Law, because there is a built-in Fifth Amendment right to give all defendants now, and, in effect, until future legislation may be enacted, we may not be able to enforce those laws very well.

However, the FBI has, since 1961, jurisdiction in three areas, where we deal with the transportation of wagering paraphernalia across State lines or wagering information across State lines, and also the traffic of people from one State to others, for the purposes of carrying out certain local offenses, including gambling, which is a crime, administered by the FBI.

I'll get back to that in a few minutes.

I want to go on with some of the other broad federal areas. We have extortion, where interstate commerce is affected, which brings us into the shylocking, borrowing. We have postal laws, mail fraud, obscenity statutes.

We are, naturally, in the income tax evasion business, where there is a heavy amount of cases. We are also involved in fraud against the government, where we deal with various government agencies, and people that defraud them.

We are also involved very heavily, naturally, in narcotics through the Bureau of Narcotics & Customs, ^{The Bureau of} where we deal with the importation of narcotics into the country and the transportation of it without paying certain taxes and so on.

We are involved with guns, at this time on a fairly limited jurisdiction, but we're trying to correct this through education, where we deal with certain types of shotguns/^{and other firearms} that have to be registered ^{being} before/sold and marketed.

We are also involved in labor racketeering -- I mentioned extortion before, shakedowns, and also the giving of money, bribery, so to speak, between companies and officers of labor unions in industry,

affecting commerce.

That's the broad range, as I say, and I can detail the number of cases we have presently, but I^{would}/rather, for your time and my time, submit all of this to you, and discuss some of the more important problems we have today as you said, Mr. Lumbard, what are the trends.

MR. LUMBARD: Where are we going with all this machinery?

THE WITNESS: This machine is interestingly -- we have pictures, and as far as what crime is occurring, I want to leave the area of organized crime for the last, but talk about some areas which are broader than organized crime, and you may not think it is involved, but it is.

The gambling and shylocking, as you know, and as you heard from other people in New Jersey, is rampant, particularlyⁱⁿ/the metropolitan area. But I believe right now, there is a case down in Philadelphia, where some people in North Jersey, were going across State lines and carrying out an extensive business of gambling.

We have labor racketeering in this metropolitan area, which is not only increasing in this metropolitan area, but also New York and Philadelphia.

MR. LUMBARD: When you say "this metropolitan area," you mean --

THE WITNESS: North Jersey.

MR. LUMBARD: You're in Trenton.

THE WITNESS: Some of it goes on here, but that we'll get to later on. One of the things that becomes very rampant lately is the armed highjacks and theft from interstate shipments.

We have gotten an increase and effectively organized groups of people operating in the metropolitan area, where extensive, sophisticated type of thefts take place, and it's positively connected in many ways to organized crime, because this puts into the illicit market a lot of goods which become available to the public at less than the cost, and someone, and there are plenty of receivers to hustle this around and make a lot of money available to organized crime. It's become more and more serious, especially the highjackings themselves.

We are not only getting the truck pulled over at night with the flashlight and gun and somebody hit on the head, we're getting trucks taken from certain areas of New Jersey, in broad daylight, where you take the trailer away and

hustle it into some other state, or in New Jersey, and break it down and off the goods go.

We also have enormous pilferage, taking place at the terminals, including the waterfront, where these goods, in turn, get sold after and provide an income for the criminal element.

The FBI in this field has devoted a great deal of attention, trying to cooperate with local law enforcement officials. It is a question of manpower, trying to stop this, because it goes on. You have difficulty at the municipal level, because the trucks are taken right out of the town and the County, and you have a statewide problem.

I know the New Jersey State Police also are cooperating in this area, and we do have -- not only New Jersey, but right in New York, we have a case coming up in a few weeks involving

23 defendants, a huge ring, cracked last year. Some of these people are on the streets awaiting trial, and they go out and do it again.

It is a group of people that continue to act in a highly organized manner, and it is very easy to take things, to get a driver out of a truck. He isn't going to fight a gun, and off they go. It isn't like a bank, where you have some protection.

I might say, that bank robbery is another area, where we suspect there is organized crime influence, because it is an easy way to get cash into the underground.

MR. LUMBARD: Are the bank robberies on the rise?

THE WITNESS: I would say they are on the rise. I don't have the statistics, but I would say they are. I believe there was federal legislation recommended a long time ago, but a lot of banks don't have proper detection and protection devices. A lot of people feel they are insured and they feel they will be made whole.

In banks, we have problems, lack of guards, and in these areas where you have branch banking, you do not have sufficient protection. People don't want to spend the money to have the camera continually on people. It is difficult to identify people with stocking masks, and this money is, in turn, going into shylocking, other types of things. It is readily available, fresh cash, and so on. Those areas have been on the rise.

Counterfeiting, too, of late we have been continually harassed with new types of printing

presses, new techniques. This money is made available, loans and so on. The money quickly goes into circulation and it is very hard to track down. The Secret Service has been busiest in that area.

We thought that car thefts were on the wane, and in my office we just have so much time for so many cases, and to that extent, our jurisdiction in motor vehicle thefts have been limited to rings, and I might say that of late, there has been an increase, ^{with a} sophisticated way of handling the thefts of motor vehicles. Car rings have been on the rise, more organized, and we feel that it is connected with organized criminal elements.

You have to have fast communication, city to city, and unless you have a willing buyer and willing person to alter a car, you can't make it profitable to do this. This isn't a simple joy ride. To that extent, there is a recent matter in Philadelphia where a car ring was cracked, which was in Jersey, and down in Philadelphia the State Police and FBI did a good job in cracking that, and we found the organized criminal element involved.

These are the normal type of cases, but they have been very much on the rise and very much of concern to our office, and the Bureau and the various investigative agencies.

I might say that while these have gone up, stills, which used to be rampant in New Jersey, because there was a great deal of country area, and still for that matter is, have been on the wane, mainly because federal prosecution and careful step-in by the Alcohol Tobacco Tax unit, cracked some of the major rings several years ago, and the Courts assisted by giving stiffer jail sentences, and they found it wasn't profitable to stay in business.

We still have some cases, but not the ones five, six years ago, and that is going down to some extent.

Also stock thefts that used to take place in New York, on Wall Street, and used to run to some hotel in New Jersey to trade it off, have dropped down a little bit, although there has been an increase in counterfeit stock deals to get loans from banks and get fresh money.

Those are the general trends. I don't know

if you want to ask some questions in that area.

MR. LUMBARD: Yes. I gather you will submit a breakdown of your current cases for our committee?

THE WITNESS: I can do that.

MR. LUMBARD: All right.

THE WITNESS: Current right now, bank robberies, are 18 cases, indictments pending, and 28 investigations leading to indictments, making a total of 46 in that area.

Counterfeiting, we have 39 cases pending at this point, 24 investigations, making a total of 63 in that area.

Motor vehicle thefts, 27 indictments, 41 investigations, making a total of 68.

Carrying of stolen property, that is over \$5,000, across State lines, 22 indictments pending, 41 investigations -- I say investigations, are in the investigatory stage, that wouldn't necessarily lead to an indictment, because there are matters where some of the subjects are still unknown -- making a total of 63 there.

The highjacking and thefts, we presently have 83 cases in that area and about 75 investigations pending.

So that I might make this accurate for you, so that you might not be misled, some of these indictments double up, and I didn't have time to break down each one of the defendants.

MR. LUMBARD: One may have a multiple indictment?

THE WITNESS: Correct. There aren't too many of those. But if you add these up to specific numbers, they may come out above. I want to be honest with you about it.

We have been fairly busy this week, and I haven't been able to get to doing what I wanted to do.

In the consumer protection, a multitude of statutes, dealing with agriculture, weights and measures, we have a total of 16 cases in that area.

Selective Service, we have 57 actual indictments pending -- it's very difficult to estimate the number of investigations pending, because these people in this field are trying to claim certain types of exemption, and I hesitate to give a complete figure on that, because they sometimes run into the hundreds.

Gambling, we have 75 cases, just in the

Internal Revenue alone, which we're in the process of having to dismiss and move on, so to speak.

These were cases waiting trial, pending indictment, awaiting sentence, where we're going to have to go in and retract that guilty plea and let them plead not guilty.

In some cases, we took conditional pleas, pending the outcome of this decision.

The postal law and mail fraud, about 75 cases involving 30 indictments, and the balance of them in investigation.

Income tax, we have 20 to 25 actual indictments pending on various types of evasion or failure to file.

A lot of those cases, we have just disposed of.

Now, fraud against the government, we have 30 cases pending, 31 investigations.

The liquor laws, which I said were decreasing, we only have five pending indictments and five investigations pending.

Narcotics and customs cases, we have approximately 12 indictments and 20 investigations going on at this time, for matters that are in the office.

We have approximately ten labor racketeering

cases which involve the Taft-Hartley Law and extortion.

I didn't make the exact number. This is in the United States code, the anti-racketeering, 1084, 1952, 1953, across State lines, traveling and so on.

We have about five cases pending and about 15 investigations in that area right now, or matters that are pending.

MR. LUMBARD: You mentioned before that the Internal Revenue Service had the bulk of the gambling cases and they were being dismissed, unfortunately, one way or another, as a result of a Court decision, without culmination.

Would that figure on gambling cases involve or encompass the FBI gambling cases?

THE WITNESS: No. That is why I mentioned the latter figure, the last figures I gave, would be of the FBI area.

Now, we're screening all our cases in that regard, to determine whether or not, as we always do, there might be any interstate transportation of either people or wagering paraphernalia. We do that all the time, to see if we can get a stiffer count.

Because under the Wagering Tax Law, it was a misdemeanor, with or without a jail sentence. Under the law and the heavier cases, we try to determine whether we could use the FBI or Title 18 jurisdiction for purposes of heavier penalties.

MR. LUMBARD: In talking about armed highjackers, you mentioned receivers. I gather it would be fair to say that many persons who operate on a professional or organized basis in this area do so because they have a very high expectation that no matter what they steal, they could realize a profit?

THE WITNESS: Correct.

MR. LUMBARD: That would seem to make most crucial investigation and prosecuting of receivers, so as to deny this expectation, this readily acceptable market.

THE WITNESS: Right.

MR. LUMBARD: Does the Federal Government concentrate in that area?

THE WITNESS: We'll concentrate on anything. We'll get into a highjacking case, usually a ring, and there are receivers around, and sometimes they are removed and substituted. Many cases we know who they are, but to get the evidence, you know, may be somewhat difficult. I would say this is not

just a federal problem, that there is a great deal of State Police interest in this area, as well as a good deal of local interest, where there is manpower available.

MR. LUMBARD: I'm coming to a specific question. Do you have any recommendations or thoughts as to how the laws might be strengthened?

THE WITNESS: I don't have any specific thoughts, because there is as much a penalty on the highjacking as against the receiver in Section 659. There is as much impact on the receiver as is against the taker.

I don't feel that increased penalties in this area are going to deter a receiver. This is a pretty sophisticated businessman, if he is doing a big business.

It is a question of being able to catch up with him, because he is so far removed, like other people who are organized, to get the evidence, they don't have the goods, they're button-pushing things around.

If we can get them on a conspiracy, we will, and we do have them right now, but they're

like the stock peddlers, they're right back on the street and going again.

I think what you have to do is give them a stiff sentence and make it impossible. I have no special recommendation in that area to give you.

Let me put it this way. I think there are a lot of other problems in crime. There has to be increased manpower devoted to it, which means more money.

I think you have to take one of the chief problems in law enforcement, that is the willing victim, turn him around to give information, because it costs him less for the goods, he doesn't care less, and that is what I feel. You can't take the willing victim, but you can make him into a criminal if you get the goods. But to get him to come forward, it is a big problem, and a lot of time the willing victim doesn't know anything about what is going on, and could care less.

MR. LUMBARD: Almost all the kinds of matters you talked about, in one way or another, are also violations of State Law.

THE WITNESS: Yes.

MR. LUMBARD: Highjacking, narcotics, bank

robberies. What is the interplay between the federal jurisdiction involvement and the State and local jurisdiction involvement with these many, many situations, where either jurisdiction could investigate, apprehend or prosecute?

THE WITNESS: I would say there is quite a heavy interplay in this area. I think, for instance, ^{the} classical example, as Mr. Ruth knows, is in ^{the} motor vehicle theft area, because there is a great deal -- the FBI put a lot of people in this on a national basis, providing a service, as well as the law enforcement deterrent on thefts of motor vehicles.

At the same time, our office and the courts are somewhat reluctant to take on every motor vehicle theft where a State line is involved. There is an interplay between our office and ^{the} Bureau, as to taking on every case. We try to have local law enforcement take over a particular case.

They have participated with the Bureau often in the investigation.

I think in highjacking thefts of this type, in motor vehicles, counterfeiting, there is a great deal of local interest in most areas and a constant interplay between federal and state officials in

this also.

MR. LUMBARD: Isn't this overlapping inefficiency and double-tracking?

THE WITNESS: I don't feel there is. You can always find some kind of inefficiency, where two calls are made, where one had to be.

I think in this area in law enforcement, I think it is interesting, sometimes I like to have more people working on a particular area and get it down thoroughly and have concern a problem, than too much efficiency and too little attention given, if you understand.

In this area, trying to track down a group of people, you have to have surveillance, you have to have involvement, communication, and this could possibly lead to some duplication entering into it, but in order to have sufficient protection, you also want saturation in certain areas, to uncover highjacking, movement of goods, and so on, and so on.

I don't mind a little extra duplication there. I would rather have the interest of the local, as well as the federal people, to be able to ferret out some of the thefts.

MR. LUMBARD: Do you have any recommendations to the Committee as to how the State and local jurisdictions could act or statutes might be passed which would help to decrease this problem of overlapping and inefficiency?

THE WITNESS: No, I don't. I haven't given it that much thought, because, frankly, one of our biggest problems in law enforcement-- I welcome manpower. If we have interest, I would rather have that, and spend more dollars. The public would benefit.

This doesn't mean that I am for, for example, a duplication. I feel law enforcement is in a critical point nowadays. I can't take organized crime and put it in one corner and take a simple little crime and separate it completely.

All law enforcement can stand improvement, and it may, in the process of being modernized, suffer from some type of duplication or overlapping, and as long as there is communication in all forms of law enforcement and willingness to cooperate, then you will get the efficiency out of it.

People, I find, people like Professor Ruth,

the work done on the Crime Commission, the work you have done and just general interest are really making, causing large strides to be taken in law enforcement.

I don't know that much about it on a local basis, where I can tell one policeman not to do this, let the FBI do it. I think they feel their way in this, and it is also true in various municipalities, county to state, regarding manpower and so on.

MR. LUMBARD: There has been a lot of testimony before the Committee, different people, about the police departments in the State of New Jersey. The Attorney General said there was over 12,000 policemen and over 400 police chiefs. Some think that is a large number of police departments.

Do you have any comment on that, on the effectiveness it might have?

THE WITNESS: In that sense, you could get the duplication, I might agree, there could be some combining. I think you have problems in municipalities, political problems.

There is a need to have cooperative efforts and guides along those lines, where you can get

various municipalities together to consolidate their forces, would be all to the good.

At the same time, I will be not conservative in my approach, I don't like to see law enforcement become too efficiencized, if I can use that phrase, in that I mean I still think you need local interest. There has to be some connection between that local officer on the beat and the machine or whatever it may be, because he's the one that is going to be observing crime, even though it gets sophisticated, it still needs people to carry it out.

On the other hand, I still feel there are many services that should be consolidated and many things^{that}/could be done, which wouldn't necessarily decrease the manpower, but help.

I think they're doing that now with radio communication and your fingerprinting detection, all those things are certainly in the process of being overhauled and modernized.

MR. LUMBARD: How long have you been the United States Attorney General for the District of New Jersey?

THE WITNESS: July, 1961.

MR. LUMBARD: You mentioned organized crime in the beginning and said you will leave that for later in your testimony.

I gather from what you said, you feel overall, there has been an increase in the size of problems in all the area under your jurisdiction and there has been an increase in the sophistication and increase in organization.

Now, could we address ourselves to what is known as organized crime, no matter how difficult that might be?

The Commission has heard testimony from the Attorney General, Superintendent Kelly. The Attorney General said there were seven families operating in the State, and the Committee would very much appreciate what you could tell them in that regard.

THE WITNESS: Well, I agree with what has been said before. I haven't read any of the testimony or anything like that, and I may be mistaken in some of the things. Mr. Ruth, who was with me, from the Organized Crime Racketeering Section, we have two men that have consistently ~~worked~~ out of our office, from the Department of Justice, since I have been in the office, and presently we have a big problem,

and it's been a very interesting challenge to hack away in this area, because there is no question about the fact, that New Jersey has a great deal of influence of organized crime in it, like New York, Pennsylvania, and so on.

There are all sorts of reasons why organized crime and criminals exist.

I guess it's their way of trying to be more efficient, and we have to be more efficient in our ways of getting at them.

I think organized crime exists because you have people, as willing victims, receivers, and people who take bribes.

With that in mind, you do have the seven families, which I guess have been repeated to you. I don't know what has been said in that area, but people are identified as Gerardo Catena, , who is taking care of the Genovese family, and Thomas Eboli, who is a resident of Fort Lee, and over in New York all the time, in Mulberry Street. You have Anthony Caponigro. He is a member of the Bruno family, according to our information, a Philadelphia outfit, and he is up in North Jersey.

Joseph Zicarelli -- these are people who

have been identified in various types of hearings and so forth.

MR. LUMBARD: What family?

THE WITNESS: The Bonanno family.

MR. LUMBARD: Where is that?

THE WITNESS: New York. Samuel DeCavalcante, he is a resident of Mercer County, but operates in Union County, in that area.

From our information, I would call him an independent, he's one of the few people at this point who is not a member of any larger family, so to speak, or one outside of the State.

MR. LUMBARD: Does he have his own?

THE WITNESS: I wouldn't want to classify Mr. DeCavalcante as a latecomer. He has roots in Pennsylvania, as far as other people, but I believe -- did Attorney General Sills, according to the newspapers, classify him to the Bruno family?

MR. LUMBARD: I don't remember.

THE WITNESS: That is what I read. Actually, our form of intelligence comes up with different answers, but under our information, which includes the Organized Crime and Racketeering Section of the Department

of Justice, he would be classified in that section.

PROFESSOR RUTH: He is under indictment, is he not?

THE WITNESS: Yes. I was going to come to that. Mr. DeCavalcante was indicted two weeks ago by us as a result of an extensive investigation, for having caused people to travel from Philadelphia into New Jersey to commit the crime of extortion. That is one person we charged directly here.

You got Antonio Boiardo, a member of the Genovese family. Mr. Boiardo Ruggiero, had been caught in a fairly extensive operation and charged by our office with wagering tax violations, and that case is in the process of being taken away from us. Because of the Supreme Court decision, and we will not be able to prosecute that, I might say that many of our gambling cases are being

turned over to the State and Prosecutors for the purpose of seeing whether or not they can prosecute under State Law.

Anthony Russo, who used to be in North Jersey and now ^{is} in the shore area, he is a member of the Genovese family, too. There is Angelo

DeCarlo, who lives in Mountainside, who is a member of the Genovese family and operates in North Jersey.

These are the seven families. I guess you have heard these from other sources.

As I mentioned before, Eboli is in New York and involved in the Genovese family, and Genovese is away right now in jail.

I might say, most of these people operate in the North Jersey area. Areas such as Trenton, Camden, Atlantic City, with the various satellite areas, are generally under the influence of the Bruno family in Philadelphia.

As I said, Caponigro is in Newark, and a member of the Bruno family. But other than that, it's essentially Philadelphia, below the Raritan River or into middle Jersey.

MR. LUMBARD: Philadelphia, meaning the Bruno family?

THE WITNESS: Correct. Now, I don't know how many figures have been mentioned, but to give you -- we have about 250 plus individuals, that we have a federal interest in or involved

or related to the organized crime picture in this State.

Of the 250/ⁱⁿwhich we have an interest, about one hundred are believed to be known Mafia members or at least suspected to be Mafia members.

MR. LUMBARD: Of the 250, would the hundred be persons who reside in New Jersey or persons who work in New Jersey, or both?

THE WITNESS: I would say most of them live in New Jersey. I don't have a complete figure. I would say pretty near the one hundred do not bedroom it in New York or Philadelphia, they are over here.

MR. LUMBARD: They also work here or operate here?

THE WITNESS: Yes. Of those, I'd say about twenty hold ranks above just being a soldier in the organization, although there are about forty more that/^{our}intelligence reveals, that they may be a little bit above a soldier, but I just give you that generally.

MR. LUMBARD: Do you have them broken down by categories in their higher ranks?

THE WITNESS: I would not rather do that in an open session, although I think at some

time we might be able to furnish a picture, although I feel Mr. Ruth may be able to say, based on his knowledge, I say that respectfully, because he has lived with it for many years, I say that as of these people we keep track of in the State, that it is the general picture that I can furnish to you of the number of people involved, names received from the FBI, the Internal Revenue Intelligence group, Alcoholic Tax Unit, Narcotics, Secret Service, and we keep as much track of them as we can.

MR. LUMBARD: I won't ask you how they are corroborated.

THE WITNESS: I would say, and I want to say, this coordination is a big problem in law enforcement, as you know, and there is a lot of competition that exists among federal and state and local agencies, but the extent that we can cooperate, there's been a great deal of increased cooperation, and communication among groups in law enforcement, and this includes State Police with Federal Government.

We have been able to furnish State Police with information regarding the 250 people, just

basic information they asked for and we furnished.

There is an area where cooperation can exist without having to divulge someone's inner informants.

In fact, Mr. Ruth remembers when we first started to have some members of the State Police and federal agencies, just to get together and talk in the beginning, because this was something that didn't happen.

We had raids that the Internal Revenue Service conducted in 1962 and after, where everybody thought there would be leaks and so forth, where State Police come in, and we have a complete area of cooperation of secrecy and effectiveness, which can stand improvement, and I hope will, which was begun and just started at that time.

MR. LUMBARD: At this point, then, I would like to ask you, what do you think this Committee can do to improve coordination and intelligence gathering by the State of New Jersey?

THE WITNESS: I don't think it can be done by any regulation. It has to be a personal thing. You have to have enthusiasm, trust. You have problems of competition. I use that term nicely, but it does exist. There are problems of pressures,

which lead people away from cooperation, because they have to make themselves stand up and look good.

I think generally, in this whole problem of law enforcement, scientific approach, people are getting to understand more and more and should talk to each other. Except in certain areas, you get into where you have a breakdown, because of personnel or a lack of enthusiasm, up until that point, there is plenty of room for cooperation.

I feel it is personal and can't be done through any rule or legislation.

MR. LUMBARD: The \$64 question. You say there are roughly 250 Mafia people in the State that the Federal Government has an interest in. Over the years of your tenure as Attorney General, have you been able to, through your present criminal department, been able to make a dent?

THE WITNESS: Yes. I believe we have. The results are not complete. We have gotten to various plateaus. I'll be very frank, I think one of the biggest problems with the Mafia or the organized criminal element, is one of the gang intelligence. When Mr. Ruth started out following Appalachia in 1957,

nobody had any idea this concept of syndicated criminal family policy meetings were carried out in such an organized manner, or they did know and were not talking about it. The Bureau, State Authorities, gradually started to pool information about these people, which occurred over the years, and you built up books and you got to know who did what, how they did it, and from what states they acted, and who their friends were.

This took and is still taking a long time to gather. The more you know, the more you know in advance what they're going to do and how they're going to do it, and in turn you start building up the pressures, mounting attacks against individual figures, putting pressures on against informants, because you can pick some of these people up and get information before they get back, by pressing them with various types of charges. This is not something that happens overnight. I would say that a substantial beginning has occurred and various accomplishments have taken place.

We have indicted many of these people based on the intelligence gathered. When I say 250, I don't know how many of the 250, because the 250 is a figure where we have very little on some and

a lot on others. But I think we have been successful against certain members of organized crime.

We have been able to be successful because we put pressure on them. We have gotten some people to talk. That doesn't mean that we're on our way or we can knock out organized crime. I don't think you can completely knock it out, because there are going to be people who are successful and you're always going to have to combat crime.

MR. LUMBARD: Is the social problem growing or diminishing, represented by organized crime?

THE WITNESS: In some ways it's growing, and some ways diminishing. That may sound to you, "What kind of an answer am I giving you?"

You have to look at the problem. You can't map it out and say it's growing.

In many ways you take your trends and in different directions, depending on the hottest thing. For instance, labor racketeering, I believe, at one time was much more rampant than now. And then you get into areas, gambling, shylocking, you can't pin down what is happening where, because it is a fluid situation.

Gambling, I think, is growing in certain areas.

It has been curtailed in others. But you're always going to have a gambling problem in New Jersey and elsewhere, where you're going to get federal law enforcement, but local law enforcement to spend money and make it more efficient to knock it down.

I don't stop with gambling. You then get into the problem of corruption, then you get local officials, some who care more and some less, about the problem.

MR. LUMBARD: I have an area of very quick questions, Mr. Satz. The Committee is interested in general or specific recommendations you have to make to it. Let me make this offer to you right now.

It also has had presented to it proposals for electronic eavesdropping within the State of New Jersey. Would you have any comment or recommendation regarding that?

THE WITNESS: Well, the departmental position may be known to you, and I am a United States attorney, and I do work for the Attorney General of the United States, that is in the present, but you have the McClellan Bill and the Administration Bill, and whether that twain will meet or not --

MR. LUMBARD: We're concerned with the New Jersey Legislation.

THE WITNESS: Yes. You have an outline.

MR. LUMBARD: Yes. There are proposals that it be reversed.

THE WITNESS: Yes. I have mixed feelings about eavesdropping and wiretapping. Frankly, I think, naturally if properly handled, it would be a useful tool, if done under Court control.

MR. LUMBARD: Court control?

THE WITNESS: I think it has to be done under Court control.

I feel the recent Supreme Court decision in the Katz case, where the door was left open, looking at a straight Fourth Amendment problem, is one, which to me, gives some room in which to operate here.

My feelings, on the other hand, of the use of this equipment, where it is so increasing at the corporate and private level, there have to be controls, and it is a problem of detection and so on, and I would limit it to law enforcement and the Court.

I have misgivings, because I know in cases

we have to review before we can prosecute.

We have turned down several possible indictments because of this problem. You get into an area, forgetting the criminal you're looking at, but side effects, we really invade privacy.

So I think this is very general. I have mixed thoughts about it. I do feel with the increase in scientific equipment and trying to be more efficient, we should be able to avail ourselves of something along this line.

MR. LUMBARD: Another area is a witness immunity bill, which has generally been mentioned in organized crime.

THE WITNESS: I like a witness immunity bill. I think it is a touchy area. We have not had much success as we wanted to. We have given quite a lot of immunity in certain areas to people.

There are certain types of people who are extremely leery about it, and if you give them that step, suddenly they don't know anything, unless you have them squeezed the right way. You can lose a lot of effect, because having immunity, you lose a potential defendant, or a witness later on, where facts may develop and you can use it.

I think it is a useful tool. I don't think

it is absolutely necessary. I have to be frank. I don't feel there is any room, in having a witness immunity, but it would be helpful to a certain extent. You can have law enforcement without it.

MR. LUMBARD: Do you have any suggestions in the area of law enforcement?

THE WITNESS: I haven't seen the text of it, but I feel that Mr. Sills has a bill pending in the Legislature now. New Jersey law, as it is presently structured, is a very weak one.

One of the biggest problems is shylocking. Again, you come not to the law, but to the willing victim. You have the guy betting too much. He turns to the shylock.

We had a trial last year that lasted four weeks, involving seven defendants who were charged with obstructing commerce through a shylocking scheme. A witness came in to talk to us. It was pathetic. He tried to get a business going. He just fell down along the wayside, didn't lose it with gambling or girls. You could see this thing build up, and there he was, until for once he came to us. At least he talked but that person is a rarity.

What I am trying to say, the normal guy that gets into a shylock, he'll just take his medicine

and pay it back. He doesn't want to be seen by anybody. They are the people we need to talk.

We could get at shylocking and so could the State, but you don't have your victim to testify, he's too afraid, and you can't protect him any more and pack him away, or the defendants, because by the time you do that, the guy says I would rather not testify. If you grant him immunity he will not remember a thing. You can't indict him for that even if immunity is conferred.

MR. LUMBARD: Do you have any suggestions with respect to the area of gambling?

THE WITNESS: Manpower and awareness. I feel that the New Jersey Laws as such, have sufficient penalties.

The New Jersey Laws, with the sentencing, I wouldn't use term policy, but the sentencing that goes on, are helpful. What you need in gambling is increased manpower for the purpose of surveilling and being able to detect the persons engaged in this activity. Sufficient numbers of trained personnel is an absolute necessity.

I think again, it isn't the laws you need, it is also the public awareness you have to get. Too many people feel that gambling is here to stay, why do you have to fight it, it is a little

thing and not bad, but no one considers the guy that has to go to the shylock or the guy that has to steal from petty cash, and it very quickly turns into another type of crime.

On the municipal level, where you get a police force that starts to get corrupt, because of certain things going on, or in the County, you're spending money in the wrong direction. You need people to turn around and have the courage to start combating this attitude favoring letting gamblers flourish. The law is on the book and it should be vigorously enforced.

MR. LUMBARD: Do you have any suggestions with respect to the area of narcotics?

THE WITNESS: No, I don't have any suggestions as such.

I think you know that the Federal Government, through customs and the Bureau of Narcotics, which is now being combined with the Bureau of Drug Abuse Control, there is a stiff sentencing area.

I think this is something that really has to be handled at every possible level, municipalities are beginning to appreciate what a local problem it is. I don't think it is the law alone that can be improved. I think it is the police forces, it is the people

in the community that have to be made aware, to stand up and fight against the increased toleration of narcotics and dangerous drug abuse.

You get into family problems. You don't need more law, you need more money to get better police forces, better equipment, better training. That is what law enforcement is, not just having a group of laws, or as you said before, making law enforcement more efficient.

You cannot expect a policeman, who is earning \$7500 a year after three years on the job, not to moonlight, not to be looking in other directions for extra money. The public has to come around and treat him as the professional that he is.

I don't care what people say, a police force, given the proper salary and the distinction, you will raise law enforcement in general.

I want to say very quickly, this area of cooperation that we have started with the State Attorney General, Col. Kelly, all levels, is something that could constantly need improvement. It has come a long way now, and I hope will

improve more.

Those are the things, the communications, that will help improve the concept of law enforcement.

PROFESSOR RUTH: Mr. Satz, I think there is a problem in some areas of New Jersey, infiltration of legitimate business by organized crime and some of these businesses seem to get local, state and federal contracts for buildings or whatever, electrical contracting.

Is there any type of legislation that would help along that line or when these people go into legitimate business and get government contracts? Does that mean the government is getting their money's worth?

THE WITNESS: I had that in my sub-notes. I think there could be some law devised that may not be on the books now or regulation or authority for various agencies to make regulations, put it that way, where a particular company that has been infiltrated or any company, for that matter, has to be screened to determine what the situation is. This has happened.

^{would}
I/rather not go into any specific discussions, but buildings have been built with companies having

some influence -- not influence, having had underworld contacts. I think recently one of the agencies did reject a particular bid that was made for that reason, and I must say I think any agency does have the power, even without any law, to accept or reject a bid.

I think your biggest problem, you run into a problem under the State bidding law, where you have a prime contractor that's spinning off stuff into various companies which are not under the control of the agency that is letting the contract.

There you might have authority to make regulations, which could cause the careful screening to take place.

I do feel -- I feel it may be there already, but certainly there is an area that could be looked into for the purpose of having some kind of legislation, to give authority to the agencies to have the power to reject or investigate.

PROFESSOR RUTH: I think there's another area, where States could do more. Many of the businesses are subject to State regulations, such as bars and foods and other kinds of businesses. What could the State do to scrutinize these activities, as

far as focusing regulatory actions against the kinds of legitimate businesses that have been infiltrated, business infiltrated with organized crime, say with bars or foods, which individual business are owned or operated by organized crime?

THE WITNESS: I have not looked in the adulterated food area. I know situations in the area that have taken place, we have some adulterated oil a few years ago, as Mr. Lombard knows, that wasn't sold to the public, but existed. The situation right now, and you do have here some activities, I don't know to what extent, I haven't studied it, but the Alcoholic Beverage Control director and the State Police are directly under the Attorney General, and I feel do have communication between them to cause intelligence, and I know we exchange information in this area.

I don't attend hearings or go into that, as far as what the results have been.

In the past we have informed them and they have taken action where you have this infiltration. Where you have licensing

of any type, where the public interest is affected, and this type of infiltration takes place, it should be ceased by the revoking of a license, and we recently did it, or the State Police did it, with two individuals. I don't think the case was too successful. The two motor vehicle licenses were revoked. So there is awareness.

THE CHAIRMAN: Perhaps then one final question, Mr. Satz. What other trends do you see in organized crime infiltrating into business? Is it something that is growing?

THE WITNESS: I think it is growing in some areas. Again, you get this concentration and expansion. You used to get the criminal that used to function with a still or truck in the early thirties, who has now made his pile, and is getting into sophisticated areas and is investing his money, and there has been a lot of investigation in this State and elsewhere, where you get into stocks and securities and things like that, even into banks, where we have been aware of certain situations and tried to keep this pressure on them to get them out or know where they are heading.

A lot of money is going into legitimate areas, and you have to watch for violations.

PROFESSOR RUTH: Mr. Satz, you spoke of State activities in organized crime. Of the over 400 police departments in New Jersey, do you know of one or more that have specialized crime units?

THE WITNESS: No, I don't have that information available. I know prosecutors have people that operate in that area. I believe Mr. Farley, Freeholder Farley -- I didn't hear the complete speech. He was talking about the consolidation, and so on. I think a lot of times, you get into that area of who is handling organized crime, do you have an individual who is specifically doing it, the State Police operating throughout the State, assisting prosecutors in particular areas and conducting raids by themselves.

Sometimes the prosecutor says, "I rather not know about it, you go in and do it," because of the possible leaks that might develop.

Whether this extends to the city, I can't tell you. I just have not asked whether any of the cities have these special people. They may

have specialized units working in this area.

What they do, I can't tell you.

THE CHAIRMAN: Thank you very much. We'll recess for one hour for lunch.

(Whereupon, the noonday recess was taken.)

THE CHAIRMAN: We will call the hearing to order. If you would identify yourself for the record, then I will swear you in.

MR. MARK: Jack A. Mark, Director of Police Science Program at Rutgers University, also visiting professor at John Jay College of Criminal Justice in the City of New York.

J A C K A. M A R K, duly sworn.

THE CHAIRMAN: Do you have a statement you care to read, or do you have remarks that you would like to open with?

THE WITNESS: All right. I thought rather than prepare a written statement, I would be responsive to the type of statistics and information that the Committee would want.

Our program began in September, 1967, that's this past semester, in the terms of course structure at Rutgers.

We started on two campuses of Rutgers, the

State University and the College of Rutgers, the State University, and the College of Rutgers that gives the program is the University College.

University College is the degree granting college for the part-time student. The program was then started at the New Brunswick and the Newark campuses of Rutgers, the State University.

When we opened the program, we had probably somewhere in the area of 80 to 85 students majoring in police sciences the first semester. There became a demand to give courses at the Paterson division of Rutgers- the State University

We opened up the Paterson division, in terms of police science courses, in the spring. I'd say in total, in round figures, we have now about 130 to 135 police science majors.

MR. LUMBARD: When you say police science, they're seeking a degree?

THE WITNESS: They're seeking a degree, and also when I say police science majors, to get it in perspective, our police science majors are police officers.

MR. LUMBARD: Now, there has been a great deal of testimony over the past several weeks before the Committee about the need to clarify the role

of the policeman, the need to have the new approach to the policeman. Some people have mentioned for the new three-tier kind of policeman who is mentioned in the President's Crime Commission Report. There has been a great amount of testimony about the difficulty in recruitment, which involves salaries or residency requirements, et cetera.

Could you please address yourself for the moment to the need of the police in New Jersey as you see them, as you deal peculiarly with people in different departments. I believe you also had experience in New York.

THE WITNESS I see the need of the police officer, particularly in the large urban areas and ⁱⁿ the suburban areas, which are contiguous to the larger population centers, even in the area where there is a population explosion, the need of having every tool at his command. Among the most important tools at his command is the ability to have the broad perspective to know and ^{cope with} change, to understand some of the underlying reasons behind the change, so that they can communicate, he can communicate with the public, and they, in turn, with him.

I think if anything is going to have to come

out of the recent reports, it's this major premise that the police can only be as effective as the support they can have from the community. There is no way better getting the support than getting to the group level.

Secondly, in New Jersey, I understand, for the last several years running, between 52 and 53 percent of our high school graduates go on to college. Now, take this perspective against some nationwide statistics, and I'll relate it again to Jersey. Representative Anderson, in support of some federal legislation, ^(H.R. 5037, 90th Congress) in trying to give the legislative intent behind some measure that would help law enforcement education, indicated nationwide that about 6.4 percent of the nation's police had some degree.

We have no hard statistics in New Jersey, but a guesstimate would be that perhaps 1.5 of New Jersey police officers have some kind of college degree. I'm not talking about necessarily a degree in police science.

MR. LUMBARD: When you say some kind of a college degree, would that include a two-year community college or a degree representing four-year level or

beyond?

THE WITNESS: The statistics federally were not detailed or explained. When I say about 1.5, I would include all college degrees that anyone holds, including any two-year degree.

Now, this is a guesstimate. At present, there is an inventory being taken of the police officers in the State, so I guess we can get more concrete data when that inventory is completed.

So again, we're talking in terms of the need of higher education.

I feel that if we can give the police officers one additional skill, be it a strong skill and helping him in dealing with the public and with the community, we will have more effective police officers, and I think in these times, we have to take into account the climate under which the police officers must operate.

Maybe going back to Edmund Burke's philosophy, there is a lot that we can do. If individuals have good intentions do nothing, and I think this can be a situation at the present, where we might not think it's that important, we may be helping the situations arise, which we don't

want to arise, I'm specifically talking about the premise that ^{if} there is some skill that the police officer could get by going to school, a skill which makes him more effective in the community, let's give him every opportunity to get that skill.

MR. LUMBARD: How, specifically, as best you can, does the kind of education your school or program give meet that objective?

THE WITNESS: Can I give you the underlying philosophy of our program?

We did not want to duplicate what would be given to the man in the police academy or at the municipal training centers.

We wanted to build on top of that. What we have done, to is structure our program with a broad liberal arts base, which means that police officers take subjects which comprise the same basic background or required courses needed for any kind of worthwhile degree, but on top of that, we give him the opportunity to take specialized courses in police science, which are also broadly scaled.

For the perusal of the committee, I have included in the packet, so you could look at it in your own leisure, the kind of course reading the officers get, and you get a good idea of the

courses in terms of what we try to cover.

If you note the content, the role of the Police in the community is a primary course for majors in Police Science.

Every police officer goes through this course. Then on top of this course, we have two more required courses, one is organization and administration of the police agencies and the other course is on police management.

Then the officer or major in police science has the opportunity to elect any one of the several electives in the police sciences.

Then, in recapitulation, our basic program in Police Science requires 66 credits for the associates degree, 12 credits are taken in police science, 6 additional credits in Public Administration under the major category of the political sciences, which includes courses such as the government of New Jersey, the municipal administration. This is a block of 18.

Then there are electives in psychology or in sociology. Then you have the required courses which are part of any degree, which are listed under the basic requirements.

It is kind of a tight structure, a bit more

tightly structured than I would like to see it, but we feel we have to meet two things. One, we have to meet the need of the officer for a broad education. We also have to give him the opportunity to take what I call the bridge, the thing that he is looking for also, the courses in police science.

I might also add this. In June of last year, I was consultant to O.L.E.A. on Police Science programs.

One strong thing came out. It seems throughout the nation, they thought police would stop at the associate police degree. What was reported, however, was that 75 to 85 percent wanted to go on to the third and fourth year, because they felt it was that important.

So this is just in a general picture about terms of higher education for police.

MR. LUMBARD: Do you feel that the kind of program which you offer for the police also should be offered in the area of correction, for those who would work in correction?

THE WITNESS: I do. I think the same situation prevails. I think anything that could give the man broader base, again, to speak with the people whom you work, supervise or has responsibility, can only add to his effectiveness.

MR. LUMBARD: Would the logic then of that mean that perhaps the program at Rutgers could be expanded then just beyond the police, to include the whole scope of the system?

THE WITNESS: Yes. I think you are referring to the concept of John Jay?

MR. LUMBARD: Or the school in Albany.

THE WITNESS: I do.

MR. LUMBARD: Why?

THE WITNESS: There is a strong link. As a matter of fact, they're linked so strongly, it is almost part of the same picture. What is the sense of one aspect of the criminal justice approaching from one philosophy and the other aspect approaching from a different philosophy? We're dealing with the same people.

If we can help that person inside the prison walls and do that little bit to make him perhaps more effective, more responsible citizen, what's the difference where we do it. Let's do it.

MR. LUMBARD: Has such a program been proposed?

THE WITNESS: Someone recently had indicated that there was a thought to bringing in a class, the first class of people involved in correction, who would start in a program similar to the police

science program.

It has no formal basis, but I think they were contemplating doing it under the Higher Education Act.

MR. LUMBARD: Who is they?

THE WITNESS: I think this was a representative of Montclair Teachers.

MR. LUMBARD: I'm getting to something more substantial. Have you or your department, or Rutgers, formally adopted the recommendation of taking the view that we should expand our program to the criminal justice system?

THE WITNESS: I have taken the view, but I think there has been no formal movement or forward movement in the term of program adaptation.

MR. LUMBARD: You think that is desirable?

THE WITNESS: Yes, I do.

THE CHAIRMAN: Assemblyman Owens.

ASSEMBLYMAN OWENS: Professor Mark, I'm sorry, I have to ask you to repeat. What is the number of students you have in your present class or enrolled in the program?

THE WITNESS: In the program we have about 130 to 135 majors in police science on the three campuses, where the courses are being offered.

I might add, for your information, too, that we are extending courses to Camden and Jersey City in the fall.

MR. LUMBARD: Now, all of these persons are active policemen in some community?

THE WITNESS: Yes, I'd say almost to a man in this class.

ASSEMBLYMAN OWENS: Would you have any idea whether or not they come predominantly from the large city police force or the smaller police force or is there any way of telling?

THE WITNESS: Well, I think to answer your first question, in the Newark area, they come from Newark itself or the surrounding communities. In the New Brunswick area, they come from a number of smaller departments. In the Paterson area, they generally come from Clifton, Passaic, and Paterson areas.

ASSEMBLYMAN OWENS: Well, percentagewise, out of the 130, would you have any idea what percentage comes from your major population centers, as opposed to the more rural areas?

THE WITNESS: Can I ask just a point of information?

ASSEMBLYMAN OWENS: Yes.

THE WITNESS: How would you include, let's say, an area that borders on a strong population center?

ASSEMBLYMAN OWENS: I would say it's rural.

THE WITNESS: For example, would you say --

ASSEMBLYMAN OWENS: For these purposes.

THE WITNESS: I see. For this purpose, I would say, still you are probably anywhere in the three out of four come from the major areas.

ASSEMBLYMAN OWENS: Three out of four?

THE WITNESS: Possibly. Now, we have a few men coming down from the northern end of the State; a few men from areas like Summit, and so forth, but most of our policemen are from Newark, Paterson, Passaic, Clifton areas.

ASSEMBLYMAN OWENS: How long has the program been in existence?

THE WITNESS: We started in September, 1967.

ASSEMBLYMAN OWENS: So you don't have too much history to draw on?

THE WITNESS: No, we don't have history here in terms of the Rutgers' program. I can tell you, if you are interested, in a projection that we should have 200 officers in the program, (77-200)

in the fall, and I project three, four years, barring from unforeseen circumstance, we should have four or five hundred.

ASSEMBLYMAN OWENS: From what I have been able to gather about certain of the police departments, there really is no particular incentive to obtain a degree, in that there is no special reward by way of additional compensation or elevation in position, or so forth, when they enter the department. Is that true?

THE WITNESS: That's true through most of the areas of the state. We have four places where there are incentives in Jersey. One area is Fair Lawn, New Jersey, where each officer gets \$17 above basic compensation for each college credit earned, and approved credit earned.

In North Brunswick, we have a similar incentive, that the officers get \$20 above basic compensation for each college credit earned.

In Clifton, they have started to develop some plan of tuition support, plus considering an incentive.

Paterson has an incentive for their police, in other words, so much money for each college credit earned above the basic compensation.

ASSEMBLYMAN OWENS: Would you feel it would be wise?

THE WITNESS: I think it's most important. The way I look at it, is that we're now dealing with the most critical area of the public service. If we should give incentives in any area of public services, we should give it to the most important. This would be the policeman's finest hour, if we can give him all the equipment, support, and required knowledge.

ASSEMBLYMAN OWENS: Do you feel that additional incentives or the initial incentive, where they don't exist at all, might escalate your forecast of future classes?

THE WITNESS: Yes. As a matter of fact, I'd like to go further on this, in terms -- in response to your question.

I feel that the whole approach should be through some statewide master plan, because what has happened in many areas, is, in many areas of the country, it's just not a number of police science programs, it's the approach of the police science programs.

It should be on a high level, should give the man what he does not get in the academy ordinarily.

It should be fixed so we develop the man.

In a master plan, if a man moves from a two-year college, there would be some kind of rapport between the two-year college and the four-year college, so he does not lose out in terms of credits, and so forth.

This has been one of the areas of concern where some of the non-accreditation unacceptable programs have developed the concern that men lose out/ ^{in transferring.}

Then again, under a master plan, you can do what you envision, ^{provide} some kind of incentive system.

Then you might get the vast background for people and background to reach these people.

Then again, under a master plan, you might be able to generate and project ahead in terms of development, what I call standards, statewide.

What is the good of having standards in three-quarters of the state and one-quarter of the state have poor standards, pockets of no standards?

PROFESSOR RUTH: You referred to previously to the need of police supervisors and administrators to have such degrees. Are there any already enrolled in such a course?

THE WITNESS: Yes.

PROFESSOR RUTH: How many out of the 135?

THE WITNESS: This again would be a guess.
From what level up?

PROFESSOR RUTH: Captain and above.

THE WITNESS: Captain and above, I'd say we probably have somewhere about 12, 10 or 12, in the captain,^{to}/chief range.

PROFESSOR RUTH: Do you think people who get your degree, in addition to having a salary incentive, should have a promotion incentive?

THE WITNESS: Yes, but I think here's one thing you have to be concerned with. I think any promotion incentive which would adopt the requirements of higher formal education, should be projected or programmed overtime sufficient to give a number of men who came into police work the chance to meet the new requirements.

In other words, assuming you are going to say, which some municipalities are starting to do, we want our sergeants to have X number of years credits for a degree of schooling. I think you have to project sufficiently ahead, so you can give the man who did not come in under that type of requirement.

taking our courses.

PROFESSOR RUTH: I'm trying to think of a way to bridge the gap between the fellow that graduate from high school, between 18 and 19, and cannot get a job until he is 21. Do you think the minimum age should be lowered from the age of 21?

THE WITNESS: I think it depends on the individual. I think the age should not be the ultimate factor. I think you can get a person of 20 years with the stability, and so forth. I think 21 has been something we^{have} lived by, because of tradition.

MR. LUMBARD: Could you get some intermediate status, which you catch him at the end of high school, where he is making his important decision, rather than trying to catch him at 21 or at 22, when he has already made a different decision?

THE WITNESS: Many adjust themselves to that phase. My personal feeling, I like to see developed in this state some kind of statewide work study program, where you get the kids that are in high school, graduating out of high school,

and let's say, a thousand kids to attend some kind of work study program, so by the time they are 20 or 21, they not only have some kind of college background,^{but} they have some kind of actual experience, not sworn law enforcement experience, but experience in law enforcement agencies.

These could be^a potential reserve for police candidates.

Another interesting phase I would like to point out to the Committee, is that the theoretical or classical approach to recruitment has not worked out. Where areas^{have} lowered standards, they have a tougher time getting recruits.

Where they have raised standards -- Baltimore, an example, they went down to eighth grade to get recruits. They couldn't get recruits. They started raising the standards, and the requirement then was something like a 12th^{grade} education. Same here in this State.

We have, for example, in Dover Township, where there is a commitment to sending the young recruit to college, they don't^{have} have any difficulty in recruiting people.

ASSEMBLYMAN OWENS: In this area of recruitment, Col. Kelly, while testifying before this

Committee, indicated difficulty in recruiting non-white candidates for the State Police.

I wonder if you might have any suggestions that you would care to offer that would assist him, since he indicated, as I believe and I think many others do believe, it would be very helpful, not only in emergency situations, but in general to have a larger non-white representation in the State Police.

THE WITNESS: I think we ought to do what we have done in many areas, we ought to go right to the colleges and make a tremendous campaign to recruit. If it means recruiting on the Negro colleges, let's do that. Let's get the best men. I think it is important that the people in the community feel that they have representation on the police force, but I think it is more important that the men you have on are fellows with the perspective. Merely putting a Negro or a white man in a situation does not correct a condition, if he himself does not have the perspective or understanding.

So I say in addressing myself to your question, I would like to see a real commitment to get people from the colleges coming on to the

police forces.

ASSEMBLYMAN OWENS: I don't believe that was one of the methods he indicated he utilized.

THE WITNESS: The second thing can be the work study program I have suggested. We're having colleges opening up. For example, Livingston College of Rutgers is going up, which is going to be devoted to urban affairs. Perhaps at one or two of these colleges, you can attract people who in to a work study program in law enforcement.

Let's get good people on a work study program maybe attracted to law enforcement.

It will start to snowball, the more you elevate standards, you get more and more people competing for jobs. The saddest thing to see in law enforcement agency is 12, 13, 14, 15 people on a police force. Then in two or three years some of the men that are career minded go to a different area.

I once did a study in the New York City Police Department. It took about \$6,000 to train a recruit. You can imagine what the loss is when that man serves a short time and then moves into

another area.

PROFESSOR RUTH: Professor, do most of your students pay their way or ^{ones} the department pay their tuition?

THE WITNESS: A combination of that. Professor, in Newark there is about \$9,000 which is committed to scholarships for police science officers.

The average man going to school will take six credits a semester, or 12 credits a year, and the scholarship will cover a man for 12 credits.

In Newark, a good many are on scholarships.

In other communities, they are doing it with points, and another on partial tuition remuneration if he passes.

PROFESSOR RUTH: To get a scholarship, does the man have to give a statement of intent to come back to the force or not to leave the force after he gets his degree for a certain number of years?

THE WITNESS: I only know the phase where we made a selection of where we get the candidates. We used the examination by the Princeton Testing Service. All we know, the students must maintain an average. I don't know if there is a commitment

that he stay with the force.

Many of the men receiving incentives from their cities are not leaving those places. They feel a tie-in with the cities. They feel a commitment, where the incentive has been put into effect, and this seems to be working out well.

THE CHAIRMAN: Professor, you dealt considerably on this recruitment salary level. What is your feeling in terms of salary levels for police?

THE WITNESS: I feel they should be raised. They should be raised for two reasons.

It will be more economical to raise them, you'll give a man, an incentive to stay. You reduce a heavy turnover. ^{In} most police departments that operate through the nation, if a man stays three or four years, generally with the larger forces, he will stay permanently with the force.

Generally if/ ^{there is} a turnover, it is within three or four years. I mentioned before, it costs \$6,000 to train a recruit in New York.

In every state, you spend a week to 13 weeks training recruits, you invest supervisory time, you invest experienced time. Then this

man leaves you after two or three years, it's better to keep salaries abreast.

Let's attract good men and provide an incentive. I feel, in the long range, it will be more economical.

THE CHAIRMAN: Thank you. Anything further?

(No response.)

THE CHAIRMAN: Thank you very much, Professor.

THE WITNESS: Thank you for the opportunity.

MR. LUMBARD: Jesus Rodriguez.

MR. RODRIGUEZ: I'm presently employed by the Office of Economic Opportunity in Camden, but on my free time I devote most of my time to the development of a crime prevention project.

J E S U S R O D R I G U E Z, duly sworn.

MR. LUMBARD: You are now employed by the Office of Economic Opportunity in Camden?

THE WITNESS: Yes, sir.

MR. LUMBARD: In what capacity?

THE WITNESS: As a community organizer.

MR. LUMBARD: What does that mean?

THE WITNESS: Community organizer is supposed to go into the neighborhood and try to get the people motivated for the betterment of the community,

to have them participate and attend meetings, participate in the programs and trying to initiate new programs, which would help themselves, and which have been created by them.

MR. LUMBARD: Now, I understand you were convicted of criminal homicide some years ago; is that correct?

THE WITNESS: Yes.

MR. LUMBARD: When was that?

THE WITNESS: June -- correction, September 14th, 1951.

MR. LUMBARD: In what county were you convicted?

THE WITNESS: Cumberland County.

MR. LUMBARD: You were thereafter sentenced, were you not?

THE WITNESS: Yes, I was sentenced.

MR. LUMBARD: To what?

THE WITNESS: To the New Jersey State Prison for the balance of my natural life.

MR. LUMBARD: In the State Prison for life?

THE WITNESS: For the balance of my natural life.

MR. LUMBARD: How long were you there?

THE WITNESS: 15 years, five months. When I found out that I was illegally processed and my

sentence was illegal, and I made application to the Courts back in 1957. It took me nine years through the process of justice to get a reversal of the verdict.

MR. LUMBARD: You served 15 years, nine months in the prisons?

THE WITNESS: In the prison systems, yes. I was in the Model Prisoners Camp, ~~at least years~~ 5 years and in the prison, and five months outside in the minimum security camp.

MR. LUMBARD: Where was that?

THE WITNESS: West Trenton.

MR. LUMBARD: Could you tell us what you have come to understand, insofar as the employment opportunities of prisoners after they leave the prisons, assuming they have served their time and they're legally released?

THE WITNESS: It's very hard.

MR. LUMBARD: Tell us about that.

THE WITNESS: Speaking for myself, I dedicated most of my time in prison preparing myself for the day that I was being released from the prison. I contacted the International Correspondence Schools to be an for a job, International Correspondence School the representative in Northern New Jersey area.

They went so far as to get me \$10,000 bond, so I could work for them, but the Department of Education turned me down, because I had a criminal record.

MR. LUMBARD: So you couldn't get the bond?

THE WITNESS: I couldn't get the license. I had the bond.

MR. LUMBARD: What license couldn't you get?

THE WITNESS: They call them agent's license, to sell correspondence courses.

MR. LUMBARD: In the State of New Jersey?

THE WITNESS: Yes. And after that I made application to other companies, and based on my qualifications, my training, they were ready to give me a job, until they asked me was I ever arrested.

When I told them yes, they told me they were sorry, they couldn't hire me.

MR. LUMBARD: How long did this go on?

THE WITNESS: Well, I have filled out about 55 applications in different companies.

MR. LUMBARD: Around the State?

THE WITNESS: Around the State, yes.

MR. LUMBARD: What are the names of some of them?

THE WITNESS: I better not --

MR. LUMBARD: You're working now for the O.E.O. To what companies did you make application?

THE WITNESS: I make application for some car dealers over here in Trenton; I make for the ammunition plant in Burlington; I made for this Williams/^{paint}plant -- what is that?

MR. LUMBARD: Sherman-Williams?

THE WITNESS: Sherman-Williams, right. I forget what insurance company, right now I can't remember.

MR. LUMBARD: Were these located in different parts of the State?

THE WITNESS: Yes.

MR. LUMBARD: How were you sustaining yourself and making a living while you were trying to get a job?

THE WITNESS: I was lucky. When I first got out, I got the job with United Progress in Trenton. This is the anti-poverty program, to work in the Spanish community.

Then from there I was selected to take official training at Rutgers University, in the labor institute, and from there they placed me

in Camden, to work in the office of Economic Opportunity.

MR. LUMBARD: Now, have you attempted to gain any other kind of licenses?

THE WITNESS: Yes, a barber license.

MR. LUMBARD: A barber license?

THE WITNESS: Yes.

MR. LUMBARD: What happened?

THE WITNESS: Well, first two times they demanded that I get a complete record of my case, and I was unable to get them. Then they told me to tell the parole officer to make a full report and send ^{it} to them, and the parole officer refuse. I never got it.

MR. LUMBARD: What was the agency that denied you the barber license?

THE WITNESS: The Board of Barber Examiners, Department of Health.

MR. LUMBARD: Did you try to get any other licenses, permits?

THE WITNESS: No. That was the only two, but I was told by the automobile agencies that I couldn't get a license to be auto salesman.

MR. LUMBARD: That you could or couldn't?

THE WITNESS: Couldn't.

MR. LUMBARD: I'm trying to sum up. So the automobile agencies that you made application for a job, there wasn't any use?

THE WITNESS: No use.

MR. LUMBARD: In trying to get a license, you couldn't?

THE WITNESS: If I get a pardon, I get a license.

MR. LUMBARD: You had to get a pardon?

THE WITNESS: Yes. So I made an application to get a pardon. So they told me I couldn't get a pardon until 1977.

MR. LUMBARD: Who told you that?

THE WITNESS: Mr. Ashby.

MR. LUMBARD: Mr. Ashby, the head of the Parole Board. You don't have to show me the letter.

THE WITNESS: He says, "You will not be eligible to file application for pardon until at least ten years has elapsed since the date of discharge from confinement or parole supervision, for example, May 23, 1977."

MR. LUMBARD: When were you released?

THE WITNESS: October 25, 1966.

MR. LUMBARD: Let's go back to your seeking

a job.

THE WITNESS: I made applications in New York, too, for the Puerto Rican Community Development Agency.

MR. LUMBARD: Is that a government agency?

THE WITNESS: An anti-poverty program, too. I guess they never got around to my application. So a lot of places I went and filled out an application.

They told me they let me know. I never heard anything.

One in particular was McGraw-Hill. I made an application to be a clerk in the export department, because I took some training on export-importing. I never heard nothing.

MR. LUMBARD: Are you able to write English?

THE WITNESS: Yes.

MR. LUMBARD: Fill out the application form for the companies?

THE WITNESS: Certainly. I wrote all the legal papers that started the legal action in 1957.

MR. LUMBARD: You got yourself out, in other words?

THE WITNESS: Practically.

MR. LUMBARD: Have you attempted to join any unions?

THE WITNESS: No, I have not attempted to the union, although I was offered a job in the union, as an organizer, but I failed to keep the appointment, because I was informed that the people I would work with would not let me get in the labor union.

MR. LUMBARD: What union?

THE WITNESS: Textile Workers. They needed a bilingual organizer. I never went there, for fear I be turned down.

MR. LUMBARD: Do you have any recommendations to make to the Committee with respect to the conditions, employment conditions, which face persons who are released from prison, such as yourself?

THE WITNESS: Yes. As a matter of fact, when I was -- two or three years before I was released, I was working on a program which could help at least 70 to 80 percent of people who are released.

The reason I decided to work on this, was because a lot of people used to come back, and said that the reason they came back to the prison was that they could not get employment.

If they got employment, and the people in the factory found out about their criminal record, they made it so hard, that they would not be able to work there.

MR. LUMBARD: If they found out about the record?

THE WITNESS: Their criminal record.

MR. LUMBARD: The criminal record?

THE WITNESS: Yes. Sometimes these guys used to lie about being in prison. When the parole officers came in to supervise him, the next paycheck he was discharged, he was fired. And being I was doing this study, I found that employment would be ^{the} key to prevent crimes.

So I started to work on a project, create an organization, named United Crime Control Association.

MR. LUMBARD: Say that again?

THE WITNESS: United Crime Control -- excuse me -- Association.

MR. LUMBARD: You started that?

THE WITNESS: Yes. The way that I set things out in here, I am trying to create a rehabilitation program with at least three or four components. These components can be easily instituted in the

communities and will prevent, I say, the first ten years, could prevent 25 to 50 percent of the crimes that are taking place in society.

MR. LUMBARD: Please tell the Committee about this.

THE WITNESS: The main goal, I like to get institute, is a training program for ex-convicts who have not had basic education or skilled training, and employment. Then take the same program and put it -- institute in the prison or prison farm.

I have done^{some} research now. They have a training program in the prison system, but it is only limited to the reformatory and Bordentown --

MR. LUMBARD: The other institutions do not have it?

THE WITNESS: The other institutions do not have it. This is not effective, because they don't have the job development and job placement component.

The job placement and development plays a big part, because these will take the individual and have the job already waiting for him and place him in gainful employment.

Today, the individual gets out and he waste days, weeks, months, looking for a job.

Sometimes he cannot get there, because of lack

of money for transportation, and he might not know how to get there.

But with the components of job development and placement, there will be people who will take this individual to the job site and make sure that he can get to the job site until he can get on his feet, which means he can earn enough money to support himself for the transportation, and so forth.

Then the other -- incidentally, I sent a letter to President Johnson a couple of weeks ago, and I never get an answer from him, was to institute a bonding program.

MR. LUMBARD: Before we get to the bonding program, let's stay on the jobs.

Have you had any experience with any state agencies that try to seek jobs for the unemployed?

THE WITNESS: Yes, there are a lot of agencies that have the employment programs, but they have not been reaching the people with record, because, as a matter of fact, they profess to try to help these people, but they have not reached them, because one, they might be scared to come into the place and say, "Well, I have been in prison," because automatically that is a brand and people

resent others that have been in prisons.

MR. LUMBARD: Are you familiar with the name State Employment Service?

THE WITNESS: Yes, I am.

MR. LUMBARD: Did you go to visit them, to get a job through them?

THE WITNESS: As a matter of fact, I did go once to the State Employment Service, which I will not reveal the address, and I was told to wait. I waited about one hour and nobody show up.

So finally a man came over, said, "what I can do for you?"

I said, "I like to make application for that job there, it was an administrative trainee for an export company or something.

He looked, "Oh, this, it was filled a week ago and all these have been filled."

And I said, "Filled? Why you have it listed up?" I said, "This is misleading. I waited two hours here believing this job exists." I wasted two hours.

He didn't answer me. I figure it was a waste of time. This has been a drawback on these and other

employments.

They fear to go to State Employment Service, because they feel they're going to be a waste of time.

Also with some agencies, they don't take them to a job site or really have a concrete job opportunity. In other words, I don't condemn all the job agencies. They are doing something and they are reaching some people, but they are not reaching, I say, the hard core, because those who have been going to prisons, are those who are the worst of the poor, because they have no money when they go from prison, and are outcasts.

MR. LUMBARD: Do you want to go to the bonding point now?

THE WITNESS: The bonding program will help alleviate the discrimination against ^a job that the employer has, because a bonding program will put the employer in the position -- we'll say this, either put up or shut up, because he doesn't want to give the ex-con a job, because he fears that something is going to be wrong or he is going to be harmed.

With the bond, this should be erased away,

because he wouldn't have anything to worry about, and then, say, 95 percent of the employers will take a chance and hire an ex-convict, if he has a bond, because the bond will be the securities, saying these men will do good.

MR. LUMBARD: How do you get bonds?

THE WITNESS: The United States Department of Labor did have a bonding program in New Jersey, but it has been ineffective, because they have a professional operating the program and they have not -- they didn't reach the people who were supposed to be participating in it.

MR. LUMBARD: When you say professional, what do you mean by that?

THE WITNESS: Well, the professional, is a person who has a college degree. That is how they classify in the anti-poverty program. The person who has not a college degree is not a professional. You understand the bonding program?

MR. LUMBARD: You say what you want to say.

THE WITNESS: The bonding program could be accomplished two ways.

The Department of Labor has been trying to get -- to involve the State Employment Service to respond on this for the help of the people, but let's say the government will not finance the bonding, this could be accomplished by consolidating a couple of bonding companies to form a corporation and create a separate bonding agency to serve these people.

I think a lot of employers will go along with the idea, because this is putting protection in their money.

At the same time, the bonding companies will create a different market, by having so many employees to be bonded and will be sponsored for his employees covered by own bonds for the bonding, will be a must in our society.

MR. LUMBARD: Do you have another point?

THE WITNESS: Yes. You want on training, education?

MR. LUMBARD: Whatever you wish to say next.

THE WITNESS: The main problems have been on the jobs, because many employers fear hiring ex-convicts, because they have generalized ex-convicts as all being thieves, swindlers, and so forth.

They forget there is -- if we go to generalize separate criminals, you have at least 200 different classes. You have the -- I will summarize in two. One is an accidental criminal and an intentional criminal. The intentional criminal is the one that commits the crime, knowing he is doing wrong. The other criminal is someone that by accident or mistake,

, commits a crime, but will do whatever he can to rectify, if he is able, the mistake.

In those categories, you will have many others, which would take me too long to summarize.

MR. LUMBARD: Go ahead.

THE WITNESS: What I would like to emphasize, in on the two phases of training, one is training on skills, the other one is training on basic education, and if we could do this, I think we could accomplish a whole lot more than hiring more police. Incidentally, I want to make a statement about the police officer who testified before me.

MR. LUMBARD: Actually, he is a professor who teaches in the police science course in Rutgers.

THE WITNESS: I am going to say something a lot of people have been missing. In the old times, the role of the policeman in the community was the best role the police will ever play. At that time the police was a friend of the community. The picture the policeman projects today is fear into the community.

I don't want to talk too much on that, because it is conflicting, but the point is, whatever training a policeman should get, should more or less/^{to} get back on the friendly basis it used to be, let's say when we were kids, that the policeman was the friend of everybody in the community and everybody used to look up to him, for somebody especially that will solve his problem.

Today, a policeman in the community is feared, and that has been a lot of problems, created for lack of understanding.

MR. LUMBARD: If we may now, let's go back to your next point, in your rehabilitative program.

THE WITNESS: Which phase in particular do you like me to elaborate on?

MR. LUMBARD: I don't know all phases of your program, so you have to rely on --

THE WITNESS: I'll tell you three, the education, basic education and training, the bonds, and employment development and placement.

This is two components in one, you develop the job and then place the individual.

In other words, you come in with double contact. You come in contact with the employer, which is developing the job and come in contact with the employee, by transporting or making facilities for him to attend or to be at the job site where you develop the job.

MR. LUMBARD: What is the attitude of the prisoners in the prison about to be released with respect to getting jobs and employment?

THE WITNESS: Well, this depends on his brother, his sister, some relative.

MR. LUMBARD: They usually pass on to relatives?

THE WITNESS: They depend on the relatives to get him a job. But I heard this, that if an employer cannot hold a job for an individual who might get released, or he might not get released.

I'm referring to the segment where the individual appears for a parole. If the individual is going to be released on a particular

day, then sometimes he might be able to gain employment right away, but it's very seldom.

When I got out, I made arrangements six months before to try to get the job with United Progress.

When I got out October 25th, I called them and made the appointment for October 30th, I think. They interviewed me. I filled out the applications. They call me back, I think, November 4th -- November 4th, something like that, the first few days of November. Then I start to work in November 14th.

So it's almost a month, and I was lucky I had somebody in my corner who wanted to employ me.

But I say, 85 percent of the people who got out are not that lucky.

MR. LUMBARD: What happens to the people who get out and cannot get jobs?

THE WITNESS: This is a good question, which a lot of people missed the boat on. If you can't get a job, let's say he goes for weeks, months, a couple of months, he can't get a job, he has to do something to live, and ^{if} he is weak-minded and somebody encourage him, he goes ahead and

commits a crime or he joins the rackets or organized crime.

MR. LUMBARD: I believe you used an illustration or two in talking with several persons on the staff about what happens to some people you have known in prison who didn't get jobs.

THE WITNESS: If they don't get a job, he just repeats going back to prison.

MR. LUMBARD: There was some illustration, one was about a pipefitter.

THE WITNESS: Yes. The plumber who can't get a license to be a plumber, he can't get a job. He likes to work as a plumber, but he can't get a license to work as a plumber.

Then you find a welder. Sometimes they team up and start to strip safes.

MR. LUMBARD: They become safe crackers?

THE WITNESS: That was one of the cases. If the plumber would have had a license, he would be on his own or working for somebody earning a living.

The welder, sometimes he can't get a job because he has a record, they wouldn't trust him. So the two get together and start to work.

MR. LUMBARD: Where were you born, Mr. Rodriguez?

THE WITNESS: I was born in Puerto Rico.

MR. LUMBARD: Where did you go to school?

THE WITNESS: I went to ninth grade in Puerto Rico, and I finished my high school where I was confined.

MR. LUMBARD: In Trenton State Prison?

THE WITNESS: Yes.

MR. LUMBARD: So, in effect, you went to high school in Trenton State Prison?

THE WITNESS: Yes.

MR. LUMBARD: How old were you when you went to Trenton State Prison?

THE WITNESS: 21 years old.

MR. LUMBARD: How old were you when you came out?

THE WITNESS: 36. I'm 38 now. Yesterday I was 38.

MR. LUMBARD: What courses did you study while you were there?

THE WITNESS: First I started studying English. Then I started studying law. Then I studied Export-Import. Then I took Business Administration

and organization for three years, and I took a year and a half of public relations and newspaper writing.

MR. LUMBARD: You're surrounded by newspaper writers.

THE WITNESS: I didn't know.

MR. LUMBARD: I don't know whether they learned it in Trenton State Prison or not.

THE WITNESS: And I learned a little music.

MR. LUMBARD: You took these course by correspondence?

THE WITNESS: By correspondence and purchase books with the money I used to earn.

MR. LUMBARD: Not by courses given in prison?

THE WITNESS: No. The only course they gave me in the prison, was the two years I went to ninth and tenth grade.

MR. LUMBARD: Ninth and ten grade you took in prison?

THE WITNESS: Yes.

MR. LUMBARD: They didn't give any other courses?

THE WITNESS: No, just basic education.

MR. LUMBARD: In this group you have organized, do you have persons who have gone through a course,

who you have specifically helped?

THE WITNESS: What do you mean, United Crime Association?

MR. LUMBARD: Yes.

THE WITNESS: I didn't get it off the ground, because I didn't have the financial support. I'm trying to get it off the ground. I'm trying to get all the material together in my spare time.

MR. LUMBARD: You're trying to do this in Camden?

THE WITNESS: If possible, in Camden or /and statewide.

MR. LUMBARD: All right.

PROFESSOR RUTH: Mr. Rodriguez, as you got out of prison, did you get much help from your parole officer in finding employment?

THE WITNESS: No, sir.

MR. LUMBARD: Did you talk to him about that or did he offer to help you find employment?

THE WITNESS: No. In fact, as I mentioned before, I went to New York to try to get a job with the Puerto Rican development agency, and he gave me a pass to go to New York, but he was

reluctant to give me other passes to go work there. He told me not to make a habit of getting passes.

PROFESSOR RUTH: He wanted you to stay in New Jersey?

THE WITNESS: Right.

PROFESSOR RUTH: Let me switch to another subject. There is a trend in a few states for people who have been in prison, when they get out, to work with ex-offenders or work in prison systems or help other prisoners find jobs, as an employee of the State Correctional System. Do you have any comment on that, whether that would be a useful sort of thing? Do you think, as you got out of prison, as a reliable person, ^{you} could help the correctional system as an employee thereof, by working with prison offenders?

THE WITNESS: Yes, I could. When I was there, I was counseling -- when I was on the farm, prison farm, we used to have a segment of the population that were Bordentown Reformatory inmates. I was a barber and I used to counsel them not to come back to prison.

My whole time -- when you are a barber,

you hear all the troubles. Most of them come to you for guidance and seeking help, so for those I did counsel, I'd say 90 percent never came back.

PROFESSOR RUTH: When you say counseled, was that on your own ?

THE WITNESS: On my own, yes.

PROFESSOR RUTH: Was that encouraged by the people running the prison?

THE WITNESS: No, that was on my own initiative, they discourage such practices.

PROFESSOR RUTH: Let me ask you one final question. You refer to people who are not able to get employment, a job when they get out of imprisonment, they sometimes go to the rackets or into organized crime.

To your knowledge, does organized crime seek the people out when they get out of prison or do they have to go to find the people in the rackets?

THE WITNESS: No. These people go and make an application. If they are good enough, if they have a reputation, they get in, but if they are not good enough, they don't get in.

PROFESSOR RUTH: What do you mean, not good?

THE WITNESS: Well, they want people good with the fists, rough, tumble people, who can talk with a fist. So if they are good, they are accepted. Then there is one thing, I don't know how many people realize this, but these people might become so desperate, because they can't get a job, that they might offer themselves to be used at the discretion of whoever is in charge in the ranks.

MR. LUMBARD: To whom do you make application?

THE WITNESS: To the bosses.

MR. LUMBARD: Most of the people in prison know who they are?

THE WITNESS: Yes, at one time or another they come in contact with them.

SENATOR WOODCOCK: Now, sir, where did you serve your sentence? Was that Trenton?

THE WITNESS: In Trenton State Prison, I serve ten years, and five years and five months at the State Prison Farm in West Trenton. That is a model prison, for model prisoners.

SENATOR WOODCOCK: That is a model prison?

THE WITNESS: Yes.

SENATOR WOODCOCK: That was the extent of your sentencing and where you served; is that correct?

THE WITNESS: You see, when I won a new trial, I got sentenced to 25 to 30 years. I served 15 years, five months in prison, and then I served nine months on parole. I was discharged from parole May 23, 1967.

SENATOR WOODCOCK: All right.

THE CHAIRMAN: Mr. Rodriguez, apparently you firmly believe that this ability to get a job is really the one key to keeping somebody straight once they do serve their term, right?

THE WITNESS: Rephrase the question again?

THE CHAIRMAN: Getting the job, being able to get a job, once a man is released, is perhaps the number one key to rehabilitation?

THE WITNESS: Not only for rehabilitation, but to prevent crimes.

THE CHAIRMAN: Thank you.

SENATOR LYNCH: Mr. Rodriguez, I don't want to bring you back to some unpleasant days or moments, but I assume you were indicted by the

Cumberland Grand Jury?

THE WITNESS: I was indicted on the statutory form, not first or second.

SENATOR LYNCH: Did you have a trial or did you enter a plea?

THE WITNESS: My lawyer entered a plea.

SENATOR LYNCH: Non vult?

THE WITNESS: Yes.

SENATOR LYNCH: You were sentenced to life imprisonment?

THE WITNESS: For the balance of my natural life.

SENATOR LYNCH: Was the lawyer court assigned?

THE WITNESS: Yes.

SENATOR LYNCH: Who was the person murdered?

THE WITNESS: My common-law wife.

SENATOR LYNCH: What were the charges made by the prosecutor as to how she was murdered?

THE WITNESS: It was during the heat of a quarrel and in anger.

SENATOR LYNCH: With a weapon?

THE WITNESS: Yes, sir.

SENATOR LYNCH: What kind of a weapon?

THE WITNESS: A straight razor.

SENATOR LYNCH: That's all.

THE CHAIRMAN: Mr. Owens?

ASSEMBLYMAN OWENS: Mr. Rodriguez, it's clear that a great deal of your employment seeking problems were related to your background as a prisoner, as having a criminal record?

THE WITNESS: Yes.

ASSEMBLYMAN OWENS: Did you also feel at any time that there was a problem in getting employment because you were Puerto Rican also?

THE WITNESS: Well, it's hard to say, because, you see, the excuse, as having a criminal record, might weigh in with the fact of being Puerto Rican, ^{it} might have been something to do, yes.

ASSEMBLYMAN OWENS: Actually, in some cases you would have difficulty in distinguishing whether or not it was the fact that you were Puerto Rican or your criminal record or the combination of the two that resulted in the denial of your employment?

THE WITNESS: Yes, it could be, but most on criminal record.

PROFESSOR RUTH: Mr. Rodriguez, you mentioned the parole officer did not help you find a job. What did your parole supervision consist of?

of, what did you do?

THE WITNESS: I used to report once a month to him, show him my paycheck, which proved that I have been working, and sometimes he went to visit my niece, who I was supposed to be living with, my niece.

PROFESSOR RUTH: Did he try to help you in any way?

THE WITNESS: No.

ASSEMBLYMAN OWENS: Mr. Rodriguez, would you have any idea what kind of case load your parole officer had?

THE WITNESS: No, I don't.

THE CHAIRMAN: Thank you very much, Mr. Rodriguez.

Mr. diSuvero. Would you identify yourself for the record, and then I would like to swear you in.

MR. diSUVERO: Henry diSuvero, Executive Director of the American Civil Liberties Union of New Jersey.

H E N R Y N . d i S U V E R O, duly sworn.

THE CHAIRMAN: You have a statement you would like to read?

THE WITNESS: Yes, I have a prepared statement, which I have submitted to the Committee. I would first just like to acknowledge my appreciation for having been invited to appear as a witness here today.

Rather than reading the statement, which you already have, I would just like to go over lightly, the more important points.

It is our feeling, first of all, that any improvement in the system of criminal administration is going to cost money. We feel that many of the proposals that might be before you, either in the way of mandatory sentence or wiretapping, is probably a short-cut way to achieve law enforcement.

We feel the first line of providing law enforcement is by expanding police personnel, maintaining present personnel, and improving that personnel.

To that regard, we endorse the Riot Commission's recommendation for a \$7,000 to \$10,000 minimum wage for any municipal police personnel.

We call upon the Legislature to finance a significant share of the moneys that would

be needed to bring salaries to this level.

We also believe that many of the conflicts that result in an impairment of trust, that the community has with the police department, especially in Newark and some of the other large cities, are a result of a feeling the police are above the law and there is no effective way for citizens to achieve a kind of redress for their grievances.

To this end, we would like to see passage of ombudsman legislation; passage of legislation called for by the Riot Commission which would establish a Civilian Review Board in Newark, given the mayor's refusal to appoint one; creation of a special corps of prosecutors in the Division of Civil Rights with jurisdiction to commence criminal proceedings against police officers for assault and similar crimes.

It is our experience that local prosecutors, to a large extent, have to depend on local police personnel and are very reluctant to vindicate what, otherwise, might be generally acknowledged to be in the public interest.

We feel that such a court prosecutors corps in the Division's office might accomplish that end.

We also feel that the Legislation providing for a statutory minimum of \$3,000 for assault by a police officer, would, in effect, create an interest in the Bar, in bringing such civil prosecutions.

While I can say from my own experience, most of the attorneys are loathe to handle these cases in the first instance, even though they feel the client has a legitimate claim.

I feel it is necessary, because many Municipal Court Judges, in my experience, will not accept a cross criminal complaint against police officers. This is standard procedure, I know, in Newark, and had been the case in Plainfield.

With respect to judicial administration, I had the privilege of reading in toto the testimony of Justice Weintraub, and I would like to comment on one section of that testimony.

MR. LUMBARD: You mean the testimony or his prepared statement?

THE WITNESS: His prepared statement.

MR. LUMBARD: The testimony hasn't yet been transcribed.

THE WITNESS: It was his prepared statement, which I had been given to understand, has been his statement to the Committee.

MR. LUMBARD: Yes, he did read a statement.

THE WITNESS: The Justice argued for a concurrent right of Federal Courts to try State proceedings. There is existing legislation under the Civil Rights Act to remove Civil Rights cases from the State to the Federal level in limited circumstances.

It is our feeling, that it would be very beneficial to have a broad removal to permit a defendant to remove a case to the federal level any time he would allege a constitutional issue.

Justice Weintraub put it on the basis of judicial economy. He was annoyed and called it a ping-pong game that was being played between State and Federal Courts.

MR. LUMBARD: That was a phrase he used.

THE WITNESS: Yes, it was. And it's our feeling, that there are certain situations where it is truly advantageous and fair for the defendant to have available to him the remedy of removal. I think any defendant, any black

defendant, that comes before Judge Kapp of the Essex County Criminal Court should have that ability.

I have in my prepared statement a copy of the transcript, a very recent transcript, of Judge Kapp, where the Judge castigated the jury for having acquitted a defendant. The issue in that case was involving the credibility of the police officers over the defendant.

It appeared to me, Judge Kapp, by his statement, clearly shows that juries should believe police officers in all circumstances and should convict.

I would also like to comment on the procedure now being followed in the Essex County Criminal Court in dealing with the Grand Jury and Petit Jurys that sat on the riot cases in Newark last summer is still pending.

Now, in particular a pretrial motion is not being disposed of before people going to trial.

In that motion, about 65 defendants joined in it. A great number of those defendants had been tried, sentenced, and convicted, all

before that disposition of that pretrial motion.

Such a procedure would not have happened in Federal Court. I never heard the Federal Court convicting somebody before the disposition of pretrial motions.

I think given the circumstances in Essex County, that a defendant should have that opportunity. I think the Legislature could more or less accomplish this end by enacting a broad removal statute and/^{we}call upon this Committee to make such a recommendation to the Legislature.

We would like to see specifically, and listed on page three of my statement, ^{is the recommendation} that arrest records be expunged. There are often times when a person is trying to seek employment and because they have an arrest record, it is impossible.

It is our position, that the presumption of innocence is that what governs our criminal justice system, and if it is to have any meaning, then there should be no liability for a person arrested and subsequently acquitted.

We also would like to recommend the abolishment of the enabling legislation permitting the existence of Magistrate Courts, in accordance with

the Riot Commission's report.

The Riot Commission's report also spoke of implementing throughout the State programs for summons in lieu of arrest and personal recognizance release, instead of bail.

We would like to see the Legislature enact a statewide procedure to eliminate these practices so that these recommendations can be carried out.

In the area of corrections, we have one suggestion, which I believe is a fairly novel one, and that is we would like to see the construction, at least the study of construction, of one facility which goes beyond the model farm correction facility now used.

We would like to see a self-contained township where convicts could live with their families and carry on relatively normal, but nevertheless socially regulated lives.

It appears to us, one of the problems that people going into institutions face is learning how to live.

I take it, if we have a rehabilitative purpose, that one of the aims in this institution is, should be, to teach the people the social control for living once they get outside,

and we think one of the ways to accomplish this is having a self-regulated township, nevertheless, still subject to penal supervision.

MR. LUMBARD: You might solve the prison sexual crime, but do you think that you want to put the prisoner's wife or children to grow up among other prisoners and families in a regulated atmosphere?

THE WITNESS: It's not only a question of solving the homosexual problem that exists, and I think it would not be necessary for the children of prisoners to have only contact within their township. I think that security precautions could be arrived at where these children could leave the township. It might be difficult, but not insurmountable.

The other alternative is complete destruction of family life of somebody convicted.

I think it should be an option, but what we are dealing with, with the removal of one spouse or the other. I think it might be in the family decision, in its power to decide what common life they are going to live while this person is serving his time.

We also strongly recommend, and perhaps this is not appropriate for this Committee, but it is my experience, that mail from prisoners to counsel not be censored. It is my contention that the right to counsel, as it exists under the Constitution, there should not be such censorship. I do not believe, whatever might be the security, that general censorship should be applied to mail going to counsel.

We also feel that there should be a differentiation of treatment between people awaiting trial and people serving time.

In Essex County, these people are treated the same. If a person is awaiting trial, we feel punishment should not be started until convicted.

In the area of drug abuse, we would urge the abolishment of the Disorderly Persons provision, making it a crime to be publicly intoxicated. *Powell vs. Texas*, before the Supreme Court, is on that subject.

It is our opinion, with the holding of the Supreme Court of *California vs. Robinson*, you should not punish people because they are alcoholics.

MR. LUMBARD: Do you support the position of California vs. Robinson?

THE WITNESS: Yes, I do.

MR. LUMBARD: So if New Jersey were to enact a system of facilities of one kind or other for narcotics addicts --

THE WITNESS: No. As I understand the holding of California vs. Robinson, that was a very narrow holding, was a statute which made somebody ^{WHO WAS} an addict a criminal. In other words, the status of being an addict, was held by the Supreme Court not to be subject to criminal punishment.

It is true the Court in the footnote, did say this is not to preclude some committing for addiction. My feeling is that, that was not an issue before the Court at that time, it was not in any way raised below, ruled on below, briefed, argued, in any way brought before the attention of the Court.

As a matter of fact, I don't think that the court has ever directly held on this issue.

I consider it to be dicta, an unfortunate dicta. I think Justice Weintraub was right, when he spoke for punishment for criminals

and treatment for sickness and mentioned there were many safeguards that needed to be adopted if this society was to turn to treating for sicknesses, certain kind of behavior that we now punish for.

As a matter of fact, we do recommend against the adoption, ^{of} the program similar to New York's

There is legislation now before both bodies of the Legislature providing for that kind of civil commitment program.

I think the experience of New York, although limited to one year's time, clearly shows how disastrous such a program is.

I think if you had addicts from that program here and described in detail to you the kind of treatment that they are securing at the present time, without qualified and short personnel and the like, that you would see that the New York program is nothing short of prison facilities with medical dressing.

We prefer a professionally developed program, with medical facilities which could provide outpatient care for addicts, and with expert care.

One of the things I was impressed with in New York, ^{was} group therapy for drug users. Patients were administered methadone. This was outside of any governmental framework and having a fairly uniform success rate.

It was a small project, intensive care, but very successful.

I think if it was one area, given the highest incidence of crime, attached to people who are addicts, that it will ease the situation, to get people off the heat.

When you are dealing with addicts, you are dealing with the class of people most alienated in society. I don't think you can change people by putting them in that kind of facility and isolate them.

MR. LUMBARD: Did the doctor who heads that program, is he a big promoter of that program?

THE WITNESS He is not.

MR. LUMBARD: They're all part of the New York program?

THE WITNESS: As my understanding goes, I may be wrong, I don't intend to speak for Dr. Ramirez. As my understanding goes, HE has been

more instrumental in/developing existing out-patient
urging facilities and/that they be brought under
the program, because the program does not
provide for out-patient treatment.

From what I know of his work in Puerto Rico, it was exclusively designed for people who voluntarily joined the program.

MR. LUMBARD: We might have some difficulty with that.

THE WITNESS: I understand your connection with Governor Rockefeller and the New York program. There were elements of the New York program just the other day that were argued in the Court of Appeal dealing with counsel. These were attacks on the constitutionality of the Act.

I would just like to repeat, that it seems to me, several levels of decision-making are involved in such programs. One is the constitutional level. One is the policy. If it is the policy level then what about the future, what is the so-called success rate of one program over another.

My feeling is, even if this Committee might decide that the New York program is a success, that the conditions are very different in New

Jersey than in New York.

New Jersey does not have has the tremendous addict population that New York has. I think figures released yesterday show a large disparity. I think New Jersey comes closer to Connecticut than New York.

We also like to see a study commission to review the possession of marijuana, a narcotic under the present law.

Now, let me say, the ACLU does not recommend the abolishment of penalties on marijuana. I want to make that very, very clear. What we are concerned about, ^{is} something entirely different. I have any number of parents who call me up, complaining about my son and my daughter has been arrested in a pot raid, ^{and ask} what is it that I can do.

Then starts a long story, I didn't know my son was involved, my daughter was involved, is there something that the ACLU can do.

We have taken the position, ~~the~~ Legislature's position to decide whether or not there is a health and safety rationale to support such a legislation. We have been aware of the medical testimony in the other direction,

that there are harmful effects of greater nature in nicotine or alcohol or the like.

It is our feeling that one of the things related to the existence of the narcotics laws, such as punishing the possessor of marijuana, is the creation of a taboo, in other words, this is a taboo item in our society, possession. People get involved in it. They get involved in a sub-culture that deals in this type of taboo item.

I know there is argument back and forth on the issue, people ^{start} on marijuana and then they graduate to heroin, narcotics. I do not know where the truth lies in.

I think you can make all kinds of correlations, people who are on heroin probably started out on cigarettes, I don't know. I haven't seen the statistics, but what I say is this, that it is our feeling that there is a real creation of a criminal sub-culture, somebody gets involved in marijuana and then probably is dealing in a kind of excited environment that leads to other kinds of drug uses, and I suggest this to the Legislature for your consideration.

Perhaps if the Legislature does make public health and safety findings, that this is no more, ^{and} no less than a dangerous drug such as alcohol, and removed the taint of crime, as to marijuana, then perhaps people will not graduate to junk and other kinds of narcotics.

We do not suggest this is the right solution.

We have two other items that we like to call to the attention of the Legislators to.

One is the abolishment of capital punishment. This has not really been reached by the United States Supreme Court.

We feel we will ultimately reach that position. New Jersey has many people on Death Row, and we call upon the Legislature to abolish capital punishment. We advocate its repeal as violative of the cruel and unusual punishment provision of the Eighth Amendment and because such punishment cuts off due process rights of convicts who seek reversal of their convictions.

I think there was a case decided by the Supreme Court last year, where somebody was under pain of execution in Illinois, and the

Supreme Court reversed that conviction, on the ground that the prosecutor had presented evidence that he knew was not appropriate and that evidence was, I believe, paint, which the prosecutor had represented as blood stains.

It is this kind of error which is not correctable, cut off by capital punishment.

We feel there are any number of examples of such errors which require the Legislature to adopt such legislation.

With respect to stop and frisk, we call upon the Legislature to repeal the law that was passed by the State Supreme Court in the Dilly case. It is probably a well named case for a Court to arrive at such a decision. Most like States, New York, that have dealt with the issue of stop and frisk have done it by legislation and frisk. The stop has been argued before the Supreme Court, in cases coming out of New York, and other states, and the Court should decide this issue in the next couple of months.

We feel a neat piece of judicial law-making was done by the Dilly decision.

We feel the requirements of probable cause are still constitutional requirements,

and we call upon the Legislature to reenact that provision, requiring probable cause with a legislative intent, which would override the State Supreme Court decision.

MR. LUMBARD: Just speaking for myself, I understand that the ACLU is interested in correction in prison reform. I haven't seen that in New York, to any degree, and I congratulate you.

THE WITNESS: Thank you. We're an autonomous affiliate with the ACLU.

ASSEMBLYMAN OWENS: On page two of the prepared statement, paragraph D, you endorse the recommendation of the Riot Commission for establishing a Civil Review Board in Newark. You're not really limiting that to Newark, are you?

THE WITNESS: No. I believe the Riot Commission's recommendation report was limited to Newark.

ASSEMBLYMAN OWENS: That was their limit. Is that your recommendation?

THE WITNESS: No. We, of course, would like to see this become a statewide operation. We feel, however, political considerations, ^{being} what

they are, the chances of success are probably enhanced if it were limited to cities the size of Newark.

I think if it were established, it would not become the quarrel that many policemen associations believe it to be.

With that kind of situation, I think it would become more accepted throughout the State.

ASSEMBLYMAN OWENS: Number C, in that same listing, do you feel, really feel, the need for a special corps of prosecutors to commence action against police?

THE WITNESS: Yes, I do. I think it's a very practical kind of consideration.

If you have a County Prosecutor who has to rely upon detectives and policemen to make his cases and provide him with the evidence, it seems to me that he is in a difficult position once he prosecutes a member of that department.

I think in the area of fraud, it is much easier, because we have strict society standards of what happens to policemen that get involved in that kind of situation.

I think you need to have somebody removed from the local situation, who does not have

anything to lose by bringing such a prosecution.

In that sense, we think somebody operating, in effect, out of a state office, would be able to accomplish that. I think a comparable situation is in the deep south, of the crimes performed against rights leaders by the Department of Justice, when the department moved in.

It seems to me the same situation exists with police officers in this type of conduct.

SENATOR DUMONT: I notice you made a passing reference to wiretapping. Is it your position to be opposed to it in any form or prohibition or prevention as to its use?

THE WITNESS: We thoroughly recognize that the Supreme Court last term made certain conditions for the existence of wiretapping legislation. I would like to say -- let me put it this way. There are policy considerations, leaving aside the constitutional considerations, and I think I can say that we would feel that wiretapping legislation would be acceptable, only if it could provide that such wiretapping would not constitute what we term a general search and I do not see the kind of legislation coming out that could provide for that kind of

wiretapping legislation.

MR. LUMBARD: You could draft that kind of a bill?

THE WITNESS: No.

MR. LUMBARD: Could anybody?

THE WITNESS: Probably not.

SENATOR DUMONT: Suppose only on Court Order and confined to County Prosecutors, would that be opposed by your organization?

THE WITNESS: Yes, it would. Our contention is that a Court Order is tantamount to the search warrant and the Court did bring it under the Fourth Amendment the last term. So the criteria of the search warrant should apply, and one of the things to be seized should be stated.

If you are seizing bits and pieces of conversation and you can isolate that, then we feel the Fourth Amendment is met. Wiretapping is a general search to seize all conversations over a period of time, and we feel that is beyond the scope of the Fourth Amendment.

SENATOR DUMONT: Now, your comment in respect to marijuana, isn't that something like

registering all bookmakers, or a state lottery, that if we legalize it, then we would have less criminals?

THE WITNESS: I don't think it is the same. Let me just say, though, first of all, some states have legalized lotteries, New York has.

I don't think that it has had any impact on what I know, the rackets to be in New York. And so I don't think it has had that kind of effect.

I think what happens in terms of marijuana, you're dealing especially with a youth group that is probably in various stages of rebellion against parental or ^{other} authority existing in our system. You stamp something criminal and in many cases it becomes exciting.

I remember in high school, the biggest thing to do was to see if you can get a beer, even though you weren't of age. I am sure there are, in the number of people in our society, many who have been attracted by that kind of experience.

What happens now, when you get marijuana in a sub-culture/society, ^{of} ^{is that} then there is a whole pattern as to how you deal with the cops, special

words are used, a whole system of suspicion is developed.

Then it becomes easy to slip from one kind of drug use to another kind. All I'm suggesting is perhaps -- I'm not sure at all -- perhaps the stamp of criminality is doing the thing, which the statute seeks to prohibit, that ^{of} people graduating to stronger, more harmful and more deleterious substances.

SENATOR DUMONT: You mentioned that capital punishment may well eliminate due process.

We have 23 prisoners in the State of New Jersey now in State Prison, one of whom has been there for eleven years.

In view of the fact that there has been no one executed since 1963, is this really any cutting down or curtailment of due process?

THE WITNESS: I take it that one of the things that can happen, is who sits in the State House. When Governor Reagan took office in California, there were a large number of people on Death Row. Governor Brown saw fit to stay or commute a number of sentences or to provide for continued post-conviction relief.

I know Governor Hughes' conviction, that capital punishment does serve a purpose. There might be another Governor that might feel stronger in another respect, and next year there might be a very large amount of executions in a short period of time.

The Supreme Court has just accepted a case, just a month or so ago, on the issue of whether the exclusion from juries of people who are conscientiously opposed to capital punishment denies the defendant to a cross-section of citizens to sit on a case.

Most people tried, are tried under this statute. So they had excluded a certain class of the community, I will contend, and I think the Supreme Court will find. The point is, constitutional law of due process changes all the time. I think the trend in our society is a more civilized system, and I think this has been current in Court.

All the people on Death Row, if the Court decides to grant retroactivity to the decision in the Scruple case, would be granted a retrial.

What I am saying, is this kind of development could happen in other areas. The person who is executed could not take advantage of that newly developed or newly recognized right. It will seem to me, the prime purpose of capital punishment is not vengeance, because we supposedly live under a corrective system, that does not seek vengeance, rather, the purpose is deterrent.

If that is so, there is a way, and one of the ways is to compare the states in terms of the homicide rate before and after abolishment of capital punishment.

I say there has been no change in the states that have abolished capital punishment.

SENATOR DUMONT: You mentioned at the end, you want to file a paper on the witness immunity statute. You want to tell us ahead of time what your position is?

THE WITNESS: Yes. The witness immunity statute, I have not seen the particular piece of legislation, but they have been described as immunity from prosecution, rather than the legislation that was introduced last year, which was immunity from use.

I would like to see the full scope of the immunity sought to be granted under these pieces of legislation.

I think the position we took last year, we would prefer immunity from prosecution statute, and in view of the possible federal prosecution that would ensue after, we would ask the Legislature not to act, until such time Congress would act, in case the State passes such an immunity.

PROFESSOR RUTH: You recommended that there be automatically amnesty for first offenders. Would that be any crime? I wonder if you could elaborate how that works?

THE WITNESS: I think it is very fair for the Legislature to begin slowly. Last year I know the Amnesty Bill did pass with juveniles, then misdemeanors.

I think you should automatically provide the person convicted not to come into Court to secure amnesty, it should be automatic, that the State Prosecutor on a Show Cause Order could challenge a Court Order securing amnesty, if he could bring certain things to the

attention of the Court.

This is tied in with the testimony just before me, that I think what it does, is give a second chance. I think the chief proponent on the East Coast is Mr. Estenbaum, of Mr. Koota's office, the Brooklyn District Attorney.

In a society that now has no new frontiers, it seems to me that we should make new frontiers for somebody that has been convicted after a misdemeanor.

PROFESSOR RUTH: Even with expunging arrest records you have the problem when a fellow goes for a job, on the application, "Have you ever been arrested or convicted?"

When he is granted amnesty, the record is changed so he can answer the question no?

THE WITNESS: Yes. For one thing, I would like to see on State employment forms no question relating to arrest records. The state can govern its own house.

With respect to amnesty, if amnesty is to mean anything, it should particularly mean something in the area of employment, and the person that is part of the amnesty, should be entitled to say he has not been convicted.

I think it is a different question when someone has been sworn as a witness. I think the amnesty records might provide that a criminal conviction might be used, as now, to impeach the credibility of the witness, but even there, the direction of the law is moving to the point that excluding such an answer, if the conviction is very distant in terms of time, it cannot be used.

PROFESSOR RUTH: Switching to public drunkenness, which you recommend not being a crime, I assume all acts of public drunkenness by chronic alcoholics are not, does that apply if you and I get drunk and lie out in the street?

THE WITNESS: I guess not. I think that if the consideration is that if somebody is an alcoholic, then I think -- what is being sought, is to remove the status. What is being removed is the criminal status against them. Then it should not apply to you and I.

PROFESSOR RUTH: Do you think that law, if repealed, we need some new law to give the police officer power to remove the chronic alcoholic who is lying in the middle of the

street and is in a dangerous position himself or may be to people who will be around him?

THE WITNESS: I think so. I see no great danger of any kind of police abuse in terms of taking somebody who has passed out, for instance, on the street, to a treatment facility.

I think that I saw somebody with an epileptic seizure the other day in Newark, and the police arrived and called an ambulance. I think whatever program is developed, should be very careful to learn from our experience in the mental health field, that just putting somebody in a place should not be the end, and there should be constant judicial scrutiny what happens.

I think in the future , if this area is to work, we should borrow experience from other countries , where it is done voluntarily, and they have achieved a certain amount of success.

This again is a proposal that costs money. It is relatively cheap to put people in the drunk jail at night and call it quits, and it

costs more to put people in the treatment facilities.

PROFESSOR RUTH: When you recommended the abolition of stop and frisk, do you want anything in its place, or do you want to stop any detention 30 seconds long?

I'm thinking of the everyday situation where the police had to freeze the situation, where there is a body and ten people standing around, and he doesn't have probable cause on any one of the ten, but he wants to detain them. If you abolish stop and frisk, the police would have to watch the same people walk away.

THE WITNESS: For one thing, I think that it's not fair to speak of it in terms of stop and frisk. That means in the language of the Courts suspicious circumstances with a threat to the life of the officer.

Under your hypothetical, there is no such threat. I don't know that would apply. It doesn't answer your question.

I would say, there are currently on the books laws concerning material witnesses. They have not been successfully attacked, as

violating due process or other constitutional requirements. If the officer had a material witness, he can hold him for that basis.

PROFESSOR RUTH: He doesn't know when he first arrives on the scene.

THE WITNESS: Yes, but in that circumstances, my answer would be, the officer would have to let him go, yes.

THE CHAIRMAN: Assemblyman Thomas?

ASSEMBLYMAN THOMAS: Under the first section of your statement, B, recommend minimum statutory damages, that an individual could recover for an assault by a police officer, would you support the area of this situation of a minimum mandatory sentence of five years for anybody who was found guilty of assaulting a police officer?

THE WITNESS: I would not. I think the policy considerations are very different. I think where we take this from is really from Civil Rights Legislation passed in California for a minimum statutory amount for deprivation of Civil Rights.

The theory is to create a bar to handle the litigation. One of the problems, I feel,

if we have to sue the police officers, there is no chance for recovery, and, secondly, if we do recover, it will be next to nothing in terms of what kind of specials we can show.

My feeling is, if you are going to create a kind of private attorney general in this area, one of the ways to do it is by creating minimum statutory damages. Minimum sentencing is a different issue, and one of the questions is the kind of prison population you have.

Most prison officials that testified on narcotics minimum sentences before Congress, said one of the terrible things of minimum sentences in narcotics, it builds a whole population in the prison house, and it is tough to deal with, they have no hope of getting out and no reason to correct themselves.

I think that, in effect, what would happen here is, if the suggestion is adopted, municipalities would insure officers, as many of them do now, you would have insurance companies, defending the officers, and if the premiums got too high, what you would have the mayor or the comptroller telling the police department chief, "Look, you got

to knock it off, you have to tell the boys to knock it off, it costs too much money."

ASSEMBLYMAN THOMAS: Isn't a police department or the municipality responsible now for the actions of police officers?

THE WITNESS: Yes.

ASSEMBLYMAN THOMAS: All this is not designed to create a fine, but to encourage suits. The Pearce case in Newark -- Newark is insured -- so that is not a criteria.

THE WITNESS: Yes, it is to encourage suits. There are instances where suits are not brought now and should be.

ASSEMBLYMAN THOMAS: You have reference to State vs. LeRoy Jones. Did you attend that case?

THE WITNESS: No, I did not. I did read the charge.

ASSEMBLYMAN THOMAS: In that statement, was that statement prepared by you or somebody else?

THE WITNESS: It was prepared by me.

ASSEMBLYMAN THOMAS: So your statement in here about Judge Kapp with reference to the Jones' case is not based upon what you actually

observed happen at the trial?

THE WITNESS: Let me see what I said about the Jones case. All I said is, "A broad removal statute would also provide an avenue for avoiding a hanging judge such as Essex County Court Leon Kapp who probably is familiar to you from his presiding over the recent trial of LeRoy Jones."

That is what I said about that.

ASSEMBLYMAN THOMAS: The difference to me, that his actions at the Jones trial are what would give the designation of a hanging judge, or did you not mean that?

THE WITNESS: I did mean it in part, in the sense of my having read the transcript of his charge, what is based on the statement I quote from the transcript, in the case of Raymond E. Shearin.

ASSEMBLYMAN THOMAS: Are you familiar with the facts in that case?

THE WITNESS: Yes, I am. I talked at length with the attorney in the case. I have a copy of the transcript, from which the excerpt appears in my statement.

ASSEMBLYMAN THOMAS: I realize that. I'm not

talking about the Judge's statement, but the facts of the case.

THE WITNESS: I have conferred with the attorney at some length.

ASSEMBLYMAN THOMAS: The defense attorney?

THE WITNESS: Yes.

ASSEMBLYMAN THOMAS: You didn't attend that trial?

THE WITNESS: No, I did not.

ASSEMBLYMAN THOMAS: One other thing, are you admitted in New Jersey?

THE WITNESS: No, I am not, and I don't think I represented that I was an attorney.

ASSEMBLYMAN THOMAS: You are an attorney?

THE WITNESS: I am an attorney in New York and California.

THE CHAIRMAN: Thank you very much. I think that concludes the witnesses that we have scheduled before this hearing.

I have a short closing statement that I would like to read for the record, and following that I would like to have the Committee for a short meeting.

For two weeks our Committee has received testimony from a large number of witnesses

representing all aspects of New Jersey's system of administering criminal justice on the public.

We have been encouraged by their efforts and sincerity. They have made significant contributions.

Now it is our turn. We set upon the task of assimilating the massive reports and exhibits received, our visits to the Trenton State Prison and Mercer County Work-
the New Yardville Reformatory
house, the voluminous hearing transcripts, a number of interviews and correspondence. Some additional fact-gathering may lie ahead to supplement or clarify what has been obtained.

We have experienced a very busy two weeks. In the process, we have learned much. Some has been heart warming, such as the dedication and confidence of so many people working in the system or deeply concerned with its effectiveness. Some has been revealing and distressing, such as the lack of effective state programs regarding the growing cancer of organized crime, narcotics, and juvenile delinquency; or the weakness in our institutional system regarding meaningful rehabilitation.

There is much to do, and quickly. Even as we meet this morning, a large disturbance occurred among the students at Trenton High School and when the students were shortly released from school, they quickly moved downtown to the business district where store windows were broken and normal business activity was greatly impeded. There are reports one student was shot.

We are determined to report quickly. No voluminous report, laboriously produced over months, shall follow. Instead, the transcript contains the main thrust of the story and we shall send it to many persons throughout the State for review and, hopefully, reaction.

Action is the need of today and we shall meet that test.

Let there be no doubt, the needs of New Jersey, are major, as the hearings have portrayed dramatically. Cooperation will be necessary for what lies ahead from all citizens, all public officials, the Governor, and all members of the Legislature.

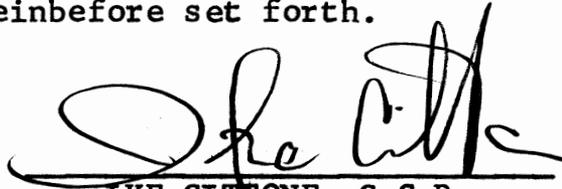
Is there anything further that any member of the Committee would like to say?

(No response.)

THE CHAIRMAN: Thank you all. The hearing
is adjourned.

* * * * *

I, IKE CITTONE, a Notary Public and Certified
Shorthand Reporter of the State of New Jersey, do
hereby certify that the foregoing is a true and
accurate transcript of the proceedings taken at
the place and on the date hereinbefore set forth.



IKE CITTONE, C.S.R.

