

We are purposely not detailing in this letter the circumstances of the search, the papers and other items confiscated, and the circumstances of the arrest and prosecution. We feel that if we are the source of your information that whatever "chilling" effect might exist would be attributed to us rather than the police. Frankly, if you are not at all "chilled" in your political activities, all the better.

What we want to know is that based upon what you have heard from friends and acquaintances and read in the newspapers about what happened to V & A, have you felt "chilled," discouraged, inhibited, dissuaded, disinclined from engaging in any political activity related to the Coalition Against Apartheid, or any other political activity.



We seek to find out if anyone has been "chilled," and then we hope to persuade those persons to join V & A's lawsuit. Our goal is to chill the police from engaging in the unlawful activities which occurred surrounding the search and arrests, and which kept members of the Coalition from participating in the extremely successful (albeit rainsoaked, not to mention chilling) demonstration against apartheid.

We would appreciate your taking some time to answer the following questions:

1. Please tell us what you do know about what happened to V & A and also MY and WS on September 21 & 22 with regard to their arrest and the search of V's apartment.
2. Do you know the reason for the search?



3. What do you know about Clara Satterfield's relation to the search?

4. Do you know what was found during the search by way of contraband?

5. Do you know what was taken from V's apartment other than contraband?

6. What effect, if any, has the search and confiscation of contraband and other papers had upon you?

7. What effect, if any, did the arrest and criminal prosecution have upon you?

8. Have you been "chilled" or dissuaded by the search, arrest or prosecution from continuing to be involved with the Coalition Against Apartheid, or pursuing other political activities?



- 5 -

If you have any other comments or observations with regard to the subject matter of this letter, please share them with us.

Very truly yours,

The Defense Comm.



defendants and other defendants. Injury to reputation has been recognized by the courts as compensable.

In Carey v. Phipus, 435 U.S. 247, 258 (1978) the Court faced the issue of determining how to assess damages for the violation of 42 U.S. §1983. While the issue in Carey was a due process violation, and its monetary value, the Court expressed the more general perception "that damages awards under §1983 should be determined by the compensation principle." Id. at 255. As in tort cases, actual injury <sup>wrongful act where civil suit can be filed against</sup> must be proven as a result of the constitutional violation.

The tort analogy was stressed. Damage to reputation is recognized as a compensable injury in tort law. Restatement of the Law of Torts 2d, Ch. 24 (Invasions of Interest in Reputation), Ch. 28A, §652H (Invasion of Privacy), Ch. 29 §671 (Malicious Prosecution).

The Court in Carey recognized that damage to reputation was compensable when discussing the plaintiff's assertion that damages for constitutional violations should be presumed. The Court compared this presumption to the presumed damages in cases of defamation per se in which "by their very nature are likely to cause mental and emotional distress, as well as injury to reputation." Id. at 262. While the Court rejects a presumption of damages for "constitutional" torts, it clearly recognizes that proof of damage to reputation is compensable. Again, the tort analogy is encouraged in determining actual damages for constitutional violations.



*Injury to reputation precedents*

In Butz v. Economu, 438 U.S. 478 (1978) it was alleged that certain actions were initiated against the plaintiff by Federal officials in retaliation for the exercise of constitutionally protected rights. Among other allegations it was alleged that the federal defendants had issued deceptive press releases falsely indicating plaintiff's financial deterioration. Id. at 482. By holding in Butz that Federal defendants were not absolutely immune from a damage award, the Court impliedly held that injury to reputation through issuance of the press release is a compensable injury.

In Paton v. LaPrade, 524 F. 2d 862 (3d Cir. 1975) an F.B.I. investigation of a high school student, stemming from a letter she wrote as part of a social studies course to the Socialist Workers Party, resulted in an action for injunctive and monetary damages based upon a violation of her First Amendment rights. Among the injuries she claimed to have suffered were "stigmatization, invasion of privacy, interference with personality development, and interference with her freedom of association through the decision of others to shun her." Id. at 871. The Court held these injuries, which are essentially the same as damage to reputation although expressed differently, to be compensable.

This action is not a tort action for libel. It is a suit based upon an infringement of constitutional rights.



The Coalition and its members are protected in their association from government disparagement and interference. Bates v. Little Rock, 361 U.S. 516 (1960). Seizure of membership lists and the exposure of members to community hostility encroaches upon that freedom of association. Id. at 524. The federal defendants in concert with county and city defendants violated these associational rights. Among the injuries suffered were damage to the reputation of the Coalition and its members as peaceful law abiding citizens. This tort-like injury is compensable. Carey v. Piphus, supra, 435 U.S. at 258.



POINT V; THE CAPITAL DISTRICT COALITION AGAINST  
APARTHEID AND RACISM IS ENTITLED TO SEEK INJUNCTIVE  
RELIEF AGAINST THE FEDERAL DEFENDANTS,

A. THE COALITION HAS STANDING TO SEEK INJUNCTIVE RELIEF.

The federal defendants assert that the Coalition Against Apartheid and Racism is not entitled to injunctive relief.

The Coalition has no distinct claim for injunctive relief, but rather seeks to enjoin defendants from engaging in certain conduct in the future as part of the general prayer for monetary and equitable relief.

Although the federal defendants do not cite to City of Los Angeles v. Lyons, \_\_\_\_\_ U.S. \_\_\_\_\_, 51 L.S. 4424 (1983) (the choke hold case), to support their argument, this recent decision of the Supreme Court, while distinguishable, does appear to create an obstacle to the Coalition even requesting an injunctive remedy. Prior to the City of Los Angeles, plaintiff Coalition would have argued that it was pre-mature to make a motion seeking to dismiss a particular form of relief sought. Only after discovery and trial, when the Court had to consider the relief appropriate under the facts as then developed, would it seem appropriate for the defendants to argue that injunctive relief is inappropriate. City of Los Angeles v. Lyons, \_\_\_\_\_ U.S. \_\_\_\_\_, 51 L.W. 4424, 4433, (Marshall, J., dissenting). In the face of City of Los Angeles, the argument becomes more difficult.



With regard to the federal defendants in this action, City of Los Angeles is distinguishable in part because the plaintiffs therein sought an injunction against state officials. The policy considerations dictating against federal court intervention in state police matters which were so important to the Court's decision in City of Los Angeles are not operative herein.

The agents of the Federal Bureau of Investigation who are defendants in this action are appropriately subject to federal judicial scrutiny. Whether or not that scrutiny prompts a federal District Court Judge to grant injunctive relief is a matter properly left to the sound discretion of that Judge after hearing all the evidence. If the plaintiff is able to persuade the jurors by a preponderance of the evidence that in fact the defendants, including the F.B.I. agents, conspired together to fabricate an informant, to spread false rumors of violence, to keep people illegally imprisoned, to confiscate Coalition membership lists, to interfere with a lawful demonstration, and to conduct unlawful surveillance of Coalition members in deliberate disregard for the Coalition's well established constitutional rights, then such abuse of power, at least by the federal agents, should be subject to a federal injunctive remedy enjoining such misbehavior.

City of Los Angeles is also distinguishable because of the nature of the lawlessness alleged to have been committed



by the defendants herein, and the impact it has had. The plaintiff in the choke hold case was subjected to that police tactic once, and the Court considered it mere speculation that it would happen to him again. Id. at 4428. The injury was compensable in money damages and not irreparable.

The defendants herein are alleged to have engaged in a conspiracy of fraud, deception and abuse of power whose purpose was to undermine the Coalition and disrupt its organizing efforts. The injury is only partly compensable through money damages. The continuing chill upon the exercise of constitutional freedoms persists as a direct result of this lawlessness. Associational privacy through the confiscation of membership lists has been shattered. An aura of violence has tainted the Coalition, through no fault of its own, discouraging participation in its ongoing activities in opposition to apartheid.

The Court in the City of Los Angeles insisted that there be irreparable injury before an injunction was appropriate. Id. at 4428. The ongoing impact upon the Coalition's exercise of its First Amendment right to association and speak freely is irreparable.

The Supreme Court in NAACP v. ALABAMA, 357 U.S. 449 (1958) recognized that confiscation of organizational membership lists is likely to affect adversely the ability of petitioner and its members to pursue their collective effort to foster beliefs which



they admittedly have the right to advocate, in that it may induce members to withdraw from the association and dissuade others from joining it because of fear of exposure of their beliefs shown through their associations and of the consequences of this exposure. NAACP v. ALABAMA, supra at 462-463.

In NAACP the confiscation was prevented, but for the Coalition the seizure of documents and telephone lists has occurred, and the harm anticipated by the Supreme Court is happening. Similarly, accusing the Coalition of promoting violence dissuades people from continuing their involvement in Coalition activities. These consequences of defendants' conduct are not cured by money damages. The infringement upon First Amendment rights is irreparable. Wolff v. Selective Service Local Board No. 16, 372 F. 2d 817, 824 (2d Cir. 1967). Only an injunctive remedy will help eliminate this intrusion upon plaintiff's freedom to associate.

The Coalition has sought a permanent injunction seeking to enjoin unlawful surveillance of the First Amendment activities of the Coalition and its members, and to enjoin any activity, conspiracy or plan which interferes with the lawful activities of the Coalition, or discourages or prevents any member of the Coalition from participating in any lawful activity of the Coalition. There is no request to enjoin lawful police activities. The request is to stop unlawful surveillance, and efforts designed to impede the Coalition in promoting its goals. The thrust of the injunction is to overcome to the extent possible the harm to the organization caused by the action of the defendants. The Coalition is entitled



to an injunction against the federal defendants City of Los Angeles v. Lyons notwithstanding.

B. PLAINTIFF COALITION DOES NOT SEEK AN INJUNCTION AGAINST THE UNITED STATES.

The federal defendants state that "any attempt to enjoin the United States in this action is barred by the doctrine of sovereign immunity." See Memorandum in Support of Motion, Page 13.

The plaintiff does not seek to enjoin the United States. The Wherefore Clause seeks an injunction which runs against defendants, their agents, officers and employees. Injunctive relief is sanctioned which runs against "officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise." Federal Rules of Civil Procedure 65 (d). The injunction sought by the Coalition does not exceed the breadth authorized by Rule 65.



CONCLUSION

Plaintiffs Michelson and the Coalition request that the motion to dismiss be denied in all respects.

Respectfully submitted,

ANITA THAYER  
LANNY E. WALTER  
WALTER & THAYER  
69 Columbia St.  
Albany, New York 12207  
(518) 462-6753



8/31/83  
Answers  
to  
County  
Interrog.  
"Micki"

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

VERA MICHELSON and CAPITAL DISTRICT  
COALITION AGAINST APARTHEID AND RACISM,  
by its Chairman, MICHAEL DOLLARD,

Plaintiffs,

-against-

PAUL DALY, AGENT IN CHARGE, FEDERAL  
BUREAU OF INVESTIGATION; JOHN J. ROSE,  
SPECIAL AGENT, FEDERAL BUREAU OF  
INVESTIGATION; AND UNKNOWN OTHER AGENTS  
OF THE FEDERAL BUREAU OF INVESTIGATION;  
UNKNOWN NEW YORK STATE POLICE OFFICERS;  
ALBANY COUNTY DISTRICT ATTORNEY SOL  
GREENBERG; ALBANY COUNTY ASSISTANT  
DISTRICT ATTORNEY JOSEPH DONNELLY;  
ALBANY COUNTY ASSISTANT DISTRICT ATTORNEY  
JOHN DORFMAN; UNKNOWN OTHER ALBANY COUNTY  
DISTRICT ATTORNEYS; THE CITY OF ALBANY  
POLICE CHIEF THOMAS BURKE; CITY OF ALBANY  
ASSISTANT POLICE CHIEF JOHN REID; CITY OF  
ALBANY POLICE LIEUTENANT WILLIAM MURRAY;  
CITY OF ALBANY DETECTIVE JOHN TANCHAK; UNKNOWN  
OTHER CITY OF ALBANY POLICE OFFICERS; and  
THE CITY OF ALBANY

Defendant

ANSWERS AND OBJEC-  
TIONS TO COUNTY  
DEFENDANT'S INTERRO-  
GATORIES

Civil Action No.  
82-CV-148  
(Miner, J.)

The following are the answers Vera Michelson and  
Capital District Coalition Against Apartheid and Racism, to the  
Interrogatories of Defendant:

1. Please state full name, date of birth, resi-  
dential address and current employment of plaintiff, Vera  
Michelson.

ANSWER 1. Vera Michelson, born June 4, 1945, 400  
Central Avenue, Apt. 7K, Albany, New York, employed as a Super-  
visor by the New York State Office of Mental Retardation and  
Developmental Disabilities.



2. Set forth all acts and omissions of the Albany County Defendants which the Plaintiff Michelson will claim violated their right to privacy and association.

ANSWER 2. Albany County Defendant Joseph Donnelly participated in the drafting of a false and perjurious search warrant application. As a direct result of this act, other acts and omissions of County Defendants not now known to plaintiff, and acts of other defendants acting together and in conspiracy with County Defendants, plaintiff's home was subjected to a night-time raid, that disrupted her sleep, the comfort of her guests, and the privacy of her home. As a result of this search warrant and raid, plaintiff was held up to the public as an alleged criminal. Private documents and other property was confiscated by law enforcement officers, some of which has never been returned. Also confiscated was a tape recording prepared as part of plaintiff's employment and papers showing plaintiff's personal and political associations. Upon plaintiff's arrest on September 22, 1981, County Defendant Assistant District Attorney John Dorfman recommended that bail not be set for plaintiff in denigration of her statutory and constitutional rights. This illegal detention was the result of defendant Dorfman's acts, other acts and omissions of County Defendants not now known to plaintiff, and acts of other defendants' acts together and in conspiracy with other defendants and others. This illegal detention prevented plaintiff from participating in the September 22, 1983 demonstration, prevented her from fulfilling a speaking engagement, prevented her from fulfilling her duties to the Coalition Against Apartheid



during a morning picketline on September 22, 1981, and prevented her from being near and about her telephone on or about September 22, 1981 to communicate with her political associates concerning the day's activities.

3. Set forth all acts and omissions by the Albany County Defendants which the Plaintiff Michelson will constitute unreasonable searches and seizures.

ANSWER 3. Albany Assistant District Attorney Joseph Donnelly drafted a false and perjurious application for a search warrant for plaintiff's home. This resulted in an unreasonable and illegal search of plaintiff's apartment. The items seized by defendants or others acting in concert with defendants are listed in Exhibit B attached to the complaint. Other acts and omissions of County defendants not now known to plaintiff, and the acts of other defendants together with and in conspiracy with the County Defendant including the arrest and detention of plaintiff also violated plaintiff's right to be free of unreasonable searches and seizures.

4. State all acts and omissions by the Albany County Defendants which the Plaintiff Michelson will claim violated due process of law under the Fourth, Fifth and Fourteenth Amendments of the U.S. Constitution.

ANSWER 4. The Albany County defendants violated plaintiff's right to due process of law by their participation in a perjurious and false search warrant application, by participating in and/or acting in concert with an illegal and unlawful raid and search of plaintiff's apartment, by refusing to recommend bail for plaintiff and by refusing to permit plaintiff to contact her attorney



until eight (8) hours after her arrest. Furthermore, the Albany County defendants acted in concert and in conspiracy with other City and State defendants in their violation of plaintiff's rights under the Fourteenth Amendment of the U.S. Constitution. Albany County Defendants violated the due process provision of the Fourth and Fifth Amendments of the U.S. Constitution by acting in concert and in conspiracy with the federal defendants.

5. State all acts and omissions by the Albany County Defendants which the Plaintiff Michelson will claim violated equal protection of the law under the Fourteenth Amendment of the U.S. Constitution.

ANSWER 5. Plaintiff was a member of a group of people opposed to apartheid who believed in demonstrating this opposition through peaceful protest. As a result of plaintiff's membership in this grouping of political protestors, she was subject to disparate and unequal treatment by the Albany County defendants and other defendants. Had plaintiff not been part of this suspect class, she would not have had her apartment searched, her possessions seized, her bail denied and would not have been incarcerated for three (3) days on violation charges.

6. If the Plaintiff Michelson will claim that the application for a search warrant referred to in Plaintiff Michelson's first cause of action was illegal and/or improper, please state in what manner it will be claimed that said application was illegal and/or improper.

ANSWER 6. The search warrant application was illegal in that, on its face it did not state facts constituting probable cause, did not state the source or basis by which the alleged



informant acquired said information, did not state facts regarding the informant's credibility, and was not actually made by John Tanchak alone, but by a number of law enforcement officers and Assistant District Attorney Joseph Donnelly. See also answer to Interrogatory #7.

7. If it will be claimed that the warrant application was deliberately false, misleading and perjurious, please specify all ways in which it was.

ANSWER

7. a) there is no informant  
b) Clara Satterfield did not request police protection from Mike Young or William Robinson  
c) no passenger jumped from John Spearman's car at the time of his arrest  
c) William Robinson was not armed, did not accompany Spearman to Albany and was (and is) not a member of the Communist Workers' Party.  
e) Michael Young did not attend the September 21, 1981 meeting of the Coalition.  
f) The September 21, 1981 meeting of the Coalition was not disrupted by anyone.  
g) There were no smoke bombs, sticks, knives, rifles, shotguns, handguns or any other weapons in plaintiff's apartment.  
h) The search warrant application may contain certain other perjured statements whose falsehood are not now known to plaintiff.  
i) John Tanchak was not the true maker of

*Search  
warrant  
a lie*



the application.

j) Other ways not now known to plaintiff.

8. If it will be claimed by the Plaintiff Michelson that the search warrant, referred to in the Plaintiff Michelson's first cause of action, was illegally and/or improperly obtained, executed and/or enforced, please state in what manner said warrant was illegally and/or improperly obtained, executed and/or enforced.

ANSWER 8. The search warrant was illegally obtained because it, on its face does not state probable cause, and/or it relies on perjured statements to state probable cause. Furthermore, the search warrant authorized a general search in derogation of constitutional and statutory requirements of particularity. The search warrant was illegally executed as C.P.L. §690.50(4) was not complied with and items were taken that were not contraband. See also answer to Interrogatories #6 and #7.

9. As to the incident referred to in paragraph "46" of the complaint, please specify:

a. The exact time and location of the incident;

ANSWER a. Approximately 3:15 a.m. on September 22, 1981 at Apt. 7K, 400 Central Avenue, Albany, New York

b. The names and addresses of the individuals who occupied the premises at the time of the incident;

ANSWER b. Vera Michelson is the only individual who resides at the above address. Her house guests on September 22, 1981 were Michael R. Young of 611 Ocean Avenue, Brooklyn, New York and Aaron Estis, who is represented by attorney Lewis B. Oliver, in a companion lawsuit.



c. The names and identification, if known, of the individual officers involved;

ANSWER c. Albany City Detective John Tanchak, Albany City Lieutenant William Murray, Deputy Police Chief Jon Reid and others not now known to plaintiff. Plaintiff anticipates obtaining this information from the defendants during discovery.

d. List all items and value thereof of personal property which Plaintiff Michelson will claim were broken and/or destroyed;

ANSWER d. The flush mechanism on the toilet was broken, the telephone answering machine was destroyed and drawers on a bedroom chest were broken.

e. State the specific manner in which entry to plaintiff's apartment was obtained including the substance of any conversations between the occupants of the apartment and the officers;

ANSWER e. Plaintiff believes entry was made by defendants by a key and by breaking open the chain lock. The manner on entry to the locked apartment building is unknown to plaintiff.

10. If it will be claimed that any individuals were arrested as a result of the incident described in paragraph "46" of the complaint, please state:

a. Names and addresses of those arrested and/or detained;

ANSWER a. Vera Michelson, Michael R. Young and Aaron Estis. See answer to #1 and #9b above for address.

b. Manner in which those individuals were detained;



ANSWER b. These individuals were arrested at gun point, handcuffed, and taken to Division II

c. Where those individuals were detained;

ANSWER c. Plaintiff was detained at the apartment until a matron arrived, then Division II, and after arraignment at the Albany County Jail. The other arrestees, on information and belief were detained likewise.

d. The exact length of detention;

ANSWER d. Plaintiff Michelson was detained from the time of the execution of the search warrant until late morning on September 24, 1983. Aaron Estis was detained for six (6) days. The exact length of detention of Michael R. Young is best obtained from defendants' records, either those of the office of the District Attorney or the Clerk of the County Court.

e. Specify the charges at the time of arrest.

ANSWER e. At the time of plaintiff's arrest she was told words to the effect we got you on marijuana and fireworks. Plaintiff, Mr. Estis, and Mr. Young were all arraigned on charges of violating N.Y. Penal Law §221.05, Possession of Marijuana and N. Y. Penal Law §270.00, Possession of Fireworks. In addition, Michael R. Young was charged with felony possession of a weapon.

11. If it will be claimed that the Plaintiff Michelson's person, was searched when she was first detained, please state:

a. Location where search was conducted;



ANSWER a. Plaintiff was first searched at her apartment where the matron pat searched her as she changed from night clothes to street clothes.

b. Name or means of identifying each person conducting the search;

ANSWER b. The above search was conducted by a matron who arrived at her apartment during the execution of the search warrant.

c. The extent of the search;

ANSWER c. The search was comprehensive but did not include any search of body cavities.

d. What, if anything, was found as a result of the search;

ANSWER d. To plaintiff's knowledge, nothing was found as a result of the search of her person.

e. Whether permission to conduct the search was given, and if so, by whom and to whom;

ANSWER e. No permission was given

f. Whether all articles, if any, which were found as a result of the search were returned, and if not, which articles.

ANSWER f. Not applicable.

12. If it will be claimed that the Plaintiff Michelson's premises was searched, please state:

a. Location of property searched;

ANSWER a. Apt. 7 K, 400 Central Avenue, Albany, New York.

b. Name or means of identifying each person



conducting the search;

ANSWER b. See 9c. The search was conducted in part by Detective John Tanchak and in part by other individuals. Plaintiff will provide a further response to this question when she has completed her planned discovery.

c. Extent and area searched;

ANSWER c. Plaintiff believes the apartment was searched completely including plaintiff's clothing drawers, kitchen cupboards, etc. The basis of Plaintiff's belief is the disarray she found her apartment in on her return.

d. What, if anything, was found or confiscated as a result of the search;

ANSWER

d. See answer to #3.

e. List any property which Plaintiff Michelson will claim was damaged as a result of the search;

ANSWER

e. The property listed in the answer to #9d was damaged.

f. Whether permission to conduct the search was given, and if so by whom and to whom;

ANSWER

f. Judge Thomas Keegan of Albany City Court issued a search warrant on 9/21/81 for a search of plaintiff's premises, Neither plaintiff nor her guests gave any permission.

g. Whether all articles, if any, which were found as a result of the search were returned, and if not which articles were not returned.

ANSWER

g. Two sets of keys, two personal telephone books, personal correspondence, a leather hunting bag, and a telephone



bill, as well as other items belonging to Aaron Estis.

13. State whether it will be claimed that the Plaintiff Michelson sustained any personal injury as a result of the actions alleged. If so, please state:

a. The nature and extent of all personal injury claimed;

ANSWER a. mental and emotional distress, anxiety, stigmatization, damage to reputation, invasion of privacy, interference with the exercise of her first amendment rights, fright, embarrassment.

b. State which, if any, injury will be claimed to be permanent;

ANSWER

b. All of the above.

c. Please list the names and addresses of all physicians and hospitals who treated the Plaintiff Michelson for the injuries sustained herein, including the date of any treatment.

ANSWER

c. None.

14. If it will be claimed that Plaintiff Michelson suffered injury as a result of the incident herein to her employment, please state:

a. Where she was employed;

ANSWER

a. Plaintiff was employed by New York State Mental Retardation and Developmental Disabilities, Niskayuna, New York

b. Salary;



ANSWER b. Salary in September 1981 was \$18,070.00.  
c. Time lost as a result.

ANSWER c. Plaintiff was unable to work on 9/24/81, 9/25/81, 10/6/81, 10/29/81 (half-day), 11/17/81, 11/24/81 (half-day), 12/8/81 (half-day) 3/3/82, and 3/9/82. Furthermore plaintiff had pre-arranged vacation days for 9/22/81 and 9/23/81 and thereby lost these two days.

15. As to the allegations of conspiracy in paragraphs "50" and "51" of the complaint, please state:

a. All acts and omissions of the Albany County Defendant which constituted a conspiracy;

ANSWER a. See numbered allegations of complaint.  
b. The names and identities of all individuals who participated in the alleged conspiracy;

ANSWER b. All defendants in the within lawsuit, Honorable Thomas Keegan, and others not now known to plaintiff.

c. List all actions taken as a result of the conspiracy.

ANSWER c. Search warrant secured. Plaintiff's apartment raided. Plaintiff not allowed to participate in planned demonstration. Plaintiffs were subject to false reports of violence. Other acts listed in the complaint.

16. As to Plaintiff Michelson's second cause of action, please state: The time and date the items of personal property were seized.

ANSWER 16. Subsequent to 3:15 a.m. on September 22, 1981.



17. Please state the name and identities of the individual or individuals who seized Plaintiff Michelson's property.

ANSWER 17. Detective John Tanchak and others now now known to plaintiff.

18. List all property alleged to have been removed from Plaintiff Michelson's apartment.

ANSWER 18. See answer to Interrogatory #12d.

19. If it will be claimed that not all items were returned, please list all items not returned.

ANSWER 19. See answer to Interrogatory #12g.

20. If demands for the unreturned property have been made, please state:

- a. To whom said demands were made;
- b. In what form said demands were made;
- c. The exact dates and times of these demands;
- d. The response, if any, to said demands.

ANSWER 20. Demands were made on September 30, 1981 to Lt. Wolfgang orally in the early evening. The second request was made during the day on October 1, 1981. The request for the return of the balance of Plaintiff's property was denied. Certain property was returned on September 30, 1981.

21. State all acts and omissions of the Albany County Defendants which allegedly deprived Plaintiff Michelson of her right to counsel in violation of the Sixth and Fourteenth Amendments of the U. S. Constitution.



ANSWER 21. Plaintiff requested permission to make a telephone call throughout the morning of September 22, 1981 while she was being held at the Division II lock-up. Plaintiff advised Judge Keegan she had not been allowed a phone call. Plaintiff was not permitted a phone call to contact her attorney until after her arraignment and until she arrived at Albany County Jail in mid-morning on September 22, 1981, approximately eight (8) hours after her arrest. The refusal of the defendants and others to afford plaintiff a phone call deprived her of representation at her arraignment, and therefore was deprived of an opportunity to request that bail be set in accordance with the provision of New York State Criminal Procedure Law and other acts and omissions of County defendants not now known to plaintiff, and acts of other defendants acting with and in conspiracy with County Defendants also deprived Plaintiff of her right to counsel.

22. State all acts and omissions of the Albany County Defendant which allegedly deprived Plaintiff Michelson of her right to reasonable bail as guaranteed by the Eighth Amendment of the U.S. Constitution.

ANSWER 22. Assistant District Attorney recommended that no bail be set for Plaintiff on September 22, 1981 and thereby acted together with and in conspiracy with other defendants to deny reasonable bail and inflict cruel and unusual punishment on plaintiff in that plaintiff was entitled to be released on reasonable bail as her charges were violations. The Eighth Amendment binds state action by operation of the Fourteenth Amendment.



23. State all acts and omissions of the Albany County Defendants which deprived the Plaintiff Michelson of liberty without due process of law guaranteed by the Fifth and Fourteenth Amendments of the U. S. Constitution.

ANSWER 23. As stated above the plaintiff was denied due process of law in that she was arrested following an illegal search of her apartment, her possessions seized without proper authority, and she was jailed for three days. See acts of county defendants listed in answer to Interrogatory No. 2 through No. 8.

24. State all acts and omissions of the Albany County Defendants, which deprived the Plaintiff Michelson of her right to freedom of speech and association under the First and Fourteenth Amendments of the U. S. Constitution.

ANSWER 24. The acts and omissions of Albany County defendants in searching plaintiff's apartment and arresting her resulted in the deprivation of plaintiff Michelson's rights to freedom of speech and association. See specific acts of County defendants listed in answer to Interrogatories #2 through #8.

25. State all acts and omissions of the Albany County Defendants which deprived Plaintiff Michelson to her right to equal protection of laws guaranteed by the Fourteenth Amendment of the U. S. Constitution as alleged in Plaintiff Michelson's third cause of action.

ANSWER 25. See answer to Interrogatory #5.

26. State the date, time and place of the arrest alleged in paragraph "61" of the complaint.

ANSWER 26. On or about 3:00 a.m. on September 22, 1981,



at 400 Central Avenue, Apt. 7E, Albany, New York.

27. State the names or identification presented by the arresting officers.

ANSWER 27. On information and belief, the principal arresting officer was Albany City Detective John Tanchak. No officers presented plaintiff or her guests with any identification nor did any involved officers state their name, or law enforcement agency affiliation.

28. State the nature of the conversation, if any, that occurred at the time of the arrest. Include the identities of the participants of said conversation.

ANSWER 28. See answer to Interrogatory #10c. When plaintiff came out of her bedroom into the hallway a man whose identity is not now known told her to lay down on her stomach. Another person whose identity is not now known came over and waved a paper in front of plaintiff and said "Do you see this . . . Do you see this? This is a search warrant . . . we have a right to search your house." Plaintiff requested to get up and eventually she was told she could sit on a stool in the living room. Plaintiff repeatedly asked to go to the bathroom and to have a cigarette. Plaintiff was told that she could only go to the bathroom if she left the door open. At some points plaintiff overheard one officer say "take her down". Plaintiff asked words to the effect: 'What are you taking me down for? and/or Am I under arrest? etc.' One of the officers replied, "Oh, off the top of my head, fireworks and marijuana." Plaintiff requested



her clothes. An officer replied, "Look, lady, I know you don't like this, but you're under our control now." Plaintiff does not now know the identities of any of the men with whom she conversed. Plaintiff does recall that a man she believed to be Albany City Lieutenant Murray referred to her by her nickname "Mike".

29. Will the Plaintiff Michelson claim that any physical restraints or physical force was used at the time of the arrest. If so, please state:

a. Nature of physical restraint;

ANSWER a. Yes, Plaintiff's hands were handcuffed behind her back.

b. Nature of physical force exerted;

ANSWER b. No physical force was used directly on plaintiff's person.

c. By whom physical force was exerted.

ANSWER c. Not applicable.

30. As a result of the arrest, where was the Plaintiff Michelson detained and by what means, was the Plaintiff Michelson transported there and by whom.

ANSWER 30. Plaintiff was transported by automobile from her apartment to Albany City Police Division II in the company of two (2) officers and a matron.

31. Please specify as to exact time, location, persons present, conversations had where by the Plaintiff Michelson was booked.

ANSWER 31. See pages 23 to 29 of the March 9, 1982