

September 21, 1981 defendant ROSE provided information from an FBI informant to Joseph Donnelly and other law enforcement officers regarding weapons in Apartment 7K.

19. Regarding the allegations in paragraph 33 of the complaint, defendant ROSE states that the search warrant application speaks for itself. To the extent an answer to paragraph 33 of the complaint is required, paragraph 33 is denied.

20. Regarding paragraph 35 of the complaint, defendant ROSE states that the search warrant affidavit speaks for itself and the affidavit is based, in part, on information from an informant. Defendants Daly and ROSE did provide information to other law enforcement agents, but lack knowledge or information as to all of their identities. All other allegations in paragraph 35 are denied.

21. Regarding paragraph 36 of the complaint, defendant ROSE states that the warrant application speaks for itself, and admits that the warrant application does not specifically state the manner in which the information was acquired by the informant. All other allegations in paragraph 36 are denied.

22. Defendant ROSE denies all allegations in paragraph 37 of the complaint, and specifically states that the FBI did provide information to Albany Police Officials and states that he is without knowledge or information sufficient to form a belief as to whether Detective Tanchak was directly provided with such information from the FBI.

23. Defendant ROSE denies all allegations contained in paragraph 46 of the complaint except to specifically admit that several law enforcement agents entered Apartment 7K at 400 Central Avenue at or about 3:00 a.m. on September 22, 1981, and a search was conducted pursuant to a search warrant.

24. Defendant ROSE admits the presence of all officers in paragraph 47 of the complaint, at Apartment 7K, 400 Central Avenue on September 22, 1981, but denies that other unknown agents of the FBI were present. Defendant ROSE admits the presence of one other agent of the FBI. All other allegations in paragraph 47 are denied.

25. Defendant ROSE lacks knowledge or information sufficient to form a belief as to the truth of all averments in the first sentence of paragraph 48. Defendant ROSE denies the truth of all averments in the second sentence of paragraph 48 of the complaint.

26. Defendant ROSE lacks knowledge or information sufficient to form a belief as to the truth of all averments in paragraph 49 of the complaint, except to admit that plaintiff MICHELSON, Estis and Young were arrested.

27. As his answer to paragraph 52 of the complaint, defendant incorporates herein and reaffirms his answers to paragraphs 1 through 51 of the complaint, set forth herein.

28. Defendant ROSE denies all allegations in paragraph 53 of the complaint, except to admit items of property were seized in Apartment 7K, 400 Central Avenue.

29. Regarding paragraph 56 of the complaint, defendant ROSE denies all averments in the first sentence of paragraph 56. Defendant lacks knowledge or information sufficient to form a belief as to the truth of all averments in the second sentence of paragraph 56.

30. As his answer to paragraph 60 of the complaint, defendant incorporates herein and reaffirms his answers to paragraphs 1 through 59 of the complaint, set forth herein.

31. Regarding paragraph 64 of the complaint, defendant ROSE denies that he participated in any such discussion or agreement, and lacks knowledge or information sufficient to form a belief as to the truth of all remaining allegations in paragraph 64 of the complaint.

32. As his answer to paragraph 72 of the complaint, defendant incorporates herein and reaffirms his answers to paragraphs 1 through 71 of the complaint, set forth herein.

33. As his answer to paragraph 78 of the complaint, defendant incorporates herein and reaffirms his answers to paragraphs 1 through 77 of the complaint, as set forth herein.

34. As his answer to paragraph 82 of the complaint, defendant incorporates herein and reaffirms his answers to paragraphs 1 through 81 of the complaint, as set forth herein.

35. As his answer to paragraph 84 of the complaint, defendant incorporates herein and reaffirms his answers to paragraphs 1 through 83 of the complaint, as set forth herein.

36. As his answer to paragraph 88 of the complaint, defendant

incorporates herein and reaffirms his answers to paragraphs 1 through 87 of the complaint, as set forth herein.

37. As his answer to paragraph 90 of the complaint, defendant incorporates herein and reaffirms his answers to paragraphs 1 through 89 of the complaint, as set forth herein.

38. As his answer to paragraph 93 of the complaint, defendant incorporates herein and reaffirms his answers to paragraphs 1 through 92 of the complaint, as set forth herein.

39. As his answer to paragraph 111 of the complaint, defendant incorporates herein and reaffirms his answers to paragraphs 1 through 110 of the complaint, as set forth herein.

40. Defendant denies all allegations in the complaint and the amended complaint not heretofore specifically admitted.

As And For Separate Affirmative Defenses
To The Complaint And The Amended Complaint Herein,
The Defendant Alleges As Follows

41. Defendant is entitled to Qualified Immunity.
42. Defendant is entitled to Absolute Immunity.
43. Defendant at all times acted in good faith.
44. Res judicata and/or collateral estoppel are applicable.
45. Plaintiff's action was not commenced within the statute of limitations.

46. Any alleged injuries of plaintiff were caused by the culpable conduct of the plaintiff and/or other persons over whom this defendant has no control.


- 47. Defendant acted reasonably at all times.
- 48. Defendant did not engage in state action.
- 49. Plaintiff acted illegally.

WHEREFORE, defendant demands judgment dismissing the complaint and the amended complaint, together with costs and disbursements of defending this action, and such other and further relief which this court deems just and proper.

Respectfully submitted,

FREDERICK J. SCULLIN, JR.
UNITED STATES ATTORNEY

BY:


WILLIAM P. FANCIULLO
ASSISTANT U.S. ATTORNEY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

AARON ESTIS,

Plaintiff,

-against

PAUL DALY, AGENT IN CHARGE,
FEDERAL BUREAU OF INVESTIGATION;
JAMES J. ROSE, SPECIAL AGENT,
FEDERAL BUREAU OF INVESTIGATION;
AND UNKNOWN OTHER AGENTS OF THE
FEDERAL BUREAU OF INVESTIGATION;
UNKNOWN NEW YORK STATE POLICE
OFFICERS; THE COUNTY OF ALBANY;
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; THE CITY OF ALBANY POLICE
CHIEF THOMAS BURKE; CITY OF ALBANY
ASSISTANT POLICE CHIEF JON REID;
CITY OF ALBANY POLICE LIEUTENANT
WILLIAM MURRAY; CITY OF ALBANY
POLICE DETECTIVE JOHN TANCHAK;
UNKNOWN OTHER CITY OF ALBANY
POLICE OFFICERS,

Defendants.

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;
JAMES J. ROSE, SPECIAL AGENT,

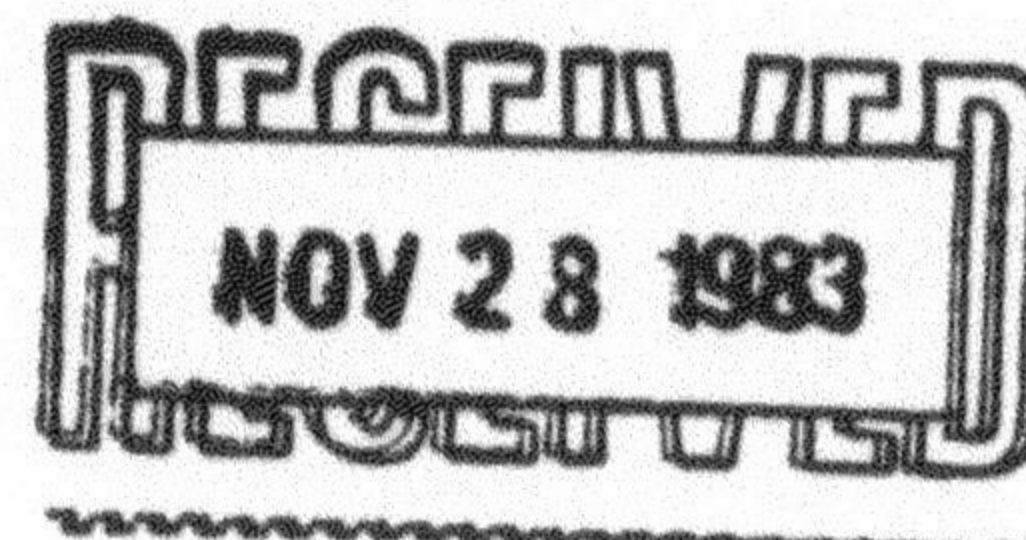
U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

Copy
NOV 21 1983

AT ALBANY M.
J. B. SCULLY, Clerk
ALBANY

No. 82-CV-1412

ORDER SETTING
SCHEDULE FOR
PROGRESSION
OF CASE



No. 82-CV-1413

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 COUNTY OF
ALBANY; THE CITY OF ALBANY POLICE
CHIEF THOMAS BURKE; CITY OF ALBANY
ASSISTANT POLICE CHIEF JON 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,

Defendants.

ORDER

This cause came on for hearing and consideration concerning completion of discovery and the scheduling of a final pretrial conference and trial, and the Court having considered the positions of counsel for the parties, it is

ORDERED:

1. The parties shall complete discovery in this cause on or before May 15, 1984. No dispositive motion shall be made returnable later than twenty (20) days after the completion of discovery. Unless excused by the Court, oral argument is required on all motions.

2. A final pretrial conference will be held before the undersigned at the United States Post Office and Courthouse, Albany, New York, on Thursday, the 21st day of June, 1984, at

9:30 o'clock A.M. Additional pretrial conferences, including conferences relating to discovery issues, may be scheduled prior to the final pretrial conference in the discretion of the Court.

3. A date for the trial of this case by jury will be fixed at the time of the final pretrial conference.

4. The attorneys for all parties are directed to confer, no later than ten (10) days before the date of the final pretrial conference, to:

- (1) discuss the possibility of settlement;
- (2) stipulate to as many facts and issues as possible;
- (3) prepare a pretrial stipulation in accordance with this order;
- (4) examine all exhibits and documents proposed to be used at the trial;
- (5) furnish opposing counsel the names and addresses of all witnesses; and
- (6) complete all other matters which may expedite both the pretrial and trial of the case.

The pretrial stipulation shall contain:

- (1) the basis of Federal jurisdiction;
- (2) a concise statement of the nature of the action and an estimate of the length of trial;
- (3) a brief, general statement of each party's case or contentions;
- (4) a list of all witnesses who will be called at the trial and a brief summary of the testimony to be given by each witness;
- (5) a list of exhibits, including a designation of those exhibits to be received in evidence without

objection;

- (6) a concise statement of those facts which are admitted and will require no proof at trial, together with any reservations directed to such admissions;
- (7) a concise statement of those issues of law on which there is agreement;
- (8) a concise statement of those issues of fact which remain to be litigated;
- (9) a concise statement of those issues of law which remain for determination by the Court;
- (10) a list of all motions or other matters which require action by the Court;
- (11) a concise statement of any disagreement as to the application of rules of evidence or the Federal Rules of Civil Procedure; and
- (12) the signatures of counsel for all parties.

5. No later than three days before the day set for the final pretrial conference, the parties shall file with the Court, in duplicate, the pretrial stipulation prepared in accordance with paragraph 4 above.

6. At the time of the final pretrial conference, or at such other time as the Court may direct:

- (1) Each side shall submit to the Judge, in duplicate, and to opposing counsel, a trial brief or memorandum with citations of authorities and arguments in support of its position on all disputed issues of law.
- (2) Counsel for each party shall submit to the Judge, in duplicate, with a copy to opposing counsel, written requests for instructions to the jury. Supplemental requests for instructions may be submitted at any time prior to the arguments to the

jury. All requests for instructions shall be plainly marked with the name and number of the case; shall contain citations of supporting authorities, if any; shall designate the party submitting the same; and shall be numbered in sequence, with each request separately stated on a separate page of 8-1/2 x 11 inch paper.

(3) Counsel for each party shall submit proposed questions, in writing, to be asked of prospective jurors on the voir dire examination. A copy of the proposed questions shall be furnished to opposing counsel and two copies shall be furnished to the Court.

(4) Written proposals for special questions, interrogatories or forms of verdict to be submitted to the jury shall be furnished to the Court in duplicate, with copies to be served on each opposing counsel.

7. Exhibits shall be submitted to the Clerk to be marked for identification prior to the commencement of trial.

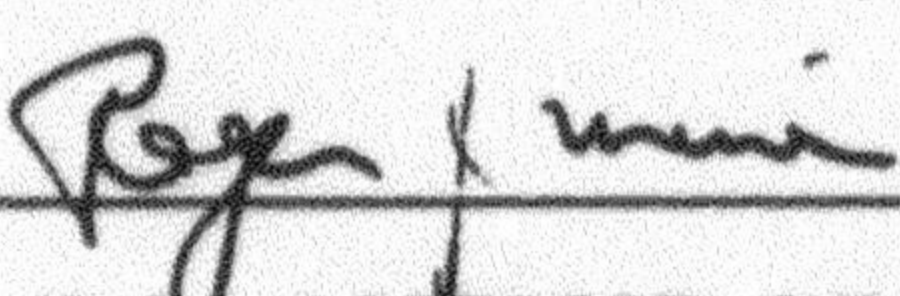
8. All depositions shall be filed with the Clerk prior to the date of the final pretrial conference.

9. In order that the full purpose of pretrial conferences may be accomplished, it is directed that all parties be represented at all of the meetings herein provided for by the attorneys who will participate in the trial of the case and who are vested with full authority to make admissions and disclosures of fact and to bind their clients by agreements as respects all matters pertaining to the trial of the case and the said conferences.

10. Failure to comply with the requirements of this order will subject the party or attorney to appropriate sanctions.

IT IS SO ORDERED.

Dated: November 21, 1983
Albany, New York



U.S. DISTRICT JUDGE

OLIVER & OLIVER, ESQS.
Attorneys for Plaintiff Estis
31 Barclay Street
Albany, New York 12209
Attn: Lewis B. Oliver, Jr., Esq.

WALTER & THAYER, ESQS.
Attorneys for Plaintiffs
Michelson, et al.
69 Columbia Street
Albany, New York 12207
Attn: Anita Thayer, Esq.

HON. FREDERICK J. SCULLIN, JR.
United States Attorney
Attorney for Federal Defendants
U.S. Post Office & Courthouse
Albany, New York 12207
Attn: William P. Fanciullo, A.U.S.A.

CARTER, CONBOY, BARDWELL,
CASE & BLACKMORE, ESQS.
Attorneys for Albany County Defendants
74 Chapel Street
Albany, New York 12207
Attn: Dianne B. Mayberger, Esq.

VINCENT J. McARDLE, JR.
City of Albany Corporation Counsel
Attorney for City of Albany Defendants
100 State Street
Albany, New York 12207
Attn: John L. Shea
Asst. Corporation Counsel

WALTER & THAYER
LAW OFFICES
89 COLUMBIA STREET
ALBANY, NEW YORK 12207
(518) 462-6753

vera

ANITA THAYER
LANNY E. WALTER

November 3, 1983

RE: Michelson et al v. Daly et al
82-CV-1413

Dear Counsel:

I have prepared a proposed Joint Report of Counsel using the previously prepared joint report in the Estes v. Daly action as a model.

Please contact me with regard to any other material that you feel should be in this report. If necessary, I will set up a joint meeting.

As a final report must be filed with Judge Miner on or before November 10, I would appreciate your response early next week.

Very truly yours,

Anita Thayer

Anita Thayer

AT:cjh
Enclosure

TO: HON. FREDERICK J. SCULLIN, JR.
JOHN L. SHEA, ESQ.
CARTER CONBOY BARDWELL CASE & BLACKMORE

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 DETECTIVE JOHN TANCHAK; UNKNOWN
OTHER CITY OF ALBANY POLICE OFFICERS; AND
THE CITY OF ALBANY,

Defendants.

JOINT REPORT OF
COUNSEL

Civil Action File No.
82-CV-1413 (Miner, J.)

In accordance with the Order Setting Pretrial Conference,
dated October 3, 1983, issued by the Honorable Roger J. Miner,
Walter & Thayer, Esqs., by Anita Thayer, counsel for the plaintiffs;
Carter, Conboy, Bardwell, Case and Blackmore by Susanna L. Fisch,
counsel for the County Defendants; Albany City Corporation Counsel
by John L. Shea, counsel for the City Defendants; and United States
Attorney, counsel for the F.B.I. Defendants by William P. Fanciullo,
provide herein their joint status report in relation to the above
entitled action.

QUESTION: What, very briefly, is the nature of the case and what are the major factual and legal issues?

ANSWER: A. Nature of Case

The Complaint alleges that on September 22, 1981 Plaintiff Michelson's apartment was unlawfully raided by numerous local, state, and federal law enforcement officers who burst into her apartment, while she was sleeping, with shotguns drawn and weapons pointed, ransacked her apartment, confiscated her personal papers and property and papers and documents belonging to the Capital District Coalition Against Apartheid, and placed her and two (2) houseguests under arrest thereby preventing her from participating in, organizing, and leading an anti-apartheid demonstration scheduled for that afternoon to protest the playing of a game by the Springbok Rugby Team from the apartheid country of South Africa.

Plaintiff Capital District Coalition Against Apartheid and Racism claims that it was the local initiator of a lawful march and assembly in Albany, New York, on September 22, 1982 to protest the staging of a rugby game between a local team and the South African Rugby Team. Throughout the organizing effort, prior to and during the September 22, 1981 demonstration, the defendants individually and together violated the right of the Coalition and its members to peacefully assemble by spreading false rumors of violence, disseminating unfounded threats to would be participants and supporters, placing the Coalition and its leaders and/or members under

surveillance, maintaining records and files of first amendment activities of the coalition and its members, and arresting plaintiff Michelson. The actions of the defendant interfered with the demonstration planned by the Coalition and damaged the reputation of the Coalition and its members as peaceful, law-abiding citizens.

B. Major Factual and Legal Issues

- (1) Whether or not the informant exists; whether his identity must be disclosed.
- (2) Whether the search warrant was perjurious;
- (3) Whether the search warrant was valid on its face;
- (4) Assuming the search warrant was valid, whether the search of the apartment was conducted in a reasonable manner;
- (5) Whether defendants had probable cause to arrest plaintiff Michelson;
- (6) Whether the defendants unlawfully incarcerated plaintiff Michelson without bail and without access to an attorney;
- (7) Whether defendant was incarcerated to prevent her participation in the anti-apartheid demonstration;
- (8) Whether defendants unlawfully confiscated documents and items of personal property;
- (9) Whether defendants conspired together to deprive plaintiff Michelson of her constitutional rights;
- (10) Whether the municipal defendants and defendants in supervisory positions failed to exercise reasonable diligence and

proper supervision in seeking to prevent the violation of plaintiff's rights;

(11) Whether the defendants committed the tort of malicious prosecution;

(12) Whether the defendants committed to tort of abuse of process;

(13) Whether the defendants committed the tort of false arrest and imprisonment;

(14) Whether the Affirmative defenses alleged in the answers of the respective defendants can be established;

(15) Whether defendants conspired together to intimidate people into not attending the demonstration, and interfered with the conduct of the demonstration;

(16) Whether the seizure of Coalition documents interfered with right of the Coalition members to associate freely;

(17) Whether plaintiff Coalition's claim pursuant to 42 U.S.C. §1986 was timely;

(18) Whether plaintiff Coalition is entitled to injunctive relief.

QUESTION: 2. Are there any parties who have not been served?

ANSWER: 2. All named parties have been served and all unknown parties have not been served. Plaintiff intends to serve certain law enforcement agents who are unknown to plaintiff at this time when their identity is discovered.

QUESTION: 3. Are there any parties in default?

ANSWER: 3. No.

QUESTION: 4. What items of discovery have been completed and what further items of discovery are contemplated?

ANSWER: 4. Discovery has not been completed. Plaintiff has ordered the bulk of the transcript from a related criminal trial. Approximately two-thirds (2/3) of the transcripts ordered have been received. The balance requested should be received from the court stenographer by mid-November. When all transcripts have been received, plaintiffs will have testimony from defendants Rose, Daly, Reid and Tanchak as well as eight non-party witnesses. Plaintiffs foresee supplemental depositions from Daly, Reid, and Tanchak as well as depositions of defendants Donnelly, Dorfman, Burke, Murray and Greenberg. Plaintiff also anticipates that there may be other discovery including Demands for documents and admissions, and depositions of several non-party witnesses. Plaintiffs also anticipate deposing the alleged confidential informant.

Plaintiffs anticipate that some of their discovery requests and/or subpoenas may be challenged by Motions to Quash or

motions for Protective Order.

On June 3, 1983, the Albany County defendants served a First Set of Interrogatories. These were duly answered. The County defendants have also served plaintiff Michelson and Michael Dollard, former chairperson of plaintiff Coalition with a Notice to Take Deposition Upon Oral Examination. These depositions are still to be conducted.

QUESTION: 5. How long will it take to complete discovery?

ANSWER: 5. Discovery should be completed on or before September 30, 1984.

QUESTION: 6. Have there been settlement negotiations?

ANSWER: 6. No.

QUESTION: 7. Have the parties entered into stipulations of any kind?

ANSWER: 7. The parties have not entered into any stipulation of facts or law in this case, and this document does not constitute such a stipulation.

QUESTION: 8. Are there any pending motions? Are any motions contemplated?

ANSWER: 8. There are no pending motions. Upon completion of discovery, the parties anticipate there will be motions for dismissal or summary judgment. Aaron Estishas commenced a civil rights action based on similar facts and circumstances against the same defendants which is Civil No. 82-CV-1412 pending in this Court. Plaintiffs contemplate a motion to consolidate the two actions for trial, and the attorneys for the plaintiff Estis and the attorneys

for the defendants County of Albany and City of Albany will consent, and the attorney for the federal defendants may consent.

QUESTION: 9. Has there been a demand for a jury trial? Will such a demand be made?

ANSWER: 9. Yes, Plaintiffs have demanded a jury trial.

QUESTION: 10. What is the estimated length of trial?

ANSWER: 10. Although it is difficult to anticipate the length of any trial at this time, the parties estimate that the trial will take three (3) weeks.

Respectfully submitted,

FREDERICK J. SCULLIN, JR., ESQ.
UNITED STATES ATTORNEY
Northern District of New York
Attorney for Defendants Daly and
Rose
United States Courthouse and Post
Office
Albany, New York 12207
By: William P. Fanciullo, Esq.
Assistant United States
Attorney

ANITA THAYER, ESQ.
WALTER & THAYER
Attorneys for Plaintiffs
69 Columbia Street
Albany, New York 12207
(518) 462-6753

VINCENT J. McARDLE, JR., ESQ.
CORPORATION COUNSEL, CITY OF
ALBANY
Attorney for Defendants City of
Albany, Burke, Reid, Murray
and Tanchak
100 State Street
Albany, New York 12207
By: John L. Shea, Esq.
Assistant Corporation
Counsel

CARTER CONBOY BARDWELL CASE &
BLACKMORE, ESQS.
Attorneys for Defendants County
of Albany, Greenberg, Donnelly and
Dorfman
74 Chapel Street
Albany, New York 12207
By: Susanna L. Fisch, Esq.

RACISM IN THE UNITED STATES

With the recognition that the growth of racist and anti-Semitic violence in America is directly related to the current economic crisis, the Coalition has sponsored forums about racism and the rise of the Klan/Nazis. The Coalition has also participated in anti-Klan rallies in Vermont and other neighboring areas.

With the near destruction of educational opportunities, jobs, health programs and support systems which affects everyone but impacts disproportionately on racial minorities, the Reagan administration has given racism the green light.

Because of these assaults on human rights in this country, the fight against racism must be intensified.

The Coalition is a plaintiff in a nine million dollar lawsuit filed against federal, state and local officials. The lawsuit, which is a result of the arrest of four anti-apartheid activists on the morning of the Springbok demonstration, is part of the growing fight-back against government repression.

how you can help

COME TO OUR MONTHLY MEETINGS

Second Wednesday of each month
7:30 p.m.
Neighborhood Resource Center
390 First Street
Albany, New York

-
- Please place my/my group's name on your mailing list.
- I am unable to participate actively, please accept my contribution of _____ to help continue the work.

NAME _____

ADDRESS _____

TELEPHONE _____

**CAPITAL DISTRICT COALITION
AGAINST APARTHEID AND RACISM
BOX 3002 - PINE HILLS STATION
ALBANY, NEW YORK 12203**

telephone: (518) 489-1767

" no apartheid "
" no racism "



**Capital District
Coalition
Against
Apartheid
and Racism**

**who we are
why we formed
what we do**

who we are

THE CAPITAL DISTRICT COALITION AGAINST APARTHEID AND RACISM

is a coalition of civil rights, religious and community groups, and concerned individuals organized for the purpose of opposing the **APARTHEID** system in the Republic of South Africa and **RACISM IN THE UNITED STATES**

APARTHEID - Apartheid is the government policy of white supremacy in South Africa. The white minority makes up less than twenty percent of the population but controls every aspect of life for the black majority. Eighty percent of the land is controlled by the white minority. Laws have been enacted by the white Afrikaner Government which restrict family life, health services, work, education and living arrangements. Even freedom of movement is restricted by the hated passbook laws. This system is rigidly codified and brutally enforced. The apartheid system has been condemned by the United Nations, the international community and virtually all churches outside of South Africa. In total disregard for concepts of human rights and racial justice, the Reagan administration has declared South Africa a friendly nation and has set up open ties with this blatantly racist

RACISM IN THE UNITED STATES

Racism is part of the fabric of American life and victimizes in both subtle and brutal ways American minority groups. Institutionalized racism adversely affects virtually every aspect of American society - education, the legal system, housing, health care, employment and politics.

why we formed

In 1981, the apartheid system directly touched Albany with the announcement of a planned tour by the South African apartheid rugby team, the Springboks. The game was scheduled for September 22, 1981. Over forty Capital District community groups and hundreds of concerned individuals came together to oppose the appearance by this team in Albany and the Capital District Coalition Against Apartheid and Racism was formed. A successful demonstration of thousands against the Springboks strengthened the Coalition's commitment to fight apartheid and racism. The Coalition and the struggle continues.

"no one is free
until everyone
is free"

what we do

APARTHEID

The Coalition supports the United Nations Resolution calling for total isolation of South Africa in the world community in the areas of sports, economics, entertainment, trade and diplomatic recognition.

A picket was held a local Caldor's department store to protest the selling of South African baby bonnets and Caldor's has agreed never to purchase from South Africa again.

The cultural boycott asked for by the United Nations and South African liberation groups is gaining national and international strength. This boycott is of American entertainers who have agreed to perform in South Africa at the request of the apartheid leaders in an attempt to give legitimacy to an illegitimate regime. Locally, the Coalition has picketed several entertainers who have cooperated with the apartheid system including Chick Corea, Ray Charles, the Beach Boys and Linda Ronstadt. We have also provided a list of the entertainers who have been to South Africa to local universities and colleges requesting that they not be booked on these campuses.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ours

The Complaint

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

Plaintiffs,

-against-

COMPLAINT

Civil No.

PAUL DAILY, AGENT IN CHARGE, FEDERAL BUREAU
OF INVESTIGATION; JAMES 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 ASSIS-
TANT DISTRICT ATTORNEY JOHN DORFMAN; UNKNOWN
OTHER ALBANY COUNTY DISTRICT ATTORNEYS; THE
COUNTY OF ALBANY; THE CITY OF ALBANY POLICE
CHIEF THOMAS BURKE; CITY OF ALBANY ASSISTANT
POLICE CHIEF JON 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,

TRIAL BY JURY
DEMANDED

Defendants.

STATEMENT OF CASE

1. Plaintiff, Michelson alleges that on or about 3:00 a.m.,
on September 22, 1981, her apartment at 400 Central Avenue,
Albany, New York, was unlawfully raided and invaded by certain
defendants and approximately ten (10) to twenty (20) other local,
state, federal, and unknown law enforcement officers who burst
into her apartment, while she was sleeping, with shotguns drawn
and weapons pointed, ransacked her apartment, confiscated her
personal papers and property and papers and documents belonging
to the Capital District Coalition Against Apartheid, and placed

her and two (2) houseguests under arrest. Plaintiff was arrested for two (2) petty offenses and incarcerated at Albany County Jail thereby preventing her from participating in, organizing, and leading an anti-apartheid demonstration scheduled for that afternoon to protest the playing of a game by the Springbok Rugby Team from the apartheid country of South Africa. The violation charges against plaintiff were subsequently dismissed.

2. Plaintiff Capital District Coalition Against Apartheid and Racism (hereinafter "Coalition"), alleges that it was the local initiator of a lawful march and assembly in Albany, New York, on September 22, 1982 to protest the staging of a rugby game between a local team and the South African Rugby Team. Throughout the organizing effort, prior to and during the September 22, 1981 demonstration, the defendants individually and together violated the right of the Coalition and its members to peacefully assemble by, but not limited to, the following: spreading false rumors of violence, disseminating unfounded threats to would be participants and supporters, placing the Coalition and its leaders and or members under surveillance, maintaining records and files of first amendment activities of the Coalition and its members, and arresting plaintiff Vera Michelson, a leading civil rights activist and well-known Coalition leader on the morning of the planned demonstration. The actions of the defendant significantly interfered with the demonstration planned by the Coalition and damaged the reputation of the Coalition and its members as peaceful, law-abiding citizens.

JURISDICTION

3. This action is brought pursuant to 42 U.S. §1983, §1985, §1986, and §1988, and the First, Fourth, Fifth, Eighth, Ninth, Tenth and Fourteenth Amendments to the United States Constitution. Jurisdiction is founded upon 28 U.S.C. §1331 and 1343 and the aforementioned statutory and constitutional provisions. Plaintiff further invokes the pendent jurisdiction of this Court to hear and decide claims under the laws of New York State. Timely notice has been given to defendants pursuant to State law. All claims, alleged herein, remain unpaid and unadjusted.

PARTIES

4. Plaintiff Michelson is a thirty-six (36) year old woman who is a resident of the City of Albany, County of Albany, State of New York.

5. Plaintiff Capital District Coalition Against Apartheid and Racism is an unincorporated association whose chairman is Michael Dollard. The Coalition was formerly known as the Capital District Coalition Against Racism. The P.O. Box and Address of the Coalition is P.O. Box 3002, Albany, New York 12203

6. Defendant Paul Daly is a Special Agent of the Federal Bureau of Investigation.

7. Defendant James J. Rose is an Agent in charge of the Albany Office of the Federal Bureau of Investigation.

8. Defendant Sol Greenberg is the District Attorney of the County of Albany and an employee, officer and agent of the County of Albany.

9. Defendant Joseph Donnelly is an Assistant District Attorney of the County of Albany and an employee, officer, and agent of the County of Albany.

10. Defendant John Dorfman is an Assistant District Attorney of the County of Albany and an employee, officer and agent of the County of Albany.

11. The defendant County of Albany is a municipal corporation under the laws of New York State with its principal office in Albany County, State of New York.

12. Defendant Thomas Burke is the Police Chief of the City of Albany Police Department.

13. Defendant Jon Reid is the Deputy Police Chief of the City of Albany Police Department.

14. Defendant William Murray is a Lieutenant in the Albany City Police Department.

15. Defendant John Tanchak is a Detective in the Albany City Police Department.

16. Defendant City of Albany is a municipal corporation under the laws of New York State with its principal office in the City of Albany, County of Albany, State of New York.

17. All unknown other defendants were New York State Police Officers or were Albany County Assistant District Attorneys or were Albany City police officers.

18. Each and every defendant is being sued individually and in his or her official capacity.

19. Each and every defendant was acting in his or her capacity as stated and in conspiring with other defendants.

20. Each defendant is identified by his official capacity at the time relevant hereto, and all defendants' actions described herein were done under color

FIRST CAUSE OF ACTION BY PLAINTIFF
MICHELSON

21. Plaintiff Michelson was a member, organizer and officer of the Coalition, which planned and staged the anti-apartheid demonstration on September 22, 1981. The Coalition was affiliated with the National Stop the Apartheid Rugby Tour Coalition (herein after S.A.R.T.).

22. On information and belief, plaintiff's apartment at 400 Central Avenue, Albany, New York, had been under surveillance prior to September 22, 1981 by defendants and/or other members of their respective law enforcement agencies and/or other law enforcement agencies acting at the request of defendants.

23. Plaintiff's apartment had been used as a place for Coalition committee meetings.

24. On September 21, 1981, at the Hyatt House in Albany, New York, a meeting was held in the early evening between defendants Paul Daly, James Rose, Jon Reid, William Murray, and unknown other law enforcement officers, at which meeting alleged information from an alleged informant of the Federal Bureau of Investigation was discussed which allegedly related to plaintiff's apartment.

25. On September 21, 1981, at approximately 8:10 P.M., Mr. John Spearman was arrested by City of Albany Police officers.

Mr. Spearman was a member of S.A.R.T. and was in Albany to participate in the protest against the Springbok rugby game.

26. Subsequent to Mr. Spearman's arrest, the defendants decided and agreed to obtain a search warrant for plaintiff's Apartment at 400 Central Avenue.

27. Said search warrant was based on an application sworn to by defendant Detective John Tanchak of the Albany City police department. A copy of the application is attached as Exhibit A.

28. Said search warrant application was typed by defendant Albany County Assistant District Attorney Joseph Donnelly on September 21, 1981. Defendant Donnelly assisted in the preparation of said search warrant and application therefore, and while so doing was acting in an administrative and investigatory capacity.

29. On September 21, 1981, defendants Paul Daly, Agent in Charge, and/or James Rose, Special Agent of the Federal Bureau of Investigation, also assisted in the preparation of the application for said warrant by providing the aforesaid Donnelly and Tanchak with information allegedly from a confidential informant.

30. Upon information and belief, the alleged informant is a fabrication and does not exist.

31. On September 21, 1981, Deputy Chief Jon Reid and Lieutenant William Murray of the Albany City Police Department also assisted in the preparation of the warrant application.

32. Also present during the preparation of said warrant application were other unknown local, state, and federal law enforcement officers.

33. The Search Warrant application alleges that:

"First: There is reasonable cause to believe that certain property, to-wit: smoke bombs, sticks, knives, rifles, shotguns, handguns and any other object which could be used as a weapon and any and all other contraband may be found in or upon" (the apartment).

34. In fact, no weapons were found in the apartment.

35. The Warrant Application rests upon statements allegedly given to members of the Albany City Police Department and defendant Tanchak by a "confidential reliable informant."

36. The Warrant Application does not state the source or basis by which this alleged "informant" acquired the information attributed to him in the Application.

37. In fact, neither Detective Tanchak, nor any other Albany police official ever spoke to any alleged informant.

38. The Warrant Application fails to disclose that Detective Tanchak never had any direct communication with any informant.

39. In fact, none of the information in the Warrant Application was known to Tanchak from his own knowledge.

40. In addition, the Warrant Application is, on information and belief, deliberately false, misleading and perjurious.

41. The application falsely alleges that Mrs. Clara Satterfield sought police protection because she feared harm from members of the Coalition.

*Warrant
wrong*

42. The Application falsely states that a second person "jumped from the car and escaped" at the time of Mr. Spearman's arrest.

43. The Application falsely identifies Mr. William Robinson as a travelling companion of Mr. Spearman, and falsely stated he was armed.

44. The defendants knew or should have known that said Search Warrant Application was fraudulent and not based on probable cause.

45. Honorable Thomas Keegan, City of Albany Police Court, issued the Search Warrant based upon the Application of defendant Tanchak.

46. At approximately 3:00 a.m., on September 22, 1981, a posse of local, state, federal and unknown law enforcement officers broke into plaintiff's apartment door, did not identify themselves as law enforcement officers, terrorized plaintiff and her guests, searched and scavenged the apartment and broke and destroyed certain items found therein including, but not limited to, plaintiff's toilet and her answering machine.

47. The aforementioned officers included James J. Rose, Special Agent, Albany office, Federal Bureau of Investigation, John Reid, Assistant Chief of the Albany City Police Department, Lieutenant William Murray of the Albany City Police Department, Detective John Tanchak of the Albany City Police Department, other unknown officers of the Albany City Police Department, unknown officers of the New York State Police, and other unknown law enforcement agents.