

around the game by John Spearman and Mike Young and William Robinson, the Communist Workers Party, you knew none of that first-hand, yourself, did you?

A No, not first-hand.

Q You got it all from other officers, F.B.I. or Albany Police Department?

A That's correct.

Q Now, you also, in your affidavit, did you not, indicate to Judge Keegan that a woman named Clara Satterfield had called the Albany Police Department sometime that night around 10:30?

A That's correct.

Q You indicated that she had complained, I believe, that John Spearman and William Robinson and Michael Young had disrupted a meeting attended by Mrs. Satterfield?

A That's correct.

Q And that they or one of them had disrupted the meeting, is that correct?

A That's correct.

Q And that the meeting was called to insure there would be no violence on the part of any of the demonstrators around the rugby team?



A That's why it was organized. That's correct.

Q Didn't you also indicate to Judge Keegan that John Spearman and Mike Young and William Robinson had threatened her life?

A That's correct.

Q Now, who is Clara Satterfield? Do you know her?

A Not personally.

Q Do you know that she is the head of the N.A.A.C.P. in this area?

A That's correct.

Q Now, the information that appears there about Clara Satterfield you had no personal knowledge of that either, did you?

A Not personal knowledge, no, sir.

Q You got this from other officers, is that correct?

A That's correct.

Q It could have been Albany Police Department, F.B.I. or could have been both?

MR. KATZER: Objection.

THE COURT: Yes, sustained.

BY MR. KUNSTLER: (cont'd)

Q Do you know which officers gave you that information?

A In relationship to Clara Satterfield?



Q Right.

A Yes.

Q Who was it?

A Deputy Chief Reed.

Q Now, all of the information that people were giving you such as we have discussed here that relates to violence at the games, the material I have gone over with you that was put into your affidavit received from other officers I know, not yourself, in order to induce Judge Keegan to sign the search warrant, isn't that correct?

MR. KATZER: Objection.

THE COURT: Sustained.

Q Wasn't the purpose of it to obtain a search warrant?

MR. KATZER: Objection.

THE COURT: Sustained.

Q Was the affidavit given to Judge Keegan at his home?

A That's correct.

Q Did he read the affidavit?

A Yes, he did.

Q After he read the affidavit he then signed the search warrant -- is that correct? -- that authorized the search of Apartment 7-K two hours and



fifteen minutes later?

A That's correct.

Q With reference to the search warrant itself you were what we call the applicant for the search warrant, weren't you?

A That's correct.

Q You were the person applying?

A That's correct.

Q And did you not indicate to Judge Keegan -- I will refer you to Page 3 of the application which was signed by you -- did you not indicate to Judge Keegan that because you anticipated danger --

A Excuse me, sir. Page 3?

Q Yes. Page 3, after the wherefore clause -- do you see, "Wherefore the applicant requests," do you see the portion of this?

A Yes.

Q Let me ask you one further fact. Accompanying the affidavit was there not an application to Judge Keegan for a search warrant that also is in affidavit form?

A The affidavit is the application.

Q Well, all right. But I'm referring now -- maybe I



ought to have this marked.

THE COURT: You have it marked.

MR. KUNSTLER: It may be different.

If I can just compare them.

BY MR. KUNSTLER: (cont'd)

Q If you look at Page 2 of the affidavit, did you ask Judge Keegan for permission to execute the search warrant during nighttime hours?

A That's correct.

Q All right. Did you not indicate to Judge Keegan that the reason for making this request was that it was your opinion that the safety of the officers involved would be endangered based upon your experience if it wasn't executed in the middle of the night or outside of the 6 A.M. to 9 P.M. hours?

A That's correct.

Q Was that opinion based at least in part on what you had been told by the F.B.I. and the other police officers about the violence prone attitude of Mr. Spearman and others?

A In part.

Q Now, you also told Judge Keegan, did you not, that you thought that there was reasonable grounds to



believe that there were smoke bombs, sticks, knives, rifles, shotguns, handguns, and any other object which could be used as a weapon and any and all other contraband in the apartment?

A That's correct.

Q Now, would it be your testimony that the first time that you heard the names that you have put in the affidavit of yours -- John Spearman, Michael Young and William Robinson -- was on that night of September 21 into the morning, I guess, of September 22, 1981?

A Yes, sir. That's the first I heard of him.

Q Prior to that time their names had never crossed your mind or been made known to you in any way, shape, or form?

A That's correct.

Q It was other people who mentioned their names to you for the first time on the night of September 21 after Mr. Spearman's arrest at police headquarters?

A Yes, sir.

Q All right. Now, would you name for us the people who told you for the first time on that evening the names of Michael Young and John Spearman?



A Well, the first one didn't have a name. It was a teletype machine that gave me the name Michael Young. As far as Mr. Spearman, I think it might have been Detective Sergeant Lounsberry.

Q And when did he first tell you about Michael Young? Approximately. I'm not asking you for minutes.

A 8:15, maybe.

Q And when did you first hear the name William Robinson and from whom?

A That wasn't until, like I said, my guess would be somewhere around 11:30.

Q When, for the first time, did you hear the name John Spearman outside of the teletype?

A Michael Young was the teletype.

Q Michael Young was the teletype on the car?

A Mr. Spearman was from his arrest.

Q After Mr. Spearman's arrest which occurred around 7:30, 7:35 on that evening, when for the first time using that as your base, the Spearman arrest, did someone in police headquarters mention his name?

A It wasn't until -- well, like I said, I'm guessing at 11:30. I don't know if it was 11:30. It could have been 10:30. It could have been midnight.



Q Who was it that mentioned him?

A I don't really recall the specific person. It was one of the officers, one of the law enforcement officials, but I don't remember which one it was.

Q Was it a ranking law enforcement official or was it a patrolman?

A No, it was a ranking official.

Q Did any of that material come from any agent of the F.B.I.?

A What material is this, now?

Q About John Spearman.

A Yes, sir.

Q The violence and coming up --

A Yes, sir.

Q The Communist Workers Party and all of that.

A Yes, sir.

Q Was that James Rose who gave that?

A Yes, it was.

Q Now, James Rose was there certainly all that evening -- wasn't he? -- from, say, 8:00 on, at least?

A I'm not going to pin a time down for you. He was there. I'm not going to say it was at 8:00 on.



It might have been 9:00 on. I don't know.

Q Was he there when you got back from the parking lot?

A I don't know. He may have been there. I didn't see him there.

Q When, for the first time, did you see James Rose there?

A Probably 10, 10:30. I'm not sure.

Q With reference to James Rose didn't James Rose hold sessions during the night at police headquarters in which he told people information of this type about John Spearman and others?

A That's correct.

Q Who attended those sessions?

A Just about all the detectives that were working.

Q You were there too, weren't you?

A That's correct, I was.

Q And didn't Mr. Rose say, in words or substance, that John Spearman and others were members of the Communist Workers Party coming to Albany to create violence and disrupt the game and would be armed?

A Yes, sir.

Q On how many occasions did Mr. Rose give that



lecture of his?

A I think I was only there for it once. It might have been twice. I'm not sure.

Q You told us at the suppression hearing you did it at least a couple of times, didn't you?

A Like I just said, it might have been once or it might have been twice.

Q When you were listening to him did you write any of this down? Did you make any notes?

A I did not, no.

Q When you created the affidavit to present to Judge Keegan did you use any of the information Mr. Rose gave you?

A Yes.

Q You didn't know whether the information was true or false, did you?

MR. KATZER: Objection.

THE COURT: Sustained.

BY MR. KUNSTLER: (cont'd)

Q Did you make any independent effort yourself to verify what Mr. Rose said?

MR. KATZER: Objection.

THE COURT: Sustained.



Q Now, outside of Mr. Rose giving out this information were there any members of the Albany Police Department, ranking members, deputy chiefs, detectives, lieutenants, also giving out much the same information?

A Yes, sir.

Q I take it you took that into consideration when you drew your affidavit?

A Yes, sir.

Q When they gave you that, didn't it cross your mind that they were concerned about it at all?

MR. KATZER: Objection.

THE COURT: Sustained.

BY MR. KUNSTLER: (cont'd)

Q Detective Tanchak, when the information was imparted by F.B.I. Agent Rose and ranking members of the Albany Police Department that we have just discussed, it didn't appear to you that they were taken as a joke, did you?

MR. KATZER: Objection.

THE COURT: Sustained.

Q You took it seriously?

MR. KUNSTLER: I'll withdraw the



first one.

BY MR. KUNSTLER: (cont'd)

Q You took it seriously, didn't you?

A Yes, sir, I did.

Q That's why you swore to it in an affidavit to Judge Keegan?

MR. KATZER: Objection.

THE COURT: Sustained.

Q In any event whatever they gave you that you took seriously you put in the affidavit?

A That's correct.

THE COURT: We will take a short recess.

(A recess was taken, after which the following proceedings were had.)

THE COURT: Let the record indicate the presence of the defendants, their respective counsel. The People are represented by Mr. Katzer.

Let the record further indicate the presence of the fourteen sworn jurors.

I will remind the witness you are still under oath in this matter.

You may continue, Mr. Kunstler.



BY MR. KUNSTLER: (cont'd)

Q Now, Detective Tanchak, I just want to ask you one preliminary question. You testified on, I believe, both direct and Mr. Oliver's questioning that on September 21, 1981 your main duties involved enforcement of the narcotic laws, is that correct?

A That's correct.

Q In fact, you have a title, do you not?

A Detective. Yes, sir.

Q And when you say detective, is there in the Albany Police Department a narcotics enforcement unit?

A There is within, yes.

Q Are you in that unit?

A Yes, I am.

Q How long have you been in that unit?

A Almost a year.

Q So you were there certainly on the 21st of September, 1981?

A That's correct.

Q Now, when you were called to go to the Quad parking lot you said that was around 7:45 or thereabouts in the evening of the 21st of September, 1981?

A That's correct.



Q Do you remember who called you and told you to go there?

A Yes, sir.

Q Who was that?

A Lieutenant Murray.

Q And when Lieutenant Murray called you and told you to go there did he tell you why he wanted you to go there?

A When I got there. Not on the radio. He just said report to him.

Q Report there. When you got down there was Mr. Spearman still there?

A Yes, sir, he was.

Q And where was he when you got there?

A He was seated in the back seat of the Albany police car.

Q Did you learn when you got there anything about the weapon?

A Yes, sir, I did.

Q From whom did you learn about a weapon?

A I believe it was Lieutenant Murray who showed me a weapon that was found.

Q And then I think you indicated you were given some



orders by Lieutenant Murray, is that correct?

A That's correct.

Q What were those orders?

A Put in an application for a search warrant for the vehicle.

Q You followed those orders, did you not?

A That's correct.

Q And your normal tour that day would have been what?

A 4 P.M. to midnight.

Q And this was an evening which you worked longer than your normal tour, is that correct?

A That's correct.

Q Was it Lieutenant Murray who also asked you to obtain a search warrant with reference to Apartment 7-K at 400 Central Avenue?

A That's correct.

Q Now, you talked to Lieutenant Murray with reference to Apartment 7-K? This was sometime, I guess, in the evening of September 21?

A That's correct.

Q That was at police headquarters?

A That's correct.

Q And at that time did Lieutenant Murray tell you



what apartment you were to get the search warrant for?

A When he first talked to me about the search warrant?

Q Right.

A I don't know if he mentioned it or not. He could have. I'm not sure.

Q There came some time when you learned what the premises were that were going to be searched, is that correct?

A That's correct.

Q Because you had to put it in your application to get Keegan?

A Correct.

Q All right. From where or from whom did you get the information about 400 Central Avenue and Apartment 7-K?

A I believe it was Lieutenant Murray.

Q And he even told you who rented that apartment, didn't he?

A The name? Yes, sir, he did.

Q What was the name?

A Vera Michaelson.



Q Did he also tell you that Michael Young frequented that apartment or had been living there?

A That's correct.

Q Now, when you got to the apartment -- I won't go through the material that Mr. Oliver questioned you about, I just want to go through one area -- when you got to the apartment did you ask Michael Young what his name was?

A When we entered the apartment?

Q Yes.

A Yes, sir.

Q Did he tell you?

A Yes, sir.

Q With reference to Miss Michaelson and Mr. Young and Mr. Estes, who were the three occupants of the apartment as you have described, there came a time when they were taken out into the hallway outside the apartment, isn't that correct?

A Not that I'm aware of. They had to be taken out to leave the building but --

Q You didn't take them out of the building yourself, did you?



A No, sir, I did not.

Q Did other officers do that?

A Yes, sir.

Q When they took them out of the building were you still in the apartment?

A Yes, sir.

Q The search was still going on?

A That's correct.

Q So I take it there was a period of time in the apartment when all the occupants were out and only police officers were present, isn't that correct?

A That's correct.

Q And they were searching the apartment?

A That's correct.

Q And you were one of those officers?

A That's correct, I was.

Q Now, you indicated upon questioning by my brother, Oliver, that in addition to the material you have described that you found there and that is included on your return which I think includes some firecrackers-- did you find firecrackers?

A I believe I did, sir.

Q Then there were, you say, five plastic containers



containing a quantity of marijuana?

A That's correct.

Q Did you find those too?

A That's correct.

Q And then you said there was a box of Remington Special containing thirty-five live rounds of .38 caliber ammunition, isn't that correct?

A Correct.

Q In fact, you have identified, I believe, the exhibit here which is People's 14 as those rounds?

A That's correct.

Q You found, you said, a speed loader? Did you find that yourself, personally?

A Yes, sir, I did.

Q Then a leather purse with shotgun shell holders attached?

A Correct.

Q You also told Mr. Oliver you also took out some papers which you mistakenly identified as something other than they were, isn't that correct?

A Correct.

Q Did you put those on your return?

A No, I did not.



Q How many papers were there, if you remember?

A I have no idea. It could have been twenty. There could have been a hundred. I really don't remember.

Q When you were drawing up your inventory were those papers available to you?

A No, they were not.

Q Who had them?

A Lieutenant Murray.

Q Can you describe to the jury how Lieutenant Murray got those papers? Did he ask for them?

A No, sir, he did not.

Q Did you tell him, "I have some papers that might interest you"?

A I didn't say it that way. I told him I had some papers, yes.

Q You had some papers? Did you tell him you weren't going to include those on the sworn inventory?

A I don't know if I told him that or not. I may have. I don't know.

Q Did he say to you, in words or substance, that well, when you take material out on a search warrant you are supposed to put everything you take



in the inventory?

MR. KATZER: Objection.

THE COURT: Sustained.

BY MR. KUNSTLER: (cont'd)

Q All right. You know, do you not, that the purpose of an inventory is to indicate to the Court that grants the warrant what you took out of the apartment?

MR. KATZER: Objection.

THE COURT: Overruled.

A Correct.

Q Whose decision was it to leave out of that sworn inventory these papers?

A Mine.

Q When you made that decision had you read the papers?

A No, I had not.

Q You're telling the jury you didn't know anything that was in those papers?

A Other than the top sheet. That was it.

Q What did the top sheet say?

A Something from the Communist Workers Party but I didn't read what it was.

Q Now, you had heard the words Communist Workers Party



that night, hadn't you?

A That's correct.

Q From James Rose and from others at headquarters?

A Correct.

Q You also had heard, did you not, that the Communist Workers Party, according to the people that were talking to you, were going to create violence, in their opinion, at the rugby game the next day, isn't that correct?

A Correct.

Q And when you saw Communist Workers Party on those papers you didn't include them in the inventory?

A No, sir, I did not.

Q You made that decision without consulting anybody?

A That's correct, I did.

Q And then how did they get to Lieutenant Murray from you?

A I walked over and gave them to him.

Q Did you say anything to him?

A I believe I may have said, "These have to be returned because they are not address verification."

Q They are not --

A Address verification.



Q And did you say to him what they were?

A No, I did not.

Q Was it, in your opinion, Lieutenant Murray's responsibility to return them to the Michaelson apartment?

A He was the supervisor in the police department. Yes, sir.

Q You thought it was his responsibility?

A Correct.

Q Did you tell him you weren't going to put them on the inventory?

A I don't recall saying that to him. No, sir.

Q When did you file the inventory? Do you know?

A I believe it was the next morning. I would have to check on the date. It's on there.

Q Take a look on our Exhibit E.

A That's correct. The 22nd of September.

Q At the time you filled it out, of course you didn't have those papers?

A No, sir, I did not.

Q Now, getting back to the parking Quad for a moment or two, you indicated in Mr. Oliver's cross examination that when you got there there were



state police officers there, F.B.I. agents, and I think you said some ten or so -- I'm not holding you to any set number -- ten or so members of the Albany Police Department?

A That's correct.

Q Now, with reference to the state police that were there, did you see them do anything with the vehicle at all? That is, the grey or silver Monarch Mercury?

A As I stated to Mr. Oliver, I don't know who was who. I can only assume it was the state police or F.B.I.

Q Putting aside whether you even know what branch they belong to or what department, did you see officers whom you recognized as police officers or you thought were police officers looking at the vehicle?

A Yes.

Q What were they doing?

A There was a search being conducted by the Albany police.

Q Did you see any of the people who appeared to you to be F.B.I. agents in the vehicle or around it in



any way?

A No, sir, I did not.

Q What about members of the state police?

A No, sir, I did not.

Q All right. Now, with reference to the material you took from Apartment 7-K later that night or earlier that morning, was any of it dusted for fingerprints that you know?

A I have no idea.

Q Well, do you have a fingerprint department in the Albany Police Department?

A An Identification Unit.

Q Right. There are experts there in fingerprints, are there not?

A Yes, sir.

Q You know what dusting for fingerprints -- what that phrase means, do you not?

A That's correct.

Q To your knowledge were any of the items which you have on your inventory dusted for fingerprints?

A No, sir, they were not.

Q All right. Now, some of those items were plastic containers, weren't they?



A That's correct, they were.

Q And others were a speed loader. You know how to use a speed loader, don't you?

A I have never used one but I know how they operate.

Q Can you pick that one up for just a minute? When you place bullets or rounds in a speed loader how do you hold the speed loader?

A When you place them in there?

Q Do you have to hold it with one hand while you place them in there with the other?

A That's correct.

Q Then you would pick up each round individually and place it in the speed loader, is that correct?

A That's correct.

Q Then you would take the speed loader, put it up against the chamber, open the chamber of the revolver, and then push in the end of the speed loader which would force the rounds into the chamber of the revolver, isn't that correct?

A Basically gravity feeds them in. They fall in.

Q When you got to the apartment you knew that a revolver had been found that was of the same caliber



as the projectiles, the rounds in the box, that you picked up and which is marked, I believe, as Exhibit People's 14?

A Same caliber, yes, sir.

Q You knew that?

A Yes, sir.

Q By that time you also knew, did you not, that the vehicle in which the weapon had been found belonged to a Michael Young, didn't you?

A That's correct.

Q You had the teletype back by 8:00 that evening, didn't you? At least?

A It was after 8, yes.

Q Sometime that evening?

A Right.

Q When you found the speed loader did you pick it up with a handkerchief or something that would keep prints from being obliterated?

A No, sir.

Q Didn't it cross your mind if you could find Michael Young's fingerprints on that speed loader it might, from a law enforcement point of view, tie him in with the weapon?



A No, sir, it didn't cross my mind.

Q How long have you been on the force?

A Almost ten years.

Q You have heard of fingerprints before, haven't you?

MR. KATZER: Objection.

THE COURT: Sustained.

Q Well, when you got back to police headquarters that night did it cross your mind to say, "We ought to have these dusted because there may be some latent prints on it that might tie it in with Mr. Spearman, Mr. Young, who were already arrested"?

A No, that didn't cross my mind.

Q It didn't cross your mind, Officer Tanchak, or Detective Tanchak, because you knew where the gun and the speed loader came from, isn't that the case?

A That's correct.

Q You knew it came from the Albany Police Department, didn't you?

A No, it did not.

Q I would take it not crossing your mind to check fingerprints was just an oversight, is that correct?

MR. KATZER: Objection.

THE COURT: Sustained.



BY MR. KUNSTLER: (cont'd)

Q Now, Officer Tanchak, is it not a fact that you had information before you went to that apartment that some people associated with the Anti Apartheid Protest, the protest against the Springboks game, lived or met in that apartment?

A I don't know if it was with that organization you said but it may have been. I don't know.

Q Forget the names of organizations. You knew before you went to that apartment that some people that used that apartment or met there or lived there had a relationship to the protest against the games, didn't you?

A That's correct.

MR. KUNSTLER: Just one moment,  
Judge.

(Mr. Kunstler conferring with Mr.  
Oliver.)

MR. KUNSTLER: Judge, I think that is all I have except to offer into evidence a search warrant with reference to the search of the apartment which is labeled at this point Defendant Spearman's E for identification.



THE COURT: Any objection?

MR. OLIVER: I want to join in that offer on behalf of the Defendant Young.

THE COURT: Any objection?

MR. KATZER: Does that include the entire application and warrant, Judge?

MR. KUNSTLER: The entire thing. The inventory, the whole works.

MR. KATZER: No objection.

THE COURT: Received without objection.

(Defendant Spearman's Exhibit E for identification was received and marked in evidence.)

MR. OLIVER: Could that be on behalf of both defendants?

THE COURT: Certainly.

Do you have anything further, Mr. Katzer?

MR. KATZER: Yes, Judge. I will be brief.

REDIRECT EXAMINATION

BY MR. KATZER:

Q Detective Tanchak, let's go for a moment to