

POLICE COURT
CITY OF ALBANY

Complaint, Information for Misdemeanor
or Violation

Officer John Danchak

is a police officer

Deponent

Street in the City of Albany

People of the State of New York against Michael Young, Aaron Eytis, Vera Nicholson

at the City of Albany in the County aforesaid on the 22nd

day of

1981, did knowingly violate subdivision 2 (b) (1) of

section

20 of the penal law of the State of New York, in that he did possess, use, ex-

pose to explode any fireworks, TO WIT: On 9/22/81 at about 3:25AM while
at 301 Central Avenue in apartment 7A, Albany, New York while the officers were
searching for a search warrant it was found that the defendants were in possession of
two (2) Red Firecrackers.

POLICE COURT
CITY OF ALBANY

People of the State of New York against

Michael Young
450 Central Avenue 7A Albany NY
Aaron Eytis
3 Lud St., Somerville Mass.
Michael Young
671 Conant Avenue Brooklyn New York

Address

violate subdivision

, of section P.L.

Class

Complaint, Information for Misdemeanor
or Violation

Defendant Arraigned

Warrant Issued

Warrant Returned

The defendant, immediately on being brought before
the Court, was informed of the charge against him and
his right to the aid of counsel in every stage of the
proceedings, and before any further proceedings were
had, plead

NOT GUILTY.

Bail fixed in the sum of _____, or in

the sum of \$ _____ cash deposit.

In default of Bail defendant committed.

Esg. Atty.

THE SOURCES OF DEPONENT'S INFORMATION AND THE GROUNDS FOR HIS BELIEF ARE ORAL STATEMENTS MADE TO
DEPONENT BY THE DEFENDANT THAT HE COMMITTED THE FOREGOING ACTS AT THE TIME, PLACE AND IN THE
MANNER AND MANNER AS SET FORTH; AND/OR FROM INFORMATION OBTAINED FROM WITNESSES WHOSE DEPOSITIONS ARE
ATTACHED HERETO AND MADE A PART HEREOF.

POLICE COURT
CITY OF ALBANY

Officer John Tanchak
Deponent

Complaint, Information for Misdemeanor
or Violation
is a police officer

People of the State of New York against Michael R. Young, Vice President, Amco Mills
at the City of Albany in the County aforesaid on the 22nd day of 19 81, did knowingly violate subdivision 19 81 of section 105 of the penal law of the State of New York, in that he did knowingly violate subdivision 19 81 of section 105 of the penal law of the State of New York at about 3:25 AM at 400 Central Avenue at 7K while the officers were executing a search warrant the defendant to have in their possession and under their control five plastic containers containing a quantity of marijuana.

THE SOURCES OF DEPONENT'S INFORMATION AND THE GROUNDS FOR HIS BELIEF ARE ORAL STATEMENTS MADE TO DEPONENT BY THE DEFENDANT THAT HE COMMITTED THE FOREGOING ACTS AT THE TIME, PLACE AND IN THE MANNER ABOVE SET FORTH; AND/OR FROM INFORMATION OBTAINED FROM WITNESSES WHOSE DEPOSITIONS ARE ATTACHED HERETO AND MADE A PART HEREOF.

Sworn to before me this 22nd day of 19 81

Form 13 Clerk of the Police Court

FALSE STATEMENTS CONTAINED HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW OF THE STATE OF NEW YORK.

D.A. Deponent

POLICE COURT
CITY OF ALBANY

People of the State of New York against

Michael R. Young, Vice President, Amco Mills
Address 400 Central Avenue, Albany New York
violate subdivision 19 81 of section 105 P.L.

Complaint, Information for Misdemeanor or Violation

Defendant Arraigned 2/22/81
Warrant Issued
Warrant Returned

The defendant, immediately on being brought before the Court, was informed of the charge against him and his right to the aid of counsel in every stage of the proceedings, and before any further proceedings were had, plead

NOT GUILTY.

Bail fixed in the sum of _____, or in the sum of \$ _____ cash deposit.
In default of Bail defendant committed.

Esg. Atty.

Justice of the Police Court, Alb N.Y.

BAIL \$
FINE \$

ALBANY POLICE DEPARTMENT
NARCOTIC ENFORCEMENT UNIT
SEARCH AND SEIZURE
RECEIPT AND INVENTORY

POLICE COURT, CITY OF ALBANY, NEW YORK, COUNTY OF ALBANY, NEW YORK.

I SWEAR THAT THE FOLLOWING IS A TRUE AND DETAILED INVENTORY OF ALL
PROPERTY TAKEN BY ME ON THE SEARCH WARRANT FILED HEREWITH:

eight firecrackers

five plastic containers each containing a quantity of marijuana

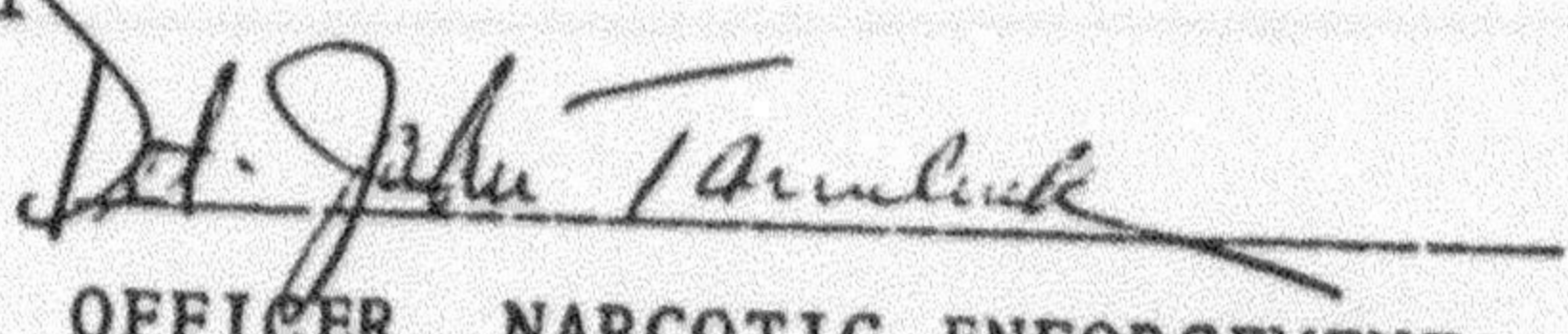
one box of Remington 28 Special containing 35 live rounds of 28 special ammo

one speed loader containing five live 28 special +P hollow points.

one leather purse with shotgun shell holders attached.

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 22 DAY OF September, 1981


ALBANY POLICE COURT JUDGE


OFFICER, NARCOTIC ENFORCEMENT

STATE OF NEW YORK

COUNTY OF ALBANY

POLICE COURT

CITY OF ALBANY

THE PEOPLE OF THE STATE OF NEW YORK

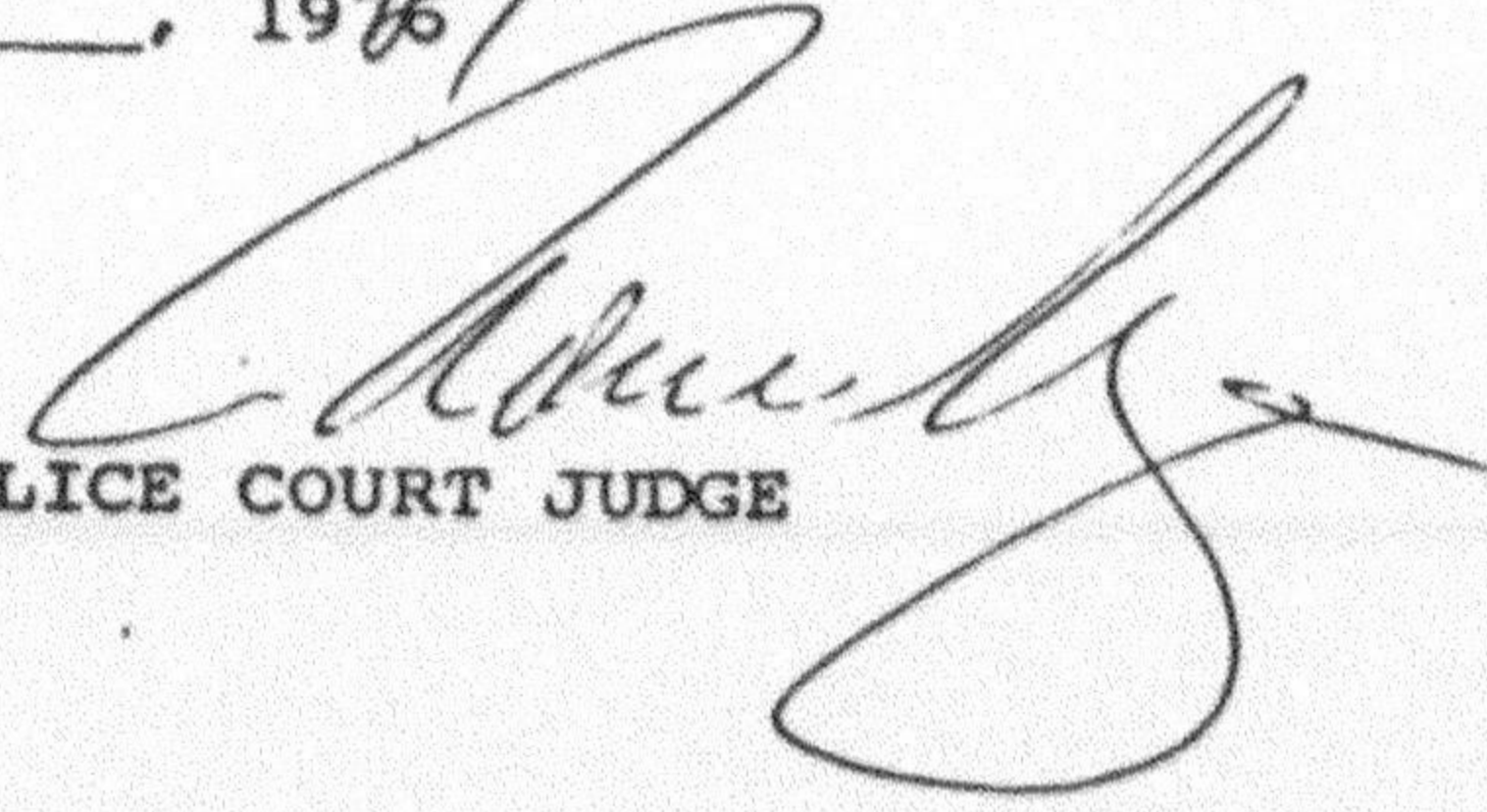
AGAINST

DEFENDANT VERA BISHLOP, MICHAEL YOUNG, MARION BENTIS

PURSUANT TO THE PROVISIONS OF SECTION 690.55 SUBDIVISION 1, B OF THE CRIMINAL PROCEDURE LAW OF THE STATE OF NEW YORK, I DO HEREBY DIRECT THAT PROPERTY TAKEN PURSUANT TO A DULY EXECUTED SEARCH WARRANT FROM THE ABOVE IDENTIFIED DEFENDANT AND DELIVERED TO ME THIS DATE, UPON THE RETURN THEREOF, BE RETAINED IN THE POSSESSION OF AND HELD IN THE CUSTODY OF THE ALBANY POLICE DEPARTMENT, SUBJECT TO ANY FURTHER ORDER OF THE COURT AS PROVIDED BY THE PROVISIONS OF SECTION 690.55 SUBDIVISION 1, B OF THE CRIMINAL PROCEDURE LAW OF THE STATE OF NEW YORK.

DATED AT Catskill, NEW YORK

ON Sept 25, 1976


POLICE COURT JUDGE

POLICE COURT
CITY OF ALBANY STATE OF NEW YORK

PEOPLE OF THE STATE OF NEW YORK,

DEMAND TO PRODUCE

-against-

AARON ESTIS, MICHAEL YOUNG, and
VERA MICHELSON,

SIR:

PLEASE TAKE NOTICE, that pursuant to §340.30 and §240.20 of the New York Criminal Procedure Law, demand is made upon you to produce and permit inspection, copying, or testing by the defendant, VERA MICHELSON, or attorney - the following property:

(a) any written, recorded or oral statement, of the defendant VERA MICHELSON and her co-defendants, AARON ESTIS and MICHAEL YOUNG made to a public servant engaged in law enforcement activity or to a person then acting under his direction or in cooperation with him;

(b) any written report or document, or portion thereof concerning a scientific test or experiment, related to the within criminal proceeding and made at the request or direction of a public servant engaged in law enforcement activity - including but not limited to (1) any scientific or chemical analysis of the substance allegedly found in defendant Michelson's possession and is allegedly marijuana, (2) any scientific or chemical analysis of the items allegedly found in defendant's possession and allegedly believed to be 8 green and red firecrackers, (3) the results of defendant Michelson's parafin test;

In
no statement
just answer

Yes

you

(c) any photograph or drawing relating to the within criminal proceeding and made or completed by a public servant engaged in law enforcement activity;

you

(d) any property obtained from the defendant's person or apartment or motor vehicle on or about September 27, 1981 at 3:25 a.m. or any time thereafter;

?
~~_____~~

(e) any tapes or electronic recordings;

(f) documents prepared pursuant to Article 690 including but not limited to:

you

(1) application for a search warrant prepared pursuant to C.P.L. §690.35

(2) any examination conducted pursuant to C.P.L. § 690.40(1)

(3) search warrant

(4) a receipt prepared pursuant to C.P.L. § 690.50(4) - a copy of which was not provided to the defendant at the time of the execution of the search warrant

(5) a written inventory of property seized prepared pursuant to C.P.L. § 690.50(5);

(g) any written police records prepared both prior to and subsequent to the execution of the search warrant which in any way relates to the instant search warrant or defendant Michelson or her co-defendants;

no not all

(h) any other material required to be disclosed, prior to trial, to the defendant pursuant to the laws and constitution of the State of New York or the United States.

STATE OF NEW YORK)
)
COUNTY OF ALBANY)

AFFIDAVIT

~~PETER THIERJUNG~~, being duly sworn deposes and
says:

1. THAT he is a machine operator, 28 years old and a resident of the City of Schenectady and a member of the Albany Coalition Against Apartheid since its formation in August of 1981.

2. THAT in his capacity as a member of the Coalition he attended a meeting of said Coalition on September 21, 1981 starting at about 7:30 p.m. held at the office of the NAACP, on Livingston Avenue in Albany.

3. THAT during the course of said meeting it was decided by the group that a press conference would be held following the conclusion of the meeting to reassure the public that the Coalition was planning a peaceful protest and would not be the source of any violence at the following day's demonstration.

4. THAT he did not participate fully in the meeting above because he, Clara Satterfield, and other were telephoning the press to announce the press conference.

5. THAT following the above telephoning at or about 9:30 p.m. he witnessed a telephone call by Satterfield to the Albany City Police Department.

6. THAT deponent's best recollections of said phone call follow.

7. THAT deponent heard Satterfield request the phone number of the Albany City Police Department from the operator.

EXHIBIT C-1

8. THAT next Satterfield stated words to the effect that, "Could I speak to the person in charge, this is Clara Satterfield."

9. After a pause, Satterfield restated her name and asked, "Do you know who I am?"

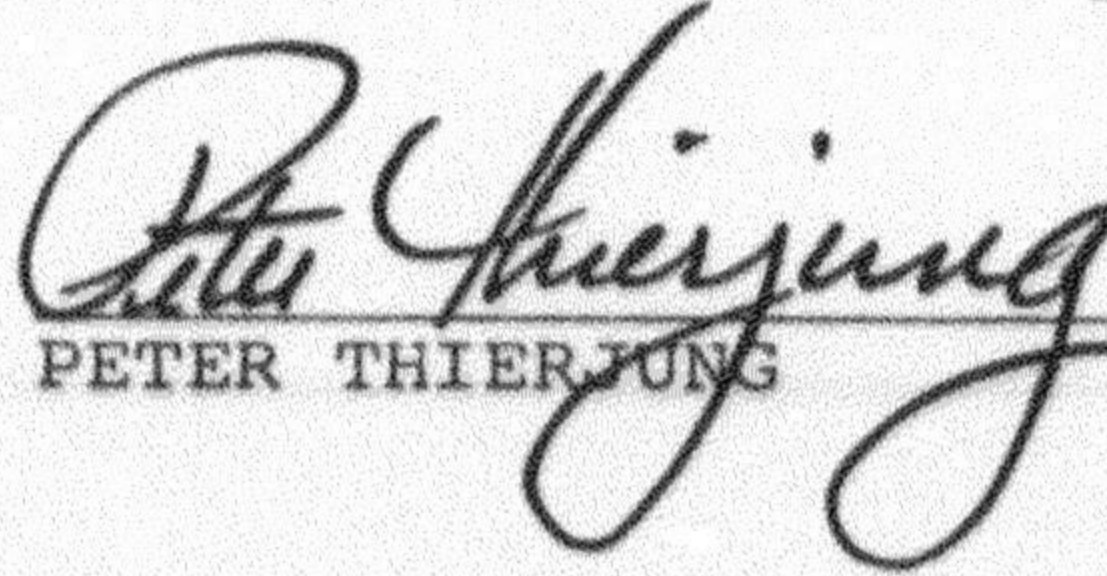
10. She then said words to the effect of, "I am afraid ... I would like police protection The reason I am concerned is because the Springboks have been getting so much protection ... there must be a reason...."

11. Deponent believes Satterfield then said, in answer to a question, words to the effect of, "No, I've received no threats. I am concerned and afraid."

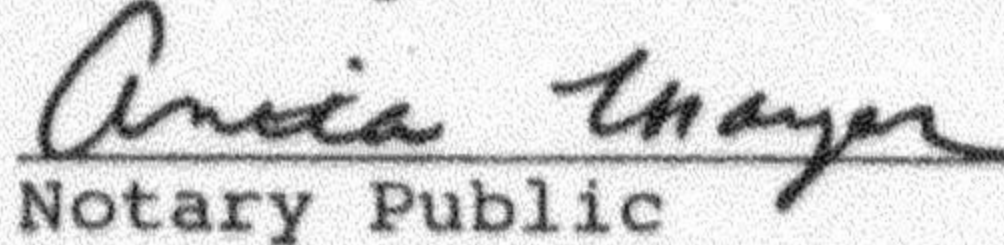
12. The conversation concluded with Satterfield providing the police with her address, and description of her car and her son's car.

13. The telephone conversation was very brief. Although I cannot remember every simple detail, I am certain that Satterfield did not mention the names William Robinson or Mike Young and did not talk about any meeting that was disrupted or describe any threats on her life during this phone call.

14. THAT the above is not a verbatim recall of said conversation but my recollection to the best of my ability.


PETER THIERJUNG

Sworn to before me this
12th day of October, 1981


Notary Public

ANITA THAYER
NOTARY PUBLIC, State of New York
No. 4011-19
Qualified in Albany County
Commission Expires March 24, 1982

EXHIBIT C-2

STATE OF NEW YORK

COUNTY OF ALBANY

POLICE COURT

CITY OF ALBANY

THE PEOPLE OF THE STATE OF NEW YORK
AGAINST
DEFENDANT VERA MICHELSON, MICHAEL YOUNG, AARON ESTIS

STATE OF NEW YORK
COUNTY OF NEW YORK

WILLIAM I. ROBINSON, being duly sworn deposes and says:

I am 24 years of age. I currently reside at 2265 University Avenue, apartment 4E, Bronx, N.Y. I am employed as a project associate at the American Committee on Africa, which is based in New York City. I am also currently preparing for a Bachelor of Arts in International Relations at Friends World College in Huntington, N.Y.

I spent nearly 15 days in Albany in the month of September, 1981, as the Stop Apartheid Rugby Tour (SART) coalition representative in the Capital District. SART was the New York-based coalition of over 100 local and national organizations formed to peacefully and legally organize protest against the Springbok's U.S. tour. It was my job in Albany to ensure that SART's policy of peaceful and legal forms of protest be followed.

- * I travelled by myself on the evening of Sunday, September 20 from New York City to Albany.
- * I met Mr. Spearman for the first time ever on September 21.
- * To this day I have never even held in my hand a firearm or any comparable weapon in my life, which includes the entire period which I spent in Albany organizing for the peaceful and legal protest which took place on September 22.
- * I am not now nor have I ever been a member of the Communist Workers Party
- * My purpose in Albany was to help coordinate the said peaceful protest. I was charged by the organization I represented - the SART coalition - to ensure that SART policy of strictly peaceful, legal, and nonviolent protest be adhered to. The said demonstration on September 22 was totally peaceful, legal, nonviolent, and well-disciplined.
- * I am personally abhorred by any form of violence, and I have never in my life been involved in any form of violent activity. The organization I represented in Albany viewed the Springboks as symbols of our collective repugnance of the violence of apartheid and therefore an entity to be peacefully protested against.

EXHIBIT "p"

2
p

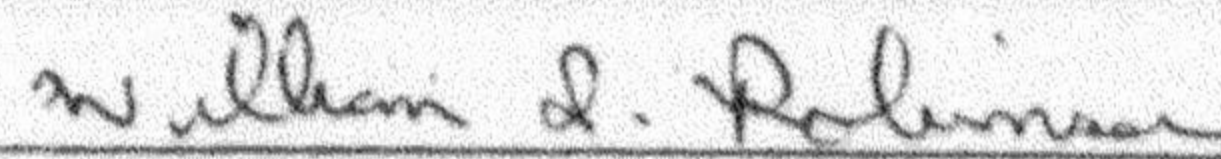
- * I attended in its entirety the said meeting held at the NAACP Albany headquarters to coordinate peaceful protest activity. The meeting was well organized, disciplined, orderly, and peaceful from beginning to end.
- * I attended a number of meetings in Albany to coordinate peaceful protest activity in which the NAACP was also in attendance, and have never disrupted any meeting.
- * Michael Young did not attend the said meeting on the evening of September 21. I know this because as one of the first people to arrive at the said meeting and the last to go, I never saw Mr. Young at all.
- * I have never in my life, either directly or indirectly, or in any conceivable way threatened the life of anyone, including Ms. Clara Satterfield. I have never even entertained such an abhorrent thought.

said

- * At the start of the meeting, Ms. Satterfield explained to the body that she was worried about the safety of herself, other organizers of the protest, and other coalition members. She was worried about the threat of violence against us from rugby fans and other individuals who stood opposed to us on the issue. She asked for a mandate from the body of which I was included, to phone the Albany Police Department and demand adequate police protection from those individuals. I was in fact one of those people who she was demanding police protection for.
- * While in Albany I visited the apartment of Vera Michelson at 400 Central Avenue on several occasions, including the evening of September 21, when I went there to watch the 6:00 o'clock news. At no time did I see in the said apartment, or in the possession of any person in that apartment, smokebombs, sticks, knives, rifles, shot-guns, handguns, or any other weapon.

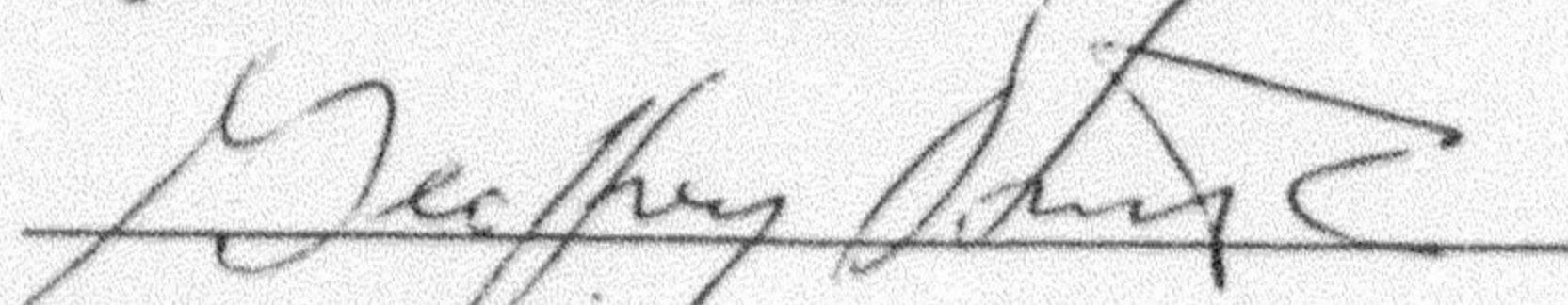
The allegations pertaining to me in the search warrant application are such vicious and total reversals of the truth that I find ^{them} not only libelous and defamatory of my character, but must conclude they were stated with the purpose of discouraging me from further political activity and speech.

In the search for an explanation, I find myself asking if not the Albany Police Department was attempting to sabotage the peaceful and legal protest to which I played a role in planning.



WILLIAM I. ROBINSON

Sworn before me on this 12th
day of October 1981.


Notary Public

GEOFFREY D. SMITH, Notary Public
State of New York, No. 24-4200704
Qualified in Kings County
Cert. Filed in Monroe County
Commission Expires March 30, 1983

STATE OF NEW YORK)
) ss.:
COUNTY OF ALBANY)

AFFIDAVIT

FRANK T. FITZGERALD, being duly sworn deposes and says:

1. THAT he is a professor of the College of St. Rose, a resident of the City of Albany, and member of the Albany Coalition Against Apartheid since its formation in August of 1981.

2. THAT on the afternoon of September 24, 1981 deponent spent 2 to 3 hours with defendant Michelson at her apartment.

3. On information and belief, defendant had been released from the Albany County Jail for an amount of hours and was just beginning to survey the incredible mess that had been created in her apartment by the circumstances of September 22, 1981.

4. During the course of his stay in defendant's apartment, defendant told him of certain items missing from her apartment that she believed had been confiscated by the Albany Police Department.

5. THAT the items which defendant reported to him as missing on the 24th day of September 1981 were:

- a. two personal telephone books
- b. several sets of keys including two sets of defendant's keys
- c. a clipboard containing Coalition Against Apartheid documents, names of Coalition members, and other mailing lists.

6. Subsequently on September 30, 1981 at approximately 7 p.m. at the request of defendant, deponent accompanied defendant and Dr. Barry Sample, a SUNY Albany professor to Division II to seek the above items and others now known to the defendant to be missing.

7. At Division II the group spoke to Lt. Wolfgang who advised them that the property room was closed; he further stated in answer to questions that he was familiar with some of the items requested by defendant and he did know that there were no keys.

8. THAT Lt. Wolfgang further told the group including deponent that he had seen a plastic bag with some clipboards in it.

9. THAT the group was advised to come back tomorrow and talk to Lt. Murray; he then said, "There shouldn't be any problem.

10. THAT the group was further advised that defendant could call and designate a representative if she could not come back during business hours.

11. THAT subsequently defendant designated deponent to return and provided him with a list of items to request from the police.

12. To the best of his recollection the list provided by defendant to deponent was as follows:

- a) keys
- b) Coalition list and committees
- c) a large 5 to 6 page mailing list
- d) personal telephone books *FTP*

e) Items belonging to Aaron (not specified).

f) *telephone bill.*

g) *Newspaper clippings on the KKK FVF*

13. On mid-morning I returned to Division II.

Upon asking to see "Lt." Murray, I learned he was a detective.

14. I was directed upstairs to an office occupied by Lt. Murray. Soon thereafter Lt. Murray provided deponent with a clear plastic bag containing items for defendant Michelson and her co-defendant Aaron Ester.

15. Deponent inventoried the contents of the bag; he then discussed in detail the items on the list from defendant Michelson but not apparently in the bag with Detective Murray. Of the items specifically requested, deponent received *FVF* everything but the keys, *telephone books, telephone bill, + newspaper clippings.*

16. The extensive discussion which ensued between Detective Murray and deponent will not be set forth in this affidavit.

17. THAT subsequently deponent gave the trash bag to defendant and the defendant Michelson in the presence of deponent carefully inventoried the bag.

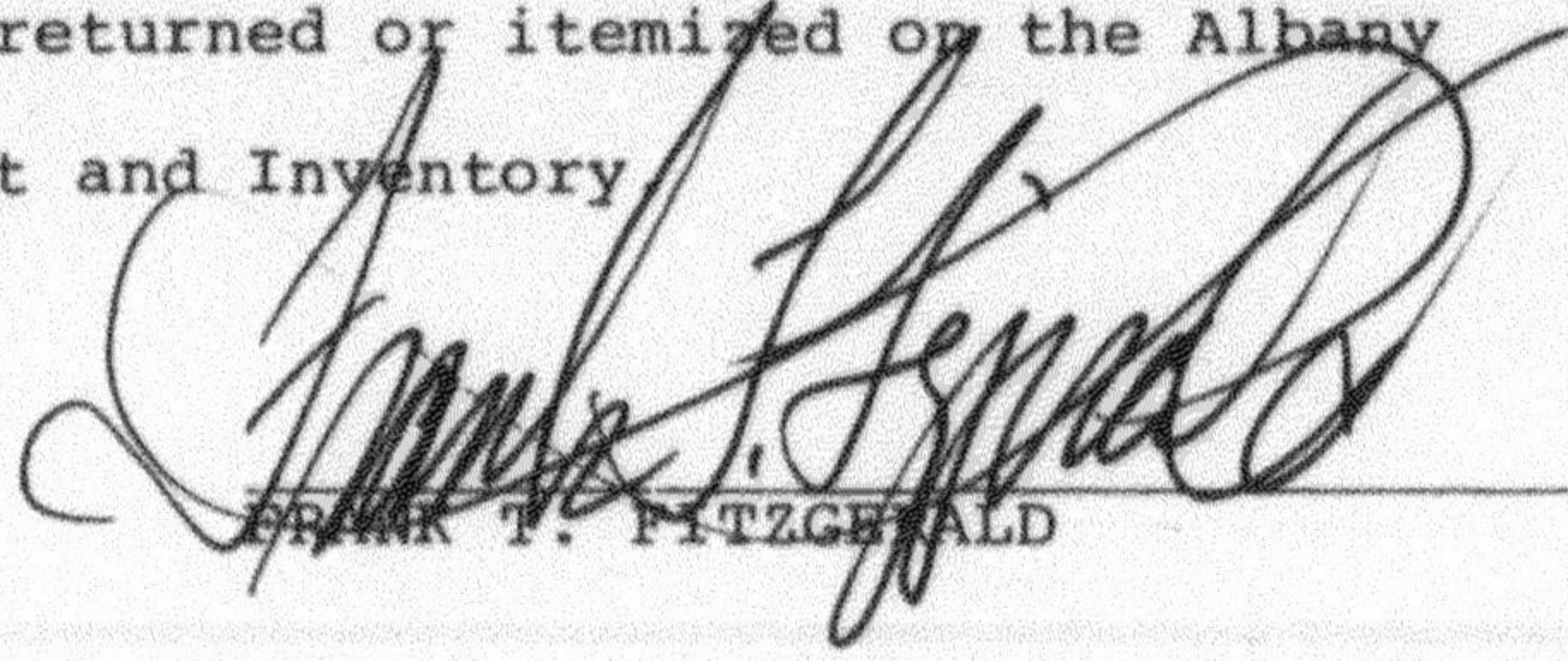
18. THAT the items returned to defendant are listed on the attached list and incorporated herein by reference.

19. THAT none of the items so taken and then returned are listed on the Albany Police Department Receipt and Inventory as sworn to on the 22nd day of September, 1981 by Detective Tanchak.


LIST OF ITEMS RETURNED TO FRANK T. FITZGERALD
FOR VERA MICHELSON ON OCTOBER 1, 1981

1. Clipboard with the following on it:
 - a. Agenda of September 5, 1981 Coalition meeting with note
 - b. List of names with times next to names
 - c. List of petition carriers for unnamed petition
 - d. List of Coalition Schedule of Events
 - e. Flyer announcing meeting of Central Towers Committee
 - f. Against Apartheid Program at Swinburne Park (plans for 9/22/81)
 - g. Program at Capital (plans for 9/22/81)
 - h. List of names of people who will leaflet
 - i. List of names of Coalition members, lists of committee assignments
 - j. Demonstration charts and parade route (xerox)
 - k. Demonstration flyer
 - l. Additional list of telephone numbers
2. CSEA folder with the following enclosed
 - a. Knickerbocker News article
 - b. Alderman Brace's resolution
 - c. Coalition Agenda (10/3/81)
 - d. SART letter of appeal
 - e. Additional news clipping
 - f. Fact sheet re: Apartheid rugby
3. Two reel-to-reel tapes of dialogues of 4 retarded people talking about their institutional experiences.
4. Other personal items belonging to co-defendant Estes were also returned.

20. THAT, upon information and belief,
additional items were taken from defendant's apartment and
neither acknowledged or returned or itemized on the Albany
Police Department Receipt and Inventory


FRANK T. FITZGERALD

Sworn to before me this
13th day of October, 1981


Notary Public

ANITA THAYER
NOTARY PUBLIC, STATE OF NEW YORK
No. 45
Qualified in Albany, N.Y.
Commission Expires March 20, 1982

STATE OF NEW YORK:

CERTIFICATION

COUNTY OF ALBANY : ss.

(S 190.30, subdivision 2,
Criminal Procedure Law)

CITY OF ALBANY :

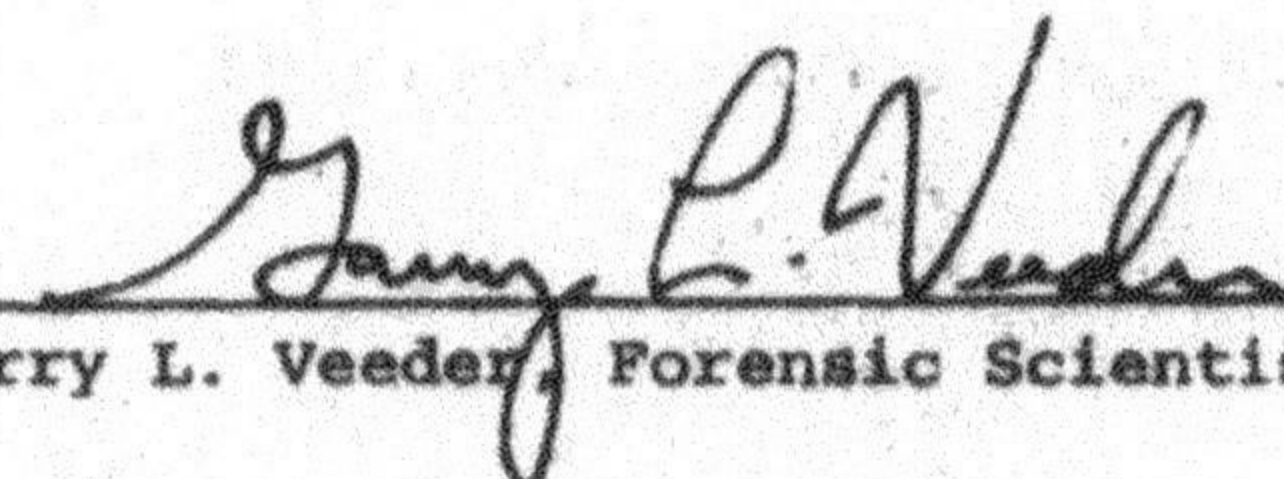
I, Garry L. Veeder, Forensic Scientist III,

being duly sworn, depose and say that I am a public officer in the employ of the State of New York, Division of State Police, New York State Police Scientific Laboratory, and that I made an examination on or concerning certain evidence. That the attached report, entitled _____

"Lab Case 81A-PA-1217, Case #244," dated October 28, 1981,

contains the results of such examination and is a true and full copy of my report thereon.

Signed and sworn to before me
this 29th day of October, 1981



Garry L. Veeder, Forensic Scientist III

Catherine M. Neaton
Notary Public

CATHERINE M. NEATON
Notary Public, State of New York
Residing in Albany County 85
Commission Expires March 30, 1982

I, Lieutenant R. W. Horn, Assistant Director, New York State Police Scientific Laboratory, do hereby certify that _____
Garry L. Veeder is a Forensic Scientist III

on the staff of the said Laboratory and performed the examination or other procedure set out in the report attached.


R. W. Horn
Lieutenant
Assistant Director

MID-HUDSON REGIONAL
CRIME LABORATORY
P.O. BOX 6065
STEWART AIRPORT
NEWBURGH, NEW YORK 12550
(914) 564-4330

STATE OF NEW YORK



NEW YORK STATE POLICE
CRIME LABORATORIES

HEADQUARTERS LABORATORY
STATE CAMPUS, BUILDING #22
ALBANY, NEW YORK 12226
(518) 457-1208

October 28, 1981

SOUTHERN TIER REGIONAL
CRIME LABORATORY
P.O. BOX 213
TOWN HALL, PARK STREET
PORT CRANE, NEW YORK 13633
(607) 648-4127

TO:

Chief Thomas H. Burke
Albany Police Department
Albany, NY 12202

Lab Case 81A-PA-1217
Case #244

SUBJECTS:

MICHELSON
September 22, 1981

ESTIS

YOUNG

RECEIPT

Evidence delivered to Laboratory on October 21, 1981, by Detective Sutton for Detective Tanchak.

EXAMINATION

1. One (1) red, plastic canister containing 4.4 grams of crushed vegetation.
Vegetation contains MARIJUANA.
2. One (1) green, plastic canister containing 0.2 grams of crushed vegetation.
Vegetation contains MARIJUANA.
3. One (1) green, plastic canister containing 0.2 grams of crushed vegetation.
Vegetation contains MARIJUANA.
4. One (1) green, plastic canister containing five (5) white, hand-rolled cigars.
Butts contain MARIJUANA.
5. One (1) blue, plastic canister containing two (2) white, hand-rolled cigars.
Butts contain MARIJUANA.

Sig.
this

State I
Garry L.
on the s
procedur

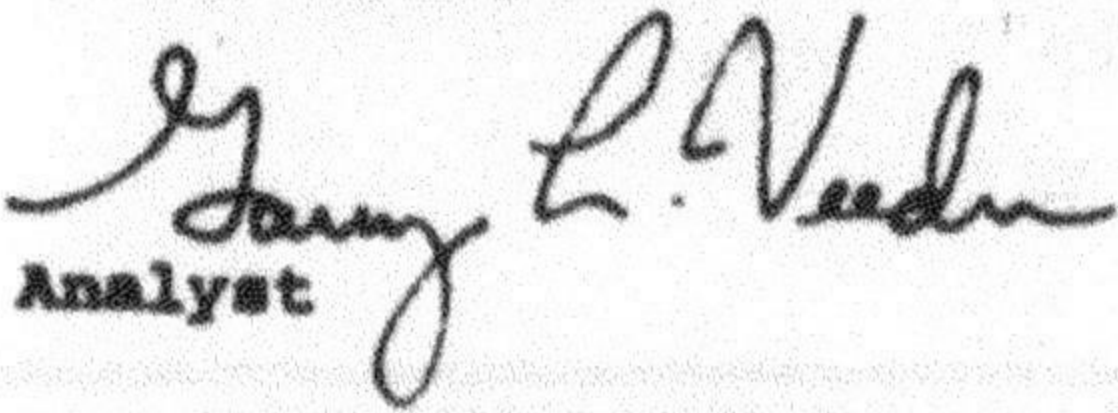
Lab Case 81A-PA-1217
Case #244

DISPOSITION

Evidence retained at Laboratory and must be picked up within 10 days.

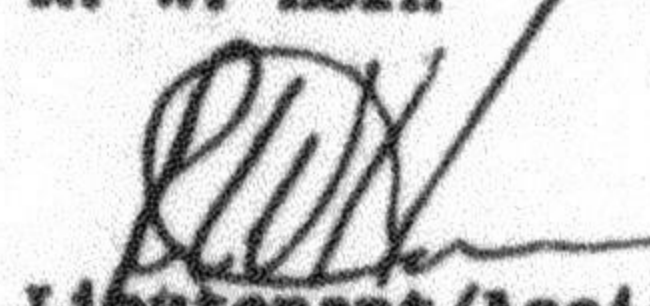
G. L. Veeder

Analyst



R. W. Horn

Lieutenant/Assistant Director



cc: 3 - Chief Burke
(Cert. C. for Albany County DA)

RWH:cm

TO: VERA MICHELSON and FRIENDS
FROM: ANITA THAYER and LANNY WALTER
RE: Claim Arising From September 22, 1981 Arrest
Dated: April 16, 1982

The purpose of this memorandum is to set forth the key aspects of the litigation we plan to commence in Federal Court. We anticipate this memo will be used to help raise money for the litigation, and as the basis for a meeting we propose be organized to discuss the case with potential investors and/or contributors.

I. Constitutional Claims

Under the 4th Amendment to the U.S. Constitution, people have the right to be secure in their homes from unreasonable searchse and seizures.

We plan to allege that Vera's apartment was illegally searched, because the supporting affidavit for the search warrant did not establish sufficient grounds to believe there were weapons in her apartment; failed to establish the reliability of the secret informant, or his/her source of information; and contained false statements.

Judge Clyne in the case of People v. Young & Spearman held the search to be valid primarily based on his interview of the secret informant. Without access to that information, it is difficult to conclude with certainty the validity of the entry into Vera's apartment.

We will allege an illegal entry based on invalid search warrant. We hope to be able to discover more information about

the informant. The federal district court judge will undoubtedly have to decide whether the state's need to keep the informant's identity secret outweighs our need to have the information disclosed for a fair determination of Vera's claim.

The Seizure of Property: Besides the firecrackers and marijuana alleged to have been seized, other documents including personal telephone books, keys, Coalition Against Apartheid documents, and newspaper clippings were taken. At the Spearman-Young trial, Tanchak offered no credible justification for seizing these items. They were beyond the scope of the search warrant, and were not listed on his Receipt & Inventory form.

We plan to allege an illegal seizure, and are reasonably confident about the strength of this claim.

Free Speech, Association and Privacy: The First Amendment to the U.S. Constitution guarantees people freedom of speech and association without governmental interference. It also has been recognized as one source of our right to privacy.

The confiscation of the telephone books and other documents

constitutes not only a 4th Amendment violation, but also a 1st Amendment violation, since it interferes with Vera's political activities and ability to associate with friends and political allies.

Preventing Vera from participating in the demonstration, which she worked so hard to organize, also violates her First Amendment rights. However, it was the refusal to set bail by Judge Keegan that is a major reason for Vera being in jail.

The Judge is immune from the suit and, therefore, this aspect of the claim is difficult to pursue.

The surveillance of the anti-apartheid organizers prior to the demonstration also raises a First Amendment claim, but we do not know enough about the extent of the surveillance at this time to allege a violation of constitutional rights on this basis. We may learn more during the litigation and will then amend our complaint.

We plan to allege violation of free speech and association, and the right to privacy based on the confiscation of papers and other items.

II. State Claims

There are three possible state claims: ~~false arrest and imprisonment, malicious prosecution, and abuse of process.~~

Possession of firecrackers and marijuana (in the amount alleged) are violations. ~~Arrest by a police officer for committing a violation is legal.~~ If the police had probably cause to believe firecrackers and marijuana belonged to Vera, the arrest may have been legal.

While the days of Vera's confinement were unauthorized since ~~Keegan was obligated to set bail for a violation, as stated above, he is immune.~~ If we could establish a conspiracy between the judge and district attorney, the latter may be liable. At this time we do not have the information to prove a conspiracy.

Malicious prosecution requires proof of malice. If firecrackers and marijuana are linked to Vera, malice would almost be impossible to establish.

Abuse of process requires misuse of the legal system. Again, if there were grounds to initiate criminal charges against Vera, this claim would not succeed.

We plan to make a false arrest and imprisonment claim with the hope that sufficient information would be developed during the litigation to help us sustain our burden of proof.

III. The Defense

say other
names?

The defendants, who would include Tanchak and other city police officers, have a good faith defense. If they could convince the judge or jury that they were well-meaning even if they acted in excess of their authority, we might lose. In other words, the police can act illegally for purposes of civil liability, as long as they act in good faith. Having heard Tanchak testify at the Spearman-Young trial, we are reasonably confident he will have difficulty proving a good faith defense.

IV. Damages

Damages consist of actual damages and exemplary (punitive) damages.

Actual Damages: Assuming we successfully prove that a constitutional violation occurred, it does not follow that we necessarily receive substantial damages. The state of

the law in this area is unsettled, but based upon the Supreme Court decision in Carey v. Piphus, it has to be assumed that proof of a First or Fourth Amendment violation in and of itself may only yield nominal damages (e.g., \$1). Our "cherished" constitutional rights do not come with a high price tag.

We have to prove that the search and confiscation of papers caused actual physical, emotional or mental distress, e.g., sleeplessness, headaches, fear, invasion of privacy, stigmatization, interference with freedom of association, paranoia. We believe that we can prove actual damages.

However, we do not anticipate, based on the size of the judgments in other cases, that a judge or jury would award even as much as \$10,000 to Vera. There is no serious physical injury, no nervous breakdown, no cessation of employment, no end to her political activism (fortunately). While there were actual damages, they are not extensive.

Exemplary Damages: Exemplary damages are a possibility but a remote one. They are intended to discourage a repetition of the same illegality by the defendants and others assoc-

iated with them, and they are intended to punish the defendants for a gross abuse of plaintiff's rights. Even though Tanchak is not very convincing, probably the City and State's fear of major disruption around this historic event will defeat our effort to win exemplary damages. It would not be surprising for the Court to conclude that, despite constitutional violations, Tanchak acted for a "worthy" cause.

IV. Attorneys Fees

In the Second Circuit, attorney fees are routinely awarded whenever a plaintiff prevails in a civil rights action. Even if the plaintiff is awarded only nominal damages (\$1), attorney fees are authorized.

The principle factor to consider is whether absent the award of fees, similarly situated plaintiffs would be deterred from enforcing their constitutional rights.

including
cost of
disposi-
tion

If we prevail on the merits, we anticipate that we will receive attorney fees, and reimbursement for out-of-pocket expenses.

Submitted for your consideration.

Anita Thayer
Lanny Walter
Walter & Thayer
69 Columbia Street
Albany, New York 12207
(518) 462-6753

With assistance from:

Mark Mishler, Esq.
and several National Lawyers
Guild student-members

MEMORANDUM

April 2, 1982

To: ASUBA
President, Donna White

From: Lori Peppe
Vice President

Re: SA Audio-Visual Charges

As per the attached billing sheet, \$1,743.20 has
been charged to your Concert line for SA
Audio-Visual services in connection with your 12/13
presentation of Gil-Scott Heron.

If you have any questions please contact Mike Starr at the
SA office.

SJP:ssj

S.A. Audio Visual
Billing

Group ASUBA
Show GIL-SCOTT HERON
Date DECEMBER 13, 1981
Location PAGE HALL

SOUND
Load In 12-13 7⁰⁰ AM
Show Run 8⁰⁰ - 11⁰⁰
Load Out 12-14 4⁰⁰ AM

LIGHTING
12-13 9⁰⁰ AM
6⁰⁰ - 11⁰⁰
12-14 4⁰⁰ AM

A) Sound Rental	\$ 760 ⁰⁰	Additional Rental	-
Transp. Pick-up Return	SA A/V VAN	Transp. Pick-up Return	SA A/V VAN
Labor 1)	19.5 HRS @ 5 ⁰⁰ (S)	Labor Pick-up 1)	7.5 HRS @ 4 ⁰⁰
2)	19.5 HRS @ 4 ⁰⁰ (T)	2)	7.5 HRS @ 4 ⁰⁰
3)	19 HRS @ 4 ⁰⁰ (T)	Return 1)	7.5 HRS @ 4 ⁰⁰
4)		2)	7.5 HRS @ 4 ⁰⁰
Misc. Costs			

B) Lighting Rental	\$ 228.20	Additional Rental	-
Transp. Pick-up Return	SA A/V VAN	Transp. Pick-up Return	SA A/V VAN
Labor 1)	19.5 HRS @ 5 ⁰⁰ (S)	Labor Pick-up 1)	7.5 HRS @ 4 ⁰⁰
2)	19.5 HRS @ 4 ⁰⁰ (T)	2)	7.5 HRS @ 4 ⁰⁰
3)	15 HRS @ 4 ⁰⁰ (T)	Return 1)	7.5 HRS @ 4 ⁰⁰
4)		2)	7.5 HRS @ 4 ⁰⁰
Misc. Costs	SPOT RENTAL \$ 84.00		
Additional Costs	SPOT OPERATORS (2) 16 HRS @ 4 ⁰⁰ ; 10 HRS @ 4 ⁰⁰		

Billing Contact DONNA WHITE
% ASUBA
Billing Address ASUBA
CC 267 SUNYA
1400 WASHINGTON AVE

Total Sound \$ 1051.50
Total Lighting \$ 691.70
Less Deposit 0 -
Total Now Due \$ 1743.20
Balance Due On RECEIPT

***Please make checks payable to:
Student Association
Audio Visual

***Send to:
S.A. Audio Visual
Student Association
CC116
S.U.N.Y. at Albany
1400 Washington Avenue
Albany, NY 12222

NOTE - CODE (S.T.)
STANDS FOR:
COMMUNICATOR
TECHNICIAN

*****For More Information*****

Re: Charges, Payment, Etc.-Contact:
Mike Starr 457-8087 S.A.
455-6218 Page Hall
Steven Popper
457-8087 S.A.

In the Matter of the Claim of

VERA MICHELSON

TO:

COUNTY OF ALBANY

SIR(s): PLEASE TAKE NOTICE that the claimant herein hereby make claim and demand against COUNTY OF ALBANY as follows:

1. The name and post-office address of each claimant and of his attorney is:

Claimant: Vera Michelson, 400 Central Avenue, Albany, New York

Attorney: Anita Thayer, Esq., Walter and Thayer, 69 Columbia Street, Albany, New York
12207

2. The nature of the claim: False arrest, false imprisonment, malicious prosecution, denial of bail, violation of First, Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments, and corresponding New York State Constitutional provisions, civil rights violations, slander and libel.

The time when, the place where and the manner in which the claim arose: Claimant was arrested on September 22, 1981 by Albany Police and searched without probable cause based on an insufficient and perjurious search warrant at 400 Central Avenue, Apt. 7K, Albany, New York, and had confiscated from her various documents and other items in an unreasonable and illegal manner. Claimant was denied bail illegally even though the charges were mere violations. Claimant was handcuffed, fingerprinted, photographed, parafin tested, denied counsel, harassed, prosecuted and imprisoned. Claimant was prevented from attending and participating in demonstration against Apartheid at Bleecker Stadium involving the South African Springbok Rugby Team on the night of September 22, 1981. All charges were dismissed on December 8, 1981.

4. The items of damage or injuries claimed are: Mental and emotional distress, anxiety, stigmatization, damage to reputation, invasion of privacy, interference with right to speak, assemble and associate freely, illegal seizure of personal effects and papers, fright, embarrassment, unlawful imprisonment, expenses resulting from the defense of criminal prosecution including lawyers' fees, and other actual and exemplary damages.