

Q Okay. You don't happen to know when these were though, do you?

A I know when the last one was.

Q Do you know when any of the other ones were as well?

A I don't remember offhand. I can get that information.

Q Okay. The last was on December 8th '81?

A Right.

Q Were all of these appearances in front of Judge Keegan or were some in front of somebody else?

A Judge Keegan.

Q And who represented you in police court, Mrs. Thayer?

A Right.

Q And what were the results of the charges in police court?

A Completely dismissed.

Q Okay. Now, on your claim, you recite under the nature of the claim violations of various Amendments of the Constitution. As far as violations of the First Amendment, what violations are we speaking of?

A (No response.)

Q In other words, the First Amendment has a lot of provisions in it.

MR. WALTER: I would object.

I mean, you're asking a non lawyer - - Maybe you want

to produce the First Amendment and let Miss Michelson look at it.

MR. SHEA: Well, I just want to know if she knows. She's verified the Notice of Claim, so I just want to know if she knows what First Amendment violations she's alleging are resulted from this claim. If she doesn't know, that's okay with me.

MR. WALTER: You mean specific sections of - -

MR. SHEA: No, I don't want her to cite sections. I just want her to cite contents.

MR. WALTER: Which way she feels her First Amendment rights were violated.

MR. SHEA: Correct. If you can, go ahead. If you cannot, just say that you can't, that's all right with me.

A I'm not sure which - - The contents of each Amendment, is that what you're asking?

Q Right.

A I'm not exactly sure.

Q So you wouldn't know per se then what comes from which

number.

A Right.

Q Okay. As far as - - Under the nature of the claim, there is a claim for slander and libel. What is the basis for the claim of slander and libel?

MR. WALTER: I object to that, also. I mean, those are legal terms that have rather complicated meanings sometimes.

MR. SHEA: This is also based in fact. You can object to the form of the question, which I don't think applies. That's the only objection available.

Q If you know the answer, you do. If you don't, you don't.

MR. SHEA: I just want to know if she knows it.

MR. WALTER: It's to address what way does she understand she was slandered.

MR. SHEA: Slandered and libeled, right. There must be some factual basis for that. I know it's a complex legal issue; but there definitely has to be fact. You agree with me there.

MR. WALTER: Sure. If she knows

in which way - -

Q Do you know what factual circumstances we're speaking of which form the basis for you being slandered or libeled?

A This whole incident was slanderous to my reputation.

Q Okay. Are we speaking of any kind of newspaper coverage, television? What are we talking about?

A The resulting media coverage, the effect of the raid on the apartment, the effect of the incarceration.

Q Okay. As far as your damages are concerned, you allege some which have to do with emotional distress and anxiety. Have you had any medical treatment for any kind of damages that you allege?

A No.

Q Okay. Another item of damages is the illegal seizure of your personal effects and papers. Could you tell me exactly what personal effects and papers of yours we're speaking of?

A Two personal telephone books.

Q Excuse me. These are not the phone company telephone books.

A Two personal telephone books.

Q Okay.

A Lists of coalition members, Coalition Against Apartheid members, a mailing list of another community organization, the telephone bill from the previous month itemizing my long distance phone calls, that section itemizing the phone calls; a file of press clippings I was keeping on Ku Klux Klan activities and information on the Klan; two reel-to-reel tapes, my keys, clipboards and information on the demonstration, organizing information, \$50 I had in a little envelope. I think there were other things; I can't recall right now.

Q Okay. Have you received back these personal effects and papers, or have some still not been returned to you?

A Some of it has been returned.

Q Okay. Do you know what hasn't, or, if the list is shorter on has, why don't you do that.

A Well, what - -

Q I'll leave it up to you, just preface your remarks.

A What hasn't been returned are two personal telephone books, the phone bill; oh, a letter, a personal letter from a friend of mine in Japan, my keys, the money.

That's all I can recall right now.

Q That has not though been returned, right?

A Right.

Q Okay. Now, another item of damages are your expenses from the - - basically attorney's fees for your criminal prosecution, the defense of that. Did you pay any attorney's fees to this point?

A Some.

Q How much have you paid?

A I think about a thousand dollars.

Q Okay. And I assume by the answer "some" that you still owe.

A Right.

Q Okay. Approximately how much would be the balance of these fees?

A About \$1,500.

Q Okay. Have any of the items of damages that you have listed affected in any way your employment status?

MR. WALTER: Do you understand that?

A Yes, maybe you better clarify that.

Q Are you making any claim that, as a result of this incident, among your damages would be problems at work,

their firing you, or opportunities for advancement are being curtailed or something along that line?

A. No; but there is a question of the ability to work in the community and have contacts of community-based organizations through my job.

Q. I know I asked you what you did for a living; I can't remember what you said.

A. I said the Office of Mental Retardation and Developmental Disabilities.

Q. I didn't ask you, what do you do for that department?

A. I supervise a Foster Grandparent Program at the Oswald D. Heck Center.

Q. Have you ever made any complaint, filed a written complaint with the Internal Affairs Bureau of the Albany Police Department as a result of this incident?

A. No.

Q. Okay. Are you aware of any other police agencies involved in this incident - -

A. Yes.

Q. - - besides the Albany Police?

A. FBI.

Q. I don't know what the answer was. Yes or no?

A. FBI.

Q Then the answer is yes?

A Yes.

Q Okay. The next question is: What agencies would those be?

A FBI.

Q Do you have any outstanding claims against any other police agencies as a result of this incident?

A No.

MR. SHEA: Okay. You're done.

MR. WALTER: I have a few questions I'd like to ask.

MR. SHEA: Very few.

EXAMINATION BY MR. WALTER:

Q Miss Michelson, when were you finally allowed to make your first telephone call to ask for legal assistance?

A After I was processed at the county jail and brought up to the tier.

Q At the county jail?

A Yes.

Q You have responded to various questions about time and periods of time. Would you say that those are precise statements or approximations of time?

A General approximations.

Q Do you know at this time whether or not this series of events that you have talked about is going to have a bearing upon future promotions in your employment?

A I don't know that. I'm apprehensive that it will.

Q Can you think of any other repercussions in your employment that might follow from this chain of events?

A There is a certain sense that you get from the people you work with that they view you in another light, and I definitely have that sense from the people that I work with.

Q To date, you have not been denied a promotion?

A Right.

Q Is there anything that you told Mr. Shea that you want to clarify at this point?

MR. SHEA: It's general, but I'll let it go.

THE WITNESS: Well, you haven't asked me how I, you know, felt during these times of incarceration, and at some point I'd like to talk about that.

MR. WALTER: You can do that at the trial.

MR. SHEA: If you want,
I'll ask you now.

THE WITNESS: That's all right.
I just want to make sure that I'll be able to say
that at some point.

MR. SHEA: Correct me if
I'm wrong, but I believe you told me that basically
during the whole period of time you were just frightend
and on edge, or whatever the case may be. If you have
anything further to add to that, I'd ask you to add it
now.

THE WITNESS: I think it can
wait.

MR. SHEA: I don't believe
you have that choice.

THE WITNESS: Oh. Beyond
the feeling of being terrified and confused, I was
feeling very alone and very isolated, not being allowed
to make a phone call, being held in lockup detention
when I was at the county jail. I was in lockup for
31 hours, not allowed to mingle with the other cellmates,
to come out of my cell; seeing my name from my cell on
television, hearing my name, with the implication in the

media that I was some kind of terrorist; and the feeling that I had this need to get out to people in the community that what was called fireworks was, in fact, eight fire crackers. I was concerned that the grandparents that I work with know that as soon as possible, and know the truth about what happened to counteract the stigma of the media with the implications of being a terrorist, being arrested and detained for what they called drug possession and firework possession.

BY MR. WALTER:

Q Would you say the whole thing is extremely upsetting?

A It was upsetting; and for a period of time after I got out of jail, I had to stay with friends because I couldn't stay in the apartment alone. I had a constant need to be around and be very close to my friends all the time.

The fact that all of these things were taken from my apartment and the police intruded into my life, and that they took keys; and I have a feeling in a sense they just come in and out of the apartment any time they wish. Any time something is missing, you know, I always think that somebody's been in the

apartment. It isn't just a matter of I misplaced something. I always have the feeling that somebody's been in the apartment and misplaced it for me to keep me on edge. I have a feeling I'm being followed all the time, that everybody knows what I'm doing in terms of the police; and that my personal life has been held up for public scrutiny which, in fact, it has been. And so beyond the feeling of terror is the feeling of a total invasion of my whole life.

MR. SHEA: Anything else?

MR. WALTER: No, no other questions. I just want to put on the record that, to make it clear, the transcript of this proceeding is a confidential record. I expect that, as we talked about earlier, I will be able to get the original on Thursday morning.

MR. SHEA: That's in the power of the typist.

MR. WALTER: And there is not to be disclosure to anyone else, which includes the Albany County District Attorney, or anybody else for that matter; and if there is any request of that kind for disclosure that is made to your office, we would

expect to be notified before any transcript of this document was released. Is that your understanding?

MR. SHEA: Why they'd want it, I don't know; but I could go along with that. They usually just sit in the file.

THE WITNESS: I have a sense they would want it, and I would strongly object to it.

MR. WALTER: The statute provides that, and we want to make it clear on the record; that is our request and I expect that you agree with it.

MR. SHEA: You'll certainly get to read it. Okay. Thank you.

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

I have read the foregoing record of my testimony,
 taken at the time and place as noted in the heading hereof
 and I do hereby acknowledge it to be a true, correct and
 complete transcript of the same.

/s/ Vera Michelson

VERA MICHELSON

Sworn to before me this 17th
 day of April, 1982

/s/ Anita Thayer

Notary Public, State of New York
 Residing in Albany County
 My Commission Expires 3/30/84

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing is a true, correct and complete transcript of the testimony taken by me at the time and place as noted in the heading hereof.

Mary Conair

MARY CONNAIR
Stenotype Reporter

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

AARON ESTIS,

Plaintiff,

v.

Civil No. 82-CV-1412

~~PAUL DALY~~, AGENT IN CHARGE,
FEDERAL BUREAU OF INVESTIGATION, ET AL,

Defendants.

FBI

AFFIDAVIT OF
JAMES ROSE

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

Plaintiffs,

*Daley
+ Rose*

v.

Civil No. 82-CV-1413

~~PAUL DALY~~, AGENT IN CHARGE,
FEDERAL BUREAU OF INVESTIGATION, ET AL,

Defendants.

(Hon. Roger J. Miner)

STATE OF NEW YORK:
: SS.:
COUNTY OF ALBANY :

JAMES J. ROSE, being duly sworn, deposes and says:

1. I am a Special Agent of the Federal Bureau of Investigation, currently assigned to the Albany Office. I have been a special agent with the FBI for approximately 19 years, and have been in the Albany Office for approximately 8 years. My duties include investigations as assigned, including domestic

terrorism investigations. As a special agent I have also been assigned to FBI offices in New York City, Atlanta and Kansas City.

2. I have been named as a defendant in the civil actions commenced on behalf of AARON ESTIS, VERA MICHELSON, and the CAPITOL DISTRICT COALITION AGAINST APARTHEID AND RACISM. This affidavit is made in support of my motion for summary judgment in these actions, and to dismiss these actions as against me.

3. At all times and in all matters relevant to the allegations in the Complaints and the Amended Complaint in these actions, I acted in complete good faith. All actions which I took were undertaken by me with my complete good faith. Any decision which I made was made in good faith. I acted in an effort to maintain law and order; this was my purpose.

4. At all times and in all matters relevant to the allegations in the Complaints and the Amended Complaint, I was acting in the scope of my employment as a Special Agent of the FBI. At such times and in all such matters I acted in my official capacity as a Special Agent with the FBI. The matter of possible violence at the rugby game was assigned to me by my FBI supervisor after the initial call from Tom Selfridge in which Selfridge expressed concern that there may be violence at the rugby game in Albany. I apprised my supervisors of actions I took and decisions I made in this matter.

5. My conduct was in all respect reasonable. At all times I believed and still believe that all actions I took and all decisions I made relevant to these cases were reasonable and were legally permissible, and were in all respects appropriate and correct. All such actions I took and decisions I made were within the scope of my authority as the Special Agent of the FBI, to whom this matter was assigned.

6. As part of this motion, affiant also relies on the accompanying affidavit of PAUL DALY, and the affidavit of Judge Clyne dated May 17, 1984.

7. I incorporate herein my affidavits of May 1, 1984, and May 16, 1984.

8. On August 26, 1981, Tom Selfridge, head of the Eastern Rugby Union, involved in the Springboks tour, contacted the Albany Office of the FBI and requested an interview, regarding the potential for violence with respect to the visit of the Springboks to the Albany, New York area.

9. On August 27, 1981, affiant interviewed Selfridge. Selfridge advised affiant that he was interested in generating interest in the sport of rugby in the United States, and he had selected the Springboks for this tour because, as he stated, the team was the world's best, staffed by "world class" players. Selfridge advised that he had received correspondence opposed to the game. Selfridge expressed concern that there would be violence at the rugby game to be held in Albany. One of the documents that Selfridge informed affiant that Selfridge had received, listed the Communist Workers Party as a group opposed to the sports event. Selfridge informed affiant that due to

anticipated violence, the Springboks game previously scheduled for New York City had been cancelled. Selfridge informed affiant that a Springboks tour in New Zealand had resulted in acts of violence by, what Selfridge referred to as, professional agitators. Selfridge expressed concern of violence at the game in Albany and was concerned about the safety of the team. At approximately 1:15 a.m. on September 22, 1981, a bomb went off in the office of Tom Selfridge. This bomb went off prior to the search of apartment 7K, and I was aware of it prior to the search. This served to confirm Selfridge's beliefs, and the other information regarding violence.

10. As the result of an inquiry by me, I was informed by FBI headquarters in early September of 1981 that the Communist Workers Party was then the subject of a full investigation under the domestic security guidelines promulgated by the Attorney General of the United States. Such investigation had been authorized by the Department of Justice.

11. In early September of 1981, I was told by other special agents of the FBI that members of the Communist Workers Party had already engaged in violence, including the confrontation with the New York City Police Department during the Democratic National Convention in New York City. Attached as Exhibit 1, is a New York Times Article entitled "19 Officers Hurt Battling Communist Worker Groups", from the August 15, 1980 edition of the New York Times. The photograph with the article depicts helmeted males

carrying cudgels. The New York Times describes the picture as "Members of the Communist Workers Party on Seventh Avenue near Madison Square Garden before fight with police". The New York Times describes the confrontation as also involving firecrackers and mace.

12. I received other information regarding the Communist Workers Party from the FBI offices, and the confidential informant, and provided this information to local authorities.

13. Affiant and/or the FBI to my knowledge had no investigation of VERA MICHELSON and/or AARON ESTIS, and/or Michael Dollard, or any other member of the plaintiff Coalition based on membership in the plaintiff Coalition, or the plaintiff Coalition itself. Affiant's involvement in the FBI investigation of the Communist Workers Party dealt only with the involvement of the Communist Workers Party and/or members of the Communist Workers Party in potential violence at the Springboks rugby game in Albany.

14. At no time did affiant engage in or direct surveillance of VERA MICHELSON; apartment 7K at 400 Central Avenue, Albany (other than accompanying the search party); 400 Central Avenue, Albany; AARON ESTIS; Michael Dollard, or any other member of the plaintiff Coalition solely based on such membership in the Coalition; or the Coalition itself.

15. Information from the informant which I received and provided to the city of Albany Police included:

A. John Spearman and Michael Young were leaders of the Communist Workers Party; Spearman was a leader of the Revolutionary Youth League -- a militant faction of the Communist Workers Party;

B. Spearman and Young were planning to come to Albany to disrupt the rugby game by acts of violence including (a) throwing glass on the rugby field, (b) using smoke bombs, and (c) to maneuver the legitimate demonstrators at the game into a violent confrontation with local law enforcement, and to make it appear as if the local law enforcement sought to deny demonstrators the right to lawful protest;

C. Young was to maneuver the Coalition to a more violent position at the game, through inflammatory speech designed to incite a violent response, and threats;

D. Spearman was to lead the Communist Workers Party agitators at the game to a violent confrontation with law enforcement;

E. Young and Spearman sought a violent confrontation with the police at the game;

F. In the sources opinion, that confrontation would be "bloody";

G. The source stated a violent confrontation had occurred at the Springboks game in New Zealand, and that the Communist Workers Party wanted this demonstration to outdo that in New Zealand.

This information was relayed by affiant to the Albany Police Department in early September of 1981.

16. This information, and other information from the source dealing with the violence planned by the Communist Workers Party against the Albany Police Department, which plan of the Communist Workers Party included intended manipulation of legitimate demonstrators into the violence, was relayed to the Albany Police for the protection of the public, and the protection of members of the Albany Police Department.

17. It was and is my strong belief that I acted appropriately as a Special Agent of the FBI and a law enforcement officer, in relaying information regarding potential violence and injury to persons, to the appropriate authorities and intended victims of the scheme.

18. I received further information from the informant confirming the planned violence to be orchestrated by members of the Communist Workers Party at the rugby game. On September 21, 1981 I learned from the informant that John Spearman was then in Albany. I contacted local police authorities and informed them of this. They told me Spearman had already been arrested in a stolen car with a gun, on the SUNY campus. I called Paul Daly and informed him of these facts. Later that evening I went to the Hyatt House in Albany, and then to the Albany Police Department. I went to the Albany Police Department to receive updated information from the informant.

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19. On or about September 21, 1981, the informant told me that Communist Workers Party members intended to use smoke bombs, sticks, knives, guns, and cudgels to violently disrupt the game and manipulate the legitimate demonstrators into a violent confrontation with the police. I received updated information from the informant while I was at the Albany Police Department on September 21, 1981. I provided this information to other persons at the police station at that time.

20. Attached is a copy of the affidavit in support of search warrant for apartment 7K, 400 Central Avenue. The information in the affidavit attributed to a confidential, reliable source was received by me from the confidential informant and relayed by me to local law enforcement authorities.

21. I did not engage in any decision that any police agency should seek a search warrant for apartment 7K, 400 Central Avenue, or any other location, or the arrest of any person, regarding this matter. I made no decision as to the sufficiency of facts for probable cause regarding any search or arrest in this matter.

22. At the Albany Police Department, after the apartment 7K warrant affidavit was drafted, after the decision to search apartment 7K had been made, I was requested by a member of the Albany Police Department to speak to members of the search team, regarding what they might expect. Based on the information furnished by the informant and my knowledge of the Communist Workers Party, I informed the search party that apartment 7K was

being used to plan the violence for the disruption of the game and that according to my information weapons were there, that the Communist Workers Party had previously been involved in acts of violence, and that the search party members should be careful for their safety.

23. I accompanied the search party. I entered apartment 7K with the search team. I was one of the last persons to enter the apartment. My gun was not drawn. I was present to determine whether any item found in the apartment was of evidentiary value to any federal investigation of which I was aware, and to protect the identity of the informant. I did not seize any item. I did not engage in any arrests, or decisions to arrest.

24. I did not discuss or offer any opinion regarding bail or charges to be brought against any plaintiff with any person prior to dismissal of charges against plaintiffs.

25. After the search on September 22, I observed items seized from the MICHELSON apartment including Communist Workers Party literature in the Albany Police Department. I took the Communist Workers Party literature and some Coalition literature and brought it to my office on that same day. I read it. I borrowed these materials to see if they were of interest to the FBI. I determined that all of these materials were of no interest to the FBI. These materials did not include any list or lists or names of organizations or persons. These materials consisted of handbills and leaflets. I returned all of these items to the Albany Police Department approximately one week later. They were in the same condition when returned as when first acquired by me.

I made no copies, no notes, no inquiries from these items. I did not disseminate information on these items to any person or entity. As far as I knew and know, these items were validly seized. These items were in the possession of the Albany Police Department when I acquired them.

26. I did not attend the rugby game.

27. I did not violate any right of any plaintiff. All of my actions in this matter were conducted pursuant to my employment as Special Agent of the Federal Bureau of Investigation.

28. On the night of the search of VERA MICHELSON's apartment, I was present with the search party. I did not break through any door.

29. Apartment 7K at 400 Central Avenue, Albany, New York had not been under surveillance prior to the arrest of MICHELSON or ESTIS by me or any other member of the FBI, or any other law enforcement agency acting at my request.

30. I received information directly from a confidential informant. Some of this information was included in the search warrant application for the apartment of VERA MICHELSON, apartment 7K, 400 Central Avenue. The informant exists, and is not a fabrication. I personally brought the informant to meet with Judge Clyne at a Darden hearing. See Clyne affidavit of May 17, 1984. I did not engage in any decision as to whether a search warrant should be sought. I did not suggest or recommend that a search warrant should be sought. Rather, I acted as a conduit of information from the informant, to others, who then included that information in the search warrant application.

31. I did not agree to prepare an invalid search warrant for apartment 7K. I did not conspire or agree to gain illegal entry to apartment 7K. I did not agree or conspire to search and seize the inhabitants of said apartment so that said inhabitants could be arrested and detained and thereby prevented from protesting the Springboks rugby game.

32. No search was conducted of apartment 7K until Albany Police Court Judge Thomas Keegan signed the search warrant, allowing the search. Only after the search warrant was issued by Judge Keegan did any search occur.

33. The information in the search warrant application which is attributed to a confidential source, was, in fact, received by me, from the confidential source and relayed by me to city and/or county officials. The information in the affidavit in support of the search warrant for apartment 7K at 400 Central Avenue, which I received from the informant and then relayed to city and county officers, which was then contained in paragraph "Second" of that affidavit, was that John Spearman was a member of the Communist Workers Party, he had been engaged in activities in the Albany area relating to the disruption by violence of the rugby game, that apartment 7K at 400 Central Avenue was being used by Spearman as a residence and as a base to plan Communist Workers Party activities in the Albany area relating to the violence at the rugby game, that Spearman was in this area to coordinate the

violent activity planned by the Communist Workers Party, that Spearman was armed with firearms and other weapons, that other members of the Communist Workers Party accompanied Spearman to the Albany area and were also armed and intended to engage in violent activities to disrupt the rugby game and to engage in violence against the Albany Police Department. The informant also told me, and I told the Albany Police, that Michael Young was a member of the Communist Workers Party and he also was in Albany to engage in violence at the rugby game.

34. I did not review the search warrant affidavit in final form prior to its being presented to Judge Keegan and signed by Detective Tanchak. The only information in the affidavit provided by me is that information attributed to a confidential source as set forth above. Any information regarding Clara Satterfield, or the arrest of Mr. Spearman, was not provided by me and/or Paul Daly.

35. I did not seize or arrest any plaintiff. Nor did I conspire or agree that such would be done.

36. I did not seize any item from apartment 7K, 400 Central Avenue.

37. I was not involved in the seizure and/or arrest of any plaintiff, or in any decision to seize and/or arrest any plaintiff. I was not involved in any way with the treatment allegedly accorded to any plaintiff while that plaintiff was in custody.

38. On the morning of the arraignment of any plaintiff, I did not have any discussion with Judge Thomas Keegan or any other alleged co-conspirator or defendant regarding bail for any plaintiff in this case.

39. I am unaware of, and did not join in any agreement or conspiracy whatsoever alleged by plaintiffs. I was not aware of and did not join in any alleged conspiracy to remove activists and protestors from the streets of Albany prior to or after the Springboks game, or at any time.

40. I did not participate in the arrest and/or imprisonment or detention of any plaintiff, or any decision regarding such.

41. I did not agree or conspire to falsely arrest and/or imprison any plaintiff. I did not agree or conspire with any defendant or other person to violate any right of any plaintiff, or to deprive any plaintiff of any right.

42. I did not engage, in any way, in any prosecution of any plaintiff, or any decision regarding the bringing of charges or charging of any plaintiff with any criminal violation. I did not agree or conspire to maliciously prosecute any plaintiff. I did not initiate or request the bringing of charges against any plaintiff.

43. I did not spread any false rumors of violence or disseminate unfounded threats to potential demonstrators, or place the plaintiff Coalition and/or its leaders and/or members under surveillance, or maintain records or files of lawful activities of the plaintiff Coalition and/or its members.

44. The apartment of VERA MICHELSON at 400 Central Avenue, Albany, New York, had not been under surveillance prior to September 22, 1981 and has not been under such surveillance, by me, or any other member of the FBI, or any member of any other law enforcement agency at my request.

45. I did not decide or engage in any decision or agree to obtain a search warrant for MICHELSON's apartment at 400 Central Avenue.

46. I did provide information from an informant to other law enforcement officials, and some of that information was included in the application for the search warrant of apartment 7K, 400 Central Avenue.

47. The informant is not a fabrication and does exist. I met the informant. I dealt with the informant personally.

48. None of the information which I provided which was included in the search warrant application was deliberately false, misleading or perjurious. I believe and believed all information which I provided to county and city officers regarding this case to be true. I decided what information to provide to local authorities. It is my understanding that this informant obtained such information by personally observing much of it or the planning of it. This source provided information in the past which was correct and reliable. I had, and have, no reason to doubt the truth of information from this informant. The informant provided

information prior to September 21, 1981, and in addition to that contained in the 7K warrant application. No such information provided to me by the source proved to be incorrect. Other FBI agents who dealt with the informant and received information from him/her and acted on it, informed me, prior to September 21, 1981, of the reliability of this informant, i.e., that the informant was reliable. I knew prior to September 21, 1981 that this informant was approved as an informant by FBI headquarters. A prerequisite to such approval is and was the proven reliability of this informant.

49. I did not break into the apartment door of the apartment of VERA MICHELSON. I did not break or destroy any item in the apartment of VERA MICHELSON.

50. I did not agree to prepare an allegedly invalid search warrant, nor did I agree or conspire to gain illegal entry to MICHELSON's apartment, nor did I agree or conspire to search and seize the inhabitants of said apartment. I am unaware of the existence of any such agreement and/or conspiracy.

51. I have possessed items from the apartment of VERA MICHELSON only as set forth above in this affidavit.

52. I never entered into any alleged conspiracy with Judge Keegan or any of the other alleged co-conspirators or defendants in these consolidated civil actions, to deprive any plaintiff of any right.