

THE COURT: No. No. Was that so or wasn't it so?

THE WITNESS: According to that newspaper article, I got it mixed up.

THE COURT: Never mind the newspaper article. Did you say that to the Chief or did you not?

THE WITNESS: I couldn't tell him something that hadn't happened.

THE COURT: Did you tell him that or did you not?

THE WITNESS: So I guess the answer is no.

THE COURT: You did not.

THE WITNESS: But I told him all the other things.

BY MR. KUNSTLER:

Q All right. And when you were recalling back on February 28 of 1982, did you go back to look at newspapers or look at television clips?

A No.

Q Or were you using your memory?

A Just my memory.

Q All right. And now you know you must have been mistaken about the rugby bombing; is that correct?

A Yes. That was a fear I had all day Monday.

Q And with reference to --

A I mean Tuesday.

Q Tuesday. I know it's hard to recall.

A All day Tuesday I was afraid that when this was over, that when I got home, my house wouldn't be there.

Q But when you called the Chief on Monday night with reference to the situation, did you tell him about the peculiar things on your telephone, to the best of your recollection?

A Yes, and cars following me home also.

Q And did you tell him about people stopping you in the street?

A I don't think I mentioned that to him except the phone calls and cars following me. I remember I told him that.

Q And you were plenty scared, were you not?

A I was scared.

Q But all I'm asking about is independent of this bomb or what have you, was there anything in your

being scared that related to this man sitting in this chair, Michael Young?

A No. Mike is one of the people who I had hoped was out there protecting me.

MR. KUNSTLER: Thank you. I have no further questions.

THE COURT: Mr. Oliver, anything further?

MR. OLIVER: No, Judge.

THE COURT: Mr. Katzer, anything further?

MR. KATZER: No, Judge.

THE COURT: Very well. That's all. Thank you.

Call your next witness, please.

MR. OLIVER: Michael Young, your Honor.

MICHAEL YOUNG,
having first been duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. OLIVER:

Q Mr. Young, would you indicate for the jury your

STATE OF NEW YORK

COUNTY COURT

COUNTY OF ALBANY

THE PEOPLE OF THE STATE OF NEW YORK,

- against -

MICHAEL R. YOUNG and JOHN H. SPEARMAN, JR.,
Defendants.

TESTIMONY OF PAUL DALY

BEFORE:

HON. JOHN J. CLYNE,
Albany County Court Judge, and a Jury

APPEARANCES:

For the People:

HON. SOL GREENBERG,
Albany County District Attorney,
BY: MICHAEL KATZER,
Assistant District Attorney

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For the DEFENDANT SPEARMAN:

LEWIS B. OLIVER, JR., ESQ.,
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DEFENDANTS, In Person

TRANSCRIPT OF PROCEEDINGS in the
above entitled matter held at a trial term of the Albany
County Court at the Albany County Courthouse at Albany,
New York, on March 3, 1982.

PAUL DALY,

called by the Defendant Young, after first having been duly sworn according to law, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. OLIVER:

Q Mr. Daly, sir, would you indicate your name for the jury?

A My name is Paul Daly. I'm a special agent in charge of the F.B.I. office in Albany.

Q You are in charge of the F.B.I. office in Albany?

A Yes, sir.

Q How long have you been in charge, sir?

A About thirteen months.

Q You were in charge of the office during the period September, 1981?

A That is correct.

Q Let me ask you this: During the period September, 1981 and for some period of time prior to that, were you involved with any investigation concerning the planned Springboks game and demonstration in Albany on September 22?

A Yes.

Q The investigation that you conducted, would that be an investigation called an investigation under the domestic intelligence guidelines?

MR. KATZER: Objection.

THE COURT: Sustained.

BY MR. OLIVER: (cont'd)

Q What was that investigation called?

MR. KATZER: Objection.

THE COURT: Sustained.

BY MR. OLIVER: (cont'd)

Q Did that investigation involve the groups that were planning to protest against the Springboks playing in Albany?

MR. KATZER: Objection.

THE COURT: Overruled. Yes or no.

A Yes.

Q Did it involve the Springboks team themselves?

A No.

Q So it involved only the demonstrators, is that correct?

A That's correct.

Q Was it focused on the Communist Workers Party?

MR. KATZER: Objection.

THE COURT: Sustained.

BY MR. OLIVER: (cont'd)

Q All right. What was the focus of your investigation?

MR. KATZER: Objection.

THE COURT: Sustained.

BY MR. OLIVER: (cont'd)

Q What group, if any, were you investigating?

MR. KATZER: Objection.

THE COURT: Sustained. There is no group on trial here. Two defendants are on trial.

BY MR. OLIVER: (cont'd)

Q Did you, in the course of your investigation, have occasion to investigate Michael Young?

A I don't recall a specific investigation involving Michael Young.

Q Do you recall his name coming up in the course of your investigation?

A Yes.

Q Do you recall the name of John Spearman coming up in your investigation?

A Yes.

Q Isn't it a fact that those names came up in

August of 1981?

A I can't recall at what point in time they came up. I am in charge of the Albany F.B.I. office but I also handle all of upstate New York and Vermont. I would not have had direct supervision of the matter in question. I cannot recall the time.

Q All right. As part of your investigation did you provide information to the Albany Police Department?

A Yes.

Q Who, in your office, provided that information?

A I, in part, provided some, and some by Special Agent Rose and there may have been information furnished by other agents. I specifically recall myself and Mr. Rose.

Q Did you also provide information to Mayor Corning?

A I may have.

Q Did you also provide information to Superintendent Connelie of the New York State Police?

A I did not. I'm speaking personally.

Q Do you know if anyone in your office did?

A There was information furnished to the state police.

Q Did you also provide information to Governor Carey's

office?

A To my knowledge, no.

Q Now, as part of that information did you provide information concerning the Ku Klux Klan?

MR. KATZER: Objection.

THE COURT: Sustained.

BY MR. OLIVER: (cont'd)

Q As part of that information did you provide information concerning potential violence at the demonstration against the Springboks?

MR. KATZER: Objection.

THE COURT: Overruled.

A Yes.

Q As part of the information about violence was there reference to the Ku Klux Klan?

MR. KATZER: Objection.

THE COURT: Sustained.

BY MR. OLIVER: (cont'd)

Q Was your office aware that Michael Young and John Spearman were members of the Communist Workers Party?

A Yes.

Q When did your office obtain that information?

A I don't recall.

Daly - Direct

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Q Where did your office obtain that information from?

MR. KATZER: Objection.

THE COURT: Sustained.

BY MR. OLIVER: (cont'd)

Q Did you receive communications from the New York City Intelligence Unit?

MR. KATZER: Objection.

THE COURT: Sustained.

Q Is there anyone in your office, sir, who would be more familiar than yourself -- withdrawn. Who was in charge of this investigation for your office?

MR. KATZER: Objection.

THE COURT: Sustained.

Q Who was in charge of the investigation that involved Michael Young and John Spearman?

MR. KATZER: Objection.

THE COURT: If you know.

A Well, in charge in what sense? We have a special agent in charge and then under him we have an assistant special agent in charge. Under him a supervisor. Under him an agent. There would be an investigative agent assigned to a particular matter. That agent was Mr. Rose.

Q I'm not familiar with the structure. When was Mr. Rose assigned to this investigation, if you can remember?

MR. KATZER: Objection.

THE COURT: I fail to see the relevancy here. Sustained.

BY MR. OLIVER: (cont'd)

Q Did your office provide information to the Albany Police Department concerning Mr. Young and Mr. Spearman?

A Yes.

Q Do you know when that was?

A No. I can't recall.

THE COURT: Was it prior to September 21?

THE WITNESS: Yes.

BY MR. OLIVER: (cont'd)

Q Did your office, as part of that investigation, provide information to the Albany Police Department concerning the organization known as Stop The Apartheid Rugby Tour?

MR. KATZER: Objection.

THE COURT: Sustained.

BY MR. OLIVER: (cont'd)

Q Was your office aware that Mr. Young was a member of SART, the organization to stop the apartheid rugby tour?

A I have no recollection.

Q Would the same hold true for Mr. Spearman?

A Yes. I don't have any recollection of it.

Q And the type of investigation that you conducted, did it involve informers?

MR. KATZER: Objection.

THE COURT: Sustained.

BY MR. OLIVER: (cont'd)

Q How did your agency obtain information concerning Mr. Young and Mr. Spearman?

MR. KATZER: Objection.

THE COURT: Sustained. What, if any, information did you personally provide to the Albany Police Department prior to September 21 concerning your investigation of the proposed rugby game in Albany, if you know?

THE WITNESS: My recollection is --

THE COURT: What did you --

THE WITNESS: I, personally, on two

occasions provided information. On one occasion I was at a meeting at the Albany Police Department attended by state officials, city officials, and it dealt with certain preparedness for a potential for violence on that date. I don't recall the date of this particular meeting. At that time I gave them a general overview of information that we had in our possession indicating that there could be violence on that particular date. The second occasion that I presented information or gave information to the Albany Police Department -- I can't recall the date but the date was the date that a search was conducted of a vehicle on SUNY campus. It was on that evening.

THE COURT: Did you give the information prior to the search or subsequent to the search, if you recall?

THE WITNESS: My recollection is I telephonically contacted Mr. Reed. I did not know there had been a search conducted. When I met with Mr. Reed the search had been conducted and they had one gentleman in custody and they recovered a weapon. That was subsequent to the search.

THE COURT: Deputy Chief Reed, is that who you are referring to?

THE WITNESS: Yes. He and Lieutenant Murray were the two I talked to.

THE COURT: That was via telephone?

THE WITNESS: Telephone and personal contact.

BY MR. OLIVER: (cont'd)

Q You indicated that you made that call before you knew there had been any search?

A I called to arrange to meet with them because we had information that we had to get to them rather quickly.

Q About what time was that call made?

A I don't know. It was after I got home. It was from my residence. It was somewhere after I got home. I got home usually about 6:30 at night so I'm guessing it was after 6:30.

Q Do you recall Deputy Commissioner Reed at the Albany police headquarters at that time?

THE COURT: Deputy Chief.

Q Deputy Chief. I'm sorry.

A No, I can't recall exactly. I reached him, I

believe, through the Albany Police Department switchboard. He was not at the station. I don't recall specifically how I reached him other than I did reach him that night.

Q Now, did your office, prior to September 21, have knowledge of the license plate number of Mr. Young's car?

MR. KATZER: Objection.

THE COURT: No, overruled.

A I have no recollection.

Q We have subpoenaed your files concerning Mr. Young and Mr. Spearman, the Communist Workers Party, and Vera Michaelson, is that correct?

A Yes.

Q Those files consist of 800 to 1000 pages, is that correct?

MR. KATZER: Objection.

THE COURT: Sustained.

BY MR. OLIVER: (cont'd)

Q You have no recollection whether the license plate number was within the knowledge of your office?

MR. KATZER: Objection. Asked and answered.

THE COURT: Sustained.

BY MR. OLIVER: (cont'd)

Q Have you examined the files of your office in relation to Mr. Young and Mr. Spearman at anytime in the recent past?

A No.

Q I would like to focus on the first meeting that you indicated you personally attended with the Albany Police Department. What is your best estimate of the date of that meeting? Was it in September?

A I would hate to guess. It could have been late August, early September, but I don't know.

Q It was before the governor and the mayor engaged in public debate concerning whether the game should be stopped?

MR. KATZER: Objection.

THE COURT: Sustained.

Q Was it before September 10th, can you recall?

MR. KATZER: Objection. He has answered to the best of his recollection.

THE COURT: No. If you recall.

A The best I recall -- I would hesitate to guess -- it was early September, late August. Somewhere in

there. I don't recall.

Q Can you recall who was present at that meeting?

A It would have probably been twenty people, twenty-one. Some of whom I have never seen before or since. I don't recall exactly. Mayor Corning came in and left. He was there at some point in time. There were representatives of the state police, Major Halloran, I think Captain Looney. There was a representative of the Albany Police Department -- I mean, fire department, rather. There was, of course, Chief Burke. I believe Deputy Chief Reed. I believe Lieutenant Murray. There were some people from Civil Defense, as I recall, and there were others I'm sure but I just have no recollection.

Q At that meeting was the Communist Workers Party or John Spearman or Michael Young discussed?

A I have no recollection.

THE COURT: Were either of the defendants discussed by name?

THE WITNESS: I don't recall.

THE COURT: John Spearman or Michael Young? Do you have any recollection of specifically

discussing either or both of those individuals?

THE WITNESS: I don't recall.

BY MR. OLIVER: (cont'd)

Q Were there any other members of the Communist Workers Party in Albany who were active in organizing the demonstration other than Mr. Spearman and Mr. Young?

MR. KATZER: Objection.

THE COURT: Sustained.

Q At this meeting you indicated you had discussed the potential for violence at the demonstration?

MR. KATZER: Objection.

THE COURT: You're referring to the witness, I assume?

MR. OLIVER: Yes, sir.

THE COURT: Overruled.

A My recollection of the meeting in question was I outlined information we had received which indicated planned violence to those that were in attendance.

Q All right. And in the information you outlined did you talk about Michael Young?

A I don't recall.

Q Did you know about Michael Young at that time?

MR. KATZER: Objection.

THE COURT: Overruled.

A Well, I'm not sure at what point in time we learned of him. We certainly did give information regarding him to the police. The question is when. I'm not sure I had it prior to that meeting or subsequent.

Q You saw him on television too, isn't that right? He made public statements and so forth?

MR. KATZER: Objection.

THE COURT: Did you see him on television?

THE WITNESS: I may have, Your Honor.

I was discussing what was out of our files. Not what I saw on television.

BY MR. OLIVER: (cont'd)

Q As part of the information that you provided to the Albany police concerning violence, did you indicate to them that the Ku Klux Klan might come to Albany to do violence to Michael Young or other members of the Communist Workers Party?

A No.

Q Are you aware --

A Excuse me a second. Would you go over that question again to make sure I heard it right?

(The pending question was reread as follows: "As part of the information that you provided to the Albany police concerning violence, did you indicate to them that the Ku Klux Klan might come to Albany to do violence to Michael Young or other members of the Communist Workers Party?")

A The answer is no.

Q At the meeting in late August or early September was information presented concerning Ku Klux Klan members potentially doing violence to Mr. Young or other members of the Communist Workers Party by any other agency, to your personal knowledge?

MR. KATZER: Objection, Your Honor.

THE COURT: Sustained.

BY MR. OLIVER: (cont'd)

Q During the period September, 1981, did you have occasion to obtain information from Thomas Selfridge?

MR. KATZER: Objection.

THE COURT: Sustained.

Q Did you have occasion to obtain information from Thomas Selfridge about Michael Young or John Spearman?

MR. KATZER: Objection.

THE COURT: Sustained.

Q Turning your attention to September 21, 1981 for a moment, if I may, you indicated that you made a telephone call to Deputy Chief Reed?

A I am not sure whether I talked to Deputy Chief Reed on the phone or Lieutenant Murray but eventually it led to a meeting with both.

Q You indicated you placed that call approximately 6:30 P.M.?

MR. KATZER: Objection. That is not what he testified.

THE COURT: Do you recall when you made the call?

THE WITNESS: My recollection is that it was after I arrived home. How long after, I am not sure. I generally arrive home at 6:30. I believe that is what I said.

BY MR. OLIVER: (cont'd)

Q You made the call shortly after you arrived home?

A I don't recall what proximity it was to my arrival home except that is the time I do generally arrive home.

Q You spoke with Lieutenant Murray at that time initially?

A Telephonically I don't recall which one I talked to. It led to a meeting with both.

THE COURT: Was the purpose of the call to set up a meeting?

THE WITNESS: That is correct.

BY MR. OLIVER: (cont'd)

Q Can I ask you what, if any, information you imparted to Lieutenant Murray or Deputy Chief Reed over the telephone at the time of your initial call?

A I can't recall specifically what I told them other than it dealt with the potential for violence.

Q Did it deal with Michael Young or John Spearman?

A I quite frankly don't recall.

Q Did it deal with the Communist Workers Party?

MR. KATZER: Objection.

THE COURT: Sustained.

BY MR. OLIVER: (cont'd)

Q What was the source of the information that you were imparting to the Albany police?

MR. KATZER: Objection.

THE COURT: Sustained.

BY MR. OLIVER: (cont'd)

Q Had Agent Rose given you this information?

MR. KATZER: Objection.

THE COURT: Sustained. Let me ask you this: On the 21st of September, 1981, between 7 and 8 P.M. were you at the SUNY campus?

THE WITNESS: No.

MR. OLIVER: I have no further questions. Thank you, sir.

THE COURT: Mr. Katzer?

CROSS EXAMINATION

BY MR. KATZER:

Q Special Agent Daly, on September 21st, 1981 or prior to September 21st, 1981, had you personally ever given any information with respect to the Defendants Spearman and Young to SUNY Police Officer Michael Lascoe?

A No.

MR. KATZER: Thank you.

MR. KUNSTLER: I just have a few,
Judge, and then I will be done.

CROSS EXAMINATION

BY MR. KUNSTLER:

Q Agent Daly, my name is William Kunstler. I don't
think we have met, have we?

A No, we have not.

Q You are what is known as SAC, are you not? A
special agent in charge? All I want to know
essentially is that prior to September 21, 1981
that you gave information to the Albany Police
Department that there was a potential for violence
around the Springboks, the scheduled arrival of the
Springboks, to have a rugby game here in Albany,
New York?

A That's correct.

Q All right. I just want to know one more factor.
How long have you been a member of the Federal
Bureau of Investigation?

A Seventeen years.

Q During that period of time is it not a fact that the
Federal Bureau of Investigation has admitted
committing crimes in order to prevent violence?

MR. KATZER: Objection.

THE COURT: Sustained.

BY MR. KUNSTLER: (cont'd)

Q You are familiar with the convictions of Mark Felt and William Miller, are you not?

MR. KATZER: Objection.

THE COURT: Sustained.

Q In any event during any of your discussions with any of the Albany Police Department did you, yourself, advocate in any way the commission of illegal acts for what you considered to be a good purpose, the prevention of violence?

MR. KATZER: Objection.

Q During the Springboks tour here.

MR. KATZER: Objection.

THE COURT: Overruled.

A No.

MR. KUNSTLER: Thank you very much.

THE COURT: Let me ask you one other question. Did you ever see a silver grey Mercury Monarch bearing license plate 507-JVD?

THE WITNESS: No.

THE COURT: On September 21, 1981?

THE WITNESS: No.

THE COURT: Any further questions
of this witness?

MR. KUNSTLER: No.

THE COURT: That's all. Thank you.

(Witness excused.)

STATE OF NEW YORK

COUNTY COURT

COUNTY OF ALBANY

THE PEOPLE OF THE STATE OF NEW YORK,

- against -

MICHAEL R. YOUNG and JOHN H. SPEARMAN, JR.,
Defendants.

CROSS EXAMINATION OF JOHN TANCHAK

BEFORE :

HON. JOHN J. CLYNE,
Albany County Court Judge, and a Jury

APPEARANCES :

For the People:
HON. SOL GREENBERG,
Albany County District Attorney,
BY: MICHAEL KATZER,
Assistant District Attorney

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Albany, New York

DEFENDANTS, In Person

TRANSCRIPT OF PROCEEDINGS in the
above entitled matter held at a trial term of the Albany
County Court at the Albany County Courthouse at Albany,
New York, on March 3, 1982.

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.

You may examine, Mr. Oliver.

MR. OLIVER: Thank you, Your Honor.

CROSS EXAMINATION

BY MR. OLIVER:

Q Officer Tanchak, I believe you indicated that your assignment in the police department was with the Narcotics Enforcement, is that correct?

A That's correct.

Q And was that your assignment on September 21 and 22, 1981?

A That's correct.

Q You indicated that you were the officer who obtained a warrant and was in more or less charge of the search of the apartment of 400 Central Avenue, is that correct?

A I obtained the warrant. I wasn't in charge. No, sir.

Q You arrested Mike Young?

A That's correct.

Q Now, I want to ask you what information, if any, did you have concerning Mike Young before you arrested him?

MR. KATZER: Objection.

THE COURT: Sustained.

BY MR. OLIVER: (cont'd)

Q To your knowledge had you or other members of the Albany Police Department conducted surveillance on Mr. Young prior to his arrest?

MR. KATZER: Objection.

THE COURT: Overruled.

A I did not, sir, and I have no idea if anyone else did.

Q You received no information concerning whether other members of the Albany Police Department conducted surveillance on Mr. Young?

A As I said, I have no idea.

Q All right. Do you have any information concerning whether any members of other police agencies such as the F.B.I. or the State Police conducted surveillance on Mr. Young?

A As I said, I have no idea.

Q Now, did you have any information that Mr. Young had possessed the weapon?

MR. KATZER: Objection.

THE COURT: Sustained.

BY MR. OLIVER: (cont'd)

Q Well, did you have any reason to believe that Mr. Young possessed a weapon?

MR. KATZER: Objection.

THE COURT: Sustained.

Q To your knowledge, prior to the time that Mr. Young was arrested had you received any information concerning the license plate number of Mr. Young's vehicle?

A The information I received was the car was recovered earlier as a stolen vehicle.

Q And when was that?

A Well, I believe the car was recovered somewhere around 7:30. I was called to the scene then.

Q And prior to the time you were called to the scene -- well, I'll withdraw that. By being called to the scene you are referring to the parking lot at 7:30, is that correct?