

have this marked?

(A document was marked Defendant Spearman's Exhibit F for identification.)

BY MR. KUNSTLER:

Q I'm going to show you F for identification.

If you're like me, you need the specs.

A Yeah, reading.

Q First, can you tell the jury what it is you're looking at without telling what's on it?

A It's part of a confidential report the District Attorney and I were just talking about.

Q Is it a report compiled by you?

A Yes.

Q All right. And is it not a fact that as early as September 3 of Nineteen Hundred and Eighty-one, you had received information from the Federal Bureau of Investigation that Mr. Spearman was coming to Albany?

A Yes.

Q And did you also receive information from the Federal Bureau of Investigation that according to it, he was coming to cause trouble?

A Yes.

Q At the demonstrations. So you knew the name John



Spearman certainly as early as September 3 of Nineteen Hundred Eighty-one.

A That's right.

Q Right. Now, when you heard John Spearman's name for the first time, I assume it's around September 3 or in that area, did you report back to Chief Burke?

A That report went to Chief Burke.

Q That report went to Chief Burke. And is it not a fact that some of the information that you received was that John Spearman was coming here to cause trouble equal to that which had occurred in New Zealand with reference to anti-rugby demonstrations where a hundred people were injured?

A Yes.

Q And that concerned you, did it not?

A Certainly.

Q In fact, in your opinion, when you received that report on September 3, Nineteen Hundred Eighty-one, irrespective whether it was true or false, you were concerned that the Springbok demonstrations would result in a potential loss of life, limb, serious jeopardy to the City of Albany, State of New York.



A I was concerned about all the information we were gathering, but not just John Spearman.

Q Right, but John, including John Spearman.

A Yes.

Q All right. And the information you got from the Federal Bureau of Investigation that's contained in Exhibit F, was information which indicated that John Spearman had indicated in some way that the demonstration in Albany would be greater than the demonstration in New Zealand where a hundred people had been injured; isn't that correct?

A True.

Q And that, of course, must have concerned you.

A Certainly.

Q Now, did there come a time when you knew as a fact that John Spearman was in Albany?

A Yes, the night he was arrested.

Q Was that the first time you knew he was in Albany?

A Yes.

Q O.K. Now, the information about John Spearman that came to you on the 3rd of September, Nineteen Hundred and Eighty-one, you say was communicated to Chief Burke.



A Yes. It was that report.

Q Now, do you know of your own knowledge who, if anybody else, knew about this information in the Albany Police Department outside of Chief Burke?

A Chief Burke, myself, Detective-Lieutenant Murray and Detective Paul Hulslander.

Q All right. Now, would it be your testimony that outside of the people you have named having received that information about John Spearman and the danger the FBI said he posed to the City of Albany, that there was no communication to any other member of the Albany Police Department other than the ones you have indicated about John Spearman?

A Yes, that's true.

Q The Albany Police Department, nobody was told to watch out for him, to see if he came to the City of Albany.

A No, because --

Q This dangerous man.

A That's the only information we had on him at that time, that's September 3.

Q Pardon me? You had information that John Spearman



is coming to Albany as early as the 3rd of September and that he had vowed to outshine the New Zealand demonstration where a hundred people had been involved. And it's your testimony that that information was not communicated to any member of the Albany Police Department -- no Detectives, nobody -- to watch out for him other than the group you mentioned, the hierarchy.

A Right.

Q O.k. Now, outside of the FBI, did you receive any information about John Spearman from New York City Intelligence Division?

A Yes, I believe we did.

Q And can you tell approximately when you received that information?

A It was after that report, I believe.

Q All right. Would you say it was around the 10th of September, approximately?

A Probably.

Q Now, the report that you compiled for Chief Burke was finished as of September 10. It's dated September 10, isn't it, Nineteen Hundred and Eighty-one?



A The one you just showed me?

Q No. I'm saying the complete report which is called preliminary intelligence report regarding anti-Apartheid demonstration, compiled as of September 10, 1981.

A Yeah. That's what we had up until September 10.

MR. KUNSTLER: All right. Now, may I have this marked?

(A document was marked Defendant Spearman's Exhibit G for identification.)

BY MR. KUNSTLER:

Q I'm going to show you G for identification and ask you if what you've got there was not part of the report you compiled for Chief Burke.

A Yes. It's part of the report.

Q May I have that for just a second, Chief? Unfortunately, I only have one copy. And I just want to ask you, is it not a fact that Exhibit G also mentions material about John Spearman?

A Yes.

Q And does it not indicate that John Spearman and others, as early as September 10 of 1981, were going to, according to that information, were going



to come to Albany and utilize all sorts of violent methods to cause panic and disruption of the games?

A That's correct.

Q Including smoke bombs, I believe, and other devices. And when you received that information which is included in your September 10 report, is it your testimony that nobody in the City of Albany Police Department, other than the ones you have mentioned, was told a word about John Spearman?

A Yes, it is.

Q All right. Now, I take it you made no attempts that you can testify to to get a photograph of John Spearman from, say, the New York City Police Department.

A No. we were in contact with the New York City PD Intelligence Unit, but as far as photographs, no.

Q well, did you say to them in one way or another that if this dangerous man is coming to our community, we would like to have a photograph of him if you have one?

A I didn't.

Q Did you even suggest that to them?

A I didn't, but somebody else that spoke to them



might have.

Q Did they get a photograph?

A As far as I know, no.

Q All right. Now, if John Spearman did, in fact, come to Albany, weren't you interested in knowing that fact?

MR. KATZER: Objection.

THE COURT: Sustained.

BY MR. KUNSTLER:

Q were you concerned about John Spearman coming to Albany after getting these reports?

A Yes. I was concerned about anybody coming to Albany to cause trouble at the game.

Q Right, but John Spearman you had information about, didn't you?

A Yes.

Q You knew his name.

A Yeah.

Q And were you concerned about this man coming, among others?

A Yes.

Q And did you tell anyone or order anyone in the Police Department -- withdrawn.



With that concern in mind, as early as September 3 of 1981, three weeks or so before the games, did you tell anybody in the Albany Police Department outside of the ones you mentioned, officers on the street, to watch out if you ran into a man named John Spearman?

A No.

Q And it's your testimony that the only people that knew about this information were the ones you've mentioned.

A Yes.

Q O.K. And I take it that would be true of Mike Young as well.

A Yes.

Q Because you also had information from the FBI.

A We knew Mike Young was in Albany. He was on TV and he was in the newspapers. Everybody knew Mike Young was in Albany.

Q So you knew where Mike Young was, right?

A Yeah.

Q And you also knew where Mike Young was working out of, didn't you?

A Where he was working out of?



Q Yes.

A He was working with the coalition.

Q Didn't you know that he was working out of the NAACP Office?

A Yes.

Q And with reference to Mike Young, do you know when, for the first time, you learned that he had come to Albany?

A No, but he was in the newspapers and on TV. I couldn't give you a date. I mean he was here. Everybody knew he was here.

Q But prior to his coming here, and after you got the first information about him, did you notify anybody other than the ones you have mentioned to watch out for Mike Young?

A No.

Q Now, when you knew he was here from the newspapers, from television, did you in any way assign anyone to watch him?

A To watch him? Keep him under surveillance? No.

Q You know what surveillance is. Do you know what surveillance is?

A Yes, I do.



MR. KATZER: Objection.

BY MR. KUNSTLER:

Q You've conducted surveillance in the past, haven't you? Did you conduct any surveillance on Mike Young?

A No.

Q Now, did you make any attempt, for example, to obtain copies of any literature which Mike Young or anyone else might be distributing about the games?

A We had copies of the literature. It was posted all over the City.

Q All right. In fact, you were even going to Schenectady, weren't you, to get literature from the Socialist Workers Party?

A We went to Schenectady because they had an office in Schenectady, but it was closed.

Q Right. And I take it that it's your testimony that outside of getting literature which was all over town and you went to Schenectady and got some, that you gave no orders to anybody in the Police Department to watch any of the people that were coming to Albany who were involved in organizing



the demonstration.

A You mean Mike Young or John Spearman?

Q Well, Mike Young and John Spearman, we'll start with, or anybody else.

A No.

THE COURT: Chief, as I understand it, your concern was the demonstration and not the individuals; is that correct?

THE WITNESS: Yes. That is correct.

BY MR. KUNSTLER:

Q Now, you were deeply concerned yourself, were you not, that there would be violence in the City of Albany over these games.

A Yes, I was.

Q In fact, it was your information that over 20,000, at least 20,000 demonstrators were coming to Albany for the games.

A That was our information.

Q And you also had reached the conclusion, had you not, and so informed Chief Burke that you could not guarantee the safety of anybody at those games with the forces at your disposal?

A Not unless we had help.



Q You wanted the National Guard to come here, didn't you?

A No; specifically thinking about the State Police.

Q You wanted the State Police. And did you want the National Guard?

A Did I want the National Guard?

Q Yes.

A No. I thought the troopers would be enough to help us out, the Sheriff's Department.

Q Didn't you tell Chief Burke that you needed the National Guard in Albany?

A If it's in there, I said it.

Q Take a look at it.

A Yes, I did. Assistance from New York State Police or the National Guard.

THE COURT: "And" or "or"?

THE WITNESS: From the New York State Police or preferably the National Guard.

BY MR. KUNSTLER:

Q Now, Chief, you preferred the National Guard to the State Police, didn't you?

A Well, with the National Guard, we would have got the State Police.



Q You would have had both, then, right?

A Yes, and the Sheriff's Department.

Q And in your mind, the situation was so serious here in the City of Albany, as you believed it, that you wanted both the State Police and the National Guard to come in to protect the game; isn't that right, or the people who might be involved?

A To protect everyone. To protect everyone.

Q To protect who?

A To protect everyone involved.

Q Everybody and that's how serious you felt about --

A Yes.

Q -- about the threat. And I take it that based on how serious you felt about it, did you tell the Chief or the Mayor that the games ought to be cancelled?

A I told the Chief the games should be cancelled.

Q Right. And, in fact, the Governor then cancelled the game, didn't he?

A Yes.

Q Right. And then is it not a fact that a Federal court held that the Governor had acted unconstitu-



tionally and reinstated the game?

A Yes.

Q But the Governor had broken the law to prevent the game; isn't that what it held?

MR. KATZER: Objection.

THE WITNESS: That's what the court said.

THE COURT: Oh, please. Sustained.

MR. KUNSTLER: I'll withdraw it, Judge. I think the last question is sufficient.

Q And when the Governor did cancel the game, you felt relieved, didn't you?

A Sure.

Q And then all of a sudden at 4 o'clock on the day of the arrest of these two men, the court reinstated the game, right?

A True.

Q And you were right back where you started from. Now, when you learned that John Spearman had been arrested at about 7:35, three and a half hours after the Governor had been overturned by the Federal court, and was in custody, did you feel a little better about the game, about the possibility



of violence?

MR. KATZER: Objection.

THE COURT: Sustained.

BY MR. KUNSTLER:

Q All right. Chief, believing as you did that there was going to be violence in Albany if this game went on and the demonstration about it continued, would it be your testimony that if you thought you could diffuse the expected violence by arresting two men falsely, that you would not order that or those arrests?

MR. KATZER: Objection.

THE COURT: No. Overruled.

BY MR. KUNSTLER:

Q If you believed that.

A I resent the question. I don't believe in arresting people on false -- I don't believe in false arrests.

Q You don't believe in Governors acting unconstitutionally either.

A I don't believe in anyone breaking the law.

MR. KATZER: Objection.

THE COURT: Now, look. Come on.



BY MR. KUNSTLER:

Q The Governor did what he could to stop the game.

THE COURT: Let me ask you point blank. Did you order the arrest of anybody to slow down this demonstration? Yes or no.

THE WITNESS: No, your Honor.

THE COURT: Very well.

BY MR. KUNSTLER:

Q And if you did do that, you would admit it here in Court, wouldn't you?

MR. KATZER: Objection.

THE COURT: Sustained. Let me ask you something else. You were up at 400 Central Avenue at 3:15 a.m. on the twenty-second; is that correct?

THE WITNESS: Yes, your Honor.

THE COURT: You were the fourth one in.

THE WITNESS: Yes, sir.

THE COURT: Were you present when people's 14, the package of cartridges or that (indicating) and the speedloader were seized?

THE WITNESS: Yes.



THE COURT: Tell us what you observed at that time.

THE WITNESS: We went into the apartment. The apartment was searched by Detective Tanchak, Sergeant Lounsbury, Murphy. Contraband was found. It was seized and they were placed under arrest. The black and white unit was called. People, defendants were transported down and booked.

BY MR. KUNSTLER:

Q Now, Chief, did you actually see Detective Tanchak take the speedloader and ammunition from anyplace?

A No.

Q Physically see it.

A No. I didn't physically see it.

Q O.K. So the first knowledge you had that a speedloader and some shells had been found was when Detective Tanchak told you he had found it; isn't that correct?

A Yes.

Q Do you even know, of your own knowledge, where he found these items?

A I think they were found in a suitcase.

Q Did you see that?



A Did I see the suitcase?

Q Yes.

A I saw a suitcase.

Q Did you see him find them in the suitcase?

A No. I didn't see him find them. I just told you that.

Q What you learned about where these items were supposedly found was what he told you; isn't that correct?

A From the officers conducting the search, yes.

Q They told you that, right?

A Certainly.

Q Do you remember who told you?

A Detective Tanchak or the sergeant.

Q So the first knowledge you ever had that there was any bullets or speedloaders in that apartment was when you were told it by Detective Tanchak.

A In the apartment.

Q In the apartment. And you, yourself, never viewed these items being found anywhere, did you?

A No. They conducted the search.

Q O.K. And when they conducted the search, where were you?



A Probably by the front door or the kitchen, somewhere in that area.

Q Yes. And when they were conducting the search, were they in the same area you were in?

A We were searching the whole apartment.

Q Yes. It's a small apartment.

A Bedroom and living room, kitchen.

Q Now, you've indicated in response to a question my brother Oliver asked you about the fact that you knew that the apartment was Vera Michaelson's apartment.

A Yes. We knew she lived there.

Q Wasn't her name downstairs?

A Was her name downstairs?

Q Was the name downstairs?

A Probably.

Q Yes. And, in fact, as you go into that apartment house, it's a large complex, isn't it?

A Yes.

Q And when you go into that apartment house, there is to the right, as you come in the front door, there is a list of names and apartments, is there not?



A we went in the back door.

Q You went in the back door. All right. And you knew exactly what apartment you were going up to; isn't that correct?

A 7-K.

Q 7-K. And you knew that the search warrant mentioned 7-K.

A Yes.

Q And when you went up to the apartment, isn't it a fact that what you were looking for, among other things, were smoke bombs, sticks, knives, rifles, shotguns, handguns? They were right on the application for the warrant, aren't they?

A Yes.

Q Did you find any smoke bombs?

A No.

Q Did you find any sticks in the apartment?

A No.

Q Did you find any knives outside of kitchen knives, I presume?

A No.

Q Did you find any rifles, shotguns, handguns?

A No.



Q And yet you had been led to believe, had you not, by the FBI, by the State Police, perhaps by the New York City Police, that such objects might be found?

MR. KATZER: I object to the form.

BY MR. KUNSTLER:

Q All right. I will withdraw it. It was from the information you got from all the sources of intelligence that you were assembling, you felt that if they were right, those sources were right, that they were present in Albany to disrupt these games or cause injury to people, some of the items or all of the items I mentioned; isn't that correct?

A That's correct.

Q Now, when you went up to 7-K or even prior to going up that night, you knew that Mr. Young, Michael Young, was sleeping there, didn't you?

A Did I know he was sleeping there?

Q Yes.

A No, I didn't.

Q Did you know he had used the apartment?

A My personal knowledge, no.

Q Yes. All right. Had you been led to believe by



anyone that he might be there?

MR. KATZER: Objection.

THE COURT: Yes. Sustained.

BY MR. KUNSTLER:

Q O.K. Did any of the officers tell you, Detective Tanchak in particular, that Mike Young might be in that apartment?

A Not that I recall.

Q So the name, when you went up there, Mike Young, was never mentioned.

A Going into the apartment?

Q Yes, before you got to the apartment, on the way up the back elevator or whatever.

A I don't believe so.

Q So you didn't expect to find him there.

A We didn't know what we were going to find in there or who we were going to find in there.

Q And if Detective Tanchak testified in this courtroom that he knew Mike Young was there, he didn't tell you.

MR. KATZER: Objection.

THE COURT: Sustained.



BY MR. KUNSTLER:

Q O.K. Now, with reference to the question of vehicles, for the moment, did you have any information from any officers in the City of Albany or anywhere else as to what vehicles any people who were coming to Albany to demonstrate or organize demonstrations might be driving?

A You mean their private vehicles?

Q Private vehicles.

A No.

Q No license plates, for example. Now, when you knew from the newspapers and television that Michael Young was here in Albany, did you ever receive any information that he came in an automobile?

A No.

Q Did no officer ever report to you or to you through anyone else in reports you saw that he was driving a gray or silver monarch Mercury with license plate 507 JVD New York?

A No.

Q Never knew that.

A Never knew that.

Q Now, with reference to your fears about violence in



Albany that might ensue as you've indicated from your prior testimony, part of that fear was generated, was it not, by a concern that there would be a clash between the Ku Klux Klan and members of the demonstrators; isn't that correct?

A Yes, the KKK and CWP.

Q And the KKK information was information you received from the Connecticut State Police; isn't that correct?

A Yes, it was.

Q O.K. And isn't it a fact that in your mind, you were concerned that Albany might become another Greensboro?

MR. KATZER: Objection.

THE COURT: No. Overruled.

THE WITNESS: In my mind, Albany might become another Greensboro?

BY MR. KUNSTLER:

Q Yes.

A I was just concerned for the safety of Albany, the citizens of Albany.

Q That's correct. But would it be a misstatement to say that during some period of this time, the



name Greensboro crossed your consciousness? You thought about it.

A I thought about a lot of things. I just didn't want to see any violence.

Q And I understand that.

A Period.

Q But I'm asking you, did you think about Greensboro?

A Not specifically. Among other things, yes.

Q Among other things. In fact, is it not true that Detective Hulslander told you that he had received a package from what's described in your report as Greenburg, North Carolina. It was really Greensboro, wasn't it? And was it not a fact that you ordered that that package from Greensboro be read by all interested and need to know personnel?

MR. KATZER: Objection. That's not what the report says.

THE WITNESS: I don't believe it is what it says.

MR. KUNSTLER: Then he'll say it's not. I'll ask you to indicate what you ordered that package from Greensboro, North Carolina, the contents to be made known to.



A I don't even remember what was in the package. By personnel on a need to know basis. That's four of us. That was Detective Hulslander, Detective-Lieutenant Murray, myself and the Chief.

Q That's what you are defining on a need to know basis?

MR. KATZER: Objection.

THE WITNESS: That's what I'm defining.

BY MR. KUNSTLER:

Q O.K. Thank you. And would it be a fair statement to say, Chief Reid, that you felt, as part of your responsibility to the City of Albany and to everybody that might be involved in any way with these games, the perspective Springbok games, that you felt a responsibility to do everything you could to diffuse any potential violence?

MR. KATZER: Objection; everything within the law.

THE COURT: Sustained.

MR. KUNSTLER: If he wants to testify, I have no objection.

THE COURT: Well, how about limiting the question?



MR. KUNSTLER: I mean he's answering it for the witness.

MR. KATZER: I objected to the form of the question, Judge.

THE COURT: Sustained.

BY MR. KUNSTLER:

Q All right. I'll put it the way Mr. Katzer would have put it. You felt it a responsibility to do everything you could within the law to diffuse any potential violence coming out of these games; isn't that correct?

A Within the law, yes.

Q Right. Now, it's a fact, is it not, that a long time after the game was over, you learned that the information you got from the Connecticut State Police about the Klan was raise, didn't you?

A Yes.

Q But when you heard about it before the game took place, you didn't know whether it was true or false or not, did you?

A No. There was a possibility.

Q And knowing there was a possibility of it, you took that extremely seriously, did you not?



A I took everything seriously concerning it.

Q I know, but can you answer my question?

A Yes.

Q You took that among everything else --

A Seriously.

Q Seriously. In fact, all the reports that you got you took very seriously.

A Yes.

MR. KUNSTLER: I have nothing further.

Thank you.

THE COURT: Anything further, Mr.

Oliver.

MR. OLIVER: Nothing further.

THE COURT: Anything further?

MR. KATZER: Yes.

REXCROSS-EXAMINATION

BY MR. KATZER:

MR. KATZER: If this would be marked, then, as Defendant's G, I would offer it.

MR. KUNSTLER: Judge, that's the same business that Mr. Katzer keeps doing and which I thought you had told him not to do before.

MR. KATZER: Judge, this --



MR. KUNSTLER: Offering. Let me finish my statement.

THE COURT: It's not his witness.

MR. KUNSTLER: No.

THE COURT: All right.

MR. KUNSTLER: I understand.

THE COURT: You object to the offer. It's not his witness. Now bear that in mind.

MR. KUNSTLER: No. I understand that, but there are official reports, Judge, which we don't compile, which the police compile. I object to self-serving statements.

THE COURT: Let me see it. It's not Mr. Katzer's witness, now.

MR. KUNSTLER: I understand. It's still the same report.

THE COURT: You understand.

MR. KUNSTLER: It's not my witness either, Judge. I'm in the same position as he is.

THE COURT: Sustained.

MR. KATZER: May I ask a question, then, Judge, please?

Q The indication on the report, Chief Reid, is as to