

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MARGARET NAVARRO, ET AL.,

PLAINTIFFS,

VS.

DAVID DUKE, ET AL.,

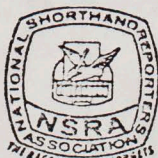
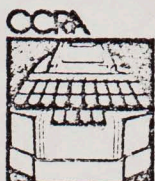
DEFENDANTS.

x
x
x
x
x
x
x
x
x
x
x

NO. 77-0676-S

DEPOSITION OF TOM METZGER
SAN DIEGO, CALIFORNIA
DECEMBER 20, 1977

REPORTED BY: DONALD E. HUBBARD, CSR NO. 3191



FIVECOAT, WITH and DUNN
CERTIFIED SHORTHAND REPORTERS
SUITE 705 CHARTER OIL BUILDING
110 WEST "C" STREET
SAN DIEGO, CALIFORNIA 92101
PHONE 714 / 239-4191

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

APPEARANCES:

FOR PLAINTIFF:

LEGAL SERVICES ALIENS RIGHTS PROGRAM
BY PETER A. SCHEY, ESQ.
1550 WEST 8TH STREET
LOS ANGELES, CALIFORNIA 90017

AND

LEGAL AID SOCIETY OF SAN DIEGO
BY TIMOTHY S. BARKER, ESQ.
1760 N. EUCLID AVENUE
SAN DIEGO, CALIFORNIA 92105

FOR DEFENDANTS:

IN PROPRIA PERSONA
TOM METZGER
308 SUNBEAM LANE
FALLBROOK, CALIFORNIA 92028

ALSO PRESENT:

REES LLOYD
DONALD LEE MUSGROVE

DEPOSITION OF TOM METZGER

TAKEN BY PLAINTIFF AT 1760 N. EUCLID AVENUE, SAN DIEGO,
CALIFORNIA, ON TUESDAY, THE 20TH DAY OF DECEMBER, 1977 AT
10:15 A.M., BEFORE DONALD E. HUBBARD, A NOTARY PUBLIC IN AND
FOR THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, PURSUANT
TO NOTICE.

1 TOM METZGER,
2 A DEFENDANT, HAVING BEEN FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

3 MR. SCHEY: FIRST MATTER I'D JUST LIKE TO TAKE CARE
4 OF IS THE REQUEST FOR PRODUCTION OF DOCUMENTS CONTAINED
5 IN THE NOTICE OF TAKING DEPOSITION OF DEFENDANT TOM
6 METZGER.

7 MR. METZGER, AT PAGE 2 OF THE NOTICE YOU ARE
8 REQUESTED TO PRODUCE ANY DOCUMENTS, PAPERS, BOOKS,
9 ACCOUNTS, ET CETERA, PERTAINING TO: NO. 1, CORRESPONDENCE
10 BETWEEN YOURSELF AND ANY OTHER MEMBER OF THE K.K.K.
11 CONCERNING THE BORDER PATROL SPOTTING PROGRAM INITIATED
12 BY THE KNIGHTS OF THE KU KLUX KLAN ON OR ABOUT OCTOBER
13 THE 26TH, 1977.

14 EXAMINATION

15 BY MR. SCHEY:

16 Q NOW, IS IT YOUR STATEMENT THAT NO SUCH WRITTEN
17 MATERIALS EXIST, WHATSOEVER, BETWEEN YOURSELF OR ANY OTHER
18 MEMBER OF THE K.K.K. CONCERNING THE BORDER PATROL SPOTTING
19 PROGRAM?

20 A TO THE BEST OF MY KNOWLEDGE, THERE IS NO OTHER
21 DOCUMENTS AVAILABLE.

22 Q NOW, WHEN YOU SAY "NO OTHER DOCUMENTS" --

23 A OR NO DOCUMENTS AVAILABLE.

24 Q I SEE.

25 COULD WE GO OFF THE RECORD FOR A SECOND.

26 (DISCUSSION OFF THE RECORD.)

27 BY MR. SCHEY:

28 Q WITH REFERENCE TO THE SECOND SET OF REQUESTED

1 DOCUMENTS, NAMELY "ANY GUIDELINES, INSTRUCTIONS AND/OR
2 STANDARDS ISSUED TO MEMBERS OF THE K.K.K. PARTICIPATING IN THE
3 PROGRAM TO PATROL OR SPOT," IS IT YOUR POSITION THAT NO SUCH
4 WRITTEN GUIDELINES, INSTRUCTIONS AND/OR STANDARDS EXIST?

5 A THAT'S TRUE.

6 Q WITH REGARD TO THE THIRD CATEGORY OF DOCUMENTS
7 CONCERNING "THE PREPARATION, DISSEMINATION, AND/OR UTILIZATION
8 OF ANY OF THE DOCUMENTS DESCRIBED IN PARAGRAPHS NO. 1 AND 2,"
9 IS IT YOUR POSITION THAT NO SUCH DOCUMENTS EXIST?

10 A YES.

11 Q WITH REGARDS TO CATEGORY NO. 4, WE HAVE REQUESTED
12 "ANY REPORTS PREPARED BY MEMBERS OF THE KNIGHTS OF THE KU KLUX
13 KLAN CONCERNING THEIR ACTIVITIES WHILE PATROLLING OR SPOTTING
14 FOREIGN UNDOCUMENTED ALIENS." IS IT YOUR STATEMENT THAT NO
15 SUCH DOCUMENTS EXIST?

16 A YES.

17 Q WITH REGARDS TO CATEGORY NO. 5, I WOULD NOTE, FOR
18 THE RECORD, THAT THE PLAINTIFFS WILL VOLUNTARILY WITHDRAW THE
19 REQUEST CONTAINED IN PARAGRAPH NO. 5. LIKEWISE NO. 6.

20 WITH REGARD TO PARAGRAPH NO. 7, WHICH REQUESTS THE
21 MINUTES, NOTES, OR TAPES CONCERNING ANY MEETINGS HELD CONCERNING
22 IN ANY WAY THE PROGRAM OF THE KNIGHTS OF THE KU KLUX KLAN TO
23 PATROL OR SPOT ALONG THE U.S. BORDER, IS IT YOUR POSITION THAT
24 NO SUCH MINUTES, NOTES OR TAPES EXIST CONCERNING SUCH MEETINGS?

25 A YES.

26 Q WITH REGARDS TO PARAGRAPHS 8 THROUGH 12, WHICH
27 CONCERN REQUESTS FOR OTHER WRITTEN MATERIALS, IS IT YOUR
28 POSITION THAT NO SUCH WRITTEN MATERIALS EXIST?

1 A YES.

2 Q COULD YOU PLEASE EXPLAIN YOUR PRESENT POSITION IN
3 THE ORGANIZATION OF THE KNIGHTS OF THE KU KLUX KLAN.

4 A I AM THE STATE ORGANIZER, OTHERWISE KNOWN AS THE
5 GRAND DRAGON OF THE STATE OF CALIFORNIA.

6 Q IS THIS POSITION AN ELECTED POSITION?

7 A NORMALLY, YES. I WAS APPOINTED, MYSELF.

8 Q WHO WERE YOU APPOINTED BY?

9 A MR. DAVID DUKE.

10 Q WHEN WERE YOU SO APPOINTED?

11 A APPROXIMATELY ONE YEAR AGO. THIS WOULD HAVE BEEN
12 IN THE LATTER PART OF NOVEMBER, AS I RECALL. I DON'T RECALL
13 THE EXACT DAY.

14 Q YOU STATED THAT THE POSITION IS NORMALLY AN ELECTED
15 POSITION. WHERE ARE THE GUIDELINES FOR SUCH AN ELECTION
16 CONTAINED?

17 A WELL, IN THE PAPERS OF THE NATIONAL ORGANIZATION.

18 Q WHEN WOULD THOSE PAPERS CONTEMPLATE AN ELECTION TO
19 BE HELD IN THE FUTURE?

20 A NORMALLY, AS I RECALL, IT'S ABOUT EVERY FOUR YEARS.

21 Q WHAT, ESSENTIALLY, ARE YOUR RESPONSIBILITIES AS THE
22 STATEWIDE COORDINATOR?

23 A WELL, AS A STATE ORGANIZER, IT'S MY OBLIGATION TO
24 RECRUIT; TO ORGANIZE VARIOUS GROUPS AROUND THE STATE; TO SEE
25 THAT THEY ARE ADEQUATELY LED BY RESPONSIBLE PEOPLE; TO MAINTAIN
26 COMMUNICATIONS WITH THESE ENTITIES.

27 Q NOW, COULD YOU DESCRIBE WHAT THE GOALS OF YOUR
28 ORGANIZATION ARE?

1 A THE GOALS OF OUR ORGANIZATION ARE THE WELL BEING
2 OF THE CAUCASIAN-EUROPEAN RACE THAT LIVES IN THIS COUNTRY.

3 Q COULD YOU EXPLAIN WHAT YOU MEAN BY THE "WELL BEING
4 OF THE CAUCASIAN RACE"?

5 A IT WOULD BE THE SAME AS THE N.A.A.C.P. OR OTHER
6 MINORITY ORGANIZATIONS THAT ARE CONCERNED WITH THE WELL BEING
7 OF THEIR PARTICULAR PEOPLE.

8 Q WHAT SPECIFIC PROGRAMS, OTHER THAN THE KLAN BORDER
9 WATCH, ARE CURRENTLY BEING UNDERTAKEN BY YOUR ORGANIZATION,
10 IN THE STATE OF CALIFORNIA, TO IMPLEMENT THESE GOALS?

11 A WE ARE IN THE PROCESS OF IMPLEMENTING BLOOD DONOR
12 PROGRAMS; WE ARE IN THE PROCESS OF ORGANIZING YOUTH GROUPS,
13 SIMILAR, ALONG THE SAME LINES AS BOY SCOUTS, GIRL SCOUTS;
14 WELFARE FOR SENIOR CITIZENS; AND A VARIETY OF SOCIAL GOALS.

15 Q COULD YOU EXPLAIN, IS IT POSSIBLE FOR ANY NONWHITE
16 PERSON TO BECOME A MEMBER OF YOUR ORGANIZATION?

17 A NO, IT IS NOT.

18 Q COULD YOU EXPLAIN WHY THAT IS?

19 A THAT IS THE RULES OF THE ORGANIZATION.

20 Q COULD YOU EXPLAIN WHY SUCH A RULE EXISTS?

21 A WE FEEL THAT NONWHITE PEOPLE, OBVIOUSLY, SHOULD BE
22 WORKING TOWARDS THE GOALS AND ASPIRATIONS OF THEIR OWN RACE;
23 AND THAT THEY CAN BEST SERVE THEIR OWN PEOPLE. THAT'S WHY WE
24 ACT AS WE DO.

25 Q COULD YOU EXPLAIN WHETHER OR NOT CERTAIN RELIGIOUS
26 RESTRICTIONS EXIST AS TO MEMBERSHIP IN YOUR ORGANIZATION.

27 A IT IS A CHRISTIAN ORGANIZATION. AND, FOR THAT
28 MATTER, WE RECRUIT PEOPLE WHO GENERALLY ESPOUSE THE CHRISTIAN

1 FAITH.

2 Q WOULD IT BE FAIR TO SAY THAT NONCHRISTIAN PERSONS
3 ARE PRECLUDED FROM MEMBERSHIP IN YOUR ORGANIZATION?

4 A YES.

5 Q COULD YOU EXPLAIN WHY THAT IS.

6 A THE ORGANIZATION WAS FOUNDED, IN ITS INCEPTION, AS
7 A CHRISTIAN ORGANIZATION. IT HAS PROCEEDED IN THAT MANNER EVER
8 SINCE ITS INCEPTION.

9 Q CAN YOU EXPLAIN WHY THAT POSTURE REMAINS TRUE TODAY?

10 A WE FEEL THAT THE CHRISTIAN FAITH AND THE EUROPEAN
11 CULTURE ARE INTEGRALLY INTERWOVEN IN THE FABRIC OF WESTERN
12 CIVILIZATION, AND THEY ARE INSEPARABLE.

13 Q WOULD IT BE FAIR TO STATE THAT YOUR ORGANIZATION
14 BELIEVES IN SOMETHING CALLED "WHITE SUPREMACY"?

15 A IN A PROPER -- PROPERLY DEFINED SITUATION, YES.

16 Q COULD YOU EXPLAIN BRIEFLY WHAT THAT DEFINED, OR
17 DEFINITION WOULD BE?

18 A THE OFFICIAL POSITION OF THE KLAN IS THAT WE ARE
19 NOT ESPOUSING TO SUBJUGATE OTHER RACES. WE ARE ESPOUSING
20 RACIAL SEPARATION, AND THAT NONWHITE PEOPLES SHOULD HAVE THEIR
21 OWN AREAS, BOTH GEOGRAPHIC AND POLITICAL, TO OPERATE WITHIN,
22 AND TO ACHIEVE WHATEVER GOALS THAT THEY ARE ABLE TO ACHIEVE.

23 WE, OBVIOUSLY, IN THE CONTEXT OF WESTERN
24 CIVILIZATION, FEEL THE CAUCASIAN-EUROPEAN IS SUPERIOR, BECAUSE
25 IT IS A CREATION OF HIS MIND AND INTELLECT.

26 Q THE CIVILIZATION IS A CREATION OF THE WHITE
27 CHRISTIAN RACE?

28 A CAUCASIAN, YES. WESTERN CIVILIZATION, I'M

1 SPEAKING OF.

2 Q WOULD IT BE FAIR TO SAY THAT YOUR ORGANIZATION
3 OPPOSES SO-CALLED "INTEGRATION PROGRAMS" WITHIN THE UNITED
4 STATES?

5 A WE FEEL IT IS A MISTAKE.

6 Q COULD YOU DESCRIBE BRIEFLY HOW YOUR ORGANIZATION
7 BELIEVES SEPARATION OF THE RACES SHOULD BE ACHIEVED?

8 A WE -- THEY MUST BE ACHIEVED BY THE LAW.

9 Q WOULD YOUR ORGANIZATION ESPOUSE A STRUCTURE WITHIN
10 WHICH MINORITY GROUPS WOULD LIVE TOTALLY APART FROM WHITE
11 GROUPS IN THEIR OWN GEOGRAPHICAL AREAS?

12 A THAT WOULD BE ACCEPTABLE.

13 Q AM I CORRECT IN UNDERSTANDING THAT THAT IS WHAT
14 YOUR ORGANIZATION ESPOUSES?

15 A BASICALLY, YES.

16 Q AND WOULD THESE SEPARATE GEOGRAPHICAL AREAS BE
17 CONTAINED WITHIN THE CONTINENTAL UNITED STATES?

18 A NOT NECESSARILY.

19 Q WHERE DOES YOUR ORGANIZATION ESPOUSE THAT SUCH
20 GEOGRAPHICAL AREAS WOULD BE LOCATED?

21 A WE CANNOT GIVE YOU AN EXACT PROGRAM OR PLACEMENT
22 PLAN. THIS WOULD HAVE TO DO WITH THE TIME, THE BIRTH RATES OF
23 THE CAUCASIAN PEOPLE, THE NEED, SPACE FOR THEM, AND SO FORTH.
24 MANY FACTORS WOULD BE INVOLVED, WHICH IS A HIGHLY COMPLEX
25 PROGRAM.

26 Q NOW, SINCE YOU AGREE THAT YOUR ORGANIZATION DOES
27 ESPOUSE THAT BASIC PROGRAM OF SEPARATION, I WOULD ASSUME YOU
28 HAVE SOME IDEA AS TO WHERE MINORITY PERSONS WOULD BE

1 GEOGRAPHICALLY PLACED.

2 COULD YOU PLEASE EXPLAIN, AT LEAST BASICALLY, WHAT
3 POSITION YOUR ORGANIZATION TAKES ON THIS QUESTION.

4 A IT WOULD COME FROM OUR POSITION ON THE WELL BEING
5 OF THE CAUCASIAN-EUROPEAN PEOPLE, AND THE LIVING SPACE THAT
6 THEY NEED AS THE FUTURE COMES. OUR BIRTH CONTROL PATTERNS ARE
7 NOT GOING TO BE THE SAME IN THE FUTURE THAT THE WHITE MAN MUST
8 HAVE ROOM. THIS IS THE OVERRIDING FACTOR IN OUR MINDS. AND
9 THE OTHER WOULD BE SUBSEQUENT TO THE NEEDS OF THAT.

10 Q WOULD IT BE FAIR TO STATE THAT IF THE DETERMINATION
11 WAS MADE THAT CAUCASIAN PERSONS WITHIN THE UNITED STATES WERE
12 IN NEED OF ALL OF THE TERRITORIES WITHIN THE UNITED STATES,
13 THAT THE LAND NEEDS OF MINORITY PERSONS MAY HAVE TO BE
14 FULFILLED BY LOOKING OUTSIDE OF THE PRESENT BORDERS OF THE
15 UNITED STATES?

16 A VERY POSSIBLY.

17 Q DOES YOUR ORGANIZATION AT THIS TIME ESPOUSE A SO-
18 CALLED "BACK TO AFRICA MOVEMENT"?

19 A POSSIBLY AS A LONG RANGE PROGRAM, WHICH HAS INVOLVED
20 MANY BLACK PEOPLE, ALSO.

21 Q NOW, YOU STATE "POSSIBLY." DOES THAT MEAN THAT
22 YOUR ORGANIZATION DOES OR DOES NOT ADHERE TO THAT VIEW?

23 A THE PRESENT LAW WOULD PRECLUDE ANY SUCH PROGRAM.
24 SO, WE CANNOT ADEQUATELY DISCUSS A PROGRAM SUCH AS THAT UNTIL
25 THE LAW WOULD BE SUCH THAT IT COULD BE CARRIED OUT. TO TALK
26 ABOUT IT OTHERWISE IS SIMPLY MY OPINION.

27 Q WOULD IT BE THE VIEW OF YOUR ORGANIZATION THAT SUCH
28 A LAW OUGHT TO BE ACHIEVED ALLOWING FOR SUCH A DISPLACEMENT OF

1 MINORITY PERSONS WITHOUT THE BORDERS OF THE UNITED STATES?

2 A I THINK A POSITIVE PROGRAM OF -- A VOLUNTARY, IN
3 THE BEGINNING, AT LEAST, OF COMPENSATED MIGRATION SHOULD BE
4 SIMPLY LIKE THE LINCOLN PROGRAM, AND THE VARIOUS OTHER
5 ORGANIZATIONS DOWN THROUGH THE HISTORY OF THIS COUNTRY THAT
6 HAVE ATTEMPTED THIS TYPE OF PROGRAM, WITH PROPER COMPENSATION.

7 Q WOULD IT BE FAIR TO STATE THAT YOUR ORGANIZATION
8 OPPOSES RACIALLY INTEGRATED HOUSING?

9 A YES. WE WOULD OPPOSE THAT.

10 Q WOULD IT BE FAIR TO STATE THAT YOUR ORGANIZATION
11 OPPOSES RACIALLY INTEGRATED SCHOOLS?

12 A YES.

13 Q WOULD IT BE FAIR TO STATE THAT YOUR ORGANIZATION
14 OPPOSES RACIALLY INTEGRATED PUBLIC FACILITIES, SUCH AS
15 TRANSPORTATION FACILITIES?

16 A WHERE POSSIBLE.

17 Q COULD YOU EXPLAIN, AS CONCISELY AS POSSIBLE, THE
18 UNDERLYING THEORY OF YOUR ORGANIZATION WHICH GIVES RISE TO THE
19 BELIEF AND THE NEED FOR SEGREGATION OF THE RACES?

20 A WELL, I DON'T -- WE MUST DEFINE SEGREGATION AND
21 APARTHEID, THINGS LIKE THAT. WE'RE TALKING ABOUT TOTAL
22 SEPARATION. NOT THE TYPE OF PROGRAM WHERE THE MAN WORKS FOR
23 YOU, BUT YOU CAN'T SOCIALIZE TOGETHER. WE'RE TALKING ABOUT
24 TOTAL SEPARATION.

25 WE BELIEVE THAT THE CULTURE OF THE BLACK MAN IS A
26 PRODUCT OF HIS MIND. IT WOULD BE -- THE CULTURE OF THE
27 MEXICAN PEOPLE IS BASICALLY A PRODUCT OF THEIR MIND. WE
28 BELIEVE THAT THE WESTERN CIVILIZATION IS A PRODUCT OF THE

1 CAUCASIAN-EUROPEAN MIND. WE BELIEVE THE BEST INTERESTS OF THESE
2 RACES ARE THAT THEY PURSUE THE BEST INTERESTS OF THEIR OWN
3 RACE, AND TO CARRY THEIR CULTURE TO WHATEVER ENDS THAT IT MIGHT
4 REACH, SEPARATELY.

5 SO, AS ONE DOES NOT INADVERTENTLY, BIOLOGICALLY,
6 OR BY WHATEVER OTHER MEANS, DESTROY THE CULTURE.

7 Q COULD YOU EXPLAIN WHY YOUR THEORY CONCERNING
8 EUROPEAN-CAUCASIANS WOULD NOT INCLUDE EUROPEAN-CAUCASIANS OF
9 HEBREW OR JEWISH DESCENT?

10 A WELL, NO. 1, THESE PEOPLE NOT BEING CHRISTIAN.
11 NO. 2, WE THINK IT GOES FAR DEEPER. WE THINK THAT BASICALLY
12 THE JEWISH PEOPLE, WHO HAVE CLAIMED TO HAVE BEEN PERSECUTED
13 DOWN THROUGH TIME, AND THIS IS OBVIOUS IN HISTORY OF SOMEWHAT
14 OF AN ENEMY TO THE WEST. WE DO NOT BELIEVE THAT THEIR IDEAS
15 ARE THE BEST FOR WESTERN CULTURE, OR OUR "IDEAS," THE BEST FOR
16 OUR CULTURE OF WESTERN CIVILIZATION.

17 WE BELIEVE THAT THERE IS A DIFFERENCE, AND THERE IS
18 A PROBLEM.

19 MR. SCHEY: OFF THE RECORD.

20 (DISCUSSION OFF THE RECORD.)

21 BY MR. SCHEY:

22 Q DO YOU BELIEVE THAT BLACK PERSONS SHOULD HOLD
23 OFFICIAL POSITIONS OF LEADERSHIP, SUCH AS POLITICAL OFFICE, OR
24 OFFICE WITHIN THE JUDICIAL BRANCH OF THE GOVERNMENT, WITHIN THE
25 UNITED STATES?

26 A NO, OTHER THAN IN THE POSITION THAT THEY WOULD BE
27 REPRESENTING THEIR OWN PEOPLE AS A COLLECTIVE UNIT.

28 Q DO YOU BELIEVE THAT CAUCASIAN, JEWISH PERSONS SHOULD

1 MAINTAIN OFFICIAL POSITIONS OF LEADERSHIP IN THE GOVERNMENT,
2 IN EITHER THE EXECUTIVE OR JUDICIAL BRANCH OF THE GOVERNMENT?

3 A PRACTICALLY, NO. BUT WE ARE UNDER THE LAW.
4 WHETHER I BELIEVE THEY SHOULD OR NOT IS A MOOT POINT. THEY ARE.

5 Q DOES YOUR ORGANIZATION ADOPT ANY POSITION ON THE
6 IDEAS OF PROGRAMS ESPOUSED BY ADOLPH HITLER IN EUROPE IN THE
7 1930'S?

8 A I WOULD SAY THERE ARE THOUGHTS OF THOUSANDS OF MEN,
9 HISTORICALLY, THAT OUR ORGANIZATION HAS AGREED WITH AT ONE TIME
10 OR ANOTHER. NOT NECESSARILY EVERYTHING, BUT SOME THINGS.

11 Q DO YOU BELIEVE THAT THERE ARE CERTAIN BASIS OF
12 COMMONALITY IN THE GOALS OF THE HITLER GOVERNMENT WITH THE GOALS
13 OF THE KU KLUX KLAN?

14 A THERE ARE PROBABLY SOME.

15 Q COULD YOU EXPLAIN WHICH GOALS YOU BELIEVE ARE
16 SIMILAR OR COMMON?

17 OFF THE RECORD.

18 (DISCUSSION OFF THE RECORD.)

19 THE WITNESS: THE IDEA OF A EUROPEAN HOMELAND FOR
20 THE CAUCASIAN PEOPLE, A UNITED STATES OF EUROPE TYPE
21 STRUCTURE, THAT WAS BEING BUILT STRONG MILITARY FORCE,
22 AND THE DISMANTLING OF A CRIMINAL ECONOMIC SYSTEM.
23 THESE ARE SOME OF THE THINGS I WOULD AGREE WITH.

24 Q WOULD YOUR ORGANIZATION AGREE IN ANY WAY WITH THE
25 .EXTERMINATION OF PERSONS OF THE JEWISH RELIGION AS UNDERTAKEN
26 BY THE HITLER GOVERNMENT?

27 MR. MUSGROVE: I THINK --

28 MR. SCHEY: GO OFF THE RECORD.

1 (DISCUSSION OFF THE RECORD.)

2 THE WITNESS: I OBJECT TO THE QUESTION.

3 BY MR. SCHEY:

4 Q YOU HAVE INDICATED THAT YOUR ORGANIZATION BELIEVES
5 THAT THE UNITED STATES SHOULD SERVE AS A HOMELAND FOR THE
6 CAUCASIAN-CHRISTIAN RACE. COULD YOU EXPLAIN WHY YOU DO NOT
7 BELIEVE THAT THE UNITED STATES SHOULD SERVE AS A HOMELAND FOR
8 THE AMERICAN INDIAN NATION?

9 A THE KLAN HAS NOT TAKEN A HARD LINE POSITION ON THE
10 INDIAN QUESTION. HOWEVER, THE KLAN, BELIEVING THAT BASICALLY
11 THE AMERICAN INDIAN IS MONGOLIAN IN DESCENT, AND HE IS ALSO
12 SOMEONE WHO CAME FROM SOMEWHERE ELSE, IS NOT NECESSARILY IN A
13 POSITION TO CLAIM ALL THE RIGHTS AND EVERYTHING, JUST BECAUSE
14 HE WAS HERE A WHILE BEFORE THE WHITE MAN.

15 Q IN YOUR CAPACITY AS STATE ORGANIZER FOR THE K.K.K.,
16 ARE YOU THE PERSON WITH ULTIMATE RESPONSIBILITY FOR THE KLAN
17 BORDER WATCH WITHIN THIS STATE?

18 A YES.

19 Q COULD YOU STATE HOW MANY PERSONS WITHIN YOUR
20 ORGANIZATION ARE CURRENTLY INVOLVED IN THE KLAN BORDER WATCH,
21 WITHIN THE STATE?

22 A ALL. ALL MEMBERS.

23 Q APPROXIMATELY HOW MANY PERSONS IS THAT?

24 A THAT IS A FIGURE THAT I COULD NOT GIVE YOU.

25 Q AND COULD YOU EXPLAIN WHY YOU COULD NOT GIVE THAT
26 FIGURE?

27 A THESE ARE THE RULES OF OUR ORGANIZATION NATIONALLY,
28 THAT WE NEVER GIVE OUT FIGURES.

1 Q COULD YOU EXPLAIN, ARE ALL MEMBERS ACTIVELY
2 INVOLVED IN PARTICIPATING IN THE KLAN BORDER WATCH?

3 A IN WHATEVER CAPACITY THEY ARE ABLE TO DO IT.

4 Q NOW --

5 A YOU MUST UNDERSTAND THAT THE TERM "KLAN BORDER
6 WATCH" IS A PROGRAM THAT ENCOMPASSES THE ENTIRE STATE, NOT JUST
7 THE BORDER.

8 Q NOW, JUST WITH REGARDS TO THE BORDER, CAN YOU STATE
9 HOW MANY PERSONS ARE INVOLVED IN THE ACTUAL SPOTTING AT THE
10 BORDER?

11 A I CAN STATE WHAT OUR NATIONAL DIRECTOR HAS STATED
12 AT THE TIME IT WAS KICKED OFF: THAT IN THE IMMEDIATE AREA OF
13 SAN DIEGO COUNTY, AND SO FORTH, IT WAS APPROXIMATELY 70 OR 80
14 PEOPLE INVOLVED.

15 Q NOW, COULD YOU EXPLAIN HOW THE BORDER WATCH PROGRAM
16 PRESENTLY OPERATES WITHIN THE BORDER AREA?

17 A YES. IT IS JUST AN OUTGROWTH OF A PROGRAM LIKE
18 "CITIZENS WATCH" OR "WE TIP," IN WHICH, IF OUR PEOPLE HAVE
19 REASONABLE SUSPICION THAT THEY HAVE SEEN ILLEGAL ALIENS, THEN
20 WE CONTACT THE BORDER PATROL AND GIVE THEM THE NECESSARY
21 INFORMATION. AND THEN THEY ACT ON IT, OR CHOOSE NOT TO ACT ON
22 IT.

23 Q NOW, DOES YOUR ORGANIZATION CURRENTLY HAVE PERSONS
24 WHO TRAVEL IN THE BORDER AREA, OR IN OTHER AREAS OF SAN DIEGO
25 COUNTY IN AUTOMOBILES, OR TO PLACE THEMSELVES IN STRATEGIC
26 POSITION FOR THE SPECIFIC PURPOSE OF SPOTTING THE MOVEMENT OF
27 PERSONS WHOM YOU BELIEVE TO BE UNLAWFULLY WITHIN THE UNITED
28 STATES?

1 A YES.

2 Q ARE YOU FREE TO STATE, OR ARE YOU WILLING TO STATE
3 HOW MANY PERSONS IN YOUR ORGANIZATION, ON ANY GIVEN DAY, ARE
4 CURRENTLY INVOLVED IN SUCH ACTIVITY?

5 A NO. BECAUSE IT'S QUITE A VARIABLE FIGURE,
6 DEPENDING ON THE -- THESE ARE ALL VOLUNTEER PEOPLE.

7 Q ARE YOU WILLING TO ANSWER THE QUESTION?

8 A NO. I CAN'T ANSWER THE QUESTION.

9 MR. SCHEY: JUST GO OFF THE RECORD FOR A MOMENT.

10 (DISCUSSION OFF THE RECORD.)

11 MR. SCHEY: NOW, YOU HAVE STATED THAT THIS IS A
12 VARIABLE FIGURE.

13 (DISCUSSION OFF THE RECORD.)

14 BY MR. SCHEY:

15 Q COULD YOU GIVE US AN AVERAGE FIGURE, THEN, SAY
16 DURING THE PAST ONE WEEK, TO YOUR KNOWLEDGE, HOW MANY PERSONS
17 WITHIN YOUR ORGANIZATION, DURING THE PAST SEVEN DAYS, HAVE
18 ACTUALLY BEEN INVOLVED IN EITHER MOVING ABOUT IN AN AUTOMOBILE,
19 OR PLACING THEMSELVES IN A STRATEGIC POSITION FOR A SPECIFIC
20 PURPOSE OF OBSERVING PERSONS WHO MAY BE IN THE UNITED STATES
21 UNLAWFULLY?

22 A OKAY. IT'S IMPOSSIBLE TO GIVE YOU THIS FIGURE,
23 BECAUSE OF THE FACT THAT ALL KLAN PEOPLE, BE THEY CHILDREN,
24 ADULTS OR WHAT, ARE INVOLVED IN THIS PROGRAM, ON THE JOB, OFF
25 THE JOB, TRAVELING TO WORK, TRAVELING HOME. AND FOR ME TO SAY
26 AT ANY ONE DAY, YOU SEE, THEY'RE TOTALLY, WHENEVER THEY'RE
27 OUT THERE, THEY'RE WATCHING. SO, I CAN'T GIVE YOU THESE
28 FIGURES.

1 Q I SEE. IS IT YOUR STATEMENT, THEN, THAT THERE ARE
2 NO ORGANIZED PATROLS THAT YOU ARE AWARE OF, THAT ARE PRESENTLY
3 TOURING IN AUTOMOBILES WITH THE USE OF C.B. RADIOS, FOR THE
4 PURPOSE OF SPOTTING UNDOCUMENTED ALIENS?

5 I REPEAT: IS IT YOUR STATEMENT THAT THERE ARE NO
6 ORGANIZED PATROLS, OF WHICH YOU ARE AWARE, SAY, WITHIN THE PAST
7 SEVEN DAYS?

8 A THIS IS HANDLED ON THE LOCAL LEVEL, BY LOCAL
9 LEADERS, WHO MAY, FROM TIME TO TIME, HAVE AN ORGANIZED GROUP OF
10 PEOPLE.

11 Q ARE YOU AWARE OF ANY SUCH ORGANIZED GROUP WITHIN THE
12 PAST 24 HOURS, IN THE SAN DIEGO AREA?

13 A IN THE LAST 24 HOURS? NO.

14 Q ARE YOU AWARE OF SUCH AN ORGANIZED GROUP IN SAN
15 DIEGO COUNTY, WITHIN THE PAST SEVEN DAYS?

16 A YES.

17 Q WHERE DID SUCH AN ORGANIZED GROUP CONDUCT ITS
18 SPOTTING OPERATION?

19 A GENERALLY IN THE NORTH COUNTY.

20 Q HOW MANY PERSONS PARTICIPATED IN THIS GROUP WHICH
21 YOU ARE NOW REFERRING TO?

22 A THAT PARTICULAR GROUP WAS APPROXIMATELY FIVE CARS,
23 TWO MEN TO A CAR.

24 Q ON WHAT DAY DID THAT GROUP UNDERTAKE ITS ORGANIZED
25 SPOTTING ACTIVITY?

26 A SATURDAY.

27 Q WHAT DATE WAS THAT?

28 A I DON'T RECALL.

1 Q WOULD THAT BE SATURDAY, THE 17TH OF DECEMBER?

2 A 17TH, YEAH.

3 Q DID THAT GROUP CONCENTRATE ON THE NORTH COUNTY AREA?

4 A YES.

5 Q HAS ANY GROUP CONCENTRATED WITHIN THE PAST SEVEN
6 DAYS ON THE IMMEDIATE BORDER AREA?

7 A NOT TO MY KNOWLEDGE. HOWEVER, I TOLD YOU BEFORE,
8 THIS IS THE LOCAL LEADER'S OPTION.

9 Q IS THERE A LOCAL LEADER WHO WOULD HAVE RESPONSIBILITY
10 FOR SUCH AN ACTIVITY, OTHER THAN YOURSELF?

11 A YES.

12 Q CAN YOU STATE WHO THAT PERSON IS?

13 A GEORGE WILLIS.

14 Q CAN YOU STATE THE ADDRESS OF GEORGE WILLIS, OR HOW
15 WE MAY GET IN TOUCH WITH HIM?

16 A I DON'T HAVE HIS ADDRESS ON ME. HE IS HERE TODAY.
17 SO, WE COULD GET IT FROM HIM.

18 Q TO YOUR KNOWLEDGE, HAS ANY ORGANIZED SPOTTING
19 ACTIVITY TAKEN PLACE IN THE IMMEDIATE BORDER AREA, WITHIN THE
20 PAST TWO WEEKS?

21 A TO MY KNOWLEDGE, NO. BUT THIS WOULD BE NORMAL.
22 IT'S CARRIED ON DAY TO DAY, WEEK TO WEEK. AND, UNLESS SOMETHING
23 STRANGE HAPPENS, OR COMES UP, I'M NOT CONTACTED.

24 Q NOW, IS IT YOUR STATEMENT THAT YOU RECEIVE NO
25 WRITTEN REPORTS FROM YOUR LOCAL LEADERS ON EITHER THE
26 IMPLEMENTATION OF, OR THE PROGRESS OF THE KLAN BORDER WATCH?

27 A THAT'S TRUE. IT'S ALL ORAL.

28 Q WHAT IS THE MOST RECENT ORAL COMMUNICATION THAT YOU

1 HAVE RECEIVED IN THIS REGARD FROM A LOCAL LEADER?

2 MR. MUSGROVE: EXCUSE ME.

3 MR. SCHEY: GO OFF THE RECORD.

4 (DISCUSSION OFF THE RECORD.)

5 (LAST QUESTION READ.)

6 THE WITNESS: SOMETIME LAST WEEK.

7 BY MR. SCHEY:

8 Q FROM WHOM WAS SUCH COMMUNICATION RECEIVED, AND
9 WHAT WAS THE SUBSTANCE OF THE COMMUNICATION?

10 A THAT MR. WILLIS MEANT THAT THE PROGRAM WAS
11 PROCEEDING WELL, THERE WAS NO PROBLEMS. EVERYONE WAS DOING
12 THEIR DUTY IN THE PROGRAM.

13 Q PRIOR TO THIS COMMUNICATION OF APPROXIMATELY ONE
14 WEEK AGO, CAN YOU RECALL YOUR SECOND MOST RECENT ORAL
15 COMMUNICATION?

16 A IT'S HARD TO RECALL. BUT, JUST A FEW DAYS BEFORE
17 THAT. WE'RE ON A REGULAR CONVERSATION BASIS, ON THIS TYPE OF
18 THING.

19 MR. SCHEY: OFF THE RECORD.

20 (DISCUSSION OFF THE RECORD.)

21 BY MR. SCHEY:

22 Q DO YOUR MEMBERS RECEIVE ANY TRAINING IN THE KLAN
23 BORDER WATCH PROGRAM? AND IF SO, SPECIFICALLY WHAT TRAINING
24 DO THEY RECEIVE.

25 A THIS IS HANDLED BY LOCAL LEADERS. IT HAS TO DO
26 WITH RULES AND REGULATIONS OF THE BORDER PATROL AND I.N.S.
27 ONE OF THE BOOKS WE USE IS "THE RIGHTS OF ALIENS," BY THE
28 A.C.L.U., WHICH DELVES INTO THE RIGHTS OF ILLEGAL ALIENS. WE

1 ALSO USE SOME MATERIALS THAT'S AVAILABLE FROM THE UNITED STATES
2 GOVERNMENT.

3 Q DO THE LOCAL LEADERS RECEIVE ANY ORGANIZED TRAINING,
4 AND IF SO, EXACTLY WHAT TYPE OF TRAINING?

5 A THE TRAINING IS VERY BASIC, BECAUSE WE'RE NOT
6 TALKING ABOUT APPREHENDING PEOPLE. THERE IS NEVER PHYSICAL
7 CONTACT. THE BASIC TRAINING IS THE ABILITY TO HAVE REASONABLE
8 SUSPICION THAT YOU HAVE ENCOUNTERED AN ILLEGAL ALIEN, OR
9 ILLEGAL ALIENS. SO AS NOT TO CALL ON THE BORDER PATROL IN A
10 CASE WHERE IT'S RIDICULOUS, IT'S NOT AN ILLEGAL ALIEN. SO, IT'S
11 BAD FOR ORGANIZATION TO BE POINTING OUT PEOPLE WHO ARE NOT
12 ILLEGAL ALIENS.

13 Q NOW, WAS THIS TRAINING, THAT LOCAL LEADERS
14 RECEIVED, ORGANIZED IN A TRAINING SESSION? OR DID IT COMPRISE
15 OF ORAL COMMUNICATIONS, INDIVIDUALLY TO EACH LOCAL LEADER? OR
16 EXACTLY HOW WAS THIS TRAINING ACCOMPLISHED?

17 A BASICALLY ORAL INFORMATION TO LOCAL LEADERS.

18 Q DID THIS INFORMATION COME FROM YOURSELF?

19 A YES.

20 Q OFF --

21 THE WITNESS: OFF THE RECORD, PLEASE.

22 (DISCUSSION OFF THE RECORD.)

23 THE WITNESS: IN FACT, OUR PARA LEGAL CLASSES,
24 WHICH HAVE BEEN GOING ON QUITE CONSISTENTLY, HAVE BEEN
25 SERIOUSLY INTERRUPTED BY THIS LEGAL ACTION AS PART OF
26 THE TRAINING PROGRAM.

27 BY MR. SCHEY:

28 Q HOW WOULD YOU DEFINE AN "ILLEGAL ALIEN"?

1 A ONE WHO HAS CROSSED THE BORDERS OF THE UNITED STATES
2 WITHOUT PROPER PAPERS, AND BEING BASICALLY OUTSIDE THE LAW.

3 Q WHAT CRITERIA IS FOLLOWED BY YOUR ORGANIZATION IN
4 DETERMINING THAT A REASONABLE SUSPICION EXISTS THAT A PARTICULAR
5 PERSON IS UNDOCUMENTED, OR HERE OUTSIDE OF THE LAW?

6 A THE SAME METHODS THAT THE BORDER PATROL PEOPLE USE.

7 Q AND WHAT ARE THOSE METHODS?

8 A WE HAVE TO DEPEND A LOT ON OBSERVATION, CLOTHING,
9 DRESS, METHODS OF CARRYING PARCELS. THE SITUATION OF PEOPLE
10 LOOKING AS IF THEY'RE DOING SOMETHING ILLEGAL, OVER THEIR
11 SHOULDER ALL THE TIME, GROUPS OF PEOPLE DRESSED AND ACTING IN
12 THIS MANNER. EXITING VANS IN RURAL AREAS, OR ENTERING VANS
13 IN RURAL AREAS. PEOPLE WALKING ALONG WHO ARE OBVIOUSLY LOST,
14 WHO HAVE BEEN DUMPED BY THE WAYSIDE BY WHOEVER WAS SMUGGLING
15 THEM IN. THESE ARE THE ONLY REAL AREAS, OTHER THAN WHEN
16 SOMEONE WHO ADMITTED HE IS AN ILLEGAL ALIEN, DO WE HAVE THE
17 BASIS TO REPORT THEM.

18 Q NOW, IF WE COULD GO THROUGH THOSE CRITERIA JUST
19 BRIEFLY. WHAT TYPE OF CLOTHING WOULD CONTRIBUTE TO A REASONABLE
20 SUSPICION THAT A PERSON IS HERE IN THE UNITED STATES UNLAWFULLY?

21 A WELL, IT WOULD BE HARD TO SAY JUST THE CLOTHING.
22 IT'S USUALLY THE TOTAL PACKAGE.

23 Q WITH REGARD TO THE CLOTHING WHICH IS ONE OF THE
24 ELEMENTS YOU MENTIONED, HOW WOULD YOU DESCRIBE THE CLOTHING
25 THAT SHOULD BE LOOKED FOR?

26 A USUALLY THEY'RE -- A LOT OF TIMES THEY'VE SLEPT IN
27 THE WOODS, IN TRUNKS OF CARS. THEIR CLOTHING IS VERY MESSED
28 UP AND WRINKLED, AND USUALLY QUITE DIRTY IN A LOT OF CASES,

1 DEPENDING ON THE AREAS THAT WE SPOT THEM IN.

2 Q OKAY.

3 A THERE IS SOME INSTANCES WHERE THEY CARRY THEIR
4 BELONGINGS IN PAPER BAGS, USUALLY COLLECTING AROUND SHOPPING
5 CENTERS EARLY IN THE MORNING, OR LATE AT NIGHT.

6 Q A SECOND ELEMENT YOU MENTIONED WAS THE METHOD OF
7 CARRYING PARCELS. COULD YOU EXPLAIN WHAT YOU MEAN, OR WHAT
8 SHOULD BE LOOKED FOR IN THAT REGARD?

9 A WELL, USUALLY, IF THEY'RE MOVING ACROSS COUNTRY,
10 THEY'RE CARRYING SOME TYPE OF PARCEL OR SOMETHING, AND USUALLY
11 IT'S NOT NEW SAMSONITE LUGGAGE. THESE PAPER BAGS THAT ARE USED
12 IN CARRYING SOME OF THEIR THINGS USUALLY HAVE THE APPEARANCE
13 OF HAVING BEEN USED FOR QUITE A WHILE, WRINKLED UP. NOT AS IF
14 SOMEONE LEAVING A GROCERY STORE WITH A FRESH BAG. AND A LOT OF
15 TIMES CLOTHING BULGING WITH ARTICLES UNDER THEIR CLOTHES.

16 Q NOW, WOULD IT BE FAIR TO STATE THAT THE KLAN BORDER
17 WATCH DOES NOT INVOLVE THE SPOTTING OF EITHER EUROPEAN OR ASIAN
18 PERSONS?

19 A WE LACK THE EXPERTISE IN THAT AREA. THERE'S NOT
20 ENOUGH OF THEM TO REALLY DEVELOP THE CRITERIA, PLUS THE FACT
21 THAT WE HAVE OVER 100,000 VIETNAMESE ILLEGAL ALIENS IN THIS
22 COUNTRY, ALONE.

23 Q DO ANY OF THE SPOTTERS WHO MAY CURRENTLY BE ACTIVE,
24 UTILIZE INFRARED TELESCOPES?

25 A NO. WE HAVE TALKED ABOUT USING THAT. BUT WE'RE
26 WAITING FOR A DECISION ON THAT FROM THE STATE. IF THERE'S
27 ANY POSSIBILITY OF IT BEING RULED ILLEGAL, WE WILL NOT
28 IMPLEMENT THEM.

1 Q NOW, SOME OF THE NEWSPAPER ARTICLES HAVE INDICATED
2 THAT YOUR MEMBERS WOULD BE ARMED IN CERTAIN SITUATIONS. COULD
3 YOU EXPLAIN WHAT SITUATIONS A MEMBER MAY BE ARMED WHILE
4 INVOLVED IN THE KLAN BORDER WATCH?

5 A MR. DUKE, OUR NATIONAL CHAIRMAN, TALKED OF THIS,
6 SPEAKING PRIMARILY OF ACTIONS IN TEXAS WHERE THE GUN LAWS ARE
7 SOMEWHAT DIFFERENT THAN HERE IN CALIFORNIA.

8 NO MEMBER IS AUTHORIZED TO CARRY ARMS IN SOUTHERN
9 CALIFORNIA, AS FAR AS GUNS, I'M TALKING ABOUT, OR LETHAL
10 WEAPONS.

11 Q IS THAT WHILE ON THE KLAN BORDER WATCH?

12 A THAT'S TRUE.

13 Q AND THIS IS AN ORAL DIRECTIVE THAT LOCAL LEADERS
14 HAVE RECEIVED FROM YOURSELF?

15 A YES.

16 Q EARLY NEWSPAPER REPORTS INDICATED THAT APPREHENSIONS
17 WOULD TAKE PLACE IN CERTAIN CIRCUMSTANCES. COULD YOU EXPLAIN
18 UNDER WHAT CIRCUMSTANCES APPREHENSIONS MAY TAKE PLACE?

19 A THE ONLY TIME THAT COULD POSSIBLY BE CONSIDERED IS
20 IF THERE WAS SOME TYPE OF OVERT PHYSICAL ATTACK OF
21 UNPREMEDITATED, OR JUST ATTACKING OF SOMEONE. AND THEN IT
22 WOULD SIMPLY BE A MATTER OF CITIZEN'S ARREST.

23 (DISCUSSION OFF THE RECORD.)

24 THE WITNESS: OR THE KLAN MEMBERS BEING ATTACKED
25 PHYSICALLY.

26 BY MR. SCHEY:

27 Q OTHER THAN THAT, IS IT YOUR POSITION THAT NO
28 APPREHENSIONS ARE TAKING PLACE, OR WILL TAKE PLACE?

1 A ABSOLUTELY. THIS HAS BEEN A DIRECTIVE FROM THE
2 VERY BEGINNING, AN ORAL DIRECTIVE, NO APPREHENSIONS.

3 Q NOW, YOU WERE WITH MR. DUKE ON OCTOBER THE 16TH ON
4 A TOUR OF THE SAN YSIDRO PORT OF ENTRY; IS THAT CORRECT?

5 A THAT'S CORRECT.

6 Q DID YOU ARRIVE WITH MR. DUKE IN THE HELICOPTER ON
7 THAT DAY?

8 A YES, I DID.

9 Q IS THAT HELICOPTER OWNED BY YOUR ORGANIZATION, OR
10 WAS IT RENTED?

11 A IT WAS RENTED.

12 Q WHERE WAS IT RENTED FROM?

13 A ONE OF THE LOCAL AIRPORTS. I FORGET WHICH ONE, AT
14 THE MOMENT.

15 Q THE HELICOPTER LANDED ON FACILITIES OWNED BY THE
16 BORDER PATROL; IS THAT CORRECT?

17 A NO. AS I RECALL, THERE HAD BEEN PERMISSION ASKED,
18 AND PERMISSION GRANTED TO LAND THE CHOPPER IN THAT PARTICULAR
19 AREA. I BELIEVE IT WAS PRIVATE PROPERTY.

20 Q WHO ACCOMPLISHED THAT PERMISSION?

21 A MR. NORRIS.

22 Q AND WHO IS MR. NORRIS?

23 A WELL, HE IS AN ADVISOR. HE ASSISTS US IN VARIOUS
24 THINGS.

25 Q WHAT IS HIS FIRST NAME?

26 A DONALD.

27 Q IS HE A RESIDENT OF THE SAN YSIDRO AREA?

28 A NO.

1 Q DO YOU KNOW ON WHOSE PROPERTY THE CHOPPER WAS
2 LANDED?

3 A UNFORTUNATELY, AT THIS TIME, NO. BECAUSE, AT THE
4 LAST MOMENT THE PILOT SAID THAT HE DIDN'T WANT TO COME DOWN IN
5 THAT AREA WHERE WE HAD ORIGINALLY TALKED ABOUT, BECAUSE THE
6 DIRT FLYING UP AROUND THE REPORTERS, AND THE HIGH LINES WERE
7 THERE, AND EVERYTHING. HE SAID HE'D PUT IT DOWN RIGHT THERE.
8 I SAID, IF THAT'S OKAY, AND IT'S LEGAL, OKAY. GO AHEAD. AND
9 HE DID.

10 Q NOW, HAD YOU OR ANYONE ELSE CONTACTED MR. TONY
11 CLAYTON, PRIOR TO OCTOBER THE 16TH, ABOUT TAKING A TOUR OF THE
12 BORDER FACILITY?

13 A I CAN'T RECALL ABSOLUTELY. BUT I BELIEVE MR. NORRIS
14 HAD CONTACTED MR. CLAYTON, TO THE BEST OF MY KNOWLEDGE.

15 Q IS MR. NORRIS -- I'M SORRY, I ASKED THIS QUESTION
16 BEFORE -- BUT IS HE A RESIDENT OF SAN YSIDRO?

17 A NO.

18 Q IS HE A RESIDENT OF SAN DIEGO COUNTY?

19 A YES.

20 Q WERE YOU IN ANY WAY INVOLVED IN PLANNING THE TOUR OF
21 THE BORDER FACILITY OF OCTOBER THE 16TH?

22 A NOT INSIDE THE STRUCTURE, NO.

23 Q NOW, IS IT CORRECT THAT YOU DID TOUR THE FACILITY,
24 HOSTED BY MR. TONY CLAYTON?

25 A UNDER FIRE, YES.

26 Q AND WHAT DO YOU MEAN WHEN YOU SAY "UNDER FIRE"?

27 A THERE WAS A RIOT GOING ON IN THE BUILDING.

28 Q WHAT DID THE TOUR THAT YOU RECEIVED CONSIST OF?

1 A HE ESCORTED US ACROSS, BETWEEN ONE BUILDING AND
2 ANOTHER BUILDING, TOOK US OUT INTO THE AREA WHERE THE CUSTOMS
3 PEOPLE ARE, I BELIEVE, AND EXPLAINED TO US SOME OF THE
4 OPERATION THERE OF THE NARCOTICS SEARCHES AND SO FORTH, WHICH
5 LASTED FOR APPROXIMATELY 10 MINUTES.

6 Q IN THE PROCESS OF THE TOUR WAS THE KLAN BORDER
7 WATCH DESCRIBED TO MR. CLAYTON?

8 A I DON'T RECALL THAT IT WAS. I THINK MAINLY HE WAS
9 DOING WHAT HE ALWAYS DOES, JUST TAKING PEOPLE THROUGH AND
10 SHOWING THEM. AND WE WERE LISTENING TO HIM.

11 Q DID HE INTRODUCE YOU TO OTHER PERSONS AT THE BORDER
12 FACILITY?

13 A HE MAY HAVE TO ONE OR TWO PEOPLE. I DON'T RECALL
14 FOR SURE.

15 Q NOW, SOME IMMIGRATION OFFICIALS, AS YOU KNOW, HAVE
16 EXPRESSED OPPOSITION TO THE KLAN BORDER WATCH, WHILE APPARENTLY
17 OTHER IMMIGRATION OFFICIALS, AT LEAST ACCORDING TO YOUR
18 NATIONAL DIRECTOR, DAVID DUKE, HAVE EXPRESSED COOPERATION WITH
19 THE BORDER WATCH. PARTICULARLY IN A NEWS CONFERENCE WHICH
20 YOU ATTENDED, MR. DUKE STATED THAT "MANY PEOPLE --" MEANING
21 WITHIN THE I.N.S. -- "HAVE SAID THEY WELCOME OUR HELP."

22 COULD YOU STATE WHAT OFFICIALS, IF ANY WITHIN THE
23 IMMIGRATION SERVICE, HAVE INDICATED THAT THEY DO WELCOME YOUR
24 ASSISTANCE IN THE BORDER WATCH PROGRAM?

25 (DISCUSSION OFF THE RECORD.)

26 THE WITNESS: I WOULD HAVE TO RESEARCH MY VIDEO
27 TAPES ON IT. BUT WE HAVE A STATEMENT BY ONE OF THE
28 OFFICIALS AT THE SAN YSIDRO AREA, THAT WHILE HE DID NOT

1 SUPPORT US AS A GROUP, HE WELCOMED ANY INVOLVEMENT OF CITIZENS
2 TO ASSIST THE IMMIGRATION DEPARTMENT, OR THE BORDER PATROL.

3 Q TO YOUR KNOWLEDGE, IS THIS THE ONLY OFFICIAL THAT
4 HAS EXPRESSED THAT TYPE OF COOPERATION?

5 A AT THAT RANK, YES. BUT THERE ARE OTHER LEADERS OF
6 THE KLAN, AND I DON'T KNOW WHAT VARIOUS OFFICIALS HAVE SAID TO
7 THEM, LIKE OUR PEOPLE IN TEXAS.

8 Q TO YOUR KNOWLEDGE, ARE ANY PERSONS EMPLOYED BY THE
9 IMMIGRATION SERVICE, OR BY THE BORDER PATROL, WITHIN THE STATE
10 OF CALIFORNIA, MEMBERS OF YOUR ORGANIZATION?

11 A YES.

12 Q CAN YOU STATE APPROXIMATELY HOW MANY?

13 A NOT ACCURATELY AT THE MOMENT. I DON'T KNOW THE
14 EXACT FIGURE.

15 Q COULD YOU GIVE US AN APPROXIMATE FIGURE WITHIN THE
16 STATE OF CALIFORNIA?

17 A NO. I COULDN'T GIVE YOU AN APPROXIMATE NUMBER.

18 Q COULD THIS INFORMATION BE ASCERTAINED FROM THE
19 FILES OF YOUR ORGANIZATION?

20 (DISCUSSION OFF THE RECORD.)

21 (LAST TWO QUESTIONS AND ANSWERS READ.)

22 THE WITNESS: YES. THIS INFORMATION WILL NOT BE
23 DIVULGED, AS A MATTER OF POLICY.

24 BY MR. SCHEY:

25 Q ARE ANY MEMBERS OF THE KLAN BORDER WATCH ENGAGED
26 IN ENTERING PRIVATE BUSINESSES FOR THE PURPOSE OF ASCERTAINING
27 THE POSSIBLE PRESENCE OF UNDOCUMENTED ALIENS?

28 A NOT FOR THAT DIRECT PURPOSE, NO.

1 Q WOULD MR. GEORGE WILLIS BE THE PERSON RESPONSIBLE
2 FOR THE ORGANIZED SPOTTING PROGRAM IN THE IMMEDIATE BORDER AREA
3 IN SAN DIEGO COUNTY?

4 A BEING ONE OF THE HIGHER OFFICIALS IN THE
5 ORGANIZATION IN THIS AREA, HE WOULD -- YES, HE WOULD BE.

6 Q AND EXTENDING EAST ALONG THE BORDER, CAN YOU STATE
7 APPROXIMATELY AT WHAT GEOGRAPHICAL POINT HIS JURISDICTION
8 WOULD END, AND THAT OF ANOTHER LOCAL LEADER WOULD COME INTO
9 PLAY? AND IF SO, WHO WOULD THAT LOCAL LEADER BE?

10 (DISCUSSION OFF THE RECORD.)

11 THE WITNESS: IT WOULD BE HIS DUTIES TO GENERALLY
12 OVERSEE THE ENTIRE AREA OF THE BORDER. BUT, SAN YSIDRO
13 WE HAD SPECIFICALLY PUT OFF LIMITS, DUE TO THE VOLATILE
14 NATURE OF THE SITUATION.

15 BY MR. SCHEY:

16 Q WOULD IT BE FAIR TO STATE THAT AT THIS TIME, THEN,
17 THERE IS NO KLAN BORDER WATCH PROGRAM OCCURRING WITHIN SAN
18 YSIDRO?

19 A WELL, WE'RE SPEAKING OF RIGHT THERE ALONG THE
20 BORDER, RIGHT THERE, THAT SEGMENT. WE HAVE, AS A POLICY,
21 STAYED AWAY FROM THERE.

22 Q DO YOU HAVE ANY PRECISE FIGURES WHICH YOU CAN
23 PROVIDE TO US ON THE NUMBER OF REPORTS WHICH YOUR MEMBERS HAVE
24 PROVIDED TO THE BORDER PATROL IN THE PAST ONE WEEK?

25 A NO. IT WOULD BE IMPOSSIBLE, DUE TO THE FACT THAT
26 WE HAVE MANY, MANY VOLUNTEERS WHO ARE NOT MEMBERS, WHO CALL US,
27 THEN CALL THE BORDER PATROL, OR JUST CALL THE BORDER PATROL.

28 Q SPECIFICALLY RELATING TO MEMBERS, THOUGH, DO YOU

1 REQUIRE A TALLY SHEET OF CALLS MADE TO THE BORDER PATROL?

2 A NO.

3 Q WOULD IT BE FAIR TO STATE THAT YOU ARE UNAWARE OF
4 THE TOTAL NUMBER OF CALLS THAT HAVE BEEN MADE TO THE
5 AUTHORITIES BY PERSONS PARTICIPATING IN THE KLAN BORDER WATCH?

6 A TO HAVE AN EXACT IDEA, THAT'S TRUE, I WOULDN'T.

7 MR. SCHEY: MAYBE WE CAN GO OFF THE RECORD FOR A
8 MOMENT.

9 (DISCUSSION OFF THE RECORD.)

10 (RECESS.)

11 EXAMINATION

12 BY MR. BARKER:

13 Q MR. METZGER, YOU INDICATED THAT YOU'VE TALKED TO
14 MR. WILLIS CONTINUOUSLY SINCE THE BORDER WATCH PROGRAM WAS
15 BEGUN BY THE KLAN; IS THAT CORRECT?

16 A YES.

17 Q HAS HE EVER TOLD YOU HOW MANY PERSONS ARE
18 PARTICIPATING DURING THOSE CONVERSATIONS?

19 A NOT PRECISELY, NO.

20 Q HAS HE TOLD YOU GENERALLY HOW MANY PERSONS?

21 A I USUALLY HAVE A VAGUE IDEA OF HOW MANY PEOPLE.

22 Q SPECIFICALLY, MY QUESTION IS: HAS HE EVER TOLD YOU
23 HOW MANY PERSONS WERE OPERATING UNDER THE BORDER WATCH PROGRAM?

24 A AT ONE TIME, YES.

25 Q AND HOW MANY PERSONS DID HE SAY?

26 (DISCUSSION OFF THE RECORD.)

27 THE WITNESS: I DON'T CHOOSE TO ANSWER THE QUESTION
28 AT THE MOMENT.

1 BY MR. BARKER:

2 Q YOU INDICATED THAT IT'S A POLICY ON THE BORDER WATCH
3 PROGRAM, THAT NO PERSONS WILL BE ARMED. ARE YOU AWARE OF ANY
4 VIOLATIONS OF YOUR POLICY?

5 A NO.

6 MR. SCHEY: WITH REGARDS TO THE PREVIOUS QUESTION,
7 WHICH YOU DECLINED TO ANSWER, WOULD YOU PLEASE STATE ON
8 WHAT BASIS YOU DECLINE TO ANSWER THAT QUESTION?

9 THE WITNESS: SECURITY. WE'RE DEALING WITH THE
10 SECURITY, AND THE WELL BEING OF A LOT OF PEOPLE. THERE
11 ARE ELEMENTS OF THE SOCIETY THAT WANT TO KILL OUR PEOPLE.
12 AND I CANNOT GIVE INFORMATION THAT WOULD ASSIST THEM IN
13 THAT TYPE OF PROGRAM.

14 BY MR. BARKER:

15 Q YOU INDICATED THAT IT'S A POLICY OF THE KLAN BORDER
16 WATCH NOT TO MAKE ANY APPREHENSIONS, EXCEPT WHEN THERE IS AN
17 OVERT PHYSICAL ATTACK ON ONE OF YOUR MEMBERS. DO YOU KNOW ANY
18 VIOLATIONS OF THAT POLICY?

19 A NO. WE HAVE NOT BEEN ATTACKED, BECAUSE WE DO NOT
20 COME IN THAT CLOSE PROXIMITY TO THESE PEOPLE.

21 Q HOW ARE YOU FINANCING THE BORDER WATCH PROGRAM?

22 A SIMPLY MEMBERS, SMALL CONTRIBUTIONS. VOLUNTEER
23 PIECES OF EQUIPMENT AND SO FORTH.

24 Q THANK YOU.

25 ON OCTOBER 26TH OF THIS YEAR YOU WERE SERVED, OR
26 CERTAIN PAPERS WERE SERVED AT YOUR HOUSE. DO YOU REMEMBER THOSE
27 PAPERS THAT WERE SERVED?

28 A I REMEMBER HEARING OF SOME COMMOTION AT THE BACK

1 DOOR, PAPERS LAYING AROUND ON THE CONCRETE, OF SOME OF THEM IN
2 THE DOOR.

3 Q DID YOU SEE THE PERSON WHO WAS SERVING THOSE
4 PAPERS?

5 A YES.

6 Q WHERE DID YOU SEE THAT PERSON?

7 A IN MY BACK -- IN MY SIDE YARD.

8 Q DID YOU EVER EXIT THE HOUSE?

9 A YES.

10 Q WHERE DID YOU EXIT THE HOUSE?

11 A I EXITED THE HOUSE AT THE FRONT DOOR.

12 Q WAS THE PERSON STILL IN THE VICINITY WHEN YOU
13 EXITED THE HOUSE?

14 A HE WAS GETTING INTO THE CAR.

15 Q WERE YOU ARMED AT THAT TIME, WHEN YOU EXITED THE
16 HOUSE?

17 A NO. I HAD A CAMERA.

18 Q DO YOU OWN ANY GUNS?

19 A YES.

20 Q WHAT TYPE OF GUNS DO YOU OWN?

21 A I DON'T CHOOSE TO ANSWER THAT.

22 Q ARE THOSE GUNS LICENSED?

23 A IF YOU MEAN, ARE THEY LEGAL, YES, THEY'RE LEGAL.

24 Q ARE THEY REGISTERED?

25 A I DON'T BELIEVE THAT'S REQUIRED.

26 Q DID YOU AT ANY TIME PULL A WEAPON ON THE PERSON WHO
27 WAS SERVING PAPERS ON OCTOBER 26TH?

28 A NO. I TOOK A PICTURE.

1 Q DID, AT ANY TIME, YOU EVER STATE THAT YOU MIGHT
2 HAVE PULLED A GUN ON THE PERSON WHO WAS SERVING PAPERS?

3 A NO.

4 Q YOU NEVER STATED THAT TO ANY NEWS REPORTERS?

5 A NOT TO MY KNOWLEDGE.

6 Q THANK YOU.

7 A MAYBE I SHOULD ADD ONE THING: THAT I DID COMMENT TO
8 A NEWS REPORTER THAT ANYONE WHO WAS ROAMING AROUND MY HOUSE,
9 CONSIDERING THE DANGER THAT MY FAMILY IS IN FROM DAY TO DAY,
10 MIGHT RUN THE RISK OF BEING CONFRONTED WITH A GUN. BUT IT HAD
11 NOTHING TO DO WITH THE INCIDENT YOU'RE TALKING ABOUT.

12 EXAMINATION (RESUMED)

13 BY MR. SCHEY:

14 Q REFERRING NOW TO YOUR COUNTERCLAIM PENDING IN THIS
15 ACTION, IS IT CORRECT THAT YOU HAVE BEEN ASSISTED BY ANOTHER
16 PERSON IN PREPARING THE LEGAL PAPERS IN THIS CASE?

17 A YES.

18 Q COULD YOU IDENTIFY WHO THAT PERSON IS?

19 A DONALD MUSGROVE.

20 Q COULD YOU SPELL HIS LAST NAME.

21 A M-U-S-G-R-O-V-E.

22 Q DOES THAT PERSON HAVE ANY LEGAL TRAINING?

23 A YES.

24 Q COULD YOU DESCRIBE THE EXTENT OF SUCH LEGAL
25 TRAINING?

26 A NO. HE WOULD HAVE TO DO THAT.

27 Q LOOKING AT A DOCUMENT WHICH YOU HAVE JUST HANDED
28 ME, ENTITLED "ANSWER, AND A MORE DEFINITE STATEMENT," ET

1 CETERA, WHICH I WILL HEREINAFTER REFER TO AS A MORE DEFINITE
2 STATEMENT, AT PAGE 1, LINE 28, IT IS ALLEGED THAT: "PLAINTIFFS,
3 MOTIVATED BY A RACIAL AND CLAU S BASED, INVIDIOUSLY
4 DISCRIMINATORY ANIMUS HAVE CONSPIRED, AND CONTINUE TO CONSPIRE
5 TO DEPRIVE DEFENDANTS, ET CETERA, OF THE EQUAL PROTECTION OF
6 THE LAWS, ET CETERA."

7 COULD YOU PLEASE STATE WHETHER THIS ALLEGATION
8 INCLUDES ALL OF THE NAMED PLAINTIFFS IN THIS ACTION?

9 (DISCUSSION OFF THE RECORD.)

10 THE WITNESS: YES.

11 MR. SCHEY: MAY THE RECORD ALSO REFLECT THAT MR.
12 MUSGROVE IS IN ATTENDANCE AT THIS DEPOSITION, AND THAT
13 PLAINTIFFS HAVE NOT OBJECTED TO YOUR CONSULTING WITH HIM
14 AS FREQUENTLY AS YOU SO DESIRE PRIOR TO ANSWERING YOUR
15 QUESTIONS, AND THAT YOU HAVE EXERCISED THAT AVAILABILITY.
16 BY MR. SCHEY:

17 Q COULD YOU PLEASE STATE THE FACTUAL BASIS FOR THE
18 ALLEGATION THAT PLAINTIFFS HAVE CONSPIRED, AS ALLEGED IN
19 PARAGRAPH 1, LINE 28, OF THE MORE DEFINITIVE STATEMENT.

20 (DISCUSSION OFF THE RECORD.)

21 THE WITNESS: OUR INVESTIGATION IS CURRENTLY
22 UNDERWAY. AND WE WILL HANDLE THAT AT THE PRE-TRIAL.

23 BY MR. SCHEY:

24 Q NOW, ARE THERE ANY FACTS THAT YOU CAN STATE AT
25 THIS TIME, WHICH HAVE SURFACED AT THIS TIME, UPON WHICH YOU
26 BASE YOUR ALLEGATION THAT PLAINTIFFS HAVE SO CONSPIRED?

27 (DISCUSSION OFF THE RECORD.)

28 THE WITNESS: WELL, THE TEMPORARY RESTRAINING

1 ORDER WAS TO STOP THE KLAN, OR AMERICAN CITIZENS WHO
2 HAPPEN TO BE KLAN MEMBERS, FROM PRACTICING THEIR
3 CONSTITUTIONAL RIGHT TO OBEY THE LAW AND TURN IN
4 SUSPECTED ILLEGAL ALIENS, SUCH AS THE IMMIGRATION
5 DEPARTMENT HAS ASKED US TO DO FOR YEARS. SO, WE
6 CONSTRUE THAT AS AN OBVIOUS CONSPIRACY TO DENY US OUR
7 RIGHTS AS CITIZENS.

8 (DISCUSSION OFF THE RECORD.)

9 BY MR. SCHEY:

10 Q IS IT YOUR UNDERSTANDING THAT A CONSPIRACY
11 NECESSARILY INVOLVES AN AGREEMENT TO DO SOMETHING UNLAWFUL?

12 A YES, UH-HUH.

13 Q WHAT IS IT THAT YOU ALLEGE THAT PLAINTIFFS HAVE
14 AGREED TO DO, WHICH IS UNLAWFUL?

15 (DISCUSSION OFF THE RECORD.)

16 THE WITNESS: DENY US OUR CONSTITUTIONAL RIGHTS OF
17 MOVEMENT, OF ASSOCIATION, AND OF SPEECH.

18 BY MR. SCHEY:

19 Q WOULD IT BE FAIR TO STATE THAT YOU BELIEVE THAT
20 PLAINTIFFS HAVE ATTEMPTED TO DENY YOU THOSE RIGHTS NOW, THROUGH
21 THEIR EFFORTS TO OBTAIN A T.R.O.?

22 A YES, DUE TO THE FACT THAT THERE WAS ABSOLUTELY NO
23 EVIDENCE TO SHOW THAT THERE WERE ANY ILLEGAL ACTS BEING
24 PERPETRATED BY MEMBERS OF OUR ORGANIZATION.

25 Q TO YOUR KNOWLEDGE, HAVE PLAINTIFFS ENGAGED IN EITHER
26 CONSPIRACY, OR IN OVERT ACTS ABOVE AND BEYOND THEIR EFFORTS IN
27 THIS LITIGATION?

28 A THEY HAVE ATTEMPTED TO SLANDER ME IN THE NEWS. THEY

1 ENDANGERED MY FAMILY BY THEIR LEAVING MY PREMISES, BURNING
2 RUBBER ON THE STREET, ON A ONE-LANE STREET THAT HAS BOTH ANGLO
3 AND MEXICAN CHILDREN PLAYING ON IT CONTINUALLY.

4 Q IS IT YOUR BELIEF THAT ONE OF THE PLAINTIFFS
5 ENGAGED IN SUCH CONDUCT?

6 A YEAH, THE PEOPLE THAT WE'RE TALKING ABOUT WILL BE
7 ENJOINED.

8 MR. MUSGROVE: WILL BE JOINED.

9 THE WITNESS: WILL BE JOINED AS TIME GOES ON.

10 BY MR. SCHEY:

11 Q HOWEVER, THOSE PERSONS TO WHOM YOU ARE REFERRING
12 ARE NOT CURRENTLY PARTIES TO THE LAWSUIT; IS THAT CORRECT?

13 (DISCUSSION OFF THE RECORD.)

14 THE WITNESS: THEY ARE IN COLLUSION WITH THE CURRENT
15 PARTIES OF THE LAWSUIT.

16 BY MR. SCHEY:

17 Q DO YOU HAVE ANY REASON TO BELIEVE THAT THE CURRENT
18 PLAINTIFFS IN THE LAWSUIT IN ANY WAY CONSPIRED WITH THE PERSON
19 WHO, AS YOU STATED, LEFT RUBBER WHILE HASTILY LEAVING YOUR
20 STREET?

21 (DISCUSSION OFF THE RECORD.)

22 THE WITNESS: WE HAVE A PHOTOGRAPH OF THE EVENT,
23 AS FAR AS EVIDENCE LINKING THE PLAINTIFFS.

24 (DISCUSSION OFF THE RECORD.)

25 THE WITNESS: WELL, THE PHOTOGRAPH CLEARLY SHOWS
26 THE PEELING OUT OF THE CAR, AND SMOKE FROM THE TIRES.

27 BY MR. SCHEY:

28 Q DO YOU HAVE ANY BASIS UPON WHICH TO BELIEVE THAT

1 ANY OF THE NAMED PLAINTIFFS IN THE LAWSUIT CONSPIRED WITH, OR
2 IN ANY WAY WERE PART OF THE CONDUCT OF THE CAR LEAVING YOUR
3 HOUSE IN A RAPID FASHION?

4 A THAT HAS YET TO BE DETERMINED BY INVESTIGATION.

5 Q YOU HAVE NO CURRENT BASIS FOR BELIEVING THAT?

6 A NO CURRENT BASIS --

7 (DISCUSSION OFF THE RECORD.)

8 BY MR. SCHEY:

9 Q OTHER THAN THE ACT OF LEAVING YOUR STREET IN A
10 HASTY MANNER, AND THE ACT OF SEEKING A TEMPORARY RESTRAINING
11 ORDER, ARE THERE ANY OTHER ACTS?

12 A YES. ONE IN WHICH, IN THE LOWER AREA OF MY HOME
13 THERE WAS A WOMAN WITH A SMALL BABY, AND SHE HEARD NOISES AT THE
14 BACK DOOR ON THE DATE WE'RE TALKING ABOUT. AND SHE CRACKED THE
15 DOOR. THERE WERE PAPERS BEING SHOVED IN, AND SCARED HER TO
16 DEATH.

17 (DISCUSSION OFF THE RECORD.)

18 BY MR. SCHEY:

19 Q NOW, THIS INCIDENT OF LEAVING PAPERS, WERE THESE
20 PAPERS LATER DETERMINED BY YOURSELF TO BE COPIES OF PAPERS
21 WHICH HAD BEEN FILED WITH THE COURT IN THIS ACTION?

22 A YES.

23 Q WERE THESE PAPERS LEFT ON YOUR DOORSTEP IMMEDIATELY
24 PRIOR TO THE CAR, WHICH YOU HAVE PREVIOUSLY REFERRED TO, HASTILY
25 LEAVING YOUR STREET?

26 A YES.

27 Q IS IT YOUR BELIEF THAT THE CAR CONTAINED A PERSON
28 OR PERSONS WHO LEFT OFF THOSE PAPERS?

1 (DISCUSSION OFF THE RECORD.)

2 THE WITNESS: IT IS MY BELIEF. HOWEVER, THEY ARE
3 RUNNING THE LICENSE PLATES TO MAKE SURE.

4 MY HOME HAS BEEN THREATENED OVER AND OVER AGAIN.
5 IT HAS BEEN PHYSICALLY ATTACKED BY GROUPS OF MEXICANS
6 THROWING BEER BOTTLES, AND ROCKS, AND SO FORTH. WE ARE
7 IN A VERY SENSITIVE SITUATION.

8 (DISCUSSION OFF THE RECORD.)

9 THE WITNESS: THERE WAS AN ARSON ATTEMPT WITHIN
10 JUST A FEW FEET OF MY HOME, ON A NEIGHBOR'S BUILDINGS.

11 BY MR. SCHEY:

12 Q DO YOU HAVE ANY REASON TO BELIEVE THAT THE NAMED
13 PLAINTIFFS IN THIS CASE ARE IN ANY WAY ASSOCIATED WITH THESE
14 ATTEMPTS ON YOUR HOME?

15 A ONLY IN THE MANNER THAT THE TOTAL PROGRAM HAS TAKEN
16 ON THE AIR OF YELLING "KILL THE KLAN. MURDER THE KLAN. KILL
17 THE I.N.S." IT IS INFLAMING RADICAL CHICANO ELEMENTS. AND
18 THIS COMMUNICATION IS GOING THROUGHOUT THE COUNTY. AND THESE
19 PEOPLE ARE NOT UNDER SUPERVISION. THEY'RE MOB TYPE. AND, SO,
20 IN THAT SENSE I WOULD SAY THAT THERE MAY WELL BE.

21 Q NOW, TO YOUR KNOWLEDGE, HAVE ANY OF THE NAMED
22 PLAINTIFFS EVER MADE THE KIND OF STATEMENTS WHICH YOU HAVE JUST
23 REFERRED TO?

24 A AT THIS MOMENT I DO NOT KNOW THAT THEY HAVE.

25 Q AGAIN, AT THIS TIME CAN YOU STATE, OTHER THAN THE
26 FILING OF THE HEREIN LAWSUIT, AND THE ACT OF LEAVING YOUR
27 STREET IN A MANNER THAT PERHAPS WAS UNSAFE, ARE THERE ANY OTHER
28 ACTS OR FACTS WHICH YOU CAN POINT TO, WHICH YOU BELIEVE ARE THE

1 OBJECT OF THE CONSPIRACY ALLEGED ON LINE 28, PAGE 1, OF YOUR
2 MORE DEFINITE STATEMENT?

3 (DISCUSSION OFF THE RECORD.)

4 THE WITNESS: WE FEEL THE ARTICLES, LIKE IN THE
5 A.C.L. BULLETIN, SLANDERING MYSELF AS WAVING GUNS AROUND,
6 SO FORTH, PLUS THE FACT THAT THE VARIOUS LEFTISTS OR
7 CHICANO NEWSPAPERS ARE SCREAMING "KILL THE KLAN," AND
8 THAT WE MUST BE DONE AWAY WITH, IS FOMENTING A
9 VOLATILE SITUATION AGAINST UNARMED KLAN PEOPLE WHO ARE
10 SIMPLY OBEYING THE LAWS IN THE NATION.

11 BY MR. SCHEY:

12 Q NOW, LOOKING AT PAGE 2 OF YOUR DEFINITE STATEMENT,
13 ON LINES 2 AND 3, YOU STATE THAT, "THE PLAINTIFFS, ACTING IN
14 CONCERT WITH PETER A. SHEY AND OTHER UNNAMED CO-CONSPIRATORS,
15 HAVE CAUSED, AND CONTINUE TO CAUSE VARIOUS ACTIONS IN
16 FURTHERANCE OF THE OBJECTS OF THE CONSPIRACY." COULD YOU
17 PLEASE STATE WHAT ACTIONS HAVE OCCURRED IN THE FURTHERANCE OF
18 THE OBJECTS OF THE CONSPIRACY.

19 (DISCUSSION OFF THE RECORD.)

20 THE WITNESS: IT IS BELIEVED BY US THAT YOU, MR.
21 SCHEY HAS SPOKEN TO MEMBERS OF THE MARCH ON SAN YSIDRO,
22 AND ARE AWARE OF THE EXHORTING OF THE CROWD TO KILL THE
23 KLAN, AND VARIOUS CALLS TO VIOLENCE.

24 BY MR. SCHEY:

25 Q COULD YOU PLEASE STATE THE FACTUAL BASIS FOR THE
26 STATEMENT YOU'VE JUST MADE.

27 (DISCUSSION OFF THE RECORD.)

28 THE WITNESS: I BELIEVE WE'LL FIND THAT IN THE

1 T.R.O. TRANSCRIPT, IN WHICH YOU MADE SUCH A STATEMENT.
2 BY MR. SCHEY:

3 Q COULD YOU PLEASE STATE THE FACTUAL BASIS FOR YOUR
4 ALLEGATION THAT ACTIONS HAVE OCCURRED IN FURTHERANCE OF THE
5 CONSPIRACY, AS PERTAINS TO THE NAMED PLAINTIFFS IN THIS
6 LITIGATION.

7 (DISCUSSION OFF THE RECORD.)

8 THE WITNESS: WELL, WE DON'T HAVE A COPY OF THAT
9 TRANSCRIPT BUT -- I MEAN WITH US, SO I CAN'T REFER TO IT
10 RIGHT AT THE MOMENT.

11 BY MR. SCHEY:

12 Q ARE YOU AWARE OF ANY ACTIONS COMMITTED BY THE
13 NAMED PLAINTIFFS IN THIS LAWSUIT, IN FURTHERANCE OF THE ALLEGED
14 CONSPIRACY?

15 A SOME OF THIS WILL BE PUT OUT IN A DEPOSITION IN
16 REGARD TO PETER A. SHEY.

17 Q ARE YOU AWARE OF ANY SUCH ACTIONS AT THIS TIME ON
18 THE PART OF THE NAMED PLAINTIFFS?

19 A WE RESERVE THAT TO DISCOVERY, TO DETERMINE ALL
20 ULTIMATE FACTS.

21 Q WOULD IT BE FAIR TO SAY THAT AT THIS POINT YOU ARE
22 UNAWARE OF SUCH ACTIONS?

23 (DISCUSSION OFF THE RECORD.)

24 THE WITNESS: I DON'T CHOOSE TO ANSWER THAT.

25 BY MR. SCHEY:

26 Q COULD YOU STATE THE GROUND UPON WHICH YOU REFUSE
27 TO ANSWER THAT QUESTION?

28 (DISCUSSION OFF THE RECORD.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THE WITNESS: WE WANT TO PROCEED TOWARDS OUR
DISCOVERY, AND NOT TO DAMAGE ANY POSSIBILITY OF A GOOD
DISCOVERY PROCESS BY DOING THIS AT THIS TIME.

MR. SCHEY: AGAIN, I WOULD LIKE THE RECORD TO
REFLECT THAT PLAINTIFFS HAVE NOT OBJECTED TO YOU
CONSULTING WITH MR. MUSGROVE PRIOR TO ANSWERING THESE
QUESTIONS, AND THAT IN FACT YOU ARE CONSULTING WITH HIM
PRIOR TO ANSWERING ALMOST EVERY QUESTION.

(DISCUSSION OFF THE RECORD.)

BY MR. SCHEY:

Q — COULD YOU PLEASE STATE HOW ATTORNEY PETER SHEY
SLANDERED THE DEFENDANT TOM METZGER AT PROCEEDINGS BEFORE THE
COURT ON OCTOBER THE 26TH, 1977?

A IN HIS STATEMENTS ABOUT ME WAVING GUNS AROUND, AND
THINGS LIKE THIS.

Q COULD YOU PLEASE EXPLAIN WHETHER OR NOT IT IS YOUR
POSITION THAT PLAINTIFFS IN THIS LAWSUIT HAVE MET WITH ONE
ANOTHER IN ORDER TO FORMULATE A CONSPIRACY AGAINST YOU, OR YOUR
ORGANIZATION?

(DISCUSSION OFF THE RECORD.)

THE WITNESS: OBVIOUSLY, THEY WOULD NOT HAVE TO
MEET, ONLY TO HAVE IT UNDERSTOOD, AS FAR AS A CONSPIRACY
IS CONCERNED.

BY MR. SCHEY:

Q IS IT YOUR BELIEF THAT SUCH AN UNDERSTANDING HAS
BEEN REACHED BETWEEN THE NAMED PLAINTIFFS?

A YES.

Q COULD YOU PLEASE STATE WHAT YOU BELIEVE TO BE THE

1 SUBSTANCE OF SUCH AGREEMENT?

2 A A PARTY ASSERTING A CLAIM IN AN ACTION FOR CIVIL
3 CONSPIRACY NEED NOT PLEAD HIS EVIDENCE, OR STATE ULTIMATE FACTS.
4 THE COURT HAS RECOGNIZED THAT THE NATURE OF CONSPIRACY OFTEN
5 MAKES IT IMPOSSIBLE TO PROVIDE DETAILS AT THE PLEADING STAGE.
6 THE PLEADER SHOULD BE ALLOWED TO RESORT TO THE DISCOVERY
7 PROCESS, AND NOT BE SUBJECTED TO A DISMISSAL OF THE COMPLAINT.

8 Q IS IT YOUR POSITION, THEN, AT THIS TIME, THAT YOU
9 ARE UNWILLING TO, OR UNABLE TO STATE THE SUBSTANCE OF THE
10 AGREEMENT WHICH YOU HAVE REFERRED TO?

11 A WE WILL WAIT TILL OUR PROPER DISCOVERY TIME, AND
12 THEN, OF COURSE, IT WILL BE UNFOLDED IN PRE-TRIAL.

13 MR. SHEY: GO OFF THE RECORD.

14 (DISCUSSION OFF THE RECORD.)

15 BY MR. SCHEY:

16 Q IN DESCRIBING YOUR DUTIES, YOU STATED THAT ONE SUCH
17 DUTY WAS TO MAINTAIN COMMUNICATIONS. COULD YOU PLEASE EXPLAIN
18 IN A LITTLE MORE DETAIL HOW YOU MAINTAIN SUCH COMMUNICATIONS,
19 AND WITH WHOM?

20 A DUE TO THE TIME ELEMENT, NORMALLY THIS IS BY
21 TELEPHONE, OR IN PERSON.

22 Q WITH WHOM DO YOU MAINTAIN SUCH COMMUNICATIONS?

23 A WITH AREA ORGANIZERS AT VARIOUS PLACES IN THE
24 STATE.

25 Q HOW FREQUENTLY DO YOU COMMUNICATE WITH MR. WILLIS?

26 A I WOULD SAY AT LEAST TWO OR THREE TIMES A WEEK,
27 MAYBE MORE. IT DEPENDS.

28 Q NO RECORDS ARE MAINTAINED OF THESE COMMUNICATIONS?

1 A NO.

2 Q LOOKING AGAIN AT PAGE 1, LINES 27 AND 28 OF YOUR
3 MORE DEFINITE STATEMENT, IT IS ALLEGED THEREIN THAT PLAINTIFFS
4 ARE MOTIVATED BY A RACIAL AND CLAUS BASED, INVIDIOUSLY
5 DISCRIMINATORY ANIMUS."

6 COULD YOU PLEASE STATE WHAT THE RACIAL AND CLAUS
7 BASED ANIMUS IS WITH REFERENCE TO PLAINTIFFS?

8 (DISCUSSION OFF THE RECORD.)

9 THE WITNESS: FOR AN EXAMPLE, I BELIEVE IT WAS A
10 FEW MONTHS AGO CESAR CHAVEZ ATTEMPTED TO CREATE HIS OWN
11 BORDER PATROL, OR BORDER WATCH PROGRAM. AND, TO MY
12 KNOWLEDGE, THERE WAS NO OUTCRY IN THE MEDIA, OR OTHER
13 ELEMENTS, AGAINST IT.

14 (DISCUSSION OFF THE RECORD.)

15 THE WITNESS: IT MIGHT HAVE BEEN LONGER THAN A
16 FEW MONTHS, BUT HE -- HE DID DO THAT.

17 BY MR. SCHEY:

18 Q NOW, WITH REGARDS, THOUGH, TO ONE OF THE NAMED
19 PLAINTIFFS, COULD YOU PLEASE STATE WHAT YOU BELIEVE THEIR RACIAL
20 AND CLAUS BASED ANIMUS TO BE.

21 A WELL, FOR ONE, I DOUBT WHETHER THEY HAVE EVER MET
22 A KLANSMAN IN THEIR LIFE. THEY SURELY HAVE NEVER MET ME. I
23 COULD NOT BELIEVE THAT ANY OF THESE PEOPLE HAVE BEEN HURT,
24 DAMAGED, BY ANY KLAN ACTION. AND, THAT BEING AS IT MAY, IT
25 WOULD SEEM THAT THESE PEOPLE ARE FORMULATING AN ANTI-ANGLO
26 PHILOSOPHY, THAT SOMEHOW THIS IS NOT THE UNITED STATES, THIS IS
27 MEXICO, ALREADY.

28 Q DO YOU BELIEVE THAT YOU HAVE SUFFERED ANY INJURY AS

1 A RESULT OF ACTS COMMITTED BY PLAINTIFFS IN FURTHERANCE OF THEIR
2 ALLEGED CONSPIRACY? AND IF SO, WHAT INJURY HAVE YOU SUFFERED AS
3 A RESULT OF ACTS COMMITTED BY THE NAMED PLAINTIFFS?

4 A YES. MY CHILDREN --
5 (DISCUSSION OFF THE RECORD.)

6 THE WITNESS: MY CHILDREN, I HAVE FOUR CHILDREN,
7 HAVE BEEN HARASSED QUITE A BIT AT SCHOOL. I HAD A
8 DAUGHTER WHO WAS ATTACKED BY A YOUNG MEXICAN AMERICAN
9 BOY LAST WEEK.

10 WE HAVE CALLS COMING IN AT ALL HOURS OF THE DAY
11 AND NIGHT, THREATENING TO KILL US, AND BURN US OUT. WE
12 HAVE MEXICAN GROUPS WHO HAVE GATHERED NEAR OUR PROPERTY,
13 THROWING BEER BOTTLES AND ROCKS AT THE HOUSE.

14 IT HAS -- THEY HAVE TRIED TO CREATE A SITUATION OF
15 DISTRUST BETWEEN MYSELF AND MEXICAN AMERICAN PEOPLE WHO
16 I DO BUSINESS WITH.

17 BY MR. SCHEY:

18 Q HOW, EXACTLY, DO YOU BELIEVE, AS YOU ALLEGE, THAT
19 ACTIONS UNDERTAKEN BY THE NAMED PLAINTIFFS HAVE CAUSED THESE
20 INJURIES WHICH YOU HAVE MENTIONED.

21 A I BELIEVE THAT THEY HAVE BEEN STAMPED INTO THIS
22 ACTION BY OTHER PEOPLE AND BY THE POLITICAL AND EMOTIONAL
23 CLIMATE THAT EXISTS OVER THIS ISSUE. OTHERWISE, THERE ARE
24 HUNDREDS AND THOUSANDS OF MEXICANS IN NORTH COUNTY THAT I --
25 AND MANY OF THEM I PERSONALLY KNOW, AND THEY HAVE NOT BEEN SO
26 AFRAID.

27 Q SO, IS IT YOUR BELIEF THAT THE INJURIES YOU HAVE
28 SUFFERED BY PERSONS WHO YOU CONCEDE ARE NOT THE PLAINTIFFS,

1 HAVE BEEN STAMPEDED INTO, OR ENCOURAGED INTO THOSE ACTIVITIES
2 THROUGH THE ACTIONS OF THE PLAINTIFFS?

3 (DISCUSSION OFF THE RECORD.)

4 THE WITNESS: WE BELIEVE THAT THESE PLAINTIFFS ARE
5 ACTING IN CONCERT WITH PETER A. SHEY, AND THAT THESE
6 TYPE OF ACTIONS ARE AN OUTGROWTH OF A CALL TO ARMS, SO
7 TO SPEAK, OF THESE PEOPLE, WHEN IT IS WELL KNOWN THAT
8 THERE ARE MANY MEXICAN AMERICAN PEOPLE LIVING IN THIS
9 COUNTY WHO ARE JUST AS MUCH AGAINST ILLEGAL ALIENS AS
10 WE ARE.

11 BY MR. SCHEY:

12 Q JUST ONE OTHER QUESTION. ARE YOU RESPONSIBLE FOR
13 REPORTING CALIFORNIA ACTIVITIES CONCERNING THE BORDER WATCH
14 PROGRAM, TO ANYBODY?

15 A I REPORT PERIODICALLY BY PHONE TO MR. DUKE, OUR
16 NATIONAL LEADER.

17 Q DO YOU EVER, OR HAVE YOU EVER SUBMITTED ANY WRITTEN
18 REPORTS TO HIM ON THE KLAN BORDER WATCH?

19 A NO.

20 MR. SCHEY: LET'S GO OFF THE RECORD FOR A MOMENT.

21 (DISCUSSION OFF THE RECORD.)

22 MR. SCHEY: THE PARTIES HAVE STIPULATED THAT THIS
23 TRANSCRIPT MAY BE FILED WITH THE COURT, AND THAT
24 SUBSEQUENT TO SUCH FILING, EACH PARTY WILL OBTAIN A
25 COPY FROM THE REPORTER, AND THAT WITHIN 20 DAYS
26 THEREAFTER THE DEPONENT WILL FILE WITH THE COURT ANY
27 CORRECTIONS IN THE RECORD THAT HE SO DESIRES.

28 //