

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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 RAYMING CHANG, et. al., : Civil Action No.
 : 02-02010 (EGS) (AK)
 Plaintiffs, :
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 v. :
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 UNITED STATES, et. al., :
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 Defendants. :
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 JEFFREY BARHAM, et. al., : Civil Action No.
 : 02-02283 (EGS) (AK)
 Plaintiffs, :
 :
 v. :
 :
 CHARLES H. RAMSEY, et. al., :
 :
 Defendants. :
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 CATHERINE BURGIN By Her :
 Guardian JENNIFER MARGARET : Civil Action No.
 RICE BURGIN, et. al. : 03-02005 (EGS)
 :
 Plaintiffs, :
 :
 v. : Pages 1 - 123
 :
 THE DISTRICT OF COLUMBIA, :
 :
 Defendant. :
 :
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1 followed.

2 So, I can't tell you definitively
3 exactly word for word, but I do recall that some
4 of the main issues that The Chief had with the
5 report were that it was incomplete.

6 Does that help you?

7 Q. In response to my inquiry where we
8 looked at a number of specific examples of
9 modifications -- and I am referring to
10 modifications -- substitutions of different for
11 the original word.

12 For the examples that you have
13 testified to so far, you have agreed that the
14 language that was used in the earlier version is
15 accurate.

16 Do you recall that?

17 A. Yes.

18 Q. Before version seven was completed, did
19 you review it for accuracy?

20 A. Yes.

21 MR. SCHWARTZ: Just a correction for
22 the record -- the Exhibit Number 7.

1 MR. MESSINEO: Yes, Exhibit 7.

2 THE WITNESS: I understood, yes.

3 To finish answering your earlier
4 question about whether the language was accurate,
5 the language was accurate, but the language was
6 also accurate after the modifications. It
7 didn't --

8 BY MR. MESSINEO:

9 Q. So, the position of the District is
10 language that is reflected in Exhibit 7 was
11 accurate at the time and correct --

12 A. Yes.

13 Q. -- and continues to be accurate; is
14 that correct?

15 A. Yes.

16 Q. Also, it is the position of the
17 District that the language in Exhibit 9 is
18 accurate --

19 A. Yes.

20 Q. -- and continues to be accurate?

21 A. Yes.

22 MR. KOGER: Do you have an idea as to

1 deleted from the final version?

2 A Yes.

3 Q Are the original representations in the
4 earlier version accurate?

5 A Yes.

6 Q Who caused the deletion of these
7 sentences?

8 A I don't know.

9 Q The deletion did occur after the meeting
10 with Chief Ramsey; correct?

11 A It occurred after the -- I say it occurred
12 after the meeting with Chief Ramsey because it
13 appeared in the later version of the report.

14 Q With respect to the second paragraph in
15 the original, is it accurate to say that in April
16 2000 "many non-involved witnesses and passers-by
17 were corralled along with hundreds of actual
18 protestors and arrested in that event"?

19 A I don't know.

20 Q Who put this in there, then?

21 A I did. I was the investigating officer.

22 Q What was the -- sorry. What was the basis

1 for including this?

2 A I don't recall. It was over two and a
3 half years ago.

4 Q Do you have any reason to believe that
5 this is inaccurate at this time?

6 A I don't.

7 Q Is it your understanding, based on your
8 investigation that in advance of the September 2002
9 demonstration and mass arrests, that the MPD knew or
10 believed that in April 2000, "many non-involved
11 witnesses and passers-by were corralled along with
12 hundreds of actual protestors and arrested in that
13 event"?

14 A Could you ask me the first part of the
15 question again?

16 Q Uh-huh. In advance of the September 2002
17 demonstration and arrest, did you come to find that
18 the MPD knew or believed that in April 2000, "many
19 non-involved witnesses and passers-by were corralled
20 along with hundreds of actual protestors and
21 arrested in that event"?

22 A That's the part that I don't recall. I

1 don't recall why it's in the report. I know that
2 arrests were made in April 2000. I just can't
3 specifically recall why it's in here that many were
4 corralled, and "witnesses and passers-by were
5 corralled along with hundreds of actual protestors."

6 Q You did find that "witnesses and
7 passers-by were corralled along with hundreds of
8 protestors" in connection with the arrests at
9 Pershing Park, did you not?

10 A Not hundreds, but some, yes.

11 Q What does it mean where it says in the
12 final paragraph under that bullet, more importantly,
13 the MPD must consider "the likely ramifications of
14 placing hundreds of protestors and bystanders under
15 arrest." And then it continues on to say "it must
16 carefully consider its actions from an inescapable
17 litigious standpoint." What's the reference there
18 mean?

19 A I don't recall. And that's why I may have
20 changed it in the last report. That's why I may
21 have changed it. I don't recall.

22 Q What about in the January 21st memo, page