

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

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JULIANNE PANAGACOS, et al.,                    )  
  )  
  )  
  ) Plaintiffs,                    ) No. 3:10-cv-5018 RBL  
  ) vs.                                    )  
  )  
JOHN J. TOWERY, et al.,                        )  
  )  
  ) Defendants.                 )

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DEPOSITION UPON ORAL EXAMINATION OF  
JOHN J. TOWERY

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MARCH 28, 2014

1200 Fifth Avenue, Suite 1820  
Seattle, Washington 98101

10:31 a.m.

REPORTED BY: Karen M. Grant, CCR NO. 2155  
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1           **Q. (By Mr. Hildes) So you got paid to attend**  
2 **this meeting --**

3           MR. BRENNAN: Asked and answered.

4           **Q. (By Mr. Hildes) -- by the Army?**

5           MR. ANGELIS: Object to the form.

6           MR. BRENNAN: Are we looking at 181 or 182  
7 right now, or neither?

8           MR. HILDES: I lost my page. I'm looking  
9 at -- oh.

10          **Q. (By Mr. Hildes) On 182, is this an accurate**  
11 **statement? You got approval for eight hours of**  
12 **overtime/comp time?**

13          A. That is correct.

14          **Q. Well, did you request overtime to attend this**  
15 **meeting?**

16          MR. ANGELIS: Object to the form.

17          A. I did request either overtime or comp time for  
18 that.

19          **Q. (By Mr. Hildes) And Mr. Rudd agreed, correct?**

20          MR. BRENNAN: Object as to form.

21          A. That is correct.

22          **Q. (By Mr. Hildes) And he went to Mr. Sanders,**  
23 **and Mr. Sanders agreed?**

24          A. That is correct.

25          **Q. Is that the only occasion you were paid to**

1 **attend activist meetings?**

2 MR. ANGELIS: Object to the form.

3 MR. BRENNAN: Join.

4 A. I don't recall all the times I was paid or  
5 given comp time for --

6 **Q. (By Mr. Hildes) But there --**

7 **Okay. Go ahead and finish your answer.**

8 A. -- that I was paid or getting comp time for.

9 **Q. So there were others?**

10 A. That is correct.

11 **Q. And you identify specific people who attended**  
12 **this meeting at the Love Shack?**

13 MR. BRENNAN: I'm sorry, Larry. Back to  
14 181 now?

15 MR. HILDES: Back to 181, yes. Sorry,  
16 Tom.

17 MR. BRENNAN: The second paragraph in the  
18 "Narrative" section?

19 MR. HILDES: Yes.

20 MR. BRENNAN: I'm sorry. Exhibit 159?

21 MR. HILDES: Yes, we're back to 159. I'm

1 answer.

2 **Q. (By Mr. Hildes) Other than Crimethinc, what**  
3 **other sources?**

4 MR. ANGELIS: Hold on.

5 Mr. Towery, had you finished your answer?

6 THE WITNESS: I'd just say, he's asking me  
7 a lot of different sources.

8 I think, if you went to -- typed in "anarchy  
9 library" or "anarchy zine library" or something like  
10 that, you would probably have several different  
11 magazines or pamphlets that you could get where  
12 different people have different discussions about  
13 anarchy.

14 I think one of the -- one of the books I also  
15 believe I received from Mr. Crespo was called "How to  
16 Smash Everything," and then that book was kind of the  
17 thesis or essay on what anarchy is also.

18 **Q. Who wrote "How to Smash Everything"?**

19 A. It was written by the Thorn -- I believe,  
20 called the Thornhill Collective. I don't know who that  
21 is.

22 **Q. Nor do I. Where are they from?**

23 A. That, I do not know.

24 **Q. Were you concerned about the potential for**  
25 **violence among the people living at Pitch Pipe?**

1 A. What do you mean, "a potential for violence"?

2 **Q. Were you concerned that they had a potential**  
3 **to commit violent acts?**

4 A. I believe that it was possible or potential,  
5 yes.

6 **Q. So why would you take them to a gun show?**

7 A. They asked me, and there's nothing against the  
8 law about taking people to gun shows.

9 **Q. If they asked you to take them onto the base**  
10 **at Fort Lewis and give them a tour as your guest, would**  
11 **you have done that?**

12 MR. BRENNAN: Objection, form.

13 A. I don't know if I would have done that.

14 I know that with Mr. Crespo once we did go  
15 across the base. We had to -- we were in Spanaway, I  
16 believe, or Parkland, and there was a meeting in  
17 Tacoma -- or in Olympia, so we crossed the base to get  
18 to Tacoma -- or Olympia as quickly as possible.

19 **Q. So you wanted to make sure you made it to this**  
20 **meeting in time, so you took him across the base?**

21 MR. BRENNAN: Objection, form.

22 A. Yes, I took him across the base.

23 **Q. (By Mr. Hildes) Did you stop anywhere?**

24 A. Not that I recall.

25 **Q. Did you give him a tour?**

1           A.    We drove straight through, from one gate to  
2 other gate. I don't know that that would be a tour.

3           **Q.    Did you tell him: "Here's where the Stryker**  
4 **vehicles are if you want to find them and blockade them**  
5 **before they leave"?**

6                   MR. BRENNAN:  Objection, form.

7           A.    No, I did not.

8           **Q.    (By Mr. Hildes)  Other than target shooting**  
9 **and potentially displaying to prevent acts of violence,**  
10 **without using them, do you know of any purpose for a**  
11 **gun, other than violence?**

12                   MR. BRENNAN:  Objection, form.

13           A.    Is there a purpose for a gun, other than  
14 violence?

15           **Q.    (By Mr. Hildes)  Yes.  What's the purpose of a**  
16 **gun?**

17           A.    It depends on the user, I would assume.  I  
18 don't know.  I don't know what you're asking or what  
19 you're looking for.

20           **Q.    Why would you take people who you're worried**  
21 **have a propensity for violence, take them to a gun show**  
22 **where they can buy guns --**

23                   MR. BRENNAN:  Objection, form.

24           **Q.    (By Mr. Hildes)  -- which they could use for**  
25 **violence?**

1 MR. BRENNAN: Same objection.

2 Q. (By Mr. Hildes) You may answer the question.

3 A. There's no -- they asked me, and there's no  
4 law against it.

5 Q. That's it?

6 MR. ANGELIS: Object to the form.

7 A. I don't know. Again, I don't know what you're  
8 looking for.

9 Q. (By Mr. Hildes) But then you promptly  
10 reported to Mr. Adamson: These people are a risk  
11 because they want to buy guns, and I took them to a gun  
12 show.

13 MR. BRENNAN: Objection, form.

14 A. I don't recall me saying that they were a  
15 risk.

16 Q. (By Mr. Hildes) Then why did you tell  
17 Mr. Adamson that these individuals wanted to or had  
18 guns?

19 MR. BRENNAN: Objection, form.

20 A. A couple reasons why. Mr. Adamson, or  
21 Detective Sergeant Adamson, asked me to -- if anyone --  
22 after Seth Manzel and Josh Simpson had given their  
23 firearms class and demonstration, what the interest was  
24 in guns.

25 There was also a change in -- and I don't

1 top?

2 MR. HILDES: If I may continue asking the  
3 questions and your client may continue asking them --  
4 answering them.

5 Q. (By Mr. Hildes) Okay. There is a list of  
6 people on the same document, 159, pages 8543 and 8544 of  
7 this document. Is that information that came from you?

8 A. That is --

9 MR. BRENNAN: Do you want to take a second  
10 to review it?

11 THE WITNESS: (Perusing.) That is  
12 information from me.

13 Q. (By Mr. Hildes) So you gave Detective  
14 Sergeant Adamson the personal e-mails and phone numbers  
15 for these individuals?

16 MR. BRENNAN: Hold on a second, Larry.  
17 Where you looking right now?

18 MR. HILDES: "Jeff Berryhill" top of the  
19 page, "Wally Cuddeford" bottom of the page, "Brendan  
20 Dunn" next page.

21 A. Are you asking: Did I give this document  
22 to --

23 Q. (By Mr. Hildes) Did you give this  
24 information, the personal information, to Mr. Adamson?

25 A. I gave this information -- I believe some of



1 it was already well known.

2 Q. I'm not asking you what was well known. I'm  
3 asking you what you gave him.

4 MR. BRENNAN: Asked and answered.

5 Q. (By Mr. Hildes) Did you give this personal  
6 contact information to Mr. Adamson?

7 MR. BRENNAN: Asked and answered.

8 A. I did.

9 Q. (By Mr. Hildes) Did you give the information  
10 as to who the friends and associates and roommates of  
11 these individuals --

12 MR. BRENNAN: Objection, form.

13 Q. (By Mr. Hildes) Did you give that to  
14 Mr. Adamson?

15 A. Yes, this information.

16 Q. And you're explaining who they're -- what  
17 organizations they're associated with. That was you?

18 MR. BRENNAN: Hold on a second.

19 Q. (By Mr. Hildes) Where their families are  
20 from?

21 MR. BRENNAN: Counsel, you're hitting a  
22 lot of things. Can you identify specific entries? It  
23 might be helpful.

24 Q. (By Mr. Hildes) Is there any information on  
25 these two pages that did not come from you?

1 **observing and who think you're their friend; is that**  
2 **right?**

3 MR. BRENNAN: Objection, form.

4 A. I gave him information on people who he had  
5 known had been arrested on criminal activities and their  
6 known associates.

7 Q. (By Mr. Hildes) So therefore it's okay to  
8 tell him who they're romantically involved with, because  
9 they've been arrested at demonstrations before; is that  
10 right?

11 MR. BRENNAN: Objection, form.

12 A. It's appropriate to give information about  
13 people who commit criminal activities, and who they  
14 associate with, to develop other criminal ties and  
15 associations.

16 Q. (By Mr. Hildes) So you want to know who  
17 they're romantically involved with, who their friends  
18 are, because, after all, they've been arrested at  
19 demonstrations, so their domestic partners might get  
20 arrested at demonstrations; is that right?

21 MR. BRENNAN: Objection, form.

22 Q. (By Mr. Hildes) So they're fair game? Anyone  
23 they're involved with is fair game?

24 MR. BRENNAN: Wait until he finishes the  
25 question, and then you can answer.

1           **Q.    (By Mr. Hildes)    You may answer that question.**

2                       MR. BRENNAN:    Objection, form.

3           A.    If they're associating within the realm of  
4 people who commit these crimes and they are associating  
5 with them at these protests and -- for identification,  
6 yes.

7           **Q.    (By Mr. Hildes)    And these crimes we're**  
8 **talking about:    acts of nonviolent civil disobedience,**  
9 **correct?**

10                      MR. BRENNAN:    Objection, form.

11           A.    Again, we've answered that some of these acts  
12 are not nonviolent --

13           **Q.    (By Mr. Hildes)    Has Mr. Dunn, to your**  
14 **knowledge, been charged and convicted with any crime**  
15 **involving violence at any time, Mr. Towery?**

16                      MR. BRENNAN:    Objection, form.

17           A.    I do not know what his -- he gave a limited  
18 arrest record in deposition, but I don't recall the  
19 result or the --

20           **Q.    So your only source of --**

21                      **Okay.    So you're basing it on what he said in**  
22 **deposition?**

23           A.    That's what -- that's the information I know.  
24 I did not do any kind of -- I don't know what they call  
25 it.    Police --

1           **Q.    Background check?**

2           A.    Background check on any of these individuals.

3           **Q.    Okay.  Mr. Towery, how would you feel if**  
4 **someone gathered information about your wife and your**  
5 **children and passed that information out to someone who**  
6 **might wish them harm?**

7                       MR. BRENNAN:  Objection, form.

8           **Q.    (By Mr. Hildes)  How would you feel about**  
9 **that?**

10          A.    Well, I believe it has happened.  I believe  
11 that my personal information, my family information was  
12 posted on the Internet, on JohnTowery.com.  I believe  
13 that I've had people in my neighborhood who have  
14 confronted my neighbors, that I've received --

15          **Q.    In order to serve you with process, correct?**

16                       MR. BRENNAN:  Please allow the witness to  
17 finish the answer.

18          A.    On more than that occasion.  I've received  
19 harassing e-mails, I've --

20                       So how do I feel about it?  It's happened to  
21 me with your clients.

22          **Q.    They listed your wife's name?**

23          A.    I don't know if they listed her name.

24          **Q.    You're listing Ms. Stepp's name.  Did --**

25          A.    Ms. Stepp also --

1 MR. BRENNAN: Objection to form.

2 A. -- participated in these activities. I do not  
3 know if she was ever arrested or not.

4 Q. (By Mr. Hildes) But the fact that she  
5 participated in these demonstrations is enough to make  
6 her fair game for law enforcement; is that right?

7 MR. BRENNAN: Objection, form.

8 Q. (By Mr. Hildes) Is it a crime --  
9 You may answer the question: Does that make  
10 her information something that you are reporting then?

11 A. She was already known, I believe, to the  
12 police.

13 Q. How do you know that?

14 A. Because Mr. Adamson -- or Detective Adamson  
15 didn't ask me for clarification on these people.

16 Q. Therefore, he already knew it?

17 A. Well, I should back up. I don't know what  
18 Mr. Adamson knew or didn't know.

19 Q. Did you know what he knew or didn't know  
20 before you gave him the information?

21 MR. BRENNAN: Objection, form. Let's --

22 A. No, I did not.

23 Q. (By Mr. Hildes) It's not a crime to  
24 participate in a demonstration unless you commit a crime  
25 at that demonstration, correct?

1           A.    I do not know the results of these arrests.  I  
2 do know that she was arrested at that time, so, yes, she  
3 was of concern to law enforcement.

4           **Q.    Even if she was never convicted of a crime?**

5                   MR. BRENNAN:  Objection, form.

6           A.    I do not know that.

7           **Q.    (By Mr. Hildes)  So law enforcement arrests**  
8 **her, therefore she's fair game for attention from law**  
9 **enforcement.  It's a circular argument, isn't it?**

10                   MR. BRENNAN:  Objection, form, asked and  
11 answered.

12           **Q.    (By Mr. Hildes)  You may answer the question.**

13           A.    She committed a crime, in the eyes of law  
14 enforcement.  She has the potential to commit those  
15 crimes again.

16           **Q.    But you don't even know if she was convicted**  
17 **of the first crime.**

18                   **Is she guilty of a crime if she's not**  
19 **convicted, in your eyes?**

20                   MR. BRENNAN:  Objection, form, calls for a  
21 legal conclusion.

22           **Q.    (By Mr. Hildes)  You may answer the question.**

23           A.    Is she guilty?  No.

24           **Q.    So why is she worthy of attention for a crime**  
25 **that she has not been convicted of?  Is this:  Guilty,**

1 **even after proven innocent?**

2 MR. BRENNAN: Objection, form.

3 A. I'm not attesting to any of her guilt or  
4 innocence on this. I'm --

5 **Q. (By Mr. Hildes) You're just attesting to**  
6 **transferring her personal information and who she's**  
7 **romantically involved with, because, after all, she's**  
8 **been arrested, convicted or not; is that right?**

9 MR. BRENNAN: I want to note for the  
10 record that the line of questioning has been heated for  
11 the last few minutes. I might recommend we take a break  
12 for three minutes to cool our heads. Or do you want to  
13 proceed and try to allow him to answer the questions?  
14 And you don't need to yell at him.

15 MR. HILDES: Why don't we take the  
16 three-minute break. I think that's a good idea, Tom.

17 MR. BRENNAN: And I say three, knowing it  
18 might be five. Let's keep it to that.

19 MR. HILDES: We will try to keep it to  
20 that, yes.

21 (Deposition at recess.)

22 **Q. (By Mr. Hildes) Mr. Towery, how many, total,**  
23 **meetings or conferences related to the planned protests**  
24 **at the Republican and Democratic National Conventions**  
25 **did you attend?**

1           A.    Well, I don't know that I have a pure  
2 definition of Black Bloc.

3           **Q.    Okay.  I'm going to take you back to Olympia**  
4 **in November 2007.  Were you attending meetings in the**  
5 **period before the demonstrations began?**

6                   MR. BRENNAN:  Objection, form.

7           A.    Yes, I did.

8           **Q.    (By Mr. Hildes)  And you were giving updates**  
9 **on those meetings?**

10                   MR. BRENNAN:  Objection, form.

11           **Q.    (By Mr. Hildes)  Is that right?**

12           A.    In November of 2007?

13           **Q.    Yes.**

14           A.    Yes.

15           **Q.    To whom were you giving updates about what you**  
16 **learned at those meetings?**

17           A.    To Mr. Rudd.

18           **Q.    And Mr. Rudd was disseminating that**  
19 **information through Threat Assessments and Force**  
20 **Protection memos; is that right?**

21                   MR. BRENNAN:  Objection, form.

22           A.    I don't know what he was doing with the  
23 information --

24           **Q.    (By Mr. Hildes)  He was e-mailing you a copy**  
25 **of the Threat Assessments, wasn't he?**



1 MR. BRENNAN: Objection, form, foundation.

2 Q. (By Mr. Hildes) You may answer the question,  
3 Mr. Towery.

4 A. I received Threat Assessments all the time  
5 from him.

6 Q. Did they ever include information that he got  
7 from you?

8 A. I'm sure they did.

9 Q. Were you paid overtime or comp time to attend  
10 these meetings leading up to the protest at the Port of  
11 Olympia in 2007?

12 MR. BRENNAN: Objection, form.

13 A. On some of them, I'm sure I was. I don't  
14 recall which ones or how much or anything like that, or  
15 what dates or times.

16 Q. (By Mr. Hildes) Did you also report to  
17 Mr. Adamson on things that you were learning at these  
18 meetings?

19 A. Only if I saw that there was an officer-safety  
20 or security concern.

21 Q. So if you interpreted something as an  
22 officer-safety or security concern, you would report  
23 that to Mr. Adamson?

24 MR. BRENNAN: Objection, form.

25 A. Yes.

1           **Q. (By Mr. Hildes) And that was regardless of**  
2 **whether you were getting paid by the Army to attend that**  
3 **meeting, correct?**

4           MR. BRENNAN: Objection, form.

5           A. That is correct.

6           The primary purpose of my attending was to  
7 develop threats or potential actions against the  
8 soldiers and the movements. Any ancillary information  
9 that I received that could have been a possible officer-  
10 safety issue or anything else like that, then, yes, I  
11 would report it to Detective Adamson.

12          **Q. (By Mr. Hildes) And you did so?**

13          A. I did, yes.

14          **Q. Did you ever attend a meeting in that period**  
15 **of early to mid-November of 2007, ever attend a meeting**  
16 **at the Olympia Farmers Market?**

17          MR. BRENNAN: Objection, form.

18          A. Olympia Farmers Market? I don't --

19          **Q. (By Mr. Hildes) Yeah, downtown, near the**  
20 **port.**

21          A. I don't recall attending a meeting there.

22          **Q. Is it possible you did?**

23          MR. BRENNAN: Objection, form.

24          A. I don't recall. I don't know.

25          **Q. (By Mr. Hildes) Do you know where the Olympia**

1           **Q. (By Mr. Hildes) But Mr. Rudd would do them,**  
2 **generally speaking, based on information that you**  
3 **gathered?**

4           MR. BRENNAN: Objection, form.

5           MR. ANGELIS: Misstates prior testimony.

6           A. I'm sure it was not solely based on my  
7 information.

8           **Q. (By Mr. Hildes) But your information**  
9 **contributed to it?**

10          MR. BRENNAN: Objection, form.

11          A. I'm sure my information did, yes.

12          **Q. (By Mr. Hildes) And those were meetings, at**  
13 **least in some cases, you were paid to attend?**

14          MR. BRENNAN: Objection, form.

15          A. If there was a meeting where they were  
16 discussing actions against military operations, where it  
17 could affect the safety and security of soldiers and  
18 their equipment, then, yes.

19          **Q. (By Mr. Hildes) Which was any meeting that**  
20 **PMR was having, correct?**

21          MR. BRENNAN: Objection, form.

22          **Q. (By Mr. Hildes) In your view?**

23          MR. ANGELIS: Object to form.

24          MR. BRENNAN: Same objection.

25          A. I don't know. I don't know if I -- if they

1 A. Yeah.

2 Q. 10:16:23 a.m.?

3 A. Yes.

4 Q. Where did you send this from?

5 A. It was my work e-mail address.

6 Q. So while you were working?

7 A. Yes.

8 Q. Did you have access to your work e-mail  
9 address at locations other than Fort Lewis?

10 A. No, I did not.

11 Q. And this is all to civilian law enforcement;  
12 is that correct, federal and local?

13 MR. BRENNAN: Take a peek and see if you  
14 see that.

15 A. (Perusing.) Portland, L.A., Eugene, Spokane,  
16 and then --

17 Q. (By Mr. Hildes) And the FBI, I guess.

18 What was your purpose in sending this e-mail?

19 A. My purpose was to see if we could develop an  
20 information-sharing group.

21 Q. With civilian law enforcement?

22 A. That is correct.

23 Q. Concerning anarchists?

24 A. That's correct.

25 Q. For what purpose?

1           **Q.    And there was never an attempt made to stop**  
2 **your vehicle; is that correct?**

3                   MR. BRENNAN:  Objection, form.

4           A.    No.  No, there was not.

5           **Q.    (By Mr. Hildes)  Do you know whether everyone**  
6 **in these vehicles -- obviously you weren't an anarchist.**  
7 **Do you know whether everybody else in those vehicles was**  
8 **an anarchist?**

9                   MR. BRENNAN:  Objection, form.

10          A.    I don't know who was in the other vehicles, so  
11 I can't answer that.

12          **Q.    (By Mr. Hildes)  Do you know why Mr. Rudd**  
13 **referred to every person in these vehicles as an**  
14 **anarchist?**

15                   MR. BRENNAN:  Objection, form.

16          A.    I do not know why he did that.

17          **Q.    (By Mr. Hildes)  But you are discussing**  
18 **anarchists, Mr. Adamson is discussing anarchists,**  
19 **Mr. Rudd is discussing anarchists.  Everybody is looking**  
20 **at anarchists, right?**

21                   MR. ANGELIS:  Objection, form,  
22 argumentative, vague.

23          A.    Anarchists was just one of the -- and I think  
24 it's a label of convenience.  We were looking at people  
25 and their actions and their threats to the military.

1           **Q. (By Mr. Hildes) And that was a convenient**  
2 **term to use?**

3                   MR. ANGELIS: Object to the form.

4           A. That's correct.

5           **Q. (By Mr. Hildes) Did you get paid for**  
6 **attending the meetings --**

7                   **Did you get paid for attending the protests at**  
8 **the Port of Aberdeen, Port of Grays Harbor?**

9                   MR. BRENNAN: Objection, form.

10          A. I either got overtime or comp time.

11          **Q. (By Mr. Hildes) Did you get overtime or comp**  
12 **time for attending meetings concerning the protests at**  
13 **the Port of Grays Harbor?**

14                   MR. ANGELIS: Objection, form, vague.

15          A. If they were concerning the protests at the  
16 Port of Tacoma, I don't know -- I don't recall which  
17 ones I may or may not have been paid to attend or not,  
18 but I'm sure there are some.

19          **Q. (By Mr. Hildes) Did you ever offer to provide**  
20 **any of the participants in PMR and the other groups with**  
21 **logistical information as to how the Stryker convoys**  
22 **were organized and moved and loaded --**

23                   MR. BRENNAN: Objection, form.

24          **Q. (By Mr. Hildes) -- unloaded?**

25                   MR. BRENNAN: Objection, form.

1 MR. BRENNAN: Join.

2 A. It could have been this conference, yes.

3 (Off-the-record discussion.)

4 MR. HILDES: I'm going to ask that these  
5 be marked ad seriatim 187, 188, 189, 190, 191.

6 (Off-the-record discussion.)

7 (Plaintiffs' Exhibits 187  
8 through 191 marked.)

9 Q. (By Mr. Hildes) Have you reviewed the 15-6  
10 reports in this case?

11 MR. BRENNAN: Object as to form.

12 A. I don't think I've seen the unredacted  
13 versions.

14 (Plaintiffs' Exhibit 192  
15 marked.)

16 Q. (By Mr. Hildes) Did you receive a copy of the  
17 unredacted 15-6 report, Mr. Towery?

18 MR. HILDES: Oh. And then 193.

19 (Plaintiffs' Exhibit 193  
20 marked.)

21 A. I don't recall if I received an unredacted  
22 version or not.

23 Q. (By Mr. Hildes) You gave two statements; is  
24 that correct? There's a statement that's marked  
25 Exhibit O, Army 100 through Army 102, and there's a

1 **statement that is marked Exhibit M, Army 91 through 95,**  
2 **which was your first statement. Do you recall giving**  
3 **those statements under oath?**

4 A. I do.

5 (Off-the-record discussion.)

6 **Q. (By Mr. Hildes) And it's your statement that**  
7 **Mr. Adamson located you in May or June of 2007 at a**  
8 **meeting in Tacoma concerning plans to protest the**  
9 **Special Operations Expo at the Tacoma Convention Center?**

10 MS. BUSH: Which statement are you looking  
11 at?

12 MR. HILDES: I'm looking at his first one,  
13 on page 205, Army 92. It's one long paragraph.

14 MS. BUSH: Exhibit 190, second page?

15 MR. HILDES: Yes. Correct.

16 MS. BUSH: Thank you.

17 **Q. (By Mr. Hildes) Is that an accurate**  
18 **statement?**

19 A. That he -- May or June? I don't recall when  
20 it was, but, yes.

21 **Q. And that would have been accurate at the time,**  
22 **correct?**

23 A. At Wright Park.

24 **Q. Do you know why, in Exhibit 159, Mr. Adamson**  
25 **has you signing a Confidential Source Agreement dated**



20           Q.    Okay.  I'm reading on pages -- I'm reading on  
21 page 3 of 5, Army 93:  "I took steps to ensure that all  
22 of my activities would be conducted on my off hours.  I  
23 attended meetings of the groups at night or on weekends  
24 but did not attend meetings during work hours."  Do you  
25 see that?

1 A. Where at?

2 Q. Same paragraph.

3 A. Okay.

4 Q. That's not true, is it?

5 MR. BRENNAN: Object as to form.

6 A. Well, it is true, if I was working for  
7 Mr. Adamson -- or Detective Adamson.

8 If I was -- if -- if there was a meeting or a  
9 function where there was discussion concerning potential  
10 harm or security disruption to the military or the  
11 military movement, then I was able to attend under my  
12 Force Protection status.

13 Q. (By Mr. Hildes) But you never state that you  
14 attended meetings of these groups during your work hours  
15 as part of your Force Protection duties. Do you see  
16 anywhere, in either statement, where you ever say that,  
17 Mr. Towery?

18 MR. BRENNAN: Object as to form.

19 A. No, I don't see it.

20 Q. (By Mr. Hildes) And at some of those  
21 meetings, you would then share information afterwards  
22 with Mr. Adamson, correct? That was your testimony  
23 already.

24 A. If there was --

25 MR. BRENNAN: Object as to form.

1           A.     If there was an issue concerning an officer  
2 safety, then, yes.

3           **Q.     (By Mr. Hildes)   So you did, in fact, share**  
4 **information with Mr. Adamson about meetings that you**  
5 **attended, that you do not mention here, that you were**  
6 **getting paid to attend with the Army, and then going and**  
7 **meeting with Mr. Adamson, right?**

8                     MR. BRENNAN:   Object as to form.

9           A.     I guess I don't understand.

10                    We worked as an organization in an  
11 information-sharing role with Adamson and his  
12 organization within the RIG.  The information was shared  
13 all the time --

14           **Q.     So when you say that you took steps to --**

15                     MR. BRENNAN:   Wait.  Let the witness  
16 finish.

17           **Q.     (By Mr. Hildes)   Go ahead.**

18           A.     So when I attended a meeting at the request or  
19 direction of Sergeant Adamson, then that was conducted  
20 on my own personal time.

21                                     (Interruption in proceedings;  
22                                     off record.)

23                     MS. BUSH:   When we broke, Mr. Towery was  
24 in the middle of an answer that ended:  "When I attended  
25 a meeting with Chris Adamson, that was..." and then he

1 stopped. Can you finish your answer, Mr. Towery?

2 THE WITNESS: Yes. If that was requested  
3 by him, I did it on my own time.

4 If the meeting involved any military nexus -  
5 in other words, a threat, possible threat to the  
6 security and safety of Fort Lewis, its soldiers or  
7 equipment - then I would go and get overtime or comp  
8 time, and it could occur whenever.

9 Q. (By Mr. Hildes) Okay. Go ahead.

10 A. So the fact that I was getting paid by the  
11 military and then seeing something that was relevant to  
12 Mr. Adamson -- or Detective Adamson and the RIG, then it  
13 was the nature of our position. Whether or not it's  
14 stated here that I did that, it's what occurred.

15 Q. Why didn't you state -- I mean, the whole 15-6  
16 report makes an issue of the fact that: Well, at least  
17 he was not attending the meetings of these groups during  
18 his paid time and getting compensated by the Army for  
19 doing so. But in fact you were, and you never put that  
20 in your report, right, anywhere in either statement?

21 MR. BRENNAN: Object as to form;  
22 argumentative.

23 Q. (By Mr. Hildes) You never mention -- you  
24 mention attending meetings of these groups on your off  
25 hours and reporting to Mr. Adamson. You never mention

1 **that you attended meetings of these groups and got paid**  
2 **for it.**

3 MR. BRENNAN: Object as to form;  
4 argumentative.

5 **Q. (By Mr. Hildes) Correct?**

6 MR. ANGELIS: Also foundation, misstates  
7 facts.

8 **Q. (By Mr. Hildes) Did you ever mention that**  
9 **during this investigation?**

10 A. It would have been -- this would have been  
11 a -- trying to think of the ...

12 I did not mention it in my statement, but it  
13 was information that was available to the  
14 investigator --

15 **Q. How do you know that?**

16 A. He had full access to any of my military  
17 records.

18 **Q. How would he know that you were attending**  
19 **meetings? How would Colonel Surovic know that you were**  
20 **attending meetings of these same civilian activist**  
21 **groups and getting paid by the Army for it?**

22 MR. BRENNAN: Objection, form.

23 **Q. (By Mr. Hildes) How would he know that?**

24 A. I don't know how he would or would not know.

25 **Q. Anywhere in your payroll records, does it list**

1 received comp time or overtime for "attending PMR  
2 meeting," or anything like that?

3 MR. BRENNAN: Object as to form.

4 A. I don't know what it would say.

5 Q. (By Mr. Hildes) Did Mr. Rudd, to your  
6 knowledge, ever inform the investigator or the  
7 investigative body that you were attending these same  
8 meetings on your work time and getting paid for it, or  
9 getting paid overtime or comp time for it? Do you know  
10 if Mr. Rudd ever mentioned that?

11 MR. BRENNAN: Object as to form.

12 MR. ANGELIS: Misstates prior testimony.

13 A. I don't know what Mr. Rudd would have or would  
14 not have told investigators.

15 Q. (By Mr. Hildes) It's right in front of you.  
16 There's two statements by Mr. Rudd right in front of  
17 you.

18 A. Okay.

1 **groups that you were monitoring?**

2 MR. BRENNAN: Object as to form.

3 A. I do not know.

4 Are you talking within the military?

5 **Q. (By Mr. Hildes) Yes.**

6 A. As far as I know, I discussed it with  
7 Mr. Rudd, and I didn't go any further.

8 **Q. Now I'm looking at 194, which is the Public**  
9 **Communications Plan, 15-6 investigation results as of**  
10 **28 December 2009.**

11 MS. BUSH: Do you have copies for us,  
12 Counsel?

13 MS. WEILL: Sorry.

14 MR. HILDES: Yes. We have lots of copies,  
15 apparently lots and lots of copies. You can paper your  
16 walls with our copies.

17 **Q. (By Mr. Hildes) Were you ever made privy to**  
18 **this Public Communications Plan?**

19 A. No. I've never seen it before.

20 **Q. So according to this plan, according to this**  
21 **Public Communications Plan, it states at the bottom of**  
22 **page 1 that you were engaged in two activities: on duty**  
23 **as a civilian employee in the Force Protection Division,**  
24 **you were present at protest sites. This is Army 9080.**

25 I'm going on to Army 9081: During movement of

1 **Army equipment to and from local ports, there he**  
2 **observed protest activities and reported his**  
3 **observations. This did not violate Posse Comitatus,**  
4 **because he was not executing enforcement of the law, was**  
5 **gathered not to cause arrest or prosecution.**

6 MR. BRENNAN: For the record, I'll note  
7 that you skipped over a few words in your recitation.

8 **Q. (By Mr. Hildes) And this was found to be a**  
9 **violation of Department of Defense Directive 5200.27,**  
10 **which states that "No DOD personnel will be assigned to**  
11 **attend public or private meetings, demonstrations, or**  
12 **other similar activities for the purpose of acquiring**  
13 **information, without specific prior approval by the**  
14 **Secretary of Defense or his designee."**

15 **Did you receive permission from the Secretary**  
16 **of Defense to attend even the public demonstrations?**

17 MR. BRENNAN: Object as to form.

18 A. I did not.

19 **Q. (By Mr. Hildes) Do you know if they knew that**  
20 **you were actually attending private meetings and private**  
21 **parties and social and other political events?**

22 MR. BRENNAN: Object as to form.

23 A. I don't know what they knew.

24 **Q. (By Mr. Hildes) You didn't tell them?**

25 MR. BRENNAN: Object as to form.



1 Q. (By Mr. Hildes) So they then go on to  
2 distinguish and say: "In a private off-duty status,  
3 Mr. Towery did participate directly in activist groups  
4 and gather information about potential criminal  
5 activities. However, he did this as a registered source  
6 for the Pierce County Sheriff's Department and not at  
7 the direction of the Army. He provided the information  
8 he gathered only to the civilian law enforcement agency.  
9 Because Mr. Towery did this in his off-duty capacity as  
10 a private citizen, this is not a violation of law or  
11 Army policy." Do you see that?

12 A. Yes.

13 Q. It's not entirely accurate, is it?

14 MR. BRENNAN: Object as to form.

15 Q. (By Mr. Hildes) In fact, you attended -- you  
16 participate directly in activist groups, as we've  
17 discussed, and gathered information about those  
18 activities on the Army's dollar, correct? You have said  
19 that you were paid by the Army to attend some of those  
20 activities.

21 MR. BRENNAN: Object as to form.

22 Counsel, please lower your voice. You do not  
23 need to be theatrical to make your questions.

24 MS. BUSH: It's not closing argument.

25 MR. HILDES: I'm sorry. I'm not looking

1 for a review board of my questioning style. I'm not  
2 interested in such. I'm interested in an answer to the  
3 question so we can get out of here.

4 MR. BRENNAN: You've exceeded seven hours  
5 a long time ago. You have -- you have until --

6 MR. HILDES: It's my last question.

7 MR. BRENNAN: Last question. One more  
8 question.

9 (Off-the-record discussion.)

10 Q. (By Mr. Hildes) So do you know why this  
11 Public Communications Plan does not mention the fact  
12 that you actually participated directly in activist  
13 groups and gathering information while being paid comp  
14 time or overtime, and also during your regular hours?

15 A. I do not know why.

16 MR. ANGELIS: Hold on. Object as to form,  
17 misstates the document.

18 A. I do not know why.

19 Q. (By Mr. Hildes) And you admit that you did  
20 those things, correct?

21 MR. ANGELIS: Objection --

22 Q. (By Mr. Hildes) You were paid by the Army  
23 overtime, comp time, sometimes regular time for  
24 attending -- for participating directly in activist  
25 groups and gathering information, correct?

1 MR. BRENNAN: Object as to form.

2 Go ahead and answer if you can.

3 A. Again, as I stated earlier, if there was a  
4 direct correlation or a direct nexus to the military,  
5 and a potential threat to the safety and security of  
6 military operations and soldiers and their families and  
7 equipment on Fort Lewis, then, yes, I attended and I was  
8 paid for it.

9 MR. BRENNAN: That's it. You've asked --

10 **Q. (By Mr. Hildes) You think you did the right**  
11 **thing?**

12 MR. BRENNAN: Larry --

13 MR. HILDES: Are you instructing him not  
14 to answer? I'm responding to what he just said.

15 MR. HILDES: I am. We're about seven --

16 MR. HILDES: I want you to take the  
17 question and answer --

18 We're not. We're finishing --

19 MR. BRENNAN: You said you have one more  
20 question --

21 MR. BRENNAN: And then he gave an answer  
22 that requires another question.

23 **Q. (By Mr. Hildes) So you're saying that what**  
24 **you did was justified. Is that what you're saying? All**  
25 **of what we've talked about today was justified, in your**