Exh. 8

1 page

8

8 - 1

DECLARATION

I, Ellen Brickley, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the Socialist Workers Party, the SWP National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge.

1. In June 2002, on a weekday afternoon, I was staffing a Socialist Workers Party literature table on Eighth Avenue near 39th Street. We had often had a table there before. The table was towards the curb and not blocking any pedestrian traffic. The operator of the nearby photo shop objected to our table and called over two nearby policemen, who told us we had to move. We agreed to move our table. As we were leaving, the shop keeper told us he would try to keep our tables off the area streets

2. Later that week I was selling the Militant and Perspectiva Mundial at a table at 315 West 36th Street, where many garment workers work. A man who said he owned the storefront business there said we would have to move from in front of his building. As we moved the table he came out of his store and threatened to turn over the table.

Executed October 9, 2002

Ellen Brickley

Ellen Brickley

Exh. 9

1 page

I, Joel Britton, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the Socialist Workers Party, the Socialist Workers Party's National Campaign Committee, and the committees supporting the candidates of the Socialist Workers Party are entitled to an exemption from certain disclosure provisions of the Federal Elections Campaign Act.

I make this statement on the basis of personal knowledge:

1. An older, ultra-rightist Zionist physically assaulted me May 6, 2002 at a Socialist Workers Party literature table I helped set up outside a meeting that was called to hear a leading Palestinian figure.

2. The rightist thug placed two stacks of leaflets on our table, one of which said "Not every Muslim is a terrorist, but every terrorist is a Muslim" and the other likened Palestinian leader Yassir Arafat to Goebbels.

3. I picked up the leaflets and asked the man to cease putting them on our table (he or a compatriot had earlier placed one of his "terrorist" leaflets over the "Education for Socialists" bulletin about the Palestinian struggle).

4. The man then pushed me, knocking me back a few feet. He then took his glasses off demonstrably and invited me to take a swing at him. I declined the offer, while making it clear that if he came at me again I would defend myself.

I declare under penalty of perjury that the foregoing is true and correct. Executed May 31, 2002.

Joel Britton
May 31, 2002

Exh. 10

1 page

10 - 1

DECLARATION

I, Michael Taber, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge.

1. I and another supporter of the Socialist Workers candidate for mayor of Newark, Maurice Williams, set up a table to collect signatures to put Williams on the ballot on March 17, 2002. The table, which included petition boards and other campaign literature, was in the Weequahic neighborhood of Newark's Black community at the corner of Bergen Ave. and Shephard St.

2. An hour after we had set up, the campaign table was accosted by Newark Police Officer J. Robinson. She said we had to remove the table or face arrest, since tables were not permitted on that street, whether or not they were selling anything. She then took down my name, Social Security number, occupation and place of work, as well as other personal information. She said this would be put on file so that I would be immediately arrested if they ever caught me doing anything similar.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 4, 2002

Michael Taber

October 4, 2002

Exh. 11

1 page

DECLARATION

I, Daniel Fein, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the Socialist Workers Party, the SWP National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge.

1. On Sunday afternoon, September 29, 2002, I along with other supporters of the Socialist Workers Party candidate for governor of New York, Martín Koppel were physically threatened by a man as we staffed a literature table at New York is Book Country book fair. The book fair took place on 5th Avenue in Manhattan between 48th St. and 53rd St. Our table was on 5th Ave. near 48th St. We were distributing campaign literature and selling the *Militant* newspaper, which reflects the views of the Socialist Workers Party. Books and pamphlets outlining the positions of the Socialist Workers party were also on the table. The man screamed, "I'll kick your a__, and don't think I can't," and said that he hated communism, and that we don't have a right to distribute this "f___ing sh_t." The same man had threatened a similar table weeks previously on 8th Avenue at 39th St.

2. In February 2002, two other Socialist Workers Party members and myself set up a literature table with books and pamphlets and newspapers reflecting the views of the Socialist workers party. We were on a wide sidewalk in Jackson Heights, Queens. Within 10 minutes, three New York City police officers approached us and told us to leave. They said the reason was that the owner of a nearby store objected to the content of the literature.

Executed October 8, 2002

Daniel Fein

Daniel Fein

Exh. 12
10 pages

12-1

DECLARATION

I, Philip J. Duzinski, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge.

1. Upon arriving at the Socialist Workers Campaign offices and Pathfinder Bookstore in Houston at approximately 8:00 a.m. on Wednesday, February 13, 2002, I discovered that a window in the front of the building was smashed in. The door was jimmied in an unsuccessful attempt to open it.
2. Once inside, I discovered that the computer equipment was pulled apart, damaged and strewn on the floor. The computer table was broken, scanner destroyed, and the printer pulled apart. The fax machine and part of the printer were taken. As well, cabinets containing files were opened. A small amount of cash in the bookstore was undisturbed.
3. On the floor below the broken window, I found a flyer that was taped in the window announcing an upcoming campaign activity in defense of Palestinian rights and against Israeli aggression. It was tightly folded three or four times and stomped into the glass. It also had a foot print inside, appearing to have been stepped on before it was folded.
4. I also found a slip of paper on the window sill under some glass from a Houston police officer stating that a report had been filed at 4:50 a.m. that morning. The police were then called.
5. A neighbor told me later that day that he heard a loud banging and saw two men acting in a suspicious manner in front of the door early that morning. He then called the police and saw five police cars arrive. The police called neither the bookstore owner or candidate Anthony Dutrow.

Philip J. Duzinski
July 2, 2002

12-2

THE MILITANT

Vol.66/No.9 March 4, 2002

Socialist candidate protests office break-in

BY JACQUIE HENDERSON

HOUSTON--"Yesterday my campaign offices were broken into," said Anthony Dutrow, Socialist Workers candidate for U.S. Congress in District 18, in a radio interview here February 14.

KPFT interviewer Bob Buzanco asked about the incident. "Malicious damage was done to the campaign's computer, furniture, and to the storefront of the Pathfinder bookstore where the Socialist Workers offices are located," Dutrow explained. "The fax machine and part of the printer were taken. A cabinet containing files was opened but no money was missing. An alert neighbor notified the police of the break-in at 4:50 a.m."

Buzanco asked Dutrow if he thought the break-in was politically motivated. Dutrow replied that there was evidence that points to that. "A poster advertising tomorrow's Militant Labor Forum in defense of the Palestinians' struggle against Israeli aggression was removed from the window of the Pathfinder bookstore, which houses the weekly free speech forum as well as the party offices," he explained. "It was defaced, with a knife slit across the picture of a Palestinian child in front of a wall sign saying, 'We fight Israel because they occupy our land.' The poster was then stepped on and subsequently folded tightly and again stepped on."

"The government's increased attacks on workers' rights--rounding up and imprisoning immigrants, increasing FBI, CIA, border cop and other police agency powers, harassing workers, including members of my party--have encouraged violent attacks and harassment of working people as suspected 'terrorists,'" the socialist candidate and Houston-area meat packer explained.

"This attack on my campaign office has arisen in this climate," he said. "We strongly protest this attempt to disrupt our ability to reach working people and youth with our socialist program. We demand that we be afforded the right to function freely with our socialist election campaign and that the police prosecute those responsible."

Dutrow concluded by encouraging the radio listeners to attend the free speech forum the following night and protest the attack. Interviewer Buzanco asked the socialist candidate to keep the program abreast of further developments.

Supporters are appealing for help in repairing the damage to the bookstore and campaign offices. Speaking at the February 15 Militant Labor Forum, Phil Duzinski invited participants to continue to support the Friday night weekly free speech forum and to respond to the attack by continuing to keep

12-3

the bookstore open for business. "I also invite you to an open house here at the Pathfinder bookstore on the afternoon of March 3 in celebration of the publication of the book *From the Escambray to the Congo: In the Whirlwind of the Cuban Revolution*," Duzinski announced. "With your help we will continue to reach out into this working-class neighborhood."

In the days previous to the break-in, supporters of the socialist campaign along with other defenders of workers' rights hosted a tour of Michael Italie, the party's candidate for mayor of Miami in last November's election, who was fired from his job as a garment worker because of his political views. Italie spoke with the media and at public meetings in Houston and Brownsville, Texas.

On February 9 he spoke at the art car museum in the Heights area near Houston's Pathfinder bookstore. The museum had been visited by the FBI following September 11 to see if it contained "terrorist art."

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Socialist Workers Campaign
Anthony Dutrow, 18th Congressional District
619 W. 8th Street
713-869-6550

For Immediate Release. February 13, 2002.

Socialist Candidate Protests Campaign Office Break-In.

Press Conference Feb. 14, 3 p.m. – 619 W. 8th Street

Anthony Dutrow, Socialist Workers candidate in the 18th Congressional district, protested today a break-in with malicious damage to his campaign headquarters at 619 West 8th street, in the Heights area of the city.

At 4:50 a.m. February 13 the campaign offices of the Socialist Workers party were broken into. A window was smashed in. The door was jimmied in an unsuccessful attempt to open it. Computer equipment was pulled apart, damaged and strewn on the floor. The computer table was broken, scanner destroyed, printer pulled apart. The fax machine and part of the printer were taken. Cabinets containing files were opened. A small amount of cash in the bookstore was undisturbed.

An alert neighbor called police to report loud banging and the suspicious presence of two men at the bookstore's front door. He reported that five police cars arrived. Neither the bookstore owner nor Dutrow were contacted by police. The break in was discovered by a campaign supporter at 8::20 a.m. who called the police again.

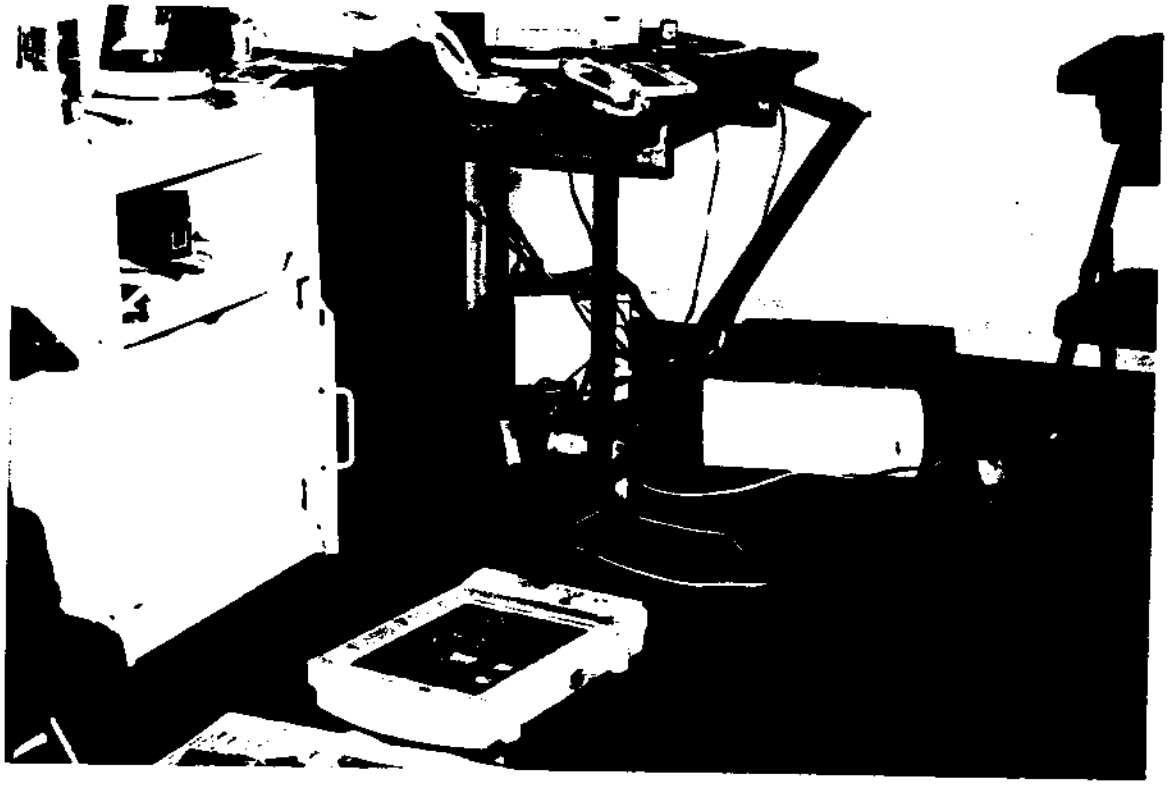
A poster advertising this Friday's Militant Labor Forum in defense of Palestinians struggle against Israeli aggression was removed from the window of the Pathfinder Bookstore, which houses the weekly free speech forum as well as the party offices. It was defaced, with a knife slit across the picture of a Palestinian child in front of a wall sign saying "We fight Israel because they occupy our land." The poster was then stepped on and subsequently folded tightly and again stepped on.

""The government's increased attacks on workers rights – rounding up and imprisoning immigrants, increasing FBI, CIA, Border Cop and other police agency powers, harassing workers including members of my party – have encouraged violent attacks and harassment of working people as suspected "terrorists". Dutrow said. "This attack on my campaign office has arisen in this climate. We strongly protest this attempt to disrupt our ability to reach working people and youth with our socialist program. We demand that we be afforded the right to function freely with our socialist election campaign and the police prosecute those responsible.

12-5

In the days previous to the break in the socialist campaing hosted a tour of Mike Italie, the party's candidate for mayor of Miami who was fired for his political views.Italie spoke with media and at public meetings in Houston and Brownsville. He spoke at the Art Car Museum in the Heights on February 9. The Museum had been visited by the FBI following September 11 to see if it contained "terrorist art."

For Further Information contact: 713-869-6550 or 713-686-3625.



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News from the Socialist Workers Campaign....

Press Announcement

News Conference:

When: Thursday, February 14, 2002

Time: 3:00 p.m.

Where: Socialist Workers Campaign Headquarters
619 W. 8th Street, the Heights

What: Break in at Socialist Workers Campaign Office

Who: Tony Dutrow
Socialist Workers candidate for Congress, 18th CD

For more information contact: 713-869-6550 or 713-201-4143
Press statement to follow.

12-8

Socialist Workers Campaign
Anthony Dutrow, 18th Congressional District
619 W. 8th Street, Houston TX 77007
713-869-6550

For Immediate Release. February 13, 2002.

Socialist Candidate Protests Campaign Office Break-In.

Press Conference Feb. 14, 3 p.m. -- 619 W. 8th Street

For Further Information contact: 713-869-6550 or 713-201-4143.

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"The government's increased attacks on workers rights -- rounding up and imprisoning immigrants, increasing FBI, CIA, border cop and other police agency powers, harassing workers including members of my party -- have encouraged violent attacks and harassment of working people as suspected 'terrorists'." Dutrow said. "This attack on my campaign office has arisen in this climate. We strongly protest this attempt to disrupt our ability to reach working people and youth with our socialist program. We demand that we be afforded the right to function freely with our socialist election campaign and the police prosecute those responsible."

In the days previous to the break in supporters of the socialist campaign along with other defenders of free speech hosted a tour of Mike Italie, the party's candidate for mayor of Miami who was fired for his political views. Italie spoke with media and at public meetings in Houston and Brownsville. He spoke at the Art Car Museum in the Heights on February 9. The Museum had been visited by the FBI following September 11 to see if it contained "terrorist art."

12 -9

PUBLIC RELEASE INFORMATION

HOUSTON POLICE DEPARTMENT FRONT PART

OFFENSE REPORT Incident no. 020427402

Offense- BURGLARY BUILDING
Premises- BOOKSTORE Weather- CLEAR

Location: Street no- 000619 Name- 8TH
Type- Suffix- W Apt no-
City-HOUSTON County-HARRIS Kmap-492D Dist- 2 Beat- 2A30
Neighborhood code-00171 Desc-HOUSTON HEIGHTS

Begin date- WE 02/13/02 Time- 0444 End date- / / Time-
Received/Employee: Name-LAPTOP No.-000000 Date-02/13/02 Time-0549

COMPLAINANT(S)

No-01 Business name-PATHFINDER BOOKSTORE
Address-619 W. 8TH;HOUSTON,TX 77009

ARTICLES

No- 01 Disposition-STOLEN Property tag no-0-0000-00 Complainant no-01
Item type-FAX MACHINE UCR class-05
Serial number-UNKNOWN Value-$ 99.99

No- 02 Disposition-STOLEN Property tag no-0-0000-00 Complainant no-01
Item type-PRINTER UCR class-05
Serial number-UNKNOWN Value-$ 599.97

No- 03 Disposition-DAMAGED Property tag no-0-0000-00 Complainant no-01
Item type-COMPUTER UCR class-05
Serial number-UNKNOWN Value-$ 3346.17
Description-CPU

No- 04 Disposition-DAMAGED Property tag no-0-0000-00 Complainant no-01
Item type-SCANNER UCR class-05
Serial number-UNKNOWN Value-$ [illegible]
Description-[illegible]

No- 05 Disposition-STOLEN Property tag no-0-0000-00 Complainant no-01
Item type-DESK UCR class-11
Serial number- Value-$ 250.00
Description-BROKEN

No- 06 Disposition-DAMAGED Property tag no-0-0000-00 Complainant no-01
Item type-DOOR FRAME UCR class-11
Serial number- Value-$ 200.00
Description-BROKEN (LABOR INCLUDED)

No- 07 Disposition-DAMAGED Property tag no-0-0000-00 Complainant no-01
Item type-WINDOW UCR class-11
Serial number- Value-$ 200.00
Description-BROKEN (LABOR INCLUDED)

Incident no. 020427402 D OFFENSE REPORT 12-10 FRONT PAGE

DETAILS OF OFFENSE

Entry-WINDOW-GLASS BREAK
Exit-SAME AS ENTRY Instrument used-SMASHING OBJECT

2 UNKNOWN SUSPECTS BROKE FRONT WINDOW TO BOOKSTORE TO BURGLARIZE. NO COMPLAINANT LOCATED. 2 UNKNOWN SUSPECTS/ SEE NARRATIVE FOR DETAILS

Officer1: Name-K.L. SIMS Employee no-118679 Shift-3
Officer2: Name-J.J GARCIA Employee no-082032 Shift-3

Division/Station #-CENTR/PAT Unit #-2A30N

Call received: Date-02/13/02 Time-0444 Report made: Date-02/13/02 Time-0557

Exh. 13

1 page

DECLARATION

13 - 1

I, Rollande Girard, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the Socialist Workers Party, the Socialist Workers National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. Two police officers walked in to a meeting of the Militant Labor Forum on Friday December 28, 2001. The meeting was entitled, "Recession, Imperialist War and Social Catastrophe."

2. Bill Kalman was chairing the meeting, and Rollande Girard, a leader of the Socialist Workers Party in the San Francisco Bay Area, was the speaker. There were around 10 people in the room.

3. During the forum discussion, [at maybe 8:30 or 8:45 p.m.] two men looked through the window; because of the rain and fog , we couldn't see who they were. When they opened the door, Bill Kalman asked them : "Can we help you?"

They opened the door wider and stepped into the forum hall. We then saw both the gun and the badge. They were police officers.

One of them said: "We got a 911 call, is everything all right?"

Bill Kalman: "Yes, everything is fine, we didn't call 911."

Police Officer: "Is your number 584-0826?"

Bill Kalman: "Nobody made a call from here. Everything is fine, thank you."

Police Officer: "But is it your number?"

Rollande Girard: "Yes it is."

Police Officer: "OK we apologize for disturbing your meeting."

4. They left. I saw the police car outside a few minutes later, but it left soon after and they didn't come back. The entire incident lasted about a minute or two.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 5, 2002.

Rollande Girard

Rollande Girard
January 5th, 2002

Exh. 14

1 page

I, Philip Duzinski, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the Socialist Workers Party, the Socialist Workers Party's National Campaign Committee, and the committees supporting the candidates of the Socialist Workers Party are entitled to an exemption from certain disclosure provisions of the Federal Elections Campaign Act.

I make this statement on the basis of personal knowledge:

1. On November 7, 2001, myself and another supporter of Anthony Dutrow, the Socialist Workers candidate for Mayor of Houston, along with Anthony Dutrow were having a discussion in the Socialist Workers Party headquarters and campaign office at 619 West 8th Street in Houston.

2. A Houston police officer opened the door to the headquarters without knocking as another officer looked on from the parking lot. He asked whether any of us had heard a loud noise. We answered that we hadn't. He then asked if the building next door was occupied. After one of us replied yes, he said, "It must have been a prank call," and left.

3. This incident occurred the night following the mayoral election, in which candidate Anthony Dutrow appeared on the ballot.

I declare under penalty of perjury that the foregoing is true and correct.
Executed November 29, 2001.

Exh. 15

8 pages

I, Michael Italie, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the Socialist Workers Party, the Socialist Workers Party's National Campaign Committee, and the committees supporting the candidates of the Socialist Workers Party are entitled to an exemption from certain disclosure provisions of the Federal Elections Campaign Act.

I make this statement on the basis of personal knowledge:

1. I was the Socialist Workers Party candidate for mayor of the city of Miami for the November 2001 elections. I was certified to be on the ballot and did appear on the ballot in the elections.

2. On October 13, 2001, I participated in a debate of the mayoral candidates in the Little Haiti section of Miami. At the debate the then-mayor of Miami, Joseph Carollo, twice stated that he would walk out of the meeting if I were allowed to continue my remarks criticizing the government's policy in Afghanistan. "I want to know if these kind of antigovernment statements will be allowed?" Carollo asked the event moderator, "Because I will not stay at a meeting that accepts this at a time when 6,000 people have been killed by terrorists and we should only be discussing issues concerning Miami."

3. The program moderator stated that all candidates could use their time as they wished.

4. Mayor Carollo later told the *Miami Herald* (October 30, 2001) that my statements were "treasonous" and added that he thought I "would have made Benedict Arnold seem like a patriot."

5. On October 18, 2001, I participated in a televised debate of the mayoral candidates at Miami-Dade Community College in downtown Miami.

6. On October 19 and October 20, 2001, at least three supervisors at my place of work, Goodwill Industries of South Florida, asked me about my political views. Questions included, "What party are you with?" and "What is your political program?" I had been employed at Goodwill, which makes flags and military uniforms at its Miami plant for the U.S. government, for around seven months as a sewing machine operator.

7. On October 22, 2001, the supervisor in my department at work at Goodwill Industries of South Florida took me to the Personnel Office. There a manager fired me, saying, "I have been assigned to tell you that because of your views of the U.S. government, which are contrary to those of this agency, you are a disruptive force and cannot work here anymore. Take your belongings and go."

8. Dennis Pastrana, CEO of Goodwill Industries of South Florida, told the *Miami*

15-2

Herald (October 31, 2001) that he fired me because he did not want "influences in our organization that are contrary to the American way of life."

9. CEO of Goodwill Dennis Pastrana told the Miami TV channel 7 (Fox) that he fired me because my presence in the factory would "stain" the American flag.

10. On November 1, 2001, supporters of my election campaign and I stood on a public sidewalk across from Goodwill Industries of South Florida at 2121 NW 21st St., Miami, to pass out my campaign material to workers leaving work at 4:30 p.m.

11. Two company managers came out of the plant and said to workers as they approached me and my campaign supporters, "Don't take anything!" "Don't talk to him!" and "Don't touch that!"

12. On October 23, 2001, I filed for unemployment benefits with the State of Florida.

13. I received a letter dated December 6, 2001, from the Unemployment Compensation Program for the State of Florida ruling: "The claimant was discharged because of political views. No information has been submitted which substantiates misconduct." The ruling also said: "The discharge was for reason other than misconduct connected with the work." I subsequently received unemployment benefits. Later Goodwill challenged my continuing to receive benefits, then withdrew the challenge without comment.

14. On October 29, 2001, my supporters and I held a press conference outside Goodwill to publicize my case. According to several workers I spoke with, bosses told workers to punch out at 3:00 p.m. rather than the 4:30 p.m. regular ending time because "Mike the communist would be out there talking to the media." They were also told by the company that no one was to stay outside to wait for the press conference.

15. According to IRS regulations, as a 501 (c)(3) tax exempt organization, Goodwill Industries is barred from intervening on behalf of, or against, any candidate for public office, or from urging support for or against any candidate for public office.

I declare under penalty of perjury that the foregoing is true and correct. Executed June 21, 2002.

Michael Italie

Michael Italie
June 21, 2002

15-3

'This is an attack on all workers who should not have to fear the loss of their jobs for having an opinion.'

– MICHAEL ITALIE, Miami mayoral candidate

JARED LAZARUS/HERALD STAFF

NO AUDIENCE: Michael Italie, left, stands outside Goodwill Industries on Monday with campaign supporter Heather Page, ready to demonstrate when employees exited. But the workers were sent home early.

Socialist candidate fired from Goodwill job

BY OSCAR CORRAL
ocorral@herald.com

The head of Goodwill Industries of South Florida has fired Miami mayoral candidate Michael Italie, a member of the Socialist Workers Party, because he is a "subversive" presence in the company.

Dennis Pastrana, chief executive officer of the nonprofit organization, had Italie fired Oct. 22 after reading campaign pamphlets that supported Cuba's communist revolution and criticized the United States for its presence in Afghanistan.

"We cannot have anyone who is attempting to subvert the United States of America," Pastrana said. "His political beliefs are those of a communist who would like to destroy private ownership of American enterprises and install a communist regime in the United States."

Italie, an obscure candidate for mayor who moved to Miami 18 months ago from Atlanta, says Pastrana is discriminating against him.

Italie had a minimum-wage job sewing jackets for the military. He worked at Goodwill's Allapattah factory for seven months.

"This is an attack on all workers who should not have to fear the loss of their jobs for having an opinion," Italie said.

The Miami branch of the American Civil Liberties Union was contacted by Italie and is investigating whether his civil rights may have been violated, chapter president Lida Rodri-

▶ PLEASE SEE ITALIE, 2B

Miami Herald 10/30/01

15-4

Mayoral candidate fired from Goodwill job

ITALIE, FROM 1B

guez-Taseff said.

"If it is determined that Goodwill gets government funding, he might have a case," she said.

William Amlong, a prominent Fort Lauderdale labor attorney, said he doesn't believe Italie has much of a legal case.

Michael Italie, an obscure candidate for mayor who moved to Miami 18 months ago from Atlanta, says Goodwill is discriminating against him.

"I think it's an outrageous, but probably a legal move," said Amlong, who added that by firing Italie, Pastrana may have given him a popularity boost. "This guy has gone from being a very minor mayoral candidate to a martyr. Anybody who would have given a socialist a snowball's chance in hell in the Miami election would need to have his head examined."

Pastrana said he researched the matter and fired Italie after receiving legal advice from lawyers he knows. He said he realizes he can't fire someone based on gender, race, religion or sexual orientation, but that firing someone for political views is legal.

Italie is one of nine candidates running for mayor of Miami against incumbent Joe Carollo.

He seldom attends forums and debates, but when he does, he stirs controversy because of his political stance.

He is an outspoken supporter of the Cuban revolution and critic of the U.S. war on terrorism.

At one debate at Miami-Dade Community College's Wolfson campus the week before he was fired, Italie butted heads with Carollo over the U.S. campaign against Afghanistan.

Carollo had few sympathetic words for Italie when he heard that he had been fired.

"I think the man has treasonous points of view," Carollo said. "I think he would have made Benedict Arnold seem like a patriot."

Italie said he is aware of Miami's powerful anticommunist stance, which is strengthened by large numbers of Cuban exiles — including Pastrana — who fled Fidel Castro's regime. But Italie believes he is representing the rights of all workers.

"I was not asked for my political point of view when I was hired," Italie said.

He said Goodwill officials began asking him about his beliefs the day after the televised MDCC debate. Three days later, they told him that "because of your views on the U.S. government, you are a disruptive force and cannot work here any longer. Get your things and go," Italie said.

Pastrana said Italie's views are not compatible with Goodwill's mission.

Goodwill of South Florida has a multimillion-dollar contract with the United States government to produce clothes for the military and flags that will be used to adorn the coffins of soldiers killed in action, Pastrana said.

"Goodwill will not allow anyone to bring dishonor to such an important symbol Pastrana said.

Amlong said that while it may not be illegal to fire an employee based on political views, it sets a dangerous precedent of stifling political discourse in the wake of the Sept. 11 attacks.

"I find it kind of ironic that a company making American flags is firing somebody for having diverse points of view," Amlong said.

15-5

The Miami Herald

www.miami.com

FRIDAY, NOVEMBER 16, 2001 ▸ FINAL EDITION

UM employee fired over Sept. 11 remarks

BY GAIL EPSTEIN NIEVES
gepstein@herald.com

When terror struck America on Sept. 11, a University of Miami medical technician who was turning 22 that day said aloud, "Some birthday gift from Osama bin Laden!"

Mohammad Rahat says he made the remark "in a sarcastic way." But it caused enough of a stir that the university fired him — an action that Rahat blames not only on his politically charged words, which also criticized U.S. foreign policy, but on his citizenship: Iranian.

"If the same thing had occurred with someone of a different background, it would have resulted in a different outcome," Rahat said Thursday outside his former job site on UM's Jackson Memorial Hospital campus. "This was discrimination."

▸ PLEASE SEE FIRED, 30A

'A BIRTHDAY GIFT': Iranian citizen Mohammad Rahat says he was being sarcastic when commenting about the attacks occurring on his birthday, not sympathizing with Osama bin Laden.

UM lab technician fired over remarks made on Sept. 11

▸ FIRED, FROM 1A

1

Paula Musto, UM's vice president of university relations, confirmed Thursday that Rahat was fired in September because of what he said at work. But she denied that discrimination was at issue, saying that UM has "many, many Arab and Muslim students, faculty and staff."

Rahat's "comments were deeply disturbing to his coworkers and superiors at the medical school," Musto said. "They were inappropriate and unbecoming for someone working in a research laboratory. He was fired because he made those comments, certainly not because of his ethnic background."

Rahat's lawyer, Andrés Rivera-Ortiz, protested the firing in a letter to UM President Donna Shalala sent last week.

Musto — la's spokeswoman — said she did not know if Shalala was aware of Rahat's case, though the president typically is not informed of every firing decision.

Asked to contact Shalala, Musto said, "I don't think she has a comment on it."

Rahat is the second person known to have been fired from a job in Miami after expressing critical views of U.S. foreign policy in the wake of Sept. 11.

In October, Michael Italie, a Socialist mayoral candidate in Miami, was fired from his minimum-wage job as a sewing machine worker at Goodwill Industries of South Florida.

GOODWILL JOB

The termination took place after the local head of Goodwill learned that, during debates and forums, Italie was critical of U.S. military action in Afghanistan and supported the Cuban revolution.

Private employers — including Goodwill and UM — have a right to fire employees if they don't like their political beliefs, said Lida Rodriguez-Taseff, president of the Miami chapter of the American Civil Liberties Union. They cannot fire employees based on race, religion, national origin, sex or sexual orientation.

3

Rodriguez-Taseff said the firing is part of a disturbing trend. "It's bad policy to silence people just because you don't like what they say," she said. "What we need to remember as a community going forward post-Sept. 11th is that the biggest damage we can inflict upon ourselves is to destroy the freedoms that are the hallmark of our country."

Rahat worked as a research technician in two departments: microbiology and immunology, and surgery/transplants. In 13 months, Rahat said ▸ received only positive evaluations and had an excellent relationship with his colleagues. They even threw him a small birthday celebration despite the tension of the day, he said.

Musto declined to discuss Rahat's employment record, calling it "immaterial" to his firing. He was suspended on Sept. 20 and fired on Sept. 25.

WORDS UNPOPULAR

Rahat acknowledges his comments on Sept. 11 were largely unpopular. But not all colleagues were offended and several have spoken on his behalf, he said.

He said he opined that the "tragic events" were predictable because U.S. foreign policy in Afghanistan had created anti-American sentiment, and because the United States had previously provided arms and training to the terrorists.

He said the United States was not sympathetic enough to the Palestinian cause and was too cozy with Israel.

And he made the "birthday gift" remark — not out of sympathy with bin Laden, he says, but in a sarcastic attempt to say the attacks would "be associated with my birthday."

"I'm not sure of any other way I could sugar-coat it if I had that conversation again; we have to change our foreign policy," said Rahat, who said he is in the United States as a legal permanent resident. "I am an opinionated person, but for them to fire me because of that, it's too unfair."

In the letter to Shalala, Rahat's lawyer also raised another issue, saying "the fact that the decision-makers in this case are apparently of Jewish ancestry is certainly evidence that would seem relevant, and which I would be remiss not to point out."

Rivera-Ortiz did not name the UM officials involved in his client's firing whom he believes are Jewish. But he said that one of them stated in front of two witnesses: "Mohammad is probably working at a lab from his kitchen now, making biological warfare."

"I don't think that kind of comment would have been made had a Cuban or Anglo made the comments my client made," Rivera-Ortiz said, calling the remark evidence that Rahit was "singled out because of his actual or perceived national origin."

Rivera-Ortiz said a university should never "quash dissent or unpopular views." He is asking Shalala to reconsider the firing because, he says, it was wrong, not just because there could be legal liability.

"We're just hoping that she will do the right thing and correct this ir ce," he said.

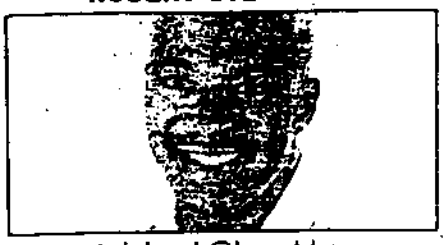
The Herald WEDNESDAY, NOVEMBER 7, 2001

METRO MIAMI

15-6

COMMENTARY

ROBERT STEINBACK



rsteinback@herald.com

Forced patriotism is oppression

America: Love it or leave it.

A declaration of patriotism? I call it advocacy of tyranny.

Two local stories have tested our understanding of American values in the aftermath of the Sept. 11 attacks.

Michael Italie, a candidate for mayor of Miami, was fired from his job at Goodwill Industries a week ago because he represents the extreme-left Socialist Workers Party.

Three Miami-Dade County firefighters who expressed their view that the American flag symbolizes oppression of black people have been so vilified by the public that they might be unable to resume their careers.

The recent surge in flag-waving and anthem-singing has stirred a patriotic fervor in Americans unmatched since World War II.

But this caffeine jolt of nationalism has obscured a more complex dimension of Americanism — that our special brand of freedom requires restraint, wisdom and courage, and not just rah-rah boosterism.

Patriotism American style can't be compulsory; otherwise, it's just oppression. Dissent isn't treason.

Italie, who didn't campaign vigorously, has supported Cuba's communist revolution and condemned U.S. bombing in Afghanistan. Goodwill CEO Dennis Pastrana, himself an exile from Castro's Cuba, fired Italie from his minimum-wage job sewing jackets for the military.

IDEOLOGY UNPROTECTED

Italie's firing almost certainly is legal. Freedom of opinion doesn't extend inside private companies, which can discriminate on any basis other than race, sex, religion or national origin and, in some locations, age and sexual orientation. Discrimination by ideology is fair game.

But is it in keeping with the true spirit of what America represents?

Italie's firing, in a word, stinks. He wasn't accused of disrupting his workplace with his ideas, neglecting his duties or proselytizing his political views. He was fired for what he chooses to believe.

"I think the man has treasonous points of view," Miami Mayor Joe Carollo said of Italie. "He would have made Benedict Arnold seem like a patriot."

That's just plain wrong.

The Constitution states, "Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort."

That's it. There's nothing in Article III, Section 3 about political ideology, nothing about loving or honoring the flag, nothing, even, about loving or honoring America.

GOVERNMENT WORKERS

Similarly, I've been disappointed by the number of readers who have said the three firefighters didn't deserve to hold their jobs, given their views about the flag — even though they never failed to perform their assigned duties. Many readers felt patriotism is obligatory for government workers like firefighters.

Wrote one reader: "Disrespect to the flag of your country is tantamount to treason."

The Constitution says otherwise.

It's valid to argue that every American should love America. But this is a far cry from arguing that every American must love America.

Throughout most of human history, and in much of the world at the dawn of the 21st century, dissent has been crushed by force. If we're not careful, we Americans can lapse into this same knee-jerk instinct to crush what we don't like.

Here, dissent should be met with intellect, rhetoric and reason. Americans are free to listen to all ideologies and decide which to embrace or reject. We are strong because we hear all views and collectively choose our national course.

Call this the American version of the Serenity Prayer: Grant us the restraint to avoid strangling opposing views, the wisdom to evaluate them serenely, and the courage to continue doing the right thing even when others don't get it.

15-7

COMMENTARY

ROBERT STEINBACK

rsteinback@herald.com

Fear of terror threatens liberty

If America today were struck by a wave of suicide bus bombings such as Israel experienced last week, would we have the mettle to stand firm in defense of our principles of freedom or would we carve up the Constitution faster than the guest of honor at a pig roast?

I'm not optimistic.

After all, we Americans have a rather tepid history of dedication to the principles of individual liberty so nobly outlined in our nation's founding documents. Our sacred parchments already are being chopped up in the wake of the Sept. 11 terror attacks, with scarcely a murmur from the public.

The Bush administration has unilaterally given itself the right to eavesdrop on traditionally protected attorney-client conversations; detain terrorism suspects indefinitely in secret and without charges, in apparent violation of habeas corpus rules; and try suspects in this undeclared war by military tribunals — extreme measures that have drawn surprisingly little public ire.

It may stem from our tendency to equate defending individual rights with weakness, especially during times of national stress: Only wimps whine about rights. The Constitution, at such moments, becomes a nuisance.

So what's wrong with bending the customary rules for the sake of security, some ask. Liberty is an amorphous, diffused virtue, while stepping on a suspect's rights can bring immediate gratification. Defending the American way of life is the most important principle, they'll say.

Unfortunately, the same rationale was used to justify the lynchings of black men in the American South in the last century. Only in retrospect is the horror of extra-constitutional justice fully apparent.

So when I saw the news from Israel, I shuddered — and not only for the immediate human tragedy of it.

It wouldn't take much for a domestic nut to perform a similar act here.

If that terrible event occurred, how many more essential principles of liberty would we eagerly compromise in the feverish scramble to do something, anything, to prevent further such crimes?

South Florida has long been a focal point of the clash over liberty. Frankly, we're pretty confused on the concept.

Since the Sept. 11 attacks, two men were fired from their jobs solely for expressing unpopular opinions.

The University of Miami fired Iranian-born medical technician Mohammad Rahat for criticizing U.S. policy in Israel and Afghanistan.

Former Miami mayoral candidate Michael Italie was fired from his Goodwill Industries sewing job for speaking in support of the Cuban revolution and against U.S. bombing in Afghanistan.

There has been no groundswell of indignation over these unjustified and outrageous firings. But it wouldn't be the first time we've sacrificed liberty for expediency.

South Floridians angry about the prevalence of Spanish often argue that people in this country should be compelled to speak English — ignoring the individual's right to use whatever language one chooses in nongovernment venues.

We've seen efforts to prevent Cuban artists from performing here. We've seen maverick Cuban radio talk-show host Alberto Milián virtually driven from the airways for refusing to restrain his criticism of Cuban politicians. We continue to fight over whether gay men and lesbians even have rights that deserve legal protection.

And South Florida regularly copes with denials of legal rights to refugees and immigrants — most dramatically, the 1996 law that permitted long-term detention and deportation of legal residents for minor crimes committed years earlier.

Liberty in our multihued, multiethnic nation is a lot more than a statue in New York's harbor. It's a principle we must confront — and defend — every day.

15-8

AGENCY FOR WORKFORCE INNOVATION
UNEMPLOYMENT COMPENSATION PROGRAM
CLAIMS AND BENEFITS

SOCIAL SECURITY NO:
CLAIM FILED EFFECTIVE: 12/17/00
CLAIM OFFICE NO: 3656
ISSUE CODE: 1 01 005000
DATE MAILED: 12/06/01
ADJ NAME: D G B

SECTION I. REASON FOR DETERMINATION

THE CLAIMANT WAS DISCHARGED BECAUSE OF POLITICAL VIEWS. NO INFORMATION HAS BEEN SUBMITTED WHICH SUBSTANTIATES MISCONDUCT.

SECTION II. DETERMINATION

IN ACCORDANCE WITH SECTION 443, FLORIDA STATUTES:
BENEFITS ARE PAYABLE BECAUSE:
THE DISCHARGE WAS FOR REASON OTHER THAN MISCONDUCT CONNECTED WITH THE WORK.

ANY BENEFITS RECEIVED FOR WHICH YOU WERE NOT ENTITLED ARE OVERPAYMENTS AND SUBJECT TO RECOVERY.

SECTION III. EMPLOYER CHARGEABILITY

THE EMPLOYER IS NOT CHARGEABLE SINCE THE EMPLOYMENT WAS NOT IN THE BASE PERIOD.

SECTION IV. APPEAL RIGHTS

THE DETERMINATION WILL BECOME FINAL UNLESS YOU REQUEST A HEARING WITHIN 20 DAYS FROM THE MAILING DATE OF THIS NOTICE EXPLAINING THE BASIS OF THE PROTEST. IF THE 20TH DAY FALLS ON A SATURDAY, SUNDAY OR LEGAL HOLIDAY, THE APPEAL PERIOD IS EXTENDED TO THE NEXT BUSINESS DAY. YOUR REQUEST MUST BE FILED IN WRITING BY MAILING A LETTER TO THE OFFICE OF APPEALS, BLDG. L, SUITE 210, 325 JOHN KNOX ROAD, TALLAHASSEE FL 32303, OR FAXING A LETTER TO (850) 921-3524. THE POSTMARK OR FAX STAMPED RECEIVED DATE SHALL BE THE DATE OF FILING. IF YOU HAVE QUESTIONS CONCERNING THE FILING OF YOUR APPEAL, YOU MAY CALL (866) 778-7356.

IF UNEMPLOYED, YOU MUST CONTINUE REPORTING ON YOUR CLAIM UNTIL ALL REDETERMINATIONS/APPEALS ARE RESOLVED.

CLAIMANT / AGENT ADDRESS

PAUL M ITALIE
531 NE 76TH STREET
MIAMI FL 33138

EMPLOYER / AGENT ADDRESS

GOODWILL INDUSTRIES OF SOUTH
FLORIDA INC
C/O ADP-USC
PO BOX 6501
DIAMOND BAR CA 91765-8501

Exh. 16

2 pages

Declaration

I, Tom Fiske, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supportin g the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge.

1. Myself and two supporters of the Tom Fiske Socialist Workers 2001 campaign for mayor of St. Paul set up a literature table and were campaigning on the Westside of St. Paul on Oct. 20, 2001. This was at the corner of State Street and Concord Street in front of the El Burrito store on the public sidewalk.

2. Along with the *Militant* newspaper, literature supporting my candidacy for Mayor of St. Paul, and books and pamphlets on socialism, we were also handing out a statement on the U.S. war on Afghanistan.

3. At 2:30 P.M. Mike Cassidy, an investigative officer for the City of St. Paul, approached the table and told us we had to immediately take down the table holding our literature. If not, he would write out a ticket charging us with violating ordinance #106.09 of the city of St. Paul requiring vendors to have a permit. He told us that he had received a complaint from El Burrito market.

4. Karen Ray, a campaign supporter, and myself talked with him. Ray explained that we were campaigning for myself for Mayor of St. Paul and that we were asking for donations to cover the expenses of the books. She explained that our table had nothing to do with vending regulations. Cassidy maintained his threat and handed us a piece of paper citing the ordinance under which we would be cited. We subsequently took down the literature table and left the area.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 20, 2001.

S/ Tom Fiske, Oct. 20, 2001

Tom Fiske

16-2

CITY OF ST. PAUL

DEPARTMENT OF PUBLIC WORKS
ORDINANCE ENFORCEMENT DIVISION
891 N. DALE ST.
ST. PAUL, MN 55103

INSPECTION REPORT

DATE: 10-20-01

LOCATION : Concord Blvd.

OWNER OR OCCUPANT: Sidewalk vender

ACCORDING TO CITY ORDINANCE # 106.09

The following corrections must be made by: **Immediately**

It is against City Of St. Paul ordinance to sale merchandise on City Right-Of-Way with out a permit. To inquire about permit call 651- 266- 9090
Failure to comply may result in a citation that will require you to appear in court.

Please call the number below if you have any questions or cause for delay.

Thank you for your cooperation!

PHONE: 487-4703 Inspector: Mike Cassidy

Henry Ung 487-4704

City Depts

Exh. 17
2 pages

DECLARATION

I, Deborah Liatos, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the Socialist Workers Party, the Socialist Workers National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. Myself and another supporter of the Socialist Workers Party set up a table and were campaigning on Ocean Ave. and Faxon St. in the Ingleside neighborhood in San Francisco on Sat. Oct. 27, 2001.

2. Along with the *Militant* newspaper, books, and pamphlets, we were handing out the Sept. 11 campaign statement by Martín Koppel, Socialist Workers candidate for Mayor of New York in 2001.

3. A man in his 50's came up to the table, and I explained that we are opposed to the US war in Afghanistan. He said "Out of my face, I'll cut your throat" and walked into the Walgreens. When he came out, he heatedly said, "Get the hell out of here!" among other things. About two hours passed. One supporter of the party had left the table, and another had joined me on the team. The same man came back by, even more angry, and yelled, "I thought I told you to get the hell out of here." He went into Walgreens and came out a couple of minutes later, yelled some more, went down the block and came back and yelled some more. Then he went into the mattress store on the corner diagonal to us and came back. He kept screaming repeatedly things like, "You fucking bitch, if you don't get out of here I'll dump your table on the ground. I'm going to go and get my tennis shoes on and if you're not out of here in 10 minutes, I will kick your table over. Get the fuck out of my neighborhood." All the time he was doing this, he was screaming close to our faces with his fists drawn back. He looked as if he might punch one of us. We said nothing for the most part and stood near the table, trying to defuse the situation. Then he grabbed the table. When he did so, I put my hand on top of the table and said quietly, "Don't." Another passerby said politely to the guy, "Look they have the right to do this," and the guy ran after him saying, "Get the fuck out of here" and looked like he was going to try to hit him. The passerby had to run to get away from him. This was the third incident of harassment at this location.

17-2

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 2, 2002.

Deborah Liatos

s/ Deborah Liatos
October 2, 2002

Exh. 18

1 page

Declaration 18-1

I, Anthony Dutrow, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of personal knowledge:

1. I was the Socialist Workers 2001 candidate for Mayor of Houston, Texas and certified to appear on the ballot for the November 2001 elections. At that time—and at the present—I was employed by Park Ten Foods of Houston, a wholly owned subsidiary of the Hormel Corporation.

2. On October 11, 2001, at 3:45 p.m. following a crew meeting, the plant manager, Steve Wiers, told me to follow him to his office, and called in the personnel manager. In the office he held up a flyer announcing a campaign talk by me that was entitled "Stop the Bombing. US Out of Afghanistan" that was to be held October 14. Then he pulled another leaflet from a file folder, one publicizing a campaign talk that I gave Labor Day weekend titled "Jobs for All".

3. At that point the plant manager told me that any further appearance in the plant of any piece of material with my name on it, no matter how it gets into the plant, will be grounds for immediate discharge. He told me "I will not allow this plant to be a captive audience for your campaign." At that point he held up the company employee handbook and said it is their position that this violates Hormel's "no solicitation" rule.

Anthony Dutrow
July 2, 2002

Exh. 19
1 page

I, William T. Leonard, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the Socialist Workers Party, the Socialist Workers National Campaign Committee, and the committees supporting candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

On September 15, 2001, supporters of Socialist Workers 2001 candidate Brock Satter, for 9th Congressional District (special election) were campaigning from a table at the Maverick Square transit stop in East Boston, Massachusetts.

A man walked by, looked at the literature on the table, and made loud unintelligible remarks. A couple minutes later two oranges were thrown from across the street (about 100 feet away). The oranges landed about three feet from the table. About 10 minutes later a policeman from the MBTA (Massachusetts Bay Transit Authority) came and told us we had to take the table down. We were set up about 10 feet from the "T" stop entrance. Supporters of the campaign had set up at that same location once a week over the previous three months. Socialist Workers campaign supporter Andrea Morell also witnessed the event.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 1, 2002.

Signed

William T. Leonard
October 1, 2002

Exh. 20
1 page

DECLARATION

I, Deborah Liatos, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the Socialist Workers Party, the Socialist Workers National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. Myself and another supporter of the Socialist Workers Party set up a literature table at Ocean Ave. and Faxon St. in the Ingleside neighborhood of San Francisco and were campaigning on Sept. 15, 2001.

2. Along with the *Militant* newspaper, books, and pamphlets, we were handing out the Sept. 11, 2001 campaign statement by Martin Koppel, Socialist Workers candidate for Mayor of New York.

3. A man in a suit and tie came up to us as we were distributing the statement by Koppel. After we said that the U.S. government was using the attacks on the World Trade Center in New York and Pentagon in Washington to step up its war moves abroad and attacks on democratic rights in this country, he began screaming at us. He flailed his arms and yelled, "How dare you not support President Bush. You fucking liberals." We tried to defuse the situation by ignoring him. When he didn't stop, I calmly said, "OK, we all have a democratic right to our opinions." He responded, "There are no democratic rights anymore" and kicked the table. Someone who had visited our table earlier came by a little while later and said while he was sitting in a coffee shop down the street, the same man came in and continued screaming to everyone in the shop.

Later that day another man came by the same table and, in response to my presentation of our views, said, "Well I'm in support of the war. If someone hits me I hit them back. Wouldn't you hit me if I hit you." I said calmly, "No I wouldn't." He said, "Let's see," and pulled back to punch. I stepped back and said something like, "Come on, we all have our right to different views on what's going on." He did not throw a punch and soon left the table.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 2, 2002

Deborah Liatos

s/Deborah Liatos
October 2, 2002

Exh. 21

1 page

21

21-1

I, Emily Fitzsimmons, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the Socialist Workers Party, the Socialist Workers Party's National Campaign Committee, and the committees supporting the candidates of the Socialist Workers Party are entitled to an exemption from certain disclosure provisions of the Federal Elections Campaign Act.

I make this statement on the basis of personal knowledge:

1. On September 15, 2001, myself and three other supporters of Martín Koppel, the Socialist Workers candidate for Mayor of New York, set up a campaign literature table at 181st and Broadway in Manhattan.

2. We put out a number of signs on our tables: Martín Koppel for Mayor: SWP Campaign; Israel Out of the Occupied Territories: For A Democratic, Secular Palestine; and End the U.S. Embargo of Cuba; and U.S. Navy Out of Vieques.

3. At one point two men came up and started yelling at us, "Support your government," and "Shame!" A little while later a man and a woman came up, shouting, "How can you do this today!" and "They are the enemy!" The man tore our sign about Israel off the table. He then ran behind the table and overturned them. The two other men joined in, and then attacked the campaign supporters. We had to defend ourselves with the help of some onlookers.

4. Someone called the police and the attackers left when they arrived.

I declare under penalty of perjury that the foregoing is true and correct. Executed September 16, 2001

Emily Fitzsimmons
September 16, 2001

Exh. 22
1 page

22-1

A-2

DES MOINES

Vandals egg office of Socialist candidate

Vandals egged the campaign headquarters of a Socialist running for the at-large seat on the Des Moines City Council.

Edwin Fruit, 55, said Sunday he had filed a vandalism report with Des Moines police.

Fruit said he believes the vandalism happened late Saturday or early Sunday. His campaign headquarters, located in Pathfinder Bookstore, 3720 Sixth Ave., was the only location that was egged, he said.

The window displays his campaign sign and books that defend the Cuban Revolution and speeches by Malcolm X, he said.

"I can only assume that this was selective," he said.

Fruit, a production worker at Perry's IBP meatpacking plant, is challenging former state Rep. Ned Chiodo, Planning and Zoning Commission Chairman Frank Cownie, Iowa Cubs executive Jim Nahas and neighborhood leader Tom Ross for the seat being [illegible]

Exh. 23

1 page

23-1

DECLARATION

I, Eva R. Braiman, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the Socialist Workers Party, the SWP National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. I am the Socialist Workers Party Candidate for Mayor of Cleveland. On Saturday, August 28, 2001, I was campaigning at a literature table in front of a Middle Eastern grocery store, two blocks from our campaign headquarters in Cleveland, Ohio.

2. A young man came up to the table and asked, "why do you have all these racist books?" I asked him what he meant. He referred to the titles by Malcolm X, in particular, saying I had "betrayed my own race." He said he supported the books on the Palestinian struggle because "they are killing Jews." I told him what our campaign stands for and that we likely had no areas of agreement. He repeated some comments about me "betraying the white race", adding while he departed down the block "you're running for Mayor? Well, I'm going to firebomb your house".

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 21, 2001.

Eva R. Braiman

Eva R. Braiman
September 21, 2001

Exh. 24

15 pages

I, Mark Gilsdorf, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the Socialist Workers Party, the Socialist Workers Party's National Campaign Committee, and the committees supporting the candidates of the Socialist Workers Party are entitled to an exemption from certain disclosure provisions of the Federal Elections Campaign Act.

I make this statement on the basis of personal knowledge:

1. July 12, 2001, myself and another supporter of the Socialist Workers Party were staffing a literature table outside of the Brooklyn Academy of Music (BAM), where the movie "Lumumba" was showing.

2. Two security guards from the BAM came over and told us we had to move our table back from the building, which we did. A BAM official came out and started asking us what we were doing, but left when the two security people explained that the police had informed them we could set up on a public sidewalk. The manager went back inside, but the two security people stayed around for two hours, writing down a list of books on the table and video taping our activities.

3. After about three hours police officer John Restaino showed up and said BAM officials had called the precinct and complained of our activities. He said we had to move our table across the street. We agreed to do that and asked for Mr. Restaino's badge number.

4. Officer Restaino, without warning, then wrote out tickets charging me with disorderly conduct, unlicensed vending, and "stand cannot be with 20' of entrance way of building."

5. At a court hearing in October the judge agreed to suspend all three charges for six months, then to dismiss them if I did not repeat any of the actions within that time.

I declare under penalty of perjury that the foregoing is true and correct. Executed October 16, 2001

Mark Gilsdorf

Mark Gilsdorf
November 15, 2001

24-2

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS: SAP PART

PEOPLE OF THE STATE OF NEW YORK,

v.

MARK T. GILSDORF,

Defendant.

Docket Nos. 409285727-5, 409285728-5, 409285730-5

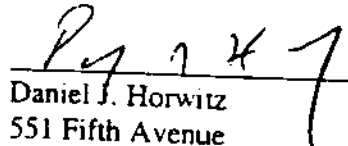
DEFENDANT'S NOTICE OF MOTION TO DISMISS COMPLAINTS PURSUANT TO C.P.L. §§170.30(a) and (e).

PLEASE TAKE NOTICE that upon the accompanying affidavit of Daniel J. Horwitz, Esq. and Memorandum of Law in Support of Defendant's Motion to Dismiss the Complaints, and all proceedings previously had herein, defendant Mark T. Gilsdorf shall move this Court, at 120 Schermerhorn Street, Brooklyn, New York, on Friday, October 26, 2001, at 9:30 a.m. or as soon thereafter as counsel can be heard, for an order pursuant to C.P.L. §§ 170.30(a) or (e) dismissing the complaints, and granting any such further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that any opposition papers must be served no later than November 2, 2001.

Dated: October 26, 2001
New York, New York

SQUADRON ELLENOFF PLESENT
& SHEINFELD LLP



Daniel J. Horwitz
551 Fifth Avenue
New York, New York 10176
(212) 661-6500

Attorneys for Defendant Mark T. Gilsdorf

SEPS NY #399433 v 1

24-3

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS: SAP PART

PEOPLE OF THE STATE OF NEW YORK,

v.

MARK T. GILSDORF,

Defendant.

Docket Nos: 409285727-5, 409285728-5, 409285730-5

AFFIRMATION OF DANIEL J. HORWITZ, ESQ. IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS COMPLAINTS PURSUANT TO C.P.L. §§ 170.30(a) and (e).

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

DANIEL J. HORWITZ, an attorney duly admitted to practice law before the Courts of the State of New York, swears the following to be true under penalties of perjury:

1. I am an attorney associated with the firm of Squadron Ellenoff Plesent & Sheinfeld LLP, 551 Fifth Avenue, New York, New York 10176 that represents the defendant Mark T. Gilsdorf in the above-captioned matter. I am fully familiar with the facts of this matter.

2. This Affirmation is respectfully submitted in support of defendant's Motion to Dismiss the Complaints on the grounds that the complaints upon which defendant was arraigned were facially insufficient, pursuant to C.P.L. §170.30(a), or alternatively, that the People have failed to prosecute these charges within the time allowed under C.P.L. § 30.30.

3. On July 12, 2001, Police Officer John A. Restaino issued three Criminal Court universal summonses to defendant that, respectively, charged defendant committed the offenses of Disorderly Conduct, in violation of P.L. § 240.20(5), Unlicensed General Vending, in violation of NYC Admin. Code § 20.453(GO1), and Operating a General Vending Stand Within

Twenty (20) feet of the Entrance Way of a Building, in violation of NYC Admin. Code § 20-465(d). The Summonses commanded defendant to appear before the Criminal Court of the City of New York, 346 Broadway, New York, New York on August 23, 2001.

4. On August 23, 2001, defendant appeared before the Criminal Court of the City of New York, County of New York, SAP Part at 346 Broadway and was arraigned upon the three universal summonses (copies of which are attached hereto as Exhibit A). Upon information and belief, Defendant was not arraigned upon a complaint (defendant was not served with any complaint at the arraignment or at any time thereafter).

5. Defendant initially moved to dismiss the complaints on the grounds that they are facially insufficient. The Court denied that application and the defendant pled not guilty.

6. The Court thereupon adjourned the matter to October 26, 2001 before the instant Court.

7. The Complaints fail to set forth <u>any</u> allegations of fact to provide reasonable cause to believe that the defendant committed the offenses charged.

8. Moreover, more than thirty days have elapsed from the defendant's arraignment without the People having served a statement of readiness.

24-5

WHEREFORE, defendant respectfully moves this Court for an Order pursuant to C.P.L. § 170.30, or in the alternative, C.P.L. § 30.30, dismissing the charges of Disorderly Conduct, Unlicensed General Vending and Operating a General Vending Stand Within Twenty (20) feet of the Entrance Way of a Building.

Dated: October 26, 2001
New York, New York

Respectfully submitted,

DANIEL J. HORWITZ
SQUADRON ELLENOFF PLESENT
& SHEINFELD LLP
551 Fifth Avenue
New York, New York 10176
(212) 661-6500

Attorneys for the Defendant

Exhibit A

24-7

CRIMINAL COURT – CITY OF NEW YORK

409285728-7

Failure to comply with these instructions may result in the issuance of a warrant for your arrest.

TO PLEAD GUILTY

YOU MUST PERSONALLY APPEAR AT THE COURT AND LOCATION SPECIFIED ON THE FACE OF THIS SUMMONS.

TO PLEAD NOT GUILTY

By Mail: Within 48 hours after receipt of this summons complete the PLEA FORM below and mail this summons to the NOT GUILTY UNIT at the Court and location specified on the face of this summons. The Court will then notify you by mail of the date to appear for trial. If you do not hear from the Court within 30 days after the return date, APPEAR IN PERSON.

In Person:
Appear in person or by counsel on the date and time set for appearance at the Court and location specified on the face of this Summons. A second court appearance will then be required at a later date for trial.

UPON APPEARING FOR ARRAIGNMENT – YOU HAVE THE RIGHT

To the aid of counsel at your arraignment and at every subsequent stage of the action.

To an adjournment for the purpose of obtaining counsel.

To have counsel assigned by the Court if you are financially unable to obtain counsel appointed if you are charged with a traffic infraction.

To have a supporting deposition filed as provided in section 100.25 of the Criminal Procedure Law should an accusatory instrument filed against you be a Simplified Information.

IF TRAFFIC OFFENSE OTHER THAN PARKING OR JAYWALKING IS CHARGED:
A plea of guilty to this charge is equivalent to a conviction after trial. If you are convicted, not only will you be liable to a penalty, but in addition your license to drive a motor vehicle or motorcycle, and your certificate of registration, if any, are subject to suspension and revocation as prescribed by law.

DO NOT DETACH. SUBMIT ENTIRE SUMMONS.

PLEA FORM

I hereby plead not guilty

NAME (PLEA)

ADDRESS

CITY STATE ZIP CODE

SIGNATURE DATE

409285721-5

Last Name: GILSDORF Mark

Street Address: 34- BeLTzhoover-Ave

City: pittsburgh PA 15211

ID Number: 25789-711 Date of Birth: 01-22-74 Sex: M

Lic. State: PA Lic. Class or ID Type: C Date Expires: 01-31-01

Plate No.

VIN No.

All: 0 Time: 700 PM Date of Occurrence: 7/2/01 County: K Precinct: 088

Place of Occurrence: E/o 30-Lafayette Ave

in violation of: 240.20, 05 Other: PL

Description of Charged Crime (including Section & Subdivision):

Disorderly Conduct

Location: 346 Broadway NYC

Date of Arrest: 7/2/01 Time: 7:30 PM Place of Arrest: Aug

I personally observed the commission of the offense charged above. The statements therein are predicated upon my Class A Misdemeanor pursuant to Section 210.45 of the Penal Law. Affirmed under penalty of perjury.

Officer: John A Restaino

Complaint Taken by: Restaino John Complaint Code: 088

Agency: NYCPD Squad: CPU Tax Registry No.: 902270

I acknowledge receipt of this summons. I understand it is my responsibility to read and comply with the instructions on my copy, and that my signature below is not an admission of guilt.

Name: Date:

CRIMINAL COURT

24-8

CRIMINAL COURT – CITY OF NEW YORK

Failure to comply with these instructions may result in the issuance of a warrant for your arrest.

TO PLEAD GUILTY

YOU MUST PERSONALLY APPEAR AT THE COURT AND LOCATION SPECIFIED ON THE FACE OF THIS SUMMONS.

TO PLEAD NOT GUILTY

By Mail:
Within 20 hours after receipt of this summons complete the PLEA FORM below and mail this summons to the NOT GUILTY UNIT at the Court and location specified on the face of this summons. The Court will then notify you by mail of the date to appear for trial. If you do not hear from the Court within 30 days after the return date, APPEAR IN PERSON.

In Person:
Appear in person or by counsel on the date and time set for appearance at the Court and location specified on the face of this Summons. A second court appearance will then be required at a later date for trial.

UPON APPEARING FOR ARRAIGNMENT – YOU HAVE THE RIGHT

To the aid of counsel at your arraignment and at every subsequent stage of the action.

To an adjournment for the purpose of obtaining counsel.

To have counsel assigned by the Court if you are financially unable to obtain counsel pursuant if you are charged with a traffic infraction.

To have a supporting deposition filed as provided in section 100.25 of the Criminal Procedure Law when the accusatory instrument filed against you is a Simplified Information.

IF TRAFFIC OFFENSE OTHER THAN PARKING OR JAYWALKING IS CHARGED:

A plea of guilty to this charge is equivalent to a conviction after trial. If you are convicted, not only will you be liable to a penalty, but in addition your licenses to drive a motor vehicle or motorcycle, and your certificate of registration, if any, are subject to suspension and revocation as prescribed by law.

DO NOT DETACH. SUBMIT ENTIRE SUMMONS.

PLEA FORM

I hereby plead not guilty

NAME (Print)

ADDRESS

CITY STATE ZIP CODE

SIGNATURE DATE

SUMMONS

409285728-7

The People of the State of New York vs.

Last Name: GILSDORF, WORK, T. First Name:

Street Address: 34- BELTZ HOOVER Ave

City: Pittsburgh PA 15211

ID Number: 25 789 711 Date of Birth: 03 07 74 Sex: M

Lic. State: PA Lic. Class or Type: C Date: 03 01 01 Other Info:

Plate No.: Veh. Make: Veh. Color: Allowable Plate: Body:

Vehicle:

Act: 700 Date: 7/12/01 Code: K Place: DRB

Place of Occurrence: F/O 30 - Lafayette Ave

In Violation of: 30-465 D

Description of Charged Offense (including Traffic Misdemeanor):

Stand cannot be within 20' of entrance of any bldg

Signature: Sign Signed Place Made

Arrested at: 346 Bleecker NYC Precinct: 1FL County: NY

Date of Arraignment: 3:00 PM 23rd day of Aug 01

I personally observed the commission of the offense charged above. I am informed that the defendant is not entitled to a Class A Misdemeanor pursuant to Section 160.40 of the Penal Law. After reasonable inquiry I believe

Complaining Witness: POSADA A. Rosmary

Complainant's Address: POREST AVO JOHN Precinct: DRK

Agency/ICC: NYPD Rank: CPL Tax Registry No.: 902220

I acknowledge receipt of this summons. I understand it is my responsibility to read and comply with the instructions on my copy, and that my signature below is not an admission of guilt.

Name _____ Date _____

CRIMINAL COURT

24-9

CRIMINAL COURT – CITY OF NEW YORK

Failure to comply with these instructions may result in the issuance of a warrant for your arrest.

TO PLEAD GUILTY

YOU MUST PERSONALLY APPEAR AT THE COURT AND LOCATION SPECIFIED ON THE FACE OF THIS SUMMONS.

TO PLEAD NOT GUILTY

By Mail: Within 48 hours after receipt of this summons complete the PLEA FORM below and mail this summons to the NOT GUILTY UNIT at the Court and location specified on the face of this summons. The Court will then notify you by mail of the date to appear for trial. If you do not hear from the Court within 30 days after the return date, APPEAR IN PERSON.

In Person:
Appear in person or by counsel on the date and time set for appearance at the Court and location specified on the face of this Summons. A second court appearance will then be required at a later date for trial.

UPON APPEARING FOR ARRAIGNMENT – YOU HAVE THE RIGHT

To the aid of counsel at your arraignment and at every subsequent stage of the action.

To an adjournment for the purpose of obtaining counsel.

To have counsel assigned by the Court if you are financially unable to obtain counsel except if you are charged with a traffic infraction.

To have a supporting deposition filed as provided in section 100.25 of the Criminal Procedure Law when the accusatory instrument filed against you is a Simplified Information.

IF TRAFFIC OFFENSE OTHER THAN PARKING OR JAYWALKING IS CHARGED:
A plea of guilty to this charge is equivalent to a conviction after trial. If you are convicted, not only will you be liable to a penalty, but in addition your license to drive a motor vehicle or motorcycle, and your certificate of registration, if any, are subject to suspension and revocation as prescribed by law.

DO NOT DETACH. SUBMIT ENTIRE SUMMONS.

PLEA FORM

I hereby plead not guilty

NAME (Print)

ADDRESS

CITY STATE ZIP CODE

SIGNATURE DATE

409285730 – 5

The People of The State of New York vs.

Last Name: GILSDORF First Name: MARK

Street Address: 34 BELTZ HOOVER AVE

City: Pittsburgh State: PA Zip Code: 15211

ID Number: 25789719 Date of Birth: 06 22 74 Sex: M

Lic. State: PA Lic. Class or ID Type: C Date Expires: 01 31 01

OPERATOR AND/OR OWNER OF VEHICLE BEARING LICENSE

Plate No. Veh. Make Veh. Color Alternate Plate State

VIN No.

THE PERSON CHARGED IS ALSO A CORPORATION

AM PM Time: 700 Date of Offense: 7 12 01 County: K Precinct: 088

Place of Occurrence: F/o 30 Lafayette Ave

In VIOLATION OF: 20.453 601 Other: G.V. Ator.

Description of Criminal Court Offense (including Traffic Misdemeanor)

Unlicensed General vendor

SPEEDING: MPH Zone

Sign Signal Fixed Mobile

Uniform Veh. Unif. Veh. Unif. Oper.

The person described above is summoned to appear at CRIMINAL COURT

Located at: 346 - B'way NYC Summons Part: IF Courtroom: 14

Date of Appearance: 23rd day of Aug year 01

I personally observed the commission of the offense charged above. False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the Penal Law. Affirmed under penalty of perjury.

Member of Police Department Complaining Witness: Det. Alexander

Complainant's Shield Number: 16 Precinct: 088

Agency/NCIC: NYCPD Precinct: PA Tax Registry No.: 902270

I acknowledge receipt of this summons. I understand it is my responsibility to read and comply with the instructions on my back, and that my signature below is not an admission of guilt.

Name: Date:

CRIMINAL COURT

24-10

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS: SAP PART

PEOPLE OF THE STATE OF NEW YORK, v. MARK T. GILSDORF, Defendant.	Docket Nos. 409285727-5, 409285728-5. 409285730-5

MEMORANDUM OF LAW
IN SUPPORT OF DEFENDANT'S MOTION
TO DISMISS SUMMONSES ON THE GROUNDS OF FACIAL
INSUFFICIENCY, OR ALTERNATIVELY, PURSUANT TO C.P.L. § 30.30

Preliminary Statement

The accusatory instruments in this matter consist of three universal summonses that charged the defendant with Disorderly Conduct, in violation of P.L. § 240.20(5), Unlicensed General Vending, in violation of NYC Admin. Code § 20.453(GO1), and Operating a General Vending Stand Within Twenty (20) feet of the Entrance Way of a Building, in violation of NYC Admin. Code § 20-465(d). None of these accusatory instruments are facially sufficient because none of them set forth any factual allegations whatsoever. The Court should dismiss them, pursuant to C.P.L. § 170.30.

In addition, the defendant was arraigned upon the aforementioned facially insufficient accusatory instruments on August 23, 2001. More than thirty (30) days has elapsed since and the People have failed to answer ready for trial. The Court, therefore, should in the alternative, dismiss the charges against defendant pursuant to C.P.L. § 30.30.

POINT I.

THE SUMMONSES SHOULD BE DISMISSED ON THE GROUNDS OF FACIAL INSUFFICIENCY

A universal summons must satisfy the requirements of the Criminal Procedure Law ("C.P.L.") regarding informations to be facially sufficient. See People v. Cunningham, 188 Misc.2d 184, 185 (N.Y. Co. Crim. Ct., 2001), citing People v. Rodman, 32 N.Y.2d 821, 822 (1973). An information is facially sufficient when:

> (a) It substantially conforms to the requirements prescribed in section 100.15; and
> (b) The allegations of the factual part of the information, together with those of any supporting depositions which may accompany it, provide reasonable cause to believe that the defendant committed the offense charged in the accusatory part of the information: and
> (c) Non-hearsay allegations of the factual part of the information and/or of any supporting depositions establish, if true, every element of the offense charged and the defendant's commission thereof.

C.P.L. § 100.40.

C.P.L. § 100.15 establishes the requirements for any charging instrument, not just an information. Specifically, it requires the body of the accusatory instrument to include a statement of facts with information of "an evidentiary nature" which tends to support the charges alleged. See C.P.L. § 100.15(3). Moreover, it requires that where an accused is charged with several different offenses or crimes, the factual portion of the instrument should consist of a single factual account applicable to all the counts charged. Id.

In the instant case, the summonses issued to defendant do not meet the requirements of C.P.L. §§ 100.40 or 100.15. All that is contained in the summons is a statement of the name of the offense in question (such as, "Disorderly Conduct") and the date, time and location that these offenses were alleged to have been committed. There is no factual account, however, of what

the arresting officer observed Mr. Gilsdorf doing to have reasonably concluded that Mr. Gilsdorf committed any of the offenses charged.

Mr. Gilsdorf is accused in one summons with violating NYC Admin.Code § 20.453(01). A person violates NYC Admin.Code § 20.453(01) when he displays certain goods for sale without displaying or having obtained the proper license to sell such goods. Thus, for a summons or information charging this offense to be facially sufficient, there must be some statement that the defendant displayed goods for sale, a description of the type of goods being offered for sale and some statement, of an evidentiary nature, that the defendant did not have a license to sell such goods. See People v. Montanez, 177 Misc.2d 506, 676 N.Y.S.2d 785 (Crim. Ct., N.Y. Co. 1998). In the summons given to Mr. Gilsdorf, however, all that is written in the space allotted for the "description of Criminal Court offense" is "unlicensed general vending." There is absolutely no recitation of what the police observed Mr. Gilsdorf doing to violate the statute. Such conclusory allegations are legally insufficient to support a pleading. See People v. Dumas, 68 N.Y.2d 729, 506 N.Y.S.2d 319 (1986).

Mr. Gilsdorf is also charged with violating NYC Admin. Code § 20-465-D. A person is in violation of NYC Admin. Code § 20-465-D when he erects a stand for the sale of goods within twenty feet of the entrance way of a building. In order to have a facially sufficient charging instrument, therefore, there must be some description of the location of the stand in relation to the entrance of a nearby building, that there were goods for sale and that goods were offered for sale. Once again, however, all that is written in the space allotted for the "description of Criminal Court offense," is "stand cannot be within 20' of Entrance Way of Building." There is no allegation that any goods were offered for sale. Thus, the summons is devoid of facts necessary to support the essential elements of the charge. See People v. Hall, 48 N.Y.2d 927,

425 N.Y.S.2d 56 (1979) (reversing County Court and dismissing information because it failed to specify an essential element of the crime).

Mr. Gilsdorf is charged with Disorderly Conduct, in violation of P.L. § 240.20(5). A person is in violation of P.L. 240.20(5) when he intentionally obstructs vehicular or pedestrian traffic with the intent to cause public annoyance or alarm. For there to be a facially sufficient charging instrument, therefore, the factual summary must contain a description of the position of the alleged offender as well as a description of how either vehicular or pedestrian traffic was disturbed due to the alleged offender's location. All that is written in the space allotted for the "description of Criminal Court offense," however, is "disorderly conduct." There is no factual allegation of an evidentiary character that Mr. Gilsdorf engaged in intentionally obstructed pedestrian or vehicular traffic or that he acted with the requisite intent. Again, such conclusory allegations, devoid of facts necessary to support the essential elements of the charge render the Disorderly Conduct summons facially insufficient. See People v. Hall, 48 N.Y.2d 927, 425 N.Y.S.2d 56; People v. Dumas, 68 N.Y.2d 729, 506 N.Y.S.2d 319.

The purpose of requiring a detailed factual account in an information or summons sufficient to establish a prima facie case is to protect the accused from being unfairly prosecuted. See People v. Flushing Hosp. Medical Center, 122 Misc.2d 260, 471 N.Y.S.2d 745 (Crim. Co., Queens Co. 1983). Unlike with felony charges, where a grand jury is convened or a preliminary hearing is held and the People are required to establish a prima facie case in order to go forward, no such procedural protections exist for people charged with petty offenses or misdemeanors. See People v. Alejandro, 70 N.Y.2d 133, 137 (1987). Thus, the ability of an accused charged with such petty offenses to understand and exercise his right to promptly dismiss unmeritorious charges is crippled unless he is adequately informed of the actions that allegedly led to such

offenses being committed. The right of an accused to adequately mount a defense is tantamount to the People's right to prosecute the offender on such charges. Consequently, the remedy for failing to adequately inform a defendant charged with a petty offense of the offending nature of his actions is the dismissal of those charges. See id. at 137-38. Accordingly, given the absence of any factual description within the summonses issued to Mr. Gilsdorf, the charges against Mr. Gilsdorf must be dismissed on the grounds that the accusatory instruments filed against him are insufficient as a matter of law.

POINT II

THE SUMMONSES SHOULD BE DISMISSED ON SPEEDY TRIAL GROUNDS

In the alternative, Mr. Gilsdorf moves to dismiss the summonses, pursuant to C.P.L. § 170.30(e), on the ground that he has been denied his right to a speedy trial under C.P.L. § 30.30. C.P.L. § 30.30(1)(d) provides that if the People are not ready for trial within thirty days of the commencement of an action in which the defendant is accused with a violation, the Court must grant a motion to dismiss made pursuant to C.P.L. § 170.30(e).

Here, the action in question commenced on August 23, 2001, when Mr. Gilsdorf was arraigned. Since his arraignment sixty-four (64) days have passed and the People have never answered ready. Thus, Mr. Gilsdorf's right to a speedy trial has been violated and the matter should be dismissed pursuant to C.P.L. § 170.30(e).

24-15

CONCLUSION

For the foregoing reasons, the Court should dismiss the instant action(s) against Mr. Gilsdorf with prejudice.

Dated: New York, New York
October 26, 2001

Respectfully submitted,

SQUADRON ELLENOFF PLESENT
& SHEINFELD LLP

By: _____

Daniel J. Horwitz
551 Fifth Avenue
New York, New York 10176
(212) 661-6500

Attorneys for Defendant Mark Gilsdorf

Exh. 25

1 page

I, Dean Hazlewood, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the Socialist Workers Party, the Socialist Workers Party's National Campaign Committee, and the committees supporting the candidates of the Socialist Workers Party are entitled to an exemption from certain disclosure provisions of the Federal Elections Campaign Act.

I make this statement on the basis of personal knowledge:

1. On July 11, 2001, I was staffing a Socialist Workers Party literature table on a sidewalk at the University of North Carolina, Charlotte.

2. A young man wearing a U.S. Special Forces T-shirt walked up to me and started to tell me about "how many commies I've killed" in El Salvador and other places. I told him I was not interested in talking with him and turned to speak with someone else. The man then told me in a threatening way, "Obviously, I didn't kill enough."

3. Shortly afterwards a police officer came up and told us we had to take down our table, the first time such a thing had happened in more than a year of setting up our literature tables.

4. I reported the incident to the student government and a college official. The official said the area in which we had set up our table is a free-speech zone and that the officer had no right to order us to take down the table.

I declare under penalty of perjury that the foregoing is true and correct. Executed August 6, 2001

Dean Hazlewood
August 6, 2001

Exh. 26
2 pages

I, Evan Roberts, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Elections Campaign Act.

I make this statement on the basis of personal knowledge:

1. On March 18, 2001, at about 12 noon in the parking lot of the Wal-Mart Supercenter at 751 Academy Drive in Bessemer, Alabama, Ardella Blandford and I were distributing the *Militant* newspaper and a Socialist Workers Party statement on the education crisis in Alabama.

2. I asked one Wal-Mart customer if he would be interested in the *Militant*, explaining that it was a socialist newspaper. He responded, "Socialist? Can I say 'f--k you'? Can I tell you to get away from me?" He spoke in a threatening tone of voice. I walked away from him as he requested and he went into the store.

3. Later, Ardella Blandford noticed a security guard's car driving around the lot as if they were looking for someone. We then decided to leave for good. As we began to drive away, a Wal-Mart security guard blocked our way with his vehicle. He said someone had complained about someone distributing literature. It seemed to us that he had no authority to keep us from leaving, so we said we had no information to give him, and we were allowed to leave.

I declare under penalty of perjury that the foregoing is true and correct. Executed July 5, 2001.

Evan Roberts

Evan Roberts
July 5, 2001

I, Ardella Blandford, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Elections Campaign Act.

I make this statement on the basis of personal knowledge:

1. On March 18, 2001, at about 12 noon in the parking lot of the Wal-Mart Supercenter at 751 Academy Drive in Bessemer, Alabama, Evan Roberts and I were distributing the *Militant* newspaper and a Socialist Workers Party statement on the education crisis in Alabama.

2. Evan Roberts asked one Wal-Mart customer if he would be interested in the *Militant*, explaining that it was a socialist newspaper. He responded, "Socialist? Can I say 'f--k you'? Can I tell you to get away from me?" He spoke in a threatening tone of voice. Evan walked away from him as he requested and he went into the store.

3. Later,I noticed a security guard's car driving around the lot as if they were looking for someone. We then decided to leave for good. As we began to drive away, a Wal-Mart security guard blocked our way with his vehicle. He said someone had complained about someone distributing literature. It seemed to us that he had no authority to keep us from leaving, so we said we had no information to give him, and we were allowed to leave.

I declare under penalty of perjury that the foregoing is true and correct. Executed July 5, 2001.

Ardella J. Blandford

Ardella Blandford
July 5, 2001

Exh. 27

2 pages

DECLARATION IN SUPPORT OF APPLICATION TO FEC

I, Joel Britton, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the Socialist Workers Party, the Socialist Workers Party's National Campaign Committee, and the committees supporting the candidates of the Socialist Workers Party are entitled to an exemption from certain disclosure provisions of the Federal Elections Campaign Act.

I make this statement on the basis of personal knowledge:

1) I am the chairperson of the Socialist Workers Party branch in Chicago.

2) In March of 2001 our party branch headquarters was located at 1212 N. Ashland Avenue – Suite 201 in Chicago. We rented space in the facility from the Pathfinder Bookstore.

3) Roxana Roman, Business/Outreach Manager of the Guild Complex, located in the same building as our headquarters, reported a threatening incident that occurred on March 22, 2001.

4) Attached is a letter from Ms. Roman about the incident.

I declare under penalty of perjury that the foregoing is true and correct. Executed September 27, 2001.

Joel Britton
September 27, 2001

Mission Statement:
The Guild Complex, an independent not-for-profit cultural center, serves as a forum for literary cross-cultural expression, discussion and education, in combination with other arts.

We believe that the arts are instrumental in defining and exploring human experience, while encouraging participation by artists and audience alike in changing the conditions of our society.

Through its culturally inclusive, primarily literary programming, the Guild Complex provides the vital link that connects communities, artists, and ideas.

27-2

March 29th, 2001

Dear Joel:

On the morning of March 22, 2001 at 8:30 a.m., I Roxana Roman, heard someone knocking at the door to your office. The knocking persisted for about five minutes, and then turned into pounding on the glass. I stepped out of my office into the hallway and approached the man and women and asked to stop pounding on the glass because they were going to break it. I also asked if I could take a message to pass on to you later that day. They began to question me and became irate. They wanted to know if I was affiliated with Pathfinder, and what I did for them. They also asked me if our office was an extension of Pathfinder, the bookstore also located there. I answered no to their question and they began to bang on the glass again. I told them if they didn't stop and leave I was going to contact he police. They immediately became even more irate and began to call me a "Fuckin Communist, you are a part of them." I again asked them to lower their voices and leave. They began to walk away slowly still yelling obscenities and laughing.

The man was about 5'9 or 5'10, about 37-40 years old, blue jeans, white button-down shirt, and blue and red jacket, wearing dirty brown suede shoes. Salt and pepper hair parted to the side.

The woman was about 5'6 or 5'7, about 35-40 years old, long brown hair with a little noticeable gray, blue jeans, ;light blue blouse, and black boots.

If you have any further questions please call me at 773-531-6607 hm, 773-227-6117 ext. 10 work.

Thank you,
Roxana Roman
Roxana Roman
Business/Outreach Manager

Mailing Address: Guild Complex, c/o Arts Bridge, 2936 N. Southport, Suite 210, The Athenaeum Theater, Chicago IL 60657
Tel: 773-296-1108 x18 ■ Fax: 773-528-5452 ■ Email: guildcomplex@earthlink.net

Exh. 28
1 page

28-1

Declaration

I, Rebecca Arenson, make this declaration in support of the application to the Federal Commission for an advisory opinion that the Socialist Workers Party, the Socialist Workers Party National Campaign Committee, and the committees supporting the candidates of the Socialist Workers Party are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. A large sign posted to advertise a meeting for the Socialist Workers Campaign 2000 vice presidential candidate's speaking engagement was defamed with hand written writing, "COMMUNIST BITCH."

2. This happened on October 23, 2000.

3. This occurred in The Student Union of Florida International University, South Campus.

4. Myself and other supporters of the Socialist Workers Campaign 2000 put up a large sign on the door of a room in the student union of Florida International University South to advertise a meeting for Margaret Trowe, the vice presidential candidate for US president. She had a speaking engagement that evening sponsored by the Arab Students Association. During the day supporters of the campaign had a literature table on campus that encountered some disagreement about the campaign's stand on the Palestinian Question. While waiting for the meeting to begin, I heard someone writing on the door and when I opened the door, the person was gone but the sign was defamed with graffiti.

I declare under penalty of perjury that the forgoing is true and correct. Executed on Dec. 10, 2000.

s/ Rebecca Arenson

Rebecca Arenson

Miami Beach, FL

December 10, 2000

Exh. 29

6 pages

DECLARATION

I, Joseph R. Swanson make this declaration in support of the application to the Federal Election commission for an advisory opinion that the Socialist Workers Party (SWP), the Socialist Workers National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. 3720 Sixth Avenue, Des Moines Iowa 50313 is the Iowa Socialist Workers Campaign headquarters for Edwin Fruit, SWP candidate for the Iowa Fourth Congressional District. This location is also the Iowa office for James Harris and Margaret Trowe for U.S. President and Vice-president.

2. At the above location at sometime in the early morning of September 4. 2000, a person or persons shoved pig's feet through the mail slot, threw chicken livers along the front and side walls of the building and pelted the front windows of the building with eggs. Most of the eggs thrown were centered on the display on the inside of the window that identified the building as the location of the Iowa SWP campaign.

3. Volunteers of the SWP campaign arrived about 8:00 a.m. on September 4, 2000 and discovered the attack. The Des Moines police department were called, interviewed the volunteers and made a report. Des Moines Police Department: Case No. 00-35397

4. As of this date, the police have not charged any one with this attack.

5. I was interviewed by the Des Moines Register and an article was in the newspapers September 9, 2000 edition.

6. I declare under the penalty of perjury that the foregoing is true and correct. Executed on December 10, 2000

Joseph R. Swanson
December 10, 2000

29-2

Des Moines Register - 9/9/2000

Socialists criticize police

Police deny belittling vandalism at party's offices

By MAGGIE O'BRIEN
REGISTER STAFF WRITER

The Iowa Socialist Workers Party says Des Moines police are doing little about recent vandalism at the group's campaign headquarters.

Vandals splattered chicken livers outside Pathfinder Books on Labor Day, party representatives said Friday. The vandals also placed pigs' feet in a mail slot and pelted a large window with a dozen eggs.

The bookstore, 3720 Sixth Ave., provides office space to numerous socialist political candidates.

Party representatives reported the incident to police. They say officers barely investigated the scene.

"I really don't think they're doing a serious investigation," said Joe Swanson, a socialist who made an unsuccessful bid for mayor in last year's primary election. The identities of the vandals are unknown, but Swanson wants those responsible to be prosecuted.


Swanson

Swanson said police disagree with many of the leftist group's political beliefs. The socialists often protest police brutality and racism, and they believe police are slow in investigating their vandalism claims because of it.

Police Sgt. Bruce Elrod said the group is wrong. Those cases are difficult to solve without suspects, Elrod said. Police would be more likely to investigate if the building had a rash of attacks. The last time Socialist Workers reported vandalism was more than a year ago, he said.

Reporter Maggie O'Brien can be reached at (515) 284-8839 or obrienm@news.dmreg.com

29-3

Iowa Socialist Workers Campaign 2000

3720 Sixth Avenue Des Moines, IA 50313

Phone: (515) 288-4391 Fax: (515) 288-1525

James Harris for President Margaret Trowe for Vice President Edwin Fruit for US Congress, 4th District

September 8, 2000
For immediate release
Media contact: Simone Berg, (515) 288-4391

Press Conference:
September 8 at 7:30 p.m.
3720 Sixth Avenue

On the morning of September 4, volunteers for the Iowa Socialist Workers Campaign arrived to find that the Pathfinder Bookstore, where the campaign is headquartered, had been attacked. Pigs' feet had been shoved through the mail slot. A plastic tub of chicken livers had been splattered along the wall next to the door. And one of the big display windows on the side of the building had been pelted with a dozen eggs.

The incident was reported to police, who came down to take a look, but failed to take one shed of evidence with them. The police officer said that they would not check for finger prints if the suspect was unknown.

"This attack is not going unanswered," said Edwin Fruit, Socialist Workers candidate for U.S. Congress in the Fourth District and member of United Food and Commercial Workers Local 1149. "We are telling other working-class fighters and supporters of democratic right about it. We are seeking their support in speaking out against this assault on an establishment whose purpose is to tell the truth about the fights of workers, farmers, and the oppressed here and around the world."

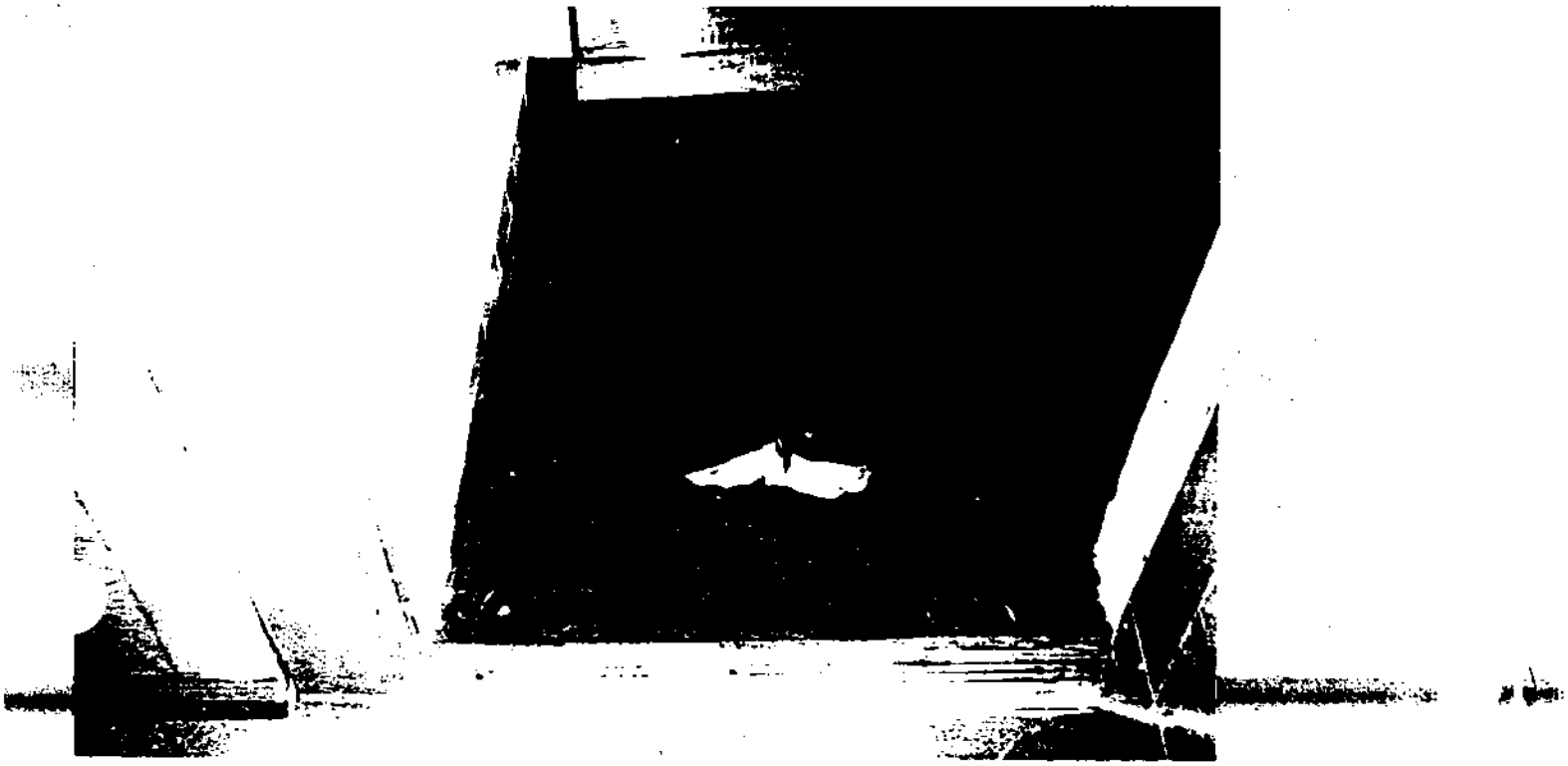
Supporters of the Iowa Socialist Workers Campaign used this campaign headquarters in their successful effort to get Fruit, along with James Harris for president and Margaret Trowe for vice president, on the ballot in Iowa. There have been public meetings here to speak out for immigrant rights, as well as to protest police brutality and the racist murder of Charles Lovelady by security thugs hired as bouncers at a local nightclub.

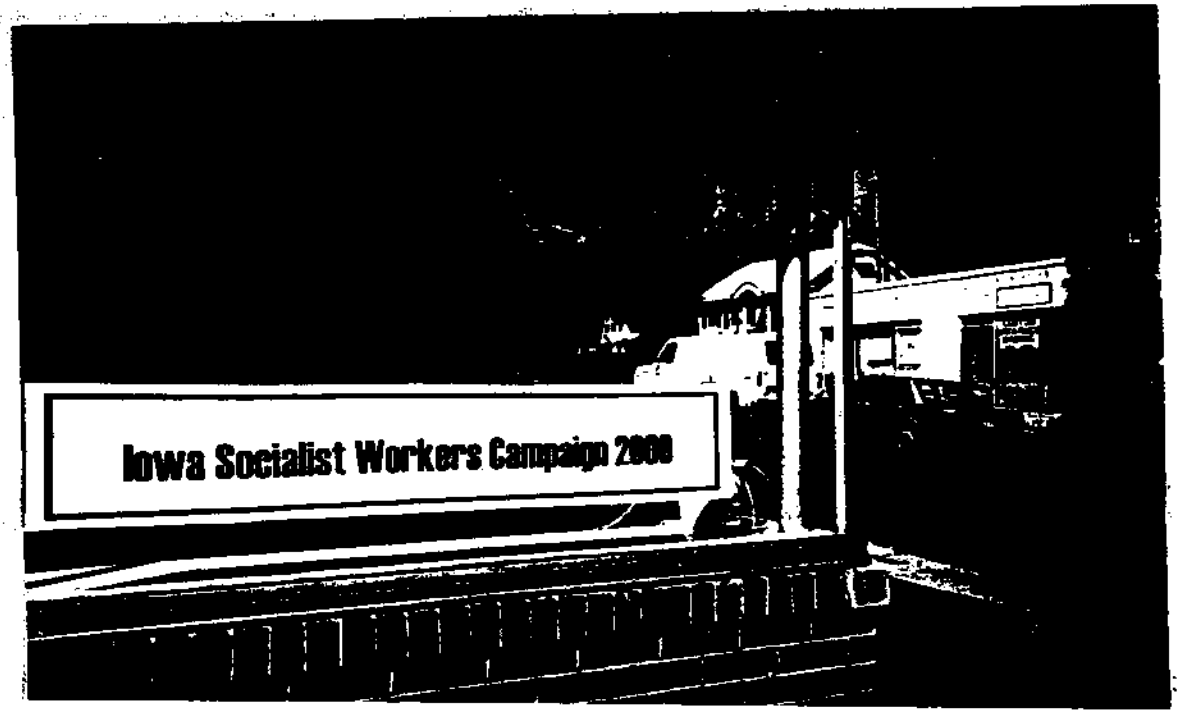
There will be a press conference to condemn and bring attention to this attack on Friday evening at 7:30 p.m. organized by supporters of the *Militant* newspaper, who sponsor the Militant Labor Forum every week at the Pathfinder Bookstore.

For more information, please contact Simone Berg at the above number.

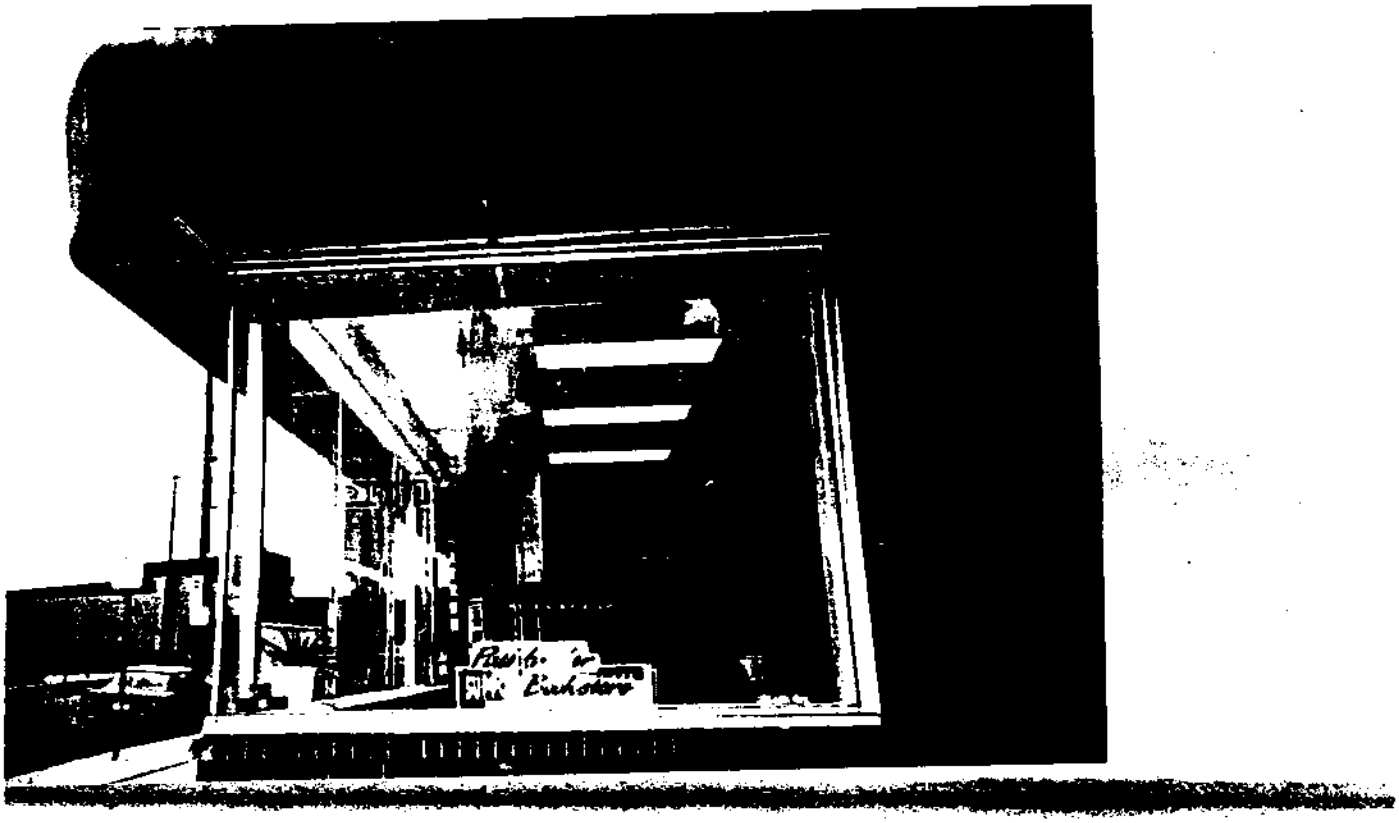
-30-

29-4





29-5



Exh. 30

3 pages

I, Angela Abernathy, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the Socialist Workers Party, the Socialist Workers National Campaign Committee, and the committees supporting the candidates of the Socialist Workers Party are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. On the morning of September 17, residents of the Woodland Dorm on the Chatham College Campus in Pittsburgh, PA awoke to find sexist and racist graffiti defacing the dorm. The socialist campaign literature on my door was defaced, specifically the picture of Socialist Workers presidential candidate, James Harris. Also, KKK slogans were written on the door.

2. The college notified campus security and immediately removed the graffiti from the dorm.

3. I participated in a meeting that evening to discuss how to respond. Students at the meeting decided to call a protest rally on September 21. I spoke at the rally, helped staff a socialist campaign table and distributed campaign material at the rally. Also, I distributed a statement by the Young Socialist opposing this racist and sexist attack. The rally was covered by local TV.

4. After the rally, my name tag was removed from my dorm room door. No other acts of vandalism were reported after the rally.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 18, 2000.

Angela Abernathy
December 18, 2000

30 - 2

THE MILITANT

Vol.64/No.40 October 23, 2000

Pittsburgh students protest racist attacks

The Young Socialists is an international organization of young workers, students, and other youth fighting for socialism. For more information write to the Young Socialists, P.O. Box 33, Times Square Post Office, New York, NY 10108, or call (212) 695-1809, or send an e-mail to: young_socialists@hotmail.com

BY ANGELA ABERNATHY

PITTSBURGH--On September 17 students at Chatham College here awoke to find that they were the targets of racist and sexist vandalism. Students found their doors and bulletin boards violated with scrawlings about the Ku Klux Klan and attacks on gays and women.

Their personal property was also stolen, defaced, and destroyed. This included a Socialist Workers campaign brochure in which the picture of presidential candidate James Harris was defaced.

Within 12 hours, students at the dorm organized a meeting at which various ideas were brought up on how to fight these attacks. Some suggested that more security was needed, that the cops should guard the dorm 24 hours a day, and that surveillance cameras should be installed. Others noted that the cops were not going to "protect" them. Then students began to discuss the fact that making their voices heard and demanding that these attacks stop was the way to fight back, and out of these discussions came the idea to organize a protest for September 21.

Some students argued that a rally should not be called because those responsible for the attacks were just playing a prank, supposedly because they were drunk. Most students rejected the idea that alcohol makes someone a racist.

On September 21 about 250 students turned out for the rally. One student after another--Black, white, Asian, Chicano, Palestinian, Puerto Rican, and others--got up in front of the crowd gathered outside the school's library and spoke out against the attack. Some faculty members stated that this sort of incident was not supposed to happen at Chatham because it is a small, liberal, all-women's college. Many students, however, noted that these kind of attacks can and do happen anywhere.

A statement by the Young Socialists and the Socialist Workers Party was passed out at the event and was well received. The attacks and protest received local media coverage.

On September 28 the Socialist Workers vice-presidential candidate, Margaret Trowe, spoke at two

meetings at Chatham College. A number of students as well as faculty members attended. The topic of the racist and sexist attack was brought up and several of those in attendance spoke to the fact that the school's administration has been trying to brush the incident under the rug.

Students at the meeting discussed a number of other topics, such as a woman's right to abortion. Many students were drawn to the socialist campaign's stance on women's rights, especially a woman's right to choose, and how these rights can be won and safeguarded.

Angela Abernathy is a student at Chatham College and a member of the YS.

Front page (for this issue) | **Home** | Text-version home

Exh. 31

2 pages

31-1

Folder: nut/threats

Message 1 of 2 (OLD)

Delete | Forward | Reply | Reply All | Move To: | Inquiries | Send Greetings

Received: *from mail014.mail.onemain.com [63.208.208.71] by nmcst153 via mtad (34FM.0700.3.03) with ESMTP id 820elig5Z1235M25; Sat, 09 Sep 2000 06:56:25 GMT*

Received: *(qmail 4533 invoked from network); 9 Sep 2000 06:56:23 -0000*

Received: *from 209-165-24.125.lightspeed.net (HELO lightspeed.net) ([209.165.24.125]) (envelope-sender <namwolf@lightspeed.net>) by mail014.mail.onemain.com (qmail-ldap-1.03) with SMTP for <swpcampaign@usa.net>; 9 Sep 2000 06:56:23 -0000*

Message-ID: *<39B9DDDB.FB55DB21@lightspeed.net>*

Date: *Fri, 08 Sep 2000 23:51:07 -0700*

From: *"Joseph M. Layne" <namwolf@lightspeed.net>* Add To Address Book

Reply-To: *http://www.namwolf.com*

Organization: *U.S.P.S*

X-Mailer: *Mozilla 4.73 [en]C-CCK-MCD NSCPCD47 (Win98; U)*

X-Accept-Language: *en*

MIME-Version: *1.0*

To: *swpcampaign@usa.net*

Subject: *Go to cuba*

Content-Type: *multipart/mixed; boundary="————62CDED57AB5236575791D39C"*

Fewer Details | Print Preview

Well you dumb Columnist are still around. I just wont you to no that I took out a bunch of your friends in the war (Vietnam). I know you Like a book. I wonder how you can be such idiots. My job in the war Was to kill Columnists, and was good at it. The only good Columnist Is a dead Columnist.

Thank about It

namwolf.vcf (1K)

Delete | Forward | Reply | Reply All | Move To: | Inquiries | Send Greetings

31-2

DECLARATION

I, Gregory McCartan, make this declaration in support of the application to the Federal Election Commission for advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

On September 8, 2000, as director of the Socialist Workers National Campaign Committee, I downloaded this e-mail message:

> Well you dumb Columnist are still around. I just wont you to no that
> I took out a bunch of your friends in the war (Vietnam). I know you
> Like a book. I wonder how you can be such idiots. My job in the war
> Was to kill Columnists, and was good at it. The only good Columnist
> Is a dead Columnist.
>
> Thank about It
>
> namwolf.vcf (1K)

I declare under the penalty of perjury that the foregoing is true and correct. Executed on December 13, 2000.

Gregory McCartan

s/Gregory McCartan

Exh. 32
1 page

DECLARATION

I, Jacob Perasso, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. On Sunday, July 16, 2000 between 2:30pm and 3:00pm, a self proclaimed Neo-Nazi threatened me while I was petitioning for the New York statewide slate at 207th St. outside of the 207th St. stop on the A subway line in Upper Manhattan.

2. He asked me if I was a communist. I answered "yes." He then asked me what I thought about race. I said I was for the equality of all. He asked "what about the Europeans." I said I thought they should be equal to everyone else. He said he was for the rights of Europeans and white people. At this point I tried to get out of the conversation, giving up on the signature. He followed me a few steps and said that he was a "Neo-Nazi" and that I was "his enemy." He said "I would kill you if I could."

3. He then went across the street and into another subway stairway underground. He came back a few minutes later and passed by me again. This time he said "well you are in the right place." I took this to mean that because there were a lot of workers from other countries and nonwhite workers in the neighborhood, that he thought that was where I was going to get a good hearing.

He passed by once more before going in the subway stairs that we were tabling next to.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 14, 2000.

Jacob Perasso

12/14/00

Exh. 3.3

1 page

DECLARATION

I, Ernest Mailhot, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. Myself and another supporter of the Socialist Workers 2000 election campaign were campaigning in Toppenish, Washington outside of the Washington Beef plant on June 12, 2000.

2. We were distributing campaign literature supporting the Socialist Workers campaign of James Harris for President and Margaret Trowe for Vice-President plus the english language newspaper the *Militant* and the spanish language magazine *Perspectiva Mundial*.

3. After about ten minutes of speaking to and giving out literature to workers leaving the Washington Beef plant three men, who the workers told us were from the company's management, came out of the factory towards us at a very rapid pace. They demanded that we stop leafletting the workers. In a very loud tone they said we were on company property and couldn't do this. We explained that we were outside the company's fence and on public property. They then said, again in a loud and threatening tone, that it didn't matter because we were hindering traffic flow. We explained that we were not hindering traffic.

4. One of the management people demanded that we give him our literature. We said that we would not do that. They then said they would call the sheriff to stop us from campaigning outside their plant.

5. We tried to keep distributing the campaign leaflets away from the plant entrance, but the managers put themselves between us and the workers' cars. The workers tried to reach around the managers but the management people yelled at them and told them to keep going and not stop to take any of our literature.

6. At that point we decided to leave.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 12, 2000.

Ernest Mailhot

Ernest Mailhot
December 12, 2000

Exh. 34

1 page

34

Declaration

I, Betsy Farley, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. Myself and another supporter of the Socialist Workers Party were selling the *Militant* newspaper and *Perspectiva Mundial* on a public sidewalk in Scranton, PA, in front of Montage Foods, a meat processing plant on June 15, 2000. The two publications contained articles about the sit-down strike at the Dakota Beef packing house in St. Paul, MN.

2. Several workers from the plant bought the publications. After 20 minutes or so, a man identifying himself as the owner of the company came out and screamed obscenities at the two of us, went to a worker who was reading the *Perspectiva Mundial*, grabbed it out of his hands and ripped it into pieces. He said we would have to leave or he would call the police and close the plant down.

3. We stayed on the public sidewalk for about 20 more minutes continuing to sell several more of the publications to workers and then left.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 10, 2000.

Betsy Farley

Betsy Farley
December 10, 2000

Exh. 35
2 pages

35

35 - 1

Socialist Workers Campaign
DECLARATION
[illegible] Marquette St
[illegible]

I, Tom Leonard, make this declaration in support of the application to the Federal Election Commission for advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

At 9:00 a.m. on June 21, 2000, I and another Socialist Workers campaign supporter set up a campaign literature table at the University of Texas - Pan American in Edinburg, Texas, outside the Liberal Arts Building where we had been setting up for many years without incident. At 1:30 p.m. a campus police officer stopped by the table and asked if we had permission to be set up.

We explained that we had been coming here for years without any problem and that the campus administration was aware of this. We suggested that he check with the campus administration. After this brief exchange he left.

Up to this point, there had been no incident at the table that could have drawn attention to it.

At 3:00 p.m. he returned with another officer. We were in the middle of a political discussion with two students who had just subscribed to *The Militant*. He said to us, "you have to shut this down, now." He then turned to the students and said, "Who are you?" One student explained that they were students at the university and they were simply having a discussion with us. The police officer then told them to leave immediately. When they hesitated to leave he demanded to see the identification of the student who had responded. A second officer had been standing a few feet away then demanded to see the identification of the other student as well.

The police officers took down the information and again demanded that the students leave immediately. The two students then withdrew from the immediate area but remained in view of the table until we had packed it up.

As we packed up the books, we asked the police where we should go and get the permission necessary. The police officer said that we should go to the administration and that no one there had heard of us.

After we loaded the literature in the car, we discussed our next move and decided to go to the administration.

We first went to the University of Texas - Pan American administration office. We were told by the staff there that they had not received a call about any trouble during the entire day. They suggested that perhaps the police had really meant the Student Affairs Office, which normally handled requests for tables and was located in another building.

When we spoke to the Student Affairs Office staff, they also said that they had received no calls of any kind from either the campus or Edinburg city police that day. They were also surprised to hear of trouble as the normal procedure was to have a simple form filled out and signed by a University department head and that political literature table were normally set up outside of those particular buildings.

We left the campus at roughly 4:00 p.m.

I declare under the penalty of perjury that the foregoing is true and correct.
Executed on December 13, 2000.

Tom Leonard

Tom Leonard

Exh. 36
5 pages

DECLARATION

I, William Arth, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. On Sunday, June 25, at 1 p.m. I was issued a summons by 3 police officers while I and another campaign supporter were staffing a campaign table in front of Vintage Vinyl record store on Delmar St. in University City, Missouri. We were distributing literature in support of the campaign of Alyson Kennedy, the Socialist Workers candidate for U.S. Senate in Missouri. The summons cited "No Business License."

2. I and another campaign supporter set up the table at about 11:45 a.m. A sign on the front of the table said, "Prosecute and Jail the Cops That Killed Earl Murray and Ronald Beasley," and the bottom of the sign said "Socialist Workers Campaign." We were handing out a leaflet with the same demands in the name of Alyson Kennedy. She had been an active participant in protests in the Black community in St. Louis against the police killing of 2 unarmed men in the parking lot of a fast food restaurant. We also had other literature on the table, including The Militant newspaper and books on politics that explain the views of the Socialist Workers Party.

3. We had staffed a table at this same location nearly every week for the previous 6 months, with the permission of the store owner to set up there. Other political groups also set up literature tables in this area, and there are also often musicians, dancers, etc. performing on the sidewalks. Police cars have driven by many times in the past, looked at us and ignored us. Within minutes of setting up this time, a police car drove by, looked at the table, and circled the block and came back. Two officers got out of the car and came up to the table. They were Officer Hunt, Badge Number 132, a white woman, and Officer Delvecchio, Badge Number 114, a white man. They took a copy of the campaign statement and walked off reading it and laughing to each other.

4. We continued to campaign, and many people stopped to talk to us. Several got copies of the statement and The Militant. We also got several donations for the campaign. A few minutes later, the same police officers

drove back and parked near the table, watching us. The police again drove away, and again returned. They left a third time, and then came back at about 1 p.m. with another police officer in a second vehicle. They walked up to the table, and the 3rd officer said we needed a permit, and that we had to take down the table. When I asked for his badge number, he gave me his card which identifies him as Lieutenant George Haftarczyk from the Bureau of Field Operations. I stated that we were handing out election campaign literature, and that we did not need a permit for that. Officer Delvecchio said he had seen us taking money, and I said that we were accepting donations for the campaign, and reiterated that we could do that without a permit. Lt. Haftarczyk then said that we would have our day in court, and told Officer Delvecchio to issue a summons. I stated that they did not need to issue a summons, that we would take down the table, but they issued the summons anyway.

5. The police officers asked for my drivers license, which I gave to them. Officer Delvecchio asked me if I was born in St. Louis, and I replied that they had all the information they needed on the drivers license. Lt. Haftarczyk said that if I didn't answer the questions they would arrest me. I remained silent, and they did not ask any more questions. Officer Delvecchio called in on his radio for a check on me and to get a court date, and issued the summons. We then took down the table.

6. The case went to trial on October 11, 2000. The judge postponed a ruling to another hearing on December 13, 2000. During the trial, the officers who had issued the citation passed around a copy of the campaign statement, which they had attached to the police report, to other officers who were in court to testify in other trials.

7. I approached University City about getting a business license for the Socialist Workers Campaign in late August, 2000. A license was issued in late November, 2000, for a fee of $42, after the elections had taken place.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 10, 2000.

William Arth

Dec. 10, 2000

TRACY A. MAZANEC
Notary Public - Notary Seal
STATE OF MISSOURI
St. Louis City
My Commission Expires July 17, 2001

36- 3

CITY OF UNIVERSITY CITY, MISSOURI

STATE OF MISSOURI
COUNTY OF ST. LOUIS
CITY OF UNIVERSITY CITY

SUMMONS
VIOLATOR'S COPY

V 50778
CN:
A.R.

CAUSE NO.:

IN THE CITY COURT OF UNIVERSITY CITY, 6801 DELMAR BLVD., UNIVERSITY CITY, THE UNDERSIGNED COMPLAINS AND STATES THAT –

ON OR ABOUT	AT OR NEAR (LOCATION)	AT (TIME)
6/25/02	6615 Delmar	6:00 PM

WITHIN THE CITY AND STATE AFORESAID

NAME: LAST FIRST

ADDRESS (RESIDENCE) CITY

PLACE OF EMPLOYMENT EMPLOYER'S ADDRESS

RACE	SEX	HAIR	EYES	DATE OF BIRTH	PLACE OF BIRTH
W	M			10/13/[illegible]	S.L.

HEIGHT	WEIGHT	SOCIAL SECURITY NUMBER
6'0"	200	506-68-[illegible]

DRIVER'S LICENSE NUMBER
506 68 5977

THEN AND THERE DID COMMIT THE FOLLOWING OFFENSE, TO WIT:

- [ ] TRESPASSING
- [ ] PEACE DISTURBANCE
- [ ] COMMON ASSAULT
- [ ] OTHER VIOLATION
- [ ] DRUG [illegible]
- [ ] STEAL[illegible]
- [X] NO BURNING

DESCRIBE VIOLATION

WITNESS NAME AND ADDRESS
PO Hoot #[illegible]

PUNISHABLE PER 1-8

IN VIOLATION OF SECTION

THE ABOVE COMPLAINT IS TRUE AS I VERILY BELIEVE.

COMPLAINANT'S SIGNATURE PO D. Wells DATE 6/25/02

ON INFORMATION UNDERSIGNED PROSECUTOR COMPLAINS AND INFORMS COURT THAT ABOVE FACTS ARE TRUE AS HE VERILY BELIEVES.

CITY PROSECUTOR DATE

I PROMISE TO APPEAR IN THE CITY COURT OF UNIVERSITY CITY, 6801 DELMAR BLVD., UNIVERSITY CITY, MISSOURI AT 7:00 P.M. ON COURT DATE

(SIGNATURE OF DEFENDANT)

36-4

Socialist Workers Campaign
Box 19166
2910 Meramec St.
St. Louis, Missouri 63118
(314) 924-2500

July 31, 2000

Mayor Joe Adam
6801 Delmar Boulevard
University City, Missouri 63130

Dear Mayor Adam,

I am writing to you to request that the city of University City dismiss a summons for "No Business License" issued to one of my campaign workers, William Arth, on June 25. Mr. Arth was distributing literature for my campaign, as well as accepting donations to pay for the literature, on Delmar Boulevard near the Vintage Vinyl record store. My campaign supporters and I have regularly carried out this type of campaign activity at this location for months, and on many occasions the University City police have observed this and ignored it.

On June 25, however, Officers Hunt and Delvecchio, under the direction of Lieutenant George Haftarczyk, issued the summons. It is clear that the reason the University City police decided to act on this occasion was to prevent the distribution of a statement in my name. The statement called for the prosecution and jailing of the police officers who killed Earl Murray and Ronald Beasley in the parking lot of the Jack in the Box restaurant in Berkeley on June 12. I have enclosed a fact sheet on the June 25 events for your information.

The issuing of the summons is a threat to the free exercise of democratic rights in several important ways. Firstly, the officers involved clearly issued the summons to stifle the expression of political ideas with which they disagreed. Secondly, the ability of working class candidates and campaigns such as mine to participate in the electoral process is damaged if we are not allowed campaign in this fashion. We do not have the funds to purchase time on television and radio stations, nor can we afford to print glossy brochures in the millions to distribute free of charge. Instead, we campaign one on one, explaining our views to those who are interested in listening on sidewalks and other public areas throughout the state. We accept small contributions from working people who want our ideas to get a hearing. Any attempt to restrict this by requiring licenses issued weeks or months in advance is a blow to truly democratic elections. Thirdly, attempts to restrict the distribution of political literature without a compelling reason strike at the heart of the First Amendment.

A hearing on the summons is scheduled for August 16. I request that, as the Mayor of University City, you ask the Prosecutor to dismiss the charges.

Sincerely,

Alyson Kennedy
Socialist Workers Candidate for U.S. Senate

Webster
UNIVERSITY

36 - 5

29 July 2000

Mayor Joe Adam
6801 Delmar Boulevard
University City, MO 63130

Dear Mayor Adam:

I write in protest of the shutting down of a Socialist Workers campaign table from in front of Vintage Vinyl by the University City Police on June 25. I urge you to urge the prosecutor to drop the charge of "No Business License" for which Bill Arth was summoned that day.

The incident is a clear attack on democratic rights. The notion that any political activity, including electoral campaigning, should be subject to business licenses and/or the approval of the police is frightening.

Such tables have been a part of the street life of the University City Loop off and on for nearly twenty years. Frankly, such activities give the area a distinctive vibrancy and sets it apart favorably from other shopping districts.

In the name of democratic rights, I urge your attention to this matter.

Sincerely,

Kim Kleinman

Kim Kleinman, Ph.D.
Lecturer (1999-2000),
Philosophy Department

470 East Lockwood Avenue • Saint Louis, MO 63119-3194 • USA

Exh. 37

1 page

DECLARATION

I, Ned C. Measel, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. Myself and John Benson were campaigning with the Militant newspaper and Perspectiva Mundial magazine to workers after the afternoon shift change at Bee Sweet citrus packer in Fowler, CA. Both periodicals provide regular coverage of the election campaigns and other activities of the SWP. This was during the third or fourth week of June 2000.

2. We were speaking with workers that stopped their cars to talk near the stop sign on the street in front of the plant near its intersection with Golden State Boulevard.

3. Two men drove up on a small cart from the plant, purchased a paper and drove back onto company property. About ten minutes later a police car pulled up. The officer approached, asked for ID and began asking a series of questions - What were we doing, what was the paper about, what did our sign (which was in Spanish) say, where did we work, etc. He asked for a paper and looked at it. He explained that someone from the plant complained and that we needed a license to sell on the street. At least one more marked and an unmarked police car pulled up and officers approached. We said that we would stop selling and leave and the officer said something to the effect that that would be best. We left.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 13, 2000.

Ned C. Measel

Ned C. Measel
Dec. 31, 2000

Exh. 38

1 page

38

38-1

DECLARATION

I, Naomi Craine, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Elections Campaign Act.

I make this statement on the basis of my personal knowledge.

1. Myself and another supporter of the Socialist Workers 2000 election campaign set up a literature table and were campaigning on the public sidewalk outside the factory gate of Highland Mills on June 22, 2000. This hosiery mill is located at 340 E. 16th St. in Charlotte, North Carolina.

2. We arrived at 3:15 p.m. and began passing out campaign literature and distributing the *Militant* newspaper to workers during the shift change.

3. Within a few minutes several people came out of the company's front office. One individual, a middle-aged man, stated that he was Cuban and threatened to overturn our table and car if we did not leave.

4. After a couple of minutes, this individual grabbed one side of our table, which contained campaign literature, newspapers, and books. He attempted to overturn the table, causing most of the literature to fall to the ground. This attack was witnessed by a couple of other individuals from the company office, who did not interfere.

5. After we set the table back up, the person who tried to overturn it went back into the plant. A few minutes later he came out and stood inside the company fence, where he continued to make snide comments and talk to people coming out against the Socialist Workers campaign until shortly before we left.

6. As we were leaving at 3:50 p.m. a woman came out of the company office and asked when we would be back. I replied, "I don't know." She stated, "We'll be ready."

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 11, 2000.

Naomi Craine

Naomi Craine
Dec. 11, 2000

Exh. 39

5 pages

39

Declaration

I, Ellen Berman, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. The front window of the Socialist Workers Campaign headquarters was shattered two days after the candidate, John Sarge who is running for Congress in Michigan's 15th C.D. spoke at a public meeting at the Pathfinder Bookstore, where the headquarters is located. The meeting was to protest cop killings in Detroit and how to stop them. Also participating in the panel were Arnetta Grable, whose son was killed by police and whose family has experienced 3 years of constant harassment as they have tried to bring Lamar Grable's killer to justice, and Abayomi Azikiwe, Detroit activist against police violence and in defense of Mumia Abu Jamal.

2. The window was found shattered on Monday morning, May 29, 2000 when campaign supporters arrived at the headquarters for a 9:30 a.m. campaign meeting. [Although it is not possible to say when the incident occurred, some neighbors said that when they passed by around 1:00 a.m., the window was still intact].

3. The campaign headquarters is located in the offices of the Pathfinder Bookstore, 7414 Woodward Avenue, Detroit, MI 48202. One of three windows was broken.

4. Although there were no witnesses to the actual event, several witnesses saw the damage that was done to the window and to the headquarters. Broken glass was all over the floor, covering many of the books and periodicals that were on display in the window and on bookshelves behind the window. It appeared that a bottle had been thrown, as there was thick brown glass mixed in with the glass from the window.

Campaign supporters who initially discovered the damage were:

John Sarge, Osborne Hart, Ilona Gersh, Ellen Berman, Jacob Perasso. Later, several other people arrived: Chris Hoeppner, Diane Sarge, Abiyomi Azikiwe.

5. The incident was reported to the police. The police report was filed by Osborne Hart, manager of the Pathfinder Bookstore. The report is filed under Incident No. 00079544; Unit Complaint No. 381201. The reporting officer was P.O. Belton. The report is on file with the 13th precinct of the Detroit Police Department.

A news conference was held the following day, Tuesday, May 30 at 5:00 p.m. at the campaign headquarters. The news release and statement read at the conference by John Sarge are available.

The news conference was covered by the *Michigan Citizen* and Abiyomi Akiziwe who hosts a Saturday morning radio show.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 12, 2000.

Signed,

Ellen Berman

Ellen Berman
December 12, 2000

39-3

THE MILITANT

Vol.64/No.23 June 12, 2000

Socialist candidate condemns attack on campaign office

BY LESTER DOLPHY

DETROIT--"The vandalism of my campaign headquarters is clearly a political attack designed to intimidate and silence me and supporters of the Socialist Workers campaign," said John Sarge opening a May 30 news conference. Sarge is the Socialist Workers candidate for U.S. Congress in the 15th District.

He was responding to the shattering of the storefront window in the Socialist Workers campaign office and Pathfinder Bookstore during the early morning hours of May 29. The vandalism was discovered when campaign supporters arrived to plan activities for the Memorial Day holiday. Damage was estimated at more than $500.

Just two days before the attack, Sarge was part of a Militant Labor Forum panel there, featuring opponents of police brutality. The forum, titled "Stop the killer cops! What's behind the revelations about the Detroit police," took up recent disclosures about killings and violence by city cops.

The panelists included Arnetta Grable, whose son was killed by a Detroit cop three years ago, in a case against the cops that recently opened in court; and Abayomi Azikiwe, an organizer supporting the fight to stop the execution of Mumia Abu-Jamal and abolish the death penalty.

Sarge, an auto worker, explained that the attack "was directed at other fighters against police brutality as well." Grable and Azikiwe both reported that activists opposing police brutality "have faced harassment in Detroit."

"My campaign," Sarge told reporters, "will continue to speak out against police brutality and the death penalty, and support the struggles and resistance of working people today."

Attending the news conference were reporters from the *Michigan Citizen*, one of the city's major Black newspapers, and WHPR radio, which plans to broadcast excerpts of Sarge's comments.

Front page (for this issue) | **Home** | Text-version home

39-4

The Michigan Citizen
[Vol. XXII, No. 30 June 11th-June17th, 2000 edition]

Pathfinder bookstore vandalized — again

Pathfinder Books, located at Woodward and West Grand Blvd., had its glass window shattered Memorial Day weekend. It is believed to have been an act of vandalism.

The attack followed a highly volatile, militant labor forum called Stop the Killer Cops. The panel consisted of Arnetta Grable, a member of the Coalition Against Police Brutality, whose son was killed by a Detroit cop; Abayomi Azikiwe Azitiwe, a Detroit activist against police violence and a supporter of Mumia Abu-Jamal; and John Sarge, Socialist Workers Party 15th District congressional candidate.

All three panelists said they felt the vandalism was a political attack, aimed at intimidating the Coalition Against Police Brutality.

This was the third time that Pathfinders Books has been vandalized. The first was right after Nelson Mandela was released from prison. It was widely believed that this was politically motivated. No culprit was found. No other nearby businesses were damaged.

The second time, several local businesses and street projects were damaged. This time, they found the perpetrator — a street person who at the end of the month had run out of necessary medicine he needed for his mental health.

Both John Sarge and Arnetta Grable felt the attack was a direct result of their militant stance against police violence and the fact that Grable's civil suit against the police force was set to begin. Both expressed the feeling that the vandalism was an act of intimidation. Nothing was stolen, but the panelists joked, "Well, they didn't really want any of our books."

KIND OF OFFENSE	CODE	INVESTIGATOR'S NAME & BADGE NO.	INCIDENT NO.	UNIT-COMPLAINT NO.
MDP O/100		INV. COLEMAN	79544 / 000795454	39-5 / 13 – 381201

PLACE OF OCCURRENCE	OCCURRED ON OR BETWEEN	MO-DAY-YR.	DAY OF WK.	TIME	DAY / NIGHT	CENSUS TRACT
ON ST 7414 Woodward		5/29/00	Mon.	0200	☐ / ☐	5114
FAML TYPE OF BUSINESS: Pathfinder Bookstore	AND	5/29/00	Mon.	0930	UNK. ☐ 3	SCT. CAR AREA 13-3
TYPE OF BUILDING	REPORTED TO POLICE ON				OBJECT OF ATTACK	CODE

PERSON REPORTING OFFENSE	TITLE	ADDRESS	PHONE	AGE/SEX/RACE
Osborne Hart		7414 Woodward	875-0100	48 M B

COMPLAINANT'S NAME	ADDRESS	PHONE BUS/RES.	AGE/SEX/RACE
Pathfinder Bookstore	7414 Woodward	875-0100	

METHOD OF ENTRY	CODE	METHOD OF ESCAPE	CODE	DESCRIBE WEAPON	CODE
☐ UNK. Frt. window		☐ UNK.		☐ UNK.	

NO. OF PERPETRATORS	DESCRIBE	CODE		CODE		CODE	TOTAL VALUE
☒ UNK.	☐ MALE ☐ FEMALE ☒ UNK.		☐ JUVENILE ☐ ADULT ☒ UNK.		☐ WHITE ☐ BLACK ☐ OTHER ☒ UNK.		$ 500.00

VICTIM-PERPETRATOR RELATIONSHIP	REPORTING OFFICER	BADGE	COMMAND
☐ RELATED ☐ ACQUAINTED ☐ STRANGERS ☒ UNK.	P.O. Belton	5052	13

DESCRIBE ADDITIONAL DETAILS OF OCCURRENCE, PERSONS, AND PROPERTY NOT INCLUDED ABOVE. IF MORE THAN ONE PERPETRATOR, DESCRIBE BELOW.

Unk. Pwep. threw a bottle through the front window of the bookstore.

DETROIT POLICE DEPARTMENT – OFFICIAL COMPLAINT RECORD D.P.D. 16 C OF D – 56-RE (3-98)

Original Copy to Records and Statistics Section.

Exh. 40
5 pages

40

Declaration

I, Betsy Farley, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. Myself and another supporter of the Socialist Workers Party were selling the *Militant* newspaper door to door in Frackville, PA, on May 28, 2000.

2. After about 20 minutes a borough of Frackville police officer drove up, got out of the car and approached me to say we would have to leave because we were in violation of a borough ordinance requiring a license for "transient retail business."

3. I showed the police officer a copy of the Pennsylvania legal code reporting the decision in the case of Satinoff v. the Commonwealth of Pennsylvania in 1989. This decision explicitly states that door-to-door sales of the *Militant* is a "political, as opposed to commercial activity," and that imposition of the $20 per day licensing fee "violated this section of the Federal Constitution, as ordinance rendered it impossible to disseminate political ideas and speech through door-to-door solicitation."

4. The police officer said we would have to leave anyway, since the borough offices were closed for the weekend and this activity would have to be cleared through that office.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 10, 2000.

Betsy Farley

Betsy Farley,
December 10, 2000

40 -2

30, reversed on other grounds 454 A.2d 4, 499 Pa. 552.

Because subjects of disagreement beeen county employee and her supervi- were purely personal concerns, conutionally protected speech was not inved in her discharge. Hoffman v. ontour County, 411 A.2d 1319, 50 Pa. rwlth. 101, 1980.

Dismissal of claimant, a prison guard, willful misconduct because he wrote a ter to a local newspaper criticizing unty prison board and warden was vioive of claimant's free speech rights and l not, therefore, preclude claimant m receiving unemployment benefits in sence of evidence that letter had such a ruptive effect on functioning of prison to outweigh claimant's substantial ht to speak freely on matters of public portance. Wright v. Com., Unemployent Compensation Bd. of Review, 404 2d 792, 45 Pa.Cmwlth. 117, 1979.

Dismissal of tenured public school acher for "immorality" and "cruelty" d not infringe on the teacher's right to e speech, even though the dismissal s based directly upon words spoken to student, where the dismissal resulted m incident in which teacher called a -year-old female student a "slut" and a rostitute." Bovino v. Board of School rectors of Indiana Area School Dist., 7 A.2d 1284, 32 Pa.Cmwlth. 105, 1977.

City has compelling governmental inrest which justifies requiring city offirs and employees to resign before beming a candidate for nomination or ection for any public office, and city arter provision to that effect is a constitionally permissible restriction on polital activity of city's officers and employs. Com. ex rel. Specter v. Moak, 307 2d 884, 452 Pa. 482, 1973.

Public assistance caseworker's stateents at public meeting that public assisnce recipients should get on caseworks' backs and demand their rights, that me caseworkers failed to accord recipits dignity and inform them of their peal rights, and that recipients should gitate were constitutionally protected d did not warrant caseworker's suspenon for ten days without pay. (Per Robts, J., with two justices concurring and e justice concurring in result). Appeal Chalk, 272 A.2d 457, 441 Pa. 376, 971.

The state has a right to provide by statute reasonable qualifications for a school teacher, and such qualifications do not violate the constitutional right of freedom of speech. Appeal of Albert, 99 P.L.J. 445, 1952, affirmed 92 A.2d 663, 372 Pa. 13.

12. Commercial regulation

Commercial speech is afforded a limited measure of protection while non-commercial speech is afforded a greater measure of constitutional protection. Johnson v. Pilgrim Mut. Ins. Co., 425 A.2d 1119, 284 Pa.Super. 314, 1981.

Freedom of the press may not be converted into license to escape commercial regulations affecting persons engaged in normal ordinary business pursuit, such as vendors of wares and merchandise, including pamphlets, booklets, and printed directories. Directory Pub. Co. v. City of Pittsburgh, 211 A.2d 509, 205 Pa.Super. 423, 1965.

A court may properly enjoin an insurer from attaching to its policies a form advising against the employment of public adjusters without interfering with the free speech rights of the insurer. Johnson v. Pilgrim Mut. Ins. Co., 11 D. & C.3d 676, 1979.

The defense of freedom of the press has no application in an action to eject operator of sidewalk newsstand. Kay Realty Corp. v. Elster, 24 D. & C.2d 693, 1962.

13. License or registration requirements

A municipal ordinance forbidding street parades, processions, street assemblages and public meetings without permit from the proper authority does not violate this section. Com. v. Jones, 67 Pitts. 625, 1919; City of Duquesne v. Fincke, 112 A. 130, 269 Pa. 112, 1920; Com. v. Danich, 68 Pitts. 534, 12 Mun. 54, 1920.

For purpose of determining whether conviction of defendant under borough's peddling and soliciting ordinance, due to his failure to pay $20 per day licensing fee, was constitutional, defendant, who went door-to-door selling Socialist Workers Party's newspaper, was engaged in political, as opposed to commercial, activity. Satinoff v. Com., 562 A.2d 996, 128 Pa.Cmwlth. 93, 1989.

Imposition of $20 per day licensing fee, pursuant to borough's peddling and soliciting ordinance, upon defendant, who was selling Social Workers Party's newspaper door-to-door, violated this section and Federal Constitution, as ordinance rendered it impossible to disseminate political ideas and speech through door-to-door solicitation; borough failed to present any evidence that licensing fee defrayed expense of policing activities in question or covered expense in administering licensing fee, defendant's activities took place within permitted hours, and there were no allegations that defendant's activities were cover for any wrongdoing. Satinoff v. Com., 562 A.2d 996, 128 Pa. Cmwlth. 93, 1989.

A state may not license or tax the utilization of right of free speech. William Goldman Theatres, Inc. v. Dana, 173 A.2d 59, 405 Pa. 83, 1961, certiorari denied 82 S.Ct. 174, 368 U.S. 897, 7 L.Ed.2d 93.

An ordinance prohibiting the selling of magazines and periodicals on public streets without a license from burgess and payment of required fees was invalid as abridging "freedom of the press". Com. v. Reid, 20 A.2d 841, 144 Pa.Super. 569, 1941.

An ordinance requiring hawkers and peddlers to procure a license does not violate the constitutional right of freedom of the press as applied to ordained minister who sold books and pamphlets in office building. City of Pittsburgh v. Ruffner, 4 A.2d 224, 134 Pa.Super. 192, 1939.

A borough ordinance requiring the registration and licensing of hawkers, peddlers, transit merchants, entertainers, and solicitors who wish to engage in their calling within the borough limits, and establishing a schedule of fees therefor with a proviso that those engaged in the noncommercial dissemination of economic, political, cultural or religious information will not be required to pay any fee, and need only give their names, ages and residences upon which a license will be issued to them as a matter of course, is a valid exercise of the police power and is not unconstitutional as applied to a religious sect, since the requirement for giving the meager information necessary to obtain a license as a matter of course in no way abridges the right of free press and worship. Com. v. Phillips, 73 D. & C. 346, 1951.

DECLARATION

I, Candace Wagner, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's national Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act

I make this statement on the basis of my personal knowledge:

1. Myself and another supporter of the Socialist Workers Party were going door-to-door in Tamaqua, Pennsylvania distributing the Militant newspaper on April 16, 2000

2. While we were speaking with a woman at her house, a Tamaqua police officer drove up in his car and told us that we were violating a borough ordinance prohibiting soliciting door-to-door We explained that we were not soliciting but in fact were carrying out a right to distribute political literature protected by the constitution. This explanation had no impact on the officer and he told us that we had to go with him in the police car down to the police station. At the station he issued us citations with instructions to appear in court. We were then allowed to leave.

3. Our lawyer, Gregory O'Connell, wrote a letter to the Tamaqua borough attorney explaining that our citations violated a specific 1989 Pennsylvania court ruling that stated that anti-solicitation ordinances do not apply to persons distributing the Militant newspaper "newspaper of the Socialist Workers Party."

4. On May 16, 2000, one month after the incident, the citations were dropped

I declare under penalty of perjury that the foregoing is true and correct Executed on December 10, 2000.

Candace Wagner

December 10, 2000

40-4

LAW OFFICES
Gregory O'Connell, Esq.
3822 BIRNEY AVENUE
MOOSIC, PENNSYLVANIA 18507

PHONE (570) 941-9617
FAX (570) 344-9126

May 5, 2000

Jeffery P. Bowe, Esquire
P.O. Box 290
109 W. Broad Street
Tamaqua, PA 18252

Re: Non-Traffic Citation P2169057-2
Non-Traffic Citation P2169058-3

Dear Attorney Bowe:

I represent Candice Wagner and Michael Bauman who received the above Citations on April 16, 2000 from an officer of the Tamaqua Police Department for allegedly violating the Ordinance of the Borough of Tamaqua, copy enclosed, concerning transient retail business licensing and applications. Ms. Wagner and Mr. Bauman were going door to door distributing the newspaper of the Socialist Workers Party for a donation of $1.50 per copy. They had no license and were unaware of the Ordinance.

Case law in Pennsylvania is clear that the imposition of such an ordinance on persons engaged in such activity violates the First Amendment to the United States Constitution and Article I, Section 7 of the Pennsylvania Constitution. I enclose a copy of the Commonwealth Court's ruling in Satinoff v. Commonwealth of PA., 562A. 2d 996 (1989) which concerned the same type of ordinance.

I request that you so advise the Chief of Police of the Borough of Tamaqua and that the Citations be withdrawn. If the citations are not withdrawn, we will proceed to raise the issue before the appropriate court; withdrawing then would appear to be the appropriate and simpler solution.

Please advise as to what action will be taken. Your assistance in the matter is greatly appreciated.

Very Truly Yours,

Gregory O'Connell

Gregory O'Connell, Esq.

GO'C\daa

Cc: Candace Wagner and Michael Bauman

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: SCHUYLKILL

Mag. Dist. No.: 21-3-06
DJ Name: Hon. ANDREW B. ZELONIS
Address: REAR 320 E. BROAD STREET
TAMAQUA, PA
Telephone: (570) 668-3535 18252-0000

NOTICE OF WITHDRAWAL OF CHARGES

COMMONWEALTH OF PENNSYLVANIA

40-5

VS.

DEFENDANT: NAME and ADDRESS
WAGNER, CANDACE
509 S FRANKILN ST
WILKES BARRE, PA 18702

CANDACE WAGNER
509 S FRANKILN ST
WILKES BARRE, PA 18702

Docket No.: NT-0000348-00
Date Filed: 4/16/00

Charge(s):

304 §§1 SOLICITING WITHOUT PERMIT

This is to notify you that pursuant to Rule 87 of the Pennsylvania Rules of Criminal Procedure, this Court has agreed to the withdrawal of the charge(s) in the above caption case. If you have questions regarding this Notice, please contact the Magisterial District Court at the address and telephone number provided above.

5/16/00 Date Andrew B. Zelonis, District Justice

My commission expires first Monday of January, 2006.

SEAL

DATE PRINTED: 5/16/00 CITATION NUMBER: P2169057-2
DATE CITATION SIGNED: 4/16/00

AOPC 409-97

Exh. 41
3 pages

41-1

DECLARATION

I, Candace Wagner, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's national Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. Myself and another supporter of the Socialist Workers Party were going door-to-door in Tamaqua, Pennsylvania distributing the Militant newspaper. This took place on April 16,2000.

2. While we were speaking with a woman at her house, a Tamaqua police officer drove up in his car and told us that we were violating a borough ordinance prohibiting soliciting door-to-door. We explained that we were not soliciting but in fact were carrying out a right to distribute political literature protected by the constitution. This explanation had no impact on the officer and he told us that we had to go with him in the police car down to the police station. At the station he issued us citations with instructions to appear in court. We were then allowed to leave.

3. Our lawyer, Gregory O'Connell, wrote a letter to the Tamaqua borough attorney explaining that our citations violated a specific 1989 Pennsylvania court ruling that stated that anti-solicitation ordinances do not apply to persons distributing the Militant newspaper "newspaper of the Socialist Workers Party."

4. On May 16, 2000, one month after the incident, the citations were dropped. The chief of police of Tamaqua told us that if the officer who gave us the citations had looked into the matter he would not have harassed us.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 10, 2000.

Candace Wagner

December 10, 2000

LAW OFFICES
Gregory O'Connell, Esq.
3822 BIRNEY AVENUE
MOOSIC, PENNSYLVANIA 18507

PHONE (570) 941-9617
FAX (570) 344-9126

May 5, 2000

Jeffery P. Bowe, Esquire
P.O. Box 290
109 W. Broad Street
Tamaqua, PA 18252

Re: Non-Traffic Citation P2169057-2
Non-Traffic Citation P2169058-3

Dear Attorney Bowe:

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I request that you so advise the Chief of Police of the Borough of Tamaqua and that the Citations be withdrawn. If the citations are not withdrawn, we will proceed to raise the issue before the appropriate court; withdrawing then would appear to be the appropriate and simpler solution.

Please advise as to what action will be taken. Your assistance in the matter is greatly appreciated.

Very Truly Yours,

Gregory O'Connell

Gregory O'Connell, Esq.

GO'C\daa

Cc: Candace Wagner and Michael Bauman

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: SCHUYLKILL

Mag. Dist. No.: 21-3-06
DJ Name: Hon. ANDREW B. ZELONIS
Address: REAR 320 E. BROAD STREET
TAMAQUA, PA
Telephone: (570) 668-3535 18252-0000

NOTICE OF WITHDRAWAL OF CHARGES

COMMONWEALTH OF PENNSYLVANIA

VS.

DEFENDANT: NAME and ADDRESS
WAGNER, CANDACE
509 S FRANKILN ST
WILKES BARRE, PA 18702

CANDACE WAGNER
509 S FRANKILN ST
WILKES BARRE, PA 18702

Docket No.: NT-0000348-00
Date Filed: 4/16/00

Charge(s):

304 §§1 SOLICITING WITHOUT PERMIT

This is to notify you that pursuant to Rule 87 of the Pennsylvania Rules of Criminal Procedure, this Court has agreed to the withdrawal of the charge(s) in the above caption case. If you have questions regarding this Notice, please contact the Magisterial District Court at the address and telephone number provided above.

5/16/00 Date Andrew B. Zelonis, District Justice

My commission expires first Monday of January, 2006.

SEAL

DATE PRINTED: 5/16/00 CITATION NUMBER: P2169057-2 DATE CITATION SIGNED: 4/16/00

Exh. 42
2 pages

42

42-1

DECLARATION

I, John Staggs, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the Socialist Workers Party, the Socialist Workers National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. On March 19, 2000 a discussion took place on the merits of lowering the confederate battle flag from the South Carolina State House with four other workers at the John Matthey plant, in Wayne PA. The other workers were from the midnight and day shift, and the discussion took place on the midnight shift.

2. I favored taking the flag down, while the other workers thought it should stay up.

3. In the discussion I said that I had run for City Council in Philadelphia on the Socialist Workers ticket, and that in the upcoming elections the Socialist candidate would make the flag issue part of their platform.

4. On March 23rd a clipping appeared on the bulletin board in the hallway across from the area where I have my locker. The clipping was a picture out of the newspaper of a wrecked Honda Accord(like the Honda Accord I drive) with the following caption written in and highlighted in yellow "Former owner John Staggs outraged when car was found Broken Up and Rebel Flag on front hood".

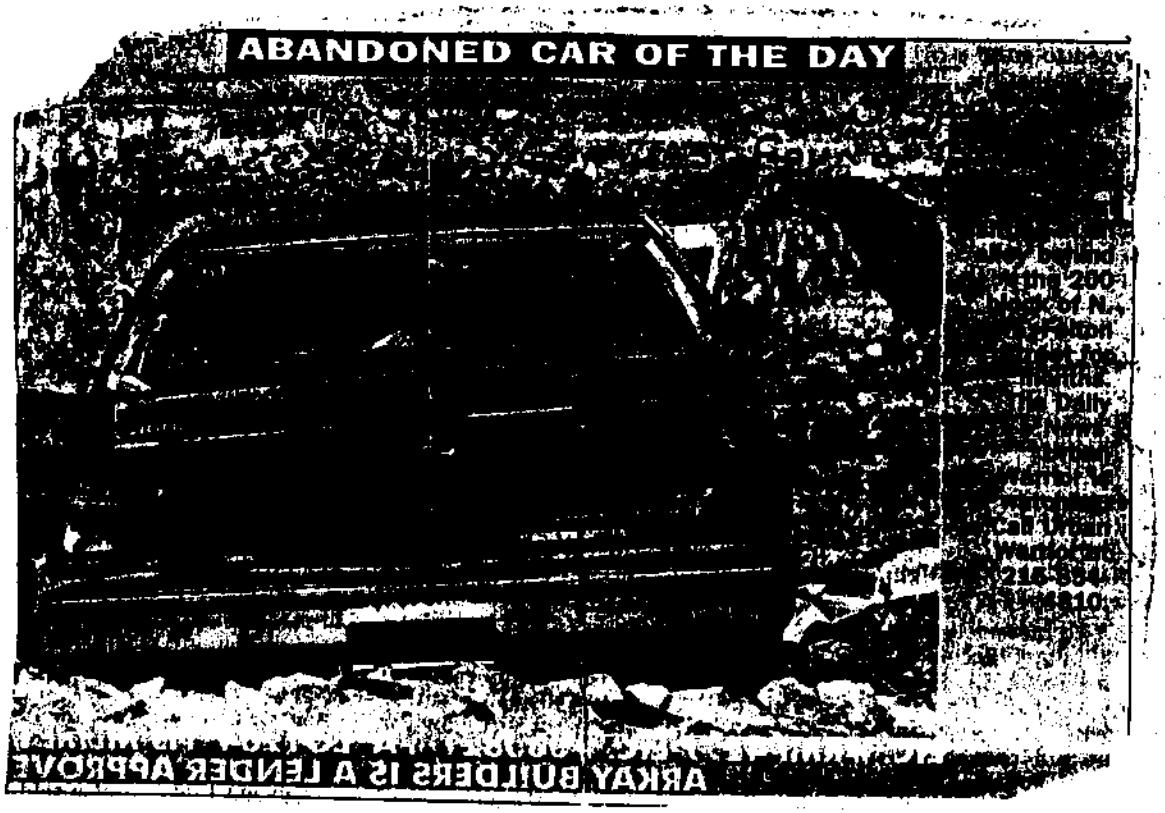
5 I took it as a threat, as did several of my coworkers.

6. On April 27, 2000 another clipping appeared on the same bulletin board. The newspaper title of the clipping was "Redneck swimming pool" and it was a picture of a guy spread eagled in the bed of a pickup truck in about 3 inches of water. The clipping had JOHN STAGGS written over the top, and the chest of the guy laying in the pickup had about 12 black dots, like bullet holes, put on his chest.

7. This was also seen as a threat.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 12, 2000.

s/John Staggs
12-12-00



Copy of the posting

John Stagg

422-2

Exh. 43
1 page

43

43-1

I, Wes Weinhold, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. I have been a long-time supporter of the Socialist Workers Party and was a Socialist Workers Party presidential elector in Wisconsin in 1992, 1996 and 2000.
2. On February 18, 2000, I took the exam to become a census worker. Although I was told I would be notified of the results in two weeks, I was not.
3. In mid-March I called my local census office and was told that maybe the delay in receiving the results was because they weren't actually starting the count until April.
4. In early April (still having heard nothing), I called again, was a little more persistent, and was told that the FBI had my file. I was given the number of the Chicago regional office who gave me a Washington, DC number to call to check on the progress of my file. I was told that the FBI conducted a security check of potential census workers.
5. I called the Washington DC number and reached an answering machine on which an FBI agent promised to call back.
6. After hearing nothing for another week, I again called Census offices and FBI offices to check on the progress of my file. My local Census office in Germantown, Wisconsin informed me that I had gotten a 97 on the census exam and was listed as a 'priority hire'.
7. The Chicago FBI office suggested to me that they had to find my file manually and that's why it was taking so long. The Milwaukee FBI office denied all knowledge. The Washington DC FBI number did not call back.
8. By the end of April, I had still heard nothing from Washington DC, where my file was supposedly being checked.
9. On May 3, 2000, Mike Nichols, a local columnist for the Milwaukee Journal-Sentinel, wrote a column about another man whose file was being checked by the FBI and had not been hired, but who had eventually been "cleared." I called Mike Nichols and told him about my similar story. I also told him that I suspected that the reason for not receiving a response from the census or FBI was my association with the SWP.
10. One hour later, I got a call from a FBI agent in Washington DC, who also said the hang-up was finding the file manually and promised to personally find my file and call me back in 24 hours. I heard nothing thereafter.
11. I was never notified of any problem with my file, whether or not it was ever found, nor was I hired by the census.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on December 11, 2000.

s/Wes Weinhold
Wes Weinhold
December 11, 2000

Exh. 44

1 page

DECLARATION

I, Michael J. Fitzsimmons, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the Socialist Workers Party, the SWP National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. I and two other supporters of the Socialist Workers Campaign went to the General Motors plant in Ontario, Ohio on Saturday, December 11, 1999, between 2:30 p.m. and 3:30 p.m. We were there to sell copies of the *Militant* newspaper to workers at the shift change.

2. On November 8, 1999, other campaign supporters sold the *Militant* at the same location. The issue which they sold printed a list of Socialist Workers candidates and a photo of the Socialist Workers candidate for King County Port Commissioner.

3. The three of us stood at three separate entrances of the employee parking lot with about 30 yards between us. Workers entering and leaving the plant in their vehicles stopped and bought the paper.

4. At about 3:15 p.m., a man in a pickup truck entering the plant stopped where I stood. He said, "We don't want your commie shit here. I'm going to go in and get my buddies and come out here and kick your ass."

5. I stepped away from the truck. He pulled forward very rapidly, about ten feet, spun the steering wheel to the left and accelerated toward me in reverse, his rear tires leaving marks on the pavement. I jumped away from the truck.

6. We decided to leave the area to avoid a confrontation.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 19, 2000.

Michael J. Fitzsimmons
May 19, 2000

Exh. 45
1 page

45-1

DECLARATION

I, Mary Martin, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. On Oct. 16, 1999, myself and another supporter of the Socialist Workers Party participated in a rally and march in support of immigrant rights. We set up a literature table at about 10:00 a.m. in Malcolm X Park, the assembly point for the rally and march. Our table featured a sign which read "Support Immigrant Rights". The Militant newspapers we displayed on our table featured headlines which read "Stop the Deportations-Equal Rights for Immigrants"; "Stop the Execution of Mumia Abu Jamal;" "Steelworkers Fight Lockout in Illinois", etc. The books we displayed, published by Pathfinder Press, included a wide array of titles on the labor movement, the farmer's struggle, struggles against racism, for national determination, for women's rights, and books by and about Malcolm X, Che Guevara, Fidel Castro, and others.

2. Rally participants showed considerable interest in our table until a green-uniformed Park Police officer came to our table twice to say that selling was not permitted in the park. We told the officer that we were accepting donations. He said "No money can change hands in any way. If it does, you will be arrested."

3. A short time later, another police officer wearing a Federal Park Police uniform came and stood five yards from the table for the remainder of the rally, until march participants began the march to Layfayette park. He commented to us when he took up his position near the table, "You won't be doing any business while I'm here. "

4. We took down our table, joined the march, and later displayed the literature on a blanket at Layfayette park, which attracted many people who stopped by to get copies of literature and to make donations. We encountered no problems with the police there.

I declare under penalty of perjury that the foregoing is true and correct. Executed on Dec. 11, 2000.

Mary Martin

Mary Martin
Dec. 11, 2000

Exh. 46

13 pages

DECLARATION

I, Raymond A. Parsons, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge.

1. At 7:50 a.m., Saturday, May 1, 1999, a man who identified himself as Nicholas Carter came to the door of the Pathfinder Bookstore at 2724 Douglas Avenue in Des Moines, Iowa, where the office of the Amanda Ulman for Mayor Socialist Workers campaign was located. At the time I was manager of the bookstore and a supporter of the campaign, and I was inside when he arrived.

2. He asked if we had locked the gate at the rear of the passageway leading to the back parking lot. The man was loud and abusive and appeared to be drunk. He said it was a great problem for him to find the gate locked because he likes to walk from his house through the shopping center where the bookstore is located to get to a fast food restaurant across the street. I explained that we had been closing the gate (not locking it) at night due to the vandalism that had been taking place over the past month and that we opened it during the day.

3. The man said he knew about the vandalism taking place, but that we had no right to impede his freedom of movement. He said we'd better leave it open or he would bring a cutting torch to use on the gate, then on the bookstore. I walked with him to the gate and opened it. The man repeated his threats and left.

4. At 8:08 a.m., the man returned, hanging around the front parking lot for a minute Then he approached me and Joe Swanson, who had just arrived. The man said that "you commies are causing a problem with the gate, and if you close it again, I'll come back and kick your ass." I asked for the man's address and he told me he lived around the corner.

5. We called the Des Moines police. Officer Rexroat took a report from Swanson and me. The incident was assigned case number 99-15827 by the police.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on December 14, 2000.

Raymond A. Parsons

Raymond A. Parsons

46-2

CASE INVESTIGATION REPORT
DES MOINES, IOWA POLICE DEPARTMENT

1999 MAY -1 PM 2:50

Domestic Abuse ☐ Hate/Bias ☐ LEDKA ☐

1. NAME (LAST, FIRST, MIDDLE)	PATHFINDER BOOK STORE
2. CASE NUMBER	99-15827
3. ADDRESS	2724 DOUGLAS AV CITY DSM
4. RES. PHONE	N/A
5. PLACE OF EMPLOYMENT OR SCHOOL	N
6. BUS. PHONE	[redacted]
7. R/S/A — DOB — ETHNIC	A H☐ NH☐
8. LOCATION OF OFFENSE (ADDRESS)	2724 DOUGLAS AV
9. REPORTING PERSON	PARSONS, RAYMOND R/S/A
10. RES. PHONE	N/A
11. REPORTING PERSON'S ADDRESS	2724 DOUGLAS AV CITY DSM
12. BUS. PHONE	[redacted]
13. DATE AND TIME OCCURRED	1 MAY 99 0750-0810
14. DATE AND TIME REPORTED	1 MAY 99 0939
15. CRIME	THREATS
16. CLASSIFICATION	13C

17. DISTRICT: 1
18. BEAT: 202
19. REP. AREA:
20. OCCUPATION: BUSINESS
21. HOURS OF EMPLOY.: VARIED
22. SOBRIETY: N/A
23. DESCRIBE LOCATION OF OFFENSE OR TYPE OF PREMISE: SIDEWALK
24. VEHICLE USED BY SUSPECTS — LICENSE NO — STATE — YEAR: N
COLOR — YEAR — MAKE — BODY — MODEL
IDENTIFYING CHARACTERISTICS OF VEHICLE: N/A

CODE: V—VICTIM (OTHER THAN IN BLOCK #1) AND SHOW SEX RACE, AGE, W—WITNESS; P—PARENT OR GUARDIAN.

25. NAME	CODE	RESIDENCE ADDRESS	RES. PHONE	BUS. PHONE
SWANSON, JOE	W	2724 DOUGLAS AV CITY DSM	—	[redacted]
26.				
27.				

28. NOTIFICATIONS:
INVESTIGATOR'S ☐ YES ☑ NO — IDENTIFICATION UNIT ☐ YES ☑ NO — PHOTOGRAPHS ☐ YES ☑ NO

PROPERTY & INJURIES

29. TOOL OR WEAPON USED: THREATS	30. METHOD USED: MADE	31. POINT OF ENTRY: N	32. VICTIM'S VEHICLE IF INVOLVED — LICENSE NO. — STATE/YEAR: N
33. TYPE PROPERTY TAKEN: ITEM 63	34. TOTAL VALUE: ITEM 63	35. LOCATION OF VICTIM'S PROPERTY	36. DEGREE OF INJURY AND VICTIM'S CONDITION
37. TYPE OF INJURY AND LOCATION ON BODY: N			38. HOSPITAL / 39. TRANSPORTED BY

WORTHLESS DOCUMENTS

40. COLOR OF DOC.	41. TYPE OF DOC.	42. DATE OF DOC.	43. DOCUMENT NO.	44. FIRM NAME OF DOCUMENT
45. NAME AND NO. OF BANK		46. MADE PAYABLE TO		47. SIGNATURE ON FACE
48. REASON NOT HONORED		49. TYPE OF PROPERTY OR SERVICES OBTAINED		50. AMOUNT OF DOCUMENT

DOMESTIC ABUSE

51. DO YOU HAVE A CURRENT NO CONTACT ORDER? YES ☐ NO ☐ — A
52. HAS THE SUSPECT BEEN CHARGED WITH DOMESTIC ASSAULT ON THE VICTIM OR OTHERS IN THE PAST? YES ☐ NO ☐ UNKNOWN ☐
53. NOTICE OF ABUSED PERSON RIGHTS GIVEN? YES ☐ NO ☐ I REQUEST A NO CONTACT ORDER — A — SIGNATURE OF VICTIM

#9 MR. PARSONS IS MANAGER OF THE PATHFINDER BOOK STORE AT 2724 DOUGLAS AV. HE REPORTS THAT ON THE MORNING OF 1 MAY 99 BETWEEN 0750-0810 HRS., HE AND ASST. MANAGER OF THE BOOK STORE #25 JOE SWANSON, WAS STANDING ON THE SIDEWALK OUTSIDE THE STORE. A MALE APPROACHED THEM ASKING #9 MR. PARSONS WHY THE SECURITY GATE ON THE SOUTH END OF THE BUSINESS COMPLEX WAS SHUT BLOCKING ACCESS TO THE SIDEWALK THROUGH THE COMPLEX. #9 MR. PARSONS SAID HE HAD SHUT THE GATE DUE TO TWO PRIOR

OFFICE USE ONLY

54. REPORTING OFFICER: REXROAT, RICK 656	NO.	55. STATUS (CHECK ONE): ☒ OPEN ☐ EX. CLD. ☐ SUSPENDED ☐ CLOSED	57. REPRODUCED BY. NO.
56. REVIEWER: JG		58. SUPERVISOR APPROVING: [signature]	NO. 445
59. UCR DISPOSITION		60. UNIT REFERRED TO: ☒ CID ☐ SO ☐ VNCU ☐ CHIEF ☐ IA OTHER: ☐ CO. ATT ☐ PIO	
2ND OFFICER	NO.		

70-100-3 (REVISED AUG. 1991)

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PAGE 2 OF 3

SUSPECT/PROPERTY INFORMATION

DES MOINES, IOWA POLICE DEPARTMENT

CASE NUMBER 99-15827

62. **NOTE SUSPECT PECULIARITIES**

HAIR/STYLE, LENGTH; FACIAL FEATURES; SCARS, MARKS, TATTOOS; BUILD/MUSCULAR, SHORT, TALL, THIN, FAT, ETC.

SUS 1	NAME/ALIAS POSSIBLY [redacted]	R/S/A WM-45	D.O.B. unk	HT. 510	WT. 160	HAIR BRN	EYES ?
	ADDRESS [redacted]	PHONE NO. unk.		ARRESTED? YES ☐ NO ☒			
			ETHNIC H ☐ NH ☐	WARRANT NEEDED? YES ☐ NO ☒			
				CHARGES FILED? YES ☐ NO ☒			
SUS 2	NAME/ALIAS	R/S/A	D.O.B.	HT.	WT.	HAIR	EYES
	ADDRESS	PHONE NO.		ARRESTED? YES ☐ NO ☐			
			ETHNIC H ☐ NH ☐	WARRANT NEEDED? YES ☐ NO ☐			
				CHARGES FILED? YES ☐ NO ☐			
SUS 3	NAME/ALIAS	R/S/A	D.O.B	HT.	WT.	HAIR	EYES
	ADDRESS	PHONE NO.		ARRESTED? YES ☐ NO ☐			
			ETHNIC H ☐ NH ☐	WARRANT NEEDED? YES ☐ NO ☐			
				CHARGES FILED? YES ☐ NO ☐			
SUS 4	NAME/ALIAS	R/S/A	D.O.B	HT.	WT.	HAIR	EYES
	ADDRESS	PHONE NO.		ARRESTED? YES ☐ NO ☐			
			ETHNIC H ☐ NH ☐	WARRANT NEEDED? YES ☐ NO ☐			
				CHARGES FILED? YES ☐ NO ☐			

63. **PROPERTY DESCRIPTION**

QTY.	ARTICLE	BRAND	MODEL	SERIAL NO.	MISC. DESCRIPTION: COLOR, SIZE, INSCRIPTIONS, CALIBRE, ETC.	VALUE
	N/A					

64. **CASE SCREENING**

YES	NO	
☒	☐	1. DOES THE NATURE OF THE OFFENSE POSE A SERIOUS THREAT OF HARM OR INJURY TO AN INDIVIDUAL OR TO THE COMMUNITY? *(ITEM 15)*
☐	☒	2. WAS THE VICTIM SERIOUSLY INJURED? *(ITEM 36)*
☒	☐	3. WAS THERE A WITNESS TO THE OFFENSE? *(ITEM 25)*
☐	☒	4. CAN A SUSPECT EITHER BE NAMED, LOCATED, IDENTIFIED, OR AN IDENTIFIABLE DESCRIPTION BE PROVIDED? *(ITEM 22)*
☐	☒	5. CAN A SUSPECT VEHICLE EITHER BE IDENTIFIED, OR AN IDENTIFIABLE DESCRIPTION BE PROVIDED? *(ITEM 24 or 32)*
☐	☒	6. IS THERE A REASONABLE EXPECTATION THAT PHYSICAL EVIDENCE CAN BE OBTAINED? *(ITEM 28)*
☐	☒	7. WAS IDENTIFIABLE PROPERTY TAKEN? *(ITEM 63)*
☐	☒	8. WAS THERE A SUBSTANTIAL LOSS OF PROPERTY? *(ITEM 63)*
☐	☒	9. WERE CERTAIN EVENTS OR ACTIONS IN THE OFFENSE DISTINCTIVE OR UNUSUAL AND/OR RELATED TO OTHER OFFENSES? *(ITEMS 29, 30 and 31)*
☐	☒	10. IS THERE REASON TO BELIEVE THAT THE CRIME IS SUCH THAT PUBLIC INTEREST AND SUPPORT OR FURTHER INVESTIGATION MAY PRODUCE MORE INVESTIGATIVE LEADS, AND MAY RESULT IN SOLVING THE CRIME?
☐	☒	11. WAS THE OFFENSE, OTHER THAN DOMESTIC ABUSE, A SIMPLE MISDEMEANOR THAT OCCURRED IN THE OFFICER'S PRESENCE? *(ITEM 15)*

IF ALL OF THESE ITEMS ARE ANSWERED NO, THE REPORTING OFFICER WILL SUSPEND THE CASE

THE VICTIM WILL BE INFORMED BY THE REPORTING OFFICER THAT THE CASE IS BEING SUSPENDED AND NO FURTHER ACTION WILL BE TAKEN UNLESS FURTHER LEADS ARE PRODUCED.

REPORTING OFFICER	IDENT. NO.	DATE	SUSPENDED
ICE/ROAT, RICK	656	1 MAY 99	YES ☐ NO ☒

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1999 MAY -1 PM 12:50

SUPPLEMENTAL REPORT
DES MOINES, IOWA POLICE DEPARTMENT

1. COMPLAINANT, DRIVER #1, VICTIM OR ARRESTEE	2. ARREST NO.	3. CASE NO.
PATHFINDER BOOK STORE	N/A	99-15827

☑ FORM USED AS CONTINUATION SHEET FOR CURRENT REPORT	4. DATE THIS REPORT 1 MAY 99	5. DATE ORIGINAL OCCURRENCE 1 MAY 99
☐ FORM USED TO REPORT FOLLOWUP INVESTIGATION OR SUPPLEMENTAL INFORMATION	6. CORRECT OFFENSE OR INCIDENT CLASSIFICATION THREATS	CHANGED ☐ YES
7. KIND OF REPORT CONTINUED ☐ WITNESS STATEMENT ☐ OFFENSE ☐ TRAFFIC ACCIDENT ☐ ARREST ☐ FOLLOWUP OR SUPPLEMENTAL OR PROSECUTION	8. MULTIPLE CLEAR-UP? ☐ YES (LIST OTHER CASE NUMBERS IN NARRATIVE) ☐ NO	
9. PAGE NO. 3 OF 3	10. TRAFFIC CITATION NO. N	11. VALUE OF PROPERTY RECOVERED AND TYPE A

12. INSTRUCTIONS FOR FOLLOWUP OR SUPPLEMENTAL USAGE. Under narrative, record your activity and all developments in the case subsequent to last report. Describe and record value of any property recovered, names and arrest numbers of any persons arrested. Explain any offense classification change. Clearly show disposition of recovered property and inventory No. Recommend to supervisor case status and to reviewer UCR disposition. Indicate "Item Number Continued" at left, if any.

ITEM NO.

EGG THROWING INCIDENTS AT THE BOOK STORE. THIS MALE TOLD #9 MR. PARSONS THAT WITH THAT GATE CLOSED, IT BLOCKS HIS ROUTE TO THE MCDONALDS RESTAURANT ON DOUGLAS AVE., AND IF IT IS SHUT AGAIN, HE WOULD RETURN WITH A CUTTING TORCH AND CUT THE GATE OFF, THEN USE THE TORCH ON THE BOOK STORE. #9 MR. PARSONS SAID THEN THIS MALE LEFT, BUT A SHORT TIME LATER CAME BACK AND SAID, AND IF THE GATE WAS CLOSED ANYMORE, HE'D COME BACK AND "KICK ASS" ON #9 MR. PARSONS, AND NEXT TIME, IT WOULD BE MORE THAN EGGS.

#9 MR. PARSONS ASKED THIS MALE HIS NAME, AND THIS MALE SAID SAID HIS NAME WAS [redacted] AND HE LIVED AT [redacted]. WHEN THIS OFFICER WENT TO [redacted], NO ONE WOULD ANSWER THE DOOR. #25 MR. SWANSON SAID THIS MALE WHO IDENTIFIED HIMSELF AS [redacted] SAID HE IS A WHITE MALE, AROUND 45 YRS, 5'10", 160#, LT. BROWN HAIR, GLASSES, BROWN SHIRT, KHAKI PANTS. THE SHIRT WAS OPEN UP TOP DISPLAYING A TATTOO ON HIS CHEST.

OFFICE USE ONLY

		13. DATE/TIME TYPED NO.	REPRODUCED NO.
14. REPORTING OFFICER NO. REKROAT, RICK 6556	15. STATUS (CHECK ONE) ☐ SUSPENDED ☑ OPEN ☐ EX. CLOSED ☐ CLOSED	17. UNIT REFERRED TO: CID, PIO	18. UCR DISPOSITION
SECOND OFFICER NO.	16. SUPERVISOR APPROVING NO. 445	19. REVIEWER NO.	

70-101-3

46-5

DES MOINES POLICE SUPPLEMENTAL REPORT

OFFICER: C. MORAN #749 CASE: 99-15827

OFFENSE: THREATS DT/TM THIS RPT: 3 MAY 99 0020

DT/TM OCCUR: 1 MAY 99 0800 STATUS: EXC. CLEARED & CLOSED

1. VICTIM INFORMATION:
   A. Raymond Parsons, address 2724 Douglas (Pathfinder Book Store), phone number [redacted]

2. CRIMINAL ACT:
   A. Threats in which he was told he was going to get his "ass kicked", occurring at 2724 Douglas, and reported on 1 May 99 at 0939 hours.

3. PROPERTY INVOLVED:
   A. None.

4. ARREST OR WARRANT:
   A. None.

5. SUSPECTS:
   A. [redacted], WMA, DOB 11-11-51, address [redacted] 5'10", 160, light brown hair, blue eyes, SS number [redacted]

6. PHYSICAL EVIDENCE:
   A. None.

7. INVESTIGATION:
   A. I received this case for follow-up on 1 May 99.

   B. On 1 May 99 at 1725 hours I contacted Joe Swanson, a listed witness, by calling the Pathfinder Book Store.

   C. He states that he arrived for work half-way through the encounter.

   D. He states he parked his car as the suspect was walking away, and Mr. Parsons came out to explain the initial

DES MOINES POLICE SUPPLEMENTAL REPORT

OFFICER: C. MORAN #749 CASE: 99-15827

OFFENSE: THREATS DT/TM THIS RPT: 3 MAY 99 0020

DT/TM OCCUR: 1 MAY 99 0800 STATUS: EXC. CLEARED & CLOSED

encounter in which he had been threatened to have his ass kicked.

E. He states that as Mr. Parsons came to meet with him in the parking lot, Mr. [redacted] turned around and came back. He stated that Mr. [redacted] then told the two of them, "If I find the gate closed again I'll kick your ass," referring to Parsons.

F. At that time he states Parsons asked for his information, to which he gave the name and address listed.

G. After that Mr. [redacted] stated, "Next time it will be more than eggs," and then walked away.

H. I asked why Mr. Swanson felt that this person was acting this way, and he felt it was because the Pathfinder is a "Socialist" book store and they had differing views. He also explained that Mr. [redacted] appeared to be intoxicated at the time. I requested that he have Mr. Parsons contact me when he returned to the store.

I. On 1 May 99, at approximately 1800 hours, Mr. Parsons returned my call.

J. In explaining the incident he stated that Mr. [redacted] approached him within the store and asked who had closed the gate. He was referring to the gate which is near the back of the store. Apparently during the discussion Mr. Parsons was told it had blocked his path

DES MOINES POLICE SUPPLEMENTAL REPORT

OFFICER: C. MORAN #749 CASE: 99-15827

OFFENSE: THREATS DT/TM THIS RPT: 3 MAY 99 0020

DT/TM OCCUR: 1 MAY 99 0800 STATUS: EXC. CLEARED & CLOSED

of travel to "McDonalds" and made him angry.

K. Mr. Parsons stated he was loud and belligerent and appeared drunk. Mr. Parsons walked with him outside to the gate and explained to him that it was not locked, but merely stiff, and he states he opened it by shoving on it hard to show that Mr. [redacted] could pass through.

L. To this he explained that Mr [redacted] told him that "they were creating a problem, and he could cause problems too."

M. He then stated that if the gate remained closed he would take a blow torch and remove the gate and would kick Mr. Parson's ass.

N. He then states Mr. [redacted] began to walk away. A short time later Mr. Swanson arrived into the parking lot, and after that the description of the incident matches that of Mr. Swanson's.

O. I did check our Index files and found the date of birth and Social Security number for the person giving the name [redacted].

P. I then checked the phone book and found out [redacted] does in fact live at [redacted], and has a phone number of [redacted]

Q. I explained this to Mr. Parsons, that it appeared that he had received the accurate name and address of the person involved. I provided him several choices of how this situation could be handled.

DES MOINES POLICE SUPPLEMENTAL REPORT

OFFICER: C. MORAN #749 CASE: 99-15827

OFFENSE: THREATS DT/TM THIS RPT: 3 MAY 99 0020

DT/TM OCCUR: 1 MAY 99 0800 STATUS: EXC. CLEARED & CLOSED

R. The first scenario would be a citation issued to Mr. [redacted], who was in fact determined to be the person involved, for Harassment 3rd. I also stated he could be advised of Criminal Trespass reference the incident, and explained the consequences of that. I also stated the report could be used as a record of the incident in case of future problems, and no contact made with Mr. [redacted]

S. Mr. Parsons stated he needed time to think about it and would call me back.

T. On 2 May 99, approximately 1800 hours, he did call back and stated that after discussing the situation with Mr. Swanson, they did not want Mr [redacted]r contacted because they felt it would only aggravate the situation, and they wanted to give him a second chance. At this time they would like this report to be a record of the incident only.

U. The case will now be carried Exceptionally Cleared and Closed with the victims desiring not to pursue charges.

8. WITNESS TESTIMONY:

A. Raymond Parsons can testify as the victim of this case investigation.

B. Officer Rexroat, #656, can testify to the CIR.

C. Officer Moran, #749, can testify to the follow-up. Phone number [redacted]

46-9

DES MOINES POLICE SUPPLEMENTAL REPORT

OFFICER: C. MORAN #749 CASE: 99-15827

OFFENSE: THREATS DT/TM THIS RPT: 3 MAY 99 0020

DT/TM OCCUR: 1 MAY 99 0800 STATUS: EXC. CLEARED & CLOSED

TYPED BY: jkd 05/04/99

750 AM May 1- 99

A man who identified himself as Nicholas Carter came to door to complain about gate being locked He asked if we had done it

He appeared to be drunk and was loud and abusive, swearing.

He said it was a great problem for him to find gate locked because he likes to walk from his house three doors up the street behind us, to McDonalds.

He said we better leave it open or he would bring a cutting torch to use on the gate, then on us.

3520 27th Place

I explained why we had ~~had~~ closed the gate, and that we intended to open it during the day.

He said he knew about the vandalism occur, but that we had no right to impede his freedom of movement

I walked him to gate and opened it

I told him we needed to deal with our problems of vandalism, the gate been closed was not directed at him.

He repeated the threat., I told him I would remember what he said - Elvidio witnessed the exchange

at 808 he returned and hung around front parking lot and said that us commies were causing a problem with the gate and that if we close it again he would come back and kick my ass. Joe witnessed this exchange

He came in his cadillac when I asked for it

46-12

Detect. Moran 5-1-99 605pm Ray

Possibilities ~ harassment ~ minor charge like public intoxication

~ more serious criminal trespass would be put in computer file would be subject to arrest next time we call

More beneficial to wait to speak w/ Carter until we decide what to do

Working thru Sunday 4-midnight
Off til Wed

237-1501
Detective Moran

46-13

5-2-99 535pm

237-1501

Moran • simple misdemanor
issue citation like traffic ticket

• plead guilty or not @ court hearing

• if pleads not guilty, set court time, issue subpoenas for Ray, Joe and Moran

• would do photo line up to positively identify him

Sr Police Officer Moran

PATROL SERVICES DIVISION

Des Moines Police Department
25 East First Street
Des Moines, Iowa 50309

Officer REXROAT Case No. 99-15827

Phone 331 3011 ☐ Additional information on reverse side.