

Exh. I - 19 pages

DECLARATION

I, Frances E. Farley, 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 exemption from certain disclosure provisions of the Federal Election Campaign Act.

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

1. On September 11, 2004, at around 4:00 AM the office of the 2004 Socialist Workers Party Campaign in Hazleton, Pennsylvania was firebombed. The office at 69 N. Wyoming St. housed the 2004 SWP Campaign Committee which supported the campaigns of Róger Calero and Arrin Hawkins for US President and Vice President, Timothy Mailhot for US Congress in the 11th District, and Kristofer Barkanic for Pennsylvania State Assembly in the 116th District.

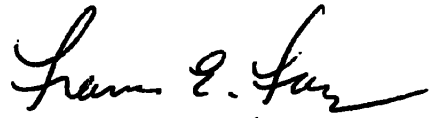
2. A brick wrapped in incendiary material was thrown through the front display window which featured campaign materials, political books, and announcements of upcoming public meetings. The fire severely damaged the front part of the building. A neighbor who saw the fire called 911 at around 4:30 AM and the fire department responded promptly putting out the fire before more severe damage was caused. This quick response also prevented the fire from spreading to the apartments directly upstairs where families were asleep. I, Frances Farley, the Northeast Pennsylvania Socialist Workers Campaign director, and Timothy Mailhot witnessed the damage from the arson attack later that morning, as did several neighbors and area residents.

3. The arson was investigated by Patrolman James Dixon of the Hazleton Police Department on September 11 and reported to Hazleton Mayor Louis Barletta. It was also reported to the Hazleton Area Human Relations Commission and at a town meeting on December 2 sponsored by the Pennsylvania State Human Relations Commission.

4. So far police have no suspects and no one has been charged in the arson attack.

5. News articles on the firebombing of the SWP campaign headquarters were published in the Hazleton Standard Speaker and the Wilkes Barre Citizen's Voice and news stories carried on the local television stations.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 29, 2004.



Frances E, Farley
12/29/2004

September 12, 2004

To Supporters of Political Rights.

In the early morning of September 11, 2004, an arson attack was carried out against the Socialist Workers 2004 campaign office in Hazleton, Pennsylvania. The campaign headquarters was significantly damaged and the safety of the families who live in the apartments upstairs threatened. Quick action by a neighbor resulted in the fire department being called to put out the fire. (see attached fact sheet)

We ask you to join with us in defense of civil discourse, free political exchange and debate, and the right of the Socialist Workers Party to campaign free of harassment and attack.

Join with us to:

- Send an urgent message to Hazleton mayor Louis Barletta, City Hall, 40 N. Church St., Hazleton, PA 18201, urging that all possible steps be taken to apprehend those responsible for the arson attack and to prosecute them to the full extent of the law. The Mayor can be contacted at 570-459-4910, or faxed at 570-459-4966. Please send copies to the Socialist Workers Campaign at the address above.
- Send a message of solidarity to the Socialist Workers campaign protesting this attack and defending their right to campaign free of harassment.
- Send a much needed contribution to help rebuild their campaign office. Make checks out to Socialist Workers 2004 Campaign earmarked "Rebuilding Fund" and mail to the Socialist Workers Campaign at the address above.

Only a vigorous and broad public response can beat back attacks like this one and defend the right to civil discourse and to practice politics free from harassment.

Thank you for your support.

Monsignor Michael J. Delaney

Monsignor Michael J. Delaney
Pastor, Church of St. Gabriel

Gregory O'Connell, Esq.

Gregory O'Connell, Esq., Attorney

Kassie Harding

Kassie Harding
President, UNITE-HERE
Local 133-1
Hollander Home Fashions

Umberto Hernandez Rubilar

Umberto Hernandez Rubilar
Umberto's International Cuisine

Anna Arias

Anna Arias
Governor's Advisory Commission
on Latino Affairs

The Rev. Douglas L. McKeeby

The Rev. Douglas L. McKeeby
Pastor, Trinity Lutheran Church,
Hazleton

Lizette Vélez

Lizette Vélez
United Food and Commercial
Workers Local 1776 Steward

Walter Howard

Walter Howard
Professor, History Department,
Bloomsburg University

David Greenleif

David Greenleif
UNITE-HERE Union
Representative

Beverly Collins

Beverly Collins
Activist for Human Rights

Roger Calero

Roger Calero,
Socialist Workers 2004
Presidential Candidate

Fire damages Socialist Workers' base

■ Candidates from the party called on the public to condemn the suspected arson attack against their headquarters on Wyoming Street in Hazleton.

By KENT JACKSON

kent.jackson@standard-speaker.com

Candidates from the Socialist Workers Party called on the public to condemn an arson attack on their headquarters in Hazleton, but said the violence wouldn't silence them.

"We want to send a message that we're not intimidated by this," Tim Mailhot, a Hazleton factory worker and the Socialist candidate for Congress from Pennsylvania's 11th District, said Monday afternoon at a news conference.

Hazleton police are investigating a fire that started early Saturday at the headquarters, but have not released details of their investigation.

"We began campaigning yesterday. We have the right to discuss the issues in front of us," Mailhot said Monday.

After talking with police about the fire, Mail-

hot said a brick attached to or wrapped in flammable materials was thrown through the show-room window of the headquarters at 69 N. Wyoming St.

Fire melted a plastic blind behind the window and slowly burned the window shelf.

A neighbor noticed a strange light in the window about 4:30 a.m. Saturday and summoned city firefighters, who extinguished the fire before it destroyed the headquarters or spread to an upstairs apartment where a family lives, Mailhot said.

On Monday, the headquarters was open but with a section roped off where the window shelf supports burned away and glass lay on the floor. Mailhot said workers would clean up after an insurance inspector saw the damage.

The room smelled of smoke. Soot spread over the white walls and speckled books on shelves of the headquarters, which also is the home of the Pathfinder Books store.

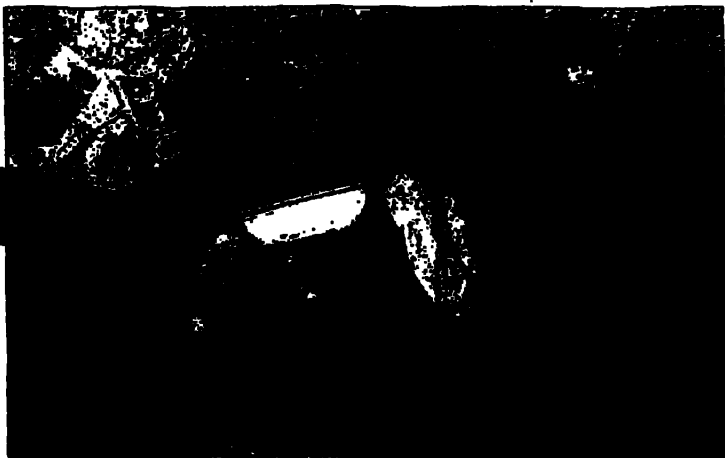
Brian Taylor, a Western Pennsylvania coal

See FIRE, page 18



ELLEN O'CONNELL/Standard-Speaker
Betsy Farley, left, campaign director of the Northeast Pennsylvania division of the Socialist Workers 2004 campaign, talks with the Rev. Douglas McKeoby, pastor of Trinity Lutheran Church, Hazleton, in the doorway of the North Wyoming office Monday as a table and tape barricades the fire-damaged area.

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Broken glass, debris and yellow fire tape lay on the floor at the Socialist Workers Party headquarters after a brick wrapped with flammable materials was thrown through the front window of the North Wyoming Street facility.

Fire

(Continued from page 1) miner and party candidate for U.S. Senate, said the burned books represented an attack on the "right of working people to think for themselves."

"This type of intimidation is designed to shut down the political space we all have," he said.

Arrin Hawkins, the party's vice presidential candidate, called on "defenders of political rights around the world" to protest the attack on the headquarters.

Party members asked the public to join them in calling on Hazleton Mayor Louis Barletta to swiftly apprehend and fully prosecute whoever started the fire.

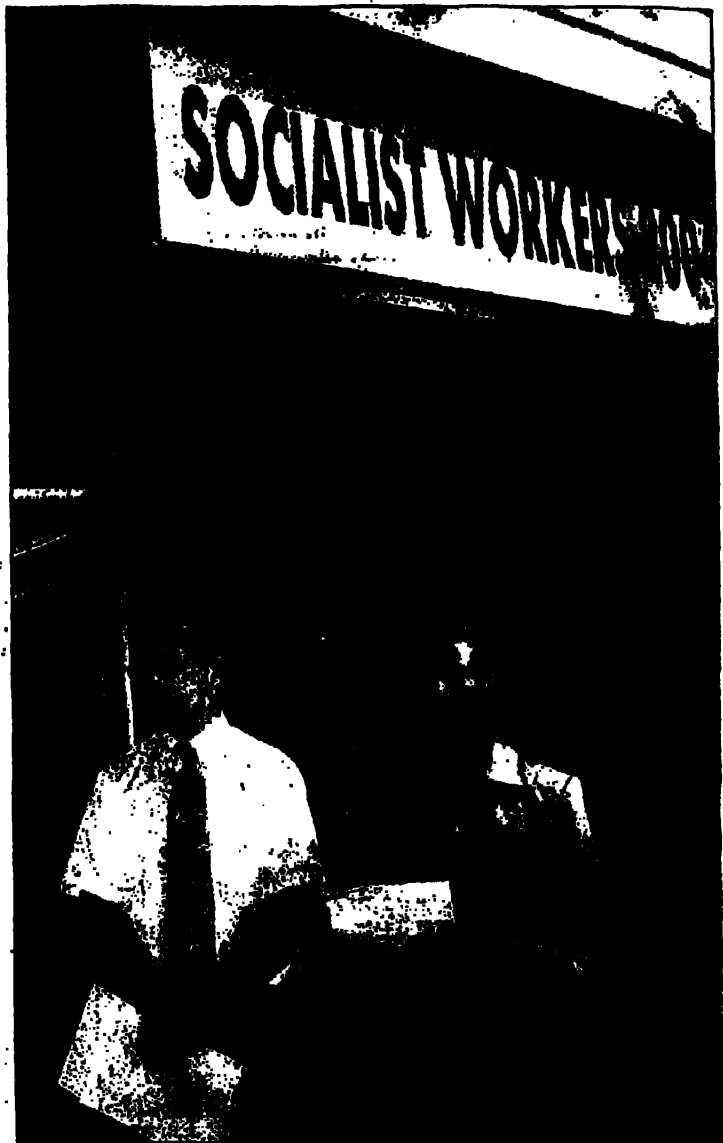
They said they will solicit contributions to repair the fire damage and replace books.

On Saturday at 7:30 p.m. at the headquarters, the party members scheduled a meeting that Taylor said will be "a speakout of sorts against these kinds of attacks."

Monsignor Michael Delaney and the Rev. Douglas McKeeby spoke against the attacks on behalf of the Greater Hazleton Ministerium.

"What makes our nation great is we have the freedom of ideas," McKeeby said.

"We're in a war on terrorism. We need to take serious these attacks."



ELLEN O'CONNELL/Standard-Speaker

Tim Mallhot, left, a candidate for the 11th Congressional District in the Socialist Party, and vice presidential candidate Arrin Hawkins hold a press conference outside the Socialist Workers 2004 Campaign Office in Hazleton Monday.

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THURSDAY
September 14, 2004
Wilkes-Barre, PA

64 Pages

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Local News

Socialist party calls for public condemnation of arson

Hazleton headquarters burned in Saturday fire

By Kent Jacobson
Hazleton Standard-Speaker Staff Writer

Candidates from the Socialist Workers Party called on the public to condemn an arson attack on their headquarters in Hazleton, but said the violence won't silence them.

"We want to send a message that we're not intimidated by this," Tim Mailhot, a Hazleton factory worker and the Socialist candidate for Congress from Pennsylvania's 11th District, said Monday afternoon at a news conference.

Hazleton police are investigating a fire that started early Saturday at the headquarters,

but have not released details of their investigation.

"We began campaigning yesterday. We have the right to discuss the

issues in front of us," Mailhot said Monday.

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said a brick attached to or wrapped in flammable materials was thrown

through the show room window of the headquarters at 69 N. Wyoming St.

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behind the window and slowly burned the window shelf.

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On Monday, the headquarters was open but with a section roped off where the window shelf supports burned away and glass lay on the floor. Mailhot said workers would clean up after an insurance inspector saw the damage.

The room smelled of smoke. Soot spread over the white walls and speckled books on shelves of the headquarters, which also is the home of the

Pathfinder Books store.

Brian Taylor, a Western Pennsylvania coal miner and party candidate for U.S. Senate, said the burned books represented an attack on the "right of working people to think for themselves."

"This type of intimidation is designed to shut down the political space we all have," he said.

Arrin Hawkins, the party's vice presidential candidate, called on "defenders of political rights around the world" to protest the attack on the headquarters.

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contributions to repair the fire damage and replace books.

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"What makes our nation great is we have the freedom of ideas," McKeelby said. "We're in a war on terrorism. We need to take serious these attacks."

The Hazleton Standard-Speaker and The Citizens' Voice are members of the Northeast Pennsylvania News Alliance.

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Saturday, September 18, 2004

STANDARD-SPEAKER

OPINION

Socialist leader: 'We are not intimidated'

Editor,

In the Sept. 16 edition of the *Standard Speaker*, L.A. Tarone wrote an article questioning whether there was political motivation behind the September firebombing of the Socialist Workers 2004 Campaign headquarters in Hazleton.

Let's review the facts.

In the early morning hours of Sept. 11, an unknown individual or individuals threw a brick with flammable materials wrapped to it with tape through the front display window of our offices.

Campaign material and notices of upcoming meetings were prominently displayed, as were books containing the lessons of more than a century and half of revolutionary struggle and that analyze the economic and political roots of the attacks on the working class today by the two parties of the employers - the Democrats and Republicans - and lines of resistance workers and farmers on world scale are following in the face of these attacks, that take up the fight for black rights, women's rights, the lessons of the struggles of workers to build unions, and the Cuban and Russian revolutions.

This was a serious attack aimed at destroying our offices and had the potential of seriously injuring or killing the families living upstairs. Only the action of an alert neighbor who called 911 kept this from being far worse.

This attack comes in a context of sharpening attacks on workers' rights. Social Security, medical coverage for working families, the ability of an injured worker to collect worker's compensation payments or disability pay are increasingly threatened.

As the two major parties shift to the right to carry out this course it is accomplished by a coarsening tone in bourgeois politics.

Civil debate among the Democratic and Republican presidential candidates is all but absent in the 2004 election. It instead has been replaced by low-level slanders, vicious name-calling, innuendo and an absence of a discussion on the real questions we face.

Under these conditions, rightists get some wind in their sails.

Some lash out violently.

The message they are trying to convey is clear: "Shut up. Keep quiet and stay in your place."

Such attacks are intended to close down the space for democratic rights and civil debate.

They are ultimately aimed at the working class.

We are not intimidated.

We are stepping up our campaign in this area now and in the coming weeks.

The central demands of the SWP campaign are for defense of working people's rights to form unions to protect us from the attacks by the employers and their parties and to support the rights of government's in the poor countries to use the means at their disposal to raise the standard of living of working class masses in those countries through expanded electrification, including the use of nuclear power if they choose.

Many workers and farmers in this country also suffer today from the unequal use of the resources that provide electricity in their homes and neighborhoods.

Many in this area have sent letters of support, recognizing the importance of fighting for the space to engage in political activity free from harassment, intimidation and violence.

These include religious figures, union officials, professors, human rights activists and others.

They are requesting that Mayor Louis Barletta and the police department ensure a full investigation is made into this attack and that those responsible be prosecuted to the full extent of the law.

[Today] there will be an open speak-out at our campaign headquarters, for all who want to speak in defense of political rights.

Tim Mailhot,
Socialist Workers candidate
for Congress, 11th District

Violence condemned at Socialist Workers forum

The forum was held at the party's Hazleton headquarters, which was damaged in an arson attack last weekend.

By **AMANDA CHRISTMAN**
christman@standardspeaker.com

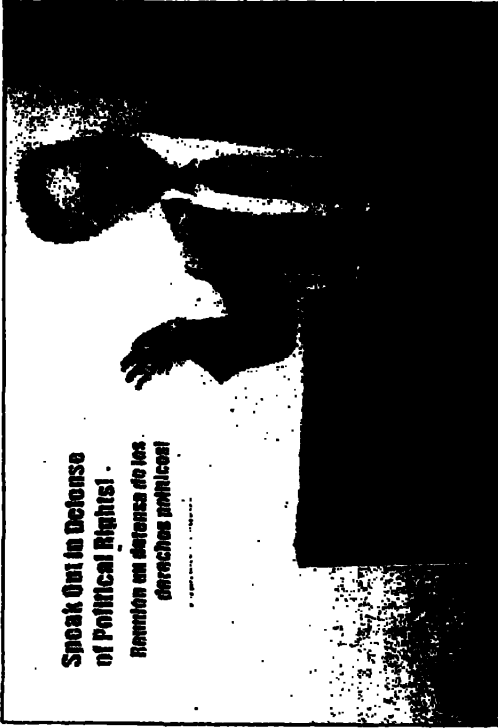
Socialist Workers Party members gathered at local headquarters to make it known that they are not going to back down.

Several speakers defending political rights condemned what some think was a politically inspired arson, before about 30 listeners Saturday night at SWP headquarters, 69 N. Wyoming St.

Arrin Hawkins, the Socialist Workers' vice presidential candidate, one of the speakers, said the group gathered to defend their political beliefs and their freedoms as American citizens.

"We won't be intimidated by political attacks," she said. Hawkins said the only way to fight back is not to run and hide, but to push back the person responsible for the arson last weekend at the Hazleton headquarters.

Jay Ressler of Pittsburgh said



Speak Out in Defense of Political Rights!
Rassemblement en défense des libertés politiques

JENNIFER KUKEL/STANDARD-SPEAKER
Tim Mailhot, the Socialist Workers Party candidate for Congress in the 11th District, speaks Saturday during a forum at party headquarters in Hazleton.

he came to the forum to stand up for what he believes in.

"I think it's important to stand up and show people we won't be intimidated," he said.

The Rev. Douglas McKeeney, pastor of Trinity Lutheran Church, Hazleton, said he came to condemn acts of violence. He said there should be strong efforts made to apprehend the guilty party.

McKeeney said one of the scary issues with the arson is

As a community, he said, Hazleton shouldn't stand by and watch crimes happen but should stand up against them.

"We all need to oppose any sort of violence," he said.

Anna Arias of the Governor's Advisory Commission on Latino Affairs compared the arson to acts of violence taken out on Hispanics. She said she knows of three incidents where Latinos' homes were vandalized in hate crimes.

Arias said the community has to send a clear message that violent acts will not be accepted in the Hazleton area. She said people forget that everyone is a child of God and that American citizens enjoy freedom of speech and equal rights.

Arias said people are looked at as lesser human beings every day. "Pray to God that he changes their hearts," she said.

Tim Mailhot, Socialist can-

didate for Congress in the 11th District, said police are still investigating the arson and don't have a suspect yet. Since then, he said, people in the community and from around the world have lent their support.

On Sept. 11, a brick wrapped in flammable materials was thrown through the SWP headquarters' front window, damaging the property.

Mailhot said he has accepted his responsibility to respond to the arson by hosting the forum.

In support of everyone's right to stand up for their own political beliefs, he said he hopes those responsible for the arson will see the group acting together instead of running away.

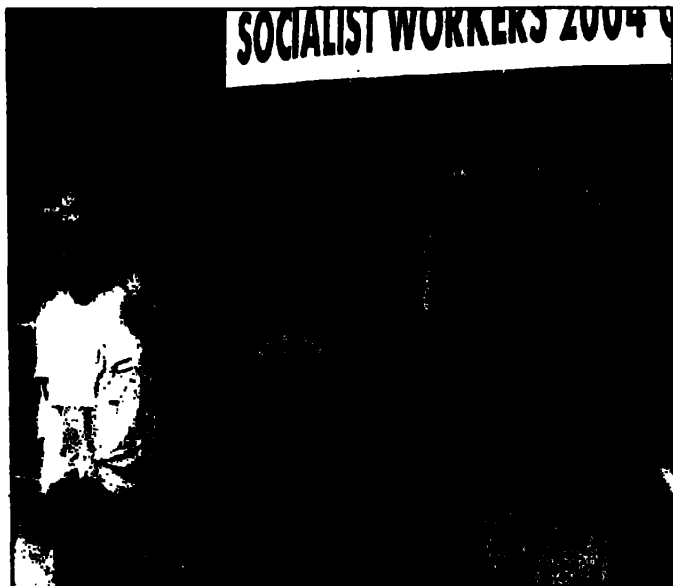
Mailhot also urged city police and Mayor Lou Barletta to be persistent and vigilant in finding the person or people responsible for the arson.

"I think it's important to stand up and show people we won't be intimidated."

— Jay Ressler, Pittsburgh

FACT SHEET ON ARSON ATTACK ON THE SOCIALIST WORKERS 2004 CAMPAIGN OFFICE IN HAZLETON, PENNSYLVANIA

1-9



Tim Mailhot, Socialist Workers candidate for U.S. Congress (center), outside campaign headquarters with supporters and area residents in Hazleton, Pennsylvania

In the early morning of September 11, 2004, the headquarters of the Socialist Workers 2004 campaign in Hazleton, Pennsylvania, suffered an arson attack that significantly damaged the office and threatened the safety of families living in the apartments upstairs. A brick with flammable materials wrapped to it with tape was thrown through the front window, which featured campaign material, political books, and announcements of upcoming public meetings.

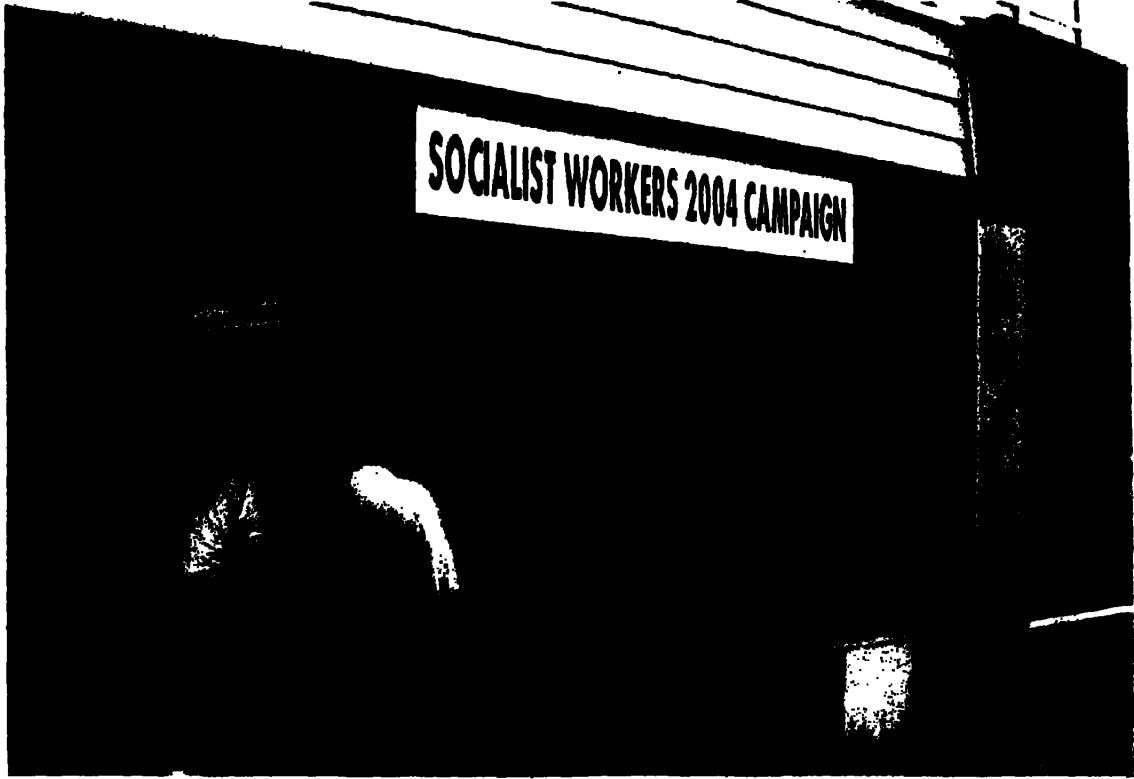
The arson device hit a curtain, which prevented it from reaching the office floor. Instead it fell onto the front display area, setting a fire officials described as a slow-burning fire.

A neighbor saw a light in the front of the campaign office and at 4:30 a.m. called 911. The fire department responded promptly, putting the fire out before more severe damage or personal injury could result.

The campaign office is a well-known public political center in Hazleton, a town of more than 25,000 in the anthracite coal region of Pennsylvania. The SWP campaign office — located in a Latino and working-class neighborhood — is where support is being organized for the Socialist Workers presidential ticket of Róger Calero and Arrin Hawkins for U.S. President and Vice-President, Brian Taylor for U.S. Senate in Pennsylvania, Tim Mailhot for U.S. Congress in the 11th C.D., and Kris Barkanic for Representative in the General Assembly, 116th District. It is also the Northeast Pennsylvania center for distribution of the socialist newsweekly, the *Militant*, the monthly Spanish-language magazine *Perspectiva Mundial*, and Pathfinder books.

Socialist Workers 2004 Campaign Committee

69 N. Wyoming Street, Hazleton, PA 18201 • 570-454-8320 • E-mail: swpnepa@localnet.com



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Unionists, Black community leaders, others: prosecute arsonists!

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Militant labor forums

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A socialist newsweekly published in the interests of working people
Vol. 68/No. 35 September 28, 2004

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lead article

Protest firebombings of socialist campaign hall, café in Pennsylvania

Unionists, Black community leaders, others: prosecute arsonists!



Militant photos by Marty Reesler (left) and Brian Taylor (right)

SWP campaign hall in Hazleton, Pennsylvania, after being fire bombed the morning of September 11 (right). White House Café manager Bob Harris, on left, shows SWP candidates Arrin Hawkins and Tim Mailhot damage from arson attack on his bar in Wilkes-Barre Black community (left).

BY VED DOOKHUN
AND NORTON SANDLER

HAZLETON, Pennsylvania—"We are calling on the mayor and the police to arrest those responsible for this firebombing and prosecute them to the full extent of the law," said Tim Mailhot, Socialist Workers Party candidate for Congress in Pennsylvania's 11th C.D., in opening a September 13 news conference to protest the arson attack on the party's campaign center here.

"We are sending a message that we will not be intimidated by this attack. We call on others in the area to join us in beating back attacks like this designed to prevent those who express views dissenting from the parties of the employers—the Democrats and Republicans—from participating in politics."

The arson attack on the SWP's northeast Pennsylvania campaign hall took place in the early morning hours of September 11. At about the same time, arsonists set fire to the back of the White House Café, a restaurant and tavern patronized by Blacks in nearby Wilkes-Barre.

Mailhot said that SWP campaigners are stepping up activities locally and across the state. This includes a several-day tour in the area by SWP vice-presidential candidate Arrin Hawkins, who changed her schedule to campaign here. In addition to presenting the main demands on the party's platform, socialists are getting out the facts about the arson attacks on the SWP campaign hall and the White House Café.

Several prominent local individuals are already circulating a statement asking others to send protest messages to Hazleton mayor Louis Barletta to take all possible steps to arrest and prosecute those responsible for the attack.

1-12

Signers include Kassie Harding, president of UNITE HERE Local 133-1, which organizes workers at the nearby Hollander Home Fashions garment plant; Anna Arias from the Pennsylvania Governor's Advisory Commission on Latino Affairs; Douglas McKeeby, pastor of the Trinity Lutheran Church; Monsignor Michael Delaney of St. Gabriel's Church; Beverly Collins, an activist in the Black community in Wilkes-Barre; and Walter Howard, a history professor at Bloomsburg University.

"Those who carry out attacks like this are emboldened by the political climate in this country today," Hawkins told the media at the September 13 news conference. "The assaults on the wages, living standards, and rights of working people by the employers and the government, and by the twin parties of capitalism—the Democrats and Republicans, have deepened class polarization and increased the coarseness of bourgeois politics. Viciousness, slander, and innuendo—not civil discourse—have marked the election contest between John Kerry and George Bush. Rightists get wind in their sails to lash out violently because of this."

At the widely attended news conference the socialist candidates described how the arson attack took place. A brick with incendiary material attached to it in a plastic bag was thrown through the window of the campaign office. An alert neighbor, who lives across the street, saw the fire burning about 4:30 a.m. and called the fire department, which put out the blaze. The fire badly damaged the front of the hall and burned campaign literature, a number of books, and leaflets publicizing upcoming events. Smoke filled the premises. As a result, the many books that line the shelves of the hall are unusable.

The neighbor's action helped prevent the attack from destroying the entire building where the SWP campaign hall is located, including the apartment upstairs where two families were sleeping.

The campaign office is a well-known political center in Hazleton, which is used to organize support for the SWP ticket of Róger Calero for U.S. president and his running mate, Arrin Hawkins; Brian Taylor for U.S. Senate in Pennsylvania; Tim Mailhot; and Kristofer Barkanic for Pennsylvania state house of representatives in the 116th District.

Taylor joined Mailhot and Hawkins at the news conference. Also speaking were pastors Delaney and McKeeby. Delaney spoke on behalf of the Human Relations Coalition for Unity.

"We support our friends' ability to present their views free of intimidation," Delaney said, adding that he joined with other religious leaders here in "denouncing and rejecting violence in all parts of the country."

"This is an attack on the rights of working people to think and act," said Brian Taylor. "It is aimed at intimidating anyone who wishes to speak out in defense of the working class." Noting that books had been burned in the attack, Taylor stated, "Political ideas like those found in these books are increasingly important to the working class as we strive to understand the workings of the capitalist system, how to effectively resist the employers' attacks, and the lessons past generations have learned through revolutionary struggle."

Wilkes-Barre arson

Four local television stations covered the press conference, as did reporters for the *Hazleton Standard-Speaker* and *El Mensajero*, a local Spanish-language weekly. A front-page article in the September 14 *Standard-Speaker* by Kent Jackson was headlined, "Fire damages Socialist Workers' base: Candidates from the party called on the public to condemn the suspected arson attack against their headquarters on Wyoming Street in Hazleton."

One television station followed its coverage of the attack on the SWP campaign hall with footage of the arson attack on a bar managed by African-Americans in nearby Wilkes-Barre the same night as the attack in Hazleton. In that attack, boxes and paper were ignited behind the White House Café.

The fire damaged a garage and the stairs to the apartments above, making it impossible for the residents to occupy them.

The Wilkes-Barre *Citizens Voice* reported that cops have arrested Michael Boyle, 23, and charged him with carrying out that assault, as well as arson attacks on two houses in the Black community. He was reportedly caught in the act while trying to set fire to a third house. The *Voice* said that Boyle confessed to the actions, stating that he hated African-Americans.

1-13

On September 14, Mailhot, Barkanic, and other SWP campaign supporters visited the White House Café to speak to the workers there and offer them their solidarity. The next day café manager Bob Harris showed Arrin Hawkins and other SWP campaigners the damage caused by the blaze (see front-page photo).

Steady stream of visitors

"In the days since the attack on the SWP campaign office, especially in the hours before the afternoon press conference was held, a steady stream of visitors came into the campaign office to inspect the damage and express their solidarity," Mailhot said. "A handful made donations to rebuild the office and some purchased subscriptions to the campaign newspapers, the *Militant* and *Perspectiva Mundial*." Many of the visitors, he said, are workers employed at the nearby EXCEL meatpacking plant.

"We don't like this, because this is the most important store on the street," said one packinghouse worker, as he inspected the damage.

One man who came in said he is a local businessman and a "lifetime Republican, but this cannot be tolerated."

During the day on September 11, following the attack, SWP campaign organizers here went ahead with a planned barbeque fund-raiser, which was attended by half a dozen EXCEL workers and family members. Campaign supporters have staffed a regular campaign table outside the office in the days since the firebombing.

A local restaurant owner donated the use of his premises across the street so that a scheduled campaign meeting featuring Brian Taylor could take place September 12.

Meanwhile, teams of volunteers began cleaning the walls and floors, which have been badly damaged by smoke.

"Funds are needed immediately," said Mailhot. "We have launched a special Campaign Hall Rebuilding Fund and set a goal of raising \$3,500. We need your help to purchase wood, sheet rock, and paint to reconstruct the destroyed display area, and replace damaged office equipment and the entire stock of books that the smoke rendered useless."

What you can do to help:

- Please send a message to the Mayor Hazleton Louis Barletta, 40 N. Church Street, Hazleton, PA 18201, phone: (570) 459-4910; fax: (570) 459-4966 urging that all possible steps be taken to rapidly apprehend those responsible for the arson attack and to prosecute them to the full extent of the law. Please send copies to the Socialist Workers Campaign, 69 N. Wyoming Street, Hazleton, PA 18201 (E-mail: swpnepa@localnet.com).
- Send a much needed contribution to the 2004 Socialist Workers Campaign, earmarked for rebuilding the fire-damaged campaign office. The funds will go to meet the \$3,500 in expenses necessary to purchase

construction materials, office equipment, and books
damaged in the September 11 fire.

Speak out in defense of political rights

Protest the September 11, 2004 arson attack on the Socialist
Workers 2004 campaign headquarters in Hazleton, PA.
Defend the right to participate in politics through civil
discourse—free of harassment, intimidation, and violence.

Saturday, September 18, 7:30 P.M.

SWP Campaign office
69 N. Wyoming, Hazleton, PA

Initial Speakers: Rev. Douglas McKeeby, Trinity Lutheran
Church, Hazleton; Greg O'Connell, Attorney, Scranton; Arrin
Hawkins, Socialist Workers Candidate for vice president

1-14

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**TRANSCRIPT OF THREE TV-NEWS REPORTS ON FIREBOMBING OF
SOCIALIST WORKERS CAMPAIGN OFFICE IN HAZELTON,
PENNSYLVANIA, SEPTEMBER 11, 2004**

1-15

**FIRST NEWS REPORT—WNEP, Channel 16, ABC affiliate in Scranton,
Pennsylvania, *Newswatch 16*:**

ANCHOR: Newswatch Sixteen's Bob Reynolds reports those workers are frustrated by the mess left behind.

BOB REYNOLDS: Boards cover some of the windows in front of the Socialist Workers campaign headquarters in Hazleton. Inside you can see the damage caused by Saturday's fire: charred books, wood and campaign materials.

Are your underpinnings have anything to do with communists such as Lenin and Marx?

**TIM MAILHOT, SOCIALIST WORKERS CANDIDATE FOR U.S. CONGRESS
IN HAZLETON:** Yes.

REYNOLDS: So are you a communist organization?

MAILHOT: Yes.

REYNOLDS: That's one reason officials here believe they were targeted by an arsonist. They quote investigators as saying a brick wrapped with a flammable material was thrown through a window. Quick work by the fire department prevented it from spreading to two upstairs apartments.

MAILHOT: Whoever did this doesn't have the confidence or guts to come up and say what they think or debate or discuss anything in public.

**BRIAN TAYLOR, SOCIALIST WORKERS CANDIDATE FOR U.S. SENATE
FROM PENNSYLVANIA:** And I actually do believe that this attack has to do--it has to do directly with the fact that this is the Socialist Workers campaign. We believe that humanity is capable of better than what's organized under capitalism today.

REYNOLDS: Some of the people here want to be Vice-president, a U.S. Senator and Congressman, but none are on the Pennsylvania ballot. They're angry, they say the attack was launched because they're not in the political mainstream.

SECOND NEWS REPORT—WBRE, Channel 28, NBC affiliate, Wilkes-Barre, Pennsylvania, 28 News:

ANCHOR: The target of an arson attack. 28 News reporter, Brandy Meng joins us with the latest on that investigation.

BRANDY MENG: Well Andy, as of now the Hazleton Police Department and Fire Department have no comment on the arson investigation part of it. The only thing they will say is that there was a fire and that a truck was dispatched to 69 Wyoming Street early Saturday morning.

BRIAN TAYLOR, SOCIALIST WORKERS CANDIDATE FOR U.S. SENATE FROM PENNSYLVANIA: we don't know who actually carried out the attack. . .

MENG: In the early morning hours of September 11 the Hazleton Fire Department responded to a fire here at 69 N. Wyoming Street, the 2004 Campaign Headquarters of the Socialist Workers Party.

TAYLOR: We demand that whoever did carry out this attack gets prosecuted to the fullest extent of the law.

MENG: Brian Taylor, Socialist candidate for the United State Senate, says this was a direct attack on the party's right to free speech.

TAYLOR: That a brick with a fire making attachment to it, whatever you want to call it, is an attack on this headquarters, an attack on the rights of any single person who might choose to turn right when they're going down Wyoming and come in.

MENG: Vice-presidential candidate for the Socialist Workers Party Arrin Hawkins says she was in Miami when the fire happened and as soon as she heard about it she came to support the local representatives.

ARRIN HAWKINS, SOCIALIST WORKERS CANDIDATE FOR U.S. VICE-PRESIDENT IN 2004: These kind of attacks come out of the, you know, the polarization that's taking place. As increasingly the coarseness of politics on the part of the ruling families in the country,

this is a part of trying to shut down the political space for workers here in this country to discuss out politics, things in our interests.

MENG: Now the investigating officer is on vacation and no one else really would comment if this was indeed a case of arson. However, on Saturday at 7 o'clock, there will be a free speech rally for anyone who wants to come out and help drum up support and also help donate to help fix some of the problems that were caused in this fire.

ANCHOR: And the question is this in America freedom of speech is number one, of our biggest rights so they have a right, if that is an arson fire, hopefully they'll track them down.

MENG: Yes, they want justice to be done.

ANCHOR: Okay Brandy, thank you.

**THIRD NEWS REPORT—WYLN, Channel 35, Hazleton, Pennsylvania,
Newswatch 35:**

DOUG FARLEY, ANCHOR: Elsewhere in the City of Hazleton, the campaign headquarters for the Socialist Workers Party was the target of an arson attack. In the early morning hours of Saturday an unknown person or persons apparently threw a brick with an incendiary material attached to it in a plastic bag through the front window of the headquarters at 69 North Wyoming Street. No one was injured during the incident and an alert resident called 911 before the fire got out of control. Today members of the Party, joined by area clergy, spoke out against such acts of violence and intolerance of differing beliefs. The party expects to take the incident to a national level.

**REV. DOUGLAS MCKEEBY, PASTOR, TRINITY LUTHERAN CHURCH,
HAZLETON (In background):** This again can not be tolerated...

**ARRIN HAWKINS, SOCIALIST WORKERS CANDIDATE FOR VICE-
PRESIDENT IN 2004:** After this I would continue to campaign, in fact, I was just in Miami when this happened and was asked to come up and where we go for the next several weeks this will be a part of explaining the broader political attacks on working people.

FARLEY: the Socialist Party is asking for public and the city's help in the quick apprehension of those involved.

Exh. 2 - 4 pages

DECLARATION

I, Frank Forrestal, 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 have personal knowledge of the facts set forth here.

2. On July 13, 2005, 6:00 PM, upon entering the offices of "Pathfinder Books" at 4229 South Central, Los Angeles, CA 90011, I found a large hole in the storefront window and shattered glass throughout the book display room, on the stairs leading up to the loft office, and on the loft floor itself. I could not find the projectile, but it was clear that the window was hit with force. The impact caused pieces of glass to travel about 30 feet. Fortunately no one was in the book center when the attack took place. Attached is a digitized photo of the vandalized window. The address is known in Los Angeles as the headquarters of the Socialist Workers Election Campaign, and the location where the Socialist Workers Party distributes Pathfinder literature.

I reported the vandal attack to the storefront window on July 13 to the Newton Police Community Police Station at 3400 South Central Avenue, Los Angeles, California 90011, Tel: 323-846-6547. I have attached the preliminary investigation report filed by Los Angeles Police Officer, J. Gil.

I declare under penalty of perjury that the foregoing is true and correct. Executed July 13, 2005 in Los Angeles, California.

Frank Forrestal

Frank Forrestal
July 13, 2005

**Los Angeles Police Department
PRELIMINARY INVESTIGATION of**

COMBINED EVID REPORT
 MULTIPLE DRs ON THIS REPORT

PRELIMINARY CASE SCREENING <input type="checkbox"/> SUSPECT / VEHICLE NOT SEEN <input checked="" type="checkbox"/> PRINTS OR OTHER EVIDENCE NOT PRESENT <input checked="" type="checkbox"/> MO NOT DISTINCT <input checked="" type="checkbox"/> PROPERTY LOSS LESS THAN \$5000 <input type="checkbox"/> NO SERIOUS INJURY TO VICTIM <input checked="" type="checkbox"/> ONLY ONE VICTIM INVOLVED				INVEST. DIV. <u>NI 607</u>		DR	
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METHOD		DATE & TIME OF OCCURRENCE <u>1-12-05 6:00 PM</u>		DATE & TIME REPORTED TO PD <u>7-1-05 2:00</u>		PRINTS BY PRIOR DIV. ATTEMPT Y OR OBTAINED Y	
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VICTIM'S VEH. (IF INVOLVED) - YEAR, MAKE, TYPE, COLOR, LIC. NO.				NOTIFICATIONS (PERSON & DIVISION)		CONNECTED REPORTS (TYPE & DR)	
MO IF LONGFORM, LIST UNIQUE ACTIONS. IF SHORT FORM, DESCRIBE SUSPECT'S ACTIONS IN BRIEF PHRASES, INCLUDING WEAPON USED. DO NOT REPEAT ABOVE INFO, BUT CLARIFY REPORT AS NECESSARY. IF ANY OF THE MISSING ITEMS ARE POTENTIALLY IDENTIFIABLE, ITEMIZE AND DESCRIBE ALL ITEMS MISSING IN THIS INCIDENT IN THE NARRATIVE.							
				<input type="checkbox"/> MOTIVATED BY HATRED / PREJUDICE		<input type="checkbox"/> DOMESTIC VIOLENCE	
REPORTING EMPLOYEE(S)		INITIAL(S), LAST NAME <u>J. ...</u>	SERIAL NO. <u>...</u>	DIV. / DETAIL <u>...</u>	PERSON REPORTING SIGNATURE OR RECEIVED BY PHONE <u>[Signature]</u>		
NOTE: IF SHORT FORM AND VICTIM / PR ARE NOT THE SAME, ENTER PR INFORMATION IN INVOLVED PERSONS SECTION.							

**INSTRUCCIONES EN ESPANOL AL REVERSO
KEEP THIS REPORT FOR REFERENCE**

Your case will be assigned to a detective for follow-up investigation based upon specific facts obtained during the initial investigation. Studies have shown that the presence of these facts can predict whether a detailed follow-up investigation would likely result in the arrest and prosecution of the suspect(s) or the recovery of property, in a manner that is cost-effective to you, the taxpayer. Significant decreases in personnel have made it impossible for detectives to personally discuss each and every case with all crime victims. A detective will not routinely contact you, unless the detective requires additional information.

TO REPORT ADDITIONAL INFORMATION: If you have specific facts to provide which might assist in the investigation of your case, please contact the detective Monday through Friday, between 8:00 A.M. and 9:30 P.M., or between 2:30 P.M. and 4:00 P.M. at telephone number _____. If the detective is not available when you call, please leave a message and include the telephone number where you can be reached.

COPY OF REPORT: If the checkbox under your signature is checked, this copy is the complete report. If it is not checked and you wish to purchase a copy of the complete report, phone 485-4193 to obtain the current purchase price, and send a check or money order payable to the Los Angeles Police Department to Records and Identification Division, Box 30158, Los Angeles, CA 90030. Include a copy of this report or the following information with your request: 1) Name and address of victims. 2) Type of report and DR number (if listed above). 3) Date and location of occurrence. NOTE: Requests not accompanied by proper payment will not be processed.

DR NUMBER: If not entered on this form, the DR number may be obtained by writing to Records and Identification Division and giving the information needed to obtain a copy of the report (see above paragraph). Specify that you only want the DR number. It will be forwarded without delay. There is no charge for this service.

CREDIT CARDS/CHECKS. Immediately notify concerned credit corporation or banks to avoid possibility of being liable for someone else using your stolen or lost credit card or check.

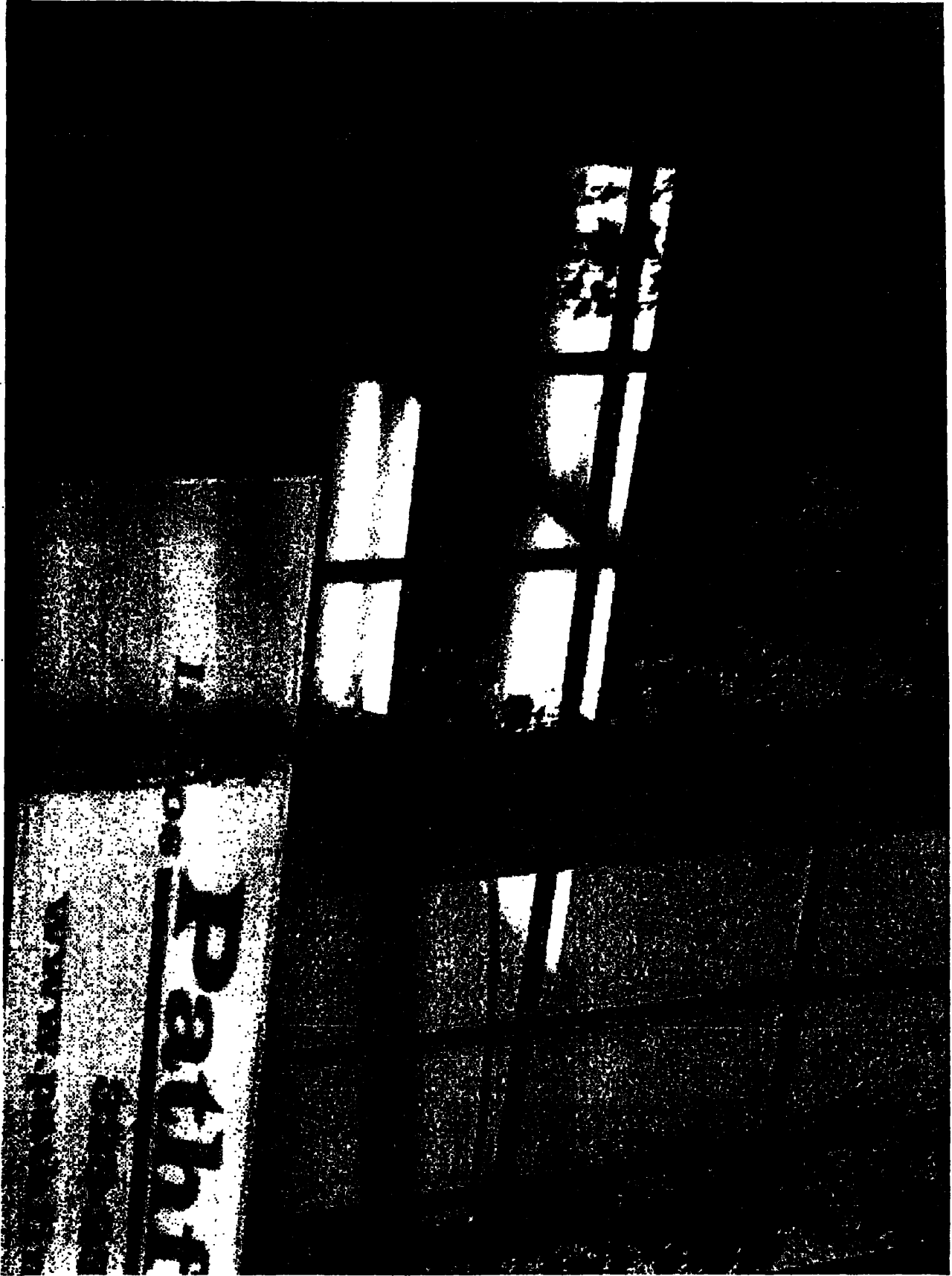
HOW YOU CAN HELP THE INVESTIGATION OF YOUR CASE

- Keep this memo for reference.
- If stolen items have serial numbers not available at time of report attempt to locate them and phone them to the detective at the listed number.
- If you discover additional losses, complete and mail in the Supplemental Property Loss form given to you by the reporting employee.
- Promptly report recovery of property.
- Promptly report additional information such as a neighbor informing you of suspicious activity at time crime occurred.

VICTIM-WITNESS ASSISTANCE PROGRAM: The Los Angeles City and County Victim-Witness Assistance Program (VWAP) can help to determine if you qualify for Victim of Violent Crime compensation. If you qualify, they will assist with filing your claim application. If you are a victim or a witness to a crime and will be going to court, they will explain the court procedures to you. Their staff may also assist you with other problems created by the crime.

To find the program location nearest to you, call the Victim-Witness Assistance Program at the Los Angeles City Attorney's Office (213) 485-5976, or the Los Angeles County District Attorney's Office (213) 974-7499.

VICTIMS OF VIOLENT CRIME COMPENSATION: Refer to paragraph at bottom of reverse side.



2-4

THE MILITANT

Vol. 69/No. 29

August 1, 2005

Vandals attack SWP office in L.A.

BY FRANK FORRESTAL

LOS ANGELES—Vandals broke one of the storefront windows of Pathfinder Books here in a July 13 attack. The address is known in the city as the headquarters of the Socialist Workers Party election campaign and the location where socialist literature is distributed.

No one was in the book center when the attack took place. The impact from the attack sent shattered glass flying 30 feet. A preliminary report was filed with the Los Angeles Police Department that day.

In May the Socialist Workers campaign was told by the U.S. postal inspector here that "hate mail" had been sent to its address.

In response to the attack, Wendy Lyons, who was the Socialist Workers Party 2005 candidate for mayor of Los Angeles in the recently concluded elections, said, "fortunately no one was seriously injured in the attack. We condemn this assault and call for a full investigation and to arrest those responsible. We will not be intimidated, and will continue to join struggles by workers and farmers and campaign for a revolutionary working-class perspective."

[Front page \(for this issue\)](#) | [Home](#) | [Text-version home](#)

Exh. 3 - 4 pages

DECLARATION

I, Michael Baumann, a member and supporter of the Socialist Workers Party for four decades, 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 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 Election Campaign Act.

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

1. A one-gallon can of white paint about one-quarter full was overturned and left standing on the trunk of my car, parked in the driveway in front of my house. Next to the car, on the grass, lay a full-size furled American flag.

2. This occurred sometime between 10:00pm August 12 and 4:10am August 13, 2007, at 55 West Montrose Avenue, South Orange, New Jersey, 07079.

3. I am well known in the neighborhood and at the packinghouse where I work (Thumann's, Dell Road, Carlstadt, NJ) as a supporter of the Socialist Workers Party. Additionally, I drove this car to Morristown, NJ, July 28, for a highly polarized demonstration in support of immigrant rights. The car served as one of the main vehicles to transport supporters of the party, the Militant newspaper, and party campaign literature.

4. My wife, Jane Harris, saw the results of the incident, as did two officers from the South Orange Police Department. I called the police when I returned from work the afternoon of August 13. Pedro Ranero of Ranero's Auto Body, 569 Ocean Avenue, Jersey City, New Jersey, 07305, removed the white paint later that week.

5. A copy of the South Orange police report is attached, as is a photo of the paint-stained car.

I declare under penalty of perjury the statement above is true and correct. Executed October 27, 2008, in South Orange, New Jersey.



Michael Baumann
October 27, 2008

INCIDENT REPORT

3-2

POLICE DEPARTMENT

SOUTH ORANGE, N.J.

OFFICER NO.	07-9525
DATE	

REPORTER (LAST NAME)		FIRST		MID. INITIAL		POLICE NO.		PHONE NO.		PAGE		LOF	
BAUMANN		MICHAEL				327-327-		900-		1		1	
ADDRESS OF VEHICLE OR OCCURANCE													
55 W. MONTROSS AVE. SOUTH ORANGE, N.J. 07079													
TYPE OF VEHICLE		MAKE		MODEL		YEAR		COLOR		TYPE OF DAMAGE		OTHER	
M		WT		GT		MDT		GRANITE		MISCHIEF		TRUNK	
SAME		327-4877		900-986		55 W. MONTROSS AVE		3					
SAME		1000		8-1307		Box 20							
SAME													
TRUNK DAMAGE		DRIVEWAY		NO PHYSICAL FORCE USED									
Auto													

VEHICLE INVOLVED IN CRIME OR INCIDENT		YEAR		MAKE		MODEL		LIC. PLATE NO.		TYPE	
<input checked="" type="checkbox"/> STOLEN <input type="checkbox"/> USE BY OFFENDER <input checked="" type="checkbox"/> INVOLVED		1997		TOY		CAMRY		SVXBT		NS	
COLOR		SERIAL NO.		VEHICLE NO.		VEHICLE TYPE					
GREEN		OVER		4T1G622K2VU776331		4000					

BETWEEN ABOVE DATES AND TIMES, AN UNKNOWN ACTOR POURED A CAN OF WHITE HOUSE PAINT ON THE TRUNK OF THE ABOVE VEHICLE, ACTOR ALSO LEFT AN AMERICAN FLAG NEXT TO THE CAR, POINT CAN AND FLAG PLACED IN EVIDENCE, SEE PREVIOUS REPORT # 07-9525

PERSONS INVOLVED		PERSONS INVOLVED		PERSONS INVOLVED		PERSONS INVOLVED	

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ACTION		ACTION		ACTION		ACTION	
<input checked="" type="checkbox"/> ACTION <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> ADULT ARREST <input type="checkbox"/> JUVENILE ARREST <input type="checkbox"/> ADULT AND JUVENILE ARREST <input type="checkbox"/> EXCEPTIONALLY CLEARED							
MATH		MATH		MATH		MATH	
774		774		774		774	
934		934		934		934	

Property Report

DETAILS OF RECOVERY				CC NO.			
<input checked="" type="checkbox"/> PROPERTY <input checked="" type="checkbox"/> MISPLACED TRUST <input type="checkbox"/> FOUND <input type="checkbox"/> ACCIDENTS <input type="checkbox"/> STOLEN <input type="checkbox"/> PERSONAL PROPERTY OF PRISONER ()				07-9525 IN PREV. CC NO.			
(1) RECOVERED DATE 8-13-07		(2) LOCATION RECOVERED (NUMBER-STREET-CITY-STATE) 55 W. MONTROSS AVE. SOUTH ORANGE NJ-07070			(3) FLOOR 3		
(4) IN POSSESSION OF			(5) ADDRESS				
(6) RECOVERED BY (NAME) (PRINT) (7) PLACE RECOVERED (Check One) <input checked="" type="checkbox"/> BY POLICE <input type="checkbox"/> BY OTHER <input type="checkbox"/> BY HOMEOWNER <input type="checkbox"/> BY NEIGHBOR <input type="checkbox"/> BY OTHER		(8) TURNED OVER TO _____		(9) OTHER (Specify) _____			
(10) DAMAGE TO PROPERTY <input checked="" type="checkbox"/> NONE <input type="checkbox"/> MINOR <input type="checkbox"/> MODERATE <input type="checkbox"/> SEVERE		(11) DAMAGE TO PERSONS <input type="checkbox"/> NONE <input type="checkbox"/> MINOR <input type="checkbox"/> MODERATE <input type="checkbox"/> SEVERE		(12) RECOVERY OF PROPERTY <input checked="" type="checkbox"/> FULL <input type="checkbox"/> PARTIAL <input type="checkbox"/> NONE			
(13) OTHER DAMAGE (FURNITURE - APPLIANCES - ETC.) _____							
(14) CURRENT ADDRESS (NUMBER-STREET-CITY-STATE) _____							
(15) OWNER'S NAME (PRINT - LAST) _____							
(16) OWNER'S ADDRESS (NUMBER-STREET-CITY-STATE) _____							
(17) OWNER'S PHONE (AREA CODE - NUMBER) _____							
(18) DATE OF RECOVERY _____							
(19) PLACE OF RECOVERY (NUMBER-STREET-CITY-STATE) _____							
(20) DETAILS OF RECOVERY SEE INCIDENT REPORT # 07-9525							
(21) OFFICER'S NAME / LEAD _____							
(22) DATE _____							
QTY	QTY	QTY	ESTIMATED VALUE	ITEM NO.	QTY	ARTICLE DESCRIPTION	ESTIMATED VALUE
1	1	AMERICAN FLAG	N/A	11			
2	1	ONE GALLON PAINT	N/A	12			
3		CAN (EMPTY)		13			
4				14			
5				15			
6				16			
7				17			
8				18			
9				19			
10				20			
(23) SIGNATURE OF REPORTING OFFICER P. R. H. S.		(24) OFF. NUMBER 174		(25) SIGNATURE OF APPROVING SUPERVISOR [Signature]		(26) OFF. NUMBER 934	
DISPOSITION OF PROPERTY							
(27) RELEASE DATE & TIME _____		(28) PROOF OF OWNERSHIP _____		(29) SIGNATURE OF OFFICER AUTHORIZING RELEASE _____			
(30) RELEASED TO (Check One) <input type="checkbox"/> OWNER <input type="checkbox"/> AGENT <input type="checkbox"/> OFFICIAL <input type="checkbox"/> OTHER (Specify) _____				(31) SIGNATURE OF OFFICER RELASING PROPERTY _____			
(32) SIGNATURE OF OWNER - AGENT OR OFFICIAL _____				(33) ADDRESS _____			

3-4



Exh. 4 - 13 pages.

DECLARATION

Ilona Gersh, 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. When I and other supporters of the SWP arrived at the headquarters of the SWP in Chicago at 3557 S. Archer Avenue on Sunday, September 23, 2007 we found graffiti written in black marker on the front window. It said "NIGGER FAGS".
2. The graffiti was written on the window above copies of the Militant newspaper, which had a headline that week reading: "Justice for the Jena 6! Drop the charges now!" and "Jena 6 fight resonates widely". In addition to the Militant, books by Malcolm X, Che Guevara and others published by Pathfinder Press.
3. The Militant newspaper is distributed from the SWP headquarters, which is also the hall of the weekly Militant Labor Forum series of public meetings that discuss social and political issues of interest to working people.
4. Some regular participants in Militant Labor Forums attended the September 20 protest in Jena, Louisiana.
5. A police report on the defacement was filed with the 9th District of the Chicago Police Department.
6. The director of the Militant Labor Forum released a statement to the press in the afternoon. The local CBS-TV affiliate on channel 2 covered the vandalism in its lead story on the 10 o'clock news.
7. A mailing was sent to prominent individuals and organizations who support democratic rights.

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

Executed on October 15, 2007 in Chicago, Illinois.



Ilona Gersh
October 15, 2007

FOR IMMEDIATE RELEASE

SUNDAY, SEPTEMBER 23, 2007

FOR MORE INFORMATION: 773-890-0910 OR 773-724-0958

**WINDOW OF MILITANT LABOR FORUM DEFACED WITH RACIST
GRAFFITI**

The storefront window of the Militant Labor Forum Hall, located at 3557 S. Archer Avenue in Chicago, was defaced with racist graffiti saying "NIGGER FAG". This was scrawled on the window in Black ink above copies of the *Militant* newspaper displayed in the window. Headlines of the current issue read: "Justice for the Jena 6! Drop the charges now!" and "Jena 6 fight resonates widely."

The *Militant* is a weekly newspaper distributed from the Militant Labor Forum Hall, which sponsors a weekly series of public meetings on social and political issues of interest to working people. Recent forums have addressed the second anniversary of the social crisis following Hurricane Katrina, defense of the Planned Parenthood clinic in Aurora, and the fight against police brutality in Chicago.

Laura Anderson, director of the Chicago Militant Labor Forum said, "Our meeting this week is a panel discussion of participants in last week's massive march in Jena that demanded justice for the Jena 6. The meeting will report on what happened and discuss what to do next in the fight against racism, from Jena to Chicago. Forum participants will not be intimidated by this attempt to silence us. In response to this racist threat, we plan to step up publicity."

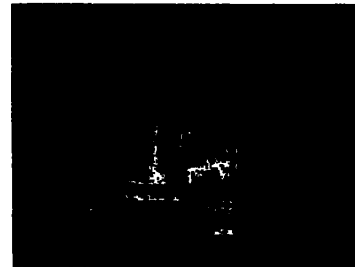
CBS-TV Channel 2 -- 10pm News Lead Story Sunday, September 23,
2007

Socialist Group Faces Slurs After Jena 6 Support

Socialist Group Says Not Surprised By Racial and Anti-Gay Slurs



Katie McCall



Reporting

(CBS) CHICAGO The hateful graffiti included two of the ugliest words in the English language. The mess is cleaned up, but the anger remains, as CBS 2's Katie McCall reports.

The window is now cleaned up, but the paper's supporters say it is a reminder that some here in Chicago are not happy about the support they are showing for the Jena 6.

People who meet at this office say they were not that surprised when they arrived Sunday and found racial and anti-gay slurs painted on the window of the home of the Militant Labor Forum, a socialist rights group that meets and publishes *The Militant*, a socialist newspaper.

"It was actually a threat to the militant labor forum and to what was in the newspaper, so we think it was a political attack," said Laura Anderson, a member of the forum.

While members tell CBS 2 they are used to facing challenges to their views, they think this time they were targeted because the current edition of their paper calls for the charges against the Louisiana teens known as the Jena 6 to be dropped.

"I think directly it's a result of the huge success of the demonstration in Jena," said Dennis Richter, Socialist Workers Party Chairman. "The estimates of 40-60,000, it must have been over a thousand from Chicago

itself, made such a big statement in Jena for justice, it means that it does provoke those who oppose that.”

Several forum members took the trip down to Jena, La. to demand justice for the six African-American teens charged in the beating of a white teen. The fight took place after nooses were placed on a tree outside their high school.

Like the people who made those nooses, the forum group says someone in Chicago is trying to intimidate them.

“That's a calling card,” said social activist Leroy Watson. “They don't do it out of strength, they do it out of weakness. That's their calling card, but we're going to push on with Jena, and any other fights.”

Police have taken a report from the paper. So far they do not have any suspects.

THE MILITANT

Vol. 71/No. 37 October 8, 2007

Chicago 'Militant' supporters respond to racist vandalism

(feature article)

BY DENNIS RICHTER

CHICAGO—Organizers of the Militant Labor Forum here are responding to racist vandalism against their hall which they say is a direct result of their support for the Jena Six.

The storefront window of the hall was defaced with racist and anti-gay graffiti September 23. Slurs were scrawled on the window in black marker above copies of the *Militant* newspaper displayed in the window. The headline of the *Militant* read: "Justice for the Jena 6! Drop the charges now!"

The windows also display a T-shirt demanding justice for the Jena Six, and books by Malcolm X, Che Guevara, and others published by Pathfinder Press. The hall serves as the meeting place for the Militant Labor Forum, a weekly workers' political meeting organized by supporters of the *Militant*.

Forum participants went on busses from Chicago to a September 20 march and rally in Jena, Louisiana. They've also been involved in struggles against police brutality and racist attacks in this city. An August 24 forum protesting cop killings featured relatives of youth gunned down by Chicago police.

"Forum participants will not be intimidated by this attempt to silence us," said forum director Laura Anderson in a September 23 press release. "In response to this threat, we plan to step up sales of the *Militant* newspaper and build this week's Militant Labor Forum."

The September 28 forum will be a panel of speakers who attended the march in Jena. The forum topic is "Justice for the Jena 6! Drop the charges

now! What can be done next in the fight against racism—from Jena to Chicago.” Panelists include Shakria Hall, a Chicago State University student; Ashunda Harris, aunt of Aaron Harrison, who was shot in the back by the Chicago cops; Fred Riley, an electrician; and Anderson.

The local CBS affiliate carried as its top story on the September 23 10:00 p.m. news a report by Katie McCall from outside the Militant Labor Forum hall. She interviewed forum participants who were there that night.

“Whoever did this did it out of weakness,” Leroy Watson, a meat packer who attended the march in Jena told the reporter. “They left their calling card to intimidate us, but we are going to push ahead with our support for the Jena Six, and get involved in any other fights that break out.”

The newscast can be viewed at
<http://cbs2chicago.com/video/?id=35828@wbbm.dayport.com>.

THE MILITANT

Vol. 71/No. 38 October 15, 2007

Forum in Chicago protests racist vandalism

BY ILONA GERSH

CHICAGO—Supporters of the *Militant* here defended their right to hold public meetings without political harassment with a successful September 28 Militant Labor Forum. The forum, part of a weekly series of workers' political meetings, was titled "Justice for the Jena 6! Drop the charges now! What can be done next in the fight against racism—From Jena to Chicago?"

Racist and anti-gay graffiti were scrawled on the window of the Militant Labor Forum hall above a display of copies of the *Militant* September 23. The headline of the paper read: "Justice for the Jena 6! Drop the charges now!" The windows also displayed a T-shirt demanding justice for the Jena Six, and books by Malcolm X, Che Guevara, and others published by Pathfinder Press.

The forum, called before the racist attack, was a panel discussion by participants who went as part of a Chicago contingent of 1,000 to a September 20 march and rally in Jena, Louisiana.

Shakria Hall, a student at Chicago State University, told the audience of nearly 30 that her grandmother and mother were worried for her safety in Jena. "Mom said, 'Someone else can go,'" she said. "But what if everyone had said that during the civil rights movement? Where would we be today? It's up to us now. It's up to the young people of the world."

Ashunda Harris, the aunt of 18-year-old Aaron Harrison who was killed by Chicago cops in August, explained how solidarity can unite different struggles for justice. She reported that her sister, Aaron's mother, was headed to the forum earlier that evening, but heard the news of another killing on Chicago's south side and went there instead to give solidarity to the family.

“We need to give people a way to respond to what is happening,” said Harris. “If there’s no action posed, there will be no results. Everybody has to join forces. All of our causes are basically the same.” She voiced support for an upcoming rally in support of the Planned Parenthood clinic in Aurora, Illinois, which anti-abortion forces want to prevent from opening. “We need that clinic so that we can make choices,” she said. “Having a child or not should be a woman’s choice.”

“The only difference between Jena and Chicago is a bus ride,” said Laura Anderson of the Socialist Workers Party. She pointed out that the fight against racism is not new, but follows decades of struggle from Radical Reconstruction following the Civil War to the civil rights movement of the 1960s. “We need to win more fights, build solidarity where anyone is fighting for dignity.”

Anderson also spoke about a recent rash of arrests and killing of Black youth by cops in Chicago.

A CBS-TV news report of the vandalism against the Militant Labor Forum hall was shown at the beginning of the program, and after a lively discussion, \$125 was collected to help defray the costs of the forum’s defense.

TEXT OF E-MAILING TO ORGANIZATIONS AND INDIVIDUALS THAT SUPPORT DEMOCRATIC RIGHTS

Last Sunday, September 23, the storefront window of the Militant Labor Forum Hall, located at 3557 S. Archer Avenue in Chicago, was defaced with racist graffiti saying "NIGGER FAG". This was scrawled on the window in Black ink above copies of the Militant newspaper displayed in the window. Headlines of the current issue read: "Justice for the Jena 6! Drop the charges now!" and "Jena 6 fight resonates widely."

The Militant is a weekly newspaper distributed from the Militant Labor Forum Hall, which sponsors a weekly series of public meetings on social and political issues of interest to working people. Recent forums have addressed the second anniversary of the social crisis following Hurricane Katrina, defense of the Planned Parenthood clinic in Aurora, and the fight against police brutality in Chicago.

Laura Anderson, director of the Chicago Militant Labor Forum said, "Our meeting this week is a panel discussion of participants in last week's massive march in Jena that demanded justice for the Jena 6. The meeting will report on what happened and discuss what to do next in the fight against racism, from Jena to Chicago. Forum participants will not be intimidated by this attempt to silence us. In response to this racist threat, we plan to step up publicity."

CBS TV Channel 2 carried as its top story on the Sunday night 10 o'clock news our response to the vandalism. The video can be viewed at:

<http://cbs2chicago.com/video/?id=35828@wbbm.dayport.com>

Attached is the full transcript of the news story and the leaflet for the forum..

WE URGE YOU TO ATTEND AND BUILD the MILITANT LABOR FORUM this Friday, September 28 at 7:30pm. It will discuss:

JUSTICE FOR THE JENA 6! DROP THE CHARGES NOW! What can be done next in the fight against racism -- from Jena to Chicago?

Panelists include: Shakria Hall, CSU student; Ashunda Harris, aunt of Aaron Harrison who was killed by Chicago cops; Fred Riley, electrician; Laura Anderson, Socialist Workers Party; others.

It will be at the Militant Labor Forum Hall, 3557 S. Archer Ave., Chicago IL 60609, between Damen and Western; across from the 35th and Archer stop on the orange line. There will be simultaneous translation to Spanish. There is a suggested donation of \$5, which goes to expenses of organizing and publicizing the forums.

90
 113
 103

4-11

IMPORTANT: KEEP THIS NOTICE FOR YOUR PERSONAL RECORDS

CASE NAME - PEOPLE OF THE STATE OF ILLINOIS/CITY OF CHICAGO vs

If an arrest has taken place, the following is your court information: **Date:**

If you need more help call the **Victim/Witness Assistance Program of the Cook County State's Attorney's Office at (773) 859-7200**

VICTIM INFORMATION NOTICE/ CHICAGO POLICE DEPARTMENT

Court Branch:

Time:

Court Loc:

THIS IS NOT AN OFFICIAL POLICE REPORT - IT IS FOR INFORMATION PURPOSES ONLY

Your case will be on file with the Chicago Police Department under the above listed R.D. Number. Refer to my number whenever you are communicating with the Chicago Police Department concerning this incident. Your case # will be assigned for follow-up investigation based upon specific facts obtained during the visit at investigator. The presence of these facts can predict whether a comprehensive follow-up investigation would result in the arrest and prosecution of the suspect(s) or the recovery of property. Your case will be reviewed and retained to determine if further action in this area can be derived. A detective will not routinely contact you unless additional information is required or your further assistance is needed.

TO REPORT ADDITIONAL INFORMATION

If you have knowledge of specific facts which might assist in the investigation of your case, please contact the unit nearest below:

- FOR PROPERTY CRIMES** **FOR VIOLENT CRIMES** **FOR YOUTH INVEST.**
- AREA 1 ☐ (312) 747-8382 ☐ (312) 747-8380 ☐ (312) 747-8385
- AREA 2 ☐ (312) 747-8273 ☐ (312) 747-8271 ☐ (312) 747-8275
- AREA 3 ☐ (312) 744-8263 ☐ (312) 744-8261 ☐ (312) 744-8265
- AREA 4 ☐ (312) 746-8253 ☐ (312) 745-8251 ☐ (312) 746-8259
- AREA 5 ☐ (312) 746-8362 ☐ (312) 745-8260 ☐ (312) 746-8365

HOME & ARSON (all Areas) ☐ (312) 745-7619

COPY OF THE REPORT: The above listed R.D. Number may suffice for insurance purposes. However, there may be instances when a copy of the case report is desired. A copy of the case report which verifies that an incident of injury, loss or damage has been reported to the Chicago Police Department may be obtained after a working copy from the file the incident was reported. To obtain a copy of the report, send a check or money order payable to the **DEPARTMENT OF REVENUE - CITY OF CHICAGO** in the amount of \$ 50 and a self-addressed stamped return envelope to: Chicago Police Department Headquarters, Records Inquiry Section, 1st Floor, 3510 South Michigan Avenue, Chicago, Illinois 60653. Include the following information with your request: 1) Victim's name and address (or person reporting crime), 2) Type of incident, 3) Address of occurrence, and 4) R.D. Number.

MAKE THE NIGHT CALL: To report a crime in progress or other emergency that requires immediate police response, call 911. To report non-emergency situations, call the Police Department at 311 within City limits, or outside the City limits call (312) 746-6000.

CHICAGO ALTERNATIVE POLICING STRATEGY (CAPS) SAFE NEIGHBORHOODS ARE EVERYBODY'S BUSINESS
 The police alone cannot solve the problems of crime in our City. It takes an active and informed community working with the police and other City agencies to really make a difference. Join your neighbors and your neighborhood police officers as we work together to reduce crime and improve the quality of life in our City. Become part of the CAPS team in your community. To find out how call:

CAPS HOTLINE: (312) 744-CAPS, (312) 744 2277 or 311
 More information about CAPS is available on the **WIRE WIRE Web** at <http://www.chyehicago.org/CAPS>
 You'll live on Beat _____ Your next Beat Community Meeting will be held on (date / time)

at (location)

PD-11-380, Part 3-English-(Rev. 6/04)

RETAIN THIS NOTICE FOR YOUR PERSONAL RECORDS

TELECOMMUNICATIONS DEVICE FOR THE DEAF/TYPE (TDD/TTY)

Many impaired persons who possess such equipment may communicate with the Chicago Police Department 24 hours a day by calling (312) 746-9715. Hearing impaired persons in need of assistance during normal business hours may also contact their local police district or the Preventive Programs and Neighborhood Relations Division at (312) 745-6887.

OBTAINING A WARRANT OR SUMMONS FOR CRIMINAL CHARGES

If an arrest is made, you will be informed of the date, time and location of the court proceedings at which your appearance will be required. When you report a crime and an arrest is made, you may not be present at the appropriate court. Please be aware that criminal proceedings be initiated by way of a warrant or summons. Bring the Victim Information Notice and any other relevant information, such as the offender's name, physical description, and home address to the warrant officer assigned to the court between 8:30 am and 11:30 am Monday through Friday (excluding court holidays). The warrant officer will then assist you in the process of obtaining the warrant or summons.

Police District of Occurrences

- ☐ 14 15 16 17 25
- ☐ 18 19 20 23 24
- ☐ 27 6 9 2
- ☐ 34 5 6 22
- ☐ 10 11 2 3

Court Branch for Warrant or Summons

- Branch 23 5555 W Grant Ave.
- Branch 29 2452 W Belmont Ave
- Branch 24 155 W 51st St.
- Branch 35 727 E. 1st St.
- Branch 43 3150 W Flournoy St.

For inquiries relating to domestic violence a warrant or summons will only be issued from the Domestic Violence Court located at 340 S. Michigan on the first floor.

AUTOMATED VICTIM NOTIFICATION (AVN)

The County of Cook has a toll-free, multi-jurisdictional, 24-hour Automated Victim Notification System. To obtain information about a defendant's court date or custody status, call Cook County Jail, call: 1-877-848-3445. Do not depend only on the AVN for your safety. If you feel that you may be in danger, take precautions as if the defendant has already been released.

ILLINOIS CRIME VICTIMS NOTIFICATION

Innocent victims of violent crime may be eligible to receive benefits from the Illinois Crime Victims Compensation Program for such costs as medical, funeral, loss of support and wage loss. **NO RECOVERY IS PROVIDED FOR PROPERTY LOSS OR DAMAGE, NOR FOR PAIN OR SUFFERING.** To apply or to determine whether one qualifies, the victim, or if deceased, a relative or dependent, must contact the Illinois Attorney General's Office. Further information and claim forms can be obtained from the Crime Victims Compensation Program, Office of the Attorney General, Illinois, 100 West Randolph Street, 13th Floor, Chicago, Illinois 60601, or by calling (312) 814-2581.

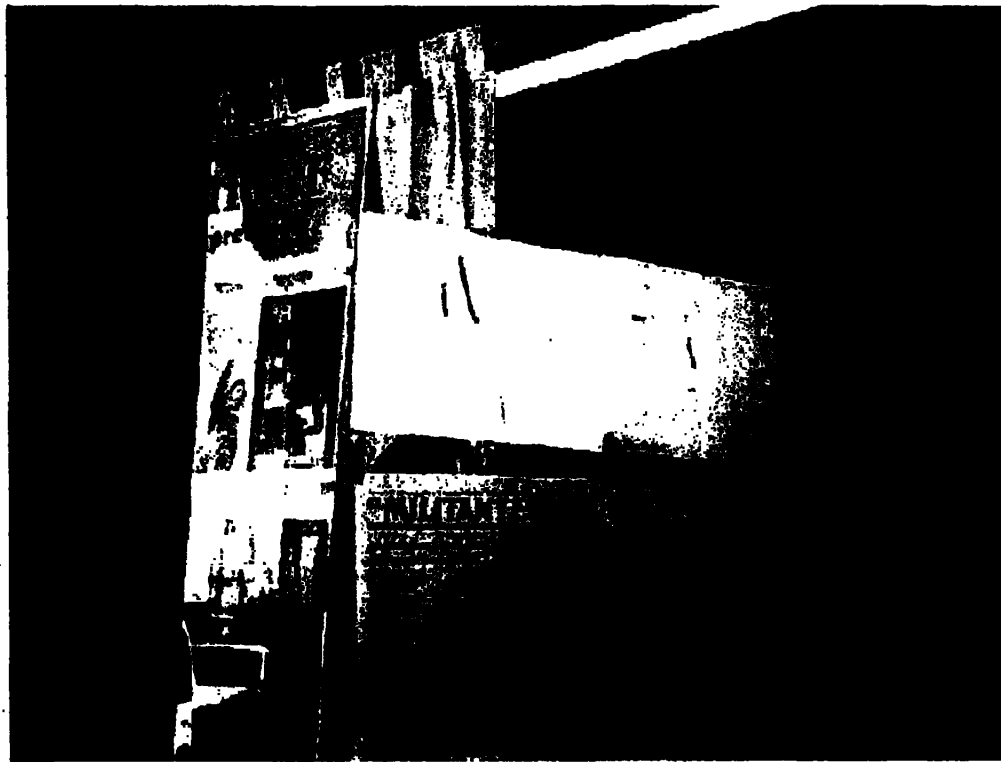
RECOVERY OF PROPERTY - STOLEN VEHICLE RECOVERED

The Chicago Police Department will be notified IMMEDIATELY, via the "911" emergency number, when a property reported lost or stolen is recovered.

CREDIT CARDS - CHECKS, LOST OR STOLEN

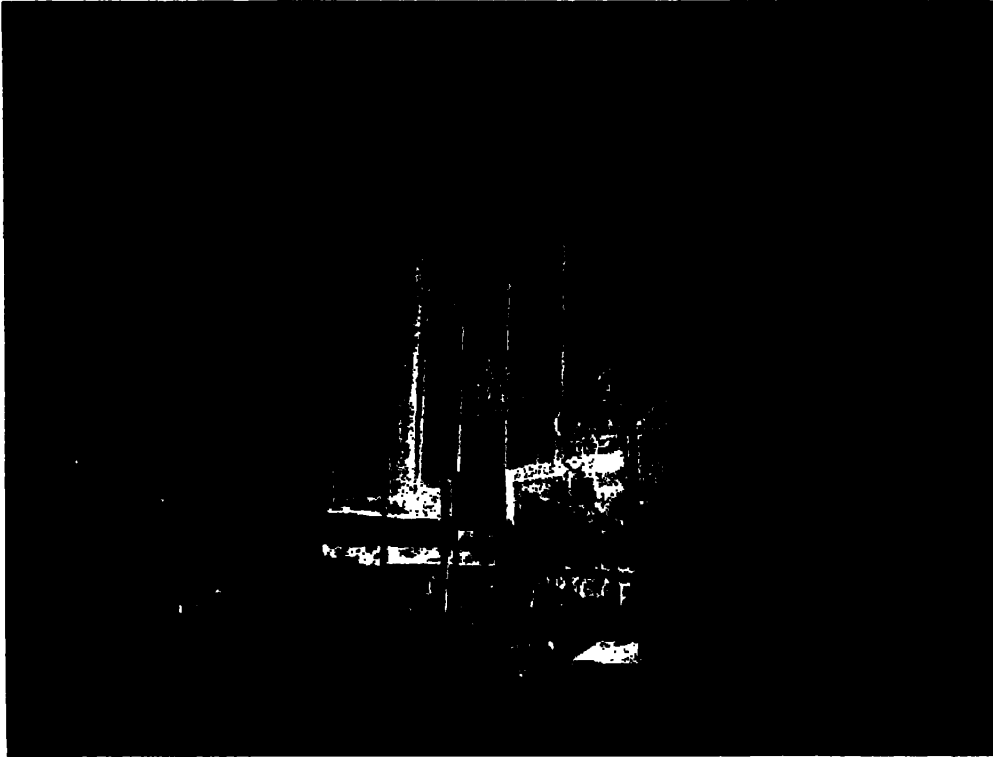
Immediately notify the concerned credit card issuer or bank by telephone to reduce the possibility of being liable for the unauthorized use of your lost or stolen credit card or checks. It is suggested that you also inform the credit card issuer or bank in writing as a follow-up measure to ensure proper notification.

4-12



4-13

2



Exh. 5 - 10 pages

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 Campaign Act.

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

1. On March 19, 2008, I arrived at the Socialist Workers campaign headquarters at 3557 S Archer Ave in Chicago along with other campaign supporters to find the front window display vandalized with anti-immigrant graffiti. Displayed in the window was a sign that read "Build the May Day March! Legalization for all immigrants! Socialist Workers Campaign." This is the campaign headquarters in Chicago for the Socialist Workers Party candidates Róger Calero and Alyson Kennedy for president and vice-president, as well as Illinois Socialist Workers candidates for US Senate and US Congress.

2. I filed a police report on the vandalism on March 19, 2008.

3. As of September 16, 2008, no one has been arrested for the crime, nor have the police informed me of any leads or suspects.

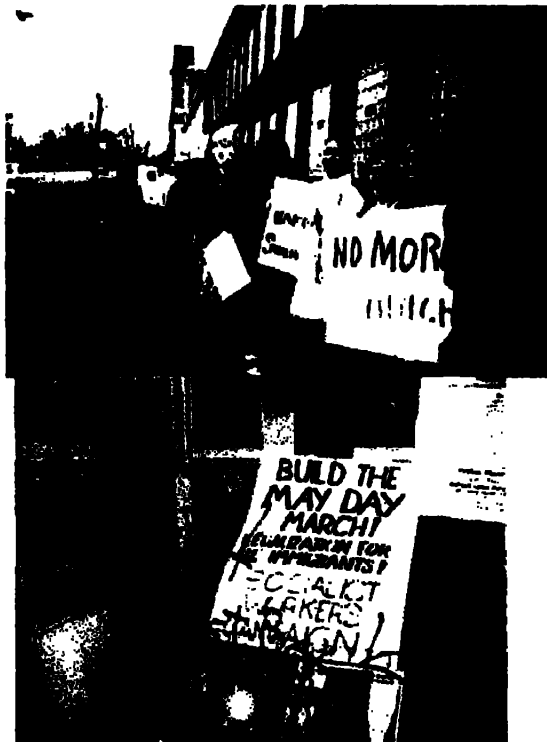
I declare under penalty of perjury that the foregoing is true and correct. Executed on September 16, 2008 in Chicago, Illinois.



Betsy Farley
September 22, 2008

Workers in Chicago: 'All out on May Day!'

Anti-immigrant graffiti attack on socialist campaign hall draws protests



Militant photos by Laura Anderson

Some 60 people picket outside Wheatland Tube factory March 19 in Chicago after company there fired 17 workers who protested bosses' use of no-match letters to intimidate workers. Right, anti-immigrant graffiti smeared on front window of Socialist Workers Campaign hall. The campaign held a meeting there to protest the rightist attack.

BY ILONA GERSH

CHICAGO—The front window of the Illinois Socialist Workers Campaign headquarters was defaced with anti-immigrant graffiti March 19. "Buy a wetback" someone scrawled on the window. At the center of the display inside the window was a campaign poster that read, "Build the May Day march! Legalization for all immigrants!" Also in the window were leaflets for the May Day action here, as well as copies of the *Militant*.

The socialist candidates and their supporters are organizing along with coworkers to not go to work May 1 and instead to join the noontime rally for immigrant rights that has been called by many organizations in the region.

Betsy Farley, the Socialist Workers candidate for U.S. Senate, released a statement on the vandalism. "My campaign will not be intimidated from supporting legalization for all immigrants and protesting every instance of immigration raids and deportations. This is not only an attack on my campaign. It is a threat against everyone who supports the right of immigrants to equal treatment, their right to work in this country, and their right to organize unions."

The vandalism comes in the context of stepped-up activities in support of the rights of immigrants in the Chicago area. These include a picket line of 60 workers and family members at Wheatland Tube Company, protesting the firing of workers who received no-match letters (See article on this page).

Farley was the featured speaker at the Militant Labor Forum two days after the attack on the campaign offices. "Winning the majority of workers to support and fight for legalization is a life-and death-question for the labor movement today," Farley said. "This is an essential part of transforming the unions into fighting organizations of our class."

"We need a party of our own, a labor party, based on a fighting union movement, that can mobilize the potential power of our class to defend our interests against the bosses and their government."

"All of the Democratic and Republican candidates have anti-immigrant positions," Farley said. "Our campaign joins with millions of workers in this country who call for the immediate, unconditional legalization of all immigrants."

Farley said that in the mattress factory where she works as a sewing machine operator, the majority of workers left work to join the massive May 1 march in Chicago last year. "I will not be working on May Day this year," the socialist explained. "Already in our shop workers are beginning to discuss taking the day off to join the noon rally and march this May 1."

Several messages of support were read at the forum. Rosi Carrasco of the Chicago-based Latino Organization of the Southwest, said, "We have to show solidarity with the Socialist Workers Party and all organizations that raise their voice for the rights of workers and the immigrant community. We denounce those racist and anti-immigrant attacks that try to quiet our voices."

Raymundo Reyes, a leader of the Association of Immigrants of Indiana, wrote, "We condemn the attack and we stand with you, because if they attack one, they attack us all... Papers for all! And with strength and unity, let's march on May 1st!"

The socialists ask that messages be sent to city officials demanding that the Chicago police arrest and prosecute whoever carried out the March 19 act of

vandalism against the Illinois Socialist Workers Campaign offices, located at 3557 S. Archer Ave. in Chicago.

Messages should be sent to: Superintendent of Police Jody P. Weis, Chicago Police Department, 3510 S. Michigan Ave., Chicago, IL 60653; email: police@cityofchicago.org; and to Mayor Richard Daley, Office of the Mayor, City Hall, 121 N. LaSalle St., Room 507, Chicago, IL 60602; fax: (312) 744-8045. Send a copy to the campaign at chicagoswp@sbcglobal.net.

FOR IMMEDIATE RELEASE WEDNESDAY, MARCH 19, 2008

FOR MORE INFORMATION: 773-890-0910 OR 773-315-7712

**WINDOW OF ILLINOIS SOCIALIST WORKERS CAMPAIGN OFFICE
DEFACED WITH ANTI-IMMIGRANT GRAFFITI**

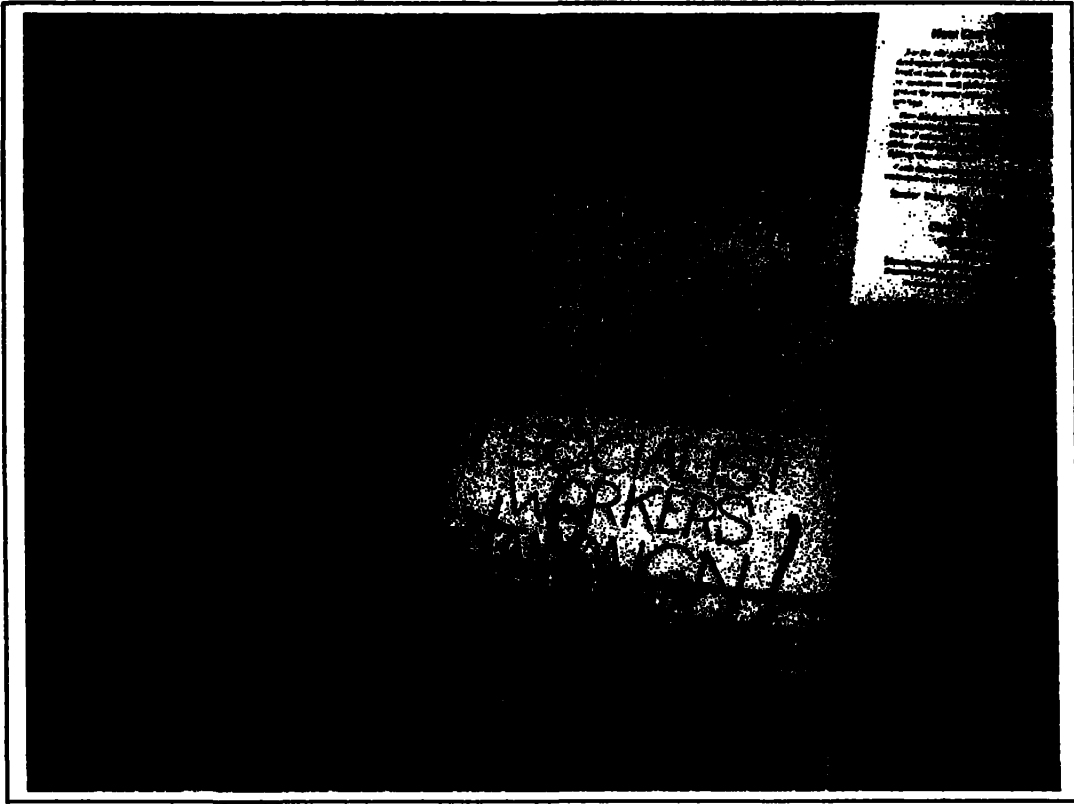
**SOCIALIST WORKERS CANDIDATE FOR U.S. SENATE VOWS TO
CONTINUE THE FIGHT TO DEFEND IMMIGRANT RIGHTS**

The storefront window of the Socialist Workers Campaign located at 3557 South Archer Avenue in Chicago was defaced with anti-immigrant graffiti today. "BUY A WETBACK" was scrawled on the window in blue ink. At the center of the window display was a sign that reads: "Build the May Day March! Legalization for all immigrants! Socialist Workers Campaign."

Also prominent in the window was a leaflet building the May 1st march in Chicago, which demands legalization for all, no raids, no deportations, a stop to no-match letters, and no separation of families. In addition, the socialist newsweekly *Militant* displayed in the front window carries a headline that says, "Chicago conference plans actions for legalization."

This is the second time the storefront has been vandalized. The first occurred in September of 2007 following the mass protest march in Jena, Louisiana.

Betsy Farley, Socialist Workers candidate for U.S. Senate said, "My campaign will not be intimidated from supporting legalization for all immigrants and protesting every instance of ICE raids and deportations. We will continue to build the May Day mobilization. This is not only an attack on my campaign. It is a threat against everyone who defends the rights of immigrant workers."



Illinois 2008 Socialist Workers Campaign Committee
3557 S. Archer Ave.
Chicago, IL 60609
773-890-1190

Mayor Richard Daley
Office of the Mayor
City Hall
121 N. LaSalle, Room 507
Chicago, Ill. 60602

Dear Sir:

Sometime between the evening of March 18 and the afternoon of March 19 the storefront window of the Illinois Socialist Workers Campaign Committee, located at 3557 South Archer Avenue in Chicago, was defaced with anti-immigrant graffiti. "BUY A WETBACK" was scrawled on the window in blue ink. At the center of the window display was a sign that reads: "Build the May Day March! Legalization for all immigrants! Socialist Workers Campaign."

Also prominent in the window was a leaflet announcing the May 1st march in Chicago, which demands legalization for all, no raids, no deportations, a stop to no-match letters, and no separation of families. In addition, the socialist newsweekly *The Militant* displayed in the front window carried a headline that said, "Chicago conference plans actions for legalization."

This is the second time in the last six months that the storefront has been vandalized. The first incident occurred in September 2007 following the mass protest march in Jena, Louisiana.

We request that your office use its influence to ensure that the Chicago Police Department does its utmost to apprehend and prosecute those responsible for this deed.

Sincerely,

Dennis Richter
Illinois 2008 Socialist Workers
Campaign Committee

Illinois 2008 Socialist Workers Campaign Committee
3557 S. Archer Ave.
Chicago, IL 60609
773-890-1190

Jody P. Weis
Superintendent of Police
Chicago Police Department
3510 S. Michigan Ave.
Chicago, IL 60653

Dear Sir:

Sometime between the evening of March 18 and the afternoon of March 19 the storefront window of the Illinois Socialist Workers Campaign Committee, located at 3557 South Archer Avenue in Chicago, was defaced with anti-immigrant graffiti. "BUY A WETBACK" was scrawled on the window in blue ink. At the center of the window display was a sign that reads: "Build the May Day March! Legalization for all immigrants! Socialist Workers Campaign."

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This is the second time in the last six months that the storefront has been vandalized. The first incident occurred in September 2007 following the mass protest march in Jena, Louisiana.

We request that your department do its utmost to apprehend and prosecute those responsible for this deed.

Sincerely,

s/Dennis Richter
Dennis Richter
Illinois 2008 Socialist Workers
Campaign Committee

**Message from Rosi Carrasco, Latino Organization of the Southwest,
March 10 Coalition, Chicago.**

Nosotros tenemos que manifestar solidaridad con el Partido Socialist de los Trabajadores y todos las organizaciones que llevan su voz por los derechos de los trabajadores y de la comunidad inmigrante. Denunciamos esos ataques racista y anti-inmigrante que quieran callar nuestros voces.

Seguimos luchando por una sociedad mas humana y mas justa. Lastimamos este hecho de vandalismo. No nos podemos permitir este tipo de acciones.

Viva la clase trabajado, y viva la comunidad inmigrante!

Rosi Carrasco

We have to show solidarity with the Socialist Workers Party and all organizations that raise their voice for the rights of workers and the immigrant community. We denounce those racist and anti-immigrant attacks that try to quiet our voices.

We will continue fighting for a more humane and more just society. We regret this act of vandalism. We cannot allow these kinds of actions.

Long live the working class, long live the immigrant community!

Rosi Carrasco

Exh. 6 - 2 pages

I, Laura Garza, 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.

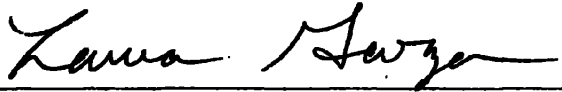
I make this statement on the basis of personal knowledge:

1. On September 12, 2003 supporters of my campaign for City Council At-Large in Boston arrived at the campaign headquarters at 12 Bennington St., 2nd floor, East Boston, MA, 02128, and found that flyers that had been posted up on the bulletin board outside the door to our office had been ripped up. There were three flyers, one advertising an event to be held at the site on the socialist election campaign in Boston, another with the platform of the campaign, and a third was a flyer for Pathfinder Books which we had on display in the campaign offices.
2. On September 15, 2003 I arrived at the campaign headquarters and found that a plexiglass sign cover, on the downstairs entrance to the building, that had the hours listed when someone could come into the headquarters to see the books and information available had been ripped off the wall to which it had been attached. Only a small piece of the plastic remained, where it had been screwed into wall. I made a note of these incidents and I spoke with other tenants who shared the premises on the second floor, including Loretta Ciccio from the East Boston Dental Clinic, who explained they had not seen what had happened.
3. On November 14, 2004 I arrived at the socialist campaign headquarters at 12 Bennington St., 2nd floor, East Boston, MA, 02128, and found that the plexiglass sign cover on the first floor building entrance with our hours advertised, which we had replaced after it had been destroyed, was once again missing. It had obviously been ripped off the wall, with only fragments remaining where pieces of it had been screwed into the wall. When I went upstairs I saw that the flyer that had been posted on the bulletin board, next to our office door, had been turned around so that the blank side was facing out. The flyer was advertising a Militant Labor Forum to be held on Nov. 19 titled The Housing Question, and featuring myself, Laura Garza, as the speaker. I was identified on the flyer as a recent candidate of the Socialist Workers

Party. I had been the candidate for Massachusetts State Representative in district 1, the district covering East Boston, and had been listed as such on the November 2004 ballot. I made a note of this incident and I spoke with tenants in the building who share premises on the 2nd floor, including those from the East Boston Dental Center, and the pastor of the Pentecostal Church of God. The pastor saw said she had noticed that the plexiglass sign downstairs had been destroyed and spoke with me about it as we both examined the evidence of the remains of the sign. Neither she, nor the two women I spoke with from the dental center, including Loretta Ciccio, had seen what had transpired.

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

Executed April 25, 2005.



Laura Garza

April 25, 2005

Exh. 7 - 7 pages

I, Frank Forrestal, 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 exception from certain disclosure provisions of the Federal Election Campaign Act.

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

1. On June 30, 2005, the office manager of Pathfinder Books, where the the Socialist Workers campaign maintained an office along with Pathfinder Books in Los Angeles, was sent a letter from the U.S. Department of Justice, 312 N. Spring Street, Los Angeles (see attached). The letter informed us that the organizations were a "likely victim of crime." It informed us that we had been targeted by threatening 'hate mail' from Stanley C. Jaroszenski, who had had also sent 'hate mail' to others in the Los Angeles area. The letter informed us that Jaroszenski was being prosecuted for charges characterized as "Civil Rights -- Racial Violence, including Hate Crimes."

2. Stanley C. Jaroszenski was arrested on charges of mailing some 56 letters denouncing Jews, Blacks, Latinos, Asians and homosexuals to a spectrum of elected officials and private individuals (See attached news articles from Los Angeles *Times* and *Daily Breeze*). The recipients included Los Angeles Police Chief William Bratton, U.S. Representative Linda Sanchez, Childrens Hospital Los Angeles, the Anti-Defamation League, various individuals, and, according to the Department of Justice, the Pathfinder Books and Socialist Workers Party office.

The press reports and Department of Justice letter informed us that 52 of the 56 letters contained hypodermic needles. Two years ago Jaroszenki was acquitted of causing anthrax scares at two schools, according to the *Breeze*.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 6, 2005 in Los Angeles.

Frank Forrestal

Frank Forrestal
July 6, 2005

p. A1

Man accused of mailing hate letters to Jews

Crime: Redondo Beach woman was among the recipients. Other minority groups were targeted, as were the L.A. police chief and a legislator

Larry Altman

A Los Angeles man acquitted two years ago of causing anthrax scares at two schools was arrested Monday on suspicion of sending dozens of hate-filled letters to Jews and other minorities, including a Redondo Beach woman.

Stanley C. Jaroszenski, 64, who also went by the name "Stan Jay," was charged by a federal grand jury that handed down a 117-count indictment against him Thursday.

"It makes me feel like the system of justice is working. When you do something that violates people's safety, you have to pay for it," said Gila Katz, who, as executive director of the Klein Chaplaincy Service in Redondo Beach, received one of the letters with anti- Semitic messages on the envelope.

The felony indictment alleges that Jaroszenski sent 56 threatening letters, 52 of which contained hypodermic syringes with needles attached. Sixty-one misdemeanor counts of mailing injurious articles pertain to the needles.

According to the indictment, one of the victims was Los Angeles Police Chief William Bratton, whose letter was addressed to "child molester." According to the indictment, the sender wrote "deadly Chinese bird flu" on the exterior of the envelope and inserted a hypodermic syringe and needle inside. A spokeswoman said it was not likely the chief saw it because he has assistants who open his mail.

Other victims included:

* U.S. Rep. Linda Sanchez, whose Lakewood office was evacuated when it received an enveloped marked with "CIA to Kill Sanchez."

* Childrens Hospital Los Angeles, where a floor was evacuated after a letter marked "Chinese Poison + Cancer in Your Body N-O-W!" arrived in the mail.

* The U.S. Immigration and Customs Enforcement office in Savannah, Ga., which received an envelope that said, "KPFK sez: Kill Jews!"

Most of the victims were average citizens. Although most of the letters contained anti-Semitic messages such as "A good Jew is a dead Jew," others attacked Muslims, Koreans, Chinese, other ethnic groups and gays.

The messages, written in red ink, were received at homes, businesses and community institutions across Los Angeles and neighboring cities, primarily from February to April.

"It was pretty frightening," Katz said. "It made me very angry. When you pick up something like this in the mail, you see it and you are shocked."

The charges against Jaroszinski carry a maximum sentence of up to 341 years in federal prison.

The Anti-Defamation League of Los Angeles issued a statement Monday saying it applauded the U.S. Attorney's Office for making the arrest. The organization received dozens of calls from recipients of the letters.

"Community members were understandably upset when they received this hateful mail," the ADL's regional director, Amanda Susskind, said in a statement. "We were able to reassure them that the letters were part of a series of mass mailings and did not seem to be targeting anyone individually. We worked closely with law enforcement to bring the perpetrator to justice."

The case was investigated by the U.S. Postal Inspection Service, the FBI and the Los Angeles Police Department.

"I am grateful to the law enforcement officials who worked diligently on this investigation that resulted in today's arrest," Sanchez said in a statement. "I am pleased with how my staff handled the situation last year."

Jaroszinski appeared in U.S. District Court on Monday and was ordered to undergo a competency evaluation. A doctor will be selected by Friday and Jaroszinski was held in federal custody, U.S. Attorney's Office spokesman Thom Mrozek said.

Jaroszinski faced similar charges two years ago, but a federal jury acquitted him of allegations that he sent phony "anthrax" letters to two Los Angeles elementary schools.

When he was arrested, authorities said he had sent dozens of threatening letters to schools, police departments, banks and corporations.

The letters had the word "anthrax" written in red ink on the backs of envelopes. None of them actually contained anthrax.

p. B9

L.A. Man Held in String of Threatening Letters

A Los Angeles man was arrested Monday on charges of mailing 56 threatening letters denouncing Jews, blacks, Latinos, Asians and homosexuals to a spectrum of private citizens and public officials.

Most of the letters that Stanley C. Jaroszinski is accused of sending also contained hypodermic syringes with needles, authorities said.

Jaroszinski, 64, was taken into custody without incident at his downtown residence after being named in a 117-count federal grand jury indictment accusing him of mailing threatening letters and injurious devices.

Last June, federal officials said, the field office of Rep. Linda T. Sanchez (D-Lakewood) was evacuated after one such letter arrived, warning, "CIA to kill Sanchez."

In February, they said, one floor of Childrens Hospital Los Angeles was evacuated after a letter arrived declaring "Kill Chinese murderers" and "Chinese Poison + Cancer in Your Body N-O-W."

Thirty-two letters threatened Jews and typically contained the message: "A good Jew is a dead Jew."

The most recent letter, mailed April 2, was sent to Los Angeles Police Chief William J. Bratton and accused him of being a child molester.



7-6

U.S. Department of Justice
United States Attorney's Office (USAO)
Victim-Witness Assistance Program (VWAP)
312 N. Spring Street, Ste. 1300
Los Angeles, California 90012
VWAP Phone: 1-888-228-0316
VWAP Fax: (213) 534-7375
VNS Call Center: 1-866-365-4968
VNS Internet Access: www.notify.usdoj.gov

June 30, 2005

Office Manager
Pathfinder Books
4228 South Central
Los Angeles, CA 90011

RE: UNITED STATES v. STANLEY C. JAROSZENSKI

Dear Office Manager:

Pursuant to federal law, you are entitled to be notified of the court proceedings relating to the criminal litigation of this case. This letter is to inform you of the following:

The following information concerns USAO Case 2006R01200 and Court Docket Number CR 05-558:

The enclosed information provides instructions for accessing the Victim Notification System (VNS) website or the VNS Call Center. You will need a Victim Identification Number (VIN) and Personal Identification Number (PIN). Your VIN is "1089276" and your PIN is "9712".

Charges have been filed against defendant(s), STANLEY C. JAROSZENSKI, by indictment. The main charge is categorized as Civil Rights - Racial Violence, Including Hate Crimes. The lead prosecutor for this case is Assistant U.S. Attorney, TAMMY SPERTUS. The investigation into this matter has revealed you are a likely victim of the crime alleged in the charges. Please note that the charges filed contain allegations that a defendant has committed a crime. Every defendant is presumed innocent until and unless proven guilty beyond a reasonable doubt.

The indictment alleges that defendant Stanley Jaroszanski sent threatening letters to various addresses, most of which contained hypodermic syringes with needles attached.

As a crime victim, you have the following rights under 18 United States Code § 3771:

(1) The right to be reasonably protected from the accused; (2) The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused; (3) The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding; (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding; (5) The reasonable right to confer with the attorney for the Government in the case; (6) The right to full and timely restitution as provided in law; (7) The right to proceedings free from unreasonable delay; (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

We will make our best efforts to ensure you are accorded the rights described. You can seek the advice of an attorney with respect to these rights.

The Victim Notification System (VNS) is designed to provide you with information regarding the case as it proceeds through the criminal justice system. You may obtain current information about this matter on the Internet at WWW.Notify.USDOJ.GOV or from the VNS Call Center at 1-866-DOJ-4YOU (1-866-365-4968) (TDD/TTY: 1-866-228-4619) (International: 1-502-213-2767). In addition, you may use the Call Center or Internet to update your contact information and/or change your decision about participation in the notification program. You may use your Victim Identification Number (VIN) and Personal Identification Number (PIN) anytime you contact the Call Center and the first time you log on to VNS on the Internet. If you have other questions which involve this matter, please contact the office listed above.

Very truly yours,

Debra Wong Yang
United States Attorney

Jeffrey D. Alabaso
Jeffrey D. Alabaso
Victim-Witness Assistance Program

Exh. 8 - 7 pages

Declaration

I, Susan LaMont, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the Socialist Workers Party, the SWP's National Campaign Committee, and the committee 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 June 5, 2004, I was part of a petitioning team in Meridian, Mississippi, that was gathering signatures to put the 2004 Socialist Workers ticket of Roger Calero and Arrin Hawkins on the ballot in that state. The team consisted of Bill Arth from Atlanta, Cristal and Lawrence from Miami, and myself.

2. We went to petition at the FoodMax where we got permission from the store manager the previous weekend to petition in the parking lot. We were also petitioning at a nearby Stop and Save. It was a Saturday afternoon.

3. I was walking around the parking lot at the Dollar General, which was between the two big grocery stores, when an older farmer from Lauderdale County stopped to see what the petitioning team was doing.

4. As he was finishing signing the petition, a down-and-out looking white man walked by us, and said to the farmer, "Do you know what you just did? You signed for communists!" At this point, Bill and Cristal came up to where the farmer and I were standing. They explained that the same white man had confronted Bill in front of the FoodMax and told Bill that he hadn't seen any communists around Meridian for quite a while. He told Bill that he wanted to "put a bullet in every one of [our] heads." He then went inside the FoodMax and succeeded in convincing the management to ask us to stop petitioning. He had followed Bill and Cristal over to where I was, spewing his anticommunist views.

5. The old farmer told the hostile man, "Well, if you give me two capitalists and two communists, I'll take the two communists every time." At this point, the hostile man walked away. Meanwhile, I went over to talk to a Black man who was leaning against the Dollar General wall, taking all this in. "That guy is in the KKK," he told me. I asked him if he knew him. "No, but I've known people like that all my life," he replied and signed the petition.

6. Because of the nature of the hostile man's threats, we decided to leave the shopping center and go elsewhere in Meridian to petition.

I declare under penalty of perjury that the foregoing is true and correct. Executed June 6, 2004 in Birmingham, Alabama

A handwritten signature in cursive script, appearing to read "Susan LaMont", followed by a horizontal line.

Susan LaMont
June 6, 2004

THE MILITANT

Vol. 68/No. 25 July 6, 2004

Mississippi: 2,200 sign to put SWP slate on ballot

(feature article)

**BY SUSAN LAMONT
AND ARLENE RUBENSTEIN**

JACKSON, Mississippi—Supporters of the Socialist Workers 2004 national ticket of Róger Calero for U.S. president and Arrin Hawkins for vice president made a big push June 17-20 to get enough signatures to place the socialist candidates on the Mississippi ballot for the November elections. As of June 20, they had collected more than 2,000 signatures, double the state requirement.

Campaigners from throughout the South are petitioning in Jackson, the state capital and Mississippi's largest city. A second team of campaign supporters is gathering signatures in Pascagoula and Biloxi, two cities on the Gulf of Mexico. A third team is doing the same in Natchez.

"The response of students at Jackson State University (JSU) has been fantastic," reported Nicole Sarmiento, Socialist Workers candidate for U.S. Senate in Florida, who came to support the petitioning effort here along with other SWP candidates from Florida, as well as Alabama, Georgia, and Texas.

One JSU student, John Handy, told Sarmiento that he agreed with the demand "U.S. Troops Out of Iraq!" on the socialists' campaign flyer. "This reminds me of the students who were killed here over 30 years ago, for protesting the Vietnam war," he

said. "The history of this university is a fighting history, and we're still struggling for civil rights." He also noted that the 40th anniversary of Freedom Summer is approaching. That's when thousands of students from northern universities came to the South to join the civil rights fight. "You've come to the right place," Handy told the socialist petitioners.

Brian Williams, another SWP campaign supporter, said many students at Jackson State said they strongly agreed with the demands by the Socialist Workers campaign to "prosecute those responsible for the murder of Emmett Till to the fullest extent of the law."

Till, 14, an African-American from Chicago, was kidnapped and tortured to death by racist thugs in 1955 in Money, Mississippi. Till's lynching became one of the most well-known cases of racist brutality and helped spark the struggle for Black freedom in the 1950s and '60s. His case was reopened in May after a New York film maker produced and widely circulated a documentary that provides new evidence in the case.

"I feel very compelled about this issue," Jonathan Walker, a sophomore at Jackson State, told Williams, "because for all these years the criminals have not been brought to justice."

The state requires 1,000 signatures of registered voters to place independent candidates on the ballot in Mississippi. As we go to press, 2,175 people had signed. Petitioning in shopping centers, campaigners got a friendly response from workers, farmers, and young people interested to learn that they can put on the ballot a working-class alternative to the Democrats and Republicans. The six electors for Calero and Hawkins include a farmer from Tchula, a town in the Mississippi Delta, and a Steelworkers union

member and former striker at Titan Tire in Natchez.

Petitioning in Jackson coincided with events marking the 40th anniversary of the racist murder by the Ku Klux Klan (KKK) in 1964 of three young civil rights workers—James Chaney, Andrew Goodman, and Michael Schwerner.

Recently, a group of citizens—including NAACP leaders, and businessmen and elected officials—in Philadelphia, Mississippi, where the murders took place, has called for a new investigation into the case, one of the most important unsolved murders of the civil rights era. On June 4, Mississippi attorney general Jim Hood told reporters that he has asked the U.S. Justice Department for help in the investigation. Philadelphia mayor Rayburn Waddell also called for justice in the case on behalf of the city administration. A commemoration of the three slain civil rights workers took place Sunday, June 20, at the Neshoba County Coliseum in Philadelphia. The renewed pressure to reopen investigations into the murders follows the announcement that the Till case was being reopened.

Petitioners took part in a conference titled “Unsettling Memories: Culture and Trauma in the Deep South” held at Jackson State University June 15-21. The conference dealt in part with the experiences of slavery and the civil rights movement.

The exhibit *Without Sanctuary: Lynching Photography in America* is also on display at the Jackson State University campus. It shows graphically many examples of the thousands of lynchings that took place in the Jim Crow South.

What has changed since that time in the South through the civil rights revolution, and the challenges that remain part of today’s reality, were part of the experiences of SWP campaign supporters here.

During petitioning June 5 outside a store in Meridian, a small town in eastern Mississippi, for example, an older man in overalls approached campaign supporters asking them what they were doing. After hearing an explanation of the SWP ticket, the man, who is white, and who said he grew cotton, soybeans, and vegetables near Meridian, took the board and signed the petition to put Calero and Hawkins on the ballot.

As he was wrapping up, a lumpen-looking guy, who was also white, came over and told the farmer, "Do you know what you just did? You signed for communists!" The man had confronted socialist petitioners a few minutes earlier outside another store, telling them he wanted to "put a bullet in every one of your heads," and then going inside the shop and convincing management to ask SWP campaign supporters to leave.

After a few minutes of taking in the anti-communist rhetoric spewed by this guy, the farmer looked at him and said, "Well, if you give me two capitalists and two communists, I'll take the communists every time." The right-winger realized he wasn't getting much mileage and finally walked away.

Meanwhile, a worker who is Black was leaning against the store wall, watching the scene. One of the petitioners went over to explain to him what was going on. "I know what's going on," he said. "That guy is in the KKK," he added, referring to the rightist. Asked if he knew the right-winger, the man responded, "No, but I've known people like that all my life." He then took the pen and signed the petition to put the SWP slate on the ballot.

Related articles:

Socialist Workers Party: Calero, Hawkins in 2004!

The working-class alternative in presidential

elections

Socialist backs Puerto Rican independence

Calero and Hawkins, socialist candidates

Front page (for this issue) | Home |

Text-version home

Exh. 9 - 1 page

DECLARATION

I, Ryan Scott, 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.

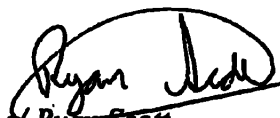
I make this statement on the basis of my personal knowledge:

1. I was a supporter of the 2004 Socialist Workers campaign. I opened up the campaign offices at 3:30 PM, Wed. June 9th, on Mission Street, San Francisco, and checked the phone for messages.

2. There was a message recorded on the answering machine, from 11am that morning. "This message is for the Socialist Workers Party. I just wanted to let you know that you all are (inaudible) (inaudible-ing) subversive literature, and you all are going to pay for it. Good Bye."

3. The caller, who sounded like an older man, did not identify himself.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 7, 2005.


s/ Ryan Scott
March 7, 2005

Exh. 10 - 1 page

I, Laura Anderson, 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 campaign supporter went to the Socialist Workers Campaign headquarters in San Francisco, CA, on Friday, May 21, 2004.
2. Upon entering the campaign headquarters at about 4 PM, the first thing we did was to check the answering machine. There was a message on the answering machine from an unidentified person. The time the message was left was 3:14 PM, May 21.
3. The exact message on the machine was: "I've seen some of your recent literature ... anyway, you're talking about what the occupation, quote-unquote, is like in Iraq. You don't say anything about the good that's being done over there. We'll be keeping an eye on you. Goodnight."

I declare under penalty of perjury that the foregoing is true and correct.
Executed on March 8, 2005.



Laura V. Anderson
March 8, 2005

Exh. 11 - 1 page

DECLARATION

I, Jay M. Ressler, make this declaration in support of the application to the Federal Elections Commission, 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 October 22, 2002 I was campaigning with Tony Lane the Socialist Workers candidate for Governor of Pennsylvania at the Pine Ridge mine portal in Prenter, West Virginia. The mine is owned by Peabody Coal. We were standing outside the mine gate talking to interested passersby as they entered and left the mine. Some of the conversations took place across the street in the parking lot of a convenience store.

2. After we had been there for over an hour a man wearing his miners' hard hat stopped and advised me that we did not have permission to be on mine property and asserted that even though I was outside the gate and on the shoulder of the public road I was on mine property. I crossed the road holding a sign inviting interested miners to stop. Lane was engaged in a friendly conversation with several miners in the convenience store parking lot.

3. Meanwhile another miner stopped his pickup on the mine side of the road. I crossed over assuming he was interested. When I explained what I was doing, he shut off his engine, got out of his truck and told me if we didn't leave the area immediately he would do us bodily harm. He then began shoving me. I backed away and crossed the street. He warned us not to attempt to go door-to-door in the small village down the hollow or he would "get us." He said "You damn commies always show up when there is trouble, to stir things up." We got in my car and left.

I declare under the penalty of perjury that the foregoing is true and correct. Executed on August 18, 2003.



Jay M. Ressler
August 18, 2003

Exh. 12 - 4 pages

DECLARATION

I, Rachele Fruit, 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 November 2, 2002, I received an e-mail message at the e-mail address of the Tampa Socialist Workers Party. The message said,

"What's that smell? Ohhh a Communist lurking.... running for office!
Ain't gonna happen sister! Go back to meat packing...."

2. The message was dated 11/2/2002 1:38:27 AM Eastern Standard Time and came from Sebastian<andy33155@yahoo.com>.

3. I was the Socialist Workers Party candidate for governor of Florida in the election that took place on November 5, 2002. One piece of campaign material included the biographies of the candidates. It stated that I am a meatpacker and also included the e-mail address of the campaign. I was the only woman running on the slate.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 10, 2002 in Tampa, Florida.

Rachele Fruit

Rachele Fruit
December 10, 2002

Subj:

Date: 11/02/2002 1:38:43 AM Eastern Standard Time

From: andy33155@yahoo.com (Sebastian)

To: toc1004@aol.com

What's that smell? Ohhhh a Communist
lurking....running for office!

Ain't gonna happen sister! Go back to meat packing....

Do you Yahoo!?
HotJobs - Search new jobs daily now
<http://hotjobs.yahoo.com/>

<>

Headers

Return-Path: <andy33155@yahoo.com>

Received: from rly-xi01.mx.aol.com (rly-xi01.mail.aol.com [172.20.116.6]) by air-xi03.mail.aol.com (v89.10) with ESMTP id MAILINX134-1102013843; Sat, 02 Nov 2002 01:38:43 -0400

Received: from web14702.mail.yahoo.com (web14702.mail.yahoo.com [216.136.224.119]) by rly-xi01.mx.aol.com (v89.10) with ESMTP id MAILRELAYINXI17-1102013827; Sat, 02 Nov 2002 01:38:27 1900

Message-ID: <20021102063827.60199.qmail@web14702.mail.yahoo.com>

Received: from [66.217.102.183] by web14702.mail.yahoo.com via HTTP; Fri, 01 Nov 2002 22:38:27 PST

Date: Fri, 1 Nov 2002 22:38:27 -0800 (PST)

From: Sebastian <andy33155@yahoo.com>

To: toc1004@aol.com

MIME-Version: 1.0

Content-Type: text/plain; charset=us-ascii

Rachele Fruit for Governor

Fruit, 52, is a meatpacker and member of the United Food and Commercial Workers Union and has been active in defense of workers' rights for over 25 years. She began her political activity as a high school student in Philadelphia where she participated in the civil rights movement and in the movement against the war in Vietnam.

In 1996, Fruit was the Socialist Workers Party candidate for mayor of Miami-Dade County, speaking in defense of the Cuban revolution and against police brutality. She participated with others in defense of abortion clinics against rightist attackers in a number of cities throughout Florida including Miami, Hialeah, Ft. Lauderdale, Melbourne and Tampa.

In 1998 and 1999 Fruit traveled around Florida meeting Black farmers who were plaintiffs in the class-action lawsuit against the U.S. Department of Agriculture for decades of discrimination in the allocation of loans and disaster relief.

In the spring of 2000, Fruit and her coworkers in the International Association of Machinists in Miami spent two weeks on strike against the jet engine repair shop where they worked. She then participated in a national rally in Houston, Texas for members of the United Steelworkers of America who were locked out by Kaiser Aluminum. She also joined the union mobilization of tens of thousands to Tallahassee in the historic march to defend affirmative action.

In the past year, Fruit has joined protests against the Israeli occupation of Palestine; against the U.S. war in Afghanistan, and she opposes the continued attacks against the people of Iraq, Iran and Korea. She has participated in rallies from Tampa to Orlando in defense of immigrant rights and calls for full democratic rights for all immigrants-- the right to work, the right to a drivers' license and the right to education and health care. Fruit says, "I call for the release of all

prisoners who have been rounded up in the so-called 'war on terrorism,' who are being held without charges, in some cases, under secret evidence."

Lawrence Mikesch for Lieutenant Governor

Lawrence Mikesch, 22, is a meatpacker in Miami. Recruited to the revolutionary socialist movement during the US imperialist assault on Yugoslavia in 1999, he became a leader of the Young Socialists in the Twin Cities, Minnesota.

Mikesch was a part of the leadership of workers at Dakota Premium Foods, a beef slaughterhouse in South St. Paul, MN, fighting for union representation by the United Food and Commercial Workers and a union contract. On June 1, 2000 workers there carried out a successful 7-hour sitdown strike against the brutal doubling of the line speed and against being forced to work while injured.

Mikesch has participated in actions with fighters against police brutality in Liberty City and North Miami Beach, in protest of the killings of Alpheaus Dailey, Eddie Lee Macklin Jr., and all others, demanding that the cops responsible for these deaths be convicted and put in jail. He has also been a part of demonstrations in solidarity with the Palestinian peoples' struggle for self determination and against Israeli occupation, and has marched with the workers of Mt. Sinai nursing home who were accused by the company of using voodoo to win union representation by the Service Employees International Union.

Mikesch explains that these protests are part of a growing resistance by working people throughout the world to the brutal conditions of life, "By organizing together to bring to power a workers' and farmers' government," he explains, "we can begin the process of building a world based on human needs."

In July, 2001, Mikesh visited revolutionary Cuba as part of the Cuba/U.S. Youth Exchange. He explains that "nearly 200 young people from the United States saw first hand how the educational and cultural level can be continually raised in a society that is organized to put the needs of the working class and the toilers on the land before the needs of a minority capitalist ruling class."

Karl Butts for Agriculture Commissioner

Karl Butts, 49, has been a small vegetable farmer in Plant City since 1991. Butts comes from a working class family. His father was a union printer for 30 years and his mother was a teacher whose union called a statewide strike.

In 1988, Butts was the commercial vegetable agent for the Hillsborough County Cooperative Extension Service where he provided educational programs and technical support for the county's strawberry and vegetable growers. A decision not to renew his contract came in the middle of the Benlate DF crisis, a Dupont fungicide that began causing fundamental and residual soil effects on plant growth and development of many horticultural crops internationally. Butts thought that the growers should be given all available information concerning the nature of the problems they were experiencing but was basically told not to get involved.

With the 1991 slaughter of Iraqis and subsequent blockade and continued bombing of their country, Butts joined weekly protests at MacDill Air Force Base. He also became involved in the struggles of government housing tenants against eviction under the "one strike and you're out" initiative of the Clinton administration. In 1997 he helped organize community support for a strike of 500 workers at a local meatpacking plant.

Candidates of the Socialist Workers Party 2002 Election Campaign in Florida

In 1999, Butts became interested in a trip being planned for small farmers to visit their counterparts in Cuba. In February 2000, four Black farmers from Georgia, a woman dairy farmer from New Jersey, and Butts traveled to Cuba hosted by the National Association of Small Farmers. Butts says, "I found a model for how farmers in alliance with workers can end the scourge of hunger, where production is maximized and farmers prosper. The model was based on their making a revolution and establishing a workers and farmers government." Butts returned to Cuba in September, 2001 to attend a world forum on food sovereignty.

Michael Italie for U.S. Congress, 17th C.D.

Michael Italie, 44, is the Socialist Workers Party (SWP) candidate for U.S. Congress in the 17th District in Florida, and works as a sewing machine operator in Miami's garment industry.

As a longtime member of the labor movement, Italie reported for the *Militant*, socialist newsweekly, on the union organizing victory of 5,000 textile workers at Fieldcrest-Cannon in Kannapolis, North Carolina. After 25 years of struggle, workers there voted in UNITE two years ago. Newly hired workers from Central America surprised the bosses by joining the organizing campaign and playing a leadership role in it.

Italie was the SWP candidate for mayor of Miami in the 2001 elections. In October 2001 Italie's boss, Goodwill Industries, openly fired him for speaking out against the U.S. imperialist-led war on Afghanistan, in defense of Cuba's socialist revolution, and against capitalist exploitation. Italie and his supporters waged a 6-month fight in defense of workers rights and freedom of speech, which included a national tour of over 40 cities. He met with Machinists on strike in Connecticut, meatpackers organizing a union in Nebraska,

dozens of Chicano students in Brownsville, Texas, and Palestinian activists in Tampa, Florida. Italie concludes that, "We made Goodwill pay a political price for its outrageous firing, and helped to strengthen the fight for workers rights across the country."

He has recently joined others in calling for freedom for five Cuban patriots who were convicted in Miami on 'spy' charges. He explains that "the convictions, based on testimony of FBI agents, are an attack on the democratic rights of all and are aimed at intimidating opponents of U.S. government policy towards Cuba. The Cuban patriots, currently serving long prison terms, are now, themselves, part of the struggle for justice for the working class in the United States."

drive against Iraq, Iran and North Korea.

*Jobs for all. Shorten the work week with no cut in pay. Raise the minimum wage!

*Stop INS raids and deportations. For the right to work and a drivers license for all immigrants.

*Fight police brutality. Abolish the death penalty!

*Defend workers' rights. No secret detentions or trials. No to secret evidence!

*Debt relief for working farmers. Stop all farm foreclosures!

*Cancel the debt owed by Third World countries to the imperialist banks.

*Defend women's right to abortion.

*Defend affirmative action in education, employment, housing.

*End the economic embargo, end travel restrictions and normalize relations between the U.S. and Cuba!

If you would like to help, send in the coupon below:

Name: _____

Address: _____

Phone: _____

Email: _____

Enclosed is a contribution of \$ _____.

Join us in demanding--

*No to Washington's imperialist war

*Join us in winning support!
Visit our Campaign Headquarters*

*In Miami: 8365 NE 2nd Ave.
305-751-7076*

miamiswp@bellsouth.net

*In Tampa: 1441 E. Fletcher at 15th
Street, 2nd floor, La Place Shopping Ctr.
813-910-8507*

Exh. 13 - 1 page

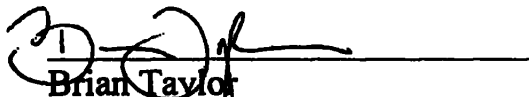
DECLARATION

I, Brian Taylor, 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. A Militant Labor Forum was held at the Pathfinder Bookstore in Birmingham Friday, August 15, 2003. The forum addressed a Carpenter's Union organizing drive in the Birmingham area. The panel consisted of a Carpenters Union official and Clay Dennison, member of the Socialist Workers Party. About a dozen people attended the event.
2. That event included several people attending their first Militant Labor Forum. Two of them were students and one was a man who was very reluctant to say much about himself except he was in the "construction industry."
3. On October 17, 2003, according to the union official that spoke at the forum., an audio taping of the forum was mail delivered to the union local's headquarters in an envelope with no return address. The official who spoke at the forum said the tape sounded muffled as if concealed. No permission was requested or granted to tape the event and no one was openly recording the event.

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

Executed November 3, 2003


Brian Taylor

November 3, 2003

Exh. 14 - 1 page

DECLARATION

I, Tom Fiske, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the Socialist Workers Party, 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 October 5, 2008, two threatening phone calls were received at the Socialist Workers Campaign headquarters in Minneapolis, Minnesota. One call came at 4:40 p.m., the other call at 7:17 p.m.

2. A campaign volunteer, Ernie Mailhot, received the first telephone call. The caller spoke with a Spanish accent, and spoke indistinctly, but said clearly in English, "Fuck you." Then he hung up.

3. When the second call came in, another volunteer, Tony Lane, answered the phone. He said the man spoke Spanish and I should answer the call, since I speak better Spanish. Twice the man said, "Fuck you." I checked the number of the incoming call. It was 612-386-0802. It is a Sprint spectrum call phone, and the service is Northern Telecom, DMS10S.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on October 8, 2008 in Minneapolis, Minnesota.

Tom Fiske

Tom Fiske
October 8, 2008

Exh. 15 - 4 pages

Declaration

I, Frank Forrestal, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the Socialist Workers Party (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 actively campaigned for Socialist Workers candidates.

2. On July 20, 2007, I was the speaker at the weekly Militant Labor Forum meeting in Des Moines, Iowa, titled "Stop the raids! Legalize all immigrants now!" The forum is part of a weekly series of workers' political meetings organized by supporters of the *Militant* newspaper. The Militant Labor forum shares office space with the Iowa Socialist Workers Campaign.

3. Over two dozen opponents of immigrant rights, including members of the militia group the Minutemen and supporters of presidential candidate Tom Tancredo picketed the meeting. They were on the public sidewalk and also in the parking lot in front of the Socialist Workers Campaign office. They carried signs reading "Deport Illegal Aliens," "We Are Americans," and "Tom's Army." A large truck with a sign saying "End Illegal Immigration, Secure Our Borders, No Amnesty, Pro-Life-Second Amendment - Tancredo08 for President" was parked in front of the forum hall, taking up three parking spaces.

4. The protesters verbally attacked anyone who came to the event. A few approached forum supporters guarding the event, trying to provoke an incident. Others shouted provocations into a bullhorn, such as "Where's the militancy, we thought you were militant," "Down with the Marxists, Communists and Socialists," "No to the Militant Labor Forum," "Che is rotting in his grave."

5. Another tenant in the office complex called the landlord. When he arrived he was surrounded by the picketers in a threatening manner as he asked them to leave his property. One young woman yelled "Now we're kicking ass." The landlord called the Des Moines police, who arrived approximately one hour later. They told the protesters that they could not demonstrate on the property or use their bullhorns.

I declare under penalty of perjury that the foregoing is true and correct. Executed January 9, 2008 in Des Moines, Iowa.

Frank K Forrester

Frank Forrester
January 9, 2008

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THE MILITANT

Vol. 71/No. 30 August 20, 2007

Rightists picket Iowa Militant Labor Forum

(front page)

BY FRANK FORRESTAL

DES MOINES, Iowa—More than two dozen rightists picketed the July 20 Militant Labor Forum here, carrying signs saying “Deport Illegal Aliens” and “We Are Americans.” The forum, titled “Stop the raids! Legalize all immigrants now!,” was organized to protest the recent *migra* arrests of workers at the Swift plant in nearby Marshalltown.

Many of the pickets wore yellow Minuteman t-shirts. They chanted anti-immigrant slogans on bullhorns and waved placards at passing traffic. Among the pickets was the Iowa Minuteman Civil Defense Corps director, Craig Halverson.

The forum was part of a weekly series of workers’ political meetings organized by supporters of the *Militant* newspaper here. It had been publicized in the local media.

The rightists were campaigning for Colorado Congressman Thomas Tancredo, who is running for the 2008 Republican Party presidential nomination. They parked a large truck plastered on both sides with a Tancredo campaign sign in front of the forum hall. The sign read, “End Illegal Immigration, Secure Our Borders, No Amnesty, Pro-Life-Second Amendment.”

The rightists verbally attacked anyone who came to the event. A few approached forum supporters guarding the event, trying to provoke an incident. Others shouted provocations like “Where’s the militancy? We thought you were militant,” “Down with the Marxists, Communists, and Socialists,” “No to the Militant Labor Forum,” “Che is rotting in his grave,” and a slew of anti-immigrant remarks.

“As soon as I heard Minutemen were protesting the Militant Labor Forum, I got in my car and drove down to defend the meeting,” said Larry Ginter, a retired farmer. Ginter was one of several *Militant* subscribers who responded to calls from forum organizers to help prevent the Minutemen from making vigilante attacks on the meeting.

In recent months the Minuteman Civil Defense Corps has expanded its presence in the upper Midwest. In an interview in the *Cedar Rapids Gazette*, Halverson described the group as “retired military, retired police officers. Just good, strong American citizens, patriotic. They’re tired of seeing what’s going on, and they’re tired of the government not enforcing the laws.”

One of the central goals of the outfit is to finger immigrants for *la migra*. “The Minutemen want to identify illegal aliens, who employs and houses them, and demand that the government and law enforcement agencies enforce immigration laws,” he said.

“Earlier this year the Minutemen were outmobilized by the Latino community in Denison, a rural meatpacking town in western Iowa,” said Helen Meyers, organizer of the Militant Labor Forum series here. When Minutemen and other rightists organize protests against immigrants, supporters of legalization should counter these actions and show their support for amnesty, she added.

15-4

Related articles:

[Socialist Workers Party launches Iowa campaign](#)

[Candidates call for legalization, respond to rightist picket of workers' meeting](#)

['Militant' supporters fan out across Iowa](#)

[Front page \(for this issue\)](#) | [Home](#) | [Text-version home](#)

Exh. 16 - 1 page

DECLARATION

I, Becky Ellis, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the Socialist Workers Party, 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 September 5, 2008, I listened to a message that was left on the Twin Cities Socialist Workers Campaign Headquarters phone saying, "You moron assholes. Don't you know that socialism has been proved to not work? Get with it you moron assholes".

I declare under penalty of perjury that the foregoing is true and correct. Executed in St. Paul, Minnesota, on September 17, 2008.



Becky Ellis
September 17, 2008

Exh. 17 - 1 page

DECLARATION

I, Kevin Dwire, 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 Saturday, September 6, Laura Garza and I were staffing a Socialist Workers Party campaign literature table in Central Square of East Boston. A woman and her daughter walked past the table. After reading the sign calling for "Legalization Now" for undocumented workers, she said in a loud voice, "That table ought to be set on fire!" Her daughter asked why, and she said "They're for those immigrants."

I declare under penalty of perjury that the foregoing is true and correct.
Executed on October 12, 2008 in Boston, Massachusetts.



Kevin Dwire
October 12, 2008

Exh. 18 - 1 page

I, Margaret Trowe, 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:

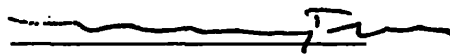
In the week leading up to a meeting in Boston to benefit the Militant Fund featuring Arrin Hawkins speaking on "Cuba and the Coming American Revolution," I sent announcement of the meeting to act-ma, a service organized by volunteers to publicize political events in the area. The announcement, which was distributed to act-ma's 600 subscribers, mentioned that Hawkins was Socialist Workers candidate for vice president in 2000.

Shortly after my announcement was sent out, I receive this e-mail reply:

From: Robert Tulloch <tultalk@attglobal.net>
Date: 2005/05/05 Thu PM 01:07:54 EDT
To: margaret.trowe@verizon.net
Subject: Cuba

Cuba? What are you, an idiot? Get out of MY country and spend your days in Socialist heaven.

I declare under penalty of perjury that the foregoing is true and correct.
Executed May 17, 2005



Margaret Trowe

May 17, 2005

Exh. 19 - 2 pages

DECLARATION

I, David Arguello, 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 was the Socialist Workers Party candidate for U.S. Congress from San Diego in 2006. While I was a candidate, I made a fact-finding trip to Cuba, where I participated in educational activities concerning the publication of a book by Pathfinder Press highlighting the efforts of Chinese-Cubans to win equality and freedom before and through the revolution.

2. On May 16, 2007, two men visited the home I shared with my mother. They identified themselves as agents of the FBI and presented laminated cards identifying them as FBI. They tried to bait me with accusations of advocating violence, saying "we received from an anonymous source information that you might advocate violence against the government of the United States" and said that they wanted to question me.

3. I informed the agents that I was the 2006 Socialist Workers Party candidate for U.S. Congress, that I visited Cuba legally, and that my political efforts were aimed at public education and to win adherents to socialism.

4. They asked me questions about whether I supported unionization of the place I worked, Taylor Guitars. "Why do you work at the guitar factory," they asked. "Do you like working there? Is it union? Have you tried to start a union?"

5. After asking some questions about my childhood and education, they attempted to pry more into my trip to Cuba while I was running for office. They asked "Who did you have contact with? Who in the government? Where were you taken? Did you meet Fidel Castro?"

6. They asked me if I had heard of Luis Posada Carriles, who is a murderous opponent of the Cuban revolution who has blown up Cuban airplanes and set bombs at Cuban hotels. I said that he should be extradited to Cuba where he could face charges for these crimes.

7. In another effort to bait me with charges of advocating violence, they said to me, "So if someone at your meetings were to stand up and say, 'I'm tired of all this talk, let's take some action,' what would you say."

8. I replied that I ran for Congress I presented my views publicly. My campaign and the views of the Socialist Workers Party are printed every week in the Militant newspaper."

9. I added that in fact it was the FBI that had broken the law to spy on and harass members of the SWP. "The organization I belong to has faced harassment and disruption by the FBI and won a federal lawsuit holding them liable for decades of spying, wiretapping, and Cointelpro disruption operations."

10. The agents ended their interrogation by telling me they might want to talk to me further later on. They said, "We'll call you if we need to." The interrogation lasted roughly one-half hour.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 23, 2008 in San Diego, California.



David Arguello
October 23, 2008

Exh. 20 - 44 pages

DECLARATION

I, Lisa Potash, 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 October 28, 2005, I was fired by Hormel Meats Corporation, located at 3367 Montreal Industrial Way in Tucker, Georgia. The company's 'Notice of Separation' stated that I was "probationary - no misconduct". In fact I had worked two days more than the ninety-days probation period specified in Hormel's 'Notice of Hiring', which I was required to sign on my first day of employment there, and therefore was no longer 'probationary.'
2. At the time I was fired, I was the SWP candidate for the office of president of the Atlanta City Council and was listed as a candidate on the ballot for the November 8, 2005 municipal election. The *Atlanta Journal Constitution* daily newspaper printed an article on October 20, 2005 about my campaign, in which I explained the SWP platform for workers' rights, solidarity, and strengthening unions in response to the employers' offensive against working people and deterioration of life under capitalism. The article included a portrait photograph of me. In addition to other printed articles in which I was mentioned, I was included in that newspaper's *'Election 2005: Candidate Guide'*, published in its October 27, 2005 online edition.
3. The SWP campaign publicly protested my firing and demanded my reinstatement. The *Atlanta Journal Constitution* ran an article on November 17, 2005 about my firing, noting that I was the SWP candidate for president of the Atlanta City Council at the time I was terminated and that I'd subsequently received 11% of the vote. I included the firing in my remarks, on record, to an Atlanta City Council public hearing November 7, 2005, and on Election Day I sent the SWP press statement and my November 8 open letter to Hormel protesting the firing to the president of the Atlanta City Council.

Local 1996 of the United Food and Commercial Workers union filed a grievance to reverse the firing because it was a violation by the company of the seniority clause in its contract with the union. Coworkers circulated a petition at Hormel demanding that the company reinstate me. The union's grievance was upheld in arbitration. I was returned to work at Hormel on August 7, 2006 and received all back pay and benefits from the date I was fired.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on February 6, 2007.

Lisa Potash

Lisa Potash
February 6, 2007

State of Georgia, County of Fulton Sworn and subscribed before me on

February 6, 2007, Eleanor J. Bockman, Notary Public

My commission expires October 2009.

**HORMEL FOODS CORPORATION AND
UNITED FOOD
AND COMMERCIAL WORKERS
AFL-CIO (LOCAL 1996)**

**THE DISCHARGE OF MS. LISA POTASH
(FMCS CASE # 06027-53461-3)**

DATE OF GRIEVANCE: NOVEMBER 7, 2005

Hearing Date: April 13, 2006

Date of Briefs: May 22, 2006

Date of Decision and

Award: July 5, 2006

Arbitrator: Edward C. Johnson, Ph.D. - FMCS

PART 1 - INTRODUCTION

1

Case number 60207-53461-3 was assigned to me by means of the procedures of the Federal Mediation and Conciliation Service.

Mr. James D. Fagan, Jr., an Attorney for the Union wrote a letter dated February 10, 2006, noting my selection as arbitrator by the Parties. Mr. Fagan and I used telephone conversations to arrange the date of the Hearing at the convenience of all the Parties (April 4, 2006).

The Parties are the Hormel Foods Company and the United Food and Commercial Workers, AFL-CIO, Local 1996, Atlanta, Georgia.

This case addresses the termination of Ms. Lisa Potash, a Utility Worker. She was hired on July 29, 2005 (F), and terminated on Thursday, October 28, 2005.

I asked the Parties early in the Hearing to clearly delineate the issue(s) I was to decide. There was open discussion between Mr. Fagan and Mr. Thomas Nuss, the Company Attorney, Austin, Minnesota. Mr. Fagan volunteered, and then composed, in longhand, a precise statement of the issues; and Mr. Nuss accepted Mr. Fagan's work.

"1. Whether Lisa Potash was a probationary employee at the time of her dismissal on October 28, 2005?

2. What is the appropriate remedy?"

We convened the hearing at about 9:00 AM, and ended our work together about 1:48 PM, Thursday, April 13, 2006.

Each of the Parties gave me permission to tape record the Hearing to support my research, study, and writing. (The tapes are for the use by the Arbitrator only).

(Part 1, con't.)

Each of the Parties prepared Briefs, and sent the directly to me with a copy to the other Party. The Briefs were dated May 22, 2006, as agreed.

There were only two (2) witnesses: Mr. James Swearingen, Manager, Human Resources for the Hormel Plant, and Ms. Potash, the grievant.

PART 2 - POSITION OF THE UNION

Mr. Fagan, the Union's Attorney, submitted a Brief of 16 pages.

My practice is to read, study and interpret the Briefs; and then to render them in my own words. I find this approach forces and helps me to fully identify each Party's positions, real and valid facts, and issues of the case; and helps me to follow the logic and reasoning of the advocates as they address and analyze the issues of the case.

Mr. Fagan coined the statement of the issues of the case; and that rendering was accepted by Mr. Nuss for the Hormel Company. (See Part 1 - Introduction).

If Ms. Potash was not a probationary employee as of October 28, 2005 (Thursday), the termination was improper. If Ms. Potash was "other than a probationary employee", (a "permanent employee"), she was not legitimately vulnerable to the summary termination of October 28, 2005 (Thursday), as effectuated by the Company. If Ms. Potash was "other than a probationary employee", she would deserve to be reinstated to her job and her full seniority restored. Also, Ms. Potash would deserve to be made whole for all appropriate entitlements, most notably pay and employee benefits that were denied by means of the improper act in terminating her.

Mr. Fagan puts forth Article XIV, Seniority, from the Contract, paragraphs 1, 2, and 3. (See End Notes for exact Verbiage).

Ms. Potash was hired on July 29, 2005, along with fifteen (15) other new employees.

The Company's practice in the orientation of such new employees included a requirement that each must sign a Notice of Employment. (See End Notes for the exact

verbiage). Also, Mr. Swearingen, Manager, Human Resources, read aloud the whole of the Notice of Employment to the assembled new hires. A key part of that Notice of Employment reads: ---"your employment is subject to a 90 day probationary period, during such time you are considered a temporary employee." The Form notes such employees will be evaluated weekly and may be replaced at any time. In this early period, probationary employees acquire no benefits and privileges. These employees are required to sign the Notice, and thus agree to the stipulations of the Notice. The Notice went into Ms. Potash's permanent personnel file and a copy went to the Union.

Ms. Potash was not evaluated systemically and clearly each and every week of her employment. It was common for supervisors to have her sign the Evaluations, with no relief or no interruption of her ordinary, continuous duties.

The method of evaluating Ms. Potash, as effectuated, did not allow her to gain genuine understanding of where she stood with Hormel; nor did the process let her know the standards for assessment and how they might be recorded and used. On more than one (1) occasion, she was handed two (2) forms at one (1) time to be signed. Ms. Potash asked for copies of the evaluations more than once, and these requests seem to have been ignored. Such an evaluation process hardly provides for meaningful communication between supervisors and conscientious workers, especially those vulnerable to unexplained actions against the workers.

Ms. Potash was told to go to the office of Mr. Swearingen, Manager, Human Resources. Thus, at the end of her shift, Thursday, October 28, she was told of her

(Part 2, cont'd)

5

termination. When told of her termination, she asked for a union steward and was told she was not entitled to such representation. However, after a time, Mr. Swearingen relented, and brought in a steward to be with her.

Ms. Potash applied for unemployment insurance on November 23, 2005. The official response by Hornel noted her probationary status, and mentioned, "no misconduct."

The Contract specifies that the probationary status of a newly hired worker cannot exceed three (3) months; and also allows for termination for any reason within the probationary period. In contrast, the required Notice of Employment clearly states 90 days as the maximum period for probationary status of new employees. The Notice of Employment states that after the 90 day period the worker is to be a permanent employee.

Mr. Swearingen's practice was to read the Notice of Employment aloud during the orientation of the new employees, their first day of hire. The Union contends this orientation details and specifies 90 days, and this action in orientation sessions represents a Company commitment; it also brings an expectation that is most important to the workers affected.

The testimony established that the Notice of Employment had been in use, unchanged, since about 2000. This consistent, ongoing usage for about five (5) years established this document and makes such usage and application of the Notice a past practice.

Counting the first day of employment, July 29, 2005, and the last day of

employment, October 28, 2005, Ms Potash worked through a period of at least 91 days. yet permanent employee standing and entitlement were denied to her. The difference between the phraseology of "Three (3) months" in the Contract, and the "ninety days" of the Notice of Employment is a matter of basic importance to the affected workers. The disparity, inconsistency, variance is the work of the Company, and they should be accountable for its existence and repercussions.

Ms. Potash was conditioned to expect permanent employee status and the related entitlements, as of October 26, 2005; yet even as of October 28, 2005, the Company's actions against Ms. Potash voided her rightful employment status and entitlements, denied these standings to her. As of October 28, 2005, she had been employed for 92 days (she was paid for her work on July 29, and October 28). Ms. Potash deserves to be reinstated, with full seniority credit and standing; and to be made whole for appropriate wages, benefits and entitlements.

She should be designated as a permanent employee.

PART 3 - POSITION OF THE COMPANY

7

Mr. Nuss' Brief is twelve (12) pages in length.

I will try to distill and explicate the work of Mr. Nuss on behalf of the Company, in my own words.

I use this approach as it helps me to focus and discipline myself as I read and study the work of an advocate.

The Company believes the Working Agreement is the controlling, compelling source specifying and instructing the relationships of the Parties. The Notice of Employment signed by each new employee was erroneous in noting 90 days as the probationary, trial period for new employees. Despite the use of the Notice by the Company, the instant case is the first express challenge about its use. The Union has never questioned the appropriateness and integrity of the Notice of Employment.

The Working Agreement goes back to the Parties' negotiations of 2000. Thus, the application of the Agreement's provisions is an established practice. The present case relates to the application of Article XIV, paragraphs 1, 2, and 3, Seniority. The time span for probationary employees, the temporary status of such employees, is clearly and precisely noted as three (3) months in Article XIV.

The relationships of the Parties cannot be legitimate if they violate the Agreement, per se.

The subject Notice of Employment is merely a collateral, ancillary document. The Notice contains a clerical, administrative error, and such an inferior source cannot shadow, nor limit the clearly stated, prevailing power of the Working Agreement. "Ninety

(Part 3, con't.)

8

days" should not prevail over "three months."

The probationary period for Ms. Potash, the grievant, a period of three (3) months, is the same as for all such employees since about 1999.

(Arbitrator's note: See basic documents, sources, excerpts in my End Notes for exact quoted verbiage)

The Arbitrator is bound and constricted by the Agreement, and thus he should deny the grievance.

(The supervisors of Ms. Potash had no faith in the skills of Ms. Potash, relative to the requirements of her utility assignments. Thus, it would hardly be useful or appropriate to return her to the Plant environment).

"The law requires that in interpreting a contract we give a reasonable, lawful and effective meaning to all manifestations of intention by the parties rather than an interpretation which leaves a part of such manifestations unreasonable or of no effect." Rice v Huff, 472 S.E. 2d 140, 142 (Ga. App. 1996).

The explicit language of Article XIV, paragraph 1., "all", "shall", "three month", probationary period should be heard/see and honored.

The Union's emphasis on one line in Article XIV cannot be allowed to negate the integral and inclusive rigors of Article XIV.

Arbitrators have recognized and respected the prevailing power and efficacy of specific, clear, compelling contract language.

"If the language is ambiguous, then it may be necessary to examine past practices

(Part 3, con't.)

or other relevant circumstances of the parties' continuing relationship to understand the context of the disputed provision." (Lower Umpqua Hospital, 120 LA 1217 (February 5, 2005). Also (UAW-Legal Services Plans, 119 LA 1217 (January 4, 2004). "Past practice can be used to modify otherwise unambiguous language - Arbitrators have, on some occasions, determined that past practice overrides contractual language.").

The Company believes the explicit, clear language of Article XIV, Seniority, supports the use of the three (3) month period. Moreover, the long-term, ongoing application of the "three month period" is a past practice of several years' standing. Thus, the Working Agreement, as applied October 28, 2005, is consistent with what the Company has done since 1999, or so, about probationary employees like Ms. Potash.

The Company has been consistent in its actions; and these actions honor the verbiage of the Working Agreement.

The Company believes the Arbitrator has no basis for affirming the grievance of Ms. Potash.

The grievance should be denied.

PART 4 - DISCUSSION AND ANALYSIS

10

The Parties agreed at the hearing to the following statement of what I should address and arbitrate:

- "Whether Lisa Potash was a probationary employee at the time of her discharge on October 28, 2000?"
- What is the appropriate remedy?"

I have studied the briefs of Mr. Nuss and Mr. Fagan. I have reviewed and analyzed the dialogue and testimony on the tape recordings I was allowed to make on April 13, 2006. I have reviewed the relevant, cited cases and arbitrators' reports, noted by the advocates.

I spent a lot of time and effort researching and studying a substantial number of cases that treat subjects basic to the Hornel Case. I was impressed by the number of kindred cases I found. Moreover, there is a wide range of cases, related contracts and sources. The variety and subtlety of these cases are daunting, and these reports come from a wide range of arbitrators. Since the various contracts contained different language, each case seems to have peculiarities and defining circumstances that offer unique insights.

This variety would seem to defy generalizations.

In his brief, Mr. Nuss cited the differences in language reflected in the Working Agreement and the Notice of Employment. He defended the primacy of the Working Agreement and seemed to minimize the standing of the Notice of Employment; he sees it as of only derivative importance. He answers that the Working Agreement is foundational and compelling about the basic dealings between the Parties. The Notice of Employment

(Part 4, con't.)

11

and its acknowledged errors and deficiencies do not enhance or strengthen its relative significance; the "90 days" of the Notice of Employment should be inconsequential compared to the "three months" of the Working Agreement.

I have trouble accepting the assessment of these documents as presented by Mr. Nuss; after all, a "notice of employment" is mentioned quite early on in Article XIV of the Working Agreement, Seniority. Moreover, it seems clear to me that a lot of attention was paid to the Notice of Employment in the orientation process as effectuated by Mr. Swearingen, Manager, Human Resources. I do not recall any emphasis on orienting new employees at the Hormel plant about the Working Agreement. Was this merely an oversight?

What is done in this regard?

Mr. Nuss seems to impugn and shadow the work of the grievant, Ms. Potash. I recall early in the hearing, Mr. Nuss and Mr. Fagan openly agreed and declared that the hearing would focus on these limited issues I quoted just above. Moreover, Mr. Nuss said that it would be acceptable and appropriate for Mr. Fagan to release any witnesses waiting to take part in the hearing whose testimony would bear on considerations of performance by the grievant, Ms. Potash. Thus, why is there any mention of relative performance offered up by management?

In Article XIV, Agreement, and in the language of the Notice of Employment, I understand the language as saying that after the appropriate period, 90 days or three months, employees attain permanent status. I do not find any suggestion that any

(Part 4, con't.)

12

employee initiative, declaration, paperwork, or individual action must be effected to gain permanent employment status once the "appropriate" time dimension is reached. Thus, time passage prevails, apart from some initiative or communication coming from the management side. The employer must act, and act in a timely fashion to obviate or forestall the permanent employment status once the appropriate time standard is attained.

I understand the position of management to be that Ms. Potash had ample notice, clear notice and information, so that her termination by Mr. Swearingen, Manager, Human Resources, should not have been a surprise. Thus, she should have known that she could be vulnerable to such management actions until October 28, 2005. I am quite skeptical.

I understand seven (7) weekly evaluations were made of the work of Ms. Potash (Company Ex. #7; 7 pieces). Union Ex. #5 reproduces a calendar for the year 2005. I count thirteen (13) weeks of employment for Ms. Potash (July 29, 2005 to October 28, 2005). In addition, Ms. Potash described a process of evaluation in which she was told to sign the Evaluation Forms in the midst of her ongoing work at the very end of her shift or duties. Moreover, Ms. Potash testified that she asked for copies of the Evaluations and such forms never came. She also said the Evaluations were given to her at least once, two (2) at a time. If these statements are true, they do not represent timely, appropriate actions by her supervisor(s). I find it difficult to give standing or credence to management "Evaluations" that evidence such insensitivity and inept "management" administrative

(Part 4, con't.)

13

practice.

I thought Ms. Potash came across as an intelligent, credible witness.

In Mr. Nuss' references to the law and arbitration case citations, his chosen citations, reveal both sides of questions about the relative power and/or primacy of the contract verbiage as compared to other considerations. One side affirms the primacy of exact contract language; and the other side may (in his choices, samples) rationalize the relative power, influence of past practice, and/or immediate related circumstances.

In my research and study for this case, I ranged widely. I was struck by the variations among parties' contracts, circumstances and arbitrators. I read a substantial number of cases, hoping to get an informed sense of the relative power and/or influence of the apparent contract stipulations, perhaps as contrasted to "past practice."

Now, I will examine several cases that seem to shed light on these matters. The references I studied usually were found under categories like, "Seniority," "probationary workers," "temporary workers."

Arbitrator Sugarman worked the case of Lapeer County (Michigan) and Local 1421, American Federation of State, County and Municipal Workers, 1997 (108 LA 1086, 1088).

A worker had been paid for 90 days, although she had worked only 83 days. This disparity resulted from vacation pay, accrued sick days, holidays, and such. Then she was terminated.

(Part 4, con't.)

14

The grievance was denied by Arbitrator Sugarman. He resisted the Union's positions because of several factors; seemingly, the chief factor was his reluctance to exceed his authority to shadow or alter the work of the parties. Really, in this instance, there was flawed communication between the county commission and the clerk that carried out the kindred procedures. The Union emphasized past practice. The Arbitrator felt if the parties had intended to recognize "90 days paid," per se, as compared to "90 days worked," physically at their station, the contract would have clearly stipulated such a norm. The contract noted "90 days." The Union position would have made a worker vulnerable to discharge only if the situation met "just cause" criteria (and, presumably, "just cause" established only through the grievance procedure).

In this case cited above, the contract language was more explicit than is the Hornel Agreement. "Days" (or months) are not particularized as to calendar days versus explicit numbered days (such as 90 or 100 days) in Hornel's Working Agreement.

Avis Rent-A-Car is a major reference in the areas of our interest. (Arbitrator Shanker, Avis Rent-A-Car and Teamsters, Local 293. (107 LA 197-203, 1996)). This case is routinely cited for reference by a variety of parties, about issues of "probationary" workers or status. A worker was discharged after 63 days. The contract norm was 60 working days. This case treats a number of tedious, subtle circumstances, peculiar and atypical. The worker had pending court charges as he applied for a job. The formal charges were established by the court after this individual actually came to work.

(Part 4, con't.)

15

Arbitrator Shaker reversed the discharge, yet stipulated only limited compensation, back pay (50% of net pay). The charges addressed the suspect's use of narcotics.

AAA Case 14 30 079 66 was very useful as I considered the Hornel case.

(Washington-Baltimore Newspaper Guild, Local 3 and A.S. Abell Company, 1967.

Arbitrator T. Kennedy. (49 LA 264-266)).

The contract allowed for summary, immediate discharge only during an initial probationary period, "3 months." Even then, the Guild is to be officially notified of the management action. Discharge for other, more ordinary offenses, situations, for short term employees requires, necessitates "just and sufficient cause." The employee was hired on September 1, 1966. She was terminated on December 1, 1966. Management said the decision to release the worker was made on November 28, 1966. Management scheduled her off, an ordinary "off-day", on November 30, 1966. She was allowed to work a full day on December 1, 1966, and was paid for the work of December 1, 1966.

The arbitrator ruled in favor of the Guild, and the discharge was disallowed; it was not legal. She was restored to her job and made whole, including compensation and seniority. The Arbitrator said the Company could have discharged a "temporary employee" as had been done. Actually, The Company could discharge a regular employee only if there were "just cause." Management was late, tardy in this action beyond 90 days of employment. The initiative by management was not in keeping, compatible with the Contract stipulations. Also, in any case of discharge, an official notification must be

provided to the Guild, and that was not done. Management argued that they were being victimized even as they attempted to use "progressive" techniques. In this case they had honored the idea of dealing with the worker, face to face, in private. Moreover, management wanted to avoid any tedium or embarrassment that might have ensued had she been discharged before beginning the work day.

In brief, synoptic form, the next reference case presents a clear, vivid, notable contrast to the other cases I have reviewed earlier

Bergen Machine and Tool Company and the International Association of Machinists, AAA case number L-442043-Phi-L-594-64, 1965. Arbitrator W. Roy Buckwalter. (44 LA 301,304).

An employee was hired on June 15, 1965, and discharged on July 22, 1965. The Arbitrator interpreted "30 days", as work days, not calendar days. The Company also argued that vacation days were not to be credited as time worked. Also the Company argued that the management rights clause would support the Company initiative against the worker. The worker had shown limited capacity or initiative to learn the requisite skills of the position for which he had been hired. The Company's discharge action was upheld in arbitration.

As I began Part 4, Discussion and Analysis, I commented about the large number of cases treating "Seniority," or "Probationary Employees." In these chosen synopses I have presented, I sought to present a telling variety of cases with regard to contract

(Part 4, con't.)

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language, time dimensions, kindred language, the circumstantial dimensions, the meaning perhaps captured about "past practice" or related events, realities. I have other cases in mind, yet some cases reveal rather exotic, peculiar situations and circumstances, and, thus, have less help and insight to offer.

The amalgam of "probationary employees" and related employment matters is complex. Many factors such as time dimensions and seniority, mix, entangle and interweave. Altogether, a sampling of cases reveals numerous combinations, permutations of total circumstances, the history of the particular parties to collective bargaining, and the subtleties of contract (or, lack of appropriate subtleties) language are in the arbitral record.

With these factors in mind, I return to the specifics of my assignments in the Hormel case, the Company, the Union, and the grievant, Ms. Potash.

- "1. Whether Lisa Potash was a probationary employee at the time of her dismissal on October 28, 2005?
- 2. What is the appropriate remedy?"

I think Ms. Potash was a regular employee as of October 28, 2005, not a probationary employee. Thus, I think the Company's action in discharging her was unacceptable. As of that date, she had been employed for 92 days. The stipulation about time in the Notice of Employment was 90 days. Thus, a legitimate, appropriate discharge action would necessitate "just cause" grounds for action against her. (Accordingly, would

(Part 4, con't.)

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that also compel the processing of the matter through the rigors of the grievance procedure?).

The Company offered limited evidence that a "past practice" had been established for the application of the "three month" language in the Working Agreement. I do not feel the Notice of Employment can be totally subordinated in this total set of circumstances. This does not mean I disregard the Working Agreement in any generic sense, any universal sense, through all different circumstances, situations. I am quite mindful of limitations to my authority.

Among other matters, there was no evidence to indicate the Working Agreement had been introduced or explained to Ms. Potash or to other new employees. In contrast, the full evidence especially the testimony of Mr. Swearingen, Manager, Human Resources, showed that he routinely went into substantial detail about the Notice of Employment, the explicit language and the implications for all the workers. (As I recall, Ms. Potash was one of about sixteen (16) employees hired on July 29, 2005).

The Company emphasized the responsibility of Ms. Potash and other new employees to know their status relative to the three (3) month stipulation of the Working Agreement. However, management offers little evidence of arranging or providing any education, orientation about that Document.

Overall, I question how well informed Ms. Potash was, generally, about her employment status and work standing in the estimation of her supervisors. Ms. Potash

(Part 4, con't.)

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described the dealings she had with supervisory personnel, and it was hardly a process that would gain kudos as a model for productive, humanistic dealings between management and the workforce. Moreover, we do not know how and when the decision was made not to retain Ms. Potash. Would it not have been appropriate and helpful to all parties, practical, as well, to notify her earlier than October 28? Does this indicate administrative oversight, laxity?

I can see how the "90 day" norm of the Notice of Employment would register quite strongly with Ms. Potash. Again, how does a "typical" new employee gain and possess knowledge of the Working Agreement and its implications for their working lives at Hormel?

Clearly, the evaluation of Ms. Potash by management personnel was intermittent, untimely and limited. It is vividly clear that management folk did not communicate the particulars about her status to Ms. Potash in a reasonable way, a timely and informative way.

The Notice of Employment contains the phrase: "During your probation you will be evaluated weekly by your supervisor and can be released at any time for any reason during that period." This systematic evaluation was not done with Ms. Potash. Also, does the stipulation about evaluation imply some real, effective communication with the employees? I suspect that any informed commentary about effective leadership and supervision of others would highlight the need for good communication skills.

(Part 4, con't.)

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A good attentive ear and reciprocity with the workers is laudable and necessary if meaningful communication is to come about.

The author is responsible and accountable for ambiguities in that language. Omissions, oversights or errors are attributable to the composer. In arbitration, the principle prevails to protect or shelter the worker/grievant from harm that might come from flawed and ambiguous writing.

The Notice of Employment is clearly anticipated, early on, in Article XIV, Seniority, a major section of the Working Agreement.

I think an inclusive, comprehensive analysis of this case will support the expectations of Ms. Putash; she was a regular employee as of October 28, the day of her termination. The way she was discharged is not compatible with the Notice of Employment. This document was her primary source of information about the details of her work relationships with Hormel Foods up to that moment. I think it was reasonable and appropriate for her to assume her status as that of a permanent employee after October 26. In that status she could have been terminated only on the basis of cause (and presumably, the attendant rigors and processes of the grievance procedure).

PART 5 - DECISION AND AWARD

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Ms. Potash should be restored to her job.

She is to be given seniority effective the day of her original employment, July 29, 2005.

The Grievant is to be made whole for new lost earnings. (I will leave it to the Parties to calculate the appropriate numbers and put these figures into effect).

Ms. Potash is to be given her appropriate benefits and entitlements.

I ask the Parties to inform me as to how these details, dimensions of "wholcness" are mutually resolved. Meanwhile, I will retain jurisdiction of the Case until I am informed of the satisfactory completion of these matters. (I need not be informed of the details; only the mutual word of the Parties that the award has been effectuated).



Edward C. Johnson, Ph.D.

Arbitrator, FMCS

July 5, 2006

END NOTES:**ARTICLE XIV - SENIORITY (from Working Agreement)**

14.1 The Company may hire probationary and temporary employees, provided such employees are expressly informed at the time of hiring of their probationary or temporary status. A notice of employment, stating that employees are hired on a probationary or temporary basis shall be given to the employees and a copy shall be sent to the Union. Employment as a probationary employee shall not exceed three (3) months. However this period may be extended by mutual agreement. Employment as a temporary employee shall not exceed beyond three (3) months. The purpose of such employment is to permit the Company to supply its temporary or emergency needs. Any probationary or temporary employee whose employment continues after the initial three (3) month period shall thereupon at once be considered as employed on a permanent basis.

14.2 Seniority shall be continuous from first day of hire; however, all new employees shall have a probationary period of three (3) months after which they will be placed on the seniority roster and their seniority date will be from the date of hire. Temporary employees acquire no seniority rights.

14.3 There shall be no responsibility for re-employment of probationary employees if they are discharged or laid off during the first three (3) months of employment.

NOTICE OF EMPLOYMENT

To _____

You are being employed by the Hormel Foods Corporation. Your initial hourly rate will be \$11.60 with a guarantee of 36 hours per week. Your employment is subject to a ninety (90) day probationary period during which time you are considered a temporary employee. During your probation you will be evaluated weekly by your supervisor and can be released at any time for any reason during that period.

If you complete your probation and your employment is approved you will be placed on the seniority roster with a seniority date of your date of hire. At this point you will be considered a permanent employee with all rights and privileges outlined in the Working Agreement.

If, during your probationary period your employment is disapproved by Management, you will have acquired no rights or privileges.

Tommy Swearingen
Personnel Manager
Hormel Foods Corporation

I understand and agree to the above terms and conditions of employment.

Employee

Date

Cc: Jim Steele
John Bogans
Henton Akridge
File

ELECTION 2005

ATLANTA CITY COUNCIL PRESIDENT

Borders campaigns hard to win first complete term

By ERNIE SUGGS
esuggs@ajc.com

What a difference 14 months makes.

When she was last on the campaign trail, Lisa Borders was a relative political unknown facing three former city councilmen for the top spot as Atlanta City Council president. She ended up beating Michael Julian Bond in a tough runoff.

Now, after guiding the City Council, she appears headed for a full four-year term given her current competition.

Still, Borders, who has raised more than \$700,000, is campaigning just as hard as

she did last year.

"I am campaigning a lot because I want folks to understand that I am trying to earn their trust and confidence," Borders said. "I want to sustain their confidence."

Borders, a senior vice president with Cousins Properties, had never run for public office before 2004, when she ran to replace Cathy Woolard, who left to run for the U.S. House.

"People were concerned if I had the fortitude to do the job — if I understood the political landscape," said Borders, who in her position at Cousins deals with government relations. "I already had significant interest and experience. I

was working with politicians and going to community meetings."

As president, Borders, 47, has spent a lot of time making speeches, cutting ribbons, shaking hands and, perhaps most important, bringing civility to the City Council.

"The biggest challenge has been honing down my own interests. Where can you make the greatest impact?" Borders said. "Clearly I have the bully pulpit. I am the No. 2 person in the city. When I speak, people are willing to listen. They may agree or disagree, but they will listen."

Borders, a self-declared "belline" person, said that for



Lisa Borders was elected City Council president in a special election last year.

the next four years she will concentrate on transportation, hiring more police officers in Atlanta and creating affordable housing.

"When you talk about bringing in new companies, you want people who are going to work and live in the city so that they don't have to commute," Borders said. "If you can have people in teaching, working, playing and doing everything in the city, the quality of life goes up. The middle America — policemen, firemen, teachers and nurses — needs to be able to live in our city."

Write-in Kates sets an agenda for reform

By ERNIE SUGGS
esuggs@ajc.com

Roosevelt Kates wants a reformed Atlanta.

The retired baker and financer, who goes by the name "Arch Bishop" Roosevelt Kates, is looking to change Atlanta with his write-in bid to become City Council president.

That includes streamlining government spending, providing community services, and protecting green space, Kates said.

"I also want to expand public transportation alternatives, provide affordable housing and, among other

control, reform public safety, reform economic development, reform the Georgia Lottery and seek religious reform," Kates said.

As a write-in candidate who hasn't raised any money for his campaign, according to his latest campaign finance report, the 66-year-old Kates knows that he is an underdog. He lost to defeat President Lisa Borders.

"But by me being a minister, I am well-known and I am walking on faith right now," said Kates, who has lived in Atlanta since 1987.

"It is up to the people. Once my name gets out there, they will know who I am."

Socialist candidate campaigns on broad concerns

By ERNIE SUGGS
esuggs@ajc.com

When she is running for City Council president, Lisa Potash has a recent conversation about her campaign, it took Lisa Potash about an hour to actually mention the name of the city she hopes to represent.

"I am running because I want to stimulate discussion about the future of the working class," said Potash, who is running as a member of the Socialist Workers Party. "Atlanta is part of the broader world. I am running to help promote these ideas and to be able to explain that the capitalist system offers no way forward. It's all one picture. I say that not to be evasive; I genuinely believe that."

So instead of narrow issues like the Beltline, more police



Lisa Potash says she is running because of concern about the future of the working class.

officers and affordable housing, Potash is pushing the Socialist Party line: campaigning on building a stronger labor party, getting troops out of Iraq, stopping land foreclosures and preventing the establishment of a National Identification Card.

"I believe that working people need to build a mass party based on a fighting trade union movement," said Potash, who works in a factory in Tucker. "What happened with the hurricane is that, probably, the Democrat is im-

COUNTDOWN TO NOV. 8 Campaigns in spotlight

The race to the Nov. 8 primary line is heating up. Each week South Metro will highlight leaders in several of the area's contested races. Go online for the scoop for more on the campaigns.

Republicans cannot and do not intend to run for the working class. Potash is a member of the United Workers Party, which she founded in 2004. She is running for the City Council in Ward 11, which includes the city's downtown area.

Atlanta's City Council is set to meet on Oct. 24 to discuss the city's budget and other issues. The council will also vote on a resolution to support the city's bid for the 2008 Olympic Games.

Gay rights group gives nod to Faucher

Atlanta's Gay, Lesbian, Bisexual and Transgender Community Center has given its endorsement to Dan Faucher for the City Council in Ward 11.

Faucher, a former city council member, is running for the City Council in Ward 11, which includes the city's downtown area. He is a member of the Atlanta City Council and has served on the City Council for several years.

The center's endorsement is a significant boost for Faucher's campaign. The center is one of the largest and most active LGBTQ organizations in Atlanta. Its endorsement is a strong statement of support for Faucher's campaign.

Election: Results could bring change

> Continued from p. 1

Incumbents William McClure and Earl Rust the PRIMA.

The complaints against Rust, McClure and PRIMA, filed last month by Ward 11 Councilman Lance Strickland, are now in the hands of the city's ethics board.

Faucher avoided being named in a formal complaint by leaving the 2000 race to help McClure.

McClure, who served two terms on the Atlanta-Fulton County Board, said he wants to continue the work during his first four years.

"We've gotten the city in a very attractive location and a lot of us are looking to move forward," said McClure. "I had an employment law consultant. A number of



William McClure is running for City Council in Ward 11.

McClure, who served two terms on the Atlanta-Fulton County Board, said he wants to continue the work during his first four years.

"We've gotten the city in a very attractive location and a lot of us are looking to move forward," said McClure. "I had an employment law consultant. A number of



Earl Rust is running for City Council in Ward 11.

Rust, who served two terms on the Atlanta-Fulton County Board, said he wants to continue the work during his first four years.

"We've gotten the city in a very attractive location and a lot of us are looking to move forward," said Rust. "I had an employment law consultant. A number of



Dan Faucher is running for City Council in Ward 11.

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"We've gotten the city in a very attractive location and a lot of us are looking to move forward," said Faucher. "I had an employment law consultant. A number of

Candidate says run got her fired

By **EMILY SWEENEY**
esweeney@ajc.com

Lise Potash ran for president of the Atlanta City Council to bring attention to the plight of the working class.

Now she says she got fired for it.

Just days before the Nov. 8 election, Potash was let go from her \$11,600-a-hour job as a utility worker in the procedural bacon department of Hormel Foods in Tucker.

The 53-year-old executive factory worker said she had been working at Hormel for 20 years and her separate notice indicated no misconduct.

"The reason I was fired is

because of my campaign, although Hormel will not likely ever admit that," said Potash, a member of the Socialist Workers Party. "My firing was not just an attack on me, but an attack on the right of all working people to participate in politics, including the right to campaign for public office."

Potash was one of three candidates for the post. She ran in the November election as an independent, looking to the left of the Democratic Party. She was one of three candidates for the post. She ran in the November election as an independent, looking to the left of the Democratic Party. She was one of three candidates for the post. She ran in the November election as an independent, looking to the left of the Democratic Party.

"The platform I presented

Fired: Candidate says run for office cost her job

>Continued from J1

spoke for the position that working people face every day in the United States," Potash said.

Potash received 12 percent of the citywide vote in the contest against popular incumbent Lisa Borders.

Jillie Carven, a national spokeswoman for Hormel, acknowledged that Potash was fired but would not delve into the specifics, citing personal confidentiality.

"But I can tell you that she wasn't fired because of her abilities or because she was running for office," Carven said.

from the company's Minnesota headquarters. "Hormel is in a very small town, and we have a number of employees who have run for political office and serve in offices throughout the country."

Potash has filed a grievance with her union, United Food and Commercial Workers Local 1996, and wants to go back to work.

"What I am doing now is fighting to get my job back," Potash said. "I would like to have stuff for working people and workers' rights. I look forward to getting back with my head held up high."

NOTICE OF EMPLOYMENT

20.-29

Atlanta Plant

Date: July 29, 2005

To Lisa Potash

You are being employed by the Hormel Foods Corporation. Your initial hourly rate will be \$11.60 with a guarantee of 36 hours per week. Your employment is subject to a ninety (90) day probationary period during which time you are considered a temporary employee. During your probation you will be evaluated weekly by your supervisor and can be released at any time for any reason during that period.

If you complete your probation and your employment is approved you will be placed on the seniority roster with a seniority date of your date of hire. At this point you will be considered a permanent employee with all rights and privileges outlines in the Working Agreement.

If, during your probationary period your employment is disapproved by Management, you will have acquired no rights or privileges.

Tommy Swearingen
Personnel Manager
Hormel Foods Corporation

I understand and agree to the above terms and conditions of employment.

Lisa Potash
Employee

July 29, 2005
Date

Cc: Jim Steele
John Bogans
Henton Akridge
File



State of Georgia
Department of Labor

SEPARATION NOTICE

1. Employee's Name LISA POTASH 2. S. S. No. 217-64-5134

a. State any other name(s) under which employee worked. _____
3. Period of Last Employment: From 7/29/05 To 10/28/05

4. REASON FOR SEPARATION:
a. LACK OF WORK
b. If for other than lack of work, state fully and clearly the circumstances of the separation: probationary - no record

5. Employee received payment for: (Severance Pay, Separation Pay, Wage-in-Lieu of Notice, bonus, profit sharing, etc.)
(DO NOT include vacation pay or earned wages)
_____ in the amount of \$ _____ for period from _____ to _____
(Type of payment)

Date above payment(s) was/will be issued to employee _____
IF EMPLOYEE RETIRED, furnish amount of retirement pay and what percentage of contributions were paid by the employer.
_____ per month _____ % of contributions paid by employer

6. Did this employee earn at least \$3,000.00 in your employ? YES NO If NO, how much? \$ _____
Average Weekly Wage _____

Employer's Name Hornell Foods Corp
Address Po Box 105038
(Street or RFD)
City Tucker State GA ZIP Code 30085

Employer's Telephone No. 770 908-4000
(Area Code) (Number)

Ge. D. O. L. Account Number 0502.3609
(Number shown on Employer's Quarterly Tax and Wage Report, Form DOL-4)

I CERTIFY that the above employer has been separated from work and the information furnished hereon is true and correct. This report has been handled or mailed to the worker.

Signature of Official, Employer of the Employer or authorized agent for the employer
[Signature]

Title of Person Signing
Personnel Mgr

Date Completed and Released to Employee
10/28/05

NOTICE TO EMPLOYER

At the time of separation, you are required by the Employment Security Law, OCGA Section 34-8-190(g), to provide the employee with this document, properly executed, giving the reasons for separation. If you subsequently receive a request for the same information on a DOL-1199FF, you may attach a copy of this form (DOL-900) as a part of your response.

NOTICE TO EMPLOYEE

OCGA SECTION 34-8-190(g) OF THE EMPLOYMENT SECURITY LAW REQUIRES THAT YOU TAKE THIS NOTICE TO THE GEORGIA DEPARTMENT OF LABOR FIELD SERVICE OFFICE IF YOU FILE A CLAIM FOR UNEMPLOYMENT INSURANCE BENEFITS.

SEE REVERSE SIDE FOR ADDITIONAL INFORMATION.

November 8, 2005

Open Letter To Hormel Foods Corporation:

I protest Hormel Foods Corporation terminating my employment only days before the Nov. 8 election. My firing is not just an attack on me but an attack on the right of all working people to participate in politics, including the right to campaign for public office. I am not a millionaire or backed by millionaires. Like the vast majority, I have to work for a living.

My campaign for Atlanta City Council president is the reason I was fired, although Hormel will not likely ever admit to that. I am the Socialist Workers Party candidate, with a fighting working-class platform. I am on the ballot. Over the last month my campaign has been covered regularly in the *Atlanta Journal Constitution*, and the *Atlanta Voice* and *Atlanta Daily World* carried stories about my campaign. I debated my opponent, Lisa Borders, in the televised League of Women Voters' forum, and participated in a candidates discussion on radio.

My campaign supports organizing unions where they don't exist, and strengthening them where they do, as well as solidarity between working people across the globe, including those here in the U.S. resisting attacks on wages, working conditions, health care and Social Security.

My union, United Food and Commercial Workers, Local 1996, is fighting for my reinstatement: my firing violates Hormel's contract with the union and is an attack on each and every worker.

Sincerely,

s/Lisa Potash



Support The Socialist Workers Party Campaign in 2005!



Lisa Potash (right) at September 24 march in Washington, D.C. to denounce U.S.-led war in Iraq.

Lisa Potash for Atlanta City Council President

The Socialist Workers Party candidates present a working-class alternative to the Democrats, Republicans, and other capitalist parties. Working people face an unrelenting offensive by the employers, who—driven by the need to reverse the decline in their profit rates—are intensifying speedup, lengthening work hours, eroding job safety, cutting pensions and health-care coverage, and endeavoring to undermine Social Security and break down class solidarity. The imperialist wars abroad by Washington and its allies, from Iraq and Afghanistan to others they are preparing, including threats against Iran and north Korea, are an extension of the war on workers and farmers at home.

The resistance today by working people to these assaults points to the road forward: to rely on our collective power and solidarity and organize independently of the capitalists and their parties to advance the common interests of workers and farmers worldwide. We need to build a revolutionary movement that will lead a fight by working people and their allies to take power out of the hands of the ruling billionaire class, establish a workers and farmers government, and join the worldwide struggle for socialism.

It's not who you're against. It's what you're for!

Contact us

Street Address: 2791 Lakewood Avenue SW
Atlanta, GA 30315

Mailing Address: P.O. Box 162515
Atlanta, GA 30321

Phone: 404-768-1709

e-mail: SWPAntonia@aol.com

Directions to the Campaign Headquarters: We are located in the Crossroads Shopping Center at the corner of Lakewood and Metropolitan near the Family Dollar Store. From the south, take I-75/85 and turn onto State 166 (Langford Parkway.) Take first exit (Lakewood / Metropolitan.) Turn right, then left into Crossroads Shopping Center.

By MARTA, get off at Lakewood Station.

Need a ride? Call us at 404-768-1709.)

Help us contact you -- clip and mail

Name _____

Address _____

Phone _____

E-Mail _____

I want to help work on the SWP Campaign

I want to contribute \$ _____ to the campaign

I will set up a meeting for one of the candidates

I want to subscribe to the SWP campaign paper the
Millitant at \$5 for 12 issues

Support The Socialist Workers Party Campaign in 2005!

Use Potash (left) as September 24 march in Washington, D.C. to denounce U.S.-led war in Iraq.

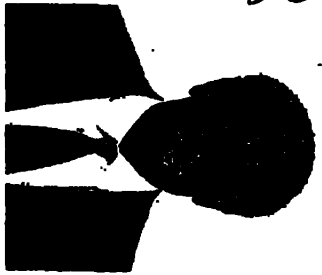
Lisa Potash for Atlanta City Council President

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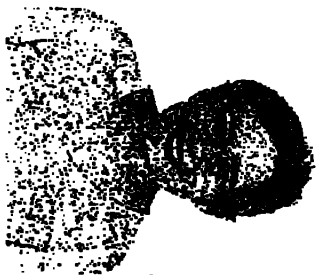
The resistance today by working people to these assaults points to the road forward: to rely on our collective power and solidarity and organize independently of the capitalists and their parties to advance the common interests of workers and farmers worldwide. We need to build a revolutionary movement that will lead a fight by working people and their allies to take power out of the hands of the ruling billionaire class, establish a workers and farmers government, and join the worldwide struggle for socialism.

It's not who you're against. It's what you're for!

About the Socialist Workers Candidates



James Harris, for Mayor of Atlanta
 James Harris, 57, is a textile worker and is active in working to strengthen the unions in "right-to-work-for-less" Georgia. Harris participated in a fact finding trip to Mississippi to learn about the social disaster faced by workers and farmers in the wake of the hurricane on the U.S. Gulf Coast and to demand massive and immediate government relief. He joined protesters demanding justice for 4 Blacks in Monroe, Georgia lynched in 1946. He was the Socialist Workers Party candidate for U.S. president in 1996 and 2000. For over three decades, he has brought a revolutionary perspective to the fights for Black rights, in mobilizations against imperialism and its wars, and in working-class politics.



Lisa Potash, for City Council President
 Lisa Potash, 53, is a meat packer in Atlanta, and a member of United Food and Commercial Workers, Local 1996. She has brought solidarity to workers on strike at Northwest Airlines who are fighting against job and wage cuts and is urging the unions and all working people to support their strike. Potash, who also visited Mississippi in the wake of hurricane Katrina, is demanding that those most in need of food, water, and housing not be treated like criminals. She supports a woman's right to choose abortion and participated in the massive march to Save Women's Lives in Washington, D.C. on April 25, 2004.



Eleanor Garcia, for City Council District 10
 Eleanor Garcia, 53, is a textile worker. On August 6, 2005, she marched with thousands of working people to extend the Voting Rights Act and to protest a new Georgia law requiring a photo ID to vote. This law will bear down hardest on immigrants, members of oppressed nationalities, and the elderly. The law is another anti-working class probe toward a national ID card. Garcia is active in the defense of the Cuban revolution and visited Cuba in 2002. She has worked to bring the truth about the Cuban revolution to workers and farmers in the U.S.

What the SWP Stands For

SUPPORT workers' struggles to organize unions and to use and extend union power to defend themselves and other working people from the bosses' assaults. Defend the labor movement from the continuing offensive by the employers and their twin parties of capitalism -- the Democrats and Republicans. Build a labor party, based on the unions, that fights in the interests of working people.

SUPPORT the efforts of semi-colonial countries to acquire and develop the energy sources necessary to expand electrification - a prerequisite for economic and social advances. Expose the drive by Washington and its allies to prevent the nations oppressed by imperialism from developing nuclear power and other sources of energy they needed to bring much of humanity out of darkness.

- The immediate, unconditional withdrawal of U.S., UN, and other imperialist armed forces from Iraq, Afghanistan, Yugoslavia, Korea, Haiti, Colombia and Guantanamo Bay, Cuba.

- For immediate massive governmental relief to Alabama, Mississippi, and Louisiana in the wake of hurricane Katrina as well as a federally funded public works program to put millions all over the country to work at union scale.

- No cuts in present or future Social Security benefits, Medicaid programs or workers compensation. Extend Social Security to cover universal, government-guaranteed, lifetime health care for everyone in this country.

- Defend and extend affirmative action in employment, education and housing!

- Fight cop brutality. Abolish the death penalty.

- No national ID card. End all federal and state regulations aimed at turning a driver's license into such a document.

- Repeal all federal and state laws mandating immigration document checks by employers.

- Defend a woman's right to choose abortion!

- End Washington's economic war against Cuba! U.S. Hands off Venezuela!

- Defend the constitutional right of GIs as citizen-soldiers to engage in political discussion, debate and activity.

- Stop farm foreclosures! Government-funded cheap credit for working farmers and price supports to cover production costs.

20-35

8 SATURDAY, SEPT. 17, 2005

The Atlanta Journal-Constitution

Metro



METRO

AJC.COM

OBITUARIES INSIDE

CONTACT US: Bert Roughton Jr., Metro editor / broughton@ajc.com / 404-526-5342



Dapper gent
Andrew Messinger, 86, devoted descendant with a flair for fashionable fun.

Jail at bursting point

Fulton makes little progress on meeting judge's population limits

By RHONDA COOK
rcook@ajc.com

The Fulton County Jail on Friday was holding hundreds of inmates beyond the limit in a proposed federal agreement to ease overcrowding, according to jail officials.

A plan by Sheriff Myron Freeman to lower the jail population to safe and acceptable levels by transferring inmates to lockups outside the county also seems far from a done deal, other officials said. The developments come as both sides in a lawsuit against

the jail wait for the Fulton County Commission to approve the proposed agreement, which limits inmate population and sets other conditions. Stephen Bright, director of the Southern Center for Human Rights, which sued the county over jail conditions, called the overcrowding "troubling." The center played a key role in crafting the proposed consent order that will

go to U.S. District Judge Marvin Shoob once the commissioners have accepted it. "My understanding was they were going to try to comply" with the proposed settlement of the lawsuit, which said the jail was too crowded and dangerous for inmates and staff, Bright said. Freeman insisted this week that his lockup would be in



On Friday, the Fulton County Jail (in a 2004 photo) and two annexes held 537 more inmates than a federal judge would allow.

Displaced students' tuition a mixed bag

More than 1,000 enroll in Georgia

By ANDREA JONES
ajones@ajc.com

More than 1,000 students from colleges in areas ravaged by Katrina have enrolled as temporary students in Georgia's public and private universities, accepting a hodgepodge of free and reduced tuition offers.

Meanwhile, their home schools in New Orleans and elsewhere are still working out their financial policies for the ruined fall semester. Most say they will not refund tuition already paid.

Both Tulane and Loyola universities recently told their students that they expect them to pay the full tuition if they enrolled and are taking classes at another college or university for the fall semester, regardless of whether their host school is less expensive.

David Whiteside, dean of admissions at Tulane, is responsible for the 13,000 scattered students to pay their home institution's rate. Tulane will reimburse students in the spring for the balance if they were charged additional tuition from host schools, he said.

"It was never our intent that the student pay more, and it was never the intent that they pay less," he said.



"Anna" (not her real name), 18, who was forced into prostitution, tells her story to Deputy Police Chief Peter Andreasen (left) and Fulton District Attorney Paul Howard on Friday at Atlanta City Hall.

Child prostitution: The hidden crime

Candidates set to enter election fray

Crowded fields crop up in several races

- KEY ELECTION DATES**
- > Oct. 11: Voter registration deadline
 - > Nov. 8: General election
 - > Dec. 6: General election runoff, if needed

By DOUG NURSE
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and TY TAGAMI
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Some candidates are political neophytes; others are veterans of the struggle. One is a convicted felon.

By the close of qualifying week on Friday, scores of candidates across metro Atlanta had jumped into the political arena in hopes of serving on city councils or school boards. Now comes the serious business of stumping for votes. "Qualifying" in political terms refers to paying a fee to be placed on a ballot.

Among the more interesting areas is Sandy Springs, a community of 85,000-plus souls that will become an instant city Dec. 1 after a

30-year battle for independence. Twenty-two candidates qualified for its first City Council election Nov. 8. The council will have six district representatives and a mayor.

Longtime activist Eva Galambos and attorney Tim Spruell are running for mayor. In District 3, Rusty Paul, a former state senator and state Republican leader, faces a young engineer, Mark Moore. Some other races have three or four candidates. One hopeful has no opposition.

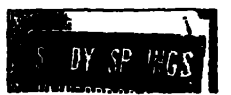
The crowded field is to be expected, given the active Sandy Springs community, said Amy Henderson, spokeswoman for the

> Please see QUALIFY, B8

Judge says county must aid new city

By D.L. BENNETT
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Sandy Springs organizers cleared a major hurdle Friday



has quite a history

Now a Gwinnett museum, building marks 150 years

By MARK DAVIS
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What a perfect spot to sell ice cream. Dairy Queen executives eyed the tract on South Perry Street in Lawrenceville and began making plans.

First, they'd have to buy the tract, a few blocks south of the old courthouse downtown. Then, of course, the aging eyesore, that little brick building squatting in the middle of the site, would have to go.

Oh, but the best-laid plans of the ice-cream man can melt when folks get hot.

Word spread: The Lawrenceville Female Seminary was in danger. The seminary! It was already a decade old when Sherman directed his smoldering gaze at Atlanta. The seminary had remained standing when the Charleston earthquake of 1886 ripped the southern landscape like a sheet blowing on a clothesline. It had survived generations of children.

In 1971, would it finally be sold by ice cream? No, the Gwinnett history museum, Dairy Queen's is not put on ice. The

seminary is about to observe its sesquicentennial.

Sesquicentennial? That's a big word, true, but this is a big event. How many Gwinnett buildings are 150 years old?

Beginning Sunday, the seminary, now home to the Gwinnett History Museum, starts a weeklong celebration of its 150th birthday.

Artifacts reflect past

The gaiety begins at 2:30 p.m. and continues through Friday, ending with music that night.

The little building — you can stroll around its outer walls in one minute, and that's dawdling — is one of those pleasant surprises, a gee-whis kind of place.

Ask Jennifer Collins, AS director of the museum, she oversees a collection of artifacts that provide a glimpse into Gwinnett's past. Have you ever seen a wedding gown made of cotton sacks? The museum has one.

"They [visitors] are just amazed to be in a one-room schoolhouse," Collins said.

The original school was built in 1838. It was called a seminary, the term used for



This is the east side of the old Lawrenceville Female Seminary, purchased by Gwinnett County in the 1970s.

schools that taught young women everything from writing to rhetoric to moral philosophy.

It burned sometime around 1850, and another building, a dignified-looking edifice in the Greek Revival style, took the original seminary's place in 1855.

This was a two-story building, and each floor had a distinct purpose: The bottom floor was set aside for the educational betterment of Lawrenceville's fairer sex, while the top belonged to the newly founded Lawrenceville Masonic Lodge.

The building assumed a number of functions as years passed. At various times, boys attended classes in the old seminary.

Then it served as a civic center, hosting Kiwanis and Lions Club meetings, as well as providing space for different garden clubs and historical groups. The United Daughters of the Confederacy met there; so did local PTAs.

Sold, then protected

In the 1970s, the seminary's fortunes took a decided turn for the better when the county bought the building with a combination of federal and local money.

Officials also got the seminary placed on the National Register of Historic Places, thereby guaranteeing the building's protection from a wrecking ball.

Now, the building's first floor serves as a meeting facility, whose space is for rent. That homespun wedding gown, and a lot of other artifacts, are contained on the second floor.

Oh, it has a bell, too — a fine, loud one, attached to a stout rope. If you ask Collins nicely, she might let you ring it.

Here's the schedule for the seminary's celebration:

> 2:30 p.m. Sunday: Light refreshments served. The seminary will be open, with artifacts on display.

> 10 a.m.-4 p.m. Monday-Friday: Open house.

> 5 p.m.-10 p.m. Friday: Free concert on the grounds, with music from Caledonia Swing; Claude Diamond; the Gwinnetters; Mike Rogers Band; and the Skillet Lickers. Concessions will be on sale. Bring your own blankets and low-back chairs.

For more information, telephone 770-822-9178, or see www.gwinnett.parks.com.

By STEVE VISSER
vissers@ajc.com

The planned mammoth revamping of the interchange at I-85 and Ga. 316 will have few victims other than some creeks, several acres of wetlands and a putt-putt course.

"It's a tragedy," said the manager, Brian Kubiak, whose family has operated the Pirate's Cove Adventure Golf alongside I-85 for 16 years, only to see it broadsided by a project announced Thursday. "I guess we'll just learn to live with it."

The course will have to reconstruct nearly a dozen greens on its Blackbeard and Captain Kidd courses to allow drivers on Ga. 316 to feed into either the slow lane of I-85 or Pleasantdale Road through a planned network of bridges and roads.

The Georgia Department of Transportation, which budgeted \$29 million to acquire property for the interchange, plans to begin the 40-month project early next year. It will require the building or upgrading of 13 bridges, 24 retaining walls, seven miles of new HOV lanes and will use 700,000 tons of road surfacing material, according to the transportation department.

The \$100-million project — which may be the biggest in the state's history — is so complex that the department plans a public campaign to educate drivers on how to make their way through the maze of new roads and bridges. The overall project will run from Old Peachtree Road north of Ga. 316 nearly to Steve Reynolds Boulevard.

"Literally, the plans are 2,000 pages thick," said Teri Pope, spokeswoman for the transportation department.

20-36
The project stalled for several years when metro Atlanta couldn't add roads because it was in violation of federal clean-air laws.

Besides the miniature golf course, the only business that will lose any property other than parking space is an extended-stay motel, said Brian Allen, director of the Gwinnett County Transportation Department. Allen said it was unusual for "a project of this size and scope not to have any more relocations."

For many drivers — 263,000 pass through the interchange daily, according to the DOT — the construction can't come too soon, even though it means more than three years of traffic headaches on I-85, already heavily congested at the Ga. 316 interchange.

Jacques Steberl, who lives in Decatur, figures that it's better to put up with the temporary aggravation of road construction than to watch the tangle of traffic at Ga. 316 and I-85 get worse.

"I'm all for it," said Steberl, whose commute from Decatur to her job at Scientific-Atlanta Inc. in Lawrenceville puts her on Ga. 316 at the height of the morning and evening commutes. "You have to go through all that construction to make something better."

Jean Fulcher of Decatur, whose job with the city of Duluth places her on I-85 daily, had a harder time working up enthusiasm for the project.

"It's crowded now," said Fulcher, 35, who has been making the stop-and-go drive for nine years. "I guess we'll just have to wait and see what happens."

Staff writer Mark Davis contributed to this article.

Qualify: Spaces reserved on city ballots

> Continued from B1

Georgia Municipal Association. "They have good depth of leadership and people who are willing to take on a leadership role," she said. "Many of them have served, but haven't been elected."

Moreover, because there are no incumbents, this was a rare opportunity for anyone yearning to get into politics on a local level. But it could cost \$20,000 to \$40,000 to win a Sandy Springs municipal race, said former state Rep. Dorothy Fulton (R-Sandy Springs).

Because of the number of candidates in some races, runoff elections on Dec. 6 are inevitable. State law requires voters to have more than 50 percent of the vote.

In Atlanta, Mayor Shirley Franklin, who qualified for reelection Thursday, has two self-declared opponents: veteran city Hall observer David ... a food stand ... has run unsuccessfully in a couple of council races, and Glenn S. Wrightson, a consultant who has criticized the city's sewer rate increases.

Council President Lisa Borders has one challenger, Lisa Potash, a factory worker. Franklin has enjoyed

RACES TO WATCH

> Woodstock: Cherokee County Planning Commissioner Dorene Henriques is challenging incumbent Mayor Bill Dewell.

> Norcross: Mayor Lillian Webb, one of the longest-serving elected officials in Gwinnett County, has two challengers: Ed Flynn and Craig L. Newton.

> Lithia Springs: Six newcomers and one incumbent are battling for four seats. Three seats are open because the incumbents aren't running this year.

> Marietta: Four of the seven council members have decided not to run again, and first-term Marietta Mayor Bill Dunaway faces a challenger.

> East Point: Seven candidates, including a current city councilman, want to replace Mayor Patry Jo Hilliard, who is not seeking a fourth term. Hilliard was the first woman and African-American to lead the city.

> Clayton County: Darnell Moorer will again attempt to become Forest Park's first black mayor as he tries to unseat three-term incumbent Charles "Chuck" Hill. Also in that race is former councilman Corine Dayton.

> Peachtree City: Six candidates are vying to be mayor of Fayette County's biggest town, including the current officeholder, Steve Brown.

support from a majority on the council, but that could change, as some allies face opposition. Councilwoman Clea Windsor has four challengers; incumbent Casser Mitchell has two opponents; Dobi Starnes is not seeking re-election, and three candidates are running for her post. And Derrick Bozman, a vocal critic of the mayor, is seeking to reclaim the seat he surrendered last year.

In all, nine Atlanta incumbents have at least one challenger and a 10th seat is open.

In Henry County, the candidates include a felon. Kenneth McIntyre, 43, is running for the Locust Grove City Council. The town's former public works supervisor, he

pledged guilty in May to theft by receiving stolen property and received five years' probation.

State law prohibits a felon from holding political office until his sentence has been completed for at least 10 years. McIntyre said Friday he thought he faced no legal restrictions to running for office.

Locust Grove Mayor Lavene Lindsey said attorneys representing the city told her McIntyre's outstanding agreement did not prevent him from becoming a candidate.

—Staff writers Eric Stines, Gint Williams, Ben Smith, Addy Sawyer, Chris Beard, Karen Hill and Brandon Seger contributed to this article.

Jail: Sheriff says there's a plan in place

> Continued from B1

compliance. "We've got a plan in place," Freeman said while acknowledging that the jail was too crowded.

"We're going to have to move inmates," he said. "Once we sign this [federal consent] decree, we've got 30 days to comply with the overcrowding, so we're going to do whatever is necessary to do that."

As of Friday, the jail and two annexes held a combined 3,087 inmates, and 74 additional inmates were housed in leased cells at the Alpharetta City Jail. The consent agreement calls for no more than 2,250 in the main jail and 300 in the two annexes.

In addition to the extra inmates, the sheriff said he also will have to relocate another 300 inmates when workers start the renovations required in the proposed agreement.

The city and the county have talked about using some of the empty cells at the Atlanta Municipal Jail for Fulton inmates. The county would also use cells in Atlanta's former municipal courthouses. But the county and city have yet to reach an

agreement.

Freeman also said he plans to send inmates to lockups in southern Georgia — in Ocala, Albany and Pelham. Officials at those facilities, which are about 100 miles south of Atlanta, said there were no agreements or ongoing negotiations with Fulton County.

"We are not, at this moment, under any contract or negotiations to house [Fulton County] inmates," said Lt. Lance Montgerard, spokesman for the Dougherty County Jail in Albany. "Our standard is \$50 a day [per inmate] and they [the agency leasing space] have to transport to and from. We are not interested in housing them [Fulton's prisoners] at the present moment."

Fulton Police Chief Neil McCormick also said there was no agreement with Fulton County though the 300-bed jail had room for 250 inmates. If an agreement were reached, Pelham's police force would bed, feed and transport inmates to and from Atlanta for the \$35 a day per inmate that Freeman expects to spend.

Michael Croft, director of the Irwin County Detention Center in Ocala, said he had

met with Fulton officials several times since the first of the year and provided them with several contracts, but then would hear nothing for long stretches of time.

"When I first started working on this thing with Fulton, I had 600 beds available," Croft said. "I don't have that many today. I have about 100. They're welcome to them but not for \$35 [a day]. ... I held space for them. ... I finally gave up on them. I waited for a while. I couldn't wait any more."

The draft of the proposed agreement to be presented to the county commissioners sets minimum staffing and maximum inmate population levels at the jail.

It also mandates specific renovations that will require inmates to be moved out during upgrades.

A court-appointed monitor will be named to keep tabs on whether the county is complying with the order once it is signed.

"We agreed to have 600 fewer prisoners than what they have in there now," Wright said. "They're going to have to do it when it's a court order. Right now, I only have moral suasion."

Prostitution: Forum grapples with issue

> Continued from B1

the study said.

The report, which was funded by the United Way of Metropolitan Atlanta and coordinated by Stephanie

prostitution, much like the campaign she initiated against homelessness.

The mayor warned, however, that it would take many years of sustained effort and community involvement. "I would not caution us that this

and school officials must be part of a network that watches children for signs of abuse and intervenes when necessary.

"This is not a problem that we can simply prosecute our way out of," he said. com-

Fulton: Ruling good news for Sandy Springs

ELECTION 2005

LECTION BRIEFS

3 sign up as write-in hopefuls

Three people have signed up to run as write-in candidates in the Nov. 8 election.

The write-in status for James Harris, Roosevelt Kates and Eleanor Garcia allows them to run while avoiding the fees required to get their names on the ballot. Records show the three filed with the city clerk's office on Sept. 22.

Harris, who lives in the Old Fourth Ward neighborhood east of downtown, will be a write-in candidate for mayor. He saved the \$4,295 that Mayor Shirley Franklin and two challengers — Dave Walker and Glenn Wrightson — paid to run for mayor.

Kates, who lives in Mechanicsville just southwest of downtown, described herself as Prophet Archbishop Roosevelt Kates. She didn't have to pay the \$1,136.55 that council President Lisa Borders and challenger Lisa Potash paid to run for president.

Garcia, who lives in west Atlanta, avoided the \$979.10 fee that Councilman C. T. Martin and challenger Montrell L. Walker paid to run for the District 10 City Council seat.

— Ty Tague

EAST POINT

Hilliard endorses Brown

Candidate was political ally

By S.A. REID
sereid@ajc.com

With the election about a month away, Mayor Patsy Jo Hilliard is throwing her support behind former City Councilman Threet Brown in the race to fill the seat she's held for 12 years.

Hilliard believes the East Point businessman, longtime neighbor and political ally has the experience.

His vision, perseverance and dedication, she said, also help set him apart in the field of seven candidates vying to lead the city of about 40,000 residents for the next four years.

"When I look at people, I try to figure out their vision and what they want to do that's different," said Hilliard, the first woman and African-American to serve as mayor in East Point.

She offered her endorsement despite the ethics violations and conflict-of-interest accusations that surfaced during Brown's most recent council term. In 2003 a citizens task force accused Brown of using his office for personal gain and failing to disclose personal relationships with people doing business with the city. The group also sought to

recall Hilliard.

Hilliard doesn't expect the controversy to hurt Brown at the polls Nov. 8, especially because an ethics committee last year ruled nine of the 10 accusations unsubstantiated. In 2003, Brown lost his council seat to Eddie Lee Brewster, now a mayoral opponent.

"He'll have to rely on the people who know him for who he is and not just rumors," Hilliard said. "Anybody can cast aspersions on people and make it difficult for you. I think people want to see progress."

Brown, 56, is equally optimistic.

"I'm looking forward to the future and not the past," Brown said. "Those charges went through the proper process and were unsubstantiated."

It's not clear how much of an impact Hilliard's endorsement will have in the voting booth, especially among those who have been dissatisfied with her leadership.

Joe Mason, a mayoral candidate who was part of an unsuccessful effort to recall Hilliard, wasn't surprised by her choice, given her close political relationship with Brown.

"It just makes sense of the same," said Mason, a 59-year-old insurance salesman.

people are happy with the way things are — the services, roads and condition of the city — he is going to keep us going in the direction we've been going in for the past 12 years. From what I've been hearing, it has not been good."

Brewster, who counts former Gov. Roy Barnes among his supporters, doesn't expect Hilliard's move to put him at a disadvantage.

"The endorsement I'm going to get is 90 plus 1 percent of the voters," said Brewster, who wished Hilliard well in her retirement. "She endorsed him (Brown) last time he ran for council, and it didn't work."

Barbara Collins, a candidate rumored to have been an endorsement possibility, said she has no hard feelings about the mayor's decision.

"She certainly has treated me with all due respect and talked to me before she did that," said Collins, who chaired East Point's birthday celebration last year and lost a bid for council in 2003. "I just feel she has the right to support who she wants to. I think she wants what's best for the city."

All seven candidates, with varying political and community service credentials, say they are standing to meet their constituents and to see the city prosper.

part-time post in November must help the city grapple with challenges such as soaring property taxes, expensive infrastructure repairs, residential and economic growth, and the loss of For McPherson.

Hilliard said she is surprised by the large field of candidates and had hoped those interested in replacing her would have decided among themselves who was the best fit to run.

The candidates don't see a problem.

"Some people say (the crowded race is) bad, but I'm running for the position, not against the opposition," said Ronald E. Reed, a federal health insurance specialist and manager.

Kathleen Cochrane, a business consultant making her first run for public office, also welcomes the high interest in the race.

"No matter what their individual reason, it's all to do a good job, whatever their vision is for the city," Cochrane said. "It's exciting."

The list also includes Oliver Holt, a financial management consultant who tried to recall Hilliard in previous elections.

"It's not a bad idea," Holt said. "I just don't know if Hilliard's endorsement of Brown is just what the city needs to make the difference."

District 6 hopefuls square off today

The Midtown Neighbors' Association will host a City Council District 6 candidates forum for Ann Fauver and Steve Brodie today from 6:30 to 8:30 p.m. in the Grady High School auditorium.

The candidates will give brief remarks and then will address questions from the neighborhood association and from the audience.

District 6 includes the neighborhoods of Ansley Park, Inman Park, Candler Park, East Lake, East Lake Hills, Lindridge Manor, Midtown, Inman Park, Lenox Park, Peachtree Heights, Sherwood Forest and Virginia Highlands.

More information is available online at www.midtownatlanta.org.

able online at www.midtownatlanta.org.

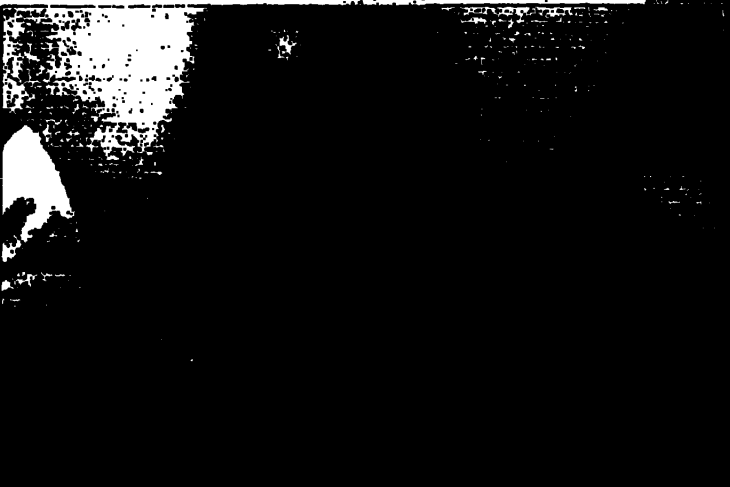
District 2 forum will be Tuesday

The Atlanta Downtown Neighborhood Association will have a District 2 forum featuring candidates for Atlanta City Council on Tuesday at 7 p.m.

The District 2 candidates are Kwanaa Hall, Al Caproni and Benjamin Flerman. They are vying for the seat now held by Debi Starnes, who chose not to run for re-election.

The forum will be at the Georgia World Congress Center, Room B-401, during the group's monthly community meeting.

— From staff reports



Ameri Banks, 4, reads a book about spiders at a Jumpstart mentoring session for pre-K students and their parents. Ameri's mother says the program has made him "more talkative and social."

Early reading program sets up kids to succeed

By **RON FRANCIS BLAKENEY**
For the Journal-Constitution

Rochelle Lindsey wants to be the early bird that creates a bookworm.
Lindsey and other members

is best to combat illiteracy at a young age.
"If I can help ensure a 4-year-old learns to love reading now, maybe I will not see them as an adult nonreader when they're 40," she said.

work with her at home teaching her the alphabet, her phone number and address. She's more excited about reading.
Another parent, Jacqueline Banks, has noticed a difference in her son. She described 4-

...has been my...
...for many...
...of the health...
...and the improved...
...received after osteract...
...hears the world to...
...when I come to Thomas...
...Group, Dr. Blasberg and...
...capable staff focus on me...
...and my eye care needs. The...
...personal care given by...
...Dr. Blasberg brings me and...
...my family back to Thomas Eye...
...Group time and time again!...
...in this day and age, finding a...
...professional who still provides...
...personal care truly makes the...
...difference!"

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THURSDAY, OCT. 20, 2005

The Atlanta Journal-Constitution

Metro



CONTACT US: Bert Roughton Jr., Metro editor / broughton@ajc.com / 404-526-5342

AJC.COM **CONTENTS INSIDE**

View from the Court
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Watchdog group calls war chests excessive

By ERNIE SUGGS
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Despite facing virtually no major competition in their Atlanta Mayor Shirley Franklin and City Council member Lisa Borders have amassed considerable war chests.

According to the latest campaign finance reports, required periodically of each candidate running for office,

Franklin has raised nearly \$1.2 million, and Borders has raised over \$700,000 — clearly outpacing their opponents and pretty much everyone else running for public office in the city elections.

H. Lamar Willis and Mary Norwood, both of whom are running unopposed for at-large seats, have raised \$333,000 and \$247,000 respectively.

That has caught the

attention of Bill Bozarth, executive director of Georgia Common Cause, an advocacy group that monitors campaign donations. Bozarth is suggesting that the candidates give the money back.

Common Cause is talking to the members of the council — to Mayor Franklin, to Lisa Borders — and urging them as a gesture of thanks that they don't need to raise this money, Bozarth said.



Council member Lisa Borders has raised \$700,000 for her campaign, and Mayor Shirley Franklin \$1.2 million.

Bozarth has suggested the candidates in the nonpartisan race give the money back to the donors or give it to charity. Candidates can also transfer money to another political campaign.

Bozarth says he is running for the House of Representatives against Rep. Tom Carper, D-S.C.

Georgia test scores lag again

Students gain in math, but reading results fall

By HEATHER VOGEL
hvogel@ajc.com

Georgia public school students made gains in math, but fell behind in reading and science. The state's performance on the National Assessment of Educational Progress (NAEP) test in the fall shows that students in elementary and middle schools are still lagging.

Students in fourth-grade and eighth-grade took the NAEP test in October. This year's scores show the state's progress in meeting the goals set by the state's education reform laws.

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REPORT CARD

Percentage of students who are proficient or better.

	2003	2005
READING		
Fourth Grade		
Georgia	27%	28%
Nation	30%	30%

Eighth Grade		
Georgia	27%	24%
Nation	30%	25%

MATH		
Fourth Grade		
Georgia	27%	30%
Nation	31%	35%

Eighth Grade		
Georgia	27%	28%
Nation	30%	30%

Source: National Assessment of Educational Progress

teaching in state schools more closely with the standards NAEP measures, she said.

"Will we be able to see more kids do better on this test? I think that's where we have to focus our attention at the state level," she said.

NAEP tests in reading and math became mandatory for

► Please see SCORES, C4
 ► ON THE WEB: For more information: www.nationsreportcard.gov



A GATA Xpress bus heads downtown Tuesday morning. Bus and ...

Pricey gas has buses on a roll

Wanted: Outside

Campaign: Big war chests called overkill

> Continued from C1

Lisa Potash, who has only raised a little more than \$2,000, said it would be foolish to take any opponent — well-heeled or underfunded — for granted.

"Common Cause is putting forth the premise that we don't need to run a campaign. They are asserting a premise that I personally reject," Borders said. "Ms. Potash paid her money, is a candidate and a viable candidate. I cannot be so uncommitted that I cannot campaign with my fellow residents. I enjoy this job, and want to continue to do it." Borders said the funds she raised are used for campaign literature, mailings and signs.

Franklin said she is also actively campaigning against Dave Walker, Glenn Wrightson and James Harris, who between them had about \$200 as of Sept. 30. She said she has been an active philanthropist and agrees with the spirit of Common Cause's suggestion.

From previous leftover funds, she has donated \$50,000 to the Next Step Program to send students to college and \$20,000 to the Senior Bell, she said.

"My campaign has already contributed, and I look forward, if there is money remaining, to continue to support local charities," Franklin said.

Borders, a vice president of Cousins Properties, received

\$2,000 each from developer Tom Cousins, his wife, Ann, and Cousins Properties. Thomas Bell, vice chairman, president and chief executive of Cousins Properties, also gave Borders \$2,000.

Franklin's bigger contributors, who have given the maximum of \$2,000 include Cousins; the gubernatorial campaigns of Mark Taylor and Cathy Cox; Home Depot co-founder Berge Marcus, who is building the Georgia Aquarium; Falcons owner Arthur Blank; and Academy Award-nominated actor Samuel L. Jackson.

RPII estate developer Wayne Mason, the visionary behind the Beltline, gave Franklin \$1,000 in January months before she formally announced she was seeking re-election.

Mason has given to incumbents. "For every incumbent I don't want to see re-elected, I have given \$1,000," he said. "I have been supporting politicians for 30-40 years. They really give."

Mason said he gives his money to do good and to support the arts, education and community development along his Beltline. He said he has given to the Atlanta Symphony Orchestra, the Atlanta Opera and the Atlanta-Fulton County Stadium.

"I don't expect to see the Beltline completed in my lifetime," Mason said. "I have been giving for 30 years. I was giving to Atlanta before she was a city."



Certain to be Way Yummy

Warren Tibbals, a former state legislator and a member of the Georgia House of Representatives, died Oct. 19 at the age of 87. He was born in Atlanta and lived in Decatur. Tibbals was a member of the Georgia House of Representatives from 1967 to 1975. He served on the House of Representatives for 10 years. Tibbals was a member of the Georgia House of Representatives for 10 years. Tibbals was a member of the Georgia House of Representatives for 10 years. Tibbals was a member of the Georgia House of Representatives for 10 years.

OBITUARIES

STONE MOUNTAIN

Warren Tibbals, fixed watches, everything else

By DANIEL HENRY
dhenry@ajc.com

Warren Tibbals restored vintage Ford Mustangs and maintained his own cars and lawn mower. Neighborly about his neighbors and other residents in the area, Tibbals was a member of the Stone Mountain Club and the Georgia House of Representatives.

But Mr. Tibbals' specialty was watch and jewelry repair. He had a watch and jewelry repair shop in Decatur for many years. He was a member of the Georgia House of Representatives for 10 years. Tibbals was a member of the Georgia House of Representatives for 10 years.

Tibbals was a member of the Georgia House of Representatives for 10 years. Tibbals was a member of the Georgia House of Representatives for 10 years. Tibbals was a member of the Georgia House of Representatives for 10 years. Tibbals was a member of the Georgia House of Representatives for 10 years.

House Hospice in Decatur. The body was cremated. The graveside service will take place at Floral Hills Memory Gardens in Tucker. National Cremation Society is in charge of arrangements.

During World War II, Mr. Tibbals' military obligation was satisfied in the Pacific as part of a construction crew that built runways and landing strips. Tibbals was a member of the American GI Club and the Georgia House of Representatives.

While visiting his father in Stone Mountain in the 1950s, Tibbals dropped his car. Tibbals was a member of the Georgia House of Representatives for 10 years. Tibbals was a member of the Georgia House of Representatives for 10 years.

Tibbals was a member of the Georgia House of Representatives for 10 years. Tibbals was a member of the Georgia House of Representatives for 10 years. Tibbals was a member of the Georgia House of Representatives for 10 years. Tibbals was a member of the Georgia House of Representatives for 10 years.

Transit: Metro Atlanta ridership jumps

> Continued from C1

Ridership increased 24 percent since July. Traffic on Cobb County Transit's bus system is up 23 percent over the first nine months of the year. Clayton County's Co-Trans bus system ridership is up 25 percent since July.

The Georgia Regional Transportation Authority reported its own substantial increase in ridership. The authority's ridership is up 24 percent since July. The authority's ridership is up 24 percent since July.

The authority's ridership is up 24 percent since July. The authority's ridership is up 24 percent since July. The authority's ridership is up 24 percent since July. The authority's ridership is up 24 percent since July.

A RISING TREND

Date	Aug. 2005	July 2005	June 2005	May 2005	April 2005
GRTA Express buses	1,708	1,708	1,708	1,708	1,708
Co-Trans	1,708	1,708	1,708	1,708	1,708
Clayton County	1,708	1,708	1,708	1,708	1,708
Georgia Regional	1,708	1,708	1,708	1,708	1,708
Authority	1,708	1,708	1,708	1,708	1,708
Express buses	1,708	1,708	1,708	1,708	1,708
Co-Trans	1,708	1,708	1,708	1,708	1,708
Clayton County	1,708	1,708	1,708	1,708	1,708
Georgia Regional	1,708	1,708	1,708	1,708	1,708
Authority	1,708	1,708	1,708	1,708	1,708

transit ridership has jumped 24 percent since July. Traffic on Cobb County Transit's bus system is up 23 percent over the first nine months of the year. Clayton County's Co-Trans bus system ridership is up 25 percent since July.

The Georgia Regional Transportation Authority reported its own substantial increase in ridership. The authority's ridership is up 24 percent since July. The authority's ridership is up 24 percent since July.

works as an engineer for Georgia Public Television. For the last few months, Richardson has been driving to the Atlanta Motor Speedway in Hampton, where he catches the GRTA bus into town. "I never had never thought he would take."

"For an old country boy, it was an experience getting out of my vehicle and onto a bus," said Richardson, 46. Now he considers himself a convert, saying he enjoys the ride so much that he has permanently changed his commuting habit, no matter what happens to gas prices. "I got two naps a day," Richardson said with a laugh.

WATCH REPAIR

Warren Tibbals fixed the watch and jewelry repair shop mark at the Watch Repair store on Peachtree Lane Avenue.

DISTRICT 12

Three-way contest turns combative

Incumbent, ex-councilman both in race

By ERNIE SUGGS
esuggs@ajc.com

Weeks before Atlanta's general election, City Council District 12 is turning into a compelling and bitter battle.

In one corner is incumbent Joyce Sheperd, a former Neighborhood Planning Unit chairwoman who has held the council seat for only a year.

In another is Keisha Sean Waites, who never has held public office before but promises new ideas and visions for the district.

Then there is Derrick Boazman, the former District 12 councilman who is running like he never left.

Sheperd is accusing Boazman of misleading voters by campaigning as "Councilman Derrick Boazman," a title he relinquished a year ago when he resigned to run for council president, a race won by Lisa Borders.

A lot of people are confused that he does that. If you look at his signs, they say

"Re-elect Derrick Boazman," said Sheperd, adding that he was not interested in running again. "What I am having to do is let people know that he is not the council person. He is purposely twisting this to confuse people who don't know. It is unfortunate that he would use those tactics, but that is who he is."

Boazman, who has been consulting since he left office a year ago, said his seven prior years representing the district afford him certain rights.

"I won this race [with 85 percent] of the vote when I last ran," said Boazman of the 2001 election. "The one thing that Ms. Sheperd should not have to worry about is me. I let my track record speak for myself. She has been there a year and done virtually nothing."

And while Boazman and Sheperd snipe at each other, Waites is pouncing on both of them.

"District 12 has been

ignored by City Hall because the leadership has lacked commitment. When you look at the last eight years of leadership, we have been stagnant," Waites said. "They are both passionate and care about the community, but all we have seen from them is a lot of grandstanding, lip service and empty promises."

On the Southside

District 12 is on Atlanta's Southside and includes the neighborhoods of Sylvan Hills, Capitol View, Fort McPherson and Metropolitan Parkway. Years of so-called neglect and one of the highest crime rates in the city are gradually being replaced by development. The once notorious Metropolitan Parkway neighborhood is even changing as young people have moved in and renovated homes.

"Development is booming, but we want to make sure that the development is holistic and reaching the whole district," said Sheperd, adding

that at least 10 subdivisions are in various stages of construction. "District 12 is growing, and we want to make sure it is growing in the right way."

But Sheperd, who won the seat in a special election with 75 percent of the vote in 2004, acknowledges that there are still some issues in the district, specifically crime, prostitution and drugs.

"I am working with the Police Department because I am an advocate for community policing," said Sheperd, who retired from her job as a phone line repairwoman for BellSouth when she was elected last August. "The people want to see more police service in this area."

Boazman said that during the past year he has watched Sheperd do nothing with the district he left her.

"We have a new landfill, the largest alternative school in the state in the heart of the Pryor Road, and a new chicken and rib shop," Boazman said. "If that is the kind of leadership she is providing, District 12 is in trouble. Joyce is a good person; whether or not she is

qualified speaks for itself. The people on the Southside want the same thing as people in the Northside want — schools, parks, sidewalks, economic development. They want results, not just hype. I delivered before, and when I am elected, I will deliver again."

First elected to the council in 1997, Boazman spent seven years as one of the city's most vocal and outspoken council members.

Even out of office, he stayed in front of the cameras. In August, he was arrested at City Hall for protesting the council's passage of a panhandling ordinance — a bill that Sheperd supported.

TV time criticized

Boazman's outspokenness is not lost on his opponents. Sheperd said he spent too much time on television, and Waites said his combative nature hurt District 12's political stature at City Hall.

"Derrick's relationship with the mayor is indicative of how things are in District 12," Waites said. "District 12 has yet to drink from that well of

prosperity that places like Inman Park and Castleberry have drunk from."

Waites, who was born in the district, said both of her opponents have missed out on the bigger picture of what the district needs. She said that while they fought to close strip clubs, they didn't develop a plan to replace them with viable businesses, so they sit abandoned.

"We have two grocery stores serving 18,000 people. We have not one retail chain restaurant where you can sit down and eat," Waites said. "District 12 is the dumping ground for the city of Atlanta. We have the police academy, the fire academy and the alternative school. Why can't we also house a museum? Why isn't the jazz fest held in Parkersson Park? We would like to house functions that generate revenue for us, too."

"District 12 sent a strong message last year," Waites said. "They are gonna send two people home. They gave Derrick seven years and Joyce a year. Now it is Keisha's time."

DISTRICT 11

Ability to lure development may be key

Black elite say the area lacks upscale outlets

By TY TAGAM
tagam@ajc.com

Cascade Road in Atlanta's southwest quadrant boasts some of the city's best-known political figures and a host of successful professionals.

Despite the wealth and power, residents complain this traditional home of Atlanta's black elite lacks some of the high-end amenities found in other parts of the city. So when Johnny Nutson wants to go to a fancy restaurant he said he has to leave the area.

"They talk about 'live-work-play,'" Nutson said of the latest trend in city planning. "Well, there's very little of the work and play on this side" of Atlanta.

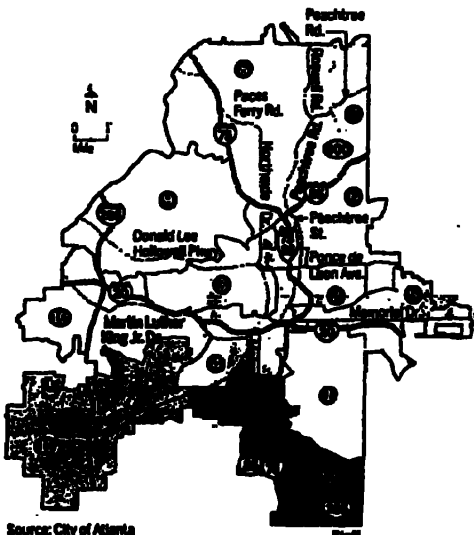
Two candidates for Atlanta City Council are

development, and more "meaningful" jobs. But he said it already has benefited from fundamental improvements — such as the widening of Campbellton Road — that will accommodate development. And developers are at work, building "upscale" homes and retail space such as the Princeton Lakes project, he said. More high-end developers will come, he promised. "I have the know-how and the skills to keep them moving in a positive direction."

Differences on Beltline

Each candidate indicated varying degrees of support for Mayor Shirley Franklin's primary vehicle for economic development: a proposal to build 22 miles of transit and 33 miles of trails and parks in a ring running around the inner city and through future nodes of high-density development.

The Beltline transit would not pass through District 11, but Maddox said he secured a commitment to spend money developing green



Source: City of Atlanta

THE CANDIDATES

ATLANTA CITY COUNCIL

- District 11
- Name: John Eaves
 - Profession: Regional manager for Peace Corps
 - Political experience: None
 - The biggest challenge facing the city? "The biggest challenge facing Atlanta is affordable housing for middle-class residents."



Eaves

- Political experience: City Council member from 1998 to 2004
- What is the biggest challenge facing the city? Boazman cited "balanced economic growth for all parts of the city."
- Name: Joyce Sheperd (I)
- Profession: Retired phone line repair-



Sheperd

CANDIDATE GUIDE

Candidates for Atlanta and South Metro races (I) denotes incumbents.

ATLANTA

- Mayor
- Shirley Franklin (I)
 - David Walker
 - Glen S. Wrightson
 - James Harris (write-in)
- City Council president
- Lisa M. Borders (I)
 - Lisa Potash
 - Roosevelt Kates (write-in)

City Council

- At large Post 1
- Dwanda Farmer
 - Stephen Hull
 - Ciesla C. Mitchell (I)
- City Council District 1
- Carl Smith (I)
 - Roger Williams
- City Council District 2
- Al Capria
 - Benjamin Fisman
 - Kwana Hall
- City Council District 3
- Michael Julian Bond
 - Ivory Young (I)
- City Council District 4
- Darrin Collins
 - Kevin Edwards
 - Deborah "Sister" Williams
 - Cleta Winslow (I)
 - Sidney Wood
- City Council District 5
- Natayn Archibong (I)
- City Council District 6
- Steve Brodie
 - Arna Fauver (I)
- City Council District 8

Seat 7

- Tiffany Friesen
- Eric W. Wilson (I)

Seat 8

- Reuben R. McDaniel
- Mark Barry Riley (I)

District 9

- Ed Johnson
- Emmett D. Johnson (I)
- Barbara Merriday
- Richard Puls

EAST POINT

- Mayor
- Eddie Lee Brewster
 - Threst Brown
 - Kathy Cochran
 - Barbara V. Collins
 - Oliver Huff
 - Joe Macon
 - Ronald Reed
- City Council Ward A
- Greg Fann (I)
 - Ethel L. Ponder
- City Council Ward C
- William McClure (I)
 - Marcel Reed
- City Council Ward D
- C. Ann Douglas (I)
 - Jacqueline Slaughter-Gibbons

HAPEVILLE

- City Council
- (One at large seat)
 - John C. Biery
 - Richard E. Murray
- City Council Ward 1
- Bruce Gindesperger
 - Edward P. Ray (I)
- City Council Ward 2
- James Ireland Hilton
 - Harley Lewis Valero (I)

FAIRBURN

20-41

FULTON COUNTY

PRECINCT SAMPLE BALLOT

OFFICIAL GENERAL ELECTION BALLOT OF THE STATE OF GEORGIA NOVEMBER 8, 2005

The following Sample Ballot consists of all of the candidates' names and questions that will appear on the ballot for this precinct for the General Election and Special Election (as determined by your precinct district).

<p>For Mayor (Vote For One)</p> <p><input type="radio"/> SHIRLEY FRANKLIN (incumbent)</p> <p><input type="radio"/> DAVE WALKER</p> <p><input type="radio"/> GLENN S. WRIGHTSON</p> <p><input type="radio"/></p> <p>Write-in _____</p>	<p>For City Council Post 1 At Large (Vote For One)</p> <p><input type="radio"/> DWANDA EARNER</p> <p><input type="radio"/> STEPHEN HULL</p> <p><input type="radio"/> CEASAR C. MITCHELL (incumbent)</p> <p><input type="radio"/></p> <p>Write-in _____</p>	<p>For Board of Education District 4 (Vote For One)</p> <p><input type="radio"/> KATY PATTILLO (incumbent)</p> <p><input type="radio"/></p> <p>Write-in _____</p>
<p>For City Council President (Vote For One)</p> <p><input type="radio"/> LISA M. BORDERS (incumbent)</p> <p><input type="radio"/> LISA POTASH</p> <p><input type="radio"/></p> <p>Write-in _____</p>	<p>For City Council Post 2 At Large (Vote For One)</p> <p><input type="radio"/> MARY NORWOOD (incumbent)</p> <p><input type="radio"/></p> <p>Write-in _____</p>	<p>For Board of Education District 7 At Large (Vote For One)</p> <p><input type="radio"/> TIFFANY FRIESEN</p> <p><input type="radio"/> ERIC W. WILSON (incumbent)</p> <p><input type="radio"/></p> <p>Write-in _____</p>
<p>For City Council District 7 (Vote For One)</p> <p><input type="radio"/> HOWARD SHOOK (incumbent)</p> <p><input type="radio"/></p> <p>Write-in _____</p>	<p>For City Council Post 3 At Large (Vote For One)</p> <p><input type="radio"/> H. LAMAR WILLIS (incumbent)</p> <p><input type="radio"/></p> <p>Write-in _____</p>	<p>For Board of Education District 8 At Large (Vote For One)</p> <p><input type="radio"/> REUBEN R. MCDANIEL</p> <p><input type="radio"/> MARK BARRY RILEY (incumbent)</p> <p><input type="radio"/></p> <p>Write-in _____</p>

THE MILITANT

Vol. 70/No. 32

August 28, 2006

20-42

In victory for union, worker reinstated at Hormel packing plant in Atlanta

BY RACHELE FRUIT

TUCKER, Georgia—On August 7, Lisa Potash returned to work at Hormel Foods here after having been fired nine months earlier. At the time of her firing, one week before the municipal elections in nearby Atlanta, Potash was the Socialist Workers Party candidate for Atlanta City Council president.

Her campaign platform—including support for workers' struggles to organize unions and to use those they have to resist employers' attacks on wages and job conditions—had gotten coverage in the local media. On Oct. 20, 2005, a week before the firing, for example, the *Atlanta Journal-Constitution*, the daily newspaper in the metropolitan area, had published a related article with a photo of Potash.

The company stated “no misconduct” for her firing but claimed that Potash was still on probation. In fact, Potash had worked two days past her 90-day probation period.

Thirty workers in the plant immediately signed a petition demanding that Potash be reinstated. United Food and Commercial Workers (UFCW) Local 1996, which represents workers at the Hormel plant, took the case to arbitration on the basis that the firing violated the seniority clauses in the union contract. In July, the arbitrator ruled that Potash was to be reinstated with her seniority intact and with back pay for lost wages and benefits.

Workers in the plant were jubilant. A number of them said the news represented a victory for the union. Workers with more than 20 years in the plant said that they had only seen one other worker successfully fight a firing by Hormel.

Announcement of the reinstatement was greeted with applause at the July local union meeting.

Rachele Fruit is a member of UFCW Local 1996 at the Hormel plant in Tucker, Georgia.

Related articles:
[On the Picket Line](#)

[Front page \(for this issue\)](#) | [Home](#) | [Text-version home](#)

20-43

THE MILITANT

Vol. 69/No. 45

November 21, 2005

Socialist candidate in Atlanta fights firing

BY BILL ARTH

TUCKER, Georgia—"I protest Hormel Foods Corporation terminating my employment only days before the Nov. 8 election," said Lisa Potash, Socialist Workers Party candidate for Atlanta city council president, in an open letter to her employer. "My firing is not just an attack on me but an attack on the right of all working people to participate in politics, including the right to campaign for public office."

Potash was fired at the end of the day October 28 from her job as a utility worker in the precooked bacon department. In the "separation notice" the bosses handed Potash they said the reason for her firing was "probationary—no misconduct." Potash had been employed by Hormel for 92 days. She was notified in writing when she was hired that she was "subject to a ninety (90) day probationary period."

"My campaign is the reason I was fired, although Hormel will not likely ever admit to that," Potash said in her open letter. She pointed out that her campaign had been covered numerous times in the local media and she had appeared on television days before her dismissal debating her opponent, Lisa Borders. The SWP campaign "supports organizing unions where they don't exist, and strengthening them where they do, as well as solidarity between working people across the globe," Potash said.

United Food and Commercial Workers (UFCW) Local 1996, which organizes Hormel workers, has filed a grievance against the firing as a violation of the union contract on the length of probation. Thirty of Potash's co-workers have signed petitions calling for her reinstatement. "I don't think it is fair," said Hormel worker Alfred Kimber, who signed the petition.

Potash received 11 percent of the vote November 8. That day she joined a campaign team reaching out to Hormel workers outside the plant, including to win support for her fight for reinstatement.

20-44

Bill Arth is a member of UFCW Local 1996 and works at Hormel.

Related articles:

New York SWP mayoral candidate

'The future is in hands of working people'

New Jersey: Socialist campaigners get hearing

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

Exh. 21 - 2 pages

DECLARATION

I, Laura Anderson, 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 Campaign Act.

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

1. On April 2, 2008, I was fired from my job at A Lava & Son, a mattress factory in Chicago. I am the Socialist Workers Party candidate for US Congress 4th CD in Illinois. I had worked at the factory as a sewing machine operator for one and one half years.

2. In January of 2008 company supervisors Maria Diaz and Jim McCarthy told me at work that they saw my picture in a news paper and knew I was a candidate of the Socialist Workers Party. They had also seen a campaign flyer that was handed out outside the plant during a visit of Róger Calero, SWP candidate for president, to Chicago. Two co-workers at A Lava & Son told me that Maria Diaz asked them why they took the campaign information Calero was handing out.

3. Following these incidents Maria Diaz harassed me, including refusing to get me the equipment and training needed to do a new job. Then on April 2 Diaz told me to sign a disciplinary form for a one-day suspension for putting the wrong job code on my timesheet. I asked to read the form before signing it and Diaz refused. Then floor supervisor McCarthy walked up and told me I was fired. When I asked why he refused to say.

4. A few days later I met with the plant manager Steve Applebaum to ask why I had been fired. Applebaum said he'd get back to me on that. I received a letter within a week from the company saying that I had been terminated for "insubordination." The Department of Employment Security disagreed with the company. Their conclusion was that my action which resulted in a discharge was not "deliberate and willful" and therefore found me eligible for benefits.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on September 16, 2008.



Laura Anderson
September 16, 2008

DEPARTMENT OF EMPLOYMENT SECURITY
1657 SOUTH BLUE ISLAND
CHICAGO, IL 60608

DATE: 05-07-2008 SSN: 341-70-8210

LAURA V ANDERSON
1647 W 38TH ST
CHICAGO, IL 60609

LAVA WOOD PRODUCTS CO.

The following determination has been made in connection with your claim for unemployment insurance benefits:

The claimant was discharged from LAVA WOOD PRODUCTS because OF INSUBORDINATION.

The term misconduct means the deliberate and willful violation of a reasonable rule or policy of the employer if the violation has harmed the employer or other employees or has been repeated by the individual despite a warning or other explicit instruction from the employer. In this case, the claimant's action which resulted in her discharge was not deliberate and willful.

Therefore, this Determination finds the claimant eligible for benefits, with respect to this issue only, for each week during the period from 03-30-2008 through 04-12-2008 and she will be determined eligible for each week thereafter as long as she meets the eligibility requirements of the Illinois Unemployment Insurance Act.

Waiting week credit has been granted and/or benefit checks are being ordered for each week of unemployment for which you are eligible. However, the employer who is a party to the determination has thirty (30) days in which to appeal. If the employer appeals, you will be notified of the time and place of the hearing. If you do not receive notification of waiting week credit and/or benefit payment within three weeks from the date of this notice, please notify the office.

SEE THE REVERSE SIDE FOR INFORMATION REGARDING APPEAL RIGHTS

VEASE AL REVERSO PARA UNA TRADUCCION EN ESPANOL DE SUS DERECHOS A APELAR

Roberto Acosta - 165
ES Service Representative
Phone 773-221-3737 Ext. 259 Fax 773-221-8597

Exh. 22 - 19 pages

I, Cecelia Moriarity, 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. In February 2008, I was terminated by the Volt Temporary Agency from my job at Unionbay in Kent, Washington, one week after I campaigned at the parking lot entrance outside where I worked with Alyson Kennedy, Socialist Workers Party candidate for U.S. vice-president, and Chris Hoepfner, Socialist Workers Party candidate for governor of Washington. I submitted a Declaration concerning this discriminatory firing to the FEC on February 23, 2008, in support of the application by the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP for extension of an exemption for certain disclosure provisions of the Federal Election Campaign Act (attached).

2. After being fired unjustly for my out-of-work activity in support of the Socialist Workers candidates, I applied on February 25, 2008, for unemployment with the Employment Security Department of the State of Washington based on "lack of work" as I had been fired improperly. On March 19, I submitted a number of materials along with my application to the unemployment adjudicator, including a copy of the Declaration I had prepared for the FEC, which summarized the facts concerning my dismissal (these materials are attached).

3. The adjudicator told me that I had made a good case that I had not been fired for cause and appeared eligible to receive unemployment benefits, but that the company had one month to rebut the materials I had submitted.

4. I received a determination notice dated 04/09/2008 that "Based on evidence presented, your job separation will be adjudicated as lack of work." Afterwards, I received unemployment benefits.

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

Cecelia Moriarity

Cecelia Moriarity
December 1, 2008

DECLARATION

I, Cecelia Moriarity, 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 Election Campaign Act.

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

On February 14, 2008, one week after joining Alyson Kennedy, the Socialist Workers Party candidate for vice president of the United States, and Chris Hoepfner, the Socialist Workers Party candidate for governor of Washington, to present their campaign information to coworkers at the parking lot entrance after work, I was fired by Volt Temporary Services from a position I held at Unionbay (SPI) warehouse at 21216 72nd Ave S, Kent, WA. since June 11, 2007.

I brought coworkers over to meet Kennedy, held a sign saying "Meet Alyson Kennedy, Socialist Workers Party candidate for vice president," and handed out several campaign brochures.

The pretext given by Volt Temporary Services, 15 S Grady Way, Renton, W A, was that the company (Unionbay) had done an investigation and a half-dozen people had made allegations that they had seen me stealing food from the food vendor's truck that comes to the warehouse every morning at break.

I have never stolen anything from the food truck and told both Amanda Paulson and Carla Voss from the agency that the allegation was untrue.

At no time was I presented with proof or given an opportunity to respond to the charges before being fired. I was denied information about when the investigation had been carried out and who the people were that had made the allegations. Amanda Paulson refused to go with me to talk to the food truck driver or to talk to other workers who had been coming to the truck as I had for the 8 months I worked at Unionbay.

The next morning on February 15, seven coworkers and I spoke with the food truck driver who reported that he hadn't known anything about me stealing from him, that the company had come to him, and he had told them

he didn't know anything about it or who I was. He told me that he was sorry I had been fired.

Three coworkers went with me to the Volt office that afternoon to report what the driver had said and to find out what could be done in the face of these false charges. Carla Voss repeated that Unionbay had "ended my assignment" for the reasons mentioned.

After more discussion about the manner in which I had been fired, Voss said she would look into the "investigation" a "little more" and get back to me the following week.

One week later on February 22, Voss called me and said, "Because three coworkers had come forward for me she had done a little fact-finding and had talked with her regional supervisor; that Volt could find me. a new job placement but I couldn't go back to work at Unionbay."

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



Cecelia H. Moriarity

February 23, 2008

STATE OF WASHINGTON
EMPLOYMENT SECURITY DEPARTMENT
Determination Notice
04/09/2008

|||||

770

CECELIA H MORIARITY
1128 SW 134TH ST APT 2
BURIEN WA 98146-3143

Return address:
EMPLOYMENT SECURITY DEPT
TELECENTER APPEALS
FAX : (800)301-1795
PO BOX 19018
OLYMPIA WA 985070018

BYE: 02/21/2009

SSN:

A copy of this determination was mailed to the interested parties at their address on 04/09/2008.

YOUR RIGHTS/SUS DERECHOS: If you disagree with this decision, you have the right to appeal. Your appeal must be received or postmarked by 05/09/2008. See "YOUR RIGHT TO APPEAL" at the end of this decision. Si no está de acuerdo con esta decisión, tiene el derecho de registrar un apleación. Vea "SU DERECHO DE APELACION" al final de esta decisión.

NOTICE/AVISO: The language below is intended to be general context of the cited law. You may ask for a copy of the complete law by calling your Telecenter at 1-800-318-6022 or by logging on to www.rcw.go2ui.com. La intención del lenguaje de abajo es para dar un contexto general de la ley que se cita. Puede pedir una copia de esa ley al TeleCentro 1-800-318-6022 ó al entrar en www.rcw.go2ui.com.

Your employer reports you were let go from the client Union Bay, but was not fired from Volt Management Corporation. You are still eligible for future assignments.

You reported you were let go from the client, Union Bay, but was not fired from Volt Management Corporation. You are still eligible for suitable assignments.

Based on the evidence presented, your job separation will be adjudicated as lack of work.

There is no issue when an individual is separated for lack of work.

RESULT: Benefits are allowed beginning 02/24/2008 if otherwise eligible.

YOUR RIGHT TO APPEAL:

If you disagree with this decision, you have the right to appeal. An appeal is a written statement that you disagree with this decision. Your appeal must be received or postmarked by 05/09/2008. An appeal is a request for a hearing with an Administrative Law Judge (ALJ) from the Office of Administrative Hearings (OAH). If you miss the deadline to appeal, tell us why the appeal is late. The ALJ will decide if you have "good cause" for a late appeal. You can fax or mail your written appeal to the fax number or return address listed at the beginning of this decision. We will not accept appeals by e-mail or telephone.

An appeal must include:

- Your name
- Your social security number (claimant's)
- Your current address
- Your telephone number
- The decision you want to appeal
- The reason(s) you want to appeal
- Your signature (we will return it if not signed)

If you or one of your witnesses does not speak English, tell us you need an interpreter and the language that you or your witness speaks.

OAH will mail you, and any other interested party on the decision, a Notice of Hearing with the date and time of the hearing, and a copy of the case file. Most hearings are held by telephone.

For additional information about the appeal process, please see "How Can I Appeal?" in the UI Claims Kit at www.appeal.go2ui.com or call your Claims TeleCenter.

CLAIMANT: You must continue to file your weekly claims during the appeal process if you are not working full-time. If you win your appeal, you will be paid for the weeks you claimed.

SU DERECHO DE APELACION:

Si no está de acuerdo con esta decisión, tiene el derecho de apelar. La apelación es una declaración por escrito diciendo que no está de acuerdo con esta decisión y quiere pedir una audiencia con un juez administrativo de la Oficina de Audiencias Administrativas (OAH). Su apelación deberá recibirse o tener matasellos fechado, en antes de: 05/09/2008, envíela ya sea por fax o por correo, vea el número de fax o domicilio al principio de esta decisión. No aceptamos apelaciones por correo electrónico ni por teléfono.

Si se le pasa la fecha límite para registrar su apelación, explique porqué su apelación es tardía. El juez decidirá si tiene "una buena razón" para apelación tardía.

La apelación deberá incluir:

- Su nombre
- El número de seguro social del reclamante
- Su número de teléfono
- La decisión que quiere apelar
- Las razones por lo que no está de acuerdo con la decisión
- Su firma (se devuelven si no tienen firma)
- La razón que tiene para apelar a destiempo, si es que la apelación es tardía.

Si para la audiencia en inglés usted o una de sus testigos necesita Intérprete, pídale en el mismo escrito y diga qué idioma se necesita.

OAH enviará a todas las partes una Notificación para Audiencia con la fecha y hora de la audiencia y una copia del expediente. La mayoría de las audiencias son por teléfono.

Para mayor información acerca del proceso de apelación, vea la sección "Cómo puedo apelar una decisión?" en el Manual para Reclamos por Desempleo que le enviamos, o por Internet en www.appeal-sp.go2ui.com o llame al TeleCentro.

RECLAMANTE: Si no está trabajando de tiempo completo, continúe registrando su reclamo semanal. Si gana la apelación, solo pagaremos las semanas que haya registrado un reclamo y reunido

cualquier otro requisito.

**VOLT MANAGEMENT CORP
C/O BARNETT ASSOCIATES
P O BOX 7340
GARDEN CITY NY 11530-0725**

22-8

1128 SW 134th ST APT 2
BURIEN, WA 98146-3143

MARCH 19, 2008

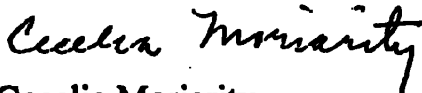
EMPLOYMENT SECURITY DEPARTMENT
UI IMAGING
FAX: (800) 301-1796
PO BOX 19019
OLYMPIA, WA 98507-0019

In reply to your request regarding my unemployment claim I am faxing to you the following:

the completed job separation questionnaire with a copy of the letters, a copy of my work search for weeks ending March 1, 2008 (and for March 3, 2008), copies of 3 declarations to the Federal Elections Commission for advisory opinion, and a copy of an article from the March 24, 2008 *Militant* newsweekly.

On February 22 Volt supervisor, Carla Voss, called to tell me Volt would find me a new job placement. Volt never gave me a new assignment and I filed for unemployment.

Sincerely,



Cecelia Moriarity



Employment Security Department

WASHINGTON STATE

P.O. Box 19019 • Olympia, WA 98507-0019 • Fax # 1-800-301-1796

**Request for Job Separation
Information**

Mailing Date: 3/10/2008 SSN#:

Seq#: 006

**Cecelia H Moriarity
1128 SW 134th ST Apt 2
Burien WA 98146-3143**

Please return this letter no later than **March 20, 2008** to:
**Employment Security Department
Unemployment Insurance Imaging
P.O. Box 19019
Olympia, WA 98507-0019
Fax #: 1-800-301-1796**

We have a question about your eligibility for benefits. Your employer has reported a different reason for your job separation than you reported. We attached a copy of the employer's report. We will send you a job separation questionnaire in a separate envelope so you can respond to the employer's report.

We may schedule you for an interview. If you are scheduled, we will send you an appointment letter within a couple of days with the date and time for the interview. If you do not receive an appointment letter within 5 days, return the completed job separation questionnaire with a copy of this letter. Include a copy of your work search for the week(s) ending March 1, 2008. ✓

You need to tell us why you reported "Lack of Work" as the reason you are no longer working for this employer.

Failure to give us complete and accurate information could result in a denial of benefits. If you make a false statement or withhold information about your claim to get benefits it is considered fraud. If you commit fraud, you may be denied benefits for future weeks. You may also have to pay back benefits you have received, and you may have to pay a penalty.

After receiving your response, if additional information is needed, we will contact you by telephone. You have the right to an interview before a decision is made. You may have any person, including an attorney, assist you during the interview. You may present evidence, documents, or witnesses; cross-examine witnesses or parties present; and ask for a copy of all records and documents on the issue.

... for benefits. Your
... We attached a co
... envelope



22-10

15

(1 OF 2)

State of Washington -- Employment Security Department
Notice To Employer - Claimant's Separation Statement

IMPORTANT: The following claimant has filed a claim for unemployment insurance benefits and has listed you as one of the last employers. Please review to prevent improper payments.

The claimant's statement below says "lack of work" or "reduced hours due to lack of work" and you agree, you can disregard this statement. If the separation is anything other than "lack of work", please complete and return this form and any other relevant documents by mail or fax. In our decision, we will consider any facts you provide. If we do not hear from you, a decision will be made based solely on the claimant's statement.
This form must be returned by >>> 03/10/2008. Mailed on: 03/01/2008



VOLT MANAGEMENT CORP
C/O BARNETT ASSOCIATES

P O BOX 7340
GARDEN CITY NY 11530-0725

Return Address:

EMPLOYMENT SECURITY DEPT
VOICE: 1-(877) 504-5607
FAX : (800)301-1796
PO BOX 19019
OLYMPIA WA 985070019

TC: 770 BYE: 02/21/2009 Name: CECELIA H MORIARITY SSN: SEQ: 000
Date Began: 06/11/2007 Last day worked: 02/14/2008 Date of Separation: 02/14/2008

Claimant's separation reason: LACK OF WORK

Employer's Statement:

Began: Last Worked: 2/14/08 Date Separated: Pay Rate: \$ per (hour/day/week)

Payments: Pay in lieu of notice: \$ Vacation pay: \$ Accrued: \$ Holiday Pay: \$

Claimant's Job Title/Occupation:

Check one and explain if separation is other than lack of work or reduced hours due to lack of work: Quit Fired
 Did not meet standards Labor Disput Other (explain)

I will have more work on I would like this person on standby Yes No. If yes, date: Mo. Day Yr.

(NOTE: Standby can only be granted when the claimant has a definite return to work date that is within four weeks. An employer can request an additional four weeks for a maximum of eight weeks per claim. Claimants on standby are not required to seek work, but are required to accept any suitable work you offer.)

Quit Information:

1. What reason did the claimant give for quitting on the last day?

2. Did the claimant state he/she quit for one or more of the following reasons (check all that apply):

- Quit to accept a new offer of work?
- Quit due to illness or disability of self or family member? If yes, was medical verification provided? Yes or No.
Is the claimant eligible for reinstatement yes or No.
- Quit to relocate due to sponsor's mandatory transfer for: existing job; new job; or military transfer?
- Quit due to domestic violence or stalking of self or family member?
- Reduction in pay and/or fringe benefits? If yes, by what percentage? Was the reduction: permanent or temporary?
- Reduction in hours of work? If yes, by what percentage? Was the reduction: permanent or temporary?
- Relocation of work site or modification to his/her shift or schedule? If yes, was the relocation: permanent or temporary?
- Alleged safety violations at the work site? If yes, was the violation reported to you? Yes or No
- Alleged illegal activities at the work site? If yes, was problem reported to you? Yes or No
- Religious or moral reasons due to a change in customary job duties? If yes, what was the change?
- Other?

Please provide specific details relating to the reason(s) checked (i.e., if change was temporary, until what date, etc.):
end of assignment due to misuse of client/ company property. Policy/procedure violation.

(2 OF 2)

22-11

Name: CECELIA H MORIARITY

SSN:

3. Did the claimant pursue any alternatives to resolve any problems, such as transfer, leave of absence, etc.? Yes or No

Discharge Information:

1. What was the final incident that caused the claimant to be discharged?

2. Was the claimant discharged for one or more of the following reasons (check all that apply):

- Insubordination?
- Repeated inexcusable tardiness?
- Dishonesty related to employment?
- Repeated inexcusable absences?
- Deliberate acts that are illegal, provoke violence or violation of laws? If yes, what was the act? _____
- Violation of a company rule? If yes, what was the rule? _____
- Violations of law while acting within the scope of employment? If yes, what was the law? _____
- Unable to do the job through no fault of his/her own?
- Other _____

Please provide specific details relating to the reason(s) checked. (e.g. dates of tardiness/absences, how many warnings, etc.):

3. Do you believe the claimant's actions were: deliberate or negligent? (explain) _____

4. Could the claimant's actions have caused a potential harm to your business? Yes or No (explain) _____

5. If a law was violated, will you file criminal charges? Yes or No. Have charges been filed? Yes or No. Where? _____

Availability: Explain any reason you feel the claimant is not available for work. _____

WAC 192-130-030 provides that a notice be mailed to the employer identified by the claimant as the current or most recent employer. The employer is required to provide information that may affect the claimant's eligibility for benefits. If the employer fails to respond within ten days, the department may allow benefits based on the weight of evidence.

RELIEF OF BENEFIT CHARGES. If you were also one of the claimant's base year employers, you may be eligible for relief of charges to your experience rating if the separation from work was (1) a quit not attributed to the employer or (2) a discharge for work-connected misconduct.

Please mark the appropriate box: Claimant quit, not employer's fault. Claimant was discharged for misconduct.

Name: Spitzer Title: CSA Business Name: Barnett Associates, Inc.
PO Box 7340

Phone: Grand City, NY 11630

TEL (516) 750-7040
FAX (516) 750-7140

STATE OF WASHINGTON
EMPLOYMENT SECURITY DEPARTMENT
Discharge Questionnaire
03/11/2008



CECELIA MORIARITY
1128 SW 134TH ST APT 2
BURIEN WA 98146-3143

Employer Name and Address:
VOLT MANAGEMENT CORP
C/O BARNETT ASSOCIATES
GARDEN CITY NY 11530-0725

BYE: 02/21/2009

SSN:

Please complete this form about your discharge or suspension from work. The following information is needed to make a decision on your unemployment claim. No decision will be made until you file a weekly claim.

Employer's business phone number: (425) 255-1271
Work Location: UNIONBAY (SPI) 21216 72ND AVE S, KENT, WA
Date started work: 6/11/2007
Date fired: 2/14/2008
Last day paid: 2/13/2008
Job Title: PHASE 1- PACKER / PICKER
Job Duties: PICKING JOB ORDERS, PACKING + LABELING SHIPPING BOXES

1. What was the final incident that caused you to be fired or suspended?
I WAS FIRED ONE WEEK AFTER CAMPAIGNING WITH THE SOCIALIST WORKERS PARTY CANDIDATES FOR WA PRESIDENT AND GOVERNOR AT THE PARKING LOT ENTRANCE OF THE COMPANY AFTER WORK.

2. Who fired or suspended you?
Name CARLA VOSS
Title VOLT SERVICES SUPERVISOR

3. What reason did this person give for firing or suspending you?
UNIONBAY TERMINATED MY ASSIGNMENT FOR "STEALING FOOD FROM THE MORNING BREAK FOOD VENDOR TRUCK." THIS IS UNTRUE AND THE COMPANY REFUSED TO PROVIDE ANY EVIDENCE SUBSTANTIATING THIS CHARGE.

4. Had you been warned before about your conduct? YES NO
How many warnings did you receive? NONE
Were the warnings written _____ or verbal _____

Discharge Questionnaire

What dates did you receive the warnings? _____
Was there anything you could have done to keep your job?

5. If you were fired or suspended for breaking a company rule:
What was the rule?

THE COMPANY LIED.

Did you know about the rule? YES ___ NO ___
Were you at work when the incident happened? YES ___ NO ___

6. Did you discuss your firing or suspension with your employer?
YES What was the result?

NO ___ Why not?

7. Are you a union member? YES ___ NO ___
If YES, did you discuss your firing or suspension with your
union? YES ___ NO ___

If YES, what was the result?

If No, why not? _____

Please tell us any other facts or details that explain why you
lost your job.

PLEASE SEE ATTACHED MATERIALS.

This information is needed to make a decision on your unemployment
claim. After receiving your response, if we need additional
information we will contact you by phone.

You have the right to an interview by telephone or in person
before a decision is made. If you want an interview, contact the
TeleCenter. You may have any person, including an attorney, assist

Discharge Questionnaire

you at the interview. You may present evidence, documents, or witnesses; cross-examine witnesses or parties present; and ask for copies of all records or documents on this issue.

I have read and understand my rights. I made this statement to get unemployment benefits. The information I provided is true to the best of my knowledge. I understand that my employer may be contacted.

I also understand that I may be denied for misrepresentation if I provide false information or withhold material facts in order to obtain benefits.

Your signature Cecilia H. Morimoto
 Your telephone number (206) 399-4870
 Date 3/17/2008

IMPORTANT NOTE

DO NOT IGNORE THIS LETTER. This information will be used to decide if you are eligible for benefits and/or if you have been overpaid. Mail OR fax this letter and any other evidence or documents that may help us make a decision to:

**EMPLOYMENT SECURITY DEPT
 UI IMAGING
 FAX : (800)301-1796
 PO BOX 19019
 OLYMPIA WA 98507-0019**

Return this completed form by 03/20/2008. If you do not, your benefits may be denied and you may have an overpayment.

GU EMS5341-C MC

DECLARATION

I, Cecelia Moriarity, 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 Election Campaign Act.

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

On February 14, 2008, one week after joining Alyson Kennedy, the Socialist Workers Party candidate for vice president of the United States, and Chris Hoepfner, the Socialist Workers Party candidate for governor of Washington, to present their campaign information to coworkers at the parking lot entrance after work, I was fired by Volt Temporary Services from a position I held at Unionbay (SPI) warehouse at 21216 72nd Ave S, Kent, WA. since June 11, 2007.

I brought coworkers over to meet Kennedy, held a sign saying "Meet Alyson Kennedy, Socialist Workers Party candidate for vice president," and handed out several campaign brochures.

The pretext given by Volt Temporary Services, 15 S Grady Way, Renton, WA, was that the company (Unionbay) had done an investigation and a half-dozen people had made allegations that they had seen me stealing food from the food vendor's truck that comes to the warehouse every morning at break.

I have never stolen anything from the food truck and told both Amanda Paulson and Carla Voss from the agency that the allegation was untrue.

At no time was I presented with proof or given an opportunity to respond to the charges before being fired. I was denied information about when the investigation had been carried out and who the people were that had made the allegations. Amanda Paulson refused to go with me to talk to the food truck

driver or to talk to other workers who had been coming to the truck as I had for the 8 months I worked at Unionbay.

The next morning on February 15, seven coworkers and I spoke with the food truck driver who reported that he hadn't known anything about me stealing from him, that the company had come to him, and he had told them he didn't know anything about it or who I was. He told me that he was sorry I had been fired.

Three coworkers went with me to the Volt office that afternoon to report what the driver had said and to find out what could be done in the face of these false charges. Carla Voss repeated that Unionbay had "ended my assignment" for the reasons mentioned.

After more discussion about the manner in which I had been fired, Voss said she would look into the "investigation" a "little more" and get back to me the following week.

One week later on February 22, Voss called me and said, "Because three coworkers had come forward for me she had done a little fact-finding and had talked with her regional supervisor; that Volt could find me a new job placement but I couldn't go back to work at Unionbay."

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

Cecelia H. Moriarity

Cecelia H. Moriarity

February 23, 2008

DECLARATION

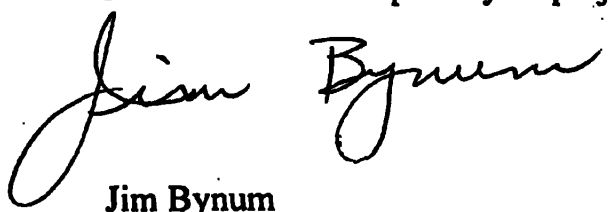
I, Jim Bynum, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the Socialist Workers Party, the Socialist Workers Party's National Campaign Committee, and the committees supporting the candidates of the Socialist Workers Party are entitled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

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

On February 15, 2008 at break time I went to the food truck with other coworkers to hear what the food truck driver had to say about the company's charges that Cecelia Moriarity had been stealing food from his truck. I understood the driver to say that he didn't know anything about it.

At the Volt office later that day, I told Carla Voss, the Volt supervisor, that Unionbay's claims of stealing were not consistent with what I know of Moriarity as a coworker. I stated that we had been given nothing to make us confident that Volt had looked into the charges nor that this wouldn't happen to other workers that her company had placed at assignments. Voss said we didn't need to know the nature of Volt's participation.

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



Jim Bynum
March 3, 2008

DECLARATION

I, Chris Hoepfner, 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 Election Campaign Act.


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

On February 15, 2008 at break time I went to the food truck with several coworkers to hear what the food truck driver had to say about the company's charges that Cecelia Moriarity had been stealing food from his truck. The driver apologized to Cecelia and insisted repeatedly that he didn't know anything about it, but that Unionbay had asserted it.

At the Volt temporary agency office later that day several workers met with Carla Voss, the Volt supervisor, and protested the firing of Cecelia Moriarity, noting that she was not given an opportunity to defend herself before she was fired. When Cecelia Moriarity asked Carla Voss for any evidence to substantiate the charges, she refused to provide any. When asked if there was any way to protest the anonymous and unsubstantiated charge, Voss said no.

The firing took place one week after Cecelia Moriarity participated in campaigning at the company plant gate for the Socialist Workers Party candidates for Vice-President, Alyson Kennedy, and myself for Governor of Washington State.

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


Chris Hoepfner
March 3, 2008

27-19

THE MILITANT

Vol. 72/No. 12 March 24, 2008

Seattle-area warehouse workers organize against firing of socialist campaign supporter

BY JOHN NAUBERT

KENT, Washington—Workers at the Unionbay warehouse in this Seattle suburb are defending their coworker Cecelia Moriarity, who was fired one week after campaigning with Socialist Workers Party candidates after work.

Moriarity joined SWP candidate for vice president Alyson Kennedy and SWP candidate for governor Chris Hoepfner at the parking lot entrance February 7 to campaign for the socialist alternative. Democratic Party candidates Barack Obama and Hillary Clinton were in Seattle campaigning the same day.

More than half of the 150 workers at the warehouse are "temp workers" placed by Volt Temporary Services. Moriarity was one of those. She is known on the job as a supporter of the *Militant* newspaper and of the Socialist Workers Party candidates.

Moriarity said that Unionbay management claimed "a half-dozen people had come forward" to say she had been stealing food from the food truck. No proof was ever presented nor was Moriarity given an opportunity to respond to the false accusations before being fired.

Moriarity and seven coworkers spoke to the driver of the food truck the day after she was fired. He said he knew of no problem and that the company had come to him. He said he had told the company he didn't know anything about it or who they were talking about and was apologetic that Moriarity had been fired.

The reaction of many workers has been disbelief. "That's out of character," said one worker.

"I think the company was worried because Kennedy was out there talking about the need for a union," said Frank Chambliss, another worker. "What bothers me is there is no due process. We have no union, so the company can do almost anything they want."

Worker Jim Bynum helped organize a delegation to Volt to report what the driver said. Volt manager Carla Voss said that the decision was made by Unionbay management.

Discussions about the firing went on all day long the day after Moriarity was fired. "People should be able to support any candidate they want," said one coworker, not buying the company's accusations of stealing.

One week later, Voss called Moriarity to tell her that "because coworkers had come forward in your defense, Volt had looked into the facts, and will find you a new job placement but not at Unionbay." Moriarity has accepted the offer by Volt to take a new job.

Hoepfner, who also works at Unionbay, has been talking with his coworkers about why this is a partial victory. "The socialist campaign will not be intimidated and will continue to get out the working class alternative to the twin capitalist parties of war, racism, and increasing unemployment," he said.

John Naubert works at Unionbay.

Related articles:

['Workers will transform ourselves through fights'](#)

[SWP candidate addresses Minnesota students](#)

[Socialist candidate speaks on 'Elections and Immigrant Rights' at Midwest conference](#)

[Front page \(for this issue\)](#) | [Home](#) | [Text-version home](#)

Exh. 23 - 9 pages

DECLARATION

I, William Estrada, 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:

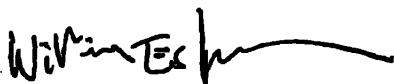
1. On the morning of February 21, 2006, Ved Dookhun and I were present at the Militant Labor Forum Hall located at 80 West Main Street in Price, Utah. The office was located on the second floor above Far West Bank. The Socialist Workers Party had its offices there and activities in support of the Socialist Workers campaigns in 2005 and 2006 were organized out of these premises as well. Ved and I were both active in these campaigns.

2. Sometime that morning we received a phone call from Alyson Kennedy. She informed us that Far West Bank had taken down the Militant Labor Forum sign that had been on the front door to identify our hall. We went downstairs to take a photo of the front door.

3. The bank manager and our landlord, Dan Hunter, immediately came out and asked, "What the hell we were doing." We replied that we were taking a photo of the door to show that the sign had been removed. He replied that, "By the way you are acting you are out of here at the end of this month." He said that he "did not care about our \$100 a month rent" and added that, "You can go somewhere else to peddle your poison." Hunter said we were "against a lot of customers that I do business with."

4. We said that Kennedy would talk to him. He replied that he did not know her, and that a meeting was not required, because, he said, we have to be out by the end of the month. He was belligerent, and raised his voice, demanding Kennedy's phone number. He insisted that this was our notice to vacate the premises and that we should inform Kennedy. We did not argue with him and said that she would contact him.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on April 8, 2007 in Price, Utah.



William Estrada
April 8, 2007

BAILEY & TORGERSON, PLLC220 EAST 200 SOUTH
PRICE, UTAH 84501STEPHEN S. BAILEY
MANDIE J. TORGERSON
DON M. TORGERSON(435) 637-4524
FAX (435) 637-4109
www.priceattorneys.com

February 24, 2006

via Fax and First-Class MailDan Hunter
Branch Manager, Far West Bank
82 West Main St.
Price, UT 84501***Re: Alyson Kennedy Lease***

Dear Mr. Hunter:

This office has been asked to contact you regarding the above-referenced lessee of the commercial space on the second floor of the Far West Bank building in Price. It is my understanding that you are in charge of managing and leasing the property on behalf of Far West Bank.

I have been advised that there was some disagreement between you and Ms. Kennedy's associates regarding the vinyl lettering on the front door of the leased premises that read "Militant Labor Forum." As you probably know, that lettering has since been removed. Ms. Kennedy and her associates did so in the spirit of cooperation and in an effort to ease some of your concerns. They also removed the same lettering from the interior door to their leased office space.

The purpose for my letter, however, is to address the larger issue of threatened eviction. There was apparently some discussion that Ms. Kennedy and her associates needed to be out of the leased premises by the end of the month. I have reviewed the lease and it appears that the lease is valid until October 4, 2006. From what I know, there has been no breach of the lease agreement that would require them to vacate the premises before that time. They have faithfully paid the rent and have otherwise been excellent tenants. Accordingly, they will plan to remain in the leased premises and abide by the terms of the lease agreement until the lease expires. If there is a possibility of extending the lease beyond that period, I am sure they would be interested in discussing it with you at that time.

Thank you for your consideration of this letter. If you would like to further discuss any of the matters I have mentioned, please feel free to contact me at your convenience.

23-3

Mr. Dan Hunter
February 24, 2006
Re: Alyson Kennedy Lease
Page 2

Sincerely,

BAILEY & TORGERSON, PLLC



Don M. Torgerson

cc: Alyson Kennedy

COPY

SETTLEMENT AGREEMENT AND RELEASE

THIS SETTLEMENT AGREEMENT AND RELEASE (the "Agreement") is entered into effective on the date of the last signature below (the "Effective Date") by and between Far West Bank ("Far West") and Alyson Kennedy ("Kennedy").

RECITALS

WHEREAS, on or about October 4, 2005, Kennedy and Far West entered into a Commercial Lease (the "Lease") for office space located at 80 West Main Price, Utah 84501 (the "Premises"). Kennedy and Far West wish to terminate the Lease and to release each other from all further obligations arising under the lease, as more specifically set forth in the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual covenants, conditions, and agreement herein contained and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto, each intending to be legally bound hereby, agree as follows:

OPERATIVE PROVISIONS

1. **Recitals Incorporated.** The foregoing Recitals are hereby acknowledged and agreed to be the mutual understanding of the parties and are hereby incorporated into this Agreement.

2. **Payment and Removal dates.** The parties agree that Kennedy will vacate the premises by April 30, 2006 and remove all personal property. Kennedy's payments for March and April have been previously received by Far West Bank. All other provisions of the Lease that are not expressly amended in this Agreement shall remain in full force and effect.

3. **General Provisions.**

A. **Counsel.** The parties hereby acknowledge and agree that they have had the opportunity to consult the legal counsel of their choice regarding the subject matter hereof.

B. **Severability.** In the event that any condition, covenant, or other provision herein contained is held to be invalid or void by any court of competent jurisdiction, the same shall be deemed severable from the remainder of this Agreement and shall in no way affect any other covenant or condition herein contained. If such condition, covenant, or other provision shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

C. **Entire Agreement.** This Agreement sets forth the entire agreement among the parties and supersedes all prior agreements, whether written or oral.

D. **Headings.** The headings to the various sections and paragraphs of this Agreement are for convenience and ease of reference only and do not define, limit, augment, or describe the scope, content, or intent of this Agreement or any part or parts of this Agreement.

E. Governing Law, Jurisdiction, and Venue. The laws of the State of Utah will govern the validity, performance, and the enforcement of this Agreement.

F. Modification and Amendment. This Agreement may be amended or modified only by an instrument in writing signed by all the parties hereto.

G. Counterparts. This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

H. Further Assurances. The parties hereto shall execute such other documents or instruments, and take such further actions and steps as reasonably requested by the other parties to fulfill the purposes of this Agreement.

I. Costs and Expenses of Enforcement. In the event of the failure of any party hereto to comply with any provisions of this Agreement, the defaulting party shall pay any and all costs and expenses, including reasonable attorney fees arising out of or resulting from such default (including any incurred in connection with any appeal), incurred by the injured party in enforcing its rights and remedies, whether such right or remedy is pursued by filing a lawsuit or otherwise.

J. Contract Construction. The parties intend that no party hereto shall be deemed to be the drafter of this Agreement, and that all parties collectively shall be deemed to have drafted, and it shall be construed without regard to the rules of construction that might otherwise apply against the drafter.

K. Mutual Release of all Claims. In consideration of the provisions set forth herein, the parties, and any successors, assigns or heirs, hereby mutually agree to release and forever discharge each other, and each other's officers, directors, employees, insurers, agents, attorneys, representatives, successors, and assigns, of and from any and all claims, known or unknown, which have been asserted or could be asserted by either party against the other party with respect to any matters or claims of any kind that either party may have against the other, presently known or unknown, arising, occurring, or accruing prior to the effective date of this Agreement. Nothing set forth in this Settlement Agreement, and no actions taken by any Party pursuant to this Settlement Agreement, shall be construed as an admission by any Party of any liability or wrongdoing of any kind.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date opposite his, her, or its authorized signature below, effective as of the Effective Date.

Alyson Kennedy

Alyson Kennedy

Date: April 10, 2006

Far West Bank.

By: [Signature]
Its: [Signature]

Date: April 19, 2006

23-6

THE MILITANT

Vol. 70/No. 10

March 13, 2006

Partisans of Militant Labor Forum in Price, Utah, fight eviction attempt by landlord tied to coal bosses

(front page)

BY ILONA GERSH

CHICAGO—“Organizers of the Militant Labor Forum in Price, Utah, have launched a fight against the attempted eviction of the forum from its premises by the landlord, who has ties to the coal companies in the area,” said Alyson Kennedy here on February 26. She was addressing a special Militant Labor Forum in Chicago titled “Defend labor rights.” Supporters of the *Militant* newspaper organize these forums.

The Chicago event was one of a series of special forums to build support for the fight by the *Militant*, the United Mine Workers of America (UMWA), and coal miners who fought to win UMWA representation at the Co-Op mine in Huntington, Utah, to defeat a harassment lawsuit by C.W. Mining—the owner of the Co-Op mine (see article below). Kennedy, a former Co-Op miner and a defendant in the C.W. Mining suit, is one of the organizers of the Militant Labor Forum in Price.

The forum hall in Price is located, along with other offices, on the second floor of a building managed by the Far West Bank in downtown Price, Kennedy said. One of the best-attended events its organizers hosted recently was a forum in January on the explosion at the Sago Mine in West Virginia when 12 miners were killed on the job. Another was held February 18, the day after a court hearing in Salt Lake City on the C.W. Mining suit to discuss the outcome of the hearing and the next steps in this labor defense case, Kennedy noted. *Militant* editor Argiris Malapanis was a featured speaker at that forum.

Three days later, she said, a manager of the Far West Bank told volunteers who help organize the forums that they have to get out of the hall by the end of the month. He said the bank has a lot of customers it does business with that “you are against,” adding, “You can go somewhere else to peddle

23 - 7

your poison."

"Right away," Kennedy said, "we hired a lawyer, Don Torgerson, of the law firm Bailey & Torgerson. Our attorney was subsequently informed by the lawyer representing the bank that his client is taking steps to evict us at any cost. This is an attack on the right of working people to come together at the Militant Labor Forums to exchange experiences and discuss how to organize to defend workers and farmers from attacks by the bosses and the government, including Washington's imperialist wars. We will fight this attack on freedom of speech."

Torgerson agreed. "This is a free-speech issue, not a lease issue," he told the *Militant*. "It's clear the landlord wants them out for political reasons."

Kennedy was joined by other speakers on the panel of the Chicago forum. Among them was Mary Johnson, a long-time organizer for prisoners' rights and fighter against police brutality and racism. Prisoners need newspapers like the *Militant* and books published by Pathfinder Press to find their self-worth, Johnson said. "The *Militant* is important because it tells the truth," she continued. "Anytime you take the truth to the people you are a threat." Other speakers included Ben Rasmach, a student at the University of Chicago who has been getting support on campus for the Militant Fighting Fund (see front-page article), and Maria Moreano of the Young Socialists in the Twin Cities, Minnesota.

After a fund appeal by Dennis Richter from the Socialist Workers Party, those present contributed \$611 to help the *Militant* continue fielding reporting teams and meet other operating costs.

Forums like that in Chicago have also been held in San Francisco, Los Angeles, Seattle, New York, Atlanta, Birmingham, Pittsburgh, Washington, and Newark, New Jersey. Contributions to the *Militant* at these meetings have so far exceeded \$8,500. (See front-page ad for similar upcoming forums.)

Alyson Kennedy contributed to this article.

Related articles:

[Mine workers strike in Mexico](#)

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Protest boss greed that killed 65

Demand safety measures to prevent other disasters

Miners' union calls march in Alabama

Miners discuss Buffalo Creek disaster at film showing

Gas explosions prompt evacuation of Alabama's Shoal

Creek mine

Build UMWA march! Back Mexican strikers!

An appeal to our readers

San Francisco: Militant Labor Forum fights frame-up

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Vol. 70/No. 11 March 20, 2006

Utah forum supporters push back eviction threat

BY JACOB PERASSO

PRICE, Utah—"Supporters of the Militant Labor Forum here have pushed back the threat of immediate eviction from our hall," said Alyson Kennedy at a March 4 forum on recent developments in the coalfields in North America.

The Militant Labor Forum hall is located, along with other offices, on the second floor of a building managed by the Far West Bank in downtown Price.

On February 21, a manager of the bank informed supporters of the *Militant*, who help organize the forums, that they will have to get out of the hall by the end of the month. "You can go somewhere else to peddle your poison," the manager told a couple of the volunteers, Kennedy explained.

"Later in the week the landlord also threatened to change the locks on the doors," Kennedy said. "This is an attack on the right of working people to come together and discuss important issues facing workers today, like the need to unionize the mines to enforce safety."

"By winning support from workers in the area and hiring legal counsel we have been able to negotiate effectively. The landlord is now offering this month's rent free in exchange for breaking the lease early at the end of March," Kennedy stated.

Volunteers signed up 12 subscribers to the *Militant* in Price and nearby towns over the March 4-5 weekend. They also distributed a statement outlining the facts of the case and calling on working people to support organizers of the Militant Labor Forum in their effort to maintain a hall in Price, whether at the current location or a new one.

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Exh. 24 - 4 pages

DECLARATION

I, Daniel Fein, 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 exception from certain disclosure provisions of the Federal Election Campaign Act.

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

1. On January 7, 2006, myself and two other supporters of the *Militant* went door to door to houses in Philippi, West Virginia. We were distributing the issue of the *Militant* newsweekly featuring an editorial on safety in the coal mines in response to the Sago mine explosion a few days before in which 12 miners were killed.

2. At around 3:30 p.m., when we were talking to each other on the sidewalk comparing our results, 3 or 4 police cars pulled up next to us. Several police officers jumped out and asked for our IDs. They frisked me and another man who was also distributing the paper. They took a copy of the *Militant*, looked at it, and asked what we were doing. They then threatened us with arrest if we didn't leave town immediately. A police car escorted our car out of town.

3. In a derogatory article about this harassment printed later the Clarksburg *Exponent-Telegram*, which did not mention who we were but referred to us as "opponents of big business" in an effort to make us appear as more sinister, falsely stated that we attempted to distribute literature at visitations for miners that had died. This is categorically untrue.

I declare under penalty of perjury that the foregoing is true and corrected. Executed on February 13, 2007 in New York, NY.



Daniel Fein

February 13, 2007

DECLARATION

I, Brian Williams, 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 two other supporters of the *Militant* newspaper were introducing coal miners and other working people to the *Militant* in Philippi, West Virginia, on January 7, 2006.

2. We were distributing the paper just five days after an explosion at the Sago coal mine killed 12 miners, several of whom had lived in this town or nearby. A number of working people in this area were interested in purchasing copies of the *Militant* and discussing the ideas presented in this paper, which backs the Socialist Workers Party election campaigns nationwide.

3. The day we spent in Philippi there were many policemen in the area. Also that day there were a couple of receptions at funeral homes by relatives of the dead miners.

4. As I and two other supporters of the *Militant* were walking on the sidewalk after visiting some workers who live in houses on a nearby block, five police cars with Philippi police officers and state troopers surrounded us on a street corner. The police demanded to see identification from each of us, ordered myself and one of the other *Militant* supporters to place their hands on the police car, and searched each of us. They took several copies of the *Militant* from us. A police officer then ordered us to leave town or we would be arrested. We got in our car and a police car escorted us well outside the city limit.

I declare under penalty of perjury that the foregoing is true and corrected. Executed on February 16, 2007 in New York, NY.



Brian Williams
February 16, 2007

The Exponent Telegram (Clarksburg, WV)

January 9, 2006

p. A6

Protest group attempts to hand out literature at miners' visitations

by John G. Miller, Managing Editor

PHILIPPI -- A group protesting big business attempted to distribute literature on Saturday at two Barbour County funeral homes during visitations for two of the miners killed in the Sago Mine disaster. The group also was reported to be in Upshur County distributing literature.

Police reported no incidents during Sunday's funerals in Barbour and Upshur counties, as six of the miners were laid to rest.

On Saturday, the group was confronted by Philippi police and asked to leave, according to Barbour County Sheriff John Cutright.

The group, which had five or six members, was in violation of a city ordinance, Cutright said. No arrests were made, although Philippi officers took the names of those protesting.

Philippi Police Sgt. Jeff Walters was not available to confirm the name of the group on Sunday.

The group apparently has no connection to a religious group from Kansas that has threatened to protest the funerals of the miners.

"There was no altercation," Cutright said. "And no arrests made."

He indicated the group was asked to leave one funeral home, then showed up at the other where another visitation was being held.

Cutright said the group members first identified themselves as working media with *The New York Times*. When they couldn't produce identification, they changed their story.

"We've had no problems with the media," Cutright said. "They've been very respectful and followed any guidelines provided by the family and police."

Cutright said more than 15 uniformed officers, as well as six reserve officers, were handling security for the funerals and visitation scheduled Sunday in Barbour County.

"We have five from the Sheriff's Department, three from Philippi, four State Police, one from Junior and two from Taylor County," Cutright said.

The Taylor County officers were called out in support after Saturday's incident, according to Taylor Prosecuting Attorney John Bord.

Cutright also confirmed he had been in contact with other area counties and additional police were on standby.

Taylor Sheriff Robert H. Beltner said he and an officer from Junior were stationed at one cemetery on Sunday.

"So far there have been no problems," Beltner said. "We're just trying to provide the miners' families some privacy and respect."

Upshur County Sheriff Virgil Miller said he had heard the anti-big business group was in Upshur County distributing pamphlets, but there were no altercations. He said he was told the group was from Pennsylvania.

Miller said his entire 10-man department, plus Buckhannon City Police and State Police were on duty throughout the weekend to provide security, as well as regular patrols.

Miller said other than having to ask some media to move from an area too close to one of the funeral homes, there had been no issues.

Exh. 25 - 1 page

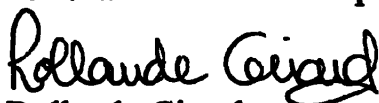
DECLARATION

I, Rollande Girard, 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 October 22, 2005 myself and another supporter of the *Militant*, the Socialist Workers Party campaign's newspaper went door-to-door in the north side of Toledo to present the socialist views of the newspaper in that working class neighborhood.
2. A few days earlier, on October 15, the neo-Nazi group, National Socialist Movement had attempted a racist march through the northside neighborhood of Toledo supposedly to prevent "victimization of whites by blacks".
3. About 15 minutes after we arrived, the police drove up and asked us what we were doing. We told them we were introducing people to our campaign newspaper, the *Militant*. They said someone had called them saying that the National Socialist Movement was in the neighborhood. We made it clear to them that we were not with that group and that we supported the Socialist Workers Party. They asked for our IDs.
4. The police officers told us that it was prohibited to go door-to-door in Toledo and that we would be arrested if we continued. We told them we had the legal right to introduce people to our paper. In a very hostile manner they reiterated that our actions were illegal and demanded we leave the city.
5. Given the situation, we left Toledo right away.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 19, 2008 in Minneapolis, Minnesota.



Rollande Girard

September 19, 2008

Exh. 26 - 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. As the Socialist Workers candidate for Governor of Georgia, I participated in a demonstration in support of legalization for all immigrants on October 7, 2006 at the Georgia State Capitol in Atlanta, Georgia. The event included an assembly with speakers in front of the Capitol, a march of several miles to Turner Field and back, and another assembly with speakers at the Capitol.

2. I participated in the rally and march because our campaign was in full support of its central demand, for the legalization of all immigrants. I and other campaign supporters distributed a statement to that effect, as well as distributing other campaign literature.

3. While standing near a table with campaign literature, I observed a campaign supporter, Maceo Dixon, surrounded by about 8 police officers, who were marching him out of the rally. I began to follow them to find out what was happening. A police officer told me to stay back. I continued to follow them, fearing for Mr. Dixon's well-being. When I attempted to cross Mitchell Street, an officer told me to stay back. I said I was the Socialist Workers candidate for Governor, that Mr. Dixon was there campaigning for me, and that I wanted to know what was happening to him. The officer told me to stay where I was, and that he would get back to me.

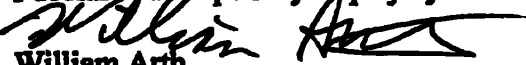
4. After the police spent several minutes conferring with Mr. Dixon across the street, the officer came back to me and said that Mr. Dixon was being excluded from the rally at the request of the organizers.

5. I spoke to Mr. Dixon after the incident, and we agreed that he would stay across the street from the Capitol as ordered by the police, but that he would participate in the march. I asked my running mate, Lisa Potash, the Socialist Workers candidate for Lieutenant Governor, to stay with Mr. Dixon for the rest of the day in case there were any more problems. Ms. Potash and I spoke with one of the rally organizers about what had happened. He agreed to speak to the other organizers about allowing Mr. Dixon back into the rally. He later came back and indicated that the answer was no.

6. The incident had a chilling effect on our campaign. We lost the ability of one of our campaign supporters to fully participate in the event, and the rest of us were looking over our shoulder for a policeman trying to eject us for the rest of the day.

7. I sent a letter to Georgia Governor Sonny Perdue protesting this treatment by the police (attached).

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 19, 2007.


William Arth
December 19, 2006

State of Georgia, County of Fulton Sworn and subscribed before me on December 19, 2006

Blanche J. Backus, Notary Public

My commission expires October 2009

DECLARATION

I, Rachele Fruit, 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 was part of a team of Socialist Workers campaign supporters who attended a demonstration in support of legalization for all immigrants on October 7, 2006 at the Georgia State Capitol in Atlanta, Georgia.
2. We participated in the rally and march, handing out a statement by the SWP candidates in Georgia, William Arth for Governor, Lisa Potash for Lt. Governor and Eleanor Garcia for U.S. Congress in the 5th C.D. The statement made the following demands: Amnesty now! Immediate and unconditional residency for all undocumented! Stop immigration raids! We also distributed the *Militant* newspaper as well as books and pamphlets on socialism.
3. After a short time at the rally I noticed that another campaign supporter, Maceo Dixon, was surrounded by a group of Capitol police who were escorting him down the street away from the rally site. William Arth and I began to follow them to find out what was going on. We tried to follow them across Mitchell St., but the officers told us to stay behind. I stayed on the corner and watched while William Arth crossed the street to make sure that the police knew that Mr. Dixon was part of his entourage at the rally. We waited on the corner until the police were satisfied that Mr. Dixon would not return to the Capitol and they dispersed.
4. William Arth wrote a letter to Governor Sonny Perdue protesting the discriminatory treatment of his campaign supporter at the hands of the Capitol Police.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on December 10, 2006.

Rachele Fruit

Rachele Fruit
December 10, 2006

State of Georgia, County of Fulton Sworn and subscribed before me on December 10, 2006
Eleanor J. Beckner, Notary Public My commission expires October 2009

**REPORT BY MACEO DIXON ON BEING EJECTED FROM PRO-IMMIGRANT
RIGHTS RALLY SATURDAY OCTOBER 7 BY COPS AT GEORGIA STATE
CAPITOL BUILDING**

DECLARATION

I, Maceo Dixon, 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 began participating in the October 7 pro-immigrant rights march and rally around 12:30pm.
2. I was circulating among the crowd and distributing material for the Socialist Workers campaign for governor of Georgia, including the campaign newspaper, the Militant.
3. I noticed a cop motion to a Hispanic woman, who I had been talking to, to come over to him.
4. As he talked to her he kept pointing to me. I turned around and began walking away.
5. As I got near the Socialist Workers campaign table I felt a hand on my upper back and a stern push followed by a voice saying, "We have to talk to you."
6. I looked around and saw it was a cop. "What's wrong? Did I break some law?" I asked.
7. He said, "Don't worry about that just keep walking."
8. I responded, "But why are you forcing me out of here?"
9. As I looked it wasn't just one cop. It was eight of them. Mostly Black. One of them retorted, "Just keep walking." So I slowed down and they pushed me more. It turned out they were all from the Capitol Police Force. At this point both Rachele Fruit and Bill Arth, Socialist Workers candidate for governor of Georgia began walking along side of us and asked the police what were they doing.
10. I believe Bill even said he (being me) was with them. The cops told them to stay back several times.
11. When we got to Mitchell St. the cop told me to continue across the street. One of the cops told me the organizers of the march and rally didn't want me at the demonstration because I was causing confusion among the people. They explained that as long as the organizers had the permit they could exclude me. They said I couldn't come on capitol grounds until after 5pm.
12. One of them asked for identification. I gave him my drivers' license. While they were checking to see if I had any outstanding warrants there was more discussion.
13. They gave me back my drivers' license. They told me to go on down the street and don't come back. I told them I'm not on capitol grounds and I wasn't

going anywhere. They said okay, but if you come back across the street we'll arrest you.

14. It was decided by the Socialist Workers campaign that I should not try to come back on capitol grounds, but that I should participate in the march to Turner Stadium and back.
15. I continued to campaign for immigrant rights and the socialist candidates in Georgia.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 10, 2007.

Maceo Dixon

Maceo Dixon
January 10, 2007

*State of Georgia, County of Fulton
Sworn and subscribed before me on
January 10, 2007.*

Eleanor T. Beckman, Notary Public.

My commission expires October 2009.

**Georgia 2006 Socialist Workers Campaign
P.O. Box 162515
Atlanta, Georgia 30321
E-mail: swpatlanta@bellsouth.net
Phone: (404) 768-1709**

October 24, 2006

**The Honorable Sonny Perdue
Governor, State of Georgia
State Capitol
Atlanta, Georgia 30334**

Dear Governor Perdue,

On October 7, Socialist Workers Party candidates in the state of Georgia, Eleanor Garcia, Lisa Potash, and I marched and rallied at the state capitol with nearly 5,000 immigrants and other working people and youth demanding 'Legalization for all now!' We were joined by campaign supporters at this important event.

I am writing to protest the action of the Capitol Police against one of my campaign supporters, Maceo Dixon, at that rally. Dixon was reaching out to fellow rally participants with Socialist Workers campaign material. Supporters of other candidates were handing out literature as well. Suddenly, a number of Capitol Police officers surrounded Dixon and physically 'corralled' him out of the rally and across the street - ordering him to stay away from the rally under threat of arrest. No other campaigns received similar treatment to my knowledge.

Mr. Dixon is a political activist well-known to many in the Atlanta area. He has a record as a forty-year veteran of the struggle for Black rights. He supports the rights of immigrants and champions the right of all working people to join trade unions, regardless of their country of origin.

I demand an end to all such discriminatory and undemocratic actions by the Capitol Police against our campaign.

Sincerely,

**Socialist Workers Party candidate
For Governor of Georgia**

cc: Alianza 17 de Marzo

Exh. 27- 4 pages

Declaration

I, Seth Galinsky, 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 actively campaigned for Socialist Workers candidates.
2. On August 16, 2003 myself, Alex Alvarado, and Nicole Sarmiento, set up a literature table with books, the Militant newspaper, and flyers promoting the views of the SWP, in front of the International Longshoreman Association Local 1416 located at 916 NW 2nd Ave in Miami
3. We set up the table at about 5:30 a.m. when the union members gather for the daily shape-up. After we were there about an hour, I saw a man come up to the table and grab Nicole's hands and tell her "you have the most beautiful eyes". He then released her hands walked away, came back all of a sudden, grabbed her hands again and said something I couldn't hear. I started to move closer to her and he left.
4. Nicole and Alex told as we were taking down the table that when I was talking to another Longshoreman and before he grabbed her hands, the man had grabbed Nicole by the waist and pulled her about 20 feet from the table. Nicole told me the man had told her, "you're so beautiful, you shouldn't be with these communists, you should be with a real man like me." I did not see this previous incident.

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

Executed February 6, 2007

Seth E. Galinsky

Two notes were given to Seth by the other campaign supporters who were distributing literature at the longshore union hall that day. They are attached below:

1. My name is Nicole Sarmiento. I am a supporter of the SWP.
2. On the morning of August 16, 2003, Alex Alvarado, Seth Galinsky and I organized sales of Pathfinder literature, *Militants* and *PMs*, pamphlets and flyers promoting the views of the Socialist Workers Party at the International Longshoreman Association Local 1416, located 916 N.W. 2nd Avenue in Miami.
3. After about an hour of sales (at about 6am), a man approached me after I asked him whether he was familiar with the *Militant*. He came up to me, put his arm around my waist and said, "Have you ever dated me before?" After repeatedly asking him to please let me go and to take his hands off me, he kept his arm around me and was pushing me away from the literature table. Seth did not see any of this, but after a while Alex noticed and started walking towards us. After about two minutes Alex walked over and asked the man to let me go. I had told the man many times, politely, to let me go and take his hands off me, but he just kept pushing me farther away from the table and refused to take his hands off me. He asked me several times what I was doing with "those people" and how I ended up there. He said things like "you are so beautiful" and "you are safe with me, come with me." We had our table set up some feet away from the street corner, and the man was pushing me towards the corner. He said "just come with me over there so we can talk."
4. After about 3 minutes, and Alex following behind us asking him to let me go, the man responded to Alex. He said to Alex several times, "Is she your wife?" Alex responded "No" and the man said something like "I didn't think so," just kept walking away and grabbing me more forcefully. This went on for a bit, Alex asking him to let me go and to take his hands off me and the man responding "Is she your wife?". Finally the man responded after Alex said "you are disrespecting her, let her go, she wants to go." The man then asked me "Am I disrespecting you?" I said yes, please just let me go." He then took his arms off me and I went quickly back to the table.
5. After a few minutes the man came close to the table again and started asking me questions like "So what do you do..do you scuba dive..do you..." he went on for a while and I did not respond or look at him. Seth

was talking to someone while this was going on, and Alex was standing a few feet away, and did not see him talk to me. The man became hostile when I did not respond. He kept staring at me and saying "Then what do you do!", "Why are you involved in this, how did you get into this." He then came over to me, grabbed my hand and said something like "you are so beautiful, how did you get involved in this." At that moment Seth noticed the man was holding my hand and Alex walked over and said something like "don't touch her, you are disrespecting her sir." The man then walked a few feet away to his motor bike and said to me in a loud voice "Did I disrespect you?" He said a few other things and then left.

6. After the man left Alex told me that the same man had taken a paper (*Militant*) from him without paying for it, and had made a nasty comment to Alex.

Nicole Sarmiento

1. My name is Alex Alvarado. I am a supporter of the Socialist Workers election campaign.

2. On the morning of August 16th 2003, Seth Galinsky, Nicole Sarmiento, and myself set up a literature table with books, the *Militant* newspaper, and flyers promoting the views of the SWP, in front of the International Longshoreman Association Local 1416 located at 916 NW 2nd Ave. in Miami.

3. At approximately 5:50 am a man nearly hit me with his moped as he drove into the driveway to park. I had to move quickly to avoid being hit. He parked in front of our book table, then snatched a paper out of my hand and walked into the union hall.

4. This person had harassed our table before when we've been out to distribute literature. He said to previous distributors of literature that "we don't need none of that communist stuff/shit here." This has happened on various occasions throughout our various months of distributing literature.

5. 15 minutes later he came back out and approached our table. Nicole asked him if he would like to check out our literature, to which he responded by grabbing her by the waist and walking away with her. During this I was walking behind them asking if he would give the paper back.

6. He gave the paper back. He would not let Nicole go. I kept interrupting him. He asked if she was my wife, I said no and he kept walking with her. He asked her if she felt in danger with him, she said she would like to go back to the table. I put my hand on his arm and he asked her again and she said the same and he let go.

7. We went back to our table, and stood at the same spots we were before this happened. He talked with Nicole some more. He told me that if she had been my wife he wouldn't have wanted to be disrespecting me. I told him she was disrespecting her. He said he wasn't then began to stare at me. I looked away, then he eventually left.

Alex Alvarado

Exh. 28 - 1 page

I, Scott A. Breen, 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. In January of 2003, my instructor and director of Internships at Shoreline Community College told me that he had received a phone call from someone wanting to know if I was affiliated with the Socialist Workers Party. The caller was an investor in Geron Corporation, a biotechnology firm, and heard of me on the Geron Yahoo! Message Board: GERN.

2. In a series of e-mail messages on this Message Board, a paper I wrote for an Immunology course at Shoreline Community College, was posted into this Message Board December 31, 2002 (the paper had been posted on the Immunology Web Site at Shoreline Community College in the Spring of 2002), with a laudatory comment from one investor, "woofs a lot".

3. Another investor, "telomerased", posted a reply that same day entitled: "Re: Curing Cancer seen by a Socialist." The note read, in part, "Who is Scott Breen? A leading NIH researcher? No, he is a guy who once ran for Mayor of Seattle on behalf of the Socialist Workers Party." The note attached a thread to the *Militant* newspaper website featuring an article confirming this.

4. Other messages were posted about this, as well.

5. The instructor received this inquiry as a result of this series of red-baiting notes on the internet, and directed me to the GERN message board, where I confirmed these exchanges. He did not say who the inquirer was, and told him that I was indeed a student at Shoreline Community College, although he did not know (at the time) of my past affiliation with the SWP.

I declare under penalty of perjury that the foregoing is true and correct. Executed July 29, 2005



Scott A. Breen
July 29, 2005

Exh. 29 - 2 pages

DECLARATION

I, William Arth, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the Socialist Workers Party, 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 September 17, 2008, two campaign supporters, Eddie Beck and myself, were distributing campaign literature from a table on the corner of Decatur Street and Central Avenue outside the Georgia State University (GSU) campus in Atlanta.

2. The literature included the brochure for Róger Calero and Alyson Kennedy, the Socialist Workers candidates for U.S. president and vice-president, and a statement by the Socialist Workers candidates in Georgia protesting the scheduled execution of Troy Davis (attached). We were also distributing a leaflet for a public Militant Labor Forum scheduled to protest against the execution of Davis (attached) which featured a talk by Loretta VanPelt, Socialist Workers candidate for U.S. Congress in the 3rd C.D., an issue of the *Militant* with an article on efforts to stop the execution of Troy Davis, and a flier advertising an upcoming public protest against the execution (attached). The protest was sponsored by a number of organizations, including the Socialist Workers campaign. We had taped to the campaign table a poster issued by Amnesty international and other signs and fliers against the planned execution.

3. At approximately 11:30 am, a police car with flashing lights stopped on Decatur Street near the table. Another police car with its lights flashing stopped on Central Avenue on the other side of the table. Police officers got out of both cars. Three officers surrounded us and the table. Both of us felt threatened by the aggressive fashion in which the police approached the table. Two of the officers bore identification on their uniforms as GSU police. We are not sure about the third.

4. Two individuals who were speaking to us at the campaign table as the police approached abruptly ended their discussion and left the area. Later, another student approached the table and asked in surprise, "Are they shutting you down?"

5. The police officers asked if we had a permit to be there. I said we didn't think we needed one, since we were campaigning for candidates. They asked if we had permission from GSU to be there, and I again said that we didn't think we needed permission to campaign for candidates. The police instructed us to take down the table. Two officers stood there and watched as we took down the table.

6. A third officer walked around the area and tore down leaflets about Troy Davis that were posted there. He was joined in this by one young man in civilian clothes who also tore down a leaflet. The officer then approached the table and began to tear down the poster produced by Amnesty International. I asked the officer to let me take the poster down without destroying it, since it belonged to me. He allowed me to do so.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Atlanta, Georgia, on September 17, 2008.



William Arth
September 17, 2008

Exh. 30 - 1 page

I, Brian Taylor, 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 exception from certain disclosure provisions of the Federal Election Campaign Act.

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

1. Martha Ressler, SWP candidate for US Congress, and myself, Brian Taylor, SWP candidate for Senate in Pennsylvania set up a literature table on the sidewalk in front of the Art Institute at 420 Boulevard of the Allies, Pittsburgh PA on August 18, 2004.
2. In addition to the *Militant* newspaper our campaign table included literature supporting the 2004 socialist presidential ticket, flyers on our local campaign and books and pamphlets on socialism.
3. Soon after setting up the table, a maintenance man was heard to refer to getting "those fucking communists out of here." A female administrator came out and said, "I want you out of here."
4. We introduced ourselves to her as the SWP candidates, and pointed out we were campaigning on public sidewalk.
5. The administrator then threatened to "call the cops and you can tell that to them."
6. We began taking down the table, but before we left, I went inside the school building to learn the name of the administrator. She refused to give it. After a few minutes a security guard asked me to leave, and I did.

I declare under penalty of perjury that the foregoing is true and correct. Executed March 7, 2005.


s/ Brian Taylor,
March 7, 2005

Exh. 31 - 1 page

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 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 based on my personal knowledge.

1. In October 2008, I was campaigning for the Socialist Workers candidates, including distributing the *Militant* newspaper, which supports the SWP campaign, to Dakota Premium Foods plant in South St. Paul, Minnesota, along with Samuel Farley and Dave Finch.

2. We had been campaigning for quite a while, including talking to workers in their cars as they exited, when a man came out of the company offices and came up to us and identified himself as the head of company personnel. His name is Ben Torres. He said that we couldn't block cars coming out of the plant. I said we were not blocking anybody. We were not doing anything that the union representatives don't do when they hand out union leaflets. This had been done for twenty years or more. He said he knew that but if we blocked traffic he would call the police and have us arrested.

3. He stayed near us for twenty minutes. At one point he claimed we were blocking traffic after I had talked to a driver for 30 seconds and threatened to call the police again. I said we were not blocking traffic.

4. After staying near us for quite a while, he got ready to leave. He said if the security guards saw us blocking traffic he would call the police. I explained that we were simply exercising our democratic rights. He interrupted and threatened us with arrest again. Samuel Farley is witness to all of this.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on October 12, 2008 in Minneapolis, Minnesota.

Tom Fiske

Tom Fiske
October 12, 2008

Exh. 32 - 1 page

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 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 September 1, 2008, supporters of the Socialist Workers 2008 campaign were distributing campaign literature at a demonstration protesting government policy that was organized at the Republican National Convention in St. Paul, Minnesota.

2. As demonstrators were marching on public property in front of the Minnesota State Capitol building, about 2:30 p.m., Dave Finch, a campaign supporter, was campaigning for the Socialist Workers Party candidates and distributing the *Militant* newspaper, which supports and publicizes the campaign, at a time when large numbers of demonstrators were leaving the staging area to march to a protest at the Republican national convention. Dave was about 20 feet away from other campaigners.

3. As one person came by, seized a copy of the *Militant* that Dave had in his hands and tore it up, then walked quickly away. Dave reported this incident to me.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 5, 2008 at St. Paul, Minnesota.

Tom Fiske

Tom Fiske
September 5, 2008

Exh. 33 - 1 page

DECLARATION

I, Frank Forrestal, 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 2008 Socialist Workers presidential election campaign were handing out campaign brochures and distributing copies of the *Militant* newspaper in Grand Island, Nebraska during afternoon shift change at the JBS Swift beef slaughterhouse on September 28, 2008.

2. After approximately 45 minutes, a Swift company security vehicle pulled up and one of the officers ordered campaign supporters who were handed out national campaign brochures for the Socialist Workers Party presidential ticket and the *Militant* newspaper off company property. We were told to move across the street and off company property. The security vehicle then left. Later when I walked into the street to hand a flyer to a Swift worker, company security returned and threatened me with arrest. They had an electronic camera viewing us. We were not allowed to step into the road and company security parked their car nearby, which intimidated many workers coming in and out of the plant from stopping to talk to us.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 30, 2008 in Des Moines, Iowa.

Frank Forrestal

Frank Forrestal
September 28, 2008

Exh. 34 - 2 pages

DECLARATION

I Wendy Lyons, 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 based on my personal knowledge.

1-On Wednesday, September 3, myself and another supporter of the Socialist Workers 2008 election campaign were campaigning on the public walkway outside a Ralph's supermarket in the neighborhood of the campaign headquarters at the corner of Vermont and Adams Avenue in Los Angeles.

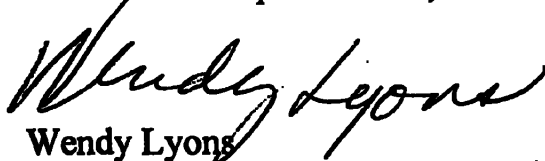
2-We had a table with campaign literature, the *Militant* newspaper, and books and pamphlets on socialism. We have campaigned there before. The table had a sign in the name of the Socialist Workers Campaign saying "U.S. Troops Out of Iraq!"

3-A manager from the store came out and said "U.S. Troops Out of Iraq? I don't think so. You have to leave immediately." We explained we thought we had a right to campaign for the party of our choice. He threatened to call the police.

4-Shortly after that he came back with another manager and handed us a piece of paper he said was a fax from his "home office" threatening us with prosecution if we ever returned to Ralph's for any reason. (See attached)

5-Prior to this I frequently shopped in this store as it is my neighborhood supermarket.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on September 25, 2008 in Los Angeles, California.



Wendy Lyons
September 25, 2008

NOTICE TO SOLICITOR AT RALPHS GROCERY STORE

You are no longer welcome to come onto Ralphs store property for any purpose. If you return to any Ralphs store location, Ralphs will consider you a trespasser. Ralphs reserves the right to pursue all legal remedies available to prevent your trespass, including civil and criminal actions.

Printed
with
Sundance

Exh. 35 - 1 page

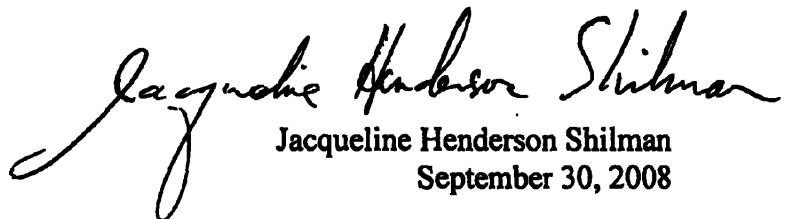
DECLARATION

I, Jacqueline Henderson Shilman, 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 Amanda Ulman, Socialist Workers Party candidate for U.S. Congress from the 9th CD in Houston, Texas, participated in a march to commemorate the 3rd anniversary of Hurricane Katrina in New Orleans, Louisiana on August 29, 2008. At the end of the march, as a commemoration program was about to begin at Hunters Field, a small park at the intersection of North Claiborne and St. Bernard streets, we set up a campaign table.
- 2) The table featured campaign signs; campaign brochures of Róger Calero and Alyson Kennedy, SWP candidates for President and Vice-President; campaign buttons; *Militant* newspapers featuring articles on Alyson Kennedy's campaign stop in New Orleans August 9 to 12 and on Louisiana state officials ruling that the party's presidential slate will be on the ballot November 4; and books and pamphlets on socialism.
- 3) After a few people took campaign brochures and said they would be coming back to the table later, a woman who identified herself as the organizer of the event ordered me to take down the table. When I pointed out that the Socialist Workers Party campaigns throughout the country and have the legal right to do so, she yelled, "You don't understand. If the police find Black people with this socialist shit, we will be targeted. We will all end up in jail."
- 4) She said that if we didn't get rid of "that socialist and communist shit" immediately she would have the table shut down for us. She told Amanda Ulman to "take this stuff away." When Ulman explained that she had an injury and can't carry books and tables, the woman yelled, "You'd better get un-injured fast and move this out of here."
- 5) Participants in the commemoration program, including Derrick Morrison, one of the scheduled speakers, and Michael Howells, an elector for the SWP in Louisiana, witnessed the harassment and tried to convince the woman to stop interfering with the campaign table.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 30, 2008 in Houston, Texas.



Jacqueline Henderson Shilman
Jacqueline Henderson Shilman
September 30, 2008

Exh. 36 - 5 pages

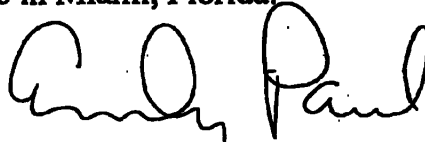
DECLARATION

I, Emily Paul, 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.

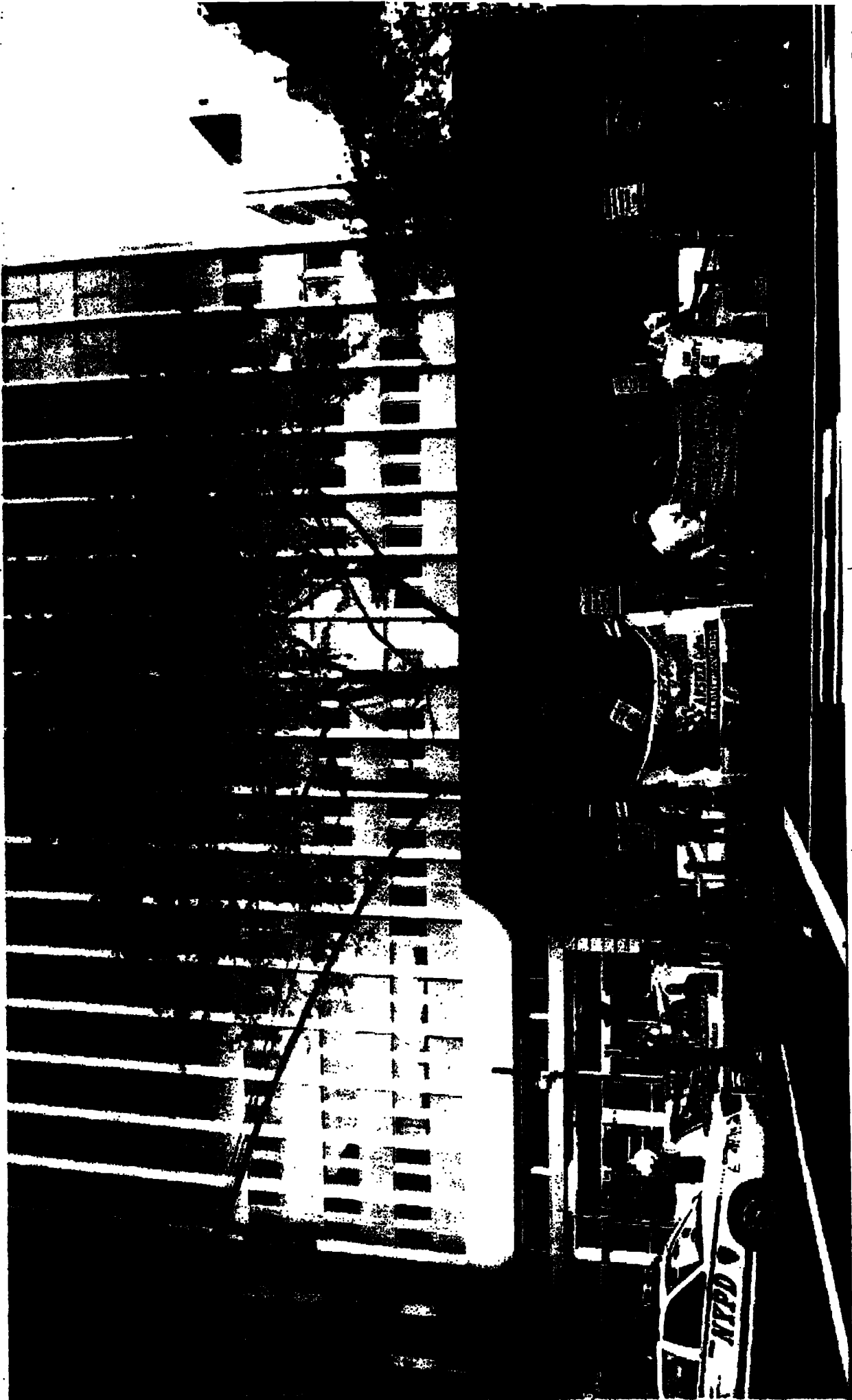
I make this statement on the basis of my personal knowledge:

1. Myself along with the presidential and vice presidential candidates of the SWP, New York congressional candidates of the SWP and other campaign supporters joined in a picket line June 6th 2008 in front of the federal building in downtown Manhattan to demand freedom for the Cuban Five.
2. The SWP campaign joined the picket organized after the decision of the court of appeals came down to demand the freedom of the Cuban five. Roger Calero, SWP presidential candidate spoke at the demonstration and we distributed campaign brochures and the *Militant* newspaper at the picket.
3. During the demonstration a NYPD car was parked in front of the picket and one cop was taking pictures of the participants including the SWP candidates and campaign supporters in the picket. The cop car was there for the whole demonstration.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 4, 2008 in Miami, Florida.



Emily Paul
October 4, 2008

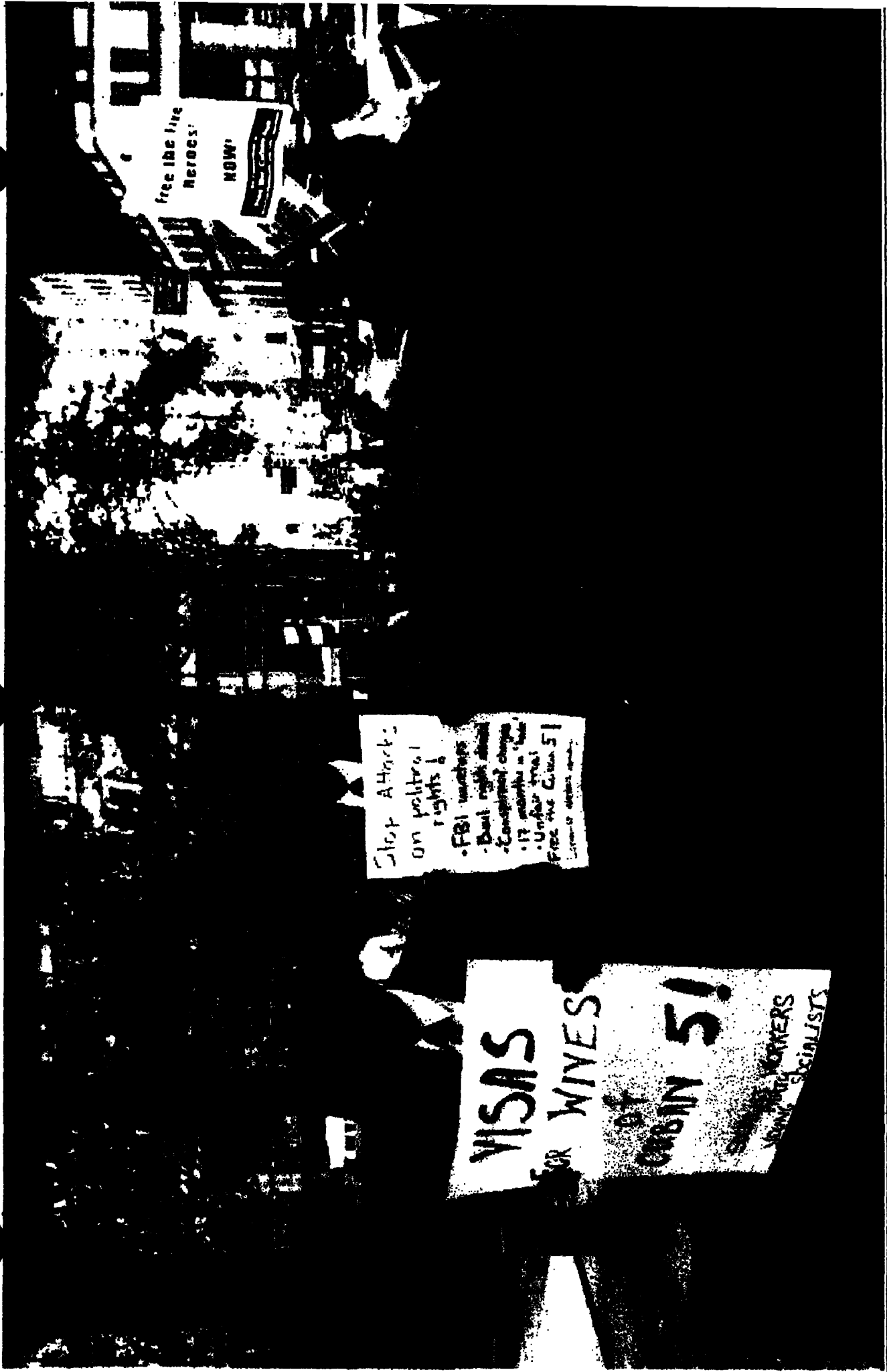




Free the live
HEROES!
NOW!

Stop Attacks
on political
rights &
- FBI searches
- Denial rights
- Conspiracy charges
- 17 months in jail
- Unfair trial
Free the Cuban 5!
Learn more about them

VISAS
FOR WIVES
OF
CUBAN 5!
MEMBER WORKERS
SOCIALISTS



PRETTHE
 CUBAN 5
 GREEN
 1000000000
 1000000000



Exh. 37 - 1 page

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. Myself and another supporter of the Socialist Workers 2008 election campaign were petitioning to put the party's national and New Jersey candidates on the ballot in Newark's Penn Station on Thursday morning, May 8, 2008.

2. After about thirty minutes we were accosted by two uniformed Newark police officers, who said they had received a report about people petitioning. I identified myself as the Socialist Workers candidate for Congress in the 10th C.D., and said what we were doing. The officers told us we did not have a permit to be there and told us to leave. They took my name, and asked for and wrote down the name of the other campaign supporter.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 2, 2008 in Newark, New Jersey.

Michael Taber

Michael Taber
October 2, 1996

Exh. 38 - 2 pages

DECLARATION

I, Glova Scott, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the 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. My name is Glova Scott. I am a supporter of the Socialist Workers campaign and am active in support of the campaign's demand for full equality for immigrant workers and against immigration raids and deportations. On May 19, 2008, another supporter of immigrants' rights sent me the attached photograph.

2. The photo and caption appeared in an internet newsletter called "Black Velvet Bruce Li", edited by Greg Letiecq. Letiecq is a well-know anti-immigrant activist and a member of the rightist group "Help Save Manassas". The photo was not taken in Richmond, as the newsletter states, but at an immigrant rights march that began from a high school in Herndon, Virginia. The photo and caption are clearly an attempt to redbait Mexicanos Sin Fronteras, the main group that has organized many rallies protesting anti-immigrant legislation in Prince Williams County in Virginia.

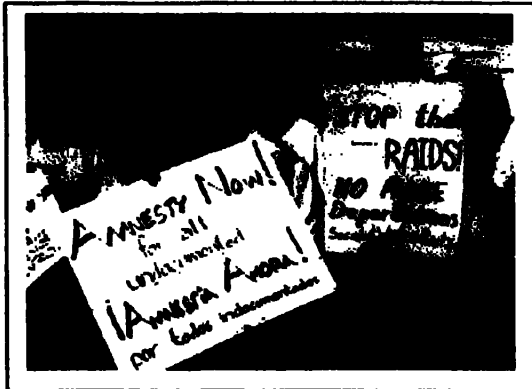
3. The right wing group also hopes to smear the Socialist Workers campaign, calling it "anarchist". I am shown in the photo, along with two other campaign supporters, Tim Mailhot and Ned Measel.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on September 25, 2008 in Washington, D.C.



Glova Scott
September 25, 2008

Photo and caption from Internet Newsletter "Black Velvet Bruce Li",
edited by Greg Letiecq



Caption: Mexicans Without Borders is holding an "emergency protest" at the site of the federal courthouse construction project in Richmond where thirty-three illegal aliens were apprehended by the Immigration and Customs Enforcement Agency two days ago. This should be interesting: an anarchist organization affiliated with the Zapatista Army of National Liberation in Mexico is calling for a halt to the enforcement of federal law.

Exh. 39 - 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 SWP, 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 March 13, around 4:05 pm, myself and two other supporters of the Socialist Workers 2008 election campaign, Ben Joyce and Ben O'Shaughnassey, set up at literature table and were campaigning in the area where tables are set up near the cafeteria inside Borough of Manhattan Community College (BMCC).

2) Along with the Militant newspaper, literature supporting the socialist presidential ticket, and books and pamphlets on socialism, we were also handing out a flyer publicizing a meeting where Alyson Kennedy, vice presidential candidate in the 2008 election would be speaking.

3) The day before, March 12, 2008, Ben Joyce, who is also a student at BMCC, told me he had received a phone call from Curtis Browne, BMCC student government president, saying that arrangements had been made to secure a socialist campaign table, where other groups also table, for March 13, 2008 from 4 pm -- 8 pm.

4) At around 5: 15 pm, a campus police officer approached the table and said we had to take our material and leave immediately. I asked why, as we had permission to have a campaign table. The police officer replied because the dean said so.

5) We gathered up our literature and left.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 15, 2008 in New York, NY.



Daniel Fein
March 15, 2008

Exh. 40 - 1 page

DECLARATION


I, Dean Hazlewood, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the Socialist Workers Party, 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 March 14, 2008, I and another supporter of the Socialist Workers Party campaign went to set up a literature table in support of the national and local SWP candidates on the sidewalk outside the Farmer John Meat Packing company at Vernon and Soto in Los Angeles, California. As we got there, a company security guard crossed the street from the parking lot and yelled at my partner and I "You guys can't just come here and set up a fucking table, you know." I said "We do this every week, been doing this for years". He said "So you have the Company's permission?" I repeated "We have been doing this for years". We both repeated this one more time.

2. Mike Ortega, the other campaign supporter, told the security guard, "Our candidates are running in the elections, we're just passing out information on our candidates." The guard yelled back "I don't fucking care!" He then stormed off back across the road to the parking lot where he glowered at us for another thirty minutes.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on October 5, 2008 in Los Angeles, California.


Dean Hazlewood
October 5, 2008

Exh. 41 - 2 pages

1. I, Jeanne FitzMaurice, 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 May 7, 2005, I was staffing a Socialist Workers Party literature table at the Bessemer Flea Market in Bessemer, Alabama. Susan LaMont and I were distributing the *Militant* newspaper and Pathfinder books. Over the past year, we have had such tables, including during the 2004 election campaign, about six times without incident. We pay the standard \$9 vendor's fee for the table. At one point in 2004, a woman from the management of the flea market told us that no signs were allowed on the tables, and we followed that guideline for subsequent tables.
2. We set up the table at about noon. After an hour or so, we noticed one of the women from the flea market management walk by, taking note of the discussions we were having with passers-by who stopped at the table.
3. At about 1 pm, a flea market security guard, identified by a badge hanging around his neck, came up to the table and said, "There's no communist literature allowed here." We explained that we had had tables at the flea market before, with no problem. He reiterated that no communist literature was allowed, and then said, "Do you want me to call the Bessemer police? If you stay here, we'll call the police."
4. At that point, we decided to take down the table and leave.

I declare under penalty of perjury that the foregoing is true and correct.
Executed August 4, 2005.

Jeanne FitzMaurice

Jeanne FitzMaurice

August 5, 2005

I, Susan LaMont, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the Socialist Workers Party, the SWP's National Campaign Committee, and the committee 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 May 7, 2005, I was staffing a Socialist Workers Party literature table at the Bessemer Flea Market in Bessemer, Alabama. Jeanne FitzMaurice and I were distributing the *Militant* newspaper and Pathfinder books from a table, along with many other vendors selling a wide variety of items. Over the past year, we have had such tables, including during the 2004 national election campaign, about six times without incident. We pay the standard \$9 vendor's fee for the table for one day. At one point in 2004, a woman from the management of the flea market told us that no signs were allowed on the tables, and we followed that guideline for subsequent tables.
2. We set up the table at about 12 noon. After an hour or so, we noticed one of the women from the flea market management walked by, taking note of the discussions we were having with passers-by who stopped at the table.
3. At about 1pm, a flea market security guard, identified by a badge hanging around his neck, came up to the table and said, "There's no communist literature allowed here." We explained that we had had tables at the flea market many times before, with no problem. He reiterated that no communist literature was allowed and then said, "Do you want me to call the Bessemer police? If you stay here, we'll call the police."
4. At that point, we decided to take down the table and leave.

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

Executed August 4, 2005



Susan LaMont
August 4, 2005

Exh. 42 - 2 pages

DECLARATION

I, William Leonard, 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 October 5, 2008, I was campaigning with Sarah Ullman, a campaign supporter, at the corner of Summer Street and Meridian Street in East Boston, Massachusetts. We had brochures about the Socialist Workers campaign of Róger Calero and Allyson Kennedy for US president and vice-president on the table along with a flyer that was a short biography of myself, William Leonard, the Socialist Workers candidate for state senate in the second Suffolk district. We also had a few books and a sign up sheet for more information about the Socialist Workers campaign.

2. Around 1:00 pm a police car pulled up and stopped about 25 feet away from us. The two officers in the car remained in the car. About 15 minutes later another police car with one officer in it pulled up behind the stopped police car. All three got out of their cars and approached us. I heard the officer who just arrived tell the other two officers as they approached "it's a free speech thing." The officer who most recently arrived asked me what we were doing. I told him I was a candidate for public office and gave him my biography.

3. He told me we could not block the sidewalk and I told him I agreed but we were not blocking the sidewalk. He agreed we were not blocking the sidewalk. Then one of the officers who had been watching us said we were blocking the bus stop. I pointed out their police car was stopped in the bus stop and that we were in front of the bus stop sign. The officer repeated we were blocking the bus stop. The officer who had most recently arrived suggested we move the table. We agreed and moved the table about 50 feet.

4. When the police first got out of their cars we were talking to a middle aged man who was interested in the campaign. When the officers approached he moved away from the table and watched. After we had moved the table and the police left the man who had been interested did not come back to the table.

I declare under penalty of perjury that the foregoing is true and correct.
Executed October 12, 2008 in Boston, Massachusetts.



William Leonard
October 12, 2008

Exh. 43 - 1 page

DECLARATION

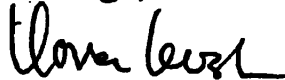
I, Ilona Gersh, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of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

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

1. At 11:30am on Saturday, October 18, 2008, I and another supporter of the SWP candidates arrived at the Bedford Park U.S. Post Office at 6037 South Kedzie Avenue, where the SWP has set up tables for the purpose of distributing literature for at least 3 years on a regular basis. The literature included campaign brochures for Calero and Kennedy, the Militant newspaper, which covers the Socialist Workers Party election campaign extensively, books by Malcolm X, Che Guevara and others published by Pathfinder Press, and a leaflet publicizing a meeting to celebrate 80 unbroken years of building the communist movement in the United States.
2. At 12:10, policewoman Stanek (Badge #2012) pulled up as we were having a discussion with a young man about the campaign. She interrupted us and said, "We received a complaint that you are blocking the sidewalk, and you have to move." I explained we were campaigning for the Socialist Workers Party candidates in next month's election, and that we have the right of free speech on public property. She said that we didn't have that right.
3. I pointed out that the sidewalk where we had set up the table was at least 15 feet wide, and no-one was forced to walk around the table. The two-and-a-half foot-wide table was set up next to the curb. She reiterated her demand that we move, suggesting we find some other location in front of an unoccupied building. Leroy and I moved the table about 15 feet down the street in front of the next building, which is a boarded-up unoccupied commercial retail building. She said that it was not unoccupied, since several people had parked their cars in the vacant lot in front of that building. The policewoman told us that we either had to leave the vicinity, or set up the table on a patch of muddy dirt next to the sidewalk. I explained that once a Post Office manager had once suggested this location instead of immediately opposite the Post Office door. She said that didn't matter.
4. She reiterated that we either had to set up the table in the mud, or leave. We left.

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

Executed on October 21, 2008 in Chicago, Illinois.



Ilona Gersh

October 21, 2008

Exh. 44 - 1 page

DECLARATION

I, Ellen Brickley, 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 Campaign Act.

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

1. Emily Paul and myself were campaigning for the 2008 Socialist Workers Party candidates for President and Vice President at the University of Miami on Thursday afternoon, October 9, 2008.

2. We were distributing campaign literature, including the Militant newspaper.

3. A student who did not identify himself told us we had no right to campaign there. He said he had notified security and would walk us to our car to make sure we left the campus. He threatened to call security if we did not leave. We did leave campus. He stood by to see us leave.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on October 12, 2008 in Miami, Florida.



Ellen Brickley
October 12, 2008

Exh. 45 - 1 page

DECLARATION

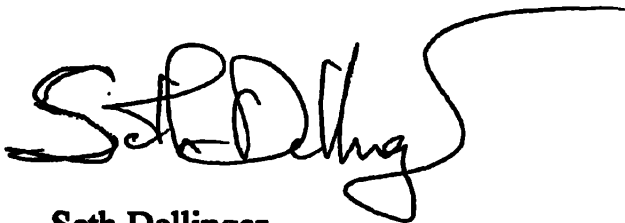
I, Seth Dellinger, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure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

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

1. I am the Socialist Workers Party candidate for Delegate to the House of Representatives from Washington, D.C. On September 6, 2008, I and Janice Lynn, an SWP campaign supporter, were campaigning at the Langley Park Shopping Center, in Langley Park, Maryland.

2. A woman came by and took a campaign brochure. After glancing at it on her way into a grocery store, she turned around and came back shouting loudly that "You are just doing the same thing as four years ago – getting Bush elected. You're going to get McCain elected and we'll be in the same boat we're in now." She crumpled the brochure and threw it back towards the table, still shouting that we should get out of there. She saw a Latino gentleman looking at material on the table and she began yelling in Spanish, telling him he should not talk to us or take any material. She was very perturbed and threatening. She did not want to listen to anything we had to say. She finally stormed off.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on September 25, 2008 in Washington, D.C.



Seth Dellinger
September 25, 2008

Exh. 46 - 1 page

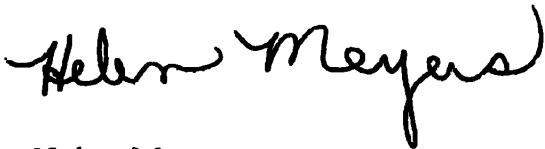
DECLARATION

I, Helen Meyers, 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 August 2, 2008, I was petitioning to place the Socialist Workers Party candidates on the ballot in Iowa in the Wal-Mart parking lot and in the parking lot of the Coralville Ridge Mall, both in Coralville, Iowa.
2. While I and other petitioners were in the Wal-Mart parking lot in Coralville, Iowa, we were approached by the store security and told that the manager had ordered the team to leave the lot. I had just finished explaining to an individual in the lot that we were gathering signatures to put the Socialist Workers candidates on the ballot and he was beginning to sign the petition. He was interrupted and prevented from completing his signature by the security agent, who insisted that we "leave immediately."
3. In the Coralville Ridge Mall again the team was approached by mall security and told to leave immediately by order of the mall manager.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on October 11, 2008 in Des Moines, Iowa.



Helen Meyers
October 11, 2008

Exh. 47 - 1 page

DECLARATION

I, Janice Lynn, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the 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 June 21, 2008, Socialist Workers Campaign supporters Janice Lynn, Ned Measel and Tim Mailhot were distributing campaign material and the campaign newspaper, *The Militant*, at the Hechinger Mall Shopping Center at Maryland Ave. NE, and Bladensburg Road, in Washington, D.C. Some of those who took material also wanted to give campaign donations.

2. An older gentleman, who seemed to be organizing the drivers who take people home with their groceries, became enraged at our presence. He said a few times to me that we could not be there distributing campaign material and could not be taking campaign donations. After ignoring him, he finally said he was going into the grocery store to get the manager to escort us off. As a result, I moved to another area of the shopping center which did not have as many shoppers.

3. After a while I moved back and the same gentleman shouted loudly to a shopper who was taking campaign material and giving a donation that he couldn't be accepting any material. The shopper shouted back at him, equally loudly, that this was his constitutional right. As a result of the continuing harassment, we decided to leave for fear of provoking further incidents.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on September 25, 2008 in Washington, D.C.



Janice Lynn
September 25, 2008

Exh. 48 - 1 page

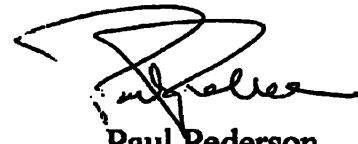
DECLARATION

I, Paul Pederson, 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 two other supporters of the Socialist Workers 2008 election campaign were at the Manhattan campaign headquarters at 10:30 a.m. April 24, 2008, preparing to mail out the *Militant* newspaper.
2. An older man showed up at the headquarters. He said he wanted more information about the Socialist Workers Party. He said he was retired and a writer.
3. After purchasing a copy of the *Militant* and picking up literature about the party's presidential campaign he asked if the Socialist Workers Party advocated violence. I said no and told him that is a common slander against working class organizations. I asked him what sort of work he did before he retired. He informed me that he was an agent of the Federal Bureau of Alcohol, Tobacco and Firearms. I then asked him to leave and he complied.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 9, 2008 in New York, New York.



Paul Pederson
October 9, 2008

Exh. 49 - 1 page

DECLARATION

I, Janice Lynn, 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.

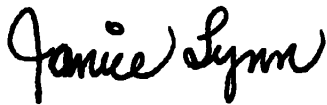
1. On January 26, 2008, myself and another supporter of the Socialist Workers 2008 election campaign set up a campaign table on a public sidewalk at the corner of 14th Street and Park Road in Washington, DC – a location where we often campaign that has busy foot traffic. We were distributing material on the election campaign of Róger Calero and Alyson Kennedy, the SWP's presidential ticket, along with a display of books and the campaign newspaper, *The Militant*.

2. After about an hour two women came by and looked at the material on the table and then asked if we had a vendor's license. We explained we were only campaigning for political candidates and displaying material reflecting their ideas and were not "vending".

3. One of the women asked for our names and the address of our campaign office. She produced a card that identified her as Mary Ellen Bayer, a Retail Property Manager for Horning Brothers, which she said owned the building near where the campaign table was set up. She said we could not set up there any longer and that she would have people checking to make sure we did not.

4. We did not give her our names, but she took material with the SWP campaign address. We took down the table. As a result, when the SWP candidate for president, Róger Calero toured Washington, DC two weeks later, we were reluctant to campaign at this location due to this harassment.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on September 26, 2008 in Washington, D.C.



Janice Lynn
September 26, 2008

Exh. 50 - 1 page

DECLARATION

I, William Leonard, 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 or about October 22, 2007 I was at a campaign table on Meridian Street in Central Square, East Boston. I was campaigning with William Estrada who was the Socialist Workers Party candidate for Boston City Council, At-Large. On the table we had a few books, campaign flyers, and a sheet to sign up for more information about the Socialist Workers campaign.

2. About 6:30 pm four police officers approached the table. One officer told us we had to take the table down. Estrada explained to the officer that he was a candidate for office and was campaigning. At that point a different officer reached down and picked up the book *Final Speeches* by Malcolm X and asked "What does this have to do with your campaign?" He then picked up another book - *Thomas Sankara Speaks* - and asked "What does this have to do with your campaign?" Estrada said the books on the table reflected the ideas of his campaign.

3. At this point another officer said we were soliciting within 10 feet of an ATM machine (we were set up on the sidewalk across from a Citizens Bank) and said that was against the law. I told the officer that we have set up in this same place many times before (it is within one block of our campaign office). Another officer said if you move the table you will not be violating the law. At that point we moved the table about six feet and the officers left.

I declare under penalty of perjury that the foregoing is true and correct.
Executed October 10, 2008 in Boston, Massachusetts.



William Leonard
October 10, 2008

Exh. 51 - 1 page

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. I and another supporter of the Socialist Workers 2007 Philadelphia Mayoral election campaign set up a literature table on a corner where we regularly set up tables to distribute campaign literature. This was at the corner of 40th and Walnut Streets in Philadelphia on September 29, 2007.

2. Along with the *Militant* newspaper, literature supporting the socialist mayoral ticket, and books and pamphlets on socialism, we also had a sign demanding "Justice for the Jena 6" which referred to 6 Black high school students who were arrested and charged with attempted second-degree murder and conspiracy to commit murder after a white student filed charges following a fight at Jena High School.

Tens of thousands had demonstrated a week or two earlier in Jena, Louisiana to protest the jailing of the Black students.

3. Within minutes of our arrival, while we were setting up our display, a police officer approached us and asked what we were doing. We explained that we were setting up a campaign table for the Socialist Workers Party candidate for mayor. The officer said, "You're not having a demonstration, are you?" We said, no. The officer hovered in the area for awhile watching us, but didn't tell us to leave. Several other officers drove by during the period time that we were there, and came by to look at the literature.

4. While they did not directly ask us to leave, we both felt that their demeanor and behavior was meant to intimidate us and pressure us to stop campaigning.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 20, 2008, in Philadelphia, Pennsylvania.



Ellen Berman
September 20, 2008

Exh. 5-2 - 2 pages

I, Tamar Rosenfeld, 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 two other supporters of the Militant newspaper, David Ferguson and Henry Dennison, were standing outside the entrance to the employee parking lot outside Tyson Foods at 6600 US Highway 431, Albertville, AL at approximately 2:30 pm on May 1, 2007.

2. Our purpose was to distribute the Militant newspaper, Pathfinder books, and leaflets pertaining to both to the workers leaving work on dayshift and those entering for afternoon shift. The headline of the leaflet read, "Build May Day Demonstrations".

3. Three company officials came out and asked myself and David what we were doing. I said we were distributing information to the workers, and would not trespass onto their property. One man told us he was not happy about us being there, but there was nothing he could do about it. One woman asked for samples of what we were distributing and David gave them a flyer. They left without further comment.

4. Then two Albertville Police officers pulled up onto the grassy shoulder. Sergeant Pierce asked what we were doing. We explained that we were distributing information to workers coming and going. We said we had talked with Tyson management and related what they said.

The other officer (I don't know his name) said that while we were not on company property, that meant we were on city property, and that meant we were required to have permission from the city of Albertville to engage in this activity.

They said they were responding to a call from Tyson about our activity and that we had to cease distributing literature immediately.

Officer Pierce asked: What kind of paper is the *Militant*? What group are you from? Who runs the *Militant*? Why are you promoting demonstrations on May Day?

They ran a check on our IDs. Officer Pierce stated that we could not get our IDs back until we spoke with the chief of the department, which meant going to the station.

5. Officer Pierce demanded that we turn over all the material in our hands, which was multiple copies of the *Militant*, subscription blanks, flyers, books, and a poster-board sign. He said that he was conducting an investigation based on the complaint called in and was confiscating this material for that investigation.

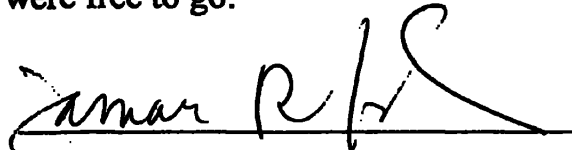
6. Another police car pulled up and two more officers approached, among them Chief Womack.

He instructed Officer Pierce to return our IDs to us.

We asked for our confiscated material back as well. Chief Womack kept one copy of the *Militant* and one flyer. He instructed Officer Pierce to return the rest of our material to us.

Before doing so, Officer Pierce made several comments in a highly agitated manner to the effect of: I am highly offended by what this paper says about the war in Iraq. If you like Cuba so much why don't you just go there?

Chief Womack told us he agreed with Officer Pierce's comments and we were free to go.



Tamar Rosenfeld

June 3, 2007

Phone number: 205-329-1645

Exh. 53 - 1 page

DECLARATION

I, Sara Lobman, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National 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 two other supporters of the Socialist Workers Party set up a literature table in downtown Newark in the early afternoon of April 8, 2007. The table was on the south side of Market Street between Broad Street and Halsey Street.

2. Along with the *Militant* newspaper and other literature on socialism, we also had prominently displayed a sign that said "Jail the killer cops." This referred to a series of incidents in which police officers had shot people down this year and earlier in both New York and Newark.

3. We had been up for less than an hour when an unmarked police car pulled up in the street in front of table. The undercover cop in the passenger seat called me over and asked if we had a vendor's license. I said no. The cop then asked what the sign referring to "killer cops" meant. At this point, I asked if there was a problem. The cop said, "You can't be here without a permit" The team decided to take the table down.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 31, 2007 in Newark, New Jersey.



Sara Lobman
May 31, 2007

Exh. 54 - 2 pages

DECLARATION

I, Deborah Liatos, make this declaration of support of the application to the Federal Election Commission for an advisory opinion that the Socialist Workers Party, the SWP's National Campaign Committee and the committees supporting the candidates of the SWP are entitled to 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 S WP set up a literature table on the side walk outside the post office on 84th Street near NE 2nd Avenue in Miami, Florida on Saturday, February 10, 2007.

2. We were distributing books, pamphlets, and the *Militant* newspaper.

3. At about 12:45pm a tall white man in his 50's came up to the table saying we did not have the right to distribute socialist literature at the post office.

4. Three people who came out of the post office said this same man created a loud disturbance in the post office about the socialists outside, holding up the long line of customers.

5. The man then brought the manager of the post office outside to talk to us.

6. The man took pictures of the table and us with his cell phone and threatened to call the police.

7. Even though we had the right to have the table up, we were intimidated and took the table down shortly thereafter.

8. Afterwards, I received the attached E-mail concerning the incident.

I declare under penalty of perjury that the foregoing is true and correct. Executed on Feb. 13, 2007 in Miami, Florida.


Deborah Liatos
February 13, 2007

Copy of text of email message from Cathleen Gutekanst

February 15, 2007

Last Saturday, February 10, I was in the Little River Post Office to mail a package. There was a middle-aged white man talking very loudly on his cellphone while he was waiting in line. He was complaining to someone on the other end that someone was "Blocking the entire sidewalk, making it impossible for him to walk". He stated that "This is against federal laws". Elsewhere in the conversation, he stated that "Socialism is a discredited system" and repeated that assertion several times.

When he got up to the counter, he began berating the postal employee who waited on him. He told her to go out and remove the socialist literature table that was in the parking lot. She told him that that she would relay his complaint to the manager of the office. He demanded to see the manager. She told him that the manager was not there that day. He stated that unless she removed the socialist table that moment, he would "turn her in to the federal government law enforcement agency. You don't want that now, do you?" She answered that she was there to wait on customers, and she noted that there was a very long line behind him. She then told him to go around to the back, where a postal employee was giving people with yellow slips their packages. She told him to speak to that employee and she would help him.

Other customers in the line began to complain about him. The woman standing next to me, a Black woman, stated to me that "I'm more afraid of him than the socialists. He seems crazy. They weren't bothering him." After her package was mailed, she went out to the table and told the campaigners that she was sorry that they were being forced to leave. A young Haitian man who appeared to be in his 20s, stated that if the other man didn't like the socialists, he was free to walk away and go about his business. No one was forcing him to look at their table, he said.

Cathleen Gutekanst

February 15, 2007

Exh. 55 - 1 page

DECLARATION

I, Ben O'Shaughnessy, 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 was responsible for maintaining the email account of the Young Socialists national leadership, a youth organization that supports the Socialist Workers Party election campaigns.

On January 26 we received a harassing email from an individual, Alex Hernandez, cursing out the activities of the organization, as well as our support for the Cuban Revolution. Two days later the organizer of the Albany, NY chapter forwarded to the national leadership a similar email by the same individual on that date.


2. At the time, the Young Socialists, along with the Socialist Workers Party and its candidates, were promoting a march against the war in Iraq in Washington, DC, including in a column written and edited by members of the Young Socialists in the *Militant* newspaper.

3. In the email to the national leadership, Mr. Hernandez wrote: "FUCK YOUR MARCH ASSHOLES... GET THE FACTS GRINGOS FROM REAL CUBANS NOT YOUR FAKE WANNABE COMMIES LIKE YOURSELVES.. VIVA CUBA LIBRE!!!"

To the Albany chapter, he wrote: "Fuck your bullshit march... Assholes."

4. I forwarded these emails to the national leadership of the Socialist Workers Party campaign to be kept on record.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 11, 2008 in New York, N.Y.


Ben O'Shaughnessy
Oct. 13, 2008

Exh. 56 - 3 pages

DECLARATION

I Christian Castro, 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 for certain disclosure provisions of the Federal Election Campaign Act.

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

On Tuesday, September 26, 2006, at 5:00pm, we set up a table with our election and political literature on the sidewalk near the Morse red line train station in the west Rogers Park neighborhood in Chicago, Illinois. As we were setting up, several people approached our table attracted by one of our signs that read: 'Prosecute the killer cops. Stop police torturers'. During the first ten minutes we sold several Militant newspapers, and engaged in political discussions with by-passers who were interested on what we had to say. During this time we also noticed a police officer that was riding a bike and stopped across the street. He immediately started to communicate something on his radio. Two minutes later two squad cars stopped about 50 yards away from our table, talked to each other over their windows for about a minute. They both went away. Five minutes later one of these two officers came back and stopped in front of our table. He asked what kind of literature we were distributing to which I responded: 'Different kinds of literature.'

He started browsing through our literature, he gave a couple of steps back to read our signs taped to our table -up to this point he still had not realized about the signs described above. He immediately asked if we had any permit to set up this table. I responded that we have done this in different places around the city and that we had never needed a permit. I added that we were campaigning for the upcoming elections and pointed to one of our campaign leaflets. He said 'I am sure you guys need some type of permit to do this.' I asked him if he was asking me to leave and he responded 'I think you need a permit' and left.


We continued with our political campaign. People immediately came to our table to ask if the cops were 'harassing' us. Some people gave us examples of how they were sometimes stopped and searched for no reason.

Forty-five minutes later the same cop came back. Other cops had gone by us during this time, but he said 'I've checked and it turns out you are in a number of violations.' We asked if he could tell which violations he was referring to. His response was that he was not our legal adviser and added

'...but if you want to get technical with me.' We said that we needed to know because we do this all the time without problems, to what he replied in a threatening tone 'Do you want to debate with me? I think is better if you guys leave.'

We understood he was determined to make us leave. So we did. We packed and left at 6:15pm.

I declare under penalty of perjury that the foregoing is true and accurate. Executed on November 18, 2006 in Chicago, Illinois.


Christian Castro
November 18, 2006

DECLARATION

I Rollande Girard, 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 for certain disclosure provisions of the Federal Election Campaign Act.

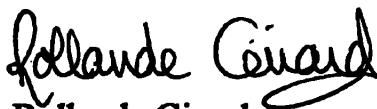
I make this statement on the basis of my personal knowledge:

On Tuesday, September 26, 2006, at 5:30pm. I joined a table with our election and political literature set up near the red line Morse train station in the west Rogers Park neighborhood in Chicago, Illinois. The police had talked to Christian Castro, the SWP candidate for lieutenant governor for the state of Illinois, asking if he had a permit to distribute campaign literature and had left before I arrived.

We campaigned for the Socialist Workers candidates for about thirty to forty-five minutes more. Later the same officer who had talked to Christian came back, he said "I've checked and it turns out you are in a number of violations." We asked if he could tell us which violations he was referring to. His response was that he was not our legal adviser and added "...but if you want to get technical with me." We said that we didn't want to argue but we needed to know in order to find out what are the problems since we always campaign and had not had any problems before. He replied in a threatening tone "Do you want to debate with me? I think it's better if you guys leave."

We packed up and left at around 6:15pm.

I declare under penalty of perjury that the foregoing is true and accurate. Executed on November 18, 2006 in Chicago, Illinois.


Rollande Girard
November 18, 2006

Exh. 57 - 1 page

DECLARATION

I, Ned Measel, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the 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 April 26, 2006, I and Sam Manuel set up a literature table at a rally sponsored by the National Black Farmers Association and the Black Farmers and Agriculturalists Association near the Department of Agriculture Building on the National Mall in Washington, DC.

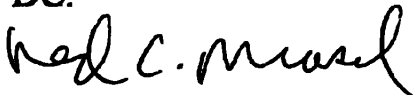
2. The literature we were distributing included *The Militant* newspaper and books and pamphlets on socialism.

3. An officer of the U.S. Park Police told us that we had to take the table down and leave the mall with our material. We packed up the material and took the folding table down. The officer told us that we had to leave the mall with our material or face arrest and that if we returned to participate in the rally even without the material we would be arrested.

4. After Sam Manuel, the Washington correspondent for *The Militant*, showed his press credential and enlisted the support of one of the organizers of the rally the officer conceded that he could remain but reasserted that I would have to leave with our material and that if I returned I would be arrested.

5. I then left the National Mall with our material.

I declare under penalty of perjury that to the best of my memory the foregoing is true and correct. Executed on October 5, 2008 in Washington, DC.



Ned C. Measel
October 5, 2008

Exh. 58 - 3 pages

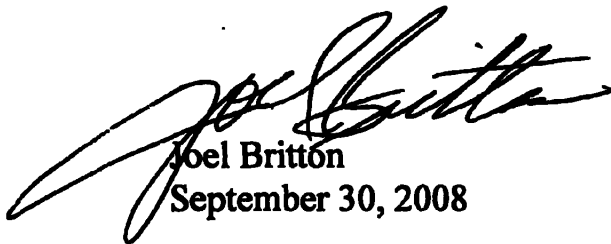
DECLARATION

I, Joel Britton, 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 February 9, 2006 supporters of the Militant Labor Forum in San Francisco, California, were fined \$450 by the city's Department of Public Works. Supporters of this free speech institution had appealed four DPW citations totaling \$1,200 in fines for posters promoting an August, 2005 forum that had been taped to "historic" lampposts in the Mission District, asking that the fines be waived.
2. At a DPW hearing on February 9 supporters of the Militant Labor Forum explained that the posters were taped to the lampposts without their knowledge or agreement, that the weekly program had limited resources to pay a fine, and that the forum series plays an educational role in the community. The \$450 fine, though reduced from the original citations, was a blow to this working class institution that shares a meeting hall and office space with the Socialist Workers Campaign Committee and Socialist Workers Party.
3. At the time of the above frameup, the Militant Labor Forum hall was at 3926 Mission Street, San Francisco 94112.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on September 30, 2008 in San Francisco, California.



Joel Britton
September 30, 2008

From the March 13, 2006 Militant

San Francisco: Militant Labor Forum fights frame-up

BY LEA SHERMAN

SAN FRANCISCO—Supporters of the Militant Labor Forum here defended the weekly program at a February 9 hearing to appeal frame-up citations carrying a fine of \$1,200 for allegedly posting flyers on “historic” city lampposts. As a result of their appeal, supporters of the forum succeeded in having the fine reduced to \$450.

The flyers publicized a program last August featuring a panel of young people who attended the World Festival of Youth and Students in Caracas, Venezuela. The citations issued by the “green patrol” of the Department of Public Works were for leaflets in Spanish and English placed on four lampposts in the Mission District, where posting is prohibited.

“The Militant Labor Forum is a free-speech forum, organized by volunteers, that focuses on issues of importance to the labor movement and all working people,” forum director Elizabeth Stone explained at the hearing. Stone asked that the fines be waived because the flyers were posted without the knowledge or agreement of the forum’s organizers, the weekly program has limited resources to pay such a fine, and the forum series plays an educational role in the community.

Statements addressed to the hearing by workers who attend the forum underlined the harm that would be done by the fines. Brian Everette, an airline mechanic and member of the Aircraft Mechanics Fraternal Association, spoke on the importance of the forum taking up labor issues, such as the current employer attacks on airline workers.

In a letter submitted to the hearing, *San Francisco Chronicle* pressman Kerry Garza wrote, “I especially appreciated a program sponsored by the forum that took up the efforts of my union, the IBT/GCIU San Francisco Web Pressmen & Prepress Workers Local #4, to win a fair contract with the *San Francisco Chronicle*. Given that the posting was done without the knowledge of those organizing the forums, to force them to pay the fines for the

citations would be unjust as well as harmful to this educational activity.”

Milton Chee, a long-time participant in the forum and member of the United Transportation Union, attended the hearing and submitted a letter pointing to the forums being bilingual, “offering a chance for English and Spanish workers to state their views and exchange them.”

Militant Labor Forum supporters also submitted at the hearing a letter explaining the injustice of the citations they had sent to Supervisor Tom Ammiano in the city’s Ninth District, where the forum is located.

Exh. 59 - 1 page

DECLARATION

I, Amy Husk, 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 Campaign Act.

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

1. On Saturday, October 2, 2004, myself, Angel Lariscy, Socialist Workers Party candidate for Congress in the 13th CD in New Jersey, and Michael Ortega, another supporter of the campaign, set up a literature table and were campaigning on a public sidewalk in front of the Clearview's Clairidge Cinema at 486 Bloomfield Avenue in Montclair, New Jersey.
2. We campaigned from about 8:30 p.m. to 9:30 p.m. before the 9:30 and 10:00 showings of the movie "The Motorcycle Diaries."
3. Michael and I set up the campaign table again after the movie around 11:15 or 11:30 p.m. We were there for about a half an hour when a man stopped and took some campaign literature and made a donation for the literature. He asked for a receipt and we wrote on a piece of paper that he had given a donation for the literature.
4. After he left the table he went across the street to talk to a police officer on the other side of the street. About ten minutes later a police car pulled up with its lights flashing and two policemen got out. They asked if we had a permit and I said I didn't think we needed a permit to hand out political literature. The officer said, "Yes, you do in Montclair. There's been a complaint by the owner of the theater. You need to shut down right now or I'll issue a summons."

I declare under penalty of perjury that the foregoing is true and correct.
Executed on October 10, 2004 in Newark, New Jersey.



Amy Husk
October 10, 2004

Exh. 60 - 14 pages

DECLARATION

I, Norton Sandler, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the Socialist Workers Party, 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. My name is Norton Sandler, and I am the Chairman of the Socialist Workers National Campaign Committee. I have served in this capacity for over four years.
2. In September 2004, the C.W. Mining Company, owner of the Co-Op Mine in Huntington, Utah, and its allied company union, the International Association of United Workers Union (IAUWU), launched a retaliatory lawsuit against the *Militant* newspaper, a paper that editorially supports the Socialist Workers candidates. The lawsuit targeted the paper, its editor and a number of reporters, as well as the United Mine Workers Union of America (UMWA) and dozens of other unionists and political activists.
3. The lawsuit was filed one year after miners at Co-Op began a struggle for safety, better pay, dignity on the job, and representation by the UMWA. That organizing drive included a hard-fought, 10-month strike by 75 coal miners, mostly immigrant workers from Mexico, in response to the company's firing of union backers in the mine. From the opening days of the strike the *Militant* was the main voice of the miners' cause, presenting the facts, week in and week out, and rallying support for the struggle across North America and around the world.
4. The company's goal was to cripple the paper and all other supporters of the miners' struggle by forcing them to divert time and resources to defend themselves. They also hoped that the threat of a significant money judgment against the defendants would intimidate them.
5. As C.W. Mining's campaign against the organizing drive and its supporters developed over nearly two years, the company, through its court case, concentrated more and more of its fire against the Co-Op miners, the UMWA, and the *Militant*. Its central charge was that miners who spoke out publicly about their fight for unionization and dignity, as well as anyone who supported them or reported what they said, were guilty of defaming the

company. Defendants were also charged with a litany of other alleged offenses.

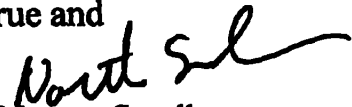
6. An ad hoc defense campaign called The Militant Fighting Fund was organized by the *Militant* to raise funds for the paper to pay attorneys and court expenses and to finance the paper's efforts to publicize and explain the facts in the case. This enabled the *Militant* to continue its labor coverage and socialist editorial policy undeterred, including remaining a consistent voice of the Co-Op miners' battle and partisan of the Socialist Workers Party's election campaigns.

7. As the national campaign director, I was included by the coal company as one of the defendants when the lawsuit was filed. Though I was dropped as a defendant after more than a year, I faced the continuing possibility of being added back into the case again.

In addition the suit named Róger Calero, the Socialist Workers Party candidate for president in 2004 (and in 2008 as well). I explained the severity of the challenge to the campaign in an interview with the *Militant* newspaper in October 2004 (attached, my comments in bold). We faced the danger of harassment and victimization until the suit and the retaliatory company campaign against supporters of the union drive was ultimately defeated in 2006.

8. This example shows how employers and rightists can and will use the courts, as well as every other arena, to deal blows to workers fighting to organize and use unions to defend themselves against the effects of the bosses' financial crisis. The Socialist Workers candidates, and their campaign committees, are partisans of such workers' efforts, and, as in the case of the miners' battle in Utah, they and their committees have been the victim of and will be targets again of such harassment efforts to intimidate and shut them up.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 13, 2008.


Norton Sandler
October 13, 2008

from the Militant, June 6, 2006

'We won battle at Co-Op mine due to strength of our fight and solidarity'

(front page)

BY NORTON SANDLER

SAN FRANCISCO—"We won the battle at the Co-Op mine because of the strength of our fight and the solidarity we received from many unions across this country and internationally, and from working people like those of you here today," said coal miner Bill Estrada.

A participant in the two-and-half-year union-organizing struggle at the Co-Op mine in Huntington, Utah, Estrada was addressing a well-attended Militant Labor Forum here May 21.

"In Price, Utah, on June 4, we are going to celebrate the accomplishments of this struggle and our recent victory. We will celebrate how the forces who joined together in this fight have been strengthened for union organizing and safety in the mines, for the legalization of undocumented immigrants, and other struggles of workers in the West and elsewhere," Estrada said.

Among the 35 participants who filled the forum hall were five members of the Drill Team of International Longshore and Warehouse Union (ILWU) Local 10, garment workers, airline workers, meat packers, rail workers, a school bus driver, and other trade unionists. Also attending was an activist from a center for day laborers in San Francisco's Mission District and a representative of the San Jose immigrant rights organization Voluntarios de la Comunidad (Community Volunteers). Estrada spoke the previous night at a Militant Labor Forum in Los Angeles attended by 30 people.

He spoke here as part of a series of forums around the country (see calendar on front page). The same weekend Alyson Kennedy, a participant in the Co-Op struggle, spoke in Seattle, and Paul Mailhot, organizer of the Militant Fighting Fund, spoke in Birmingham.

"Safety issues and working conditions were a big concern of the miners at Co-Op and one of the main reasons we reached out to the United Mine Workers of America [UMWA] for help," Estrada told the crowd. He pointed to the five coal miners who had died the day before in an explosion at a nonunion mine in Harlan County, Kentucky.

"That's 31 deaths in U.S. coal mines so far this year. The coal companies are trying to get as much coal out of the ground, as fast

as they can, while there is a worldwide coal boom," said Estrada. "We need to unionize the mines. That way we can mobilize union power to protect ourselves, including walking out of the mines when the conditions become too dangerous. With our union safety committees leading the way, mining can be done safely and not a single miner has to die."

Estrada described the fight that 75 coal miners waged at C.W. Mining Company's Co-Op mine. The company is part of a network of businesses in Utah and other western states owned by the Kingston family.

"The miners, mostly Mexican-born, won every round of this struggle, from the day we walked out to the settlement agreement that has just been achieved," Estrada said.

"We reached out to UMWA locals and other unions for solidarity in Utah and around the country, including a trip by four miners to San Francisco in early 2004 to ask for help from unions here," Estrada explained. "ILWU Local 10 responded by donating funds and by sending 17 members of its drill team to our February 7 rally in Huntington."

Josh Williams, a founder of the union's drill team in 1966, attended the forum. He introduced Trevyn McCoy, a current drill team captain, who described the ILWU members' Utah trip. "It made us feel great and proud to be part of that union fight," McCoy said.

"The buses with the longshore workers and the vehicles caravanning up to the mine were supposed to just drive by the picket line," said Estrada. "They all got their drill team routine going and began chanting. The miners staffing the picket line joined them. The coal bosses drove by and could not believe what they saw. The local paper covered it. It made a mark," said Estrada.

Company backs down, rehires miners

As the strike reached 10 months and the miners were winning growing support in the labor movement and beyond, the National Labor Relations Board (NLRB) responded by brokering an agreement that resulted in the company taking all the workers back into the mine in July 2004. The NLRB set a date for a union representation election for later that year. In another blow to the company, the board ruled that relatives of the mine owners were ineligible to vote in that election.

In September 2004, C.W. Mining and its closely associated International Association of United Workers Union (IAUWU) filed a defamation lawsuit in federal court in Salt Lake City against nearly 100 defendants. Those charged in the lawsuit included 16 Co-Op coal miners, the UMWA, the Militant, and the Salt Lake

Tribune and the Deseret Morning News—Utah's two largest dailies. The lawsuit contained several other charges against the miners, the UMWA, and other defendants, including civil conspiracy, intent to disrupt economic activity, and invasion of privacy.

The lawsuit was amended and re-filed in December 2004, on the eve of the union representation vote.

Shortly before the union vote, the company also fired 30 miners, claiming it had recently discovered the workers did not have proper papers to prove they were eligible to work legally in the United States. Many of the fired miners had been employed by the company for years.

The UMWA again filed unfair labor practices charges against the company, explaining that the workers were terminated to prevent them from voting in the union representation election.

That election proceeded on Dec. 16, 2004, with the fired workers voting. The NLRB impounded the ballots of the fired miners pending its ruling on the union's charges.

"Unable to defeat us on the picket line, as we were gaining strength, the bosses succeeded in shifting the focus away from the mine and into the courts and into further NLRB proceedings," said Estrada. "The headway they made for a time on this course was possible because broader labor action wasn't brought to bear in the fight against the company."

"There was a several-month period, leading up to and after our return to work, where further steps toward organization of the western coal mines was possible," said Estrada.

Workers in nearby coal mines were looking at the example set by the Co-Op miners, said Estrada. A group of coal truck drivers contacted the union about getting organized. There were discussions about setting up a picket line outside the area power plants where coal from Co-Op was being used. There were also possibilities to involve rail workers in the struggle in a new way.

"But the miners couldn't carry this struggle by ourselves," Estrada said. "We had limited experience in fighting this kind of battle. We were scrambling to find jobs to make ends meet. We needed more help from the broader union movement than we had been able to win up to that point. As a result, we weren't able to take advantage of the real possibilities then to make advances in union organizing."

The NLRB took a full year to issue its preliminary determination on the unfair labor practice charges filed by the union, but it finally came down against the company, said Estrada. An NLRB declaration issued by the board's Region 27 director on Dec. 9, 2005, states that C.W. Mining "has been discriminating in regard to hire or tenure or terms and conditions of employment of

its employees, thereby discouraging membership in a labor organization.”

A trial was scheduled before an NLRB administrative law judge, where the NLRB attorneys would present their case for reaching these conclusions and the company would have the opportunity to present evidence and cross-examine witnesses in an attempt to reverse the NLRB’s findings.

A separate ruling by NLRB Region 27 Director Allan Benson on April 19, 2006, determined that six of the Co-Op miners were entitled to back pay for their firing. Miners explained that the government body determined that the rest of the Co-Op miners were not eligible for back pay or reinstatement at the mine because they had failed to demonstrate they had proper work documents.

“What the Co-Op miners fought through points to why the fight for legalization of the millions of undocumented workers in this country is so important,” Estrada noted.

The ability of undocumented workers to maintain a job under these conditions can be won in struggle,

Estrada added. He cited the example of the Wolverine meat plant in Detroit, where the boss fired 21 workers who did not go to work on March 27 in order to join an immigrant rights demonstration. Management threatened it would only take back the workers if they proved they had valid work documents. But the strength of those street mobilizations resulted in Wolverine backing down and the workers returning to their jobs.

Court ruling another blow to Co-Op

On May 1, federal district court judge Dee Benson issued his ruling on the motions to dismiss the federal lawsuit that had been filed by the remaining defendants in the case. He said the company had not established a valid defamation case against the Salt Lake Tribune and the Desert Morning News and dismissed the lawsuit against those papers. Benson ordered the company and the IAUWU to pay attorneys fees and court costs to those newspapers. Attorneys for the two dailies have since filed court papers requesting \$120,000 in payments.

In that same ruling Judge Benson also dismissed the entire case against the 16 coal miner defendants, saying, “Laborers are entitled to their opinions. They are entitled to express those opinions, whether in the midst of a labor dispute or not.”

In throwing out the coal bosses’ claims the judge stated, “Plaintiffs’ allegations against the defendant miners seem to be nothing more than an attempt to intimidate their employees and quell honest discussion concerning labor issues.” He also dismissed all other charges against the miners and other defendants.

"The judge's decision cut the heart out of their lawsuit," Estrada told the audience. "They were left with a very weak defamation case against the UMWA, the Militant, and Utah Jobs with Justice."

When the judge's ruling was combined with the NLRB determination that C.W. Mining had fired the miners for union activity, it was clear the unionists had effectively stood off the company in every attempt they made to defeat us, said Estrada.

"It is not surprising that the Kingstons decided at this point that an agreement to end the lawsuit was in their interest," said Estrada. "The company has had this struggle on their backs during one of the biggest coal booms in U.S. history. They want to get their production back to what it was before our strike."

As part of the agreement reached by the attorney for the miners and those representing C.W. Mining and the IAUWU, the lawsuit is dropped against all the defendants including the UMWA and the Militant. The UMWA agreed to drop its unfair labor charges practices against the company, and the company agreed to give back pay to the six workers the NLRB deemed eligible to receive it.

"We didn't give up a single thing in reaching this agreement. When it came right down to it, only one UMWA supporter, Alyson Kennedy, was going to be eligible to exercise her right to return to work," said Estrada. "This would have been the case even if the votes in favor of the UMWA were counted. But Alyson and the other miners had determined long ago that we didn't want to be part of a UMWA local in name only.

"However, it is very important to note that nothing in this agreement prevents UMWA backers from organizing again at this mine," Estrada said. "If a majority of workers at Co-Op sign cards tomorrow, or six months or a year from now, in favor of being represented by the UMWA, the whole organizing fight can start again."

Celebration looks forward

"The celebration in Price on June 4 will take note of these accomplishments," Estrada said. "We have all learned a great deal in the course of this battle and we are better prepared for what's ahead.

"The UMWA members on the Navajo Nation in New Mexico and Arizona are getting ready for their contract fight with the Pittsburgh & Midway Coal Company. They will be coming on the 4th. Other workers, including West Coast longshore union members, will be there also. We are going to need to draw on each other in the coming battles and put what we have learned to work."

Estrada noted, "The deep-going fight for legalization for immigrants is under way. There are big stakes for the union

movement in supporting this effort and weakening the bosses' ability to divide us. The fight for the extension of unions in this country is going to get intertwined with this and other social questions in the coming months. All of this will be part of our celebration of the accomplishments of the Co-Op strike."

At the meeting, a fund appeal was made for the Militant Fighting Fund. Members of the audience contributed \$1,000 to help defray the Militant's legal costs and expenses for Estrada's travel.

From the October 12, 2004, Militant

**Utah miners: 'Bosses' lawsuit won't stop
our fight for union'
UMWA re-upping its support for miners
Co-Op workers build Oct. 2 solidarity
rally**

(front page)

BY PAT MILLER AND ANNE CARROLL

PRICE, Utah—One year after being locked out and forced to strike, and three months after winning the battle to be reinstated on the job, Co-Op miners here are pressing ahead with their struggle to win representation by the United Mine Workers of America (UMWA). The mine near Huntington, Utah, is run by C.W. Mining and is owned by the Kingstons. The workers, their families, and other supporters of the union-organizing fight are gathering October 2 at the UMWA hall in Price to celebrate the one-year anniversary of their struggle and show their resolve to win. At the rally, they will also discuss how to counter the latest attack by the Co-Op bosses.

On September 24, attorneys for C.W. Mining and the so-called International Association of United Workers Union (IAUWU), which miners say is a company union, filed a federal civil suit in the U.S. District Court in Utah against the UMWA, its officers, and 17 current and former Co-Op miners. In all, 120 organizations and individuals are named in the 76-page suit, accused of "unlawful labor practices" and "defamation."

"This company has taken advantage of the Co-Op miners for many years," said Bob Butero, UMWA Region 4 director, in response to the lawsuit. "Now they are suing these organizations for trying to help the miners. All of us who support the workers are there because we support justice."

Also named as defendants in the suit by the Kingstons are the Salt Lake Tribune, and eight of its editors and journalists who have reported on this labor struggle; the Deseret Morning News and five of its staff; the Militant newspaper, its editor, its web administrator, and 20 of its reporters who have written articles on the Co-Op struggle; the Sun Advocate and other local newspapers in Utah's Carbon and Emery Counties; the Socialist Workers Party; the Workers World Party; Jobs with Justice and its affiliate in Utah; the Roman Catholic Church and its Salt Lake City

Diocese and Bishop George Niederauer, as well as Father Donald Hope of the Notre Dame Catholic Church in Price; the Utah AFL-CIO; the PACE international union; the National Organization for Women (NOW); and numerous other labor organizations, individual unionists, newspapers, and others who have expressed support of the Co-Op miners fight to win UMWA representation.

Most of the alleged defamations are factual presentations by workers and their backers on how their labor struggle has unfolded since last year.

How struggle unfolded

On Sept. 23, 2003, some 75 miners were locked out and fired by C.W. Mining, also known as the Co-Op mine, in Huntington. The owners, the Kingston family, have business holdings in six western states worth about \$150 million. The firings took place after a number of workers at the mine began organizing to bring in the UMWA in order to win better safety conditions, decent wages, and respect. Getting wind of this effort, the bosses at Co-Op began harassing union supporters, eventually firing one of the leaders of the effort. When workers at the mine protested this victimization, the company called the local sheriff and ordered the workers off the property, locking them out of their jobs.

The miners turned the lockout into a strike and picketed the mine. After nine-and-a-half months on the picket line, effectively limiting production at the Co-Op mine and winning broad support from the labor movement throughout the West, especially, and around the world, the miners won their jobs back. The National Labor Relations Board (NLRB) ruled in May that the miners had been fired illegally and ordered C.W. Mining to allow the miners to return. Following an unconditional offer to return by the bosses, a number of the strikers got back on the job July 12.

Since then, Co-Op miners have said they are pressing their fight to be represented by the UMWA from inside the mine.

The NLRB also ordered that a union election be held between the UMWA and the IAUWU, which workers describe as a phony company outfit. The labor board held a hearing here in July to determine which employees of C.W. Mining would have a right to vote in such an election. Company lawyers argued that up to 100 people, many of whom are Kingston family members or close relatives, including managerial and office personnel, should be allowed to vote. The UMWA argued that such individuals are loyal to the company and have no right to vote in a union election. The NLRB has not issued a ruling yet on this matter nor has it set the date for the union election.

"It is going to be important for us to show we are united and we have widespread support for our fight," said Juan Salazar, one of

the Co-Op miners who has been a leader of the fight for a real union at the mine in an interview. Salazar said that he and two other miners, Alyson Kennedy and Ricardo Chávez, recently did house visits with co-workers and other miners who used to work at Co-Op to build the October 2 rally. "We discussed with our co-workers and their families how the fight continues and why all of us should be there October 2," he said.

The miners will have a display at the rally featuring all of the major turning points in their struggle. They are also producing a T-shirt to raise funds and spread solidarity, which reads, "One Year in Struggle, September 22, 2003—Co-Op Miners Want the UMWA."

While Co-Op miners, UMWA members, union retirees, and others in this area have been spreading the word about the October 2 rally, unionists from other parts of the country are also making their way to the event. A delegation of 10 members of the International Longshore and Warehouse Union (ILWU) and the Service Employees International Union are traveling from Seattle for the October 2 event. Two other members from the ILWU in Tacoma, Washington, are also coming. A delegation from the International Union of Operating Engineers in Farmington, New Mexico, will be in Price. Other miners from Colorado have called to say they will be at the rally as well, miners report.

The Co-Op miners also said they have extended an invitation to the coal miners who have been thrown out of work at the three mines formerly owned by Horizon Coal Co. in West Virginia and Kentucky to be special guests at the solidarity rally.

Utah Jobs with Justice is organizing a car caravan of unionists and other supporters of the Co-Op fight from Salt Lake City. The caravan is set to depart at 9:00 a.m., Saturday, October 2, from the AFL-CIO Labor Temple in Utah's capital city for the rally later that day.

Kingstons' suit against the union, others

The lawsuit by the Kingstons cites hundreds of supposedly defamatory statements made in the course of the last year. These include:

Statements by Co-Op miners explaining how they were locked out and fired from their jobs because of their efforts to join the UMWA and defend a co-worker;

Explanations by individual Co-Op miners of how they are paid between \$5.25 and \$7.00 an hour to mine coal when the prevailing wage in the mining industry is \$15 to \$20 an hour;

Details of the unsafe working conditions miners are forced to work under. One such example is a statement by

Co-Op miner Celso Panduro quoted in the Militant where he says, "The day we united against the owners, it was because we had hit a wall. Every time we had asked for better working conditions they told us to keep our heads down and keep working.";

Statements by miners that the company does not provide affordable health insurance, and examples of when the bosses forced miners to work when they are injured;

A statement by UMWA Region 4 director Bob Butero who said the fight at Co-Op "is not over until these workers are covered by a true labor agreement.";

A statement by Pastor Donald Hope saying, "What is needed here over the long term is the development of a conscience on the part of C.W. Mining Co. They need to take the necessary steps to give their workers basic human rights."

The Kingston lawsuit asks for at least \$1 million in damages from the defendants, and an unspecified amount of punitive damages to be determined during trial. Furthermore, the Kingstons ask that the court enjoin all of the named defendants, and up to 200 unknown others who may be discovered during trial, from carrying out further actions in support of the miners, because of the injuries their actions inflict on C.W. Mining Co.

Defendants vow to fight back

Other defendants reacted to the suit with statements similar to Butero's. "We welcome the lawsuit because we know they can't win it," said George Nekels, of Utah Jobs with Justice. "And it just sheds more light on their activities. The more they are investigated, the more their questionable and unscrupulous treatment of the miners will be uncovered. The fact that it is a joint lawsuit between the attorney for the company union and the attorney for C.W. Mining is more evidence of collusion and conflict of interest. It again shows why no Kingston family member should be allowed to vote in the union election."

The IAUWU, the miners contend, does the bidding of the company and has failed to represent the workers in every dispute.

The filing of the lawsuit has already received media coverage, including articles in the Salt Lake Tribune and Deseret Morning News, two of the defendants. The September 25 edition of Deseret Morning News reported that managing editor Richard D. Hall said "he was surprised by the paper's inclusion in the lawsuit, which he described as 'completely frivolous and without merit.'"

Norton Sandler, Socialist Workers Party campaign director, said the lawsuit "needs to be taken seriously. There is no reason to assume the courts will dismiss it out of hand. We

consider outrageous the inclusion of Róger Calero, SWP candidate for president of the United States, as one of the defendants and we intend to join the miners, the UMWA, and others to fight it. Far from being intimidated and silenced by this lawsuit, Calero and his running mate Arrin Hawkins, and SWP candidates for public office across the United States, will continue to speak out wherever they go in defense of the unionists at the Co-Op mine, who will prevail in this battle to be represented by the UMWA."

"The lawsuit filed by the Kingstons against the Co-Op miners, their union, the Militant newspaper, other news organizations, church groups, and other supporters' of the miners' fight is a serious attack on political rights," said John Studer, executive director of the Political Rights Defense Fund (PRDF), in a September 28 statement. PRDF has been providing support for the defense of political rights for more than 30 years. This includes the successful legal challenge to decades of harassment and disruption by the FBI and other government agencies against the Socialist Workers Party, and the successful defense last year of Róger Calero, associate editor of *Perspectiva Mundial* and staff writer for the *Militant*, against efforts by immigration authorities to deport him to his native Nicaragua.

"The goal of this attack is to divert supporters of the miners from publicizing their struggle, forcing them instead to devote resources, time, and attention to defending themselves," Studer continued. "In addition, the attack on the *Militant* and its reporters, as well as on other newspapers, is a challenge to freedom of the press and the paper's effort to tell the truth about the miners' struggle to unionists and others across the country and around the world. PRDF pledges to lend whatever support it can to the fight to turn back this attack and defend political rights."

Fighting suit can help union struggle

A number of Co-Op miners said they won't allow the lawsuit to slow down or stop their fight for a union.

"Many miners we talked to during house visits at first laughed about the Kingston lawsuit," said Co-Op miner Alyson Kennedy. "It is so outrageous," they said. But we take it seriously and see it as another attempt to intimidate us and our supporters. It's going to backfire on the bosses, though. We will end up stronger, with more support, as a result of this action by the Kingstons and our fight against it."

Kennedy reported that a member of Amnesty International at the University of Utah called the Co-Op miners right after reading about the Kingston lawsuit. She wanted to know how they could help, and described plans by her group to organize a fundraising

benefit for the miners and to organize students from the campus to come to the October 2 rally.

"We are not afraid of this lawsuit," Juan Salazar said. "Many of the miners we talked to said they will be there on October 2, even more so after hearing what the Kingstons had just done. The company needs to know we are not sitting down and waiting."

Bill Estrada, who is cited as a defendant and is quoted often in the bosses' lawsuit, said: "The Kingstons are going to find that the Co-Op miners and their supporters are proud of what we have done. The Kingstons have put together in their legal brief an honor roll of those who have sided with us in this struggle for justice."

The Co-Op miners said they urge supporters around the world to write to the NLRB asking that the labor board set a date for the union vote and reject the bosses' proposal to give the right to vote to supervisory personal and other Kingston family members and relatives brought in the mine to stack the deck against the UMWA. Such letters can be sent to NLRB Region 27, attn. B. Allan Benson, director, and Nancy Brandt, hearing officer; at 600 17th Street, 7th Floor - North Tower, Denver, Colorado 80202-5433. Tel: (303) 844-3551; Fax (303) 844-6249.

For more information on the October 2 rally or to send a message of support or financial donation contact UMWA District 22 at 525 E. 100 S., Price, Utah 84501; Tel: (435) 637-2037; Fax: (435) 637-9456.

Exh. 61 - 1 page

DECLARATION

I, Rachele Fruit, 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 25, 2004 I participated in a team to campaign for candidate, Karl Butts, who was running for U.S. Congress, 11th C.D.
2. We campaigned in the parking lot at Funland Drive-In Theater flea market.
3. The team was composed of Cheryl Goertz and Karl Butts.
4. We campaigned with a card table and bullhorn, distributing national and state campaign leaflets, and showing people the campaign papers, *The Militant* and *Perspectiva Mundial*.
5. Many people were interested in what we had to say. We sold 7 papers and a pamphlet, *Abortion is a Woman's Right to Choose*. Several people who expressed interest in the campaign identified themselves as workers.
6. We arrived at 9 a.m. At 10:30 a.m., while we were talking with a union worker from ConAgra fish company, two uniformed female police officers on a golf cart approached the table and told us that we were on private property and had to leave. The worker was clearly intimidated, dropped the material on the table and said she had to go. Then she did agree to take the leaflets with her, but we did not get her name.
7. The officers were Corporal Robinson, badge #783, and Officer Jones, badge #109.
8. Officer Jones said she worked for the flea market and that they told her to tell us to leave.
9. I said I thought the parking lot was owned by the railroad, and Officer Jones replied that they rent the parking lot to the flea market. Then she asked, "Do you have permission from the railroad to be here?" I answered that I didn't know, since I wasn't the one who made the arrangements.
10. The officers stayed right there until we were packed up.
11. When we were ready to leave, I asked them for their names and badge numbers and said we would look into it, since we were carrying out legitimate campaign activity.
12. There was a woman selling tamales from her van in the same parking lot. She immediately stopped selling when she saw the police harassing us.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on March 7, 2005.

Rachele Fruit

March 7, 2005

Exh. 62 - 13 pages

DECLARATION

I, Norton Sandler, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the Socialist Workers Party, 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. In August 2004, the Jackson Advocate, a weekly newspaper in Mississippi, printed a redbaiting and false article in an effort to blacken the name of the Socialist Workers campaign and its candidates for president and vice-president, Róger Calero and Arrin Hawkins. The article was printed just as the party was in the process of filing petitions containing the signatures of over 2,400 Mississippians to place the presidential ticket on the ballot.

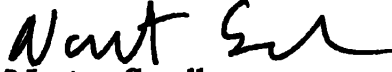
2. The author of the article, Barbara Harris, contacted state officials, presenting them with false information about the candidates, attempting to influence them to deny ballot status to the party. Both in her article and in her communication to state officials, she claimed that she had "discovered" that the candidates were underage and therefore not eligible to be on the ballot. In fact, the candidate's ages were not difficult to determine; they were printed on the first line of their biographies, sent to the *Advocate* and hundreds of other media. Also, because of their age, Socialist Workers supporters had in fact petitioned to place two stand-in candidates – James Harris for president and Maggie Trowe for vice-president – on the Mississippi ballot. It is simply false that there was any attempt to deceive state officials – or "workers, black farmers and young adults" – as alleged by Harris.

3. According to her own story, Harris drew the "information" for her article from various unnamed sources, a "spokesperson of the Jackson FBI office" who was neither willing to give her name nor make a "statement," an unnamed "news director at station KPFT in Houston," and information from unnamed "acquaintances' recollections" about Arrin Hawkins.

4. As I stated in a letter to Charles Tisdale, the editor of the *Advocate*, I wrote in response to Harris' article: "This type of smear is used against civil rights advocates, democrats, dissidents, and freethinkers of all varieties, as well as socialists and communists. By making all kinds of insinuations

and hints at devious methods on the part of the Socialist Workers Party, she hopes to keep readers from objectively considering the ideas and proposals the socialists are raising." The paper did not print my letter.

I declare under penalty of perjury that the foregoing is true and correct.
Executed October 13, 2008.


s/Norton Sandler
October 13, 2008

From the September 7, 2004 Militant

SWP campaign answers red-baiting smear

Jackson, Mississippi, newspaper calls socialists 'wolves in sheep's clothing'

Printed below is a letter that Norton Sandler, national director of the Socialist Workers Party (SWP) campaign, sent August 9 to Charles Tisdale, editor of the Jackson Advocate. Sandler sent the letter in response to a front-page article the Advocate had published in its August 5-11 issue. The author of the article, Barbara Harris, used red-baiting smears to discredit the Socialist Workers campaign. The Advocate, a weekly newspaper published in Jackson, Mississippi, ran the article under the title "Vulnerable Voters Deceived by Socialist Workers Candidate." It is printed on the facing page, after Sandler's letter. As of August 22, the Advocate editors had not published Sandler's response.

BY NORTON SANDLER

Dear Mr. Tisdale,

We are writing in response to the slanderous and highly misleading article "Vulnerable voters deceived by socialist workers candidate," by Barbara Harris, that appeared on page 1 of the August 5-11 *Advocate*.

Instead of contacting unnamed sources and the FBI, Ms. Harris could have easily found answers to her questions about Róger Calero and Arrin Hawkins, the Socialist Workers 2004 presidential ticket, by reading the candidates' biographies which were sent by fax to the Jackson Advocate and e-mailed to Ms. Harris, or by contacting their national campaign office located in Miami.

As the biographies explain, "Róger Calero, 35, is an associate editor of the Spanish-language magazine *Perspectiva Mundial* and a staff writer for the *Militant*." "Arrin Hawkins, 28, is a garment worker in New York. She was the Socialist Workers Party candidate for Lt. Governor of New York in 2002."

In addition to being sent to the Jackson *Advocate*, thousands of copies of the biographies, along with clear statements on what the socialist candidates stand and fight for, were distributed to Mississippians by campaign volunteers who petitioned in Jackson as well as in Meridian, Natchez, Pascagoula, and Tchula. Far from deceiving anyone, the 2004 Socialist Workers Campaign wants everyone to know what our campaign represents.

As Ms. Harris herself explains, we "support raising the minimum wage to union scale, a very popular issue with the working class and those entering the workforce." Is this something we should try to hide? Especially when no other candidates are raising this demand?

Other demands that we stand and fight for include:

Support workers' right to organize unions and defend themselves against the bosses' assaults. For the formation of an independent labor party based on the trade unions that fights in the interests of working people.

Support the right of semicolonial countries to electrification, including use of nuclear power.

For a massive federally funded public works program to put millions to work at union scale.

Stop farm foreclosures!

Defend and extend affirmative action in employment, education, and housing.

All U.S. and other imperialist troops out of Iraq, Afghanistan, Yugoslavia, Korea, Haiti, Colombia, and Guantánamo Bay, Cuba, now!

Fight cop brutality, abolish the death penalty.

We take issue with Ms. Harris' expressed opinion that there is something wrong with demands that speak to the interests of the working class. Our campaign's message is "It's not who you're against, it's what you are for! Vote Socialist Workers in 2004." Our candidates got an excellent response in Mississippi not by deceiving anyone, but by explaining what we stand for.

There is a name for the type of article Ms. Harris' wrote: red-baiting. This type of smear is used against civil rights advocates, democrats, dissidents, and freethinkers of all varieties, as well as socialists and communists. By making all kinds of insinuations and hints at devious methods on the part of the Socialist Workers Party, she hopes to keep readers from objectively considering the ideas and proposals the socialists are raising.

In compliance with Mississippi law, the 2004 Socialist Workers Campaign filed over 2,100 signatures with the Secretary of State. Our candidates also appeared on the ballot in Mississippi in the 2000 election by collecting 2,400 signatures.

The Socialist Workers Party has run candidates in every presidential election since 1948. Due to undemocratic election laws in virtually every state, which make it difficult and in some cases impossible for small working-class parties to gain ballot status, the Socialist Workers Party petitions to get on the ballot.

The Socialist Workers Party opposes laws that prevent working people from putting forward the candidates that they choose. We oppose laws that take away the voting rights of working people

who have served time in this country's enormous prison system. We oppose all laws making it difficult for citizen-soldiers to vote and engage in political activity protected under the constitution. Our response to these undemocratic attacks on our rights is to turn the onerous requirements forced upon us into an opportunity to hit the streets with our campaign program and talk with thousands of working people around the country. This year, we are campaigning to be on the ballot in 14 states and Washington, D.C. This is not a "claim," as Ms. Harris asserts. It is a fact. From New York to Wisconsin to Mississippi, our campaign has gotten a serious response from working people and youth.

Because Róger Calero and Arrin Hawkins—whose ages are printed on the first lines of the campaign literature—are under the constitutional age requirement, there are stand-in candidates who are over 35 years old who will be on the ballot in states where that is required, including Mississippi. The stand-in candidates are James Harris and Margaret Trowe. Mr. Harris was the party's presidential candidate in 1996 and 2000. Ms. Trowe was the SWP vice-presidential candidate in 2000. Harris and Trowe appeared on the Mississippi ballot during the last presidential election and their names were clearly printed on the petitions that more than 2,000 Mississippians signed this year.

For many workers, farmers, and young people, Calero and Hawkins, who are young fighters for workers' rights, are attractive candidates. If the majority of people in the United States elected Calero and Hawkins, the fact that they are too young would be a minor problem to solve. Election laws like all other laws can be changed, including the laws in the U.S. constitution.

Ms. Harris attempts to use the fact that Róger Calero is an immigrant to criminalize him. She states that the "Immigration and Naturalization Service failed in their attempt to deport Calero after his felony conviction." But this is not accurate.

Calero and all those who supported him scored an outstanding victory, not only for immigrants but for all working people, when the U.S. government moved to end its deportation proceedings against him last year. We have proudly used his victory as a weapon so that others can press for their rights, in this country and around the world. The federal government dropped its case against him because of the widespread support he won for his fight, from unionists, immigrant rights activists, and others. He fought back, proudly and publicly. He refused to be intimidated and that is why the government backed down. In the words of the INS, the "circumstances of the case had changed." Indeed.

Sincerely,
Norton Sandler
SWP National Campaign Director

The article below was published in the August 5-11, 2004, issue of the weekly newspaper Jackson Advocate under the headline "Vulnerable Voters Deceived by Socialist Workers Candidate." It is reprinted by permission.

BY BARBARA HARRIS

Workers, black farmers and young adults, beware of wolves in sheep's clothing!

Monday, the Socialist Workers Party filed the required amount of signatures with the Mississippi Secretary of State's Office to qualify their candidates to be on the November ballot for President of the United States.

However, the *Advocate's* research has found that neither the presidential candidate Roger Calero nor his vice presidential running mate Arrin Hawkins meet the qualifications to run for the respective offices.

The Socialist Workers Party collected more than 2,100 signatures across the state to meet the 1,000 signature guideline to appear on the ballot. Initially, more than 200 signatures in Hinds County, collected primarily from local college students, were rejected.

However, the Hinds County Election Commission reversed its decision last week and the signatures were allowed.

Calero, whose biography suggests he is only 33-34 years old, was born in Nicaragua and automatically does not meet the U.S. native requirement. In addition, Calero has a 1988 felony conviction for sale of marijuana, another disqualification.

Though she was not willing to make a specific statement, a spokesperson of the Jackson FBI office said Wednesday that this writer's research is most likely correct.

She referred the *Advocate* to a Houston radio station whose news department reported the U.S. Immigration and Naturalization service failed in its attempt to deport Calero after his felony conviction.

A news director at KPFT in Houston told the *Advocate* she remembers the story but did not know many specifics because though she lives in the city, she was not employed at the station at the time.

According to the *Advocate's* research, Calero is not even a naturalized citizen. He is a green card-carrying permanent alien, journalist for *The Militant* and former meat packer.

On the other hand, Arrin Hawkins, an African American woman, is also apparently constitutionally ineligible to run for the nation's second highest office. Hawkins claims she is 24 years old

-- far too young to meet the minimum legal age requirement for the office.

The best research—relying on acquaintances' recollections—put Hawkins' age at "somewhere between 28 and 30," still to[o] young to run for vice president.

A presidential or vice presidential candidate is required to be at least 35 years old; be born in the United States or one of its territories or possessions; and live in the U.S. or one of its territories or possessions at least 14 years.

The Mississippi Secretary of State's Office confirmed that they had received the petitions and filing papers, but no decision has yet been made.

"The election board meets in September and we will submit all the information we've gathered to them. The decision will be made from that," SOS spokesperson David Blount said. "Thank you for bringing this information to our attention."

The Socialist Workers Party issued a press release claiming to be on the ballot in 15 states, including Iowa, Utah, Vermont, Colorado, New Jersey and Washington state.

The party's platform claims to support raising the minimum wage to union scale, a very popular issue with the working class and those entering the workforce.

Therefore, college students, including those at Jackson State University, and black farmers across the state are vulnerable voters.

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THE MILITANT

Vol. 68/No. 34 September 21, 2004

Letter to 'Jackson Advocate' from backers of SWP ticket in Mississippi

Printed below is an August 22 letter to the editor of the Mississippi weekly the *Jackson Advocate* protesting the paper's publication of an article attacking the Socialist Workers campaign in that state as a "deceptive" campaign of "wolves in sheep's clothing" that targets "vulnerable voters." The letter is signed by four SWP campaign supporters from Tchula, Mississippi. The original *Advocate* article and a letter answering its red-baiting smears from SWP campaign director Norton Sandler can be found in the September 7 *Militant*.

Dear Editor,

We, the undersigned, are sending this letter to protest slanderous and false attacks by Barbara Harris, published in the August 5-11 edition, against the Socialist Workers campaign of Róger Calero for President and Arrin Hawkins for Vice-President of the United States. We are disappointed with the *Advocate* for printing this.

The most revealing fact about the article, which appeared on the front page of the *Advocate*, is its title, "Vulnerable Voters deceived by Socialist Workers Candidate." The assertion that signers of the petition to get the socialist campaign on the ballot are *vulnerable* and *deceived* is not only arrogant, it reveals Harris's clear bias against the socialist campaign. What is it that makes the 2,100 workers, farmers, and young people who signed the petition vulnerable or deceived? Is it the fact that they are workers, farmers, and young people, or are they vulnerable because Ms. Harris disagrees with their right to expand the political debate?

Harris's article is not good reporting. Thousands of copies of the campaign leaflet were distributed to signers of the petitions all over the state. Campaign information was sent to the *Jackson Advocate* as well as other newspapers in Mississippi. The leaflets included a biography of each candidate, including their ages and where they come from. The Socialist Workers candidates are representative of the

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working class today. The literature also contained some of the key planks of the Socialist Workers platform. Instead of using this material Harris makes it seem like the only way she could find out facts about the campaign was by contacting the FBI (hardly a friend of workers and farmers) as well as other unnamed sources.

The method used by Harris is called red-baiting. Instead of raising her differences with the socialist campaign, Harris pretends there is some sinister unnamed conspiracy taking place. What is her proof? Harris states that the campaign "claims to support raising the minimum wage to union scale, a very popular issue with the working class and those entering the workforce." In short, merely raising demands that working people need and want is suspect.

If Harris wants to inform the workers, farmers, and young people of Mississippi she would be better served to broaden the debate in politics, not limit it to the choice between Democrats and Republicans. No matter whom they choose to vote for, the 2,100 people who signed petitions giving the socialist candidates the right to ballot status did so because they want a real discussion of the problems facing working people.

Workers and farmers need a higher minimum wage. We need to stop farm foreclosures, defend affirmative action, demand a federally funded public works program to put millions to work at union scale, and we need the U.S. out of Iraq immediately. These demands are not out of order for a national election campaign. Yet they are not being discussed by either the Democratic or Republican candidates. We think that they are ideas that working people must discuss.

*Barbara Bell
Joann Hogan
R.C. Howard
David Howard*

Related articles:

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[SWP ticket also on ballot in Louisiana](#)
[Socialists campaign in Alabama mill town](#)

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THE MILITANT

Vol. 68/No. 34

September 21, 2004

Mississippi: Socialist Workers beat back red-baiting attack

SWP ticket also on ballot in Louisiana

lead article

BY SUSAN LAMONT

JACKSON, Mississippi—The Mississippi State Board of Election voted on the morning of September 7 to place the Socialist Workers presidential ticket on the state's ballot. The socialist candidates will appear along with those of the Democratic, Republican, Libertarian, Green, Reform, and Constitution parties.

"This is a big victory for workers and farmers in Mississippi and around the country," said Norton Sandler, SWP national campaign director. "Not only because we are on the ballot but because how this happened. The SWP candidates beat back a serious red-baiting attack on the socialist campaign to get here."

Sandler also noted that the same day state officials said that the SWP ticket has been placed on the ballot in Louisiana too.

The victory in Mississippi came after three months of campaigning by supporters of the SWP ticket of Róger Calero for president and Arrin Hawkins for vice president in this southern state. It marks another step in the successful nationwide effort to get the working-class alternative to the parties of capitalism on the ballot in the most states since 1992.

Since June, supporters of Calero and Hawkins from Mississippi and surrounding states worked to bring this to fruition.

In June and early July, volunteers petitioned in Jackson, Meridian, Natchez, Pascagoula, and Tchula to gather nearly 2,200 signatures for the socialist candidates. They campaigned at shopping centers in working-class communities, at Jackson State University, at meetings of farmers, in the Delta, and elsewhere. Workers, farmers, and young people took a serious look at the socialist candidates

G 2-11

and what their party stands and fights for and many liked what they heard. Even more agreed with the socialists' right to be on the ballot.

In Meridian, where petitioning started, a team of campaigners was threatened by a Klan member who red-baited them and attempted to prevent others from signing their petitions. Despite the efforts by the ultrarightist to drive people away by hollering they should not be "signing for communists," a worker and a farmer who witnessed the incident made sure they signed the petition and helped demoralize the Klaner and drive him away instead. (See "Mississippi: 2,200 sign to put SWP on ballot" in July 6 *Militant*.)

After completing the necessary paperwork, signatures were submitted to the individual counties for validation. Toward the end of July, officials from Hinds County, which includes the state capital Jackson, notified the socialist campaign they had validated only 231 of the 843 signatures the socialists had collected there. Supporters of the SWP campaign challenged that decision. After a visit to the Hinds County clerk's office July 28, the socialists quickly uncovered evidence that at least 200 signatures had been declared invalid for no good reason. The county clerk changed the previous ruling on the spot, certifying 435 signatures. (See "SWP certified on Iowa ballot, confronts Mississippi challenge" in August 10 *Militant*.) That put the total over the state requirement.

Registrars from 27 counties certified 1,028 signatures valid, over the 1,000 registered voters required by the state. These signatures were then filed with the Secretary of State in Jackson on August 2. Arrin Hawkins, who was in Mississippi that week for a campaign tour that took her to Tchula and Jackson, was present during the filing.

The seven electors—one more than the six required—for the socialist ticket include two farmers from Tchula, a small town in the Mississippi Delta; a Steelworkers union member from Natchez; and three workers who took part in an earlier strike at the Freshwater Farms catfish plant in Belzoni.

Socialist campaigners faced another major challenge on the road to the September 7 victory.

In early August, an article by Barbara Harris peddling a red-baiting smear against the SWP campaign appeared in the *Jackson Advocate*, a weekly newspaper published in Jackson aimed at the Black community. Titled "Vulnerable Voters Deceived by Socialist Workers Candidate," the article tried to smear the campaign and block readers from giving the

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socialists' platform serious consideration.

Sandler sent a response to this article on behalf of the SWP campaign to Charles Tisdale, editor of the *Advocate*. The paper has not printed the reply. (See "Socialist Campaign Responds to Red-baiting Smear in Mississippi Paper" in September 7 *Militant* for the letter by Sandler and the article by Harris.)

On September 5, Marty Michaels, associate editor of *The Chronicle of Higher Education* and *The Chronicle of Philanthropy* in Washington, D.C., sent a letter to the *Militant* with copies to the *Jackson Advocate* and to Herbert Lowe, President of the National Association of Black Journalists, assailing Sandler's rebuttal and siding with Barbara Harris. *The Chronicle of Philanthropy* describes itself as "the No. 1 news source, in print and online, for charity leaders, fund raisers, grant makers, and other people involved in the philanthropic enterprise."

"I am writing to express my personal and professional disgust with your recent article SWP campaign answers red-baiting smear," Michaels wrote. "To this reader, it appears that everything Ms. Harris writes is factual, and that when her sources are inconclusive she duly notes this." Michaels concluded by saying, "As Mr. Sandler writes, this type of smear is used against civil rights advocates, democrats, dissidents, and freethinkers of all varieties, as well as socialists and communists. When leveled against a black newspaper in the rural South that has been firebombed and viciously threatened numerous times in its pursuit of civil rights and justice, I can only ask: Have you no shame?"

In an interview, Sandler said the tactic of trying to use the prestige of the civil rights movement to back red-baiting slanders is not new in ruling-class attacks on working-class parties. "The letter to the editor by four supporters of the SWP campaign from Tchula responding to the slanders in the Harris article, which the *Advocate* has not published either so far, is another good refutation of these smears," he added (see letter printed in this issue).

These attacks notwithstanding, the Mississippi elections commission agreed that the socialists had met all the requirements and put the SWP ticket on the ballot.

Mississippi election law requires presidential and vice-presidential candidates meet the constitutional requirements of being at least 35 years old and a U.S.-born citizen. Because Calero is a permanent resident and Hawkins is under 35 years of age, the names of James Harris and Margaret Trowe will appear on the ballot in their place.

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Harris and Trowe were the Socialist Workers presidential ticket in 2000. They will be designated "independent" on the printed ballot.

"Supporters of Calero and Hawkins are looking forward to campaigning in Mississippi through the November 2 elections and beyond," Sandler said.

Related articles:

[Socialists campaign in Alabama mill town](#)

[Letter to 'Jackson Advocate' from backers of SWP ticket in Mississippi](#)

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Exh. 63 - 2 pages

DECLARATION

I, Róger Calero, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the Socialist Workers Party, 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 am the Socialist Workers candidate for president in 2008. I also ran as the party's presidential candidate in 2004.

2. I have traveled all across the country during the course of both campaigns and met thousands of people who have expressed interest in the program and perspectives our campaign advances.

3. At numerous times during these campaigns, people who were interested either told me, or told other campaigners who reported it to me, that they declined to disclose their name or address, either by signing a nominating petition to help put the candidates on the ballot, or by subscribing to the campaign newspaper, the *Militant*. They said that they feared being placed on an FBI or other government list that could lead to them being spied on or harassed.

4. In 2002, while reentering the U.S. from an international reporting trip I took as a reporter for the *Militant* newspaper, I was detained, jailed, and threatened with exclusion by the ICE, even though I am a legal resident of the country. A well publicized defense campaign on my behalf helped convince an Immigration Judge that the effort to exclude me from the country was unfounded, and the charges were vacated.

5. Because of this well-publicized experience, I have met many Latinos and other workers who have emigrated to the U.S. across the country who have told me that they are afraid to support the Socialist Workers campaign because they fear that they will come to the attention of the immigration authorities and face harassment, even if they are legal residents of the country.

6. Before I became a candidate, I worked at Dakota Premium, a meatpacking plant in St. Paul, Minnesota. I was widely known among my coworkers as a supporter of the Socialist Workers Party and helped to distribute the *Militant* to many of them. I participated in a successful effort to organize the workers in the plant into the United

Food and Commercial Workers Union. In the course of this effort, a number of my coworkers told me that were afraid to support the Socialist Workers candidates or to subscribe the Militant newspaper, stating they feared being placed on an FBI list or of being singled out by the immigration authorities.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 12, 2008.



**Róger Calero
October 12, 2008**

Exh. 64 - 2 pages

DECLARATION

I, Alyson Kennedy, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the Socialist Workers Party, 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 am the Socialist Workers candidate for vice-president in 2008.
2. I have traveled all across the country during the course of this campaign and met thousands of people who have expressed interest in the program and perspectives our campaign advances. I have campaigned along with party supporters while they were petitioning and soliciting electors in almost every state where they were working to win ballot status for our campaign.
3. At numerous times during these campaigns, people who were interested told me or told other campaigners, who told me, that they declined to disclose their name or address, either by signing a nominating petition to help put the candidates on the ballot, or by subscribing to the campaign newspaper, the *Militant*. They said that they feared being placed on an FBI or other government list that could lead to them being spied on or harassed.
4. Before I became a candidate, I worked as a coal miner at the Co-Op mine in Huntington, Utah. I participated in a lengthy organizing battle, and strike, in an effort to gain representation of the United Mine Workers Union at the mine. The majority of the miners at Co-Op were originally from Mexico. I toured to a number of union locals around the country and met miners and other workers. On the job, and at many tour stops, workers knew that I was a supporter of the Socialist Workers Party and urged them to subscribe to the *Militant* newspaper to follow the campaign to win a union in the mine.
5. In the course of this effort, a number of my coworkers and other workers I met told me they were afraid to support Socialist Workers candidates or to subscribe the *Militant* newspaper, stating they feared being placed on an FBI list or of being singled out by the immigration authorities.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 12, 2008.

Alyson Kennedy

Alyson Kennedy
October 12, 2008

Exh. 65 - 1 page

DECLARATION

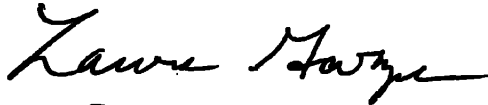
I, Laura Garza, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of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

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

1. I and Kevin Dwire were staffing a table with information about the Socialist Workers candidates for president and vice president, and with books and the *Militant* newspaper at a rally against the wars in Iraq and Afghanistan on Saturday, October 11, 2008 on the Boston Common. I was speaking with one man who was interested in the literature on display and bought one of the books. When I told him the candidate for president was going to be in Boston on October 21 and 22 he was interested. I asked if he wanted to be informed of any events set up, as we were still finalizing the itinerary, and said he could sign up with his email or regular mail address and we would send him the information. He said "This might sound paranoid but I don't want to put my name on any lists. I think things are getting more serious now," mentioning the recent laws on spying and wiretapping passed by the government. He also declined to subscribe to the *Militant* newspaper, citing the same fear of having his name on a list.

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

Executed on October 11, 2008 in Boston, Massachusetts.



Laura Garza
October 11, 2008

Exh. 66 - 1 page

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 Campaign Act.

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

1. On October 12, 2008 I was campaigning door to door for the Socialist Workers presidential and vice presidential candidates and selling the campaign newspaper the *Militant* in the area of 54th St and Richmond Ave in Chicago, Il.
2. At one house I spoke with a woman and man who both said they would consider subscribing to the *Militant* newspaper, except they were worried they would face retaliation from the government.
3. The woman said "I'm afraid we'd get a phone call from President Bush." The man added, "That could get us on a list that would put us in trouble with Homeland Security."

I declare under penalty of perjury that the foregoing is true and correct.
Executed on October 13, 2008 in Chicago, Illinois.



Betsy Farley
October 13, 2008

Exh. 67 - 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 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 Saturday September 27, 2008 I and another supporter of the Socialist Workers 2008 campaign attended the Race, Origin and National Discrimination conference at Miami-Dade Community College Homestead campus sponsored by the College, the Spanish American League Against Discrimination and Miami-Dade County. We set up literature on a table and were campaigning for the Presidential, Vice-Presidential and the two Florida Congressional candidates of the Socialist Workers Party.

2. At the conference I spoke to a Miami-Dade county worker about the Socialist Workers campaign. I asked if he would like to buy a subscription to *the Militant* newspaper which covers the Socialist Workers campaign. The introductory subscription is 12 weeks for \$5. He said as a Miami-Dade county worker he feared signing up for the newspaper because he thought he might be harassed or jeopardize his job if he put his name down for something like that. He said that he was retiring soon and after retirement would feel more comfortable signing up. He liked what we raised so he gave me a \$20 cash contribution for the Socialist Workers Party.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 12, 2008.


Deborah Liatos
October 12, 2008

Exh. 68 - 1 page

DECLARATION

I, Laura Garza, 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.

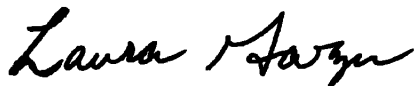
I make this statement on the basis of my personal knowledge:

1. Myself and several other supporters of the Socialist Workers candidates for president and vice president were collecting signatures to place their names on the ballot in the state of Vermont on Saturday, August 2, 2008 on the Church Street Marketplace, an open air mall in downtown Burlington, Vermont.

2. I approached one gentleman and asked him to sign the petition to place the socialist candidates on the ballot, explaining they were for immediate withdrawal from Afghanistan and Iraq, and supported legalization and unionization rights for all workers. He asked who would see the petition. I said the petitions get turned in to the local city officials in each town to verify whether or not the signer is a registered voter and then they are all turned in to the secretary of state who then verifies whether the candidates have enough verified signatures to qualify for ballot status. He said he was afraid to sign anything like this these days since the Patriot Act was passed because the government is watching more closely.

3. The same day another man said he would like to sign but thought he could not since he is a government employee and was afraid of what it might mean for his job.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 11, 2008 in Boston, Massachusetts.



Laura Garza
October 11, 2008

Exh. 69 - 1 page.

DECLARATION

I, Natalie Morrison, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the Socialist Workers Party, 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. From July 14 to August 2, 2008, I was a participant in the successful effort to petition to place the Socialist Workers Party candidates, Martín Koppel, for U.S. Congress from Harlem, and Róger Calero for President, and Alyson Kennedy for Vice President on the ballot in New York. I was petitioning in Harlem, a largely Black community, and explained to people I approached that the socialist candidates were campaigning against police brutality and killings of Blacks and other workers of color, and in support of affirmative action in hiring and other areas to overcome decades of racial discrimination.

2. A number of times I approached people to sign and they told me that they would like to, but were fearful of getting on a government list and being harassed. One such incident I recall clearly was approaching a Black woman in Harlem who said, "I support all of this, but this is the last thing I need. I'm going to lose my apartment, I've already lost my benefits. We (the Black community) have been burned too many times. If I sign this, I am going to be on some government list and I won't have anything." Then she added, "No way, I'm sorry, but I have learned not to put my name on anything".

3. Over the couple of weeks that I volunteered in the petitioning effort, I received many responses that were very similar to this sentiment. Many people that wanted to sign expressed the fear that to officially put their name on a government document, that would be reviewed by government officials, would put them in further jeopardy of persecution or at least, a loss of badly needed aid.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 8, 2008 in St. Paul, Minnesota.



Natalie Morrison
October 8, 2008

Exh. 70 - 1 page

DECLARATION

I, Timothy Mailhot, 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 Campaign Act.

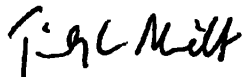
I make this statement on the basis of my personal knowledge:

1.) On April 21, 2007, I and other Socialist Workers campaigners set up a table at the corner of H Street and 8th street SE in Washington DC.

2.) A Black male, about 50 years old, stopped at the table to find out what we were doing.

3.) After discussing our political perspectives, he was interested in receiving notices about our coming meetings by mail. He asked that his name not be used on the address out of concern for getting on a government list. He asked that his daughter's name be used instead.

I declare under penalty of perjury that the foregoing is true and correct.
Executed October 14, 2008 in Washington, D.C.



Timothy Mailhot
October 14, 2008

Exh. 71 - 1 page

DECLARATION

I, Natalie Morrison, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the Socialist Workers Party, 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 March 1, 2008, I and two other Socialist Workers Party campaign supporters, set up a campaign literature table at an event called, "The African Diaspora in the Americas," which was held at the Phyllis Wheatley Community Center, in Minneapolis, Minnesota. Along with distributing campaign flyers we were selling *The Militant* newspaper.

2. A woman that said she worked at a law firm wanted to buy a subscription to *The Militant* newsweekly. However, she expressed fear and concern that if her name was ever associated with *The Militant* subscription, that she would be persecuted on the job or as a citizen of the U.S. government. She particularly was fearful of the C.I.A. and said, "They might take me away in the middle of the night". After more discussion, she did buy a subscription after I assured her that we would protect her information.

I declare under penalty of perjury that the foregoing is true and correct.
Executed October 8, 2008 in St. Paul, Minnesota.



Natalie Morrison
October 8, 2008

Exh. 72 - 1 page

DECLARATION

I, William Leonard, 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 or about October 11, 2008 I was at a campaign table with Laura Garza on Meridan Street in Central Square, East Boston. On the table we had a few books, campaign flyers, and a sheet to sign up for more information about the Socialist Workers campaign.

2. About 1:30 pm a woman police officer approached the table. She demanded to know if we had a permit to have a table. I explained to the officer that I was the Socialist Workers Party candidate for State Senate, Second Suffolk District and was campaigning. She again said do you have a permit and asked in a hostile tone what do these books have to do with your campaign. I said the books on the table reflected the ideas of my campaign. She asked again did we have a permit. I told her we did not need a permit and that we had gone through this same questioning last week and she should check with her captain. She replied "Sergeant!" and walked away.

3. The officer walked up and down the block watching us for the next half hour and then left.

I declare under penalty of perjury that the foregoing is true and correct.
Executed November 17, 2008 in Boston, Massachusetts.



William Leonard
November 17, 2008

Exh. 73 - 1 page

DECLARATION

I, Steven J. Warshell, 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 am responsible for the Houston Socialist Workers campaign office in Houston, Texas.
2. On December 19, at a little before 9:00 a.m., I received a phone call from Mary Tran, the property manager at Brook Hollow properties where the office of the Socialist Workers 2008 Campaign was located. She explained that someone had tried to break into the office during the night and the front window was badly damaged.

When I arrived I saw the shattered window with a large hole in it. Inside the office was a piece of concrete that had been thrown through the glass.

3. The office has been the headquarters for Socialist Workers election campaigns for over 4 years. A large sign is displayed near the window with the Party's name and candidates. In addition a copy of *The Militant* newspaper and a portrait of Malcolm X are on display.
4. The police were called and an incident report was taken by Officer G.D. Malone, Unit 3B14A, and filed as report number 186122008S. So far, we have heard nothing further from the police concerning this attempted break-in.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Houston, Texas, on December 24, 2008.


Steven J. Warshell
December 24, 2008

Exh. 74 - 4 pages

DECLARATION

I, Jacob Perasso, 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 have personal knowledge of the facts set forth here.

2. On August 22, 2005 I was informed by my employer at the time, Dakota Premium Foods in South St. Paul, Minnesota, that I was fired from my position at the company. At the time I was a candidate for Mayor of St. Paul, Minnesota for the Socialist Workers Campaign. The company stated that time off from work, which I had used to campaign, was the reason for the firing.

The time off in question was a leave of absence for the purpose of campaigning that I had requested more than a month in advance. The company refused to grant the leave, citing production needs. One hundred and fourteen employees of Dakota Premium Foods South St. Paul production facility signed a petition which was presented to the management of the company supporting my request for a leave of absence for this purpose. A written request for the company to grant the leave of absence was made by Don Seaquist, president of United Food and Commercial Workers Local 789 which represents the production employees at Dakota Premium's South St. Paul facility.

In his written request, Don Seaquist wrote, "Perasso would like to use the time off to keep a campaign pledge that he will attend a youth conference. Jacob is doing what we would like more of our citizens to do, that is, get involved in politics. Regardless of anyone's political affiliation, Jacob is taking action and as his employer and union, we should support his efforts. I ask that you grant his leave for the purposes of running for Mayor."

3. Dakota Premium Foods had a history of harassment against me because of my political views, in particular the stance of the SWP campaign supporting the UFCW in the plant. In December of 2005, I was accused of trying to force a co-worker to take a union flier against his will. The company organized an intimidating "investigation" into the accusation and suspended me for "not cooperating" after I sought to see a copy of the zero-tolerance policy that the company claimed it used to launch the investigation before answering questions. Myself and my union steward were denied the possibility of consulting with union officers at the time.

4. During the "investigation," the company told me and my shop steward Montoya Guerrero that distributing union fliers without company permission is a violation of the union contract. Local 789 filed a grievance against the suspension. A statement was issued by the local stating, "The bosses at Dakota claimed recently that it violates union contract to distribute union fliers in the factory if we don't have permission from the company bosses. This is completely false and we will continue to read and distribute what we want."

5. Earlier in 2005 the company placed me in a particularly dangerous job situation where in order to work at the pace the company demanded I would have to endanger myself and my co-workers. The company tried to discipline me for not working at the required speed. Local 789 filed a grievance and four co-workers signed written statements protesting the discipline against me. In arbitration, the company dropped the written discipline.

I declare under penalty of perjury that the foregoing is true and correct.
Executed December 7, 2008 in Atlanta, Georgia.



Jacob Perasso
December 7, 2008

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THE MILITANT

Vol. 69/No. 34

September 5, 2005

Minnesota socialist candidate fights firing

BY TOM FISKE

SOUTH ST. PAUL, Minnesota, August 23—Bosses at Dakota Premium Foods prevented Jacob Perasso, the Socialist Workers Party candidate for mayor of St. Paul, from returning to his job on the boning line today.

Perasso, his campaign supporters, and many co-workers in the plant say this is an attack on the union. The company refused to grant Perasso a leave of absence to campaign full time for three weeks. United Food and Commercial Workers (UFCW) Local 789, which represents Dakota workers, is filing a grievance against the company's refusal to grant Perasso the leave.

Perasso and Rebecca Williamson, Socialist Workers candidate for St. Paul School Board, campaigned outside the plant with several supporters this afternoon. Dozens of workers stopped to speak with the candidates about Perasso's fight to be reinstated and to wish both candidates luck in the campaign. Eight workers bought the *Militant*, some driving up and holding their money out the window.

The company "seeks to weaken the union struggle in the plant," said Perasso in a statement released to the press today. "I have been part of efforts by UFCW Local 789 to resist speedup attempts by the company.

"On June 1, 2000, workers in the boning department gathered in the cafeteria and refused to work for seven hours until the company agreed to limit the line speed. Since then, there has been a victorious union-organizing drive to win UFCW representation and years of resistance that continues to this day. Last week 26 workers from the kill floor gathered at the union hall to discuss ways to defend themselves against the company speedup," Perasso said.

"One reason so many co-workers signed the petition for my leave of absence is that they wanted to help protect a fellow union fighter," he continued. "During these five years the company has been going after individual union militants,

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seeking to buy them off, intimidate them, or fire them.”

During the three weeks Perasso was absent from work he was attending the 16th World Festival of Youth and Students in Venezuela. Since returning, he has visited the picket lines of the striking Northwest Airlines mechanics at the airport here. On the eve of the walkout, he spoke at a rally of these mechanics.

Related articles:

[SWP candidates back Northwest strikers](#)

[Front page \(for this issue\)](#) | [Home](#) | [Text-version home](#)

Exh. 75 - 1 page

DECLARATION

I, Anthony M. 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 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.

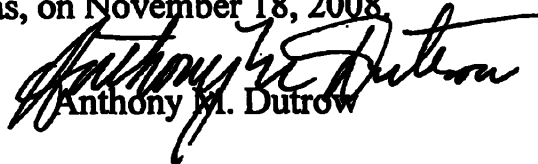
On Sunday, October 5, 2008, I was at the Forest West Shopping Center at the corner of Pinemont Dr. and Antoine Dr. in Houston, Texas, where I was the 2008 Socialist Workers Party candidate for Texas State Representative in District 138. I was campaigning along with another campaign supporter, when we were told, on threat of arrest, to stop campaigning. The incident occurred in the early afternoon, soon after I had placed campaign signs and literature on the table.

I was standing in front of our table on the sidewalk which surrounds the shopping center parking lot when a uniformed security guard asked me to step over to his vehicle, an unmarked car with a blue light flashing. I explained that we were campaigning for our national and local ticket—this was well before the November elections—and a week or so ago the manager of that store front told us he had no problem with us campaigning in front of his business. On this day the store was closed.

The guard then told me that we had to leave, that the company he worked for had to approve us being there and it wasn't a decision the store owner could make. I asked for a card to contact those he was working for and he told me "Don't bother, because they won't allow you and your kind of material on the property. You have to leave or I will call the police."

As we took down our table, the guard remained in his cruiser until we started to pack our materials and load them into our car.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Houston, Texas, on November 18, 2008.


Anthony M. Dutrow

Exh. 76 - 2 pages

DECLARATION

I, Jacqueline Henderson Shilman, 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. In March 2006 the editor of the Militant newspaper sent me a copy of a letter the paper had received from a subscriber who requested information on joining the Socialist Workers Party. The letter was signed by a Richard Brown who identified himself as an evacuee from New Orleans living in Houston, who had been reading about SWP activities in the paper. He included his address so that he could be contacted.
2. Together with Steve Warshell, SWP candidate for Governor of Texas in the 2006 election, I visited Brown at the address he gave. Finding no one home, we left a short note explaining that we would be available to talk anytime that was convenient for him and left him a flyer for a campaign event.
3. A week later we received a note at the campaign office from Richard Brown stating that he had a gun pointed at Warshell and me when we knocked at his door, and that if we came back he would blast us through the door.
4. In May 2006 we received another letter signed by Richard Brown stating that he would like to receive information about, "The history of the SWP, the difference between SWP, SLP, Progressive Labor, CPUSA, and the Demo. Socialists... What are the beliefs? How to join (dues?) What about meetings?"
5. A year later, in March 2007, a man identifying himself as himself Richard Brown, an evacuee from Hurricane Katrina, called the SWP campaign office in Houston. I answered the phone with the words, "Socialist Workers Campaign." Brown said he didn't want information about the campaign that rather, he wanted to know when the SWP meetings are, what he would have to pay to join, and the difference between SWP, SLP, CPUSA and other groups. After

introducing myself, I asked if the caller had written the office before.
He then hung up.

I declare under penalty of perjury that the foregoing is true and correct.
Executed in Houston, Texas, on November 18, 2008.


Jacqueline Henderson Shilman

Exh. 77 - 1 page

DECLARATION

I, Seth Dellinger, 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. In September of 2007, when leaving the headquarters of the Washington DC Socialist Workers Party campaign on Georgia Avenue, I noticed a car parked outside on the street with three men inside.

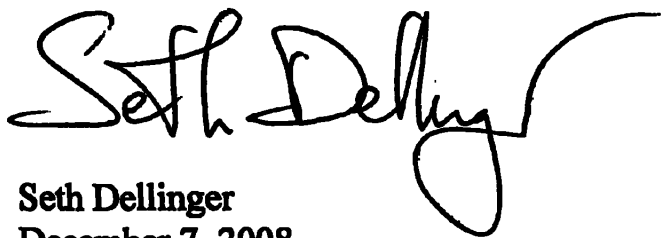
2. I felt that the men in the car looked suspicious. They appeared to be parked conducting surveillance on the campaign office. I was concerned that their conduct might threaten something.

3. I approached the car to try and find out what they were up to. Seeing me, the man in the front passenger seat asked me "Is this the SWP?" I said yes, and asked if he was interested to see some literature. He said "No, I just wanted to confirm the location."

4. I asked how he had heard about the SWP and what he wanted, but he did not answer the questions. Instead he said, menacingly, "We'll be back," and nodded to the driver. The car then sped away.

5. I alerted other campaign volunteers about the incident and we kept a special watch on the office over the next couple weeks.

**I declare under penalty of perjury that the foregoing is true and correct.
Executed in Washington, D.C., on December 7, 2008.**



**Seth Dellinger
December 7, 2008**

Exh. 78 - 1 page

DECLARATION

I, Ben O'Shaughnessy, 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 Albany, N.Y. chapter of the Young Socialists, a youth organization that supports the Socialist Workers Party election campaigns, participated in a demonstration for immigrant rights organized by several student groups on May 1, 2006 at the State University of New York there. This action was being held in solidarity with numerous others taking place across the country that day.

2. At the time, I was the organizer of the local chapter and student on the campus. Along with distributing the *Militant* newspaper, and books and pamphlets on socialism at the demonstration, we were also marching with signs expressing the organization's support for the demand "legalization for all" undocumented immigrants. Members of the chapter had been active on campus all semester, speaking at several other demonstrations and public forums.

3. Shortly into the rally, Nicholas Terlizzi, a member of the YS was recognized to speak on stage by the moderator. As Terlizzi approached the podium, an irate individual jumped onto the stage and took control of the microphone. He proceeded to curse out Terlizzi by stating: "fuck you, you fucking communist... I was born in a communist country..."

Myself and another student, who were both responsible for security at the rally, followed him onto the stage, regained control of the microphone, and then peacefully escorted him away from the rally area.

Several hours later, this same individual returned to the demonstration and proceeded to curse at and spit on myself and another student who were marching in a picket line. This individual was again escorted away from the area.

4. All organizers of the rally were made aware of the incident and efforts were made to make sure the individual did not return to further disrupt the demonstration. He was not seen again for the rest of the day.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on December 2, 2008 in New York, New York.


Dec. 2, 2008

Exh. 79 - 2 pages

DECLARATION

I, Paul Pederson, 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:

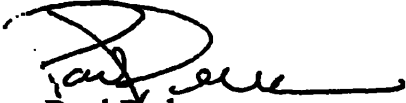
1. Myself and Maurice Williams, another supporter of the Socialist Workers 2006 election campaign, went to the entrance to Jim Walters #7 mine near Brookwood, AL, on March 3, 2006, to distribute the *Militant* newspaper to miners during an afternoon shift change.

2. After distributing the paper to miners going into work for the afternoon shift for about 15 minutes, one of the miners who was leaving from the day shift stopped and warned us that there were a group of bosses and miners preparing "to run us out of here." He bought a copy of the paper, but repeated that he thought we had better leave.

3. A few minutes later a man driving a red pickup truck drove out from the mine. He appeared to be a foreman or boss at the mine. He was very agitated and yelled, "We told you before you can't be here. This is mine property." While someone may have told campaigners who distributed literature outside the mine at some other time that they were on mine property, no one had ever informed Maurice and I of this. Regardless, we wanted to avoid any incident, so I told him I didn't realize that and moved toward the highway. A few seconds later a second, white, pickup pulled up behind him. The man inside appeared to be a supervisor or manager, he was not wearing work clothes. The foreman appeared to be emboldened by the arrival of the second truck. He got out of his truck and said, "If you don't get the fuck out of here I am going to wup your ass." He began walking towards me with his fists clenched. I motioned to Maurice and told the guy that we would leave.

4. We got into our car and began to drive off. The two pickup trucks followed us for a couple of miles down the road and then stopped. Maurice suggested we turn back and see if there was another area we could campaign to miners. As we drove past the mine, the two trucks were still there. When they saw us they pulled out, this time joined by a third truck, and followed us. We drove out of the area.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on December 10, 2008 in New York, New York.



Paul Pederson
December 10, 2008

Exh. 80 - 1 page

DECLARATION

I, Mary J. 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.

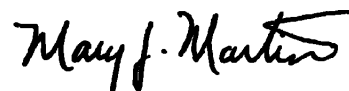
I make this statement on the basis of my personal knowledge:

1. I took two hostile messages from the phone voicemail at the Socialist Workers Party Campaign office in Seattle on October 23 and November 6, 2008. We have saved these messages. It was clear to me that the tone and intent of the messages was to threaten and intimidate Socialist Workers campaign supporters.

2. The first message of October 23, 2008 said in summary "This is a tip off. A person named ____ in Puyallup says he wants to kill all the sons a bi... in the Socialist Party. Yeah, he's planning on killing the socialists and taking all the property that they get. You might want to investigate."

3. The second message said in summary "How did you guys do in the elections? I just want you to know that your comrades in Cambodia were responsible for the extermination of people like my wife's relatives in the 1970s, but you don't care. The world knows who your candidate is. He's one of the useful idiots who doesn't know how millions perish and economies are left in ruin because of Lenin, Marx, Ho Chi Minh, Pol Pot and others. Yeah, you just keep at it."

I declare under penalty of perjury that the foregoing is true and correct. Executed November 14, 2008 at Seattle, Washington.



Mary J. Martin
November 14, 2008

Exh. 81 - 5 pages

Declaration

I, Joe Swanson, 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.

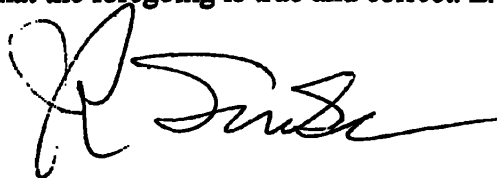
1. I and other supporters of the Iowa 2003 Socialist Workers election campaign upon entering the office located at 3720 Sixth Ave., Des Moines, Iowa on Monday, February 10, 2003 saw all the plate glass windows and the main entrance door were pelted with eggs. The address is known in Des Moines as the headquarters of the Socialist Workers Party Election Campaign and the location where Pathfinder political books are displayed.

2. There were several other offices and business on the same street as the SWP campaign headquarters; however, none of the other offices or business in the area known as Highland Park was vandalized. Those offices and business include Park Printers, Roofers Local Union 142, Linn Super Market, Des Moines Metro Electric, and Northridge Baptist Church.

3. The vandal attack was reported on February 10, 2003 to the Des Moines Police Department at 25 East First Street, Des Moines, Iowa 50309, Tel: 515-283-4824. Des Moines Police Officer M. Gonzalez was dispatched to the 3707 Sixth Ave. address to investigate and filed report under Case No. 03-5368. . The SWP Election Campaign heard nothing further from the Des Moines Police Department.

4. At a February 11, 2003 press conference at the SWP office and Pathfinder Bookstore, the vandal attack was denounced and called on the city of Des Moines, that those responsible for the attack be caught and prosecuted. A statement from the Drake National Lawyers Guild was released at the press conference condemning the act of hostility and called on the City of Des Moines and on all people to speak-out against this violent act. The attack was reported in the press, including *El Latino*, February 14-20 edition, and the *Militant*, Vol. 67/No. 8 March 17, 2003.

I declare under penalty of perjury that the foregoing is true and correct. Executed November 14, 2008 in Des Moines, Iowa



Joe Swanson

November 14, 2008

Arresta policía sospechoso de robos a negocios hispanos

El pasado miércoles a eso de las tres de la madrugada la policía realizó el arresto de un individuo que al parecer está implicado con los robos que ultimamente han azotado a los negocios hispanos de Des Moines.

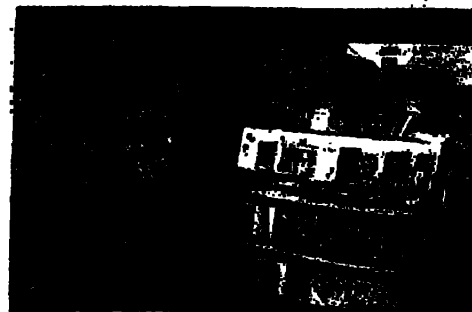
De acuerdo a información proporcionada por el oficial José González, la madrugada del arresto como era costumbre una patrulla vigilaba la zona cuando de repente se encontraron con dos individuos, al parecer de origen hispano, tratando de hacer entrada ilegal al establecimiento de la tienda de ropa vaquera La Bufa la cual está ubicada en el 1604 E. de la Grand Avenue. Ambos individuos al percatarse de la patrulla se dieron a la fuga inmediatamente. Para la infortunada de uno de los individuos, éste no pudo fugarse ya que de acuerdo a la información el arrestado parece estar enfermo de un pie lo cual lo limitó a poder escabullirse junto con su compañero.

Las autoridades se negaron a proporcionar información respecto al nombre de la persona por cuestiones de investigación.

"Con ésta captura las cosas empiezan a esclarecerse y esperamos muy pronto dar con más involucrados", dijo el oficial González quien aprovechó para instar a la comunidad a reportar cualquier anomalía en los alrededores o cualquier acción sospechosa a la policía. "Solo urtidos entre sí podemos resolver problemas de ésta índole", finalizó.

El oficial José González puede ser contactado al (515)237-1531 ó al celular (515)77-2433.

Vandalizan librería de fundamentos sindicales



Tanto la puerta como ventanas sirvieron de blanco para estrellar huevos los cuales dejaron una mala imagen y un apesoso olor a la librería Pathfinder ubicada en 3720 6th Ave en Des Moines.

De acuerdo al manejador y dueño del establecimiento Edwin Fruit, el pasado lunes hizo el hallazgo de tal mal suceso e inmediatamente dió parte a las autoridades.

Según en informes proporcionados por Fruit a las autoridades se cree que éstos actos de vandalismo tuvieron lugar entre el sábado por la noche y el lunes por la madrugada.

Ningún otro establecimiento cercano a la librería sufrió tal vandalidad por lo que se sospecha fue un acto de odio.

La literatura de la librería es netamente de índole política, la cual desde su apertura en Des Moines en 1986 ha servido de base elemental para todos aquellos interesados o relacionados en el tema.

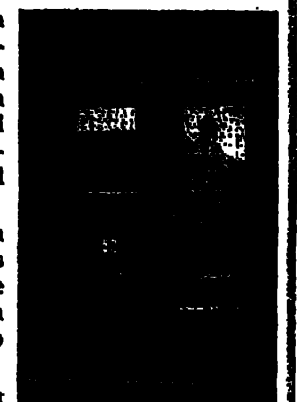
Según Fruit, esta no es la primera vez que la librería es vandalizada pues desde 1999, año en que se movió a su actual dirección, ha sido víctima de otros tres atracos.

La librería cuenta con

libros tanto en inglés como en español de personalidades reconocidas en el medio político así como también el socialismo e imperialismo, por mencionar al Che Guevara, Fidel Castro y José Martí en otros.

En el establecimiento se encuentran también copias del famoso periódico socialista *The Militant* al igual que *Perspectiva Mundial* la cual no es más que la traducción al español del primero.

Las autoridades dijeron que las investigaciones continuarán hasta poder encontrar a los responsables de dicho altercado.



DRAKE NATIONAL LAWYERS GUILD OPPOSED TO THE DEFACING OF DES MOINES BOOKSTORE

We Call on the City of Des Moines and Its People to Speak-Out Against this Violent Act

Released: February 11, 2003

The Drake National Lawyers Guild condemns the act of hostility committed against the Pathfinder Bookstore in Des Moines last weekend. We call on the city of Des Moines and its people to speak-out against this violent act, joining us in our condemnation.

In a democracy justice and freedom depend on whether or not the rights of those who choose to dissent are protected. Our citizenry cannot allow those using scare-tactics and violence to succeed in their attempts to silence political dissent. If those who commit acts of violence do succeed, we will cease to have any resemblance of democracy at all.

The National Lawyers Guild is an association dedicated to the need for basic change in the structure of our political and economic system. The Guild unites lawyers, law students, and legal workers as an effective political and social force in the service of the people. Our aims:

- to eliminate racism;
- to safeguard and strengthen the rights of workers, women, farmers and minority groups, upon whom the welfare of the entire nation depends;
- to maintain and protect our civil rights and liberties in the face of persistent attacks upon them;
- to use the law as an instrument for the protection of the people, rather than for their repression.

"...to the end that human rights shall be regarded as more sacred than property interests."
- Preamble to the NLG Constitution

Contact: Stephen Taylor; co-chair, Drake NLG

Drake Law School; 27th and Carpenter, Des Moines. IA 50311

www.nlg.org

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THE MILITANT

Vol. 67/No. 8

March 17, 2003

Vandals attack Des Moines Pathfinder store

BY EDWIN FRUIT

DES MOINES, Iowa--On the second weekend of February, for the fourth time since 1999, the Pathfinder Bookstore in Des Moines was vandalized. Raw eggs defaced every window and the door of the storefront, located in the working-class area known as Highland Park.

The bookstore is a center for books on working-class politics and hosts the weekly Militant Labor Forum, a free-speech forum on topics of interest to working people. The store also provides office space to the Socialist Workers Party, which has run candidates for public office. Displays in the window include a Black History Month poster highlighting a new book of speeches by Malcolm X, book covers on the Cuban Revolution, and current copies of the *Militant* and *Perspectiva Mundial*, socialist publications that have front-page coverage explaining why working people should oppose the imperialist war in the Mideast.

At a February 11 news conference at the bookstore, Edwin Fruit, the owner of the store and Socialist Workers candidate for Congress in Iowa's third district last fall, denounced the attack and said, "We are not going to be intimidated by these cowardly acts of harassment and intimidation. Those using threats and intimidation against those who have dissenting views take their cue from the policies of the U.S. government. Working people and youth value the political space we have to discuss and debate solutions to the growing social and economic crisis of capitalism's world disorder today."

The National Lawyers Guild chapter at Drake University in Des Moines sent a statement to the news conference saying, "We call on the city of Des Moines and its people to speak out against this violent act, joining us in our condemnation. In a democracy justice and freedom depend on whether or not the rights of those who choose to dissent are protected.... If those who commit acts of violence do succeed, we will cease to have any resemblance of democracy at all."

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El Latino, a local Spanish-language weekly, featured a front-page story on the attack and photos of the bookstore in its February 14–20 edition. Several people from the neighborhood around the bookstore stopped to express their support as volunteers cleaned the windows.

Edwin Fruit is a member of United Food and Commercial Workers Local 1149 in Perry, Iowa.

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Exh. 82 - 1 page

Declaration

I, Joe Swanson, 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.

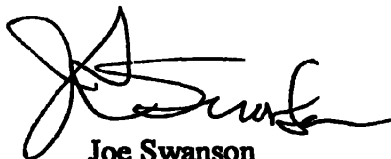
I make this statement on the basis of personal knowledge.

1. I and other supporters of the Iowa 2003 Socialist Workers election campaign upon entering the office located at 3720 Sixth Ave., Des Moines, Iowa at 6:15 p.m. on Wednesday, August 20, 2003 saw splattering of eggs on one plate glass window. The splattering was on the spot of a Malcolm X poster that hangs on the inside of the window and that displayed a Socialist Workers Campaign sign of Mary Martin for Mayor of Des Moines. The address is known in Des Moines as the headquarters of the SWP Election Campaign and the location where Pathfinder political books are displayed.

2. There were several other offices and business on the same street as the SWP campaign headquarters; however, none of the other offices or business in the area known as Highland Park was vandalized. Those offices and business include Park Printers, Roofers Local Union 142, Linn Super Market, Des Moines Metro Electric, and Northridge Baptist Church.

3. The vandal attack was reported on August 20, 2003 to the Des Moines, Iowa Police Department at 25 East First Street, Des Moines, Iowa 50309, Tel: 515-283-4811. Des Moines Police Officer Lori Wilson was dispatched to the 3707 Sixth Ave. address and arrived at 8:45 p.m. to investigate and filed report under Case No. 03-32586. The SWP Election Campaign heard nothing further from the Des Moines Police Department.

I declare under penalty of perjury that the foregoing is true and correct. Executed November 14, 2008 in Des Moines, Iowa



Joe Swanson

November 14, 2008

Exh. 83 - 1 page

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 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 Dave Finch, another supporter of the Socialist Workers 2008 election campaign were passing out campaign brochures and selling the *Militant* newspaper to workers leaving in their cars from the exit of the Dakota Premium Foods plant in South St. Paul, Minnesota. This occurred on the afternoon of Thursday, October 30.

2. At about 4:30 p.m. a car came from the other direction, from the street, and accelerated towards me. My back was turned to the car as it began to accelerate. I heard the roar of the engine as the driver accelerated. I saw the driver, Bill LeMar, formerly the head of personnel and now a higher official in the company. He stopped a few feet from me. I began to react just as he stopped. LeMar had done exactly the same thing to me a few years ago, in 2005.

LeMar had shown dislike of the Socialist Workers Party before. In 2005 he fired Jacob Perasso, a worker at Dakota Premium Foods, who was then a candidate for Mayor of St. Paul.

3. Dave Finch witnessed this incident. I did not report the incident to law enforcement personnel or the media.

I declare under penalty of perjury that the foregoing is true and correct. Executed in St. Paul, Minnesota, on November 16, 2008.

Tom Fiske

Tom Fiske

Exh. 84 - 2 pages

DECLARATION

I, James Kendrick 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:

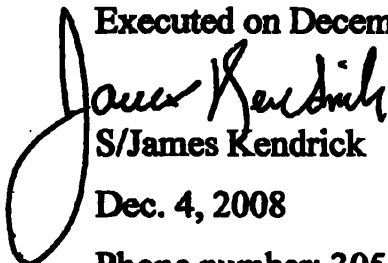
1. I was a member of the SWP for approximately 3 decades. I am currently a supporter of the SWP, active in the SWP's election campaign activity. I was an elector in 2008, supporting the SWP's application for ballot status in Florida in the 2008 elections. During the 2008 election campaign in Florida, I participated in several public meetings and other activities supporting the SWP's candidates for president and vice-president and its two candidates running to represent Florida constituents. I traveled with SWP candidates to appear at campaign events. I am a regular and long time financial contributor to the SWP's election campaigns.
2. I have been a public spokesperson for the SWP as its candidate for US Senate from Minnesota in the late 1980's. I have been prominently involved in the distribution of the Militant newspaper, SWP 2008 election campaign material and books and publications presenting the programmatic views, political principles and analyses of the SWP over the immediate last five years in Florida.
3. I was in New York on the week-end of November 22-23, 2008, for a national SWP public political meeting to celebrate the accomplishments of the party's 2008 election campaign and discuss the party's perspectives for 2009. I also attended a meeting of organized supporters of the SWP the next day. My wife, Theresa Kendrick, who also is a supporter of the SWP and participant in election campaign activities, attended both meetings with me.
4. On Tuesday November 25, 2008, at approximately 7:00 PM EST my wife and I went to Newark International Airport to return home. When I attempted to check our luggage with a Continental Airlines skycap for a flight from Newark to

Miami and provided the skycap with boarding passes used for the luggage check procedure, the Skycap told me that he could not check our luggage. I asked him why and he told me "someone in your party is on the government watch list. You will have to check in with the Continental ticket agent inside." I asked him to explain his statement and provide the name of the person on the government watch list from his computer. He replied that "The government wants you," and said that he could not tell from his computer who the person is.

5. I proceeded with my wife to the ticket counter. The agent checked us in. I told the agent what had happened with the Skycap and asked her to check to see if I or my wife was on the government's watch list. She checked her computer and said she didn't see anything that would prevent us from boarding our flight.
6. After checking in, I boarded the plane with my wife without further incident.
7. I am concerned that people who support the Socialist Workers Party could find themselves on a government watch list and face delays and other problems traveling.

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

Executed on December 4, 2008.


S/James Kendrick

Dec. 4, 2008

Phone number: 305-893-9707

Exh. 85 - 15 pages

DECLARATION

I, John Studer, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the Socialist Workers Party, 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. In 1951 that state of Pennsylvania enacted a requirement for candidates for state-wide public office in Pennsylvania to sign a "loyalty oath" as a precondition for gaining ballot status. This oath was also adopted by numerous municipalities throughout the state. This requirement remains on the books as a requirement for candidates for state office.

2. The oath requires a candidate to swear "I am not a subversive person as defined in the 'Pennsylvania Loyalty Act'." The state 'Loyalty Act' was enacted in 1951.

The Act defined a "subversive" as "any person who commits... advocates, abets, advises or teaches, by any means... the overthrow, destruction or alteration of the constitutional form of government of the United States or of the Commonwealth of Pennsylvania... by force or violence, or who is knowingly a member of a subversive organization."

It was similar to numerous witch-hunt laws and Executive Orders that were promulgated in the 1940s and '50s, intended to deny federal jobs and benefits to those who were identified as "subversive." To aid in the prosecution of such regulations and laws, the government began to maintain an "Attorney General's List" of subversive organizations. In September, 1948, the Socialist Workers Party was placed on the list and remained on it until the list was abolished under pressure in 1974.

3. In 2005, state election officials re-incorporated the oath into papers candidates were required to submit when filing nominating petitions to get on the ballot.

4. State officials made this decision despite the fact they were aware of numerous court decisions holding that similar 'loyalty' oaths were unconstitutional, including a 1974 U.S. Supreme Court decision declaring an Indiana state loyalty oath unconstitutional in 1974. The court found that the Indiana oath violated First Amendment free-speech rights.

5. Jay Ressler ran in 2005 as the Socialist Workers Party candidate for Mayor of Pittsburgh, and refused to sign the 'loyalty oath' when he submitted his nominating petitions containing more than two times the required number of signatures. "I will not sign the loyalty oath," Ressler told the press, "and we're determined that anyone who chooses to pull the lever for the SWP's mayoral candidate in November will be able to do so." The oath, he added, "is a danger to the political rights of the working class and the majority of the people in Pennsylvania."

Ressler's filing and refusal to sign the oath were covered by WDUQ, the Pittsburgh area National Public Radio affiliate, the Pittsburgh *Tribune-Review*, one of Pittsburgh's two daily papers; WAMO radio and WQV radio.

"This is a major victory over an attempt to bring back legislation that's a danger to the political rights of every working person, unionist, and defender of free speech," Ressler said when he was informed that he was being placed on the ballot by Allegheny County election authorities.

6. Brian McDonald, a spokesperson for the Pennsylvania Department of State told the *Militant* newspaper that he had discussed the loyalty oath with Allegheny County officials, but let them make their own decision. He refused to say what their decision would be if a state-wide candidate was involved. "The code states what it states," he told the newspaper. "We'll cross that bridge when we come to it."

7. In 2006, John Staggs ran as the Socialist Workers Party candidate for the Pennsylvania General Assembly from District 198, a state-wide office. In announcing his campaign, Staggs declared his intention to refuse to sign the loyalty oath, which continued to appear on the candidate's papers to be filed with the nominating petitions for state-wide office.

8. Staggs filed more than twice as many signatures as required with state officials and refused to sign the 'loyalty oath,' instead crossing it out with an 'X'. His action was widely reported in the area press.

Staggs explained that the continued requirement to sign the loyalty oath was not a hang-over from the past, but a threat to workers and political activists today, in the context of the passage of the Patriot Act and other contemporary attacks on political rights that are expanding.

9. State officials informed Staggs after he submitted his petitions that he was being certified for ballot status despite his refusal to sign the Oath.

10. State Attorney General Tom Corbett told the media that on July 25, 2006, he had directed elections officials "to discontinue the oath unless and until" the 1974 U.S. Supreme Court decision regarding the Indiana 'loyalty' oath "is overturned."

11. An Associated Press release in August 2006 that was widely carried in media across the country, including the Los Angeles *Times* and MSNBC, reported that "[T]he oath itself will remain on the books."

12. "I believe their definition of 'subversive' can really apply to anyone," the same release quotes Socialist Workers candidate John Staggs, "They want to be able to pick and choose, so they can use it versus people who are challenging the status quo."

I declare under penalty of perjury that the foregoing is true and correct.
Executed November 14, 2008 in Philadelphia, Pennsylvania.



John Studer
November 14, 2008

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Text version of the Militant, a socialist newspaper

THE MILITANT

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El Militante

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State orders end to use of 'loyalty oath'

Responds to Pennsylvania SWP campaign

Socialist candidates in N.Y.: Nationalize energy industry!

Defeat of Utah coal boss suit: a gain for labor, working class

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State report on Sago explosion faults mine seal construction

Another coal miner dies in Kentucky, bringing year's toll in United States to 36

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A socialist newsweekly published in the interests of working people
Vol. 70/No. 29 August 7, 2006

SPECIAL EVENTS

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Victory for Labor Rights!

Judge signs order dismissing harassment suit by C.W. Mining Co. against UMWA, 16 former Co-Op miners, and the *Militant*.

(lead article)

A victory for political rights!

State orders end to use of 'loyalty oath'

Responds to Pennsylvania SWP campaign



Militant/Arin Hawkins

Osborne Hart (right), SWP candidate for Pennsylvania governor, and John Staggs (left), the party's candidate for State House District 198 in Philadelphia, with attorney Eric Lieberman of the constitutional rights law firm Rabinowitz, Boudin, Standard, Krinsky and Lieberman at the firm's New York office July 26. Lieberman represented the Socialist Workers campaign in the successful fight against the "loyalty oath" in Pennsylvania.

BY JOHN STUDER

PHILADELPHIA, July 25—"This is a significant victory for political rights, for the working class," John Staggs told the *Militant* today. Staggs, the Socialist Workers Party candidate for State House District 198 here in Philadelphia, was responding to news that Pennsylvania attorney general Thomas Corbett

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has ordered the Department of State to "discontinue use of the [loyalty] oath" requiring all candidates for public office in the state to swear they are "not a subversive person."

Louis Boyle, Department of State deputy chief counsel, notified attorney Eric Lieberman of this decision today. Lieberman, of the noted New York City constitutional law firm Rabinowitz, Boudin, Standard, Krinsky, and Lieberman, is representing the Pennsylvania Socialist Workers campaign in challenging the oath.

Lieberman had notified state authorities that the SWP campaign would file suit in Philadelphia on Thursday, July 27, to strike down the "anti-subversive" pledge. Lieberman told state authorities his clients would seek a restraining order to prevent them from requiring Staggs to sign the pledge when filing nominating petitions July 31 to be placed on the November ballot.

"Since 1951, when the Pennsylvania Loyalty Act was passed," Staggs said, "this oath has been a danger to the political rights of every working person, to the union movement, and to all defenders of free speech. We've won a victory in defense of workers fighting to organize and strengthen the unions as well as those advocating change—including revolutionary change—in the government."

Osborne Hart, Socialist Workers candidate for Pennsylvania governor, told the *Militant* that the capitalist government in Pennsylvania has sought "to keep restrictions like this in place today as they prepare to meet worker and farmer resistance to assaults on our wages and conditions, on and off the job. The wealthy rulers were surprised this spring by the massive working-class mobilizations for immigrant rights, including the first nationwide general political strike in U.S. history. Today's blow against continued use of the loyalty oath removes an anti-working-class arrow from the quiver of the employing class.

"It will encourage all those, like our campaign, who are fighting to overturn the anti-working-class 'Illegal Immigration Relief Act,' passed recently by the city council in Hazleton," said Hart.

1974 U.S. Supreme Court ruling

"The loyalty oath is a remnant of a terrible chapter in American history, when citizens who registered even the slightest dissent from American policies and practices risked accusations of disloyalty and attendant loss of civil liberties and employment," attorney Eric Lieberman told the *Militant*. "After years of legal and political struggle, the Supreme Court recognized in a series of decisions from the mid-1960s through the *Whitcomb* decision in 1974 that use of such oaths violated the First Amendment rights of all people in this country."

Lieberman was referring to the 1974 U.S. Supreme Court ruling in *Communist Party of Indiana vs. Whitcomb* that declared the loyalty oath requirement unconstitutional. In 1975 the State Attorney General issued a formal opinion that its loyalty oath for state employees, which is identical to the current Candidate's Affidavit, would no longer be enforced. Nonetheless, officials in some states continued to require the oath for those running for public office.

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Getting rid of the loyalty oath is not just a question affecting socialist candidates, Staggs pointed out. "It makes it easier for working people to use the ballot to advance their struggles, without facing a political litmus test," he said. "It's a victory for all."

Pennsylvania official Louis Boyle informed Lieberman that the Department of State had received a communication from the Attorney General's office July 25 saying, "This will confirm that the Whitcomb decision controls the constitutionality of the loyalty oath for candidates for public office in PA. Accordingly, the Department of State should discontinue use of the oath unless and until the Whitcomb decision is overturned."

"We are particularly pleased that the Commonwealth of Pennsylvania has acknowledged that the loyalty oath is unconstitutional in today's climate," Lieberman said. "We hope this will encourage similar action by those few additional states that retain some version of these odious oaths."

This victory is a product of more than a year of struggle, said Hart. This includes the successful campaign last year by supporters of Jay Ressler, the SWP candidate for Pittsburgh mayor. City authorities put Ressler on the ballot despite his refusal to sign the oath and the public campaign by his supporters opposing it.

Petitioning effort

The 2006 SWP ticket in Pennsylvania also includes Ved Dookhun for U.S. Senate, Anthony Lane for Lt. Governor, and Cynthia Jaquith for U.S. Congress in the Pittsburgh-area 14th Congressional District.

The Socialist Workers campaign began a weeklong petitioning effort July 22 to put Staggs, a packinghouse worker in Philadelphia, on the ballot. Campaign supporters plan to gather at least 1,500 signatures—more than three times the requirement. In the first two days of petitioning, 1,156 people in the Germantown area signed up.

"We are campaigning to advance support for workers' struggles to organize unions and use them to defend themselves and other working people from the bosses' attacks, and for immediate legalization of all immigrant workers," said Hart. "We've gotten a good response to the socialist campaign platform, including the demands for immediate withdrawal of U.S. and all 'coalition' troops from Iraq and Afghanistan, and an end to the murderous assault by Tel Aviv, with Washington's support, against the people of Lebanon and Palestinians in the Gaza Strip."

One worker who signed said he wanted some help organizing a union at the trucking company where he works. Campaigners agreed to help out and explained that Staggs himself is involved in a union-organizing effort at the Mopac meatpacking plant where he works.

Several working people who signed petitions over the July 22-23 weekend read the loyalty oath, which campaigners had with them, and many were outraged. A couple of signers volunteered to help in the campaign to get it overturned.

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Aquisha Marrero, who came to the United States from Cuba, signed the petition, saying she was opposed to the U.S. government's economic war against Cuba.

"A central demand of our campaign is to end Washington's cold war against Cuba and to keep U.S. hands off Venezuela too," responded Hart.

When asked if she had attended any of the recent mobilizations for immigrant rights, Marrero said, "I went to all of them. If you don't have anything to fight for, you don't have anything to live for."

For more information on inviting the socialist candidates to speak, campaigning with them, or making a financial contribution to the SWP campaign, contact the Pennsylvania Socialist Workers 2006 Campaign Committee, 188 W. Wyoming Ave., Philadelphia, PA 19140; Tel: (215) 455-2682; E-mail: paswp2006campaign@verizon.net.

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 **MSNBC.com**

Pa. candidates freed from taking 'loyalty oath'

McCarthy-era pledge dumped after challenge

The Associated Press

updated 9:51 a.m. ET, Mon., Aug. 28, 2006

PHILADELPHIA - Candidates for public office in Pennsylvania will no longer have to sign a McCarthy-era loyalty oath pledging that they are not "subversive," a change ordered by the state attorney general after the requirement was challenged.

John Staggs, a meatpacker, refused to sign the oath when he turned in nominating petitions earlier this year, and threatened to sue the state. Now, Attorney General Tom Corbett has told election officials to stop enforcing the requirement because it is unconstitutional.

"I believe their definition of 'subversive' can really apply to anyone," said Staggs, 59, who is challenging Rep. Rosita Youngblood, D-Philadelphia, in the November election. "They want to be able to pick and choose, so they can use it versus people who are challenging the status quo."

Subversive prerequisite

The 1951 law describes as subversive anyone who advocates or takes part in "any act intended to overthrow, destroy (or) alter" the government. It also says "advocacy" of "violence or force" is a prerequisite to being a subversive.

The U.S. Supreme Court declared an Indiana loyalty oath unconstitutional in 1974. In that case, the court found that the oath violated free-speech rights by equating an abstract belief in radical change with inciting "imminent" violence.

In Pennsylvania, however, the loyalty oath continued to be administered in most elections.

In 1975, then-Attorney General Robert P. Kane issued an opinion that it was unconstitutional to require state employees to take the oath. Kane did not address the provision that applied to political candidates.

Corbett referred to Kane's opinion and applied the reasoning to candidates last month. On July 25, he directed officials to "discontinue the oath unless and until" the Supreme Court decision is overturned.

Law remains intact

The oath itself will remain on the books; it would take an act of the Legislature to repeal it.

Other states, including California, Kansas, Illinois and Arkansas, have similar laws requiring loyalty oaths.

"Nobody really pays any attention to them," said Richard Winger, editor and publisher of Ballot Access News, which tracks election law nationwide.

Two candidates in western Pennsylvania also challenged the state law last year.

The Socialist Worker candidate for mayor of Pittsburgh, Jay M. Ressler, refused to sign the oath and was granted a waiver.

In Mercer County, a University of Pittsburgh philosophy professor, Gerald J. Massey, balked after he was elected as a write-in candidate to the Stoneboro Council. The county solicitor eventually declared that the oath was unconstitutional.

Staggs said that, while he doesn't predict he will beat Youngblood, fighting the loyalty oath was a major reason for his candidacy.

"I definitely think our party challenges the status quo, but I wouldn't call it subversive," he said. "We want working people to have power."

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Meet the real subversives

By Dimitri Vassilaros
TRIBUNE-REVIEW
Monday, August 7, 2006

By challenging the Pennsylvania loyalty oath -- all political candidates in the commonwealth having to swear they are not subversives -- the Socialist Workers Party (SWP) has more respect for the rule of law than does the General Assembly. The Pennsylvania Loyalty Act was passed in 1951 during a time when there was a very real fear of communists subverting the government. However, in *Communist Party of Indiana v. Whitcomb* (1974), the U.S. Supreme Court ruled that the oath violated the First and Fourteenth amendments.

And when the highest court in the land made its decision, the commonwealth immediately did nothing.

Candidates still were required to swear they were not subversives. The irony-challenged Legislature presumably was oblivious to the idea that a subversive by definition might not be likely to keep his word about not being subversive.

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Enter Corbett

The Pennsylvania Socialist Workers campaign gave notice in July that it intended to challenge the oath. State Attorney General Tom Corbett rightly ordered the Department of State to discontinue using the loyalty oath. Mr. Corbett, a Republican of Shaler, and the SWP, based in Philadelphia, prove that principle, as well as politics, make for strange bedfellows.

But why was the loyalty oath still used until now?

"The Department of State cannot speak for other administrations," said spokeswoman Leslie Amoros. And it also apparently cannot speak for the Rendell administration, at least for the first three years when nothing was done. The department finally sought an informal opinion by Corbett's office when a candidate in Pittsburgh raised the issue.

The answer seems to be as simple as a story published in February in the University Times, a faculty and staff newspaper at the University of Pittsburgh. Professor Gerald Massey refused to take the oath in 2005 when he ran for council in a small Mercer County town.

County officials decided the loyalty oath could not be enforced. Mr. Massey won the seat. It was in 1975, according to the Pitt newspaper, that "then-state Attorney General Robert P. Kane formally declared the so-called Pennsylvania Loyalty Act unconstitutional and directed that it not be enforced."

Still on the books

The state Legislature never formally removed the act from state law, according to a state elections official quoted in the University Times story. The law remains on the books; it would require an act of the General Assembly to amend it.

Could anyone other than the bipartisan bottom feeders who control the three branches of state government make the Socialist Workers Party look this principled?

And speaking of meaningless oaths, how many

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legislators, governors and state court justices actually obey, respect and defend the state Constitution?


Or for that matter, how many ever bother to read it?

The U.S. Supreme Court and the then-attorney general were very clear. And yet the Republican and Democrat parties – the duopoly that has had a stranglehold on Pennsylvania state government for generations – simply cannot be bothered with the rule of law.

Pennsylvanians should demand loyalty oaths from the subversives controlling state government. For all the good it would do.

Dimitri Vassilaros is a Tribune-Review editorial page columnist. His column appears Fridays. He can be reached at dvassilaros@tribweb.com or 412-380-5637.

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THE MILITANT

Vol. 69/No. 29

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Pittsburgh: Socialists score victory for political rights

County accepts petition for ballot status with 'anti-subversive' pledge crossed out (front page)



Militant/Marty Ressler

Jay Ressler (center), Socialist Workers Party candidate for Pittsburgh mayor, at July 20 press conference after filing petitions for ballot status with board of elections.

BY TONY LANE

PITTSBURGH, July 20—Declaring his refusal to sign a “loyalty oath,” the Socialist Workers Party candidate for mayor of Pittsburgh, Jay Ressler, submitted 2,784 signatures on petitions for ballot status today at the Allegheny County Board of Elections. Ressler filed an affidavit affirming his eligibility to run but crossed out a section that required him to “swear...that I am not a subversive person as defined in the ‘Pennsylvania Loyalty Act.’” The board of elections accepted the paperwork.

Mark Wolosik, division manager with the county board of elections, confirmed this in a phone interview with the *Militant*. “We have accepted [Ressler’s] paperwork for filing,” he said. Asked if this meant other candidates for office in the county could also attain ballot status without signing the loyalty oath, Wolosik said, “I’d have to double-check that with my law department, but I would

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think they could, if we did it in this case.”

“This is a major victory over an attempt to bring back legislation that’s a danger to the political rights of every working person, unionist, and defender of free speech,” said Ressler. “We’ve struck a blow today in defense of workers fighting to defend union rights as well as those advocating changes in government.”

Ressler, 57, is a coal miner at the Madison Mine in Cambria County, east of Pittsburgh. The socialist candidate gave the board of elections a letter from constitutional rights attorney Eric Lieberman, of the New York law firm Rabinowitz, Boudin, Standard, Krinsky & Lieberman, who is representing the SWP in this case. The loyalty oath requirement “is clearly unconstitutional under the [1974] decision of the United States Supreme Court in *Communist Party of Indiana v. Whitcomb*,” the letter said. “In 1975, the State Attorney General issued a formal opinion stating that, on the basis of the *Whitcomb* case, the loyalty oath for State employees, which is identical to the Candidate’s Affidavit, is unconstitutional and should not be enforced.” Lieberman explained that Larry Boyle, counsel for the Pennsylvania Bureau of Elections Commissions had acknowledged these facts and advised that Ressler should cross out the “loyalty provision” in his affidavit.

Brian McDonald, a spokesperson for the Pennsylvania Department of State in Harrisburg, told the *Militant* that after being contacted by the SWP’s attorney, state officials discussed the loyalty oath matter with Allegheny County officials. Because the seat Ressler is running for is a local one, and not statewide, McDonald said, “Ultimately, it’s the county’s call, not ours. It would be our call if he was running for a state office.” McDonald declined to say whether a candidate for state office who refused to sign the loyalty oath would be eligible for ballot status. “The code states what it states,” he said. “We’ll cross that bridge when we come to it.”

At a press conference today outside the local election board offices, the Socialist Workers Party also announced the nomination of two additional candidates in the November elections: Cynthia Jaquith, 58, a meat packer who is running for Pittsburgh city council; and Ryan Scott, 22, a coal miner running for county council. Scott, a member of the Young Socialists, is a part of organizing activities in Pittsburgh to send a delegation of young people to the 16th World Festival of Youth and Students in August in Caracas, Venezuela.

Ressler gave the press a statement signed by nine coal miners at Consol Energy’s 84 mine, who protested the “anti-

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subversive" pledge as "designed to intimidate and deter union fighters, activists for social justice, and others from participating in politics." The miners are members of United Mine Workers of America Local 1197. One of them is Brian Taylor, the 2005 SWP campaign director in Pittsburgh.

"I am proud of you and I understand why you didn't sign the loyalty oath," Jamie Hebb told Ressler after hearing the news. Hebb is a former coworker of Ressler at High Quality, a UMWA-organized coal mine, who now works in a mine in Maryland.

After reviewing the SWP petitions for over an hour, board of elections workers said they stopped counting at 1,776 signatures, well above the required 1,041. Ballot petitions may be challenged until August 11, they added.

After filing, Ressler was interviewed by reporters from WDUQ, the local National Public Radio affiliate; the *Pittsburgh Tribune-Review*, one of Pittsburgh's two dailies; WAMO Radio, a station oriented to the Black community; and WQV Radio. The WDUQ reporter asked Ressler if his opponents in the mayor's race might use his refusal to sign the loyalty oath against him. "Well, they may," Ressler replied, "but then they'll be going up against strong opposition by working people to thought-control measures of this kind."

The same reporter asked whether it was worth running a socialist campaign "when the Democrats pretty much have the election sewn up already." Ressler said it was. "Working people face an unrelenting offensive by the employers," he said. "Driven by the need to reverse declining profit rates, the bosses are intensifying speedup, lengthening work hours, throwing job safety to the wind, cutting pensions and health-care coverage, probing to undermine Social Security, and seeking to break down solidarity among working people.

"The SWP supports workers' struggles to organize trade unions and mobilize union power to defend working people from assaults by the employers and their twin parties of capitalism—the Democrats and Republicans. We call for a labor party based on the unions that fights in the interests of working people.

"There are no 'Pittsburgh solutions' to the deepening economic and social crises," Ressler continued. "The wars Washington and its allies are fighting abroad—from Iraq to Afghanistan to others they are preparing against Iran and north Korea—are an extension of assaults at home against the living standards and job conditions of workers and farmers. We call for Washington to withdraw all its troops

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from these countries—now!”

Among those who joined the SWP candidate in filing was Devin Gorney, 17, a restaurant worker. “The loyalty oath was proven unconstitutional 30 years ago,” Gorney said. “It was bad enough when it was first introduced and it’s disgraceful that they’ve brought it back again. I hope the SWP campaign will bring some attention to this and we get a lot of support.”

Gorney was part of a group of young people in Pittsburgh who traveled to New York the weekend of July 16-17 to help campaign for the SWP slate in New York, headed by mayoral candidate Martin Koppel. In Pittsburgh the week before, Maura DeLuca, who recently joined the Young Socialists, and Chris Sang, a University of Pittsburgh student, participated in a campaign team for Ressler at a street festival in East Liberty, a largely Black working-class district, where the SWP campaign office is located.

Joel Britton and Cindy Jaquith contributed to this article

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Exh. 86 - 1 page

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DECLARATION

I, Arlene Rubinstein, 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:

Myself and another supporter of the Socialist Workers 2008 campaign of Roger Calero for president work in a large clothing manufacturer in downtown Los Angeles. We both talked with one of our co-workers about subscribing to the Militant newspaper the first week of November, 2008.

The Militant featured regular coverage of the socialist alternative in the 2008 elections, and the working-class program presented by the candidates. This co-worker, who is in his 20's was very interested in this election campaign coverage, but said that he would not subscribe. He stated emphatically that despite the fact that he wanted the paper, he was afraid that subscribing would put him "on a list", and that he did not want to get "that kind of attention".

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 1, 2008.



Arlene Rubinstein
December 1, 2008

Exh. 87 - 1 page

DECLARATION

I, Rollande Girard, 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 November 12, 2008 I was calling Minneapolis area subscribers to the *Militant*, the Socialist Workers Party's campaign newspaper to see if they wanted to renew their subscriptions. One subscriber told me that he had canceled his subscription about 6 months ago, even though he really likes the paper, because of pressure he felt from others where he lives who are hostile to the paper.

2. Given the situation, he would not renew.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 13, 2008 in Minneapolis, Minnesota.


Rollande Girard

November 13, 2008

Exh. 88 - 1 page

DECLARATION

I, Sara Lobman, 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. SWP presidential candidate Róger Calero and I were invited to speak at a Political Science class at Rutgers University in Newark. The professor had organized a panel of "third party" candidates on the evening of October 30, 2008. Campaign supporter Angel Lariscy was also present.

2. After the presentations and a lively discussion, many students and the professor stayed around for informal discussion. During this discussion I asked the professor if she was interested in getting a subscription to the *Militant* newspaper. She told me she was interested in the paper and bought a single copy, but that she didn't want to get a subscription because she "didn't want to end up on any government lists."

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 6, 2008, at Newark, New Jersey.



Sara J. Lobman

December 6, 2008

Exh. 89 - 1 page

DECLARATION

I, Angela L. Lariscy, 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. SWP presidential candidate Róger Calero and Sara Lobman, SWP candidate for US Senate in New Jersey, were invited to speak at a Political Science class at Rutgers University in Newark. The professor had organized a panel of "third party" candidates on the evening of October 30, 2008. I participated as a campaign supporter.

2. After the presentations and a lively discussion, many students and the professor stayed around for informal discussion. During this discussion I asked a student if he was interested in getting a subscription to the *Militant* newspaper. He told me he was interested in the paper and bought a single copy, but that he didn't want to get a subscription because he feared getting on a FBI list and government harassment.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 6, 2008, at Newark, New Jersey.



s/Angela L. Lariscy

December 6, 2008

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DECLARATION

I, Edwin Fruit, 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 2008 election campaign were gathering signatures on nominating petitions to put the Socialist Workers candidates on the ballot in Washington state on Sunday, June 22, 2008. This was at the corner of 4th and Pine in Seattle.

2. We had the *Militant* newspaper, literature supporting the socialist presidential ticket, and books and pamphlets on socialism.

3. A young women approached me, listened to what I had to say and then said, "I actually agree with a lot of what you are saying. But because I'm in the military I can't sign for a socialist candidate who is against the war in Iraq." I said that her right to have political opinions didn't end because she had put on a uniform. She said, "Yeah, but they can make it hard on you and I don't need any trouble."

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 14, 2008.

Edwin Fruit

Edwin Fruit
November 14, 2008