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Consolidated Case No.: 814461-0
[Consolidated with No. 831252-3
and No. 831286-0]

**DECLARATION OF DAVID
BURSTEIN IN SUPPORT OF EX
PARTE APPLICATION TO ENFORCE
STIPULATION**

Date: August 22, 2001
Time: 3:30 p.m.
Dept.: 22
Judge: Hon. Ronald M. Sabraw

1 DAVID BURSTEIN hereby declares under penalty of perjury under the laws of the State
2 of California that the following is true and correct:

3 1. I have been a producer at Pacifica since 1984, and currently am a producer of The
4 Personal Computer Show. In addition, I was on paid staff of Pacifica as editor of The Folio, the
5 WBAI monthly printed newsletter to subscribers for two separate periods, in 1992 and 1995. I
6 submit this declaration in support of Plaintiffs' and Cross-Complainants' Ex Parte Application
7 to Enforce Stipulation, Plaintiffs' and Cross-Complainants' Motion For Appointment of
8 Receiver, and Plaintiffs' Motion for Preliminary Injunction Prohibiting Election of Directors.

9 I have personal knowledge of the facts stated herein and, if sworn to testify, would competently
10 testify thereto.

11 2. In addition to my work at Pacifica, I am also employed as Editor of DSL Prime,
12 a telecommunications newsletter. I am the author of a book entitled *DSL: A Tech Brief*, which
13 is scheduled to be published by John Wiley & Sons in October 2001.

14 3. In this declaration, I describe numerous events of verbal and physical harassment
15 and threats made to Amy Goodman, the host of a very important national news program,
16 Democracy Now!

17 4. Goodman is the most respected newsperson in the history of Pacifica. She has
18 risked her life and won numerous journalism awards. She has made a difference with her
19 reporting; for example, after one of her reports on prisoner rights, an old man was pardoned to
20 be permitted to go home to die. Goodman's interviews have been picked up often by major
21 newspapers, such as the New York Times.

22 5. I believe that Pacifica management is hostile to Goodman and is targeting
23 Goodman for harassment because she has taken the position that the people that were fired and
24 banned should be returned to work.

25 6. I note that my work at WBAI does not require me to be at the station very often,
26 and I have been at the WBAI station less than thirty days in the last eight months. However,
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1 despite the fact that I have been at the station on average only four days a month, in this short
2 amount of time I have witnessed numerous incidents of verbal harassment, as well as violence,
3 focused on Amy Goodman and other staff members. In the last ten days, the situation has
4 intensified, as during this period I have heard repeated attacks on the air, such as railing against
5 the “enemy” who is to be “destroyed,” in a clear reference to Goodman; and several additional
6 producers were banned.

7 7. The current situation is far worse than I could ever have imagined. The
8 harassment that I have observed, in just the small amount of time I have been present at the
9 station, is brutal, and occasionally violent. Station management is engaging in massive
10 intimidation, has banned more than two dozen Pacifica workers, and has been disseminating
11 extraordinary disinformation. I describe several examples below.

12 8. I have observed Clayton Riley make numerous verbally and physically
13 threatening statements and actions to Goodman. Riley is a very threatening man. He is a large
14 man, and he is always full of anger and physical threat.

15 9. For example, at a staff meeting early this year, I was present for ninety minutes.
16 During more than an hour of this time, Riley and Utrice Reid, the WBAI station manager, were
17 verbally attacking Goodman, contending that Goodman was sabotaging the station. However,
18 the statements by Riley and Reid were very extreme and unprofessional. At that time, Riley was
19 co-host of the Morning Show with Goodman. At the meeting, I remember one threatening
20 outburst by Riley in particular, in which he stood up and glared at Goodman, and said to her,
21 “you’re not coming into the studio. I’ll bar the door. You’d better keep away. I’m going to take
22 care of you.” These statements were made in a threatening manner, and I believed that these
23 were threats of physical violence.

24 10. Riley has talked on the air in threatening terms, clearly referring to Goodman,
25 stating that our “enemies” should be “destroyed.” These statements have made me fearful that
26 violence was being instigated.

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1 11. Riley has repeatedly made hateful comments about race. For example, at another
2 staff meeting, Riley yelled at Goodman and other staff members, “you’re just doing this because
3 you want a white person in charge. White people are never going to run this place. You will
4 have to learn to take orders from a black man.” Leid was present at the meeting, and I
5 immediately confronted her, and asked her, “How can you let someone make accusations like
6 that.” Leid ignored me and took no action to prevent such inciting comments.

7 12. Utrice Leid has also made public statements that have created an atmosphere
8 of the threat of physical violence. At least three times I have heard Leid on the radio talking
9 about Pacifica’s “enemies” in a manner that threatens violence and is inciting racist
10 confrontations. For example, on June 21, 2001, Leid stated on air the following: “We're
11 talking here today about the European psychological warfare against Africans and that's what
12 the whole thing is about. I need you stalwart soldiers out there to pick up the phone and make
13 a call and put an end to white supremacist thinking. This is a call to arms. I told you it's a war.”
14 Again and again, I have heard Leid state on the air and off the air, when referring to the issues
15 at Pacifica, make the following statements, which in context clearly referred to Goodman: “it’s
16 one person, it’s a Svengali”; “A white person who cannot accept leadership from black
17 people.” I have heard Leid make extraordinary and lengthy comments about white people and
18 domination.

19 13. At another staff meeting about three months ago, Leid spent almost an hour
20 attacking unspecified "forces," threatening anyone who did not "get with the program". It was
21 clear from the context that she was talking about Goodman. Anyone at the meeting who
22 disagreed was told to shut up.

23 14. Current management has treated badly anyone who disagrees with them. Leid
24 has banned or suspended more than twenty workers, mainly because they spoke publicly about
25 the situation at Pacifica. These include many prominent journalists, such as Robert Knight,
26 the winner of Polk Award for a show called Undercurrents, a primary national resource; Ken
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1 Nash and Mimi Rosenberg, who hosted Building Bridges: A Community Labor Report, which
2 has been on Pacifica at least a decade, who were banned shortly after Rosenberg, an attorney,
3 defended the chair of the Local Advisory Board who was arrested at Leid's demand for trying
4 to have an open meeting at the station; Bernard White, the former Program Director; and
5 Sharan Harper, the paid producer of the Morning Show.

6 15. Pacifica cannot credibly contend that there is anything evenhanded about their
7 suspension, firing and banning of Pacifica workers who make public statements about the
8 situation, since the only Pacifica workers that are banned are those who make comments that are
9 critical of the current state of affairs. Broadcasters who are aligned with management
10 *constantly* talk on the air about the issues at Pacifica, including comments and actions that are
11 very harsh and unprofessional, without any threat of suspension or termination. For example,
12 Gary Null did three hours of special programming on the situation; Hugh Hudson comments on
13 the situation repeatedly; Paul DeRienza and Santiago Nieves have talked repeatedly about
14 Pacifica and Goodman, and have played the sound of a flushing toilet any time a viewer
15 disagreed with them. Thus, the banning or suspension of people for discussing the issues of
16 Pacifica is applied only to those who are critical of what has occurred.

17 16. I have personally experience violence and threats from Leid. At one point, while I
18 was trying to talk to Leid, she slammed the door of her office in my face with extreme violence,
19 almost causing me physical injury. In the spring 2001, Leid threatened nine programmers with
20 arrest for merely showing up at a meeting that management had called and directed us to attend,
21 telling us she was "promising" that we would be arrested if we did not leave. The threat of
22 bringing in police and the threat of arrest, made during a calm, regularly scheduled meeting, is
23 part of the omnipresent atmosphere of terror at the station.

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25 I declare under penalty of perjury under the laws of the State of California that the
26 foregoing is true and correct.
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Executed on August 21, 2001, in New York, New York.

DAVID BURSTEIN

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