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February 22, 2001

VIA FACSIMILE

Daniel Robert Bartley
Law Offices of Daniel Robert Bartley
P.O. Box 686
Novato, CA 94948-0686

Re: *People of the State of California ex. rel. Spooner, et al v. Pacifica Foundation, et al.*

Dear Mr. Bartley:

It is our position that the Attorney General of California has no standing or authority to compel a transfer of the control of the Pacifica Foundation's FCC licenses to agents of the State. It follows, as we advised the Court in your presence that the present action is ultra vires his authority. Since the relators stand in the Attorney General's shoes, they similarly lack any authority to maintain this spurious action.

Consequently, our clients are not under any obligation to respond to any of your demands on behalf of the relators.

If as and when a court with proper jurisdiction enters a final ruling that the Attorney General has acted properly in connection with this lawsuit, and that the individuals named as plaintiffs are proper relators, our client then will promptly and fully provide any disclosures or information which are lawfully required of them. As no such ruling exists, however, we must regard your "demands" as posturing. I will add, moreover, that the only reason the Pacifica Foundation is incurring legal fees is because a series of meritless lawsuits have been filed against it and individuals who only have sought to assist the Foundation in its effort to remain a viable and creative alternative voice to mainstream media.

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cannot be allowed to prevail. It is hoped that you and your clients understand the crucial necessity of this position as a societal imperative.

The circumstances that these are the people who have readily identified themselves with your clients' public assertions and behavior should be appalling to you and to your clients. Your and your clients' abject failures to date, other than for Ms. Spooner's email, to speak out against this obscene and uncivilized conduct is a shameful condonation of these tactics. It is our understanding that Ms. Spooner has been criticized by individuals associated with your clients' causes and action for her attempt to restrain these abhorrent activities. That is a dismal testament to the undemocratic and totalitarian beliefs and attitudes of those apparently influential persons.

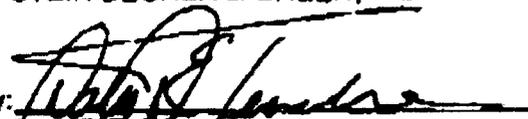
Our instinct, and preference is to believe that our professional colleagues would neither encourage nor tolerate this behavior. However, with only one exception, we have no basis for this belief. To compound that severe disappointment, we learned on Tuesday from a San Francisco reporter that one of you has leaked word of the discussions scheduled to begin this Thursday between our clients and the plaintiffs in the Adelson matter. That is a grossly unprofessional and destructive act.

In these circumstances, how do you expect us and our clients to believe that, with but one exception, your expressions of a desire to search in good faith for a negotiated resolution are genuine? We doubtless will be told that neither you nor your clients have any control over the fascistic hoodlums who have so readily identified themselves with your clients' views and actions. If that is true, what is the point of negotiating with you and your clients? You and they obviously could not deliver the peace that Pacifica requires if it is to thrive as a broadcast voice which is an effective counter to mainstream media.

I would not have written this but for the enclosed piece of despicable racist slime that was sent to John Murdock. It is such a malevolent and vile act that it caused me to question whether reasonability and civilized conduct are relevant factors in these circumstances. The burden is on you and your clients. No one who has identified themselves with my clients has acted in an obscenely racist manner, or in a vile anti-feminist fashion. No one who has identified with my clients has harassed individuals in their homes and in their offices, or attempted to destroy their ability to earn a living.

You and your clients' failures to act clearly and publicly against this behavior can only be construed as a tacit approval and adoption of irredeemably vile behavior consistent with an intent to benefit therefrom. For the sake of the future of Pacifica, I hope we will see concrete and public evidence of a constructive response that proves otherwise.

Very truly yours,
EPSTEIN BECKER & GREEN, P.C.

By: 
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cc: Pacifica Foundation