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7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 COUNTY OF ALAMEDA
9 GENERAL JURISDICTION (UNLIMITED)
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11 THE PEOPLE OF THE STATE OF
12 CALIFORNIA, *ex rel.* CAROL SPOONER,
13 et al.,

14 Plaintiffs,

15 vs.

16 PACIFICA FOUNDATION, a California
non-profit public benefit corporation and
17 charitable trust, et al.,

18 Defendants
19
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CASE NO. 821252-3

DECLARATION OF CAROL SPOONER IN
REPLY TO DEFENDANTS' OPPOSITION
TO PRELIMINARY INJUNCTION

Hearing Date: April 10, 2001

Hearing Time: 9:00 a.m.

Judge: Hon. Judith D. Ford

Department: 31

Location: U.S. Post Office Building
201 13th Street
Oakland, CA 94607
Tel 510 208 3949

1 I, Carol Spooner, declare as follows:

2 1. I make this declaration in support of the Application for a Preliminary Injunction
3 submitted by Plaintiffs The People of the State of California *ex rel.* Carol Spooner et al. I have
4 personal knowledge of all of the facts contained in this declaration unless stated to be on
5 information and belief. As to those statements alleged to be on information and belief, I believe
6 them to be true. If called to testify, I would and could completely and truthfully testify as to the
7 statements contained herein.
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9 2. I have been a listener and supporter of KPFA radio in Berkeley since the early 1960s,
10 when I was in high school. At that time I was inspired by the courage and principles of those
11 dedicated to racial equality and freedom of speech who were broadcasting over KPFA news and
12 reports about the Civil Rights Movement then taking place in the Southern States and the Free
13 Speech Movement at UC Berkeley. That early exposure to news of political dissent and protest
14 radically altered the course of my life, for the better I think, and I have never turned back.
15 Attached hereto and incorporated by this reference as “Exhibit A” is a printout of “Highlights of
16 Pacifica Radio’s 50 Year History of Radio Broadcasting” which I downloaded and printed from
17 the Pacifica Foundation web page at <http://www.pacifica.org/about/history/high.htm>. I am proud
18 to have been a supporter of this kind of radio broadcasting for the past 40 years. I hope to help
19 preserve it for this and future generations.
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22 3. I have personally met Maudelle Shirek, who defendants’ evidence shows was arrested
23 in a citizen’s arrest by then Pacifica Executive Director Lynn Chadwick in front of KPFA in
24 Berkeley on June 21, 1999. Maudelle Shirek is a member of the Berkeley City Counsel; she is a
25 dignified but frail African American woman in her ‘80s.
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27 4. I have personally met three of the eight people fired or banned from WBAI in New
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1 York on December 22, 2000, former Station Manager Valerie Van Isler, former Program
2 Director Bernard White, and “Wake Up Call” volunteer producer Janice K. Bryant. All of them
3 are of either African American or Caribbean African ancestry. I have been informed by Bernard
4 White, and believe, and on that basis allege that seven of the eight persons fired or banned from
5 WBAI on December 22, 2000 were of either African American or Caribbean African ancestry.
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7 5. Since I became aware of the controversies surrounding Pacifica in April of 1999, I
8 have learned of numerous groups of listeners and staff members around the country who oppose
9 the current Pacifica Foundation policies and conduct, including groups in Berkeley, San
10 Francisco, Marin and Sonoma Counties, as well as in Los Angeles, Houston, Washington, D.C.,
11 and New York. I know from my personal experience that communication among these groups is
12 difficult and coordination is rare. I am aware of the “Pacifica Campaign” launched recently
13 during his on-air resignation by Juan Gonzalez, the former co-host of “Democracy Now!”, an
14 award-winning journalist on one of Pacifica’s two national programs. Mr. Gonzalez and I,
15 however, have never met and have never spoken. I was not consulted by him or by anyone else
16 prior to his call for a national boycott of the Pacifica Foundation and “direct action” to pressure
17 members of the Pacifica Board of Directors to resign. While I have deep sympathy for Mr.
18 Gonzalez and the outrage he feels at Pacifica’s censorship and harassment of its employees and
19 journalists, I do not endorse the “direct action” tactics he is advocating. Shortly after the
20 “Pacifica Campaign” was launched, I issued a public statement which I posted on all Pacifica-
21 related email discussion groups that I am aware of. A true copy of this statement is attached
22 hereto as “Exhibit B” and incorporated by this reference. The defendants are aware of this
23 statement because I personally emailed a copy to each of them, and my attorney also sent their
24 attorneys a copy at my request.
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1 6. I have reviewed the documentary evidence submitted by the defendants. I share their
2 disgust at the racist cartoon that was anonymously mailed to the Epstein Becker and Green
3 offices in Washington, D.C. Over the past two years of my involvement with the Pacifica
4 controversy I have never met anyone involved who I believe is capable of sending this cartoon.
5 Those I have met are deeply committed to rooting out racism and bigotry, root and branch. I do
6 not know who sent this cartoon, whether one of the several hundred thousand listeners to Pacifica
7 radio stations across the country, a disgruntled client of Mr. Murdock’s law firm, or perhaps even
8 an *agent provocateur*, but whoever it was is not one of “plaintiffs’ followers.”

10 7. I deeply resent the charges of racism coming from the Pacifica board and management.
11 I know it is not true, and so do they. The opponents of the Pacifica board and management
12 object to their policies and conduct, regardless of their race. The opponents of the Pacifica board
13 and management are people of all races. The criticism leveled at Pacifica directors and managers
14 has been consistently leveled at black, white, and Hispanic directors and managers, alike, by
15 black, white and Hispanic Pacifica listeners and staff. In fact, the center “pig” in the caricature
16 submitted by defendants is Steve Yasko, the Caucasian National Program Director at Pacifica.
17 Some of those most severely criticized have been the station managers at KPFT and KPFK,
18 Garland Ganter and Mark Schubb. They are both Caucasian. The former Executive Director,
19 Lynn Chadwick is Caucasian. Pacifica directors Michael Palmer and Frank Millsbaugh, both
20 Caucasian, have been widely criticized.

23 8. It pains me deeply to respond to these charges. That Pacifica’s directors and managers
24 have stooped so low in their public relations campaign to discredit their critics is a blot on the
25 great Pacifica history. I am certain that Lewis Hill, and all who followed after him for 50 years,
26 who dedicated Pacifica to “contributing to a lasting understanding between nations and between
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1 the individuals of all nations, races, creeds and colors” would be so ashamed and angry at what is
2 being done to Pacifica by these people.

3 I declare under penalty of perjury, under the laws of the State of California, that the
4 foregoing is true and correct and was executed this 5th day of April, 2001, at Santa Rosa,
5 California.
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CAROL SPOONER
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1 **PROOF OF SERVICE**

2 The undersigned declares he/she is employed in the County of Marin, State of California,
3 by Daniel Robert Bartley Law Offices, P.O. Box 686, Novato, CA 94948-0686. I am over the
4 age of 18 and not a party to this action. On today’s date, I served true and correct copies of
5 **“DECLARATION OF CAROL SPOONER IN REPLY TO DEFENDANTS’
OPPOSITION TO PRELIMINARY INJUNCTION”** by placing such in sealed envelopes
addressed as follows:

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18 I personally served such document upon opposing defendants’ local counsel, Daniel
19 Rapaport.

20 I mailed, via U.S. mail, first-class postage prepaid, this document to the other listed
21 counsel.

22 I declare under penalty of perjury, under the laws of the State of California, that the
23 foregoing is true and correct and that this declaration was executed this 5th day of April, 2001, at
24 Novato, Marin County, California.

25 _____
26 Daniel Robert Bartley