

April 3, 2001

FAX TO: D. E. BUTLER, Berkeley Chief of Police - FAX (510) 981-5704

CC BY FAX TO: Dan Bartley, Attorney at Law - 415 898-4841

FROM: Carol Spooner - phone (707) 526-2867

RE: Declaration to court for submission in lawsuit by listeners against Pacifica Foundation
People ex rel Spooner et al v Pacifica Foundation, Alameda County Superior Court

Dear Chief Butler -

I understand you are aware that this request is coming. We have a court hearing coming up on April 10th on our motion for a Preliminary Injunction against Pacifica Foundation. Our reply briefs are due Thursday.

A declaration from you "authenticating" your letter to the Berkeley Daily Planet would be very helpful to us in this regard.

Attached is a draft of the declaration needed. The declaration can be changed, if needed, to satisfy you and to make sure that it is completely accurate (The letter, of course, cannot be changed - as we must submit a "true and correct copy" of the letter.)

If you would graciously agree to sign the authenticating declaration and deliver it to our attorney Dan Bartley by FAX at (415) 898-4841 (his phone number is (415) 898-4741) - no later than tomorrow, Wednesday, we would appreciate it so very much.

Please call me with any problems or concerns you may have at (707) 526-2867

Thanks,
Carol Spooner.

I, D. E. Butler, declare as follows:

1. I have personal knowledge of all of the facts contained in this declaration unless stated to be on information and belief. As to those statements alleged to be on information and belief, I believe them to be true. If called to testify, I would and could completely and truthfully testify as to the statements contained herein.

2. I am the Chief of Police of the City of Berkeley, and I have been the Berkeley Police Chief since 1989.

3. Attached hereto as "Exhibit A" is a true and correct copy of a letter I wrote to the Editor of the Berkeley Daily Planet newspaper. The letter was published by that newspaper on September 14, 1999. This letter reflects my professional opinion of the handling by the Pacifica Foundation and the Berkeley Police Department of the demonstrations in Berkeley between May and August of 1999.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Berkeley, California, on April ____, 2001.

D. E. BUTLER
Chief of Police
Berkeley Police Department

"EXHIBIT A"

Pacifica Owes Debt to City
Letter to Editor of Berkeley Daily Planet
September 14, 1999

This is my 10th year as Police Chief, and I have never found it necessary to write a letter to the editor until now.

Pacifica Foundation's Executive Director Lynn Chadwick has accused the men and women of the Berkeley Police Department as being responsible for the high costs associated with the civil dispute with its employees between May and August of this year.

As Police Chief, I resent this ultimate spin doctoring of the facts. Instead, the Pacifica Foundation owes the men and women of the Berkeley Police Department heartfelt thanks for giving up days off, vacations and other commitments in order to assist in providing for peaceful dissent following Pacifica Foundation management decisions - some of which sparked large, emotionally charged demonstrations that brought people from all over the Bay Area to Berkeley. If anything, the Pacifica Foundation should be offering to reimburse the City of Berkeley for over consumption of City services and apologizing for draining the City budget. Many labor disputes have taken place in the City of Berkeley during the last 25 years, and many companies have hired private security to assist in maintaining the peace and providing additional security for their property.

Each and every time, the Berkeley Police Department has maintained a neutral position. However, the Pacifica Foundation's decision to turn a labor dispute into a mass arrest situation was a first.

This occurred in spite of our advice to their management. How ironic that after ignoring the advice and deciding to make so many arrests, they have NOW decided that they do not wish to follow through with the prosecution of those arrested.

In summary, the Pacifica Foundation owes the men and women of the Berkeley Police Department an apology for trying to blame us for the costs of their labor dispute. Lynn Chadwick and the rest of Pacifica Foundation should pull out an appropriate sized mirror and take a good look at the real culprits - those who made their decisions during the dispute.

D.E. Butler
Chief of Police
Berkeley Police Department