

1 I, Edwin Johnston, declare as follows:

2 1. I make this declaration in support of the Application for  
3 a Preliminary Injunction submitted by Plaintiffs The People of the  
4 State of California *ex rel.* Carol Spooner et al. I have personal  
5 knowledge of all of the facts contained in this declaration unless  
6 stated to be on information and belief. As to those statements  
7 alleged to be on information and belief, I believe them to be true.

8 If called to testify, I would and could completely and truthfully  
9 testify as to the statements contained herein.

10 2. I have been a listener and supporter of radio station  
11 KPFT in Houston, Texas, since at least the early 1980s, when I used  
12 to do volunteer work on their program guide publication. I have met  
13 the KPFT radio station manager, Garland Ganter, many times since he  
14 was hired ten to twelve years ago. I have met Garland Ganter's  
15 wife, Molly O'Brien, on at least one occasion at a KPFT local board  
16 meeting within the past two years. I know and recognize and can  
17 identify both Garland Ganter and Molly O'Brien on sight.

18 3. The following is what happened on Friday evening, March  
19 23, 2001, in front of KPFT, 419 Lovett Blvd. in the Montrose area  
20 of Houston, Texas.

21 4. I received word on Thursday, March 22, from Sheila Harris  
22 that there would be a protest outside KPFT on Friday evening since  
23 the station was sponsoring a backyard music event for their largest  
24 financial supporters. I arrived at KPFT just about 5pm on Friday,  
25 March 23, and met up with Sheila, her boyfriend Shannon Smith, Hep  
26 Ingham and his girlfriend. Hep provided us with flyers and posters  
27 from the trunk of his car. When I arrived I said, "I'm here!"  
28 Sheila said, "It's just us," meaning just she and Shannon, since Hep

1 and his girlfriend had to leave. I responded, "That's why I am  
2 here, to provide you some support."

3 5. We walked from the corner of Lovett Blvd., where Hep's  
4 car had been parked, towards KPFT. Sheila and Shannon planned to  
5 flyer the parked cars along Lovett Blvd. I planned to hold up  
6 posters and address the guests as they arrived at KPFT. Once I  
7 was in front of KPFT I noticed some people in the parking lot and  
8 a woman sitting behind a table in the parking lot by the  
9 westernmost driveway that leads to the backyard where the  
10 musicians were setting up. I smiled at them and presented my  
11 protest posters exclaiming that now we were here. Molly O'Brien,  
12 a KPFT employee and wife of the station manager, Garland Ganter,  
13 addressed me from the table area, inviting me to come to the  
14 backyard for some free beer. I declined, saying "I'm not drinking  
15 and I have more important things to do," referring to the protest.

16 As various guests began arriving I informed them that it would be  
17 worthwhile for the sake of the community that they should stop  
18 giving money to KPFT. Some of these people expressed disagreement  
19 with that position, some expressed support, and others seemed  
20 indifferent.

21 6. After Sheila and Shannon finished leafleting the parked  
22 cars, they joined me in front of KPFT, handing out flyers to  
23 guests as they arrived and speaking with them about the issues  
24 surrounding the nationwide Pacifica protests. While we were  
25 standing out in front of KPFT, Shannon remarked that Garland  
26 Ganter was walking on the sidewalk towards us on his way to KPFT.

27 I suggested that we ignore him, which we did. Ganter stopped by  
28 where we were standing and said to us, "It's not a party unless

1 the losers show up to protest." I rhetorically questioned him  
2 whether in fact we were losers. Then Ganter attempted to snatch  
3 a brochure from a batch that Sheila was holding, without even  
4 asking first. He was just going to grab one. I noticed this and  
5 said this was rude behavior on his part. Then Sheila graciously  
6 handed him one anyway since he seemed so interested in it. Ganter  
7 took a small glance at the brochure, made a dismissive comment  
8 about it and handed it back to her. Then he went to KPFT.

9 7. We continued to hold our protest much as we had been  
10 doing. While this was going on, another protester, Wendy Breunig,  
11 showed up. Our protest continued for a while longer. Wendy had  
12 brought her own set of different flyers to pass out. Everything  
13 was relatively normal until Molly O'Brien came out to harass us.

14 O'Brien claimed that I was blocking the driveway, which I wasn't.

15 No one was trying to get in or out of the parking lot and  
16 otherwise all the parking spaces there were completely full. I  
17 told her that she had no authority to order us around and that if  
18 she had problems with what we were doing that she should call the  
19 police. She then tried the same tactic on Shannon, specifically,  
20 and Sheila and Wendy, less directly. So I said to them that since  
21 O'Brien's intimidation didn't work on me, she was going to try it  
22 out on them. Shannon agreed with this analysis, which seemed to  
23 greatly frustrate O'Brien. At this point I was holding at least  
24 one large foam core poster. Sheila and Wendy were holding bundles  
25 of flyers and Shannon was holding some flyers and perhaps another  
26 poster.

27 8. Sheila was handing out a flyer while O'Brien was near  
28 our group. Then O'Brien went berserk for some unknown reason.

1 She became livid and forcefully and violently yanked a large  
2 amount of flyers from Sheila's grasp, which totally surprised us  
3 all. Sheila, who is considerably smaller than O'Brien, was  
4 knocked off balance by the force of O'Brien's attack. I was so  
5 totally floored by this action on O'Brien's part that I began to  
6 yell "Assault, assault!" O'Brien then made her way towards KPFT.

7 I decided to follow her and demand the flyers back, while still  
8 holding my poster. When O'Brien refused to return them, I faced  
9 her and reached to retrieve them. She then turned away from me  
10 still refusing to return them. I followed her again and faced her  
11 and attempted to reach for them a second time. When I did, she  
12 turned again and screamed "Rape!" in a very loud and hysterical  
13 manner. I kind of froze for a second then made a remark about how  
14 absurd all of her actions were.

15 9. Then, without any warning and while still holding my  
16 poster, O'Brien's husband, Garland Ganter, ran at me and  
17 forcefully shoved me, hitting me on my blind side, which caught me  
18 totally unawares. Ganter outweighs me by perhaps 100 pounds so  
19 this knocked me off balance and sent me several feet in the other  
20 direction. Once I recovered my balance I began shouting at Ganter  
21 for assaulting me. Then Ganter charged at me again, forcefully  
22 shoving me and grabbing hold of me. As I was trying to get out of  
23 his grip and while he was still holding me, I was hit on the left  
24 side of my body by another man I didn't know. This man then also  
25 held onto me, both of them struggling with me. Then it felt like  
26 yet one more person jumped on me. I was finally able to free  
27 myself by pushing one of the men away from me. Then I began  
28 yelling at Ganter again for assaulting me.

1           10. I then noticed that Shannon was using his video camera  
2 to record what was occurring. So I began to speak very loudly  
3 about what had just occurred, that O'Brien, Ganter and others had  
4 just assaulted members of our group. I noticed Ganter using his  
5 cell phone, so I spoke out on the videotape about how they were  
6 intending to use this incident to create a big scene and attempt  
7 to blame us for it. While I was talking, I could hear Ganter  
8 giving a description on the phone of what I looked like and was  
9 wearing. Meanwhile, O'Brien was sticking her tongue out at me and  
10 displaying her middle finger.

11           11. Soon a police car showed up and members of our group  
12 went to the window of the patrol car to express to a police  
13 officer that we had just been assaulted. Ganter came over and  
14 interrupted us saying that he was the one who had called them. I  
15 stated that, no matter who made the phone call, it was us who were  
16 assaulted by the KPFT group. Then Ganter asserted that he was the  
17 manager of the station as if that gave his false complaint more  
18 authority.

19           12. Then an officer E. V. Runnels (badge #6422) began  
20 asking all of us what happened. Ganter, Sheila and myself gave him  
21 our drivers licenses upon his request. Ganter stated his claims  
22 to Runnels somewhat. I said some things about what had happened  
23 as did Sheila and perhaps Shannon and Wendy. At one point O'Brien  
24 interrupted this and began yelling at Sheila and then Officer  
25 Runnels commanded her to step away. After hearing some initial  
26 comments from a variety of people, Officer Runnels took Ganter and  
27 O'Brien over onto the KPFT parking lot and talked at length with  
28 them while our group stood nearby where we had been protesting

1 initially. After several minutes of discussion (which Shannon was  
2 often video taping) Officer Runnels came up behind me, grabbing my  
3 arms and slapped handcuffs on me. Then he took me over to his  
4 patrol car, searched and put me in the back seat. Officer Runnels  
5 had been taking various notes during all this on a small notepad.

6 He left me in the back of the car taking the notebook with him  
7 and spoke further with Ganter and O'Brien. Besides the initial  
8 comments made by members of our group, I did not see Officer  
9 Runnels having any further interest in interviewing any members of  
10 our group or doing anything at all about our claims of assault.

11 13. There were at least three or four police cars on the  
12 scene with that many or more police present, including a sergeant  
13 who was present at our protest at KPFT last October in support of  
14 Amy Goodman of WBAI in New York City.

15 14. I was then driven by Officer Runnels to 61 Reisner St.  
16 and taken into the police station to be processed. I was  
17 eventually sent to the fifth floor homicide tank with a large  
18 group of other men. I spent several hours there, made some phone  
19 calls, and was later assigned a bunk for the evening to sleep.  
20 Sometime later my name was called and I was released on bond  
21 through the efforts of my girlfriend, Sheila, Shannon and Wendy.

22 15. Due to the assault I received several bruises and  
23 scrapes and much of my body was sore. Since I was still very sore  
24 on Monday morning, March 26, I called my chiropractor for an  
25 examination. At 3pm I saw him and was examined. The doctor noted  
26 the trauma I received and said that he would take copious notes  
27 and testify if needed in court.

28 16. Also on Monday morning, Bessie Wash, the Executive

1 director of the Pacifica Foundation, interrupted regularly  
2 scheduled programming on Pacifica stations nationwide to refer to  
3 Friday evening's incident in Houston, accusing me of being violent  
4 and jumping on O'Brien's back and knocking her to the ground.  
5 Pacifica Foundation Board Chairman, David Acosta of Houston, also  
6 interrupted regularly scheduled programming over Pacifica radio  
7 stations nationwide to criticize "terrorists" who are physically  
8 attacking staff and board members. Ms. Wash's comments were  
9 rebroadcast for the evening news over Pacifica. And at WBAI in  
10 New York, I have been informed and believe that both Wash and  
11 Ganter discussed the incident over the air. Later that night,  
12 false and highly disparaging remarks about me were posted on the  
13 Pacifica Foundation website.

14 17. I have consulted an attorney and I intend to sue the  
15 Pacifica Foundation, Bessie Wash, David Acosta, Garland Ganter,  
16 and Molly O'Brien for defamation, libel and assault and battery.

17 I declare under penalty of perjury under the laws of the  
18 State of California that the foregoing is true and correct.

19 Executed at \_\_\_\_\_, Texas, on April \_\_, 2001.

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22 EDWIN JOHNSTON  
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