

## **DECLARATION OF AMY GOODMAN**

AMY GOODMAN, hereby declares under penalty of perjury under the laws of the State of California that the following is true and correct:

1. I have been employed by Pacifica Foundation since 1986 and have served since 1996 as the host of Democracy Now!, a daily radio news magazine distributed by Pacifica Foundation and carried nationally by Pacifica stations and other independent stations that are Pacifica affiliates, as well as available through the world wide web. I submit this declaration in support of Plaintiffs' and Cross-Complainants' Ex Parte Application to Enforce Stipulation, and Plaintiffs' and Cross-Complainants' Motion to Appoint Limited Purpose Receiver. I have personal knowledge of the facts stated herein and, if sworn to testify, would competently testify thereto.

2. I have hosted Democracy Now! (DN) since its inception in 1996, and have done so ever since. DN is not produced for any single market, but is produced with the intention that it is a national broadcast to be carried nationally. DN airs every weekday morning at 9:00 a.m. EST, and generally has been carried every day by all five Pacifica stations and by more than thirty Pacifica affiliate stations. DN has maintained this schedule for the past five and one-half years, since its inception. DN and I have won numerous awards for radio journalism, including the George Polk Award, the Robert Kennedy Prize for International Reporting, the Alfred I. Dupont/Columbia Award, the National Federation of Community Broadcasters Golden Reel and the Radio/Television News Directors Award.

3. Until August 13, 2001, we produced Democracy Now! at the WBAI station facilities in New York City. However, over the last year, Pacifica's management has interfered with my ability to broadcast DN. This interference, and efforts to cause me to leave my employment at Pacifica, have escalated dramatically in recent weeks. During the last few weeks,

Pacifica management have escalated their actions against me and other members of the Democracy Now! staff, including verbal harassment and physical assault, as well as threats of imminent violence against us. This dangerous situation has interfered with the ability of the Democracy Now! producers and me to produce our daily broadcasts. The harassment has recently reached such a level of intensity that my co-workers and I believe we are in imminent harm of physical danger if we were to be at the WBAI facilities B our normal workplace where we have had our offices and have broadcast DN for years. I describe this violence and threats and verbal harassment in detail below.

4. This escalation commenced on August 8, 2001, when Pacifica management also removed us from the main studio at the WBAI station, and placed us in a substandard studio which has inadequate facilities for the demands of a national radio newsmagazine, giving us insufficient notice (approximately twenty minutes) of the move. A true and correct copy of a memo I sent to Pacifica complaining of this action is attached as Exhibit A.

5. During the past year, Pacifica Foundation management have publicly criticized me significantly and displayed animosity toward me, informing me that the animosity is due to the fact that I have publicly criticized actions taken by management, such as the imposition of censorship on journalists at Pacifica and the firing or suspension of numerous Pacifica employees, and the fact that I have pursued remedies through my unions, AFTRA and UE..

6. Due to the violence and escalation of threats and verbal harassment, beginning on August 13, 2001, the DN staff and I have felt that the workplace at WBAI is hazardous and dangerous, and have been unwilling to produce and broadcast our show while in fear of our physical safety. Thus, beginning with the broadcast of DN on August 14, 2001, we used

alternative studio space at Downtown Community Television (DC-TV), a respected and fully equipped local broadcast facility in lower Manhattan, which has agreed to provide Pacifica with studio space and offices for the DN staff, free of charge, that is more than adequate for our program, and an industry-standard ISDN telephone connection that enables the Democracy Now! program to be fed to WBAI and Pacifica stations seamlessly. We invited Pacifica management to join the Democracy Now! staff at the DC-TV studios for the production.

7. There is no reason why Pacifica should not agree to have the DN show produced at an outside studio, particularly since the studio and office space is being provided free of charge, and is more than adequate for the needs of the program. Pacifica management does not generally engage in any day-to-day supervision of our program, and does not assist us in preparing or broadcasting DN. At least three programs are broadcast from offsite studios daily for Pacifica and WBAI: Gary Null's program, *Natural Living* (M-F, 12-1 pm); Armand DeMille's program, *The Positive Mind* (M-F, 1 to 2 pm); and Pacifica Network News correspondent Bob Hennelly (daily for PNN and weekly for WBAI). With current studio technology, it is quite simple to deliver to Pacifica from offsite a broadcast quality program, through an ISDN line.

8. Despite the fact that we believe we will face serious verbal harassment and threat of imminent bodily harm if we were to be required to prepare and broadcast DN from the offices and studios at the WBAI station, Pacifica management has declared that we are "insubordinate" and has ordered us to report to work at the WBAI facilities, under threat of termination. While we want to continue to produce DN, and would like to be able to do so from the WBAI facilities, after serious reflection we have decided that there is simply too great a threat of physical danger

and bodily injury to permit us to work at the WBAI facilities.

9. Accordingly, we have been producing the program daily, on days when we have not been engaged in negotiations with Pacifica management, from the alternative studio space at Downtown Community Television, and have delivered the feed to Pacifica. This alternative studio space is safe and more than adequate for Pacifica programming needs, and in fact is technically superior to Pacifica's studio.

10. However, Pacifica has refused to link our feed to the Pacifica satellite, and thus Pacifica's actions have interfered with the ability of Pacifica owned and affiliate stations to broadcast the program.

11. Pacifica management and its agents has been taking actions for the last several months that have made us fearful for our safety, especially after the events of the last two weeks, as described below. For example, beginning last year, the Democracy Now! staff has been subjected to repeated threats of violence, slanderous and defamatory statements, and threats of employment retaliation, including the following:

a. National Program Director Steve Yasko has repeatedly shouted at me, used abusive language and routinely issues what he calls "orders and commands" and uses threats of discipline on a regular basis.

b. Other Pacifica management have repeatedly verbally abused and harassed me and other members of the DN staff.

c. Yasko has accused me of using material in our broadcast without permission, despite the fact that this statement was untrue and he had no basis for it.

d. Pacifica accused us of improperly using a Pacifica floor pass at the

Republican National Convention to allow Ralph Nader (who was providing commentary for our broadcast) on the convention floor, despite the fact that this was untrue and without any basis.

e. Pacifica management has placed an untrue attack on me on the Pacifica website, which has been on the website in a prominent position since October 22, 2000 until the present. Until just a few days ago, it was the first page that came up when any viewer clicked just below the Democracy Now! icon on the Pacifica home page. It is quite unusual for a media outlet to attack one of its journalists openly. Pacifica management would not give me an opportunity to respond to the allegations on the website. A true and correct copy of a printout of this page from the website is attached hereto as Exhibit B.

12. Utrice Leid, the WBAI station manager, has repeatedly made threats on and off the air, and permitted others to do so as well, and thereby has created an atmosphere full of fear and the threat of physical violence. For example:

a. Leid has charged me with "telling lies" and claims that I "concocted" and "orchestrated" a series of "untruths"

b. She has accused me of racism, which she has tried to underscore by saying that I am "from South Africa."

c. Leid has stated that my conduct is "tantamount to a crime" and that my contribution to the show, Wake-Up Call, is "defecation."

d. On June 21, 2001, Leid stated on the air: "We're talking here today about the European psychological warfare against Africans and that's what the whole thing is

about. I need you stalwart soldiers out there to pick up the phone and make a call and put an end to white supremacist thinking. This is a call to arms. I told you it's a war."

e. Leid asserted that I am a "white supremacist" and issued a "call to arms" against me.

f. During a staff meeting, Leid said that there was one person who was behind all the trouble, referring to me. Facing me, she said that I defecated on the air, I defecated on the listeners, that's all that I did. She said that I was the cause of the problems. During this meeting, Clayton Riley shouted at me, "you are evil. You are evil." and said he would lock me out of the studio the next morning.

g. Pacifica management permitted Diabel Faye to make on-air references to me as a "criminal, white chick" and a "liar."

h. Last fall, Riley came into the master control studio while I was in the room and my co-host was interviewing an older woman. Riley screamed at the woman to get out, ripping the headphones from her head. I escorted the woman out as staff pinned his arms behind him, while Riley screamed, "I'll get you, I know where you live, I know where you live."

i. Other incidents of harassment, physical threat and violence by Riley and Leid are described in Paragraphs 26-30, below.

13. On numerous occasions, I have complained and notified the Pacifica National Board of the turmoil at WBAI and with Democracy Now! True and correct copies of letters and emails from me, my attorney and my union to Pacifica are attached hereto as Exhibit C.

14. My numerous pleas to Pacifica management for help have been met with inaction.

As a result, in May 2001, I filed a formal complaint with the National Labor Relations Board on the basis that I was being harassed and having arbitrary work rules imposed on me. This complaint is still pending. True and correct copies of three affidavits that I filed with the NLRB are attached hereto as Exhibits D, E and F.

15. This months-long campaign of harassment culminated in several serious events during the last two weeks, including a physical assault against me followed by verbal harassment interfering with the production of program, and then with additional on-air threats of violence

16. The physical assault occurred on Friday, August 10, 2001. I had witnessed Pacifica personnel looking through the personal possessions of a fired WBAI employee, and I told them it was wrong and illegal to do so, and when they did not stop, I photographed this occurrence. At that point, Utrice Leid, the WBAI station manager, arrived at the scene, supported the rifling of the employee's personal possessions, and ripped the camera out of my hand. When I requested the return of my camera, she physically shoved me forcefully, making me fearful of even further violence. Subsequently, while I was talking to Leid, she closed the door hard on my sandaled foot; I managed to pull it out of the doorway and she then slammed the door in my face. A true and correct copy of a complaint I sent to Pacifica on August 10, 2001, is attached hereto as Exhibit G.

17. The same day, shortly after I was assaulted by Utrice Leid, I immediately sent an email to Pacifica management describing the event.

18. The next workday, Monday, August 13, 2001, two WBAI/Pacifica employees intentionally interfered with the production of our broadcast of Democracy Now! through verbal harassment and threats of violence. Operations Director Sidney Smith and morning show host

Marjorie Moore began yelling at me as soon as I entered the station, telling me that people were calling and complaining about the assault that had taken place on Friday. The two demanded that I go on the air and deny that it had occurred. They came to the door of my office and continued shouting. The producer and I attempted to work on the program, but they continued to yell and harass me. The producer then stood up, told them we had to work to prepare the show, and closed the door. They immediately used a master key to re-open our door and enter the office, and continued to yell as we tried to prepare for the morning's program. Their verbal assaults were so loud that the on-air host had to come out of master control to tell them they were disturbing the broadcast. (All radio station personnel know that it is imperative to be quiet when in proximity to the broadcast studio, and thus it is extremely unlikely that Smith and Moore did not know that their actions were interfering with the broadcast.) Their conduct made me extremely fearful that violence might be imminent, since they continued yelling and would not stop.

19. We waited until late afternoon on August 13 for Pacifica management to respond to the email we had sent the past Friday about the physical assault by Utrice Leid. Pacifica management did not respond. We therefore concluded that we could no longer safely work at WBAI, as we believed that we were in imminent danger of further harassment and physical violence. We then sent a second letter to Pacifica management, informing them of our fear for our safety, and informing them that we felt we had no recourse but to find an alternative space from which to broadcast and produce Democracy Now! A true and correct copy of the email we sent to Pacifica on August 13 is attached hereto as Exhibit H.

20. On Tuesday, August 14, 2001, we prepared and broadcast the DN program from



the DC-TV studios. However, despite the fact that we produced a fully prepared live program with guests in the studio and a clean technical link-up, Pacifica management refused to broadcast the program, instead airing a rerun of an old DN program, that they edited by removing certain content that they did not like. During the broadcast, listeners were instructed to visit the Pacifica website for more information about Democracy Now!, with the full knowledge that the listeners who went to the website would view the page which contained the attack on me.

21. We then negotiated with Pacifica management, through our union representatives, for three days, from August 15-17, to determine if Pacifica would agree on a minimum set of safety guarantees for our return.

22. On August 17, 2001, Pacifica management and the union reached agreement on certain issues that we had raised. As to the issue of workplace violence, Pacifica was willing only to issue a statement that stated: "Pacifica and AFTRA have reaffirmed their mutual commitment to and promotion of a quality work environment in which all Pacifica personnel work together in a professional and respectful fashion. Pacifica and AFTRA have also reaffirmed their commitment to maintaining a workplace that is safe, secure, and free of discrimination, harassment, intimidation or physical altercation." In addition, Pacifica agreed Democracy Now! would generally broadcast to the main control studio, which is the only adequate broadcast studio at WBAI for the program. With these agreements, AFTRA instructed us to return to work. A copy of a letter from AFTRA to Pacifica concerning these issues, dated August 17, 2001, is attached hereto as Exhibit I.

23. Thus, while Pacifica management offered to post this statement asserting that WBAI is a nonviolent workplace, they refused to prohibit the on-air personal attacks against us.

As events have shown since then, Pacifica's refusal to take any affirmative action to protect us gives a green light for further assault and harassment. In any event, Pacifica has not posted such a statement.

24. While these negotiations were occurring, Pacifica still was permitting and taking no action against threats of violence and verbal harassment at the workplace. For example, during these negotiations, Pacifica management permitted actions at WBAI that further inflamed the situation. On Thursday morning, August 16, the morning show staff encouraged listeners on the air to verbally attack me and Democracy Now! Then, providing further evidence of the increasingly unprofessional and hostile workplace, when listeners called in to voice their support for me and DN, the hosts either mocked them or cut short their calls with the sound of a flushing toilet.

25. After the August 17, 2001 agreement was reached with Pacifica, we were considering returning to work on Monday, August 20, 2001. However, on Saturday an event occurred which demonstrated that Pacifica management was not only taking no action to ensure a safe workplace, but was condoning threats of physical violence against us. On Saturday, August 18, producer Clayton Riley said on the air in a WBAI broadcast:

"When you talk about the enemy, you find the enemy, you isolate the enemy and you destroy the enemy. These people have put themselves in the position of being the enemies. This conflict is not going to end, in my judgment and let me be clear about that, until the dissidents, until the so-called exile community is destroyed.

Unequivocally."

Clearly, Riley was talking about me and the Democracy Now! staff.

26. Riley's comments are not just inflammatory, but make us fear for our physical safety, especially because of other threats and violence by Riley. Several months ago, in February 2001, in my presence Clayton physically threatened WBAI reporter Robert Knight for speaking in my defense, shouting at him repeatedly to "stop kissing the ass of that white bitch" and calling him a "slave," moving very close, within inches of Knight's face, creating a clear fear of imminent violence. Minutes later, he assaulted Knight in Utrice Leid's office, in her presence and sight. In February 2001, Riley followed Democracy Now! engineer Anthony Sloan out to the elevator, and, in the presence of WBAI staff, threatened Sloan that he knew people he could pay \$400 to break both his legs. During the same time period, former Democracy Now! producer Terry Allen came out of the master control studio during our broadcast to get a delivery, asking Riley, who was standing in the WBAI lobby, if he had seen a delivery person, and he began shouting "fuck you, fuck you" at her, and when she asked him to stop, he continued to shout obscenities. In each case, we informed WBAI and Pacifica management of these incidents, both verbally and in writing. Management never responded to our complaints.

27. Moreover, Riley has a history of physical violence, and is known for his history and fits of violence. Riley has threatened people at staff meetings forcing others to intervene.

28. Riley was never disciplined for any of these threats or violence, but instead rewarded. For example, Utrice Leid has since doubled the air-time of his weekly program.

29. Riley's threat and incitement this past Saturday echoes comments that have been made by Utrice Leid. For example, Leid stated, on a broadcast which aired around the nation on NPR's Morning Edition on June 21, 2001: "I need you stalwart soldiers out there. This is a call to arms. I told you, it's a war." Leid said that some of those who she says were sabotaging the

station "are right here with us." We believed that these statements were clear references to incite violence against us, the Democracy Now! staff.

30. In addition, the type of verbal harassment currently occurring also echoes actions by Leid. For example, Leid has come into the master control studio during a broadcast of Democracy Now! , asking belligerently, what are you doing here?

31. Moreover, Pacifica has refused to give me either a key to the station or to my own office, after changing the lock on our office door. Pacifica initially demanded that they would provide me with keys only if I provided my home address and home and cellular telephone numbers to WBAI Manager Utrice Leid. I am afraid to provide my address and phone numbers to Ms. Leid because of the verbal and physical intimidation. I believe that if I provided the information, I might then be targeted for violence. Since I do not have any keys, if I am attacked or threatened while in the WBAI station, there is no safe place where I can retreat, as I have no way to leave the corridors. However, other individuals at WBAI who are threatening me have keys to my office and thus can follow me into whatever room I go.

32. In the negotiations between Pacifica and AFTRA last week, Pacifica dropped its demand for my home address, but still insisted on giving my telephone numbers to Utrice Leid before they would give me a key to my office. Since I am fearful that providing my home and cell telephone numbers will subject me to further violence and threats of violence, and there is no valid reason that Pacifica cannot issue me a key without giving my personal telephone number to Leid, I do not believe that Pacifica has a valid right to refuse me a key. I believe that Pacifica is taking this action in order to make me fearful for my safety.

33. Clearly, Pacifica has no need for the Democracy Now! show to be produced at the

WBAI facilities, and in fact I believe that the only reason that Pacifica is insisting that we produce the program at the WBAI facilities, while at the same time encouraging violence and threats of violence against us, is to provide Pacifica management with a legal opportunity to fire me.

34. This is demonstrated by the fact that, prior to the recent events, Utrice Leid has repeatedly demanded that I find alternative studio and office space for the Democracy Now! program. She has repeatedly referred to me as an "unwanted tenant" and has repeatedly asked when we would be leaving for other quarters. Thus, it is obvious that Pacifica does not have a need for Democracy Now! to be produced and broadcast from the WBAI station.

35. I point out that just providing alternate offices for the Democracy Now! staff, but requiring us to broadcast the program from the WBAI facilities, is completely unworkable. In order to properly prepare the program, we need our offices to be at the same location as the broadcast, since during a broadcast we often need ready access to our books, records and archives.

36. Because of the fact that, even as Pacifica management was contending that the workplace occurrences do not threaten us with imminent bodily injury and that posting a statement that the workplace was violence-free was sufficient protection for us, Pacifica management was simultaneously permitting and condoning further threats of violence, we do not feel safe at the WBAI studios, and feel that we face imminent bodily injury were we to be forced to produce the DN program there. Since we have obtained for Pacifica alternate and adequate studio and office space at DC-TV, and have continued to produce the DN program there daily, we believe that we are fully within our rights as employees. A true and correct copy of an email

we sent to Pacifica management on August 20, 2001, stating why we could not feel safe working at the WBAI station is attached hereto as Exhibit J.

37. However, Pacifica national management continues to interfere with the broadcast of Democracy Now! For every day since August 14 that we have been required to be at work, we have produced and broadcast the Democracy Now! program from the DC-TV studios, and supplied the feed to Pacifica. However, Pacifica national management has refused to broadcast the Democracy Now! program each day, as they have refused to send the signal out over the Pacifica satellites, thus preventing any other Pacifica station or Pacifica affiliate station from obtaining the broadcast through the Pacifica satellite.

38. On August 21, 2001, I read in the newspapers that I and other members of the Democracy Now! staff were suspended by Pacifica for refusing to report to work at the WBAI station, even though we have produced and delivered the Democracy Now! broadcast to Pacifica every work day in a timely manner from the alternate and safe DC-TV studios. I had not previously been informed by Pacifica of any suspension.

39. During the negotiations between the DN staff, the union and Pacifica, Pacifica had insisted on a gag order, in which neither side would talk to the press during the negotiations. We subsequently learned that a Pacifica PR team did a press tour during those days, meeting with newspapers such as the Washington Post and the New York Daily News, and providing information about Democracy Now! and Pacifica.

40. Today, August 22, 2001, I received an email from Valrie Chambers, a director of Pacifica and a defendant in the consolidated lawsuits, in which Chambers states that "I am amenable to DN! Being broadcast remotely. . . . DN! Staff should have assurances that NO

punitive actions will be taken against them for broadcasting remotely in a responsible way.” A true and correct copy of this email is attached hereto as Exhibit K.

41. I have been informed that several Pacifica affiliates are canceling their contracts or stopping payment to Pacifica due to Pacifica’s failure to provide live broadcasts of Democracy Now! in the past weeks. A true and correct copy of a letter from station WORT to this effect is attached hereto as Exhibit L.

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

Executed on August 22, 2001, in New York, New York.

---

AMY GOODMAN