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10 Attorneys for Plaintiffs
 11 LONG HAUL, INC. and
 12 EAST BAY PRISONER SUPPORT
 13

14 IN THE UNITED STATES DISTRICT COURT
 15 THE NORTHERN DISTRICT OF CALIFORNIA
 16 SAN FRANCISCO DIVISION

17	LONG HAUL, INC. and EAST BAY)	Case No. C 09-00168-JSW
18	PRISONER SUPPORT,)	
19)	
	Plaintiffs,)	
20	v.)	
)	DECLARATION OF JESSE PALMER
21	UNITED STATES OF AMERICA; MITCHELL)	
22	CELAYA; KAREN ALBERTS; WILLIAM)	
23	KASISKE; WADE MACADAM; TIMOTHY J.)	
	ZUNIGA; MIKE HART; LISA SHAFFER;)	
	AND DOES 1-25,)	
24)	
	Defendants.)	

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1 1. I have personal knowledge of the matters stated in this declaration. If called upon
2 to do so, I am competent to testify to all matters set forth herein.

3 2. Long Haul is an all-volunteer corporation run as a collective that educates the
4 public about peace and justice and serves as a meeting space for activist groups, radical movie
5 nights, anarchist study groups, and other community meetings and events. Long Haul was
6 founded as an unincorporated association in 1979 by Alan Haber, one of the founding members of
7 the 1960's new-left group Students for a Democratic Society

8 3. Slingshot, a newspaper with both print and online distribution, has maintained an
9 office on the Long Haul premises at 3124 Shattuck Avenue, Berkeley, California, since 1993.
10 Slingshot is housed in a private office, located in a separate loft with its own staircase. Its office is
11 labeled with a large sign above the office door that reads "Slingshot." The office door is locked
12 and only Slingshot members have a key. Unlike other parts of the Long Haul building, the office
13 is not open to the public.

14 4. Slingshot has historically reported on the policies of UC Berkeley and continues to
15 do so. These reports are frequently critical of the University of California, Berkeley Police
16 Department ("UCPD") officers and its practices.

17 5. All print editions of Slingshot published since April of 1994 indicate that Slingshot
18 is affiliated with Long Haul and are located on the Long Haul premises at 3124 Shattuck Avenue,
19 Berkeley, California. It is my understanding that the post office requires this.

20 6. Slingshot publishes on roughly a quarterly basis, with a goal of four new editions
21 per year, which are distributed in print as well as available online. For the issue before the raid of
22 the Long Haul premises on August 27, 2008, the print circulation of Slingshot was 16,000. The
23 print circulation of the most recent issue of Slingshot was 19,000.

24 7. I was informed that following the raid, after the raid team searched the Slingshot
25 office, raid team members left a humorous *circa* 1994 photo of some nude individuals in face
26 masks on the top of a disorganized pile of photographs on the desk in the Slingshot office. I
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1 personally know that those photos had previously been stored in the filing cabinet in the Slingshot
2 office.

3 8. The computers seized from the Slingshot office during the raid contained current
4 and past material published in the Slingshot publication, as well as unpublished edits of articles
5 that were later published and materials that were never published; reading lists; and lists of
6 distributors and producers of literature. Also on the computer described as an “iMac” in the
7 search warrant inventory (UC 000175) were approximately 70 photos related to tree-sitting
8 protests and a Long Haul membership list.
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10 9. Long Haul has never (including at the time of the raid) kept records of who uses the
11 public-access computers in the public access computer room. Long Haul does (and did at the time
12 of the raid) keep records of who borrows books from its lending library (including the name of the
13 book and the name of the borrower) as well as records of who was volunteering that day at the
14 Long Haul and records showing which ‘zines and buttons were purchased.
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16 10. Cycles of Change and the Needle Exchange were tenants at Long Haul at the time
17 of the raid. Their offices were located next to East Bay Prisoner Support’s office in the “long
18 hall” of the Infoshop. During the execution of the search warrant, police officers broke down the
19 door to these offices and searched them. Neither the Cycles of Change office nor the Needle
20 Exchange office contained a computer and no materials were ultimately seized from their offices.
21

22 11. Attached as Exhibit 1 is a true and correct copy of the home page (located at
23 <http://www.thelonghaul.org>) of the Long Haul website as it existed at the time of the raid. At the
24 time of the raid, the Long Haul home page indicated that East Bay Prisoner Support (“EBPS”)
25 disseminated information to prisoners and other members of the public.

26 12. At the time of the raid, the Slingshot web site indicated that the Slingshot
27 publication was an “all volunteer, non-profit, tax exempt project of the Long Haul” that was
28 located at 3124 Shattuck Avenue, Berkeley, CA 94705 (*i.e.*, the Long Haul premises). This

1 information was found on the home page of the Slingshot web site (located at
2 <http://slingshot.tao.ca>). Similarly, the Slingshot “FAQ” page (located at
3 <http://slingshot.tao.ca/faq.php>) indicated that Slingshot rented an office from Long Haul and was
4 located at 3124 Shattuck Avenue, Berkeley, CA 94705. Attached as Exhibit 2 are true and correct
5 archival copies of the home” and “FAQ” pages of the Slingshot website as they existed on August
6 22, 2008 (*i.e.*, less than a week before the raid), courtesy of the Internet Archive
7 (www.archive.org). These archival pages can be found at
8 <http://web.archive.org/web/20080822213723/http://slingshot.tao.ca/> and
9 <http://web.archive.org/web/20080731123328/slingshot.tao.ca/faq.php>, respectively. Also attached
10 as Exhibit 3 is a true and correct copy of the home page of the Slingshot website as it existed in
11 2010 (*i.e.*, after the raid), which similarly indicates that the Slingshot publication was an “all
12 volunteer, non-profit, tax exempt project of the Long Haul” that was located at 3124 Shattuck
13 Avenue, Berkeley, CA 94705 (*i.e.*, the Long Haul premises). This information is identical to the
14 information that appeared on the Slingshot home page at the time of the raid.
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17 13. Attached as Exhibit 4 is a true and correct copy of an email sent by Slingshot
18 member Gregg Horton to Slingshot staff after the raid on August 27, 2008, produced by Plaintiff
19 Long Haul with BATES stamp 00270.

20 14. Attached as Exhibit 5 is a true and correct copy of an email sent by Slingshot
21 member Gregg Horton to Slingshot staff after the raid on August 27, 2008, produced by Plaintiff
22 Long Haul with BATES stamp 00197.

23 15. Attached as Exhibit 6 are true and correct copies of emails sent by various
24 Slingshot staff members after the raid on August 27, 2008, produced by Plaintiff Long Haul with
25 BATES stamps 00269-71.
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1 16. Attached as Exhibit 7 is a true and correct copy of a photograph that appeared in
2 issue 28 (June 1989) of Slingshot, depicting UC Berkeley Police officers reading Slingshot,
3 produced by Plaintiff Long Haul with BATES stamp 00085.

4 17. At the time of the raid, the entrance to the Slingshot office featured a prominent
5 sign over it reading “Slingshot.” Attached as Exhibit 8 is a true and correct copy of a photograph
6 of the door to the Slingshot office with the sign over the door as it appeared at the time of the raid.
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8 18. Attached as Exhibit 9 is a true and correct copy of the “Long Haul
9 Training/Retraining Materials,” dated April 24, 2007, which includes Long Haul staffing
10 instructions and resource materials, produced by Plaintiff Long Haul with BATES stamps 00051-
11 65.

12 19. Attached as Exhibit 10 is a true and correct copy of Plaintiff Long Haul’s Internal
13 Revenue Service Form 990, produced by Plaintiff Long Haul with BATES stamps 00031-39.
14

15 20. Attached as Exhibit 11 is a true and correct copy of a circular handout entitled
16 “Space at Long Haul,” a flyer regarding renting space at Long Haul from 2006, produced by
17 Plaintiff Long Haul with BATES stamps 00049.

18 21. Two computers were seized from the Slingshot office during the raid which
19 collectively contained hundreds of documents prepared as part of creating Slingshot and the
20 Organizer, publications of Long Haul.

21 22. Attached as Exhibit 12 are true and correct copies of sample documents from the
22 computer (described as an “iMac” in the search warrant inventory (UC 000175)) seized from the
23 Slingshot office during the raid, consisting of unpublished edits of articles, and materials that were
24 never published in the Slingshot and Organizer publications. These documents were produced by
25 Plaintiff Long Haul with BATES stamps 00363-365, 00406-07, 00421-23, 00426-27, 00435,
26 00443-44, 00445, 00459, 00474, and 00478-80.
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1 23. Attached as Exhibit 13 are true and correct copies of sample documents from the
2 computer (described as an “iMac” in the search warrant inventory (UC 000175)) seized from the
3 Slingshot office during the raid, consisting of reading lists, lists of distributors and producers of
4 literature, article ideas, and article references intended for use in the production process for the
5 Slingshot and Organizer publications. These documents were produced by Plaintiff Long Haul
6 with BATES stamps 00292-93, 00294, 00295-97, 00353-55, and 00383.

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8 24. Attached as Exhibit 14 are true and correct copies of sample documents from the
9 computer (described as a “blue/white Power Macintosh G3” in the search warrant inventory (UC
10 000175)) seized from the Slingshot office during the raid, consisting of unpublished edits of
11 articles, and materials that were intended for but were never published in the Slingshot and
12 Organizer publications. These documents were produced by Plaintiff Long Haul on a disc titled
13 “Supplemental Slingshot #1” at the following file locations:

- 14
15 • / Slingshot #96 / cuts/old versions / political perils of –edited
16 • / Slingshot #96 / cuts/old versions / Kermit's brain – edited
17 • / Slingshot #96 / cuts/old versions / book review – emma edit
18 • / old slingshot data / 2008 Organizer / consent –EDITED
19 • / old slingshot data / 2006 Organizer / vision – revised4-Big
20 • / old slingshot data / 2006 Organizer / Architects of War-EDITED
21 • / Slingshot #96 / people's park revised & edited
22 • / Slingshot #96 / peace center-edited
23 • / Slingshot #96 / economic downturn edited.

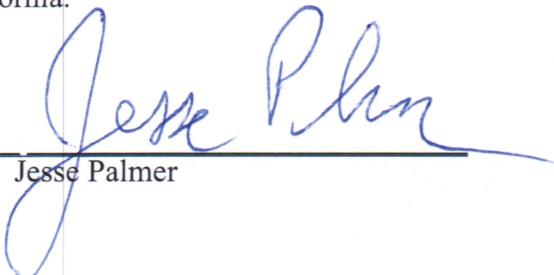
24 25. Attached as Exhibit 15 are true and correct copies of sample documents from the
25 computer (described as a “blue/white Power Macintosh G3” in the search warrant inventory (UC
26 000175)) seized from the Slingshot office during the raid, consisting of photos, sketches, and
27 visual concepts for the Slingshot and Organizer publications. These documents were produced by
28 Plaintiff Long Haul on a disc titled “Supplemental Slingshot #1” at the following file locations:

- 1 • / files / old slingshot data / 2008 organizer / liberty_cocktail_copy.jpg
- 2 • / old slingshot data / 2008 organizer / slingshot.jpg
- 3 • / files / old slingshot data / 2005 organizer/big cover
- 4 • / old slingshot data / 2008 organizer / TITULO16.jpg
- 5 • / old slingshot data / 2008 organizer / girl w doll copy.jpg
- 6 • / old slingshot data / 2008 organizer / crabtree.jpg
- 7 • / old slingshot data / 2005 organizer / ad2
- 8 • / Slingshot computer files / Slingshot #96 / ark.jpg
- 9 • / Slingshot computer files / Slingshot #96 / alana4.jpg

10 26. At the time of the raid, a Slingshot newsrack stood in the foyer just inside Long
11 Haul's front door. Attached as Exhibit 16 is a photograph that accurately represents the
12 appearance of the newsrack as of August 27, 2008, the date of the raid.

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14 I declare under penalty of perjury of the laws of the United States of America that the
15 foregoing is true and correct.

16 Executed January 29, 2011 in Berkeley, California.

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19 _____
20 Jesse Palmer
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