

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

THE UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

CIVIL ACTION NO.: 09-0065 SD

NEW BLACK PANTHER PARTY)
FOR SELF-DEFENSE, an)
unincorporated association, MALIK ZULU)
SHABAZZ, MINISTER KING SAMIR)
SHABAZZ aka MAURICE HEATH, and)
JERRY JACKSON,)

Defendants.)

DECLARATION OF BARTLE BULL

Comes now the declarant, BARTLE BULL, pursuant to 28 U.S.C. § 1746, and declares the following:

1. I am an attorney. On November 4, 2008, I was an attorney poll observer in the City of Philadelphia.
2. I have experience as a civil rights attorney in voting matters. In the mid-1960s, I served as a lawyer working with the Lawyers Committee for Civil Rights Under Law in Mississippi to help enforce the voting rights of Mississippians who had been disenfranchised by *de jure* impediments to the ballot and, threats and intimidation. I participated in civil rights lawsuits against municipalities in Mississippi. I worked closely with Charles Evers on a variety of matters to help defend Voting Rights of African-Americans in Mississippi. I also have extensive experience in politics and election campaigns. In 1968, I served as a campaign manger

in the state of New York for Senator Robert F. Kennedy in his campaign for President. I similarly aided President Jimmy Carter in his 1976 campaign in New York. I have a great deal of familiarity with proper Election Day polling place procedures.

3. On the morning of November 4, 2008, I was deployed pursuant to these duties as an attorney poll observer for a political party to polling places in the City of Philadelphia, including the polling place at 1221 Fairmount Street. There, I observed two men wearing black uniforms with New Black Panther Party insignia, black boots and black berets. The two men were positioned directly in front of the entrance to the polling place at 1221 Fairmount Street. The shorter of the two men possessed a weapon in the form of a billy-club or nightstick. I watched the shorter man with the weapon point it at individuals and slap it in his hand. I observed these two men for a period of time stationed at the entrance to the poll. They were not merely in transit when I saw them. They were present when I arrived. I do not know how long they were there prior to my arrival.

4. I watched the two uniformed men confront voters, and attempt to intimidate voters. They were positioned in a location that forced every voter to pass in close proximity to them. The weapon was openly displayed and brandished in plain sight of voters.

5. I watched the two uniformed men attempt to intimidate, and interfere with the work of other poll observers ^{B.B.} with whom the uniformed men apparently believed did not share their preferences politically. ^{B.T.B.}

6. In my opinion, the men created an intimidating presence at the entrance to a poll. In all of my experience in politics, in civil rights litigation, and in my efforts in the 1960's to secure the right to vote in Mississippi through participation with civil rights leaders and the Lawyers Committee for Civil Rights Under Law, I have never encountered or heard of another

instance in the United States where armed and uniformed men blocked the entrance to a polling location. Their clear purpose and intent was to intimidate voters with whom they did not agree. Their views were, in part, made apparent by the uniform of the organization the two men wore and the racially charged statements they made. For example, I heard the shorter man make a statement directed toward white poll observers that "you are about to be ruled by the black man, cracker." To me, the presence and behavior of the two uniformed men was an outrageous affront to American democracy and the rights of voters to participate in an election without fear. It would qualify as the most blatant form of voter intimidation I have encountered in my life in political campaigns in many states, even going back to the work I did in Mississippi in the 1960's. I considered their presence to be a racially motivated effort to intimidate both poll watchers aiding voters, as well as voters with whom the men did not agree.

7. I have since learned that the shorter man is the Defendant King Samir Shabazz and the taller man is Defendant Jerry Jackson. I have since learned that these two men are the leaders of the Philadelphia chapter of the New Black Panther Party.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on 7 April, 2009


Bartle Bull, Esq.