

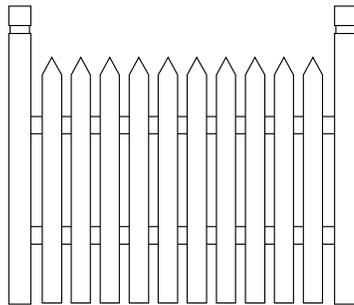
The New Hampshire Bar Association  
*Law-Related Education Program*

Presents:

**State v. Reed/ Rita A. Bok**

A First Amendment case founded in charges of criminal trespass and riot.

Mock Trial Case Materials for 2000



Sponsored by the New Hampshire Bar Association.

Funded in part by a grant from the NH Bar Foundation  
*Interest on Lawyers Trust Accounts (IOLTA) Program*

and the

New Hampshire Department of Education.

The New Hampshire Bar Association  
acknowledges the effort of the following people, who developed the  
mock trial case materials for 2000:

Andrew A. Prolman, Chair, Prunier & Leonard, Nashua  
Martin J. Bender, Esq., Webster  
Lorne M. Fienberg, McLane, Graf, Raulerson & Middleton, Nashua  
John Harwood, Mascoma Regional High School, Caanan  
David Goldsmith, Nashua High School  
Paul Leary, NH Dept. of Resources and Economic Development, Concord

And a special thank you to:

Arnie Alpert, American Friends Service Committee, Concord  
Edward T. Clancy, Education Chair, NH Civil Liberties Union, Concord  
Clancy Law Office, Dover  
Lawrence Vogelmann, Esq., Exeter

November 1999



New Hampshire Bar Association

Mock Trial Program 2000

**State v. Reed/ Rita A. Bok**

Welcome to the NH Bar Association's Mock Trial Program and competition for 2000. Members of the Law-Related Education Advisory Board developed the enclosed case materials to assist students in grades 4-12 in exploring constitutional concepts, courtroom procedure and jury instruction. The program assists students in their mastery of the New Hampshire Department of Education Curriculum Standards in Civics and Government.

The program builds the following skills and attributes in participants:

- Critical thinking, reasoning and problem solving skills;
- Increased ease in public speaking/ oral advocacy;
- A sense of teamwork among young people with various abilities and interests;
- A means of learning about the courts without getting into trouble.

The curriculum is also a natural means of:

- Incorporating resource people in the classroom;
- Implementing a positive, unusual field trip experience that extends learning about law beyond lawyers and judges;
- Offering a competitive event in an academic atmosphere.

The competition is a means of evaluating student preparation and performance, cumulatively by trial, against other teams. A trial is "won" based on the success of all team members' performance, not on the merits of the case or one dynamic presenter carrying the entire team. The activity is a fun, challenging experience where students also learn by observing their opponents. Over 100 Bar members also participate in the competition as scoring and presiding judges, and provide feedback on style, and professionalism.

The NH Bar Association Law-Related Education Program can help teachers find an attorney, to help students understand: the NH court system; how to research legal issues and prepare a case for trial; and conduct the trial. Please call us at 224-6942 for more information.

Holly Fazzino  
LRE Coordinator

Lynette Gorman  
LRE Program Assistant

**New Hampshire Bar Association**

**Mock Trial Competition 2000**

*State v. Reed/ Rita A. Bok*

Witness List

Prosecution

Sgt. C. Tessier

J.C. Roebuk

Connie Versa

Defense

Reed/ Rita A. Bok

Al/ Alice Pert

Urbana/ Herb N. Blight

MANCHESTER POLICE DEPARTMENT  
SUPPLEMENTAL INVESTIGATION/ ARREST REPORT

On 4/17/98, I was made aware of a group of protesters that were planning to go to the Mall of NH on 4/18/98 to protest the exploitation of workers in other countries. The leader of this protest, A. Pert, is the program coordinator for the American Friends Service Committee (AFSC). Pert came into the Manchester Police Department on April 17, and spoke with Capt. Simmons. (See note and other attached forms left by Pert). Pert explained to the Captain that approx. 30 members of the AFSC would go to the Mall on April 18 to pass out leaflets, and that they understood that the Mall would tell them to stop. Pert also stated the group realized that the police would probably be involved and they too would tell the group to cease and desist. Pert made it clear to the Captain that some of the AFSC members intended to be arrested, so they could test the freedom of speech issue in court. Captain Simmons informed Pert that this was not an issue of freedom of speech, but that it would be an issue of Criminal Trespass if they did not leave when told to by Mall Security and the police. Captain Simmons also explained the statute and the penalties if those arrested were found guilty in court.

On 4/17/98, I contacted Pert to inform him/ her that I was the supervisor who would be handling the planned protest at the Mall. Pert assured me that this would be a peaceful gathering, but that approx. 8-10 AFSC members were planning to be arrested. I advised Pert that I would act on the Mall's request to remove the group if they were violating the law, and that those people that wanted to be arrested would be.

The Mall of NH hired a special security detail, anticipating this incident from 0900 - 2100 hrs. on 4/18/98. I responded to the Mall at 1145 hrs. with Off. Ahern and Off. Hewitt, where we met with the detail officer, Off. Howe. At approx. 1200 hrs. this date, Pert and approx. 25 members of the AFSC entered the Mall near the Footlocker store. They immediately began handing out pamphlets. I asked Pert to gather the group together, so that Mall management could address them. Mr. Bill Platek, head security officer for the Mall, and J.C. Roebuck, General Manager of the Mall, were present. Mr. Platek advised the entire group in the presence of me and all of the other officers that they were to stop handing out pamphlets, as they did not have permission to do so. Pert, acting as the spokesperson, stated that they would not stop this activity. Mr. Platek asked them to leave the Mall and again Pert stated that they would not leave the Mall. Mr. Platek then asked me to remove this group from the Mall. I advised the group that they were in violation of a city ordinance for distributing pamphlets without permission and that they were to stop. Pert restated they would not stop, and that some of them wanted to be arrested. The group was then moved out of the public area of the Mall into a service hallway, because the demonstration began affecting the general business in that area of the Mall.

It was at about this time that one of the group's members, later identified as Bok, began acting violently toward the Mall staff, patrons, security and me. Bok began screaming something about labor movements and profits and greed. Bok picked up a large trash barrel and appeared to be posturing to throw the barrel in the direction of a storefront. I immediately confronted Bok and demanded this protestor withdraw. My demand only seemed to aggravate the situation, as Bok began trying to incite other individuals to join in the commotion. Bok was restrained, and taken into custody.

I advised the group that Mr. Platik and Mall management wanted them off Mall property. I advised Pert that those people willing to leave should do so now. All but ten people were escorted off Mall property by the police officers and Mall security. At this point, I explained to

MANCHESTER POLICE DEPARTMENT  
SUPPLEMENTAL INVESTIGATION/ ARREST REPORT

the remaining group members that they could still leave and not face arrest. I informed them of their options. I could issue them a summons to appear in court, which would get them the same results, they would get their day in court, but would not have to go through the entire arrest process and they would be free to leave; or they could be arrested and taken directly to jail. Two individuals opted for this choice and received a summons to appear in court. They were U. Grant (DOB 12-1-42), and Jamie Giddings (DOB 3-11-47.) A Polaroid picture was taken of these two individuals.

The remaining eight individuals were given one final opportunity to leave the Mall or be arrested. I asked each individual if he or she wanted to leave or be arrested, and one by one they stated their desire to be arrested. At this time, I placed all eight subjects under arrest for Criminal Trespass, and they were transported to police headquarters and processed.

It should be noted that during the entire incident I gave Pert and the group ample opportunity to leave and to talk among each other to make their decisions. I answered all of their questions, and gave them their legal options as well. Pert went out of the way to advise the Mall and the police department of this planned civil disobedience. The protest caused serious personnel strain to the Police Department and the Mall, not to speak of the financial burden placed on the Mall by hiring a paid security detail.

I hereby swear that the facts and information contained herein are true to the best of my knowledge and belief.

/s/

Sgt. C. Tessier

Then personally appeared the above named Sgt. C. Tessier and made oath that the foregoing affidavit subscribed is true.

Before me this 18th day of April, 1998.

/s/

Notary Public/ Justice of the Peace

**MANCHESTER POLICE DEPARTMENT**  
**SUPPORTING AFFIDAVIT ESTABLISHING PROBABLE CAUSE**  
**FOR ARREST**

**THE STATE OF NEW HAMPSHIRE**

**Hillsborough, SS.**

**Manchester District Court**

April 18, 1999

I, Sgt. C. Tessier, being duly sworn, depose and say:

1. I am a Manchester police officer.
2. On April 18, 1998 at approximately 1145 hrs, I arrested:

A. Pert, 3/13/55, 99 Bauer Drive, Concord, NH  
Connie Versa, 4/12/43, 20 Court Drive, Canterbury, NH  
Reed/Rita Bok, 6/11/63, 200 Main Street, New London, NH  
Pandy Rolman, 3/13/58, 284 Gore Rd., Portsmouth, NH  
Forne Lineburg, 10/28/48, 27 Bradley Drive, Pittsburg, NH  
David Smithgold, 12/09/49, 1 Bush Hill Rd., Freedom, NH  
John Harharwood, 9/20/53, 55 So. Dole St., Hudson, NH  
Barty Mender, 12/01/42, 116 Forbes St., Walpole, NH

for the charges of Criminal Trespass Class "A" Misdemeanor 635:2; in addition Bok is charged with Riot, RSA 644:1.

Based upon probable cause as follows:

At approx. 1145 hrs this date, Off. Hewitt, Off. Ahern and I responded to the Mall of NH at 1500 South Willow St. because of a planned civil disobedience action organized by A. Pert who is the program coordinator for the American Friends Service Committee(AFSC). Pert had notified Mall management and the police department that approx. 30 members of the organization would hand out pamphlets at the Mall and would not leave the Mall upon being asked to do so. Pert advised Captain Simmons of the Manchester Police Department in person on 4/17/98, that some members of the group were planning on being arrested as a result of this action.

At approx. 1200 hrs this date, Pert and approx. 25 members of the AFSC arrived at the Mall and began distributing pamphlets. The head security officer at the Mall, Bill Platek, told the group of protesters to cease and desist. Pert, as the spokesperson, stated that they would not. Mr. Platek then asked them to leave the Mall, and again, Pert stated that they would not. I then advised group that they were violating a city ordinance by handing out pamphlets without the permission of the Mall and if they refused my order to leave they would be arrested for Criminal Trespass. Under the guidance of Pert, the above listed persons came to me, said they would not leave the Mall and wanted to be arrested. Some of the group of protesters were escorted off Mall property. The remaining protesters were given another opportunity to be escorted off the property. Again, they refused to leave the Mall and demanded to be arrested and taken into physical custody. The eight defendants listed on this affidavit were then arrested and charged with Criminal Trespass.

It should be noted that at the time of starting the arrest process, Bok began acting in a violent and threatening manner toward Mall patrons and the property of the Mall. I immediately approached Bok and demanded this defendant withdraw. Bok refused and continued to defy our authority and tried to engage others to join in. Bok was then restrained and taken into custody, separately from the other defendants.

I hereby swear that the facts and information contained herein are true to the best of my knowledge and belief.

/s/

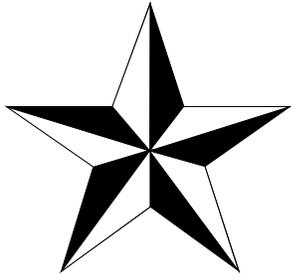
C. Tessier

Then personally appeared the above named Sgt. C. Tessier and made oath that the foregoing affidavit subscribed is true.

Before me this 18th day of April, 1998.

/s/

Notary Public/ Justice of the Peace



**American Friends Service Committee**  
PO Box 1081  
Concord, New Hampshire 03302  
(603) 224-2407

NEW HAMPSHIRE OFFICE  
Program Coordinator: A. Pert

---

April 13, 1998

BY FAX

J.C. Roebuck, General Manager  
Mall of New Hampshire  
1500 South Willow Street  
Manchester, NH 03103

Dear J.C. Roebuck:

The American Friends Service Committee is concerned that there are products sold in many retail stores which were made under conditions in which workers were treated unfairly. We have designated April 18, 1998 as a "Day of Action Against Sweatshop Abuses."

We would like to meet you to discuss ways in which we might provide information to shoppers at the Mall of New Hampshire on that day.

I will follow up with a phone call.

Sincerely,

A. Pert

Telephone message from J.C. Roebuck, Wednesday, April 15, 1998

Recorded on answering machine at AFSC office, Concord, New Hampshire, and re-recorded on cassette tape.

---

*“Hi. This message is for Al/Alice Pert.*

*This is J.C. Roebuck, the GM at the Mall of New Hampshire, returning your calls.*

*I did get your fax Monday evening and was out of the office all day yesterday.*

*I am going to have to deny your request to come in here and meet with me, and also tell you that we will not be able to allow you to come in here and do any of your activities here at the Mall.*

*I want to remind you that this private property, and we have a complete no solicitation of any sort policy, and ...*

*Sorry, you won't be happy to hear this, but that is the way we operate. So, thank you for your interest, but I hope you'll find another location.*

*Thank you.”*

**STATE OF NEW HAMPSHIRE**

**HILLSBOROUGH, SS.**

**SUPERIOR COURT  
Northern District**

*State of New Hampshire*

*v.*

*Reed/Rita A. Bok*

#98-CR-741

**MOTION TO ALLOW DEFENSE ARGUMENTS OF  
FREE SPEECH AND COMPETING HARMS**

NOW COMES the defendant, Reed/Rita A. Bok, by and through defense counsel, and requests the court allow introduction of evidence relating to *free speech* and *competing harms* in defense of the criminal trespass and riot charges brought against the defendant. These issues justify defendant's actions and should be allowed to be presented to a jury. The State objects to the relief requested in this motion.

WHEREFORE, Reed/Rita Bok respectfully requests the court allow evidence to support said arguments to be introduced at trial.

Respectfully submitted,

Reed/Rita A. Bok

\_\_\_\_\_  
Defense Counsel  
Attorneys At Law

Certificate of Service

I hereby certify a copy of the foregoing Motion was sent this day to the prosecuting attorneys.

\_\_\_\_\_  
Defense Counsel

\_\_\_\_\_  
Date

**STATE OF NEW HAMPSHIRE**  
Northern District of Hillsborough County  
300 Chestnut Street  
Manchester, NH 03101-2492  
(603) 627-5631

#98-CR-741

**NOTICE OF DECISION**

DEFENSE COUNSEL  
LAW OFFICES OF DEFENSE COUNSEL, P.A.  
123 MAIN STREET  
KINGDOM, NEW HAMPSHIRE 03099

Mock Trial: *State of New Hampshire v. Reed/Rita A. Bok*

Please be advised that on 09/09/99, Judge Fazzino made the following order relative to:

**Motion To Allow Defense Arguments Of Free Speech And Competing Harms;**

**Granted.**

*After hearing, at which both prosecution and defense counsel presented argument, I find the free speech and competing harm issues can be presented to a jury. I note, however, that defense counsel was cautioned at hearing and is again warned through this order that their presentation must stay focused on the charges against the defendant. (Fazzino, J., September 9, 1999.)*

/s/

09/09/99

John M. Safford  
Clerk of Court

cc: State of New Hampshire

**STATE OF NEW HAMPSHIRE**

**HILLSBOROUGH, SS.**

**SUPERIOR COURT  
Northern District**

*State of New Hampshire*

v.

*Reed/Rita A. Bok*

#98-CR-741

Affidavit of J.C. Roebuck

My name is J.C. Roebuck. I am the General Manager of the Mall of New Hampshire. I have held this position for six years. Previously, I was the Mall Manager of a smaller mall in Peoria, Illinois. I hold a Bachelor of Arts degree and MBA from New Hampshire College. I have worked in a management capacity in retailing for over twenty years. I have received many honors during my career, including "Citizen of the Year" by the Peoria Chamber of Commerce in 1989. I helped coordinate fundraising activities for the United Way of Greater Manchester and for the New Hampshire Chapter of the American Cancer Society.

The Mall of New Hampshire is the largest retail complex in the Manchester area. We have over 100 stores in our establishment, some large and some small. Some of our tenants are part of national chains, while others are independent franchises. The Mall is privately owned. One of my responsibilities as General Manager is to create and enforce a consensus of policies to promote a positive business climate at the Mall. It is essential that both our retailers and our customers view the Mall as a safe, friendly, comfortable place.

Our "no soliciting" policy was created to help maintain that positive business climate. No person or group has our permission to use our property to request funds from our patrons or to espouse political causes. Because of our commitment to making our customers' shopping experience a pleasant one, we never waiver in this policy. Though I have sometimes felt like a "Scrooge" telling the local sports leagues they cannot collect money outside our doors, I have always enforced this policy.

Once a presidential campaign staged an event at our Mall, but this occurred while I was away on vacation. When I returned, I contacted the campaign and told them that any further requests to use our property for anything other than shopping would be expressly denied.

We do have organized fund drives with the Manchester public schools. We have always tried to be good neighbors in our community. However, these "Magical Evenings of Giving" merely involve our opening our shopping space on a Sunday evening around the holidays. Any solicitation of funds, such as selling tickets, occurs in the schools themselves. We allow walking clubs use our space before the stores open. They do not solicit anything from anyone.

My first knowledge of this sweatshop protest came on April 13, 1998. I received a fax from Pert of the American Friends Service Committee, asking to use our Mall for their political protest. This was of course inconsistent with our "no solicitation" policy; so, I called Pert on April 15 and left a message on the answering machine at the AFSC office. I expressly denied their request to use the Mall for political purposes. I even sent a follow-up fax the next day to reiterate the denial of their request, and our position that the Mall of New Hampshire is private property.

Nevertheless, they ignored me and caused problems anyway. This whole incident was extremely disturbing. I had to hire additional, overtime security officers to deal with this protest, and this was very expensive.

I was present on April 18 for the leafleting. Around noon, about 30 of these agitators entered the Mall and started harassing our shoppers. They were told to cease and desist from leafleting and asked to leave the Mall. Most of them agreed but about a dozen stayed. This was creating quite a commotion and a crowd was gathering. These protesters seemed to meet and discuss every little detail. A group of them remained and was arrested. Then, one of them came out of the crowd, started screaming, pulled off their shoes, and waived a trash barrel above their head. It was terrifying. I must admit, I was scared for my own safety, for my employees, merchants, and shoppers! He was trying to goad the crowd into rioting or something, shouting "Just do it!" and waiving the barrel towards a footwear store window. I thought the man was going to throw it. It's a good thing the police and our security people were there to put a stop to it immediately. At least no one else joined in.

This whole incident reinforces the wisdom of our no solicitation policy. The Mall is no place for this kind of political protest. It's a place to shop, to relax, and to eat. No one was able to do much of any of these activities while this was going on.

/s/

J.C. Roebuck

**STATE OF NEW HAMPSHIRE  
HILLSBOROUGH, SS.**

Subscribed and sworn to, before me, the undersigned officer by J.C. Roebuck on this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

/s/

Notary Public/ Justice of the Peace

# The MALL of NEW HAMPSHIRE

April 16, 1998

A. Pert, Coordinator  
American Friends Service Committee  
P.O. Box 1081  
Concord, NH 03302

Dear Coordinator Pert:

I am in receipt of your letter faxed to the Mall of New Hampshire this morning. The purpose of this letter is to reiterate our policy, which I explained to you on the telephone yesterday.

The Mall of New Hampshire is private property. We do not permit public access for the purpose of political protest or speech. Therefore, we are denying your request to come to the Mall this Saturday, April 18, for the purpose of distributing information about sweatshops to our customers.

If you have any further questions, please contact our Legal Counsel in Nashua.

Cordially,

J. C. Roebuck  
General Manager  
The Mall of New Hampshire

JCR/aap

Telephone message from J.C. Roebuck, Wednesday, April 15, 1998

Recorded on answering machine at AFSC office, Concord, New Hampshire, and re-recorded on cassette tape.

---

*“Hi. This message is for Al/Alice Pert.*

*This is J.C. Roebuck, the GM at the Mall of New Hampshire, returning your calls.*

*I did get your fax Monday evening and was out of the office all day yesterday.*

*I am going to have to deny your request to come in here and meet with me, and also tell you that we will not be able to allow you to come in here and do any of your activities here at the Mall.*

*I want to remind you that this private property, and we have a complete no solicitation of any sort policy, and ...*

*Sorry, you won't be happy to hear this, but that is the way we operate. So, thank you for your interest, but I hope you'll find another location.*

*Thank you.”*

**STATE OF NEW HAMPSHIRE**

**HILLSBOROUGH, SS.**

**SUPERIOR COURT  
Northern District**

*State of New Hampshire*

v.

*Reed/Rita A. Bok*

#98-CR-741

Affidavit of Connie Versa

My name is Connie Versa; I live at 20 Court Drive, Canterbury, NH. I have lived there for about ten years. I have never been arrested before April 18, 1998.

I have been a life long member of the Society of Friends (Quakers). One of the most important beliefs of my faith is the commitment to nonviolence. We also believe that we have a responsibility to promote social justice for all people. I joined the American Friends Service Committee demonstration at the Mall on April 18, 1998. Our goal during the protest was primarily to pass out informational literature to those who were shopping about the working conditions in the Third World.

We did not want any trouble; all of us were carefully screened in advance, and given training on how to react to every possible situation. Pert, the protest organizer, kept telling us the importance of nonviolence in getting our message across.

However, we had one problem; Bok. Bok asked to join our effort; Bok is not Quaker, but we allow anyone who shares our goals to help. As we began training, some of us became concerned. Bok would argue with Pert over the best method of getting our message out to the public. Bok wanted confrontation and to cause a disturbance so that Channel 9 would send a film crew. Bok even suggested that we time the disturbance so that it would appear on the 6 o'clock news.

Pert asked me to talk with Bok and to try to explain our methods and beliefs. At first we seemed to get along, Bok was interested in my career in sales. As time went on, however, I discovered that Bok was not so dedicated to the cause as Bok was dedicated to the idea of being part of a media event. I understand Bok would jump from one cause to another. One month it was save the whales. Then it was stop the war. Now it is stop the sweatshops. My feelings at the time were that this person was a loose cannon.

After a long conversation with Pert, it was decided that it would be best if Bok did not take part in the demonstration. Bok was not very happy and said that he/she had a right to help stop the exploitation of the masses and insisted on being allowed to participate. Against my advice, Pert told Bok that Bok could come along, but was not to take part in the actual event. Bok agreed.

On the day of the event, our group arrived at the Mall and met outside of Sears, except for Bok. I hoped that Bok had become bored and decided not to come. Unfortunately, Bok was in the Mall waiting for us, standing right in the front of the entrance to the shoe store. Bok was dressed like a leftover from the sixties: headband; flowered shirt; even a peace symbol. I think Bok was even wearing bell bottoms.

At first things went well, we were passing out the literature without any kind of disruption. The Mall Manager came out and asked us to leave. Pert explained that we were just exercising our right to freedom of speech. The manager then called security. Again, Pert explained our position to the security officer. We knew that the possibility of arrest existed.

All of a sudden, Bok yelled, "Just do it!" Bok called the officer a pig and a fascist, then yelled something about being on the payroll of the Wall Street Robber Barons. The police officer went over and asked Bok to quiet down and to leave or be subject to arrest. At that point, almost as if it were planned, a young man of about sixteen or so came by and said something to Bok. Then Bok provided one of our leaflets, and demanded that the officer stop the harassment. Bok and the two others were then taken away.

The reason I am here is that I object to the lack of genuine commitment to the cause; so, I agreed to testify against Bok. As I said before, it is only through nonviolent demonstrations that the goal of eliminating sweatshops can be achieved. Bok did a great disservice to AFSC and its supporters. After all, it was the actions of one aggressive person, not the effectiveness of our protest that made the six o'clock news.

I was arrested for criminal trespass, but the charges were dropped in exchange for my testimony against Bok.

I hereby swear that the facts and information contained herein are true to the best of my knowledge and belief.

/s/

Connie Versa

**STATE OF NEW HAMPSHIRE  
HILLSBOROUGH, SS.**

Then personally appeared the above named Connie Versa and made oath that the foregoing affidavit is true.

Before me this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

/s/

Notary Public/ Justice of the Peace

**STATE OF NEW HAMPSHIRE**

**HILLSBOROUGH, SS.**

**SUPERIOR COURT  
Northern District**

*State of New Hampshire*

v.

*Reed/ Rita A. Bok*

#98-CR-741

**Affidavit of Reed/Rita A. Bok**

I am Reed/Rita Bok. I live at 200 Main Street in New London, New Hampshire. My life is devoted toward the improvement of the earth. I actively work for several earth friendly organizations, such as Greenpeace, the Clamshell Alliance, the Sierra Club, the American Friends Service Committee, and the Society for the Protection of New Hampshire Forests. My goal is to help stop the destruction of the world's environment and the exploitation of the poor around the world. I was fortunate to grow up in a wealthy family; so I try to help those who are less fortunate than I am to improve their lives.

The way I see it, the only way to stop the abuse of the land and the other living creatures on this planet is by direct action, and sometimes confrontation.

However, on April 18, 1998, I was not in a confrontational mode. Pert, who was coordinating the activities that day, was very specific about not doing anything to disrupt the Mall. I did not really agree with that mode, but since I wasn't in charge, I went along. Our intention was to exercise our right of free speech and assembly by passing out leaflets to customers at the Mall.

We wanted to inform as many people as possible that those sneakers they were buying were made with the blood of innocent men, women and children in a sweatshop somewhere in Haiti or Indonesia. All we wanted was provide the information to people to let them know that they would be aiding the exploitation of innocent people.

So, that day, April 18, all we were doing was passing out literature, nothing more. Then the Mall Manager came out and began to harass us. Pert explained that we were exercising our Constitutional rights, but that did not matter. The Mall Manager wanted to get rid of us, and called Mall security. But, we continued, because it is our right to pass out literature in any public space.

The next thing I know, some cops arrived. I was standing next to the entrance of the store, when some young kid came by and asked me, "Why is the cop giving you guys a hard time?" I told him it was because we were handing out leaflets. This kid then asked to see one of the leaflets, so I provided one.

I was arrested and charged with trespassing and riot, just because I was exercising my rights as a citizen. Although I was arrested, what happened to me is nothing compared to what is happening to the innocent people in the Third World.

/s/

Reed/Rita Bok

**STATE OF NEW HAMPSHIRE**  
**HILLSBOROUGH, SS.**

Then personally appeared the above named Reed/Rita A. Bok and made oath that the foregoing affidavit subscribed is true. Before me this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

/s/

Notary Public/Justice of the Peace

**STATE OF NEW HAMPSHIRE**

**HILLSBOROUGH, SS.**

**SUPERIOR COURT  
Northern District**

*State of New Hampshire*

v.

*Reed/Rita A. Bok*

#98-CR-741

Affidavit of Al/Alice Pert

My name is Al/Alice Pert. I was one of the individuals arrested inside the Mall of New Hampshire for passing out leaflets explaining the plight of exploited workers which occurs in Haiti and other sweatshops all over the world. I was convicted of criminal trespass. My appeal is currently pending before the New Hampshire Supreme Court. I knowingly and voluntarily waive my Fifth Amendment rights for the duration of these proceedings.

I am the Program Coordinator of the American Friends Service Committee (AFSC) office in New Hampshire. As a Quaker, I believe in the dignity and promise of every person. Sweatshops violate that human dignity. I also believe that the way to bring about positive social change is through the power of love and nonviolence. We believe that every person must bear witness to social injustice, and work to correct it. The first step in ending abuse of workers is to make people aware of the problems. That was the whole point of the leafleting at the Mall!

After studying world labor conditions, I called a meeting of interested parties to discuss the problem and what to do about it. We decided to leaflet at the Mall of New Hampshire because that is where many people go to buy their sneakers and clothing, often not even knowing the labor conditions by which these articles are made.

After we made our plans, I contacted the Mall of New Hampshire to notify them of our intention to pass out leaflets. I sent a fax to the General Manager of the Mall asking for a meeting to discuss our concerns. I was unable to get an appointment. I received faxes and messages which simply said we couldn't do anything since they had a "no soliciting" policy. We notified the Manchester Police Department several days before our leafleting, so there wouldn't be any unforeseen problems.

We went ahead and passed out leaflets outside athletic footwear stores on April 18, 1998. We were not harassing shoppers. We were not preventing them from entering any stores. We were merely trying to inform them of the labor practices the sneaker makers use in the manufacture of their shoes. Many people took our leaflets. Some turned away and we let them go. Some entered the athletic footwear store. We never went inside any store; we stayed only in the public, corridor areas.

Then the Mall security officer came out and asked us to leave. We told the security officer that we were exercising our Constitutional rights to freedom of speech and assembly. We refused to go or to stop leafleting. After that, some officers from the Manchester Police Department came. They told us to cease and desist or we would be arrested. We refused. They placed us under arrest and peacefully took us into custody.

However, while all of this was going on, Bok went a little wild. Bok yanked his/her sneakers off, tossed them in a small trashcan and waved the trashcan above his/her head. Bok was gesturing towards the crowd and shouting, "Just Do It!" The police overreacted and arrested Bok for "riot". I didn't see it as a riot in any way—maybe just a bit of inappropriate "guerilla theater". I would never have done what Bok did. But no way was there anything close to inciting a riot.

I knew Bok from some of our organizational meetings where we talked about the Mall leafleting. Although we had different approaches to making our concerns known, I believe Bok shared our concern over sweatshop practices. Bok just wanted to go to the Mall without attempting to resolve things peacefully. Bok opposed telling the police and refused to participate in our nonviolence training. Bok even brought up the idea of smashing some windows at the Mall to get more attention. I interpreted that as just a joking comment. Nevertheless, I suggested after the meeting that Bok not participate with our group for the leafleting. That was the last meeting Bok attended. I was really surprised to see Bok at the Mall that day. Bok was definitely not a part of our group at that time.

The Mall is most certainly a public space. Anyone is encouraged to go there and shop. They could not exclude African Americans, Moslems, or lesbians. Public schools hold fundraising events there. Presidential candidates hold rallies there. Channel 9 broadcasts from there. Walking clubs work out there. Shopping malls are like modern day Main Streets. We could have leafleted on Elm Street, but hardly anyone shops there anymore. If you want to reach people where they shop, you have to go to the malls.

Besides, any harm I may have caused is miniscule compared to the harm posed by exploitative labor practices. That's the real harm in this situation. Hundreds of thousands of workers are suffering every day. What's the harm in nonviolently passing out leaflets? Would we have stopped Gandhi or Martin Luther King or Thoreau from protesting in shopping malls? The lunch counters in the South were private property. But where would we be as a society if people had not taken the step of sitting in there, anyhow?

It's true I have been arrested before. I was arrested for protesting at Seabrook in 1977. I was proud of my actions at the time, and I still am. I have never been convicted of any crime before this incident. Sometimes, laws are just wrong and concerned citizens have to take the dramatic step of breaking them. I don't break laws lightly. But sometimes, it's necessary.

/s/

AI/Alice Pert

STATE OF NEW HAMPSHIRE  
HILLSBOROUGH, SS.

Subscribed and sworn to, before me, the undersigned officer by al/ Alice Pert on this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_\_\_.

/s/

Notary Public/ Justice of the Peace

**STATE OF NEW HAMPSHIRE**

**HILLSBOROUGH, SS.**

**SUPERIOR COURT  
Northern District**

*State of New Hampshire*

v.

*Reed/Rita A. Bok*

#98-CR-741

**Affidavit of Urbana/Herb N. Blight, AICP**

I am Urbana\Herb N. Blight. I live in Litchfield, New Hampshire. I provide this statement under penalty of perjury. I am not charging any fees for my time in this matter.

I am the Community Development Director for the City of Manchester. I have held this position for the past six years. Prior to working here, I was the Downtown Development Specialist for the City of Lowell, Massachusetts. I received my BA in Communications from UNH, and I obtained my Masters Degree from UNC's Urban & Regional Planning program.

Based on my experience, I have found that shopping malls are today's "downtown." The term "downtown" has historically been defined as the lower part of a town or city, the main business district of the community. This was physically accurate because most business was conducted near waterfront or riverfront areas, which were geographically lower than other parts of the community. In addition, railways developed on riverbanks, which continued the business emphasis on a "downtown" area. Portsmouth, Nashua, and Manchester are good examples of typical downtown development.

As our culture became more mobile, our historic downtown dispersed. First, we became less dependent on waterways for goods and services through railroad development. Then the automobile replaced our reliance on the train. Most studies confirm that as malls were developed, many downtown areas went into decay and underdevelopment. Even today, there is little business or pedestrian activity in some of New Hampshire's downtown. There has been a recent resurgence of downtown life in some communities, but this is only very recent, and may or may not be sustained over time. On the other hand, the large shopping mall is here to stay.

There were no franchise athletic shoe stores in downtown Manchester in April 1998. My office has not had any recent inquiries of any such business interested in the downtown business district.

I disagree with the legal and privately held position which prohibits use of shopping malls as a public forum. I know they are private property, but a mall greatly benefits from its host city. City planning departments grant authority to malls to conduct its business. Mall developers and city staff will typically work together in the planning and layout of the facility, which is exactly what happened years ago with the Mall of New Hampshire. Malls use city services. Malls employ city residents and benefit from city patrons. In exchange for these benefits, it is only fair to allow people to speak freely in a shopping mall.

My office has issued eight picketing permits for downtown Manchester in the past year. Because there are so few people in the downtown area at any given time, the picketers told me they felt their efforts were largely ineffective.

Today, there are no other places where people regularly and informally meet other than shopping malls. I do not believe an individual should be penalized for using a shopping mall as a public forum to voice their opinion.

/s/

Urbana/Herb N. Blight, AICP

**STATE OF NEW HAMPSHIRE**  
**HILLSBOROUGH, SS.**

Subscribed and sworn to, before me, the undersigned officer by Urbana/Herb N. Blight on this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

/s/

Notary Public/ Justice of the Peace

## **Jury Instructions**

### **Burden of Proof/ Presumption of Innocence, Reasonable Doubt**

Under our constitutions, all defendants in criminal cases are presumed to be innocent until proven guilty beyond a reasonable doubt that they are guilty of every element of the alleged offense. If after all the evidence and arguments, you have a reasonable doubt as to defendant's having committed any one or more of the elements of the offense, then you must find the defendant not guilty.

A "reasonable doubt" is just what the words would ordinarily imply. The use of the word "reasonable; it must be a doubt based on reason. It is not a frivolous or fanciful doubt nor is it one that can easily be explained away. Rather, it is such a doubt based upon reason as remains after consideration of all of the evidence that the State has offered against it. The test you must use is this: If you have a reasonable doubt as to whether the State has proved any one or more of the elements of the crime charged, you must find the defendant not guilty. However, if you find that the State has proved all of the elements of the offense charged beyond a reasonable doubt you should find the defendant guilty.

### **Criminal Trespass 635:2**

- I. A person is guilty of criminal trespass if, knowing that he/she is not licensed or privileged to do so, he/she enters or remains in any place.
- II. Criminal trespass is a misdemeanor if:
  - (a) The trespass takes place in an occupied structure as defined in RSA 635:1, III; or
  - (b) The person knowingly enters or remains:
    - (1) In any secured premises;
    - (2) In any place in defiance of an order to leave or not to enter which was personally communicated to him by the owner or other authorized person; or
    - (3) In any place in defiance of any court order restraining him from entering such place so long as he has been properly notified of such order.
- III. All other criminal trespass is a violation.
- III. As used in this section, "secured premises" means any place which is posted in a manner prescribed by law or in a manner reasonably likely to come to the attention of intruders, or which is fenced or otherwise enclosed in a manner designed to exclude intruders.

### **Riot 644:1**

- I. A person is guilty of riot if:
  - (a) Simultaneously with two or more other persons, engages in tumultuous or violent conduct and thereby purposely or recklessly creates a substantial risk of causing public alarm; or
  - (b) A person assembles with two or more persons with the purpose of engaging soon thereafter in tumultuous or violent conduct, believing that two or more other persons in the assembly have the same purpose; or
  - (c) A person assembles with two or more persons with the purpose of committing an offense against the person or property of another whom they suppose to be guilty of a violation of the law, believing that two or more other persons in the assembly have the same purpose.
- II. Any person who refuses to comply with a lawful order to withdraw given immediately prior to, or immediately following a violation of paragraph I is guilty of riot. It is no defense to liability under this paragraph that withdrawal must take place over private property; provided, however, that no person so withdrawing shall incur criminal or civil liability by virtue of acts reasonably necessary to accomplish the withdrawal.

## **New Hampshire Bar Association**

### **Mock Trial Competition Calendar**

November, 1999	Case materials released.
December 15, 1999	Deadline to request a lawyer-coach.
January 15, 2000	Deadline to enter the Competition/ Request a competition date.
February 24, 2000	Deadline to submit questions for interpretation.
March 14, 2000	Regional Competition, Franklin District Court.
March 17, 2000	Regional Competition, site(s) TBA.
March 18, 2000	Regional Competition, site(s) TBA.
March 25, 2000	State Championship, site TBA.
April, 2000	Submit feedback on the Competition to the LRE Coordinator.
May 11-14, 2000	National Mock Trial Championship, South Carolina.

\*\*There will be an orientation meeting for all educators and attorneys to discuss rule changes and orient new teacher and lawyer coaches. Teams may not select a site, however, requests for certain competition days will be taken into consideration, if indicated on the team entry form. We can not guarantee that multiple teams from the same school will be at the same location. We will make every effort to limit travel time, when possible.

**New Hampshire Bar Association  
Mock Trial Competition 2000**

Team Entry Form

Name of School \_\_\_\_\_ School Telephone \_\_\_\_\_

School Fax \_\_\_\_\_

If several teams from one school participate, please submit one entry form for each team and name each team accordingly. **Deadline to enter the Competition is January 15, 2000.** Any team registering after this date will be accepted at the discretion of the Mock Trial Chairperson, to avoid an odd number of teams in each division. Your entry triggers all future mock trial mailings, so don't delay!

Teacher Coach \_\_\_\_\_ Attorney Coach \_\_\_\_\_

Evening Phone \_\_\_\_\_ Evening Phone \_\_\_\_\_

E-mail Address \_\_\_\_\_ E-mail Address \_\_\_\_\_

The total number of students on a team **must** be between eight and sixteen.

- |          |           |
|----------|-----------|
| 1. _____ | 9. _____  |
| 2. _____ | 10. _____ |
| 3. _____ | 11. _____ |
| 4. _____ | 12. _____ |
| 5. _____ | 13. _____ |
| 6. _____ | 14. _____ |
| 7. _____ | 15. _____ |
| 8. _____ | 16. _____ |

Division of this team:     Elementary (grades 4-6)    First round is a video submission.  
                                   Middle School (grades 6-8)    First round is live competition.  
                                   High School (grades 9-12)    First round is live competition.

Middle school students in the sixth grade who competed at the elementary school level in a prior year may enter at the middle school level. If this is the team's first competition, the elementary school division is more appropriate. Please call 224-6942 if you have any questions, or e-mail [hfazzino@nhbar.org](mailto:hfazzino@nhbar.org)

\_\_\_\_\_ Enclosed is the non-refundable entry fee of \$50, payable to the NHBA LRE Program.  
Return this form with payment to:

**Mock Trial Competition  
NH Bar Association  
112 Pleasant Street  
Concord, NH 03301**

If you need assistance finding an attorney-coach, please notify the LRE Program no later than 12/15/99.

# New Hampshire Bar Association

## Mock Trial Competition 2000

*State v. Reed/ Rita A. Bok*

### Suggested Readings

*US Constitution Amendment I*

NH Constitution, Part First, Article 22

NH Constitution Part First, Article 32

*Lloyd Corporation, Ltd. V. Tanner, et.al*, 407 US 551, 92 S Ct. 2219, 33 L.Ed2d. 131. (1972).

*Pruneyard Shopping Center v. Robbins*, 447 US 74, 100 S. Ct. 2035, 64 L.Ed2d. 741. (1980)

*Clark v. Community for Creative Non Violence*, 468 US 288, 104 S. Ct. 3068. (Dist. Of Col. 1984), 82 L.Ed.2d 221.

*International Society of Krishna Consciousness Inc v. Lee.*, 505 US 672, 112 S. Ct. 2701, 120 L.Ed2d. 541. (1992)

*Lloyd Corp Ltd.v. Whiffen*, 315 Or. 500, 849 P.2d 446, 1993.

*New Jersey Coalition Against War In the Middle East v. JMB Realty Corp.*, 138 NJ 326, 650 A.2d 757. (1994) 52 A.L.R. 5<sup>th</sup> 777 (NJ Dec. 20, 1994)

*Cahill v. Cobb Place Assoc.* 271 Ga. 322, 1999 WL 450677 (Ga). (1999)  
1999 WL 450077  
99 FCDR 2497 (Ga Jul 06, 1999)

As of October 1, 1999, The New Hampshire Supreme Court has not directly addressed public speech in shopping malls.

## ***Send a Message to J.C. Penney...***

**Nicaragua** - An investigation by the "Hard Copy " TV show revealed starvation wages as low as 10 to 15 cents an hour, arbitrary speed-ups, physical abuse, sexual harassment, for overtime, 12-hour shifts, and 6-day weeks. Workers at the Chentex factory assemble Arizona Jeans for J.C. Penney, and get paid \$2.48 for a 10-hour day. When they organized a union, Chentex's Taiwanese owners threatened to close the plant and move to Mexico.

**China** - The Zhong Mei factory pays 18 cents an hour, for 11 -hour shifts, 7-days a week to make J.C. Penney garments. Workers have no union, no benefits, and have never heard of Penney's "Corporate Code of Conduct."

Penney's CEO, James Oesterreicher, was paid \$1.76 million in 1997. Penney's annual sales are more than 40 times as big as Nicaragua's entire government budget.

**Contact: James E. Oesterreicher, CEO, J.C. Penney, PO Box 10001, Dallas TX 75024. FAX: (972) 431-1977**

## ***Send a Message to President Clinton...***

Integration of the economies of the western hemisphere--the topic of this weekend's summit in Chile--must not be based on the exploitation of workers or the spoiling of the environment. Trade between nations must serve as a tool for just and sustainable development, not as an end in itself. There should be no Free Trade Area of the Americas if it is to be created along the lines of NAFTA, in which investors' rights are more important than workers' rights.

**Contact: President Bill Clinton, 1600 Pennsylvania Ave., Washington DC 20500.  
White House Comment Line: (202) 456-1414.  
E-mail: [president@whitehouse.gov](mailto:president@whitehouse.gov)**

**INTERNATIONAL DAY OF ACTION ON  
NIKE AND SWEATSHOP ABUSES  
APRIL 18, 1999**

### ***For more information:***

**American Friends Service Committee,  
NH Office**  
PO Box 1081, Concord NH 03302 Tel:  
(603) 224-2407

**NH Interfaith Committee for Worker  
Justice**  
PO Box 292, Goffstown NH 03045

## ***Send a Message to Congressmen Bass and Sununu...***

Members of Congress were recently presented with petitions signed by 250,000 American people during the 1997 Holiday Season of Conscience. The petitions, which call for an end to child labor and sweatshop abuses, are now being forwarded to the President. Urge Congressmen Bass and Sununu to join the call for fair and enforceable standards for the apparel and footwear industries, and for corporate disclosure of the sources of the clothing and footwear sold in the United States. Ask them to sign on to Rep. Bernie Sanders' "Dear Colleague" letter, now being circulated in Congress, which calls on President Clinton and the White House Task Force to protect human and worker rights.

**Contact:**  
**Rep. Charles Bass, 218 Cannon Building,  
Washington DC 20515. Tel: 202-225-5206  
E-mail: [cbass@hrhouse.gov](mailto:cbass@hrhouse.gov)**  
**Rep. John Sununu, 1229 Longworth Bldg  
Washington DC 20515. Tel. 202-225-5456  
E-mail: [rep.sununu@mail.house.gov](mailto:rep.sununu@mail.house.gov)**

**Additional sources of information:**  
**National Labor Committee, 275 Seventh  
Ave., NY, NY 10001. [www.nlcnet.org](http://www.nlcnet.org)**  
**Campaign for Labor Rights, 1247 E St. SE,  
Washington, DC 20003.  
[www.compugraph.com/clr](http://www.compugraph.com/clr)**

*Sources for this fact sheet: ESPN, Campaign for Labor Rights, National Labor Committee, Wall Street Journal, Christian Peacemaker Teams, Labour Behind the Label Coalition.*

# **Yes! to Human Rights No! to Sweatshops**

# Yes! to Human Rights No! to Sweatshops

U.S. workers are competing in a "race to the bottom" with workers from poor countries like China, Vietnam, Haiti, Nicaragua, and Mexico, where giant retail chains and clothing manufacturers go to find the lowest wages, weakest environmental protections, and lowest taxes. In many cases, workers are subjected to starvation wages, 60-hour weeks, and unsafe factories. When they stand up for their rights, they risk getting fired or worse. As sweatshops spread in poor countries, they are making a return in the United States and Canada, as well.

## It's time to send the companies a message .....

The workers who make our clothing and footwear have a right to:

- ◆ wages that allow them to meet basic needs
- ◆ decent working conditions
- ◆ no forced overtime; no physical abuse
- ◆ no child labor
- ◆ join a union and engage in collective bargaining
- ◆ factory monitoring by local human rights groups

Consumers have a right to know where and under what conditions, our clothing and footwear were made.

## ***Send a Message to Nike...***

**Indonesia - Nike** contractors were paying \$2.46 a day, but after the recent currency devaluation, Nike workers now get less than 70 cents a day.

**Vietnam** - According to an April 2 expose on ESPN, Nike contractors pay \$1.81 a day (30% less than entry level wages paid by a Pepsi bottling plant!) in factories where workers are exposed to toxic chemicals. Even with managers alerted the day before that ESPN would be visiting the plant, cameras caught supervisors physically abusing workers.

**China** - The Wellco factory pays Nike workers 16 cents an hour, for 11 -to- 12-hour shifts, 7 days a week. Workers who refuse to work overtime get fines.

Nike's CEO, Philip Knight, was paid \$2.1 million in 1997. He owns more than \$5 billion worth of Nike stock. **Contact. Philip Knight, CEO, Nike, One Bowerman Dr., Beaverton OR 97005. FAX 503-671-6300.**

## ***Send a Message to Disney ...***

**Haiti** - Workers who sew fast enough to meet their quotas make the "minimum" wage of \$2.17 a day, much of which gets spent on meals and transportation. A week after a Disney delegation visited subcontractor L..V. Myles factories last fall, workers who were trying to form a union were fired. Disney subcontractor BVF also fired union activists last year. Subcontractor H.H. Cutler ended its contracts in Haiti when workers began to organize. Retaliation against workers who exercise their rights to form unions violates Disney's "code of conduct," but the company does not enforce its own code.

Disney's CEO, Michael Eisner, was paid \$10.65 million in 1997. He owns nearly \$900 million worth of Disney stock. **Contact:. Michael Eisner, CEO, Walt Disney Co., 500 South Buena Vista St., Burbank CA 91522. FAX. 818-623-3569.**

## ***Spotlight on Foot Locker***

Foot Locker, a subsidiary of Woolworth, is Nike's biggest United States customer. In metropolitan Toronto, women sew garments for other Woolworth brands--Northern Traditions, Northern Reflections, and Northern Getaway--for piece rates well below Canada's minimum wage,. no overtime pay for excessive hours of work, and denial of benefits.

***"Use all of your available force to put pressure on Disney, L. V Myles and other companies, and here, we will also use all of our force to change the situation."***

**- Haitian worker**