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ENDORSED
FILED
ALAMEDA COUNTY

APR 16 2010

CLERK OF THE SUPERIOR COURT
By A. SALTA Deputy

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF ALAMEDA

10 IN RE SEARCH WARRANT ISSUED
11 DECEMBER 12, 2009

DECLARATION OF MARY RATCLIFF IN
SUPPORT OF MOTION TO QUASH
SEARCH WARRANT AND RETURN
PROPERTY

DECLARATION OF MARY RATCLIFF

I, MARY RATCLIFF, declare under penalty of perjury that, unless otherwise indicated, the following is true and correct of my own personal knowledge, and would testify hereto if called at trial:

1. I have been the editor of the *San Francisco Bay View* newspaper since February of 1992. I have supervised the publication of 714 separate print issues of the *Bay View*, as well as some 14,000 stories on our website. I am also a member of the California Bar, though I ceased practicing law when I "found my calling" as a newspaper editor. As editor of the *Bay View*, I am responsible for filling our newspaper and website with news and views that are interesting and useful to our readership, which is primarily comprised of the Black community and progressives.

2. The *Bay View* was founded in 1976. It is currently printed monthly, though we will resume weekly publication as soon as the economic situation improves. We post daily to our website, <http://www.sfbayview.com>, which was founded in 1997. The *Bay View's* circulation in print is 15,000-20,000 copies of each issue, and traffic to our website in the past month, according to Google Analytics, was 38,881 unique visitors, 44,777 visits and 65,231 page views.

3. I learned of David Morse through his multimedia postings to *Indybay* following the New Year 2009 death of Oscar Grant at the hands of BART police. I have never met David Morse nor seen his resume. Knowing him only through his work, I consider him one of the Bay Area's best and most dedicated journalists.

4. I have regularly checked and depended on *Indybay* as a source since its founding over 10 years ago. I consider *Indybay* and Indymedia to be the people's Associated Press. Like many other independent community and ethnic newspapers, we do not subscribe to the AP not only because the cost is prohibitive, but because we seek to present alternative perspectives. Excellent journalists, including some of the hundreds who have been laid off as mainstream media cut their staffs or disappear, post their work to *Indybay*.

5. *Indybay* has been essential to our coverage of the Black community's response to the death of Oscar Grant. Because witnesses' cellphone videos of Grant's shooting were seen by people around the world, many people seeking an alternative perspective looked to the *Bay View*, the

1 leading Black newspaper in the Bay Area. Having thoroughly searched the Internet for Oscar Grant
2 coverage, I can attest that the most comprehensive coverage I came across was at *Indybay*. Many
3 photojournalists posted top quality photos to *Indybay*, and those taken by "Dave Id," David Morse's
4 nom de plume, immediately caught my attention. Had Morse's work not been published to *Indybay*,
5 I probably never would have found it.

6 6. In the intervening year and a quarter, Morse has stayed on the Oscar Grant story, consistently
7 posting to *Indybay* reports, photographs and recordings of meetings of the groups formed to keep
8 Oscar Grant's death (and the social issues many feel it represents) in the public eye. He has also
9 covered for *Indybay* a large number of press conferences, court appearances, demonstrations and
10 other events related to Oscar Grant's death. Available to *Indybay* readers and for republication by
11 other media like ours, his coverage is top quality and packaged accessibly, with, for example, a
12 separate captioned photo and a recording of each speaker. The *Bay View* has republished at least
13 dozens of Morse's postings, and likely many more.

14 7. David Morse has compiled an extraordinary volume of his own work and, adding to it the
15 work of others on the topic, has created a special Oscar Grant section on *Indybay*, to which I have
16 referred other interested journalists around the country. To everyone concerned about police
17 misconduct, whether as a journalist, academic, legal or law enforcement professional, policy or law
18 maker, historian or student, this archive will be invaluable for decades to come.

19 I declare under penalty of perjury of the laws of the State of California that the foregoing is
20 true and correct and executed this 15th day of April, 2010 in San Francisco, California.

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22
23 By: Mary Ratcliff
24 Mary Ratcliff
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