

- 1 2. I have searched Co-op board minutes and the “Boycott Notebook,” kept at the
2 Eastside store, for the boycotts referenced by the Plaintiffs, including boycotts of
3 China, Norway, Celestial Seasonings, and Phillip Morris. My review included all
4 board minutes from 1988 through 2011 for references to boycott proposals.
- 5 3. Attached to my declaration, as Exhibits A through D, are copies of all of the
6 written boycott proposals kept in the Co-op’s “Boycott Notebook,” including all
7 those referenced by the Plaintiffs as examples of “nationally recognized boycotts,”
8 except the China boycott, which was missing from the Notebook, and any
9 documentation of a Phillip Morris boycott. Boycotts documented in the Notebook
10 are:
- 11 Norway
12 Colorado (including Celestial Seasonings teas and all other Colorado
13 products)
14 IAMS pet food
15 Nature Conserve
- 16 4. I found no evidence in these Co-op records of a boycott called against Phillip
17 Morris.
- 18 5. All of the boycott proposals identified above, as well as the boycott against
19 products from China, were approved by the Staff. The Board made no record of
20 any Board objections to any of these staff decisions. The records that I reviewed
21 showed no objections based on the origination of the call for boycott from abroad,
22 rather than from within the U.S.
- 23 6. All of the boycott proposals identified above, including the boycott against
 products from China, were approved on the basis of the call for boycott, including
 the identity of the group or groups calling for it, and the grounds for the call. In

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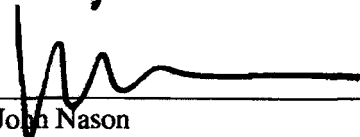
one instance, involving all Colorado products, the written report noted that three other co-op stores were honoring the boycott call, with varying degrees of compliance. In all other cases, the boycott proposals contained no information about whether any other businesses or other entities had honored the boycott.

7. The call for the boycott against IAMS came from a single international nonprofit organization, the International Society for Animal Rights. The boycott request was approved on September 1, 1993.

8. The call for the boycott against all products made in China came from a single organization, with an office in Seattle, the Tibetan Rights Campaign. There is no information in the proposal about whether this organization had offices or chapters anywhere else or whether it was a U.S. or other organization. The calls for boycott against Norway and Nature Conserve also came from a single organization in each case.

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

DATED this 15th day of December, 2011 at OLYMPIA, Washington.

By 
John Nason

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LIST OF EXHIBITS

<u>Exhibit</u>	<u>Description</u>
A	Proposal for boycott against products from Norway
B	Proposal for boycott against products from Colorado
C	Proposal for boycott against IAMS pet food
D	Proposal for boycott against Nature Conserve

EXHIBIT A

To: The Staff
From: Ami
Re: Norway Boycott(A Cod Piece?)
March 22, 1993

The History:(Excerpted from Linda's proposal of Dec. 1, '92)-In response to the decision to resume commercial whaling in Norway, Earth Island Institute is calling for a boycott of Norwegian products. The boycott will initially focus on Jarlsberg brand cheese, which is probably the most notable Norwegian export. It is expected that the boycott will include other Norwegian products as well.....The boycott would end if Norway were to agree to a moratorium on whaling.

The Current Status: According to Zach Lyons and Mark Berman(of Earth Island Institute), this boycott has indeed been expanded to include all Norwegian products; this has impact on Supplement-land because all the cod liver oil carried by our distributors is from Norway. We currently sell it in the form of a liquid, soft-gel caps , and(probably, though I won't know till press time), indirectly as the derivative source of one brand of soft-gel vitamin A. Norway seems to be the only producer of cod liver oil in the known universe.

The Recommendation:(or Whadda we want-BOYCOTT-when do we want it? NOW!) I recommend that we honor this boycott. Cod liver oil is naturally rich in vitamin A and Omega-3 polyunsaturates; we carry alternative sources of both(Beta-carotene and flax oil, respectively). Cod liver oil is also one of the few sources of naturally-occurring vitamin D; I can bring in a vegetarian A with D to fill the void. The prices of the alternative products are not significantly higher than the ones containing the C.L.O. I would post a sign explaining the boycott and giving contact information. I imagine another letter would need to be sent to Norway stating our further support of the boycott.

LEAVE THE WHALES AND THE COD IN PEACE, NOT IN PIECES

EXHIBIT B

TO: Staff
FROM: Grace
SUBJECT: Boycott Colorado, the quagmire

September 22, 1993

I'd like to start this report/proposal with a good old-fashioned rant. Every day I think, "Maybe today is the day that the boycott Colorado issue will become miraculously clear and I will be able to write a recommendation that I can stand behind." Every day comes and goes, I gather information or else I ignore the angst, every day this issue remains a huge cataract on the lens of the boycott policy. I'm pissed at the Boycott Colorado people for calling an unreasonable boycott with unrealistic goals. I'm pissed at the Colorado producers for being defensive and giving out false information. I'm pissed at the members who oppose us boycotting Colorado because I'm just pissed in general about how free people feel to express their homophobia. I get a bit of a giggle knowing how many hours I've been paid for doing the research to untangle this mess and envision some homophobe writing the check. But mostly I'm sad to tell you that I have more information but no more clarity. So, here goes my presentation of the information.

1. Amendment 2, the status. Despite media reports to the contrary, Amendment 2 is in fact still the law in Colorado. The Colorado Supreme Court upheld a lower court's injunction which prevents the law from being enforced pending a hearing on the original lawsuit (Rathke v. McFerland) in Colorado district court to determine the constitutionality of Amendment 2. The hearing is scheduled to begin Oct. 14 and expected to last two weeks. I verified this information by calling the Colorado Supreme Court and the district court as well.

2. What the companies said. I will attempt to summarize the responses from each of the companies to which we wrote.

Mountain High - This one's easy, they didn't have the decency to respond.

Mountain Ocean (Skin & Lip Trip) - No official policy on Amendment 2. Employment policy includes sexual orientation.

Bavarian Alpenol - My favorite response. We received a very nice handwritten letter from one of the partners. They are a two person company and both of them voted against Amendment 2. They don't believe in the boycott, but do believe in responsible citizens "like ourselves making our views known and encouraging friends and clients to do the same."

Natural Horizons (Horizon Organic Yogurt products) - They began their response with "Amendment 2 is not 'the law of the land' in Colorado: it was found to be unconstitutional by the courts, so the question would appear to be moot." Are they wrong or malicious? I don't know. Their company was new when the Amendment was on the ballot so they were not active in the campaign. They say they were "not in favor of it". They oppose the boycott with regard to small, natural and organic food companies.

White Wave - Here's where it gets interesting. Their letter wasn't that different from Celestial Seasonings except that they clearly oppose Amendment 2 (OK, that's a pretty big difference). They say, "In our personal lives, and as citizens of the State of Colorado, many of us are working towards the appeal of Amendment 2. As employees and representatives

White Wave, we work towards making the world a healthier place through our dedication to producing wholesome and natural foods." It's that last part that makes them seem a little wishy-washy. The other part that was weird was that they enclosed a packet of information from Boulder Chamber

of Commerce and Denver Metro Convention & Visitors Bureau that includes a pretty heavy diatribe against boycotts in general. The packet is very defensive of both Boulder and Denver and left me with a pretty negative feeling. 4 25

Celestial Seasonings/Earthwise - Saving the best for last. CS sent a copy of their anti-discrimination policy, which includes sexual orientation. Their letter, from Mo himself (remember Mo's 24?) doesn't even indicate how he voted on the issue, just excuses Colorado voters on the grounds that the wording was "excessively confusing". He also sent a statement on Amendment 2 and the boycott in which they basically defend not taking a stand. The statement recounts Mo's telling of the now infamous meeting between CS and New York Boycott Colorado, after which Mo claimed that NYBC attempted to extort \$100,000 from him. The closing sentence is "Our job is to make the world a better place by creating fun and interesting packaging and making the world's best tasting tea."

Full copies of all the responses are in the Boycott Colorado section of the Boycott Notebook. If you have the time and inclination, feel free to browse them at your leisure.

So, I also took it upon myself to contact other stores who are purportedly honoring the boycott. After many messages (I finally got a bit snotty on BCI's answering machine) I received a list of said stores. Three were listed, and I called them all to find out what they did.

Park Slope Co-op, Brooklyn NY - has pulled all Colorado products from shelves. Person to whom I spoke did not know exactly what Colorado products they had carried in the past.

Rainbow Grocery, San Francisco - Has tagged all Colorado products but not pulled any. They expressed the same quandaries that we have expressed particularly around the good record many of these companies have. As an interesting side note, they feel the same complexity exists in the grape boycott and as a result are carrying organic grapes from small growers, but even these grapes are displayed with large signs informing customers of the boycott. We had a nice, supportive discussion about how hard some of these things become. By the way, they're not a co-op, but they are still a collective.

Mariposa Food Co-op, Philadelphia - This is a 160 member, all volunteer co-op. They have discontinued CS and don't think they carry any other Colorado products. I asked about White Wave and Horizon. They don't carry Horizon and have occasionally ordered White Wave products, but will not in the future. Their boycott policy is that people bring boycotts to the attention of the store manager (she might be paid, I wasn't clear on that) who makes a unilateral decision which is then ratified at a general membership meeting, which are relatively frequent.

So, what does this mean?

I see several options.

Option 1. Ignore any more problems by leaving the signs up and taking no further action.

Option 2. Pull all Colorado products until the end of the boycott.

Option 3. Keep the status quo (see option 1) until the hearing is over (approximately one month) and reassess at that time.

Option 4. Pull all Colorado products until Amendment 2 is overturned but not continuing the boycott until Colorado has protective legislation in place.

Option 5. Pull CS, Mtn. High, Mtn. Ocean products and keep Horizon, White Wave, & Bavarian Alpenol until Amendment 2 is overturned. I pick this one. the end for now.

EXHIBIT C

TO: Staff
FROM: Corey
RE: IAMS Boycott

24 August 1993

BACKGROUND: ISAR (International Society for Animal Rights, Inc.) has called a boycott on all IAMS products due to the continued sponsorship of the Iditarod dogsled race by the IAMS Company. The reason that ISAR is calling for this boycott is due to the treatment of dogs specifically bred for this race. Many of them are culled (killed) if they do not meet the standards set by the breeders. Also, many are injured and even die during the running of the race. After talking to a representative of ISAR, I found out that the IAMS Co. does not sponsor any other dog races (to the best of their knowledge) and that this boycott will be lifted as soon as they discontinue sponsorship of this race. Just so you know, 'sponsorship' in this case equates to an unconditional \$300,000 gift.

PROPOSAL: I propose that we honor this boycott by pulling all IAMS products off of our shelves. Our mission statement clearly says that "we strive to make human effects on the earth and its inhabitants positive and renewing." The treatment of the dogs bred for this race appears to be neither positive nor renewing. Kitty has assured me that there are many other pet foods that we can carry and for those customers that prefer this brand there are other stores in Olympia that sell it.

If we all agree to this proposal, I will send letters to both the IAMS Company and Frolic, Inc. (our local distributor) notifying them of our decision and why. For our customers benefit, I will post a boycott notice somewhere on the shelves where we have been carrying these products.

EXHIBIT D

TO: Staff, East and West
FROM: Grace, Merchandising Coordinator
RE: Nature Conserve Boycott

June 6, 1994

THE ISSUE:

People for Ethical Treatment of Animals (PETA) has called a boycott on all Nature Conserve products. The reason for the boycott is that proceeds from sale of Nature Conserve benefit the Nature Conservancy. Nature Conservancy is an organization formed to purchase and preserve land in endangered ecosystems around the world. The problem is that in Hawaii Nature Conservancy is using inhumane means to remove non-indigenous animals from their land in order to preserve the endangered ecosystem.

The method they are using is called a wire neck trap. It ensnares the animal without killing it immediately. As the animals struggle to get free, the wire cuts into the animal's neck. The cuts bleed and flies and other bugs lay eggs in the cuts. Live animals have been found with their heads covered with maggots who were attracted by the blood from the neck wounds.

PETA has been negotiating with Nature Conservancy for some time, offering their resources to find a more humane method for removing these animals from this ecosystem. According to PETA, Nature Conservancy has refused to change methods (probably due to cost considerations).

THE PRODUCTS:

We currently carry three flavors of Nature Conserve frozen juice concentrate. The products are not particularly cheap, although they are one of the items on the NutraSource Every Day Low Price program. They are non-organic.

Nature Conserve is produced by Cascadian Farms, but PETA is not calling for a boycott of other Cascadian Farms products.

THE RECOMMENDATION:

I recommend that we discontinue ordering Nature Conserve juices until this issue is resolved. I also recommend that we tag the shelves while the products are in stock. In an independent decision made by the merchandising coordinator (who shall remain unnamed) and the frozen buyers we canceled a special on Nature Conserve frozen juice concentrate. In a unilateral decision by said merch. coord., I canceled a two pallet order of quart bottles of Nature Conserve which we were going to run on deal for June.

P.S. This proposal requires consensus of both staffs to be enacted at either store.



CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing document on:

Robert Sulkin
Avi J. Lipman
McNaul Ebel Nawrot & Helgren PLLC
600 University Street
Suite 2700
Seattle, WA 98101-3143

by **mailing** a copy thereof in a sealed, first-class postage prepaid envelope, addressed to said attorney's last-known address and deposited in the U.S. mail at Seattle, WA on the date set forth below;

by causing a copy thereof to be **hand-delivered** to said attorney's address as shown above on the date set forth below;

by sending a copy thereof via **overnight** courier in a sealed, prepaid envelope, addressed to said attorney's last-known address on the date set forth below;

by **faxing** a copy thereof to said attorney at his/her last-known facsimile number on the date set forth below; or

by **emailing** a copy thereof to said attorney at his/her last-known email address as set forth above.

DATED this 15 day of December, 2011.

DAVIS WRIGHT TREMAINE LLP

By Roni Grant
Roni Grant