

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

<b>STEVEN L. REED,</b>	)	
	)	
<b>Plaintiff</b>	)	
<b>v.</b>	)	
	)	<b>Case No. 05-3133-CV-S-SWH</b>
<b>CHOICE HOTELS INTERNATIONAL,</b>	)	
<b>INC. d/b/a CLARION HOTEL, et.al,</b>	)	
<b>Defendants</b>	)	

**REQUEST FOR COURT TO REQUEST, REQUIRE, AND/OR ORDER PARTIES  
TO GIVE DEPOSITIONS**

Comes Now Plaintiff Reed, asking the Court to request parties to respond to Deposition request as soon as they reasonably can. Plaintiff Reed reminds the Court that he was ordered by the Court to attend the Springfield Deposition. The City of Springfield Attorneys have mentioned that subpoenas should have been sent, but the City did not send one to Plaintiff Reed. Plaintiff Reed sent the same Deposition request as did the City of Springfield.

The following parties were contacted and said they need additional time to respond:

U. S. Senator Claire McCaskill

An e-mail and call from John G. Schultz

**Sent:** Monday, March 31, 2008 2:54 PM  
**Subject:** Jim Morris/Clarion hotel

Mr. Reed I am counsel for the above parties and I am not able to appear for a deposition on the dates you suggest. Please contact me to discuss  
John G. Schultz

Mohamed Salam, said his attorney Warren Stafford was supposed to contact Plaintiff Reed today. Plaintiff Reed heard nothing from the attorney.

Jim Kreider was contacted and his secretary said he was there and then said he was on his cell phone and she would ask him to call back.

FBI NAMES

Micheal Schilling Deposition

The following Deposition was completed today March 31, 2008.

Reed: Raise you right hand Do you solemnly swear to tell the truth so help you god?

Schilling: Yeah

Reed: Would you please state your name for the record?

Schilling: Mike Schilling

Reed: Would you please tell your address?

Schilling: 1027 South New Springfield

Reed: How long have you lived there? 20 Years

Schilling: 20 Years

Reed: Are you under any medications that could affect your testimony?

Schilling: No

Today's Date: March 31, 2008 Time 1:10 and this is being recorded.

Reed: The following are questions for this Deposition concerning an arrest of Steven Reed in 2003 at Jackson Days in Springfield, Missouri.

Reed: Mike is it true that you were so upset about Steven Reed being arrested and in handcuffs that you went in and kicked the trash can? You did not think it was fair he be arrested since he had attended Jackson Days for over 10 years?

Schilling No I didn't do that.

Reed: That was something that was heard, were you upset when you seen Steven Reed and Jeff Kenkel in handcuffs?

Schilling: Well I was curious, I mean I did not have any reason to be upset until I knew what was going on.

Reed: What time, when did you become, or how did you really learn what was going on? Did you ask someone or did you hear someone talking about it?

Schilling: Well I ask you guys, I think I talked to you and/or the other fellow that was being handcuffed outside the hotel. I was on the way in for this banquet I believe it was, and there right in front of the doorway the cops were there putting you in cuffs. I think I approached you and asked what the deal was. And then it became, I think it was a narrative about being um---from you or the other fellow about being kicked out and arrested for some political activity. That's the best I recollect. I thought this sounds a little strange, but I did not kick over any cans. Laugh

Reed: Do you---did you make any comments to anyone that may have influenced---when Steven Reed and Jeff Kenkel starting handing out the flyers at approximately 5:00 or 5:30 and then the police officers started rolling in which there ended up being 5 squad cars there, but the police officer Gale Ann Campbell said that we were hand cuffed as a precaution until other officers got there---she was the first one on the scene. You did not make any comments about---it ends up Reed and Kenkel after being detained until almost 9:00pm or 9:30 which pictures show it was daylight when it started and it was totally pitch dark when they were released---actually they were release after the police cars had been pulled up in police cars and told they were going on to jail. But they were released---but you never really made any comments to anyone that may have influenced the fact that they were released 2 or 3 hours later?

Schilling: Not that I recall---I might have expressed my displeasure and about the kind of heavy handed activity when I learned that there was no violence on the part of you guys. That you were doing political activity and I never heard any evidence that anyone was being assaulted and or otherwise harmed in a manner that would require this kind of response. But I don't know exactly this all came about---but it just looked to me like it was extraordinary kind of measures being taken and felt sort of indignant that a scene like that was being made.

Reed: In general do you feel the arrest of Steven Reed and Jeff Kenkel for simply handing out "Draft Claire" Claire Inspires People maybe was going just a little bit far?

Schilling: Well I didn't witness that myself---but just from my understanding of this is the usual thing that goes on in a political gathering where people campaign for one candidate or another---I did not see what the motivation was for you guys being treated in this manner. And I did not hear anything that would substantiate or give evidence for the reason for the nature of that kind of police action. So I felt there was injustice going on.

Reed: You have probably not seen and I did not get you a copy of the police report: but the police report says that 911 was called and officers in pursuit or on route radioed ahead

to officers covering the Jackson Day event and they notified them that there was a quote political rally going on.

Reed: The City argues Clarion Hotels is private property yet the paper has---in the past the paper has always---the News-Leader --- like this is the first year they did not do this ---but in the past the News-Leader had a policy if there was a chili cook-off, or track race event or public event they put up a box that said if you want to go call for more information --- the hours of the event --- and the paper had always billed it as a public event. And in the 85 years they are advertising it this year in 85 years it has always been considered a public event --- I mean we had Harry Truman attend, the Kennedy's have attended, in general do you see Jackson Days especially when they use to put the box and they invited the general public on Friday night --- do you see Jackson Days as being a Public Event?

Schilling: In my opinion it is.

Reed: The police report said that officers radioed ahead Democrat Event being held and so Reed and Kenkel were handcuffed for three to four hours and they said in the police report --- which is one of the reasons Plaintiff Reed has never dropped the case is --- is because that the police report which the city says that shouldn't be allowed in Court --- that is another issue --- the main issue we are talking about here is that the police report says Reed and Kenkel were ticketed and then lead off the property --- which in fact what really happened --- we have pictures when we were finally released and the officers did not want to be in the picture when we were released because they did not want anything to do with it --- when Reed and Kenkel were released. The whole line of this questioning is that after 3 to 4 hours --- do you see a difference between simply being ticketed and lead off the property and being detained in cars and being told by officers you are going to jail and that you will have to make your one phone call when you get there about your job --- that there is quite a bit of difference between those --- between simply being ticketed and lead off the property and being in handcuffs for 3 to 4 hours and being pulled up in squad cars waiting to go to jail? Would you consider that an arrest like was in the next mornings Sunday News-Paper?

Schilling: Well I don't know technically what it was --- but you were detained without a charge right? It sounds like to me.

Reed: Yeah

Schilling: Plus you were handed a piece of paper saying you were arrested for some reason or verbally told. It looked like an unlawful detention. That's the way I would describe it.

Reed: Well at one point we were told, Plaintiff Reed was told at one point he got a little nervous, even though, he really had the idea that Mohamad Salam had told him earlier in the day that the people running the event --- after Reed had talked to a News-Leader

reporter James Goodwin --- right after that Reed was told forcefully by Mohamad that the people holding the event did not want Reed there because he was part of the opposition and that was when Reed proceeded to leave and went and told his buddy Jeff --- actually Reed thought about going home to rest before his night factory job --- but they went back to the hotel --- the main point is that after the third or fourth squad car showed up Reed was getting nervous and thought about calling this off --- getting nervous about the whole scenario standing there with hand cuffs on and emotionally overcome like probably anyone would --- Reed told officer Gale Ann Campbell that if they would release us we would leave right away. At that point almost instantaneously the door opened and Steve Stepp walked out and Mohamad had Steven Stepp sign a paper and the officer said no it is to late now you are going to jail. We were on route, but we do not know why, but someone made the call to “call off the dogs” and let us go our merry way.

Reed: Plaintiff Reed which you may be familiar with or of heard of some of the cases in the past. Does it look like Reed may have could have been a target in the last several years --- it has become a little more popular to be an activist these days --- depending who you talk to---some of Larry Rice’s people and other people have made the comments that it does not seem to be real favorable to have activism down here. But, laying that aside Reed was arrested on election day back in 1996 for simply handing out minimum wage materials by the City and the Judge at the time laughed and said she actually supported the minimum wage drive and she through it out of court, but the city went ahead and put Reed on a year probation, over that case, the SMS case when Joe Lieberman was coming to town he was arrested for simply setting up a table in the public area which was where he was told he could set up the table and then this most recent case. Does it look like there could be some kind of --- making Reed a target to try and decrease his political activities in your mind?

Schilling: Well it certainly looks like there is a pattern in that.

Reed: The next question is presently Reed is --- one point to make is Plaintiff Reed for whatever it is worth is that Plaintiff Reed is trying to scale back his activities and may actually quote unquote scale back his activities and may actually quote unquote ride into the sunset very soon due to the fact that he is trying to limit his activities --- but that is probably all besides the point --- presently there is a write in case that is in the Appeals Court in southwest Missouri --- which an Appeal is going to be filed hopefully shortly and it has to do with the write in case where he was denied and others are not allowed to run as write ins for Mayor or any city office which also sort of spills over on the fact that school board members which even the case right now that since no one --- only the amount of people required for school board filed --- now if there would have been one less person file then you would have likely had what you had in Christian County down in Billings last year the Clerk in Christian County had to go out and let people know that write ins were allowed because if no one wrote in there would not even be a board in Billings. So the point is that write ins are necessary and the City of Springfield is the only one in the state not allowing write in candidates. Also Plaintiff Reed has an issue that he is probably going to resolve here shortly with the City and that has to do with

parking at this residence which he has fixed this house all up and the neighbors talk about how nice it is. Mainly it has to do with parking in a drive where a garage was built out. A state trooper lived at the residence for 20 some years and parked his state patrol car there. But he said he was tired of the fact that the school parks all their cars --- allows the parents to park all around the property on the sidewalk curb area and when school lets out all the kids are coming through, people flying through, you couldn't get an ambulance or fire truck through if you had to. Plaintiff Reed presently has the prosecutor notifying him the other day that if the case doesn't go good he could face six months in jail and a thousand dollar fine. I guess this line of questioning would be um if you had a case going on in federal court from 2003 up to 2008 and it was filed in federal court concerning the McCaskill Draft Claire she inspire people flyers being handed out. It started in 2005 April 1 by coincidence and that case is still going on, you have a case where your involved with the city over a writ in which spent a lot of time filing motions, the McCaskill case has over 100 motions now filed with the city and then you have another case where Reed is involved in this parking situation trying to solve that his access to parking is limited some in the morning and especially afternoons. Do you think that would cause an average person to be a little emotionally overcome to have three cases going and literally have three different attorneys at city hall working on, at least one attorney is handling the writ and the federal case. Would that seem cause a normal person to maybe be a little emotionally overcome?

Schilling: I don't know. I don't think so. Now who is the normal person you are referring to? Yourself or the lawyers?

Reed: Well it would be for myself.

Schilling: Ok, well uh I don't think I could live with that kind of pressure personally. I'd be overcome if I had that much legal shit going on.

Reed: Well no doubt Reed has thought about dropping them all. There are times where he wants to drop them all, but then.

Schilling: There is a time to know when to hold them and when to fold them as the old saying goes.

Reed: Yeah that true the only problem is you don't know because it is not only the principle, its beyond principle which I guess....

Schilling: Well yeah. But that is all philosophical.

Reed: A couple more, it is a public event because who owns the democratic party? The city argues that they were only enforcing a trespassing charge and they do along and ask if Reed has ever been an elected member. And as Reed points out he has also campaigned for people like many candidates for office on the democratic side, put up yard signs and extensive campaigning.

Schilling: Right, right....

Reed: So no he's never been officially elected to the Democratic Central Committee.

Schilling: Uh hun.

Reed: Where the police trained on how to handle free speech would be another question? I think we will come back to that because I have an old police report.

Schilling: I have no personal knowledge of their training.

Reed: Did you hear about the SLAPP law when you were still in the legislature?

Schilling: No I don't know what that is.

Reed: On Friday evening Reed handed out flyers, Reed spoke with a man who was getting names to help Governor Holden, most of the people who took the Draft Claire Flyers seemed to laugh and took the flyers quickly. Reed later checked and there was almost no signatures, the gentleman getting signatures, he had sort of laughed himself when he realized what Reed was up to...the clipboard was pretty well empty. Whether or not that influenced Friday night having a lot of flyers floating around about draft Claire. Reed handing out flyers for people attending the banquet and even opening doors for people and Bob Holden and staff walked by and Governor said hi Steven...30 to 40 minutes later the police came and uh...I don't know if you can answer this question, apparently you were not in the loop I guess, the question was do you think that a meeting of the minds between Stepp, the police, Holden, and security to quote get Reed and his draft flyers out of there happened?

Schilling: I have no knowledge of that.

Reed: Yeah I think from what you said earlier you weren't really in the loop of what exactly the decision making process was...whom actually...I guess using legal terms pulled the trigger...or something along those lines---laugh I am surprise they didn't.

Reed: One of the questions I did want to get from you being a four term state representative right?

Schilling: Right.

Reed: Do you believe that participating in governmental functioning and influencing such with freedom of speech mainly being involved and of course deciding who candidates are and deciding where your taxpayer money is going to go and helping decide what is important to people in a community whether it be in a local community, state, or federal. Do you believe Did the founding fathers include the concept of participation (which would be freedom of speech), in the Constitution which the

Constitution is really a contract with the people and it is still the contract that we live under? Would you agree with something along that line...a statement like that?

Schilling: Yes.

Reed: Is restricting...we were depending on how people look at it...we were actually petitioning for a new governor. We were petitioning for a new governor. And how does that differ from the situation that we face in China today where we have a group of monks that are protesting...I mean if we start down the slippery slope...that's the main reason this case has never been resolved and some people may believe or not believe that it is reasonable to think that 5 or 10 years from now if there is some college student, a middle aged person, likely would not happen to an elderly person, but if they are standing down at Jackson Days and say we like so and so we are going to go down there and hand out some flyers---we want them to run for office.

Schilling: Un huh.

Reed: Again its back to the principle do you think that this case if... and again that some people say lawsuits just cost people money... but for people not to do an activity again would you agree there has to be a criminal penalty or there has to be a financial penalty and I guess the question would be that and secondly do you believe we need to resolve this case to make sure...it is reasonable to say we must resolve this case to make sure it does not happen again to someone in the future, because if the police are called five to ten years to an incident like that, they're going to call in and their supervisor is going to say wait a minute we do have a situation there that we need to be sort of careful because of something that happened ten years ago, long before you ever got on the force. Do you agree with the line of thinking, or do you agree with the general concept or not a concept, a statement I guess, that we need to make sure this kind of thing does not happen again in the future?

Schilling: Right. I agree.

Reed: And then I think that I'm going to try to just – when I had some questions for the police officer – she's actually left the force about a year ago, but anyway, some of those questions are just generic questions and I'm going to just look at it real quick and see if there's anything there.... Well we had questions and I guess we'll probably maybe skip over this because you probably couldn't really answer. You know, we had questions like again We're the police properly trained? We're there any witnesses questioned and things that you can't answer of course, whether or not they came with the intent of arresting us without really questioning and observing the situation to see what was really going on. And that comes to you've got to have probable cause, and

Schilling: Oh Okay I just, never mind.

Reed: What's that Mike.

Schilling: Well it is just discussion and that is not appropriate to a deposition.

Reed: The only other question I had was concerning this Slapp law which was passed in Missouri. A Slapp lawsuit is filed solely for the delay and distraction and to punish activists by imposing litigation for exercising their constitutional rights to speak and to petition government. The primary purpose of a Slapp lawsuit is not to resolve the allegation and the petition, but to punish or retaliate against citizens that have spoken out against the plaintiffs in the political arena and to intimidate those who otherwise speak in the future.

Schilling: Uh huh.

Reed: And so what they have done, the Slapp lawsuits are often intended to make the victim an example and a carrier who spreads the virus of fear throughout the community. You're really not familiar with those. The Slapp lawsuit was filed to try to cut down and make and force these lawsuits to actually be paid by the other party and try to stop suits that are filed. 22 states have adopted anti-Slapp legislation to further protect citizens in exercising their rights of free speech. These laws, have you heard anything about them?

Schilling: No, I don't. What does it do exactly?

Reed: It said that Slapp lawsuits have been sued for engaging in a wide variety of protected speech. I have the exact Missouri revised: any actions seeking money damages against a person for conduct, speech or undertaken or made in connection with a public hearing or a public meeting in a quasi judicial proceeding before a tribunal or decision making body and state or any political subdivision of state is subject to a special motion to dismiss motion for judgment on pleadings or motion for summary that shall be considered by the court on a priority or expedited basis to ensure the early consideration of the issues raised by the motion and to prevent the unnecessary expense of litigation. It was passed effective August 28, 2004, Missouri revised statute 537 torts and actions for damages. So what they were trying to do is say that if there is a lawsuit filed to go ahead and have a judge in the case move it along as quickly as possible and get it resolved, so that they are not tied up in a legal maze and um...

Schilling: Okay.

Reed: Mainly I just wanted to ask if you were familiar with that law?

Schilling: No, I am not.

Reed: That would have been around the time that you were getting out of the legislature.

Schilling: Yeah, I don't remember hearing such a thing.

Reed: There is a police report which I would have to actually show you an interoffice memo from a Gordon Loveland, Police Chief, back when Gordon Loveland was Police Chief here in Springfield, it has to do with picketing, but it also points out – do not arrest the picketer for merely handing out leaflets. That activity without more cannot be classified as harassing or offending customers. The memorandum from Gordon Chief, the Chief of police...If the situation is not clear and an arrest is made when the picketer is exercising his rights of free speech then we are exposing the city and the officer to lawsuits charging in violations of basic constitutional freedoms.

Schilling: Right. Um hum. In other words, who is being hurt here? Was the public welfare or safety in danger in any way? That's sort of a test you can think on this kind of stuff. It's discretionary, I suppose, of a so called private entrepreneur this being the hotel enterprise, if they or somebody associated with an event there did not like somebody and what they were doing. This is what it says to me, they have the discretion to file a charge of trespassing. Essentially what it sounds to me like was being done was a sort of arbitrary and capricious invocation of trespassing because somebody didn't like the political activity that was going on but yet was not endangering the public safety or welfare. That's what it boils down to.

Reed: Yeah, it comes along with the same line of thinking, say two weeks from now when Jackson Days if you showed up at Jackson Days, people running it say well there is Mike Schilling and we're glad he was a 4-term state representative but he's not been contributing much money lately to the party and he has not been doing much for us and

Schilling: He's in here campaigning for somebody that's off the rail. Let's get his ass out of here. You know. That's basically what was going on that night when you and Kenkel got into trouble. I don't care what court hears this. It sounds like it's the truth and they have a lot of trouble with the truth around here sometimes. My editorial comment for the day.

Reed: I don't know if you would agree with the comment or not agree with it. If Adolph Hitler's brother were to show up alive and I don't know how old he would be, but if he showed up at some public event and wanted to campaign people would not be happy and he might probably likely get killed. The whole issue, which that is probably the most extreme example you would have, is the way you approach that is you make sure that you campaign against people that are considered whatever on the fringe, that you try and stop people from running for office is just a slippery slope, but once you start down it

Shilling: That's right.

Reed: then the people in power can the limit the people the amount of people that are involved in the process. Where does it end? And who makes the decision where it ends?

Schilling: There are a lot of nervous and insecure people in this world today. A little dissent scares the shit out of them.

Reed: This is the end of that interoffice memorandum...it says it takes some of the pressure off of that officer in the field and reduces the risk of error for the city. Here are some suggested procedures: If the officer observes a clear cut violation he can exercise his normal discretion and take several actions including: arrest, towing etc. Following is a list of examples fairly clear cut: harassing or annoying, threatening, cursing, abusing, mocking or intentionally jostling any patron of commercial establishment.

Schilling: Uh, huh.

Reed: It says since this ordinance contains a list of ordinances to help officers control picketing problems. Again this memo was actually about union picketing, but you're well aware of and involved with the unions, there's not that much difference between somebody handing out flyers and...This says do not arrest picketer for merely handing out leaflets, that activity without more cannot be classified as harassing or offending customers. Do not arrest for refusal to leave a commercial establishment unless the picketer has violated other parts of it. Do not arrest picketers for so called loitering.

I guess the last question that I have which I think you have already answered is the city claims which there are cases which have already been argued on, Plaintiff Reed in this case and that is that the hotel, actually one case was rather interesting where an oil company owned a third of a town and they were not allowing public dissent of any fashion and actually arrested someone and it was brought up to the city during the deposition and that would be that if the city of Springfield was owned third by SMS and a third by Burlington Northern and a third by Bass Pro and they decided that really they are not going to allow any type of people handing out literature, no standing on the corner with street signs, no distribution of literature door to door...frankly they're tired of all the political activity and there's going to be no yard signs. Mainly the courts have ruled that you cannot block commerce and the specific question would be generally as a rule most people that have really looked into it will agree that the courts have said you cannot interfere with commerce at a motel they cannot stop people from daily normal commerce activity.

Schilling: Right.

In this case, it was a public event and has been pointed out that Reed was actually opening the doors for people as they went into the banquet, before he was handcuffed, that there is a lot of difference between interfering with commerce if you were standing out there threatening people with a bat or a gun, whatever the situation would be. It really don't seem that this case rose to the occasion of being an interference with commerce?

Schilling: I didn't see any evidence of that or hear of any evidence of that. Unless annoying somebody is a crime then I don't see that a crime has been committed. It's like the police chief said, you know handing out leaflets might be annoying to the target of the solicitation but that doesn't mean it's a crime. Because you can just say no, right?

Reed: Yeah. This is the end of your deposition.

Respectfully submitted,

Steven L. Reed

Certificate of Service---I certify that on \_\_\_\_\_ a true copy of the above was mailed, postage pre paid or electronically to the last known mailing address of each party to this lawsuit.

Respectfully submitted,

Steven L. Reed \_\_\_\_\_

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