

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO, EASTERN DIVISION

King Lincoln Brownsville
Neighborhood Association, *et al.*

Case No. 2:06-CV-00745

Plaintiffs,

v.

Judge Marbley
Magistrate Judge Kemp

Ohio Secretary of State Jennifer Brunner, et al.

Defendants.

**PLAINTIFFS' SUPPLEMENTAL MEMORANDUM, ATTACHMENTS,
AND EXHIBITS INSTANTER, TO THEIR MEMORANDUM CONTRA
OHIO CHAMBER OF COMMERCE AND PARTNERSHIP FOR OHIO'S FUTURE
MOTION TO QUASH SUBPOENAS**

At the invitation of Magistrate Judge Kemp to the parties at a telephone conference on November 2, 2010, this supplements plaintiffs' memorandum contra filed on November 2, 2010.

Relevance of the subpoenas to the King Lincoln case

In both their original and amended complaint the plaintiffs sought declaratory and injunctive relief on the basis of an alleged ongoing conspiracy against their voting rights. Indeed, Judge Marbley informally intervened on election day November 2006 to assure that the Secretary of State's office corrected the widespread illegal practice of compelling voters to vote provisionally if the address on their drivers' licenses was different from their address listed on their voter registrations. The primary relief sought was prospective.

In the 2010 election cycle one of the primary methods of election fraud was the swamping of

the airwaves with advertising in support of Republican candidates or against Democratic Party candidates by the Chamber of Commerce directly and/or through various front groups. This spending was illegal because it had been requested by, and coordinated with, Karl Rove acting in the defacto capacity as head of the national coordinated Republican campaign for 2010.

Mr. Rove has been accused of many things. Being a political independent has never been one of them.

Basis for the Karl Rove deposition and Chamber of Commerce subpoenas upon the November 2008 deposition of Michael Connell

On July 17, 2008, plaintiffs' trial attorney filed a motion to lift the stay of the King Lincoln case for the purpose of conducting limited discovery to facilitate the possible settlement and progress of the case, issued document hold notices to the U.S. Chamber of Commerce in connection with a prospective racketeering claim under the Ohio Corrupt Practices Act and document hold notices to the Attorney General of the United States in regard to White House e-mails of Karl Rove in connection with the same prospective claim. Stephen Spoonamore, a prominent Republican cyber security expert participated by telephone in the news conference at which these actions were described and discussed. Plaintiffs' trial attorney described Karl Rove as the principal perpetrator in a racketeering conspiracy under the Ohio Corrupt Practices Act, and described Michael Connell as the key witness to the full scope of activity within this criminal conspiracy, inasmuch as he could link the election activities of Karl Rove and the front group activities of the Chamber of Commerce.

Within days of this news conference and these actions, an anonymous caller to an advertised reward telephone line for information leading to the successful prosecution of persons engaged in election fraud, reported that Karl Rove through an intermediary with the first name, Jeff, had conveyed a threat against Michael Connell's wife if Michael Connell did not "take the fall" for the theft of the 2004 election in Ohio. Stephen Spoonamore conducted his own inquiries in regard to this information and advised plaintiffs' counsel that he believed the threat was credible. On the basis of that professional opinion plaintiffs' counsel informed authorities of this reported threat. Later, in subsequent calls by the same anonymous informant to the reward telephone tip line, the informant stated that Mike Connell was in danger from Karl Rove.

Plaintiffs' trial counsel obtained the agreement of the Secretary of State to lift the stay for the purpose of allowing the plaintiffs to take the deposition of Michael Connell and other depositions by agreement based upon the deposition of Mike Connell. Plaintiffs' counsel issued subpoenas for the deposition of Mike Connell, obtained service with the cooperation of Mike Connell, and took the deposition of Mike Connell pursuant to an order of the U.S. District Court in Cleveland on November 3rd, the day before the 2008 election.

There were two vital conclusions plaintiffs' counsel drew from the deposition of Mike Connell:

1) that when asked appropriate follow-up questions, Mike Connell would provide truthful answers and 2) that Michael Connell was a first rate professional who would not take responsibility for criminal conduct in which he had not engaged. Plaintiff's trial counsel arrived at those conclusions based upon the cross examination of Mike Connell concerning the only two

deposition exhibits – the architecture maps for the 2004 and 2006 Ohio elections. These maps, attached hereto as Ex. 9 and Ex. 10, connected the dots between Ohio’s elections and Karl Rove’s political, governmental, and business operations through Smartech of Chattanooga, Tennessee. Connell admitted that Smartech had probably become involved with the counting of Ohio’s votes under Connell’s contract with Secretary of State J. Kenneth Blackwell. Mike Connell was the preeminent expert in the world in the design of the faces and interfaces of this network of Rove’s connections.

When plaintiffs’ trial attorney received a telephone call during the early evening of Friday, December 19, 2008 advising him that Michael Connell had been killed in an airplane crash upon his return trip to his home Akron-Canton Airport from a trip to Washington, D.C., Plaintiffs’ trial attorney believed that he had been assassinated because of the danger he represented to Karl Rove as a witness in the plaintiffs’ case.

The following attachments and exhibits document plaintiffs’ search for the truth concerning the conspiracy of Karl Rove, Tom Donohue and their accomplices to interfere with the plaintiffs’ voting rights under the constitutions and laws of the United States and Ohio:

Attachment 1: Arnebeck v. Partnership for Ohio’s Future with the Ohio Elections Commission (OEC) Complaint Exhibits A-H.

Ex. A is a screen-shot of the Partnership for Ohio’s Future television advertisement for Republican Supreme Court candidates O’Connor and Lanzinger. is indicative of the fraudulent coordination of chamber’s ads with candidate campaign.

Ex. B is the report to the Ohio Secretary of State's office of expenditures made by Partnership for Ohio's Future on behalf of the Republican O'Connor and Lanzinger campaigns for the Ohio Supreme Court.

Ex. C is the September 11, 2001 Wall Street Journal article by Jim VandeHei regarding the Chamber's "Targeting 'Unfriendly' Judges" in the 2000 candidate campaigns. Of particular note is the report that "Wal-Mart Stores Inc., Daimler Chrysler AG, Home Depot Inc. and the American Council of Life Insurers all kicked in \$1 million each for one of the chamber's special projects: a TV and direct mail advertising campaign aimed at helping elect business-friendly judges."

Home Depot and Wal-Mart Corporation profit substantially from the sale of their products manufactured in China and are in that respect foreign-influenced corporations. Daimler Chrysler Aerospace AG is the principal shareholder of EADS, the European Aeronautic Defense and Space Company which is currently competing with Boeing Corp. for an air tanker contract with the Air Force worth between \$35-100 billion. EADS has committed to building the assembly plant for the air tanker planes in Mobile, Alabama at which plant they, like their German steel-making Alabama neighbor ThyssenKrupp AG, would use nonunion labor. United Aircraft Corporation created by Russian President Vladimir Putin in 2006 acquired a 5% share of EADS in 2007, according to Wikipedia.

Ex. D is an NPR report on "A Web of GOP Influence" shows fraudulent coordination of chamber's ads with candidate campaigns.

Ex. E is a New York Times report on “Pro-G.O.P. Groups Plan Final Push” shows fraudulent coordination of chamber’s ads with candidate campaigns.

Ex. F is another NYT report published by the Cleveland Plain Dealer shows fraudulent coordination of chamber’s ads with candidate campaigns, and includes at page 2 a report of major contributions from “Goldman Sachs, Chevron and Aegon, a multinational insurance company based in the Netherlands.” At page 4 the article describes the 2003 published tax returns of the United States Chamber of Commerce Institute for Legal Reform and indicate that the Starr Foundation made a \$17 million contribution to the Institute for Legal Reform and that Maurice “Hank” Greenberg, the CEO of AIG and the Starr Foundation took a position on the board of the Institute for Legal Reform of the United States Chamber of Commerce.

Ex. G is a Free Press article by Bob Fittrakis shows grounding of the Rove deposition subpoena and the Chamber document subpoenas upon the deposition of Mike Connell.

Ex. H is plaintiffs’ trial attorney’s copy of the September 2009 “Mark Felt” letter to the Cleveland FBI reporting on the assassination of Michael Connell as a national security threat.

Attachment 2 is the OEC November 1, 2010, hearing transcript of the Arnebeck v. Partnership for Ohio’s Future complaint

Attachment 3 consists of the five complainant's exhibits offered to the OEC probable cause panel at the November 1, 2010 hearing:

Ex. 1 shows fraudulent coordination of chamber's ads with candidate campaigns, with the Partnership for Ohio's Future spending approximately the same amount on the campaigns of the Republican candidates as the Republican candidates and 1.5 times the amount of the Democratic candidates.

Ex. 2 shows fraudulent coordination of chamber's ads with candidate campaigns with the effect on the Ohio Supreme Court candidates' polling numbers proportionate with the level of campaign spending. The pre-election written poll conducted under the auspices of the Columbus Dispatch showing the probable result within the margin of error of 2.3 points in the Ohio Supreme Court election.

Ex. 3 shows the personal service of the plaintiffs' deposition subpoena upon Karl Rove.

Ex. 4 shows the coordination between the Chamber of Commerce and the convicted Federal RICO defendant Phillip Morris Management Corp. Tom Donohue offered to the tobacco industry the use of the Chamber of Commerce of the U.S. as the vehicle for continued and expanded tobacco company influence and control in the political process.

Ex. 5, paragraph 1) shows the coordination fraudulent coordination of the Republican Party with the Ohio Chamber of Commerce in regard to the Ohio Supreme Court elections. This internal tobacco industry memo of 2000 documents Governor Bob Taft directing fund-raising calls by Speaker-elect Larry Householder to the Citizens for a Strong Ohio, the front group for the Ohio Chamber to gain Republican control over the Ohio Supreme Court.

The additional exhibits being filed with this supplemental memo, to document the relevance of the plaintiff's subpoenas to the King Lincoln case and/or their grounding upon the deposition of Michael Connell, are as follows:

1. The Chamber's Citizens for a Strong Ohio disclosure, pursuant to court order and sanction of \$25,000/day, of contributions in 2005. The list of contributors to Citizens for a Strong Ohio, the front group for the Ohio Chamber of Commerce in the 2000 election cycle was produced by Citizens for a Strong Ohio after five years of litigation before the OEC, and through two cycles in both the state and federal courts of the state of Ohio.
2. The Chamber's Partnership for Ohio's Future disclosure of contributions in 2010. The list of contributors to Partnership for Ohio's Future provided by Partnership for Ohio's Future by e-mail in the afternoon of November 2 on recommendation of counsel for the Ohio Chamber in the context of the conference with Magistrate Judge Kemp on that day. The absence of data as to the amount of contributions begs the question whether the substantial majority of the funding is still concealed by the contributions through the Ohio Chamber and the U.S. Chamber as conduits or launderers for contributions from foreign manufacturing and non-union Southern manufacturing sources like EADS, DaimlerChrysler AG, and tainted financial institutions like AIG, Hank Greenberg's new version of AIG and other institutions which are adverse to government oversight and regulation of their corrupt but profitable predatory activities.
3. Arnebeck April 30, 2010 letter to Brad Smith explaining the basis for the continuation of plaintiffs' trial counsel's document hold notice in this matter.
4. Transcript of Karl Rove interview with Bob Schieffer on Face the Nation after receipt of the King Lincoln deposition subpoena (Attachment 3, Ex. 3). In his interview with CBS's Bob

Schieffer Karl Rove is described by Shieffer, without contradiction from Rove, as “now a key fundraiser,” “as one of the key players and fundraisers in this election.” Page 1.

5. “Tobaccoup Road,” an article by Delta.doc describing the Republican takeover of Congressional power in 1994 as a function of dominant tobacco industry spending on their behalf. This is a compendium of public official statements and internal tobacco industry documents from the library created out of the state and federal RICO litigation against the tobacco industry (<http://legacy.library.ucsf.edu>).

6. List of 2000 clients of Mike Connell related to Chamber’s ILR Coalition for Legal Reform. This listing is derived from the Legacy Tobacco archive, and the listing of the Connell astroturf clients or web hosting clients, has been provided to trial counsel by the author of the published article Tobaccoup Road, the author of which is personally known by plaintiffs’ trial counsel, and known by plaintiffs’ trial counsel to be a highly reliable researcher with a PhD in a scientific field.

7. An analysis of the “Mark Felt” letter to the Cleveland Office of the FBI Attachment 1, Ex. H hereto, by intelligence reporter Wayne Madsen supporting the view that Michael Connell had been assassinated as a purported national security threat.

8. Private Investigative Report of the Fatal Crash of Michael Connell’s airplane revealing, at page 2, the presence of Ohio Civil Air Patrol personnel in military uniforms climbing through the wreckage, “tasked by HQ in Huntsville, Alabama,” and at pages 5-7 a “lockdown” on information about the flight that denied first responders timely information about the number of persons on the flight. Kyle Hence, an investigator for Raw Story visited the crash site, interviewed police, fire, airport, and other persons familiar with the crash and prepared a report

of his observations.

9. The cyber architecture map of the Ohio Secretary of State J. Kenneth Blackwell's office in the 2004 general election. This and the comparable map for 2006 were the only exhibits in the plaintiffs' deposition of Michael Connell on November 3, 2008. These exhibits show the connection between and among the GovTech computers of Michael Connell in the Secretary of State's office with the Smartech servers in Chattanooga, Tennessee which is interconnected with the entire Republican and Chamber of Commerce front groups, as well and as Karl Rove's computer in the White House via the fiber-optic national defense communications system.

10. The comparable architecture map for the 2006 general election.

11. Excerpt from an Email from Delta.doc to Plaintiffs' trial counsel on November 11, 2010 reporting the apparent registration on October 27, 2010 of domain names for "obamasnext" by SmartechCorp.

Respectfully submitted,

/s/ Clifford O. Arnebeck, Jr.

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CERTIFICATE OF SERVICE

A copy of the foregoing was served upon counsel for the parties and respondents through the court's electronic filing system, this 13th day of November 2010.

/s/ Clifford O. Arnebeck, Jr.

Clifford O. Arnebeck Jr. (0033391)