

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MI FAMILIA VOTA EDUCATION FUND;
SARA SCHWARTZ; and MARLA LOPEZ,

Plaintiffs,

-against-

DONALD J. TRUMP, in his individual and
official capacity as President of the United States;
WILLIAM P. BARR, in his official capacity as
Attorney General; and CHAD F. WOLF, in his
official capacity as Acting Secretary of Homeland
Security,

Defendants.

No. 1-20-cv-03030

**DECLARATION OF
SARA SCHWARTZ**

SARA SCHWARTZ declares under penalties of perjury, pursuant to 28 U.S.C.

§ 1746, as follows:

1. I am a citizen of the United States and a resident of Philadelphia, Pennsylvania. I am registered to vote in Philadelphia.
2. I have voted in every general election that has been held since I reached the age of 18, beginning with the 2000 general election. I have cast my vote both in-person and by mail and have been comfortable doing so prior to 2020.
3. I am now afraid to cast my vote in-person and by mail in the upcoming election for the following reasons.

President Trump's Encouragement of Violence by Local and National Law Enforcement

4. On or around May 25, 2020, I learned via national news that a Minneapolis police officer had killed George Floyd. Shortly thereafter, I learned that organizers

planned to stage protests in Philadelphia against Mr. Floyd's death and against police violence.

5. I joined the protests against police violence on May 30 and 31, 2020. The protests often took on an anti-Trump tone and character. Specifically, signage and statements made by protesters and rally speakers criticized Trump. Signs at the protests I attended included, "Trump is a racist" and "Dump Trump."

6. On May 31, 2020, President Trump tweeted, "Law & Order in Philadelphia, NOW! They are looting stores. Call in our great National Guard like they FINALLY did (thank you President Trump) last night in Minneapolis. Is this what voters want with Sleepy Joe? All Dems!"

7. Trump's tweet made me worried that he was going to impose martial law in Philadelphia against protesters, including myself, and order federal law enforcement to use violence against protesters peacefully exercising their constitutional rights.

8. The next day, June 1, 2020, law enforcement in Philadelphia used tear gas on protesters, including some of my friends and fellow organizers. I learned later that the law enforcement officials were members of the Philadelphia Police Department.

9. The actions of the Philadelphia Police Department, in conjunction with Trump's tweet, made me afraid that the police officers were acting in support of Trump.

10. On September 28, 2020, Trump retweeted a tweet by the National Fraternal Order of Police (FOP) of a video of Trump stating, "I'm proud to have received the first ever unanimous endorsement from the largest police union in the world—the Fraternal Order of Police." The tweet further stated, "We want #FourMoreYears of America's Law and Order President! #FOP4Trump[.]"

11. Trump's retweet of the FOP endorsement made me understand that police

officers were ready and willing to act in support of Trump, and that Trump intended to leverage local law enforcement to pursue his political aims and intimidate dissidents. It also made me afraid that police officers were being given license from Trump to continue to violate the rights of Philadelphia residents and American citizens to organize, protest, and vote without fear or intimidation.

12. I have attended between eight and ten protests in Philadelphia and have observed a concentrated voter registration effort at more recent protests. Some protests had signs guiding participants to people who would help them register to vote; some had people handing out voter registration forms; and others disseminated information about early voting locations where people can register to vote.

13. I learned from news reports that law enforcement attacked some of these protests, which reinforced my fear of law enforcement attacking anti-Trump activism.

President Trump Incites Vigilante Groups Against Philadelphians

14. At the same time as the protests, local vigilantes—including people who I understood to be white supremacists—began gathering and patrolling my neighborhood with the intent of stopping protests and “protecting the neighborhood.” They walked in public carrying guns, baseball bats, and golf clubs.

15. Despite these vigilantes’ threatening presence and multiple recorded instances of violent confrontations with protesters, the Philadelphia Police Department did not act against them. Around the same time, at least one Philadelphia police officer was identified on social media as an open white supremacist.

16. On August 31, 2020, I read in the news that President Trump had spoken in defense of Kyle Rittenhouse, a white teenager who allegedly traveled to Kenosha, Wisconsin

and shot two people protesting police violence. Rather than condoning Rittenhouse's alleged acts of violence, Trump stated, "That was an interesting situation. He was trying to get away from them, I guess it looks like, and he fell and then they very violently attacked him, and it was something that we are looking at right now and it's under investigation. But I guess he was in very big trouble. He probably would've been killed."

17. Trump's statement in defense of Rittenhouse made me feel even more strongly that Trump was giving license to people to commit acts of violence against his opponents without fear of reprisal. I am particularly frightened by that message because of how it will likely embolden the local vigilantes in Philadelphia.

18. On September 29, 2020, President Trump tweeted, "Wow. Won't let Poll Watchers & Security into Philadelphia Voting Places. There is only one reason why. Corruption!!! Must have a fair Election." I took this as a reference to a recent occurrence in Philadelphia where a woman hired by the Trump campaign was not allowed to enter a polling place to monitor voting on her own.

19. That same day, at the September 29, 2020 presidential debate, President Trump said "I am encouraging my supporters to go into the polls and watch very carefully . . . I am urging them to do it." His encouragement to his supporters to independently monitor the polls deeply concerned me since I did not believe these supporters would be lawfully monitoring the polls or be bound by poll monitoring rules.

20. At the same debate, President Trump spoke directly to a known white supremacist organization called the Proud Boys as if he was their commander. He told the Proud Boys to "stand back and stand by." I saw on social media that the Proud Boys leadership then responded, "Standing back and standing by, sir."

21. I understand the Proud Boys to be an organization that makes frequent anti-Semitic statements, allying themselves with white supremacist and neo-Nazi ideals. Because I am a Jewish woman, President Trump's message to the Proud Boys to stand by was particularly terrifying to me.

22. I was also frightened by President Trump's statements at the debate that Philadelphia was "unsafe" and that "bad things happen" here. Because he said that on the same day as his tweet complaining about poll watchers not being able to watch Philadelphia polling places, I felt that he was calling his supporters to gather at polling places and watch for "bad things."

23. Trump's statements also made me feel as though he was encouraging both law enforcement and local vigilantes to be particularly vigilant and confrontational with anyone they find suspicious—in other words, anyone who looked like they might be against Trump.

24. I have seen news reports of the friendly relationship between the Proud Boys and the Philadelphia Police Department, which makes me afraid that local law enforcement will not restrain the Proud Boys if they become confrontational with voters attending the polls. Given this relationship, Trump's statements encouraging violence by law enforcement, and Trump's encouragement of the Proud Boys, I fear that if I go to the polls, the Proud Boys will threaten my personal safety and local law enforcement will not protect me.

25. President Trump's call to white supremacists to stand by, coupled with his relationship with police unions and those police officers' permissive behavior towards local white supremacist vigilantes, have made me afraid to vote in person for the first time in my life. After Trump's statements at the presidential debate, I decided to submit a request to vote by mail. I have received my mail-in ballot.

President Trump Tries to Frame Mail-in Voting as Fraudulent

26. Although I have received my mail-in ballot, I am afraid to cast my vote by mail due to President Trump's statements about mail-in voter fraud.

27. I read Trump's April 8, 2020 tweet, "Republicans should fight very hard when it comes to state wide mail-in voting. Democrats are clamoring for it. Tremendous potential for voter fraud, and for whatever reason, doesn't work out well for Republicans. @foxandfriends".

28. I read Trump's July 2, 2020 tweet, "Mail-In Ballots will lead to massive electoral fraud and a rigged 2020 Election. Look at all of the cases and examples that are out there right now, with the Patterson, N.J., being the most recent example. Republicans, in particular, cannot let this happen!"

29. On August 3, 2020, I saw news reports that President Trump stated he had a right to stop states from allowing citizens to vote by mail.

30. I read Trump's August 25, 2020 tweet, "80 Million Unsolicited Ballots are impossible for election centers to tabulate accurately. The Democrats know this better than anyone else. The fraud and abuse will be an embarrassment to our Country. Hopefully the Courts will stop this scam!"

31. I watched the September 29, 2020 presidential debate, during which Trump said that balloting already underway was a "fraud and a sham" and proof of a "rigged election," and that the Supreme Court would have to look at mail-in ballots. He specifically cited Philadelphia as a city where "bad things" were happening.

32. I have also read that Attorney General William Barr has said that mail-in ballots are "fraught with the risk of fraud and coercion."

33. These statements by Trump and Barr have made me afraid that my mail-in ballot will not be counted or may even create some baseless legal investigation or action against me for voter fraud.

President Trump and Postmaster General DeJoy Interfere with the Postal Service

34. I have seen news coverage of President Trump's statements regarding reducing funding for the United States Postal Service, including coverage of his interview with the Fox Business Network where he said "They [the USPS] need that money in order to make the post office work, so it can take all of these millions and millions of ballots"; "If we don't make a deal, that means they don't get the money. That means they can't have universal mail-in voting. They just can't have it"; and "Those are just two items. But if they don't get those two items, that means you can't have universal mail-in voting because they're not equipped to have it."

35. I also saw news coverage of Trump's statement at the White House that, "the reason the post office needs that much money is they have all of these millions of ballots coming in from nowhere and nobody knows from where and where they're going."

36. Around the same time that I learned of these statements, I read in the news that Postmaster General DeJoy was making changes to the United States Post Office at Trump's direction that would cause a slowdown of mail service and have a negative impact on mail-in voting.

37. I understood Trump and DeJoy's efforts to be aimed at reducing or even stopping mail-in voting.

38. These actions caused me further concern about voting by mail. Even if I decided to overcome my fear and vote by mail, I still do not know if my vote would actually be

counted.

39. Voting by mail is my only option because I am afraid of dropping my ballot off at the polls and risking an encounter with white supremacists and other Trump supporters who are acting as unauthorized “poll watchers” at Trump’s request and whose presence I would find intimidating. If I do not vote by mail, I will not feel safe to vote freely and fairly without risk of being intimidated, harassed, or discriminated against.

President Trump’s Words and Actions Discourage Young Voters

40. As a Licensed Social Worker at CB Community Schools, a high school serving vulnerable young people in foster care, I interact with students ages 18 to 21 who are first-time voters in the 2020 presidential election.

41. My students have expressed fear about voting in person, primarily due to the risk of contracting COVID-19. In conjunction with other teachers, I have encouraged them to register to vote and fill out requests for mail-in ballots instead. To date, we have helped around 40 students register to vote.

42. Although my students have registered to vote and requested their mail-in ballots, they have expressed fear about mail-in voting due to the narrative Trump has promoted about mail-in votes being fraudulent. They are afraid that if they make even one small mistake on their ballots, their ballots will be cast out or they will be prosecuted for mail fraud.

43. Because of this fear, some of my students are not certain that they will cast their votes by mail, and they still will not go to the polls due to the COVID-19 pandemic.

44. Even the students who planned to vote in-person, with proper protection from COVID-19, are now afraid to go to the polls. My students are primarily people of color, and they are afraid of what law enforcement and vigilante groups might do to them on Election

Day.

45. I am also afraid for them and do not want them to suffer additional trauma. I would like to go with them to protect them, but I am concerned about my safety given President Trump's tweets and statements inciting white supremacists to monitor the polls. I am worried that come Election Day, I will be too afraid to escort my students to their polling places.

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

Dated: October 19, 2020
Philadelphia, PA



SARA SCHWARTZ