

From: StandUP - America [<mailto:standup-america@live.com>]
Sent: Thursday, May 21, 2015 8:02 AM
To: Grow, Polly
Subject: FW: Voters' Pamphlet Statements and Photos ***REQUESTED APPEAL***

As per SMC 02.14.070, I would like to request an appeal from the Seattle Ethics and Elections Commission of the Executive Director's decision to cut my constitutional rights.

I used the word 'fuck' as an adjective in my candidate statement and have been refused my first Washington State Constitutional right, Article 1, section 5, "Every person may freely speak, write and publish on all subjects"... and my US Constitutional right to for freedom of speech and the press.

I am want to freely speak of my my political beliefs of how the system looks to me. The Chair has attempted to use an FCC ruling for TV or Radio as a means to block me from writing freely. Further in the FCC ruling it states that not all uses of the word 'fuck' is prohibited and only during certain hours may the use even be examined. I am not using TV or Radio during those hours and the context in which I am using the word is as an adjective for what types of idiots there are.

I demand my right to speak freely and write my political beliefs to my community. No man, nor women, should have the right to sensor the beliefs of one man to his community. This is purely arbitrary and based on his beliefs. Millions of people in the community use the word 'fuck' as a normal part of their language. I demand this censorship to stop.

Below is our email conversation as reference and to further define my position.

This is a time sensitive matter as the pamphlets will be printed soon and I would like the appeal to happen ASAP. Additionally, I would like the proceedings recorded and a copy sent to me.

StandUP-America
P.O. Box 4222
Seattle, WA 98104

206.324.6264

www.StandUP-America.us

From: Wayne.Barnett@seattle.gov
To: standup-america@live.com
CC: Anthony.Adams@seattle.gov

Date: Wed, 20 May 2015 15:07:45 -0700
Subject: RE: Voters' Pamphlet Statements and Photos

Dear Mr. Tsimerman:

This is from the FCC:

What makes material profane? Profane language includes those words that are so highly offensive that their mere utterance in the context presented may, in legal terms, amount to a nuisance. In its Golden Globe Awards Order the FCC warned broadcasters that, depending on the context, it would consider the F-Word and those words (or variants thereof) that are as highly offensive as the F-Word to be profane language that cannot be broadcast between 6 a.m. and 10 p.m.

I agree with the FCC that the word “fucking” is profane, and therefore pursuant to SMC 2.14.060.C and Voters Pamphlet Administrative Rule 3.9 I will delete the word from your statement. (Pursuant to your instructions below, I will delete the entire sentence.)

If you would like to appeal, the process for doing so is contained in SMC 2.14.070.

Best,

Wayne Barnett
Executive Director
Seattle Ethics and Election Commission
P.O. Box 94729
Seattle, WA 98124-4729
(206) 684-8577
www.seattle.gov/ethics

From: StandUP - America [<mailto:standup-america@live.com>]
Sent: Wednesday, May 20, 2015 2:19 PM
To: Adams, Anthony
Subject: RE: Voters' Pamphlet Statements and Photos

PROFANE: An expression that is specifically offensive to members of a religious group. I am m sure you are not limiting my freedom of speech based on religion, correct?

The definition also covers expressions that are derogatory, racist, sexist, or sexual. I am not being racist, sexist or sexual when I say this word. And, I am not being derogatory to any group or person. So could you please tell me how I'm being profane and what standard, rule or law was used to determine this?

I am also sure I am not being libelous.

LIBELOUS: Write or print an untruth about some that does harm to their reputation. If you this is what you meant, could you point to how I was being libelous?

Lastly, obscene.

OBSCENE: determined by the miller test (Miller v. California, 1973). If ALL 3 are met:
(1) The average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest.

(2) The work depicts/describes, in a patently offensive way, sexual conduct or excretory functions specifically defined by applicable state law.

(3) The work, taken as a whole, lacks serious literary, artistic, political or scientific value.

My political statement is neither sexual or racist. I believe that my political statement has significant political value because it conveys the type of political problem I see in a way that no other English word could convey my political view/belief. So, you fail to meet the ALL 3 criteria.

Again, how did you determine my sentence was 'profane'? Which standard, rule or law was used? (if you meant one of the other categories, standard, rule or law was used?). Please show me where I can look at the standards being applied to me that are being used.

StandUP-America

P.O. Box 4222
Seattle, WA 98104

206.324.6264

www.StandUP-America.us

From: Anthony.Adams@seattle.gov
To: standup-america@live.com
Date: Wed, 20 May 2015 13:38:52 -0700
Subject: RE: Voters' Pamphlet Statements and Photos
Hello Alex,

Per my Executive Director in regards to your Voters' Pamphlet Statement: **The word "fucking" is profane. And it's not at my discretion: the Rule says that the Director shall delete profane language.**

From: StandUP - America [<mailto:standup-america@live.com>]
Sent: Wednesday, May 20, 2015 11:45 AM

To: Adams, Anthony
Subject: RE: Voters' Pamphlet Statements and Photos

Attached is my photo from the shoulders up.

I would like to protest your removal of my word selection from my candidate statement:

Could you please tell me the **standard you are using** to decide how my use of the word "fucking" is obscene, profane, libelous or how this word would impair circulation of the voter's pamphlet?

This word is used everyday by million of people and is very common. I am very confused how it would apply to this rule? Is this at his/her **discretion only?**

StandUP-America
P.O. Box 4222
Seattle, WA 98104

206.324.6264

www.StandUP-America.us

From: Anthony.Adams@seattle.gov
To: standup-america@live.com
Date: Wed, 20 May 2015 09:49:12 -0700
Subject: RE: Voters' Pamphlet Statements and Photos
Hello Alex,

After looking into the matter further, my Executive Director referenced this passage... Administrative Rule 3.9 says: "The written submission must not include obscene, profane, libelous, or defamatory matter, or language that may impair circulation of the Voters' Pamphlet through the mail. The Executive Director **shall** delete such language without prior notice."

He is obligated to delete the word – and at your request, the entire sentence – under this Rule.

Sorry.

From: StandUP - America [<mailto:standup-america@live.com>]
Sent: Tuesday, May 19, 2015 5:35 PM
To: Adams, Anthony
Subject: RE: Voters' Pamphlet Statements and Photos

I have attached my head shot and the 400 word bio.

My email is:
StandUP-America@live.com

My website is:
AlexForAmerica.com

My phone number is:
206.324.6264

My address is:
PO Box 4222
Seattle WA 98104

My name is:
Alex Tsimerman

The last sentence of my bio has the word "fucking" in it. I believe I have the constitutional right to say this and that it is an adjective that describes what types of idiots I am talking about. If you plan to remove this word, I would like for you to remove the entire sentence because it would change the meaning of this sentence altogether.

However, I do not wish for this sentence to be removed. And if you plan to remove it, I would like for you to cite the law being broken and how my adjective violates this law. Additionally cite your your authority to remove it.

StandUP-America
P.O. Box 4222
Seattle, WA 98104

206.324.6264

www.StandUP-America.us

From: Anthony.Adams@seattle.gov
CC: Kate.Flack@seattle.gov
Date: Tue, 19 May 2015 14:22:35 -0700
Subject: Voters' Pamphlet Statements and Photos
Hello everyone,

Just as a reminder Voters' Pamphlet Statements and Photos are due to our office tomorrow May 20th, no later than 4:00PM PST.

I have again attached a copy of the Voters' Pamphlet Rules to assist you in completing this process.