

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

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CLERK

BY

DEPUTY CLERK

John D. Haywood, Plaintiff

v.

Case No.2:12-CV-164

St. Michael's College,
Logan R. Spillane, and
Christopher Hardy, Defendants

AMENDED COMPLAINT
Trial By Jury Demanded On All Issues Presented

Now Comes the Plaintiff, John D. Haywood, in accordance with FRCP Rule 15, and being first duly sworn, says the following statements of Parties, Jurisdiction, Venue, Claims and Relief are true and accurate except where he has indicated that they are made upon information and belief rather than personal knowledge. And the Plaintiff says further that Exhibit A is a true and accurate representation of Plaintiff's political website from the time of its publication on the web on November 4, 2011 and throughout his political campaign that terminated at the end of March 2012. And Plaintiff says further that Exhibit B is a true and accurate representation of Plaintiff's print advertising in both New Hampshire and California during his campaign and until its closure in late March, 2012. And Plaintiff says further that Exhibit C was signed by the individual Defendants and published on the St. Michael's College website on January 4, 2012 and that the attached Exhibit C is a true and accurate representation of that Profile, and that the Profile contains all libels herein complained of below.

Parties

1. The Plaintiff, John D. Haywood, resides at 3116 Cornwall Road, Durham, North Carolina, 27707-5102.
2. Defendant Logan R. Spillane is a student at St. Michael's College in Colchester Vermont.
3. Defendant Christopher Hardy is, upon information and belief, a student at St. Michael's College in Colchester, Vermont.
4. Defendant St. Michael's College is a long-established institution of higher learning located in Colchester, Vermont.

JURISDICTION

5. This is a controversy between citizens of different states, and this court has jurisdiction under Article II, Section 2, Clause 1 of the United States Constitution by reason of that diversity of citizenship.

6. The amount in controversy exceeds the \$75,000 threshold since the defendants' defamations as set forth below were undoubtedly read by those "googling" Plaintiff's name in three distinct areas of the country:

1. Plaintiff's home state of North Carolina—and particularly in Durham County, North Carolina where Plaintiff had established a reputation over a lifetime, and where, as set forth below, the Defendants' statements that defamed the Plaintiff were exposed to an audience of thousands of Republicans
2. New England, and particularly New Hampshire, where Plaintiff ran numerous print ads in newspapers that were read by hundreds of thousands of actual or potential voters. There were also television spots seen by over a million viewers in the greater New England area.
3. California—where Plaintiff, in an ad that ran in the *Los Angeles Times* that reached millions, vainly attempted to resuscitate his campaign by setting forth his position on three of his major issues.

In particular as to North Carolina, as stated in the second paragraph of the "Profile" written by the individual defendants and published by the institutional Defendant and attached as Exhibit C to this Amended Complaint, Defendants and/or their agents

“contacted Plaintiff’s friends.” Almost all of Plaintiff’s friends are North Carolina Republicans. *Virtually no one in North Carolina knew of Plaintiff’s candidacy prior to those contacts being made.* That is because Plaintiff’s brother-in-law, a Republican, is an elected and re-elected Associate Justice on the North Carolina Supreme Court and was, previous to that, an elected Republican judge on the N. C. Court of Appeals. Plaintiff and Plaintiff’s wife have over the years supported said brother-in-law as well as other Republican candidates with parties at home, by attending numerous Republican gatherings, by working the polls, contributing money, and annually manning the Republican booth at Durham Festival on the Eno. Plaintiff’s agreement with his wife made prior to entering the Democratic Presidential Primary in New Hampshire was that Plaintiff’s candidacy in the New Hampshire Democratic Presidential Primary would be revealed to as few people as possible in North Carolina and would *never* be revealed to Republican or Republican operatives in our state and community until such time as Plaintiff became a national figure by attaining a substantial vote count in the January 10, 2012 Democratic New Hampshire primary. The defendants say in the introductory section of their Profile that they contacted several of the Plaintiff’s friends. All of Plaintiff’s friends are North Carolina Republicans who are either active in, semi-active in, or voting with the Republican Party. Absent some outside circumstance or stimulus, *no* North Carolina Republican had any interest whatsoever in the candidacy of anyone running in the 2012 *Democratic* Presidential Primary in New Hampshire against an incumbent widely presumed to be a shoo-in for renomination. Plaintiff alleges and says that these calls to Plaintiff’s friends in North Carolina Defendants had no legitimate journalistic purpose when it came to preparing a “Profile” as to what Plaintiff stood for in his issues-oriented campaign. Plaintiff says and alleges that these contacts were made for one purpose only: pressuring the Plaintiff from continuing his campaign. For during the final two weeks of the campaign Plaintiff : received out of the blue an email from his mother stating how wonderful the Israelis were; Plaintiff wife’s very good friend called to say that it couldn’t *possibly be true* that what her brother-in-law (a Durham organizer of Republican fund raising events) just told her that Plaintiff was running in New Hampshire as a *Democrat*; and the email from Plaintiff’s aforesaid brother-in-law that came in on January 4, 2012 that started out “What in the world...” and reported that a Republican leader had just told him that Plaintiff was in the Democratic primary in New Hampshire. Plaintiff doesn’t contend that the Defendants’ attempted pressure is actionable, but does contend that it is evidence of the malice behind their libels as alleged below. *But most importantly, these contacts to Plaintiff’s friends created an interested North Carolina audience among Plaintiff’s friends and associates—an audience that otherwise would not have existed—for the libels they wrote and published against the Plaintiff.* And it would be the Defendant’s Profile that they would read long before they would tackle Plaintiff’s 25-page website—the website of a

Democratic candidate. These friends and associates were a particularly interested and ripe audience, not only for the anti-Semitism attributed to Plaintiff by the Defendants, but for Defendants' allegations that *Plaintiff accused Republican leaders of taking bribes*. (See the Foreign Policy section of Defendants' Profile and Plaintiff's Fourteenth Claim below.)

Moreover, the amount in controversy exceeds the \$75,000 threshold since the defendant's libelous statements as set forth below:

(a) essentially nullified the expenditures by plaintiff in running an issues oriented campaign—expenditures considerably in excess of \$75,000 and in advertising his website (See Relief below) in New Hampshire and California newspapers and on a New England television station reaching over a million persons. It is common knowledge that voters and persons considering a political contribution will first "Google" a candidate and thereby read a 1.5 page, supposedly independent, academic review of that candidate's politics before tackling that candidate's website—a website that in the instant case exceeded 25 pages.

(b) For all intents and purposes the publication of Defendants' libels as alleged below terminated Plaintiff's issues oriented campaign because no one who read that Profile or talked to anyone who had read the Profile would even consider visiting Plaintiff's website, much less contributing to his campaign, or casting a precious vote for the bumbling, inept monster depicted by that Profile. Plaintiff received a scant 432 votes in the New Hampshire Primary and lost to the incumbent by a ratio of 115 to 1.

(c) Plaintiff, nevertheless, ran a final ad in the *Los Angeles Times* after writing the Secretary of State of California that he was seeking to qualify in the June primary by running his ad in an effort to raise substantial funds for his campaign. The two checks received were returned to the donors and the campaign closed before the end of March 2012.

VENUE

7. As the defendants are residents of this jurisdiction and the alleged libels were first published in Vermont, this court is the proper venue for the hearing of this controversy.

CLAIMS

8. The information contained in this and the three following paragraphs pertains to all claims of libel hereinafter set forth, AND ARE INCORPORATED BY REFERENCE INTO

with the Durham County, NC Register of Deeds a Certificate of Assumed Name as "John D. Haywood Doing Business as Haywood for President." That entity then opened an account at Wells Fargo Bank in the name of "John D. Haywood DBA Haywood for President" and thereafter received from that bank a Visa credit card in the name of "John Haywood, Haywood 4 President."

9. Also in late October 2011 the Plaintiff paid a filing fee with the New Hampshire Secretary of State to run as a candidate in the New Hampshire Democratic Presidential Primary. In early November 2011 Haywood for President filed with the Federal Elections Commission a Statements of Organization (FEC form 1) and Candidacy (FEC form 2) which listed Plaintiff not only as the Candidate but as the sole member and treasurer of the Campaign Committee known as Haywood for President.

10. On November 4, 2011 Plaintiff caused to be published on the internet haywoodforpresident.com. A copy of that website is attached to this complaint as Exhibit A. Exhibit A was copied off the internet in June/July 2012 for the purpose of attaching it to this complaint. Other than the January 2012 inclusion of links to Plaintiff's ads run in the New Hampshire newspapers, the website has not been altered since its publication on November 4, 2011. Beginning on Sunday, November 6 and every Sunday thereafter through January 8, 2012, Plaintiff caused to be published by the Union Leader newspaper based in Manchester, NH in its "New Hampshire Sunday News," ten advertisements that touted the just named website and Plaintiff's positions on health care, job creation, abortion, Zionism, war, and peace. Most of these advertisements were also published in The Concord, NH *Monitor* and the Nashua, NH *Telegraph*. An Eleventh advertisement was run in the *Los Angeles Times* on March 3, 2012. All eleven print advertisements are attached to this complaint as Exhibit B, pages 1-11.

11. On or about January 4, 2012 Defendants published on the internet a "Profile" of the Plaintiff's candidacy, a copy of which is attached as Exhibit C to this Complaint. Since the filing of the original complaint, Plaintiff has received an email from an informant. Based on that email Plaintiff states that upon information and belief at least ten students--and presumably at least one faculty member at St. Michael's College--were involved in reviewing and approving the "Profile" prior to its publication. The following claims of libel arise from the publication in said Profile of false statements about the positions of Plaintiff, statements that the Defendants knew or should have known were false and untrue or were made with reckless disregard of whether they were false, and which were destructive, not only of Plaintiff's candidacy, but held him up for public ridicule and disgrace as well. Plaintiff's campaign was terminated in late March 2012 with the filing of a termination report with the Federal Election Commission. The Claims of Libel are presented below in

the order in which they appear in the Exhibit C Profile published by the Defendants.

First Claim

12. Defendants falsely wrote and published under **Estate Tax**: “One of Haywood’s policies is the proposal of a raised estate tax.” In truth and in fact Plaintiff advocated raising the *income* tax. Reference is made to the Restoring Full Employment section of Plaintiff’s website, Schedule A pages 8 to 10 and in his advertising Schedule B, pages 2,5,7,9,10, and in his advertising Schedule B, pages, pages 2,5,7,9,10, and 11. Plaintiff specifically stated in the Estate Tax section of his website (Schedule A, page 11): “..the primary purpose of the estate tax is to prevent income/property hoarding, not the collection of revenue...The relatively low ‘take’ from the estate tax is a testament to its success, not its failure.” Moreover, the estate tax reforms proposed by Plaintiff, would have *reduced* revenues from the estate tax by drastically lowering tax rates on estate under \$80 million—where the great majority of taxable estates fall. The worst part of the estate tax, as it now exists, is that it taxes the \$7 million estate at the same rate as the \$7 billion one. I attach in support of this contention, as Exhibit D to this complaint, page four of the current IRS Instruction for Estate Tax Return (Form 706). The 35% tax rate as shown on this exhibit results from a two year deal between the President and the Congress that has temporarily reduced a 50% rate to a 35%.

So the quoted language whereby it was alleged that Plaintiff proposed raising the estate tax to increase revenue is a false statement and one that Defendants clearly knew was false. The defamatory part of the false allegation comes at the end of the **Estate Tax** section where a Professor Robinson is quoted as ridiculing the very idea of a raised estate tax as a source of revenue. And I can assure you the North Carolina Republicans—who read that I proposed raising the estate to increase revenue—thought a great deal less of me. Many of their parents’ estates were subject to the unfair taxation that is imposed on the smaller estates by the current system. Proposals to raise revenue from increased estate taxes is simply out of the mainstream of American politics and anyone making such a ridiculous proposal is subject to ridicule and disgrace.

Second Claim

13. Defendants wrote and published under **Estate Tax**: “Haywood is in favor of using these taxes to fund social programs that he believes will revitalize the country.” Clearly the words “these taxes” refers to revenue collected from estate taxes. In truth and in fact, Plaintiff proposed spending *income tax revenue on infrastructure renewal*, and spending

through government contracts. Reference is made to website Exhibit A, pages 8-10 and advertising Exhibit B, page 9 for Plaintiff's true position—one which was fully available to Defendants at all times. Said false statement was made knowing set Plaintiff up for the ridicule reported in the Profile from Professor Robinson.

Third Claim

14. Defendants falsely wrote and published under **ABORTION** that Plaintiff ... "feels pro-life supporters 'punish the pregnant woman' *due to the fact that they oppose abortion* (emphasis added here by me.) In truth and in fact the Plaintiff clearly stated at website Exhibit A, page 14, 3rd paragraph: "I submit that it is first and foremost motivation of pro-lifers is to punish the pregnant woman *for having sex in the first place, with additional condemnation for those who had sex with the intention or expectation of not getting pregnant*" (again, emphasis added here by Plaintiff.)

Most Americans who oppose a woman's right an abortion are Christians. What Plaintiff was trying to do in his "Message to Abortion/Gay Rights Opponents" (Exhibit A, p. 13) was to convince people of faith that Saint Paul the Apostle's aversion/hostility toward sex of any kind was trumped by Christ's Second Commandment to love one's neighbor as he does himself.

Plaintiff never said or intimated that the motive of Christian Pro-Lifers in opposing abortion rights grows out of pettiness or spite. And Defendants' false statement that Plaintiff had done so presents Plaintiff as an unreasoning, arrogant, holier-than-thou, intolerant individual without respect for those who oppose abortion rights based on the teachings of St. Paul the Apostle. In doing so he Defendants have held Plaintiff up for ridicule and scorn not only by the millions of people who saw the Profile, but by members of his own church where Plaintiff has served as vestryman.

Fourth Claim

15. Defendants falsely wrote and published in the first sentence under **Health Care** that the cartoon on Plaintiff's web page "comments on Europe's systems of state run healthcare." In truth and in fact the cartoon, appearing repeatedly on Plaintiff's website, makes a clear statement that comments, not on *Europe's* system of health care, but on the *United Kingdom's* system of health care and compares it to our own burdensome for-profit system. The Profile's just quoted language—despite the cartoon characters clearly marked with British and American flags—conveys to its readers that the Plaintiff hasn't decided what path he wants the United States to follow on health care. Defendants thereby portray

Plaintiff as a bumbling buffoon on the health care issue—one deserving of ridicule and disgrace.

Fifth Claim

16. Defendants falsely wrote and published under **Health Care** in the second line thereof of the Profile that Plaintiff proposed ‘switching to a single-payer system that is similar to the one in Britain.’ In truth and in fact Plaintiff advocated a system *exactly* like the one in Britain. Plaintiff stated in the first paragraph of his website: “The solution: replace our existing for-profit system (before it takes ALL our money) with one identical to Britain’s National Health Service.” (Schedule A, page 1) Defendants writing and publishing the word “similar” depicts Plaintiff once again as a bumbler refusing or unable to offer a specific solution to a major problem when Plaintiff, in truth and in fact had done so. The use of the word “similar” was a falsehood known to be false or with reckless disregard for the truth holds Plaintiff up as deserving of ridicule.

Sixth Claim

17. Defendants falsely wrote and published (**Health Care**, seventh line) that Plaintiff “...still believes that the best and most efficient health care systems are domestic...” In truth and in fact Plaintiff advocated just the opposite throughout the Health Care section of his website (Exhibit A, pages 1-5.) and his At the bottom of page 4 of Schedule A plaintiff stated the following:

“But here is the comparison that’s sickening. Great Britain provides universal health care at no charge to the patient, while we don’t even come close to providing that service. Would you believe the UK spends 15.8% of its government’s revenue on health care while we spend 18.5% (and rising) of our government’s revenue? That’s just how inefficient our system is and why I assert that OUR FOR-PROFIT HEALTH CARE SYSTEM IS RIPPING US OFF, AND THAT THE MOST INEFFICIENT HEALTH CARE SYSTEM IN THE WORLD (OURS) MUST BE REPLACED WITH THE WORLD’S MOST EFFICIENT (BRITAIN’S).”

The assertion by the defendants that Plaintiff praises the efficiency of American health care is false, directly contradicts the principal reason to have British health care, and again presents Plaintiff as a figure to be ridiculed and derided for inconsistency and indecision on health care.

Seventh Claim

18. The Defendants falsely wrote and caused to be published, again in the **Health Care** section, the following language found in the last three lines of that section: "Haywood also claims that if his health care proposal were put into place, the country would save over a trillion dollars per year as compared to the ten year projection of the current health care bill. This claim was unable to be substantiated due to the fact that Haywood leaves out key elements of specifics in his health care pitch."

In truth and in fact no key element was left out Plaintiff repeatedly asserted in the Health Care section of his website (Exhibit A, pages 4 and 5) and in his initial full page print ad (Exhibit B, page 1) that the British, even with 10% of their health care remaining for-profit, spend \$2,992 per person for health care vs. \$7,290 per person in America. All one has to do is to multiply the 330 million American times the difference of \$4,298. Plaintiff further stated at his website (Exhibit 1, page 4): "President Obama has stated numerous times that he is hopeful that the health care legislation he signed into law will save \$1 trillion over the next ten years. Yet on July 28, 2011 Health Affairs published a report that actuaries at the Centers of Medicare and Medicaid Service project annual 5.85% increases in money spent on U. S. Health Care through 2020 with medical care by that time representing one fifth of the economy. They also project increases in the government's share of the spending." Consequently no key figure is missing, and all are present. Defendants false allegation that Plaintiff has not provided enough information at his website to support claimed savings of over \$1.4 trillion once again portrays Plaintiff as a bumbler and holds him up to ridicule and disgrace.

Eighth Claim

19. Under the **Economic Policy** section of the profile, the Defendants fail to acknowledge any connection between Plaintiff's health care proposals to save the county over one trillion dollars yearly and his proposals to raise income tax across the board. As stated in Plaintiff's advertisement on December 18, 2011 (Exhibit B, page 7) and published in all three of New Hampshire's major newspapers weeks before the Defendants published their Profile of the Plaintiff:

"Replacing insurance with a National Health Service will eliminate a heavy tax burden. "Premiums" may be a private tax, **BUT THEY'RE STILL A TAX!** An end to these premiums will indeed put \$68,000 into the pockets of that family of four over that four year period. But there's bad news to temper the good: Uncle Sam must have a piece of that

action—Like love and marriage, **THE TAX INCREASE AND THE TAX CUT GO TOGETHER**. There can't be one without the other. Thanks to insurance premiums, the middle class is grossly overtaxed. Thanks to current tax structure, the upper end is grossly undertaxed.”

By failing to acknowledge that Plaintiff proposed a net tax cut for the middle class, Defendants hold Plaintiff up for ridicule from Professor Robinson for proposing taxes increases on everyone.

Ninth Claim

20 . In the **Foreign Policy** section of the Profile the Defendants wrote and published the following language knowing it was false or with reckless disregard of whether it was false. “Haywood is also vehemently opposed to Israel...” In truth and in fact Plaintiff at his website, in his advertising, and in all private or public statements has expressed vehement opposition, not to Israel, but to *Israel's treatment of the Palestinian people*. That treatment has been condemned time and time again in the United Nations General Assembly by votes of over 150 to 7. Reference is made to Plaintiff's website at Exhibit A, pages 21 through 27 as well as to Plaintiff's print advertising, Exhibit B, pages 3, 6, 10, and 11. The assertion by the Defendants that Plaintiff is against Israel taken alone is not defamatory, but when read with the other charges leveled against him in the same **Foreign Policy** section, it is clear that he is being accused of being prejudiced and bigoted and is being made an object of scorn, ridicule, and disgrace.

Tenth Claim

21. In the **Foreign Policy** section of the Profile the Defendants wrote and published the following language knowing that it was false or with reckless disregard of whether it was false: “Haywood is also vehemently opposed to...what he calls the ‘Jewish Lobby.’” Plaintiff says that this is a libel *per se* the Defendants' statement is inherently injurious to reputation. In truth and in fact the quoted words “Jewish Lobby” have never issued forth from Plaintiff's mouth or pen. The quote was made by the Defendants knowing it was false or with reckless disregard as to its truthfulness. What's more, Defendants ignore the perfectly obvious fact that Plaintiff at his website (Exhibit A, p. 22) not only identified a lobby for Jewish people, but quoted the following from that lobby's website:

“Zionism was supported by the German SS and Gestapo. Hitler himself personally supported Zionism. During the 1930's, in cooperation with the German authorities, Zionist groups organized a network of some 40 camps throughout Germany where prospective settlers were trained for their new lives in Palestine. As late as 1942 Zionists operated at

least one of these officially authorized 'Kibbutz' training camps over which flew the blue and white banner which would one day be adopted as the national flag of 'Israel'." (TrueTorahJews.org) The false quote that Plaintiff complained about a "Jewish Lobby" is, when taken together with the other charges made against him in the **Foreign Policy** section, an attempt to smear Plaintiff as a prejudiced, racist, and bigoted person. In doing so the Defendants hold the Plaintiff up as a person in disgrace to be ridiculed and scorned.

Eleventh Claim

22. In the **Foreign Policy** section of the Profile the Defendants wrote and published the following language knowing it was false or with reckless disregard of whether it was false: "During an interview Haywood explained that he believed that Israel is forcing our involvement in the Middle East." The libel alleged is a libel *per se* as it paints Plaintiff as anti-Semitic and therefore is inherently injurious to his reputation. However, no person, lobby or country ever "forced" American involvement in Iraq or anywhere. Plaintiff denies ever saying that Israel "forced" us into anything. Reference is made to Exhibit A, pages 21-27. The above quoted falsehood was, when taken together with the other allegations in the **Foreign Policy** section, are designed to portray Plaintiff as a bigoted, prejudiced individual placed in disgrace to be reviled and ridiculed by his fellow man.

Twelfth Claim

23. In the **Foreign Policy** section of the Profile the Defendants wrote and published the following language knowing it was false or with reckless disregard of whether it was false: "He also says several times during the interview, that Israel was a primary factor in the American economic downturn and blamed the 'Jewish Lobby' for distracting us from our domestic problems." But no such words were ever said by Plaintiff. This is a libel *per se* as it ascribes anti-Semitism to the Plaintiff and is therefore inherently injurious to Plaintiff's reputation. In truth and in fact the Plaintiff blamed *income tax structure* for our economic problems in the "Restoring Full Employment" section of my website (Exhibit A, p. 8-10) and quoted quite a bit in that section from *Aftershock*, a 2010 book authored by President Clinton's Secretary of Labor and former Brandeis University Professor, Robert Reich.

Thirteenth Claim

24. In the **Foreign Policy** section of the Profile the Defendants wrote and published the following language knowing it was false or with reckless disregard of whether it was false: "He also accused key Republican members of Congress of taking bribes from this 'Jewish

Lobby' in return for favorable treatment." But no such words were ever said by the Plaintiff. Ever. They are another clear and deliberate attempt to smear the Plaintiff as anti-Semitic, reckless, extremist, ruthless, and irresponsible and as such constitute a libel *per se*. The just quoted words, however, were contained in the next to last question of a videotaped interview of the Plaintiff just before the Lesser Known Candidates Debate at St. Anselm College on December 19, 2011. The interviewer, *not* a college student (he had gray in his beard), whose name is unknown to Plaintiff, was posing as a *bona fide* journalist until near the end of what seemed like an ordinary interview. That's when he suddenly threw out a question which was to the effect; "Are you saying that key Republicans in Congress are taking bribes from the Jewish Lobby?" My reply was to laughingly say that I didn't know what was going on down there in Washington, DC. He then asked if I wanted to make a closing statement, I said I didn't, and that ended it. I mention this episode because I fully expect—based on the untruths and distortions that have appeared in the Profile—that Defendants will produce at trial a videotape of Plaintiff making an affirmative reply (made to an earlier question) to the "loaded" question posed near the end of the interview.

Fourteenth Claim

25. In the **Global Warming** section of the Profile the Defendants wrote and published the following language knowing it was false or with reckless disregard of whether it was false: "Haywood fully accepts the theory of global warming and believes the issue needs to be addressed aggressively and immediately. He proposes more lab and in-field research as a way to gain more knowledge about the issue. He also offers a solution to global warming which is to spray particles into the atmosphere as a way to reflect the sun's heat back into space, which, in his opinion, would cool the earth." But Plaintiff did *not* propose lab and in-field research into the issue of whether greenhouse gases are causing global warming. Instead, at Exhibit A, p. 16-17, Plaintiff referred to *Howto Cool the Earth*, a 2010 book by Jeff Goodell. Goodell's thesis is that there's already so much CO2 affixed to the upper levels of the atmosphere as to cause extensive global warming for centuries to come. Plaintiff, like Goodell, called for government funded lab and in-field research *into ways to geoengineer the cooling of the earth*. Plaintiff has *never* said or claimed that he has a solution to global warming. Plaintiff *has* indicated that one of the most promising areas for *research* into how to cool the earth is particle insertion that would replicate the global cooling that followed the 1991 eruption of Mt. Pinatubo. Plaintiff has no *idea* how such research would turn out and *has never* advocated spraying particles into the atmosphere prior to a determination that such activity is safe for humans, animals, and the environment. Defendants' false allegations— that Plaintiff has a solution to global warming and that Plaintiff advocates spraying particles into the atmosphere without lab and in field testing for

safety and efficacy—portray Plaintiff as a reckless, arrogant, unreasonable, and dangerous individual deserving of ridicule and condemnation.

Fifteenth Claim

26. In the **Education** section of the Profile the Defendant wrote and published the following words knowing them to be false or with reckless disregard of whether they were false: “He believes that children need to learn to read and write at young age, but are not afforded the opportunity to do so.” But that was not what Plaintiff was talking about. The problem Plaintiff was addressing is one that arises *years before* a child is old enough to read. Plaintiff’s clearly stated (Exhibit A, page 19-20): “In many cases—at the preschool ages when a child should be greatly increasing his or her vocabulary and learning language skills at home—no one is speaking to that child or speaking very little. No one is reading to that child, or reading very little. And because of this these children have ‘bounds’ placed on their minds at an enormously important time in their lives. By the time they’re school age, they’re handicapped for life.” *That* was the problem addressed by the 1971 bill known as the Comprehensive Child Development Act that passed both houses of Congress with large bipartisan majorities and was vetoed by President Nixon for political reasons. And that’s why Plaintiff sought that bill’s reconsideration .

As someone who has joined with his wife in the homeschooling of our four children over a 14 year period, I well know that a child will learn to read when he or she is good and ready to do so—and not before. Most individuals reading the Defendants’ Profile of the Plaintiff know that too, and Defendants’ allegations that Plaintiff advocates such erroneous educational stupidity holds him up for ridicule and disgrace.

RELIEF

Plaintiff prays for a judgment that would reimburse him for his print and television advertising as follows: thirteen payments to the Union Leader totalling \$49,813.50; nine payments to the Nashua Telegraph totalling \$26,991.65; eight payments to the Concord Monitor totalling \$25,127.00; one payment to WBIN TV dated January 5, 2012 of \$7,500; one payment to LA Times Media Group of \$10,770 dated March 1, 2012. These advertising expenses total \$120,202.15.

Plaintiff prays further for a judgment of money damages in an amount not less than \$1 million to compensate him for the permanent damage to his reputation in his community of Durham and in his state of North Carolina.

Plaintiff prays further for a judgment of not less than \$50 million dollars in punitive

damages by reason of the said permanent damage to his reputation in his community of Durham, in his state of North Carolina, in the region of New England and particularly in New Hampshire, and in the state of California. The \$50 million amount represents a scant 13 days worth of savings to the American people when British health care is substituted for existing American care. These are savings the American people will never see because the presidential candidacy of the Plaintiff was cruelly, maliciously and purposely destroyed by the libels of the Defendants even before the initial primary. It is also an amount that will, after tax, enable Plaintiff to run in 2016 with a cleared name and and the ability to do the advertising that can perhaps overcome his low 2012 vote count.

Plaintiff prays lastly for a speedy trial before a jury of twelve.

The Plaintiff having been as aforesaid duly sworn, signs this sworn complaint before a notary public of the state of North Carolina.

signed this 4th day of October, 2012.



John D. Haywood
Plaintiff
3116 Cornwall Road
Durham, NC 27707-5102
land line: (919) 489-5202
cell: (919) 972-1835

North Carolina
Durham County

Now comes PAULA STEWART, a notary public in the county and state as aforesaid, and certifies that John D. Haywood of the address of 3116 Cornwall Road, Durham, NC came before me, and being first duly sworn, did certify that the allegations set forth in the above Amended Complaint are true and accurate except wherein he stated that they were upon information and belief; and said John D. Haywood did further swear and say that he has attached to this Complaint as Exhibit A thereto documents numbering 27 pages as a true and accurate copy of his website known as haywoodforpresident.com published to the internet on November 4, 2011 and swore further that no material change has been made therein since the date of publication; and said John D Haywood did further swear and say that he has attached to this Complaint as Exhibit B thereto eleven pages as a true and accurate copy of his print advertising published in newspapers during his candidacy for president; and thirdly he has attached to this Complaint as Exhibit C thereto a true and accurate copy of the Defendants' Profile of the Plaintiff published to the internet on January 4, 2012, and lastly he has attached as Exhibit D hereto a

true and accurate page 4 of Internal Revenue Instructions dated 2011 for the Estate Tax return (Form 706).

Sworn and Subscribed before me on this the 4 day of October, 2012.

Paula Stewart My Commission expires: 10/10/15
Notary Public

Paula Stewart
Notary Public
Durham County, North Carolina
My Commission Expires October 10, 2015