

IN THE COURT OF COMMON PLEAS
OF DELAWARE COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION

No. 114-1937

RESIDUARY TRUST UNDER WILL OF
GEORGE F. PENNOCK FOR THE
BENEFIT OF THE PROHIBITION PARTY

AFFIDAVIT IN OPPOSITION TO
PETITION FOR LEAVE TO MAKE DISTRIBUTION
TO INCOME BENEFICIARY AND TO DIRECT THE
REFUND OF PRIOR INCORRECT DISTRIBUTION

STATE OF MISSOURI)
)SS
COUNTY OF STODDARD)

Richard D. Swift, being first duly sworn, deposes and says:

1. This affidavit is made on personal knowledge, information, and/or belief.
2. I am a member of the Prohibition National Committee (hereinafter "PNC") and have been for two years.
3. I serve as Vice-Chairman.
4. PNC Bylaws contemplate a quadrennial "nominating convention" (Trustee Exhibit B, P.052, "Membership and Service, Section 3 Period of Service") and require "a biennial meeting of the entire membership of the National Committee" (Trustee Exhibit B, P.053, "Meetings, Section 1 Biennial Meeting"), thus providing for certain other meetings more often than merely "quadrennial."

5. PNC Bylaws provide for approximately four year terms (Trustee's Exhibit B, P.052, "Membership and Service," "Section 3 Period of Service" and P.053, "Officers and Committees," "Section 5, Period of Service").

6. PNC Bylaws, in "Meetings," "Section 3, Call of Committee," enable convening PNC meetings without Chairman consent.

7. The Quadrennial Convention at issue was to have been held around June 2003, i.e., about four years after the last one, 1999, and about two years after the 2001 PNC meeting.

8. The four-year term of Earl F. Dodge as a PNC member and Chairman for the period 1999-2003 was expiring. In view of his record, including the deteriorating situation of the PNC under his auspices, his obstructing members from notice, and his refusal to convene the requisite meetings including "of the entire membership of the National Committee," he was not re-elected.

9. I recognize that the real "nominating convention" in September 2003 was required pursuant to the Bylaws' "Meetings" article, "Section 1, Biennial Meeting" (Trustee Exhibit P.053-p.054) because such meeting was required to occur without the necessity to obtain signatures.

10. The then Chairman Earl F. Dodge had not set up a "meeting of the entire membership" as required, but instead only a meeting of a select few.

11. Thus pursuant to the PNC Bylaws, the real meeting was due and required anyway pursuant to the "biennial" clause.

12. The obtaining of signatures was done in an abundance of caution, to head off false claims that having the required genuine meetings after the rump "Dodge group" meetings was somehow not authorized. Sadly, I understand that the "Dodge group" has made such claims anyway.

13. I believe that the proceedings in Tennessee in September 2003 at issue in this case were required by PNC Bylaws regardless of whether any signatures had been obtained.

14. I see nothing in the Bylaws that says that members following the Bylaws in these ways would thus "organize a new group."

15. I deny that there is any truth to "Dodge group" claims that the so-called "Webb group," actually the PNC majority, "organized a new group." No such thing was done. I do not know how to "organize a new group" in this way.

16. I do not recognize the June 2003 private meetings held by Earl F. Dodge in his home and church as official or genuine PNC meetings, whether deemed "biennial" or "quadrennial."

17. I recognize Leroy J. Pletten as the one and only PNC Secretary.

18. I believe that only one PNC exists, one, indivisible, continuing, the same as it always was.

19. I deem that the "Dodge group" is a disgruntled minority unwilling to accept majority rule, and that their unwillingness, perhaps resentment, explains their story accusing the PNC majority of having "organized a new group."

20. Earl F. Dodge has not been the PNC Chairman for now more than two (2) years.

21. I am a graduate of Bible Missionary Institute, Rock Island, Illinois (Th. B., 1983) and believe that it is one of the commandments, "thou shalt not bear false witness," meaning, I believe that it is morally wrong for the "Dodge group" to have provided false witness in this matter.

Respectfully,

Richard D. Swift
211 No. Highway 25
Bloomfield, Missouri 63825
(573) 568-3285

Subscribed and sworn before me,
this ___th day of November, 2005,
Notary Public in and for
Stoddard County, Missouri