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# Jimmy Mubenga: security firm G4S may face charges over death

G4S company and guards on flight carrying Jimmy Mubenga could be charged with manslaughter

Paul Lewis and Matthew Taylor guardian.co.uk, Wednesday 16 March 2011 17.01 EDT



violation

Jimmy Mubenga died while being deported. Now the company G4S and its guards may be charged with manslaughter. Photograph: Graeme Robertson

Scotland Yard is considering bringing a corporate manslaughter charge against the world's largest private security firm over the death of an Angolan deportee.

Detectives investigating the death of <u>Jimmy Mubenga</u>, who collapsed while being deported on a commercial flight from Heathrow, have interviewed whistleblowers from G4S, the company hired by the government to deport foreign nationals.

They are considering whether the company could be held responsible for his death under rarely used legislation that came into force three years ago.

<u>Passengers</u> on British Airways flight 77 told <u>police</u> they saw three G4S guards heavily restraining Mubenga, who they said had been complaining of breathing difficulties before he collapsed. The guards were later arrested in connection with the death and, following interviews this week, were bailed until 4 May. They could face manslaughter charges.

However, sources with knowledge of the case have said police are also considering passing a file to the Crown Prosecution Service recommending a corporate manslaughter charge against G4S. The first and only company to be convicted under the Corporate Manslaughter and Corporate Homicide Act 2007 was found guilty last month. <u>Cotswold Geotechnical Holdings</u> was fined £385,000 for the death of Alexander Wright, 27, a geologist who suffocated when he became trapped in a collapsed trench.

Under the legislation, prosecutors need to prove a person's death was caused by a gross breach of duty of care by a company. They also need to convince a jury that the actions of a company's "senior management" were a substantial element in that breach.

A prosecution of this kind against G4S, which receives more than £600m from the government for services including the running of four prisons, three immigration removal centres and 675 court and police cells, would be highly damaging to the Home Office. G4S is the second-largest private employer in the world and boasts a £7bn turnover.

Police have recently interviewed three <u>G4S whistleblowers</u>, who last month told parliament that the company repeatedly ignored warnings from staff that potentially lethal force was being used against deportees. They said executives were warned about one technique nicknamed "carpet karaoke", which involved bending deportees over in aircraft seats to silence them. The whistleblowers, who include a G4S charter operations manager who said he warned seniors they risked "playing Russian roulette with detainees' lives", are known to be cooperating with police and providing detailed paperwork they say corrobarates their claims.

Detectives are also seeking to track down other individuals from G4S known to have concerns about safety standards and training at the company.

Heathrow CID opened the inquiry into the death of Mubenga, 46, hours after he collapsed on the aircraft as it prepared for departure to Luanda on 12 October. The flight was delayed for 24 hours and passengers were transferred to a nearby hotel overnight. The following day, the passengers were interviewed by police but, owing to their imminent departure, only spent around 40 minutes each speaking to detectives.

Days later, the Metropolitan police's homicide unit took over the case after the Guardian independently tracked down passengers who said Mubenga had complained he was unable to breathe for several minutes before his collapse. The unit arrested three guards, aged 35, 48 and 49, and questioned them under caution.

Police have tried to trace other passengers for more in-depth interviews.

Four G4S whistleblowers last month submitted evidence to the Commons home affairs select committee. The evidence, obtained by the Guardian, alleged serious failings by G4S. It also contradicted some of what senior G4S officials told MPs at a hearing after Mubenga's death.

Keith Vaz, who Labour MP who chairs the committee, said the possibility that whistleblower evidence could assist the police investigation represented "progress". His committee has yet to decide whether to recall the G4S officials or hold further evidence sessions.

"I am not surprised that the police have decided to take the matter forward given the circumstances surrounding this case," he said. "I am sure the members of the home affairs committee will want to look further into this case during their inquiry into the deportation of detainees."

Committee member Julian Huppert, a Lib Dem MP, said police interest in the parliamentary testimony showed "how strong the committee process is". "I am glad the home affair select committee hearing has led to this outcome," he said.

G4S said in a statement: "As this is the subject of an on-going investigation, we are unable to comment as this time. We can confirm that G4S has received no approach at this time from the authorities in relation to the company's position and potential liabilities." ;

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# G4S security firm was warned of lethal risk to refused asylum seekers

Whistleblowers' testimony concerning banned restraint technique known as 'carpet karaoke' given after Jimmy Mubenga death

Paul Lewis and Matthew Taylor guardian.co.uk, Tuesday 8 February 2011 15.45 EST

The multinational security company hired by the government to deport refused asylum seekers was warned repeatedly by its own staff that potentially lethal force was being used against deportees, an investigation by the Guardian can reveal.

Details of how some <u>G4S</u> guards developed a dangerous technique for restraining deportees by bending them in aircraft seats is disclosed in official testimony drawn up by four whistle-blowers from the company.

Their evidence was secretly submitted to the home affairs select committee in the aftermath of the death of Jimmy Mubenga, an Angolan man who died while being forcibly restrained on a flight from Heathrow in October.

The previously unseen testimony reveals that G4S managers were repeatedly alerted that refused asylum seekers who became disruptive on flights were being "forced into submission" with their heads placed between their legs.

The technique, which is strictly prohibited because it could result in a form of suffocation known as positional asphyxia, was nicknamed "carpet karaoke" by G4S guards.

The whistle-blowers also allege that staff were not trained properly, criticised for showing compassion to refused asylum seekers, particularly children, and ostracised if they ever voiced concerns. They state that some guards went years without receiving official Home Office accreditation.

Their evidence contradicts testimony given to parliament by senior G4S executives who were summoned to appear before the home affairs select committee following Mubenga's death. One senior G4S official told MPs during a the hearing in November that he was "not aware" that his staff had ever raised concerns about any aspect of the removals process.

The chair of the committee, Keith Vaz, said he was "extremely concerned" about the allegations, which the committee would review before deciding what action to take. "Where services as important as this are contracted out and where there could be a danger to lives, it is vital that the practices of the company are fully scrutinised."

"If any warnings were given about restraint techniques being used, I would have expected these to have been taken heed of in the first instance." The evidence submitted by the whistle-blowers, who include three former employees as well as the company's existing charter operations manager, provides a detailed record of written and verbal complaints to the company since mid-2004. According to their testimony, G4S received repeated warnings from staff, whose complaints included that training had to change "before there was a serious positional asphyxiation incident resulting in a detainee's death".

One letter, expressing frustration that G4S was failing to take action and allowing inappropriate force to be used against refused asylum seekers, stated: "I urge you meet this problem head on before the worst happens." It warned that bosses of the company were "playing Russian roulette with detainees' lives".

In his evidence to parliament, the letter's author, currently on sick leave from his job as G4S charter operations manager, said: "I am greatly saddened to say that despite my protestations these illegal and extremely dangerous techniques continued to be used by some who cared little for the welfare and lives of those they had in their custody." He added the dangerous restraint techniques were used for a period "with the tacit approval of senior managers who catastrophically failed to halt its use and spread".

G4S discovered after Mubenga's death it had lost its Home Office contract – thought to be worth more than  $\pounds$ 100m – to conduct overseas removals, but said the decision was unrelated to the asylum seeker's death. The three G4S guards arrested in connection with Mubenga's death have been bailed to reappear next month.

The contract will be taken over in May by a rival security firm, Reliance. Under European employment regulations, Reliance has been compelled to offer employment to all G4S staff involved in removals.

Meanwhile G4S continues to hold contracts with several government departments estimated to be worth £600m. It manages four prisons, three immigration removal centres and escorts around half of all prisoners to and from court.

G4S said in a statement it was aware that allegations had been submitted to parliament, but added that, despite requesting the details, it had not yet received the information and was therefore unable to respond. "We would obviously be keen to investigate these allegations but will not be able to conduct a review or take any action without seeing the evidence."

The company added that appropriate action including disciplinary action is taken when staff conduct is found to have been inappropriate. "The welfare of detainees in our custody is our top priority and we take any allegations of mistreatment extremely seriously."

• Footnote added 19 May 2011: The video accompanying this article was inherited by Securicor from a rival security firm. A former employee of that firm has asserted to the Guardian that the video was originally intended to give prospective recruits an insight into difficult situations rather than provide training on techniques.

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No to G4S	
G4S are a private security army; we cannot let them act as social landlords	
home why not? what next? who are g4s? learn more contact	
G4S is the UK's biggest private security company, with its government contracts alone worth over <b>£600 million</b> . Responsible for security prisons, and 675 court and police station holding cells. G4S have also just been granted the £100 million contract for providing 10,000 sec	
Whilst G4S still seem to be government favourites, their record is far from spotless. The firm lost their previous 'forcible deportation' com complaints of abuse – both verbal and physical. The final straw came with the death of Jimmy Mubenga in October 2010, an Angolan as forced deportation by G4S guards. Two of the guards are on bail facing criminal charges, whilst G4S is still waiting to hear whether they i charges.	sylum seeker who died as a result of his
Now, asylum seekers in Yorkshire and Humberside are expected to accept this multi-national, money-hungry, security company a	s their lundlords.
WEDNESDAY, 18 APRIL 2012	
G4S loses its contract with the European Parliament The European Coordination of Committees and Associations for Palestine (ECCP) is pleased to be able to mark Palestinian Prisoners Day by announcing that the European Union has declined to renew a contract with private security company G4S amidst concerns raised by MEPs and campaign groups about the role the company plays in equipping Israeli prisons in which Palestinian political prisoners are held in violation of international law.	"Howed asylum seekers are all fleeing from persecution and in the process of applying or appealing cases for sunctuary. They are not "criminals" who deserve prison guards as their landlords but families and individuals claiming their rights under international treaties signed by the UK on our behalf." Jon Grayson & SYMAAG
G4S has provided security services to the buildings of the European Parliament since 2008 but the contract award notice (service contract 118611-2012) published on the EU official tenders' website on April 13th shows that G4S hast lost its contract with the European Parliament.	<ul> <li>✓ 2012 (28)</li> <li>▶ June (4)</li> <li>▶ May (6)</li> <li>✓ 4 x = 1 (2)</li> </ul>
In March 2011, a group of 28 Members of the European Parliament, including 8 MEPs from Denmark and 6 from the UK wrote a letter to former EU Parliament President Jerzy Buzek, demanding that the Parliament dropped G4S as the principal security contractor if G4S continued to provide security services to illegal Israeli settlements, checkpoints and Israeli prisons at which Palestinians are detained. Their demands were a response to investigations conducted by the Danish NGO DanWatch and a report made by the Israeli research project "Who Profits" which revealed and documented G4S' implication in illegal activities in the Occupied Palestinian Territory.	<ul> <li>April (7)</li> <li>G45: the public face of private police</li> <li>Palestinian call for Boycott,</li> <li>Divestment and Sanct</li> <li>G4S fosce its contract with the European Patiamen</li> <li>Guardian covers asylum housing</li> </ul>
With the assistance of lawyers, campaigners from ECCP member organisations also raised the issue with various EU officials, in cooperation with Jews for Justice for Palestinians, Merton Palestine Solidarity Campaign, Jews for Boycotting Israeli Goods and the Waltham Forest Palestine Solidarity Campaign. G4S held a meeting for MEPs and EU officials in an attempt to deflect the criticisms but failed to provide sufficient guarantees that it would abandon all of its illegal activities.	<ul> <li>"super contracts"</li> <li>First G4S, then Reliance</li> <li>A Golden Moment</li> <li>And so it begins</li> <li>March (8)</li> </ul>
"The non-renewal of this contract with a company that is deeply complicit with Israeli violations of international law is a vital step towards ensuring that Israel and corporations comply with basic legal standards" said ECCP chairperson Pierre Galand.	► Kebruary (3)
"We also salute and thank those MEPs that we are pleased to have worked alongside on this effective campaign."	
"People of conscience across Europe are inspired by the new wave of peaceful resistance by Palestinian prisoners against routine mistreatment, torture and imprisonment without trial."	
Palestinian prisoners' day this year takes place in the context of inspiring resistance and hunger strikes, including the high profile hunger strikes of Hana Shalabi and Khader Adnan, two Palestinians held by Israel without charge. Palestinian prisoners are set to engage with a new round of civil disobedience. Prisoners' day is being marked with demonstrations and activities across Europe.	
For more information on the Palestinian prisoners' day see:	

http://www.addameer.org/einside.php?id=7&srcopt=1&page=2&srckey=Keywords&fromdate=From%20Date&todate= To%20Date&cat\_year=Year

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SWISS NEWS, WORLD WIDE

Mar 6, 2012 - 16:57

#### Complaint against Nestlé over Colombian death

## A human rights group and a Colombian trade union have filed charges against Nestlé for negligence in the case of the murder of a former employee in Colombia.

Sinaltrainal and the Germany-based European Center for Constitutional and Human Rights (ECCHR), filed the charges against Nestlé and members of its senior management with the public prosecutor in the Swiss canton of Zug.

The case concerns Luciano Romero, a former employee of the Nestlé subsidiary Cicolac, who was murdered by paramilitaries in 2005 in Valledupar in the north east of the country. Nestlé is accused of being co-responsible for his death by failing to take preventative measures.

The criminal complaint could set a legal precedent as it could mark the first time a Swiss company has been held liable in Switzerland for a crime committed abroad, ECCHR said in a statement.

Romero had received death threats after being wrongly described by the local Nestlé management as a [left-wing] guerilla fighter. A commander of the paramilitary group convicted of Romero's killing gave evidence that his group was part-funded by Cicolac.

Sinaltrainal and ECCHR accuse Nestlé management of having been aware of the activities of its Colombian subsidiary and of not taking the necessary steps to protect Romero.

Nestlé has always denied the allegations, pointing out that Columbia was a very dangerous place at the time. The victim stopped working for Nestle three years before his death.

"Unfortunately union leaders were threatened, abducted and killed, as were members of our local management team and other employees and their families," Nestlé told the Swiss News Agency.

swissinfo.ch and agencies

VIDEOS

presentation by Marin Eng

an

6/11/12 9:40 AM

#### Nestlé fights back

Swiss based multinational defends its global water bottling practices.

LINKS

#### Nestlé

European Center for Constitutional and Human Rights

#### URL of this article

http://www.swissinfo.ch/eng/business/Complaint\_against\_Nestle\_over\_Colombian\_death\_.html?cid=32242446

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## Nestlé's Horrific Corporate Record

#### August 2005

Nestlé S.A. or Société des Produits Nestlé S.A., headquartered in Vevey, Switzerland, is not only Switzerland's largest industrial company, but it is also the world's largest food and beverage company. With tens of billions of sales annually, it is one of the world's ten largest companies. It is the world leader in bottled water and coffee and is also one of the world's largest baby-food makers.

Nestlé USA, a subsidiary of Nestlé S.A, manufactures a wide variety of food products from chocolate to frozen dinners to pet food. The company also produces personal and health care products. Nestlé USA employs 21,000 people and reported sales of \$8 billion in 2004.

Nestlé Waters, another subsidiary of Nestlé S.A., with its 72 bottled water brands worldwide, is the largest bottled water company in the world and represents 9% of Nestlé's total sales. Nestlé is the largest bottled water company in the United States, where their brands have captured more than a 40% market share.

Most importantly, the huge multinational corporation is a noted corporate villain. Given the corporation's record, it is not surprising that it was selected as the "World's Most Unethical Company" by *Ethical Consumer Magazine* and voted one of "The Ten Worst Corporations of 1989" by *Multinational Monitor*. A detailed listing of all the corporation's crimes would take up more time and space than is available, but below are some of the highlights in the corporation's career of crime.

Nestlé is perhaps most notorious for its overly aggressive marketing of baby formula throughout the developing world. An estimated 1.5 million infants die each year because they are not breastfed. Mixing the formula with unsafe water poses a significant health risk to the infants, with these bottle-fed children up to 25 times more likely to die as a result of diarrhea than a breastfed child. By the time a child is sick, the mother may well have stopped producing her own milk for the child. Since 1977 (with a break from 1984-1988), Nestlé has been the target of a boycott, now reaching to 20 countries, because of its aggressive and immoral marketing of artificial baby milk. Nestlé's tactics are in violation of the World Health Organization's International Code of Marketing of Breast-Milk Substitutes and contribute to the death and suffering of infants around the world. These marketing tactics helped get the corporation voted one of "The Ten Worst Corporations of 1989".

Nestlé has an appalling record when it comes to labor and human rights violations. The company purchases a portion of its cocoa from the lvory Coast, where it has been found that children have been forced or tricked into leaving their homes to work as indentured servants on cocoa plantations. It is estimated that between 10,000 and 15,000 children work on these plantations, some as young as 11 years old. The International Labor Rights Fund has sued

Nestlé, Archer Daniels Midland, and Cargill in Federal District Court in Los Angeles for involvement in the trafficking, torture, and forced labor of children who cultivate and harvest cocoa beans that the companies import from Africa. They filed suit on behalf of a class of Malian children who were trafficked from Mali into the Ivory Coast and forced to work twelve to fourteen hours a day with no pay, little food and sleep, and frequent beatings. *Source: International Labor Rights Fund and www.responsibleshopper.org* 

Nestlé is among those companies who have chosen to remain financially involved in Myanmar (Burma) despite the potential of any business to directly or indirectly strengthen the illegal military junta there. *Source: Burma Forum Los Angeles* 

Nestlé has been involved in extensive union-busting activity in Colombia since it first arrived there 50 years ago. In the words of a spokesperson for SINALTRAINAL, the Colombian Foodworkers Union, "Nestlé converts the factories into camps for the public security forces in order to create terror in the community, destroy the unity of the workers, and misinform the members of the union, with the goal of pitting them against the leaders and destroying the movement. This is the policy of Nestlé all over the world." Since the 'dirty war' erupted in Colombia in the early 1980s, trade unionists have been on the front line of targeted, but unofficial, repression. SINALTRAINAL was formed as an industrial union in 1982. According to SINALTRAINAL seven of its members working at Nestlé have been assassinated since then. The principal perpetrators of such disappearances are the paramilitary death squads. Although there is a certain separation between the agents of repression and official entities, the links are an open secret. *Source: http://www.globalpolicy.org/reform/business*/2002/09Nestlé.htm

In early 2005, Nestlé Purina sold thousands of tons of poisoned animal food in Venezuela. The local brands included Dog Chow, Cat Chow, Puppy Chow, Fiel, Friskies, Gatsy, K-Nina, Nutriperro, Perrarina and Pajarina. Over 500 dogs, cats, birds and cattle died. It was reported that it was caused by corn that was stored incorrectly, which lead to a proliferation of a fungus with a high quantity of aflatoxin causing hepatic problems in the animals that ate the food. In March 2005, the National Assembly of Venezuela stated that the company Nestlé Purina was responsible for the quality standards and compensation must be paid to the owners of the affected animals.

In the town of São Lourenço, in the state of Minas Gerais, Brazil, Nestlé's over-pumping in an historic mineral water park is blamed for ruining the healing springs on which tourism in the small town is based. In addition, contrary to federal law, Nestlé de-mineralized the water to process its Pure Life brand of bottled water. Nestlé built its Pure Life bottling plant and its surrounding wall in an area of high risk to the aquifer, also contrary to federal law.

Nestlé's Ice Mountain bottling facility in Michigan had plans to extract 400 gallons of water per minute from Sanctuary Spring in the headwaters of the Little Muskegon River in Mecosta County. In a suit filed by Michigan Citizens for Water Conservation, Michigan Circuit Court Judge Lawrence Root concluded Nestlé's water operation would unlawfully diminish the lakes, streams, and wetlands at issue and ordered Nestlé to stop pumping. Nestlé, with the help of Michigan's Department of Environmental Quality, arrogantly circumvented the Judge's order and continued its pumping.

Is this a corporation we want controlling Maine's groundwater, one of our most precious natural resources? It is time for us to wake up and pay attention before it is too late.

Much of the above information has come from: http://www.oligopolywatch.com http://www.responsibleshopper.org

### Nestlé's Many Brands

Nestlé's brands are many, indeed. Below is a partial listing of some of the better known brands found in the U.S. Much more extensive listings can easily be found on the web.

#### **Bottled Water**

Aqua Cool Aqua Spring Aquarel Arrowhead Calistoga Deer Park Great Bear Hidden Spring Ice Mountain Oasis Ozarka Perrier Poland Spring Pure Life San Pellegrino Utopia Valvert Vitell Zephyrhills

#### **Baby Foods**

Alete Beba Beech-Nut Carnation Good Start Lactogen Neslac Nestlé Babymilk Nestogen Nestum Nido

#### **Dairy Products**

Carnation Coffee-Mate Dairy Farm Dreyer's Fruit Joy Gloria Häagen Dazs Klim La Lechera Nespray Nido Omega

#### Beverages

Bonka Chase & Sanborn Hills Brothers Juicy Juice Kern's Juice Nectar Libby's Milo Nescafé Nescau Nespresso Nesquik Nestea Ricoré Taster's Choice

#### **Chocolate & Confectionery**

Aero After Eight Baby Ruth Baci Bit O Honey Butterfinger Chunky Crunch DeMets Turtles Do Frozen Juice Bars Goobers KitKat Oh Henry Perugina Polo PowerBar Smarties Snowcaps Sunmark Raisinets Wonka

#### **Prepared Foods**

Berni Buitoni Chef America Chef Benedict Condipasta Contadina Crosse & Blackwell Davigel Hot Pockets La Cocinera Lean Cuisine Libby's Maggi Ortega Stouffer's

#### **Other Groceries**

Albers European Style Jung Mosline Saaso Toll House

#### **Personal Care Products**

Alcon Eye Care Biotherm Garnier L'Oreal (almost 50% owner) Lancome Warner Cosmetics

#### Petcare

Alpo

Chef's Blend Come 'n Get It Dr. Ballard's **Fancy Feast** Felix Fido Friskies Go Cat Gourmet **Mighty Dog** ONE Pro Plan Purina Spillers **Tidy Cats** Vital Balance

#### Restaurants

Borel's Cheese Cellar Chicago J.B.Winberie James Tavern One Nation Parker's Lighthouse Pier East Rusty Scupper Stouffer's The Roxy The Whole Grain

#### **Food Services**

Chef Davigel Minor's Tino

#### PORTLAND CITY COUNCIL COMMUNICATION REQUEST Wednesday Council Meeting 9:30 AM

Council Meeting Date: 6-13-2-12	
Today's Date 6-5-2-12	AUDITOR 06/06/12 pm12:29
Name MARY ENG	
Address 2230 SVN Vermont	
Telephone (971) 533-2658 Email Mary	englayahoo.com
Reason for the request: Human Rights Violati	ons performed
Reason for the request: Human Rights Violati by Contractors G4S	and NESTLE.
What can Portland do to De	
Sponsorship of Human	
including wrongful death,	
	Pary Eng
(signed)	0

- Give your request to the Council Clerk's office by Thursday at 5:00 pm to sign up for the following Wednesday Meeting. Holiday deadline schedule is Wednesday at 5:00 pm. (See contact information below.)
- You will be placed on the Wednesday Agenda as a "Communication." Communications are the first item on the Agenda and are taken promptly at 9:30 a.m. A total of five Communications may be scheduled. Individuals must schedule their own Communication.
- You will have 3 minutes to speak and may also submit written testimony before or at the meeting.

#### Thank you for being an active participant in your City government.

# Contact Information:Karla Moore-Love, City Council Clerk1221 SW 4th Ave, Room 140Portland, OR 97204-1900(503) 823-4086 Fax (503) 823-4571email: Karla.Moore-Love@portlandoregon.gov

Request of Mary Eng to address Council regarding human rights violations performed by contractors G4S and Nestlé (Communication)

JUN, 1 3 2012

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LaVonne Griffin-Valade Auditor of the City of Portland

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COMMISSIONERS VOTED AS FOLLOWS:					
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2. Fish					
3. Saltzman					
4. Leonard					
Adams		1. 1.			