

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

JARRET WOLFMAN and OCCUPY THE COURTS,

Plaintiffs,

v.

WESLEY FRENCH, ACTING NATIONAL, RELOCATION COUNSELOR/PROGRAM MANAGER FOR OUTLEASING, SITE ACQUISITION AND URBAN DEVELOPMENT, GENERAL SERVICES ADMINISTRATION ("GSA"); JOANNA ROSATO, REGIONAL COMMISSIONER, GENERAL SERVICES ADMINISTRATION,

Defendants.

Case No.

DECLARATION OF JAMES M. HOWARD

JAMES M. HOWARD, pursuant to the provisions of 28 U.S.C. § 1746, declares the following under penalty of perjury:

1. I am currently employed as Supervisory Deputy United States Marshal for the United States Marshal's Service in the Southern District of New York. I have served in that position since January 2011. In this role, I am responsible for the supervision of the district's Protective Intelligence Unit, including various matters pertaining to the management of the Daniel Patrick Moynihan United States Courthouse (the "Courthouse") located in downtown Manhattan, New York, that is bounded on the north by Worth Street, on the south Park Row, on the west by the New York State Court building and on the east by Chatham Towers. A true and correct copy of a map depicting the federal property that includes the Courthouse (the "Federal Complex") is attached hereto as Exhibit A. My responsibilities relating to the management of

the Federal property include advising the United States General Services Administration ("GSA") about security and business management issues. Prior to my current position, I served as Protective Intelligence Investigator for four years. I have worked in various positions for the United States Marshal's Service (the "USMS") since 1998.

2. The Courthouse property includes a small triangular space outside of the Court's Pearl Street entrance ("500 Pearl Street"). It is my understanding that Jarret Wolfman, on behalf of Occupy the Courts, applied for a GSA use of space permit to hold a protest rally at 500 Pearl Street on Friday, January 20, 2012, from 4:00 pm to 6:00 pm. After reviewing Mr Wolfman's permit application, USMS advised GSA that the requested permit should be denied because the proposed protest raises security concerns that would result in the disruption of the Court's regular business and the blocking of access to the public space located at 500 Pearl Street.

3. The Courthouse presents unique security concerns because it is one of the most high profile and largest courthouses in the country. The Courthouse has been, and continues to be, a prominent terrorist target. For example, during the death penalty, sentencing phase of the Zacarias Moussaoui, former New York City mayor Rudolph Giuliani testified that the Courthouse is a terrorist target. A true and correct copy of Rudolph Giuliani's testimony is attached hereto as Exhibit B.

4. The Courthouse, moreover, immediately abuts the Metropolitan Correctional Center, which houses over 900 inmates, including several high-profile prisoners. It is also in the immediate vicinity of the United States Attorney's Office of the Southern District of New York, where over 350 number of federal employees, including over 170 prosecutors, work. Immediately adjacent to the Federal Property, moreover, are the New York State Court and the

New York City Police Department Headquarters. All of these adjacent facilities are themselves high-profile buildings with corresponding serious security concerns.

5. Due to these security concerns, access to the Federal Complex is limited. The streets within the Federal Complex are closed to unscreened traffic. These include Park Row and Pearl Street. To enter the Federal Complex southbound on Pearl Street access is restricted by a vehicle barrier to MTA buses, authorized vehicles and Chatham Green residents. To enter the Federal Complex westbound on Pearl Street access is restricted by a vehicle barrier to authorized vehicles. To enter the Federal Complex from the south-west, where the United States Attorney's Office is located, pedestrians have to pass through a narrow alleyway and a manned USAO security booth. All pedestrian traffic entering the Federal Complex southbound from Worth Street is accessible only between the Courthouse and the New York State courthouse. This is the area protestors would be located if the permit was approved.

6. The Federal Complex is also protected by security bollards, which are installed immediately adjacent to the Courthouse along Worth Street and Pearl Street.

7. In addition, several prominently installed security cameras survey the Federal Property, including a number of visibly mounted security cameras installed at the Pearl Street entrance to the Courthouse.

8. The space outside of the 500 Pearl Street entrance to the Courthouse is used as a means for entering and exiting the Courthouse. To ensure the flow of pedestrians through this space, there are no chairs, benches or other fixtures that would allow or encourage people to sit or otherwise linger in this area.

9. No use of space permit has ever been granted for the area within the Federal Property that abuts the Courthouse, including the area outside of the 500 Pearl Street entrance to

the Courthouse. USMS is aware of GSA's practice and policy not to issue use of space permits for this area, and supports that practice and policy because the security issues presented by issuing any such permit would interfere with the Court's regular business and block access to the public area located outside of the Courthouse.



↑ WITH TIME

10. The Courthouse receives an average of 1,100 visitors daily. When citizenship swearing in ceremonies are held, moreover, at least 400 additional visitors can be expected. Similarly, when judicial induction ceremonies are held, at least 150 additional visitors can be expected. This Friday, January 20, 2012, both a citizenship swearing in ceremony and a judicial induction ceremony will be held at the Courthouse.

11. The USMS's regular responsibilities include presenting in custody defendants for court proceedings, transporting in custody defendants to and from two Bureau of Prison facilities, conducting fugitive investigations, conducting protective investigations, and providing judicial protection details. This Friday, January 20, 2012, the USMS is expected to engage in all of these responsibilities.

12. Although Mr. Wolfman's application for a use of space permit indicated that no more than 200 persons are expected to attend any event outside of the Courthouse, the website and Facebook page of Occupy the Courts, the organization on behalf of which Mr. Wolfman applied for a use of space permits, indicates that as many as 2,500 protesters were invited by Mr. Wolfman to attend this Friday's events. A true and correct copy of Mr. Wolfman's Facebook page is attached as Exhibit C.

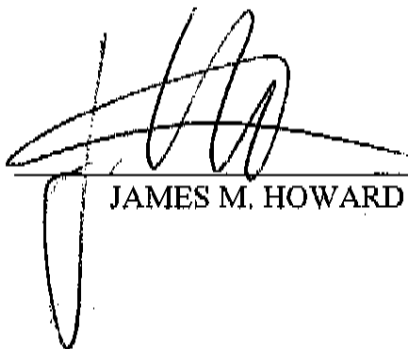


13. Mr. Wolfman's Affidavit indicates that Occupy the Courts is, among other organizations, affiliated with the Occupy Wall Street ("OWS") movement. OWS events in the

past have led to serious civil disturbances, and resulted in multiple injuries and arrests. Attached as Exhibit D are true and correct copies of various media reports describing these incidents.

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

Dated: New York, New York  
January 19, 2012



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JAMES M. HOWARD


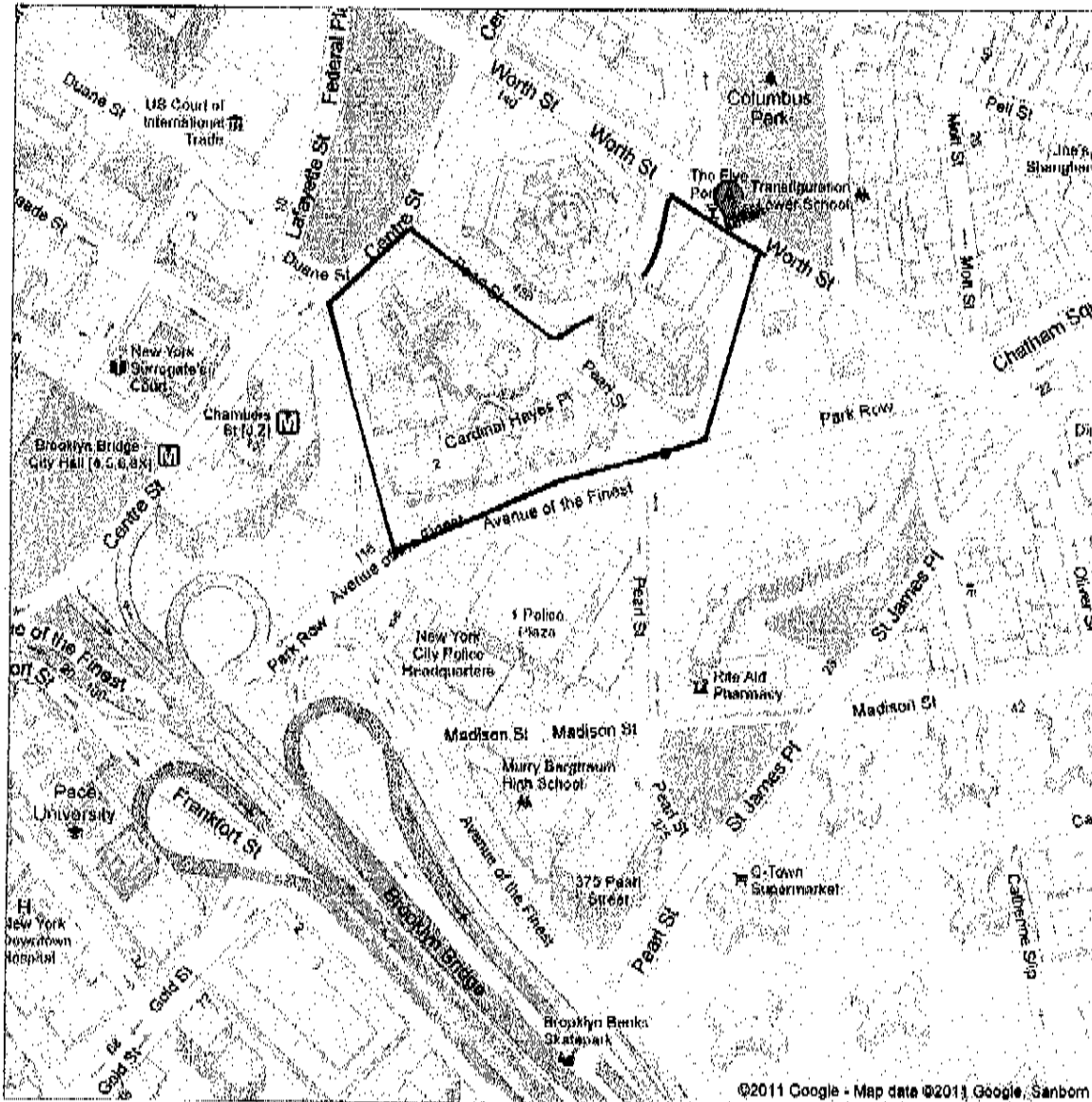
A





Address **500 Pearl St**  
New York, NY 10038

Get Google Maps on your phone  
Text the word "GMAPS" to 466453

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**B**

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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

|                           |   |                        |
|---------------------------|---|------------------------|
| UNITED STATES OF AMERICA, | . | Criminal No. 1:01cr455 |
|                           | . |                        |
| vs.                       | . | Alexandria, Virginia   |
|                           | . | April 6, 2006          |
| ZACARIAS MOUSSAOUI,       | . | 9:00 a.m.              |
| a/k/a Shaqil, a/k/a       | . |                        |
| Abu Khalid al Sahrawi,    | . |                        |
|                           | . |                        |
| Defendant.                | . |                        |
|                           | . |                        |
| . . . . .                 | . |                        |

TRANSCRIPT OF JURY TRIAL  
BEFORE THE HONORABLE LEONIE M. BRINKEMA  
UNITED STATES DISTRICT JUDGE

VOLUME XV

APPEARANCES:

FOR THE GOVERNMENT:

ROBERT A. SPENCER, AUSA  
DAVID J. NOVAK, AUSA  
DAVID RASKIN, AUSA  
United States Attorney's Office  
2100 Jamieson Avenue  
Alexandria, VA 22314

FOR THE DEFENDANT:

GERALD THOMAS ZERKIN  
KENNETH P. TROCCOLI  
ANNE M. CHAPMAN  
Assistant Federal Public Defenders  
Office of the Federal Public  
Defender  
1650 King Street  
Alexandria, VA 22314

1 Q. All right, that's fine.

2 A. And there's a big park in front of City Hall, and then  
3 there's the City Hall building.

4 And so that building had been evacuated. And then we  
5 thought about using the federal courthouse. And my chief of staff  
6 pointed out to me that that could be a target.

7 And the police commissioner and I at this point now were  
8 going over targets. We were, we were going over the places they  
9 could possibly hit next that came from our priority target list to  
10 deploy police officers so that in case there were bombings there,  
11 we would have people -- we'd have police officers there. Because  
12 we, we started to think that maybe the next step would be suicide  
13 bombings.

14 So he was going over with me the places where he was  
15 deploying, the Stock Exchange, the Federal Reserve, the Empire  
16 State Building, the United Nations, the Statute of Liberty, some  
17 of the synagogues, churches, St. Patrick's Cathedral, Temple  
18 Emanuel, places that come from the terrorist priority list.

19 And at that point when I said the federal courthouse, either  
20 Tony Carbonetti or Bernie or somebody said "that's on our list,  
21 that's a target, so we can't go there."

22 Then we thought about a firehouse and we thought about a  
23 police station and then we thought about a building. And at that  
24 point, just about at that point, I can't see exactly where we  
25 were, we were, like, two more blocks north or -- I felt someone

**c**



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**Sign Up** Facebook helps you connect and share with the people in your life.

**END CORPORATE PERSONHOOD**  
**New York City**  
**Occupy the Courts!**  
**January 20**



Going (109)



Maybe (33)



Invited (2,599)



Export · Report

## Occupy the Courts NYC: End Corporate Personhood!

Public Event · By Anne Rettenberg, Melina W Hammer and Jarret Wolfman

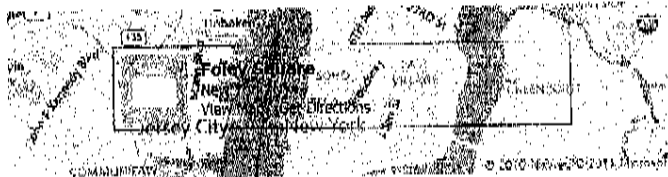
Friday 5:00pm until 7:00pm

**DUE TO PERMIT DENIAL WE WILL NOT BE GATHERING AT 500 PEARL ST!**

Instead, we'll gather at Liberty Plaza (formerly Zuccotti Park), march to Foley Square and then rally across from the Thurgood Marshall U.S. Courthouse. This is a permitted rally with speakers and entertainment.

A street action will occur on Saturday. Follow the link below for more details.

<http://ows.re-configure.org/>



**Aaron Bornstein**

Occupy Wall St. Think Think will be holding a special session discussing Corporate Personhood at 4pm in Liberty Plaza, leading up to the march and rally. Come, join, and share your ideas!

about an hour ago



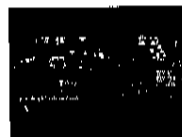
**Gideon Oliver**

**\*\* PLEASE SHARE AND COME TO THIS IMPORTANT EVENT TOMORROW MORNING \*\***

**TOMORROW: "OCCUPY THE COURT HOUSE" TO KEEP JAZZ HAYDEN & SHAKA SHAKUR FREE!**

Bro. Jazz Keeping An Eye On Police Action In Harlem Bro. Shaka speaking On Police Terror To Harlem Youth In The Hood

See More



**Stop and Frisk, Harlem - NYPD Car Search**

[www.youtube.com](http://www.youtube.com)

NYPD stop and frisk, search the car of 2 men in Harlem. July 30th 2011. Joseph "Jazz" Hayton films the incident and questions the officers as to why they are...

10 hours ago



**Jarret Wolfman**

here we go! :)



**Group Sued Over Denial of Permit to Protest at Courthouse**

[cityroom.blogs.nytimes.com](http://cityroom.blogs.nytimes.com)

Lawyers for protesters who had applied for the permit, as part of a campaign organized by a group called Move to Amend, which seeks to reverse the Citizens United decision, filed the suit, saying the denial of permission to hold a rally on Friday outside the federal courthouse at 500 Pearl Street, L...

11 hours ago

Gideon Oliver likes this.



**Gideon Oliver**

Bina Almad, Dave Rankin, and Mark Taylor of Rankin and Taylor -- all National Lawyers Guild - New York City Chapter members - are co-counsel on this emergency litigation filed today in the United States District Court for the Southern District of New York to protect protesters' rights to mark the 2nd anniversary of the US Supreme Court's Citizens United decision by occupying public space outside the

**D**



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## More than 700 arrested in Wall Street protest

Sun, Oct 2 2011

By Ray Sanchez

NEW YORK (Reuters) - Police reopened the Brooklyn Bridge Saturday evening after more than 700 anti-Wall Street protesters were arrested for blocking traffic lanes and attempting an unauthorized march across the span.

The arrests took place when a large group of marchers, participating in a second week of protests by the Occupy Wall Street movement, broke off from others on the bridge's pedestrian walkway and headed across the Brooklyn-bound lanes.

"Over 700 summonses and desk appearance tickets have been issued in connection with a demonstration on the Brooklyn Bridge late this afternoon after multiple warnings by police were given to protesters to stay on the pedestrian walkway, and that if they took roadway they would be arrested," a police spokesman said.

"Some complied and took the walkway without being arrested. Others proceeded on the Brooklyn-bound vehicular roadway and were. The bridge was re-opened to traffic at 8:05 p.m. (0005 GMT Sunday)."

Most of those who were arrested were taken into custody off the bridge, issued summonses and released.

Witnesses described a chaotic scene on the famous suspension bridge as a sea of police officers surrounded the protesters using orange mesh netting.

Some protesters tried to get away as officers started handcuffing members of the group. Dozens of protesters were seen handcuffed and sitting on the span as three buses were called in to take them away, witnesses and organizers said.

The march started about 3:30 p.m. from the protesters' camp in Zuccotti Park in downtown Manhattan near the former World Trade Center. Members of the group have vowed to stay at the park through the winter.

### CELEBRITY SUPPORT

In addition to what they view as excessive force and unfair treatment of minorities, including Muslims, the movement is also protesting against home foreclosures, high unemployment and the 2008 bailouts.

Filmmaker Michael Moore and actress Susan Sarandon have stopped by the protesters' camp, which is plastered with posters with anti-Wall Street slogans and has a kitchen and library, to offer their support.

Friday evening, more than 1,000 demonstrators, including representatives of labor organizations, held a peaceful march to police headquarters a few blocks north of City Hall to protest what they said was a heavy-handed police response the previous week. No arrests were reported.

A week ago, police arrested about 80 members of Occupy Wall Street near the Union Square shopping district as the marchers swarmed onto oncoming traffic.

A police commander doused a handful of women with pepper spray in an incident captured on video and spread via the Internet, galvanizing the loosely organized protest movement.

The group has gained support among some union members. The United Federation of Teachers and the Transport Workers Union Local 100, which has 38,000 members, are among those pledging solidarity.

The unions could provide important organizational and financial support for the largely leaderless movement.

Similar protests are sprouting in other cities, including Boston, Chicago and San Francisco.

(Reporting by Ray Sanchez; editing by Phillip Barbara and Bill Trott)



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Updated: Thu, Nov. 10, 2011, 3:00 PM

## EMT assaulted at Zuccotti Park protest

Last Updated: 3:00 PM, November 10, 2011  
Posted: 3:03 PM, November 10, 2011

A wild scuffle at Zuccotti Park early Thursday morning ended with an "Occupy Wall Street" protester under arrest for assault and an FDNY EMT in the hospital, MyFOXny.com reported.

Officers and EMTs were called to the park for a report of a disturbed person. While trying to approach 20-year-old Joshua Ehrenberg, sources said protesters locked their arms and legs together to stop Ehrenberg from being loaded into an ambulance.

According to police, during the ensuing moments, Ehrenberg shoved an emergency worker, who then had a ladder fall on top of him. In the confusion, several other protesters fell on top of the ladder, crushing his leg, the channel reported.

Sources said the ladder was set up as a part of the "Occupy Wall Street" protest.

Ehrenberg, who is from Rochester, N.Y., was arrested and taken to Bellevue Hospital for a psychiatric evaluation. He is charged with felony assault and obstructing governmental administration. The EMT was also taken to Bellevue where he was treated for leg, knee and ankle injuries.

Ehrenberg was expected to head to court to face assault charges following his release.

To read more, go to MyFoxNY.com.

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