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9 IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 In re GRAND JURY SUBPOENA  
11 dated February 1, 2006.

**No. CR 06-90064 MISC MMC**

12 JOSHUA WOLF,  
13  
14 Subpoenaed Party.

**DECLARATION OF JOSH WOLF IN  
SUPPORT OF MOTION FOR DE NOVO  
DETERMINATION, ADDITION TO THE  
RECORD, AND EVIDENTIARY HEARING**

15 Date: June 7, 2006  
16 Time: 2:30 p.m.  
Courtroom: 7 (19<sup>th</sup> Fl.)

17  
18 I, JOSH WOLF, declare and state as follows:

19 Without waiving any privilege if called upon to testify about the matters herein, I could  
20 testify competently about such matters based on my personal knowledge and/or on my review of  
21 the files in the state criminal actions and this related federal action. I make this declaration in  
22 support of Subpoenaed Party Motion For De Novo Determination, Addition To The Record, And  
23 Evidentiary Hearing.

24 On July 8, 2005, I captured video footage of a political protest and an SFPD police  
25 vehicle, which is central to this investigation. The video was broadcast without prior consent by  
26 at least three major television networks that later purchased rights to air an edited version that  
27 had previously made public on the World Wide Web.

28 DECLARATION OF JOSH WOLF IN SUPPORT OF DE NOVO MOTION

1 During the week of July 11, 2005, Joint Terrorism Task Force and FBI Special Agents  
2 Scott A. Merriam and Suzanne G. Solomon, who are working with San Francisco Police  
3 Department (SFPD) Inspector Lea W. Militello visited my residence, and interviewed me for  
4 approximately an hour and a half. They asked me if I make it a habit to document anarchist  
5 protests. They wanted information on "Anarchist Action," such as who they are and what their  
6 mission is. I informed them that they can obtain my video coverage of the demonstration from  
7 the internet. The published video is accessible at:

8 <http://ia300117.us.archive.org/0/items/JoshWolfAllEmpiresMustFall/AllEmpiresMustFall.mov>

9 The government can learn what I know by viewing the published video tape and speaking  
10 to witnesses identified in the edited video tape, speaking with the SFPD and reviewing the  
11 preliminary hearing in the state criminal prosecution for the July 8, 2005 events. In watching the  
12 video the government will learn that I did not witness an SFPD car on fire. There is a red-orange  
13 smoke billowing from beside a piece of foam. However, no police car burned. There is no  
14 evidence anyone intended to, or did anything deliberate, to torch a police car. There is no  
15 evidence that the foam, which the police car ran over even burned. There is evidence that the  
16 police rushed head long into a protest, choking one person, and punching another.

17 In seeking my testimony and unpublished material, the federal government is turning me  
18 into their de-facto investigator. My journalistic activities will be blighted, and my reporter-  
19 subject relationship of trust with alleged anarchist protestors will be eviscerated. Protestors will  
20 refuse to speak with me and will deny me access to cover demonstrations; in fact, this has  
21 already occurred.

22 I attended the hearing on March 30, 2006 and heard the government's argument that they  
23 are seeking the identities of individuals participating in the civil decent of July 8, 2005. The  
24 government's subpoena is driving a wedge between my First Amendment activities and  
25 protestors exercising their right to lawfully assemble by instilling fear that the government will  
26 use my documentation to catalogue and investigate individuals participating in civil dissent.

27 Through the subpoena that seeks to uncover the identities of the protestors, the  
28 government has driven a wedge between my First Amendment activities by instilling fear among

1 alleged anarchists and political dissidents who have since sought to exclude me from  
2 documenting their First Amendment activities.

3 I declare under penalty of perjury under the laws of the State of California that the  
4 foregoing is true and correct. Executed in Oakland California, this 5 day of June, 2006.

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Josh Wolf

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