

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

GEORGE A. SHORT,

Plaintiff

v.

Civil Action No. 05-01034 (RMU)

MICHAEL CHERTOFF, SECRETARY
UNITED STATES DEPARTMENT OF
HOMELAND SECURITY,

Defendant

DECLARATION OF JOHN POSTON

I, John Poston, do hereby declare and state:

1. I am Captain in the Federal Protective Service, and held that position in 2002..
2. During the morning of September 17, 2002, I was in Washington, D.C. and was contacted by Major Waters. He informed me that there was an emergency need to identify five volunteers to be temporarily dispatched to Buffalo, New York. Additional security was needed at the Buffalo, New York courthouse in relation to the prosecution of some suspected terrorists.
3. I was told to find anyone who could leave right away and that had a government credit card. The credit cards were required because there was not enough time to get travel advances before the deployment. The goal was to have the officers on a plane to New York by 4:00 PM that day.
4. I decided to canvass the day shift, which was the shift on duty at the time, for

volunteers.

5. I called over to Lt. Holmes's squad and the six officers who were there volunteered. Five officers out of those volunteers were sent to Buffalo.

6. We were unable to get the officers on a flight that evening to New York, so they left the first thing the next morning, September 18, 2002.

7. I decided to canvass the day shift employees, because they were at work and immediately available to respond to the request for volunteers. Race, color, age, and sex were not considered in making the selection. The officers sent were simply the first volunteers I got.

8. Officer Short was not on the day shift.

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

Executed on September 9-24, 2007.

John Poston 9-24-07
John Poston