CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

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THE PEOPLE OF THE STATE OF NEW YORK

Docket No.
2011 NY 082981

-against-

RONNIE NUNEZ

Defendant.

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MEMORANDUM OF LAW OF *AMICUS CURIAE*
NEW YORK CIVIL LIBERTIES UNION

Dated February 17, 2012

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INTRODUCTION

This case concerns the important question of whether a private property owner can unilaterally exclude a member of the public from "privately owned public spaces" in New York City. Mr. Ronnie Nunez, the Defendant, is alleged to have refused to leave one such public space after the private owner sought to expel him. The private owner, however, had no lawful authority to exclude Mr. Nunez or any other member of the public. The accusatory instrument against Mr. Nunez is predicated on the erroneous assertion that the private owner had this authority. The Defendant's motion to dismiss the information should be granted.

Section I of this brief discusses the important historical and legislative context regarding privately owned public spaces, or "POPS," like Zuccotti Park. When private owners agree to create POPS in exchange for valuable zoning concessions, they bargain away their right to treat these spaces like their own private property. As a result of that bargain, private owners grant the public a permanent license to access to these spaces, which are subject to contractual, statutory, and constitutional protections. City zoning law makes unambiguously clear that private owners must obtain the advance approval of the City Planning Commission ("CPC") before enforcing any restrictions on public access to a POPS. The law also makes clear that before the CPC can authorize any restrictions, there must be strict compliance with important procedural protections that are designed to protect public access.

Section II discusses the fatal deficiency in the accusatory instrument. The People assert that the prosecution of Mr. Nunez on charges of trespass, disorderly conduct, and obstruction of governmental administration is supported by the fact that Brookfield Properties ("Brookfield") withdrew its permission for the public to be in Zuccotti Park, permitting police to evacuate Zuccotti Park and making Mr. Nunez's continued presence there unlawful. The basis for the

information, however, is erroneous as a matter of law. Since the creation of Zuccotti Park in 1968, the public has had a permanent license to be present. In lieu of CPC approval, Brookfield had no authority to exclude Mr. Nunez or anyone else from Zuccotti Park. Therefore, the accusatory instrument against Mr. Nunez is insufficient and Defendants' motion to dismiss the information should be granted.

INTEREST OF *AMICUS CURIAE*

The New York Civil Liberties Union ("NYCLU"), an affiliate of the American Civil Liberties Union, is a non-profit, non-partisan organization with approximately 40,000 members. The NYCLU is committed to the protection of the fundamental right to engage in expressive conduct in New York City's public spaces, including Zuccotti Park. Mr. Nunez is one of many individuals currently being prosecuted for being present in Zuccotti Park under similar circumstances. Thus, the ruling on Mr. Nunez's motion to dismiss may affect other similar prosecutions in the Criminal Court of the City of New York. In addition, New York City has hundreds of POPS that, like Zuccotti Park, are important public fora for the exercise of First Amendment rights, particularly in New York City's dense urban environment. Consequently, the ruling on Mr. Nunez's motion to dismiss may also have an impact on the right to access these public spaces free from unilateral and unlawful actions taken by private owners. For these reasons, the resolution of this case is important to the NYCLU and its members.

ARGUMENT

I. OWNERS OF PRIVATELY OWNED PUBLIC SPACES DO NOT HAVE THE ABILITY TO UNILATERALLY EXCLUDE THE PUBLIC AND MUST COMPLY WITH CONTRACTUAL, STATUTORY, AND CONSTITUTIONAL PRINCIPLES.

Since 1961, New York City has encouraged the development of hundreds of POPS like Zuccotti Park across the five boroughs. These spaces are created by granting zoning incentives

to the private developers of office and residential buildings in exchange for the creation of spaces that are legally required to be open and accessible to the public. Currently, over 500 of these public spaces exist throughout the City, totaling 3.5 million square feet of public space. *See* Department of City Planning Website, Privately Owned Public Space History (last visited Jan. 24, 2012), attached as Exhibit A.

In exchange for these valuable zoning concessions, private owners of POPS forfeit their traditional rights as property owners and must abide by legal constraints governing these public spaces. As explained in a book co-authored by the New York City Department of Planning:

> In return for the [zoning] incentive, the developer agrees to allocate a portion of its lot or building to be used as a privately owned public space, construct and maintain the space according to design standards articulated by the zoning and implementing legal actions, and allow access to and use of the space by members of the public . . . Although the privately owned public space continues, by definition, to be "privately owned," the owner has legally ceded significant rights associated with its private property, including the right to exclude others, and may not longer treat this part of its property any way it wishes. As de facto third party beneficiaries, members of the public participate in the exchange by gaining their own rights to this private property . . .

See Jerold Kayden, The New York City Department of Public Planning, and the Municipal Art Society of New York, Privately Owned Public Spaces: The New York City Experience (2000) at 21, excerpts attached as Exhibit B. As a result, POPS become subject to several legal constraints that preclude the owner from treating the public space like private property.

A. Contractual Obligations Mandate Public Access to Privately Owned Public Spaces.

The contracts creating POPS contain explicit obligations mandating that the private owner create and maintain the POPS as a publicly open and accessible space. Often this document is a "special zoning permit" containing provisions requiring that the POPS be established and maintained for the public. *See, e.g.,* City of New York Special Zoning Permit, CP-20222, No. 4, p.215 (March 20, 1968) (requiring Zuccotti Park to be a "permanent open

park" for the "public benefit"), attached as Exhibit C. As noted above, the public is a direct and intended third party beneficiary of this exchange. As a result of these contractual obligations and the existence of the third party beneficiary relationship, the private owner of the POPS is precluded from acting unilaterally and managing the POPS like private property.

B. City Zoning Law Guarantees Public Access to Privately Owned Public Spaces and Limits the Manner and Form in Which Public Access Can be Restricted.

Despite these clear contractual obligations, for decades private owners unlawfully treated POPS like private property. In 1996, the City began a three-and-a-half year project to catalogue all POPS in New York City and to determine whether owners were fulfilling their responsibility to keep them open and accessible to the public. *See* Privately Owned Public Spaces at 62. The results of the survey, published in 2000, found that approximately half of the then-existing POPS were illegally closed or otherwise privatized. *See Dunlop,* "A Public Realm on Private Property: New Study Identifies and Rates Hundreds of Spaces that Earned Zoning Bonuses," N.Y. TIMES (Oct. 15, 2000), attached as Exhibit D. In some cases, owners actively deterred the public from using the spaces and wrongfully asserted that the grounds were private. *Id.*

Subsequent to this survey, the New York City Council enacted a sweeping and comprehensive rezoning scheme governing POPS. When presenting the 2007 zoning resolution to the City Council, the CPC noted that the impediments to public access identified in the comprehensive survey motivated the revision of the "outdated and inconsistent standards in the existing zoning text." *See* CPC Report, Cal. No. 21, N070497 ZRY (Sept. 19, 2007) at 10, excerpts attached as Exhibit E. Consequently, a primary concern of 2007 law was ensuring that public access to POPS was not unlawfully restricted by the private owners of these spaces.

City zoning law places several substantive and procedural constraints on private owners. With regard to the day-to-day management of POPS defined as "public plazas," like Zuccotti

Park, the zoning resolution makes clear that private owners "shall not prohibit behaviors that are consistent with the normal public use of a public plaza." *See* NYC Zoning Resolution § 37-752 (2007).[1] The law also mandates that public plazas conform to certain design criteria and hours of accessibility. With regard to physical access, the zoning resolution prohibits owners from erecting barriers when the public space is open and mandates that certain percentage of the frontage remain unobstructed. *See* NYC Zoning Resolution §§ 37-721; 37-723; 37-726. With regard to the hours of accessibility, City law requires that "public plazas shall be accessible to the public at all times, except where the CPC has authorized a nighttime closing." *See* NYC Zoning Resolution § 37-727.

City zoning law vests the CPC with the sole authority to authorize restrictions to public access, and mandates compliance with procedural safeguards before it can approve any restrictions. A private owner seeking to restrict the hours of public access must first submit documentation of the alleged "significant operational or safety issues" underlying the request. *See* NYC Zoning Resolution § 37-727. The CPC is statutorily precluded from authorizing any closing of a POPS unless the private owner provides documented evidence of "significant" safety issues and the CPC determines, based on the submitted evidence, that the closure is "necessary for public safety . . . as documented by the applicant." *See id*. Similarly, the CPC is statutorily precluded from authorizing any changes to a public plaza's physical design unless the changes will improve compliance with the public accessibility standards contained within City zoning law. *See* NYC Zoning Resolution § 37-625. These requirements limit the circumstances under which the CPC can authorize any modifications to public access and allow it to determine,

[1] In addition, any other restrictions an owner seeks to impose on the public's ability to use or access a public plaza must be "reasonable" pursuant to long established City policy. *See* Privately Owned Public Spaces at 38 ("The Department of City Planning has taken the position that an owner may prescribe 'reasonable' rules of conduct").

based on a written record, whether the private owner's request to otherwise restrict access is adequately justified.

These procedural requirements also ensure that the beneficiaries and users of these spaces—the public—have notice and the ability to comment before a private owner takes actions that will exclude them from a POPS. A request by a private owner to restrict access is scheduled for a public hearing, and anyone wishing to speak about the proposed modification is permitted to do so at the hearing or to submit written comments. *See* NYC Rules §§ 1-01(a), (m), (n); 2-03(d)(2). The borough president and community board affected by the proposed changes are also given notice and the opportunity to comment, *see* NYC Charter § 206(c), further protecting the public interest against any unjustified closings or restrictions to a POPS based solely on the interests of the private owner.

The plain text of the zoning resolution makes clear that this administrative approval process is mandatory and that it is the only means by which the public's right to access a POPS can be limited. *See* NYC Zoning Resolution § 37-727; *cf.* Comment to N.Y. Stat. Law § 213 "Exceptions" (McKinney) ("When one or more exceptions are expressly made in a statute, it is a fair inference that the Legislature intended that no other exceptions should be attached to the act by implication"). In addition to the plain language of the statue, the legislative history of the 2007 zoning resolution makes clear that this process is the exclusive means by which a private owner can obtain approval to modify access to a POPS. *See* Minutes of the N.Y. City Council Subcommittee on Zoning and Franchises 14:18 to 15:22 (Oct. 9, 2007) (noting the sole "out provision" in the zoning resolution was compliance with "full process" requiring private owner to seek City approval), excerpt attached as Exhibit F.

In light of the long history of private owners unlawfully restricting public access to POPS, City zoning law requires adherence to the statutory provisions maximizing public access, and strict compliance with the CPC approval process before any restrictions can be enacted or enforced by the private owner. This oversight ensures that, when it comes to POPS, private owners cannot manage these spaces as their own private property.

C. Constitutional Protections Apply to Privately Owned Public Spaces.

Finally, private owners are bound to respect the fundamental constitutional protections that apply to POPS. Numerous courts have recognized that when privately owned land is explicitly dedicated to public use, the space is a traditional public forum regardless of who holds title to the property. *See, e.g., Venetian Casino Resort, L.L.C. v. Local Joint Exec. Bd.*, 257 F.3d 937, 945 (9th Cir. 2001) (holding that where private property owner agreed to construct sidewalk "dedicated to public use" in exchange for ability to widen road when constructing new casino, the privately-owned section of sidewalk constituted a traditional public forum); *Thomason v. Jernigan,* 770 F. Supp. 1195, 1197 (E.D. Mich. 1991) (holding that privately-owned driveway with easement for public access was a traditional public forum); *Citizens To End Animal Suffering And Exploitation, Inc. v. Faneuil Hall Marketplace, Inc.*, 745 F. Supp. 65 (D. Mass. 1990) (holding that pedestrian lanes inside a marketplace owned by the City of Boston but leased for 99 years by a private company constituted public forum because, *inter alia*, the City retained an easement protecting "the public's access and passage"); *see also Hague v. CIO*, 307 U.S. 496, 515 (1939) (opinion of Roberts, J.) ("Wherever the title of streets and parks may rest, they have immemorially been held in trust for the use of the public."); *First Unitarian Church of Salt Lake City v. Salt Lake City Corp.,* 308 F.3d 1114, 1123 (10th Cir. 2002) ("Because such traditional public fora are often easements, it is evident the property here is not exempt from the First

Amendment merely because it is an easement rather than land to which the government holds fee title") (citation omitted) (holding that privately-owned street that contained a public easement was "infused with public purposes" and thus a traditional public forum); *cf. Waller v. City of New York*, 933 N.Y.S.2d 541, 544 (N.Y. Sup. Ct. 2011) (assuming *arguendo* that First Amendment protections apply to Zuccotti Park).

POPS are akin to "an easement held by the public on the owner's property." *See* Privately Owned Public Spaces at 23. As spaces legally mandated to be open and accessible for the public's benefit and use, POPS are subject to constitutional protections as traditional public fora under the First Amendment. Indeed, courts have acknowledged that when a space is explicitly designated for public use, like a POPS, it is clear that such areas are "inherently compatible" with First Amendment activity and subject to constitutional protections as traditional public fora. *See ACLU of Nevada v. City of Las Vegas*, 333 F.3d 1092, 1101 (9th Cir. 2003) ("[W]hen a property is used for open public access . . . we need not expressly consider the compatibility of expressive activity because these uses are inherently compatible with such activity") (holding that privately-owned pedestrian mall was traditional public forum).

II. BROOKFIELD LACKED LEGAL AUTHORITY TO EXCLUDE THE DEFENDANT FROM ZUCCOTTI PARK, RENDERING THE ACCUSATORY INSTRUMENT DEFECTIVE.

Zuccotti Park is subject to the contractual, statutory, and constitutional protections outlined above. Accordingly, contrary to the basis for the criminal charges asserted by the People in the information, Brookfield Properties had no authority to unilaterally exclude the public from Zuccotti Park. Consequently, the information is insufficient to support the charges against Mr. Nunez and Defendant's motion to dismiss should be granted.

A. Brookfield Had No Authority to Expel Mr. Nunez from Zuccotti Park.

Brookfield's successors bargained away any right to exclude the public from Zuccotti Park, as reflected in the "special permit" stating that Zuccotti Park would be a "permanent open park" for the "public benefit." *See* Special Zoning Permit (March 20, 1968). Accordingly, at the time Zuccotti Park was created, permission to enter Zuccotti Park was permanently granted to all members of the public. Afterward, no member of the public was required to obtain any permission—implicit or explicit—to enter Zuccotti Park.

Nevertheless, on November 15, 2011, everyone was expelled from Zuccotti Park and metal barricades were erected encircling the entire park. Subsequent access was permitted only through two narrow gaps in the barricades patrolled by security personnel who subjected entrants to searches of their personal belongings and other restrictive conditions, and these practices persisted for nearly two months.[2] *See* Letter from NYCLU to Commissioner Robert LiMandri, NYC Department of Buildings (Jan. 9, 2012), attached as Exhibit G.

Brookfield's actions violated the unambiguous terms of the special zoning permit, and were patently unreasonable in violation of Department of City Planning Policy. *See* Footnote 1, *supra.* They also violated City zoning law. In the nearly 60 days that passed between the time in which the People allege that the park was first entered by protestors on September 17, 2011, and the arrest of Mr. Nunez on November 15, 2011, Brookfield never received any approval from the CPC to expel the public or to impose other restrictions on public access. For all these reasons, Brookfield had no lawful authority to exclude Mr. Nunez from Zuccotti Park.

[2] Two days after the NYCLU, the Center for Constitutional Rights, and the National Lawyers Guild sent a letter to the Department of Buildings regarding these ongoing violations of City zoning law, the barricades were removed and the searches ceased.

The People concede that Zuccotti Park must be "open to the public and maintained for public use 365 days a year," but also assert that

> . . . Brookfield Properties is the custodian of Zuccotti Park and at the time of the defendant's arrest, permission and authority for the defendant to remain inside the park had been withdrawn . . . at the time and place of the defendant's arrest, Brookfield Properties had transferred authority to the New York City Police Department to revoke that license by ordering the dispersal and evacuation of all individuals in the park.

See People's Resp. ¶¶ 9, 11. This assertion, however, is fundamentally flawed. As shown above, at the time of the Mr. Nunez's arrest, permission to enter Zuccotti Park was not Brookfield's to grant, let alone unilaterally withdraw.

Compliance with City zoning law would have protected the public interest by ensuring public access to Zuccotti Park was not unlawfully restricted without adequate justification and public input. Brookfield would have had to document the concerns it alleged justified the complete expulsion of the public from the park and the substantial impediments to public access it imposed thereafter. *See* NYC §37-727. The request also would have been forwarded by the CPC to Manhattan Community Board 1[3] and Borough President Scott Stringer.[4] Thereafter, the request would have been the subject of a public hearing, allowing members of Community Board 1, Borough President Stringer, and any other interested member of the public to comment on the proposed restrictions. In sum, had Brookfield complied with the law, the CPC would have had

[3] Community Board #1 had previously adopted a resolution stating that the First Amendment rights of those in Zuccotti Park and public safety concerns were "in no way mutually exclusive, and indeed both can be accomplished." *See* Resolution Re: Occupy Wall Street Protest in Zuccotti Park, Manhattan Community Board # 1 (Oct. 25 2011), attached as Exhibit H.

[4] Borough President Stringer issued a statement demanding a dialogue between Brookfield and protestors that would result in a long-term solution respecting the rights of protestors to remain. *See* Statement on Community Board Occupy Wall Street Resolution by Borough President Stringer, Senator Squadron and Congressman Nadler (Oct. 21, 2011), attached as Exhibit I.

the opportunity to consider the sufficiency of any documented evidence of safety concerns, and the public's comments, before making an independent determination as to whether any closure of the public space was necessary and could be accomplished in accord with City zoning laws.

B. The Accusatory Instrument Is Defective.

The information alleges that Brookfield had the authority to remove Mr. Nunez from Zuccotti Park. Since the creation of the park in 1968, however, no private owner has had the legal authority to unilaterally withdraw permission for the public to be present in Zuccotti Park. Brookfield Properties never requested or obtained approval from the CPC. The charges against Mr. Nunez require are predicated on the incorrect assertion that there was lawful authority to exclude Mr. Nunez from Zuccotti Park. Because this authority was lacking as a matter of law, the Defendant's motion to dismiss the information should be granted.[5]

To convict Mr. Nunez for trespass in violation of N.Y. Penal Law §140.00(5), the People must be able to show that he defied a "lawful" order excluding him from Zuccotti Park. *See People v. Leonard*, 62 N.Y.2d 404, 410 (1984) (finding that the prosecution has the burden of proving that "the particular order of exclusion was lawful"). For an order to be "lawful" it must have a "legitimate basis" and take into consideration the "nature and use of the subject property."

[5]The People correctly concede that "whether [Brookfield Properties] had the lawful right to order protestors to leave [Zuccotti] [P]ark implicates issues of First Amendment speech rights and the right to lawful assembly." *See* People's Resp. ¶14. Zuccotti Park is indeed a traditional public forum subject to constitutional protections. *See infra,* Section I(C). The People are incorrect, however, that these constitutional issues preclude the Court from granting Defendant's motion to dismiss because these issues are "inappropriate, if not impossible, for determination at the pleading stage." *Id.* To the contrary, as shown in this brief, it is clear that Brookfield Properties had no authority to unilaterally exclude Mr. Nunez or any other member of the public from Zuccotti Park as a matter of contractual and statutory law. The Court should dismiss the information against Mr. Nunez on these grounds, and need not reach the serious constitutional implications of prosecuting these charges. *Cf. People v. Felix*, 58 N.Y.2d 156, 161 (1983) ("It is hornbook law that a court will not pass upon a constitutional question if the case can be disposed of in any other way").

See id. at 411; *see also People v. Cusamano,* 22 A.D.3d 427, 428 (1st Dep't 2005) (finding order must have "legitimate basis" in order to be lawful within meaning of trespass statute). An exclusion cannot be "lawful" under any circumstance if it conflicts with a statute that limits the right of a private property owner to exclude persons from its property. *See People v. Tuchinsky*, 100 Misc. 2d 521, 522 (N.Y. Dist. Ct. 1979) (holding that defendant could not be convicted of trespassing if landlord's ability to exclude defendant was restricted by statute) ("The term 'lawful' is referable to statutes which limit the authority of property owners to make certain orders").

The accusatory instrument asserts that the basis for the authority to exclude Mr. Nunez from Zuccotti Park was Brookfield's act of withdrawing its permission for the public to be present. As shown above, however, Brookfield did not have had any "legitimate basis" for excluding the public and was, in fact, expressly prohibited from doing so by the terms of the special permit and City zoning law. Brookfield's order of exclusion was not "lawful" under N.Y. Penal Law § 140.00(5), and this charge should be dismissed.

For the same reason, the accusatory instrument is insufficient to support the charge of disorderly conduct for failing to disperse in violation of N.Y. Penal Law § 240.20(6). To convict Mr. Nunez of disorderly conduct, the prosecution has the burden of demonstrating the existence of a lawful order to disperse from Zuccotti Park. *See People v. Galpern*, 259 N.Y. 279, 281 (1932) (holding there can be no disorderly conduct if defendant failed to comply with "order of a policeman . . . transcending his lawful authority"); *People v. Edmond*, 17 Misc.3d 1130(A), *6-7 (N.Y. Sup. Ct. Queens Cty. 2007) (dismissing disorderly conduct charge where police lacked "legal foundation for the order to disperse").

The accusatory instrument asserts that the "lawful authority" underlying the order to disperse was that Brookfield revoked its permission for the public to be present in Zuccotti Park and "transferred authority to the New York City Police Department to revoke that license by ordering the dispersal and evacuation of all individuals in the park." *See* People's Resp. ¶¶ 10-11. Brookfield Properties, however, did not have any authority to exclude the public from Zuccotti Park, and thus it had no "authority" that it could have "revoked" and "transferred" to police. The alleged order to disperse was made without "legal foundation" and it "transcended [any] lawful authority" that Brookfield had to exclude Mr. Nunez from Zuccotti Park. *Id.* The "legal foundation" contained in the accusatory instrument is insufficient as a matter of law to support the charge under N.Y. Penal Law § 240.20(6), and this charge should also be dismissed.

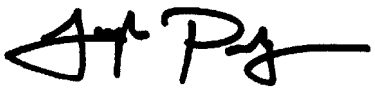
Similarly, the information is insufficient to support the charge against Mr. Nunez for obstructing government administration under N.Y. Penal Law § 195.05. To convict Mr. Nunez of obstructing governmental administration the People would have to prove, *inter alia*, that the "official function" being performed by NYPD officers when they ordered Mr. Nunez to leave Zuccotti Park was "authorized by law." *See, e.g., Lennon v. Miller*, 66 F.3d 416, 424 (2d Cir. 1995) ("New York Courts have . . . held that the official function being performed must be one that was authorized by law); *People v. Vogel,* 116 Misc.2d 332, 332-33 (2d Dep't 1982) (reversing conviction where jury was not instructed that, to sustain a conviction for obstructing governmental administration, the official function performed by police officer must be legally authorized); *People v. Ferreira*, 10 Misc.3d 441, 442-43 (N.Y. City Crim. Ct. 2005) (dismissing charge of obstructing governmental administration where defendant was under no obligation to obey the order given by police officer). The accusatory instrument is premised on the flawed assertion that the "legal authority" underlying the "official function" of removing Mr. Nunez

from Zuccotti Park was Brookfield's revocation of permission for the public to be in Zuccotti Park. For all the reasons stated above, this official function was not "authorized by law," and the accusatory instrument is insufficient as a matter of law to support the charge under N.Y. Penal Law § 195.05.

CONCLUSION

For the reasons stated herein as well as those detailed in the Defendant's Motion to Dismiss, *amicus curiae* New York Civil Liberties Union urge the Court to grant Defendant's motion and to dismiss the information against Mr. Nunez pursuant to Criminal Procedure Law § 170.30(1)(a) & (f).

DATED: New York
Feb. 17, 2012



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APPENDIX A
Index of Exhibits

A. Department of City Planning Website, Privately Owned Public Space History (last visited Jan. 24, 2012)

B. *Jerold Kayden, The New York City Department of Public Planning, and the Municipal Art Society of New York,* Privately Owned Public Spaces: The New York City Experience, p.21 (2000)

C. City of New York Special Zoning Permit, CP-20222, No. 4, p.215 (March 20, 1968)

D. *Dunlop,* "A Public Realm on Private Property: New Study Identifies and Rates Hundreds of Spaces that Earned Zoning Bonuses," N.Y. TIMES (Oct. 15, 2000)

E. CPC Report, Cal. No. 21, N070497 ZRY (Sept. 19, 2007)

F. Minutes of the N.Y. City Council Subcommittee on Zoning and Franchises (Oct. 9, 2007)

G. Letter from NYCLU to Commissioner Robert LiMandri, NYC Department of Buildings (Jan. 9, 2012)

H. Resolution Re: Occupy Wall Street Protest in Zuccotti Park, Manhattan Community Board # 1 (Oct. 25 2011)

I. Statement on Community Board Occupy Wall Street Resolution by Borough President Stringer, Senator Squadron and Congressman Nadler (Oct. 21, 2011)