

Texas: Austin police provocateurs infiltrated, entrapped Houston Occupy protesters

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An ersatz protester who attended planning meetings for the Austin, Texas Occupy group has now been identified as Austin Police Detective Shannon Dowell. Two other Austin police officers also infiltrated the Austin Occupy group. The three police provocateurs used classic methods designed to entrap protesters into breaking the law, thus setting them up for arrest, criminal prosecution and possible imprisonment.

The operation may now be unraveling due to carelessness on the part of the provocateurs themselves, as a state district judge reviews the case. Court documents make clear that police officials up to Chief Art Acevedo approved the infiltration operation.

While attending Occupy planning meetings, Dowell apparently didn't say much openly before the group, but preferred to operate behind the scenes by buttonholing individual Occupy members privately and urging them to adopt more aggressive tactics.

At a protest that took place at the Port of Houston in Harris County on December 12, 2011, Austin Occupy protester Ronnie Garza and 19 others were arrested by Houston police as they tried to block an entrance to the port using an illegal device that strengthened the protest line. Garza and 6 of the 19 now face trial on felony charges.

Garza was quoted in the *Houston Chronicle* as saying, "One of the things Shannon especially was doing, he would pull people aside from the general conversation and say debating isn't really the answer. We need to escalate the tactics and move to action ... That's the kind of character we're dealing with."

At a pretrial hearing September 5, State District Judge Joan Campbell lectured prosecutors for failing to disclose the roles of Dowell and the other two police officers to Garza's defense team. She is now reviewing Austin police emails pertaining to the case. Judge

Campbell delayed the Wednesday hearing until September 25, when she will rule on the question of whether the undercover police files contain information favorable to Garza's defense under the 1963 US Supreme Court case known as *Brady vs. Maryland*.

Brady vs. Maryland established that the prosecution, under the due process clause of the Fourteenth Amendment of the Constitution, cannot withhold evidence that is "material either to guilt or to punishment" in a case.

Garza and other protesters at the Port of Houston demonstration used "dragon sleeves," made of sections of PVC pipe within which protesters can chain their arms together. The illegal devices are intended to prevent police from easily defeating protest lines by forcibly separating protesters from one another.

Prosecuting attorneys acknowledge that Detective Dowell purchased the materials for the dragon sleeves, and either made them or showed protesters how to make them. They contend that they had no idea that the Austin Police Department had planted an officer in the Occupy movement until Garza's defense attorneys subpoenaed Dowell.

Dowell's role in making the dragon sleeves is a key component of the case against Garza, since prosecutors say he and the other protesters were in possession of a "criminal instrument"—the dragon sleeves—during the protest. This is the basis of the felony charge against Garza.

According to the *Chronicle*, Harris County prosecutor Colleen Barnett said in an interview after the hearing, "Had we realized that an undercover officer was involved" and had participated in the construction of the dragon sleeves, "that is clearly Brady material ... Had we known that, we would have turned it over to the defense."

Garza's pro bono defense attorney, Glen Gladden, said his office had received an "anonymous tip" that Dowell had bragged at a dinner party about his undercover work with protesters in Houston. Gladden said, "I believe he is a government provocateur ... I didn't find out from the DA's office or the police. I found out because Dowell was bragging to the wrong people about setting these kids up, and they tipped us off. It was his big mouth that got him down here."

Dowell has failed to bring subpoenaed records to the defense. At a court appearance September 3, he said he had lost a computer drive containing photos, and insisted that all the emails related to the undercover operation had been inadvertently deleted.

However, Austin Assistant Police Chief Sean Mannix, who was at the Wednesday hearing, defended his officers. "I have no reason to believe they behaved improperly," he said. Mannix would not comment on the mission of the undercover officers. In separate remarks, Mannix justified the undercover operation, declaring, "It was determined that plain-clothes officers blending in was necessary for the safety of the participants and the community."

Judge Campbell expressed her concern that Austin police failed, apparently, to inform the Houston police about their ongoing undercover work before the arrests were made at the port. The judge questioned the safety of the operation, pointing out hypothetically that police agents could have provided protesters with a bomb.

Another Port of Houston protester, Eric Marquez, has not been able to make bail because he has a pending theft case in Dallas County. Houston civil rights attorney Randall Kallinen, who is defending Marquez, commented, "It's quite incredible that these Austin police officers would do this stuff, but this has been happening in other cities where agents provocateurs are shutting down protests by showing up in menacing clothing, throwing rocks and doing other disrupting tactics."



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