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with Amy Goodman & Juan González

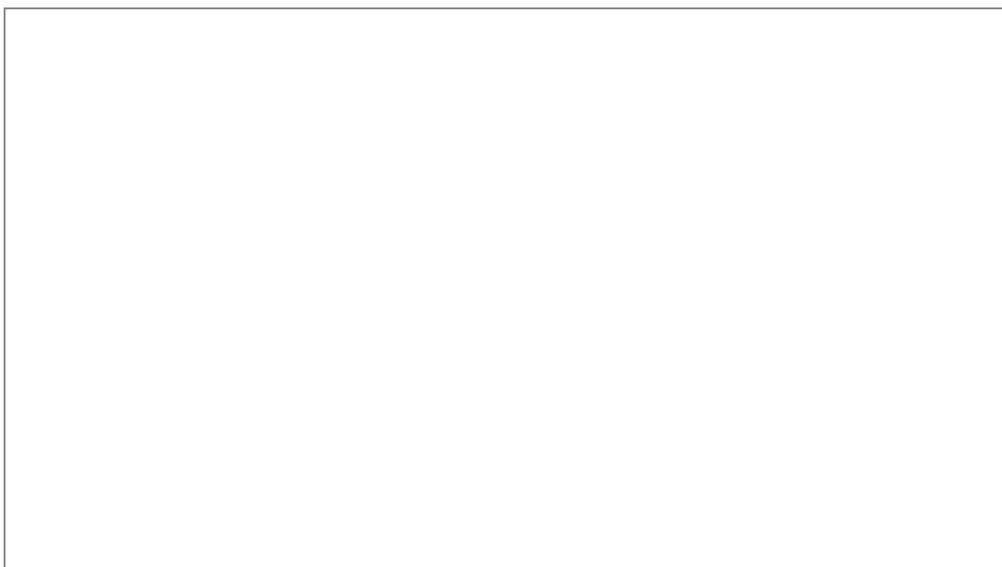
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A jury in Austin, Texas, is set to issue its decision today in a case that centers on a person's right to film police officers. Antonio Buehler says he was at a gas station in the early morning hours of New Year's Day in 2012 when he used his phone to take pictures of a woman being arrested and crying out for help. Ultimately, Buehler's attempt to document what he felt was apparent police abuse ended with his own arrest when the officer said he felt Buehler spit on him. He faced a felony charge of "harassment of a public servant," and two to 10 years in prison. Last year, a grand jury cleared Buehler of the felony, but in an usual twist, it came back with a charge of "failure to obey a lawful order," a Class C misdemeanor punishable by a \$500 fine. The order was for Buehler to put his hands behind his back as he tried to take pictures. Since then Buehler has co-founded the group Peaceful Streets Project, whose members record police and post the videos online, and train others to do the same. He has been arrested several more times while videotaping officers and has

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filed a federal civil rights lawsuit against the Austin Police Department. Buehler is an Iraq War veteran and graduate of West Point and Stanford University with no prior arrests. Just moments before a jury is set to issue a verdict, he joins us from Austin.

UPDATE: After four days of proceedings and more than five hours of jury deliberation, Antonio Buehler was found not guilty the evening of Oct. 29, 2014. Buehler sent us this this statement in response to the verdict:

"I don't feel vindicated, nor do I think I 'won.' The cops who committed crimes that night were never tried, arrested, fired, disciplined, or even reprimanded. Instead, Norma and I were charged with a total of six crimes we did not commit, and it took nearly three years to make them disappear. And I still have three more trials coming up for the 'crime' of filming the police. The city had eight prosecutors in the courtroom trying this case, and about a dozen police officers were in there to intimidate the jury. When cops and prosecutors are willing to expend such tremendous

resources to prosecute a Class C Misdemeanor for political purposes, all Americans should fear their government."

TRANSCRIPT

This is a rush transcript. Copy may not be in its final form.

JUAN GONZÁLEZ: We go now to Austin, Texas, where a jury is set to issue a decision today in a case that centers on an activist's right to film police. Antonio Buehler says he was at a gas station in the early morning hours of New Year's Day in 2012 when he used his phone to take pictures of a woman being arrested and crying out for help. In this video clip from the dashboard camera of a police car at the scene, Officer Patrick Oborski pulls the female passenger out of a car that had been stopped for having its lights off. As she cries for help, you can hear Antonio Buehler call out to the officer.

FEMALE PASSENGER: Don't touch me. You're on video.

POLICE OFFICER: That's good. Come on. You're done.

FEMALE PASSENGER: I'm on video.

POLICE OFFICER: That's it. Get out of the car.

ANTONIO BUEHLER: Why are you pulling her out of the car?

POLICE OFFICER: Hey, don't worry about it.

FEMALE PASSENGER: Help me, please!

POLICE OFFICER: Worry about yourself. Worry about yourself!

FEMALE PASSENGER: They're pulling me out of the car!

ANTONIO BUEHLER: What are you doing that to a female for? What is she doing to you? She's not a risk to you.

FEMALE PASSENGER: I haven't done nothing for it.

POLICE OFFICER: Sit up.

ANTONIO BUEHLER: She's not doing [bleep] to you guys.

FEMALE PASSENGER: Take video of this, please.

ANTONIO BUEHLER: What's wrong with you guys?

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FEMALE PASSENGER: Please, take video of this.

POLICE OFFICER: Stand up!

ANTONIO BUEHLER: [inaudible] taking video of this.

FEMALE PASSENGER: Take video of this. Yeah, seriously, take video of this [bleep].
[inaudible]

POLICE OFFICER: Stand up.

ANTONIO BUEHLER: There was absolutely no reason to pull her out of the car like that. That's [bleep] up!

POLICE OFFICER: How many times do we got to tell you not to interrupt [bleep]?

JUAN GONZÁLEZ: This is the first time that footage has been broadcast. Ultimately, Antonio Buehler's attempt to document apparent police abuse ended with his own arrest, when the officer said he felt Buehler was spitting on him. He faced a felony charge of harassment of a public servant and possible sentence of two to 10 years in prison. Last year, a grand jury cleared Buehler of the felony, but in an usual twist, it came back with a charge of "failure to obey a lawful order," a Class C misdemeanor punishable by a \$500 fine. The order was for Buehler to put his hands behind his back as he tried to take pictures.

AMY GOODMAN: Since then, Antonio Buehler co-founded the group Peaceful Streets Project, whose members record police and post the videos online, train others to do the same thing. He has been arrested several more times while videotaping officers and has filed a federal civil rights lawsuit against the Austin Police Department. And nearly three years after his first arrest, Antonio Buehler returned to court last Thursday to challenge his misdemeanor charge. Such minor cases often take about half a day, but this one is about to enter its fourth day and has featured a large police presence in the courtroom. Antonio Buehler is an Iraq War vet, graduate of West Point and Stanford. He had no prior arrest record. Just about an hour before a jury is set to issue their decision, he joins us now from Austin.

Antonio, welcome to *Democracy Now!* The significance of this trial and why you are on trial? This is a misdemeanor that faces a \$500 fine, and yet you have been in court now for days.

ANTONIO BUEHLER: Yeah, and I think that it all revolves around the fact that police officers don't like to be held accountable, and prosecutors tend to cover for corrupt police officers.

AMY GOODMAN: Who said that you were a domestic terrorist threat?

ANTONIO BUEHLER: That came from the Austin Police Department, one of the officers who arrested me for filming. His name is Justin Berry. He created a PowerPoint presentation, presented it to the regional fusion center. And in it, they said that I was a domestic terrorist threat, as was the Peaceful Streets Project, because we go out and film cops. They said that we were a threat to all police officers and we've encouraged violence against police officers, which is just not true.

JUAN GONZÁLEZ: And, Antonio Buehler, the response to your Peaceful Streets Project in Austin? As a West Point grad and as a war veteran, what has been the marshaling of support for you?

ANTONIO BUEHLER: The people tend to really support us. The problem is, is that the city doesn't support us. And so, the police officers have documented us, they've followed us, they've surveilled us, they've arrested us numerous times. And the prosecutors have been colluding with them to drum up charges against us. They've tried to bring four felony charges against me since that day three years ago.

AMY GOODMAN: Can you explain exactly what happened on that day? We saw this exclusive video just now. What happened on the morning of New Year's when this woman was taken out of her car?

ANTONIO BUEHLER: Nothing. I was just a designated driver, pulled over to the gas station to fill up with gas, and we watched what we thought was a pretty benign DWI stop. The woman in the passenger seat of a car, she didn't commit any crimes. She wasn't aggressive. She was just on her phone trying to organize a ride in case her driver got arrested. And then, as we were leaving, the

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police officer just didn't like the way that she wasn't bowing down to him, and he ripped her out of the car. And as you saw in the video, I started calling out, asking why they were doing it. She begged for help. And then when I started filming, that just enraged the one police officer, and he ended up coming over to me, getting in my face, pushing and shoving me. And then, I guess, in the aftermath of it, they needed to find a way to cover up the assault of the police officer, so they charged me with the felony of spitting in the cop's face.

AMY GOODMAN: In a statement, Austin Police Chief Art Acevedo said, quote, "The Austin Police Department wants to once again reiterate the fact that simply filming police actions are generally lawful. However, interfering or obstructing a lawful police action, failure to obey a lawful order, and/or resisting arrest is a violation of the law." And this is Austin Police Association President Wayne Vincent speaking to Fox 7.

WAYNE VINCENT: We fully are afraid that this thing is going to turn violent before it's over, because Buehler keeps escalating the harassment. So, our officers are out there with absolutely no relief from this kind of harassment, and it's not going to end well.

AMY GOODMAN: Antonio Buehler, the police have packed the courtroom of your misdemeanor trial, but one police officer has crossed the line to testify for you. Can you talk about both situations and what the police are saying here that we've just quoted?

ANTONIO BUEHLER: Right. There's been at least six police officers in the courtroom, uniform and in plainclothes. We think that they're there to intimidate the jury. There is one that crossed the thin blue line. He said that he stepped forward out of concern for my civil rights. And when he notified his supervisor that he was subpoenaed and that he was going to testify, they then notified him the very next day that he was being terminated as of October 31st. So, this case has been a lot about threats and bullying and intimidation and retaliation from the Austin Police Department and the city prosecutors.

JUAN GONZÁLEZ: And, Antonio Buehler, this kind of videotaping and community patrols, taping police activities, have been spreading across the country. We're seeing videos almost on a daily basis of police interactions with citizens that call real—into question the kinds of brutality that is occurring. Your sense of the importance of these kinds of projects spreading even more throughout the country?

ANTONIO BUEHLER: Well, I think it's vitally important. One is, police officers, even when they do record, we don't get the videos. So, that dashcam that you showed, it took two years and nine months for us to get that video. And we're defending ourselves in a criminal trial. When we have a dashcam of a cop killing someone, it typically malfunctions or disappears. So, we can't trust the police officers to monitor those videos for us, so we need to do it ourselves. But secondly, as we've seen in Ferguson and in other places, when people come together to record the police, they build community, and they start to understand their responsibility to look after and take care of one another. And I think that that's the most important part, building communities and realizing that we don't have to defer to people who tend to violate our civil rights to keep the peace. We can do it ourselves.

AMY GOODMAN: Antonio, what do you hope comes out of your case right now? You've got this trial today, a verdict expected, and then you've got your own civil rights suit.

ANTONIO BUEHLER: Yeah, I actually hope that—I'm a very lucky person. I'm a West Point, Stanford and Harvard grad. I have a lot of privilege. I have a lot of friends with money, and I've had a lot of people rally behind me. But what I hope that people see is if the Austin Police Department and the prosecutors are willing to expend such tremendous resources—they had eight prosecutors in the courtroom over the past couple days—if they're willing to expend this much to try to ruin my life and to try to get me for a petty misdemeanor, I just imagine what they're doing to people of color, to the homeless, to the mentally ill, and what they're doing to cover up when cops really do bad things, such as killing or raping. I think that this can be a way hopefully to get a lot of people sort of from my world—you know, Harvard, West Point, Stanford—to sort of recognize what millions of Americans face every day.

AMY GOODMAN: Antonio Buehler, we want to thank you for being with us, founder of Peaceful Streets Project. Trial over whether he disobeyed a lawful order when he refused to stop filming

police, it's set to wrap up shortly after our show. Go to our website, and we'll let you know the latest in his case. And thank you so much for being with us.

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