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NEW DETAILS RIGHT TO FILM OFFICER

Who will watch the watchers? He'll do it

Army vet, ex-Wall Street banker sees filming of cops as essential action.

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Antonio Buehler has been called a passionate advocate for police accountability and an off-his-rocker agitator who revels in the limelight, a champion for civil rights and a threat to those sworn to protect society.

But the path from straight-laced Army veteran and West Point alum to outspoken activist and founder of the Peaceful Streets Project has been an unexpected one for Buehler, who has become one of the most ardent defenders in Austin of what he says is a precious civil liberty often undermined — the right to film law enforcement.

To Buehler and those who support him — civil rights lawyers, photojournalists and activists — that right has become a crucial tool in disseminating information and empowering communities in a police accountability movement that has been gaining momentum nationwide amid the killings of unarmed black men in Missouri and New York. Recording officers is legal, but tensions have been rising over how far a person can go to document police activity without interfering with law enforcement duties.

In Texas, one lawmaker has filed a bill that some say would set limits wrongfully criminalizing it.

"I would like to see more people pulling out their cameras," Buehler said last week at the state Capitol, where he had planned to speak against the proposed legislation. "Filming police is the most powerful tool that people can use every day to expose abuse."

For Buehler, now 37, it was defending his own right to record law enforcement that led him on a long saga of legal battles with the Austin Police Department and to the creation of Peaceful Streets. The collective of volunteers, who record encounters with police and post them online, now has offshoots across the country.

In the early hours of New Year's Day 2012, Buehler and a friend had finished pumping gas at a downtown Austin convenience store when the screams of a woman pierced the cold, dark air. As two police officers pulled her out from the passenger's seat of a small car, she fell to the pavement in a short, black dress and high heels.

Norma Pizana had not known Buehler nor his friend, she would later testify, but she shouted at them in panic, "Help me, please. ... Please take video of this."

Buehler tried taking photos with his phone as he yelled questions at the police, and a loud verbal match escalated between him and officer Patrick Oborski. The incident would result in felony charges against both Buehler and Oborski.

They were dismissed more than a year later, but Buehler would go on to successfully fight a misdemeanor offense for failing to obey a lawful order in one of the most hotly debated trials at the city courthouse. Officers testified that they had been trying to arrest Pizana for interfering with a drunken-driving investigation and had been alarmed when Buehler rushed up on the chaotic holiday night.

But Buehler says he was made a target for standing up against police brutality. That night led him to re-examine himself, he said.

The son of military parents, he had graduated from West Point and served five years in the Army, completing a six-month tour in Kosovo and a yearlong tour in Iraq. He earned a business degree from Stanford, and after working as an investment banker on Wall Street, had moved to Austin to launch a startup based on alternative education. He had not been on the wrong side of the law before and never thought the allegations would go as far as they did, he said.

"I thought that the evidence was so crystal-clear," he said. "I was just completely naive."

Civil rights lawyers and photojournalists say the right to film police is one of the civil liberties most often infringed upon in the state and nationwide, even as federal courts are increasingly establishing protections for private citizens.

Advocates say most law enforcement agencies lack the proper training and policies for officers to understand that recording falls under the First Amendment right of freedom of expression. But police officials and their supporters claim that some people push the boundaries too far, creating hazards for officers already in volatile situations.

Such debate reached the Capitol this month when Texas Rep. Jason Villalba, R-Dallas, said he wanted to impose stricter limits on "independent bloggers," filing a bill that would make it a misdemeanor for people to film or photograph an officer within 25 feet, or within 100 feet if the officer is carrying a gun.

In Austin, the Police Department has said it supports citizens who record in a legal manner, citing the large number of videos posted to social media sites that capture its officers in action. Assistant Chief Brian Manley says the main concern is safety. "What we want our officers to do is to ensure that the person filming does not interrupt, disrupt or impede their activities or endanger the officers or the public," he said.

But many law enforcement agencies, including Austin police, have guidelines that can be too vague or too broad on what constitutes "interference," giving officers too much leeway to arrest citizens on a variety of offenses, said Mickey Osterreicher, general counsel for the National Press Photographers Association .

"You don't have a right to interfere with officers, but recording is not interference," he said. "Many officers do not make that connection."

After his New Year's Day arrest, Buehler said he was overwhelmed by the support and the people who shared their own stories of police abuse with him — so much so that he felt it would have been irresponsible not to use the platform to start Peaceful Streets. At its first loosely organized summit in July 2012, the group passed out 100 Sony Bloggies to community members and trained them on their rights while recording.

The mission of the organization went beyond filming to building community and empowering people to hold police accountable, Buehler said. More than two years later, similar groups have appeared in small and large cities in Texas and nationwide, including in Ferguson, Mo., where the deadly shooting of Michael Brown in August 2014 sparked national outrage and protests.

But in Austin, public opinion began to turn against the organization as Buehler and its members continued to get arrested while recording officers. The negative attention and confrontations with police made Buehler so concerned, he said, he left for Harvard to pursue a master's in education and to refocus on a career that had been completely derailed.

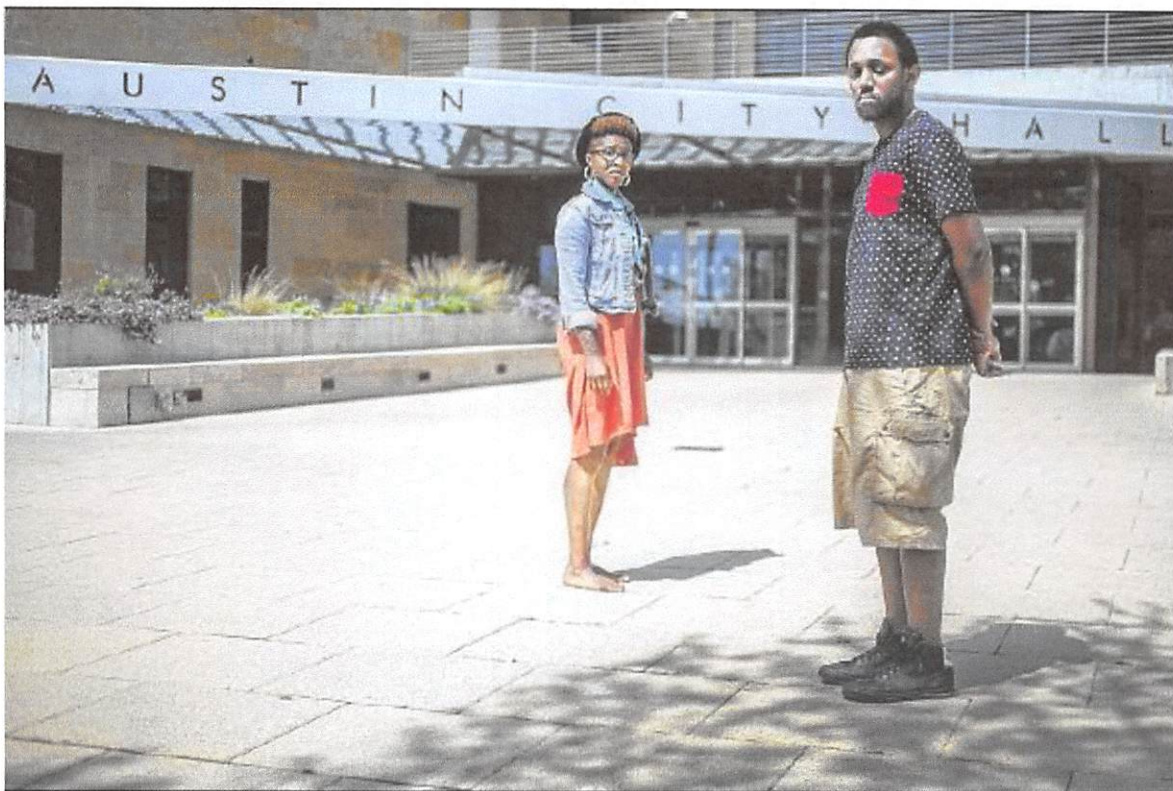
He returned to the city last year, and since his acquittal in October, has had four other minor charges against him dropped. A lawsuit he brought against the city and the Police Department over some of those cases — and the January 2012 incident — was poised to attract national attention before it was dismissed late last month a week before trial.

He has appealed, and although these days Buehler spends most of his efforts developing his education company, he says he remains committed to helping Peaceful Streets grow under new leadership.

"So am I radical?" Buehler says, repeating another label often used to describe him. "I am radical to the extent that I refuse to acknowledge that the current status quo is something that can be relied on for solutions. I want to see real change."

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Fatima Mann (left) and Chas Moore, founders of the Austin Justice Coalition, say their organization will push for police accountability in Austin and help people of color become more politically active in the city. Antonio Buehler's Peaceful Streets Project is similarly focused on holding police accountable. RICARDO B. BRAZZIELL / AMERICAN-STATESMAN



Antonio Buehler (center), founder of Peaceful Streets, is flanked by his attorneys Daphne Silverman (left) and Millie Thompson. RODOLFO GONZALEZ / AMERICAN-STATESMAN