Dissent or Terror: How the Nation's Counter Terrorism Apparatus, in Partnership with Corporate America, Turned on Occupy Wall Street

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** Note: documents contained in an appendix to this report are referenced throughout. The appendix is available though DBA Press and SourceWatch at the URLs listed above. While many central documents are contained in this appendix, the appendix does not contain all referenced documents. For further documentation, consult the source materials archive available on DBA Press at the URL listed above.*

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List of Acronyms:

DBA/CMD - DBA Press and the Center for Media and Democracy

OWS - nationwide Occupy Wall Street movement

ACTIC - Arizona Counter Terrorism Information Center, commonly referred to as the "Arizona Fusion Center"

ACTIC CLP - Arizona Counter Terrorism Information Center Community Liaison Program

FBI - Federal Bureau of Investigation

JTTF - Joint Terrorism Task Force, administered by FBI

NJTTF - National Joint Terrorism Task Force, administered by FBI

U.S. DHS - United States Department of Homeland Security

U.S. DHS I&A - U.S. Department of Homeland Security Office of Intelligence and Analysis

U.S. DHS NPPD - U.S. Department of Homeland Security National Programs and Protection Directorate

U.S. DHS IP - U.S. Department of Homeland Security Office of Infrastructure Protection, a U.S. DHS office under U.S. DHS NPPD

U.S. DHS NOC - U.S. Department of Homeland Security National Operations Center

DSAC - the Domestic Security Alliance Council, a public-private intelligence partnership administered by U.S. DHS I&A, the FBI and the DSAC Leadership Board, which consists of 29 of the nation's top corporate and financial interests

TSA - Transportation Security Administration, a component of U.S. DHS

CI/KR - Critical Infrastructure/Key Resources

TLO - Terrorism Liaison Officer

PPD - Phoenix Police Department

TRU - Tactical Response Unit, a riot police unit comprised of "mobile field force" officers

PPDHDB - Phoenix Police Department Homeland Defense Bureau

TMU - Threat Mitigation Unit, a unit of ACTIC, staffed by PPDHDB

PPDCRB - Phoenix Police Department Community Relations Bureau

PPDDOU - Phoenix Police Department Downtown Operations Unit

PPDMOB - Phoenix Police Department Major Offenders Bureau

AZDPS - Arizona Department of Public Safety

AZDOHS - Arizona Department of Homeland Security

DPP - Downtown Phoenix Partnership

ISE - Information Sharing Environment

IRTPA - Intelligence Reform and Terrorism Prevention Act of 2004

DNI-- Director of National Intelligence

ODNI - Office of the Director of National Intelligence

NCTC - National Counter Terrorism Center, administered by ODNI

MCCA - Major Cities Chiefs Association

HDSI - Hummingbird Defense Systems International

ALEC - American Legislative Exchange Council

NDAA - National Defense Authorization Act

List of Key Individuals:

Jennifer O'Neil - PPDHDB ACTIC Threat Mitigation Unit Detective and coordinator of ACTIC Community Liaison Program

Brenda Dowhan - PPDHDB ACTIC "Terrorism Liaison All-Hazards Analyst"

CJ Wren - PPDHDB Detective and ACTIC TLO/intelligence analyst

Michael Rohme - PPDHDB Intelligence Unit Detective/ACTIC TLO

Robert Bolvin - PPDHDB Detective/ACTIC TLO

Tracy Montgomery - PPD Assistant Police Chief, Homeland Security Division

Geary Brase - PPDHDB Commander

Larry Hein - PPDHDB Intelligence and Investigations Unit Lieutenant

Pat Kotecki - PDHDB Sgt.

Mark Schweikert - PPDCRB Sgt.

Jeff Lazell - PPDDOU Lt.

Tom Van Dorn - PPDMOB Career Criminal Squad Sgt.

"Saul DeLara" - false name of PPDMOB undercover officer who had infiltrated the Phoenix activist community months prior to the launch of Occupy Phoenix, and who supplied PPD/ACTIC personnel with intelligence relating to Occupy Phoenix and ALEC protests. The true identity of this individual is likely PPDMOB undercover officer Saul Ayala.

Steve Harrison - DPS Northern Intelligence District Commander; DPS captain who oversees DPS functions at ACTIC

Christopher Adamczyk - Mesa Police Department Intelligence and Counter Terrorism Unit Detective/ACTIC TLO

Derek Pittam - Tempe Police Department Homeland Defense Unit Detective/ACTIC TLO

Introduction

DBA Press and the Center for Media and Democracy (DBA/CMD) have spent more than the past year gathering records, through state and federal open records/freedom of information laws, from various law enforcement agencies tasked with "counter-terrorism"/"homeland security" operations. The resultant stacks of documentation, numbering in the thousands of pages, form a grim mosaic of "counter-terrorism" agency operations and attitudes toward activists and other socially/politically-engaged citizens over the course of 2011 and 2012. As such, records show that methods employed by the nation's "counter-terrorism" apparatus against these citizens has ranged from the use of undercover officers tasked with infiltrating activist groups, to constant monitoring and the use of advanced technologies in the tracking and identification of certain individuals.

Put simply, the pattern that emerges from these pages shows that heavily-funded municipal, county, state and federal "counter-terrorism" agencies (often acting in concert through state/regional "fusion centers") view citizens engaged in movements of political and social dissent, such as Occupy Wall Street (and its regional incarnations), as nothing less than nascent, if not bonafide, "terrorist" threats.

What's more, records obtained by DBA/CMD show that this view of activists, and attendant activist monitoring/suppression, has been carried out on behalf of, and in cooperation with, some of the nation's largest financial and corporate interests-- the very entities that the Occupy Wall Street (OWS) movement and others oppose as usurpers of American democracy.

Additionally, records obtained from the police departments of several cities show that, when possible, corporate interests, or other subjects of public protest, would purchase the services of off-duty police officers-- armed, in uniform and acting under the color of law-- outright. Our records indicate that, in at least one instance, police officers employed by corporate interests who explicitly stated a desire for protestor arrests and prosecutions were more than happy to not only provide the desired protestor arrests, but to also lie in official records, as well as to the news media, in order to facilitate prosecutions and cover their own actions.

Furthermore, records obtained by DBA/CMD from agencies active in state counter-terrorism "fusion centers-- including the Federal Bureau of Investigation (FBI)-- demonstrate the institutionalized blending of corporate security with "national security" through a number of public-private "counter-terrorism" intelligence sharing programs.

What has resulted is the wholesale criminalization of tens of thousands, if not hundreds

of thousands, of American citizens who have dared to voice opposition to what is increasingly viewed as the undue influence of private corporate/financial interests in the functions of public government.

Jamie Dimon Comes to Town: Arizona "Fusion Center" as Corporate Eyes and Ears

On, or about, October 17, 2011 Phoenix Police Department Homeland Defense Bureau (PPDHDB) and Arizona Counter Terrorism Information Center (ACTIC) Threat Mitigation Unit (TMU) Detective Jennifer O'Neill was contacted by J.P. Morgan Chase Regional Security Manager Dan Grady (Appendix, p. 2).

According to an email sent by O'Neill to several of her PPDHDB superiors and colleagues, Grady had informed her that J.P. Morgan Chase & Co. Chairman and Chief Executive Officer (CEO) Jamie Dimon would be visiting Phoenix on October 18 through 19. Dimon, Grady informed O'Neill, would be addressing approximately 2,000 J.P. Morgan Chase employees at a "town hall" event at Chase Field-- home of the Arizona Diamondbacks, located in downtown Phoenix.

As such, Grady and O'Neill expressed concern over recent events involving "Occupy Phoenix," an offshoot of the nationwide OWS movement which had officially launched only three days prior, though a series of protests and events that took place October 14 and 15. The launch of Occupy Phoenix coincided with the OWS movement's "Global Day of Action," October 15, 2011.

OWS had been launched on September 17, 2011-- largely as a result of public outrage over the perceived undue influence of private financial/corporate interests in public government. J.P. Morgan Chase, for one, was something of a poster boy for financial institutions run amok in the eyes of the OWS movement; the financial group had received $94.7 billion in a publicly-funded "bailout" by the Federal Reserve and U.S. Department of the Treasury during the economic collapse of 2008-2009.

[Note: OWS launched on September 17, 2011, largely as a result of calls to protest corporate greed/influence in government issued by U.S. Day of Rage and Adbusters. The Constitution of the United States was signed by delegates to the Constitutional Convention on September 17, 1787.

The use of the term "day of rage" is interesting in that protests leading to regime changes in Tunisia, Egypt and Libya, as well as other major protests throughout the Arab world, throughout 2010 and 2011 (a period popularly dubbed the "Arab Spring") were said to have occurred on "day[s] of rage." While it is not clear what the origins of the application of this term to major Arab protests are, "Days of Rage" were first conducted as a series of protests against the Vietnam War, organized by the Weathermen faction of Students for Democratic Society, in October of 1969.]

Aside from this bailout, J.P. Morgan Chase's true sin in the eyes of many involved in OWS was the fact that the financial service corporation was one of the primary contributors to the subprime mortgage/derivatives crisis that precipitated the economic collapse of 2008-2009. During the years leading up to the collapse, J.P. Morgan Chase had funded a number of leading sub-prime lenders, such as Countrywide Financial Corporation (financed by J.P. Morgan Chase) and Ameriquest Mortgage Company (also financed by J.P. Morgan Chase, in that the bank, according to a 2011 federal district court complaint filed against a number of subprime lenders by the Federal Housing Finance Agency, was the lead underwriter of more than $700 million in Ameriquest securities offerings in 2006). As such, while J.P. Morgan Chase was cashing its nearly $100 billion bailout check from the Federal Reserve and U.S. Department of the Treasury, millions of Americans were facing foreclosure as a result of sub-prime lending practices perpetrated and perpetuated by J.P. Morgan Chase and other financial groups (such as Bank of America and Citigroup, who also financed subprime lenders such as Countrywide) which had reaped tremendous profits from the trading of financial instruments derived from these bunk loans.

In her October 17 PPDHDB email regarding the Dimon visit, O'Neill stated that Grady had given her a detailed itinerary of Dimon's expected movements during his time in Phoenix (including events at two of the city's premier luxury hotel/resorts, the Westin Phoenix and The Phoenician). As such, O'Neill stated that both she and then-PPDHDB Critical Infrastructure/Key Resources Security Specialist Geoff Ballentine had examined known online "social networking" outlets utilized by Occupy Phoenix for evidence of planned Occupy Phoenix protests related to the Dimon visit. As stated by O'Neill, "we have not seen anything on social networking that leads us to believe protestors are aware of this event."

The “Homeland Security” Apparatus: Fusion Centers and Private Sector Partners

By October 17, 2011, O'Neill was very familiar with her role of aiding corporate interests in the gathering of intelligence. In addition to her work as a PPDHDB/ACTIC TMU detective, O'Neill also serves as the ACTIC Community Liaison Program (CLP) coordinator. As such, as is evidenced by records obtained by DBA/CMD, O'Neill often shared ACTIC intelligence with security personnel employed by ACTIC CLP member corporations/banks.

Before we examine ACTIC CLP, and other public-private intelligence sharing partnerships, let's take a moment to discuss the genesis and mechanics of fusion centers.

ACTIC, commonly known as the "Arizona fusion center," was established jointly by then-Arizona Governor (and current U.S. Department of Homeland Security Secretary) Janet Napolitano and the Arizona Department of Public Safety (AZDPS) in October of 2004. ACTIC is best described as a "counter-terrorism"/"all-hazards" resources and information sharing center, consisting of personnel from more than 25 Arizona law

enforcement/"public safety" entities and 16 federal agencies. Largely, local law enforcement personnel active in ACTIC (or other state/regional fusion centers) are employed in such "homeland defense"/"homeland security," "counter terrorism," or "intelligence" units of their respective agencies. These units, by and large, were created as "counter terrorism" entities in response to the terrorist attacks of September 11, 2001. Such local entities active in ACTIC include the AZDPS Intelligence Bureau, PPDHDB, the Tempe Police Department Homeland Defense Unit, the Mesa Police Department Intelligence and Counter Terrorism Unit, and the Maricopa County Sheriff's Office. These local entities are joined through ACTIC with federal "counter terrorism" entities, which include the FBI Phoenix Joint Terrorism Task Force (Phoenix JTTF, of which PPDHDB is also a part), the U.S. Department of Homeland Security (U.S. DHS) offices of Infrastructure Protection and Intelligence and Analysis, as well as U.S. DHS component agencies such as the Transportation Security Administration, the U.S. Secret Service and U.S. Immigration and Customs Enforcement.

While many agencies take part in ACTIC, the "fusion center" is managed primarily by the AZDPS Intelligence Bureau, the Arizona Department of Homeland Security (AZDOHS, the state agency that, through five Arizona "regional advisory councils," essentially acts as a bursar for U.S. DHS Arizona grant awards and that implements state "homeland security" initiatives promulgated by U.S. DHS) and the FBI (primarily involved in ACTIC through Phoenix JTTF. Such task forces are the primary vehicle for FBI involvement in "fusion centers" nationwide).

Initially intended to combat "terrorism," ACTIC, while still retaining its "counter terrorism" appellation, has shifted to an "all hazards/all crimes" mission. This shift in the focus of fusion centers from "terrorism" to "all hazards/all crimes" (which does include "terrorism," along with any and every other activity that could be deemed a "hazard") occurred nationwide as the result of both legislative action and presidential directives. ACTIC pursues this "all hazards" detection, disruption and investigation model through the use of several programs/units-- including the ACTIC Intelligence Analyst Unit, the ACTIC Computer Forensics Unit and the ACTIC Facial Recognition Unit.

Perhaps the most widely utilized feature of ACTIC is the Terrorism Liaison Officer (TLO) Program. The function of ACTIC TLOs is to disseminate ACTIC intelligence and "critical infrastructure/key resources" "threat and vulnerability assessments" within their respective law enforcement agencies, and to feed intelligence gathered by these agencies back into ACTIC, for the use of other ACTIC-engaged entities (both in the public and private sectors).

There are roughly 800 active TLOs active in Arizona through ACTIC member agencies.

Take a moment to consider this number. The total population of Arizona is roughly 6.5 million people-- nearly 4 million of whom reside in Maricopa County (primarily comprised of Phoenix and its suburbs). Another million reside in Pima County (primarily

concentrated in Tucson and outlying municipalities). That leaves a remainder of roughly 1.5 million people, scattered throughout the state's remaining 13 rural counties. As such, there is one "terrorism liaison officer" for every 8,125 residents of Arizona, most of whom live in, or around, either of the state's two major cities-- neither of which has ever been the site of any substantial act of "terrorism."

Just as the vast majority of Arizona "Terrorism Liaison Officers" serve Maricopa County and the Phoenix metropolitan area, federal "homeland security" funding to the area far outstrips the rest of the state. According to AZDOHS records, Phoenix was the sole Arizona city to receive U.S. DHS Urban Area Security Initiative (UASI) grant funding during fiscal 2012-- receiving $4,018,455 in UASI funding for the fiscal 2012 grant cycle. [Note: both UASI and U.S. DHS State Homeland Security Grant Program (SHSGP) funding is supposed to be awarded on a 24-month grant cycle, but, according to AZDOHS Assistant Director of Planning and Preparedness Lisa Hansen, AZDOHS anticipates further UASI and SHSGP funding in fiscal 2013.]

By comparison, the entire state of Arizona received $3,310,348 in U.S. DHS SHSGP funding for fiscal year 2012. Of this amount, the AZDOHS Central Region (supervised by the AZDOHS Central Regional Advisory Council, which is comprised largely of Phoenix-area/Maricopa County law enforcement/"public safety" personnel) received $1,064,131-- the largest share of SHSGP funding allocated to any the five AZDOHS regions in fiscal 2012.

As compared to the combined $5,082,586 in UASI and SHSGP funding received by Phoenix/Maricopa County, AZDOHS Southern Region (containing Tucson and outlaying municipalities in Pima County) received a relatively scant $701,028 in SHSGP funding for fiscal 2012, and no UASI funding (Tucson lost its status as a U.S. DHS "Urban Area Security Initiative community" and all UASI funding on October 1, 2011). The remaining $883,120 in U.S. DHS SHSGP funding for fiscal 2012 was divided up between the state's three remaining, very rural, AZDOHS regions.

Given the picture these numbers portray, it is accurate to say that the "Arizona Counter Terrorism Information Center," along with the web of surveillance capabilities thrown over the state by this fusion center, is intended to serve the Phoenix metropolitan area-- a portion of the state that has little in common with the rest of Arizona.

The creation of ACTIC (one of the nation's first fusion centers), and the more than 70 "fusion centers" currently in operation across the nation, was spurred by the implementation of the "homeland security" "information sharing environment" (ISE) between law enforcement/"counter terrorism" and intelligence agencies-- as well as private sector actors-- established through a series of federal legislative actions and presidential orders in the wake of the 2001 terrorist attacks.

The first of these pieces of federal legislation was the "Uniting and Strengthening

America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001" (also known by the much more convenient and euphemistic acronym, "U.S.A. PATRIOT Act of 2001"), signed into law by then-President George W. Bush on October 26, 2001. The key contribution of the "Patriot Act" in the development of ISE was the loosening of restrictions on a broad array of law enforcement/intelligence agency information gathering and dissemination practices.

The "Homeland Security Act of 2002," as the name suggests, called for the creation of the U.S. Department of Homeland Security, a single federal agency with oversight over 22 federal entities whose duties include "counter terrorism" activities, border security, intelligence gathering, "critical infrastructure/key resources" protection and transportation security. U.S. DHS also funds, through grants related to various "homeland security" initiatives, state, county and municipal law enforcement/public safety agencies that have adopted the mantle of fighting the "war on terror."

Perhaps the most important piece of federal legislation in the establishment of the ISE is the "Intelligence Reform and Terrorism Prevention Act of 2004" (IRTPA). IRTPA, essentially an omnibus intelligence "community" restructuring bill affecting a broad array of domestic intelligence functions, established the cabinet-level Director of National Intelligence (DNI) and the Office of the National Director of Intelligence (ODNI). As laid out in IRTPA, the DNI "[serves] as head of the intelligence community." This "community" consists of 16 agencies, including the Central Intelligence Agency (CIA), the Federal Bureau of Investigation (FBI), DHS, the Drug Enforcement Administration (DEA) and numerous military intelligence agencies. As such, IRTPA designated the DNI as the chief "national security" intelligence advisor to the president, the National Security Council and the Homeland Security Council. The DNI, per IRTPA, is also tasked with providing such intelligence to heads of federal executive branch agencies, the U.S. Congress and the Joint Chiefs of Staff.

IRTPA also mandated the creation of several "counter terrorism" entities under the control of the ODNI. One such entity is the National Counter Terrorism Center (NCTC), intended to be the nation's highest aggregator and clearinghouse for "counter terrorism" intelligence. IRTPA also authorized the DNI to open "National Information Centers" throughout the nation to facilitate in this strategy of information gathering and dissemination.

With the creation of this powerful new intelligence office, IRTPA went on to mandate that the president and an ISE "program manager" (to be appointed by the president), establish guidelines for a national ISE implementation, to include all agencies tasked with "counter terrorism" operations-- including such designated municipal, county, state, tribal and federal agencies. This mandate also explicitly called for private sector involvement in the ISE. IRTPA also created the "Information Sharing Council" (ISC), an entity tasked with aiding the president and ISE program manager in implementing, managing and maintaining ISE [Note: ISC had previously existed prior to IRTPA as the "Information

Systems Council," established by Executive Order 13356, which was issued on August 27, 2004 by then-President George W. Bush in response to recommendations of the 9-11 Commission. Executive Order 13356 contained many concepts that were formalized and expanded upon by IRTPA, including a forerunner to ISE as mandated through IRTPA. It is worth noting that the fledgling domestic "counter terrorism" information sharing environment called for through Executive Order 13356 was to be directed by the director of the CIA].

Subsequent to the passage of IRTPA, Bush, through a series of executive orders and memoranda, handed the reins of ISE implementation and management over to ODNI.

In a June 2, 2005 memo, the president designated that the office of the ISE program manager exist as an office of ODNI and that the DNI "exercise authority, direction, and control over the PM and ensure that the PM carries out his responsibilities under IRTPA." On October 25, 2005, Bush, through Executive Oder 13388, designated the ISE program manager, operating under the auspices of ODNI, as head of ISC. Executive Order 13388 also stated that ISC would be "composed exclusively of designees of: the Secretaries of State, the Treasury, Defense, Commerce, Energy, and Homeland Security; the Attorney General; the Director of National Intelligence; the Director of the Central Intelligence Agency; the Director of the Office of Management and Budget; the Director of the Federal Bureau of Investigation; the Director of the National Counterterrorism Center; and such other heads of departments or agencies as the Director of National Intelligence may designate."

Furthermore, in a December 16, 2005 memo, Bush delegated much of his IRTPA-mandated role in establishing ISE implementation guidelines to the DNI-- though through this memo, Bush did outline certain requirements for ISE implementation.

In August of 2007, with the signing into law of the "Implementing Recommendations of the 9-11 Commission Act of 2007" (9-11 Commission Act of 2007), the U.S. DHS secretary, working in consultation with the ISE program manager, was formally tasked with establishing the "Department of Homeland Security State, Local and Regional Fusion Center Initiative." As such, the 9-11 Commission Act of 2007 mandated that U.S. DHS would provide management support and training to "fusion centers" and their personnel. The law also required that U.S. DHS provide intelligence services to fusion centers and work to foster greater intelligence sharing between "fusion centers" and other relevant intelligence agencies within the ISE. Part of this DHS information sharing facilitation, as mandated by the 9-11 Commission Act of 2007, would include the dissemination and review, within the ISE, of "homeland security information, terrorism information, and weapons of mass destruction information" gathered by "fusion center" personnel.

The 9-11 Commission Act of 2007 also explicitly directed the undersecretary of U.S. DHS Office of Intelligence and Analysis (DHS I&A) to assign "officers and intelligence

analysts" from approved DHS components to all fusion centers in order to meet the advisory/liaison duties laid out under the act. Approved DHS components from which personnel may be drawn are: DHS I&A, DHS Office of Infrastructure Protection (U.S. DHS IP, an agency under the U.S. DHS National Programs and Protection Directorate), the Transportation Security Administration (TSA), U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, U.S. Coast Guard, and other components "as determined by the Secretary." As such, the DHS I&A (through its State and Local Program Office) became responsible for managing and coordinating federal involvement in "fusion centers" nationwide.

While the roots of "fusion centers" and ISE were anchored in concepts of terrorism prevention and terrorism-related "critical infrastructure/key resources" protection, the role of these information sharing cooperatives quickly shifted to an "all hazards/all crimes" approach through a series of presidential executive orders/homeland security presidential directives issued by former President W. Bush (the issuance of many of these executive directives was called for through either the "Homeland Security Act of 2002" or IRTPA). "All hazards/all crimes" is essentially an umbrella term used to describe virtually anything (including "terrorism") that may be deemed a "hazard" to the public, or to certain private sector interests.

Furthermore, as has been mandated through a series of federal legislative actions and presidential executive orders, "fusion centers" (and the "counter terrorism" entities that they are comprised of) work-- in ever closer proximity-- with private corporations, with the stated aim of protecting items deemed to be "critical infrastructure/key resources" from "all hazards/all crimes."

On December 17, 2003, then-President W. Bush issued Homeland Security Presidential Directive 7 (HSPD-7), calling for "critical infrastructure identification, prioritization and protection." HSPD-7 reinforced two previously introduced directives: the protection of "critical infrastructure" through public-private partnerships (as called for through a section of the "U.S.A. Patriot Act of 2001" entitled "Critical Infrastructure Act of 2001"), and the assessment and protection of "key resources" by U.S. DHS (as called for through the "Homeland Security Act of 2002").

As defined by the "U.S.A. Patriot Act of 2001," items of "critical infrastructure" are defined as: "systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters."

As defined by the "Homeland Security Act of 2002," "key resources" are defined as: "publicly or privately controlled resources essential to the minimal operations of the economy and government."

As stated in HSPD-7, it is a matter of national policy to protect the nation's critical infrastructure and key resources from "terrorist acts" that could-- in addition to causing general disruption of services, national governmental/economic collapse and loss of life-- "undermine the public's morale and confidence in our national economic and political institutions." As such, Bush mandated that U.S. DHS, and other federal agencies, would work closely with members of the private sector, along with state and local governments, in an array of initiatives intended to identify and prioritize the protection of "critical infrastructure and key resources." An example of such prioritization resultant from HSPD-7 is the National Infrastructure Protection Plan (NIPP), a plan issued by U.S. DHS that relies heavily on public-private intelligence sharing partnerships. NIPP is also used as a metric in determining amounts of U.S. DHS funding to certain public-private intelligence sharing partnerships active in "fusion centers" nationwide.

As a result of HSPD-7 and other presidential directives (including those issued by President Barack Obama), the stated purpose of protecting "critical infrastructure/key resources" (CI/KR) has come to serve as the single largest avenue for corporate involvement in the "homeland security" apparatus.

There are two primary domestic public-private intelligence sharing partnerships at work at the federal level: Infragard and the Domestic Security Alliance Council (DSAC).

Infragard is a public-private intelligence sharing partnership managed by the FBI Cyber Division Public/Private Alliance Unit (PPAU). As described by the FBI, Infragard is an "association of businesses, academic institutions, state and local law enforcement agencies and other participants dedicated to sharing information and intelligence to prevent hostile acts against the United States." There are 86 Infragard chapters nationwide. These Infragard chapters serve as representatives of private sector "stakeholders" in the many of the nation's "fusion centers."

While Infragard is primarily an FBI operation, U.S. DHS does play a key role in this public-private intelligence sharing partnership. According to a March, 2011 U.S. DHS report, entitled "DHS Private Sector Information-Sharing Working Plan," obtained by DBA/CMD through a Freedom of Information Act (FOIA) request submitted to the office of U.S. DHS Secretary Napolitano, U.S. DHS IP provides funding to the FBI for distribution to Infragard chapters that have "[demonstrated] the ability to organize and host specific activities to implement the National Infrastructure Protection Plan (NIPP) at the community level and to expand outreach and communication to a diverse group of critical infrastructure owners and operators." Furthermore, according to the "DHS Private Sector Information-Sharing Working Plan," U.S. DHS I&A furnishes FBI PPAU with intelligence for distribution to Infragard private sector partners, participates in meetings with private sector members, briefs the Annual Infragard Coordinators Conference, and is otherwise active in local Infragard chapters.

DSAC is a public-private intelligence sharing partnership between the FBI, U.S. DHS

I&A and several of the nation's leading corporate/financial interests. Some of these corporate/financial interests comprise the DSAC Leadership Board. The DSAC Leadership Board consists of 29 corporations and banks, including several entities that have been the subject of OWS protests/criticism. Corporate/financial interests active in the DSAC Leadership Board include: Bank of America, MasterCard, Citigroup, American Express, Barclays, RBS Citizens, 3M, Archer Daniels Midland, ConocoPhillips, Time Warner and Wal-Mart. Along with DSAC chairmen from the FBI and U.S. DHS I&A, DSAC is co-chaired by a representative of these private sector interests-- currently Grant Ashley, vice president of global security for pharmaceutical giant Merck & Co.

It is worth noting that a number of corporations active in the DSAC Leadership Board also took part, along with several other banks and corporations, in the U.S. DHS Private Sector Information-Sharing Working Group. This working group, consisting of 79 representatives from 51 Fortune 500 corporations, was instrumental in drafting (through collaboration with U.S. DHS I&A, the U.S. DHS Private Sector Office and the U.S. DHS NPPD office of Infrastructure Protection) the "DHS Private Sector Information-Sharing Working Plan," which-- predictably enough-- called for the dedication of further resources to public-private intelligence sharing partnerships, largely through the national network of "fusion centers."

Such corporate/financial interests partnered in this "working group" include Bank of America, Wells Fargo, Business Executives for National Security, ASIS International, National Defense Industrial Association, Xcel Energy, Colonial Pipeline Company, Boeing, Microsoft, Motorola, Oracle Corporation and Google.

[Note: Business Executives for National Security (BENS), is a private organization that purports to work with U.S. DHS, the CIA, ODNI, the U.S. Department of Defense and other agencies in the protection of "national security." The BENS Board of Directors consists of executives from a number of real estate firms, legal firms, defense contractors, and various financial/corporate interests. Some notable BENS Board of Directors members include executives with military/intelligence/law enforcement contractor Booz Allen Hamilton, Quaker Chemical Corporation, Janus Capital Group and J.P. Morgan Chase & Co.]

An example of fusion center partnerships with the private sector is the ACTIC Community Liaison Program (CLP). Created in April of 2006 in response to federal legislative action, presidential directives and U.S. DHS grant funding guidelines calling for active private sector involvement in CI/KR protection through "fusion centers," ACTIC CLP is a partnership between ACTIC law enforcement/"public safety"/"counter terrorism" agencies and security personnel employed by members of the Arizona business community. Such business-sector members include banks, private security firms, utility companies and businesses engaged in the tourism industry. The purpose of the program, as stated by ACTIC, is to prevent terrorist activity, to identify terrorist threats, protect

CI/KR and "create an awareness of localized security issues, challenges, and business interdependencies." As such, ACTIC states that, through CLP, all member businesses are treated as CI/KR.

One primary benefit to corporate interests engaged in ACTIC CLP is the delivery of advisories and other bulletins to corporate security personnel through a secure information sharing system known as AZ PASS (Arizona Partners for Arizona Safety and Security). AZ PASS is a service provided to these corporate interests through the Arizona Division of Emergency Management Private/Public Partnership Unit, ACTIC, U.S. DHS (particularly through the U.S. DHS NPPD IP Protective Security Advisor assigned to ACTIC) and the FBI-administered Arizona Infragard. Advisories and bulletins may also be distributed to ACTIC CLP private sector members through the Homeland Security Information Network, a secure information sharing system administered by U.S. DHS.

ACTIC CLP is managed by the ACTIC Threat Mitigation Unit (ACTIC TMU). According to records obtained by DBA/CMD, ACTIC TMU is staffed solely by PPD personnel and is tasked with supporting "[PPDHDB's] effort at the ACTIC through the management of grant funded programs directed toward the protection of critical infrastructure and key resources." ACTIC TMU is also tasked with "federal grant applications and management, rapid deployment of surveillance technology to support emerging threats and emergency incidents, and management of protection efforts at key sites and special events."

According to records obtained by DBA/CMD, ACTIC TMU has been responsible for "bringing in excess of $80 million in [federal] grant funding to the citizens of Phoenix and the state of Arizona." Furthermore, according to a federal grant application for funds to be used in an ACTIC "public outreach campaign" (for which PPDHDB was awarded $30,000 in U.S. DHS UASI funding for use in 2012), the Phoenix Police Department expends more than $500,000 in federal grant funding annually. As such, for a city with a population of less than 1.5 million people (not to be confused with the conglomeration of towns and cities that constitute the Phoenix metropolitan area, which is home to nearly 4 million residents), the business of protecting citizens-- especially corporate citizens-- from "terrorism," and/or "all hazards," has become a big business in its own right.

As previously mentioned, ACTIC (through PPDHDB) received $30,000 U.S. DHS UASI funding for use in a "public outreach"/"advertising" campaign throughout 2012. As indicated by records obtained by DBA/CMD, this campaign appears to have been conducted by O'Neill, intended largely for the expansion of ACTIC CLP private sector membership. Records returned to DBA/CMD by PPD pursuant to a public records request seeking all records relating to ACTIC CLP in possession of O'Neill and other PPD personnel employed at ACTIC consisted solely of records relating to this $30,000 "public outreach"/"advertising" campaign grant and three Powerpoint presentations. These presentations were created by O'Neill and appear to be the bulk of the work product produced by O'Neill with the $30,000 U.S. DHS UASI grant ($28,000 of which,

according to records, was earmarked for campaign "planning"). Since O'Neill is the ACTIC CLP coordinator-- and as two of the three presentations are explicitly dedicated to promotion of ACTIC CLP (and as the third dwells largely on ACTIC CLP)-- these Powerpoint presentations clearly served to promote private sector involvement in ACTIC CLP.

Perhaps the most interesting feature of O'Neill's promotional Powerpoint presentations is the fact that, in a section of one of these ACTIC CLP presentations devoted to discussion of threats addressed by ACTIC, discussion is dedicated to Occupy Phoenix. Indicative of ACTIC's view of Occupy Phoenix, the Occupy Phoenix section of this presentation (adorned with a photograph of dozens, if not scores, of riot gear-clad PPD officers surrounding a very small group of seated Occupy Phoenix protestors), is immediately preceded by discussion of "lone wolf" Tucson gunman Jared Loughner, hacking attacks allegedly perpetrated by "hacktivist" group Anonymous on the email accounts of Phoenix law enforcement agencies, and an alleged foiled "terrorist plot" at Texas military base, Fort Hood.

[Note: despite the fact that public records requests submitted to PPD by DBA/CMD sought all records relating to ACTIC CLP (particularly those in possession of O'Neill), PPD has failed to deliver (pursuant to these requests) any records divulging the identities of corporations engaged in ACTIC CLP-- despite the fact that records obtained by DBA/CMD show that O'Neill maintains records relating to ACTIC CLP private sector membership. Furthermore, records obtained by DBA/CMD through other public records requests do show that O'Neill has engaged in communications with ACTIC CLP private sector members and that O'Neill has distributed advisories relating to Occupy Phoenix to Phoenix corporations and banks. Nevertheless, when asked to provide records specifically relating to these activities, PPD has failed to comply.

Furthermore, AZDPS has stated, in response to multiple public records requests submitted by DBA/CMD, that it has no records relating to ACTIC CLP-- despite the fact that records obtained by DBA/CMD show that O'Neill has used both City of Phoenix and AZDPS email addresses in her work as ACTIC CLP coordinator.

While a full accounting of the identities of ACTIC CLP's corporate members is not available at this time, records obtained by DBA/CMD do show that ACTIC engages in public-private intelligence sharing partnerships with a number of Arizona trade associations, including the Arizona Banking Association.]

ACTIC CLP is not the only vehicle through which private Arizona corporations are provided with taxpayer-funded intelligence services. Like many other fusion centers, the interests of ACTIC's private sector "stakeholders" (corporations deemed important enough to engage in ISE through ACTIC) are also represented in the fusion center by a local Infragard chapter, Arizona Infragard.

Occupy Phoenix is Born: Undercover Cops, Mobile Field Forces, Private Sector Alerts and Mass Arrests

"If you find yourself in a fair fight, your tactics stink."

-- *Quote accompanying email signature used by Phoenix Police Department Homeland Defense Bureau Commander Geary Brase.*

Records obtained from PPDHDB by DBA/CMD show that PPDHDB/ACTIC personnel had been monitoring the then-nascent Occupy Phoenix movement as early as October 2, 2011, when PPD Community Response Bureau (PPDCRB) Sgt. Mark Schweikert asked PPD Major Offender Bureau (PPDMOB) Career Criminal Squad Sgt. Tom Van Dorn to dispatch an undercover officer to attend activist "planning meetings" on the proposed launch of Occupy Phoenix-- set to take place as a series of marches and events, to be held on October 14 and 15. Records indicate that this undercover officer, who had presented himself to activists as a homeless Mexican national named "Saul DeLara," attended the Occupy Phoenix planning meeting, held on October 2 at a Phoenix coffee shop, and delivered a detailed report on issues discussed by activists to Van Dorn. Records indicate that Van Dorn then distributed this intelligence to PPDHDB personnel.

[Note: According to the PPD "Operations Order Manual," PPDMOB is tasked with "[apprehending] wanted subjects through various surveillance, investigative, tracking and enforcement techniques." The PPDMOB Career Criminal Squad is part of the PPDMOB "Surveillance Apprehension Detail," which also includes such surveillance/apprehension units as the Repeat Offender Program Detail, Street Crimes Detail and the Warrant Interdiction Program Squad.]

In addition, these records indicate that PPD personnel had been monitoring the group's Facebook page as early as October 3 (while the undercover officer had dutifully reported all plans the activists had discussed during planning meetings for the October 14/15 events, Van Dorn had urged continual monitoring of the group's Facebook page, as event times and locations might be prone to change) (Appendix, p. 3-7).

Records show that intelligence gathered by this PPDMOB undercover officer known to activists as "Saul DeLara," as well as "open source" information gleaned from Facebook and other social/online media, was utilized in PPDHDB strategy sessions and in the drafting of an impressive "incident action plan" (IAP) in preparation for the launch of Occupy Phoenix (Appendix, p. 8). Such intelligence had also apparently been the subject of discussion during an October 7 "Occupy Arizona Event Planning Meeting" held by PPD. [Note: records also indicate that this event may have been held on October 6, 2011.]

Records show that this "Occupy Arizona" planning meeting was attended by PPD personnel from PPDCRB, PPD Downtown Operations Unit (PPDDOU), and PPDHDB (including ACTIC Terrorism All-Hazards Analyst Brenda Dowhan, ACTIC

TLO/PPDHDB Detective CJ Wren and PPHDB Detective/ACTIC TLO Robert "Bob" Bolvin) (Appendix p. 9). Interestingly enough, records show that PPDHDB Sgt. Patrick Kotecki had invited Phoenix Convention Center Security Systems Manager Travis Wauneka to attend the briefing (Appendix, p. 10-11) after Wauneka had asked the sergeant to keep him apprised of matters relating to Occupy Phoenix.

PPDHDB records show that Wauneka had been privy to PPDHDB/ACTIC intelligence relating to a number of Phoenix protest events throughout 2011 and 2012. It is important to note that the Phoenix Convention Center (which is owned and operated by the city of Phoenix) is a member of the Downtown Phoenix Partnership (DPP), a private economic development organization consisting of several downtown Phoenix business interests. Records indicate that DPP businesses are active in ACTIC CLP.

The IAP drafted in preparation for the launch of Occupy Phoenix on October 14 and 15 called for an overwhelming police presence, consisting of air support, "strike teams," "mass arrest" teams and the possible formation of a "mobile field force" (a group of officers clad in riot gear that may form a "tactical response unit" in cases of potentially violent conflict). "Mobile field forces" and "tactical response units" (TRUs) are essentially police combat/skirmish lines intended to break up and disperse problem crowds through the use of Oleoresin Capsicum spray ("OC spray," more commonly known as "pepper spray"), chemical agents (OC spray is not considered a "chemical agent") and other force.

As stated by the IAP, ACTIC TLO/PPDHDB Detective Christopher "CJ" Wren was designated as "group supervisor" of the IAP "intelligence section" of the "TLO" group. This group consisted of Wren, Phoenix Fire Department (PFD) Captain/ACTIC TLO Rick Salyers, PPDHDB Intelligence and Investigations Unit Lieutenant Lawrence "Larry" Hein, and other personnel. The IAP shows that these individuals worked to gather intelligence during the Occupy Phoenix event through PPDHDB, ACTIC and other unnamed agencies/entities.

According to PPDHDB records obtained by DBA/CMD, (Appendix, p. 12) the PPD Drug Enforcement Bureau (PPDDEB) assigned 13 undercover Vice Unit officers to the October 14 through 15 Occupy Phoenix events. In an October 13 email to PPD personnel, PPDDEB Lt. Jim Gallagher stated that, in addition to these 13 undercover officers, PPDDEB Vice Unit Police Assistant/ACTIC TLO Tami Beadles would be available to work as an intelligence analyst out of the "IC" (likely an abbreviated reference to ACTIC) during the event. Incidentally, an IAP drafted in preparation for an October 22 Occupy Phoenix rally protesting police brutality shows that a number of undercover officers were also placed among protestors (Appendix, p. 13) (Appendix, p. 14-15). At both events, these undercover officers were tasked with providing real-time intelligence to other law enforcement agents, including ACTIC TLO/intelligence groups.

On October 14, roughly 300 protestors (according to PPD estimates) assembled at Civic

Space Park in downtown Phoenix and commenced to peacefully march to Chase Tower, Bank of America and Wells Fargo Plaza. No arrests were made on this day.

On October 15, roughly 1,000 (according to PPD estimates) protestors gathered in Cesar Chavez Plaza. Of this group, roughly 400 marched to Margaret T. Hance Park. According to PPD records, officers began issuing warnings to protestors to disperse at 11 p.m., an hour after the park's closing time. According to PPD records, 45 protestors were then arrested by mobile field force/TRU officers for refusing to leave the park.

According to PPD records, on October 16 100 protestors gathered in Cesar Chavez Plaza, where they remained until police issued orders for the protestors to disband at 6 p.m., the plaza's closing time. According to PPD records, all protestors left the plaza, with roughly 40 citizens continuing to protest on the sidewalk outside the park. Three people were then arrested; one for trespassing and two for "creating an unsafe hazard in the street" (Appendix, p. 16-18).

The Sleepy Seven: City of Phoenix Cracks Down On Dissent, Uses Municipal "Urban Camping" Ordinance to Circumvent Constitutional Rights

"That which you accept in your presence are your values."

-- Quote accompanying email signature used by Phoenix Police Department Assistant Police Chief, Homeland Security Division, Tracy Montgomery.

But, how does this impressive intelligence/law enforcement network benefit financial/corporate interests engaged in the ACTIC CLP? According to the Occupy Phoenix October 14-15 IAP, the Downtown Phoenix Partnership (DPP) served as a "strategic partner," along with AZDPS, and the City of Phoenix (Office of the Phoenix City Manager, Office of the City Attorney, Parks and Recreation, PPD, PFD, et al.) in the "City of Phoenix Public Safety Event Command."

While it is not known at this time exactly which corporations/private interests are members of ACTIC CLP, it is clear-- given the frequency of communications between O'Neill (and other PPDHDB/ACTIC personnel) and members/representatives of DPP member corporations-- that DPP member corporations are active in ACTIC CLP.

DPP is a public-private partnership, a private 501 (c) (3) non-profit corporation tasked with promoting economic growth in the Downtown Phoenix Business Improvement District. DPP's board of directors includes executives and representatives of various business interests, including Freeport-McMoran Copper and Gold, Arizona Public Service/Pinnacle West Capitol Corporation (APS, a private utility company), Ernst & Young, the Arizona Diamondbacks, Republic Media (owners of the state's largest newspaper, *The Arizona Republic*, as well as the Phoenix NBC affiliate, "12 News," and the "12 News" online publication, azcentral.com), Alliance Bank of Arizona-- as well as a

host of real estate managers/developers, service/tourism industry businesses and architects, among others.

[Note: while Arizona Infragard, which represents the interests of ACTIC "private sector stakeholders," does not disclose a full list of its members, it is known that APS/Pinnacle West Enterprise Security Operations Director Robert "Bob" Parrish served as a director of Arizona Infragard at this time, and had served in this capacity since at least 2000]

Phoenix City Manager David Cavazos serves on the DPP board of directors, along with other City of Phoenix and Maricopa County personnel. Cavazos also serves as president of the Downtown Phoenix Hotel Corporation, a private not-for-profit whose board of directors is appointed by the Phoenix City Council and which owns the Downtown Phoenix Sheraton Hotel, operated by Starwood Hotels and Resorts Management Company, Inc. (this corporation also owns and operates a number of Westin hotels/resorts throughout the Phoenix area). Construction of the Downtown Phoenix Sheraton Hotel was financed by revenue bonds issued by the Downtown Phoenix Hotel Corporation. Located adjacent to the Phoenix Convention Center, the hotel is intended to serve convention center events. Like the Phoenix Convention Center, the Downtown Phoenix Sheraton Hotel is a member of DPP.

Other DPP member private interests include Wells Fargo, Bank of America, Chase Bank, Chase Field, Chase Tower, the Freeport-McMoran Center (home to the international headquarters of Freeport-McMoran Copper and Gold), and the Westin Phoenix Downtown Hotel (housed in the Freeport-McMoran Center).

Furthermore, PPDHDB records indicate that PPDHDB/ACTIC had coordinated with DPP, through O'Neill, regarding police support for Occupy Phoenix "events" held in downtown Phoenix (Appendix, p. 19). And, according to an October 17, 2011 email from PPDHDB Intelligence and Investigations Unit Lieutenant Hein to PPDCRB, DOU and HDB personnel, downtown Phoenix banks had been briefed by PPDHDB regarding Occupy Phoenix protests sometime (date not given) around the October 14-15 launch of Occupy Phoenix. As stated by Hein in this email, PPD would continue to "work with" downtown banks on "this issue" (Appendix, p. 20-22).

To illustrate the depth of DPP's involvement with the City of Phoenix in suppressing Occupy Phoenix, consider the case of the "Sleepy Seven:"

On November 18, 2011 seven members of Occupy Phoenix were arrested in Cesar Chavez Plaza, charged with violating the city's "urban camping" ordinance [Phoenix city ordinance 23-30]. These individuals (known collectively as the "Sleepy Seven") were taking part in a protest of the city's "urban camping" ordinance at the time of their arrests. Occupy Phoenix believed that the City of Phoenix had selectively enforced the "urban camping" ordinance as a way of circumventing protestor First Amendment rights. Indeed, most of the arrests associated with Occupy Phoenix that had occurred since the group's

launch, and the commencement of their continuous "occupation" of Cesar Chavez Plaza on October 15, had been for violations of this ordinance.

Phoenix city ordinance 23-30 states that it is unlawful for any individual to camp, or park overnight, in "any park or preserve, or in any building, facility, or parking lot or structure, or on any property adjacent thereto, that is owned, possessed and controlled by the City," except that special use permits and reservations for approved camping conducted by "youth groups" may be issued by the director of the Phoenix Parks and Recreation Department. Additionally, ordinance 23-30 states that camping and overnight parking sponsored by the City of Phoenix is permitted.

Under ordinance 23-30, "camping" is defined as follows: "[the use of] real property of the City for living accommodation purposes such as sleeping activities, or making preparations to sleep, including the laying down of bedding for the purpose of sleeping, or storing personal belongings, or making any fire, or using any tents or shelter or other structure or vehicle for sleeping or doing any digging or earth breaking or carrying on cooking activities. The above-listed activities constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area for living accommodation purposes regardless of the intent of the participants or the nature of any other activities in which they may also be engaging."

As part of this November 18 action in protest of ordinance 23-30, the "Sleepy Seven" and other members of Occupy Phoenix staged a scene of mock "camping" wherein they laid down on blankets under a canopy. While both court records and PPDHDB records obtained by DBA/CMD indicate that PPD had prior knowledge that this mock camping protests was set to take place on the evening of November 18, TRU officers dressed in riot gear encircled and arrested these individuals for "camping" upon the commencement of the protest.

During the bench trial of one of the "Sleepy Seven" defendants, Michael Royer, PPDDOU officer Benjamin Baltzer stated that he and other arresting officers had been ordered (by DOU Lt. Jeff Lazell) to target "campers" for arrest-- though Baltzer went on to state that he "wholeheartedly" believed that Royer and others had been exercising their First Amendment rights at the time of their arrests (as shown by photographic evidence submitted in the Royer trial, Royer was holding a fist and a hand in a peace symbol in the air, while wearing a sign that read "We're Occupying Phoenix," at the time of his arrest). And, despite the city's clear foreknowledge that these arrested individuals were not actually camping, or sleeping-- but were staging a Constitutionally-protected protest of ordinance 23-30-- Phoenix Assistant City Prosecutor Samuel Lesely argued, during the Royer bench trial, that Royer and others were in fact "camping" due to the fact that the defendants had been "dressed appropriately for the weather," and were in possession of water and bedding at the time of their arrests.

Aside from his frank admission that he believed Royer and others to be engaged in a protected form of free speech at the time of their arrests, officer Baltzer also testified that, the earlier in the evening of the planned mock camping protest event, PPD superior officers (including assistant chiefs) and City Manager Cavazos (as well as other personnel from the office of the Phoenix City Manager) had met with DPP members concerning Occupy Phoenix. Baltzer went on to state that, following this meeting, he and other PPDDOU officers were briefed by DOU Lt. Lazell and prepped for the staging of a TRU "skirmish line" and for "mass arrests" anticipated to take place during the mock camping protest.

[Note: according to PPDHDB records obtained by DBA/CMD, it appears that PPD Assistant Police Chief in charge of the Homeland Security Division Tracy Montgomery discovered Occupy Phoenix's plans to protest the "urban camping" ordinance by reading a November 17, 2011 article in Modern Times Magazine. According to PPDHDB records, on the morning of November 18 Montgomery alerted the leaders of several PPD units, including PPDHDB Commander Geary Brase, PPDCRB Sgt. Schweikert, PPDDOU Lt. Lazell and PPD MOB Career Criminal Squad Sgt. Van Dorn, of the protest plans. According to email correspondence regarding this alert, neither Lazell or Schweikert had any knowledge of these protest plans prior to the Montgomery alert (Appendix, p. 23-28).]

All of the "Sleepy Seven" defendants were found guilty of the misdemeanor criminal infraction of violating the city's "urban camping" ordinance (though it is worth noting that the city later, on May 30, 2012, dropped similar prosecutions against 20 of the protestors arrested in Margaret T. Hance Park on October 15. By the time the city had decided to drop these charges, 25 of the arrested protestors had already accepted plea agreements).

All of the "Sleepy Seven" defendants who requested trials by jury were denied and instead received bench trials, tried by Phoenix Municipal Court judges. At least three of the "Sleepy Seven" cases were tried by the same judge, Phoenix Municipal Court Judge Louis Frank Dominguez. Despite the fact that this judge had previously delivered guilty verdicts in two preceding "Sleepy Seven" trials-- cases stemming from the same allegations and similar, if not identical, evidence-- Dominguez declined, in response to a request from Royer attorney Don Harris, to recuse himself during the Royer trial.

Under Arizona law, not all defendants facing misdemeanor criminal charges are entitled to trial by jury. Discretion as to which misdemeanor cases may receive jury trials is in the hands of presiding judges. Phoenix Municipal Court judges are appointed by the Phoenix City Council (the entity that oversees the Downtown Phoenix Hotel Corporation, whose president is City Manager Cavazos-- and which is essentially a DPP member, per its relationship to the Downtown Phoenix Sheraton Hotel and the Phoenix Convention Center). Furthermore, the Phoenix City Manager (a DPP board member) is the top administrator of Phoenix Municipal Court and is charged, by city code, with enforcing all

city ordinances (as stated in Phoenix city code: "[the City Manager is charged with promulgating] regulations concerning the administration and enforcement of the purpose and intent of all existing ordinances of the city").

Records obtained by DBA/CMD show that the City of Phoenix personnel-- including Assistant City Manager Rick Naimark (also a DPP board member), Deputy City Manager David Krietor [note: Krietor went on to leave the Office of the City Manager in May, 2012. Krietor is reported to have accepted the position of chief executive officer of Downtown Phoenix, Inc., a private "umbrella" entity, incorporated on September 6, 2012, which manages the operations of other private Phoenix economic development entities, such as DPP. According to currently-available Arizona Corporation Commission records, the founding-- and sole-- director of Downtown Phoenix, Inc. is APS/Pinnacle West Chairman and CEO Donald Brandt. Brandt is also the chairman of the DPP board of directors. APS/Pinnacle West Enterprise Security Operations Director Bob Parrish was also a member of the Arizona Infragard board of directors at this time. Arizona Infragard represents the interests of ACTIC private sector "stakeholders"], Assistant City Manager Ed Zuercher, PPD Assistant Police Chief in charge of the Homeland Security Division Tracy Montgomery, Phoenix Parks and Recreation Department personnel, and Phoenix Department of Public Works Personnel-- had developed the strategy of utilizing the "urban camping" ordinance and denial of other permits (as may be required for large gatherings in public parks) as a deliberate method of suppressing the growth of Occupy Phoenix weeks before the launch of Occupy Phoenix on October 14-15, 2011 (Appendix, p. 29).

For example, records indicate that, on October 11, Montgomery contacted City of Phoenix Park and Recreation Department Deputy Director Inger Erickson, concerning the Occupy Phoenix march set to take place on October 14. Protestors planned to assemble in Civic Space Park and stage a march to downtown Phoenix banks. [Note: according to records, Civic Space Park falls under the purview of the Phoenix Parks and Recreation Department. Cesar Chavez Plaza is managed by the Phoenix Department of Public Works.]

"Inger, [paragraph break] We were aware of the march on the 14th. If the organizers did make contact would a permit be issued? The current absence [of] a permit could supply some enforcement leverage in Civic Space Park," wrote Montgomery.

It is worth noting that Montgomery went on to ask PPDCRB Sgt. Schweikert (who was also a recipient of this email) if Occupy Phoenix had mentioned obtaining permits during their "planning meeting." This is likely a reference to intelligence gathered by the PPDMOB undercover officer who had infiltrated the Phoenix activist community under the name "Saul DeLara," and who attended and reported on the Occupy Phoenix October 2 planning meeting, at Schweikert's request.

Records indicate that Erickson responded to this Montgomery email by stating that Parks

and Recreation is generally "very conservative with type and size of events held at Civic Space Park," due to the park's proximity to the city's light rail transportation system. "The gathering at the park would not necessarily require a permit unless organizers expected it to be more than 50 people and then it is referred to as a Special Activity Request (SAR)," added Erickson.

Records indicate that Schweikert responded to the Montgomery inquiry by stating that he was not aware of any permit inquiries for use of Civic Space Park, but that: "there have been inquiries by various citizens to obtain a permit in reference to Chavez Plaza." These inquiries, said Schweikert, had been directed to City of Phoenix Department of Public Works Downtown Facilities Property Manager Mike Jankowski.

To this Montgomery responded: "Who at city hall would issue such a permit for a gathering at Chavez Plaza, and what if anything have we prepared Jankowski to say when he gets these inquiries? Rob [PPDHDB Lt. Robert Howe], do you want to track him down and discuss?" (Appendix, p. 30-42).

While it is not clear what prepping PPDHDB gave Jankowski, the position of PPDHDB as concerned Occupy Phoenix protests in public parks is clear. In email correspondence between Montgomery, PPDHDB, PPDCRB, Phoenix Parks and Recreation Department personnel, Phoenix Department of Public Works personnel and Assistant City Managers Naimark and Zuercher, that took place from October 10 through 14, (Appendix, p. 43) (Appendix, p. 44-48) Montgomery plainly and repeatedly stated that no permits for camping in parks, or remaining in parks after hours of operation, existed or would be issued (and, it is evident, per the October 11 Montgomery email to Erickson, Montgomery viewed this lack of permits as a source of "leverage" over protestors). Furthermore, in these emails Montgomery stated repeatedly that protestors found in city parks after hours of operation would be viewed as trespassers by PPD and treated accordingly. And, in an October 14 email to PPD South Mountain Precinct Commander Jeff Alexander, PPDHDB Commander Geary Brase and Parks and Recreation Deputy Director Erickson, Montgomery laid out the department's aggressive tack in enforcing the "urban camping" ordinance: "I agree we must nip camping as soon as we see it, I wouldn't even wait for the park to reach closing hours. Indica of camping is defined in the statute [Phoenix city ordinance 23-30] and if we see it, we should enforce it immediately" (Appendix, p. 43).

This aggressive tack continued beyond the launch of Occupy Phoenix on October 14-15, 2011. In an October 17 email to PPDHDB, PPDCRB, PPDDOU and South Mountain Precinct personnel, PPD Assistant Chief in charge of the Homeland Security Division Montgomery wrote:

"Larry [PPDHDB Lt. Larry Hein], [paragraph break] Can you gather intel today from Sgt. Schweikert, our TMU [ACTIC Threat Mitigation Unit] folks monitoring social media, and any other intel streams and give an update on our potential for ongoing

'Occupy' protests this week. [sic]

"A kid that ID's himself as Romeo Poetry was on Ch 12 this am from Caesar Chavez indicating that they had finally found the 'loophole' in the law and that it was legal for them to stay on the sidewalk around Chavez Plaza all night. He said something about sleeping on the sidewalk over night. He also indicated that people are bringing them food. It may be time to start exploring the public health angle on that and where they seem to be using the restroom. I know 5 guys during the day, but where are they going at night? Let's get a legal opinion on sidewalk/public right of way camping (citizens do it every time apple rolls out a new iPhone). [sic]

"Geary [PPDHDB Commander Geary Brase], [paragraph break] Based on this info we will need to decide the plan for monitoring these individuals long term. Maybe you can present a framework for that after discussing it with Lt. Coley [PPDCRB Lt. Bryan Coley], Lt. Lazell [PPDDOU Lt. Jeff Lazell] and the folks from 400?

"Thanks all, we have been an amazingly successful team throughout this adventure." (Appendix, p. 49).

All told, records indicate that PPD actions directed toward Occupy Phoenix resulted in approximately 130 arrests (mostly for violations of the city "urban camping" ordinance) from October 14, 2011 to January 1, 2012 (Appendix, p. 50).

While this number of arrests may seem small compared to mass arrests in cities such as New York (where Occupy Wall Street protestors had been arrested in numbers as high as 700 in a single day), bear in mind that Occupy Phoenix typically only consisted of 20 to 50 protestors (or less) "occupying" Cesar Chavez Plaza. On some days, the numbers of protestors were so low as to prompt mockery within the ranks of PPD. For example, records obtained by DBA/CMD show that, on December 28, 2011, ACTIC TLO/PPDHDB Det. Wren forwarded a brief on "Emerging Issues in the Occupy Movement" (an overview of trends observed by law enforcement/"counter terrorism" personnel nationwide, as related to the OWS movement), prepared by the Major Cities Chiefs Association Intelligence Commanders Group, to PPDCRB Sgt. Schweikert. In a response emailed to PPDHDB personnel, Schweikert wrote:

"It [the Major Cities Chiefs Association brief] did not mention the 4 people we have demonstrating at Chavez Plaza..." (Appendix, p. 51).

Furthermore, records indicate that PPDHDB ACTIC "Terrorism All-Hazards Analyst" Brenda Dowhan consistently monitored, and reported to PPDHDB/ACTIC personnel, social media conversations through 2011 and 2012 in which members of Occupy Phoenix expressed concern and frustration over the consistently low level of community involvement in the movement. Records indicate that Dowhan would dutifully report this, and other Occupy Phoenix/OWS, "intelligence" in regular briefs distributed to PPD and

ACTIC personnel (including TLOs employed by other law enforcement agencies active in ACTIC).

In light of such attitudes held toward Occupy Phoenix by PPD personnel, as well as PPDHDB/ACTIC's clear knowledge of Occupy Phoenix's failure to grow into any substantial movement, it is definitely interesting to note that, according to records obtained by DBA/CMD, PPD expended $245,200.08 in taxpayer funds directly related to the policing of Occupy Phoenix during the first three days of the movement's existence (October 14 to 16, 2011).

The number of Occupy Phoenix participants reached its peak on October 15, with roughly 1,000 citizens assembled in Cesar Chavez Plaza (as estimated in PPD records). According to PPD records, the protest had dwindled to approximately 400 by the evening of the 15. Of this number, 45 were arrested-- all, according to PPD records, for refusing to leave the plaza after 10 p.m., the plaza's closing time. This peak of 1,000 protestors on October 15 was the zenith of Occupy Phoenix; never again did the movement reach this level of community participation (Appendix, p. 16-18).

According to records obtained by DBA/CMD, On November 16, 2011, as the OWS movement entered into its second month nationwide, PPD Assistant Police Chief in charge of the Homeland Security Division Montgomery wrote a congratulatory email to then-acting Phoenix Chief of Police Joseph Yahner and PPDHDB Commander Brase:

"I think the single most important decision we have made to date was the one to not allow camping in Hance Park, and subsequently Chavez Plaza. The decision did not come without some significant bumps and bruises that night [on the evening of October 15, 45 protestors were arrested by TRU officers in Margaret T. Hance Park for refusing to leave the park after 10 p.m.], but it was the right thing to do. I have seen four reports in the last 2 days regarding the other encampments coming down in major cities and it is a civil disturbance and public health nightmare."

This November 16 Montgomery email goes on to suggest that-- no matter what role the Office of Phoenix City Manager may have played in the decision to use the "urban camping" ordinance against Occupy Phoenix-- PPDHDB had been the driving force behind this strategy.

In closing, Montgomery wrote: "Joe, I suspect you already know this, but coming out to support Geary [PPDHDB Commander Geary Brase] and I on this was huge and we both appreciate your leadership on it. It was an awkward situation with the Manager/Mayor issues. It is paying off every day for us now. thank you for that! [sic]" (Appendix, p. 52).

[Note: it is not clear what "awkward situation" with the city manager and mayor Montgomery referenced in this November 16 email-- records obtained by DBA/CMD clearly show that personnel with the Office of the City Manager had been involved in

early conversations led by PPD Homeland Security Division/PPDHDB personnel regarding the use of urban camping/trespassing violations in suppressing protest activity. In none of these records delivered to DBA/CMD by PPDHDB does any City of Phoenix official voice any opposition to this use of city ordinance.]

The role of the PPD Homeland Security Division/PPDHDB in advancing this strategy is also supported by previously-referenced November 18, 2011 PPDHDB records that show Montgomery organizing PPDCRB and PPDDOU actions that resulted in the arrest of the "Sleepy Seven" on November 18. While PPDDOU officer Baltzer had testified during the Royer trial that PPD superior officers and assistant chiefs had met with personnel from the Office of the Phoenix City Manager and DPP prior to the staging of the TRU for mass arrests associated with the November 18 protest, these PPDHDB records plainly illustrate that no one in PPD-- including PPDDOU Lt. Lazell or PPDCRB Sgt. Schweikert-- was aware of, or was planning any response to, the planned protest until alerted by Montgomery.]

Brenda the Facebook Queen: Stalking Discontented Citizens Through the Internet Data Mine, Christmas TLO Alerts and Tiananmen Square-Tested Facial Recognition Technology

According to records obtained by DBA/CMD from AZDOHS, PPD was awarded $1,016,897 in U.S. DHS SHSGP funding in September of 2010 for the PPD "ACTIC Intelligence Analyst Project" (Appendix, p. 53-54). According to these AZDOHS records, these funds were intended to fill positions for both a PPD "ACTIC Intelligence Analyst" and "IT Planner." Records obtained by DBA/CMD indicate that these project funds have been used, in part, to pay the more than $71,000 annual compensation (this amount includes both salary and benefits) of PPDHDB/ACTIC "Terrorism Liaison All-Hazards Analyst" Brenda Dowhan, who was hired by PPDHDB to perform "intelligence analyst" functions in ACTIC in July of 2011. While Dowhan is a civilian analyst, she is joined in the intelligence analyst section of ACTIC by a number of law enforcement agency TLOs, such as PPDHDB Detective/ACTIC TLO CJ Wren.

Interestingly, records obtained by DBA/CMD illustrate that Dowhans' primary role in her work for ACTIC/PPDHDB throughout 2011 and 2012 appears to have been the monitoring of members of Occupy Phoenix and other related Phoenix activist organizations-- as well as broader "intelligence" gathering projects related to the OWS movement nationwide.

Records show that Dowhan, through PPD, was regularly supplied with logs containing the names of citizens who had been issued "warnings," citations, or who had been arrested by PPD in relation to Occupy Phoenix activities (the majority of arrests being for violations of the city's "urban camping" ordinance) (Appendix, p. 50). Also contained in these logs are social security numbers, physical descriptions, driver's license/state identification numbers and home addresses of citizens who had been given "warnings" in

relation to Occupy Phoenix activity (it is important to note that someone who has been given a "warning," or even arrested, by a police officer has not necessarily been convicted of whatever charge the officer has leveled against them).

The fact that Dowhan was regularly provided these detailed logs is important to note, as records indicate that much of Dowhan's work for ACTIC/PPDHDB during 2011/2012 involved the monitoring of social media sites and other online forums-- such as Facebook pages and blogs-- associated with individuals and organizations involved in Occupy Phoenix. Records indicate that Dowhan would take information trolled from these "open source" [note: "counter terrorism" personnel refer to information culled from social media and other "open sources" as "open source intelligence"] resources and either distribute it immediately to fellow law enforcement/"counter terrorism" personnel in the form of "alerts," or include it in her sometimes daily "Occupy Phoenix Social Media and Events Updates," which were distributed to PPDHDB personnel and other TLOs. Records obtained by DBA/CMD indicate that this type of activity was Dowhan's primary duty, beginning as early as October, 2011 and extending well into 2012 [note: available records, returned pursuant to public records requests submitted by DBA/CMD in June, 2012, show Dowhan still carrying out these duties during June of 2012].

Records obtained by DBA/CMD show that Dowhan also gathered information on Occupy Tucson during 2012, as well as tribal activists (Tohono O'odham and Navajo), with the assistance of Tucson Police Department (TPD) Office of Emergency Management and Homeland Security Tucson Urban Area Security Initiative (UASI) Regional Intelligence Analyst/ACTIC Terrorism Liaison Officer Carmen Rios (Appendix, p. 55) and Tohono O'odham Nation Police Department (TOPD) "analyst" Gwyn Nguyen (Appendix, p. 56) (Appendix, p. 57-60).

Certainly private sector entities partnered with ACTIC though CLP and Infragard benefitted from Dowhan's publicly-funded trolling of activist social media in the name of "counter terrorism." Records show numerous examples of Dowhan's diligence and dedication in acting as a watchdog for private interests who may have been the subject to protest-related discomfort.

For example, when, on or about January 18, 2012, Mesa (a Phoenix suburb) Police Department Intelligence and Counter Terrorism Unit Detective/ACTIC TLO Christopher "Chris" Adamczyk informed Dowhan that a Mesa City Council member had told him that he had been invited to join a Bank of America protest to be held by members of Occupy Phoenix in the lobby of a local Bank of America, Dowhan dutifully alerted ACTIC CLP coordinator O'Neill and other PPDHDB personnel, stating that she believed the protest to have been organized by MoveOn.org, and that she would continue to "obtain more info" (Appendix, p. 61).

Another example: records show that, throughout 2012, Dowhan worked with Tempe Police Department Homeland Defense Unit Detective, and ACTIC Terrorism Liaison

Officer, Derek Pittam in the online surveillance of "anarchists" and members of Occupy Phoenix in relation to planned protests of Salt River Project's (SRP, a public-private Arizona water utility corporation) Tempe headquarters, as well as other activist events. Interestingly enough, records indicate that Pittam and Dowhan learned of a planned May, 2012 SRP protest from a Pittam "co-worker." As stated by Pittam in an April 29, 2012 email, the "co-worker"-- who was monitoring live stream footage of a Tempe "Take Back the Commons" activist event from home while sick-- had heard a protestor say "you know what's next?... SRP next week." The "co-worker" then relayed this information on to Pittam. During the Tempe "Take Back the Commons" event, activists sought-- unsuccessfully, largely due to Tempe Police Department efforts-- to utilize a plot of vacant land owned by a real estate developer for urban gardening (Appendix, p. 62-73).

Records indicate that, in addition to ACTIC monitoring of this event, Pittam had engaged in "interference" activities aimed at disrupting the "Take Back the Commons" event. According to records obtained by DBA/CMD, on April 29, 2012, Dowhan emailed the contents of a blog entry written by an individual writing under the name "Tyburn Gallows" on Firesneverextinguished.blogspot.com (the self-described "journal" of the anarchist Phoenix Class War Council) to Pittam. The "Tyburn Gallows" post contained a letter that Pittam had allegedly distributed throughout the Tempe neighborhood in which the planned "Take Back the Commons" event was set to take place. In this letter, Pittam allegedly states: "community members have always known that I am aggressively proactive on issues of crime prevention. This is no different, and I am very concerned that the planners of this event have not disclosed important information in their quest to gain the support of local residents and businesses."

In response, Pittam told Dowhan that he'd already read the "Tyburn Gallows" blog post. He did not seem concerned however, as the "Take Back the Commons" event turned out to be, as Pittam stated, a "non-event." Tempe Police Department Homeland Defense Unit Detective/ACTIC "Terrorism Liaison Officer" Pittam went on to state, in his April 29, 2012 email correspondence with PPDHDB ACTIC "Terrorism Liaison All-Hazards Analyst" Dowhan: "our local interference actions (for better or worse) did appear to have an impact. We did not have 'Black Bloc' emerge and no real presence of the more well-known faces. [...] That is all for now. We are happy this turned out to be a no arrest thing (so far), the surrounding neighborhoods intact and mission not accomplished for the event planners."

It is worth noting that, in this April 29 correspondence between Pittam and Dowhan, Dowhan states (in response to Pittam's description of the failed "Take Back the Commons" event as a "non-event"): "Good to hear. Every site I've been on, they know that we are watching them."

And, records show that, in November, 2011, when Dowhan first became concerned that those she surveilled within the Phoenix activist community may eventually detect her online presence, she asked her PPDHDB superiors if they could discuss the possibility of

her using a "clean computer," possibly one with an "anonymizer," in the future (Appendix, p. 74). This appears to have been a reference to a computer utility product, made by Anonymizer, Inc., that allows users to visit websites anonymously.

It should be noted that, according to AZDPS Northern Intelligence District Commander, Captain Steve Harrison, who supervises AZDPS functions and personnel at ACTIC (as AZDPS is the managing agency of ACTIC, Harrison is the closest thing there is to an ACTIC personnel manager), while ACTIC personnel do monitor social media primarily for the purpose of tracking "criminals" and "criminal activity"-- as opposed to Dowhan's dedicated use of social media in tracking activists and activist activity-- some of Dowhan's online monitoring of activist social media may be considered an appropriate use of ACTIC resources. According to Harrison, preparation for "special events" (including large events, such as the Governor's "State of the State" address, other political rallies and large sporting events) falls under ACTIC's "all hazards" mission. However, said Harrison, the monitoring of such events is only intended to ensure "public safety." According to Harrison, some "public safety" concerns related to protests may include the possibility of violent conflict between protestors and counter protestors, traffic disruptions, and considerations regarding food, water and toilet facilities for protestors.

"We do use social media for criminal activity [...] I'm not aware of ever using it for activist or protestor events, other than to try and determine when and where they're going to go, and how many people are going to show up," said Harrison. "So, it's not uncommon for-- let's say there's going to be an event at the capitol-- a couple of years ago, we had all those high school students who started tweeting, saying 'hey, let's march on the capitol-- we'll meet down there at two o'clock.' That was kind of good to know, from a public safety standpoint, that we're going to have two thousand, or five thousand, students at the state capitol [Note: students from eight Phoenix high schools marched on the capitol in protest of anti-illegal immigration bill SB 1070 in March, 2011]. And so that is, I guess, the extent that we monitor it. I'm not aware of any instance where we would go, 'John Smith is an activist. I'm gonna go look up his Facebook information and-- I hate to say-- 'track him.' We don't care, quite honestly-- I don't want to sound rude, but we don't really care."

Evidently, not all ACTIC personnel are so scrupulous in their use of ACTIC resources where activists are concerned.

Records obtained by DBA/CMD indicate that at 1:30 p.m., December 14, 2011, a concerned citizen wrote an email to PPD personnel:

"Dear Sir or Madam," the email began. "Please consider leaving the Occupy movement alone. They speak for me and I suspect a large portion of America who are upset with corporate greed and the ability to purchase politicians and their votes. We are going to take America back for its citizens, and it would probably be better for your careers not to get in the way. Thanks[,] David Mullin."

Mullin had written his email in reaction to a PPD raid of Occupy Phoenix's small camp in Caesar Chavez Plaza on the evening of December 8. During this raid, PPD confiscated supplies/equipment and arrested six activists on charges of violating the city's "urban camping" ordinance.

Records obtained from PPDHDB show that, at 1:39 p.m., Mullin sent his email off to a number of PPD precinct commanders and sergeant. Among those to receive the email was PPD Central Precinct Commander Louis Tovar.

At 1:42 p.m., Tovar forwarded the email up the chain of command to a number of PPD executive personnel/administrators.

"Fyi.....I've had a few of these types of email. I'm sure you all have to...fyi [sic]," wrote Tovar.

Among those who received the Mullin email from Tovar was PPD Assistant Police Chief, Homeland Security Division, Tracy Montgomery. Records indicate that Montgomery then forwarded the Mullin email on to personnel within PPDHDB, PPDCRB and PPDDOU. In her forward of the Mullin email to these officers, Montgomery wrote: "Interesting e-mail threatening our careers. Anyone know the name?"

At 6:44 p.m. on the evening of December 14, PPDHDB Commander Geary Brase requested that PPDHDB Intelligence and Investigations Unit Lieutenant Lawrence "Larry" Hein have someone "check out" the Mullin email. Records indicate that Hein assigned this task to PPHDB Det./ACTIC TLO CJ Wren and PPHDB ACTIC "Terrorism Liaison All-Hazards Analyst" Dowhan.

At 6:51 a.m. the following day, December 15, Dowhan emailed a link to Mullin's Facebook page to Hein, Wren and PDHDB Sgt. Patrick "Pat" Kotecki. It is not clear how Dowhan determined that this Facebook profile was in fact the profile administered by the email's author, as there are scores of "David Mullin" profiles on Facebook. Currently, Mullin's profile gives no location, and, at the time of Dowhan's investigation, Mullin was using the image of a Guy Fawkes mask as his profile picture. Mullin could not be reached for comment.

At 8:29 a.m., Wren followed up with the following email to Hein:

"Sir, Thanks to Brenda, we figured out exactly where this guy got the names and emails to send that message to... (Great work Brenda!) [sic]"

Wren went on to state that a Facebook page called "Occupy the Signal" had posted details relating to the December 8 Occupy Phoenix Caesar Chavez Plaza raid. Accompanying this information, "Occupy the Signal" posted contact email addresses for then-Phoenix

Mayor Phil Gordon along with PPD precinct commanders/sergeants. Mullin had responded to this Facebook post with a post of his own on the "Occupy the Signal" page: "emailing them now," wrote Mullin in this post.

It is not a violation of Arizona law for constituents to write their public servants with their concerns. The addresses for the publicly-funded email services used by these public servants published by "Occupy the Signal" are a matter of public record and can be found on other documents or websites freely available on the Internet-- most of which are published by PPD (or the City of Phoenix), or by other law enforcement associations in which PPD personnel are active.

"Occupy the Signal" describes its mission on Facebook as being "to empower people to be IN DIRECT COMMUNICATION with politicians, corporations and communities around the world [sic]."

Encouraging open communication is not an act of terrorism.

"We have him possibly identified as David L. Mullin, formally of Glendale, (currently lives in Vegas). Still working on confirming that - but I have a search warrant to go to at 0900. Will work on it some more when I get back," concluded Wren in December 15 email communications regarding the investigation into Mullin (Appendix, p. 75-80).

As such, according to records relating to PPDHDB actions spurred by the Mullin email, both Dowhan and PPDHDB Det./ACTIC TLO CJ Wren devoted the better part of two days to an attempt to discover the identity and whereabouts of the email's author. It is not clear what the purpose or conclusion of this investigation into the identity and whereabouts of Mullin was. Neither Wren nor Dowhan could be reached for comment.

Furthermore, speaking to AZDPS Northern Intelligence District Commander Harrison's assertion that ACTIC personnel "don't really care" about the activities of activists outside the realm of public safety concerns associated with large gatherings, consider this: records show that, thanks to the vigilance of ACTIC PPDHDB "Terrorism Liaison All-Hazards Analyst" Dowhan, Terrorism Liaison Officers in the Flagstaff area were alerted when two members of Occupy Phoenix posted plans to travel to Flagstaff for Christmas, 2011 on Facebook. Furthermore, records show that Dowhan promptly re-notified Flagstaff TLOs when the Occupy Phoenix members altered their travel dates (Appendix, p. 86-89).

Another example: records indicate that Dowhan and other PPD/ACTIC personnel were quite concerned when they learned of the "Occuhouse," a privately-owned residence whose owners had opened its doors to members of Occupy Phoenix so that they could rest, bathe, eat-- and, hopefully, avoid being arrested under the city's "urban camping" ordinance. Records indicate that Dowhan and other PPD personnel devoted considerable time to determining the location of this house. Records also indicate that, upon their

determination of "Occuhouse"'s location, PPD and PFD Homeland Defense Bureau personnel alerted patrol officers/PFD personnel to its location and considered framing the house as a fire hazard through the use of a "premise alert" designation and potential "code issues" (Appendix, p. 81-95).

None of this activity-- let alone the bulk of Dowhan's use of social media and other means in the tracking of activists-- falls under Harrison's definition of appropriate, "public safety"-related, activist social media monitoring. Nevertheless, records obtained by DBA/CMD show that Dowhan's, and ACTIC's, ability to troll Internet social media for "open source intelligence" took a massive leap forward in mid 2012. According to records obtained from AZDOHS, PPD expended $606,890.35 out of the $1,016,897 "ACTIC Intelligence Analyst Project" SHGP funding in the purchase and installation of intelligence/investigation management software. According to AZDOHS Assistant Director of Planning and Preparedness Lisa Hansen, this funding was used to purchase a SAS Memex Intelligence Center module. Records obtained by DBA/CMD reference this system as being an "SAS Fusion Center Solution" (which is described as including an "SAS Confidential Informant Management Module"). According to these records, PPDHDB likely commenced installation of this system in ACTIC in July of 2012.

The SAS Memex Intelligence Center is produced by the North Carolina-based analytical software firm SAS Institute, Inc., which purchased United Kingdom-based "intelligence management solutions" software developer Memex in June of 2010. SAS/Memex purports to provide intelligence management and acquisition services to more than one dozen fusion centers. According to U.S. Patent and Trademark Office records associated with SAS/Memex technologies, Memex products are described as being software and hardware products utilized in the collection and management of intelligence data by military, law enforcement and private businesses.

While available information relating to the specific functions of the SAS Memex Intelligence Center (or "SAS Fusion Center Solution") is vague at best, it is clear that the system provides automated intelligence collection and collation services to intelligence analysts by combining (or "fusing") data gleaned from both "open source" intelligence streams and traditional intelligence sources (such as confidential informants), along with information contained in state databases (such as criminal and motor vehicle licensing/registration records), into "actionable intelligence."

SAS/Memex purports to offer "open source intelligence" solutions that essentially function as automated intelligence analysts in that such such SAS/Memex products troll the Internet, mine text, aggregate data, map relationships between Internet users, and flag patterns of behavior (as well as changes in the attitudes of social media users toward specific issues)-- all, apparently, within whatever guidelines are set for it by its user.

[Note: PPDHDB/ACTIC gained access to the SAS Memex Intelligence Center Module after DBA/CMD submitted records requests seeking information on the department's

monitoring of Occupy Phoenix activists. As such, records relating to the potential application of this technology in the monitoring of Occupy Phoenix and other activist groups are outside the scope of records requests submitted by DBA/CMD. It is not known whether this system has been used to further Dowhan's work in this field. However, given the fact that this technology was purchased through funding for the same "ACTIC Intelligence Analyst" project that resulted in Dowhan's employment in the monitoring of activists, it does seem likely that this system may be similarly engaged.]

PPDHDB is not the only Arizona law enforcement/"counter terrorism" entity to utilize U.S. DHS-funded Internet data mining, or other telecommunications-based surveillance, technology.

According to records obtained by DBA/CMD from AZDOHS, in April of 2011, the Tucson Police Department (TPD) was awarded $116,500 in U.S. DHS UASI funding for the implementation of their "Open Source Intelligence/Information Data Mining Program." According to records, this funding was to be used in aiding TPD's Regional Intelligence Analyst/ACTIC Terrorism Liaison Officer Carmen Rios, as well as another regional intelligence analyst employed by the Pima County Sheriff's Office, in their assigned (and U.S. DHS-funded) task of 'surfing the net' in an effort to thwart "domestic and international terrorism." As stated in the TPD SHSGP grant application:

"The two Regional Intelligence Analysts 'surf the net' & other open sources daily looking for information that may be of help in securing our region, state, & nation. This information is almost unlimited in scope & requires a great deal of time & effort to analyze. The data mining software will free up our analysts from sorting through the vast amount of available information & greatly enhance their efficiency. Our analysts are Az TLOs & collaborate daily with the ACTIC. Purchase of this software will enhance their information collection capabilities on one end, and provide for effective intelligence analysis on the other - intelligence that can be readily shared with the ACTIC & our other partners [sic]."

The TPD grant application goes on to describe the mission of the regional intelligence analysts as being "information detection directed towards domestic and international terrorist threats; threats and current conditions on the U.S.-Mexican border; and assisting with the protection of our region's critical infrastructure [...]." This stated focus on "terrorist threats" is important to note, given the fact that, as previously discussed, TPD Regional Intelligence Analyst/ACTIC TLO Rios aided PPDHDB/ACTIC "Terrorism Liaison All-Hazards Analyst" Dowhan in gathering information on Occupy Tucson and tribal activists on a number of occasions in 2012.

Records indicate that, with their $116,500 U.S. DHS "Open Source Intelligence/Information Data Mining Program" grant, TPD purchased OpenMIND, an Internet "open source intelligence harvesting" system produced by Swiss intelligence software corporation, 3i-MIND Technologies GmbH.

Like the SAS Memex Intelligence Center Module, OpenMIND is a tool that aids investigators in obtaining and processing vast amounts of information obtained from "open sources," such as Facebook and other Internet social media. According to 3i-MIND promotional material, OpenMIND utilizes user-programmed "customized collection robots" in collecting data from user-designated web resources. This collected data is then aggregated and analyzed by OpenMIND. OpenMIND presents users with intelligence products gleaned from this raw data, relating to Internet user relationships and patterns of behavior.

[Note: according to AZDOHS Southern Regional Advisory Council (SRAC, covers Tucson and outlaying municipalities in Pima County, as well as other southern Arizona counties/municipalities) records, Tucson lost its status as a "Urban Area Security Initiative community" and all UASI funding (a grant program of U.S. DHS) on October 1, 2011. However, according to AZDOHS Assistant Director of Planning and Preparedness Lisa Hansen, the City of Tucson will continue to receive UASI funding until July 31, 2013. According to SHSGP grant funding extension requests filed with SRAC by the Pima County Office of Emergency Management (PCOEM) through 2011 and 2012, as well as SRAC records detailing AZDOHS allocation of U.S. DHS funds in fiscal 2011, SHSGP funding had also been drastically reduced to the region.

Records indicate that AZDOHS denied TPD further funding for the sustainment of the "Open Source Intelligence/Information Data Mining Program" following the loss of Tucson's UASI eligibility. Records indicate that, rather than discontinuing the program, TPD intends to draw funds for the program (more than $20,000 annually for maintenance and support services from the vendor, and for a dedicated ethernet connection) from both the TPD and Pima County Sheriff's Office budgets, or from U.S. DHS Operation Stonegarden (a U.S. DHS border security/immigration enforcement initiative) grant funding.

TPD has utilized the Stonegarden grant stream to purchase other intelligence products; according to records obtained by DBA/CMD from AZDOHS, in June of 2010 TPD purchased a Stingray II mobile phone tracking system from Harris Corporation for $396,500. According to U.S. Patent and Trademark Office records, Stingray II is defined as: "multi-channel, software-defined, two-way electronic surveillance radios for authorized law enforcement and government agencies for interrogating, locating, tracking and gathering information from cellular phones"-- in short, Stingray II is a system used to track the movements of individuals carrying cell phones.

Records obtained from AZDOHS also indicate that the salaries of both Rios and the Pima County Sheriff's Office Regional Intelligence Analyst were paid, at least in part, through Tucson UASI grants (grant applications refer to this project as the "Regional Intelligence Analyst Project"). While it is not clear what will become of these positions, SRAC records show that AZDOHS personnel recommended that $153,750 for TPD "regional

intelligence analyst training" be drawn from PCOEM funding in 2012.

As such, it seems unlikely that-- even in the absence of the federal funds that initiated these 'web surfing' programs-- the SRAC "Regional Intelligence Analyst Project" or the TPD "Open Source Intelligence/Information Data Mining Program" will be discontinued. Rather, it seems costs associated with these programs will be shifted onto already-taxed local budgets. This is worth noting in light of the fact that many public school systems in southern Arizona can only afford to keep schools open four days a week.

Nevertheless, the value of "open source intelligence" gleaned from Internet social media is of the utmost importance to Arizona fusion center "counter terrorism" personnel. Consider a December 23 email from PPDHDB Det. and ACTIC Intelligence Unit Terrorism Liaison Officer Wren, to his PPDHDB/ACTIC TLO colleagues, in which Wren reflected on the value of social media:

"Been on several FB [Facebook] pages today from O.P. [Occupy Phoenix] participants. They all seem to be talking about doing something like this [reference to a YouTube video clip of an Occupy San Francisco flash mob in which 100 "occupiers" peacefully danced in public]... no concrete dates set-- but the discussion is at a mall, post christmas [sic]. I know one girl sent this message out to a group called Occupy Phoenix Student Movement (appears to be high school and ASU college students / about 75 of them) and they were trying to drum up participation.

"The benefit we have going for us, is the coordination it takes to set up a flash mob (especially a dance routine like the one in the video) is pretty extensive. But just to create a 'flash mob' protest / sit-in would be a new tactic we haven't dealt with this group yet [sic]. I'll keep watching twitter and FB to see if this moves past the discussion phase, and I'll let you know when and where." (Appendix, p. 90-91).]

Records obtained by DBA/CMD indicate that ACTIC personnel use of Facebook and other social media in monitoring activists goes well beyond the mere trolling of social media for "open source intelligence." Records disclose multiple instances in which Dowhan and Wren attempted to identify individuals believed to be associated with the OWS movement, through the application of facial recognition technology to photographs of citizens found on Facebook. It is important to note that, in no instance of this use of facial recognition technology disclosed in available records, were persons being investigated accused, or suspected, of having committed any crime (outside of possible marijuana use, as discussed below).

One example of the use of this facial recognition technology is as follows:

On November 18, 2011, ACTIC received information pertaining to an individual reported to be involved with Occupy Phoenix. This information came in the form of an anonymous tip submitted to ACTIC personnel through the Silent Witness "web tip"

program (a service provided to ACTIC personnel by The Silent Witness, Inc., a private non profit corporation) (Appendix, p. 239-246).

The anonymous tip stated:

"Met an Occupy nut online, she says she's from your area [...] She appears to be involved with some sort of violent organization. Has expressed intent to 'take down the local power structure,' desire to be killed in violent resistance as a martyr: 'GOOD KILL US. That will really make people mad!'"

The anonymous "tipster" (records identified the source of this information as being "Web Tipster," and Dowhan subsequently referred to the informant as "the tipster") then went on to state that the "Occupy nut" "[had] indicated knowledge of specific plans for violent revolt, knowledge of bomb-related activities. When pressed further was reticent, claimed she did not want to give more details on the plans due to 'outstanding warrants and paranoia'. [sic]"

In closing, the "tipster" wrote:

"Additionally, since I'm aware no crime has technically been committed there (apart for whatever the warrants are for), I've got an actual crime for you as well: illegal possession/use of marijuana, I've seen her smoking it on camera. I will attempt to get a picture in the future. [Paragraph break] I'm well aware that the threat of violence sounds like someone yanking my chain, and it quite possibly is, but she sounds serious about this and I feel it's better to falsely report than to not report an actual threat."

The anonymous "tipster" then went on to identify the "Occupy nut" as being a 20-year-old female known as "Amber." The tipster stated that the young woman was unemployed and living with her twin sister and father. The tipster also provided ACTIC personnel with a photograph of what appears to be a teen-aged girl wearing eye glasses seated in front of a computer (the photo appears to have been taken by a monitor-mounted camera).

ACTIC PPDHD "Terrorism Liaison All-Hazards Analyst" Brenda Dowhan immediately followed up on this tip on November 18, 2011, by distributing information contained in the anonymous tip to PPDHDB personnel.

In a December 23 email from Dowhan to Wren, PPDHDB Intelligence Unit Det. Michael Rohme and PPDHDB Det. Robert Bolvin, Dowhan stated that she had attempted to identify "Amber" through the use of facial recognition technology, but that the attempt had failed.

"We have a Facebook photo and tried to do facial recognition, but she was wearing glasses," wrote Dowhan in the December 23 email.

According to records obtained by DBA/CMD from ADOHS (Appendix p. 205-208), the ACTIC Facial Recognition Unit, operated by the Maricopa County Sheriff's Office (MCSO), has the ability to match biometric data contained in photographs-- such as those found on Facebook [note: records obtained by DBA/CMD indicate that PPDHDB/ACTIC personnel attempted to identify at least one other activist in 2011 though the application of facial recognition technology to photos posted on Facebook]-- with biometric data contained in roughly 18 million Arizona Driver's License photos, 4.7 million Arizona county/municipal jail "booking" photos, 12,000 photos contained in the "Arizona Sex Offender Database," and 2 million photos available through the Federal Joint Automated Booking System.

The ACTIC Facial Recognition Unit, according to these ADOHS records, also has the ability to utilize "portable units" during "special events." And, according to ADOHS records, MCSO has requested additional U.S. DHS funding in order to purchase additional "facial recognition video capture" technologies.

The ACTIC Facial Recognition Unit currently utilizes technology and services purchased from Hummingbird Defense Systems, Inc. (HDSI, a Nevada corporation allegedly headquartered in Phoenix). HDSI purports to have partnered with Detaq Solutions in 2002 to develop a biometric surveillance system for the Beijing Public Security Bureau. Part of this system, according to HDSI, was a "centralized biometric database [...] that was deployed to help secure Tiananmen Square." As such, HDSI boasts that this system "was awarded 'National Technology Treasure' status by the Ministry of Public Security of China."

Tiananmen Square was, of course, the site of the massacre of hundreds of peaceful Chinese student protestors by People's Republic of China armed forces on June 4, 1989. The students, demanding government reform, had occupied the square for weeks prior to the massacre. The site, and the "June 4 Massacre," have remained significant rallying points to government reform activists in China.

[Note: According to both Maricopa County and MCSO procurement officers, no contract between HDSI (or related corporations, Hummingbird Communications Corporation and Darcomm Network Solutions) and MCSO has ever existed. No current contract exists between the state of Arizona and HDSI, or related corporations. It is not known at this time whether the ACTIC Facial Recognition Unit is financed by U.S. DHS, or what amount of taxpayer funds have been devoted to this "counter terrorism" resource.

According to AZDPS Northern Intelligence District Commander Harrison, MCSO is likely in the process of identifying a new facial recognition technology provider, as HDSI appears to be experiencing difficulties. Indeed, Arizona Corporation Commission records indicate that HDSI has not existed as a legal corporate entity in Arizona since 2008, when the corporation had its corporate status revoked by the Arizona Corporation Commission. According to Nevada Secretary of State Division of Corporations records, HDSI's status

as an active corporation was revoked in that state in late 2007.

Individuals listed as an executives or directors of HSDI in corporate records could not be reached for comment. It is worth noting that former Arizona Governor, turned lobbyist, Fife Symington, III, is listed as having served as a HSDI director from the corporation's formation in December of 2001 through 2004.

As far as HDSI's claims of having developed a biometric surveillance system for use by the Beijing Security Service in 'securing' Tiananmen Square are concerned, a 2006 complaint filed by HDSI against a Dateq subcontractor in the United States District Court of Arizona supports HDSI claims that it had provided biometric data and other "security" systems for the Beijing Public Security Bureau, the Beijing Police Department and the Nanjing Border Patrol during, and following, the timeframe in which HDSI purports this work occurred.]

As for the use of facial recognition technologies in identifying citizens through photos found on social media sites, there is ample reason to believe that ACTIC is not the only "fusion center" engaged in this practice (though it should be noted that MCSO and HDSI were pioneers of this industry's expansion into the "fusion center" marketplace when they launched the ACTIC Facial Recognition Unit in 2004). As evidenced by the number of corporations offering biometric data analysis services to "fusion center" clientele, this is a booming industry.

Some notable leaders in this field include: Sagem Morpho (a division of multinational corporation, Safran Group, which acquired a leader in the biometrics field, L-1 Identity Solutions, in 2011. Following the 2011 merger, L-1 identity solutions became known as MorphoTrust. It is worth noting that, in December of 2005, not long after his departure from the Central Intelligence Agency in June of 2004, former Director of Central Intelligence George Tenet joined the board of directors of Viisage Technologies. Viisage was largely owned by L-1 Investment Partners. In 2006, Viisage merged with Identix, forming L-1 Identity Solutions. Securities and Exchange Commission records show that Tenet remained on as an L-1 director until 2009, ImageWare and Lafayette Group (a firm which purports to act as a private sector "consultant" to a number of "homeland security" agencies, including DHS, the FBI and state/regional "fusion centers." It is important to note that Lafayette Group also serves as the sole lobbying firm employed by the Major Cities Chiefs Police Association-- a private law enforcement association discussed in greater detail later in this article).

Remember, Remember: ACTIC, FBI Strive to Shield Banks From Citizen Outrage

As illustrated by records obtained by DBA/CMD, businesses (including banks) active in the ACTIC CLP program were the recipients of special Occupy Phoenix "alerts" authored by PPDHDB's ACTIC "Terrorism Liaison All-Hazards Analyst" Dowhan. Records show that intelligence gathered through both the use of undercover officers-- namely the

undercover infiltrator officer known to activists as "Saul DeLara"-- and other "open source" social media intelligence was instrumental in the crafting of these ACTIC CLP alerts.

During the week leading up to the October 14-15 launch of Occupy Phoenix, Dowhan drafted ACTIC CLP alerts for O'Neill's distribution to Phoenix-area ACTIC CLP business interests. According to records, Dowhan, acting on a request from O'Neill, likely drafted a more detailed version of the ACTIC CLP Occupy Phoenix alert for DPP members. Records indicate that the DPP/CLP alert likely contained more detailed information regarding times, dates and locations of expected activist activity.

[Note: we state that this alternate ACTIC CLP alert for DPP member corporations was "likely" drafted because this separate DPP ACTIC CLP alert is absent from records obtained by DBA/CMD from PPDHDB. However, a number of records do detail discussion pertaining to the creation and intended use of this alert. PPDHDB has yet to fully honor public records requests submitted on June 26, 2012, seeking records relating to Occupy Phoenix. At this time, PPD claims to be in the process of redacting an additional 4,000 pages of records responsive to this request. PPD has been unable to provide a delivery date for these remaining records.]

A noteworthy item relating to the drafting of these CLP notices is the fact that Dowhan asked her PPDHDB superiors if there were any City of Phoenix ordinances "that prohibit where free speech can be exercised" that ACTIC CLP members should be advised of (Appendix, p. 96-99, 100-102). As the result of this request, Dowhan included in an advisory in her CLP notice stating that, while protestors are free to voice their opinions on public property, protestors who are not wanted on private property could be "trespassed" [note: to be "trespassed" means that an individual not wanted on a private property is advised to leave the premises. If the person fails to leave, or returns after leaving, they can be arrested on the charge of trespassing]. In closing, Dowhan advised CLP member businesses to contact their "local police department" if they experienced "problems with demonstrators," and to contact ACTIC if they observed suspicious behavior.

Occupy Phoenix-related work performed by Dowhan, O'Neill and other "Terrorism Liaison Officers" for Phoenix corporate/financial interests during the period surrounding the October 14-15 Occupy Phoenix event was far from an isolated incident.

November 5, 2011 was "Bank Transfer Day," a day on which OWS groups nationwide, along with other activist and mainstream consumer advocate groups, encouraged citizens to discontinue business with the nation's leading banks, in favor of credit unions and smaller community-based banks. Such banks targeted by this call to boycott were J.P. Morgan Chase banks, Bank of America (Bank of America's poor business practices, such as exorbitant overdraft fees and a proposed $5 monthly debit card fee were instrumental in fomenting public outrage behind this boycott) and Wells Fargo.

The date, November 5, had reportedly been selected by a Los Angeles activists due to the fact that would-be bomber Guy Fawkes was arrested in the cellar of the British Parliament with more than 30 kegs of explosives on the same day in 1605. The Fawkes smiley face mask, as stylized through a series of graphic novels and a 2006 film of the same name, "V for Vendetta," had become a ubiquitous feature of OWS protests nationwide, and was adopted as the public face of "hacktivist" group, Anonymous ("Anonymous" is the name of a purported collective of activist hackers who have largely aligned themselves with the OWS movement. "Hacktivism," as defined by an October, 2011 FBI Phoenix Division report is: "a broadly used term referring to activists who use computers and computer networks as a means of protest and/or to promote political agendas." Note the complete absence of actual 'hacking,' or any illegal activity, in this definition) (Appendix, p. 103).

In any event, the Guy Fawkes link to "Bank Transfer Day" would have been low-hanging fruit for any TLO or other law enforcement personnel, seeking to justify their surveillance of OWS activists in the days and weeks leading up to the day of action. Nevertheless, PPDHDB records obtained by DBA/CMD suggest that this connection eluded ACTIC/PPDHDB personnel-- who, as records show, were clearly more concerned with supplying area banks with intelligence so that bankers could attempt avoidance of potentially annoying activist theatrics.

[Note: records obtained by DBA/CMD indicate that the connection to Guy Fawkes was not missed by the Boston Regional Intelligence Center (BRIC). In a November 3 "Occupy Boston" bulletin that was evidently distributed to "fusion center" personnel nationwide, a BRIC analyst noted the relationship between Fawkes, the OWS movement and Anonymous. This BRIC analyst went on to discuss Anonymous' "[stated] intention to dismantle the Fox News website on November 5." (Appendix, p. 104).]

Records show that, on November 3, Mesa Police Department Intelligence and Counter Terrorism Unit Detective/ACTIC TLO Adamczyk, issued an OWS-related bulletin to a number of ACTIC TLOs/analysts. While the actual Adamczyk bulletin is absent from records delivered to DBA/CMD by PPDHDB, records indicate that the subject of this Adamczyk bulletin was the impending November 5 "Bank Transfer Day." It is important to note, however, that available records indicate that the Mesa TLO did not address "Bank Transfer Day" events set to take place in the Phoenix area (Appendix, p. 105).

Records show that, after receiving this bulletin, O'Neill contacted Dowhan and asked if there was any specific information she could pass on to downtown Phoenix banks (Appendix, p. 106-112).

"[Is] there anything Downtown banks need to know that would be more beneficial," asked O'Neill. "The notice Mesa sent out was awesome but it was generic in terms of location. Are we seeing any reason to think this is going to happen in phoenix [sic]? I

don't want to sen anything out that is going to cause unnecessary panic [sic]"

Dowhan indicated that she would try to find "FOUO" ("For Official Use Only") information that could be released to downtown Phoenix banks. In addition, she offered:

"Occupy Phoenix just updated their page saying that they will be marching to Wells Fargo, B of A [Bank of America], and Chase Tower. They are supposed to do a 'credit card shredding ceremony' , but eh haven't identified which bank they will be doing that at [sic]. We will have to monitor their FB [Facebook page]."

Available records are not clear on what materials O'Neill may have passed on to her ACTIC CLP member banks, or what "FOUO" materials Dowhan may have supplied O'Neill with for delivery to these banks.

[Note: the Dowhan's advisory to O'Neill regarding this Occupy Phoenix march and "credit card shredding ceremony" was forwarded to PPDHDB Sgt. William Wickers. Wickers is a PPDHDB member of the the FBI Phoenix JTTF.]

Nevertheless, records do clearly show that the same PPDMOB undercover officer, known to activists as "Saul DeLara," who had infiltrated the Phoenix activist community and gathered intelligence at the Occupy Phoenix planning meeting on October 2, was a source of intelligence for the events of November 5 (Appendix, p. 113).

In a November 3 email, PPDMOB Career Criminal Squad Sgt. Van Dorn informed PPDHDB commanding officers that, "Saul will be spending today and tomorrow hanging out in the Plaza and [sic] with the Anarchists to try and gather additional intelligence as we head into the weekend."

"Bank Transfer Day" was far from the final instance in which PPDHDB ACTIC "Terrorism Liaison all-Hazards Analyst" Dowhan would pass activist intelligence on to O'Neill for the benefit of ACTIC CLP member banks. For example: on December 12, 2011, Dowhan alerted O'Neill, PPDHDB ranking officers and Mesa Police Department Intelligence and Counter Terrorism Unit Detective/ACTIC TLO Adamcyzk, of "loose" planning on the part of Occupy Phoenix for a protest outside Goldman Sachs' offices in Scottsdale (an upscale municipality adjacent to Phoenix). According to Dowhan, members of Occupy Phoenix were planning to undertake this protest in solidarity with OWS groups in coastal cities who were planning to engage in protest blockades of the nation's major commercial ports. Per the usual, no "terrorist" threat or suspected criminal activity was cited by Dowhan as reason for this notice (Appendix, p. 114).

PPDHDB and ACTIC aren't the only law enforcement/"counter terrorism" entity engaged in such activities.

Records obtained from the FBI by DBA/CMD through a FOIA request indicate that the

bureau had been in the business of alerting banks (and related entities) to the planned protest activity of OWS groups as early as August of 2011-- nearly a month prior to the launch of the OWS movement on September 17, 2011.

Records indicate that on August 19, 2011, an FBI task force officer (TFO) met with a representative of the New York Stock Exchange (NYSE/Euronext, located at 11 Wall Street, New York City) to discuss the "planned Anarchist protest titled 'Occupy Wall Street', [sic] scheduled for September 17, 2011." [Note: which task force the officer represented is unknown due to redactions of these records.]

"The protest appears on Anarchist website's and social networking pages on the Internet [sic]," wrote the TFO.

"Numerous incidents have occurred in the past which show attempts by Anarchist groups to disrupt, influence, and or shut down normal business operations of financial districts," claimed the TFO.

FBI records obtained by DBA/CMD show that on September 14, 2011, an FBI JTTF TFO also notified personnel at the Federal Hall National Memorial (26 Wall Street) and Museum of American Finance (48 Wall Street) that the buildings had been identified as "points of interest" for OWS (Appendix, p. 193).

Perhaps indicative of a more serious threat perceived in the OWS movement by the FBI (which, given the nature of the evident perceived threat, may very well have been inspired by the OWS movement's infatuation with the Guy Fawkes mask), according to records obtained from the FBI by DBA/CMD, on November 10, 2011 an FBI special agent bomb technician (SABT) briefed FBI Denver Metro Area Bank Fraud Working Group (Denver BFWG) members on issues related to the OWS movement during a Denver BFWG annual meeting in Littleton, Colorado. According to these records, Denver BFWG members "[include] local area financial institution employees involved in fraud and security investigations, as well as local law enforcement officers engaged in bank fraud investigations."

Due to the fact that records relating to this briefing are heavily redacted, it is unknown what specific issues regarding OWS were discussed (Appendix, p. 194-198).

While records related to the FBI SABT BFWG briefing certainly have ominous overtones, the vast majority of FBI records obtained by DBA/CMD relating to the OWS movement explicitly state that no specific threat was known to be posed by OWS activists. As such, the vast majority of these records disclose the bureau's preoccupation with non-criminal activity associated with OWS.

For example: FBI records obtained by DBA/CMD, show that, on October 6, 2011, an FBI intelligence analyst (IA) contacted security personnel with Zions Bank, based in Salt

Lake City, to warn of an alleged "possible threat posed by hacktivist Anonymous" to Zions Bank executives. Occupy Salt Lake City had been formed the very day the FBI delivered this warning to Zions Bank.

"IA [name redacted] informed [redacted name of Zions Bank security personnel] that the FBI had *no specific intelligence indicating a specific threat* to Zions Bank; however, the FBI wanted to make surein [sic] light of the upcoming Salt Lake City protestthat [sic] Zions Bank information security personnel were aware of recent hacking incidents perpetrated by Anonymous hacktivists in support of the Occupy Wall Street protest" (emphasis added).

"IA [redacted] informed [redacted name of Zions Bank security personnel] that the CEOs of Goldman Sachs and JP Morgan Chase had been 'doxed' by an actor claiming Anonymous affiliation. IA [redacted] explained that doxing is Internet slang for maliciously releasing public [sic] information regarding an individual on the Internet."

The use of the word "public" before the word "information" in this report's description of the so-called "doxing" of JP Morgan Chase President/CEO Jamie Dimon and Goldman Sachs CEO Lloyd Blankfein is not a typo. The "actor claiming Anonymous affiliation" referenced in this report posted data sheets listing nothing but publicly-available information about Dimon and Blankfein to Pastebin.com on September 27 and 29, 2011 (respectively). Such information contained in the short Dimon and Blankfein documents included the names of family members, some of the executives' known addresses, some details from corporate filings, some records of campaign finance contributions, and some court records.

All of this material is available to anyone as a matter of public record. Information relating to an individual's family members can be obtained through a number of public records (including birth records, property records, court records . . . and Google searches); addresses can be obtained through a number of public records (including campaign finance records, property records, court records and corporate records); corporate filings can be obtained through a number of public sources (primarily through the offices of secretaries of state/corporation commissions and the SEC); public records relating to campaign finance spending can be obtained through either state elections offices/secretaries of state, or the Federal Election Commission; and court records are typically obtained from publicly-funded courts of public (civil and criminal) law-- whose records are generally a matter of public record.

Given the fact that neither the alleged "hacktivist" postings, or available FBI records, indicate any criminal activity related to the collection and posting of public information, it is likely that no "hacking incidents" took place-- as is claimed in the Zions Bank FBI report.

As demonstrated by this report, FBI "intelligence analysts" apparently made it their

business to notify bank executives that "actors" sympathetic to entities sympathetic to OWS might post public records relating to executives online. This is not a criminal offense. As a matter of course, journalists (journalists who are worth a damn, at least) utilize all of the aforementioned public records in research and reporting on a daily basis.

Given this fact, it is interesting to note that the portion of the report that details how such "actors" gather their data is entirely redacted.

“Operation Tripwire:” Mall Cops and “Radical Cheerleaders”

Records obtained from the FBI by DBA/CMD show that the bureau had engaged in another form of public-private intelligence sharing in the monitoring of OWS activity over the course of 2011.

On October 19, 2011, an FBI agent filed a report, titled "Domain Program Management [,] Domestic Terrorism," detailing an October 11 briefing given to "Jacksonville Executive Management" (EM) and a supervisory special agent (SSA) "Counter Terrorism Program Coordinator." The subject of the October 11 briefing had been the potential growth of the OWS movement throughout north/central Florida. (All agent names were redacted from this, and other, FBI reports.)

"During the 11 October intelligence meeting, writer advised EM of the Occupy venues and further advised that they may provide an outlet for a lone offender exploiting the movement for reasons associated with general government dissatisfaction," wrote the agent, who went on to say that special areas of concern were Daytona, Gainesville, and Ocala, where "some of the highest unemployment rates in Florida continue to exist."

As such, the report's author recommended that the Counter Terrorism Program Coordinator, "consider establishing *tripwires* with the Occupy event coordinators regarding their observance of actions or comments indicating violent tendencies by attendees" (emphasis added).

Interestingly, the report went on to discuss the author's sharing of information obtained from the FBI Houston field office-- as an example of such potential "exploitation"-- with the Jacksonville Counter Terrorism Program Coordinator. The FBI Houston information related to the "exploitation" of Occupy Houston by an individual (name redacted) who had allegedly plotted to "kill local Occupy leaders via sniper fire." (It is worth noting here that one of the few other instances of a credible threat identified by the FBI in relation to OWS contained in the DBA/CMD FOIA records relates to an October 2011 instance in which a person reportedly threw a "chemical bomb" made from tinfoil and Drano at "Occupy Maine" protestors after shouting "get a job!")

According to the FBI, "Operation Tripwire," established in 2003, focuses on "information and intelligence-sharing operations from the NJTTF’s [National Joint Terrorism Task

Force] participating agencies to help identify terrorist sleeper cells in the U.S." Such information is obtained through intelligence provided by various private sector "critical infrastructure stakeholders," along with apparent networks of informants established through regional JTTF "community outreach" activities.

An example of Tripwire's intended use at the time of its inception is as follows: a suspicious pattern of chemical purchases might be provided to the FBI by a merchant. This information would be relayed from the regional JTTF to NJTTF.

NJTTF, originally situated within the FBI Strategic Information and Operations Center (SIOC, the same FBI office that issued a request for information to vendors in January 2012 for the development of a social media application capable of trolling Facebook, Twitter, and other social media for certain keywords and other information), is currently situated within the National Counter Terrorism Center (NCTC). NCTC, an entity of the Office of the Director of National Intelligence (ODNI) is the nation's leading "counter terrorism" intelligence sharing partnership [note: both NCTC and ODNI were created by the "Intelligence Reform and Terrorism Prevention Act of 2004" (IRTPA), as previously discussed]. NCTC is comprised of staff from partner intelligence agencies. Such agencies include: the Central Intelligence Agency (CIA), FBI, Department of Defense (DoD) and the Department of Homeland Security.

"Tripwire" information provided to NJTTF by the merchant informant would then be evaluated, possibly investigated, and shared with other NJTTF/NCTC "counter-terrorism" personnel.

According to the FBI, NJTTF is comprised of representatives from at least 35 law enforcement/"public safety" agencies. This counter-terrorism intelligence cooperative is fed information through the nation's 104 JTTFs (which work, in turn, with regional law enforcement agencies through state "fusion centers"), each of which may gather intelligence through tactics employed under Operation Tripwire. In practice, this equates to the cultivation of informants, the sharing of FBI intelligence with commercial informants, and the gathering of information about people without any predicate of wrongdoing by them. FBI investigatory thresholds were lowered by the executive branch during the George W. Bush administration, however it is not entirely clear what investigative guidelines/thresholds Operation Tripwire is operating under.

Although the October 19 FBI briefing report seems to describe the potential application of Operation Tripwire in the cultivation of informants within the north/central Florida OWS community, another Florida FBI report relating to OWS activities shows that business sector "tripwire" informants were utilized in the Gainesville area for the purpose of monitoring local OWS activity. The report shows that advance intelligence relating to OWS protests was provided to this business-sector tripwire informant, who was expected to reciprocally supply independently gathered information.

In the December 5, 2011 FBI Jacksonville report, titled "Trip Wire Initiative [,] Intel Briefing/Squad 7 [,] Gainesville Resident Agency," the report's author documents contact with a security employee at Gainesville's The Oaks Mall, in reference to an upcoming OWS protest event.

"On 11/10/2011, the writer telephonically contacted [redacted] The Oaks Mall, at telephone number [redacted]. The purpose of the contact was to advise her of the pending 'Occupy Wall Street' protest which was scheduled to shut-down various banks on 1/17/2011 [sic]," wrote the report's author.

"[Redacted name of mall security employee] advised that the initial Occupy Gainesville protest was a minor distraction for the mall and she would be ready for the pending protest. [Redacted] advised that she would contact writer if there were any anomalies."

On October 30, 2011, nine members of Occupy Gainesville (the "Occupy Gainesville Radical Cheerleaders") appeared in the cafeteria of The Oaks Mall and performed a corporate greed-themed dance/cheer routine (a popular form of entertainment and/or protest known as a “flash mob"). The dance group, which consisted of college-aged adults, was asked to leave by mall security following the completion of the routine. During this interaction, mall security personnel tried to ascertain the names of the cheerleaders. The group declined, politely, to provide their names, thanked the security officer and promptly left.

The following month, as reported by the *Gainesville Sun*, a group of about a dozen individuals, identified as being members of Occupy Gainesville, entered The Oaks Mall on the morning of November 25, 2011 ("Black Friday") and began chanting slogans. Mall security asked the group to leave. The group promptly left.

It is not clear if Occupy Gainesville ever returned to The Oaks Mall.

It is not clear how this application of federal law enforcement time and resources through Operation Tripwire benefits non-commercial interests within the United States in any way, let alone efforts to protect the nation from a terrorist attack.

FBI records obtained by DBA/CMD go on to discuss the JTTF monitoring of OWS groups in northern and central Florida. The primary objects of this surveillance appear to have been Occupy Gainesville and Occupy Tampa. The two groups had coordinated with each other on a number of events-- including dance events staged by the Occupy Gainesville "Radical Cheerleaders."

As such, a November 4, 2011, FBI report entitled "Domestic Terrorism Control File [,] Liaison [,] Field Intelligence Group [,] Liaison Matter" states that, during a November 3 "Tampa Bay Area Intelligence Unit" briefing, various representatives from area law enforcement agencies discussed numbers of attending OWS protestors at peaceful bank

protests that had occurred on October 29.

Also discussed during the briefing, wrote the report's author (a member of the Tampa JTTF, name redacted), were suspected firearms purchases by members of the Pagan Motorcycle Club, the burglary of 50 storage units, and a string of robberies in the Tampa area. Those issues, however, were only peripheral subjects of interest to the JTTF, as is shown by the amount of evident discussion dedicated to the subject of area OWS activists.

The Tampa JTTF report went on to state that the Hillsborough County Sheriff's Office had determined certain individuals (names redacted) to be the leaders of Occupy Tampa, and that these individuals would be traveling to Gainesville for an "anarchist planning meeting at the Civic Media Center" on November 5.

The report went on to indicate that the JTTF/Tampa Bay Area Intelligence meeting had closed with a briefing from Air Force Office of Special Investigations (AFOSI) personnel. According to AFOSI, Veterans for Peace had invited Occupy Tampa and Occupy St. Petersburg to join them in an anti-war demonstration outside of one of the MacDill Air Force Base gates during "Air Fest," to be held on November 5 and 6.

“Fusion Center” Obsession With Occupy Wall Street: Extremist Intervention, Public Safety and Officer Safety

One thing is clear: a reading of "fusion center" and FBI records obtained by DBA/CMD shows that "counter terrorism" personnel employed in the complex web of the nation's "homeland security" apparatus have been all too eager to monitor-- to the point of obsession-- the OWS movement and report even the smallest possible sign of any potential threat to public safety-- be they perceived hazards to "public health," perceived hazards to law enforcement officer safety, or the possibility of "extremist" intervention in the movement.

By and large, the most commonly expressed theme of "counter terrorism" personnel concern with the OWS movement was that of potential "anarchist," "hacktivist," or other "extremist" intervention. An example of this "anarchist"/"hacktivist"/"extremist" theme is as follows:

A FBI Phoenix Division "Situational Information Report," ostensibly detailing "potential hacktivist activity and anarchist participation in the 'Occupy Phoenix' and 'Occupy Tucson' Arizona protests," had little to do with any actual "hacktivist" or "anarchist" threat-- and, in fact, the report noted that "no specific threats" had been received by FBI Phoenix regarding potential for this activity in Arizona. Instead, the report dealt largely with the OWS movement's heavy, and entirely legal, use of social media in event coordination. As previously noted, this report defines "hacktivism" as follows: "a broadly used term referring to activists who use computers and computer networks as a means of

protest and/or to promote political agendas." Note the complete absence of actual 'hacking,' or any illegal activity, in this definition (Appendix, p. 103).

Another example of the "extremist" theme is found in an advisory sent out by Transportation Security Administration (TSA, a component of U.S. DHS) Office of Intelligence Field Intelligence Officer Larry Tortorich concerning a planned Occupy New Orleans march, scheduled for October 6, 2011. Essentially, the advisory stated that no credible threat was known to exist at the time-- but that "awareness" and "vigilance" should be maintained, as "the potential always exists for extremists to exploit or redirect events such as this or use the event to escalate or trigger their own agendas. [...] Jihadists recently discussed how they can benefit from the Occupy Wall Street protests that have been ongoing in New York City, and suggested 'that their continuation will make the enemy lose focus on the wars abroad.'"

Despite this speculation, Tortorich identified no clear or direct threat of "extremist" intervention.

It is also worth noting that TSA had been monitoring plans for OWS protests prior to the September 17, 2011 launch of the movement. According to records obtained by DBA/CMD, Tortorich distributed a "situational awareness" advisory to "fusion center"/"counter terrorism" personnel nationwide on September 15, 2011. This TSA advisory, stating that the "Days of Rage" and planned "occupation" of Wall Street were being organized by "Hacker Collective Anonymous," expressed similar concerns over "extremist" exploitation (Appendix, p. 119-121).

[Note: both the October 4 and September 15 Tortorich advisories were obtained through records requests submitted to PPDHDB. These Tortorich advisories had evidently been received by PPDHDB Det./ACTIC TLO Bolvin and distributed to other Arizona "counter terrorism" personnel]

[Note: in the September 15 TSA Office of Intelligence advisory, Tortorich advises "counter terrorism" personnel that "former day of Rage [sic] protests were the triggers behind the overthrow of the Egyptian and Libyan governments," and warns "this event might incite or influence violence in other U.S. cities."

It is worth noting-- given the use of "counter terrorism" personnel in the United States in monitoring and suppressing OWS/Day of Rage activity, and given Tortorich's mention of Arab Spring protests-- that, during the January, 2011 Egyptian "Days of Rage," soon-to-be-deposed Egyptian President Hosni Mubarak reportedly deployed elite "counter terrorism" police units in an attempt to quell demonstrations. It is also worth noting, given the amount of time and resources dedicated by U.S. "counter terrorism" personnel to monitoring the online activities of individuals and groups active in the OWS movement, that Egyptian "Day of Rage" protestors experienced widespread Internet service interruptions. As has been the case in the United States, activists in Egypt relied

heavily on Internet social media in coordinating protest actions.]

An example of a report related to "public health" dangers associated with the OWS movement is as follows:

Records obtained by DBA/CMD show that an intelligence brief compiled by the Central Florida Intelligence Exchange (CFIX) detailing "Public Health/Fire Hazard Safety Concerns" was apparently distributed to "counter terrorism"/"intelligence" personnel nationwide through the Pentagon Force Protection Agency Threat Analysis Center in December, 2011. The brief detailed public health concerns associated with OWS encampments, as reported by law enforcement/public safety agencies in Los Angeles, Atlanta, Philadelphia and Augusta, Maine. The brief painted such a dire picture of the situation that, in closing, its authors stated "public health officials and hospitals may potentially see an increase in cases of disease outbreaks and/or illnesses related to these events. Law enforcement and first responders should consider wearing protective suits when responding or evacuating a mass gathering/encampment location." [Note: the lead agency of CFIX is the Florida Department of Law Enforcement. It is not clear what role, if any, the U.S. Department of Defense had in drafting this brief.] (Appendix, p. 115-118).

An example of a report relating to a perceived potential threat to officer safety is as follows:

Records show that personnel working with the U.S. DHS National Operations Center (NOC) sent out numerous advisories to "fusion centers" related to possible public safety/officer safety issues associated with OWS during 2011 and 2012. One such advisory was sent out to "counter terrorism"/"intelligence" personnel on February 27, 2012, detailing the "occupy vest," an article of protective clothing reportedly being sold on Ebay for $299. This NOC advisory stated that the vest's retailers described the article of protective gear as: "Taser proof, rubber/beanbag bullet resistant, tear proof, and provides tackle cushion protection for the upper body [sic]." (Appendix, p. 122).

[Note: records indicate that U.S. DHS NOC regularly distributed intelligence and advisories to fusion center personnel nationwide relating to OWS groups. Records indicate that many of these U.S. DHS NOC advisories were supplied to NOC by state/regional fusion center personnel working as U.S. DHS "liaisons."

For example: on November 17, 2011, Miami-Dade Police Department Homeland Security Bureau (this bureau is known as the Southeast Florida Fusion Center) personnel sent U.S. DHS NOC an advisory relating to a planned Occupy Miami march. As stated in this advisory, Southeast Florida Fusion Center personnel monitoring Occupy Miami social media projected a total of 300 participants in this march, set to gather in a public park. Furthermore, this advisory stated that Homeland Security Bureau detectives would be "monitoring the event."

Not even the slightest trace of any terrorist threat or criminal activity was even hinted at in this Southeast Florida Fusion Center advisory. Nevertheless, records indicate that this advisory found its way to ACTIC, apparently through U.S. DHS NOC.

Similarly, records indicate that U.S. DHS NOC monitored news media reports on OWS and regularly distributed advisories based on news coverage to fusion centers nationwide (Appendix, 123-125).]

And, finally, one item that, according to records obtained by DBA/CMD from both the FBI and PPDHDB, attracted nationwide "counter terrorism" personnel attention, was a flyer reportedly recovered from an October 27 Occupy Phoenix rally, entitled: "When Should You Shoot a Cop?" (Appendix, p. 199).

While the flyer does endorse the use of potentially fatal force in resisting what the unnamed author clearly viewed as regular law enforcement violations of civil liberties, no direct threats were made. As such, this piece of literature is perfectly legal and protected under the First Amendment of the U.S. Constitution. The discovery of this flyer was covered extensively by media outlets nationwide, and credited by critics of the OWS movement as proof that OWS was heading in a dangerous direction.

More interesting, perhaps, is the fact that records obtained by DBA/CMD from PPDHDB show that the PPDMOB undercover officer who had infiltrated the Phoenix activist community under the assumed name of "Saul DeLara" had been present at Cesar Chavez Plaza on the day this flyer appeared. According to these records, the undercover officer claimed that he had spoken with an individual at the event whom he believed to be the likely source of the flyer. Available records do not indicate to what degree this "intelligence" was followed up on (though it should be noted that records relating to this would fall under the scope of public records requests submitted by DBA/CMD to PPDHDB). It is also worth noting that records show some confusion within the Phoenix law enforcement community as to which law enforcement agency actually recovered this flyer at the October 27 event.

Records indicate that, on October 28, the day after the flyer was reportedly discovered at Occupy Phoenix, Ezra Kaplan, a representative of the Occupy Phoenix media group, contacted PPD and stated that Occupy Phoenix had no involvement with the distribution of the flyer and that the group did not condone violence of any kind.

According to records, in his contact with PPD personnel, Kaplan stated that he had run across a copy of the flyer, in the form of an ACTIC bulletin, on the Internet. When asked, Kaplan provided PPD personnel with the web address for this ACTIC bulletin. Records indicate that this information was passed on to PPDHDB Lt. Hein-- who, rather than following up with Kaplan, or any other member of Occupy Phoenix, in regard to the content or origins of flyer-- stated that "no further action is necessary. AZDPS is looking into how their bulletin got out." (Appendix, p. 126).

The content of the "When Should you Shoot a Cop" flyer had actually been published on CopBlock.org on June 28, 2011-- four months prior to the flyer's appearance in Cesar Chavez Plaza-- by an individual using the name "Larken Rose."

Cop Block bills itself as a nationwide police watchdog group (that is not based in Arizona) and does not appear to have any direct relationship with Occupy Phoenix. Nevertheless, in neither FBI or PPDHDB/ACTIC records obtained by DBA/CMD relating to this flyer-- or in any account of the Occupy Phoenix flyer incident trumpeted by the mainstream media-- does any mention of the true origins of the flyer appear.

Given the evident desire on the part of "counter terrorism" personnel to find any possible threat-- no matter how vague-- posed by the OWS movement, it is not too great of a surprise that on, or about, September 20, 2011, ACTIC PPDHD "Terrorism Liaison All-Hazards Analyst" Dowhan began sending out "requests for information" (RFIs) to both Arizona TLOs and "fusion center"/"counter terrorism" personnel nationwide, seeking information regarding the growth of OWS and the potential for the movement's development in Arizona (Appendix, p. 127). According to records obtained by DBA/CMD, Dowhan also sent out RFIs seeking information on "anarchist" activities nationwide at about this time.

A resultant report/spreadsheet created by Dowhan, dated October 13, 2011 (the "October 13 Dowhan report"), compiled from data supplied by 31 "fusion centers" and law enforcement agencies in response to the September RFIs (Appendix, p. 128) (as well as "open source" data, including media reports), paints a very clear, if not entirely accurate, picture of the emerging movement in 50 cities (including the District of Columbia) in 26 states. This report/spreadsheet detailed the number of movement participants in each city, the numbers of participants arrested, reported acts of violence, other "significant activities," and the launch date of each city's "occupy" group.

As stated in what appears to be a summary of the October 13 Dowhan report written by AZDPS Intelligence Bureau Criminal Intelligence Analyst Ron Lackey:

"The September-October 'Occupy' demonstrations nationwide have generated approximately 27,000 participants, and led to more then [sic] 1,000 arrests. [...] The vast majority of the participants have been peaceful, cooperative and law abiding. Of the arrests, most have occurred in large cities: New York (830+); Boston, MA (130); Seattle, WA (27). Most of the arrests have been for trespassing, disorderly or interfering with park employees. There has only been one assault on a law enforcement officer, and one incident of several protestors being sprayed with OC after attempting to rush past security at the National Air & Space Museum in Washington D.C. [sic]"

The single violent act reported by responding personnel in the Dowhan report was an arrest for "assault on a police [sic]," reported by the District of Columbia Metropolitan

Police Department (DCMPD) as having taken place on October 8.

Concrete numbers of protestors (as opposed to broad estimates such as "thousands") contained in the October 13 Dowhan report described anywhere from zero to 3,000 participants in cities for which data was provided. Many, if not most, of the descriptions relating to "significant activities" of protestors provided by responding "fusion center" personnel read similar to the following:

Description of 'significant activity' in West Plains, Missouri (25 reported participants, as reported by the Missouri Information and Analysis Center): "Protestors gathered outside the Bank of America, on Porter Wagoner Blvd, with West Plains PD on scene. The group protested Wall Street then disbanded."

Description of 'significant activity' in Denver, Colorado (reported participants "50-80 max (over weekend)," as reported by the Colorado Information Analysis Center): "Demonstrators camped near the capitol and periodically chanted protests."

There were reports, however, of more dramatic activity in larger cities. One of the most dramatic reports of OWS protestor activities contained in the October 13 Dowhan report pertained to the alleged activities of Occupy Boston. Based on information that the report stated had originated with Boston PD, Dowhan related the following version of events that had reportedly occurred in Boston-- apparently, though not explicitly stated-- on October 10 and 11, 2011:

"Boston had 10 days of uneventful protests. On the 11th day the formerly cooperative organizers stated that the *anarchists were now in charge* [italics replacing Dowhan's original bold-faced emphasis]. For the first time the numbers went from 300 to about 2000 [sic]. Many ad hoc marches shut down traffic during the holiday [holiday referenced unclear]. Finally Boston PD blockaded groups attempting to shut down the bridge to Charlestown. The protesters [sic] then expanded their tent city into previously prohibited area [sic]. Responded with 2 AM arrests of over 130 persons. Many from other states."

As stated in the October 13 Dowhan report, Boston PD reported no acts of violence perpetrated by individuals engaged in Occupy Boston.

This emphasis on reported "anarchist" activity was a constant through the October 13 report.

For example, Dowhan reported an account provided by the Austin Regional Intelligence Center and the Austin Police Department Strategic Intelligence Unit in which she again emphasized material related to the alleged activity of "anarchists":

"Demonstrations started on City Hall Plaza. Numerous splinter groups and individuals

have advocated more than civil disobedience in chat rooms posts [sic]. Attempts to incite aggressive/violent action by the small number of *black block anarchists* [spelling of 'black block' thus; italics replace original Dowhan bold-face emphasis] have been soundly rejected by the majority of the protestors."

The October 13 Dowhan report went on to state that Austin "intelligence" personnel had reported no instance of violent activity.

Given the fact that Dowhan and other ACTIC/national "counter terrorism" personnel have expressed such profound interest in the activities of "anarchists," it is worth taking a moment here to look at some of the information Dowhan had received relating to "anarchists" in response to her RFIs.

In an October 12, 2011 email from Dowhan to PPDHD Intelligence Unit Detective Mike Rohme, Dowhan described a conversation she had just had with Kentucky Intelligence Fusion Center Domestic Terrorism Intelligence Analyst Jonathan Heaton in response to her "anarchist" RFI. As related by Dowhan in this email, during the course of the conversation Heaton had told Dowhan about the "Red and Anarchist Action Network":

"He says that the group is not very overt and usually shows up at night committing vandalism (smashing bank windows, throwing Molotov cocktails in windows, damaging several parking meters, damage to military recruit centers [sic]). They then post some sort of communique on their web site," wrote Dowhan. "There has been no positive ID or calling card, though they have painted general anarchist symbols on the ground. They are non-confrontational to police or anyone. There are two college universities in the area and the communiques appear to be a younger tone to the writing [sic]."

Indeed, much of the "intelligence" relating to "anarchists" contained in records obtained by DBA/CMD is similar in tone to this Kentucky Intelligence Fusion Center response to the Dowhan "anarchist" RFI in that the "anarchists" described often appear to be little more than angry adolescents and young adults with a penchant for vandalism. Nonetheless, records indicate that ACTIC, and other "counter terrorism" personnel nationwide, spent countless man hours over the course of 2011 and 2012 monitoring the activities of these "anarchists."

The Great Non-Existent Boston Anarchist Uprising: Labeling Activists, Students and Union Members as “Anarchists”

Records indicate that, on October 11, 2011, representatives of 13 "police agencies" took part in a conference call to "address shared concerns reference the growing protests that are occurring throughout the country known as 'Occupy Wall Street [sic].'" This conference call was organized jointly by the Major Cities Chiefs' Association (MCCA) and the Southern Nevada Counter Terrorism Center (SNCTC). It is worth noting that, according to records obtained by DBA/CMD, the Major Cities Chiefs Association

Intelligence Commanders Group circulated a number of briefs relating to the OWS movement to "fusion center" personnel nationwide throughout 2011.

[Note: records indicate that participants in the October 11 MCCA/SNCTC OWS conference call included heads of the New York Police Department (NYPD), the Philadelphia Police Department, Boston PD, DCMPD, the Office of the U.S. Senate Sergeant at Arms, U.S. Capitol Police, the Los Angeles Police Department (LAPD), the San Diego Police Department, the San Jose Police Department, the Portland (Oregon) Police Department (Portland PD), the Las Vegas Metropolitan Police Department, and the Nashville Police Department-- as well as the Police Executive Research Forum (PERF), represented during the conference call by PERF Executive Director Chuck Wexler.

According to tax records, PERF is a private 501 (c) (3) not-for-profit organization. As stated in the organization's 2010 990 (most recent records available), the organization "improves the delivery of police services through research and education." The organization has longstanding history of ties to the U.S. Department of Justice.

Similarly, MCCA is a private 501 (c) (3) not-for-profit organization. According to MCCA, the "head of the Federal Bureau of Investigations National Executive Institute Program" (FBI NEI) serves as the organization's "training officer."

According to available tax records, FBI NEI may play a little larger role in MCCA than that of "training officer."

The National Executive Institute Associates (NEIA), yet another private 501 (c) (3) tax-exempt not-for-profit organization, describes itself as being an organization dedicated to "training police executives who are graduates of the FBI's National Executives Institute." The purpose of this training, according to NEIA tax records, is to "[increase] proficiency of police executives to motivate and train other officers to provide better law enforcement services." According to NEIA's 2010 990, the organization's (compensated) executive director of over 20 years was Mac Connole, then-chief of the Draper, Utah, police department. According to 2010 MCCA tax records (the most recent available), Connole served as "principal officer" and treasurer of MCCA during 2010. Reportedly, Connole had served as treasurer of MCCA since 2001. Connole retired from NEIA in 2011. More recent NEIA and MCCA tax records are not available at this time.

It is also worth noting that MCCA has lobbied both houses of the U.S. Congress on issues of appropriations related to law enforcement and "homeland security" activities since 2007. Toward this end, MCCA retains the lobbying services of Lafayette Group, a private "homeland security" consultant firm which purports to have ties to the FBI, DHS and other state/regional "fusion centers," and which purports to have worked to establish biometric identification systems in a number of fusion centers nationwide.]

Records indicate that a brief of this October 11 MCCA/SNCTC/PERF conference call

was disseminated to law enforcement/"counter terrorism" personnel nationwide. (Appendix, p. 129)

It is worth noting that, among other things, law enforcement personnel engaged in the conference call repeatedly expressed interest in sources of support to OWS groups. NYPD reported that, "the protestors also appear to be significantly funded from outside contributions, estimated to be in excess of $50,000.00 at this point. There are also food donations and other assistance reportedly being offered the protestors." NYPD went on to report that "celebrity support" was being shown for OWS by Michael Moore, Kanye West and Susan Sarandon. Detroit Police Department participants noted that Russell Simmons had "[shown] his support via Twitter"; LAPD stated that "protestors appear to have significant political support"; and Boston PD noted that "individuals, reportedly associated with the protest crowds, purchased two penthouse suites overlooking the protest crowd activities."

According to records, in closing the closing of the conference call, MCCA/SNCTC/PERF personnel called for the continued use of "fusion centers" in the monitoring of OWS activities nationwide.

Perhaps the most interesting piece of information contained in the MCCA/SNCTC conference call brief pertains to the Occupy Boston arrests of October 10-11. As previously discussed, the October 13 Dowhan report had described these arrests as being the result of "anarchists" taking control of Occupy Boston, an attendant swell of protestors (in the thousands), and attempts by unruly protestors to "shut down" portions of the city. According to the Dowhan October 13 report, which was largely a compilation of responses to RFIs sent out by Dowhan to "counter terrorism"/law enforcement personnel nationwide, this "anarchist" uprising version of events was based on information provided directly by Boston PD. However, the following description of the events of October 10-11-- apparently delivered to MCCA/SNCTC conference call participants by Boston PD Commissioner Ed Davis-- is strikingly dissimilar to the "anarchist" uprising version of events contained in the Dowhan October 13 report:

"Boston Police Department indicated that their issues began approximately twelve days earlier with a small group of protestors that called themselves 'Occupy Boston.' They were also joined by individuals who labeled their cause 'Jobs for Justice.' Although initially peaceful in their protests, there were agitators in the more aggressive 'Jobs for Justice' crowd and the protests began to get out of control. Over several days the protest crowds have reportedly expanded to approximately 1500-2000 [sic] protestors. Impromptu tent cities have also sprung up in private parks located near the city's business and financial hub. On October 11, 2011, at approximately 0200 hours, Boston PD made 138 arrests associated with the protest crowd." [Note: the MCCA/SNCTC/PERF conference call took place at 1 p.m., October 11, 2011.]

Note the absolute absence of the word "anarchist" from this version of events.

Interestingly, the dramatic version of events contained in the Dowhan October 13 report, with its sudden "anarchist" coup, and the attendant instantaneous swell of unruly protestor mobs bent on shutting down portions of the city, mirrors closely the version of events given by Boston PD personnel to members of the news media following the October 11 arrests.

As was reported by WBZ New Radio 1030 and WBZ-TV (both of which are Boston CBS affiliates) on the evening of October 11, Boston PD Commissioner Davis stated: "This is the first day the communication broke down between protestors and the police. [...] The people who we had been speaking to for ten days make it clear that there were a group of anarchists that were uncontrollable that had taken charge. So, when they decide they're going to shut down large sections of the city or go into areas that we've said are off-limits, we have to deal with them accordingly."

Note the striking similarity between this version of events and the version of events found in the ACTIC October 13 Dowhan report. As stated in the October 13 Dowhan report, this information had been provided to ACTIC by Boston PD:

"Boston had 10 days of uneventful protests. On the 11th day the formerly cooperative organizers stated that the *anarchists were now in charge* [italics replacing Dowhan's original bold-faced emphasis]. For the first time the numbers went from 300 to about 2000 [sic]. Many ad hoc marches shut down traffic during the holiday [holiday referenced unclear]. Finally Boston PD blockaded groups attempting to shut down the bridge to Charlestown. The protesters [sic] then expanded their tent city into previously prohibited area [sic]. Responded with 2 AM arrests of over 130 persons. Many from other states."

Following the arrests, WBZ News Radio 1030 interviewed Occupy Boston participant Phillip Anderson, who stated: "Boston police beat union workers, beat students, beat veterans holding the American flag [...] and we just find that an unacceptable response to a demonstration that we were holding."

This version of events, as told by Anderson, seems a little closer to the reality of what occurred in the early morning hours of October 11. And, this brings us back to the Boston PD Commissioner Davis version of events reported to law enforcement colleagues during the MCCA/SNCTC/PERF conference call. During the conference call, Davis seemingly placed blame for the arrests of October 11 on the shoulders of "agitators in the more aggressive Jobs for Justice crowd." It appears that Davis was referring to "Jobs with Justice"-- Massachusetts Jobs with Justice had formally stated its support for Occupy Boston prior to the October 10-11 marches and had conducted a march with an estimated 2,000 to 3,000 participants on October 10.

Far from being an "anarchist" group, Jobs with Justice (incorporated under the name

"Jobs with Justice Education Fund") is a 501 (c) (3) non-profit organization that describes its mission as being "to build a strong network of coalitions that bring together labor, community, faith, and student organizations and leaders to win workers' rights and connect to broader economic and social justice issues."

As such, Massachusetts Jobs with Justice lists among its member organizations: area chapters of the American Federation of Government Employees (AFGE), area chapters of the American Federation of State, County and Municipal Employees (AFSCME), the American Arab Anti-Discrimination Committee, the American Friends Service Committee (a Quaker public advocacy organization), the Boston Teachers Union, the Central Massachusetts Labor Council, Centro Presente (a Latin American community rights advocacy group), local chapters of the Communications Workers of America (CWA), Massachusetts Peace Action, the Gay and Lesbian Labor Activists Network, local chapters of Service Employees International Union (SEIU), the Community Church of Boston (which, ironically, issues an annual Sacco-Vanzetti Award for Social Justice. Recipients have included Howard Zinn, Cesar Chavez and Tarek Mehanna) and many more, predominately worker's/social rights, organizations.

According to Massachusetts Jobs with Justice Executive Director Russ Davis, Jobs with Justice was certainly responsible for the growth in protestor numbers on October 10, as the group had organized a march in solidarity with Occupy Boston on October 10. According to Davis, thousands of individuals active in area labor unions, student groups and other activist/community groups took part in this march.

According to Davis, the Jobs with Justice Group planned to march to the Charlestown Bridge (also known as the North Washington Street Bridge) and hang a banner over the Charles River. According to Davis, there never was any plan to disrupt traffic or "shut down" the bridge (or any other part of the city), as was claimed in the Boston PD version of events portrayed in both in the ACTIC Dowhan October 13 report, and in local news media. As a matter of fact, according to Davis, the Jobs with Justice march dispersed (several hours prior to the 2 a.m. October 11 arrests) after marchers reached the bridge and found their access to the bridge blocked by Boston PD. Furthermore, according to Massachusetts Jobs with Justice Executive Director Davis, the group had informed Boston PD of their plans ahead of time, in an effort to maintain open communications with police during the execution of this entirely legal, peaceful march. This is a far cry from the total breakdown of communications between police and protestors described by both Boston PD Commissioner Davis and the October 13 Dowhan report.

As for the idea that a powerful group of "anarchists" had managed to seize control of Occupy Boston events on October 10-11, Davis noted that, by his estimation, out of a crowd of two to three thousand protestors, there were far fewer than 100 "anarchists" present during the marches of October 10-11.

Regardless of the reality of events that transpired on October 10-11, Boston PD

Commissioner Davis told news media that "anarchists" had taken control of Occupy Boston and that subsequent mass arrest were the largely result of this "anarchist" involvement-- when, on the same day, in closed conversation with MCCA, PERF and SNCTC personnel, he had seemingly placed blame for these events on the shoulders of labor unions and social activist groups unified through Massachusetts Jobs with Justice.

And, for their part, ACTIC disseminated the "anarchist" uprising version of the Boston events to other "fusion center"/"counter terrorism" personnel through the Dowhan October 13 report, even when records indicate that Dowhan's superiors at PPDHDB had received the MCCA/SNCTC conference call brief (which indicated no such "anarchist" involvement) on October 12.

According to multiple press accounts, 141 citizens participating in Occupy Boston were arrested in the early morning hours of October 11 on charges of unlawful assembly and trespassing, when they set up camp in part of the Rose Fitzgerald Kennedy Greenway, a private park operated by the Rose Fitzgerald Kennedy Greenway Conservancy (Greenway Conservancy). The Greenway Conservancy is a private 501 (c) (3) economic development organization, similar to Phoenix's DPP. Like DPP, the Greenway Conservancy is operated by a board of directors, comprised of representatives of various area businesses.

Prior to October 10-11, Occupy Boston had been "occupying" only Dewey Square (also operated by the Greenway Conservancy). The Greenway Conservancy had reached an agreement with Occupy Boston regarding this "occupation," as recorded in a statement issued by the Greenway Conservancy on October 6. According to this statement, the Greenway Conservancy had agreed to allow Occupy Boston to "maintain the status quo" of activities in Dewey Square, so long as Occupy Boston follow some "common sense rules of conduct" and followed park rules.

Apparently, protestors crossed an unacceptable line (and parted ways with the "status quo") when they decided to move into other sections of the Greenway on the evening of October 10 and early morning hours of October 11. Simply put, it appears that this infraction-- and this infraction alone-- of an agreement with the Greenway Conservancy, a private corporation comprised of representatives of Boston business interests, interests resulted in the arrests of 141 citizens during the early morning hours of October 11.

According to Massachusetts Jobs with Justice Executive Director Davis, Massachusetts Jobs with Justice was not involved with the actions of protestors who had elected to set up camp outside of Dewey Square in other areas of the Rose Fitzgerald Kennedy Greenway.

When asked why Boston PD officers had arrested the 141 Occupy Boston protestors on October 11, 2011, a Boston PD public information officer provided DBA/CMD with a bpdnews.com blog. The blog acknowledged that the protestors had been arrested due to

the expansion of Occupy Boston presence into the other area of the Greenway. As stated in this Boston PD blog, arrests had to be made because this expansion caused a "pubic safety concern" and a "potential for property damage." Additionally, the Boston PD blog stated that partial impetus for the situation that resulted in the Occupy Boston arrests was due to the attempted march to the Charlestown Bridge (through nowhere in this blog are either Jobs with Justice or "anarchists" mentioned)-- which, of course occurred several hours prior to the arrests.

As stated in the Boston PD blog: "the attempt of the protestors to occupy the Washington Street Bridge was executed without discussion and prior agreement with police. That action and breakdown of communication created a scenario which became a serious public safety hazard and compromised the BPD's ability to ensure public order and a safe environment."

Regardless of the relatively bland reality of events that transpired on October 10 and 11, 2011 in Boston, records indicate that Dowhan likely distributed her dramatic Occupy Boston "anarchist" uprising version of events to "counter terrorism" personnel nationwide.

ALEC in Scottsdale: Police Employed as Private Security Attack and Arrest Protestors, Label Activists as Violent "Anarchists" in the Media

Far and above, the largest single protest action taken part in by members of Occupy Phoenix in either 2011 or 2011 (aside from the movement's debut march on October 15, 2011) was a protest of the American Legislative Exchange Council (ALEC) that took place over the course of November 28, though December 2, 2011.

ALEC is a 501 (c) (3) not-for-profit organization that bills itself as the nation's largest state legislative membership organization. As such, ALEC claims roughly 2,000, or approximately one third, of the nation's state lawmakers as members. The organization couples these legislative members on a variety of "task forces" with representatives from the nation's leading corporations, lobby and law firms. These corporate representatives are known as ALEC's "private sector members"-- and, as reflected by the organization's tax filings, these private sector members fund most of ALEC's activities.

ALEC private sector membership also includes a number of privately-funded not-for-profit 'think tanks'/'public policy foundations,' many of which are funded by the billionaire proprietors of Koch Industries, Charles and David Koch (the Kochs are also known financiers of ALEC, and Koch Industries is an ALEC member corporation). The Kochs have drawn widespread criticism in recent years for their promotion, largely through these 'think tanks' and ALEC, of an agenda that champions, among other things, industrial deregulation, limitation of worker/union rights/political efficacy, and limitation of consumer protection (largely under the banner of "tort reform"). The Kochs have also been subject to criticism for the amount of money the brothers have inserted into the

American democratic process through these not-for-profit organizations, related political action committees (PACs) and other election-related spending.

ALEC member Koch-funded organizations include: Americans for Prosperity (which was largely responsible for mobilizing "Tea Party" movement support for GOP candidates in 2009/2010. David Koch has served as the chairman of this organization. Koch Industries Executive Vice President Richard Fink has served as a longtime board member of Americans for Prosperity), the Cato Institute (an offshoot of the Charles G. Koch Charitable Foundation. David Koch is a longtime director of this organization), the Heritage Foundation (which was co-founded by ALEC founder Paul Weyrich), the Reason Foundation (David Koch is a longtime trustee of this organization. Reason has been one of the leading proponents of the privatization of public services. The organization is known to have received financial support from private prison corporations, such as Corrections Corporation of America and Geo Group), and the State Policy Network (which also had close ties to ALEC during 2011 through Doner Fundraising, an event planning and fundraising firm that works with closely with "issue-based" not-for-profits and GOP candidates).

ALEC holds three major conferences each year: the "Spring Task Force Summit," the ALEC "Annual Meeting," and the "States and Nation Policy Summit." These conferences are invariably held at upscale resorts and often feature recreational activities, such as golf tournaments, skeet shoots, baseball game parties and cigar receptions. Lawmaker attendance at these events-- including costs associated with travel and lodging-- is largely, if not entirely, paid through the ALEC "scholarship fund."

As has been reported on extensively by DBA/CMD, ALEC "scholarship" funds are raised in each state by ALEC member lawmakers (principally the state's "public sector chair"-- this chairperson is generally a lawmaker in a leadership position in the state legislature) and the state's ALEC "private sector chair"-- this person is generally a lobbyist employed by an ALEC member corporation. As such, both the state "public sector chair" lawmaker (and often other ALEC member lawmakers), along with the "private sector chair," openly solicit (tax-deductible) contributions to the "scholarship fund" from lobbyists who represent corporate interests so that ALEC member lawmakers may attend, and enjoy all the trappings of, these conferences.

It is worth noting that some of the top corporate sponsors of the 2011 ALEC SNPS included DPP Board of Directors member corporations APS/Pinnacle West [APS CEO Donald Brandt is the DPP Board of Directors chairman. APS also served as a "chairman" level of the conference. It is also worth noting that, at the time of the ALEC conference, APS Enterprise Security Operations Director Bob Parrish served as a board member of Arizona Infragard] and Freeport-McMoran Copper and Gold (which served as a "director" level sponsor of the 2011 ALEC SNPS).

Another notable corporate sponsor of the 2011 ALEC SNPS is public-private utility

partnership, Salt River Project (SRP). SRP lobbyist Russell Smoldon served as the ALEC Arizona "private sector chair" at this time and was largely responsible (along with the state's ALEC public sector chair) for ALEC Arizona "scholarship fund" fundraising.

Other corporate sponsors of the 2011 ALEC SNPS included GlaxoSmithKline, AT&T, ExxonMobil, Time Warner Cable, PhRMA, Peabody Energy, Duke Energy, Bayer Healthcare, AstraZeneca and Reynolds American.

Aside from the gourmet dining, spa amenities, golf and other games, these lawmakers attend ALEC "task force" meetings while at these conferences. During these "task force" meetings, lawmakers sit side-by-side corporate lobbyists/representatives (often the very lobbyists/representatives who finance lawmakers' stays at these resorts, and who spend the evenings wining and dining these lawmakers) to adopt "model legislation," pertaining to a wide array of public affairs, for introduction by ALEC member lawmakers in their home assemblies. These "model" bills are often drafted by ALEC private sector members, or are promoted by private sector members for the benefit of corporate interests. It is important to note that ALEC vehemently denies that any lobby activity takes place at their conferences.

One such piece of ALEC "model legislation" was the ALEC "No Sanctuary Cities for Illegal Immigrants Act," which was based on Arizona State Senator Russell Pearce's controversial immigration enforcement bill, SB 1070. As reported by DBA/CMD ("Brownskins and Greenbacks," a truncated version of which was initially published by Hodai with *In These Times*, June, 2010), Pearce had been a longstanding member of the ALEC Public Safety and Elections Task Force (which ALEC claims to have disbanded in April of 2012, following public outcry and loss of corporate sponsorship due to reporting on the task force's role in disseminating "Stand Your Ground" and "Voter ID" model legislation) when, during the December, 2009 ALEC States and Nation Policy Summit, he introduced an early draft of what would become SB 1070 for adoption as a piece of ALEC "model legislation." Interestingly, the nation's largest for-profit prison/immigrant detention center operator, Corrections Corporation of America (CCA), was a member of the Public Safety and Elections Task Force at the time the task force voted to adopt the Pearce "model legislation." Records obtained by DBA/CMD, as well as Arizona lobby records, also show that the nation's second and third largest for-profit prison/immigrant detention center operators-- Geo Group and Management and Training Corporation (MTC), respectively-- were also active in Arizona ALEC operations at this time.

It is not clear what, if any, input CCA (or other private immigrant detention center operators) had in the formation of the "No Sanctuary Cities for Illegal Immigrants Act"/SB 1070 (as the bill would be titled at the time of its introduction in the Arizona Legislature in January, 2010), but this much is clear: thanks to the financial support of these corporations, the ALEC Public Safety and Elections Task Force was successful in promoting this "model legislation" for introduction in several states throughout the nation during 2010-2011. And, as the bill would essentially mandate that all law enforcement

personnel-- municipal, county and state police-- assume the responsibilities of immigration enforcement officers, this legislation would likely result in a substantial increase in the arrests and detention of illegal immigrants. The detention of undocumented immigrants has largely been farmed out by federal agencies, such as Immigration and Customs Enforcement (ICE) and the Federal Bureau of Prisons (BOP), to private contractors, such as CCA, Geo Group and MTC-- all of whom generate revenue exclusively through per diem, per prisoner rates paid out by such public sector clients for the detention of immigrants and other prisoners.

Furthermore, as reported by DBA/CMD (and *In These Times*), private prison/immigrant detention center contractors-- especially CCA-- had established deep ties within the office of Arizona Governor Jan Brewer. Most notably, at the time of Brewer's signing of SB 1070 into law in April of 2010, the governor's Director of Communications was Paul Senseman, who had worked as a longtime CCA lobbyist, from 2005 until the time of his appointment by Brewer in January of 2009. Additionally, Senseman's wife, Kathryn Senseman remained a CCA lobbyist during her husband's employment at the Governor's office.

Perhaps the most notable tie between the Brewer administration and CCA was Brewer's longtime campaign manager and advisor, Chuck Coughlin. Coughlin is founder and president of HighGround Public Affairs Consultants, a lobby firm that had been hired by CCA in January of 2010, shortly following the introduction of SB 1070 in the Arizona Legislature [Note: CCA discontinued this partnership with HighGround in July of 2012]. According to records obtained by DBA/CMD, HighGround also has a substantial history of involvement in ALEC.

[Note: in September, 2011, a CCA spokesman told Bob Ortega of the *Arizona Republic* that the corporation had left ALEC at an undisclosed time in 2010. Records obtained by DBA/CMD indicate that CCA likely remained active in ALEC through December of 2010.]

Given this history, activists in Arizona-- including members of Occupy Phoenix, immigrants' rights groups, indigenous rights groups, faith-based groups, anarchists and other concerned citizens-- met ALEC with protests held outside the gates of the Westin Kierland Resort and Spa (located on the border of Phoenix and Scottsdale), the site of ALEC's 2011 States and Nation Policy Summit (SNPS), held November 28 through December 2, 2011.

The largest of these protests was held on the morning of the first full day of the SNPS, November 30, outside the Westin Kierland's east gate. Protestors, numbering in the hundreds, marched to the gate as ALEC member lawmakers, lobbyists, corporate executives, and right-wing 'think tank' luminaries were ushered into the resort through security check points. Arizona Governor Brewer was to be the keynote speaker at the day's ALEC luncheon, held in one of the Kierland's many grand dining rooms.

At about 9:40 that morning, an incident occurred between police and protestors outside the resort's east gate. During this incident, PPD officers deployed OC spray and pepper ball projectiles on the crowd and arrested five protestors on charges of trespassing and "crossing a police line."

According to both records obtained by DBA/CMD and accounts of this incident given by PPD spokesman in the press, PPD personnel claimed that these five protestors had been arrested as the result of a police clash with violent "anarchists" who had, according to one PPD account, attempted to charge and overturn police barricades with metal poles. According to other PPD records relating to this incident, PPD officers claimed they had been "assaulted" with "nail filled sticks," and that this assault had precipitated the OC-spraying of the crowd of protestors (who, according to yet other PPD records, were comprised "mainly of anarchists"). The arrests of these five individuals, said PPD personnel in all accounts, had been caused by this "anarchist" initiated clash (Appendix, p. 130).

Interestingly, this PPD version of events, wherein officers were provoked by violent "anarchists" with "nail filled sticks," seems to have little semblance to reality.

The following version of events that took place outside the east gate of the Westin Kierland, at approximately 9:40 a.m., November 30, 2011, is based on video evidence that resulted in the dismissal of charges against one of the activists arrested, as well as photographs and police records obtained from PPDHDB/PPD by DBA/CMD:

At approximately 9:40 a.m., several PPD officers (many of whom did not wear any identification, in violation of departmental policy), deployed as part of a "tactical response unit" (TRU, alternately known as a "mobile field force"), were met by a group of protestors who had marched to the eastern entrance of the resort and stopped approximately 50 feet from a barrier line established by TRU officers. Protestors at the front of the group held a large banner. Behind these protestors were a number of other protestors. Some of these other protestors held signs, and some played marching band music on musical instruments. The crowd of protestors, contrary to PPD accounts, was not composed entirely, or mostly, of "anarchists." Present at this protest were members of Occupy Phoenix, members of several immigrants' rights groups, members of indigenous rights groups, members of faith-based groups, concerned citizens, as well as a small group of individuals who described themselves as being "anarchists." This later group was the minority, not the majority, of protestors present outside the gates of the Westin Kierland on the morning of November 30, 2011.

The protest group having stopped well outside the established police barricade line, four protestors moved to the front of the large banner at the head of the procession and sat passively on the ground-- remaining several (approximately 30 to 40) feet from the police barricades.

Shortly after these four protestors had seated themselves, several TRU officers picked up a metal barricade, carried it over to where the protestors sat, and pushed the barricade down on top of them, as if to crush the protestors. At this point, another protestor, Ezra Kaplan, a member of the Occupy Phoenix media group, walked over to where the police were pushing the barricade down on protestors and started taking pictures with his camera. The TRU officers then lifted the metal barricade over the seated protestors and shoved it directly into the banner, pinning the cameraman between the police line and the banner. Protestors then began to shout: "we're non-violent," at which point the four seated protestors and Kaplan were grabbed by officers, rushed onto resort property and arrested on charges of "crossing a police line" and trespassing. At this point, TRU officer PPD Violent Crimes Bureau Gang Enforcement Unit Detective Gregory Liebertz, reached into the crowd, grabbed the banner and began spraying protestors with OC spray. This officer was joined by several other officers in pulling, tearing, and eventually stomping the banner. Simultaneously, several other officers also deployed OC spray on the protestors. With the onset of this police aggression, the protestors temporarily disbanded and retreated.

[Note: the TRU officer who initiated police aggression against protestors, PPD Violent Crimes Bureau Gang Enforcement Unit Detective Gregory Liebertz, was not wearing any identification during this incident and refused to identify himself to members of Occupy Phoenix after the incident. Liebertz's identity was only provided to DBA/CMD by PPD months after this incident, following numerous DBA/CMD inquiries, as well as complaints submitted by Occupy Phoenix members to the PPD Professional Standards Bureau.]

According to Kaplan attorney Kevin Trebbe, video taken of this event was the likely cause for charges against Kaplan being dropped by city prosecutors. At no point in this video evidence is any "anarchist" (or any other individual) observed "assaulting" officers with "nail filled sticks"-- or with anything else, for that matter.

[Note: charges of "crossing a police line" issued against two of the remaining four protestors were also dismissed. However, these two protestors did eventually enter guilty pleas to misdemeanor trespassing charges. It should be noted, however, that these two defendants were not represented by the same attorney as Kaplan and likely did not have access to the same video evidence. The remaining two protestors arrested during the November 30 incident failed to appear in court. Due to this failure to appear, warrants were issued for their arrests.]

Ironically, when protestors first met with police outside the barricades established at the resort's east gate, some shouted questions and declarations at police-- such as, "We know they're selling our government in there! This is not what we deserve! How much corruption will it take?!"

Records indicate that state lawmakers attending this ALEC conference were not the only public servants receiving ALEC-related cash.

In reality, the TRU/"mobile field force" officers had been working under the command of PPD Sgt. Eric Harkins. According to records obtained by DBA/CMD, at the time of this incident Harkins was actually off-duty, earning $35 per hour as a private security guard employed by ALEC, under the direction of Westin Kierland Director of Security Phil Black. Records show that, by the time SNPS ended, Harkins had earned $630 for security services rendered to ALEC and Westin Kierland during November 30 and December 1.

Harkins wasn't alone. Records indicate that ALEC/Westin Kierland had hired 49 active duty and 9 retired PPD officers to act as private security during the conference. All told, ALEC/Westin Kierland paid out a total of $36,015 in "off-duty" pay to these officers.

[Note: records obtained by DBA/CMD relating to this off-duty job detail clearly state that the "client company" for this event was ALEC. Further records disclose that Westin Kierland Director of Security Black, clearly working for the benefit of ALEC, had coordinated closely with both ALEC personnel and PPDHDB personnel in preparation for this event.]

It is not clear how many of these off-duty police officers working as private security were involved in the TRU/"mobile field force" incident at the Westin Kierland east gate, but it is known that Harkins and another off-duty officer working as private ALEC/Kierland security, Eric Carpenter (paid a total of $630 by ALEC/Kierland for services rendered) personally arrested the Occupy Phoenix photographer, Ezra Kaplan. Furthermore, Officer Carpenter's report of the incident (actually filed as the joint report of both Harkins and Carpenter) explicitly states that Sgt. Harkins had "advised nearby officers to place [the four seated protestors] under arrest."

As further stated in the Harkins/Carpenter report, off-duty officers had attended a briefing prior to the protests at which they were told, by Off-Duty Job Coordinator PPD Officer Tim Moore (paid $2,065 by ALEC/Kierland for services rendered during the conference), that "no protestors were wanted on resort property and that the resort would want prosecution." And, indeed, the five protestors arrested at the Kierland's east gate were prosecuted-- based, in part, on demonstrably false claims made by these off-duty police officers.

Unfortunately, this version of events never made it into the mainstream media. Only PPD's tales of wild-eyed "anarchists," running at them with "nail filled sticks" made it out to the majority of the public.

As a result of the PPD-instigated clash with protestors outside the Kierland east gate on the morning of November 30, 2011, William "Doug" Molony, an Occupy Phoenix protestor, was arrested on charges of felony aggravated assault on a police officer.

According to police reports filed by PPD officers Det. Leonard Diaz, Dustin Perkins (the officer that served as "case agent" in the processing of the Molony arrest) and PPD Night Gang Enforcement Unit Det. Timothy Lantz (a reporting officer), Molony assaulted a TRU officer, Det. Diaz, completely without provocation.

As stated in the Lantz report (note the complete disparity between the version of events shown by video footage of this incident, and what was reported by these officers):

"As I was standing on [the TRU] line with Detective Diaz on my right side I noticed the group of protestors were becoming very agitated and angry. A large group rushed up to the pedestrian gates and tried to push there [sic] way passed [sic] them. We grabbed onto the gates holding them in place so the crowd could not advance past our position. Standing in front of Detective Diaz was a white male, approximately 30 years old [lengthy description of Molony's appearance omitted]. I watched as the subject, later identified as [William Molony], lifted his right arm, reached back and then swung forward with a closed fist striking Det. Diaz on the left side of his riot helmet. This made Det. Diaz stumble backward loosing his balance. He was able to stay on his feet however he lost his grip on the gate and fell off line."

This version of events is echoed in police accounts contained in the Perkins report. However, according to the section of the Perkins report detailing Molony's post-arrest interview (during which Molony waived his right to counsel), Molony denied assaulting the officer and claimed to have been acting in the defense of a fellow protestor being assaulted by Diaz. As stated in the Perkins report (note the greater resemblance to the reality of events portrayed by video of the incident):

"The protestors and police then began pushing each other. William observed officers breaking signs, and throwing wood back into the crowd. [paragraph break] William then saw an officer [Diaz] push an older woman and she fell to the ground. William stated the fact that the officer pushed the woman 'infuriated him, but he was still under control.' William wanted to get Detective Diaz's attention so he 'tapped on the mask' on his helmet to push it down."

While records do not indicate that officers Lantz, Perkins or Diaz were employed as private security by ALEC/Kierland, records do indicate that PPD Sgt. Harkins, who was off-duty and earning $35 per hour as private security for ALEC/Kierland during the protest (and who, as records show, was directing TRU officer actions and arrests during this incident) briefed Det. Perkins regarding Molony's arrest at the time of Perkins' assignment as "case agent."

Video taken of the November 30, 2011 incident does not show the actions of either either Molony or Det. Diaz during the protest. In June of 2012, Molony entered a plea of guilty to the lesser felony offense of attempted aggravated assault. In August of 2012, Molony

was sentenced to 30 days in jail and one year of probation.

Following the 2011 ALEC SNPS, PPD Violent Crimes Bureau Gang Enforcement Unit Lt. Charlie Consolian received an email from ALEC member Kansas State Representative TerriLois Gregory (R-Baldwin City). Consolian had drafted the "ALEC Operations Plan" for police action during the ALEC conference. Records indicate that Consolian likely coordinated with Kierland Director of Security Black and utilized intelligence provided by ACTIC resources (likely including both Dowhan and the PPDMOB undercover officer known as "Saul DeLara") in the creation of the "ALEC Operations Plan" (Appendix, p. 131-134).

Records indicate that, on December 6, 2011, Consolian forwarded the Gregory email on, along with his own glowing congratulatory sentiments, to other PPD personnel who had taken part in the ALEC conference.

"Lt. Consolian [, paragraph break] I just returned from the ALEC convention in Phoenix where you coordinated the security detail. Your officers were polite, attentive, and a very welcomed presence. [break] Please pass on to your staff how grateful I am for their assistance which allowed us to do our jobs as legislators to educate ourselves in how to better help our home state. I am praying for the safety of all in your department and wish everyone a Merry Christmas and the Lord’s richest blessings in 2012. [paragraph break] In service to Kansas, [break] Rep. TerriLois Gregory[.]" (Appendix, p. 135-136).

[Note: The arrests that took place at the Kierland's east gate were not the only arrests associated with protests of the 2011 ALEC SNPS. At least 12 protestors, most of whom were Navajo activists, were arrested on trespassing charges at SRP's Tempe headquarters on December 2. This protest was part of ALEC demonstrations associated with the 2011 SNPS. DBA/CMD has no documentation that suggests that these arrests were carried out by off-duty police officers working as private security.]

Bringing Home the Bacon: Other Instances of Cops Paid to Work as Private Security for Koch-Related Enterprises

The Scottsdale 2011 SNPS was not the only instance in which police employed by ALEC, or employed by private security services employed by ALEC, were tasked with policing protestor activity.

ALEC held it's 2012 Spring Task Force Summit at the Westin Charlotte Hotel in Charlotte, North Carolina, on May 10 to May 12, 2012. According to records obtained by DBA/CMD from the Charlotte Mecklenburg Police Department (CMPD), 15 off-duty CMPD officers served as private security for ALEC/Westin between May 10 and 11. CMPD records do not indicate how much the officers were compensated, but, according to CMPD Senior Assistant City Attorney Judith Emken, CMPD departmental policy requires that officers be paid at least $27 per hour while on off-duty security assignments.

According to Emken, CMPD had no records relating to the actual request for this off-duty work detail, so it is unknown whether ALEC or Westin hired these officers.

There were no protestor arrests during this event.

Records obtained from the Salt Lake City Police Department (SLCPD) indicate that the Grand America Hotel hired 16 uniformed off-duty SLCPD officers to work as event security during the ALEC 2012 Annual Meeting held at the upscale hotel during July 25 through 28, 2012.

While it is not known how much these officers were paid, according to SLCPD Paralegal Candee Allred, SLCPD requests that private entities pay off-duty officers at least $30 per hour.

Two citations for trespassing were issued against protestors during this event (one was issued against a protestor who attempted to register for the conference, and the other was issued against a protestor who was believed to have entered the hotel), though neither citation was issued by an off-duty officer.

[Note: records indicate that, in June of 2012, AZDPS Criminal Intelligence Analyst Ron Lackey asked PPDHDB/ACTIC "Terrorism Liaison All-Hazards Analyst" Dowhan to provide information relating to activists opposed to ALEC to SLCPD Homeland Security/Intelligence Unit Det. Jeff Bedard (Appendix, p. 137-138).]

It should be noted that the hiring of off-duty police officers as private security guards is not a practice restricted to ALEC. Records obtained by DBA/CMD show that PPD received requests to rent out off-duty officers for employment as private security for more than 1,000 events from January of 2011 through September of 2012. Clients requesting these services during this period of time included a broad array of entities, ranging from the Downtown Phoenix Partnership, the Mitt Romney presidential campaign and the Goldwater Institute (an ALEC member 'think tank'), to the Arizona Italian American Club, the Islamic Entertainment Company and St. Augustine Catholic Church.

And, it should be noted that ALEC is not the only private entity that rented the services of off-duty police officers in relation to OWS group protests. According to records obtained by DBA/CMD from the Wichita Police Department (WPD), Koch Industries hired a number of WPD off-duty officers as private security guards on February 18 and 19, 2012; Charles Koch and his son, Chase Koch (a Koch Industries executive), also hired a number of WPD off-duty officers to serve as private security guards at their respective residences on February 17, 2012. These dates coincide with Occupy Wichita's "Occupy Koch Town" events, held from February 17 through 19, 2012. Occupy Wichita dedicated these predominantly educational events to discussion of national fossil fuel policy and the influence of Wichita-based Koch Industries, and the corporation's majority shareholders,

Charles and David Koch, in American democracy.

The ACTIC ALEC "Face Sheet:" ACTIC/PPD Efforts to "Identify and Intercept" Activists on Behalf of ALEC

The story of the involvement of ALEC and its member corporations/'think tanks' in the workings of law enforcement run much deeper than the mere renting of cops. Let's return to the events surrounding the November 30, 2011 ALEC SNPS protest in Scottsdale.

Members of the Phoenix Urban Health Collective (PUHC), a group of street medics who provide medical attention to protestors during Phoenix-area protest events, treated protestors outside the Westin Kierland east gate for OC spray and pepper ball (a projectile containing oleoresin capsicum fired from a weapon similar to a paintball gun) exposure following the police attack on protestors on the morning of November 30, 2011.

During the protest, PUHC member Jason Odhner (a Quaker activist and registered nurse) and another PUHC medic were treating an individual who was suffering from heat-related symptoms. According to Odhner, he and the other PUHC medic decided that the protestor needed to be relocated to a cooler location, possibly to a nearby air-conditioned restaurant. As such, the two medics decided to retrieve their car so that they could transport the protestor out of the area. Unfortunately, the medics had parked their car close to a mile from the site of the protest (their concern being that vehicles parked near, or on, resort property may be towed)-- near a park that protestors had used as staging area.

According to Odhner, while attempting to reach the car, he and the other medic got turned around in the network of roads surrounding the resort and found themselves in the Westin Kierland Villas, an apartment-style complex owned and operated by the resort. Rather than turning back, Odhner and the other medic elected to cross a thin strip (less than 500 feet) of the resort golf course behind the villas, on the other side of which sat their car.

According to Odhner, he and the other medic were on a footpath, headed across the strip of golf course, when they were stopped by a uniformed PPD officer. According to Odhner, the officer simply approached the two men, said "turn around," and handcuffed them. Odhner said the officer then took his driver's license and relayed his identification information to someone on a two-way radio. According to Odhner, the officer had a brief conversation with the other party on the radio, then informed him that he and the other medic were under arrest for trespassing and that they were going to be taken to jail. It is important to note that, according to Odhner, there were not any "no trespassing" signs in the area and that he and the other medic were never told to leave the property prior to this arrest. The officer then placed Odhner and the other medic, still handcuffed, in the back of a squad car.

Odhner recalls that he and the other medic had been left in this position for over an hour

by the time a Westin Kierland security guard (dressed in a suit and riding a Segway) arrived at their location. Odhner explained to the guard that they were trying to reach their car for the transport of a person in need of heat relief, and that he had been granted permission to be on the premises by a Kierland Villas guest-- in that one of Odhner's friends, a member of the Universalist Unitarian Church who was acting as a protest moderator/observer, had rented a room in the villas. This friend, said Odhner, had granted him permission, as her guest, to be on the premises.

According to Odhner, the Kierland security guard then asserted that the medics were in fact trespassing, as no such individual was registered as a guest of the Kierland (which, according to Odhner, was either a lie, or an error, on the part of the guard). Furthermore, the Kierland security guard went on to state that the two medics were henceforth "trespassed" from Kierland grounds... for life. By way of explanation: before an individual can be arrested for trespassing, they must be advised that they are trespassing-- either through posted signs, or by verbal warning. Once such a warning has been given, the person who has been warned may be arrested if they refuse to leave the property, or if they return to the property.

According to Odhner, following this verbal "trespassing" warning-- and following more than an hour of handcuffed detention in the back of a squad car by a police officer who had stated that they were under arrest and would be jailed for "trespassing" (even though the trespassing warning had not been given until more than an hour following the arrest)-- the PPD officer simply released the two medics. No charges were ever filed against either of these men in relation to this event.

Records obtained by DBA/CMD disclose that PPD had created an "ALEC Operations Plan," similar to the "Incident Action Plan" drafted in preparation for the October 14-15 launch of Occupy Phoenix, and similar Occupy Phoenix events. According to this "ALEC Operations Plan," (Appendix, p. 139) drafted by PPD Violent Crimes Bureau Gang Enforcement Unit Lieutenant Charlie Consolian (who served as "Operations Commander/Alpha Force Leader" during the protest event), the Kierland "inner perimeter" grounds (including golf course) were secured solely by off-duty PPD officers (armed and in uniform) working as paid security for ALEC/Kierland. These officers worked in tandem with regular Kierland security guards. According to these records, in the event an off-duty officer working for ALEC/Kierland detained a protestor (or other "unauthorized" individual) on resort property, they were to contact Kierland Director of Security Black, who would dispense the necessary "trespassing" warnings.

As such, it is clear that Odhner and his fellow medic were detained by an off-duty officer employed by ALEC/Kierland, and that the Kierland security guard who issued the life-long "trespassing" warning was likely Black, or had been authorized to give this notification by Black. [Note: Odhner did not obtain the name of either the PPD officer or the resort security guard.]

What's more, records obtained by DBA/CMD disclose that these off-duty officers were given a "face sheet" containing photographs of 24 "persons of interest to the ALEC conference." This list of "persons of interest" consisted of members of Occupy Phoenix, members of Phoenix Cop Watch (an organization that monitors police actions, often at protestor events), anarchists (including two Phoenix area musicians), a prison reform activist (who had been a vocal opponent of prison privatization in Arizona), and a Quaker street medic-- Odhner. The fact that Odhner's driver's license photo and other identifying information were contained on this "face sheet" may go a long way toward explaining the medics' false arrest and handcuffed stay in a squad car during the height of the November 30 ALEC protest (Appendix, p. 247).

Records indicate that PPD officers supplied with this "face sheet" were given strict orders to destroy their copies of the "face sheet" after each shift.

[Note: it appears that the driver's license numbers, or possibly social security numbers, of activists may have also been provided on the ALEC "face sheet." Below each photograph (23 out of the 24 photographs are driver's license/state identification card photos) is a single line of information, approximately the length of a driver's license or social security number. What information was contained in these lines is unknown, as the lines were redacted by PPDHDB in a copy of the "face sheet" provided to DBA/CMD per a public records request. This is significant to note, as Odhner was only advised that he was under arrest and detained in the squad car after the off-duty officer employed by ALEC/Kierland radioed in and reported Odhner's driver's license information.]

It is interesting to note that the top row of photographs contained on this ALEC "face sheet" are photographs of six individuals indicated to have "committed assault on police officers" (this indication is given in bright red lettering and the photographs themselves are framed in red).

Five of these individuals were members of a group known in the Phoenix activist community as the "Arpaio Five," a group of protestors who were arrested on charges of assaulting police and weapons use during a January, 2010 protest against what many perceive to be the racially-motivated immigration enforcement practices of Maricopa County Sheriff Joe Arpaio. Despite the fact that the ALEC "face sheet" claimed these individuals had assaulted police officers, none of the Arpaio Five were convicted of assault; three of the five had either been found not guilty, or had charges against them dismissed. The remaining two had accepted plea agreements on charges of disorderly conduct.

The sixth individual in this top row of persons proclaimed to have "committed assault on police officers" was Dane Rossman. Rossman had been arrested on multiple counts of assault and use of dangerous weapons (having allegedly thrown rocks) during a November, 2010 counter protest of a National Socialist Movement (NSM, an American neo-Nazi group) "Reclaim the Southwest" march in Phoenix. The purpose of this neo-

Nazi march was to protest federal injunctions issued against portions of SB 1070 at that time.

Interestingly, the initial charges against Rossman were "scratched" by prosecutors shortly following his arrest. This "scratching" of felony charges is an Arizona legal phenomena wherein a prosecutor can "scratch," or temporarily dismiss, a felony charge/charges--while reserving the right to resurrect the charge/charges at any time within seven years from the date of "scratching."

According to court records, a grand jury returned an indictment against Rossman on September 28, 2011, at which point, Maricopa County Superior Court issued a warrant for his arrest. Court records show that this warrant was not executed until November 21--a week prior to the launch of the 2011 ALEC SNPS.

Rossman accepted a plea agreement for the lesser charge of felony disorderly conduct in July, 2012.

[Note: Rossman was arrested in February, 2013 by the U.S. Marshals Service pursuant to a Canadian indictment. According to court documents, Rossman is alleged to have "smashed" the window of a Toronto business during a June, 2010 G-20 protest. As such, Canadian authorities charged Rossman with "mischief," "mischief endangering life," and "disguise with intent to commit an indictable offense" (Rossman was allegedly wearing a bandana when he allegedly smashed the window). In April, 2013 a judge in the U.S. District Court for the District of Arizona ordered Rossman be extradited to Canada.]

Multiple activists involved in the planning of the ALEC SNPS protest interviewed by DBA/CMD stated that neither Rossman, nor any member of the "Arpaio Five," took part in the planning, or execution, of the November 30, 2011 ALEC protest at the Westin Kierland. It is also worth noting that none of the 16 other activists listed on the ALEC "face sheet" had warrants, or were accused of having committed any violent crime, at the time of the ALEC conference protest.

Records obtained by DBA/CMD indicate that ACTIC/PPDHDB "Terrorism Liaison All-Hazards Analyst" Dowhan created the ALEC conference "face sheet" and that she had finalized the first version of the sheet on November 22, 2011 (the day after Rossman's arrest on the September 28 warrant). Records indicate that Dowhan went on to create an "updated" version of the sheet on November 23. It is not clear what alterations were made to the "face sheet" through the November 23 revisions, as the version of the "face sheet" obtained by DBA/CMD through public records requests submitted to PPDHDB appears to be the November 22 version. Furthermore, records relating to the November 23 "face sheet," returned to DBA/CMD by PPDHDB pursuant to these public records requests, are heavily redacted, if not entirely blacked out (Appendix, p. 140-145).

[Note: DBA/CMD first submitted records requests seeking this "face sheet" in March,

2012. In June, 2012, DBA/CMD submitted a second round of public records requests seeking records relating to the ALEC "face sheet." PPD did not return any records responsive to the June series of requests until a letter threatening legal action was delivered to PPD personnel by Diane Post, an attorney working with DBA/CMD, in August of 2012. Three sets of records were then delivered to DBA/CMD; one in September, one in October (the actual one-page "face sheet"), and one in December. Despite the fact that records requests, and attorney letters, submitted explicitly seek "all records relating to" the "face sheet" (or other materials used by off-duty PPD personnel to identify certain persons during the ALEC conference), PPDHDB has failed to produce any records relating to the actual creation of the "face sheet."]

PPD Public Information Officer Trent Crump declined to provide DBA/CMD with any explanation of the "face sheet"'s existence or purpose (though Crump did state, in November of 2012, that if DBA/CMD wanted more information about the "face sheet," that DBA/CMD should file a public records request. This statement was made after DBA/CMD had already submitted requests for these records). However, given Rossman's sudden arrest a week prior to the launch of the ALEC SNPS and Odhner's false arrest during the November 30 ALEC protest, a November 17 email sent from ACTIC/PPDHDB "Terrorism Liaison All-Hazards Analyst" Dowhan to ACTIC/AZDPS Intelligence Bureau Analyst Annette Roberts may provide some insight to PPDHDB's motives [Note: AZDPS Northern Intelligence District Commander, Captain Steve Harrison, did not respond to requests seeking information pertaining to Roberts' position. Records do, however, suggest that Roberts is most likely an AZDPS Intelligence Bureau analyst] (Appendix, p. 146):

"The ACTIC has identified groups that intend 'Shut ALEC Down.' While some may merely protest the event, such as Anti-SB1070 and the Occupy Phoenix movement, anarchist groups have shown a determination to disrupt and shut down the event with the use of violent tactics experienced by other states hosting these meetings. The Phoenix Police Department is taking the lead to identify and intercept persons they believe to pose a threat to the event or attendees."

[Note: records indicate that Dowhan also cited past "anarchist" aggression toward ALEC in communications with other "counter terrorism" personnel, including ACTIC TLO/PPDHDB U.S. DHS NOC Liaison Kenneth Stefanisin (Appendix, p. 147).]

The Red 'A' With a Circle Around It: The Reality of Anarchist "Violent Tactics" at the New Orleans ALEC Protest

This rationale, with Dowhan's assertion that ALEC had been the subject of "violent tactics" perpetrated by "anarchists" at conferences in other states is demonstrably false. Let's take a moment to examine the actual events that preceded the ALEC 2011 SNPS in Scottsdale.

Due to increasing criticism of ALEC, primarily due to reporting on the organization's role in disseminating "model legislation" based on SB 1070, and to increased public awareness of ALEC's role in promoting the anti-labor, pro-privatization and deregulatory agenda, the first ever protest of ALEC occurred at the 2011 Spring Task Force Summit, held in Cincinnati, Ohio, on April 28 through 29, 2011.

This protest, while notable for being the first of its kind, was small, consisting of only a few dozen protestors. No arrests, or displays of "violent tactics," took place during this event.

The Dowhan November 17 email reference to "violent tactics" perpetrated by anarchists is most likely a reference to an arrest that took place during the ALEC 2011 Annual Meeting, the second ALEC conference of that year, held at the Marriott New Orleans French Quarter Hotel, August 3 through 6, 2011. According to records obtained by DBA/CMD from the New Orleans Police Department (NOPD), the sole arrest to take place during protests of this ALEC conference was apparently related to "anti-government" activity.

According to a report filed by the arresting officer, NOPD Homicide Section Detective Ryan Aucoin, on August 5, during a protest of ALEC (reportedly consisting of "40-50 protestors") taking place outside the Marriott, Aucoin observed an individual, later identified as Joseph Jones, dressed in hooded sweatshirt, with the lower portion of his face covered with a bandana. According to the Aucoin report, Jones was observed "utilizing a can of spray paint to deface the property with an unknown symbol resembling the letter 'A' with a circle around it (in red color)."

According to the Aucoin report, Aucoin lost sight of Jones following the alleged act of vandalism. However, Aucoin soon spotted Jones again. As stated in the Acoin report: "Upon seeing the detective [Aucoin], Mr. Jones threw the can of spray paint into a fixed garbage can on the sidewalk in front of the building [Marriott]. Detective Aucoin ordered Mr. Jones to stop, at which time he fled on foot, ignoring the officer's command to stop. A short foot chase ensued and Detective Aucoin was able to apprehend Mr. Jones in the 100 block of Charters Street without further incident and with the assistance of a contingent of plain clothed state police intelligence unit members."

Aucoin went on to report that he had been able to retrieve the can of spray paint from the trash can and that a search of Jones' bag revealed a pair of gloves, pieces of brick and a bottle of glue. According to the Aucoin report, upon his arrest Jones admitted to being affiliated with an "anti-government group known as 'Iron Gate.'"

According to NOPD records, Jones was cited with "simple criminal damage" and resisting arrest (misdemeanor charges).

It is worth noting that records obtained by DBA/CMD from NOPD show that NOPD

Homicide Section Detective Aucoin was not at the site of the ALEC conference because his services as a homicide detective were needed, but rather that Aucoin, along with five other NOPD officers, was present at the Marriott as off-duty paid security for the Marriott New Orleans French Quarter and their ALEC member guests. [Note: NOPD records relating to this off-duty security detail do not disclose the rate of compensation paid to these officers.]

As such, the Aucoin report detailing Jones' arrest goes on to state that, rather than reporting to any NOPD superior following the arrest, Aucoin reported to Marriott New Orleans French Quarter Hotel Resident Manager Kevin Osborn, who was listed as the "reporting person" and a witness in the Jones arrest report.

These Cincinnati and New Orleans conferences were the only two ALEC events to be protested prior to the 2011 Scottsdale SNPS. The only instance of any criminal act perpetrated by an "anarchist"-- or by any other individual-- also happened to be the only arrest of any kind associated with either of these two protests-- and, as records show, this arrest (for simple vandalism and resisting arrest) was a far cry from the claims of "violent tactics" reported by Dowhan to her AZDPS superiors at ACTIC on November 17. Nevertheless, records show that these, and related, claims largely laid the foundation for the massive PPD presence (including the 58 off-duty officers employed by ALEC/Kierland and the presence of the "mobile field force"/TRU) set out for Arizona ALEC protestors during the 2011 SNPS.

The Creepy Guy Cometh: Undercover Cop at Large, ACTIC and PPDHDB Work to Gather Intel for ALEC

Conspire, a now-defunct coffee house and vegan cafe located in downtown Phoenix, was awarded the title of "Best Hangout for Anarchists, Revolutionaries and Dreamers" by the *Phoenix New Times* in 2010.

According to then-Phoenix activist Ian Fecke-Stoudt (Fecke-Stoudt has since moved), he and other Phoenix activists/anarchists had learned of the planned Scottsdale ALEC SNPS conference in June of 2011 [Note: ALEC had been advertising on their website, alec.org, that this conference would take place in Scottsdale as early as April of 2011]. Upon learning of this event, Fecke-Stoudt and others began planning a protest of the conference. Much of the planning for this protest event took place at Conspire. The coffee house also served, later in 2011/early 2012, as a regular meeting place for members of Occupy Phoenix.

According to Fecke-Stoudt, at some point in early to mid-July, 2011, his roommate-- also a Phoenix-area activist-- mentioned that "a creepy guy who looked like he was probably a cop" had been hanging around Conspire. According to Fecke-Stoudt, his roommate had told him that the "creepy guy" had wandered into Conspire and struck up a conversation with her. The roommate said that, following this initial conversation, the man would

appear at Conspire and seek her out-- as if they were friends. According to the roommate, the man had come off as being "overly interested in anarchism."

It was not long after that Fecke-Stoudt was also approached by the "creepy guy" at Conspire. According to Fecke-Stoudt, the man wore a blue t-shirt and blue jeans, had slicked-back salt-and-pepper hair, appeared to be in his 50s, was very clean-cut and in good physical shape. The "creepy guy" introduced himself to Fecke-Stoudt and other Phoenix activists as "Saul DeLara." Despite the man's fit and clean appearance, Fecke-Stoudt said Saul claimed to be homeless-- and commented frequently on trouble he had had with police during his life on the street. Saul claimed to be a native of Juarez, Mexico, but seldom disclosed any other details of his background or personal life.

It is worth noting that Saul would later offer one other interesting detail of his life. As reported by activists present at a November 9, 2011, ALEC protest planning meeting, Saul claimed to have ties to recent "anarchist" actions in Mexico. This appears to have been an oblique reference to a group calling themselves "Mexican Fire Cells Conspiracy/Informal Anarchist Federation," which, through a number of anarchist online forums, had claimed responsibility for a fire at Las Torres Shopping Mall in Juarez on November 2.

According to Fecke Stoudt and other activists interviewed by DBA/CMD, Saul consistently expressed a voracious interest in all things related to anarchism. Perhaps the only area of conversation that stimulated Saul's interest as much as general discussion of anarchism, said Fecke-Stoudt and other activists interviewed by DBA/CMD, was discussion of the pending ALEC SNPS protest.

According to Fecke-Stoudt, Saul commenced to appear at Conspire on nights when the Phoenix Anarchist Coalition (PAC) would hold meetings. Curiously, according to Fecke-Stoudt, even though these meetings were generally open to the public, Saul would tend to appear only after the meeting had concluded and its participants had begun to socialize more informally (though it is important to note that records do indicate some instances where Saul was clearly present during the actual meeting). It was during one of these occasions that Fecke-Stoudt detected a particularly odd pattern of behavior on Saul's part.

"There's a certain thing that people do, when you can tell they're interested in something, but they're trying not to talk about it-- where, whenever they hear, like, even the slightest mention of that thing, they come running over and they start listening intently, or, like, they'll just kind of slowly put themselves into the conversation-- that's what he did," said Fecke-Stoudt.

This behavior on Saul's part, explained Fecke-Stoudt, would occur whenever mention was made of the planned ALEC protest.

"Once, after a PAC meeting [...] he was hanging about and somebody said something

about ALEC and, you know, he just kind of suddenly appeared in the conversation," said Fecke-Stoudt. "I didn't see it happen at that time, because I was engaged in the conversation, but I'm like, all of a sudden, 'there's Saul. Why is Saul in this conversation all of a sudden?'"

According to Fecke-Stoudt, such meetings were held weekly throughout the later half of 2011. Fecke-Stoudt estimates that Saul would go on to appear at roughly half of these meetings, until early November of that year.

[Note: while Fecke-Stoudt believes Saul first appeared at Conspire in July of 2011, DBA/CMD does not have records detailing this period, as records requests submitted to PPDHDB relative to this subject matter only extended to October of that year. However, given the fact that records indicate that Saul attended the first Occupy Phoenix planning meeting, held at Conspire on October 2, it is fair to say that Saul had already embedded himself within this community prior to October, 2011.

It is also worth noting that Saul was not the only source of information PPD had relating to activist goings on at Conspire. Records indicate that, on October 7, 2011, Cindy Dach, proprietor of MADE Art Boutique (located a few doors down the street from Conspire) sent an email to PPD South Mountain Precinct Neighborhood Enforcement Team Sgt. Chas Clements to inform police that there would be an "Occupy Phoenix meet in front of Conspire" that day.

"Not sure how this differs from their regular - come to Conspire on First Friday activity, but I thought I should share," wrote Dach to Clements (Appendix, p. 148-149).

The email contained links to two Facebook event notices detailing the event. The purpose of this meeting, as reflected by the Facebook events posts would be to "spread the word" of the launch of Occupy Phoenix on October 14 and 15, through the distribution of flyers.

According to records obtained by DBA/CMD, Clements forwarded this advisory on to PPD South Mountain Precinct Resource Lt. Sean Connolly. In his response to the Clements email, Connolly wrote, "Yes this is connected to the Occupy Phx / Day of Rage protest next week on the 14th and 15th. For intel purposes, I would like to obtain a few copies of any flyers handed out tonight at FF [First Friday] reference the protests next week [sic]."

"First Fridays" is an art walk that takes place on the first Friday of each month in the downtown Phoenix "arts district."

When asked why she elected to provide PPD with information relating to the flyering activities of Occupy Phoenix, Dach told DBA/CMD that PPD had asked downtown Phoenix merchants to provide police with information concerning large First Friday gatherings, so that police could "set up the wider sidewalks and staff the area for

pedestrian safety." As such, Dach said she supplied PPD with information relating to activities at Conspire in the spirit of "[supporting] a community on a vital night that helps sustain fragile business."]

According to records obtained by DBA/CMD from PPDHDB, "Saul DeLara" was most likely PPD Major Offender Bureau (PPDMOB) undercover detective Saul Ayala. Records indicate that, throughout October and early November, 2011, an undercover officer named "Saul" would report activities of Phoenix area anarchists, Occupy Phoenix activists and other groups planning protests of the ALEC SNPS, to PPDMOB Career Criminal Squad Sgt. Tom Van Dorn. Records indicate that, during this period of time, information gathered by this undercover officer was focused primarily on plans for the ALEC conference protest and "disruption." According to records, Van Dorn would then relay this intelligence on to PPDHDB/ACTIC personnel.

Records indicate that both Van Dorn and Ayala attended a number of ACTIC meetings dedicated to discussion of the upcoming ALEC SNPS and anticipated protests.

One such meeting was held on November 16, 2011 in the ACTIC "training room."

According to records (Appendix, p. 150-151) relating to this meeting, notable individuals who likely attended include PPDMOB Career Criminal Squad Sgt. Van Dorn, PPDMOB undercover detective Saul Ayala, PPDHDB officer Tim Moore (the off-duty job coordinator for PPD officers working as paid security for ALEC/Kierland during the conference), PPDHDB Commander Geary Brase, ACTIC/PPDHDB "Terrorism Liaison All-Hazards Analyst" Dowhan, ACTIC/PPDHDB TLO Wren, and PPDHDB Detective/ACTIC TLO Mike Rohme.

[Note: we say that Van Dorn and Ayala "likely attended" this meeting because, while records do indicate they received an email notifying them of the time, location and purpose of this meeting, records do not go so far as to confirm their actual attendance. Some records do, however, state that certain personnel had declined to attend this meeting. Ayala and Van Dorn were not among those shown to have declined attendance.

Records indicate that Ayala and Van Dorn attended another ACTIC meeting dedicated to discussion of the ALEC conference and attendant protests on November 23, 2011. Records indicate that ACTIC TLO Rohme (who, as will be discussed shortly, was working in close concert with ALEC personnel, and other private sector personnel closely tied to ALEC) had invited Kierland Director of Security Black to attend this ACTIC meeting as well. As such, the November 23 meeting likely saw PPDMOB undercover officer Saul Ayala engaged in a meeting, in the ACTIC training room, with the head of private security for the ALEC Scottsdale conference.]

An example of Van Dorn's reporting on Saul's activity to PPDHDB personnel is found in an October 26, 2011 email from Van Dorn to PPDHDB Lt. Lawrence "Larry" Hein,

PPDHDB Sgt. Pat "Patrick" Kotecki and PPDMOB Lt. John Geroulis:

"Hey Bosses," wrote Van Dorn. "Saul has stated that the Anarchists have officially posted the 'resist ALEC' on their website but they haven't discussed specifics on how to disrupt the conference [sic]. There are also two websites that might be worth the TLO's [ACTIC "Terrorism Liaison Officers"] monitoring." Van Dorn then went on to provide a link to "azresistsalec.wordpress.com," and to detail the number of "likes" on the Facebook page associated with that site.

"According to Saul they are supposed to be having 'resist ALEC' training this weekend in downtown Phoenix as well," added Van Dorn. "Kepp you updated [sic]."

Records indicate that PPDHDB Sgt. Kotecki forwarded this intelligence on to PPDHDB/ACTIC TLO Rohme with instructions to "monitor and advise." Most likely Kotecki was referring to monitoring of the "azresistsalec" website; records indicate that, on November 2, Rohme took part, along with ALEC personnel, in an ALEC "security" conference call during which the monitoring of several websites was discussed.

It is worth noting that records and activist accounts indicate that Saul also attended a number of Occupy Phoenix events held at Cesar Chavez Plaza, including events held on October 14 and 15 (launch of Occupy Phoenix), October 27 (event at which "When Should You Shoot a Cop?" flyer was reportedly found-- most likely by Saul, or other PPDMOB undercover officers), and November 3 and 4 (in preparation for "Bank Transfer Day").

Records show that Saul continued to inform on Phoenix activists until November 9, 2011. In a November 10 email to PPDHDB Sgt. Kotecki and PPDMOB Lt. Geroulis, Van Dorn wrote:

"Bosses: Saul attended an organizational meeting for the disrupt ALEC movement last night at [redacted]. The flyers they handed out for upcoming meetings, locations and planned events can all be found on their website: [link to azrisistsalec.wordpress.com] [.]

"Additionally, the following topics came up: [...] The AZ Anarchists are disappointed in the Anarchists lack of efforts in New Orleans recently and intend on showing their fellow colleagues nationwide how 'disruption' is to be done. [...] Members of the Occupy movement are joining in the effort to protest and disrupt at the ALEC conference as well. Information to follow on their FB [Facebook] page soon. [...] Because ALEC helped write/sponsor SB1070, the Hispanic community is joining in on the efforts as well. [...] In addition to the Kierland Resort several other locations are being targeted for disruption and are listed on the above website.

"While impossible to say for sure, it was also pointed out at the meeting that there are several people coming in from out of State to attend this protest [sic]."

Unfortunately for Saul and PPD, this ALEC protest meeting was to be their last. Following the meeting, held at the Phoenix Workers' Justice Center on the evening of November 9 [Note: this was actually the first ALEC protest "General Meeting," at which members from a coalition of various activist groups gathered to discuss plans for the protest], an immigrants' rights activist approached Saul and confronted him about his life as a cop. According to the activist [who spoke to DBA/CMD on condition of anonymity], she had worked as a barista at a Phoenix Starbucks some years prior. During her time as a barista, the woman and her co-workers had become accustomed to the habits of two police officers who would come into the cafe to order drinks every night, while the cafe was closing. Rather than leaving coffee machines on and uncleaned, the cafe workers would set drinks aside for these two officers. One of these officers, said the activist, was the man who currently represented himself as the homeless anarchist wannabe, "Saul DeLara."

According to this activist, when confronted Saul denied having ever seen her before and angrily denied being a cop. Nevertheless, word of Saul's possible relationship with law enforcement spread quickly through the Phoenix activist community and, as indicated by records obtained by DBA/CMD, this November 9 meeting was the last such meeting attended by Saul and reported on by Van Dorn.

As illustrated by records obtained by DBA/CMD, the PPDMOB undercover officer posing as "Saul Delara" (most likely PPDMOB undercover detective Saul Ayala) would report intelligence derived from his infiltration of the Phoenix activist community to Van Dorn, who would in turn provide this intelligence to PPDHDB/ACTIC personnel. This intelligence stream, coupled with other intelligence streams (such as Dowhan's "open source intelligence"), informed the actions of PPDHDB/ACTIC personnel. And, in some instances, PPDHDB would assign detectives/analysts/TLOs to follow up on Saul's reports. According to records obtained by DBA/CMD, the PPDHDB personnel most active in work based on intelligence gathered by Saul were "Terrorism Liaison All-Hazards Analyst" Dowhan and PPDHDB Detective/ACTIC TLO Rohme.

Given the fact that, according to Fecke-Stoudt and other activists interviewed by DBA/CMD, many individuals on the ALEC "face sheet" had either spoken with Saul, attended meetings attended by Saul, or were Facebook "friends" with Saul, it appears that Dowhan likely used intelligence provided by this undercover officer as at least the partial basis for the placement of individuals on her ALEC "face sheet." For example, Fecke-Stoudt, whose driver's license photo appears on the ALEC "face sheet," was one of the first people to meet Saul at Conspire and was an active participant in many meetings attended by Saul. Another example: Jason Odhner, the Quaker street medic whose driver's license photo appears on the ALEC "face sheet," was present at the November 9 ALEC protest "General Meeting"-- the last ALEC protest planning meeting attended by Saul.

PPD PIO Crump declined to confirm whether PPDMOB undercover detective Saul Ayala was in fact the man who presented himself to Phoenix activists as "Saul DeLara," or to discuss any specifics of PPD undercover officer activity related to Occupy Phoenix or other Phoenix activist groups. However, Crump did state that it is a "regular practice" of PPD to employ "plainclothes or undercover" officers in the gathering of intelligence related to activist activity that may include "civil disobedience."

When asked what suspicion of criminal activity PPD used to predicate such intelligence gathering conducted by undercover officers, Crump stated:

"I don't even think that one has to say that we have to anticipate that there's going to be criminal activity for us to gather intelligence-- public safety is one of our job responsibilities. So, when we know they're going to have, very possibly, some civil unrest, or we know we may have large groups of people organizing to rally under a protest-- or whatever you want to call it-- we gather intelligence on this, absolutely."

Public-Private Partnership at Work: ALEC Gets Its Own Dedicated "Terrorism Liaison Officer"

According to records obtained by DBA/CMD from PPDHDB, "Terrorism Liaison Officer" Rohme was the conduit through which intelligence gathered by Saul and other PPDHDB/ACTIC resources would flow to ALEC and other private sector personnel associated with the 2011 SNPS. As such, records indicate that Rohme attended a number of meetings with both Westin Kierland and ALEC personnel (as well as other personnel either employed by ALEC, or employed by ALEC member corporations) through November of 2011.

While it is not known what specific information relating to the ALEC conference was discussed during these meetings, records indicate that TLO Rohme had invited Kierland Director of Security Black to the November 23 meeting, held in the ACTIC "training room." Records show that PPD personnel required to attend this meeting included: TLO Rohme, officer Tim Moore (off-duty job coordinator for PPD officers employed at the conference by ALEC/Kierland), ACTIC/PPDHDB "Terrorism Liaison All-Hazards Analyst" Dowhan, PPDMOB Career Criminal Squad Sgt. Van Dorn, and PPDMOB undercover detective Saul Ayala (Appendix, p. 152). It is also worth noting that November 23 is also the date on which ACTIC/PPDHDB "Terrorism Liaison All-Hazards Analyst" Dowhan issued the revised ALEC "face sheet."

Records indicate that "Terrorism Liaison Officer" Rohme also attended a November 28 meeting, held at the Westin Kierland. This meeting was attended by a number of Kierland personnel (including Kierland Director of Security Black, Kierland Security Manager John Turner and Kierland General Manager Bruce Lange), multiple employees of Doner Fundraising (an event management and fundraising firm employed by ALEC at the time), as well as then-ALEC Senior Director of Membership and Development Chaz Cirame,

and PPD off-duty job coordinator for the ALEC event officer Tim Moore.

Records indicate that, on November 2, 2011, Rohme took part in an ALEC event security conference call. Other conference call participants were: Westin Kierland Director of Security Black, Westin Kierland Senior Conference Services Manager Barbara Kuck, Doner Fundraising founder and president Kate Doner, Doner Fundraising event planners Caitlin McGovern and Rachel Rountree, then-ALEC Senior Director of Membership and Development Cirame, and Bayer Healthcare Head of Security Mark Davis. Bayer Healthcare is a longtime ALEC private sector member and had served as co-chair of the ALEC Health and Human Services Task Force for several years, ending in 2011. At the time of the ALEC 2011 SNPS, Bayer Healthcare's parent corporation, Bayer Corporation, served as "first vice chairman" of the ALEC Private Enterprise Board Executive Committee.

According to records obtained by DBA/CMD, three websites containing information posted by ALEC protestors were discussed during the November 2 conference call. At least one of these websites (referred to by conference call participants as the "Shut Down ALEC" website) was a site that Rohme had been prompted to monitor as a direct result of intelligence provided by Saul. Another of the websites (referred to by conference call participants as the "Phoenix Anarchist" website) had likely been mentioned in several reports provided to PPDHDB by Saul.

The third website discussed during the conference call was the Daily Kos (dailykos.com). This site (a left-leaning blog) had been utilized by bloggers and activists nationwide to discuss issues relating to ALEC since at least late 2010. Daily Kos bloggers had been instrumental in organizing the first ALEC protest in Cincinnati, in April of 2011.

According to records obtained by DBA/CMD from ALEC member lawmakers in early 2011, then-ALEC Senior Director of Public Affairs, Raegan Weber, had been monitoring the blogging activity of Daily Kos contributors critical of ALEC as early as March of 2011. Records indicate that, on March 31, Weber sent out an advisory to ALEC member lawmakers containing links to Daily Kos, and other "liberal" or "radical," blogs discussing "town hall confrontations" of ALEC member lawmakers, efforts to identify ALEC member lawmakers (ALEC does not disclose any full lists of either its private or public sector members), and protest plans for the 2011 Cincinnati Spring Task Force Summit, and efforts to utilize public records law in obtaining records relating to the influence of ALEC and their member corporations in state legislatures.

[Note: it is worth noting that Weber, in the March 31 advisory, claimed blog comments relating to this later issue contained "hacking recommendations." What "hacking recommendations" Weber referenced is unclear-- as none seem to exist. These referenced comments do, however, reference a *DBA Press* tutorial, "How to Track ALEC 'Model Legislation' Through Real Legislatures." This tutorial does not recommend hacking, but does recommend the use of public records law in obtaining records relating to ALEC

"model legislation" from state legislative offices. Given this reference, this might be a good place to note that on December 1, 2011, during the 2011 ALEC SNPS, off-duty PPD officers working as private security for ALEC/Kierland, along with Kierland Director of Security Black, evicted DBA/CMD (Hodai) from the Westin Kierland under threat of arrest for "trespassing"-- even though DBA/CMD (Hodai) was a paid guest in the resort at the time of the eviction.]

As part of this March 31 advisory, Weber also provided ALEC member lawmakers with a detailed question-and-answer script for lawmakers to reference in the event lawmakers were approached by journalists or constituents and asked tough questions relating to ALEC, ALEC's role in backing controversial legislation, or the role of ALEC corporate sponsors (with special attention being given to potential questions relating to the brothers Koch and Koch Industries) in the legislative process.

This ALEC use of propaganda in influencing public servants was echoed in ALEC interactions with PPDHDB/ACTIC personnel during preparations for the 2011 SNPS.

Records indicate that on November 10, 2011, Doner Fundraising personnel employed by ALEC sent a copy of a November 8 article published in the Heritage Foundation's newsletter, "The Morning Bell," to Kierland Director of Security Black, Bayer Healthcare Head of Security Davis and ACTIC/PPDHDB TLO Rohme.

The article, entitled "Occupy Wall Street Gets More Violent," written by Heritage Assistant Director of Strategic Communications Mike Brownfield, discussed an incident that reportedly occurred during an Occupy D.C. protest of an Americans for Prosperity conference on November 5, in which an elderly woman was "knocked down some stairs while attempting to get around protestors." The article went on to discuss other incidents of civil unrest associated with Occupy Oakland, and to discuss alleged incidents of sexual assaults associated with Occupy Wall Street in New York and with Occupy Baltimore. In closing, the article stated:

"President Obama and liberal congressional and grassroots leaders have been encouraging and inciting these protests. It's time for these leaders to persuade their followers to stop destroying property and assaulting others-- especially women. These acts do not constitute peaceful free assembly or speech."

According to records obtained by DBA/CMD, upon receiving the Heritage Foundation article on November 10, Black wrote the following email to Rohme:

"While we may not be looking at anything near this it may be prudent to request a Mobile Field Force be on call just in case during the 4 day period [of the ALEC 2011 SNPS]. What are your thoughts? [sic]"

While it is unclear what further conversation on this subject may have transpired between

Black and Rohme, records indicate that Rohme forwarded this request on to PPDHDB Sgt. Kotecki. It is not known what further deliberation may have occurred on the subject, but it did follow that a "mobile field force"/"tactical response unit" (TRU) was present on the grounds of the Westin Kierland during the ALEC protest of November 30-- and that TRU officers, working under the direction of PPD Sgt. Eric Harkins (who was at that time working as off-duty paid security for ALEC/Kierland, under the command of Black) pepper-sprayed and arrested protestors.

Conspicuously absent from records obtained by DBA/CMD relating to the acquisition of a "mobile field force" apropos the Heritage Foundation article, is any disclosure on the part of Doner or ALEC personnel of the fact that Heritage is an ALEC member 'think tank'-- co-founded by ALEC founder Paul Weyrich, and financed by many of the very same corporate interests that comprise ALEC "private sector" membership (including entities related to the brothers Koch and Koch Industries).

March of the Giant Puppets: ACTIC Works With Corporate Interests to Shield ALEC Member Corporations From Discontented, Puppet-Wielding Citizenry

Records obtained by DBA/CMD show that this private sector influence within ACTIC as regards ALEC extended well beyond the 2011 SNPS.

According to records, in early January, 2012, ACTIC PPDHDB "Terrorism Liaison All-Hazards Analyst" Dowhan sent out an alert to ACTIC personnel regarding a protest action against ALEC member corporations to take place on February 29. The February 29 protest action had been called for on January 2, 2012 when Occupy Portland had issued a "call to action" to citizens engaged in the OWS movement, encouraging a nationwide day of non-violent protests of ALEC member corporations. Such tactics called for included "street theater," "sit-ins," "teach-ins" and marches. Collectively, this day of protest was dubbed "Shut Down the Corporations" or "F29." All told, this call to action resulted in protests against ALEC member corporations in over 80 cities nationwide.

In a February 27 bulletin distributed to all Arizona TLOs, as well as ACTIC Intelligence Unit personnel, PPDHDB/ACTIC "Terrorism Liaison All-Hazards Analyst" Dowhan described the national day of protest.

"This national event is being advertised as '*a national day of non-violent direct action to reclaim our voices and challenge our society's obsession with profit and greed*,' and has been well publicized throughout online Occupy forums and affiliated websites [emphasis original]," wrote Dowhan.

"Attendance could range from 20 to 150 demonstrators. The group plans to have giant puppets and pinatas as part of their demonstration. [paragraph break] There may be mild traffic interruptions but no significant disruptions are expected," added Dowhan.

The "Terrorism Liaison All-Hazards Analyst" went on to detail protestor plans to march to the offices of various ALEC member corporations situated in downtown Phoenix, including the offices of Freeport-McMoran.

[Note: while this TLO/ACTIC Intelligence Unit bulletin was distributed on February 27, records indicate that Dowhan had issued numerous alerts relating to this planned protest activity throughout January and February, 2012. It is clear that Dowhan had been monitoring and issuing alerts related to this activity as early as January 6 (Appendix, p. 153-155) (Appendix, p. 156-157).]

Given the completely non-threatening nature of this protest, it is interesting to note that, Dowhan and other "counter terrorism" personnel, as well as security personnel employed by ALEC member corporations, appear to have taken this day of protest very seriously. Records indicate that ACTIC/PPD/AZDPS personnel spent a substantial amount of time monitoring activist social media in order to determine the identities and locations of specific businesses to be protested by Occupy Phoenix (it is worth noting that Dowhan apparently utilized CMD's Sourcewatch.org in compiling a partial list of ALEC member corporations for purpose of identifying potential protest targets) (Appendix, p. 156-157, 158-159).

It is also worth noting that, according to records, ALEC member corporation Salt River Project (SRP), had been gathering and distributing information relating to the planned F29 protests to Arizona law enforcement/"counter terrorism" personnel-- including O'Neill and U.S. DHS Protective Security Advisor (PSA) Christine Figueroa.

U.S. DHS PSAs are employed by the U.S. DHS National Programs and Protection Directorate (NPPD) Office of Infrastructure Protection (U.S. DHS IP), and perform three primary functions through their work with "fusion centers" and other regional governmental entities: CI/KR protection, CI/KR-related "incident management," and "information sharing with critical infrastructure owners and operators and the private sector." As such, Figueroa and other PSAs are the direct result of the "Department of Homeland Security State, Local and Regional Fusion Center Initiative" created by the "9-11 Commission Act of 2007." It is worth noting, however, that the monitoring of protestors carrying giant puppets and pinatas was not the stated purpose of PSAs, or other "fusion center," personnel, as set forth by either the "9-11 Commission Act of 2007," or modifying presidential directives.

[Note: Figueroa's involvement in the monitoring of F-29 protests was not her first Occupy Phoenix-related rodeo. Records obtained by DBA/CMD show that Figueroa had been the recipient of a number of pieces of ACTIC personnel intelligence relating to Occupy Phoenix activity that might include CI/KR. For example, when, in November of 2011, Occupy Phoenix hatched an evil plan to ride Phoenix metropolitan light rail to a "flash mob rally," Mesa Police Department Intelligence and Counter Terrorism Unit Det./ACTIC "Terrorism Liaison Officer" Christopher Adamczyk alerted U.S. DHS

personnel working at ACTIC.

"I just found information that the Occupy Phoenix group plans to carry out an operation in Mesa on 11/17/11," wrote a breathless Adamczyk. "According to open source reporting [apparently an article found on the Internet], the group will rally at the Sycamore and Main Light Rail Station at 0700 and try to 'occupy' the light rail cars. Mesa is one of three identified sites they want protestors to meet and load onto the rail cars. The protestors plan to ride the light rail cars until the morning rush hour crowds taper off. They will then proceed into Phoenix for a 'flash mob' rally at noon."

Records indicate that both U.S. DHS PSA Figueroa and TSA Terrorism Liaison Officer Jim Lockwood, among other ACTIC personnel, were recipients of this Adamcyzk advisory (Appendix, p. 160-170).

According to press accounts detailing Occupy Phoenix's plans to utilize Phoenix light rail in November of 2011, the group never intended to "occupy" the trains, but hoped to strike up conversations dealing with economic and political issues with commuters.

It is worth noting here that TSA TLO Lockwood was regularly involved in the monitoring of Occupy Phoenix activities. For example: records indicate that when, on January 9, 2012, "Terrorism Liaison All-Hazards Analyst" Dowhan advised Lockwood that members of Occupy Phoenix might go to the Phoenix Greyhound bus station to show support for members of Occupy San Diego, who were riding the bus to Washington, D.C., Lockwood responded:

"THANKS VERY MUCH, BRENDA!! Advised airport TLOs [the Greyhound station is near Phoenix Sky Harbor International Airport] and our admin team that oversees patrols that sometimes are at the Greyhound Bus Sta." [sic].

Records indicate that, in perhaps one of the more touching moments contained in the stacks of documentation detailing ACTIC monitoring of Occupy Phoenix, PPDHDB Sgt. Kotecki (who had been been forwarded email exchanges between Lockwood and Dowhan concerning Occupy Phoenix's possible trip to the Greyhound bus station) commented: "Brenda making friends." (Appendix, p. 171-177).]

Regardless, records indicate that Figueroa had served as a conduit for F-29-related intelligence (such as it was) between SRP and ACTIC personnel. Records indicate that, on February 7, Figueroa forwarded a F29 "update" provided by SRP Security Manager Jay Spradling to ACTIC PPDHDB "Terrorism Liaison All-Hazards Analyst" Dowhan, AZDPS Intelligence Bureau Personnel, and other U.S. DHS personnel employed at ACTIC.

This SRP advisory, which consisted entirely of information lifted directly from the Occupy Phoenix Facebook page and Occupy Phoenix events calendar, (Appendix, p.

178-179) focused primarily on Occupy Phoenix plans to hold a "sidewalk rally" and conduct "street theater" outside the downtown offices of Freeport-McMoran.

Records indicate that Dowhan forwarded this information on to PPD personnel, including PPDCRB and PPDDOU personnel. Interestingly, in an email forwarding this SRP intelligence on to PPDCRB Sgt. Schweikert, Dowhan indicated that the SRP intelligence comprised "most of what" ACTIC/PPDHDB knew about the protest plans. It is also worth noting that the Spradling SRP intelligence was replicated in the Dowhan February 27 TLO F29 bulletin.

Records indicate that PPDCRB Sgt. Schweikert then went on to advise Freeport-McMoran Manager of Corporate Security Thomas Tyo of Occupy Phoenix's F29 protest plans (including Occupy Phoenix plans to utilize "giant puppets and pinatas as part of their demonstration") (Appendix, p. 180-183).

At the time of the F-29 protests SRP lobbyist Russell Smoldon served as the ALEC Arizona "private sector chair" (largely responsible for ALEC Arizona "scholarship fund" fundraising) and Freeport-McMoran Copper and Gold served as a "director" level sponsor of the 2011 ALEC SNPS. Freeport-McMoran is also active in ACTIC CLP through its position on the Downtown Phoenix Partnership Board of Directors.

It should be said, while the intelligence Dowhan passed on to PPD relating to the planned F29 protests appears to have been comprised largely of Facebook clippings gathered by SRP Security Manager Spradling, the "Terrorism Liaison All-Hazards Analyst" did seem to take a special interest in providing extra tidbits of information to ALEC.

Records indicate that, upon learning of the F29 call to action, Dowhan decided that it was her responsibility, as PPDHDB's ACTIC "Terrorism Liaison All-Hazards Analyst," to alert ALEC and their member corporations to this planned protest. Records indicate that on January 6, Dowhan contacted PPDHDB Sgt. Kotecki and AZDPS Intelligence Bureau personnel and posed a question: "Occupy Portland is calling for a plan of action to shut down ALEC member corporations on Feb. 29th. Do we have contacts there [within ALEC] that we could give a heads to ensure that they are aware [sic]? Occupy Phoenix may be joining in." (Appendix, p. 184).

In response, Kotecki advised Dowhan to contact ACTIC CLP Coordinator O'Neill. According to records, Dowhan went on to provide regular F29 protest updates to O'Neill (Appendix, p. 185-186).

One such update, sent out by Dowhan on February 3, 2012 read as follows:

"In regards to ALEC, there was an interesting comment by Occupy Chappell [Note: it is not known who, or what, "Occupy Chappell" is], stating:

"'again, i say, collectively (nationally=occupy movement) we should buy a private sector membership into alec and hit them on the head! !BAM! =)" [link to alec.org private sector membership page] [sic]'"

In closing, ACTIC PPDHDB "Terrorism Liaison All-Hazards Analyst" Dowhan wrote, "ALEC might need to be aware that people are actually thinking about this as an option to get on the inside." (Appendix, p. 187).

Where's Jesse?: Phoenix "Counter Terrorism" Personnel Struggle to Locate Jesse Jackson

Members of Occupy Phoenix and other Phoenix-area activists were not the sole concern of PPDHDB/ACTIC and their private sector partners during the 2011 ALEC SNPS (held November 28 through December 2). Interestingly enough, records indicate that various entities active in ACTIC, including PPDHDB, had been preoccupied with the presence of Reverend Jesse Jackson, Sr. in Phoenix during this time.

Jackson was scheduled to be the keynote speaker of the "We Are One" conference on December 2, 2011. The conference, sponsored by a number of African-American, Latino community/civil rights organizations and labor unions (including the National Association for the Advancement of Colored People, the Coalition of Black Trade Unionists and the National Council of La Raza), was to be held at the Phoenix Convention Center from December 1 through 4. Issues to be discussed by speakers at this conference included voter suppression, unemployment, job creation, housing, health care, public education, immigration and labor rights. Featured speakers, aside from Jackson, included Tucson Congressman Raul Grijalva (D), Phoenix Human Relations Commission Chair Diane D'Angelo (D'Angelo also served at this time as one of two de facto spokespersons for Occupy Phoenix-- Ezra Kaplan, the photographer arrested at the November 30 ALEC protest, being the other), and numerous representatives of various labor and civil rights groups.

Records obtained by DBA/CMD show that this event had been on the radar of PPDHDB personnel as early as mid-November, 2011. In a November 15 email (Appendix, p. 188) to PPD Downtown Operations Unit (PPDDOU), Community Relations Bureau (PPDCRB) and PPDHDB personnel, Assistant Police Chief in charge of the Homeland Security Division Tracy Montgomery stated that she had received word from the City of Phoenix Department of Public Works that the "Black Trade Workers Union" and the National Association for the Advancement of Colored People (NAACP) had requested a reservation for the use of Cesar Chavez Plaza on December 4.

"[T]hey want to join the Occupy Protestors for the day to show their support [sic]," wrote Montgomery. "There doesn't appear to be a reason that Public Works would refuse the reservation. It doesn't appear the event will be of a nature or duration that will require electrical power or the need for port-a-johns so these will not be required or provided.

[...] They state that 200 of them will march from their conference to [Cesar Chavez Plaza] that day."

Montgomery went on to ask PPDCRB personnel to come up with a "plan for this event." In response, PPDHDB Commander Brase joked (with derisive humor, in an email to PPDHDB Sgt. Kotecki and Lt. Hein), "I think this event calls for an IMT [incident management plan] and EAP [emergency action plan]. your thoughts? [sic]"

Despite Brase's attempt at humor, records indicate that this event, and the potential involvement of Jackson in Occupy Phoenix ALEC protests, coinciding with the "We Are One" conference, did remain an issue of concern for PPD/ACTIC personnel through November and the early days of December, 2011.

Given the fact that the "We Are One" conference and potential for former presidential candidate Jackson's participation in Occupy Phoenix ALEC protests was monitored closely by law enforcement/"counter terrorism" personnel, while members of the ALEC conference worked closely with ACTIC/PPDHDB personnel to counter any protestor action, these records illustrate a disturbing double standard at work within the Phoenix law enforcement/"counter terrorism" community.

According to records obtained by DBA/CMD, at 11:29 on the evening of November 30, PPDDOU Sgt. Joseph Hallums reported to a number of PPD personnel-- including DOU, PPDCRB and PPDHDB personnel:

"For the early part of the day most of the attention was focused on the ALEC conference at Kierland so there were no issues at Cezar Chavez Plaza [sic]. The group size fluctuated to a maximum of approximately 30 to, at last count, 11. At 1800 hours the X79 squad made two arrests, booking one and giving the other a CLD [citation]. A couch, small cabinet and a pop-up [tent] were seized as evidence. Approximately one hour later the group brought in two more couches and a couple of chairs and placed them among the protest. The officers did not see who brought them in and no one would claim them so they were removed. [...] At approximately 2100 hour Jessie Jackson and a few staff members arrived at the protest and spoke with the demonstrators [sic]. He stayed for a little more than an hour and a couple of media outlets arrived and filmed the visit. Car 4 was advised."

Records indicate that, up to this point, PPD/ACTIC personnel had believed that Jackson would only be marching, along with representatives of other civil rights/labor groups, to Cesar Chavez Plaza to meet with members of Occupy Phoenix on December 4. As such, records indicate that this late night visit on Jackson's part with members of Occupy Phoenix on November 30 induced a state of panicked confusion amongst Phoenix law enforcement/"counter terrorism" personnel.

According to records obtained by DBA/CMD, at 9:07 on the morning of December 1,

Phoenix Fire Department Homeland Defense Bureau (PFDHDB) Division Chief Danny Seville sent out the following email to City of Phoenix Office of Emergency Management personnel, PFD TLO Rickey Salyers, PPDHDB Sgt. Kotecki, Deputy PFD Chief Brian Tobin, and others:

"Just and FYI... news reporting he [Jackson] will be present at Freeport building but Occupy Phx sites saying he will be at Kierland at same time. We will track this down."

Records obtained by DBA/CMD show that Seville had been acting, in concert with a "PPD liaison" and a "PPD Intel analyst" (most likely Dowhan), as a coordinator for ACTIC law enforcement/public safety/"counter terrorism" personnel during the course of the ALEC SNPS and related protests. In a November 30 "overview" of ALEC protest events, sent out by Seville to a number of PFD personnel, Seville detailed ACTIC (primarily PPD and PFD Homeland Defense Bureau) preparations for an "operational response" to a planned Occupy Phoenix march from Cesar Chavez Plaza to the downtown Phoenix offices of Freeport-McMoran Copper and Gold (located within Freeport-McMoran Center), to be held as part of Occupy Phoenix's ongoing ALEC protests at 4 p.m. on December 1.

Further illustrating Seville's role in the Arizona "counter terrorism" community's preparations for the ALEC SNPS, records indicate that Seville had been part of meetings held in preparation for ALEC protest at ACTIC on November 16 and 23. These were the same previously-mentioned ACTIC meetings at which PPDMOB undercover detective Saul Ayala and PPDMOB Career Criminal Squad Sgt. Van Dorn were present. The November 23 meeting is the same meeting to which, as previously discussed, PPDHDB TLO Rohme had invited Kierland Director of Security Black.

A subsequent email, sent by PPDHDB ACTIC "Terrorism Liaison All-Hazards Analyst" Dowhan to PPDHDB Sgt. Kotecki and PPDHDB Lt. Hein (and other personnel) at 1:15 p.m., December 1, show that Dowhan had followed up on these reports of Jackson's potential to join in Occupy Phoenix ALEC protests.

"As most of you now, Rev. Jesse Jackson visited the Occupy Phoenix movement last evening and is scheduled to join the march/rally at 1600 hrs today at Cesar Chavez Plaza," wrote Dowhan. "One blog speculated Rev. Jackson's attendance at the ALEC, but Occupy Phoenix does not mention it."

This confusion regarding Jackson's plans and whereabouts persisted well into the afternoon of December 1. Records indicate that, at 2:43 p.m., Phoenix Convention Center Security Systems Manager Travis Wauneka emailed a copy of the "We Are One" conference agenda to PPD CRB Sgt. Schweikert, PPD DOU Lt. Jeff Lazell, PPDHDB/ACTIC TMU Det./ACTIC Community Liaison Program coordinator O'Neill, PPDHDB Det./ACTIC TLO Wren, U.S. DHS Protective Security Advisor Christine Figueroa and FBI Phoenix Joint Terrorism Task Force (JTTF) Special Agent Marcus

Williams.

The Phoenix Convention Center was the venue selected by "We Are One" organizers as the site of their conference. It is important to note that, as previously mentioned, Phoenix Convention Center is a DPP member, and most likely-- given the amount of interaction between Wauneka and ACTIC personnel-- an ACTIC CLP member entity. Wauneka had shown an early interest in the activities of Occupy Phoenix, having been invited, as a guest of PPDHDB Sgt. Kotecki, to an October 7 (or possibly October 6) PPD "Occupy Arizona Event Planning Meeting."

In the email to these law enforcement/"counter terrorism" personnel, accompanying the "We Are One Agenda," Wauneka wrote:

"Jesse Jackson to speak tomorrow. [new line] Congressman from Tucson on Saturday. [new line] Planned march with Occupiers on Sunday."

[Note: while the Phoenix Convention Center is owned and operated by the City of Phoenix and is not a private entity (though it is an economic development entity created to service the private sector), it is worth noting the similarity between this incident and the previously-discussed FBI use of Operation Tripwire in north/central Florida, as pertained to activities of OWS groups in that area-- given the fact that Wauneka provided this information not only to municipal/state "counter terrorism" personnel, but also to FBI JTTF and U.S. DHS personnel.]

Records indicate that, upon receiving this intelligence from Wauneka, a relieved PPDHDB Det./ACTIC TLO Wren responded:

"Travis, [...] Thank you for sending this... it answered a lot of questions. I have already forwarded this to our new analyst Brenda Dowhan (I don't think you have had a chance to meet her yet)... if there are future emails on this event, could you please also add her to the distro list? Sgt. Kotecki and Lt. Hein have made her responsible for putting out daily briefings on the goings on of Occupy Phx [sic].

"I appreciate it Sir [sic]. we are long overdue for catching up over lunch. Name a time and I will bring Brenda to introduce the two of you as well."

Nevertheless, for all the relief expressed with the arrival of the Phoenix Convention Center intelligence, records indicate that confusion over Jackson's whereabouts continued to prompt head-scratching, and possibly the furrowing of brows, within PPDHDB/ACTIC through the 3 o'clock hour of December 1. Records indicate that the Wauneka intelligence had made its way to PPDHDB Sgt. Kotecki, who, at 3:28 p.m., forwarded the information on to PFD HDB Division Chief Seville, PPDHDB Lt. Hein and other PPD CRB/DOU personnel.

"Travis is stating Jessie Jackson [sic] plans to march on Sunday..." wrote Kotecki.

Hein responded, "That is a planned march with the group he is speaking to. The Occupy people think he is coming today as well. He may have said something to them last night. We shall see."

Unfortunately for the men and women of the Phoenix "counter terrorism" community-- who had fretted so much over the whereabouts of one man-- Reverend Jackson appeared at Cesar Chavez Plaza at 4 p.m. that afternoon and marched with approximately 50 members of Occupy Phoenix to Freeport-McMoran Center. Records indicate that ACTIC/PPDHDB personnel likely did not obtain any conclusive advance confirmation of this appearance. No arrests were made and no acts of "terrorism" took place during this march. (Appendix, p. 189).

The Road We Are On: NDAA and the Potential Realization of Activist Fears

Signed into law by President Barack Obama on December 31, 2011, the National Defense Authorization Act (NDAA) of 2012 asserted the ability of the president and U.S. Armed Forces to indefinitely detain, without legal counsel or trial, any individual-- including American citizens-- suspected of aiding, committing, or plotting acts of terrorism/"belligerent acts"/"hostilities" against the United States.

Proponents of the bill argue that the NDAA only provided congressional affirmation for executive powers that had long existed. Critics of the NDAA, including a number of civil liberties organizations, argue that the wording of the bill is too broad in that concepts such as "terrorism," "belligerent acts," "hostilities"-- and "aid" to these ambiguously-defined activities-- are not well defined.

Given the fact that such wording could result in the stripping of some of the most fundamental rights from citizens-- resulting in the loss of freedom for any person even *suspected* (as opposed to *convicted*) of "aiding" in "hostilities" against the nation-- it is worth noting that all of the monitoring, surveillance and even infiltration of OWS activist groups discussed up to this point was conducted by agents of the "counter terrorism" apparatus that emerged following the events of September 11, 2001.

Furthermore, it is worth noting that some activities carried out by OWS groups had apparently been viewed by "counter terrorism"/"homeland security" entities as potential threats to "critical infrastructure"/"key resources" vital to national security and economic stability.

For example, records obtained by DBA/CMD from the FBI show that law enforcement/"counter terrorism" agencies expressed deep concern over OWS attempts to shut down ports along the nation's coasts in November and December, 2011. These records indicate that, as a result of this perceived threat, the FBI engaged in the

monitoring of activities of coastal OWS groups, with a focus on the potential for port worker union support. Indeed, according to records obtained by DBA/CMD, law enforcement/"counter terrorism" agencies obviously viewed this planned port shutdown as a serious threat to "critical infrastructure/key resources" ("CI/KR" protection is deemed to be one of the top priorities of "counter terrorism"/"homeland security" personnel).

The nature of these concerns was perhaps best summed up in a report detailing events that took place on November 2 in the Port of Oakland, found in records returned to DBA/CMD through a FOIA request submitted to the FBI:

"Analyst comment: the protestors' actions shut down the port of Oakland for more than 14 hours. If this movement were to spread to the port of Long Beach, the second busiest port in the United States, the disruption of port operations resulting in cargo reaching their destinations late could have much more serious effects on the supply chain network in the United States." (Appendix, p. 200).

[Note: it is not clear what agency originated this report. The report does apparently contain redacted information provided by the U.S. Coast Guard, an agency under U.S. DHS. Given the fact that these FBI records do contain reports similar in nature that had originated with the Domestic Security Alliance Council (DSAC), (Appendix, p. 201-204) and given the fact that DSAC is a partnership between the FBI, DHS and a number of private corporations, it is possible that this referenced report is a DSAC report (per the Coast Guard information, as the Coast Guard is a DHS component). Furthermore, the FBI FOIA request that prompted the delivery of these records to DBA/CMD specifically sought records relating to the OWS movement in possession of FBI DSAC personnel. However, it is unclear whether the FBI processed this request appropriately-- given the total lack of communication on the part of the bureau as regards this request.

DSAC is a public-private intelligence sharing partnership between the FBI, U.S. DHS (aside from the various U.S. DHS agency/departmental components that may be active in DSAC, U.S. DHS management of DSAC is administered by DHS I&A) and several of the nation's leading corporate/financial interests. The DSAC Leadership Board consists of 29 corporations and banks, including several entities that have been the subject of OWS protests/criticism. Such corporate/financial interests include: MasterCard, Citigroup, American Express, Barclays, RBS Citizens and Wal-Mart.]

More ominous is that fact that multiple records obtained by DBA/CMD show that the FBI, DHS, U.S. Capitol Police "intelligence" personnel, and various other "counter terrorism" personnel, were actively engaged in the monitoring of protest activity related to the 2012 NDAA.

Records obtained from PPDHDB show that, on December 16, 2011, FBI agent Alan McHugh contacted ACTIC/JTTF personnel, including FBI Phoenix JTTF Special Agent

Williams, U.S. DHS Intelligence Analyst Anthony Frangipane [Note: AZDPS Northern Intelligence District Commander, Captain Harrison, did not respond to inquiries seeking information relating to Frangipane's work at ACTIC, though it is clear Frangipane is a former AZDPS Intelligence Bureau analyst who is now employed by U.S. DHS at ACTIC] and ACTIC CLP Coordinator/ TMU Det. O'Neill, to advise them of a planned December 17 Occupy Phoenix protest to be held outside the Phoenix office of U.S. Senator John McCain (R-AZ) in opposition to Senate Bill 1867 (SB 1867).

SB 1867 was alternately known as NDAA 2012. The initial draft of this bill, containing the indefinite detention provisions, was reportedly authored by Sen. McCain and Senator Carl Levin (D-MI) (Appendix, p. 190-191).

Interestingly, McHugh stated that he felt an "intel report for merely raising awareness" would be appropriate for this protest, "in light of the ALEC/SRP stuff a few weeks back."

As stated in the McHugh email:

"Phoenix protestors will participate in the 'No Indefinite Detention Rally,' scheduled for Saturday, December 17th. The group is scheduled to convene at Senator John McCain's office [...]. The rally is an effort to voice opposition to Senate Bill 1867, which would permit the American military to arrest anyone, including American citizens, anywhere, including in the United States, upon suspicion that the person involved is a 'terrorist,' a term of uncertain definition, and then hold such a person without trial, without a lawyer, without due process, and without end. [...] Members of the group have expressed their intentions to continue with the protest indefinitely. Future marches and rallies should be expected."

Records show that ACTIC/PPDHDB "Terrorism Liaison All-Hazards Analyst" Dowhan promptly responded to the McHugh advisory:

"Good Morning Alan [sic] [paragraph break] Tracking the activities of Occupy Phoenix is one of my daily responsibilities. My primary role is to look at the social media, websites, and blogs. I just wanted to put it out there so that if you would like me to share with you or you have something to share, we can collaborate [sic]."

Dowhan went on to state that ACTIC/PPDHDB was also concerned about the "No Indefinite Detention Rally," as well as other Occupy Phoenix events planned for coming days. In closing, Dowhan stated that she would continue to "monitor online activities to get an idea of what kind of participation we can expect."

This glimpse into the day-to-day working life of those in the "counter terrorism" world is, of course, hilariously ironic, since citizens protesting NDAA 2012 were protesting provisions of the law that would allow for the indefinite detention of U.S. citizens who are even *suspected* of aiding, committing, or plotting acts of terrorism, "hostilities," or

any other "belligerent acts" against the nation.

However, perhaps a much less humorous side of this reality is illustrated in the previously-discussed October, 2011 advisory sent out to "fusion center"/"counter terrorism" personnel nationwide by Transportation Security Administration (TSA, a component of U.S. DHS) Office of Intelligence Field Intelligence Officer Larry Tortorich. In this advisory, focused on a planned October 6 Occupy New Orleans march, Tortorich opined: "the potential always exists for extremists to exploit or redirect events such as this or use the event to escalate or trigger their own agendas. [...] Jihadists recently discussed how they can benefit from the Occupy Wall Street protests that have been ongoing in New York City, and suggested 'that their continuation will make the enemy lose focus on the wars abroad.'" [It is not known what "Jihadists" Tortorich referenced.]

This was not the only instance of "counter terrorism" personnel concern relating to NDAA protests contained in records obtained by DBA/CMD. On February 1, 2012, U.S. Capitol Police Office of Intelligence Analysis DHS Liaison Eric Orsini contacted PPDHDB Detective, DHS NOC liaison and ACTIC TLO Ken Stefanisin and requested any available intelligence relating to planned NDAA protests to be held in Phoenix on February 3. Orsini's stated concern was that U.S. Senator John Kyl (R-AZ) may be traveling "in the area" on the date of the protest (Appendix, p. 147).

And, according to records obtained by DBA/CMD, at 7:43 on the morning of January 25, 2012, PPDHDB ACTIC "Terrorism Liaison All-Hazards Analyst" Dowhan issued an alert to ACTIC personnel regarding an Occupy Phoenix "Rally Against the NDAA," set to coincide with a campaign appearance by President Obama at the construction site of computer manufacturer Intel's new "Fab 42" microchip factory in Chandler (a suburb of Phoenix). The presidential visit, scheduled for January 25 (the day following the President's delivery of the 2012 State of the Union address), had been announced by the White House and promoted by Intel.

In this alert, classified as being of "high" importance, Dowhan wrote: "there are plans for Occupy Phoenix and fringe groups to 'Rally Against the NDAA' when the POTUS [President of the United States] arrives today in Chandler. They have a scheduled time of 0800 hrs to 1200 hrs, however they are trying to coordinate with the arrival of the POTUS.

"At this point, the rally is loosely organized, but there is support. Comments [comments posted to a 'Rally Against NDAA' Facebook events page created by members of Occupy Phoenix] regarding the POTUS State of the Union Address varies from complete support to lambasting the POTUS." (Appendix, p. 192).

Given the fact that records obtained by DBA/CMD show the nation's "counter terrorism" apparatus at work monitoring U.S. citizens concerned that they may be labeled as

"terrorists" and stripped of their civil liberties as a result of their participation in Constitutionally-protected dissent, it is worth noting that in none of these exchanges in which "counter terrorism"/"homeland security" personnel discussed the monitoring of citizens protesting NDAA, was there any trace of doubt-- or concern for civil liberties-- voiced. In none of these instances did any agent of the nation's "counter terrorism" apparatus question whether they were crossing a line of demarcation between appropriate law enforcement/"public safety" activity, and something much darker. After all, these records do indicate that we, as a nation, have taken our first steps down the road that these citizens clearly fear.

On January 2, 2013, President Obama signed NDAA 2013, carrying the same indefinite detention language as NDAA 2012, into law.