

References

A recent article in Seattle's Stranger detailed a long-term police operation to monitor, infiltrate, and entrap activists in Seattle: "The Long Con," by Brendan Kiley, May 4, 2011:

<http://www.thestranger.com/seattle/the-long-con/Content?oid=7989613>

Legal documents, especially trial transcripts, available at supporteric.org. Unless otherwise noted, the quotes in the section on "Anna" are from those documents. Del Papa quotes are from the Sacramento News and Review article, "Conspiracy of Dunces":

<http://www.newsreview.com/sacramento/conspiracy-of-dunces/content?oid=80311>

A lot has been written about the case of Brandon Darby, but unless otherwise noted, I'm taking my quotes here from Michael May's story for This American Life:

<http://www.thisamericanlife.org/radio-archives/episode/381/turncoat>

Some of the quotes in the Brandon Darby story -- those not from This American Life -- are taken from Diana Welch's Chronicle story, "The Informant":

<http://www.austinchronicle.com/news/2009-01-23/729400/>

Unless otherwise noted, details in the "Commonalities" section are taken from Cincotta's 2009 article, "From Movements to Mosques, Informants Endanger Democracy,"

<http://www.publiceye.org/magazine/v24n2/movements-to-mosques.html>

Last quote in "Commonalities" section: Quoted in USA Today: http://www.usatoday.com/news/washington/2010-12-15-fbi-sting_N.htm

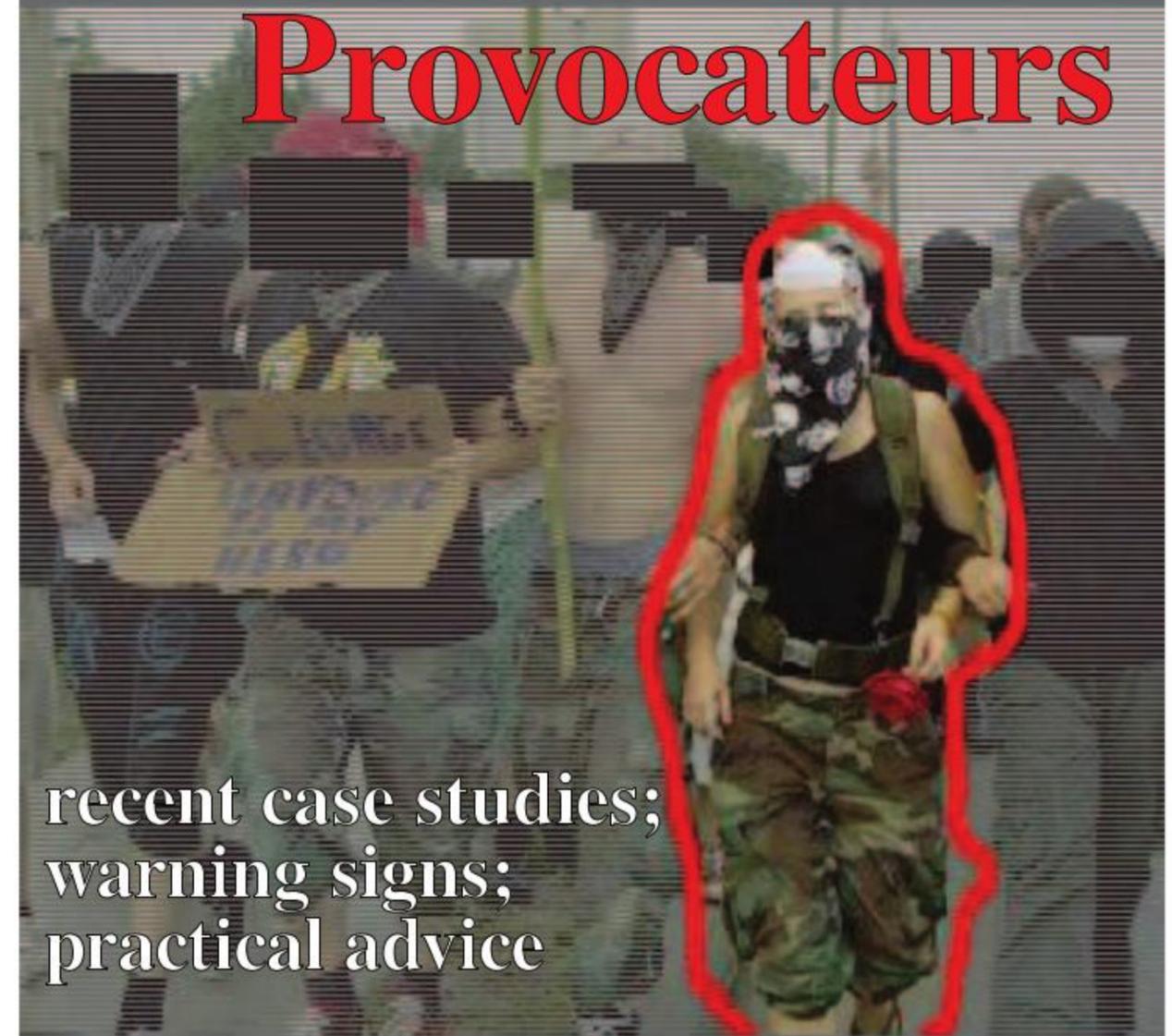
Quotes from "the standard profile" section: Anti-Repression Resource Team and Midwest Research Group, Protecting Ourselves from State Repression: A Manual for Revolutionary Activists, 1983. This document is not available online; sorry.

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Profiles of Provocateurs



recent case studies;
warning signs;
practical advice

by **Kristian Williams**

The story is long, convoluted, and more than a little absurd; it's all rather like the plot of a Coen Brothers' movie. But the short version is that an undercover Seattle cop infiltrated an after-hours party scene -- what prosecutors called "underground illegal gambling enterprises (concurrent with illegal liquor sales)." (All quotes in this section are from the Stranger article.) The SPD hoped to find some dirt on local politicians, the FBI hoped to find a connection to the Earth Liberation Front, and after two years they finally managed to hook someone with a drug scam:

"Bryan [Owens] had been pushing Rick [Wilson]—and everyone in their social set—for years to help him buy ever-larger amounts of cocaine. . . . he tried to play on people's greed. 'He's like, "I can make you a millionaire,'" Rick remembers. . . . 'He said he would pay for the drugs and I would take no financial risk. I told him to go fuck himself. He kept pestering me. I did, to my eternal shame, help him out,' Rick says. 'I asked around to some people who asked around to some people who eventually gave him some.'"

Owens then asked Wilson to come along when the exchange happened, just in case things went bad. On the way, a SWAT team surrounded Wilson's car and arrested him.

It turns out Bryan Owens, purported trust fund kid and environmental activist, is really Bryan Van Brunt, Seattle Police Detective.

When Wilson was interrogated, the cops were particularly interested in asking about the ELF. They told him, "We have hundreds of hours of surveillance, wire, video. . . ." The Stranger adds, "SPD surveillance logs show that police were following the families of suspects, their sisters and mothers, and that some family members' homes . . . were raided and turned upside down for evidence."

Wilson was convicted of the drug crime, and also of an unrelated offense he'd committed years earlier -- running guns to Chiapas for the EZLN. He was sentenced to 40 months. A handful of other party regulars were charged with "professional gambling in the first degree."

The usual criticisms -- that these sorts of operations waste money, only stop crimes that the cops themselves create, and threaten our freedom -- have already been made elsewhere. So I want to turn instead to the question of how activists might avoid this sort of infiltration and entrapment. After all, it makes no difference whether you take technical precautions like encrypting your email if it is your co-conspirator who is collecting the evidence against you.

With this in mind, I will sum up three recent cases involving the use of provocateurs against the anarchist and radical environmentalist movements. And I'll point out some of the warning signs that should have made people wary.

Conclusions

The people entrapped in these recent cases got into trouble partly by trusting the wrong people, but also by needing too much to impress them, trying too hard to please them. ("I was always trying to impress her," Lauren Weiner testified.) But most of all, I think the victims here failed to trust their own better judgment.

The conclusions ought to be commonsensical: Know the people you do political work with. The more risky the work, the better you need to know them. Be realistic about your skills, experience, understanding, and limitations -- and those of the people you work with. Use your own judgment in deciding what sort of work to pursue, what tactics to adopt, and the level of risk to accept. Don't let yourself be bullied, guilt-tripped, or baited into anything that seems to you like a bad idea. And don't shrug it off if something seems wrong.

Of course, that still may not be enough to keep you out of jail. But it seems to me like the least we can ask of the people we work with -- whether we're doing anything illegal, or not.

Author Bio

Kristian Williams is the author of *Our Enemies in Blue: Police and Power in America* and *American Methods: Torture and the Logic of Domination* (both from South End Press).

Kristian's latest project, *Life During Wartime: Resisting Counterinsurgency*, was released in 2013 on AK Press (akpress.org). It is a collection of essays examining the domestic application of counterinsurgency and the ways that social movements are responding. Individual chapters relate counterinsurgency to policing and mass incarceration, border control, the Green Scare, infiltration and surveillance, and similar topics.

Also relevant to this essay is his recent review of Trevor Aaronson's *The Terror Factory* for *Toward Freedom*. It discusses the FBI's use of informants acting as an agent provocateurs as part of their entrapment strategy. Check it out: <http://www.towardfreedom.com/americas/3250>

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Proceed with Caution

Here a word of caution is in order. It is totally conceivable, maybe even likely, that a person could fit this sort of pattern and not be a government agent.

There is a whole range of other possible explanations: He could be employed by a private agency. He could be sabotaging movement work for personal or ideological reasons. He could be well-meaning, but misguided, mentally ill, or merely very foolish. There is also the possibility that the state is not employing him, but has made a calculated decision to leave him alone while his behavior wrecks havoc in the movement. Or the cops might be biding their time, monitoring him while they build as big a case as they can.

Usually, all we have to judge by is the actor's behavior, and so we just don't know what the full story is. It is important, therefore, not to jump to conclusions -- and especially, not to jump to conclusions publicly. There is entirely too much mud-slinging, rumor-mongering, and trial-by-flame-war in the anarchist movement already. We can't afford to make it worse with premature denunciations or allegations we can't substantiate.

For one thing, it is a favorite trick of police agencies to make false allegations and spread such rumors themselves in order to neutralize leaders, sow suspicion, and generate rifts in the movement. "Snitch-jacketing" they call it.

For another thing, there is a real danger that by overstating the conclusion, one can inadvertently overshadow the real concerns that exist. If the allegation is "this guy's a fed," then the question becomes "Is he a fed?" If the evidence doesn't conclusively show that he is, the whole affair may be written off as false, even if there are genuine reasons to worry.

The answer, then, is to concentrate on the demonstrable evidence, rather than peddling conjecture. In practical terms, that means addressing the person's problematic behavior rather than leveling accusations about their intent.

The point that really deserves attention is that, whether or not people matching this description are provocateurs, their provocateur-like behavior ought to be enough to discredit them.

Provocateur Profile 1: "Bryan Owens" / Bryan Van Brunt

Looking at the Seattle story from the outside, and with the benefit of hindsight, one of the things that most stands out is the number of (if you'll pardon the phrase) red flags that should have signaled that something was awry. For example:

1 - Money Issues: Bryan's habit of throwing around cash meant that, even though a lot of people didn't like him and were annoyed by his "blustery bro-dude personality," they were willing to put up with it. He bought drinks, he took people out to dinner, he helped people out with their rent. And it sounds like Bryan paid for everything concerning the party space: "Rent, paint, locks, lumber, drywall, new plumbing—it all came out of Bryan's pocket." (At the same time he was "insisting that it turn a profit (when everyone in the group had been taking losses for the parties). . . .") Bryan also covered the expenses, including plane tickets, for a pair of activists going to St. Paul to demonstrate against the 2008 Republican National Convention.

2 - Legal questions: Bryan had made plans to go to the RNC himself, but was escorted off the plane by the authorities. The reason wasn't clear: he never really explained, and nothing more seemed to come of the episode -- no arrest, no charges. Of course, it turned out, he staged the incident himself to add to his reputation.

3 - Bluster: "Several people remember Bryan bragging that he had a record and had been arrested for political action" -- though again, the details were lacking.

4 - Questions about his personal life: One friend recalls: "When I went to the bathroom [in his apartment], there was nothing in there. . . . You'd expect some soap or towels or something. I started asking how long he'd been living there, and he got all aggravated."

5 - Responding to normal inquiries with hostility: (See #4).

6 - Pressuring others toward illegal action: "Bryan kept pushing Brady [McGarry] toward more radical 'real militant action,' asked Brady to teach him how to make Molotov cocktails, and hinted that he wanted to 'make explosives' and do some 'property damage' at Weyerhaeuser or at CEOs' houses, Brady remembers. He wanted to talk about the Earth Liberation Front. Brady remembers telling Bryan to take it easy. 'It weirded me out,' Brady says."

Similarly: "Mia Brown . . . remembers Bryan as a guy who 'always ranted about how he hates cops' and who tried to talk an enlisted friend of hers . . . into stealing weapons from Fort Lewis."

7 - Warnings from others: Several of Rick Wilson's friends told him something was wrong, including one person who reported being followed. But Wilson just blew them off.

Of course, none of these, on their own or even taken together, would prove that a person was a government agent. (And in one way, this case is unusual in that the infiltrator actually was an undercover cop, not an amateur recruited for the purpose). A person could easily exhibit some of these traits and behaviors and not be in the employ of the police agencies.

And naturally, it's only human to assume the best of our friends and write off uncomfortable details as harmless eccentricities or minor flaws.

But several of these behaviors, characteristics, or inconsistencies would be a good reason to hold off on engaging in political work, crime, or other high-risk activities with the person involved. At the very least, it might make it seem like a good idea to check up on their background.

Of course, Rick Wilson is not the only person to pay the price for failing to take such precautions.

Provocateur Profile #2: "Anna"

Eric McDavid fell prey to a paid FBI informant operating under the name "Anna."

Anna entered the anarchist scene during the 2003 anti-FTAA protests, when at the age of 17 she infiltrated anarchist Spokes Council meetings as part of a class project. A fellow class-mate, a police officer, was impressed with her work and arranged a meeting with the FBI. As the prosecutor in McDavid's case explained: "Over the next year or so she attends various functions where illegal protests are expected. The Republican National Convention, the Democratic National



FBI informant "Anna"

Convention, and the G-8 Summit. . . ." Ultimately she helped to put together -- and then break up -- a conspiracy to attack the "Institute of Forest Genetics, cell phone towers, Nimbus Dam and possibly the fish hatchery nearby." (Zachary Jenson's testimony.)

Anna met Eric McDavid at a Crimethinc meeting in 2004 -- ironically, at a workshop on identifying undercover agents. She later testified, "At the time I thought he was inconsequential. I thought he was a college student and not of interest to the FBI." But he formed a romantic attachment to her, and she later used that emotional connection to join a "cell" involving McDavid and two others, Zachary Jenson and Lauren Weiner. Over the

The Standard Profile

In all these cases, the provocateurs shared some common traits which, one would hope, we might have learned to recognize by now. Way back in 1983, the Anti-Repression Resource Team and Midwest Research Group studied the available information on dozens of infiltration and entrapment cases and created a standard profile of the provocateur:

"Extraordinary Agents-Provocateurs are individuals who are agents of the state, although not usually regular employees, who make a living out of destroying ongoing movement organizations by disruption and factionalizing a group to an extraordinary degree. These individuals are extraordinary action people, ready to deal with guns and armed struggle, ready to participate in direct action in all its forms and to be arrested. . . .

"One of the telltale signs of an extraordinary agent-provocateur is the advocacy and use of excessive violence. . . . Quite often, extraordinary agents-provocateurs gain their initial respect by procuring guns for a group. Others constantly urge the groups on to violent confrontations or armed actions which will be counterproductive.

"Extraordinary agents-provocateurs are usually very close to one or more top leaders and make sure they get along well with them. But they are generally very difficult for others to get along with. Their usual social behavior is bad to atrocious except when leadership is around."

In addition to these characteristics, and those mentioned earlier in the case studies, we might also note that in most of these cases the militancy is accompanied by vague or inconsistent politics:

"Very often their political lines change abruptly, without apparent reason or explanation. . . . Along with the political disruptiveness is a basic lack of solid political growth. When long experience with a particular issue does not lead to qualitatively better political understanding of the issue, there are grounds for security suspicions. Extraordinary agents-provocateurs are usually action-oriented and press ahead with more daring and more illegal activities without any increase in their political understanding of an issue. . . . [I]nformers often push their interests far beyond their political capacity. Quite often informers are at events that they cannot understand or explain politically."

I realize that these cases may not count as "entrapment" in the narrow legal sense, but they certainly fit the commonsense meaning of the word: the government manufacturing a crime for the sake of luring unsuspecting people into a conviction. In none of these cases would the plot have existed, much less been enacted, without the intervention of the provocateur.

I've chosen three cases involving the anarchist or radical environmentalist movements, but a similar pattern has emerged in FBI "terror" cases targeting Muslims. In 2009, the Islamic Center of Irvine discovered that the FBI had hired Craig Monteilh, using the name Farouk Aziz, to infiltrate numerous mosques in the L.A. area. His activity led to one arrest: Ahmadullah Niazi was charged with lying on his immigration application to hide the fact that his brother-in-law was Osama bin Laden's bodyguard. In this case, too, there had been plenty of reason to worry: Two years earlier the Council of American-Islamic Relations was so shocked by Monteilh's big talk about jihad that they reported him to the police and filed a restraining order against him.

Likewise, the 2006 plot to bomb the Sears Tower was a creature of two FBI provocateurs active in Miami's poor, black Liberty City neighborhood. That case went to trial three times before producing convictions. As Thomas Cincotta wrote in the Public Eye: "Previous juries viewed the FBI informant posing as a member of al Qaeda as the driving force behind the plot. Despite paying informants over \$130,000, the FBI produced no evidence of explosives, weapons or blueprints, only a videotape of defendants pledging an 'oath' to al Qaeda, recorded in a warehouse wired by the FBI."

Also in 2006, the government took note of a group of Albanians who had videotaped themselves riding horses, shooting guns, and shouting "Allah akbar." The FBI sent two untrained informants to befriend the group. One of the informants, Mahmoud Omar, quickly assumed a position of leadership, and offered to get them weapons. When they finally agreed, they were arrested.

More recently, in late 2010, the FBI arrested a Somali-born teenager for trying to bomb a Christmas tree lighting ceremony in Portland, Oregon. The young man, Mohamed Osman Mohamud, had tried to get in touch with jihadists online, but the FBI responded instead. Over several months, federal agents helped Mohamud concoct his plot, providing technical advice and financial assistance, and supplying both the (fake) bomb and the vehicle used to transport it. As Steven Wax, Mohamud's attorney explained: "The government provided the money, the government provided the transportation, the government was involved in the meetings."

next several months, Anna moved increasingly into the leadership of the group. She organized meetings, kept notes, covered expenses, pressed the others onward when they had doubts, and urged them to solidify their plans.

As the Sacramento News and Review put it: "Documents from the investigation reviewed by SN&R suggest that Anna provided much of the



FBI informant "Anna"

financial support, the encouragement and the know-how needed to turn their talk into action. They also show that whenever the group started to lose focus, or to have second thoughts, Anna badgered them about being all talk and not sticking to an action plan."

Anna was crucial to forming and sustaining the plot, pushing the others to get more serious, move faster, and make real plans. It was Anna, facilitated by the FBI, who provided the instructions and materials for making a bomb. (No actual bomb was produced.) Diane Bennett, one of the jurors from the case, described Anna's role: "providing all of the essential tools for the group; the cabin, the money, the idea, the books, everything."

It was Anna who provided the bomb recipe, and the materials, and was insistent on moving ahead with the plan, even when others were unmotivated or expressed reservations. As Lauren Weiner testified: "Anna was most concerned about keeping on schedule. . . . She wanted to speed things up." Or, as the prosecutor put it: "they discuss maybe slowing up this conspiracy, maybe going slower, so they don't have these mistakes. Anna is pushing to get more organized."

Jenson and Weiner pled guilty to reduced charges and cooperated with the prosecution. They got five years each. Eric McDavid was sentenced to twenty years. Anna was paid \$65,000.

Among the many clues that McDavid missed:

1 - Money issues: Anna seems to have paid for nearly everything -- food, the car, gas, tents, plane tickets, the cabin where they were arrested. Over the two year period, January 2004 to January 2006, Anna's expenses totaled \$35,000.

2 - Vague or inconsistent explanations:

Lauren Weiner: "Anna always had -- she had a lot of \$100 bills. . . ."

Q. "And she said purportedly that came from stripping, right?"

Weiner: "Yes. . . . Well, she also said that she had money from working in a chemistry lab over the semester while she was at school. That she had all these jobs. . . . She was very vague about it."

3 - Asking about previous arsons, and future illegal actions:

Anna testified: "I asked him if he had any involvement with the actions [an arson] that Ryan Lewis took over Christmas, and he denied it. I further asked him -- I said, you know, I know a little bit about you. I think you might have been involved. It seems like something you'd be interested in. He says, no, I didn't do that. I have my own plans. . . . I asked him what his plans were. And that was when he stated that Ryan Lewis had made the mistake of doing the actions too close to home, and that McDavid's actions would take place nationwide. And I again asked him, well, what are you planning? And he said that he had gotten a bomb recipe for C4 from an individual in West Virginia. And his plan was to make little C4 bombs."

4 - Documenting incriminating evidence: Anna was insistent that the group keep a notebook and write down all of their plans. "Anna introduces something that we'll come to know as the Burn Book. The Burn Book, she says, is something that the group can use to record their thoughts, their to-do lists, their -- if they need to go buy chemicals, they can write a list of all the chemicals down there. . . . Why call it the Burn Book? Because a couple of the members of the conspiracy, specifically Lauren Weiner and Zachary Jenson, kind of bridled at the fact that we're writing all this stuff down. We don't want to commit any of this to writing. Anna solves that problem. She says, that's simple. We'll burn it at the end. After we're done, we're going to burn this book." (That's the prosecutor's description, and the Burn Book became important evidence in the trial.)

5 - Failure to follow agreed upon security protocols:

Weiner: "Well, it was stated by Eric back in November that absolutely nothing would be written down, and we all agreed with that. And then all of a sudden everything was being written down, and that was obviously very uncomfortable to me."

Also, Anna testified: "That night there was a discussion, and Jenson specifically mentioned that he was very uncomfortable with the fact that I still had my cell phone, as the rest of the members of the group did not carry cell phones and had no desire to carry cell phones, and felt that cell phones were a method for law enforcement to track them. So they began to pressure me to get rid of my cell phone." (Anna used her phone to provide the FBI "real time" intelligence.)

8 - Paranoia and tendencies toward violence:

Scott Crow: "I'm not a psychologist, but I would definitely say that guy's paranoid. I mean, he sleeps with guns under his pillow. This is not something I have been told; this is something I have seen. The guy has a cache of weapons."

9 - Machismo:

Fithian: "He did a lot of Wild West shit -- Mister Macho Action Hero."

10 - Misogyny: The Chronicle reports: "[O]ther sources . . . spoke of a particular romantic relationship in Darby's past that they describe as emotionally abusive and Darby as paranoid, jealous, and possessive."

Fithian says this behavior was poisonous to the culture at Common Ground: "He was a leader of the organization. . . and because of that, he was able to set some patterns in motion that I believe led to systemic issues of sexual abuse, sexual harassment, and violence."

11 - Bullying: McKay: "We had a lot of discussions. . . where he was criticizing us about where we were physically. . . . He put [Crowder] in a choke hold out of nowhere just to test what Brad would do."

12 - Concerns raised by others: People who knew Darby described him with words like: "megalomania," "manipulative," "very brash, very macho," "very confrontational," "violent at times," "crazy," "a wing nut," "hero complex," and "pathological liar."

Fithian adds: "I always said at Common Ground: If he was not a cop or an agent of the state, he was doing their job for them, creating division and disrupting our work."

13 - McKay and Crowder also should have paid attention to their own reservations: McKay remembers saying to Crowder: "I hope this isn't one of those 'when keeping it real goes wrong' scenarios."

Commonalities

There's a broad pattern common to all of these cases: People passing themselves off as tough, militant, super-radical big shots manipulated, bullied, or guilt-tripped less experienced, more pliable people, and pushed them toward actions far beyond anything they were prepared for, tactically or politically.

In the Darby case this dynamic advanced through the medium of masculinity. Darby's presentation of himself centered on an image of a tough, decisive, bold, heroic "man of action," and he prodded his younger, more impressionable comrades largely by challenging their masculinity. McKay and Crowder, then, made some dumb decisions -- not simply because they trusted the wrong person, but because Darby's influence helped them to wrongly conflate radicalism, militancy, and personal commitment with an exaggerated masculinity and the psychological need to be tough guys.

In this case, too, there were numerous clues that Darby was not to be trusted:

1 - Previous behavior: The Austin Chronicle wrote: "ask around Austin activist circles. . . . Several local activists describe Darby as a troubled, paranoid man with a volatile history with women, a penchant for violent rhetoric, and a strong authoritarian streak." Similarly at Common Ground, Malik Rahim, recalls: "At the very beginning, he was helpful, but after [a point], he became harmful. . . . He did everything he could to destroy St. Mary's, which was where we were housing the majority of our volunteers, by letting a bunch of crackheads move in there. And he also drove a wedge between me and Lisa Fithian and eventually caused her to leave, too. He was doing everything you're supposed to do as a government agent in that situation. Divide and conquer."

2 - Demanding access to sensitive information he didn't need: Fithian says that, during the RNC, Darby had to be asked to leave meetings where the details of actions were being worked out: "He said he was there to do medical, but instead he was at all the meetings." She recalls, "I actually asked, 'What the fuck is he doing here?' . . . I told him he needed to leave."

3 - Assumption of authority: Scott Crow, one of the founders of Common Ground told This American Life: "He doesn't ask. A lot of time he just assumed that nobody knew what they were doing. And he was going to do it, even though he never organized anything -- never organized, never organized anything. Zero."

4 - Exaggerating his own knowledge and experience: Crow also told the Chronicle: "He inserted himself as 'co-founder'; he wanted that status, even as people were getting written out of the Common Ground history, people who did a lot of work organizing."

5 - Taking credit for others' work: Crow, again: "If you look at the way Brandon tells it, he did the whole Lower 9th Ward with one hand tied behind his back, when really there were a lot of people who did the work, and the organizing too, who you'll never hear about because of Brandon's monopoly on the media."

He explains: "[Darby] made sure that the media followed him extensively and didn't interview other people. . . . So, did he do that just because he's crazy, or did he do that to get more credibility for himself so that he could gather more information?"

6 - The Hero Complex: Lisa Fithian summed up Darby's attitude: "It's all about him. . . [and his need] to be the savior."

7 - Bravado: Darby announced, regarding his plans to disrupt the RNC: "Any group I go with will be successful."

6 - Pressure toward illegal action:

Weiner: "She was upset that there were no plans, and. . . I was upset because I felt like I didn't know where these plans were coming from."

7 - Discomfort of other team-mates:

Q. "Do you remember the conversations in that car ride? . . . Were any of them about a feeling you had that she was leading you and the rest of the group into a trap?"

Zachary Jenson: "I do remember having a conversation about that. . . ."

Q. "Okay. And it was where you said something to the effect of, you know, I have this feeling that you, Anna, you're leading us into a trap, right?"

Jenson: "Yes."

8 - Discrepancies between stated intentions and actual activity:

Earlier, at a 2005 protest against the Organization of American States, Anna presented herself as a medic, but she had no training and never actually served in that function. Instead, she claimed specialized skills as a means to gain access to planning meetings and collect information.

According to Del Papa, one of the protest organizers, "Anna didn't seem very interested in offering medical care and comfort to protesters. She was more curious about the protest organizers. . . . She started asking all of these really specific questions about who was coming and how many people were coming. She got really aggressive about wanting detailed information about our plans."

At the demonstration itself, Anna then used her position to push tactics that were not only illegal, but contrary to existing plans and probably counter-productive: "During the march, Del Papa said, Anna started recruiting high-school students to stage a sit-in to block traffic, right in front of a large group of Broward County sheriff's officers in riot gear. Del Papa was sure the provocation would lead to arrests and to the police clearing protesters from the area. . . ."

9 - Discovering the bug:

Anna testified: "On the drive down into Auburn, there was -- a wire had fallen out of the dash of the car, and as McDavid was fiddling with the wire, the recording device in the car fell out of the dash into his hand. . . . I took the recorder out of his hand, and I shoved it back into the dashboard. And I said, stupid old car, just a . . . piece of shit. . . . He let it go. He didn't question me further about it, but he acted strange as if somewhere in his subconscious he knew that that was a weird occurrence, but he never pressed me about it. . . . He had basically just found me out but didn't quite know it."

What's remarkable about this case is that McDavid and the others failed

to challenge Anna on these behaviors despite their collective obsession with "security culture." The term shows up again and again in the trial, as an explanation of why they did certain things the way they did. They got new email accounts, they communicated in code, they used fake names, they went without cell phones (except for Anna) -- and on and on. But they did not, apparently, think carefully enough about who they wanted to work with and what they wanted to do.

They clearly underestimated the level of technical skill their plan required, but more importantly, it seems they underestimated the level of risk involved, and therefore also the level of commitment and trust necessary. All four conspirators were working far outside the scope of their experience, and they don't seem to have seriously considered the basis on which they were working together. Anna, for instance, seems to have been invited in because McDavid had a crush on her.

In this sense, the conspiracy failed twice. It failed, first, because the group lacked a sound basis for working together, could not agree on a coherent plan, didn't have the necessary technical proficiency to succeed, and finally -- much to Anna's frustration -- were too flakey to follow through on their ideas. It failed, again, because one of the four was an agent provocateur, and two later turned state's evidence. It's worth noting, though, that both sets of failures occurred for many of the same reasons.

Profile #3: Brandon Darby



*FBI informant
Brandon Michael Darby*

Similarly, David McKay and Bradley Crowder got in over their heads with activist-turned-informant Brandon Darby.

Brandon Darby was a prominent organizer, originally in Austin. He went to New Orleans during the Hurricane Katrina disaster, and became a leader of Common Ground, a grassroots relief agency that provided free food, medical aid, legal assistance, and home repair -- while also fighting home demolitions and police brutality.

In August 2008, Darby traveled with the "Austin Affinity Group," including McKay and Crowder, to St. Paul to protest against the Republican National Convention. When they arrived, police searched their van and seized home-made riot shields. Darby urged the group to escalate its tactics in response: "We're not going to take this lying down. You've got to do something about it." (Quoted in Cincotta, cited below.) That evening, McKay and Crowder made some molotov cocktails, and stashed them in the basement of the house where they were staying.

According to McKay, when they mentioned the molotovs to their affinity group, they were told in no uncertain terms, "what you are doing is ridiculous, stupid, and dangerous."

At that point they basically gave up on the idea of using firebombs, and went to the demonstration without them. Later, though, Darby asked McKay what they planned to do with the bombs. "David says he didn't want to lose face with Brandon, so he made up a plan" about attacking a parking lot full of police cars. Darby simultaneously told McKay he didn't think he and Crowder were ready for that sort of action, and goaded him toward it, and offered to help. They agreed to meet at 2 a.m., but McKay blew it off and stopped responding to Darby's messages. McKay was arrested in bed at 4:30 a.m.



*FBI informant Brandon Darby in
2012.*

We now know that Darby had been giving the FBI information since at least February 2007, and had actually been on the payroll since November that same year.

It's not clear exactly when the collaboration began, and many people now cite suspicions about Darby from much earlier. Darby's own story is that he first approached the FBI after a Palestinian activist asked him to help raise money for Hamas and Hezbollah. That experience led him to reflect on his own views about militancy, after which he called the FBI and volunteered to work as an informer. In 2008, the FBI put him to work as part of their campaign against the anti-RNC protests. In that capacity, he attended planning meetings and regularly wore a wire.

It was during this period that Darby met McKay and Crowder. The two younger activists looked up to Darby and sought to emulate his militancy, while he relentlessly razzed them for being "tofu eaters" and "weaklings" -- a dynamic that led them to feel that they had something to prove. McKay says: "We really didn't feel very comfortable about Brandon for a long time, but it always came into play that we had never done anything, anything like this, ever. . . . And that's everything that Brandon was. . . . With him we felt like we were legitimate."

Of course it was Darby who told the FBI about the riot shields and, later, the molotov cocktails.

The first attempt at a trial ended in a hung jury -- the result of McKay's entrapment defense. Ultimately, however, both McKay and Crowder plead guilty to firearms charges. Crowder got two years. McKay got four. Darby was paid \$12,750, plus \$3,028 for expenses.