

Transcript: “A Message from IG Horowitz: A Review of the FBI’s Impersonation of a Journalist in a Criminal Investigation” September 2016

Hello. I'm Michael Horowitz, Inspector General for the U.S. Department of Justice.

Today our office issued a report about an FBI undercover operation in which agents posed as a journalist in order to locate and identify a suspect who emailed bomb threats to a Seattle high school.

The operation in 2007 successfully located the suspect, after the high school student clicked on a photograph that triggered a hidden software program that disclosed his location to the FBI.

Seven years later, in 2014, a newspaper uncovered the fact that the FBI’s ruse had included an agent sending an email posing as an editor for the Associated Press. News of the strategy drew protests from the AP and a wide range of media organizations. All complained that such tactics could threaten the media’s First Amendment right to gather news if potential sources were afraid that reporters contacting them might not actually be journalists.

We initiated a review to determine whether this tactic was permitted under Department and FBI policies.

We found that policies in effect in 2007 did not expressly address the tactic of agents impersonating journalists. And although they provided some guidance, they were less than clear. As a result, our review determined that judgments made by FBI agents in 2007 did not violate undercover policies in place at the time.

More significantly, in June 2016, as we were finalizing our report, the FBI adopted a much more strict interim policy that makes it clear that FBI agents are prohibited from impersonating journalists unless they obtain a series of special approvals. Before using this tactic today, FBI agents would first have to have their plans approved by the head of their local office, reviewed by a special undercover review committee, and finally, approved by the Deputy Director of the FBI, only after consulting with the Deputy Attorney General.

We believe the FBI’s new policy is a significant improvement to policies that existed in 2007. This change also brings the FBI’s policy regarding impersonating journalists in line with other protections put in place to ensure that senior Department officials are consulted before federal agents investigate, or obtain records from, journalists.

To learn more, please visit our website, oig.justice.gov, where you can read the full report.

Thank you for joining us.