

A Review of the FBI's Investigative Activities Concerning Potential Protesters at the 2004 Democratic and Republican National Political Conventions



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I. INTRODUCTION

In August 2004, newspaper articles reported that the Federal Bureau of Investigation (FBI) had questioned political demonstrators across the United States in advance of threatened violent and disruptive protests at the July 2004 Democratic National Convention and the August 2004 Republican National Convention.¹ The initial articles stated that “dozens of people” had been interviewed in at least six states, including past protesters and their friends and family members, and that anarchist groups reported being “harassed” by federal agents. The articles also stated that grand jury subpoenas had been issued to several individuals calling for them to appear before the grand jury during the Democratic convention, thereby preventing them from attending the convention.² In these articles, civil liberties groups alleged that the FBI was attempting to chill protesters from exercising their First Amendment rights.³ In response, the Department of Justice (Department or DOJ) suggested that the interviews were largely limited to efforts to disrupt a threatened bombing at the Democratic convention, and law enforcement officials placed the number of interviews at no more than 24.⁴

After publication of the initial news articles, three members of Congress asked the Office of the Inspector General (OIG) to initiate an investigation into “possible violations of First Amendment free speech and assembly rights by the Justice Department in connection with their investigations of possible protests at the Democratic and Republican political conventions in Boston and New York and other venues.”⁵ At the time of the request, the OIG was conducting a review of the FBI’s compliance with the Attorney General’s Investigative Guidelines which govern domestic terrorism, criminal intelligence, and general crimes investigations. We determined that there were authorities available to

¹ See Eric Lichtblau, *F.B.I Goes Knocking for Political Troublemakers*, The New York Times, Aug. 16, 2004; Tom Hays, *FBI Tracks Potential GOP Protesters*, Associated Press, Aug. 16, 2004.

² Eric Lichtblau, *F.B.I Goes Knocking for Political Trouble makers*, The New York Times, Aug. 16, 2004; Eric Lichtblau, *Inquiry Into FBI Questioning is Sought*, The New York Times, Aug. 18, 2004; Tom Hays, *FBI Tracks Potential GOP Protesters*, Associated Press, Aug. 16, 2004. A FOIA request led to the release of some FBI documents relating to the pre-convention interviews. See, e.g., Dan Eggen, *Protesters Subject to ‘Pretext Interviews,’* Washington Post, May 18, 2005; Eric Lichtblau, *Large Volume of F.B.I. Files Alarms U.S. Activist Groups*, The New York Times, July 18, 2005.

³ Tom Hays, *FBI Tracks Potential GOP Protesters*, Associated Press, Aug. 16, 2004; Eric Lichtblau, *Inquiry Into FBI Questioning is Sought*, The New York Times, Aug. 18, 2004.

⁴ Eric Lichtblau, *Protesters at Heart of Debate on Security vs. Civil Rights*, The New York Times, Aug. 28, 2004.

⁵ Letter to Inspector General Glenn A. Fine from Congressmen John Conyers, Jr., Robert C. Scott, and Jerrold Nadler, Aug. 17, 2004.

