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## City Police Spied Broadly Before G.O.P. Convention

By **JIM DWYER****Correction Appended**

For at least a year before the 2004 [Republican National Convention](#), teams of undercover New York City police officers traveled to cities across the country, Canada and Europe to conduct covert observations of people who planned to protest at the convention, according to police records and interviews.

From Albuquerque to Montreal, San Francisco to Miami, undercover New York police officers attended meetings of political groups, posing as sympathizers or fellow activists, the records show.

They made friends, shared meals, swapped e-mail messages and then filed daily reports with the department's Intelligence Division. Other investigators mined Internet sites and chat rooms.

From these operations, run by the department's "R.N.C. Intelligence Squad," the police identified a handful of groups and individuals who expressed interest in creating havoc during the convention, as well as some who used Web sites to urge or predict violence.

But potential troublemakers were hardly the only ones to end up in the files. In hundreds of reports stamped "N.Y.P.D. Secret," the Intelligence Division chronicled the views and plans of people who had no apparent intention of breaking the law, the records show.

These included members of street theater companies, church groups and antiwar organizations, as well as environmentalists and people opposed to the death penalty, globalization and other government policies. Three New York City elected officials were cited in the reports.

In at least some cases, intelligence on what appeared to be lawful activity was shared with police departments in other cities. A police report on an organization of artists called Bands Against Bush noted that the group was planning concerts on Oct. 11, 2003, in New York, Washington, Seattle, San Francisco and Boston. Between musical sets, the report said, there would be political speeches and videos.

"Activists are showing a well-organized network made up of anti-Bush sentiment; the mixing of music and political rhetoric indicates sophisticated organizing skills with a specific agenda," said the report, dated Oct. 9, 2003. "Police departments in above listed areas have been contacted regarding this event."

Police records indicate that in addition to sharing information with other police departments, New York undercover officers were active themselves in at least 15 places outside New York — including California, Connecticut, Florida, Georgia, Illinois, Massachusetts, Michigan, Montreal, New Hampshire, New Mexico, Oregon, Tennessee, Texas and Washington, D.C. — and in Europe.

The operation was mounted in 2003 after the Police Department, invoking the fresh horrors of the World Trade Center attack and the prospect of future terrorism, won greater authority from a federal judge to investigate political organizations for criminal activity.

To date, as the boundaries of the department's expanded powers continue to be debated, police officials have provided only glimpses of its intelligence-gathering.

Now, the broad outlines of the pre-convention operations are emerging from records in federal lawsuits that were brought over mass arrests made during the convention, and in greater detail from still-secret reports reviewed by The New York Times. These include a sample of raw intelligence documents and of summary digests of observations from both the field and the department's cyberintelligence unit.

Paul J. Browne, the chief spokesman for the Police Department, confirmed that the operation had been wide-ranging, and said it had been an essential part of the preparations for the huge crowds that came to the city during the convention.

"Detectives collected information both in-state and out-of-state to learn in advance what was coming our way," Mr. Browne said. When the detectives went out of town, he said, the department usually alerted the local authorities by telephone or in person.

Under a [United States Supreme Court](#) ruling, undercover surveillance of political groups is generally legal, but the police in New York — like those in many other big cities — have operated under special limits as a result of class-action lawsuits filed over police monitoring of civil rights and antiwar groups during the 1960s. The limits in New York are known as the Handschu guidelines, after the lead plaintiff, Barbara Handschu.

"All our activities were legal and were subject in advance to Handschu review," Mr. Browne said.

Before monitoring political activity, the police must have "some indication of unlawful activity on the part of the individual or organization to be investigated," United States District Court Judge Charles S. Haight Jr. said in a ruling last month.

Christopher Dunn, the associate legal director of the [New York Civil Liberties Union](#), which represents seven of the 1,806 people arrested during the convention, said the Police Department stepped beyond the law in its covert surveillance program.

"The police have no authority to spy on lawful political activity, and this wide-ranging N.Y.P.D. program was wrong and illegal," Mr. Dunn said. "In the coming weeks, the city will be required to disclose to us many more details about its preconvention surveillance of groups and activists, and many will be shocked by the breadth of the Police Department's political surveillance operation."

The Police Department said those complaints were overblown.

On Wednesday, lawyers for the plaintiffs in the convention lawsuits are scheduled to begin depositions of David Cohen, the deputy police commissioner for intelligence. Mr. Cohen, a former senior official at the [Central Intelligence Agency](#), was "central to the N.Y.P.D.'s efforts to collect intelligence information prior to the R.N.C.," Gerald C. Smith, an assistant corporation counsel with the city Law Department, said in a federal

court filing.

#### Balancing Safety and Surveillance

For nearly four decades, the city, civil liberties lawyers and the Police Department have fought in federal court over how to balance public safety, free speech and the penetrating but potentially disruptive force of police surveillance.

After the Sept. 11 attacks, [Raymond W. Kelly](#), who became police commissioner in January 2002, “took the position that the N.Y.P.D. could no longer rely on the federal government alone, and that the department had to build an intelligence capacity worthy of the name,” Mr. Browne said.

Mr. Cohen contended that surveillance of domestic political activities was essential to fighting terrorism. “Given the range of activities that may be engaged in by the members of a sleeper cell in the long period of preparation for an act of terror, the entire resources of the N.Y.P.D. must be available to conduct investigations into political activity and intelligence-related issues,” Mr. Cohen wrote in an affidavit dated Sept. 12, 2002.

In February 2003, the Police Department, with Mayor [Michael R. Bloomberg](#)’s support, was given broad new authority by Judge Haight to conduct such monitoring. However, a senior police official must still determine that there is some indication of illegal activity before an inquiry is begun.

An investigation by the Intelligence Division led to the arrest — coincidentally, three days before the convention — of a man who spoke about bombing the Herald Square subway station. In another initiative, detectives were stationed in Europe and the Middle East to quickly funnel information back to New York.

When the city was designated in February 2003 as the site of the 2004 Republican National Convention, the department had security worries — in particular about the possibility of a truck bomb attack near Madison Square Garden, where events would be held — and logistical concerns about managing huge crowds, Mr. Browne said.

“We also prepared to contend with a relatively small group of self-described anarchists who vowed to prevent delegates from participating in the convention or otherwise disrupt the convention by various means, including vandalism,” Mr. Browne said. “Our goal was to safeguard delegates, demonstrators and the general public alike.”

In its preparations, the department applied the intelligence resources that had just been strengthened for fighting terrorism to an entirely different task: collecting information on people participating in political protests.

In the records reviewed by The Times, some of the police intelligence concerned people and groups bent on causing trouble, but the bulk of the reports covered the plans and views of people with no obvious intention of breaking the law.

By searching the Internet, investigators identified groups that were making plans for demonstrations. Files were created on their political causes, the criminal records, if any, of the people involved and any plans for

civil disobedience or disruptive tactics.

From the field, undercover officers filed daily accounts of their observations on forms known as DD5s that called for descriptions of the gatherings, the leaders and participants, and the groups' plans.

Inside the police Intelligence Division, daily reports from both the field and the Web were summarized in bullet format. These digests — marked "Secret" — were circulated weekly under the heading "Key Findings."

#### Perceived Threats

On Jan. 6, 2004, the intelligence digest noted that an antigentrification group in Montreal claimed responsibility for hoax bombs that had been planted at construction sites of luxury condominiums, stating that the purpose was to draw attention to the homeless. The group was linked to a band of anarchist-communists whose leader had visited New York, according to the report.

Other digests noted a planned campaign of "electronic civil disobedience" to jam fax machines and hack into Web sites. Participants at a conference were said to have discussed getting inside delegates' hotels by making hair salon appointments or dinner reservations. At the same conference, people were reported to have discussed disabling charter buses and trying to confuse delegates by switching subway directional signs, or by sealing off stations with crime-scene tape.

A Syracuse peace group intended to block intersections, a report stated. Other reports mentioned past demonstrations where various groups used nails and ball bearings as weapons and threw balloons filled with urine or other foul liquids.

The police also kept track of Richard Picariello, a man who had been convicted in 1978 of politically motivated bombings in Massachusetts, Mr. Browne said.

At the other end of the threat spectrum was Joshua Kinberg, a graduate student at Parsons School of Design and the subject of four pages of intelligence reports, including two pictures. For his master's thesis project, Mr. Kinberg devised a "wireless bicycle" equipped with cellphone, laptop and spray tubes that could squirt messages received over the Internet onto the sidewalk or street.

The messages were printed in water-soluble chalk, a tactic meant to avoid a criminal mischief charge for using paint, an intelligence report noted. Mr. Kinberg's bicycle was "capable of transferring activist-based messages on streets and sidewalks," according to a report on July 22, 2004.

"This bicycle, having been built for the sole purpose of protesting during the R.N.C., is capable of spraying anti-R.N.C.-type messages on surrounding streets and sidewalks, also supplying the rider with a quick vehicle of escape," the report said. Mr. Kinberg, then 25, was arrested during a television interview with Ron Reagan for MSNBC's "Hardball" program during the convention. He was released a day later, but his equipment was held for more than a year.

Mr. Kinberg said Friday that after his arrest, detectives with the terrorism task force asked if he knew of any plans for violence. "I'm an artist," he said. "I know other artists, who make T-shirts and signs."

He added: "There's no reason I should have been placed on any kind of surveillance status. It affected me, my

ability to exercise free speech, and the ability of thousands of people who were sending in messages for the bike, to exercise their free speech."

#### New Faces in Their Midst

A vast majority of several hundred reports reviewed by The Times, including field reports and the digests, described groups that gave no obvious sign of wrongdoing. The intelligence noted that one group, the "Man-and Woman-in-Black Bloc," planned to protest outside a party at Sotheby's for Tennessee's Republican delegates with Johnny Cash's career as its theme.

The satirical performance troupe Billionaires for Bush, which specializes in lampooning the Bush administration by dressing in tuxedos and flapper gowns, was described in an intelligence digest on Jan. 23, 2004.

"Billionaires for Bush is an activist group forged as a mockery of the current president and political policies," the report said. "Preliminary intelligence indicates that this group is raising funds for expansion and support of anti-R.N.C. activist organizations."

Marco Ceglie, who performs as Monet Oliver dePlace in Billionaires for Bush, said he had suspected that the group was under surveillance by federal agents — not necessarily police officers — during weekly meetings in a downtown loft and at events around the country in the summer of 2004.

"It was a running joke that some of the new faces were 25- to 32-year-old males asking, 'First name, last name?' " Mr. Ceglie said. "Some people didn't care; it bothered me and a couple of other leaders, but we didn't want to make a big stink because we didn't want to look paranoid. We applied to the F.B.I. under the Freedom of Information Act to see if there's a file, but the answer came back that 'we cannot confirm or deny.' "

The Billionaires try to avoid provoking arrests, Mr. Ceglie said.

Others — who openly planned civil disobedience, with the expectation of being arrested — said they assumed they were under surveillance, but had nothing to hide. "Some of the groups were very concerned about infiltration," said Ed Hedemann of the War Resisters League, a pacifist organization founded in 1923. "We weren't. We had open meetings."

The war resisters publicly announced plans for a "die-in" at Madison Square Garden. They were arrested two minutes after they began a silent march from the World Trade Center site. The charges were dismissed.

The sponsors of an event planned for Jan. 15, 2004, in honor of the Rev. Dr. Martin Luther King Jr.'s birthday were listed in one of the reports, which noted that it was a protest against "the R.N.C., the war in Iraq and the Bush administration." It mentioned that three members of the City Council at the time, Charles Barron, Bill Perkins and Larry B. Seabrook, "have endorsed this event."

Others supporting it, the report said, were the New York City AIDS Housing Network, the Arab Muslim American Foundation, Activists for the Liberation of Palestine, Queers for Peace and Justice and the 1199 Bread and Roses Cultural Project.

Many of the 1,806 people arrested during the convention were held for up to two days on minor offenses normally handled with a summons; the city Law Department said the preconvention intelligence justified detaining them all for fingerprinting.

Mr. Browne said that 18 months of preparation by the police had allowed hundreds of thousands of people to demonstrate while also ensuring that the Republican delegates were able to hold their convention with relatively few disruptions.

"We attributed the successful policing of the convention to a host of N.Y.P.D. activities leading up to the R.N.C., including 18 months of intensive planning," he said. "It was a great success, and despite provocations, such as demonstrators throwing faux feces in the faces of police officers, the N.Y.P.D. showed professionalism and restraint."

Correction: March 26, 2007

A picture caption yesterday with the continuation of a front-page article about broad spying by the New York City police on people expected to protest in the city during the 2004 Republican National Convention referred incorrectly in some copies to the disposition of the property of one protester, Joshua Kinberg, who devised a bicycle equipped with cellphone, laptop and tubes that could spray the ground with messages in chalk. The spraying apparatus — not the bicycle — was held for more than a year before being returned; Mr. Kinberg says the authorities have still not returned his bicycle.

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