

Developments in the Policing of National Special Security Events

An Analysis of the 2012 RNC and DNC

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About the National Lawyers Guild

The National Lawyers Guild is a bar association composed of lawyers, legal workers, law students, and jailhouse lawyers based on the founding principle that human rights are more sacred than property interests.

About the NLG Mass Defense Committee

The NLG Mass Defense Committee is a network of lawyers, legal workers, and law students providing legal support for progressive protest movements and demonstrators. For more information on NLG Mass Defense work, visit www.nlg.org.

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Executive Summary

In preparation for the 2012 Democratic and Republican national conventions, the cities of Charlotte and Tampa—working with the Federal Bureau of Investigation, the Department of Homeland Security and under the supervision of the U.S. Secret Service—implemented a militarized security model that is now standard at high profile gatherings designated as National Special Security Events (NSSE). The security measures taken at the RNC and DNC are in keeping with the last fifteen years of government planning for national and international political and economic meetings, which have been defined by massive expenditures on weapons and outside personnel, restrictive event permits and ordinances that limit protest activities, and the vilification of constitutionally protected speech and assembly through media manipulation and aggressive police tactics. While this year’s nominating conventions produced smaller demonstrations and fewer arrests than expected by protest organizers, the militarization of the host cities and the narrative of violent protesters used to justify these practices must be challenged.

Drawing from firsthand observations of NLG members who were in Tampa and Charlotte, as well as interviews with activists and media accounts, this report presents an overview of the 2012 RNC and DNC demonstrations and makes recommendations for treatment of protesters at future events. In particular, we discuss the effects of designating political conventions as NSSEs, the selection of host cities, the expenditures on police equipment and personnel, the adoption of protest-targeted ordinances, the pre-conceived police narrative of protester violence, and the evolving use of media technology by protesters and police. Based on our analysis, we offer several recommendations and conclusions aimed at protecting the right to dissent. These recommendations are designed to intervene in what has become standard practice in event security and policing.

Recommendations

First, event-justified ordinances became permanent in Charlotte and Chicago following NSSEs in 2012, representing a trend that appears intended to limit future political protests in these cities. The lack of transparency in drafting these ordinances and, in the case of Charlotte, in spending federal money, sets a troubling precedent for democracy in host cities. Allowing special ordinances to be written behind closed doors and to remain in place indefinitely creates anti-democratic local legacies that persist long after NSSEs. **The process behind ordinances targeting protests at NSSEs should continue to be scrutinized and challenged by legal activists and civil liberties advocates.**

Second, the anarchist threat narrative used to justify security expenditures and strict law enforcement measures is based on misrepresentation of past events and hyperbolic news coverage. In the lead-up to both conventions, the FBI, DHS, and local police departments frequently conflated anarchists with terrorists in an attempt to criminalize political ideology and create an atmosphere of fear around protests. The narrative of “violent anarchists” and “outside agitators” coming to the conventions to attack people and destroy infrastructure proved baseless as the demonstrations ran their course. **Law enforcement agencies should cease circulating unsubstantiated threats of protester violence prior to NSSEs and acknowledge that most violent acts at these events have been undertaken by police, not protesters. It is incumbent on legal practitioners to provide a counter-narrative that refocuses attention on the heavy-handed policing apparatus and violations of protesters’ rights.**

Third, the NLG has identified emerging police strategies of employing media technology to counter journalist and activist evidence of police misconduct, including the use of social media like Twitter and Facebook to challenge protester versions of events as well as public relations campaigns to portray police actions in a more favorable light. **Future activist and legal analyses of protest policing should examine the new ways protesters are documenting demonstrations and the corresponding police media strategies.**

Fourth, the NLG has found that the security measures used at the RNC and DNC were in violation of First Amendment protected assembly and expression rights, Fourth Amendment protection from searches and seizures, and international laws regarding the right to engage in political protests. The NSSE designation allows federal and local authorities to impose excessive security measures that limit the ability of people to assemble and express grievances. The sheer number of officers, weaponry, and the constant threat of police aggression and arrest had a chilling effect on free speech and assembly, contributing to smaller and less robust demonstrations at this year's conventions than those in recent years. **Police should stop using military and paramilitary equipment and tactics as a show of force against protesters, including the preemptive use of riot gear, canine units, mounted units, profiling of activists, unlawful stops and searches, and so-called "less-lethal" weapons.**

Finally, the massive expenditures on convention security were unnecessary and created militarized conditions in Tampa and Charlotte that suppressed attendance at demonstrations at the RNC and DNC despite widespread dissatisfaction with both political parties. The new weaponry and surveillance equipment purchased for the conventions will remain in host cities, continuing the trend of militarizing U.S. police departments. **The \$100 million grant for security at the nominating conventions (which are not public events) is an extreme expenditure in an age of austerity and should be considerably reduced for future event planning.**

Conclusions

National Lawyers Guild observations of the 2012 RNC and DNC highlight ongoing disturbing trends around security for high profile political and economic meetings in the United States. Since the designation of National Special Security Events was created in 1998, policing measures against protesters have become increasingly aggressive and invasive. This trend of militarization in domestic policy began before the well-known World Trade Organization protests in 1999 and the 9/11 attacks in 2001, although these events provided cover and further incentive for these practices to escalate. The combined use of restrictive event ordinances, exaggerated accounts of violent protesters, increasingly sophisticated police media strategies, large numbers of police and weaponry, and massive expenditures on security equipment and planning all coalesce to produce conditions that stifle legally protected forms of political dissent. Ordinances that once were set to expire immediately after major events are now becoming permanent, creating states of exception that violate the constitutional rights of protesters. Hyperbolic and unsubstantiated stories of anarchist extremists are used as a pretext to implement exceptional ordinances and allocate expenditures for weapons and surveillance equipment. Both are unnecessary and will continue to have negative effects in host cities long after the events are over.

The events of the 2012 RNC and DNC support these assertions. Despite the millions of dollars spent on new weaponry and police personnel, in the end only a handful of arrests took place. However, even when mass arrests do take place at NSSEs, almost all charges end up being dropped after the event is over. The NLG calls into question the political policing trend, which assumes the need for huge amounts of money, weaponry, and personnel to protect meetings from the specter of violent agitators and asks lawyers, legal analysts, scholars, activists, and government officials to challenge the current framework of event security.

I. Introduction

Over the past fifteen years, repressive security tactics have escalated at political gatherings such as the Republican and Democratic national conventions and are now standard practice for policing protests. Using the examples of the 2012 RNC and DNC, this report examines these procedures in detail and argues that security measures at political events must be reassessed and challenged.

This analysis is based on observations of National Lawyers Guild members, interviews with activists on the ground, and legal and financial records, media reports, videos, and livestreams related to the demonstrations against the 2012 RNC and DNC. The purpose of this report is to analyze the security measures at the conventions, to evaluate the actions of police in Tampa and Charlotte, and to situate the protests at this year's nominating conventions within the broader framework of National Special Security Events (NSSE).

The following sections discuss 1) the designation of nominating conventions as NSSEs, 2) the decision to hold the 2012 conventions in Tampa and Charlotte, 3) security expenditures for each event, 4) special ordinances created by each city to limit protest activity, 5) an "anarchist threat" narrative propagated by police to justify such expenditures and ordinances, and 6) evolving police media strategies. The report also details the demonstrations and the police reactions at each convention and concludes with a list of recommendations.

Overall, the NLG found that security measures taken at the RNC and DNC were in violation of First Amendment assembly and expression rights, Fourth Amendment protection from searches and seizures, and international laws regarding the right to engage in political protests.¹ The massive \$100 million expenditure on convention security was unnecessary and created militarized conditions in Tampa and Charlotte that had a chilling effect on free speech and assembly, contributing to poor attendance at the convention protests despite widespread dissatisfaction with both political parties. While these expenses were justified by citing the threat of so-called "anarchist extremists," the actual protests saw none of the violence suggested in intelligence reports circulated before the conventions. Furthermore, the NLG has identified new police strategies of using social media to counter citizen journalist and activist accounts of police violence. Finally, an emerging trend exists of constitutionally questionable event zone ordinances becoming permanent and being used to target political movements and criminalize dissent.

Overall, police strategies at the RNC and DNC reflect what have become standard practices at NSSEs, using legal, spatial, and psychological mechanisms to regulate and manage demonstrations, conflate protest activities with terrorism, and create an atmosphere of fear through the media and public relations firms. While these practices are now considered part and parcel of NSSE planning, the NLG strongly believes that these trends must not continue. The creation of "exceptional" events and ordinances that limit constitutional freedoms and criminalize dissent must be critically examined with the aim of changing the narrative and the actions of police towards protesters. In other words, the "business as usual" approach to NSSE security must be challenged.

II. National Special Security Events

The RNC and DNC fall under the category of National Special Security Events (NSSE), a designation created in 1998 by President Bill Clinton to formalize the security roles of federal agencies at large state gatherings of political importance. Security for NSSEs is organized and led by the U.S. Secret Service, the Federal Bureau of Investigation (FBI), and the Department of Homeland Security (DHS) in coordination with local police agencies.² The government considers NSSEs to be likely targets of terrorist attacks, and therefore allocates enormous amounts of money, personnel, and planning for security.³ However, people taking part in legitimate and protected protests are included as part of this perceived threat, resulting in restrictive security measures that keep protesters far from the event sites, impose numerous restrictions through permits and event zone ordinances, and present an intimidating display of police force against political demonstrations. Since 1998, 37 events have been designated NSSEs, including presidential inaugurations, state funerals, the annual State of the Union Address, Super Bowls, the Olympics, international monetary organization meetings (e.g. APEC, WTO), and all of the Republican and Democratic national conventions.

Previous RNC/DNC Protests

Historically, the RNC and DNC have been the targets of large and well-organized protests against government policies ranging from war to labor rights. Demonstrations at the nominating conventions have consistently led to sweeping police repression of protesters, including pretextual searches and raids, infiltration by agents provocateur, mass arrests and detentions, snatch squads, indiscriminate use of “less-lethal” weapons against protesters, restrictive permits and parade routes, and excessive bail for perceived leaders of demonstrations.⁴

Even before the creation of NSSEs, demonstrations against the RNC and DNC were met with police overreaching and violence. At the 1968 DNC, 10,000 protesters traveled to Chicago where they encountered 23,000 police and National Guard, leading to what has become known as a police riot.⁵ More recently, attempts have been made to limit protests against the nominating conventions to a pre-approved and discrete area through a strategy of “spatial tactics,” which divide cities into areas where protest is approved and exclusion zones where protest is prohibited.⁶ The 1988 DNC in Atlanta saw the first use of a “designated protest zone” or “free speech zone,”—a small fenced-off area away from the event where protesters are expected to hold demonstrations. The practice of establishing a zone for political protests was criticized strongly by protesters and free speech advocates. However, these zones continued to be employed at the 1992 and 1996 nominating conventions, and have become standard at many demonstrations since.⁷

All of the nominating conventions after 1998 have received the designation of NSSE. Importantly, after the 1999 World Trade Organization Ministerial meeting in Seattle was marked by a police over-reaction to property destruction by protesters, the approach taken by the Secret Service, FBI, and DHS during NSSEs has been to prepare for “worst-case scenarios.”⁸ Most often, this has been described in intelligence reports and media stories as an attack on the host cities by “violent anarchists” and “outside agitators,” a theme that continued with the 2012 conventions. The potential threat of violent protesters is used as

justification for the federal government to provide large grants to host cities in order to purchase equipment, to pay, feed, and house thousands of police, and to buy insurance policies in anticipation of lawsuits resulting from police misconduct. In keeping with the narrative of preventing worst-case scenarios, Tampa Mayor Bob Buckhorn said prior to the RNC, "I'd rather over-prepare and over-train and over-display a massive show of strength on the streets, than have something go wrong."⁹

This approach to policing demonstrations creates a security apparatus that consistently violates the rights of protesters. As the NLG has documented, protesters at NSSEs have frequently encountered police infiltration of activist groups, restrictive permits for demonstrations, pre-emptive raids and arrests, unlawful arrests, and police abuse of “less-lethal” munitions such as rubber bullets and tear gas.¹⁰ Previous nominating conventions held in Philadelphia (2000 RNC), Los Angeles (2000 DNC), New York City (2004 RNC), Denver (2008 DNC), and Minneapolis/St. Paul (2008 RNC) saw protesters subjected to most, if not all of these tactics of state repression.¹¹ However, while the arrests and allegations against activists are heavily publicized, far less media attention is paid to the fact that almost all criminal charges stemming from RNC and DNC arrests have been dropped, and that lawsuits challenging police misconduct often result in large settlements and reforms. For example, while over 1,800 people were arrested and detained at the 2004 RNC in New York City, only 75 (less than 5%) were actually convicted of a crime.¹² 2004 RNC protesters have since received a combined total of \$1.5 million in settlements from the city for police misconduct during the convention.¹³ (See Figure 1).

Figure 1: RNC/DNC ARRESTS, CONVICTIONS, AND SETTLEMENTS

Year	City	Event	Arrests	Convictions	Settlements to Date
2008	St. Paul, MN	RNC	800+	60	\$177,000 ¹⁴
2008	Denver, CO	DNC	150	0	\$200,000
2004	New York, NY	RNC	1,800+	75	\$1.5 million
2000	Los Angeles, CA	DNC	192	0	\$4.1 million
2000	Philadelphia, PA	RNC	420	24	\$100,000+ ¹⁵

Role of the National Lawyers Guild

The National Lawyers Guild has provided legal support for demonstrators for decades by challenging unconstitutional police practices before, during, and after nominating conventions and other NSSEs. Prior to these large-scale events, Guild lawyers have helped activists negotiate parade routes and applied pressure on legislators and law enforcement officials when permits are denied or restrict constitutionally protected protest activities. Leading up to demonstrations, NLG lawyers and legal workers also offer Know Your Rights trainings to protestors. During events like the RNC and DNC, the NLG monitors police conduct through our nationwide Legal Observer® program, sending trained lawyers, law students,

and legal workers into the streets during mass demonstrations. When protesters are arrested and detained, the Guild helps track arrestees and often provides lawyers to represent them.

Following large protests where police engaged in pre-emptive raids, mass arrests, and other unconstitutional practices, Guild attorneys have brought numerous lawsuits on behalf of demonstrators that have resulted in monetary settlements as well as changes in policies and practices of police departments. For example, following the 1999 WTO protests, Guild attorneys filed lawsuits resulting in \$1.4 million in settlements for protesters. Resulting from a Guild lawsuit challenging the police response to demonstrations against the 2003 Free Trade Area of the Americas meeting, the City of Miami was forced to rescind its restrictive “Parade and Assembly” ordinance passed just days before the protests, and amend its decades-old permit scheme.¹⁶ In 2004, Los Angeles Guild members secured a settlement in *NLG et al. v. City of Los Angeles*, a lawsuit charging that the police use of force and disruption of protesters at the 2000 DNC were unlawful and unconstitutional. In 2012, NLG attorneys reached an historic \$6.2 million settlement in a class action lawsuit brought against the Chicago Police Department on behalf of hundreds of protesters arrested during a 2003 anti-war protest where police surrounded a large section of the crowd, trapping and arresting over 700 people without ordering them to disperse. In addition to the settlement, the Seventh Circuit ruling on the case¹⁷ holds that police cannot arrest peaceful protesters without warning just because a demonstration lacks a permit.¹⁸ After the 2008 RNC in St. Paul, the NLG brought lawsuits on behalf of protesters, Legal Observers®, and journalists (including staff members of *Democracy Now!*) who were unlawfully arrested during demonstrations against the convention.¹⁹ In these and many other cases, the NLG has challenged the unconstitutional and often violent reactions of police to political demonstrations.

III. 2012 Republican and Democratic National Conventions

Host Cities

The choice of location for a large political event such as the nominating conventions can determine a great deal about the kinds of protest activity that will be mobilized. In his work on the policing of summit protests, professor of criminology and criminal justice Luis Fernandez argues that decisions about where to hold meetings are influenced by a location’s potential to produce mass mobilizations. As a result, cities that are easily defensible by police, not readily accessible to protesters, and without strong activist networks are considered ideal.²⁰

The process of selecting a host city for the nominating conventions takes over a year. Only about two dozen cities in the United States are deemed to have the necessary infrastructure and facilities to act as host to a convention.²¹ To be considered, interested cities put in a bid describing their host committee, event facilities, accommodations, transportation, and security infrastructure. In 2012, Tampa beat out Salt Lake City and Phoenix to win the bid for the RNC (after two failed attempts in 2004 and 2008).²² The DNC Site Selection Committee chose Charlotte for the 2012 convention after also considering St. Louis, Minneapolis, and Cleveland.

Tampa and Charlotte both advertise community-friendly policing approaches; Tampa police chief Jane Castor and Charlotte-Mecklenburg police chief Rodney Monroe tout their ability to lower the crime rates in their cities while building relationships with local communities. According to her official biography, Castor has “built a reputation for working side by side with citizens, neighborhood leaders, activists, and business owners to solve crime problems and improve our communities.”²³ Similarly, Monroe’s biography refers to him as “a recognized innovator and practitioner of community policing.”²⁴ Both Castor and Monroe are graduates of the FBI National Academy. Castor has also been heavily involved in the DHS Tampa Bay Urban Area Security Initiative,²⁵ and is referred to as a “pioneer in using homeland security trends in local law enforcement.”²⁶ This combination of security training combined with community friendly policing likely contributed to the less overtly repressive actions toward protesters than seen at previous NSSEs. Regardless, the number of police, weaponry, restrictive rules, and intimidating media reports had an overall chilling effect on demonstrations in both cities.

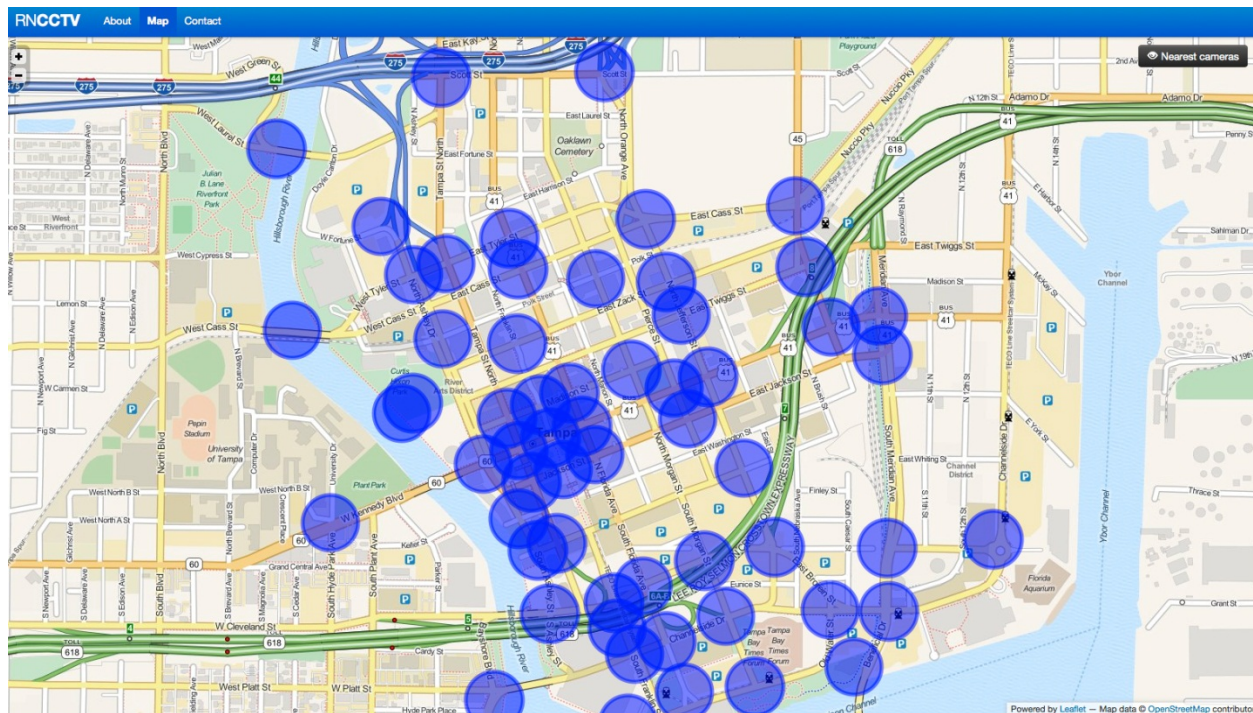
Security Expenditures

Tampa and Charlotte received federal grants from DHS and other agencies totaling \$100 million for security at the 2012 RNC and DNC, with \$50 million going to each city to police demonstrations. This amount has been the standard security budget offered by the government for nominating conventions since 2004. Actual security expenses vary, however. At the 2004 RNC in New York City, the city exceeded this amount by \$26 million,²⁷ while at the 2004 DNC in Boston, the security total came to \$37 million.²⁸ The majority of security funding has generally gone toward overtime payment, housing, and catering for thousands of police officers, new weapons for local police departments, materials to build a vast security perimeter, surveillance equipment, and insurance policies.²⁹

The large sum of money allocated to the nominating conventions and other NSSEs is based on the assumption that these events are targets for attacks and require militarized security measures. Drawing on the post 9/11 language of terrorist threats, the FBI, DHS, and the Secret Service justify the millions of dollars spent on security at NSSEs as necessary to prevent attacks by violent extremists, usually framed as anarchists from other cities. However, one of the major expenses covered by the security grants is the purchase of insurance policies for lawsuits brought against the police after the event. This indicates not only that violent mistreatment of protesters by police is expected and taken into account, but also that police violate the rights of protesters presuming they will not be held liable.

Furthermore, huge grants offered to host cities for security allow local police departments to buy new weapons and expensive surveillance equipment. In 2008, the St. Paul Police Department used part of its security windfall to purchase 230 new Tasers, enabling every police officer to have one and continue to use it long after the RNC protests were over.³⁰ In Tampa and Charlotte, the militarization of police departments through the purchase of new equipment and technology will continue to make an impact on city residents long after the conventions. The surveillance cameras that became ubiquitous around these cities in preparation for the RNC and DNC are going to remain in place, rather than being removed at the end of the conventions (See Figure 2). Therefore, every time an NSSE occurs, it becomes a vehicle for a permanent scaling up of surveillance in the host cities.

Figure 2: Security Cameras in Tampa



Tampa

In Tampa, records of security spending for the RNC were published in local media in the weeks leading up to the convention. Security funding was spent primarily on equipment, technology, personnel, and logistics, including expenditures for a 16,000 pound armored SWAT vehicle (\$273,000), installation of 60 security cameras in downtown Tampa (\$2 million), new uniforms (\$3 million), and an insurance policy for law enforcement in case of police misconduct resulting in lawsuits (\$2 million).³¹ Other new purchases for the Tampa Police Department included 13 Bobcat 4x4 Utility Vehicles (\$150,000), seven Segways (\$45,000), and 1900 radios (\$6 million). Nearly \$300,000 went toward the materials to build the temporary high barrier that surrounded the Tampa Bay Times Forum and Tampa Convention Center, which was four times larger than any security perimeter at previous conventions.³² Almost \$29 million was spent on the 4,000 police officers from over 50 agencies assigned to the convention, with \$3 million going to pay for hotels and catering for out of town officers.³³ In the end, reports estimated that the police outnumbered protesters in Tampa four to one.³⁴

Charlotte

The city of Charlotte and the Charlotte-Mecklenburg Police Department (CMPD) proceeded with far more secrecy in allocating convention security funds, waiting until almost two weeks after the DNC to slowly begin releasing details of their expenditures. Citing concerns that too much public information would compromise DNC security, the Charlotte City Council voted unanimously to empower City Manager Curt Walton (an unelected official) to authorize all DNC contracts without further council approval. As a result, none of Charlotte's security purchases came to a public vote and many city council members were initially unaware that they would not be able to approve or deny expenditures.³⁵

In Charlotte, police purchased an insurance policy that would cover up to \$10 million in damages in case protesters brought lawsuits resulting from police misconduct.³⁶ Another significant expense was the creation of a command center for the DNC at CMPD's uptown headquarters, which cost \$1.73 million, including the purchase of new video monitors, hardware, software, and a digital media content management system.³⁷ Police also bought 150 sets of riot gear, thousands of barricades, fences, and concrete walls to create a 5-mile security perimeter,³⁸ and 500 security cameras installed in the center of the city to monitor protest activity.³⁹ As in Tampa, large numbers of police were brought to Charlotte; the local force was nearly doubled by adding other 1,100 officers from law enforcement agencies inside and outside of North Carolina. Additionally, several hundred National Guard were involved in the security effort, with 2,000 more on call to assist if needed.⁴⁰ However, the large number of law enforcement personnel proved to be unnecessary; police outnumbered protesters 3/4 to 1.⁴¹

Protest-Targeted Ordinances

It has become common practice for cities hosting NSSEs to adopt pre-event ordinances which institute a special permitting process for political demonstrations, designate security perimeters, and restrict specific items and actions within those perimeters. These ordinances override city codes by making special exceptions for specific events, establishing geographic security boundaries around the event sites, revising permit application processes, designating protest zones and parade routes, banning materials and objects from the security zone, and prohibiting activities such as camping. The model for these restrictive ordinances can be traced back to the 2003 FTAA meetings in Miami, which first saw the use of legislation to ban such a wide array of objects and activities at political protests.⁴² Many challenges have been brought against these ordinances by groups like the NLG and ACLU over the past decade, including successful litigation that overturned the restrictive ordinances adopted in Miami. In another example, activists prevailed in a lawsuit by Guild members striking a free-speech zone of more than eight million square feet around the event site before the 2000 DNC in Los Angeles.⁴³

Because these ordinances have become standard, city officials rarely question the prohibitions on items and activities or the spatial tactics of dividing the city into protest and exclusion zones, instead relying on police departments and the Secret Service to dictate the policies. Mike Suarez, a Tampa City Councilor who voted for the proposed ordinance said, "I'm not a security expert. Police officers are trained to do certain things...So when they tell me they want to ban certain things, I find it difficult to second-guess them."⁴⁴ This type of blind faith in law enforcement allows event ordinances to be passed by city councils that do not challenge the police narrative of security and that treat free speech as an afterthought rather than a right guaranteed by the Constitution.

While the establishment of temporary special event ordinances is now an expected aspect of NSSE security planning, an even more disturbing trend has emerged—these ordinances are becoming permanent. While in Tampa the event ordinance was set to end after the RNC concluded, in Charlotte the new ordinance became permanent, allowing the city manager to designate special events at his own discretion requiring no city council approval. Since the implementation of the ordinance in January 2012, five events in Charlotte have been designated as "extraordinary events," including a Bank of America shareholders meeting in May.⁴⁵ The new policies tighten restrictions on protesters, including bans on

many objects as well as camping on public ground. The same process took place in Chicago for the NATO summit in May 2012; the city voted to ratify permanent ordinances imposing harsher fines and rules for protests and demonstrations. These policies in Charlotte and Chicago are a departure from previous NSSE practice, in which ordinances restricting protest activities were set to expire immediately after the event's conclusion. The trend of temporary ordinances becoming permanent after NSSEs results in stricter regulations around all future protest activities, allowing cities to impose limitations on permits, parade routes, assemblies, and the kind of materials and activities that are allowed at demonstrations.

Tampa

On May 17, 2012, the Tampa City Council voted 4-2 to approve an event zone ordinance to be enacted during the RNC.⁴⁶ The ordinance outlined the event zone area (see Figure 3) and set out numerous restrictions on demonstrations. According to the provisions in the ordinance, groups of more than 50 people were required to get permits to march or assemble in the event zone and demonstrations were limited to 90 minutes. The ordinance also banned many items, including weapons such as knives and brass knuckles as well as more ordinary objects such as rope, water pistols, bandannas, aerosol cans, light bulbs, glass containers, and umbrellas with metal tips within the event zone, which spanned most of the downtown area.⁴⁷ Additionally, the Tampa RNC ordinance prohibited materials in the event zone used to make puppets—a common expressive feature of large demonstrations. Speaking on behalf of the Tampa Police department, Andrea Davis explained that puppets were banned because “their heads have been used to hide weapons and other matter, fecal matter.”⁴⁸

Figure 3: Event Zone Map (Tampa)

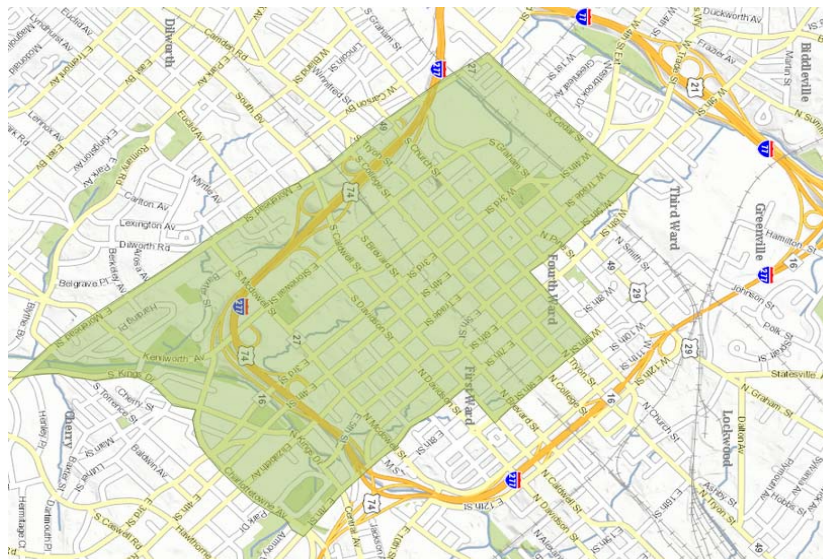


Prior to the vote, the NLG submitted comments opposing the proposed ordinance on the grounds that these provisions would unconstitutionally restrict RNC protests. In its comments, the Guild argued that special ordinances passed in anticipation of NSSEs such as the RNC “are not only often unconstitutional, but have also repeatedly failed to enhance public safety. The vast majority of any violence seen at demonstrations in the United States is not carried out or caused by demonstrators, rather it is undertaken by police who are trained to see protesters as inherently criminal, and are then deployed with so-called less-lethal weaponry and the power of false arrest.”⁴⁹ Despite these concerns the ordinance passed with only minor revisions.

Charlotte

On January 23, 2012, the Charlotte City Council voted 10-1 to pass an ordinance amending the city code⁵⁰ to add an extraordinary event article, which allows law enforcement to set up a security zone as well as to prohibit items near the convention site (see Figure 4).⁵¹ The ordinance set out approved parade routes and protest zones and established a 100-square-block area in which many common objects were banned, including coolers, water bottles, scarves, bandannas, bicycle helmets, hammers, paint guns, water guns, aerosol containers, and gas masks.⁵² Bags and backpacks were prohibited if police determined they were “carried with the intent to conceal weapons or other prohibited items.”⁵³ The new ordinance also established what the city called “affirmative defense.” City Attorney Bob Hagemann explained that if someone was arrested for carrying an item such as a backpack, they would be required to show that it had a legitimate purpose or else they could be prosecuted.⁵⁴ In addition to the list of prohibited items, this ordinance voided the requirement of probable cause for police to stop and search, which caused concerns among civil rights activists who argued the event zone policies could easily be used to search almost anyone within the security perimeter.⁵⁵ However, many of the prohibitions in the ordinance ended up not being enforced during the DNC.⁵⁶

Figure 4: Event Zone Map (Charlotte)



As in Tampa, the NLG submitted comments prior to the passage of the ordinance, urging Charlotte officials to refuse to enact these unconstitutional policies. In particular, the NLG asked that the city not

impose a total ban on camping in public areas, a provision in the ordinance that was directly designed to prevent Occupy Charlotte protesters from continuing to camp on the lawn of City Hall.⁵⁷ Under the new ordinance, Occupy Charlotte protesters were allowed to stay at City Hall, but were no longer allowed to sleep there or to create any semi-permanent structures used for cooking, sleeping, or other living arrangements.⁵⁸

“The Anarchists are Coming”

When justifying enormous security expenditures, large numbers of police, and strict event zone ordinances, authorities often refer to the need to defend NSSEs against the threat of so-called “violent anarchists.” Prior to almost every large political event, police and local politicians rationalize these measures by warning of anarchist plans to disrupt the event through violence.⁵⁹ This strategy, based on practices of intelligence gathering and police training that rely on amorphous categories such as “anarchist,” produces a “threat amplification” spiral that consistently leads to sweeping police repression.⁶⁰ However, these intelligence “warnings” are not simply the unfortunate byproducts of a flawed practice, but rather the desired outcome of a multi-pronged strategy of maintaining control over the populace. The vilification of anarchists serves the dual purpose of justifying the government’s strategies of police and state repression of protesters as well as the further militarization of police departments. Many of the warnings in intelligence reports circulated prior to NSSEs include fabricated information accusing anarchists of plotting to destroy bridges, manufacture explosive devices, and throw urine, feces, and acid at police. These fabrications provide the rationale for the continuing existence of the massive and expensive police and security apparatus. Furthermore, after the September 11 attacks, the language used to describe the threat of violent protesters has often conflated activists with terrorists (e.g. Animal Enterprise Terrorism Act).⁶¹

Police and media accounts of the 2012 nominating conventions followed this familiar pattern. On August 21, 2012—shortly before the RNC began in Tampa—the FBI and DHS circulated a seven-page joint report suggesting with “high confidence”⁶² that “anarchist extremists” were preparing to use “violent and criminal tactics” to disrupt the RNC and DNC.⁶³ The report, titled “Potential for Violence or Criminal Activity by Anarchist Extremists During the 2012 National Political Conventions,” bases this assessment on un-sourced intelligence and selective interpretations of past political arrests in an attempt to paint legitimate protest tantamount to terrorist threats.⁶⁴ The report draws on the example of the 2008 RNC in St. Paul, during which three activists were charged with illegally possessing and intending to use Molotov cocktails. However, the report does not point out that this incident (the only example of individuals being convicted of making Molotov cocktails in relation to a political demonstration in recent years) was heavily influenced by FBI informants Andrew Darst and Brandon Darby.⁶⁵

The FBI/DHS bulletin claimed that out-of-state “anarchist extremists” were unlikely to breach the security perimeter of the conventions, but could still “target nearby infrastructure, including local businesses or transportation systems and law enforcement personnel.”⁶⁶ According to the report: “As of mid-March 2012, individuals associated with anarchist extremism from New York ‘planned to travel to Tampa and attempt to close (no further information) all the Tampa Bay-area bridges during the RNC.’”⁶⁷ The most serious threat, according to the document, was the possibility that anarchists would bring

improvised incendiary devices (IIDs) or improvised explosive devices (IEDs) to injure people and destroy property. Furthermore, the report claims that protesters have previously engaged in acts of violence, including “throwing Molotov cocktails, flaming torches, or acid-filled eggs at law enforcement,” though no evidence of this exists from any NSSE over the past fifteen years.⁶⁸ The report’s only evidence to support these claims is a reference to three people arrested for allegedly plotting to use Molotov cocktails during the 2012 NATO protests in Chicago and five people arrested in May 2012 for trying to blow up a bridge in Cleveland. The report again fails to mention that FBI agents, undercover police, and police informants were integral to the development and execution of both alleged plots.⁶⁹

Members of the press seized on the report, reiterating warnings of Black Bloc extremists, referring to them as “an anarchist group that causes chaos and havoc” and “domestic terrorists who are against government, corporate America, and law enforcement.”⁷⁰ Local Tampa media also focused on the precautions being taken to deter these “anarchist extremists.” Shortly after the FBI report was released, local media in Tampa began reporting on increased security measures, such as keeping ships at least 50 yards away from all bridges and establishing moving security zones around cargo ships carrying chemicals.⁷¹ Other news stories reported on the crowd control training for riot police,⁷² plans to have undercover police infiltrating demonstrations,⁷³ and the clearing of an entire local jail with 1,700 beds to make room for the presumed numerous arrested protesters.⁷⁴ Tampa police then amplified fears of an anarchist attack by holding a press conference about a scattering of bricks and pipes found on a Tampa rooftop adjacent to what they called “anarchist graffiti” prior to the RNC.⁷⁵ The rooftop represented, according to Tampa police chief Jane Castor, a weapons “cache” modeled after the tactics used by Iraqi insurgents. Similar news coverage in Charlotte created an atmosphere of fear around the planned demonstrations. In the weeks prior to the DNC, headlines such as “Protesters with violent past plan to attend DNC”⁷⁶ and “Anarchist extremists willing to use explosives at DNC”⁷⁷ warned locals to expect frightening displays of violence—which never materialized in either Tampa or Charlotte.

Activist and Police Media Strategies

Law enforcement’s tactic of discrediting protesters is longstanding, but technological advances have reshaped how protest information circulates: information moves faster as does the spreading of false narratives. Smart phones and social media have supplanted online communication, opening the door to expanded private and government surveillance.

This shift was under way at the 2004 nominating conventions. The Boston DNC and New York City RNC were among the first mass mobilizations to be organized and documented online and were coordinated on the ground using TXTMob, a service that permits sharing mobile phone SMS messages among individuals. It was first developed by Tad Hirsch at MIT and John Henry of the Institute for Applied Autonomy specifically for protestors to use at the 2004 conventions.⁷⁸ Actively documenting the police at the 2004 RNC were I-Witness Video, a collective of independent videographers, and Time’s Up, an environmental organization working with Critical Mass. Both groups videotaped police actions and uploaded them to the web. Police responded by following on bicycles, scooters and in vans to keep up with mobile protesters, documenting them on bicycle rides and mobile actions.

These new media practices continued at the 2008 nominating conventions. The RNC Welcoming Committee in St. Paul posted a satirical video to YouTube a year before the convention to promote the planned protests.⁷⁹ During the convention, activists used Twitter to notify others in real time of street closures, tear gas use, and other police-created conditions. At the 2008 RNC, local police and FBI agents carried out media-related raids, including a residence housing members of I-Witness Video, whose work four years earlier exposed police engaged in false arrests of protesters. Within hours, videos from the raids were uploaded to independent media websites.⁸⁰ Today, a similar incident would likely yield more videos but fewer news segments given that independent media in the Indymedia mode has declined with the advent of video-sharing and social media sites such as YouTube, Facebook, and Twitter.

In the last eight years, smartphones have made laypeople into photographers, proprietary social media has largely supplanted website-based activism outreach, and livestreaming has allowed protests to be broadcast in real time from multiple angles. Police are increasingly under the public's scrutiny, whether during stop-and-frisk encounters or during Occupy movement days of action, and those doing the monitoring are everyday people with phones in their hands.

The hundreds of cameras at protests and the rapid sharing of images of police misconduct has driven some police departments to develop proactive public relations strategies. Departments which are generally reluctant to produce information have been slow to shift from the centralized, spokesperson model of communications, wherein one department handles media inquiries, giving priority to traditional outlets and seldom allowing interviews or providing access to employees other than designated spokespersons.⁸¹ But police in Tampa and elsewhere have realized the power of the Internet to shape impressions of police actions, whether or not police provide an official account.

This has led to the advent of police tactics aimed at avoiding cameras, deceptively concealing rights violations, and distorting actual events, ranging from the complex—preemptive nighttime raids, infiltration, entrapment—to the visceral—tight handcuffs, arbitrary arrests, harassment of journalists—to the modern—using social media to amplify a narrative of protester aggression and police professionalism. Each of these measures seeks to disrupt protests while avoiding scrutiny. And when pressed, police spokespeople can always fall back on the option of saying nothing.

Tampa

The Tampa and Charlotte police departments hosted an estimated 15,000 reporters at each convention, with millions watching around the globe. Tampa police chief Jane Castor and Hillsborough County sheriff David Gee took full advantage of this moment, appearing in a pre-RNC training video to prepare officers for the influx of protesters and journalists.⁸² Though the video addressed an audience of law enforcement officers, the message was tailored for the general public, emphasizing the threat protesters presented and justifying the need for officers. The message was repeated in another YouTube video made for the HCSO during the convention.⁸³ The video begins with members of a foot patrol greeting families in Ybor City, Tampa's colonial tourist district, then segues to officers riding newly purchased bicycles in formation through a vacant downtown, and ends with a long shot of police officers standing on the stern of a speed boat cradling machine guns.

Tampa police preempted criticism early on by presenting local news outlets with sensationalized accounts of the St. Paul RNC and following with teasers about security measures at the upcoming convention.

Castor tried to make the threat real the week before the convention with a press conference where she told reporters that cinderblocks and pipes found on the roof of a downtown business amounted to an anarchist weapons cache.⁸⁴ She pointed to graffiti on a nearby wall as signaling the weapons location to anarchists and compared the setup to tactics used by Iraqi insurgents. Castor's attempt to link the upcoming protest to the so-called War on Terror dovetailed with the mention of improvised explosive devices in the FBI/DHS report released the same day. CNN's report on the finding included military footage of a roadside bomb.⁸⁵ That week, Tampa police invited media members and local business owners to observe a crowd control training. The staged demonstration pitted police on horses, bicycles, and in riot gear against plainclothes officers portraying protesters banging on garbage can lids and chanting, "We have rights." The confrontation escalated as "demonstrators" grabbed the bicycles held in a temporary barricade and pelted police with tennis balls. Police responded by throwing smoke bombs and the crowd dispersed.⁸⁶

During the week of the convention, Castor held daily media briefings and, with Assistant Chief John Bennett, made frequent appearances and gave interviews at protest marches. Although no violent plot materialized, Castor's statements hinged on the threat of protest violence.⁸⁷ So, too did Tampa law enforcement's online public address system.

The 2012 RNC was among the first where local police used social media to broadcast their message. While some of the Tampa Police Department output was mundane—hurricane preparedness tips, traffic updates, and even personal hygiene advice—a persistent theme was "keeping the peace," and "keeping residents and protesters safe," as if protesters were on the verge of rioting. Tweets indicated an awareness of journalists' impressions; several mentioned the presence of reporters in specific sections of marches. Other Twitter and Facebook postings labeled "RUMOR CONTROL" sought to counter activist accounts and citizen journalist videos. For instance, a video posted immediately after a standoff at a downtown intersection explained that the commanding officer had told protesters they were blocking a hospital route, which prompted them to disperse.⁸⁸ Multiple news reports relied on this telling. Tampa police even tried to create a viral moment, offering a video of a K-9 unit eating an ice cream sandwich, photos of a police officer helping a man who fell out of his wheelchair, and another of an officer giving a child a sip from his water bottle.

With just two misdemeanor arrests, the week ended with news outlets declaring RNC protests a flop.⁸⁹ Tampa police commended themselves for restraint and peacekeeping.⁹⁰ While their fabrication of a terror threat to justify massive public expenditures and militarized shows of force never materialized, law enforcement offered a parting image of imminent chaos. In an August 30th *Fox News* story, a sheriff captain described an attack on Secret Service vehicles by black bloc protesters which officers averted by creating a bicycle wall. The segment called protesters "Black Blockers" and "troublemakers" and suggested that the charter buses canceled due to Hurricane Isaac prevented the protest from becoming violent, sending the message that the best protest is one that doesn't happen at all.⁹¹ Finally, an August 31st tweet raised the specter of building materials as weapons stockpiles, saying that law enforcement partnered with the city's Solid Waste department to remove piles of bricks downtown.⁹²

Charlotte

Law enforcement agencies created a similar specter around the DNC protests, but instead of using social media, they relied on traditional interviews and photo opportunities with commanding officers, invoking national security secrecy to justify a massive, opaque security operation. While the techniques may have been different, the result was largely the same: the chilling of protest activity, a misplaced focus on demonstrator violence, and a \$50 million infusion for local police.

That process began in the spring 2011 when the city council voted to give City Manager Curtis Walton sole authority over DNC security expenditures. This development was not revealed until January 2012 when the *Charlotte Observer* reported on its efforts to uncover information about DNC security spending. The city responded to a first set of public records requests in January 2012, claiming all city email correspondence that mentioned security was exempt from disclosure. Further pressure revealed emails that were heavily, sometimes completely redacted. Requests for further information from the city attorney went unanswered. CMPD also kept secret details of how it was spending the \$50 million federal grant, pointing to the powers granted earlier to City Manager Walton, who gained the additional executive power to declare an extraordinary event through the event ordinance.⁹³

The approach of Walton and Charlotte police paralleled that of Chicago Mayor Rahm Emmanuel's administration, which pushed for a restrictive, permanent ordinance before the NATO summit while representing it as a low-impact, temporary measure.⁹⁴ The Chicago summit provided Charlotte's commanding officers an opportunity to dramatize the risk posed by DNC protests. Charlotte officers, including police chief Monroe and deputy chief Harold Medlock, traveled to Chicago to assist with and study NATO protest security. Charlotte newspaper journalists relayed the scene as a prelude to the DNC, noting that anarchists, socialists, and Communist Party members were present and likely to travel to the convention. In a Chicago interview, Medlock noted that Charlotte police would wear bulletproof vests concealed under standard uniforms during the DNC, but would keep riot gear close, following the example of Chicago police, who reserved the bulky helmets and body armor for evening protests.⁹⁵

A week and a half before the DNC, news outlets in Charlotte reported the FBI/DHS bulletin in alarming terms. A local NBC affiliate quoted a former FBI assistant director who described anarchists as "one of our biggest fears" during another NSSE, the 2002 Winter Olympics in Salt Lake City.⁹⁶ Another report cited a purported Anonymous video calling to disrupt the RNC and the portion of the FBI/DHS bulletin stating that DNC protests would likely see the same actions as RNC protests.⁹⁷

Monroe made an appearance in Tampa, again with at least one Charlotte reporter. He deferred questions about DNC logistics but said he would focus a "heavy concentration of support" around Charlotte bank headquarters during the protests.⁹⁸ Also during the RNC, CMPD representatives declined to discuss its contracting to provide security details for public officials. By the opening day of the DNC, Charlotte police had only released details for \$1.2 million of their security expenditures. CMPD, despite promises to fully account for its purchases after the DNC, has yet to disclose all the expenditure information.

Camera friendly tactics were employed at the DNC, such as harassment of journalists and causeless, preemptive detention of protest organizers. In one incident, local activist James Tyson was jailed and given a \$10,000 bond for a traffic violation because, as his lawyers discovered, a police officer had made a secret recommendation to the judge that Tyson was a "known activist" and named on a terror watch

list.⁹⁹ The list was not provided and the judge reduced Tyson's bail, but the incident illustrates the subversion of due process often used against activists. Another instance was intimidation of journalists Steve Horn and Kevin Gozstola, who were followed and threatened by men they had photographed at an immigration march and then detained, searched, and coerced into deleting photographs by uniformed officers who acknowledged that the unidentified men were police.¹⁰⁰

Despite larger numbers at DNC protests and reports in the news and on social media of incidents, Charlotte police did not attempt to counter the growing impression of a police state, opting instead for measured silence. Chief Monroe made regular appearances in police lines at demonstrations, but Charlotte did not hold regular media briefings and social media updates as Tampa law enforcement did. CMPD's Public Affairs department provided basic traffic information throughout the convention, but stayed almost completely inactive on Facebook and Twitter.

In Tampa and Charlotte, the anarchist threat narrative proved to be a total fabrication. Instead of acknowledging the hype, however, law enforcement officials declared the protests a disaster deferred. Tampa police sought to downplay the huge expenditures and intense show of force through vilification of protesters, frequent appearances by chief Castor, and by countering their detractors directly and in real time over social media. Charlotte police, in contrast, amplified the threat narrative by refusing to disclose even basic information, refraining from engaging with activist claims online, and offering only cursory commentary from commanding officers in traditional news outlets. Protest attendance and arrest numbers were low in comparison to past NSSEs and law enforcement agencies at both conventions avoided the use of less lethal weapons; both methods worked, allowing local officials to declare victory without acknowledging the cost to taxpayers and to constitutional freedoms.

RNC and DNC Events

Despite the government and media hype about the "anarchist threat," protests at both the RNC and DNC saw none of the activities described in the FBI/DHS report. This section details the demonstrations that took place at each convention, with a focus on police response. This summary is based on media reports, interviews with activists, and the observations of NLG staff and volunteers who were on the ground in Tampa and Charlotte before and during the conventions.

Tampa and Charlotte both proved difficult locations for organizing robust protests at the conventions. In both cities, police and organizers predicted as many as 15,000 protesters, but actual participation was closer to 600 in Tampa and 800 in Charlotte. The widespread appeal of the Occupy movement that emerged in 2011 and its critique of contemporary electoral politics indicate that dissatisfaction with both parties is prevalent. However, the hot summer climates and politically conservative locations of both conventions (combined with the threat of Hurricane Isaac in Tampa) contributed to much smaller demonstrations than expected. As a result of Isaac, at least sixteen buses of RNC protesters traveling from other cities were cancelled.

According to protesters, other reasons for the poor attendance were the heavily publicized law enforcement security plans at the conventions and the threat of arrest. Many activists admitted to being afraid to attend, knowing that an overwhelming police presence was guaranteed.¹⁰¹ Others spoke of the

expense of being arrested far from home at a time when many are struggling financially. Organizers also spoke of fears of being arrested and charged with serious conspiracy or terrorism charges, which has occurred at previous conventions and summits. Overall, the combination of remote host cities with small activist networks and the intimidating security plans for the conventions resulted in many protesters not attending the demonstrations at all.

During the conventions, police in Tampa and Charlotte numbered in the thousands, with dozens of agencies in each city collaborating to create a massive security apparatus. More than 3,000 police officers worked on security for the DNC in Charlotte,¹⁰² while over 4,000 were stationed in downtown Tampa throughout the RNC.¹⁰³ The combined effect of police numbers and weapons created the atmosphere of a militarized zone. However, as a result of the recently increased media scrutiny described above, the overwhelming police presence was combined with the use of “negotiated management” tactics of protest policing, in which police open dialogues with demonstrators with the intent of avoiding direct confrontations.¹⁰⁴ The combination of “community-friendly” policing and the heavy security implemented at the conventions resulted in some moments of tense negotiation between police and protesters. This was especially evident in Charlotte, where police talked with protesters on several occasions and eventually allowed them to continue on marches with the promise they would stay on sidewalks and not engage in any property destruction.

According to NLG members who were in Tampa and Charlotte during the conventions, the massive show of force and negotiated management tactics were coupled with the frequent use of undercover agents planted at the protester encampments as well as thinly-disguised plainclothes officers on the march routes. Legal Observers® reported plainclothes police in Charlotte stopping people without identifying themselves as officers. Furthermore, plainclothes police were not making efforts to disguise their identities; combined with media accounts about the use of undercover officers at the conventions,¹⁰⁵ the overall effect was a sense that, as one Legal Observer® put it, “the cops are everywhere.”

RNC (August 27-30, 2012)

In the days leading up to the RNC, downtown Tampa transformed from a busy business and shopping district to a fortified, militarized security zone, complete with checkpoints, blast walls, and ten foot fences. As the RNC approached, the downtown emptied, leaving mostly police personnel and equipment.

RNC protesters held several permitted and unpermitted marches over the course of the convention. On the afternoon of Sunday, August 26, approximately 200 protesters gathered for an unscheduled protest that turned into a demonstration against Bank of America.¹⁰⁶ Police blocked streets and gathered at intersections, dressed in recently-purchased light khaki uniforms. Mounted units were present; bicycle police surrounded demonstrators as they marched; and multiple police officers recorded the entire protest with hand-held cameras. Later that night, a group of about 200 protesters gathered outside the RNC welcoming event at Tropicana Field in St. Petersburg. Media reports describe the police coming out “in force, blocking street and clustering at prominent intersections.”¹⁰⁷ Legal Observers® at this event noted mounted units behind the security fence moving back and forth in an intimidating fashion as well as DHS K-9 unit officers with prominent less-lethal weapons, including pepperball guns and orange shotguns with unknown projectile ammunition. One police officer who identified himself as part of the Hernando

County Sheriff's Department wore full body armor, complete with goggles, infantry helmet, and orange gun. Despite the militarized atmosphere, the first day's actions ended with no protest-related arrests.¹⁰⁸ One man was arrested Sunday for allegedly wearing a machete on his leg inside the official event zone.¹⁰⁹

Monday, August 27 was expected to see the largest scheduled event of the convention: a demonstration organized by the March on the RNC Coalition. Prior to the event, estimates for the number of protesters ranged between 5,000 and 15,000.¹¹⁰ However, a much smaller crowd of about 500 turned out for the march. Originally scheduled to begin in the "free speech zone," a large group of demonstrators instead left Perry Harvey Park to march through the mostly empty downtown streets. The high temperatures created conditions in which access to water was essential, but no bottles of liquid were allowed according to the event zone ordinance. The City of Tampa promised to provide water to all protesters, but according to NLG Legal Observers®, no water was available at the free speech area where the march concluded. By the time the police brought pallets of water twenty minutes later, all but a few dozen protesters had left. Had the estimated 5,000 protesters shown up, the extremely hot temperatures combined with the lack of available water could have quickly become a public health issue.

During the March on the RNC demonstration on Monday, helicopters followed overhead. Jersey barriers, fences, and rows of police lined the streets near the Tampa Bay Forum and a mounted police unit was stationed under an overpass as demonstrators passed by.¹¹¹ One Tampa teenager was arrested during the march and charged with a misdemeanor for wearing a bandanna on his face, which was prohibited in the event zone ordinance.¹¹² According to witnesses, the arrestee was marching with his family in a group of other people wearing bandannas. Another march on Monday organized by the Poor People's Economic Human Rights Campaign ended in a tense stand-off between police in riot gear and activists who sat down in an intersection near a downtown park with helicopters overhead. A sudden rain shower diffused the situation as protesters left the intersection and returned to their "Romneyville" encampment.

On Tuesday, August 28, a group of about twelve protesters organized by Code Pink attempted to enter an event in order to symbolically "arrest" former Secretary of State Condoleezza Rice for war crimes. After being told they could not protest on private property, the group moved to the sidewalks.¹¹³ Tuesday afternoon, a group of around 100 arrived to protest a demonstration by the Westboro Baptist Church, a hate group whose slogan is "God Hates Fags." Police outnumbered the combined total present at the two demonstrations. After approximately thirty minutes, the counter-protesters left by bus to join another rally against voter suppression laws in Ybor City's Centennial Park.¹¹⁴ Rally participants initiated an unpermitted march heading west on Seventh Avenue. There were no arrests at the march although some protesters wore bandannas.¹¹⁵

The third day of the convention, Wednesday August 29, saw two permitted demonstrations: A Planned Parenthood Action Fund rally at Julian B. Lane Riverfront Park and an evening AFL-CIO march. An unscheduled action took place later in the evening as well, in which protesters briefly blocked downtown traffic on their way back to the camp. After sitting at several intersections for about fifteen minutes, the protesters decided to return to Romneyville.¹¹⁶ According to media reports, police were less visible all day Wednesday.¹¹⁷ On Thursday August 30, the final day of the convention, Earth First! held a protest at the TECO Big Bend Power Station. Six protesters chained their arms together inside PVC pipes and laid down in the middle of the road, and a seventh climbed on top of a stopped power plant truck and chained himself to it. Approximately 120 protesters joined the Earth First! team by bus. Police took four hours to

cut the seven protesters from the truck and each other, but made no arrests.¹¹⁸ For the final action of the night, protesters marched from Romneyville toward the Tampa Bay Forum, stopping once for 50-75 people to lie down on the street.¹¹⁹

DNC (September 4-7, 2012)

During the convention, downtown Charlotte bore the same multi-layer barricades, checkpoints, and roving bike blockades as Tampa had a week earlier. In contrast, the compact layout of Charlotte's city center meant that delegates and other convention guests were in closer proximity to protesters and the public. Law enforcement negotiated this by keeping what one Legal Observer® described as a blanket of plainclothes officers around protesters and people perceived to be protesters at all time. Undercover law enforcement agents, visible at the RNC, were a dominant feature of the DNC, creating a sense of anxiety around protest marches that, while difficult to photograph, was palpable.

The first DNC protests took place prior to the convention on Sunday September 2, when ninety groups organized under the Coalition to March on Wall Street South held a demonstration in Charlotte's financial district starting around 11 a.m. March organizers avoided the city's free speech zone at Caldwell and Stonewall, instead starting the rally at Frazier Park and marching along a route through uptown. During the permitted march, small groups of demonstrators stopped at the Bank of America and Duke Energy Headquarters to sit and lock arms, but quickly moved on after a short period of time. Media reports describe hundreds of police monitoring the demonstration and carrying batons, gas masks, and plastic zip-ties for arrests. A police helicopter hovered just above the march.¹²⁰ Only two arrests took place on Sunday: one woman was arrested for allegedly wearing a mask and possessing a cutting instrument at 4th and College Street and a man was arrested and charged with disorderly conduct, resisting arrest, and assault on a government official on South College Street.¹²¹ Later reports indicated that the man was not a protester, but rather a bystander.¹²²

On Tuesday September 4, a group of approximately 200 demonstrators took part in a march starting around 12:30 p.m. led by a group of veterans in support of imprisoned alleged whistleblower Bradley Manning. After leaving Marshall Park in Charlotte, the demonstrators marched to Stonewall before they were stopped and not allowed to go any further than the Stonewall and South Boulevard intersection. The protesters blocked streets and intersections and purposefully headed away from the designated parade route.¹²³ Five blocks from the Time Warner Cable Arena, activists blocked an intersection for two hours, temporarily stopping the bus service transporting DNC delegates. 25-30 protesters sat down in the street and were promptly surrounded by bicycle police and riot police.¹²⁴ Police attempted to corral the demonstrators into the "free speech zone" using a barricade of bicycles, but protesters refused. Eventually, police allowed the group to continue to march if they agreed to stay on the sidewalks.

More arrests took place Tuesday than any other day of both conventions. One man was arrested and charged with disorderly conduct and dispersal of a substance police identified as a green dye. Another was arrested for blocking traffic, and a third demonstrator was arrested for hanging a banner without permission. Yet another man was arrested and charged with disorderly conduct.¹²⁵ In an act of civil disobedience, a group of ten immigrants who were part of the "No Papers, No Fear" campaign sat down at a busy downtown intersection with signs that read "undocumented." When they refused to move, all ten were arrested for impeding traffic. They were released on Wednesday.¹²⁶

No arrests were made on Wednesday, but on Thursday—the final day of the convention—six people were arrested and charged with impeding traffic when they refused to move from an intersection near the Duke Energy Center.¹²⁷ Three more demonstrators were arrested Thursday for allegedly blocking a downtown street, and one for allegedly hanging a banner.¹²⁸ Later on Thursday night, a crowd of 100 protesters marched from Marshall Park to a park near the arena where President Obama was giving his acceptance speech. Police surrounded the small demonstration the entire way, using bicycles as barricades. No confrontations or arrests were reported during this demonstration.¹²⁹ The final arrest count in Charlotte came to 25,¹³⁰ bringing total convention protest related arrests to 27.

IV. Outcomes and Recommendations

Outcomes

The intensive police presence and the militarization of the convention sites contributed to lower protester turnout despite current dissatisfaction with both political parties. The small demonstrations can be read as evidence of the chilling effects of NSSE security measures and the corresponding negative media coverage of protesters. According to activists and organizers, fear of mass arrests and terrorism charges contributed to less people traveling to Tampa and Charlotte to protest. Despite the large number of police and the huge expenditures on new equipment, in the end only a handful of arrests took place.

While the conventions were assumed to bring economic benefits to the host cities, in the end only a small portion of money spent stayed in the local community. For example, of the \$52.4 million that the committee spent to support the RNC, only \$11.5 million—or about 22 percent—was spent in the Tampa Bay area, according to the committee's financial report to the Federal Election Commission.¹³¹ Despite assurances from the city of a tourist windfall for Tampa businesses, the lockdown caused a discernable lull for merchants. Tampa restaurant owner Bill Nelligar said he and his fellow businesses were “severely hurt by the RNC.”¹³² The local communities in Tampa and Charlotte also expressed concern about the militarized security measures undertaken for the conventions. Residents and downtown business owners describe the road closures, security perimeter, checkpoints, and thousands of police as an unnecessary inconvenience. After the RNC, a Tampa resident asked whether the security for the convention should “be something that turns whole segments of the community into a police state.” Another Tampa local described being unable to get to his office to meet clients or to his normal jogging route. He expressed relief that the convention was over: “I felt like I had my city and my life back.”¹³³

Although the RNC and DNC lasted only a few days, the security measures implemented for the conventions continue to have consequences for the host cities. New weapons and surveillance equipment remain in Tampa and Charlotte, contributing to the further militarization of police departments. SWAT vehicles, riot gear, and cameras purchased with the \$100 million security grants continue to be used in these local communities. Changing trends in police media strategies indicate that savvy public relations and social media campaigns will offer new ways to vilify protestors and challenge their accounts of police misconduct. Perhaps most disturbing, the Charlotte extraordinary event ordinance has become permanent and will continue to limit activities related to political protests.

Overall, our observations of the 2012 RNC and DNC highlight ongoing disturbing trends around security for high profile political and economic meetings in the United States. The combined use of restrictive event ordinances, exaggerated accounts of impending violent protesters, increasingly sophisticated police media strategies, large numbers of police and weaponry, and massive expenditures on security equipment and planning all coalesce to produce conditions that stifle legally protected forms of political dissent. The NLG calls into question the dominant narrative that huge amounts of money, weaponry, and personnel are needed to protect these meetings and asks lawyers, legal analysts, scholars, activists, and government officials to challenge the current framework of event security.

Recommendations

Based on the observations and accounts in this report, the NLG offers the following recommendations:

First, event-justified ordinances became permanent in Charlotte and Chicago following NSSEs in 2012, representing a trend that appears intended to limit future political protests in these cities. The lack of transparency in drafting these ordinances and, in the case of Charlotte, in spending federal money, sets a troubling precedent for democracy in host cities. Allowing special ordinances to be written behind closed doors and to remain in place indefinitely creates anti-democratic local legacies that persist long after NSSEs. **The process behind ordinances targeting protests at NSSEs should continue to be scrutinized and challenged by legal activists and civil liberties advocates.**

Second, the anarchist threat narrative used to justify security expenditures and strict law enforcement measures is based on misrepresentation of past events and hyperbolic news coverage. In the lead-up to both conventions, the FBI, DHS, and local police departments frequently conflated anarchists with terrorists in an attempt to criminalize political ideology and create an atmosphere of fear around protests. The narrative of “violent anarchists” and “outside agitators” coming to the conventions to attack people and destroy infrastructure proved baseless as the demonstrations ran their course. **Law enforcement agencies should cease circulating unsubstantiated threats of protester violence prior to NSSEs and acknowledge that most violent acts at these events have been undertaken by police, not protesters. It is incumbent on legal practitioners to provide a counter-narrative that refocuses attention on the heavy-handed policing apparatus and violations of protesters’ rights.**

Third, the NLG has identified emerging police strategies of employing media technology to counter journalist and activist evidence of police misconduct, including the use of social media like Twitter and Facebook to challenge protester versions of events as well as public relations campaigns to portray police actions in a more favorable light. **Future activist and legal analyses of protest policing should examine the new ways protesters are documenting demonstrations and the corresponding police media strategies.**

Fourth, the NLG has found that the security measures used at the RNC and DNC were in violation of First Amendment protected assembly and expression rights, Fourth Amendment protection from searches and seizures, and international laws regarding the right to engage in political protests. The NSSE designation allows federal and local authorities to impose excessive security measures that limit the ability of people to assemble and express grievances. The sheer number of police, weaponry, and the

constant threat of police aggression and arrest had a chilling effect on free speech and assembly, contributing to smaller and less robust demonstrations at this year's conventions than those in recent years. **Police should stop using military and paramilitary equipment and tactics as a show of force against protesters, including the preemptive use of riot gear, canine units, mounted units, profiling of activists, unlawful stops and searches, and so-called "less-lethal" weapons.**

Finally, the massive expenditures on convention security were unnecessary and created militarized conditions in Tampa and Charlotte that suppressed attendance at demonstrations at the RNC and DNC despite widespread dissatisfaction with both political parties. The new weaponry and surveillance equipment purchased for the conventions will remain in host cities, continuing the trend of militarizing U.S. police departments. **The \$100 million grant for security at the nominating conventions (which are not public events) is an extreme expenditure in an age of austerity and should be considerably reduced for future event planning.**

Endnotes

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