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## From The Black Panther Party To Black Lives Matter: The Weaponization Of Surveillance Against Black Activists

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**FROM THE BLACK PANTHER PARTY TO BLACK LIVES MATTER: The  
Weaponization of Surveillance Against Black Activists**

Senior Project Submitted to  
The Division of Interdivisional Studies  
of Bard College

by

Arianna Martinez-Perry

Annandale-on-Hudson, New York

May 2020

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## **Acknowledgements**

## **Black Panther Party's Ten Point Program**

1. **WE WANT FREEDOM. WE WANT POWER TO DETERMINE THE DESTINY OF OUR BLACK AND OPPRESSED COMMUNITIES.** We believe that Black and oppressed people will not be free until we are able to determine our destinies in our own communities ourselves, by fully controlling all the institutions which exist in our communities.

2. **WE WANT FULL EMPLOYMENT FOR OUR PEOPLE.** We believe that the federal government is responsible and obligated to give every person employment or a guaranteed income. We believe that if the American businessmen will not give full employment, then the technology and means of production should be taken from the businessmen and placed in the community so that the people of the community can organize and employ all of its people and give a high standard of living.

3. **WE WANT AN END TO THE ROBBERY BY THE CAPITALISTS OF OUR BLACK AND OPPRESSED COMMUNITIES.** We believe that this racist government has robbed us and now we are demanding the overdue debt of forty acres and two mules. Forty acres and two mules were promised 100 years ago as restitution for slave labor and mass murder of Black people. We will accept the payment in currency which will be distributed to our many communities. The American racist has taken part in the slaughter of our fifty million Black people. Therefore, we feel this is a modest demand that we make.

4. **WE WANT DECENT HOUSING, FIT FOR THE SHELTER OF HUMAN BEINGS.** We believe that if the landlords will not give decent housing to our Black and oppressed communities, then housing and the land should be made into cooperatives so that the people in our communities, with government aid, can build and make decent housing for the people.

5. **WE WANT DECENT EDUCATION FOR OUR PEOPLE THAT EXPOSES THE TRUE NATURE OF THIS DECADENT AMERICAN SOCIETY. WE WANT EDUCATION THAT TEACHES US OUR TRUE HISTORY AND OUR ROLE IN THE PRESENT-DAY SOCIETY.** We believe in an educational system that will give to our people a knowledge of the self. If you do not have knowledge of yourself and your position in the society and in the world, then you will have little chance to know anything else.

6. **WE WANT COMPLETELY FREE HEALTH CARE FOR ALL BLACK AND OPPRESSED PEOPLE.** We believe that the government must provide, free of charge, for the people, health facilities which will not only treat our illnesses, most of which have come about as a result of our oppression, but which will also develop preventive medical programs to guarantee our future survival. We believe that mass health education and research programs must be developed to give all Black and oppressed people access to advanced scientific and medical information, so we may provide ourselves with proper medical attention and care.

7. **WE WANT AN IMMEDIATE END TO POLICE BRUTALITY AND MURDER OF BLACK PEOPLE, OTHER PEOPLE OF COLOR, ALL OPPRESSED PEOPLE INSIDE THE UNITED STATES.** We believe that the racist and fascist government of the United States uses its domestic enforcement agencies to carry out its program of oppression against black people, other people of color and poor people inside the united States. We believe it is our right, therefore, to defend ourselves against such armed forces and that all Black and oppressed people should be armed for self defense of our homes and communities against these fascist police forces.

8. **WE WANT AN IMMEDIATE END TO ALL WARS OF AGGRESSION.** We believe that the various conflicts which exist around the world stem directly from the aggressive desire of the United States ruling circle and government to force its domination upon the

oppressed people of the world. We believe that if the United States government or its lackeys do not cease these aggressive wars it is the right of the people to defend themselves by any means necessary against their aggressors.

9. **WE WANT FREEDOM FOR ALL BLACK AND OPPRESSED PEOPLE NOW HELD IN U. S. FEDERAL, STATE, COUNTY, CITY AND MILITARY PRISONS AND JAILS. WE WANT TRIALS BY A JURY OF PEERS FOR ALL PERSONS CHARGED WITH SO-CALLED CRIMES UNDER THE LAWS OF THIS COUNTRY.** We believe that the many Black and poor oppressed people now held in United States prisons and jails have not received fair and impartial trials under a racist and fascist judicial system and should be free from incarceration. We believe in the ultimate elimination of all wretched, inhuman penal institutions, because the masses of men and women imprisoned inside the United States or by the United States military are the victims of oppressive conditions which are the real cause of their imprisonment. We believe that when persons are brought to trial they must be guaranteed, by the United States, juries of their peers, attorneys of their choice and freedom from imprisonment while awaiting trial.

10. **WE WANT LAND, BREAD, HOUSING, EDUCATION, CLOTHING, JUSTICE, PEACE AND PEOPLE'S COMMUNITY CONTROL OF MODERN TECHNOLOGY.** When, in the course of human events, it becomes necessary for one people to dissolve the political bonds which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such



principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience has shown that mankind are most disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpation, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.<sup>1</sup>

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<sup>1</sup> Black Panther Party. "Black Panther Party's Ten Point Program." Marxist Internet Archive. Accessed April 4 2020. <https://www.marxists.org/history/usa/workers/black-panthers/1966/10/15.htm>

## Literature Review of Surveillance Studies

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### **Introduction:**

With news breaking seemingly everyday about the ways our data is harvested and tracked without explicit consent and often without our knowledge, the topic of surveillance has been a constant focus of media attention. The Cambridge Analytica scandal is an example of one of the more widely discussed stories regarding surveillance in recent years. In March of 2018, the New York Times reported that the data firm Cambridge Analytica had improperly gained access to Facebook data of millions of users and were using that information to influence voters in the 2016 presidential election.<sup>2</sup> For many, the scandal opened their eyes to the fact that their information is being collected and used to influence their lives in ways they have yet to truly reckon with. Within these debates about surveillance is an assertion of privacy in a world that is increasingly trending towards making individuals more accessible and more knowable to each other, the government and private entities. Yet the shock caused by the Cambridge Analytica scandal and the ensuing debates over what to do about Big Data's immense influence on our lives failed to acknowledge that for some, inclusion in a surveillance network is all but assured.

Surveillance technologies utilized by law enforcement, which can include a huge population of people in larger databases, have elicited far less public reputation than the Facebook scandal. For example in recent years former military contractor Palantir has shifted a significant portion of their market towards domestic law enforcement. Palantir's data analysis

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<sup>2</sup> Matthew Rosenberg, Nicholas Confessore, and Carole Cadwalladr, "How Trump Consultants Exploited the Facebook Data of Millions" (The New York Times, March 17, 2018), <https://www.nytimes.com/2018/03/17/us/politics/cambridge-analytica-trump-campaign.html>.

software incorporates data points from a wide array of federal, state, local and private databases into one giant and ever expanding surveillance network.<sup>3</sup> The system is designed to identify potential “chronic offenders” and then assure that using a wide range of databases that person permanently remains in the sight of law enforcement, even years after the designation has been made. Because of the systems reliance on data collected through policing, such as arrest records and instances of contact with police, black people are overrepresented in the datasets.<sup>4</sup> In part this is because the racism inherent in law enforcement practices has meant that the primary victims of exploitation because of these systems are black.

The use of programs like Palantir foster a permanent state of surveillance that black people are dragged into without often ever being convicted of a crime. This database allows police to track an individual’s car as it drives around, record their address and frequented locations, and produce a live network of others associated with that individual, all without a warrant or concrete evidence that the person committed a crime.<sup>5</sup> Despite the severe consequences for an individual who is singled out as a threat to law enforcement, surveillance technologies are being adopted by police departments nationwide with little regulation on their use and virtually no oversight before their purchase.<sup>6</sup>

This literature review attempts to provide a theoretical framework based in surveillance studies to look at the ways that law enforcement have utilized surveillance technology, with an

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<sup>3</sup>Mark Harris, “How Peter Thiel's Secretive Data Company Pushed Into Policing” (Wired Media, September 8, 2017), <https://www.wired.com/story/how-peter-thiels-secretive-data-company-pushed-into-policing/>.

<sup>4</sup> Mark Harris, “How Peter Thiel's Secretive Data Company Pushed Into Policing” (Wired Media, September 8, 2017), <https://www.wired.com/story/how-peter-thiels-secretive-data-company-pushed-into-policing/>.

<sup>5</sup>Peter Waldman, Lizette Chapman, and Jordan Robertson, “Palantir Knows Everything About You,” Bloomberg.com (Bloomberg, April 19, 2018), <https://www.bloomberg.com/features/2018-palantir-peter-thiel/>.

<sup>6</sup> Mark Harris, “How Peter Thiel's Secretive Data Company Pushed Into Policing” (Wired Media, September 8, 2017), <https://www.wired.com/story/how-peter-thiels-secretive-data-company-pushed-into-policing/>.

eye towards how racism has impacted the application of those technologies. The fundamentality of the black potential for violence and disorder is the prevailing logic of the increased surveillance of black people and especially black activists regimes of control. Building on Simone Brown's thesis of Blackness being the unnameable force that animates surveillance studies, this project seeks to further narrow the analysis to look at how antiblack racism has motivated the United State's repressive responses to black activism. This framework of surveillance theories surrounding race will be used to make the point that black people, especially black activists, are over-surveilled and thus more vulnerable to repressive tactics than non-black peers.

### **Definition of Surveillance:**

“Surveillance,” as defined by the Merriam-Webster dictionary, is a “close watch kept over someone or something (as by a detective)<sup>7</sup> while the Cambridge Dictionary defines it as “the careful watching of a person or place, especially by the police or army, because of a crime that has happened or is expected.”<sup>8</sup> Based on these definitions, surveillance would be understood as a practice that arises out of some sort of suspicion and a practice largely associated with law enforcement. Its synonyms, words like “care”, “charge”, “guidance”, “headship”, “oversight”, “regulation”, “stewardship”, “superintendence”, “superintendency”, “supervision” all complicate the assignment of surveillance as a strictly law enforcement practice.<sup>9</sup> This range in analogous

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<sup>7</sup>“Surveillance,” Merriam-Webster (Merriam-Webster), <https://www.merriam-webster.com/dictionary/surveillance>.

<sup>8</sup>“SURVEILLANCE: Meaning in the Cambridge English Dictionary,” Cambridge Dictionary, accessed May 7, 2020, <https://dictionary.cambridge.org/dictionary/english/surveillance>.

<sup>9</sup> “Surveillance Synonyms,” Merriam-Webster (Merriam-Webster), accessed May 11, 2020, <https://www.merriam-webster.com/thesaurus/surveillance>.

meanings points to the wide range in which surveillance is practiced and understood, both commonly and within the field of surveillance studies.

The etymology of the word also supports a more open understanding of its definition. The English noun “surveillance” comes from the French verb *surveiller* simply meaning to keep watch over. Like the definition entries, this understanding of surveillance focuses primarily on an attentiveness paid to some unspecified something. There are issues with relying on the textbook definition or the meaning gleaned from a look at its etymology. One which is pointed out by Gary Marx is that the use of the “watch” tends to imply the use of visual observation as the primary method of surveillance. This emphasis on the visual oversimplifies the pervasive and ever-expanding nature of surveillance regimes. These complex regimes can collect and utilize information far beyond what the eye or even the lens could pick up.<sup>10</sup>

Even within surveillance studies, the definition of surveillance is incredibly amorphous and can vary widely depending on the author. David Lyon, one of the leading scholars of the field, proposes that a more functional definition to keep in mind when looking at work in this field is surveillance “as any focused attention to personal details for the purposes of influence, management, or control.”<sup>11</sup> Unlike the dictionary definitions of surveillance, this definition does not assign suspicion to the object of surveillance. Rather it emphasizes surveillance as attention to detail rather than any specific thing or person. Information is placed as the central figure of surveillance but the definition still leaves space to speculate on the technical means of

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<sup>10</sup> Gary Marx “Surveillance Studies,” *International Encyclopedia of the Social & Behavioral Science*. no.2 (2015). Pg 731-736.

<sup>11</sup>David Lyon “Surveillance, Power and Everyday Life,” In *The Oxford Handbook of Information and Communication Technologies*, ed. by Avgerou, Chrisanthi, Robin Mansell, Danny Quah, and Roger Silverstone.: Oxford University Press, 2009. Pg 1.

surveillance, the information that is being collected and, with some limitation, the purpose of the surveillance.

### **The “Dark Matter” of Surveillance:**

In her book *Dark Matters*, surveillance studies scholar Simone Browne adopts a similar approach to analyzing surveillance and “locates blackness as a key site through which surveillance is practiced, narrated and enacted.”<sup>12</sup> The book provides a theoretical look at how surveillance in America has been predicated on the policing of black people and that the historical policing of blackness is still present in technological surveillance systems. Browne’s work focuses on the concept of “racializing surveillance.”

‘Racializing surveillance’ signals those moments when enactments of surveillance reify boundaries, borders, and bodies along racial lines, and where the outcome is often discriminatory treatments of those who are negatively racialized by such surveillance.<sup>13</sup>

Here not only does the practice of surveillance seek to identify racialized subjects Browne argues that surveillance has the effect of racializing the subject through its scrutiny. Surveillance here polices racial lines and produces them through its application.

She argues that to best understand surveillance, one needs to look beyond new technologies and into the theories that support the constant expansion of the surveillance state. Browne argues that “racism and anti-blackness undergird and sustain the intersecting surveillance of our present order.”<sup>14</sup> She looks towards the role of sociology in creating bodies of knowledge which identify groups as needing to be disciplined and thus necessary to be surveilled as a key player in the historic stigmatization of black people. With this assignment of risk also

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<sup>12</sup> Browne. *Dark Matters: On the Surveillance of Blackness*. Pg.9

<sup>13</sup> Browne. *Dark Matters: On the Surveillance of Blackness*.pg 16

<sup>14</sup> Browne. *Dark Matters: On the Surveillance of Blackness* Pg 8-9

comes the application of stereotypes to justify that increased level of scrutiny. For black people, surveillance has been a major part of the regime of racism that aims to control. Browne argues that the surveillance of blackness is the dark matter, “that non-nameable matter that [animates] the racialized disciplinary society.”<sup>15</sup>

While other authors like Lyon and Marx place the proliferation of surveillance as a defining and relatively newer aspect of modern life, Brownie points out that “surveillance in and of black life as a fact of blackness” has long been the norm.<sup>16</sup> With this in mind, it could be argued that the surveillance of blackness is not only an animating factor of the development of surveillance but also a fundamental aspect of the development of modern society.

### **Foucault’s Panopticon and surveillance as a disciplinary device**

One of the foundational texts in surveillance studies is Michel Foucault’s *Discipline and Punish* where he analyzes the development of the modern penal system through an exploration of the changing power relations and technical developments that allowed the penal system to become the default system of punishment. From this book comes the widely influential theory of the “panopticon.”<sup>17</sup> His theory of panoptic surveillance is built upon research of plague protocol in medieval Europe and Jeremy Bentham’s proposal for a panoptic building.<sup>18</sup> It is described as a central guard tower in a prison building that provides guards in the tower a perfect view inside of every cell in the surrounding tower. The panoptic tower would be set up so that it would be

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<sup>15</sup> Simone Browne. *Dark Matters: On the Surveillance of Blackness*. Durham and London: Duke University Press, 2015. Pg.9

<sup>16</sup> Browne. *Dark Matters: On the Surveillance of Blackness*. Pg.6

<sup>17</sup> Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. Translated by Alan Sheridan. New York: Vintage Books, 1995. pp.25

<sup>18</sup> Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. Translated by Alan Sheridan. New York: Vintage Books, 1995. Pp. 20

impossible to know from the outside where the guards in the tower are looking or even if there were guards in the tower at that moment.

Foucault's discussion of disciplinary power is particularly relevant to surveillance studies. The assumption of the theory being that if one is unable to tell when one is being watched and knows that surveillance is possible at any moment, eventually a person will begin to self-surveill and self-discipline themselves. The subject of power is disciplined through the knowledge of their own visibility and begins to police themselves. Discipline is posited as the motivating force behind the expansion of surveillance.

### **Haggerty and Ericson's "surveillant assemblages" and "data doubles"-**

Moving away from Foucault's influence in the field, Kevin Haggerty and Richard Ericson's concept of a "surveillant assemblage" relies more on the work of Deleuze and Guattari. They look at the concept philosophy of multiplicity.

They build on the notion of the "assemblage," which is composed of a "host of different phenomena and processes working in concert," that, when bound together, give the appearance of a stable phenomena.<sup>19</sup> This notion approaches institutions as the product of a coalescing of multiple forces rather than the discrete growth of a single entity.

Building on the assemblage, Haggerty and Ericson proposed the "surveillant assemblage" as a concept for understanding the way diverse systems and flows of information come together to do the work of surveillance. The assemblage is many different parts which are constantly being altered and added to create new and unstable combinations. Surveillance is not on a simple

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<sup>19</sup> Kevin D. Haggerty and Richard V. Ericson, "The Surveillant Assemblage," *British Journal of Sociology* 51, no. 4 (January 2000): pp. 608, <https://doi.org/10.1080/00071310020015280>.



upward trend, it is constantly in metamorphosis and evolving as new parts are taken away and replaced. It is a practice driven by the desire to combine surveillance practices and technologies into ever more encompassing systems.

The assemblage abstracts the human from their body and their physical, “territorial setting” and expands the scope of surveillance to previously un-surveilled groups.<sup>20</sup> It does this by disassembling the body into different flows of information that are then processed and used for decision making. The result of this disassembly and reassembly is what Haggerty and Ericson term the “data double.”<sup>21</sup> These data doubles are “productive of a new type of individual, one composed of pure information.”<sup>22</sup> The product of the surveillant assemblage is much more than a representational portrayal of real individuals. Built into the production of the data double, is the differential of the individual according to the systems of the assemblage. Thus, the data double is not the individual themselves, they are an amalgamation of information gathered and then processed to produce a digitized reflection of the person. These differentiations can range depending on the system but are prone to fall along established historical and cultural lines like race and gender.

### **Lyon’s Surveillance Society and Social Sorting:**

David Lyon’s term “surveillance society” is used to describe our modern situation in which information about ourselves is constantly being collected, stored and processed.<sup>23</sup> The

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<sup>20</sup> Kevin D. Haggerty and Richard V. Ericson, “The Surveillant Assemblage,” *British Journal of Sociology* 51, no. 4 (January 2000): pp. 605-622, <https://doi.org/10.1080/00071310020015280>.

<sup>21</sup> Haggerty and Ericson, “The Surveillant Assemblage,” : pp. 614.

<sup>22</sup> Haggerty and Ericson, “The Surveillant Assemblage pp. 614.

<sup>23</sup> David Lyon. *The Electronic Eye: The Rise of Surveillance Society*. University of Minnesota Press, 1994. [www.jstor.org/stable/10.5749/j.ctttsqw8](http://www.jstor.org/stable/10.5749/j.ctttsqw8). Pg. 4

constant relation between the state, the private sector, and interpersonal relations in regards to surveilling is at the heart of the “surveillance society.” The exceptional nature of finding oneself under surveillance that we once associated solely with the investigation of criminality is now extended to ordinary people. In this thinking, the “surveillance” being done to us is more mundane and less suspicion raising than we typically associate with surveillance. The tracking of information and keeping of records, like credit card history, flight records and rewards points on a store card all point to the more bureaucratic nature of the surveillance society. This utilization of information collected is not an absolute negative nor an absolute positive. Surveillance societies depend on this information collection to govern, regulate, manage and influence aspects and members of the society.<sup>24</sup>

The normalization of surveillance does not erase its potential for misuse and bias. Information obtained through surveillance can be used to improve efficiency, performances, and allow us to observe otherwise unknown phenomena. However, as Lyon succinctly puts it, “[i]nformation itself can be the means of creating divisions.”<sup>25</sup> This “social sorting” can be seen in the “differential application of surveillance technologies, where “flows of personal data—abstracted information—are sifted and channeled in the process of risk assessment.”<sup>26</sup> The over surveillance of certain groups produces information that reinforces pre-existing social relations and “locates him or her in a particular niche of category of risk proneness.”<sup>27</sup> The

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<sup>24</sup>“An Introduction to the Surveillance Society,” The Surveillance Studies Network, accessed May 1, 2020, [https://www.surveillance-studies.net/?page\\_id=119](https://www.surveillance-studies.net/?page_id=119).

<sup>25</sup> David Lyon. *Surveillance as Social Sorting: Privacy, Risk and Digital Discrimination*. London and New York: Routledge, 2003. Pg ????

<sup>26</sup> David Lyon. “Surveillance after September 11.” *Sociological Research Online* 6, no. 3 (November 2001): 116–21. doi:[10.5153/sro.643](https://doi.org/10.5153/sro.643). Pg. 81.

<sup>27</sup> David Lyon “Surveillance, Power and Everyday Life,” In *The Oxford Handbook of Information and Communication Technologies*, ed. by Avgerou, Chrisanthi, Robin Mansell, Danny Quah, and Roger Silverstone.: Oxford University Press, 2009. Pg 4.

categorization of certain individuals as more risk-prone, dangerous and less trustworthy has consequences. For example, auto insurers' tendency to associate minority neighborhoods with higher rates of accidents has led to premiums 30% higher than in similarly situated white neighborhoods.<sup>28</sup> The categorization as more risk-prone, despite similar driving records, means a much more significant portion of income must be spent on insuring a car, an absolute necessity in many parts of the country in order to retain employment. In this case, the issue of the surveillance of auto drivers is not a matter of invasiveness; it is an issue of discriminatory practice, one rooted in racism.

### **Marx's New/Old Surveillance Distinction / "categorical suspicion"**

While other writers tend to focus on surveillance for the purpose of control, Gary Marx definitions and terminology lean more towards analyzing surveillance as a form of extraction. One of his key distinctions when looking at the development of surveillance is between "traditional surveillance" and "new surveillance." Traditional surveillance is much more reliant on interpersonal forms of data collection and is deeply restricted by distance.<sup>29</sup> Generally speaking, "new surveillance may be defined as scrutiny of individuals, groups, and contexts through the use of technical means to extract or create information."<sup>30</sup> It is more pervasive, technological, and oftentimes less perceptible than traditional forms of surveillance. One of the main differences between traditional and new surveillance is the fact that much of new

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<sup>28</sup> Julia Angwin et al., "Minority Neighborhoods Pay Higher Car Insurance Premiums Than White Areas With the Same Risk," ProPublica, April 5, 2017,

<https://www.propublica.org/article/minority-neighborhoods-higher-car-insurance-premiums-white-areas-same-risk>.

<sup>29</sup> Gary T Marx, "Surveillance and Society," Encyclopedia of Social Theory: Surveillance, accessed May 2, 2020, <https://web.mit.edu/gtmarx/www/surandsoc.html>.

<sup>30</sup> Gary Marx. "Surveillance Studies," *International Encyclopedia of the Social & Behavioral Science*. no.2 (2015) Pg. 735.

surveillance happens categorically rather than based on individual suspicion. This is because technological advancement has loosened the restrictions of time, space and storage. Surveillance entities are now able to involve much larger populations in their networks due to increased efficiency, technical capabilities, and cost effectiveness of digital surveillance technology.<sup>31</sup>

### **Surveillance as Social Control**

#### **Fiske and the Different Levels of Penetration of Surveillance:**

In “Surveilling the City: Whiteness, the Black man and Democratic Totalitarianism,” John Fiske argues that “surveillance enables different races to be policed differently,” and this difference in the way that races are policed “cumulatively produce a racially differentiated sense of ‘the citizen.’”<sup>32</sup> His analysis begins by thinking through the spectacle of the OJ Simpson murder trial as representative of the way that surveillance frequently operates in a way to make black men more visible in society. This visibility is not one based in a desire to increase representation or reputation but rather one rooted in the historic fear of blackness in American society.<sup>33</sup> Supported by changing ideas of race-relations in the 80s and 90s and the rise of the idea of a color-blind society, what once was the open admittal to racial surveillance is now obscured by the language of “public good” and efficiency.

He argues that the proliferation of surveillance technologies and their increasing normalization in society has masked the discriminatory practices and assumptions that undergird surveillance structures. Part of the reason for this differential penetration is due to the way that

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<sup>31</sup> Gary Marx, *Windows into the Soul: Surveillance and Society in an Age of High Technology*. Pg. 20.

<sup>32</sup> John Fiske “Surveilling the City: Whiteness, the Black Man and Democratic Totalitarianism.” *Theory, Culture & Society* 15, no. 2 (May 1998): 67–88. doi:[10.1177/026327698015002003](https://doi.org/10.1177/026327698015002003). Pg.69.

<sup>33</sup> John Fiske “Surveilling the City: Whiteness, the Black Man and Democratic Totalitarianism.” Pg. 67.

surveillance is used to code and police the boundaries of normalcy. Surveillance practices seek to identify “objects of abnormalization” and make them visible to disciplinary powers.<sup>34</sup> When normalization is predicated on whiteness, racialized bodies are unable to escape the penetrating gaze of surveillance and its disciplinary arm. “Privacy is political” in a surveillance society but racilization means that it is a political right not afforded to the black citizens of that society.<sup>35</sup>

### **Conclusion:**

As Fiske argues “blackness is that which must be made visible” in the practice of surveillance.<sup>36</sup> This paper seeks to also make blackness visible but not for the purposes of policing nor control. Rather blackness’s centrality to the development and application of surveillance must be more widely acknowledged and explored.

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<sup>34</sup> John Fiske “Surveilling the City: Whiteness, the Black Man and Democratic Totalitarianism.” Pg. 72.

<sup>35</sup> John Fiske “Surveilling the City: Whiteness, the Black Man and Democratic Totalitarianism.” Pg. 75.

<sup>36</sup> John Fiske “Surveilling the City: Whiteness, the Black Man and Democratic Totalitarianism.” Pg. 71.

## Chapter 1: COINTELPRO, Informants and the Black Panther Party

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*The purpose of this new counterintelligence endeavor is to expose, disrupt, misdirect, discredit, or otherwise neutralize the activities of black nationalist, hate-types organizations... The activities of all such groups of intelligence interest to the Bureau must be followed on a continuous basis so we will be in a position to promptly take advantage of all opportunities for counterintelligence and to inspire action in instances where circumstances warrant.<sup>37</sup>*

- Memo from FBI Director J. Edgar Hoover (August 25, 1967)

### **Introduction: What was COINTELPRO?**

The FBI's Counterintelligence program (COINTELPRO) was an expansive and covert federal operation which sought to undermine the work of political and cultural groups it deemed subversive. Operating from 1956 until the program was exposed in 1971, COINTELPRO was originally formed to destabilize the Communist Party of the USA (CPUSA). Within a year its mission was expanded to include the surveillance of Black leaders, particularly members of the Southern Christian Leadership Conference. As the years went on, the program broadened its scope to include feminists organizations, socialists groups, indigenous rights activists, anti-war activists and other groups associated with the New Left. However, surveilling the work of black activists always remained paramount to the Bureau's mission. After the "long, hot summer of 1967" during which there were more than 150 incidents of civil unrest sparked by racial injustice in cities nationwide, the FBI created the COINTELPRO-BLACK HATE program.<sup>38</sup> The Bureau claimed that their work was motivated by a desire to prevent more riots, like those in 1967, from spreading like wildfire in cities around the country. The FBI did not shy away from deploying

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<sup>37</sup> (COINTELPRO Black Extremist Part 1 of 23, pp.3-5, August 25 1967) Memo from J. Edgar Hoover

<sup>38</sup> "Guide to the Microfilm Edition of FBI Surveillance Files: Black Extremist Organizations, Part 1" (PDF). *Lexis-Nexis*. Archived from the original (PDF) on 2013-06-03.

violent policing tactics as a strategy towards the dismantling of what they termed “Black nationalist hate-types.”<sup>39</sup>

### **Target #1 : The Black Panther Party**

The main target of COINTELPRO-BLACK HATE was the Black Panther Party. The Black Panther Party was a radical political organization that advocated for the liberation of black people and all other oppressed people through the overthrow of the capitalist system and its replacement with revolutionary socialism. They promoted a radical politics that enlisted the “brothers on the block” as the source of the organization's strength and as the primary focus of their community engagement.<sup>40</sup> They felt that the Civil Rights Movement led by Black Southern leaders ignored the plight of urban, black men from the North who like their Southern counterparts struggled politically, economically and legally but did not live under the *de jure* systems of Jim Crow. Initially started as the Black Panther Party for Self Defense in October 1966, co-founders Bobby Seale and Huey Newton encouraged other black men to monitor police in black communities while openly armed to dissuade police brutality. They educated themselves on laws surrounding open carry, bearing arms, and interference into police investigations to avoid possible legal consequences from what they termed “cop watching.”<sup>41</sup> Eventually their programming expanded to include social welfare programs like the Free Breakfast program, community medical clinics, political education classes and child care programs.<sup>42</sup> Their

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<sup>39</sup> (COINTELPRO Black Extremist Part 1 of 23, pp.3-5, August 25 1967) Memo from J. Edgar Hoover

<sup>40</sup> Black Against Empire

<sup>41</sup> Definition of “cop-watching” ---

<sup>42</sup> Black Panther photo book

unabashed criticism of American institutions and their open embrace of militancy and anti-capitalist ethics made them a high priority target of the Bureau.

In 1968 J. Edgar Hoover, the first director of the FBI, famously said that “the Black Panther Party, without question, represents the greatest threat to the internal security of the country.”<sup>43</sup> As Simone Browne argues “where public space is shaped for and by whiteness, some acts in public are abnormalized by way of racializing surveillance and then coded for disciplinary measures that are punitive in their effects.”<sup>44</sup> This abnormalization through socialization is a key factor in why the Panthers occupied such a prominent role in the federal government's repression of leftist movements. These black organizers forcefully and publicly demanded a seismic shift in the way American society treated its black citizens and thus also in the very operation of the country. This open call for change immediately singled them out in the minds of the federal government as an aberration to American society and one which needed to be eliminated. Under Director Hoover, the FBI carried out a massive and deeply repressive counterintelligence operation created to “expose, disrupt, misdirect, discredit, or otherwise neutralize the activities” of the Black Panther Party and other groups who advocated for the end of structural white supremacy and capitalism.<sup>45</sup> He called on the powers of the FBI, in coordination with local police forces, “to explore all avenues of creating... dissention within the ranks of the BPP.” This included using mass arrests of Panthers in an effort to tie up the legal and financial resources of the group, raiding headquarters to destroy supplies and exploiting tensions to provoke violence between the BPP and other radical black organizations.

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<sup>43</sup> Desert Sun, Volume 42, Number 296, 16 July 1969

<https://cdnc.ucr.edu/cgi-bin/cdnc?a=d&d=DS19690716.2.89&e=-----en--20--1--txt-txIN-----1>

<sup>44</sup> *Dark Matters* pg 17

<sup>45</sup> (COINTELPRO Black Extremist Part 1 of 23, pp.3-5, August 25 1967) Memo from J. Edgar Hoover



## **Police Informant as Surveillance Technology**

COINTELPRO's relentless mission to destroy the Black Panther Party is one of the most salient examples of the coordinated effort to disrupt the work of black activists through the use of surveillance and often more deadly interventions. Included in this campaign to "neutralize" the BPP was the formation of networks of surveillance that provided intelligence to law enforcement. In a time before extensive digital surveillance, much of the government's surveillance programs relied on the recruitment of informants and the intimidation of close friends and family members for the purpose of information gathering. During the COINTELPRO years, the FBI utilized the informant as data gathered much more than they used wiretaps or "bugs."<sup>46</sup> Informants aroused significantly less suspicion from targets than the presence of a uniformed officer and were able to gather intelligence that would never be willingly given to a federal agent. In addition to having access to more intriguing information, the informant's information required much less processing than that of a wiretap. The collection of hours of audio tapes necessitated a team to listen and sift through, potentially for no new insight, while an informant could elicit a much more provocative sound bite with a single conversation. This saved the Bureau both money and time. While the use of informants may not initially seem like police technology, it was and still is a widely used tool of police officers in their investigative work. A technology is defined as "a manner of accomplishing a task especially using technical processes, methods, or knowledge," so in this way, the use of informants acts as a form of surveillance technology in the age before digital technology and electronic surveillance became

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<sup>46</sup> Garrow, David J. "FBI Political Harassment and FBI Historiography: Analyzing Informants and Measuring the Effects." *The Public Historian* 10, no. 4 (1988): 5-18. Accessed April 24, 2020. doi:10.2307/3377831.

pervasive.<sup>47</sup> Informants provided a technical advantage to law enforcement which made their campaign against the Panthers significantly more effective and more deadly.

The line between informant and agent provocateur is not clearly defined, especially in the case of the Black Panther Party. Informants both acted as law enforcement ears into the groups' activities and as saboteurs by actively involving themselves in Party goings ons. In particular, the assassination of Fred Hampton by the Chicago Police Department in 1969 stands as a harrowing example of how surveillance can produce fatal forms of political repression. The murder of Hampton and fellow Black Panther Mark Clark was made possible by the information provided to police by William O'Neal, police informant and Hampton's personal body guard. This information included not only a detailed floor plan of Hampton's apartment, but also months of surveillance prior to the night of Hampton and Clark's assassination. While the surveillance itself is not what killed Hampton, it made the undermining of his and the BPP's work and his eventual murder possible.

### **The Chicago Headquarters and the Case of Fred Hampton**

Born on August 30, 1948 in the suburbs of Chicago, Fred Hampton was the child of two Louisiana-born parents who left the South during the Great Migration.<sup>48</sup> From an early age, Hampton showed an incredible propensity for academia and in public speaking. By high school, he had begun reading black political authors Marcus Garvey and W.E.B DuBois and memorizing the speeches of Dr.King and Malcolm X. His career in political activism started in high school when he successfully campaigned for the hiring of more black teachers, led a boycott against the

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<sup>47</sup> <https://www.dictionary.com/browse/technology>

<sup>48</sup> Haas, Jeffrey., *The Assassination of Fred Hampton: How the FBI and the Chicago Police Murdered a Black Panther*. Chicago Review Press. 2009.

white only policy when choosing a homecoming queen and headed the Inter-Racial Council which mediated conflicts that arose from racial tensions. When he turned his sights towards getting a public pool for black people in his neighborhood, he caught the eye of the head of the West Suburban NAACP chapter, Don Williams. Williams, noting that there was no chapter in Hampton's neighborhood, asked Fred to start an area chapter and offered the support of the NAACP. Within less than a year, Hampton had grown the membership of the chapter to 200.

However, Hampton quickly became disillusioned with King's insistence on non-violent tactics and willingness to negotiate with the racist political establishment. As his politics drifted more towards Malcolm X's message of self-defense, his more confrontational form of oration and protest was at odds with the NAACP's more moderate ethos of dissent.<sup>49</sup> By the age of 19, Hampton was placed on the FBI's Key Agitators list and under close surveillance by the FBI when a lecture he had advertised resulted in "mob action" after police tear-gassed the at-capacity venue.<sup>50</sup> His arrest for his supposed culpability in inciting the mob made him a target of police harassment so frequently that he had to stop driving because he was so often stopped and arrested for traffic violations.<sup>51</sup> His involvement in community activism had landed him in the sights of the Racial Matters Squad of the Bureau's Chicago branch.<sup>52</sup>

In 1968 at the age of only 20, Hampton was personally asked by Bobby Rush to start and lead the new Chicago chapter of the Black Panther Party. In just six short months, the Free

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<sup>49</sup> Something about Malcolm X's philosophy of radical black self-defense

<sup>50</sup>Haas, Jeffrey., *The Assassination of Fred Hampton: How the FBI and the Chicago Police Murdered a Black Panther*. Chicago Review Press. 2009.

<sup>51</sup> Haas, Jeffrey., *The Assassination of Fred Hampton: How the FBI and the Chicago Police Murdered a Black Panther*. Chicago Review Press. 2009.

<sup>52</sup> Churchill, Ward and Vander Wall, Jim. *Agents of Repression: The FBI's Secret Wars Against the Black Panther Party and the American Indian Movement*. (Boston,MA: South End Press, 1990) pp.64

Breakfast for children program was running, political education classes were being held, newspapers sold, and community needs were being surveyed. Fred quickly turned his sights to expanding the ranks of the Party and forging coalitions with other similarly situated groups. He had brokered a nonaggression pact between some of Chicago's street gangs and was quickly moving to form a multiracial alliance of other proletarian forces. This Rainbow Coalition was a multiracial, class-based alliance made up of the Panthers, the Young Lords, and the Young Patriots which sought to protest police brutality and advocate for more community control.<sup>53</sup> The FBI saw this coalition as an immediate threat. The Bureau saw this peaceful coalition as one step towards an armed revolution against the U.S. government.

Immediately following the arrest of Fred Hampton, the Black Panther Party's Chicago headquarters was raided by police following a tip claiming that a fugitive, George Sams, had been spotted in the building. The tip was correct. Sams had been in the headquarters but had left a few days before the raid. His presence in the Chicago headquarters and his timely disappearance right before the raid began was no coincidence. At least two other headquarters had been raided right before the Chicago branch under the auspices of searching for Sams who had also missed each of those raids by only hours. Sams was a longstanding paid FBI informant. His activities in the headquarters were used as a pretext for the raid that resulted in the beating of fellow members, a half dozen arrests, the confiscation of legally obtained weapons and the destruction of property including food for the Free Breakfast program.<sup>54</sup>

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<sup>53</sup> The Young Patriots Organization was a left-wing political organization composed of poor whites from the North side of Chicago which advocated for housing rights, welfare reform and police accountability, For more see: McCanne, Michael. "The Panthers and the Patriots," *The Jacobin*. May 19, 2017.

<https://jacobinmag.com/2017/05/black-panthers-young-patriots-fred-hampton>

<sup>54</sup> Haas, Jeffrey., *The Assassination of Fred Hampton: How the FBI and the Chicago Police Murdered a Black Panther*. Chicago Review Press. 2009. Pg. 51-53

The series of raids triggered by the presence of informant George Sams is an example of the danger of the informant to Black activists freedom of political dissent. The raid on the headquarters and the subsequent arrests of Panthers on demonstrably false claims was enough to scare some members out of the Party. The looming threat of police intervention was a strong deterrent against new members joining and older members staying. Functioning as both information technology and psychological weapon, the knowledge of the informant's presence amongst the ranks of BPP members was incredibly stressful and psychologically taxing on the Party.

Sams' work as an informant also went beyond using his presence as a pretext for otherwise illegal search and seizure. The infamous New Haven Black Panther trials of 1970 which implicated BPP national leaders in the torture and murder of Alex Rackley was also spurred by the involvement of George Sams.<sup>55</sup> Sams was able to convince Black Panther Party members that Rackley was a paid FBI informant and needed to be taken out for the sake of the party. He convinced the other members to allow him to video tape the whole incident and when the police followed the pattern of raiding the headquarters he was staying at, he turned all video evidence over to police. The police immediately proceeded to arrest all members involved and attempted to implicate national Panther Party leadership in the murder conviction. Without the informant of paid FBI informant Sams it is more than likely that Rackley would still be alive and that the trial, which became a media spectacle and dealt a severe blow to the reputation of the Panthers, would not have occurred.

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<https://slate.com/human-interest/2013/01/bobby-seale-ericka-huggins-and-the-black-panthers-the-1970-murder-trial-in-new-haven-photos.html> [explain more about the case here]

## **The Assassination of Fred Hampton and Mark Clark**

On December 4, 1969 at approximately 4:45 a.m., fourteen members of the Chicago Police Department began a raid on the apartment of Fred Hampton. Within ten minutes almost 100 shots had been fired, both Fred Hampton and his bodyguard Mark Clark lay dead.<sup>56</sup> The four other Panthers in the apartment were all critically wounded, including Hampton's nine-months pregnant fiance Deborah Johnson. These survivors were all arrested on the scene and charged with attempted murder of a police officer. The raid was a culmination of the years-long surveillance campaign orchestrated by the FBI and carried out by the Chicago Police Department. The State District Attorney speaking to the press the following day, describes a standard execution of a search warrant turned into a violent gunbattle initiated by the Panthers.<sup>57</sup> Forensic evidence later showed that contrary to the narrative of the Chicago Police Department, all but one shot was fired into the apartment from the outside. The single shot, which came from Clark's shotgun, likely happened as a result of Clark's finger spasming on the trigger after being shot by police. The shotgun blast was aimed up at the ceiling, pointed at the police.

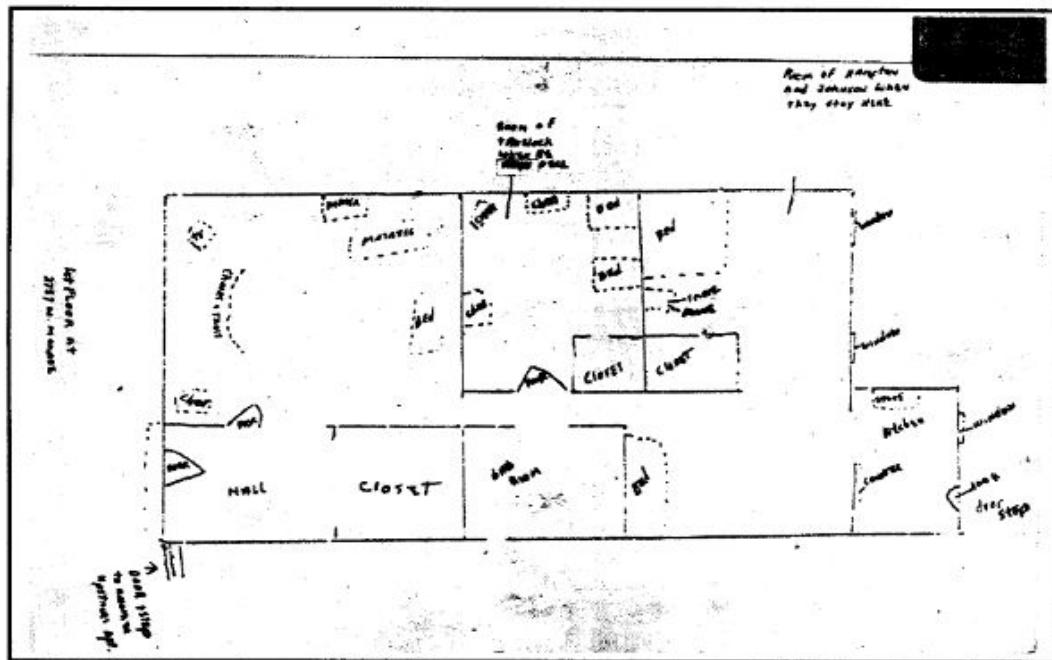
The murders of Fred Hampton and Mark Clark was the culmination of a years long campaign against the Black Panther Party which utilized the information provided by informant Willaim O'Neal to launch the deadly strike. One of the most consequential pieces of information handed over the police was a detailed layout of Hampton's Chicago apartment. In this layout of Hampton's apartment, O'Neal marked the location of Hampton's bedroom and the position of his bed. When the apartment was later examined most of the bullet holes were centered around

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<sup>56</sup> Black Against Empire

<sup>57</sup> Nelson Jr, Stuart (January 23, 2015). *The Black Panthers: Vanguard of the Revolution* (Documentary).

the location of Hampton's bed, a location only known because of the map drawn by O'Neal. Using this information, police were able to plan the attack to cause the most damage. Following the raid, O'Neal was given a 300 bonus for the raid



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The story of the murders told by law enforcement quickly began to unravel only days after they took place. Due to the carelessness of some officers, the apartment of Fred Hampton was left open and the Panthers quickly went to work using the space to expose the inaccuracies of the official story. Tours were held for the public and for interested journalists and the Panthers used that time to point out the apparent direction of the bullet holes. Despite a wealth of evidence to the contrary and relying solely on testimony presented by the police's legal team, the deaths of

<sup>58</sup> Layout of Fred Hampton's apartment drawn by FBI informant William O'Neal from the Black Panther Party's FBI file [https://inthesetimes.com/article/15949/how\\_the\\_fbi\\_conspired\\_to\\_destroy\\_the\\_black\\_panther\\_party](https://inthesetimes.com/article/15949/how_the_fbi_conspired_to_destroy_the_black_panther_party)

Fred Hampton and Mark Clark were ruled “justifiable homicides.”[need to talk more about the tone of the trial and the way that surveillance was utilized in the case against the family]

### **COINTELPRO Exposed:**

While the declared purposes of these programs were to protect the "national security" or prevent violence, Bureau witnesses admit that many of the targets were nonviolent and most had no connections with a foreign power. Indeed, nonviolent organizations and individuals were targeted because the Bureau believed they represented a "potential" for violence—and nonviolent citizens who were against the war in Vietnam were targeted because they gave "aid and comfort" to violent demonstrators by lending respectability to their cause.<sup>59</sup>

- The Church Committee

While most of the country watched the historic Muhammed Ali vs. Joe Frazier fight on the night of March 8th 1971, a group of eight people broke into a FBI headquarters in Media, Pennsylvania and stole more than 1,000 documents.<sup>60</sup> Within only a few weeks, manilla envelopes containing selections of the stolen documents were being anonymously mailed to major news outlets nationwide.<sup>61</sup> Despite warnings from the FBI not to publish the documents, on March 24th, the Washington Post published the first report using the documents. The article, the first of the many soon to follow, revealed to the public FBI Director D. Edgar Hoover’s extensive and illegal spying operations against huge portions of American citizens, in particular Black Americans.<sup>62</sup> The article immediately sent shockwaves through the media as newspapers began picking up the story. During their operations, the Panthers openly and frequently accused the government of sabotaging their work and infiltrating their group to exert internal influence.

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<sup>59</sup> *Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (Book II, Intelligence Activities and the Rights of Americans)*. 1976. p. 213.

[https://www.intelligence.senate.gov/sites/default/files/94755\\_II.pdf](https://www.intelligence.senate.gov/sites/default/files/94755_II.pdf)

<sup>60</sup>

[https://www.washingtonpost.com/lifestyle/style/remembering-an-earlier-time-when-a-theft-unmasked-government-surveillance/2014/01/10/30e9ee44-7963-11e3-8963-b4b654bcc9b2\\_story.html](https://www.washingtonpost.com/lifestyle/style/remembering-an-earlier-time-when-a-theft-unmasked-government-surveillance/2014/01/10/30e9ee44-7963-11e3-8963-b4b654bcc9b2_story.html)

<sup>61</sup> <https://www.latimes.com/archives/la-xpm-2006-mar-08-oe-jalon8-story.html>

<sup>62</sup> Medsger, Betty and Clawson, Ken. “Stolen Documents Describe FBI Surveillance Activities” *The Washington Post*. March 24, 1971.



At the time, none of the COINTELPRO documents nor even the existence of the program was known so the Panther's correct accusation seemed more conspiratorial than factual. For the Panthers, the revelation was both vindicating and distressing because it confirmed that the conspiracy against the Party orchestrated by the federal government is indeed true.

### **Conclusion: The Consequences of Spying**

The sustained surveillance of the Black Panther Party and other prominent figures in black leadership at the time constituted political harassment on the part of the government. This surveillance resulted in the gathering of information that was crucial to some of the police and federal government's most repressive and violent reactions to the BPP's call for black political power in America. A sustained surveillance regime, while not necessarily destructive in of itself, poses a huge threat to the constitutional right to privacy and the ability for activists, especially black activists, to successfully organize against repressive government conduct. The use of informants to infiltrate, influence and sow anxiety over the safety of being a Panther member is an example of the disruptive and dangerous consequences of the unchecked use of surveillance. The FBI flooded the Black Panther Party with informants not only as a way to keep tabs on their activities but also to sow psychological anxiety over being constantly watched and improve their capabilities for disruption.

In 1970, the families of Fred Hampton and Mark Clark sued the Chicago Police department and the FBI for \$47.7 million for a wrongful death suit. Initially, the case was thrown out but the case was reopened in 1979 when evidence arose that the law enforcement agencies had obstructed justice by refusing to hand over relevant paperwork. The families eventually

settled with local and federal agencies for \$1.85 million for the men's deaths.<sup>63</sup> Although the trial failed, the success in suing the agency resulted in a formal admission of some level of guilt when it comes to the murders of Hampton and Clark.

Sadly, the efforts of the United States government to repress, divide and destroy the credibility and stability of the Black Panther Party proved successful. After years of fractured leadership and members leaving en masse, the party officially dissolved in 1982. However, many of their community programs continued to function under new names and management.<sup>64</sup> Despite the government's efforts to discredit and slander the Black Panther Party, they remain one of the most influential grassroots movements in the United States.

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<sup>63</sup> <https://www.thoughtco.com/fred-hampton-biography-4582596>

<sup>64</sup> The Black Panther photo book

## Chapter 2: #Black Lives Matter and Social Media Monitoring

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### **Introduction:**

Officer Darren Wilson, on August 9, 2014, said unarmed black teenager Michael Brown “looked like a demon.”<sup>65</sup> This designation of inhumanity, along with the 12 rounds fired at the teen, happened within only two minutes of contact with Brown. After a request to walk on the sidewalk quickly turned into a violent altercation, Brown was shot dead. In Wilson’s version of Brown, as if possessed, turned to Wilson, grunted and with a “psychotic” look on his face, charged.<sup>66</sup> 6 separate shots hit Brown as he allegedly moved towards Wilson, yet “none seemed to have any effect on [him]” until the final shot hit him in the head.<sup>67</sup> For four and a half hours, the body of Mike Brown sat on the hot asphalt of the street where he was shot and killed.<sup>68</sup> Hidden by only a thin white sheet, his body was viewed, photographed, and exposed to the community for hours. As news spread of the teen’s murder, the crowd surrounding the crime scene grew as did tensions between residents and law enforcement.

The murder of 18 year-old Michael Brown in Ferguson, Missouri by officer Darren Wilson set off a movement that within days had reached almost every major city in the United

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<sup>65</sup> Barbara Ransby . "The Ferguson Uprising and Its Reverberations." In *Making All Black Lives Matter: Reimagining Freedom in the Twenty-First Century*, 47-80. Oakland, California: University of California Press, 2018. Accessed May 10, 2020. doi:10.2307/j.ctvq4c011.7. Pg. 49.

<sup>66</sup> “Department of Justice Report Regarding the Criminal Investigation into the Shooting Death of Michael Brown by Ferguson, Missouri Police Officer Darren Wilson,” The United States Department of Justice (2015), [https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/doj\\_report\\_on\\_shooting\\_of\\_michael\\_brown\\_1.pdf](https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/doj_report_on_shooting_of_michael_brown_1.pdf), Pg. 15.

<sup>67</sup> Department of Justice Report Regarding the Criminal Investigation into the Shooting Death of Michael Brown by Ferguson, Missouri Police Officer Darren Wilson,” The United States Department of Justice (2015), [https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/doj\\_report\\_on\\_shooting\\_of\\_michael\\_brown\\_1.pdf](https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/doj_report_on_shooting_of_michael_brown_1.pdf), Pg. 17.

<sup>68</sup> Julie Bosman and Joseph Goldstein, “Timeline for a Body: 4 Hours in the Middle of a Ferguson Street,” The New York Times (The New York Times, August 23, 2014), [https://www.nytimes.com/2014/08/24/us/michael-brown-a-bodys-timeline-4-hours-on-a-ferguson-street.html?\\_r=0](https://www.nytimes.com/2014/08/24/us/michael-brown-a-bodys-timeline-4-hours-on-a-ferguson-street.html?_r=0).

States.<sup>69</sup> The cry “Hands up, don’t shoot,” a slogan based on the belief that Brown was shot with his arms up in surrender, could be heard in protest nationwide. Tens of thousands of protesters took to the streets to demand justice for yet another black life that came to an end at the hands of law enforcement. In the months that followed, more names of the dead and more hashtags reflecting the somber reality of black death at the hands of law enforcement took over social media. #BlackLivesMatter became a rallying cry for those who were sick of seeing law enforcement treat black lives as disposable with little to no formal repercussions.

The seeds for the Black Lives Matter movement had already been sown a year earlier. The movement was started by Patrisse Khan-Cullors, Alicia Garza and Opal Tometi in response to the not guilty verdict for Geroge Zimmerman in the murder of 17 year old Trayvon Martin.<sup>70</sup> With a simple hashtagged response to a post by Garza discussing the verdict Cullors had unknowingly kickstarted the beginning of an international movement. Soon after commenting #blacklivesmatter on the post, Cullors and Garza began to use the phrase as an organizing tool. Both had long backgrounds in advocacy work and grassroots organization and with the addition of Tometi to the team, they set out to incorporate “black lives matter” into their work. Following the killing of Mike Brown, the hashtag blew up and was soon widely associated with the protests happening nationwide. Although the protests were much more spontaneous than rigidly planned, the phrase “black lives matter” served as an important unifying and driving force for those who engaged with anti-blackness in policing.

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<sup>69</sup> Wesley Lowery, “Black Lives Matter: Birth of a Movement,” The Guardian (Guardian News and Media, January 17, 2017), <https://www.theguardian.com/us-news/2017/jan/17/black-lives-matter-birth-of-a-movement>.

<sup>70</sup>Jamilah King, “The Women behind #Blacklivesmatter,” The California Sunday Magazine, April 22, 2016, <https://stories.californiasunday.com/2015-03-01/black-lives-matter/>.

## **A Hashtag Movement: The Role of Social Media in the Formation of Black Lives Matter**

Social media played a powerful role in the formation and power of the Black Lives Matter movement. While ultimately a rather disparate movement in terms of central organization, the hashtag #blacklivesmatter played an invaluable part in the dissemination of information to protesters and those sympathetic to the cause. With the help of the internet, disparate parties who otherwise would not come in contact with each other nor be able to organize as quickly and effectively as they did were able to come together rapidly. A national movement, although not always entirely cohesive, largely sprung from the interactions of individuals online.

### **The “Black Identity Extremists” - need to find sources and cite here,**

From its very beginning, the Black Lives Matter movement was singled out by police to be especially dangerous. The association of the phrase with the riots that had developed out of a few of the protests immediately resulted in the labeling of the movement and its supporters as violent and out of control, the same traits Wilson used to justify his fear and his murder of Mike Brown. Pundits debated on live television whether BLM should be considered a domestic terror organization and whether the phrase actually constituted reverse racism by supposedly implying that only black lives matter. The movement was also labelled anti-police and accused of trying to provoke radicals to commit violence against police officers. When a man claiming to represent BLM, despite having no real ties to the organization, killed an officer it seemed to confirm their worst fears.

The FBI swiftly moved to create the federal designation of the “Black Identity Extremists” (BIE) based on their perception of BLM protestors as “ideologically motivated” and participants in “violent criminal activity.”<sup>71</sup> The article that mentions this quote talks about the fact that the FBI were unable to find a pattern of violence or abuse in the hundreds of cases of alleged police brutality but with only 6 instances spread out over years, supposedly found enough evidence to warrant the designation of a BIE. The description of the supposed violence as a “resurgence” of ideologically motivated activity since the incidents in Ferguson and beyond implies a historical connection to some other ideological violence.”<sup>72</sup>

The federal government has a long history of reacting with violence and oppression to the political demands of black activists. A historical part of this regime is the designation of black activists as extremists and terrorists for demanding political rights afforded to their white counterparts. The Black Identity Extremists builds on the decades earlier terms “Black Separatist Extremists” and “Black Nationalist Hate Types.” In these two designations, the federal government implies that calls for full black sovereignty in the United States amounts to calls for separatist black nations. The demand for full access to citizenship is likened to the formation of a hate group, ironically a designation created to distinguish racist domestic groups that continually terrorize black citizens.

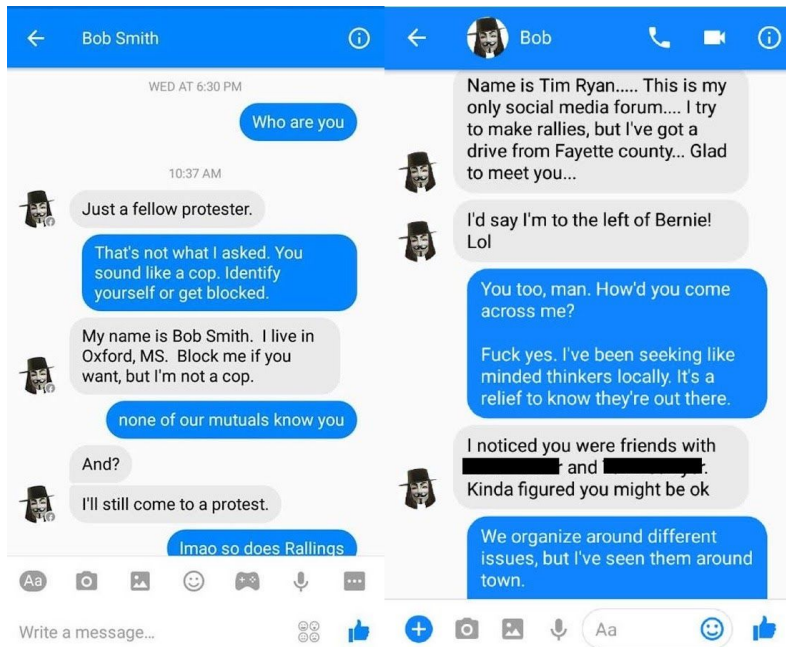
### **“Just a fellow protester”**

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<sup>71</sup> FBI memo but quoted in <https://archive.thinkprogress.org/fbi-targets-black-activists-83628a5eb611/>

<sup>72</sup> FBI memo but quoted in <https://archive.thinkprogress.org/fbi-targets-black-activists-83628a5eb611/>

Law enforcement utilized a surveillance campaign to repress the Black Lives Matter Movement and remain on top of the group's activities. The Memphis Police Department used a

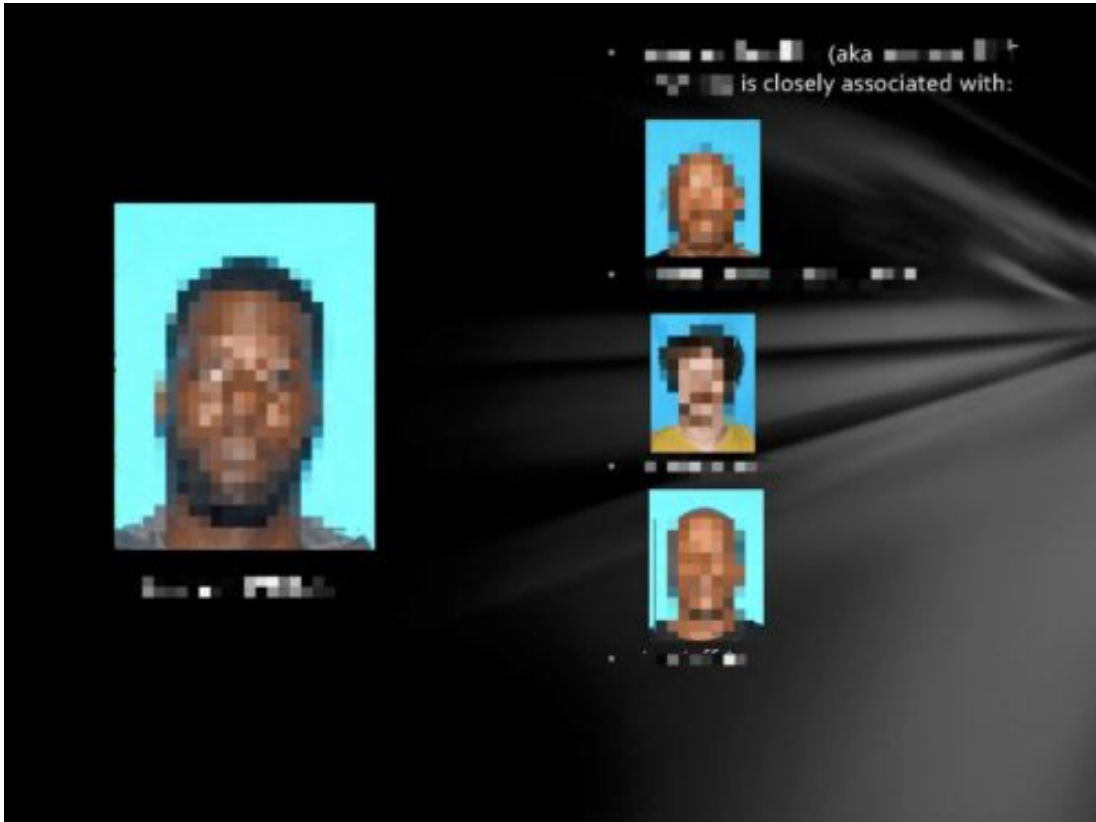


fake Facebook account to build dossiers of suspected Black Lives Matter activists. Sgt. Timothy Reynolds was tasked by his superiors to create a fake online persona to infiltrate Facebook groups with suspected BLM activists. The Facebook profile used the name “Bob Smith”

which was used as an apparent alias for the persona “Tim Ryan” of “Fayetteville County.”<sup>73</sup> The profile was used to try to gain the trust of local activists and gather intelligence on potential local actions. In documents obtained from lawsuits filed by the ACLU, Reynolds sent regular briefings including information on private meetings, public discussion and less directly political events such as “Black Owned Food Truck Sunday.” After Reynolds had infiltrated the private facebook groups, he would take screenshots of the activities within the groups and the profiles he engaged with.<sup>74</sup>

<sup>73</sup> Jamiles Lartey, “Memphis Police Accused of Using Fake Accounts to Surveil Black Activists,” The Guardian (Guardian News and Media, August 1, 2018), <https://www.theguardian.com/us-news/2018/aug/01/memphis-police-black-lives-matter-activists>.

<sup>74</sup> Screenshot of a conversation between fake Facebook profile “Bob Smith” and a Memphis-area activist



<sup>75</sup>This information was used to develop dossiers on suspected activists in the area which were later presented to the department in a PowerPoint presentation titled ‘Blue Suede Shoes.’<sup>76</sup> The presentation included photographs, addresses, and known associates of the activists, many who were neither arrested nor accused of breaking any laws at the time. In fact, many of the people added to this police assembled network of Memphis organizers were not necessarily even involved in any of the work being discussed. Many were simply Facebook friends who entered the radar of the police simply by liking posts with political messages. This creates a dangerous environment where the mere participation in online social and political life that is critical of law

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<sup>75</sup> Example of a slide from the presentation. The man on the left is the focus of the slide while those to the right are listed as “closely associated with” the individual. Faces and names have been censored for privacy.

<sup>76</sup> Jamiles Lartey, “Memphis Police Accused of Using Fake Accounts to Surveil Black Activists,” The Guardian (Guardian News and Media, August 1, 2018), <https://www.theguardian.com/us-news/2018/aug/01/memphis-police-black-lives-matter-activists>.



enforcement can trap you in their surveillance network. [i could talk about Fiske here and the way that black bodie are forcibly visualized, even when attempting privacy]

Documents obtained by the ACLU revealed that the Memphis police department's office of homeland security directed the program. Officials claimed that the office had been "retooled" from its original mission which focused on threats to the police department or the city in general. Following protests against police brutality in 2016, the office shifted their focus away from general threats to the city and instead made "local individuals or groups that were staging protests" their primary focus.<sup>77</sup> The threat of black activism was immediately determined to be a target worthy of surveillance and that the idea of black protest was equivalent enough to reposition a task force that existed to protect the police department and the city itself. BLM was an existential threat to the city of Memphis.<sup>78</sup>

### **Creating the "Data Double" - Thinking about Surveillance Assemblages**

The creation of the fake profile represents the creation and application of a "data double" of Memphis area activists. "Data doubles" are the amalgamation of different flows of information gleaned from a surveillance network in order to make a data-based representation of some person.<sup>79</sup> Part of law enforcement's effort to infiltrate these circles was by adopting characteristics that they saw as representative of the typical online organizer. These characteristics were chosen based on law enforcement's stereotypical idea of a black activist and on the online activity of the people they surveilled. The decision to self-identify the profile as an

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<sup>77</sup>Jamiles Lartey, "Memphis Police Accused of Using Fake Accounts to Surveil Black Activists," The Guardian (Guardian News and Media, August 1, 2018), <https://www.theguardian.com/us-news/2018/aug/01/memphis-police-black-lives-matter-activists>.

<sup>78</sup>George Joseph, "Meet 'Bob Smith,' The Fake Facebook Profile Memphis Police Allegedly Used to Spy on Black Activists," The Appeal (The Appeal, August 2, 2018), <https://theappeal.org/memphis-police-surveillance-black-lives-matter-facebook-profile-exclusive/>.

<sup>79</sup> Haggerty and Ericson, "The Surveillant Assemblage," : pp. 614.

“anarchist” and to like pages like “I Love Being Black” is an attempt to parrot the identity of their target audience of local, black activists.<sup>80</sup> In addition, to claiming to be a Black man when Officer Reynolds is white, the decision to like other pages supporting Palestinian solidarity and Bernie Sanders was a calculated move to convince their targets that they were one of them, in both race and more general politics. This digital double of activists was able to achieve some success because it utilized information which was already available and was able to gather much more. Bob Smith’s expanding list of Facebook friends increased the visibility of activists to the police and increased the apparent trustworthiness of the account.

This creates a feedback loop where the fake profile is able to access information, gather it, improve its strategy and continue expanding. As seen in the message exchange above, Smith’s ability to identify familiar names in local organizing and use them as symbols of belonging lowered the guard of his target. The profile goes even one step further than merely offering the name and attempts to gate-keep first. The “Kinda figured you were okay” after name dropping is used as a test of the other person’s connections and puts them on the spot to defend their credibility. In this way, Bob Smith’s adoption of interest and tactics of activists to better pass as one of them also reinforces the importance of those traits in the activists’ identity.

### **Memphis PD’s History of Targeting the City’s Black Organizers**

This infiltration of online black activist groups is a gross abuse of police authority and is reminiscent of a long history of discriminatory surveillance. In 1978, an ACLU investigation revealed that the Memphis police department had been engaging in covert infiltration of civil rights groups throughout the city. The case is eerily similar to the actions of the MPD 50 years

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<sup>80</sup> George Joseph, “Meet ‘Bob Smith,’ The Fake Facebook Profile Memphis Police Allegedly Used to Spy on Black Activists,” *The Appeal* (*The Appeal*, August 2, 2018), <https://theappeal.org/memphis-police-surveillance-black-lives-matter-facebook-profile-exclusive/>.

later. After a few peaceful anti war vigils organized by young activists had taken place, the city government grew concerned over the nascent political opposition. Officers were assigned to infiltrate the organizations, compile dossiers on persons of interest, and report on the internal activities of the groups. Records show that those persons of interests tended to be involved in “Civil-Rights, Union, and Negro Coalition activities.”<sup>81</sup> Surveillance of activists continued for 8 years before their activities were discovered. When news broke of the expansive surveillance regime targeting primarily black activists in the city, the mayor ordered the files associated with the operation burned rather than handed over to the ACLU.

The city’s destruction of public records in order to obscure the extent of their spying led to a decree against the city which bound them to protecting citizens First and Fourth Amendment rights. The decree forbade the city from “gathering, indexing, filing, maintenance, storage or dissemination of information, or any other investigative activity, relating to any person’s beliefs, opinions, associations or other exercise of First Amendment rights.”<sup>82</sup> The recent lawsuit filed by the ACLU alleges that by engaging in another covert surveillance operation of black political organization they had broken the 1978 agreement. The current lawsuit itself is a test to see if social media monitoring could be considered the same level, or of a similar level, of surveillance as past attempts by the government to infiltrate political groups through more traditional means.

The police allege that their social media infiltration was “simply good police work” because they had received some indication that the Klu Klux Klan was planning to interrupt a Black Lives Matter rally.<sup>83</sup> Their surveillance activities, they argued, were motivated by care rather

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<sup>81</sup> <https://www.aclu-tn.org/wp-content/uploads/2017/02/Kendrick-Summary.pdf> pg. 5

<sup>82</sup> <http://fnolan.com/uploads/ACLU%201978%20Consent%20Decree.pdf>

<sup>83</sup> Antonia Farzan, “Memphis Police Used Fake Facebook Account to Monitor Black Lives Matter, Trial Reveals,” The Washington Post (WP Company, August 23, 2018),

than control and that the police did their due diligence by keeping a close watch on activists associated with Black Lives Matter. However, this narrative of the story obscures what police did with their newfound intelligence. The sensitive information, including addresses, photographs and mental health histories that were continued in the intelligence briefings were sent to local businesses and employers.<sup>84</sup> Although the department did not directly comment on the information distribution it is safe to assume that the police were using the information gathered by social media informants to affect activist potential and current job opportunities.

In addition to handing out sensitive information, activist Keendra Franklin suspects that police used this information to stalk his activities. He alleges that occasionally he finds unmarked police cars with officers inside sitting outside his office waiting for him to leave work, an allegation which the department claims no knowledge of. Despite the denial from authorities Franklin is haunted by the stress of a potentially violent encounter with police. Merely leaving his house started to feel like a “potential death threat,” one made possible by surveillance done by police. A judge ruled that the city was engaging in “political intelligence” and must cease their operation<sup>85</sup> However, The news of the surveillance of BLM acts as another iteration of the way that black political life is closely watched and surveilled.

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<https://www.washingtonpost.com/news/morning-mix/wp/2018/08/23/memphis-police-used-fake-facebook-account-to-monitor-black-lives-matter-trial-reveals/>.

<sup>84</sup> Jamiles Lartey, “Memphis Police Accused of Using Fake Accounts to Surveil Black Activists,” The Guardian (Guardian News and Media, August 1, 2018),

<https://www.theguardian.com/us-news/2018/aug/01/memphis-police-black-lives-matter-activists>.

<sup>85</sup> Antonia Farzan, “Memphis Police Used Fake Facebook Account to Monitor Black Lives Matter, Trial Reveals,” The Washington Post (WP Company, August 23, 2018),

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