



WE ARE THE COLOR OF FREEDOM

Reflections on Resisting Mass Surveillance in a Trump Era

Color of Freedom Summit Report
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Hosted by Center for Media Justice and Partners

TABLE OF CONTENTS

- 3** A Message from Malkia A. Cyril, CMJ Director
- 6** Introduction: We Are the Color of Freedom
 - Purpose of the Summit
 - Why Focus on Racial Justice?
- 9** Surveillance in a Trump Era
 - Grounding in This Political Moment
- 11** Impact of Surveillance to Front-line Communities
 - What Does Racially Biased Surveillance Look Like?
- 15** Building a Movement That is Safe Enough to Risk, Strong Enough to Win
 - Safe Enough to Risk
 - Strong Enough to Win
 - Tool for Collaboration: Narrative Stress Test
- 22** Appendix
 - Public Agenda
 - Participant List



A message from
Center for Media Justice director,
MALKIA A. CYRIL

“We are the color of freedom. We are the ones we’ve been waiting for.”

—Malkia A. Cyril, Center for Media Justice

Since being popularized by the revelations of National Security Administration (NSA) whistleblower Edward Snowden, mass surveillance has been largely diagnosed as a problem equally facing all people. In fact, some groups are watched far more often than others, with greater consequences. This includes Black, migrant, and native communities; the formerly incarcerated; Muslims; the poor; and the activists fighting for these groups. This “watching” is the systematic process of collecting data for the purpose of control, and is a prelude to visceral forms of state violence that distort and can even end the lives of those it touches.

For too long, “surveillance reform” has been the primary solution offered and funded, often at the expense of

the sustained resistance efforts rooted in local communities throughout the United States. For too long, race has been marginalized in public and policy debate about surveillance, though surveillance technologies and practices have historically been built by systematically violating the constitutional and human rights of people of color.

When I conceived of the Color of Freedom Initiative in general, and this gathering in particular, it was because I knew, as do hundreds of thousands of others, that we are the ones we’ve been waiting for. The time is now to enable and support a growing intersectional movement against racially biased mass surveillance, guided by five core principles:

1. **Current approaches to policing in America cannot be reformed.**

We envision abolition, with new approaches to security and accountability that support racial justice and human rights for all.

4. **Leadership must be forged at the site of impact, while successful alliances are forged by shared interest, vision and values.** Successful movements must be powered by grassroots

“The time is now to enable and support a growing intersectional movement against racially biased mass surveillance.”

—Malkia A. Cyril, Center for Media Justice

2. **All reforms are not equal; false solutions can be dangerous.**

Some reforms create a path toward abolition while others reinforce the existing security state. We seek the former, and oppose the latter. A successful movement will know the difference.

3. **Who you are, not what you do, is a primary determinant of whether you are surveilled in America.** Therefore, our fight against mass surveillance uniquely centers race, gender, national origin, and economic standing—not for an outcome of diversity, but for an outcome of justice.

leadership, and strengthened by technical experts and allies willing to partner and support priorities determined by those most likely to experience harm.

5. **It is necessary to support a diversity of tactics that include digital defense as well as demands.** While policy change is necessary, it is not the only strategy to resist and transform high-tech racial profiling, digital policing, and mass surveillance in the 21st century. Digital security, narrative and cultural shifts, corporate accountability, and institutional change are also central, and can be brought about by sustained grassroots action.

I believe that by listening to and serving the people most likely to be harmed, by forging new vehicles for collaboration, by forcefully moving ahead with sustained grassroots resistance and action for institutional accountability, we can use technology to defend and provide sanctuary to our communities, while also demanding change from decision makers of all kinds. Powered by grassroots leadership and culturally grounded expertise, I believe that we can win. If you agree, join us, as we will join you.

In Solidarity,

Malkia A. G. J.



INTRODUCTION: THE COLOR OF FREEDOM SUMMIT

“We are building toward freedom for our communities, and all people.”

—Steven Renderos, Center for Media Justice

Digital surveillance is certain to expand under the presidency of Donald Trump, who portrayed himself as the “law and order” candidate throughout his campaign. Trump and his administration have gained control of a vast and largely unaccountable system of national surveillance. Mr. Trump has indicated that during his first 100 days, his administration will vastly increase the numbers of police in Black urban communities, register Muslims into databases and place them on watch lists, round up Latinx immigrants and deport them at will, blatantly discriminate against queer and trans people, and violently suppress democratically protected dissent using expanded surveillance powers.

The Color of Freedom Summit is a response to these conditions, and is part of a larger Color of Freedom Initiative launched by the Center for Media Justice (CMJ) in Fall 2016. Color of Freedom is a five-year initiative to mobilize racial-justice leadership and strategy to confront and curtail police surveillance with research, policy, training, and technical assistance. The initiative has three components: an annual Color of Freedom Summit, Digital Security Services, and Freedom Now campaigns. For more information on the Color of Freedom Initiative visit CMJ's website at www.mediajustice.org.

The Color of Freedom Summit took place on December 8, 2016, just one month after the presidential elections. The Summit provided a unique opportunity for local racial-justice change makers to turn analysis into action, amplify local leadership, and forge lasting collaborations with legal and technical allies to resist and reform racially biased surveillance in targeted communities. The gathering brought together 80 people from across the country to share strategies for how to fight back against state surveillance technologies.

This gathering centered conversations at the intersection of racial justice, media representation, and the new technologies that have unleashed an unprecedented level of government surveillance. Private business and law enforcement have

combined to surveil Black and Brown bodies—individuals who are portrayed in the media as criminals, their very existence deemed “illegal.” There was a consensus at the Summit that at this moment we cannot accept incremental policy reforms, but must take bold steps toward protecting ourselves and confronting a state that is bent on over-policing communities of color.

Participants at the Summit came from a diverse set of professional backgrounds that included grassroots activists, hackers, policy experts, academics, and attorneys. Over a third of the participants were from cities outside of Washington, D.C., and the majority of attendees were people of color.

Purpose of the Color of Freedom Summit

Since Edward Snowden revealed an extensive program of government surveillance, there has been growing public concern. This debate has largely been framed by a discourse of privacy assumed to be a given by the white body politic. The impact of surveillance on marginalized communities has been ignored. The two years of Senate debates that followed never touched on how some communities are more heavily surveilled than others. Martin Luther King, Jr., for example, had 17,000 pages of FBI files collected on his movements. But his name, and the names of other Black activists who have faced constant harassment, are not mentioned in official Senate debates about the role of the National Security Administration.

The Color of Freedom Summit was a step toward building a coalition to correct this oversight. It's time for a new vision and mass action. Race must be at the center of conversations about surveillance. For this to happen, we must change who is making the policy decisions that impact communities of color. The solutions are going to come from outside of Washington, D.C., so the Summit brought together people from across the country for a discussion. The future is here and we cannot rely on anyone else for our salvation. We need to figure out how to build power locally, how to resist technologies of control, and how to develop the tools that will strengthen our communities. This is an opportunity to think about what freedom looks like for us.

Surveillance is a response to the growing discontent among racialized communities. Racial justice means putting communities of color at the center of our conversation. Black and Brown people who are incarcerated, and their families, should be leading our campaigns. We should stand in solidarity with immigrant families that are being broken apart by deportations. We need to dismantle the structural racism that underlies all our experiences.

SUMMIT PARTICIPANTS AGREED:

- ✓ Expanding digital surveillance affects us all, but not equally.
- ✓ Centering race in conversations of digital privacy and surveillance is critical, as is an understanding that communities of color must be involved as key decision makers in future policy decisions.
- ✓ We are launching a growing coalition that realizes a common goal, without ignoring the history of colonialism, genocide, slavery, and oppression.



SURVEILLANCE IN A TRUMP ERA

“To be black is to be surveilled. It is not your actions, but your identity that targets you”

—Brandi Collins, Color of Change

We recently saw Donald Trump win the election by mobilizing white fear over demographic and economic shifts in the United States. The most high-tech systems of spying are now being turned over to a leader who is certain to use them as instruments of widespread repression. In a digital age—and an era of big data—this infrastructure can be used to violate constitutional and human rights.

The current period of crisis will be an opportunity for the Trump administration to further expand state surveillance—particularly if our country suffers another tragedy like the attacks in San Bernadino, Calif., or Orlando, Fla. We can expect to see the growth of private prisons, more funding for local police departments, and increased use of surveillance by law enforcement. It is those groups at the margins who will be the first to be targeted. We’ve also seen community leaders criminalized and pushed to the margins. How do we counter these attacks on our movement and our movement leaders?

Grounding in This Political Moment

The birth of the Movement for Black Lives has sparked the largest domestic social movement since the 1960s. We have also seen other marginalized groups recently emboldened, most notably Native Americans at Standing Rock, as well as undocumented immigrants protesting deportations in cities across the United States. The difference today is the rapid development of technologies of surveillance used to monitor these movements, which are being viewed as threats. How can we educate our communities about surveillance in a way that builds collective power without breeding paranoia? We can't let paranoia destroy our communities from within or without. We need to continue to relate to each other and each other's movements.

The Emergence of the Stalker State

Police surveillance is not new, we know. In the United States, modern policing has historical roots in the control of Black bodies after the Civil War, as well as in the rise of the Red Squad to suppress labor activists. Since the 1960s, local police have seen infusions of federal money to grow their ranks and build up their arsenals. Today, we see the full-fledged emergence of a “stalker state” that employs the latest technology to monitor and contain oppressed communities. We see this in every one of our cities—large and small—throughout the country.

“Surveillance affects everyone, but not everyone equally.”

—Alvaro Bedoya, Center on Privacy & Technology

IMPACT OF SURVEILLANCE TO FRONT-LINE COMMUNITIES

“The surveillance we see today is not a moment in time, but a continuation of history.”

—Hamid Khan, Stop LAPD Spying Coalition

Communities of color are the first to be experimented on with these new technologies. As we have seen in Ferguson, today's police forces are like small armies that possess armored cars, assault rifles, and supposedly “non-lethal” weapons. This advanced military weaponry was recently used at Standing Rock, where police agencies from eight different states were called in to support local law enforcement. Every day in the United States, police employ military-style weapons. Some 80,000 SWAT raids were conducted in the last year, the overwhelming number of them taking place in neighborhoods where poor Black and Brown people live.

Even without Trump's proposed wall, people are dying along the heavily militarized United States-Mexico border that is policed by 21,000 Border Patrol Agents, one of the largest police forces in the United States. Perhaps the most visible incidents of state-sanctioned surveillance are police killings, now able to be recorded by anyone with a cell phone. In 2015 alone, 1,134 people were killed by police in the United States, with minorities often the victims, and young Black males five times more likely to be killed by police as their white counterparts.

What Does Racially Biased Surveillance Look Like?

In cities across the United States, we are seeing several encroaching technologies used to police our communities. Practices like “stop and frisk” searches have become widely known for being racially enforced. But such discriminatory methods are being enshrined in new predictive algorithms that are being said can predict criminal behavior. High-tech equipment is being purchased from the growing number of surveillance companies, often bought with asset forfeiture money from the War on Drugs. It is acquired with little or no knowledge from the public or their elected officials. We need more than transparency; we must stop local law enforcement from acquiring these technologies in the first place, and reject any quick fixes to the social problems of poverty and racism.

Six types of surveillance technologies were presented on and discussed at the Color of Freedom Summit. These technologies are most often encountered by communities and activists of color.

Stingrays

Stingrays are the most famous brand of “cell site simulators,” sold by Delaware-based Harris Corporation. These devices intercept phone calls by mimicking cell phone towers, but they are small enough to fit in a suitcase. They are deployed every day in the United States with little or no oversight. According to the ACLU, 68 police agencies in 23 states and the District of Columbia possess Stingray technology. A recent House Oversight Committee report details that the Department of Homeland Security has a stockpile of 124 cell site simulators while the Department of Justice owns 310 of these devices. Activists at Black Lives Matter protests have reported dropped calls and drained batteries, signs of Stingray use. A complaint at the Federal Communications Commission on Stingray use by the Baltimore Police Department showed that Baltimore police used Stingrays on average 516 times a year. The vast majority of the time, Stingrays were deployed in the predominately African-American neighborhoods in East and West Baltimore.

Predictive Algorithms

Several cities across the United States are using predictive algorithms to assess who should be released from jail. Time spent in jail can be greatly disruptive to a person's life, leading to unemployment, loss of housing, and economic insecurity. Long terms in jail also make an individual more likely to plead guilty to crimes they may or may not have committed. While such decarceration efforts should be applauded, they are enshrining racial bias into the criminal justice system. Predictive algorithms are being experimented with in Philadelphia, which has the highest per capita number of people held in pre-trial detention. Individuals are held in jail on average for 200 days awaiting prosecution. Among the top factors for deciding whether a person should be released are zip code and prior arrests, both heavily influenced by racialized policing.

Predictive Policing

The growing use of predictive policing is another sign that the future is now. The Los Angeles Police Department and others have developed analytical software that attempts to predict who will commit crimes and where they will occur. This is a scientific method, proponents argue, free of prejudice. Of course, if police are

feeding biased data into these algorithms, the products of their analysis will be biased, if not outright racist. For example, police draw upon gang databases which are largely made up of Black and Brown youth. An investigation found that among the names in one gang database, there were 42 individuals under one year old, 28 of them “admitting” to being gang members. If we look at this issue through the lens of race, rather than privacy, we see a system of high-tech racial profiling. Police sit in remote offices gambling with people’s lives.

Face Recognition

Another new technology that poses a grave threat to communities of color is facial recognition software. A recently released report by The Center on Privacy & Technology at Georgetown Law, called [The Perpetual Lineup: Unregulated Police Face Recognition in America](#), found that law enforcement networks include photos for half of all adults in the United States. These come from state records like driver’s license photos and mug shots. A sheriff’s office in Florida runs facial recognition searches 8,000 times a month. Reports suggest that face recognition has been used to identify activists at Standing Rock and Freddie Gray protests. Research suggests that this technology is more likely to make mistakes for women, young people, and African Americans—even though these are precisely the communities on which the technology is most likely to be used. In other words, this technology may be least accurate for the communities it is mostly likely to affect.

Electronic Monitoring

Many jurisdictions taking steps toward decarceration are using electronic monitoring. There is a need to contest the idea of monitors as an alternative to incarceration. What might otherwise be called an “ankle shackle,” this is instead another form of incarceration, or e-carceration. GPS monitors, in particular, are instruments used to control urban spaces. A new form of technological gentrification, these devices draw lines between rich and poor neighborhoods. For those on electronic monitoring, it impacts their movements, associations, employment, education, and their ability to participate in family and community life. Again, electronic monitoring disproportionately impacts communities of color. Electronic monitoring targets youth with a “gang affiliation,” and is increasingly used in immigration cases. Additionally, electronic monitoring is part of a bigger strategy to shift the costs and burden of incarceration from the state to poor communities of color. Those who manufacture these devices are prison profiteers like BI Group, owned by GEO Group, and Securus, one of the largest prison phone companies.

Social Media Spying

Social media companies are secretly collaborating with law enforcement. In the case of Korryn Gaines, Facebook cut off the live feed of her standoff with police at the request of law enforcement, who then shot and killed her. Police are also using social media sites to track Black Lives Matter activists who have reported being picked up, thrown into squad cars, and referred to by their Twitter handles. Surveillance is also being outsourced to private companies that follow hashtags, photos, and video on social media. Most recently, Geofeedia was exposed for having agreements with social media sites like Facebook, Twitter, and Instagram to scrape data and feed it to some 500 police agencies with whom they contract. There are other companies like Palantir Technologies created by Peter Thiel, a board member of Facebook, and the co-founder of PayPal, that spread misinformation and spies on activists. It is critical that we follow the money, shame brands that suppress dissent, and scramble the data they mine.





BUILDING A MOVEMENT THAT IS SAFE ENOUGH TO RISK, STRONG ENOUGH TO WIN

“What does building power look like for us?”

—Hamid Khan, Stop LAPD Spying Coalition

As the Movement for Black Lives has built power throughout the country, it has been met by increased repression. Black Lives Matter activists have been targeted for surveillance, their social media sites have been trolled by police, and face recognition software has been used to criminalize them. We can be sure to see similar methods used to target immigrant and Muslim communities in the coming years. Organizations that have advocated for digital privacy have typically been led by “techie” who are white men. We need to build a culture of solidarity among techies of color, women, and gender non-conforming people that push for solutions by and for us.

Safe Enough to Risk

Color of Freedom participants were invited to divide up into small groups to discuss strategic interventions in four key areas: **Digital Security, Media & Narrative, Policy & Political, and Corporate Accountability**. Small groups were tasked with lifting up recommendations for interventions that could be pursued in each topic area.







DIGITAL SECURITY TRAINING AND CAPACITY NEEDS

“How do we create autonomous safety?”

–Brianna “Trell” Gibson, Black Youth Project

We must provide the tools that will keep our fellow activists safe so they can minimize risk when confronting a ruthless state that has the law on its side. We need a structure for disseminating skills of digital self-defense. We need to hold more trainings for trainers so they can then empower activists working in impacted communities. The use of encryption software like Signal can be easily taught to community organizers.

RECOMMENDATIONS:

-  Develop a national network of techies of color.
-  Train the trainers.
-  Design curriculum for local training sessions on digital security for Muslims, South Asian, Arab, and gender non-conforming people.
-  Normalize encryption for self-defense.
-  Widely deliver digital self-defense training to activists across the country.
-  Direct resources to help front-line organizations become more secure.







MEDIA AND PUBLIC NARRATIVE INTERVENTIONS

“The media has a long history of dehumanizing us. we need to challenge these narratives, otherwise they can do anything to us.”

—Joe Torres, Free Press

The media plays a major role in the demonization of people of color, making them easy targets for public scorn, police repression, and mass incarceration. To correct this picture, we need to challenge narratives that are destructive toward our communities. This requires a strategic approach to communications that reframes how people talk about surveillance while lifting up the voices of impacted communities.







RECOMMENDATIONS:

-  Challenge the rhetoric of “public safety”, which is often a code word for policing communities of color.
-  Shift the argument for “privacy” to a discussion of communities of color that have no expectation of freedom from surveillance.
-  Place more stories written by people from impacted communities.
-  De-sensationalize surveillance; jargon often mystifies the public.
-  Do not participate in the normalization of surveillance.
-  Bring activists and organizers to the table with social media and other technology companies, to define the role of tech in defending human rights.

POLICY AND POLITICAL INTERVENTIONS

We identified key policy proposals and political campaigns that can be fought for at local, state, and national levels. These battles must be waged in cooperation with people on the ground who understand best how surveillance impacts our communities.




RECOMMENDATIONS:

-  Pass legislation at the state and local levels to rein in surveillance technologies.
-  Pass Sanctuary City ordinances to leverage local power against federal immigration policies.
-  Monitor ways police circumvent laws.
-  Map the surveillance technologies possessed by police.
-  Contest data sharing between local and federal law enforcement agencies.
-  Expose national trainings and business expos where police learn the newest surveillance technologies.

CORPORATE ACCOUNTABILITY INTERVENTIONS

The private companies and their investors who profit from mass incarceration and police surveillance include private prison corporations, weapons manufacturers for law enforcement, and social media spying companies. They have a financial incentive to resist reform efforts and perpetuate the prison industrial complex.

RECOMMENDATIONS:

-  Toxify companies that make money off the surveillance and incarceration of communities of color.
-  Encourage shareholder divestment and accountability.
-  Bring community organizers to the table with social media outlets.

Strong Enough to Win









At a time when Republicans have seized control of the Executive, Legislative, and Judicial branches, it is crucial to build a grassroots movement that is strong enough to win liberation for our people. Social movements in the past have been destroyed by government surveillance and infiltration. It is critical that we must stay focused on our common points of interest, while respecting our differences. We must keep our eyes on the prize.

Principles for Collaboration

In moving forward, it's important that we support one another in a process that is consensus-building and intentional. We must balance national strategies with on-the-ground organizing. It's easy to get caught up in the moment, but it is also necessary to slow down to ensure collective ownership. Everybody must be involved in our movement if we are going to free us all.

We will need to build power locally and network nationally. We may disagree on the steps we need to take to get to abolition, we might choose different ways to get there, but we must work in unison to push forward a radical agenda for racial justice and media democracy. Below are some ideas for collaboration.

RECOMMENDATIONS:

-  Remain high impact, low ego.
-  Support impacted communities, not only organizations.
-  Recognize that everybody has skin in the game.
-  Sustain movements between big moments.
-  Build equitable relationships between national funders, policy groups, and local grassroots organizations.
-  Host digital security trainings for community organizers.
-  Facilitate peer exchange for techies of color.
-  Build a network to follow companies that profit from expanding surveillance.



TOOLS FOR COLLABORATION: NARRATIVE STRESS TEST

“The human spirit gives me hope. You just can’t defeat people.”

— Alfredo Lopez, May First/People Link

Attempting to change the narrative on digital surveillance is a tremendous undertaking that must reflect a diverse set of interests. Shifting narratives requires a strategic approach—one that doesn’t sacrifice long-term vision for short-term gain, push underrepresented voices to the margins, or position race and class in opposition. CMJ and the Opportunity Agenda created a tool called a [Narrative Stress Test](#) that offers a set of guiding principles and strategic questions to consider when organizing messaging and framing strategies as part of large coalitions. CMJ offers this tool as a necessary part of any racial justice coalition that seeks to resist and dismantle the surveillance state.

These are the principles of the Narrative Stress Test

- Do No Harm
- Critique Government
- Support Lasting Change
- Consider Context
- The Question of Attribution: Give Credit Where Credit Is Due

APPENDIX: AGENDA

Color of Freedom Summit

Thursday, December 8, 2016

Georgetown Law (Gewirz Building—12th Floor)

Participant Agenda

8:00am–8:30am	Breakfast
8:30am–10:15am	Welcome
10:15am–11:00am	Opening Keynote: Grounding in the Political Moment Scott Roberts, Senior Campaign Director, Color of Change Fahd Ahmed, Executive Director, Desis Rising Up and Moving
11:00am–11:15am	Break
11:15am–1:00pm	Presentation and Discussion: Ignite Talks Hamid Khan (Stop LAPD Spying Coalition) Laura Moy (Institute for Public Representation) Brandi Collins (Color of Change) James Kilgore (Urbana-Champaign Independent Media Center) Alvaro Bedoya (Center on Privacy & Technology) Hannah Sassaman (Media Mobilizing Project)
1:00pm–1:45pm	Lunch
1:45pm–3:30pm	Small Groups: Racial Justice Strategies to Counter Surveillance
3:30pm–3:45pm	Break
3:45pm–4:45pm	Discussion: Principles for Effective Movement Collaboration
4:45pm–5:00pm	Closing

This report is published by the Center for Media Justice based on the discussions at the 2016 Color of Freedom Summit, a convening held in partnership with the Center on Privacy & Technology at Georgetown University Law Center, Free Press, members of the Media Action Grassroots Network, and Color of Change. Thanks to the staff of these organizations for their planning and leadership. We are especially grateful to the Open Society Foundation, the CS Fund, and the Ford Foundation for their support of this timely conversation.

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