What Does the FBI's New 'Black Identity Extremist' Label Really Mean to Black Organizing?

"Acting with great principle in this time is not just a matter of moral high ground but also a matter of personal safety," says surveillance reform expert Malkia Cyril. "What we need to not do is be paranoid. What overcomes paranoia is principles."

Miriam Zoila Pérez (/writers/miriam-zoila-p%C3%A9rez) | OCT 25, 2017 12:26PM EDT



Malkia Cyril, founder and executive director of the Center for Media Justice, partnered with the ACLU to file a Freedom of Information Act request about the new FBI designation of "Black Identity Extremism" in October 2017.
Photo: Courtesy of Malkia Cyril

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Malkia Cyril is the founder and executive director of the Center for Media Justice, an organization best known for its leadership in the fight for net neutrality (https://www.colorlines.com/tags/net-neutrality). But Cyril, who uses the pronouns “they” and ”them,” is now embroiled in a related but distinct fight–one they call “protecting Black dissidents from the FBI.” It’s a fight they’ve been preparing for since they were born to parents who were members of the Black Panther Party.

Colorlines talked to Cyril about revelations (http://foreignpolicy.com/2017/10/06/the-fbi-has-identified-a-new-domestic-terrorist-threat-and-its-black-identity-extremists/) that the FBI has created a new designation for contemporary Black activism, “Black Identity Extremism” (BIE). In a leaked August 3, 2017 (https://www.documentcloud.org/documents/4067711-BIE-Redacted.html) report titled “Black Identity Extremists Likely Motivated to Target Law Enforcement Officers,” the FBI defines BIEs as:

> "[I]ndividuals who seek, wholly or in part, through unlawful acts of force or violence, in response to perceived racism and injustice in American society and some do so in furtherance of establishing a separate black homeland or autonomous black social institutions, communities, or governing organizations within the United States. The mere advocacy of political or social positions, political activism, use of strong rhetoric, or generalized philosophic embrace of violent tactics may not constitute extremism, and may be constitutionally protected."

It is not yet clear how the FBI will change the scope of its work based on this designation, but according to Foreign Policy (http://foreignpolicy.com/2017/10/06/the-fbi-has-identified-a-new-domestic-terrorist-threat-and-its-black-identity-extremists/), which broke the news of the report, BIE is new language. Cyril says they fear that the FBI and law enforcement agencies will use the new label to increase the surveillance and targeting of Black activists, a strategy akin to the FBI's notorious COINTELPRO (https://www.colorlines.com/articles/16-black-panthers-still-behind-bars) program. Here, Cyril talks about the power of principles, the pitfalls of paranoia and how to fight this new designation.

How did you get involved in the issue of FBI profiling and surveillance of Black activists?

My mother was a Black Panther. My father was also involved in other things related to the party. Let's just say they were both Black Panthers. This has been my life. [I grew up] going with my mom to court for [Black activists] who had been falsely or wrongly convicted. So I feel like on one level I was born into this particular fight, not just the fight for Black liberation, but specifically for the fight to protect Black dissidents from the FBI.

Talk about the Freedom of Information Act (FOIA) request about BIE that you submitted alongside the ACLU.

Once the designation Black Identity Extremists was revealed by Foreign Policy (http://foreignpolicy.com/2017/10/06/the-fbi-has-identified-a-new-domestic-terrorist-threat-and-its-black-identity-extremists/), I reached out to my allies in the surveillance reform community [and asked] what we were going to do. The ACLU [suggested we] file a FOIA request and ask the FBI to turn over any documents they have about Black activists because of their purported shared ideology–or, by their terms, "extremism."

What do you expect the FBI to respond to the request?

Who knows how long the FBI will take to respond or what level and type of records they will share? The records [may] be heavily redacted making them unreadable. But we hope what we receive will support our assertion that this is an extraordinary overreach by the FBI, and that the term "Black Identity Extremist" itself is racist because having a Black identity is not an ideology.

Is this your first FOIA request?

No. My sister and I made a FOIA request for my mother's file [in July 2017]. They responded to us [in August] by saying that the request has over 1,422 pages, and that it can take up to 24 months to complete the request.

Do you think the current administration might interfere with the FOIA process?

There are rumblings that the intelligence assessment [regarding BIE] may have been instigated by an overreach of the White House. We don't know it to be true, but that would not surprise me. Nothing that this White House does surprises me. It wouldn't surprise me if they reached out to slow down the FOIA request.

How much do you think the BIE classification is a result of the new administration?

Institutions like the FBI are fairly enduring. They operate fairly similarly no matter who is in charge. Under President Obama, the FBI did what it did. It wasn't like there was a less racist institution because there was a Black president. Yes, the administration in power can improve or worsen how the FBI responds. A certain White House can engage with the Justice Department, which can impel the FBI to behave in a particular way. There is a relationship, but it's tangential.

What do activists know about FBI surveillance of the Black Lives Matter [BLM] movement under the Obama Administration?

What we know is that there were FBI visits to people's homes directly following the uprising in Ferguson. We know that in relationship to the GOP convention there were FBI visits to the homes of Black activists. We know that FBI has involved itself in suppressing individual dissidents.

What are the threats to activists in movements like BLM given this new classification?

The number one threat is that this type of designation opens the door to additional unlawful investigation and surveillance of Black activists. [But] they didn't need this report to surveil Black activists.

So why do you think the FBI wrote this report?

Almost every Black activist who is serving a long-term prison sentence is convicted of killing a police officer. Most maintain their innocence, and, for some, there are facts that support a potential set-up. The BIE label is all about Black militants who will, according to the FBI, murder police officers.

What I know from my own personal experience is that the FBI specifically and the U.S. government in general, may be willing to go very, very far to suppress Black dissidents. For example, [they could instigate] threats that justify responses that create danger for everybody, including police officers.

What's the worst possible scenario?

The worst isn't simply illegal and improper surveillance. The worst possible scenario is Black activists being set up in violent conflicts with police officers who have been primed with trainings [based on the FBI analysis]. I don't want to be a conspiracy theorist, but it's just not an accident that the designation is focused on violence against police officers.

Can this kind of surveillance disrupt movements like BLM?

Absolutely. Their purpose is to disrupt. Their purpose is to dismantle these organizations. What you'll see are a greater number of informants emerging. They will reach out and use weak points in the organization. I think they'll use

interpersonal conflicts, mostly, and create drama. It will be hard to push back. They'll be allegations of personal misconduct that are made in ways that are very hard to refute.

How can activists protect themselves and their organizations from this kind of disruption?

Honesty, listening and curiosity will overcome the kind of techniques that the FBI uses to disrupt and override organizations. They will reach out to folks who have vulnerabilities–perhaps they are undocumented, they have a warrant or they have a loved one in prison. Acting with great principle in this time is not just a matter of moral high ground but also a matter of personal safety. Principles and thinking about ourselves in relationship with each other, that is going to be our greatest defense.

Is that something you learned from your mom?

Yes. My mother had a hit put out on her life by another Black activist on trial because there was a suspicion that she was an informant. A FOIA request revealed that it was a COINTELPRO set-up. The reality was that my mom continued to work on his case. She felt that it didn't matter what he thought, that he still deserved to be free.

That's a powerful story.

This is what we do. We're up against a devastating system that has centuries of weight behind it, and we're supposed to know how to be perfect. We don't know how, and there is nothing wrong with that. What we need to not do is be

paranoid. We need to do our work. What overcomes paranoia is principles. That's safety to me.

You wrote an Washington Post op-ed (https://www.washingtonpost.com/news/posteverything/wp/2017/10/19/v say-black-lives-matter-the-fbi-says-that-makes-us-a-security-threat/?utm_term=.af20efe4a32c) about BIE that ends with a call to action. What should people be doing to respond to this threat?

We need to demand that [FBI Director] Christopher Ray withdraw the BIE designation and make a commitment not to train officers in anything related to it. Congress needs to get involved, not just about this BIE designation but about how the FBI designates domestic terrorists with failure to prioritize White supremacists. We need to retake the conversation and turn the debate back to this issue of White nationalism and its danger to the globe.

We also need to target Attorney General Jeff Sessions. Why isn't the Department of Justice taking action on this? Where is the oversight for the FBI? Then we need Congress to open up hearings on this issue. If the Republicans won't, then we need to demand that Democratic members take up shadow hearings just like they did around the issues of torture during the George W. Bush administration.

We need to pressure our local police officers to withdraw from the joint terrorism taskforce and refuse to use the BIE designation. And we need to pressure our media organizations and confront the suppression of news and journalism related to police violence. The White House has been able to reach

out and have journalists [punished] for calling President Trump a White supremacist. We need to insure that the narrative exists so that the truth can be told.

What should we do at the movement level?

At the movement level, we need to reinvigorate "know your rights" trainings (https://ccrjustice.org/if-agent-knocks-booklet)–those about what to do when the FBI is at your door. We need to beef up the legal support of our organizations. We need to ensure that our organizations are fiscally stellar. We should demand the data–FOIA everything. Put pressure on these people to give up what they know about how they are violating our civil and human rights. Exposure can lead to greater oversight.

Should individuals take steps around digital security (https://www.colorlines.com/articles/guide-assessing-your-personal-digital-safety-and-security)?

Absolutely. Activists need to protect their data and documents. Use end-to-end encryption (https://www.wired.com/2014/11/hacker-lexicon-end-to-end-encryption/) when you can. Know that your social media posts are basically public. It's fair game for law enforcement.

How do you think this might all play out?

It took 40 years for COINTELPRO to come to light. We might not know what the FBI is doing to Black activists today for another 40 or 50 years. [But] we can generate pushback and transparency. We can shed some light on this situation

and create the conditions where this is not tolerated.

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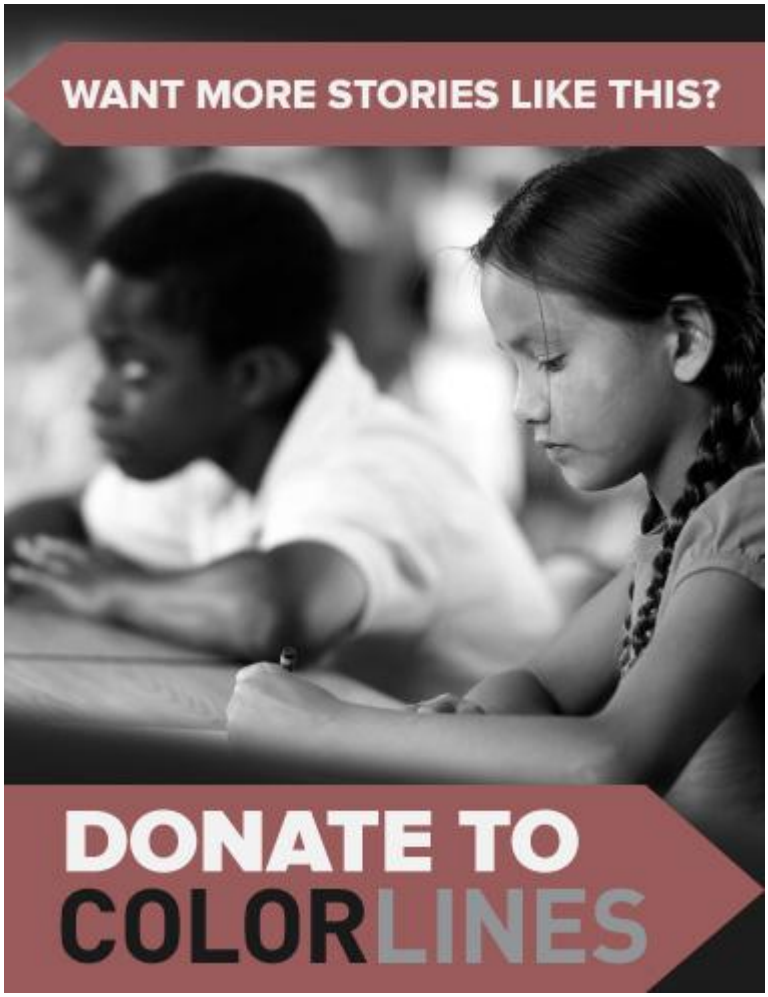
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