

Extensive police spying on activists in Memphis, Tennessee, exposed

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In Memphis, Tennessee, a federal lawsuit has revealed city police are spying on an ever-growing list of activists and individuals. As the American Civil Liberties Union (ACLU) prepares for an upcoming trial with the Memphis Police Department, new revelations about the nature and scale of the law enforcement agency's spying operations have come to light.

The ACLU of Tennessee joined a lawsuit against the City of Memphis filed with the US District Court for the Western District of Tennessee in March 2017. Its lawyers accused the police department of spying on local protesters in violation of a consent decree dating back to 1978 prohibiting the city from collecting "political intelligence" against individuals or organizations. The lawsuit asks only for the court to "find the city in contempt of court for violating the consent decree" and for "safeguards" to be put in place to ensure it is "followed in the future."

The consent decree was the outcome of opposition to police spying on Civil Rights activists associated with Martin Luther King, Jr., who was assassinated in Memphis in 1968. In 1965, police infiltrated anti-Vietnam War protests at the city's federal building as well as city garbage workers' unionization meetings. Through its "Domestic Intelligence Unit," the city's police spied on churches, teachers, university students and any other group that police thought ripe for dissent.

Forty years after the consent decree was established, the ACLU lawsuit reveals the existence of a "City Hall Escort List" created by Memphis police of Black Lives Matter activists, to be flagged by police if they set foot on City Hall grounds. The first people on the list were activists engaged in a protest outside the mayor's home, who were to be targeted for arrest if they were subsequently seen on city property.

After deposing key police officials and collecting hundreds of pages of documented evidence, the ACLU

suit makes clear that the secret list is only the tip of the iceberg in terms of the surveillance activities undertaken. A July 27 *Citylab* report noted a number of previously undisclosed police spying measures.

The "City Hall Escort List" not only identified certain Black Lives Matter-affiliated activists, but it also marked so-called "associates in fact." Anyone connected on social media to BLM activists, those with prior arrests, or "often seen at unlawful assemblies" could be fingered as associates. The police definition of an "unlawful" assembly is left unclarified in the document.

The spying extended far beyond Memphis city limits. Police prepared "joint intelligence briefs," or JIBs, initially focused on protests against police violence within Memphis. The *Citylab* report notes that the JIBs "quickly became a dossier of any kind of anti-police violence activity happening across the nation, namely 'any of the organizations that arose out of Ferguson' or that were part of the Black Lives Matter network, even it had nothing to do with Memphis."

The JIBs included photographs of protesters and those who merely posted online about taking possible protest action. Dozens of police-operated "SkyCop" cameras installed throughout the city monitor and record activities of people below; the city council has declared the cameras immune to the terms of the consent decree. Police also use footage collected from body-cams to cull images of protesters.

The profiles also included private information such as drivers' license details, mental health histories, and juvenile arrest records. Police have additional powers to unlock people's cell phones and track people via license plate numbers.

The JIBs reports were sent to Shelby County sheriff and government officials, as well as an inexplicably wide variety of other organizations. At the state and federal levels, the Tennessee Department of Homeland Security,

the US Department of Justice and Pentagon received briefings.

The Shelby County school district, the Memphis Light, Gas, & Water municipal utility company, and the Tennessee Valley Authority electricity utility company were also provided the briefings. Private corporations FedEx and Autozone, both headquartered in Memphis, were likewise informed of protest activities. It is highly likely that such information in the hands of utilities, schools, and major employers is used to blacklist and discriminate against those engaged in political activism.

The police used software to search and collate online “chatter” about planned protests. In an even more invasive move, police used a fake social media account under the name “Bob Smith” to befriend and correspond with people whose social media profiles were set as private. Police used software to create a “map of associations” between activists, spouses, and anyone liking posts targeted for spying.

According to the *Citylab* report, “Undercover and plain-clothed officers used this intel to monitor African American-hosted events and activities even if they weren’t protests—like flash mob dance rallies. Among the events the police monitored in stealth mode: several black church meetings; a memorial service for Darrius Stewart, a teenager who was shot and killed by a Memphis police officer in 2015; a black-owned food truck festival; and a gathering at a local park where an organization gave out free book bags and school supplies to students.”

“The information we got about just how the police were monitoring protesters both through social media and surveillance, and through undercover means, was not something we anticipated when we filed the lawsuit,” ACLU of Tennessee Legal Director Thomas H. Castelli told *Citylab*.

“We knew they were using social media collators, but we didn’t know how they were using them. The use of covert social media accounts to friend people [on Facebook], or to break through open source barriers to find out more information from individuals was somewhat surprising to us.”

The Memphis *Commercial Appeal* reported that police had been tracking Black Lives Matter protesters since 2016, even when they appeared at events such as a vigil for Elvis Presley. Police claimed that activists were secretly “hijacking” public groups with the intention “to cause violence and destroy property using these public venues.”

City officials have insisted that the 1978 consent decree

is outdated in the Internet age, and that privacy laws do not apply. In a written statement, Memphis Chief Legal Officer Bruce McMullen declared that his department’s extensive political surveillance operation was “nothing more than good police work.” The city insists that the lawsuit’s “interpretation of that 40-year old consent decree is out of step with modern police techniques. The consent decree was drafted before the Internet—before smartphones, body cameras, or any type of digital cameras.”

The scale of spying revealed in Memphis is of a piece with the mass surveillance operations revealed by NSA whistleblower Edward Snowden and in the Vault 7 documents published by WikiLeaks. Intelligence agencies at the federal level, working with agencies including the Department of Homeland Security, the Transportation Security Administration, ICE, and the DEA, as well as state and local agencies, have crafted a ubiquitous surveillance operation against the American public.

Homeland Security and the FBI have targeted Black Lives Matter protesters across the country since the organization emerged after Michael Brown was shot by police in Ferguson, Missouri, in 2014. In the past year, anti-police violence activists have been accused of being “Russian stooges” in an attempt to tie domestic opposition to foreign “meddling.”

The purpose of extensive surveillance is to monitor, chill, and ultimately crack down on the growth of opposition in the working class to the actions of the government and the police.

Memphis, the poorest large metropolitan area in the United States, is a city ripe for an eruption of working class struggles in opposition to social inequality, intolerable living conditions, and state-sanctioned brutality. That African American anti-police violence protesters are the first on the list is a sign that politicians have given a free hand to the police to build up their repressive apparatus to be used against the entire working class.

The ACLU’s lawsuit against Memphis police is scheduled to proceed August 20, after the end of the discovery period.



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