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## RESEARCH ARTICLE

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# Undeterred: How Collective Nonviolent Identity Enables Persistence Amidst Surveillance and Infiltration among New York City Direct Action Activists

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**ABSTRACT:** Scholars have debated whether state repression demobilizes or radicalizes social movements, but the conditions under which nonviolent direct action groups maintain confrontational tactics despite surveillance, particularly in the post-COINTELPRO era, remain underexplored. This paper addresses this gap through a 24-month ethnography of horizontalist direct action groups in New York City, complemented by interviews, oral histories, and internal documents from the New York City Police Department. Drawing on collective identity theory, it argues that nonviolent collective identity serves as a strategic shield against surveillance and infiltration. Through public visibility, transparent protocols, and collective discipline, this nonviolent collective identity protects groups from agents provocateurs, enables recruitment and retention, and counters soft repression – allowing activists to operate openly under surveillance while refusing to abandon confrontational tactics. The paper concludes that nonviolent collective identity constitutes an adaptive mechanism that sustains resistance within hostile surveillance environments, challenging prevailing demobilization theses. These insights expand our understanding of the repression-mobilization nexus by reconceptualizing nonviolence as a strategic adaptation that enables persistence rather than passivity.

**KEYWORDS:** Direct Action, New York City, Nonviolence, Surveillance, Collective Identity

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## 1. Introduction

For the past decades, social movement scholars have tried to understand the interplay between coercion and mobilization, as well as assess the impact of repression on activism (Cunningham 2007; Wood 2012; Cunningham and Soto-Carrión 2015). Yet, measuring repression's actual effects proves complex, requiring attention to temporal dynamics, subjective risk perceptions, and both visible and covert mechanisms (Fillieule and Combes 2011). Recognizing that repression is not static or uniform, and following McAdam, Tarrow, and Tilly (2001)'s seminal work, scholars therefore suggest conceiving repression and mobilization not as separate entities, but as a "nexus" (Cunningham 2007). Said differently, repression and mobilization exist in dynamic exchange: police adapt their tactics according to how protesters act, and protesters adjust behavior in response to police repression (Della Porta and Reiter 1998).

The assertion that repression is inescapable and co-constitutive of political action resonates with how many New York-based contemporary activists who embrace nonviolent direct action understand their practice – especially horizontalist ones, such as the AIDS Coalition to Unleash Power (ACT UP), who reject hierarchical structures in favor of decentralized, consensus-based decision-making, and rely entirely on volunteer participation.

This organizational structure creates an inherent openness that renders such groups susceptible to infiltration: the absence of formal vetting mechanisms, the accessibility of meetings to newcomers, and the rejection of gatekeeping mechanisms all lower the barriers for potential agents provocateurs or informants to embed themselves within the group. Such structural openness, however, does not exhaust the forms of state control these groups face: authorities also deploy repression that operates entirely below the surface of visibility.

According to Earl (2003) and Cunningham (2007), surveillance and infiltration are specific modes of repression: they are coercive while remaining covert, since activists as well as the general public usually remain unaware of them. Moreover, Donner (1990) and Starr, Fernandez, Amster, Wood, and Caro (2008) have shown that, even though the practice had been officially foresworn with the closure of COINTELPRO, surveillance technologies are still targeting nonviolent organizations.<sup>1</sup> Overall, a prevailing view in the literature suggests that surveillance (perceived or real) contributes to demobilizing activists by fostering what certain scholars describe as "paranoia," leading organizations to abandon confrontational actions such as civil disobedience and instead embrace educational and permitted actions (Boycoff 2006). As such, it is characterized as a form of "pervasive pacification" (Starr et al. 2008, 267).

Nonetheless, little is known about how nonviolent groups that do maintain confrontational tactics respond to surveillance, especially in the post-COINTELPRO era (Cunningham and Soto-Carrión 2015). What the editors of the present issue propose to conceptualize as the infrapolitics of repression is particularly relevant to examining these less visible dimensions of infiltration and surveillance. This approach reveals how authorities deploy discrete, informal, and indirect forms of control that remain largely invisible yet profoundly structure contentious arenas – and raises the question of the hidden meanings embedded in tactics of repression that often appear routine or unremarkable. Surveillance and infiltration represent quintessential examples of

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<sup>1</sup> COINTELPRO (Counter Intelligence Program) was a program conducted by the Federal Bureau of Investigation (FBI) from the late 1950s to 1971. It sought to disrupt "subversive" political activity and targeted domestic political organizations and individuals, including civil rights groups, feminist organizations, anti-Vietnam War protestors, and Black nationalist movements.

the infrapolitics of repression, functioning in the shadows and allowing the state to monitor, disrupt, and preemptively neutralize dissent without appearing overtly repressive.

However, understanding infrapolitics alone cannot explain why some nonviolent direct action groups sustain engagement despite these pressures. To account for such resilience, we must examine how activists respond to surveillance and deploy counter-strategies. This paper argues that collective identity – defined as an individual’s cognitive, moral, and emotional connection with a broader group that shapes strategic choices and sustains mobilization (Polletta and Jasper 2001) – when structured around explicit nonviolent commitments, functions as such a counter-mechanism. Operating through public visibility, transparent protocols, and group solidarity, it disables surveillance’s demobilizing capacity. Activist commitment to nonviolence is therefore not solely cultural, but serves as a strategic identity that protects against agents provocateurs while enabling continued confrontational action. Rather than succumbing to state pressure, these activists maintain their engagement, operating under the constant assumption that everything they do is being watched or listened to.

This paper applies a collective identity framework to explain how nonviolence enables activists to sustain confrontational tactics despite surveillance. Focusing on horizontalist direct action groups in New York City, particularly ACT UP and its successor organizations who engage in unpermitted protests and nonviolent civil disobedience, it draws from a twenty-four-months ethnography spent between October 2016 and December 2019; from forty semi-structured interviews conducted with activists and cause lawyers between 2017 and 2019; from 187 oral histories of ACT UP New York; and from primary documents collected during fieldwork, including internal emails and training manuals from the New York Police Department (NYPD), which enable triangulation of activist accounts with institutional surveillance practices. Together, these oral histories and contemporary fieldwork trace nonviolent direct action practices across four decades, from the 1980s AIDS crisis through present-day movements, demonstrating remarkable intergenerational continuity and strategic persistence despite surveillance.

Building on this broader dataset, Collective Action Now (CAN), an anti-Trump horizontalist collective founded after the 2016 election, serves as the primary empirical case, though interviews with activists across different direct action groups provide comparative perspective. This group, founded by individuals politically active since at least the 1980s, has organized hundreds of unpermitted actions using civil disobedience and nonviolent direct action tactics while facing documented risks including confirmed NYPD infiltration, targeted arrests during actions, and ongoing digital monitoring. While the extensive data collection provided broad context, the analysis centers on key informant interviews that best illustrate the pragmatic approach to surveillance.<sup>2</sup> These veteran activists, selected for their long-term engagement despite known infiltration and surveillance, provide insights into persistence mechanisms unavailable from studying demobilized individuals.<sup>3</sup>

The paper first examines the surveillance apparatus targeting NYC direct action activists despite legal prohibitions, and documents how activists perceive and respond to this monitoring. Second, it analyzes how nonviolence functions not merely as a moral choice but as a collective identity that provides strategic

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<sup>2</sup> All fieldwork and interviews followed protocols for research with vulnerable populations, including signed consent forms and secure data storage measures detailed in prior work (Thomas-Hébert 2019). All individual participants were assigned aliases. Activist group names were similarly anonymized, except for ACT UP and established movements such as Black Lives Matter.

<sup>3</sup> A methodological limitation inherent to studying persistence versus demobilization is the survivor bias in the sample, as I could only interview those who remained active. Those who were successfully demobilized by surveillance are, by definition, absent from activist spaces and difficult to identify and recruit for research. This challenge means the findings speak to why some persist rather than why others leave.

advantages and operational mechanisms against repression. Finally, it shows that, rather than abandoning confrontational tactics, these groups adopt a pragmatic approach that acknowledges surveillance while refusing to be constrained by it, allowing them to persist in their collective organizing without diminishment.

## 2. The More Things Change: Activism Under Surveillance in Post-COINTELPRO New York

Despite the official end of COINTELPRO in April 1971, domestic espionage by law enforcement has persisted. In the late 1980s, ACT UP would openly acknowledge that the group was being subjected to surveillance and infiltration. Former member Bill Dobbs (2006) reports how every general meeting would follow the same ritual, that of teasing potential NYPD officers present in the room:

There were times when the police would try to stop what ACT UP was doing before it even started. And one marvelous legacy of another era of red squad surveillance was that there was a little incantation at the beginning of ACT UP meetings: “If you are an on-duty member of the New York Police Department or other law enforcement agency, you are required by law to identify yourself.” The reason for that was because there was a lawsuit in New York, the Handschu Case, because the police were surveilling political meetings for no reason except to gather information about perfectly lawful, constitutionally protected activity. (29)

Characterizing the announcement as an “incantation” underlines how the practice helped defuse (if not neutralize) negative emotions attached to the idea of being under surveillance. Such practices do remain relevant today: similar to the 1960s and 1980s, contemporary NYC nonviolent direct action groups are monitored by both local and federal authorities, in violation of the Handschu guidelines, a 1985 consent decree that restricts NYPD surveillance of political groups. In the late 2010s, CAN also started its general meetings in the same manner. Floor members would regularly react by hissing, booing, or commenting on how unlikely it was that an officer would out themselves, thus signaling their defiance against intrusive monitoring. In this light, these rituals offer a first glimpse into how NYC direct action activists contend with a sustained surveillance apparatus, and how that hostile environment becomes the very condition against which nonviolent collective identity emerges as a strategic resource.

Yet the full extent of this surveillance apparatus reaches far beyond what activists can see or anticipate from inside a meeting room. Documents leaked by the left-wing magazine *The Nation* (Tobias 2019) demonstrate how in 2018 the Homeland Security Investigations (HSI), the principal investigative arm of the US Department of Homeland Security, listed the organizing groups, times, dates, Facebook attendance numbers, and locations for upcoming actions in NYC against the Immigration and Customs Enforcement (ICE) agency. As Figure 1 shows, HSI labeled nonviolent, left-leaning groups as “anti-Trump protest” and monitored their activities.

Research participants, on their end, report direct encounters with the NYPD. In 2017, ACT UP and CAN member Mason Berg organized a candlelight vigil in Washington Square Park, an action they did not ask for a permit for, and that they advertised on social media:

We were kind of like gathering and getting set up. And then a cop came over to me, and he had a printout of the Facebook event and was like “Is this you?” And I’m like “Yeah.” And then... [*laughs as*

they remember the scene] And then the cop is like “How many people do you think are gonna be there?” and then Gary [another CAN member] was like... [cracking up] “Six thousand maybe.”<sup>4</sup>

**Figure 1. HSI Monitoring of Nonviolent Anti-Trump Groups - Excerpt**

**Anti-Trump Protest Spreadsheet 07/31/2018**

Event #	Date	Day	Start	End	Group/Event	Proposed Location	Reason	Pct	Facebook - Going
1	31-Jul	Tues	10:30	12:00	Rise and Resist	Meet: Bowling Green #4&5 Subway Station then MARCH to Alexander Hamilton Custom House 1 Bowling Green.	"Protest outside the Dept. of Homeland Security conference. Tell speakers VP Pence & DHS Secretary Nielsen to reunite the families seperated through their anti-immigration	1	37
2	31-Jul	Tues	12:00	15:00	Refuse Fascism NYC, New Sanctuary Coalition of New York City	Alexander Hamilton Custom House (1 Bowling Green)	"Join 100 Handmaids VS Pence in NYC - Trump/Pence Must Go!"	1	68

Mason’s laughter at recounting how they lied to the NYPD, and how easy it was to make fun of the police to their face reveals that their one-year experience in direct action activism had not instilled a sense of danger from being watched. Their amusement suggests instead that they view surveillance as inept and inconsequential to their continued participation. This relatively lighthearted attitude is echoed, albeit with more explicit acknowledgment of its pervasiveness, by more experienced activists. Juanche de Dios, whose organization is mentioned in the leaked HSI documents, confirmed without hesitation that police detectives engage with him, and even complain to him, during actions. While pointing to his smartphone, he candidly acknowledged that he was being surveilled, and stated that it did not change his behavior:

They know, the police know. We began the whole die-ins in Grand Central. And they were really angry at me because they knew me. And they said, “Why didn’t you tell us?” I said, “I am not going to tell you.” And they know me for many years. And I know my phone is hacked. I mean, my computers, I mean all the stuff. Yesterday I was looking for some letters on my computer. They are gone. I mean, they hack my system all the time. I don’t give a shit, I mean, in that sense.<sup>5</sup>

While it is impossible to know whether Juanche is, indeed, placed under direct surveillance, it is widely reported that the NYPD uses surveillance technology on activists.<sup>6</sup> These include “cell tower dumps,” where police obtain bulk location data from service providers for all mobile devices connected to specific towers during protests, and “Stingray” devices (also known as “International Mobile Subscriber Identity” catchers) that can intercept phone communications and track precise locations by mimicking cell towers. Their use is controversial due to privacy concerns, as one device can intercept the private information of thousands of people without proper warrants or judicial oversight, raising concerns about potential mass surveillance and abuse of power (Dansby 2017). Stingrays are well-known among the NYC activist community. Beyond news

<sup>4</sup> Mason Berg, in discussion with the author. Interview excerpts throughout this article have been condensed and edited for clarity.

<sup>5</sup> Juanche de Dios, in discussion with the author.

<sup>6</sup> The New York Civil Liberties Union (NYCLU) found that the NYPD “disclosed the use of Stingrays more than 1,000 times between 2008 and May of 2015 without a written policy and following a practice of obtaining only lower-level court orders rather than warrants” (NYCLU 2016).

articles and reports about their use in protests, training materials and workshops on digital security and surveillance tactics inform activists about the device, which forces cellphones to work harder to maintain a connection with the fake cell tower signal, leading to rapid battery drain, thus signaling that one's phone has been tracked.<sup>7</sup> But nonviolent groups that engage in direct action are not only virtually surveilled; they are also infiltrated by police agents or informants whose purpose is to gather information (Boycoff 2007).

Several ACT UP veterans, in their oral histories, claim that the group was always infiltrated, but they do not offer any proof.<sup>8</sup> Andrew Vélez (2004), however, was able to recognize, and then confront, someone who was attending the general meeting to report to the NYPD:

We always knew that there were, in fact, police informers or spies or whatever you call them, at our meeting, even though we always demanded that we were legally entitled that they identify themselves. They never did, of course. One night, I caught one of them – a very handsome Black guy, who just stood out like a sore thumb. And, when we were going to leave for one of our sudden – if you remember, there'd be an action suddenly, that would be decided on the floor that night, and we would head right out. This is pre-cell phones, and there was a phone, just down the street – not on the corner, but just past the building, and he was on the phone. I'd caught his eye during the meeting and checked him out, and I was sure he was police. And when we had made the decision and the plans were just about to take place and go into action, I ran out, and there he was, at the phone. And he was furious at having gotten caught. He didn't say anything to me, but I thought "Man, you would really love to bust me." But he couldn't. (23)

As Andrew's interview demonstrates, infiltration did not deter ACT UP from practicing direct action, even when its activities were impromptu. And the group's reaction to it remained consistent over time. Among my participants, Joan Ewyn offered a similar anecdote on how, during her ACT UP days in the early 2000s, the group was able to identify an infiltrator. Rather than ceasing operations, it chose to organize around him: "We had one in ACT UP. And we knew who it was. And we decided together, without him, that we would continue and just not let him know that we knew. Because, you know the expression 'Better the devil you know than the devil you don't.' At least we knew that was him. So we could coordinate."<sup>9</sup>

Infiltration, however, can impact actions, especially when the authorities label them as deviant. Black Justice Coalition member and attorney Janine Willens sent a FOIA request to get NYPD surveillance records on her group, who belong to the Black Lives Matter (BLM) movement.<sup>10</sup> She received a small set of records (six to seven hundred emails) that gave insight into NYPD surveillance tactics. The emails revealed an extensive operation targeting the BLM protests that erupted in late 2014 and early 2015 after the decisions not to indict

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<sup>7</sup> I experienced it myself several times during protests and would regularly hear activists complain about how Stingrays had depleted their batteries.

<sup>8</sup> ACT UP Member Gerri Wells (2007) had insider's knowledge of surveillance tactics: she had attended police academy and was an officer for a couple of years before she joined the direct action group. In her interview, she states that she would make out undercover agents attending the general meetings: "I've seen cops sitting in ACT UP. [...] They were so obvious, you know. You know, the white socks, the black bulky shoes. I mean [*laughs*] dark glasses, a trench coat. I mean, they were so obvious. They just would stick out" (38).

<sup>9</sup> Joan Ewyn, in discussion with the author.

<sup>10</sup> Often referred to as the "sunshine law," FOIA (Freedom of Information Act) allows individuals to request access to records held by US government and executive agencies at both local and federal levels. While BLM falls outside this paper's primary empirical focus, these FOIA documents provide rare institutional evidence of real-time NYPD surveillance tactics, directly documenting the environment faced by CAN and ACT UP.

police officers involved in the deaths of Michael Brown and Eric Garner. The emails served as a communication channel for the NYPD, enabling the police to receive reports and photographs from undercover officers and informants; to share information with operatives on the ground; and to facilitate communication among officers engaged in surveillance. Reports derived from this system were used to brief high-ranking officials, including then-Commissioner William Bratton. Notably, some emails contained the unredacted names of executive officers, demonstrating that the highest level of NYPD intelligence was overseeing the operations. The documents, such as Figure 2, showcase a citywide operation employing undercover officers, handlers, and civilian informants to monitor both demonstrations and protesters.<sup>11</sup> They also prove that BLM marches were infiltrated by undercover agents from the Organized Crime Control Bureau, whose mandate is to address organized crime, not to surveil First Amendment activities protected by the US Constitution. The officers were very interested in organized cop watchers and paid close attention to the communication devices (walkie-talkies, headsets) used by protesters.

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<sup>11</sup> NYPD Email, unpublished document in possession of author, December 5, 2014. The emails say “Still idiots up in Times Square. We’ll let you know;” “Realistically, if our sources [a]r[e] not gonna have anything significant to contribute tonight, cut [th]em loose. I still got oocb teams;” and “Still have hundreds here [a]n[d] there.”

**Figure 2. NYPD External Monitoring of BLM Protests - Excerpt**

The police closely monitored the social media channels of specific groups and individuals to uncover the

321	No subject Deleted: IntactTimestamp: 12/5/2014 5:57:49 AM(UTC+0)Priority: NormalStatus: ReadFolder: Inbox From [REDACTED]
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NYPD Production on 11/13/2018 with attachments,  
in response to Freedom of Information Law Request

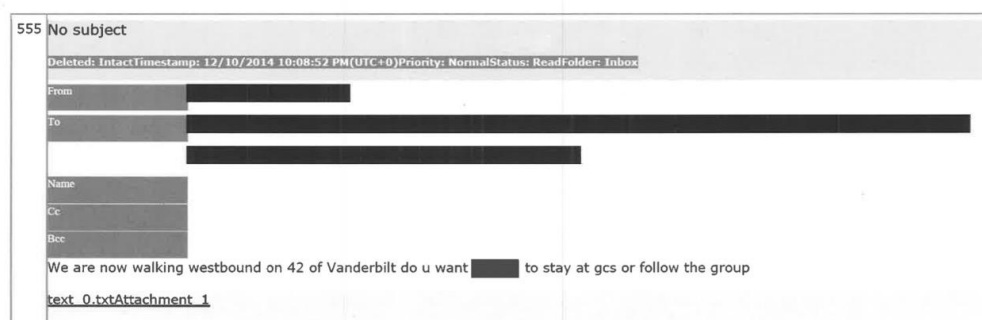
1

#	
	To [REDACTED] Name [REDACTED] Cc [REDACTED] Bcc [REDACTED] Still idiots up in Times Square. We'll let you know. text_0.txtAttachment_1
322	No subject Deleted: IntactTimestamp: 12/5/2014 6:02:19 AM(UTC+0)Priority: NormalStatus: UnknownFolder: Sent From [REDACTED] To [REDACTED] Name [REDACTED] Cc [REDACTED] Bcc [REDACTED] Realistically, if our sources r not gonna have anything significant to contribute tonight, cut em loose. I still got occb teams text_0.txtsmil.xml
323	No subject Deleted: IntactTimestamp: 12/5/2014 6:05:27 AM(UTC+0)Priority: NormalStatus: UnknownFolder: Sent From [REDACTED] To [REDACTED] Name [REDACTED] Cc [REDACTED] Bcc [REDACTED] Still have hundreds here n there.. text_0.txtsmil.xml

upcoming protest route. But the information was never revealed online, either because the groups that had called the demonstrations did not want, for security reasons, to share such details; or, as unpermitted BLM marches tend to break into small meandering groups, because there was no information to share. Consequently, and as Figure 3 shows, the NYPD would rely on informants. The police were interested in where the protesters were going next so that they could be there first and establish a proactive response to prevent activist disruption.<sup>12</sup>

<sup>12</sup> NYPD Email, unpublished document in possession of author, December 10, 2014. The email says “We are now walking westbound on 42 of [sic] Vanderbilt do [yo]u want [redacted name of informant] to stay at gcs or follow the group” – “gcs” stands for Grand Central Station, which is often targeted by BLM protests.

Figure 3. NYPD Internal Monitoring of BLM Protests - Excerpt



According to the 2020 Investigation into NYPD Response to the George Floyd Protests report produced by the NYC Department of Investigation (Garnett 2020), most of this work is facilitated by the NYPD Intelligence Bureau, which feeds off of open-source information provided by protesters themselves. The Bureau gathers information on upcoming protests and monitors ongoing ones through various means, like social media and undercover officers. But it does not dictate deployment or tactical decisions on the ground. Rather, real-time intel is relayed to decision-makers who deploy officers and strategize tactics based on the information provided. Moreover, the NYPD provides in-service training to its officers and offers several training courses related to protests, including “Demonstrator Tactics” and “Field Force Operations (FFO) - Level II.” According to their descriptions, “Demonstrator Tactics” provides “[a] lecture to describe the tactics used to create disorder including the many individual roles within various protester groups,” while “Field Force Operations” summary announces that “[m]embers will gain knowledge by studying and analyzing past civil disturbances, demonstrations and the police response to those events, cities, and law enforcement agencies can apply lessons learned from those experiences to current and future incidents” (Garnett 2020, 60). Thus, the NYPD leverages past experiences to inform its response to protests. Additionally, intelligence officers study common protest tactics to better anticipate and prepare for potential scenarios. Despite this sophisticated apparatus, direct action activists are not deterred by surveillance and infiltration. Rather, they expect it. The key to their persistence lies in how they strategically construct collective nonviolent identity as a defense against the very tactics documented above. The following section examines precisely how this collective nonviolent identity operates as such a defense.

### 3. The Strategic Advantages of a Collective Nonviolent Identity

Tactics and organizational structures can anchor collective identity formation (Jasper 1997). Yet nonviolence is rarely theorized as an identity-builder, largely because we tend to conceptualize it as an absence – something activists reject – rather than a practice – what they actively do.<sup>13</sup> Moreover, scholars have long debated whether collective identity is primarily a process, involving shared interaction, emotional engagement, and ongoing negotiation (Melucci 1995) or a product, functioning as a recognizable public marker that shapes external

<sup>13</sup> While pacifism and nonviolence are historically intertwined, scholars distinguish between them: pacifism traditionally denotes religious opposition to war, whereas nonviolence encompasses broader philosophical and political practices (Fox 2018). Though rooted in religious traditions, nonviolence has become a secular strategic practice in contemporary US activism.

perceptions and recruitment (Snow 2001). This distinction becomes less analytically useful for direct action groups. A collective identity built around nonviolence operates strategically as both: it is continually constructed through shared practices (process), while simultaneously functioning as a distinctive, defensible, and recognizable public identity (product). These two dimensions reinforce each other precisely because nonviolence is understood and performed as an explicit strategic practice – one that emerges specifically in relation to state repression. The construction and maintenance of this identity involves active and ongoing deliberation – including explicit collective discussions about and rejections of violence – making it a disciplinary practice rather than a passive organizational stance. This strategic deployment of nonviolence has three advantages that generate three protective mechanisms.

First, it shields organizations from entryism and agents provocateurs – a protection that operates through public visibility: making covert disruption difficult in openly organized spaces.<sup>14</sup> Agents provocateurs are individuals who are used or employed by the government or the police to incite others to commit illegal or reckless acts, or falsely implicate them in such acts, in order to damage their reputation, make them lose public support, or even bring legal action against them or their group. In US jurisdictions where conspiracy is a serious crime, it is sufficient for the agent provocateur to entrap the target into discussing and planning an illegal act, even if the act is not carried out or even prepared (Kristian nd.; Marx 1974; Boycoff 2007; CrimethInc. 2012). According to Bill Englert, an activist who has been politically active since the mid-1960s and participated in the 2018 Poor People’s Campaign, endorsing and remaining nonviolent safeguards organizations from police disruption:

But a lot of the time, what [the police] hopes is that they will spread suspicion and fear. That’s the main thing. So if they can get people to be paranoid and secretive, they disrupt without ever actually having to do anything. So my own feeling is that usually, you’re better off just ignoring it. Then obviously, if somebody stands up at a meeting and says “I think we should plant a bomb here,” chances are that he is a provocateur and you should investigate that guy and probably kick him out. Any time the most militant people, the people who are demanding the most outrageous things, we always thought they were probably government people. Because there’s a long record of it.<sup>15</sup>

Activist Sami Dow shares Bill’s analysis when he recalls his first months in CAN. At the time, the brand-new organization was still in the process of negotiating and defining its collective identity as a nonviolent direct action group. Sami would sometimes be overly suspicious of other people in the room:

I think I had a more paranoid period, like before and after the [2016] election. I spent a lot of time looking... Especially in the early CAN meetings. Casing around the room. Cause that felt like a very tense, scary moment. Right after the election tons of people were turning out. For the cops, who I’m sure were watching it to some extent. I’m sure they were wondering “What are these groups, how far are these groups gonna go? Are they gonna be like antifa or are they gonna try to like fuck up property?” I mean, we all felt almost certain that there were moles in the room, either undercover cop, or undercover rightwing media, or blogger. I remember being really, like it felt like a spy thriller. And then I’d make up criteria in my head. I’d talk to someone and I’d be like “It can’t be him,” “It can’t be her.”<sup>16</sup>

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<sup>14</sup> Entryism is a political strategy in which a group encourages its members or supporters to join another, usually larger, organization in an attempt to increase influence and expand its ideas and program.

<sup>15</sup> Bill Englert, in discussion with the author. The Poor People’s Campaign was created in 1968 by Martin Luther King and revived in 2018 by the Reverend William J. Barber II.

<sup>16</sup> Sami Dow, in discussion with the author.

Sami's hypervigilance gradually subsided as he became familiar with the other group members and as CAN quickly asserted its nonviolent identity. As these two interview excerpts suggest, publicly practicing nonviolence and organizing openly carry a second strategic advantage. Through what might be termed transparent protocols, including open meeting formats, shared action guidelines, and public statements of identity, organizations are better positioned to recruit and retain members over time. According to ACT UP veterans Joe Ferrari and Sarah Schulman (2010), this openness also fosters and strengthens activist engagement:

Joe Ferrari: There wasn't a lot that was hidden. I think there was an awareness that undercover agents and cops and stuff could be there, but I don't think there was a great fear. ACT UP was pretty much very much open. There really was not much secrecy. You would get the details of that in the Action Committee meeting, what was going on, and some things were kept a little close, but ultimately, no, everybody knew what was going on.

Sarah Schulman: That's a very interesting strategic decision. [...] To not be defensive, to not try to second-guess what the government's going to do, to just say openly who you are, what you're going to do, and then produce hundreds of people to do the action.

Joe Ferrari: Certainly. Yes, I think it was.

Sarah Schulman: Was that discussed politically?

Joe Ferrari: Was that discussed politically? Yes, I'm sure. Well, yes, everything was discussed endlessly, over and over again, and loudly and intensely. I don't recall really people wanting to be secret. I think that was the strength of ACT UP, or one of the many strengths of ACT UP, was that there really was a feeling of everybody was really participating. You knew what was going on. It was a real – I mean, obviously, there was leadership, obviously there were people who were more persuasive than others, but there really was a feeling of democracy. [...] I think people really had a vested interest in participating, people had a vested interest in sharing information, letting everybody know what was going on and why. (12-13)

This culture of transparency, illustrated by Ferrari's account, is not merely an organizational preference: it constitutes an organizational asset, one that operates simultaneously as an internal cohesive force and an external signal to potential infiltrators.

The third strategic advantage lies in the collective discipline through which groups build and enforce their nonviolent identity: by actively managing self-presentation and policing their own boundaries, organizations sustain a coherent public image that counters soft repression. Soft repression (Ferree 2004; Jamte and Ellefsen 2020) refers to subtle and nonviolent techniques used by law enforcement or other actors to control or marginalize social movements. Unlike hard repression (i.e., overt physical coercion), it includes methods such as ridicule, stigmatization, silencing, and labels that discredit or marginalize activists and their ideas. These strategies aim to influence public perception and social dynamics, often stigmatizing certain groups as extremists or terrorists, thereby creating uncertainty and self-policing among activists and affecting their social interactions and engagement. Under these circumstances, reputation management becomes critical for groups seeking to counter such tactics, especially for organizations whose actions aim to disrupt public space, as falling into disrepute can hurt and permanently damage groups. Activist Joseph Aureliano explains it when discussing an action at the Statue of Liberty, during which one member, on her own accord, and to the group's surprise, scaled the statue, resulting in a standoff with the police that lasted several hours:

Sometimes the stuff we do is restraining, but it's for the good of the group. And it's hard because when she does that stuff it puts everybody at risk to the point that if something had gone wrong... Let's say a cop had fallen and broken their leg or killed himself or something like that. From up there, this is about twenty feet up, it's like... That's it for CAN. We're over. Like we would never be able to do anything again. Like we would be so under the microscope.<sup>17</sup>

As Joseph's resentment towards the activist's action demonstrates, managing one's reputation requires work, which contradicts commonly held views that portray nonviolence as passive. Rather, and as argued by Butler (2020), nonviolence is a practice that demands knowhow and discipline.

Collective nonviolent identity is built and maintained on the meso level through two processes: using and enforcing self-presentation and self-labeling, and othering groups deemed violent. Self-labelling acts as a disciplinary technique, as it enables organizations to filter and even oust people who do not conform to a nonviolent creed or practice and/or who try to engage in entryism. It usually works by repeatedly stating one's identity as nonviolent. Sami Dow illustrates it when he recalls how a CAN member (who eventually left the group) was dealt with when she suggested resorting to property damage:

I remember when a certain person stood up and said – this was an early CAN meeting – [*imitates her*] “We gotta fuck shit up.” You know... “We need to...” I was really like... [*cringes*] And I think she's known for just being a bit extreme. I always felt like when people said things that sounded extreme, like “We can't rule out violence,” I was always like [*sighs*]. And I think all you can do is say “No.” You know, “We are a nonviolent group. We understand that for certain people at certain times there's a need to self-defense but we are a nonviolent group.” All you can do is reiterate that so that if anyone is taping it or whatever, or there is an undercover cop, you just keep hammering that message. That's really all you can do. You can't control it. You know these are open public meetings, you can't control who comes. You have to just do what you're there to do. And be very transparent about your mission statement, and about what you will and won't do as a group.<sup>18</sup>

In Sami's account, repetition functions as internal discipline: publicly reiterating nonviolence signals to potential infiltrators that this line cannot be crossed. Identifying as a nonviolent organization, however, can sometimes be counterproductive, as it can make one look like they do not engage in disruptive actions. Groups are walking on a tightrope, which is why ACT UP chose to never define itself as nonviolent – even though it remained that way. Veteran Charlie Baker, who played a central role in maintaining nonviolence within the group and has since joined CAN, explains how it was strategically motivated, in the interests of both the group and its individual members:

Charlie Baker: ACT UP was not officially committed to nonviolence.

Interviewer [*surprised*]: Was there a mission statement beside the...

Charlie Baker: No. But we had action guidelines that we used.

Interviewer: Where were they from, these guidelines?

Charlie Baker: We wrote them collectively, we had a group of civil disobedience trainers. And similar to CAN at the beginning there was a lot of argument about what to do in the face of police violence. So

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<sup>17</sup> Joseph Aureliano, in discussion with the author.

<sup>18</sup> Sami Dow, in discussion with the author.

what we did is we came up with guidelines that we thought would help keep people safe but didn't explicitly have the word nonviolence in them.

Interviewer: Why was nonviolence not mentioned?

Charlie Baker: Because there were some people who came from a part of the Left that felt like sometimes violence was justified. And also that if someone punches me, I'm not going to turn the other cheek. And in the group, we were like, "If a police officer punches you, you really can't punch back. Because that's a felony." So that's how we came up with something that basically said that we will not intentionally hurt you, and that we weren't to bring weapons. All the people who were really seriously into nonviolence basically said "We'll just word it without using the word nonviolence." It was strategic because we made a distinction between physical violence and property damage. And with property damage, we had our own rules about what kind of property alteration was acceptable and what kind fell outside of.<sup>19</sup>

As Sami and Charlie's comments show, the outcome of building collective identity is that groups engage in boundary work (Flesher Fominaya 2010). By asserting that "What 'we' stand for is threatened by 'them,'" (van Stekelenburg 2013, 223) they define themselves in an opposing relation to others that act as references (e.g., between more radical or reformist organizations). In other words, social movements are discursive communities (Taylor 2013) with protagonist and antagonist framing (Hunt, Benford, and Snow [1994] 2003) – some CAN members, for example, would regularly use the euphemism "rowdy" to describe antifascist activists who were not publicly forsaking political violence.

These three advantages thus operate through three distinct but interrelated mechanisms: public visibility shields against infiltration and entryism; transparent protocols enable recruitment and retention by making organizational identity legible to all; and collective discipline counters soft repression by sustaining a coherent and defensible public image. None of these mechanisms operates in isolation: each reinforces and depends upon the others. Activist organizations, in short, do not treat surveillance as an obstacle to be eliminated, but as a reality to be managed pragmatically through their organizing practices.

#### **4. Persistence Through Pragmatism: Working Under – Not Around – Surveillance**

I always assume the cops know what's going on anyway because they're probably listening. So I feel like I just have to assume that they might know that I'm gonna be there.  
CAN member Jane Dulse<sup>20</sup>

During a January 2018 meeting, CAN members were presented with a document that usually remains covert: a dossier on the group and its previous actions at a large commercial and public space in Manhattan. A CAN member had received a one-page PDF document from a friend working within the building right when the group was about to organize another unpermitted protest there. The PDF had been produced by the site's private security, demonstrating that it was monitoring social media, since CAN's media team had just announced that one of its upcoming actions would take place in the building. The dossier displayed a picture of CAN's previous protest at the site, as well as a short description of the group and a list of its social media

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<sup>19</sup> Charlie Baker, in discussion with the author.

<sup>20</sup> Jane Dulse, in discussion with the author.

handles. The energy in the room was electric as activists discussed the next steps: should the location change? How should CAN adapt to being under surveillance? Having exhausted all avenues, and keeping an eye on the clock – CAN had a more pressing issue, putting the finishing touches on an upcoming civil disobedience action – meeting facilitator Charlie Baker closed the discussion: “The only difference this time is that we saw the dossier.” In other words, gaining insider knowledge on the site’s surveillance apparatus would not change the way the action was planned and performed.

The way NYC activists contend with police surveillance while persisting in their activism likely comes from their pragmatic worldview: direct action groups are not ideologically driven organizations and instead emphasize practical consequences and focus on action. This worldview recurs in interviews, throughout different decades and groups. Bill Englert, for example, acknowledges that he does not fear surveillance because he knows that the Poor People’s Campaign does not constitute an existential threat to law enforcement and that, conversely, law enforcement knows it too:

There are discussions about the tactics that we’re using that we shouldn’t be telling anybody. But it’s largely an illusion. I mean, if they want to know what we’re doing, they’ll know what we’re doing [*laughs*]. They don’t need to get into your phone, unless you’re planning something really illegal or something. But we’re not. If they know everything we’re doing, what do they know? We’re gonna do nonviolent civil disobedience to protest poverty. I don’t worry about it. People like to think that they are some kind of huge threat. We’re not yet. I used to hang out with people in [1968] Paris who had *noms de guerre*, you know, secret names. And I never even knew who they were, who they really were. I never did. I always used my own name.<sup>21</sup>

Indeed, NYC activists’ approach to surveillance stands in stark contrast to their European counterparts. Unlike contemporary French nonviolent direct action participants such as Extinction Rebellion Paris (Abajo-Sanchez 2022), left-wing US activists rarely employ pseudonyms or create separate public personas. This deliberate choice reflects a pragmatic cost-benefit analysis, as ACT UP veteran Andrew Véléz (2004) explains that embracing secrecy and collective hypervigilance proved too taxing:

But from my outlook on this, at the time – and I still feel this way – let them be there, let them hear everything. We did have our CD [civil disobedience] groups, we did plan things very carefully and secretively and were pretty cautious about how that information got out, and it never got leaked, to my knowledge, when we were doing special kinds of actions. I did not want to put the energy into looking over my shoulder, and I didn’t. I feel like, and I still feel this way, they do what they do, and we do what we do. And, just exercise a certain amount of caution, and you’re going to be fine. (42)

This pragmatic approach – transparency with minimal precautions – represents a significant departure from the more formalized security practices found in other activist traditions. Other movement cultures have developed codified frameworks for protecting themselves from surveillance and infiltration (Robinson 2008). Within various activist traditions – notably anarchist circles – security culture is known as “a set of customs shared by a community whose members may be targeted by the government, designed to minimize risk” (CrimethInc. 2004). These customs involve digital and physical security (encryption, secure platforms, and meeting locations), as well as legal awareness, solidarity, and mutual aid. This culture focuses on three key areas: surveillance detection, i.e., identifying when and how activists might be under observation by

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<sup>21</sup> Bill Englert, in discussion with the author.

authorities; infiltration protection, which includes measures to safeguard activist communities if someone attempts to infiltrate them undercover; and breach response, which entails having a plan in place to react effectively if security is compromised (Parson 2008; Portwood-Stacer 2013).

For Starr et al. (2008), however, groups who use the practice tend to become hyper-focused on security at the expense of organizing. This fear stems from a belief that legal activities might be criminalized in the future. As a result, groups become obsessed with security and self-incrimination, taking extreme measures to avoid surveillance, even forgoing note-taking and recordkeeping. This may lead to a loss of memory and strategy, as without records movements cannot learn from their past or develop long-term plans, which weakens their ability to adapt and be effective. Moreover, fear of infiltration erodes the community and discourages long-term commitment and community building, hindering the movement's overall strength.

These codified frameworks represent one end of a spectrum, one defined by formalization and risk-avoidance. Nonviolent direct action groups like CAN occupy the other end: their security practices are informal, but no less strategic for it. Even though their experiences are decades apart, fellow ACT UP member Mason Berg shares Andrew's reluctance to "look over [their] shoulder." The night before their interview, Mason had attended the BLM protest that took place in reaction to Stephon Clark's killing. The intensity of the hypervigilance that surrounded the unpermitted, chaotic, and heavily policed action, especially when compared to the ones they usually organize, left them dissatisfied and frustrated:

Like last night, like I totally understand why this happened, but like one of the [Black] organizers was like rubbing her head like she had a headache and I offered her some water and she wouldn't take it from me, and would only take water from people that she knew. Which like I understand, but I was like... This paranoia is so, is like too much.<sup>22</sup>

This incident highlights the tension between security concerns and group cohesion that many activists face. While some movements embrace heightened vigilance as necessary protection – especially Black-led organizations that have historically experienced disproportionate police surveillance and entrapment – others often reject what they see as excessive caution. This is particularly true of the predominantly white nonviolent direct action groups that dominate NYC's activist landscape. Their dismissal highlights how the protective shield that nonviolent identity provides is unevenly distributed through racialized institutional processes, as these groups often ignore, minimize, and even make light of infiltration attempts.

Research participants do not practice security culture and do the bare minimum to protect their plans or sensitive information. They sometimes (but not always) use Signal to communicate, and, when preparing an action designed to provoke arrests as part of their civil disobedience strategy, organize smaller in-person meetings with prospective participants, and redact the details from their group's minutes.<sup>23</sup> These minutes remain accessible on their websites or internal mailing-lists, which feature minimal barriers to entry and are characterized by high permeability to outside observers. Some, like Sami Dow, even make light of security culture, demonstrating that they do not concern themselves too much with surveillance and infiltration, once again assuming that everything they do is eventually known and that having efficient organizing tools takes precedence over obsessing about security:

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<sup>22</sup> Mason Berg, in discussion with the author. Stephon Clark was a twenty-two-year-old Black man living in Sacramento who was killed by two police officers.

<sup>23</sup> Signal is a messaging app known for its focus on privacy, offering encrypted messaging and calls.

So there is this fad, people would be like “Are you on Signal?”, you know, to make dinner plans. And you know, I was on it briefly. Listen, I am not saying that they’re not spying, I’m not saying that they’re not making lists. I guess I’m saying that I would probably be one of the people that’s like “Well fuck it if they are I guess they’re gonna come for me,” and hope I don’t live to regret saying that, you know. [*laughs*]. We organize over email. And Facebook, like a Facebook event page is a very easy way to organize. I think we’ve learned that once you have your list of people who come to the meeting, email is a more invested way to organize, texting people is a more invested way to organize.<sup>24</sup>

Overall, from what I observed doing fieldwork, direct action activists stick to the best practices advised during civil disobedience trainings, such as leaving one’s phone at home during actions, or, at least, password-protecting it. Mason Berg, for example, does not encrypt their personal computer, but they do follow the legal advice widely shared within NYC activist circles: “I use Signal for things I don’t wanna be talked about. And then we’ll arrange to talk about it offline. [...] I have my phone password-protected. And I don’t do the Touch ID. Because the cops can take your fingers and open your phone.”<sup>25</sup>

Activist indifference, if not resignation, is also further evidenced by their lack of interest in finding out if US government agencies have information on them. None of the research participants (except twenty-year-old Mason, who did it for fun) have filed FOIA requests on themselves or their groups. Activists with decades-long careers operate under the assumption that they are documented in law enforcement records. Emma Scholl, who was arrested by the FBI while driving in Saint Paul during the 2008 Republican National Convention, believes her vehicle’s license plates are flagged on a federal watchlist. She matter-of-factly acknowledges this surveillance reality, stating “They know who I am and what I do.”<sup>26</sup> Bill Englert, on his end, received his FBI file, which he had never enquired about, from a second party:

I was investigated very thoroughly by the FBI. It’s a huge file on me because... By both, actually, by the French police as well as the US. There’s a file in each place because of the work we were doing with deserters [in Paris during the Vietnam War]. There was a huge, huge exaggeration of the importance of this work. A little while ago I got a reporter who got a hold of it through some kind of US Freedom of Information and they sent it to me. What it said about us. And so I know it exists, but I’ve always been doing things, so I’ve never wanted to spend my time looking backward at what the FBI had to say [*laughs*].<sup>27</sup>

Bill’s laugh shows how direct action activists make light of surveillance and infiltration, a practice I observed several times during CAN general meetings: members sitting on benches would check out the room, point to a newcomer’s back, and mouth exaggeratedly to a known member “That’s a cop.”<sup>28</sup> The night before

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<sup>24</sup> Sami Dow, in discussion with the author.

<sup>25</sup> Mason Berg, in discussion with the author. Touch ID is a fingerprint recognition system developed by Apple for its devices. Legal doctrine regarding biometric phone access, including Touch ID, is still evolving. Courts have not yet established clear precedent on whether NYPD officers require a warrant to compel biometric unlocking of devices, which enables considerable discretionary authority from police.

<sup>26</sup> Emma Scholl, in discussion with the author.

<sup>27</sup> Bill Englert, in discussion with the author.

<sup>28</sup> This would recur in groups such as CAN and ACT UP, likely because they had a majority (or, for CAN, about an equal share) of queer members, and these members tend to check out who is in the room – the queer community has a more overt

her first participation in direct action, Catherine Day was openly subjected to Sami Dow's suspicion. He had been a CAN member a few weeks longer than she had:

When we were there at night, we're all talking and figuring out the details and I was just sitting there cause I didn't know what was going on, and Sami turned to me and he was just like "I think..." [*imitates him and starts laughing*] he didn't say the word, but he's like "I think you're a spy" [*laughs some more*]. He said that to me and I was like [*fakes being shocked*] "Ooooooh." I said, "I'm not a spy!" [*keeps on laughing*]. He said, "You're too nice." He really was worried about me. He said he was very concerned that I was like some kind of infiltrator. Yeah. We laugh about that now but he was just like "You are just too nice."<sup>29</sup>

While exaggerated mouthing might be a way to deflect anxieties over police infiltration, the fact that Sami's accusations have now become a funny story for both Catherine and him shows that, at a time when the group was just forming and planning one of its first actions, he did take the threat of infiltration seriously. CAN thus occupies a distinct position along a security culture continuum: rather than adopting the codified protocols of more clandestine activist traditions, it develops an informal, trust-based security culture that emerges organically from its nonviolent collective identity. Together, these dynamics show how, rather than deterring activism, surveillance concerns become integrated into group dynamics and practices, ultimately failing to achieve the state's intended chilling effect on collective action.

## 5. Conclusion

This paper has argued that NYC direct action activists' collective nonviolent identity operates as a strategic shield against surveillance and infiltration through three interconnected mechanisms: public visibility, transparent protocols, and collective discipline. Rather than fragmenting these groups, documented infiltration and monitoring functioned as bonding experiences that strengthened collective identity through vetting protocols, post-arrest solidarity rituals, and the collective performance of nonviolent commitment. These findings challenge the demobilization thesis in repression scholarship, revealing instead a more contingent conclusion: under specific organizational conditions centered on nonviolent collective identity, surveillance fails to achieve its intended demobilizing effect, instead providing activists with the resources to sustain commitment and maintain confrontational practices.

These mechanisms, however, operate within specific contextual conditions that shape their effectiveness. These findings must therefore be understood within NYC's particular legal, political, and social context: the Handschu guidelines restricting NYPD surveillance, combined with the predominantly white, middle and upper-middle-class composition of direct action groups, create protective conditions unavailable to Black or Brown-led movements or activists in Republican-controlled cities and states where both legal frameworks and enforcement priorities differ markedly. This geographic and demographic specificity suggests that while surveillance may fail to demobilize certain activist communities, its effects and the capacity to develop

culture of cruising (referring to the act of seeking casual sexual encounters in public spaces) and a heightened awareness of potential partners due to a history of navigating predominantly heterosexual spaces.

<sup>29</sup> Catherine Day, in discussion with the author.

protective mechanisms likely vary significantly across different movement contexts and racialized systems of state control.

Perhaps most significantly, this research suggests that surveillance and infiltration, which are non-coercive forms of repression, may inadvertently contribute to sustaining social movements by fostering the development of activist capacity and infrastructure necessary for persistence. This finding aligns with curvilinear repression theory (Honari 2018), which posits that moderate repression can paradoxically strengthen rather than weaken movements – a claim this paper refines by specifying the organizational conditions under which repression fails to demobilize. As many NYC direct action groups forsake protest permits, establish their own security through marshal teams, and provide comprehensive training for members engaging in civil disobedience, they effectively create parallel systems of governance. This professionalization of movement infrastructure represents an unintended consequence of surveillance and infiltration – one that enables horizontalist groups to maintain their confrontational tactics despite persistent monitoring. In this paradoxical dynamic, the very mechanisms intended to suppress dissent ultimately foster more resilient, adaptive forms of resistance that challenge conventional understandings of how power operates in contentious political arenas.

Yet this adaptive resilience carries its own ambivalence. The very sophistication of the mechanisms activists develop to sustain their practices under surveillance may itself reflect the expanding reach of the surveillance state – raising the question of whether persistence, however remarkable, also signals a broader constriction of contentious citizen capacity. Future research might therefore examine not only how movements endure under surveillance, but what, in the process of adaptation, is lost in terms of tactical repertoire, organizational openness, and political imagination.

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