

Mutual Aid 101_ Session 3

0:00:00.2 Tom Llewellyn: Welcome everyone to the third session of Mutual Aid 101. My name is Tom Llewellyn and I'm co-hosting this series along with my colleagues at Shareable. It's great to see so many folks coming joining us again, both from across the United States and international as well. Please do continue to introduce yourselves to folks if you feel comfortable doing so in the chat. Tonight's session is gonna be focusing on the benefits and limitations of formal structures, financial basics, security and surveillance, and FinTech for mutual aid. We're grateful to be joined by Erika Sato, who's an attorney at the Sustainable Economies Law Center, Elijah Baucom, who's the founder of Everyday Security and Director of the UC Berkeley Cybersecurity Clinic, and Sarah Phillips, who is a campaigner with Fight for the Future. Most of the links that are mentioned tonight will be available, including those links that are shared by other attendees. So there's no pressure to try and capture everything while you're listening to the presentations. Due to the sensitive nature of Elijah's presentation about surveillance and security and organizing strategies in the face of it, portions of tonight's program will not be included in the recording, but the remainder of the program will be shared tomorrow.

0:01:11.4 Tom Llewellyn: After tonight's session, we encourage you to continue the conversation in our Community Canvas. We also have a fifth session that's gonna be after next week's final presentation based session, that will be an open office hour for further discussion and getting into some of these questions that we were not able to address during these four primary sessions. And so

that's gonna be on March 19th. There's also a link that's just been dropped into that, so we encourage you to sign up for that as well. And then finally on the 26th we'll be hosting an Offers and Needs Market to be able to share resources and do deeper connection with everyone that's been participating in this series. And there's gonna, a link that just got dropped in the chat for that as well. And so now with all of that, I want to pass it off over to tonight's speaker, Erika Sato.

0:02:00.5 Erika Sato: Great, thank you. There's a lot of different kinds of laws that are gonna be implicated depending on kind of the different ways that you can structure a mutual aid fund. So we'll talk a little bit about that tonight. Maybe you wanna keep it really small and simple. You know that there won't be a ton of money passing through, so you want to use a structure that's really administratively not burdensome or you might want to go the other direction, where you feel like in your group you have the capacity to manage an organization and you want to build out that infrastructure so that you can get big grants and donations and look more like an established, legitimate organization in the eyes of people who have power, or you might be somewhere in between. We'll go over some potential structures that mutual aid groups tend to use and some of the pros and cons and practicalities of each option, starting with sort of the least administratively burdensome and then moving our way up towards different types of organizations. But before we get into that, I just wanna know also that the role of lawyers in these things is a little bit awkward.

0:03:09.2 Erika Sato: Sometimes we mess up good things and tell you not to do things that should be done. Don't always listen to us, just something to consider. Okay, so the first option, and the most simple, is to just not touch any money yourselves. You can facilitate individual people sending or giving each other money directly. And this is a really low risk and straightforward option. I guess the downside would be that it doesn't really give you much control or information about what's happening. For example, in early Covid, there were a lot of these Google sheets going around. People could enter their asks directly, include their contact information or their payment information, and then other people could just see that and reach out or pay them directly. And similarly, other groups collect information from people who have needs and people who want to volunteer or give money or resources and then match them up with each other, but without directly receiving any funds and being an intermediary for those things. So what are the tax consequences of these really simple transactions? Well, for the person giving the money, they generally don't need to worry about anything unless they make more than, in 2025, I think it's \$19,000 in gifts that year.

0:04:29.8 Erika Sato: And if they do make more than \$19,000 in gifts, then they just need to report it on their taxes, but they still don't actually need to pay any taxes, gift taxes, until actually after they die, if their total estate and lifetime gifts ends up being more than about \$14 million. So gift taxes really only affect wealthy people. But obviously this is not gonna be a charitable deductible kind of gift or contribution. But again, for most people, that won't matter because they just take the standard deduction anyway. Okay, what about the recipient of the money? So this is also not a taxable event for them as long as it's a true gift. So what that means is that it's based in feelings of generosity and specifically that there's no expectation of anything in return for the gift. And if that's the case, then they don't need to report it or include it in their taxable income. Okay. So if it's a true gift, then it's not going to be taxable income to the recipient. However, if you're using a third party settlement organization such as Venmo to receive the funds, it's possible that these kinds of

organizations might think that you're making taxable income.

0:05:53.5 Erika Sato: They might get it wrong, if they think that you're selling some goods or services in exchange for the money and then they might send you a 1099-K. So this is a new law that's come in in the last couple of years. So we're still figuring out exactly how it will work. But they have... The threshold of money has been lowered for when a 1099-K is sent. If you're gonna be receiving money that's a non-taxable gift, just make sure that the sender is not marking it as being for goods and services, which I think you can do in Venmo. Or another good strategy is you can use direct bank to bank platforms like Zelle. Okay. The second option that a lot of mutual aid groups have tended to use is where a volunteer, an individual, collects money from people and then redistributes it. And this was used a lot at the beginning of the pandemic because it's really simple to set up, but it does have some potential risks which we'll talk about. Okay, so for this person, we already talked about the person donating and the person receiving the money, those tax consequences are all the same.

0:07:03.6 Erika Sato: But now we have this third person in the middle. So for that person, they can either report the money that they're bringing in as income and then report the money that they're sending out as expenses. Or they can say that they're acting on behalf of kind of an organization which would be like the mutual aid group, and then that organization would report the income and expenses. Unfortunately, we can't categorize this as a series of two gifts because the donor who's sending the money to the intermediary is not expecting the money to stop there. They're not giving it out of detached and disinterested generosity. They're expecting it to be used to help people in need. Right? So that's not a gift. Okay. So if you report the income and expenses on your taxes as an individual, you will have very little overall net income. So you probably won't have to actually pay much in taxes. But it's a little bit of an awkward fit because it looks like you're operating a business. So in theory, the IRS could come back and say, hey, this is not a business. You can't deduct your expenses. I haven't actually heard of this happening, but we don't recommend it as a long term practice.

0:08:20.9 Erika Sato: Okay. The second option, if you're collecting donations on behalf of the mutual aid group, you can argue that you're an agent of the group as a whole. And then you don't have to report the income and expenses on your personal return, but the group would have to claim it as an organization and file its own taxes. So we'll talk a little bit more about that in the next section. Okay. So the third option, which is really itself a lot of different options, is to form an organization to carry out this business of receiving and giving out funds. So we'll start with a little bit of background information on organizations in general, just to make sure that we're all on the same page about what that actually means. So to get on the same page about definitions, we like to use this cake metaphor. So you can think of every organization like a cake, where the sponge of the cake is the entity and the icing is the tax status. And you can mix and match them. And then there's also the ingredients, which there's infinite different possibilities for how you might make up your cake and your icing.

0:09:28.1 Erika Sato: And these ingredients show up in your internal financial governance and operational structure. This is about how you spread decision making power equitably, the topic of

another part of the series. And this is the stuff that shows up in your policies, practices, and bylaws. So the sponge or the entity is something that you form according to State law. So it'll depend a little bit on which State you're in and what entity options it has. But in general, it could be an LLC, a nonprofit corporation, or an unincorporated association or something else. Your options, yeah, again, will vary a little bit State by State. You can really take a look at your State's corporation statutes and just read through them. They're fairly accessible, I would say. But generally, if you're a group of people doing something together without doing anything else, you just automatically become an unincorporated association under a lot of different State laws. On the other hand, if you want to actually incorporate as a formal entity, then you'll need to register with your Secretary of State, which is also a pretty simple process. The icing or the tax status is something that you can elect at the federal level, usually to achieve a particular tax benefit.

0:10:48.8 Erika Sato: It might be one of the 501 [c] s, or it might be a variety of non-exempt options for how you pay your taxes. And there's some tax statuses that you can just claim. And then there are others that you have to apply for, like a charitable 501 [c] [3], which we'll talk about more later in the presentation. So if you think about your average typical nonprofit, for example, there's a pretty good chance that they probably have a nonprofit corporation as the State level entity and then a 501 [c] [3] federal tax exempt status as the icing. But they don't have to be structured that way. They could also be an unincorporated association with 501 [c] [3] tax exemption or they could be a nonprofit corporation that pays taxes. So you can mix and match with a lot of these things. Unincorporated associations are a really good option for a lot of mutual aid groups. And in most states you can become an unincorporated association really easily without doing much, basically just by getting together with a group of people and claiming that you are one. Ideally, you'll want to write out a governing document and just have it kind of says we are this group and this is the way that we make decisions. And maybe here are some of our values. And that's pretty much it.

0:12:11.6 Erika Sato: Unincorporated associations are really great because they can be for-profit or nonprofit, and they're really flexible in terms of the governance structure. You don't have to have a board of directors or use any particular ways of making decisions. But yes, it's a good idea to also create a governing document that will set shared expectations for how you make decisions and operate. And I would really encourage you to read your State's code on unincorporated associations if you want to go this route. Alternatively, you might choose to formally incorporate. A lot of lawyers will direct you in this direction. The main benefit of incorporating is to get a liability shield, which means that the individuals running the organization can't be personally liable for expenses or lawsuits based on things that the organization does. But note that if you don't follow the corporate formalities like keeping separate accounting, making contracts in the name of the corporation, then the liability shield won't actually work. Unincorporated associations sometimes have some liability shield benefits too, but again, you'll have to look at your State specifically. In California, where I'm licensed, unincorporated associations have some protections based on contracts, but not for torts.

0:13:40.7 Erika Sato: So if somebody were to get hurt on the property that wouldn't be covered. Other benefits of incorporating might be that it's easier to get a bank account or the kinds of intangible benefits, that it's generally easier for some people to kind of recognize what you are and see you as a serious organization. On the other hand, you also might choose not to incorporate and

formalize because of, in particular, there's the expenses, but then there's also a lot of additional administrative work. And formalizing can also kind of change the vibes of the group. So depending on what kind of corporation you choose, you might be required to formalize some of your decision making processes, such as by having a board of directors and keeping minutes and specific types of books and records. I'm thinking especially of nonprofit corporations right now. And all of this might require you to hire lawyers and accountants and hand more money and power over to professionals. So it's really important to consider these intangible costs and how it might shift your organizational culture and whether your community will still feel welcome and comfortable in that space. Okay. If you choose not to incorporate, there are other ways to limit your liability as well.

0:15:05.1 Erika Sato: You can use a liability waiver to get everyone on the same page about how you'll respond to accidents and things like that. I think we have some templates on our website, like a liability love letter for mutual aid groups. You can also come up with plans or policies for how you'll support community members that get hurt. Or you can also get an insurance policy as an unincorporated association. Okay, so after choosing your State level entity, you'll need to take a look at your federal tax status. You might stop here and say, we're a nonprofit unincorporated association and we pay taxes like a corporation on any net income. And you would just need one person's Social Security number to get an employer identification number, which is really easy to do online. And then you'd wanna elect to be taxed as a corporation by filing Form 8832. And then you'd report your income and your expenses to the IRS on the Form 1120 and pay taxes on any net income each year, which you probably wouldn't have much as long as you're bringing in the money and then sending it out. Generally, I would recommend choosing a nonprofit entity, either corporation or unincorporated association, just because of what I was talking about earlier around being categorized as a business.

0:16:32.9 Erika Sato: And then there's also the piece that I think, at least in California, only nonprofits are actually allowed to have volunteers. So the other major option, other than paying taxes, is to try to get federal tax exemption. This has the obvious benefit of not paying income taxes, but again, that might not be as important as you think, just because you only pay taxes on the net income. So a lot of the times this status is actually more important for people on the fundraising side, because big grant makers and foundations usually only want to give to organizations that have 501 [c] [3] tax exemption or are in a fiscal sponsorship relationship, which we'll also talk about more later. And this could also matter if you have big donors who wanna make tax deductible donations. And then there's also some other niche benefits only available to tax exempt organizations to consider, such as property tax exemption if you own land, which is also a State level thing, so it'll vary. So if you choose the tax exempt route, that will come with certain limitations on what kinds of activities you can do. So 501 [c] [3] s have a list of allowable purposes, which includes charitable, educational, scientific, religious, and a few others.

0:17:54.8 Erika Sato: The IRS definition of charitable includes relief of the poor, the distressed, the underprivileged, advancement of religion, advancement of education or science, erection or maintenance of public buildings, monuments, or works, lessening the burdens of government, lessening neighborhood tensions, eliminating prejudice and discrimination, defending human and civil rights secured by law, and combating community deterioration and juvenile delinquency. So

that is pretty broad, but it might not cover everything that you want to do. Traditionally, the IRS has refused to grant tax exemption to activities that are too much on the mutual benefit side and not enough looking like charity, which obviously contrasts a little bit with the ethos of mutual aid. But there needs to be an arm's length between the giver and the receiver of the aid. So, you can provide housing to other people, or other people can provide housing to you, but you can't join with others to provide housing to yourself and call it a 501 [c] [3].

0:19:05.0 Erika Sato: But the IRS also reshapes these definitions of charity in alignment with changes to social norms and economic context. And things are really different now than when these rules were first established. So a lot of mutual aid groups are operating as 501 [c] [3] s, but this is just kind of something to be aware of. So because it matters to the IRS how 501 [c] [3] tax exempt orgs are spending their money. Another related limitation is that they have a lot more record keeping requirements, so you'll have to keep track of who you give money to and how you made the decision that they're eligible. So in practice, it really depends on the nonprofit. Some of them are gonna be a lot more risk averse and collect a lot of information about the people who are receiving money and how they'll be using it to substantiate why those people are deserving.

0:20:04.1 Erika Sato: But those kinds of practices, again, tend to go against the spirit of mutual aid. So other organizations might collect only basic information like the person's name and the general category of expenses they'll use the funds for. But the most important thing is to show that you have some objective selection criteria and you're making these decisions in some unbiased, systematic way. So that might also look like providing assistance to everyone who asks for it and then keeping record of a specific explanation in your policies as to why that falls into your charitable purposes. And then another thing to be especially careful of is anytime funds are going to one of the decision makers of the organization or an organizer, you'll need to be extra careful to maintain and follow a conflict of interest policy and keep extra tight records of how that policy was implemented in each case to show that the decision was made fairly.

0:21:05.1 Erika Sato: And this also applies to family members. If you don't do this, the IRS could impose taxes on the individual and the organization, or they could also take away your tax exempt status. And there are also potentially similar limitations at the State level for nonprofit corporations. So that's just something you'll wanna be careful about. Okay. A few other drawbacks we haven't covered yet relating to 501 [c] [3] status are that you'll need to disclose a lot of information publicly on your 990, including your financial statements, information about your activities, names of your key decision makers, and you'll probably again need to pay professionals to help you with all these different compliance things. There's limitations on lobbying. You can't advocate for specific candidates in elections, but you can lobby politicians and at the grassroots level to just on issues that your organization cares about. And you can also do other kinds of policy work. You just have to track it. And then yes, again, the conflicts of interest piece is a big one for mutual aid groups. So if you still decide that you want tax exemption as a charity, the main way to do that is to submit the Form 1023 to the IRS.

0:22:27.0 Erika Sato: And this is gonna be a lot of work. It's 28 pages long and the turnaround time can be anywhere from six months to a year. Smaller organizations can submit the 1023-EZ,

which is much shorter and also cheaper and has a quicker turnaround time. And then really tiny orgs can get automatic exemption. And if there's time pressure, you can also submit an expedited request. And then lastly you can get a fiscal sponsor. So this is the rest of the time I'm gonna spend talking a little bit more about fiscal sponsorships because this is a really good option to consider for mutual aid groups. So fiscal sponsorship is a way to borrow another organization's tax exempt status. It's a contractual relationship between a fiscal sponsor who has their own tax exempt status and then a fiscal sponsee who doesn't. So the sponsor receives money on behalf of the sponsee and then gives it out to the sponsee in small chunks and makes sure that the sponsee follows the rules of tax exemption as it's spending that money. Fiscal sponsorship is used a lot by mutual aid groups and other grassroots community organizations because it allows them to have the benefits of tax exemption, like receiving grants without all of the administrative work and need for professionalization.

0:23:48.6 Erika Sato: But the trade off here is that it gives the sponsor a fair amount of power over the sponsee's operations and decision making. And the sponsor usually takes a fee as well for this service. A good rule of thumb is maybe around 10%. But that doesn't necessarily mean that your sponsor will control you really closely. It really depends on the relationship that you have with your fiscal sponsor and as well as what your fiscal sponsorship agreement says. So it's really important that you're on the same page about how you will operate and what kinds of record keeping and oversight your sponsor will expect. Okay, there's a couple of different types of fiscal sponsorship. Here are some of the most common. So you have model A. With this one, the fiscal sponsee is technically just a project of the sponsor. So it doesn't have its own entity or cake at all. It's part of the same organization, so definitely more hands on than the other models. And model A sponsors do pretty much all of the administrative work for their sponsees. But it's a great option if you want to do things like hiring an employee, which is a ton of administrative work and your sponsor will do that for you.

0:25:05.3 Erika Sato: If you're a model A sponsee, then your board of directors is your sponsor's board of directors and they still have ultimate authority over your operations. But a lot of model A sponsors do still in practice give their sponsees a lot of discretion as to decision making and operations. And then in models B and C on the right, there's a little bit more legal distance between the sponsor and the sponsee. The sponsee has its own entity, but it borrows the sponsor's tax status. And so Model B, the sponsee is like an independent contractor of the sponsor. Model C, the sponsee is more like a sub grantee of the sponsor, but both of them end up being pretty similar. For the sponsee, the distinction matters more for the fiscal sponsor and how it reports these things on their taxes. So I'll just add that there's lots of different ways to find fiscal sponsors. There's some directories, you can also look in your networks and Sustainable Economies Law Center, which I work for, we have legal cafes a couple of times a month that are free. And if you want some more individualized support on these things, you can come and be matched with a lawyer. Thanks.

0:26:27.5 Tom Llewellyn: All right, thank you for running through all of that pretty thick technical information. Got a lot of... There was some excitement around the illustrations and everything else in there. Is that all? Janelle?

0:26:38.8 Erika Sato: I also make illustrations, so I do some of these.

0:26:41.0 Tom Llewellyn: Yeah you do too. Oh, awesome.

0:26:42.1 Erika Sato: Yeah.

0:26:43.3 Tom Llewellyn: Well, that's great. So, you know, definitely a lot of technical questions that are going in the Q and A. And again folks, if you wanna put questions in there, please go ahead and do so. I also just wanna put it to the hive mind of everyone who's participating, if you're running a mutual aid group and you have a fiscal sponsor that's a national organization rather than a regional one, please drop that information in the chat. A lot of people have lost their fiscal sponsors in the last year with the closing of Open Collective and a number of other fiscal sponsors that have gone under that are impacting existing mutual aid groups. So please go ahead and add to the conversation by dropping that information in the chat. So the first question I wanted to ask, and this one may be a good one for you, it also may come up in later presentations as well. But there's questions around tax liability re the collection of funds via services like Venmo and whether or not the gift rules apply there, 'cause it's something that's being tracked digitally?

0:27:41.7 Erika Sato: Yes. So it kind of depends. If you're receiving the funds via Venmo or Cash App and you're the ultimate recipient, then that would still be a gift. And you just wanna make sure that the person sending them to you doesn't mark it as being for goods or services, and that should be okay. But if you're collecting all of the money in as a pool and then redistributing it out, then that would not be a gift for the person who's receiving the money because they're expected to do something with that, right? That's giving it back out again. So that's where you would wanna look at either reporting the income and expenses or having an organization report the income and expenses.

0:28:32.5 Tom Llewellyn: Got it. There's been a couple of different liability questions that have come through and some I know that have been answered directly in the chat around the sharing of food, either in smaller groups or very publicly, let's say an example like food not bombs. And there's just questions around liability with that type of public offering, whether or not that comes under Good Samaritan laws or anything else like that, if you can shed some light?

0:28:57.0 Erika Sato: Yeah, let's see, I think I looked into this a little while ago, but I don't remember exactly. I do think some of it would depend on your individual State laws, I would say in general... Yeah. Let me see if I can find, I think there was a resource, a really good resource on this. I can try to drop it into the chat when I find it.

0:29:19.9 Tom Llewellyn: I'm just gonna ask one more question now before we transition to Elijah. So another just question which maybe relevant for a lot of groups is this one is coming from a group that is a, like a national level mutual aid organization that works mostly online and wondering about how do you choose a State for doing that type of tax or incorporation. Are there states that maybe are more friendly for groups like this than others?

0:29:50.2 Erika Sato: Yeah, I think for nonprofit type organizations, we generally might

recommend that they incorporate wherever their operations are based. The other thing to keep in mind is that anytime that you're soliciting funds from a State that technically falls under that State's attorney general. So I don't think this is as likely to be an issue if it's just like online. But if you're going to a specific State and kind of soliciting donations there, then you might want to look at registering with that State's attorney general. Yeah. And then there's a lot of other considerations too, if you're having... If you're gonna have employees, that's a big one. That will make a lot of difference.

0:30:39.2 Tom Llewellyn: Awesome. Well, Erika, thank you so much. So I'm gonna bring in Elijah.

0:30:44.6 Elijah Baucom: Thank you. Yes. So my name is Elijah Baucom. I am the founder of Everyday Security, which is an organization dedicated to providing cyber consulting IT architecture to movement based organizations and everyday people. And I also am the director of the UC Berkeley Cybersecurity Clinic, where we train students, interdisciplinary students from across campus on how to do cybersecurity risk assessments for mostly nonprofits and nonprofits that are more susceptible to ideologically based attacks. All right, we can get started. What is the purposes and goals of this presentation? I wanted to take a minute to just define this. And this is not simply a digital security training 101. Of course we'll have some, we'll cover some of these things. But I wanted to take a step back and really dedicate this to be a call to action, to raise awareness of risk so we can understand our personal and organizational threat profile and make decisions from an informed place.

0:31:45.5 Elijah Baucom: And let's do some, a little groundwork. Let's talk about that there is absolutely no liberation without revolution. As I was preparing for this talk, that's the thing that kept coming up to me, is a lot of times we talk about liberation, but we know that these oppressive systems continue to perpetuate and influence how we move. We have to remember that revolution is necessary for liberation. But you may be asking, what does that have to do with tech? What does that have to do with mutual aid? And I'm so glad you asked. We'll get into that a little bit later. Let's take a few minutes though, to talk about security in general. Let's talk about what the definition of security is. Security refers to the measures and practices put in place to protect individuals, organizations or systems from threats, harm, or unauthorized access. It encompasses a wide range of areas. Another definition may be that it refers to a State or condition of being free from danger or threats, as well as the measures taken to achieve and maintain that State. I don't want to mention security without also mentioning just the importance of it and how the lack of security can have you in a constant State of dysregulation. But let's dig a little deeper and let's pause for a moment. And I would love for people to chime in on the chat on this. What actually makes you feel secure. And I'll give a few moments to see if anyone wants to add anything.

0:33:16.8 Elijah Baucom: Transparency. Oh, that's a good one. Common understanding. Someone said, being away from tech, shared goals, trusted relationships. Thank you for all those contributions. I do wanna briefly mention some different types of security. Physical security being one. Emotional security, financial security, communal security. And I do wanna spend a brief second on this one. I imagine many people that are a part of these talks are a part of a community or looking for a community. And the security that we can find in community is very important. Also

say that one of the reasons community is so important, it is directly against the hyper individualism that we often see perpetuated in this society. And so communal security is very important. But one that we don't commonly see is digital security. And I wanna mention that in particular, because if you have ever met anyone that has either been hacked or been harassed or been doxed, they'll be quick to tell you that the feelings that they feel when their digital security is breached is the same as some of these other types of securities. And I wanna use a brief example from a former student of mine.

0:34:29.7 Elijah Baucom: When I taught the class, I asked them what are some of the things... Some of the reasons that they were interested in taking the course. And I remember a student saying that one of their dear friends was, he'd been phished, or actually someone called them and they were perpetuating a scam, acting like they were ICE, and they told them that if they did not send them \$50,000, they would be deported. And their family got the money together, sent the \$50,000 and it was totally a scam. And just them empathizing with their friend and what they felt really made them want to learn more about this topic. Moving on just a little bit. Security is often, though, conflated with just feeling secure, but it's truly multifaceted. And I have a little diagram on this next slide. Just an umbrella of security. If we talk about some of these different types of security, it can provide an umbrella. And as you can see here, it's just the five that I mentioned before. As many of you had described in the chat, there's different aspects of security. I know transparency came up a lot that may make you ultimately feel secure.

0:35:32.4 Elijah Baucom: Let's take a step back, though, and let's talk about our kind of mutual stand against oppressive systems. And it may seem in the early slides we're going in many different directions, but bear with me, we're gonna tie all this up together and talk about how it intersects with mutual aid. Many of us are familiar with common oppressive systems that we organize and heal from. Systems such as capitalism, patriarchy, white supremacy, imperialism, colonization. We continuously work externally and internally to make sure we are not complicit with these systems. However, we do not always hold that same energy with tech, specifically Big Tech, which contributes more to genocide and surveillance than any other apparatus other than the military and nation states. Even though it also contributes to the military and nation states. Let's take another step back and let's define and talk about Big Tech. Big Tech refers to the largest and most influential technology companies in the world. These companies have a significant impact on the global economy, society and culture. The term Big Tech, typically when we talk about that, we're talking about five of the largest organizations, Amazon, Meta or Facebook, Google, Microsoft and Apple.

0:36:55.1 Elijah Baucom: There are often other companies that have aspirations of being Big Tech and they also perpetuate harm as well. And that they give up some of their, some of the data that they collect and sell it to Big Tech organization or companies without explicit consent of end users. Big Tech has a direct impact on upholding every toxic system we mentioned in the previous slide. A couple of specific examples is through empowering military, nation states and widening surveillance, specifically through surveillance capitalism. And we're gonna speak on that a little bit more detail in a few slides. I did wanna provide a slide and there'll be various links that you can research this later. I won't cover all of these, but just a few examples of how Big Tech directly contributes to genocide. One in particular is with Apple and the blood minerals that they mine out

of Congo for cell phones. There's many other examples on here and like I said, there will be links that goes into details of these. But I do wanna spend a few minutes talking about surveillance capitalism. I'm sure some of you have heard this term. I know we're all familiar with capitalism, but its intersection with surveillance.

0:38:07.0 Elijah Baucom: Surveillance capitalism is a political and economic concept. It describes the practice of corporations collecting and profiting from personal data. It is a modern economic order that involves the mass collection of people's data to predict and alter their behavior. And there's a few characteristics that we typically talk about when we're talking about mentioning or discussing surveillance capitalism. The first one is data collection, which we've already mentioned, which Big Tech collecting personal data from users and end users. And I don't know if any of you have ever looked up yourselves on Google and you find data broker sites that have like your personal information, your phone number, your address, those sort of things. A lot of that Big Tech is responsible from or for. And it's all a part of profiling people and selling that data. So we can have ads, personalized ads, but most of that is without our explicit consent. The next characteristics is monetization. Big Tech makes a lot of money from monetizing our data. Google and Meta make the majority or more of their money comes from ad selling than any other revenue stream. The next is the usage. Some of the data collected is said to be used to improve products and services, while the rest is considered to be a behavioral surplus that can be sold to predict future behavior.

0:39:30.8 Elijah Baucom: Another characteristic is the lack of consent. Companies don't seek consent or consensus from their users as far as should they sell... Are you okay with them selling your data. A lot of times they do it without us even knowing. And then the lack of oversight. I'll speak for the US in particular, there's not a lot of bipartisan support for many things. One of those things is better privacy laws. And we continue to see the lack of privacy legislation that is passed. And a lot of that is because Big Tech pays lobbyists to influence those laws. We do see in the EU different policies and laws like GDPR and also California has a few specific policies, but even California and the EU, we're well behind where people would like us to be as far as privacy. Let's talk about tech in particular, and I wanna mention that tech is inherently good. And that might come to as a surprise to some of you, but I do, in its origin, apart from these toxic systems, it is good. It should be for the betterment of all, though, not for greed, surveillance, war, domination and control.

0:40:37.2 Elijah Baucom: But it should be for the advancement of humanity, better quality of life, medical advancements, communication, accessibility and efficiency in global trade based on scientific socialism, not imperialism or colonization. And oppressive system and people that uphold those systems are what really causes the issues with tech. But what does this have to do with mutual aid? I'm sure some of you are thinking, what does this have to do, actually do with mutual aid? One of the things I'm trying to shift from is a lot of the talks in digital security is very reactionary, where we're like, oh, you need to do this or do this, or look up this or use this tool. And I feel we're lacking a lot of organizing in this space. And so we're kind of on this journey and I wanna spend a slide or two on mutual aid and talk about the foundations of mutual aid and the outlook. Some of this will be comparing and contrasting or more contrasting with capitalism and knowing that mutual aid is not inherently exploitative. Mutual aid predates capitalism. Capitalism needs race, caste and class to survive. While mutual aid can transcend those things. Mutual aid will survive the capitalist system

and the empire's impending collapse.

0:42:00.1 Elijah Baucom: Mutual aid will continue to be selectively criminalized as it brushes up against empire. And Big Tech tools will continue to be used to aid the empire. Surveillance will increase, and these tools will continue to be used to try to squash social movements. But none of this is new. This country, the US in particular, has always been a country with a history of Surveillance, even if we go back to the slave patrols, what I call the original neighborhood watch, they would try to track slaves that were trying to seek freedom in the north and would take the law into their own hands. This is actually the origin, early origins of the police. COINTELPRO was really prominent in the '50s and '60s where the FBI secretly launched covert operations against social justice movements such as the Black Panthers. They tracked MLK and many others. Of course in the post 9/11 we saw the Patriot act and we saw Snowden revelations such as PRISM, which outline even more so how this mass surveillance is happening. And I know Sarah will speak on this a little bit more, but many of us know about the Atlanta Solidarity Fund which the government was able to track some of the things they were doing with Open Collective.

0:43:16.4 Elijah Baucom: And I will say Open Collective is not a Big Tech tool, but they used all of this information to build a RICO case case against them. But this is a global epidemic. The Western intelligence agencies and allied countries freely share this information. And this is known as the five eyes, the nine eyes and the 14 eyes. And there's gonna be a link that's gonna be shared in the chat that goes into a little bit more detail of this. But this is the countries that freely share intelligence data. And then there's a few other countries below in the bottom that also are a part of this as well. The continued overreach and battle against encryption. Some of this is within the last couple of weeks where governments in like the UK has asked Apple to put backdoor in their NAN encryption. The US has followed suit and it's talking about we want lawful access to your encrypted data. But they're trying to convince creators of software to create these backdoors. A backdoor being a way that they can bypass encryption. So think of a master key so you don't have the only key to decrypt or get access to your own, which should be secured data.

0:44:26.5 Elijah Baucom: We know that Meta and the government are known to have access to WhatsApp data. So even though they say that it is encrypted, it is not zero knowledge encryption, it is end to end encryption. But Meta and the government have access to the decryption key to access that. In the last few days ICE is said to be querying Google for data, asking Google for different information from individuals. And one thing we need to know, Google and Meta scans all emails, messages, documents, photos to train AI and to create profiles of people to sell. There was a movie that came out, I believe in the early 2000 called Minority Report. It really painted a picture of what people thought was kind of a fantasy or science fiction, but it's something that we could really see going where they try to predict who are the people that is going to actually do crimes. And so all of this data is compiled where they're trying to eventually be able to predict some of these things.

0:45:24.4 Tom Llewellyn: You talked about the need to be able to make this information as accessible as possible. And to that there was a question here for basically from somebody that was working with a group and has been trying to convey the need for better digital hygiene and wondering if there are recommendations for books or other accessible guides that maybe weren't

covered in the links that you already shared to help improve their communication to others.

0:45:52.6 Elijah Baucom: Yeah, the accessibility thing is something that has historically not been prioritized and it's something we have to do. It has to be a pillar moving forward. And that's why I wanted to make sure and highlight that. So if anyone out there, and I don't know who asked that question, we need to talk. We need to begin to collaborate around these things. We have to fix this now.

0:46:15.2 Tom Llewellyn: And how can folks follow up? Is it best way to go through Everyday Security or the cybersecurity clinic?

0:46:21.7 Elijah Baucom: Yes, Everyday Security. And I can provide an email address in the chat. And then like I said, I would love to work with Shareable especially as we launch that site to make this information more accessible. And then when we do launch the site, one thing I will say, we'll have a form because I would love people to put a calendar reminder on the calendar for a year from now and see if your relationship with Big Tech has changed and to see what areas we need to concentrate. We need your voices. We need to know what directions we need to be moving in and providing solutions from and more accessible information on. We need your voices.

0:46:56.0 Tom Llewellyn: Yeah, well unfortunately we're gonna have to pause right now and maybe we'll be able to stay on a little bit longer and answer some questions afterwards. But I wanna make sure that we have a chance to hear from Sarah as well.

0:47:07.0 Sarah Philips: Hi all, my name is Sarah Phillips. I use she/they pronouns. I'm a campaigner at Fight for the Future, which is a tech justice and digital rights organization. We do campaigns, pushing actions, getting folks to talk about digital rights, censorship online, digital privacy, end to end encryption. A lot of the things that we're talking about here we campaign on and also are fighting to protect on a daily basis. And today I wanted to talk about FinTech for mutual aid, which is something that we've been thinking about a lot for a very long time. But I appreciate Elijah and Erika kind of setting the tone here because I think that all of the landscape in front of us is pointing to, as Elijah said, more and more threats to our ability to support each other through mutual aid networks and have that be un-surveillable and not impacted by government suppression. And hopefully, as Elijah's already said, we can organize together to really fight back against these infringements of our rights and support each other continuously through mutual aid networks. And just to say that I am a campaigner and an organizer at the digital rights level, but I came to this work through doing mutual aid work and running and being on a steering committee for a mutual aid collective and not having all the resources that I have now in terms of digital security and how to actually go about this.

0:48:39.5 Sarah Philips: And so I feel really deeply that we need to be talking about these things and prioritizing how we're actually going about this work from the very beginning. Because so much of the mutual aid work that we're doing in this country, in the world, broadly, depends on tech tools from point A to point Z. And as Elijah has already pointed out, a lot of that is dependent on tech that doesn't really work for us. Let's get into it a bit. The big thing here is that I want folks to

understand the threats, and I do wanna offer a caveat here, is that we're not gonna stop doing mutual aid. We're not going to stop organizing for each other. We're not going to stop funding abortions. We're not gonna stop bailing people out of jail. We're not going to stop the organizing that we're doing because of these surveillance structures. So I don't wanna offer this as a warning and have people back up from the work that they're doing, but I do want us to understand the threats here and what they're actually looking like. First, as Elijah already pointed out, one of the big things we're paying attention to is how the Atlanta Solidarity Fund was criminalized, raided and faced money laundering indictments based on PayPal transactions.

0:49:51.4 Sarah Philips: And I included that one of these things was reimbursing an organizer for glue sticks and a garden hose. And I wanna be very clear about this because I think we in this country, even though a lot of the folks in this space are probably understanding of how police and especially actions like this involve criminalizing people for existing, for most people, when they hear, oh, these folks are criminalized, there must be just doing something shady or something like that. Mutual aid networks and abortion funds, bail funds, et cetera, in this country are facing criminalization for simply existing and simply, literally providing basic necessities for their communities. And I do wanna emphasize that these indictments, as well as the RICO charges, 61 total people charged under RICO, a lot of this hinged on PayPal transactions specifically. I also wanna understand, I want folks to understand that the RICO charges are what we understand as a template to challenging very currently normalized financial structures within this economy, within mutual aid networks. A lot of the stuff that Erika talked about, for example, like the ways that folks can set up very normalized, very legal, very even if you are incorporated, which the Atlanta Solidarity Fund was incorporated under one of these structures, they're trying to challenge these financial structures, challenging your ability to actually organize for our communities.

0:51:22.1 Sarah Philips: Like I said, example being accusing the incorporated org of being a fake charity. We're also tracking things like a bill filed in Texas to criminalize abortion funds under RICO. And as someone who's been paying attention to Stop Cop City and how they've been criminalized, I understood that very early that this would be... And folks in digital security, folks who think about financial surveillance, understand that this could be a template. And we're already seeing how that's playing out. Some additional context I think is important was HR9495, which nonprofits, public policy orgs, particularly led by Palestinian organizations, named the Nonprofit Killer Bill. This bill was dangerously close to passing last congressional session and it endangered the tax exempt status of those organizing in support of Palestine, fundraising for people in Gaza, et cetera, by arbitrarily assigning organizations that support... Are supportive of Palestinian organizing and resistance and organizing against the occupation as terrorist leaning or supportive of terrorists, which we know for those of us who are well versed in how people are criminalized, the "terrorist" term can be arbitrarily applied by the government for actors that they just don't agree with and want to criminalize.

0:52:39.4 Sarah Philips: And this context is important, especially with the Stop Cop City organizers and a lot of these threats to organizations that already exist and are continuing across the country. And I included short links on the PowerPoint. I'm sure links are being sent in the chat too, but we can share those after. So important things to understand. This, I hope is additive to what

Elijah was talking about, is that these financial institutions, much like Big Tech companies, and you have to understand this is a structure of those working together in tandem. They enable financial suppression and they enable government surveillance of our money. And our money largely being collectively organizers who are existing in their daily lives to, all the way to the nonprofits that might be supporting some of these actions. The charges levied against the Atlanta Solidarity Fund again hinged upon PayPal data. And this kind of invasive data collection is very typical of corporate financial tech. We've also seen through some other reports from at the federal level that the FBI and the Treasury Department are operating this massive database of financial data gleaned from financial institutions, probably institutions that you might bank with, including PayPal, to create profiles of people without warrants.

0:54:04.3 Sarah Philips: So basically profiling people through their financial actions and creating profiles at the federal level without warrants and collecting that information just because these financial institutions are so embedded with the governments. And again, this is where I wanna be clear is that this is all created by a lack of privacy preserving money transfer options. We need to be able to transfer money from person to person and from organization to person, organization to organization in order for a lot of the organizing that we're supporting to happen. And it forces mutual aid groups, bail funds, abortion funds and the like to rely on these FinTech options that participate happily in government surveillance. And we must understand the criminalization of Stop Cop City is laying the groundwork to go after everyone. But we don't want these things to halt and so we need better options. And as Elijah said, the time is now, the time maybe it should have been a long time ago, but we also are dealing with this structure that very much wants to be constantly sharing data, to be constantly collecting data under their surveillance capitalist business model as we've already talked about, and then share with governments in order to comply and cozy up to whoever's currently in power.

0:55:19.6 Sarah Philips: So I wanted to talk briefly about this report that we put together with the convocation research and design. And it basically is a privacy audit of current financial tech. Like I said, I came out of a mutual aid background in Texas and also working in abortion access in a State that's heavily criminalized, we basically... This was born out of really personal, private, intensive step by step review of a selection of funds in right wing red criminalized states who were supporting seekers needing abortion care and gender affirming health care. And we basically went step by step. And this is what I mean when I say we need tech tools from point A to point Z. Abortion funds as an example, maybe an abortion fund in Texas that mostly supports youth accessing abortion for example, would need not only to fundraise online, but also to get that information to the seeker in order for them to find the fund in order for them to find the information, all the way to supporting that person to maybe travel, maybe get meds online. All of those things require tech tools for them to do. Not just the money transfer, but the money transfer is what we ended up focusing on because it was the least... It was the point at which there were less options for these folks.

0:56:39.0 Sarah Philips: They might be able to convince someone to use signal to protect themselves via encrypted messaging. They might be able to call into a hotline rather than access the information online. But when it came to the actual financial transfer, that was like basically the

weakest point. And we found this across the board. Every person I've talked to about this, every fund that I've talked to, asked for an overview of what was really out there and what were the current options. And again, this is like really the crux of it, is the biggest question is how do we provide privacy preserving options, encourage use of privacy preserving options while also supporting the funds and the organizations that have to get people what they need today. They need an accessible option. They are operating the way they are not because they're not worried about digital security, but because they need to do it right now. And there's not a lot of options right there, right in front of us. So I did wanna address crypto. We had a couple of questions about it and I have to confess that like when I went and came into this space, I had a lot of doubts about why we would even engage with crypto considering the vast amounts of issues.

0:57:48.5 Sarah Philips: And I want to start with saying that as we've already overviewed, a lot of the options out here are also run by terrible people, by terrible corporations that are collecting mass amounts of data. And we're going for the best option we possibly can. And because of that we can't actually avoid cryptocurrency in the conversation because when trying to access privacy preserving options, they, while hosts... While having a whole host of other challenges, are part of the conversation around un-surveillable money because of the way they function. And maybe it's not that the crypto options right now are perfect and that we can really adopt them right now, but we do need to talk about them because they might be when someone's in a bind, people will be able to use it. We need to understand the landscape. And I don't want people to shy away from options simply because they're not used to it or there's a lot of narrative out there. Just to go over it, we analyzed both non-crypto and crypto options in the same report. There was more capabilities for privacy and preserving options with cryptocurrencies, but a whole host of other challenges which included obviously user adoption, accessibility, understandably resistance to engaging with crypto on and off ramps.

0:59:08.2 Sarah Philips: So how you actually get that money, say you have a Wells Fargo bank account and you need to transfer for the money, how does that actually work if you don't already have money in crypto, for example. And then also how that works with de-anonymizing data if we want it to be anonymous, how does that actually work. And again, there's something that I wanna say here which is that in terms of regulations, there's no way to magically only surveil the "bad guys". And as an abolitionist, I have a lot of thoughts about what's bad and what's good, and how we assign criminalization. But the crackdowns on un-surveillable money or more privacy preserving options have resulted widespread in proposals that expand surveillance of that said money. So that's also something that I wanna offer here, is that I think that regardless of whether or not this is in consideration for you, we do need to track it because a lot of the regulations and laws around crypto in order to de-anonymize the data, to de-anonymize the money, et cetera. Has resulted in even more surveillance or around financial institutions. And I just wanted to offer this because it's not just HR 9495 or Nonprofit Killer bills.

1:00:14.6 Sarah Philips: There's a whole ecosystem of tech policy and regulations that are creating a world where anonymous money is criminal in of itself. And when we consider government surveillance and the impact on people, that's not really acceptable for us. And again, just wanna preface that I'm not a lawyer, I'm an organizer. So I'm constantly trying to think about how to be

assistive to people, especially the folks that are most affected by government surveillance around financial institutions. And I don't have a magic answer, but we do have to work and not avoid, as Elijah was talking about, not avoid tech, because we're all using it to organize. At the end of the day, we live in a country very resistant. If you live in the United States, sorry. And centering this around the United States, we live in a place very resistant to un-surveillable money, messaging and tech tools in general. And we're seeing a whole host of ways that the government is trying to harm end to end encryption, find backdoors, as Elijah mentioned, stop decentralized tech tools, et cetera. We shouldn't have to rely on shoddy invasive tools that put us at risk of suppression and criminalization.

1:01:24.2 Sarah Philips: But the current ecosystem prioritizes Big Tech companies that are able to suck up massive amounts of data. And as long as that's true, those companies will be the biggest, they'll be the most powerful and they'll be the ones with the government in their pockets, basically. And so there's a like, you know, we've referenced privacy regulations, we've referenced a lot of other things. But I do think that we need to get behind the idea that un-surveillable money is not inherently criminal and think of the ways that can actually be helpful to mutual aid networks and be helpful to people who are especially trying to organize with people in other countries, be supportive and in solidarity with people in Palestine who are fundraising on a global scale, et cetera. And I just wanna offer this, as an abolitionist, I'm constantly told that things are not possible. And I found that's even more been told to me once I entered conversations about tech. And I just wanna offer that everything is impossible until it isn't. Signal felt impossible and so did Bluesky. And I know not everything is perfect, but we can actually work on better tools and we should center that and really prioritize that and have really difficult conversations about what that looks like.

1:02:35.6 Sarah Philips: And the big evil is the Big Tech companies in the States that are engaging with this, employing these surveillance systems to oppress people. The tech itself can work for us. We need to carve out space to do that and we need to, and I'll stop there but we are trying to gather the information in order to do that and work with technologists who are thinking about this. If you wanna read the report, I've linked it as well. And also we have this mutual aid study which we're actually working with Elijah as well from UC Berkeley Cyber Security. And I think this will be interesting, like the findings of actually talking to mutual aid orgs and doing cyber security analyses and seeing where people are at, what we actually need, creating the information to actually build an alternative it's slow work, but very necessary. That's where I'll leave it.

1:03:23.1 Tom Llewellyn: And that was a very powerful way to leave it indeed. We are going to be having just a general discussion office hour that's gonna be happening in two weeks, next week we're gonna be back for another session, Mutual Aid in Action. We're gonna have comrades from Mutual Aid Eastie, from the Metro Atlanta Mutual Aid Fund, Mutual Aid Disaster Relief, the Mississippi Reproductive Freedom Fund, as well as Vicki Osterweil, the author of In Defense of Looting. It's gonna be a very different session. We're gonna have a series of five-minute kind of rapid rad talks from each one. And then we're gonna be going off and folks are gonna be able to self select which breakout groups they wanna go into to have deeper discussions about that.

1:04:09.2 Tom Llewellyn: Once again, that entire session is not going to be recorded. All of those

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breakout rooms are gonna be private. So we encourage people to try and show up live, if you can. And please do join us on Canvas to continue the conversation. We do wanna make sure I thank our interpreters, both ASL and Spanish. Wanna thank everybody who contributed to this session with a financial donation, be able to make it so we can make these sessions more accessible to everyone. And I do have to let our interpreters go. Just wanna again thank everyone who showed up and showed out. Thank our, very much to our speakers, to Erika and Elijah and Sarah. And please do check out the links that we're gonna be sharing out and to go deeper into this work. And with that, on behalf of myself and everybody who's been contributing to this session, until next time, take care of each other.

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