

Rise of the Warrior Cop: The Militarization of America's Police Forces

Radley Balko, 2013, PublicAffairs

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There is no crueller tyranny than that which is perpetuated under the shield of law and in the name of justice.

Charles de Montesquieu
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In the recent period, the world has watched as peaceful protesters demonstrating against the police killing of an unarmed teenager in Ferguson, Missouri were attacked and arrested by police armed with military-grade hardware. The state's governor, a Democrat and ally of the Obama administration, has twice declared a state of emergency and on both occasions deployed the National Guard to impose a virtual state of siege.

This police-military crackdown follows the imposition of de facto martial law last year in the wake of the Boston Marathon bombings, in which riot police and state troopers backed by armored vehicles and helicopters occupied the Boston region and ordered entire communities to stay indoors while warrantless house-to-house searches were carried out. *Rise of the Warrior Cop: The Militarization of America's Police Forces* is a 2013 book (published in paperback this year) by journalist Radley Balko. It focuses on policies enacted as a consequence of the "war on drugs" and other "law-and-order" policies of the past 50 years. Characterizing the massive growth of the police powers of the state, Balko writes:

Today in America SWAT teams violently smash into private homes more than one hundreds times per day. The vast majority of these raids are to enforce laws against consensual crimes. In many cities, police departments have given up the traditional blue uniforms for 'battle dress uniforms' modeled after soldier attire. Police departments across the country now sport armored personnel carriers designed for use on a battlefield. Some have helicopters, tanks and Humvees. They carry military-grade weapons. Most of this equipment comes from the military itself. Many SWAT teams today are trained by current and former personnel from special forces units like the Navy Seals or Army Rangers.

While arguing that the US is not yet a totalitarian society, he acknowledges that "we *have* entered a police state writ small," and declares that police forces in America today are not 'consistent with the principles of a free society.'

The book begins by asking the question: "Are cops constitutional?"

The US founding fathers had a deep aversion to a centralized force for maintaining order, he explains. This was partly due to America's dealings

with British occupation forces. The Third Amendment, which bars the quartering of soldiers in homes when not at war, was specifically written in response to British abuses against the rebellious American colonials.

Chief among the outrages of the British Crown was the issuing of general warrants and writs of assistance. The latter were directed at stemming the smuggling of taxable goods and gave British customs officials the power to enter homes freely in search of contraband. The former allowed for the mass arrest of suspected rebels.

(There were parallels between the British writs and the Fugitive Slave Act of 1850, which gave slave owners powers to demand assistance in capturing and detaining blacks who had escaped to the North. Like the writs in the American Revolution, these policies added fuel to the fire of the Civil War—the Second American Revolution.)

Despite their anti-democratic character and their role in provoking a revolution, general warrants and writs would seem almost quaint by today's standards. Balko notes that in contrast to the British, today's police forces will raid homes at all hours of the night without so much as knocking.

The "Castle Doctrine," a principle originally of British origin and enshrined in the Fourth Amendment of the US Constitution, holds that an individual possesses certain rights against undue intrusions by the authorities into his or her home. Colonials in America often invoked the violation of this doctrine against Britain's practices in America.

Historically, according to Balko, American society has seen two forms of militarized policing: "direct militarization," or the employment of a standing army to police communities, and "indirect militarization... when police agencies and officers take on more and more the characteristics of an army." This latter process, Balko asserts, poses the greatest danger to civil liberties.

While Balko, who is not an opponent of capitalism, does not raise it, there is a clear connection between the growth of militarism and the centralization of police forces and the development of modern capitalism and the class struggle. The turn to militarized forms of policing has coincided with periods of civil unrest, labor struggles and mass oppositional movements.

The book cites a tract written by Gen. George S. Patton in the 1930s, amid explosive struggles of the working class, entitled "Federal Troops in Domestic Disturbances." In this document, Patton declares the principle of habeas corpus--the right to contest imprisonment before a court of law--to be "an item that rises to plague us." He outlines plans for the imposition of martial law on American streets.

The document instructs troops to "mark a 'DEAD' line and announce clearly that those who cross it will be killed." It continues: "Be sure to kill the first one who tries to cross it and LEAVE HIM THERE... If you must fire, DO A GOOD JOB. A few casualties become martyrs; a large number

becomes an object lesson.”

(Patton was speaking from experience. In 1932, he and Gen. Douglas MacArthur ordered troops to fire on protesting veterans demanding back pay from the military in the Bonus March.)

The majority of the book concerns the 1960s and subsequent decades. With the backlash against the Vietnam War, the eruption of mass upheavals in the inner cities against poverty and racial discrimination, and militant labor struggles over wages and conditions, the US ruling class looked to more severe forms of repression.

In the aftermath of the 1965 Watts Riots, Los Angeles Police Department (LAPD) officials proposed the creation of a combat-ready unit that would become a permanent mainstay of policing across the country--Special Weapons and Tactics (SWAT) teams. Seeking to justify such a force by comparing the conditions faced by the LAPD to that of soldiers fighting in Vietnam, SWAT's founder, Los Angeles Police Chief Darryl Gates, said: “[T]he people are the police, and the police are the people... Though at times, *assault* is not a dirty word” [emphasis in original].

SWAT teams would later become ubiquitous, employed not only in dangerous scenarios, but for minor, pedestrian offenses as well.

Proponents of law-and-order policies often claim that the supposed danger to police officers justifies the ratcheting up of spending on weapons. In disputing this, Balko cites a number of statistics showing that acts of violent crime have been declining for decades and that a civilian is far more likely to be murdered by a police officer than vice versa.

In reaction to the unrest of the 1960s, the ruling class sought to drive a wedge between the poor and the rest of the working class and the more affluent middle classes. Democratic President Lyndon B. Johnson created the Bureau of Narcotics and Dangerous Drugs, a federal precursor to the Drug Enforcement Administration, as well as the Law Enforcement Assistance Administration (LEAA), the first federal agency tasked with giving funds and equipment to local law enforcement.

Under President Nixon, the terminology for a modern police state was developed.

Nixon's first term featured a raft of draconian crime bills. An “experimental” bill covering the District of Columbia introduced no-knock police raids and preventative detentions as measures for maintaining public order. By 1969, 25 states had laws that permitted police to enter homes without knocking first. To conduct his anti-drug campaign at the federal level, Nixon created the Office of Drug Abuse and Law Enforcement (ODALE), which carried out a number of high-profile raids on the homes of suspected marijuana and LSD dealers.

The “no knock” police raid receives particular scrutiny in the book. In *Ker v. California* (1963), the Supreme Court ruled in favor of police entering a home without knocking if it was thought that a suspect might destroy incriminating evidence before police could get to him. In opposition to the majority, Justice William J. Brennan wrote that the ruling would do “obvious violence to the presumption of innocence” and the Fourth Amendment, which mandates court-ordered warrants while barring arbitrary searches and seizures.

This and subsequent rulings have led to the evisceration of protections against undue searches and seizures. Writing of the role of the courts, Balko says that rather than protecting the Fourth Amendment, judges have been “nearly conspiring against it.” The book's passages are peppered with accounts of the brutal and often tragic consequences of police raids on homes, as well as the seeming indifference of law officials.

Bill Clinton instituted the first police raid doctrine that specifically targeted the poor as a part of his 1996 Welfare Reform Act. The “one strike and you're out” policy allowed for the removal of public housing tenants caught with illegal substances. Clinton also passed a number of bills streamlining the provision of military-grade hardware to police departments, the most well-known being the Defense Department's 1033

program.

In the wake of the 9/11 terrorist bombings in New York City, the war on drugs became integrated into the “war on terror,” as federal money flowed to law enforcement agencies in never-before-seen amounts. The creation of “joint terrorist task forces” involving both local law enforcement and federal intelligence and military agencies, aside from being completely unaccountable to local officials where they are stationed, further blurred the line between the military and law enforcement.

The Obama administration is particularly tied to this process. Vice President Joe Biden has a storied career of supporting draconian law-and-order legislation. Obama's 2009 stimulus bill was loaded with hand-outs for programs facilitating police militarization. Numerous programs meant to provide equipment and personnel to police agencies have been given a second life during his administration.

In 2011, the Law Enforcement Support Office, in charge of the Defense Department's give-away of weapons and equipment, doled out record sums to local police departments. One year later, in 2012, its 1033 program was temporarily suspended due to a number of items going unaccounted for after being sold. These included guns and other equipment given to “non-police agencies.”

While providing damning evidence of the human cost of police militarization and the undermining of democratic norms, Balko's analysis falls short on a number of crucial points. He writes in the book's introduction that “this is not an ‘anti-cop’ book... The fact is that we need cops. Bad cops are the product of bad policy. And policy is ultimately made by politicians. A bad system loaded with bad incentives will unfailingly produce bad cops.”

The severe limitations of this approach are evident in the book's final chapter (entitled “Reform”), in which Balko prescribes minor palliatives to reduce police brutality alongside measures that are simply utopian. Balko fails to connect the growth of militaristic elements within domestic law enforcement to the overall breakdown of the capitalist system.

The war on drugs and its sibling, the war on terror, are both political expressions of a deep-rooted process within the social order itself. The rise of militarized policing has taken place alongside the growth of militarism abroad and unprecedented levels of social inequality at home, in the course of a half-century in which the global position of American capitalism has sharply deteriorated.

This process has seen its fullest expression under the administration of President Obama, whose policies of austerity, endless war, spying, torture and assassination are the complement to the growth of militarized elements within US law enforcement.

Balko's book manages to provide a great deal of valuable information on the transformation of US law enforcement to a virtual wing of the military-intelligence apparatus without quite putting a name on it. Despite the conservative political conclusions drawn by the author, *Rise of the Warrior Cop* is an important contribution toward understanding police militarization in the US and its role in the social counterrevolution being carried out by the ruling class.



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