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RoboCops: Professional Policing of Political Protest

by William John Cox
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"...the era of Internet journalism makes it more difficult for law enforcement officers to identify legitimate media representatives, the Constitution makes no distinction between those who are "accredited" and those who are not. The First Amendment protects the rights of all journalists to do their jobs, especially at political events and public protests. Reporters not only have a right to be present at such events, but they have a duty to mix with participants and to inform the public of their observations, especially how they are treated by those who have taken an oath to protect and to serve the public."

Last week, hundreds of protesters in St. Paul were arrested outside the Republican National Convention by helmeted police officers wearing black uniforms and full body armor reminiscent of scenes from the 1987 movie, *RoboCop* featuring: "Part man. Part machine. All Cop. The future of law enforcement."

In an operation supervised by federal agents, informants were recruited and paid to infiltrate media and protest groups. Preemptive search warrants were served on their gathering places by masked officers in riot gear armed with assault rifles, and video cameras, computers, journals and political pamphlets were seized.

Officers marching in formations and shouting military chants used pepper spray, rubber bullets, concussion grenades, smoke bombs and excessive force against predominately peaceful demonstrators. Specifically targeted, independent and credentialed journalists covering the protests were arrested, violently detained and charged with felony rioting.

The present encroachment by the federal government into matters of local law enforcement results in part from powers seized by President Bush following 9-11. He recently reaffirmed: "Consistent with ... the National Emergencies Act ..., I am continuing for 1 year the national emergency I declared on September 14, 2001, ... with respect to ... the continuing and immediate threat of further attacks on the United States. Because the terrorist threat continues, the national emergency ... and the powers and authorities adopted to deal with that emergency, must continue in effect beyond September 14, 2008."

President Bush has appointed himself to ensure our "continuity of government"; however, the actual limits on his "powers and authorities" remain secret, even from Congress. Any "Enduring Constitutional Government" will be run by the president alone, and any "cooperative" role played by Congress or the Supreme Court will be at his pleasure as a "matter of comity."

Watching these events unfold, and reflecting back upon the experiences and observations of a 45-year career in America's justice system, I have concluded that while law enforcement may have improved as a profession, police officers have become less conscious of who it is they are sworn to protect and to serve.

Flashback

In the summer of 1968, I transferred to the Los Angeles Police Department after having worked for five years as a police officer at a small department in San Diego County. Many of us at the time considered ourselves to be a "new breed" of police officers dedicated to developing law enforcement into a true profession.

I had served as president of the San Diego County Chapter of the statewide police organization responsible for the Law Enforcement Code of Ethics and for California becoming the first state to adopt a Peace Officer Standards and Training (POST) program. The 1967 President's Commission on Law Enforcement and the Administration of Justice had just recommended that all states establish POST Commissions.

Race-related riots were exploding in many cities throughout the Sixties, with major conflicts occurring in New York City, Rochester, Jersey City, Paterson, Elizabeth, Chicago and Philadelphia in 1964, the Watts Riot in 1965, Cleveland, San Francisco, and Atlanta in 1966, and Boston, Tampa, Buffalo, Memphis, Newark, Plainfield, Detroit and Milwaukee in 1967.

Although, there had been no riots in San Diego County, it was a time of widespread discontent about the Vietnam War, and there had been a violent clash in June 1967 between LAPD officers and 10,000 antiwar protestors outside the Century Plaza Hotel where President Johnson was attending a fund-raising dinner.

With a large military presence in the County, our administrators thought it prudent to get prepared. Many of us received training provided by the FBI in which we were issued long batons and taught to maintain wedge formations and skirmish lines to force protestors and rioters to disburse.

Other than for helmets, we received no protective gear and our faces were uncovered. We were in gabardine uniforms, with ties, badges and name plates. Being one of the taller officers, I often found myself at the point, as in this newspaper photograph.

Following the assassination of Dr. Martin Luther King, Jr. on April 4, 1968, riots immediately erupted all over the country. At least 125 cities suffered violence and destruction and more than 56,000 federal and National Guard troops were mobilized in 18 states and 36 cities. The worst riots were in Washington, D.C., Baltimore, Chicago,

Boston, Detroit, Kansas City and Newark. In Chicago, Mayor Daley ordered the police, who had received no civil disorder training, to shoot to kill. More than 700 fires raged in Washington, D.C. and the White House was turned into a "fortress."

After graduating from the Los Angeles Police Academy and completing my one-year probation, I commenced evening law school. During the day and for the next two years, I researched and wrote the Department's Policy Manual establishing the principles and philosophy governing policing in the city, including the meaning of "To Protect and To Serve." Policies were established for the use of force, including firearms, and the Department's response to riots.

During "unusual occurrences," I was also assigned to temporarily staff the Emergency Control Center where I served as the Situation Report Officer compiling all information and intelligence into hourly and daily reports for commanding officers and political leaders. Major events included the all-day shootout on December 8, 1969 between the LAPD and barricaded Black Panthers on South Central Avenue and the East LA riots in August and September 1970, during which Times columnist Rubén Salazar was killed by sheriff deputies and a bomb was exploded in the federal building next door to the LA police headquarters.

There were many other less publicized acts of violence in LA during the late Sixties and early Seventies: In 1968, the employment office at Cal State Northridge was firebombed because of defense contracts; a shrapnel bomb exploded at the Hollywood Selective Service office; five heavy-duty Army trucks were dynamited in Van Nuys; and students occupied the administration building at Cal State Northridge and held the president and other administrators at knife point for four hours. The following year, a pipe bomb exploded at a Navy and Marine Corps Training Center in Compton and an airplane dropped an incendiary device outside a military installation. In 1970, two Selective Service offices sustained heavy damage during bombings; two men were arrested as they attempted to firebomb the National Guard armory in San Pedro; and an explosion and fire caused \$10,000 damage at UCLA's ROTC facility.

Los Angeles was not alone in experiencing public disorder and violence during this era as rage against the war and racial discrimination resulted in riots and civil disorder across the country. In addition to the widespread riots following the murder of Dr. King and in Chicago during the Democratic National Convention, riots in 1968 also occurred in New York City, Orangeburg, South Carolina, Baltimore, Kansas City, Salisbury, Maryland, and Louisville.

New York City was again stuck by rioting in 1969 followed by a riot in York, Pennsylvania. During the "Days of Rage," the Weathermen, a militant offshoot of the Students for a Democratic Society, violently confronted the police in response to the trial of the "Chicago Eight."

In March 1970, three Weathermen died during a failed attempt to construct a bomb in Greenwich Village, and four students were shot by National Guardsmen during a demonstration at Kent State in May. Several days later, construction workers wearing hard hats attacked a student antiwar demonstration in Wall Street injuring 70 and stormed City Hall to demand raising the flag which had been lowered in mourning for the Kent State students.

Continuing in 1970, there were riots in Augusta and Asbury Park. Bombs exploded at: the Army Mathematics Research Center at the University of Wisconsin-Madison; a courtroom in San Rafael, California; an armory in Santa Barbara; the ROTC building at the University of Washington, the University of California, Berkeley in October; and a replica of the Liberty Bell in Portland.

Violence continued in 1971 when the "Weather Underground" exploded a bomb causing \$300,000 damage at the U.S. Capitol building to protest the invasion of Laos; there were prison riots at Attica and San Quentin; a Black Muslim riot in Baton Rouge; May Day protests in Washington, D.C. and a riot in Camden, New Jersey.

As a result of the widespread violence sweeping the country and coincident with his presidential campaign, President Nixon appointed a National Advisory Commission on Criminal Justice Standards and Goals in 1972. Although I was still attending law school and employed by the LAPD, I was placed on loan to the Commission to work on the staff of the Police Task Force. My assignment over the next year was to write the introductory chapters defining the role of police officers in America and their relationship with the communities they serve.

The Commission published its initial reports in 1973, including specific recommendations to upgrade the quality of police personnel by improved recruitment and selection processes and for mandatory and extensive basic and in-service training requirements. Most basically, the Commission recommended continuance of primary local and state – versus federal – responsibility for domestic law enforcement. To the greatest extent possible, policing was

to be community based.

Having completed law school, I was employed by the Law Enforcement Assistance Administration (LEAA) in 1973 to work on the implementation of national standards and goals. After a year in Washington, D.C., I was appointed as a Deputy District Attorney in Los Angeles and prosecuted criminal cases for the next three years. I then opened a public interest law practice in the City of Long Beach in which I primarily represented juveniles accused of serious crimes and undertook a variety of pro bono cases that attracted my interest.

Some of the last battles in America's urban war were fought by the Symbionese Liberation Army (SLA) formed in 1973 to engage in guerrilla warfare against "the fascist insect that preys upon the life of the people." Following the murder of the Oakland Schools superintendent for requiring students to carry identification, the SLA kidnapped newspaper heiress Patricia Hearst and committed a bank robbery in which a customer was killed. The LAPD closed in on the SLA in May 1974 and six heavily armed members died in a shootout and fire. In August of the next year, surviving SLA members attempted to bomb several LAPD patrol cars.

The National Advisory Commission released its final report by the Task Force on Disorders and Terrorism in 1976. The report differentiated civil disorders from terrorism in finding that civil disorders are "manifestations of exuberance, discontent, or disapproval on the part of a substantial segment of the community." Terrorism was defined as "the deliberately planned work of a small number of malcontents or dissidents who threaten the security of the entire community."

The Task Force observed that "very little American violence has been insurrectionary. Mass protest in this country has been directed at modifying our system of government, not overthrowing it. Terrorism in this country has been limited, unpopular, and disorganized."

The Task Force concluded that "the nature of American society enables it to absorb a considerable amount of violence without damaging its political structure." Finally, the Task Force predicted that "terrorist activities will increase and intensify. In contrast, civil disturbances appear to be cyclical and are the products of local, social and political conditions."

A Mellowing of Discontent

Passage of the Civil Rights Act of 1964, the Food Stamp Act of 1964, the Economic Opportunity Act of 1964, the Higher Education Act of 1965, the Social Security Act of 1965, the Voting Rights Act of 1965, and the Fair Housing Act of 1968 brought an end to many of the institutionalized causes of racial segregation and discrimination in America. Combined with a generalized increase in the standard of living for most people, many of the root causes for violent protests by minorities were removed.

The antiwar movement sputtered out following American's withdrawal from Vietnam, and the country experienced a significant reduction in violent political protests during the Eighties and Nineties.

Law enforcement continued to improve as a profession with all states adopting POST programs and a significant portion of police officers obtained college degrees. After peaking in 1991, the crime rate began to dramatically drop. While some of the reduction can be traced to the aging of the baby boomers, improved police administration and practices certainly made a substantial contribution.

As a part of the continuing professionalization of law enforcement, I was recruited by two former LAPD commanding officers in 1984 to serve as general counsel and operations officer for a high-level private security consulting and investigation company they had established. Primarily deploying operatives with law enforcement backgrounds, our clients included a number of major Fortune 500 corporations, including several that operated nuclear weapons sites for the U.S. Department of Energy. When my principals sold their business in 1988, I reopened my law practice in Long Beach and concentrated on investigative law.

Back to the Future

The bombings of the World Trade Center in February 1993 and the Oklahoma City federal building in April 1995 were pure mass-casualty terrorist attacks and were unrelated to any domestic protest movement.

There were only two major urban riots during the Eighties and Nineties and both shared similar causation. The Miami riot in 1980 resulted from the acquittal of five white police officers accused of beating an African-American insurance salesman to death after he attempted to surrender. The Liberty City area erupted in two days of rioting in which 150 fires were set, 17 people died, 1,300 were arrested and there was \$50 million in property damage.

Twelve years later, in April 1992, four white Los Angeles police officers were acquitted by a jury of charges they

had used excessive force while arresting an African-American driver after a high-speed chase. The beating was videotaped by a bystander and the film was widely shown on television. Following the verdict, a white truck driver was dragged from his truck and was beaten by African-American youths as the assault was broadcast live from a television station news helicopter.

Rioting immediately spread throughout Los Angeles and adjoining cities violence and destruction prevailed for three days, until the National Guard was able to restore order. Fifty-two people died during the rioting, 2,499 were injured and 6,559 were arrested for riot-related crimes; 1,120 buildings suffered more than \$446 in damage and 377 were totally destroyed.

The primary difference between the 1992 riot and all other previous urban riots was that it spread throughout the metropolitan area and rioters represented all socioeconomic and racial groups.

The Emergence of RoboCops

One of the more unsettling trends in recent years has been the increasing militarization of local police forces in response to protest activities unrelated to terrorism. While we have become accustomed to seeing specialized units, such as SWAT teams outfitted in black coveralls and other combat gear, police officers are now appearing as "RoboCops" with military weapons at political demonstrations, such as the anti-globalization protests in 1999 in Seattle against the World Trade Organization.

The Department of Homeland Security was created in November 2002 to supervise, fund and coordinate "local first responders." Since then, billions have been spent to equip and train police, fire and medical personnel to respond to high consequence-low probability terrorist events.

Homeland Security has provided local law enforcement agencies with almost unlimited funds to purchase militaristic equipment to fight the war against terrorism. Once agencies equip every officer with black tactical suits, full body armor, dark-visored helmets and assault weapons and train them to respond to highly unlikely terrorist events, police administrators are much more likely to deploy overwhelming force against political protesters, who usually constitute a pain in the ass rather than a real threat to public order.

Acting under the aegis of the Department of Homeland Security, as many as 40 different law enforcement agencies blanketed Miami in November 2003 during meetings relating to the Free Trade Area of the Americas. Protest groups were infiltrated by the police, and the corporate media was "embedded" with law enforcement.

In what has become known as the "Miami Model," an aggressive police deployment is characterized by mass preventive arrests, a violent police response to nonviolent demonstrators, and the arrest and harassment of independent journalists working among the protestors. In addition, Miami deployed unidentifiable police "extraction teams" wearing full body armor and ski masks in unmarked vans to haul away protestors.

Adopting a "zero tolerance" of protest, the New York City police department used "Miami" tactics in 2004 at the Republican National Convention. Hundreds of peaceful demonstrators and innocent bystanders were illegally arrested, fingerprinted, photographed, and subjected to prolonged detention in wire cages before being released without prosecution.

Repressive tactics were also used the same year as a counter-terrorism measure - at the Democratic National Convention, where Boston police established a designated fenced enclosure topped by razor wire as the "free speech zone." Protestors could only demonstrate in the "zone," which was well away from the convention and beyond the view of participants and the news media.

Another full-court press against protest occurred in 2004 at the G8 Summit on Sea Island just off the coast from Brunswick, Georgia. The governor declared a month-long state of emergency along the coast and more than 25,000 local, state and federal police officers and military units in armored assault vehicles were deployed in or near the small coastal town, which only has a population of 15,000 residents. Local businesses closed up for the week and boarded up their windows, and the federal government spent more than \$25 million to protect the summit against terrorism; however, less than 250 activists showed up to demonstrate, including three who protested that the local pigeons had more freedom than they did.

The 2008 National Political Conventions

Approximately 150 demonstrators were arrested by law enforcement officers in Denver during the 2008 Democratic National Convention; however, many were released without charges and the others were primarily charged with offenses including obstruction, throwing stones, assault, illegal dumping and possession of drugs

and illegal weapons. Most pled guilty and were fined \$100 plus court costs and given a five-day suspended sentence.

Other than for authorized marches, protesters were required to remain in a "Freedom Cage" separated from the Denver convention center by metal fences on top of concrete barricades. Although some officers turned out in riot gear, they all had badges and identification numbers displayed on their chests and the use of force was mainly restricted to the defensive use of pepper spray. It appears that both protesters and the police considered the gathering to be a political protest, rather than a terrorist activity, and there was a determined effort by both sides to avoid violent confrontations.

It was a different story during the Republican National Convention in St. Paul, Minnesota. Early on, the police department promised protest organizers that the entire city of St. Paul would be a "free speech zone," police officers would not infiltrate protest organizations, officers would wear uniforms rather than tactical gear, and the local police would be in charge of policing rather than federal authorities. None of these promises were kept. Instead, the police relied upon the classic Miami Model to control and oppress political dissent.

Prior to the Republican Convention, the FBI-directed Minneapolis Joint Terrorist Task force recruited paid "moles" to infiltrate protest groups and to report on their plans and activities. In the week before the convention, local authorities supervised by the FBI and aided by informants conducted a series of preemptive raids leading to seizures of video cameras, computers, journals and political materials.

Teams of 25-30 RoboCops waving assault rifles and shotguns entered homes of protesters forcing everyone present to the floor and to be handcuffed and photographed. Even attorneys on the scene to represent detainees were handcuffed.

More than 10,000 protesters gathered to demonstrate during the convention. Officers responded wearing helmets with face shields and full body armor without badges or any form of personal identification. They marched about in formation shouting military chants. Officers used pepper spray, rubber bullets, smoke bombs, concussion grenades and excessive force to arrest more than 800 protesters, including a 78-year-old Catholic nun. Many of those arrested were overcharged with felony rioting making it more difficult for them to be released from custody.

Journalists were specifically targeted for harassment and arrest. Two independent photojournalist groups were subjected to preemptive searches, and journalists who were present were detained at gunpoint. Video equipment and computers were seized from "I-Witness Video," a media watchdog group that monitors law enforcement to protect civil liberties, and the "Glass Bead Collective," another video documentary group.

Associated Press photographer Matt Rourke was arrested while on assignment after police encircled the demonstrators he was photographing. Even though he displayed convention credentials, Rourke was kicked to the ground, arrested, and his camera was seized. Subsequently several other members of the media, including AP reporters Amy Forliti and Jon Krawczynski were trapped with protesters on a bridge. They were forced to sit with their hands over their heads until being led away for processing. They were cited for unlawful assembly and were released. Two student photographers and their faculty advisor were also held without charges for 36 hours.

At least 19 journalists were detained during the convention; however, the most sensational arrest was of prominent broadcast journalist Amy Goodman of "Democracy Now!", who was arrested for attempting to speak to a police commanding officer about the arrest of two accredited coworkers. Within seconds, she was grabbed and pulled behind the police line. Her arms were forcibly twisted behind her back and her wrists were tightly bound with rigid plastic cuffs. When she repeated that she was an accredited journalist, an unidentified Secret Service agent walked up and said, "Oh really?" and ripped her convention credential from her neck.

Goodman's producers, Sharif Abdel Kouddous and Nicole Salazar, had been arrested after being forced into a parking lot along with protesters and surrounded by police officers. Salazar was trapped between parked cars and thrown to the ground; her face was smashed into the pavement and she was bleeding from the nose. One officer had a boot or knee on her back and another officer was pulling on her leg. Sharif was thrown against a wall and kicked in the chest. He was bleeding from his arm.

Both "Democracy Now!" producers were charged with suspicion of felony rioting, and Amy Goodman was charged with obstruction of a police officer. She said, "There's a reason our profession is explicitly protected by the Constitution – because we're the check and balance on power, the eyes and ears. And when the eyes and ears are closed, it's very dangerous for democratic society."

St. Paul Police Chief John Harrington says his officers "did not overreact" and that they "responded appropriately"

in dealing with demonstrators: "If a reporter is committing crimes while they're under their credentials, I think they become regular citizens."

Although, the era of Internet journalism makes it more difficult for law enforcement officers to identify legitimate media representatives, the Constitution makes no distinction between those who are "accredited" and those who are not. The First Amendment protects the rights of all journalists to do their jobs, especially at political events and public protests. Reporters not only have a right to be present at such events, but they have a duty to mix with participants and to inform the public of their observations, especially how they are treated by those who have taken an oath to protect and to serve the public.

What Now?

I ended the last phase of my career in the justice system last year as a prosecutor for the State Bar of California, essentially policing the legal profession. I have now retired and have dedicated my remaining years to writing in an attempt to bring about a more peaceful and representative government; however, I fear for the future of the American people.

There are two things for certain: First, if the violent protest events of the Sixties and Seventies were to occur today, the Constitution would be suspended and all of us would be living under martial law. Second, things will get worse before they get better! Not only are we in a severe recession in which hundreds of thousands of us are losing our jobs, homes, health and our way of life, but the absolute risk of mass-casualty terrorism has not been diminished by the "War on Terrorism" – indeed it has been made much more likely by the manner in which it has been conducted.

The thing I fear most is the class war being waged on the working and middle class by the political and economic elites of America. They have seized most of the wealth, income and political power and they control the corporate media and the ability to shape our opinions, beliefs and attitudes. At some point we have to fight back and we will not win unless those who enforce the laws do so on our behalf.

Today, there is little difference between the two main political parties and irrespective of who will be president during the next four years of turmoil, I fear his or her use of the extraordinary and secret powers that have been aggrandized to the presidency, as we begin to increasingly protest our loss of freedoms, rights, and livelihoods.

I continue to respect and to identify with those professional police officers who wear the badges we issue them and who form the thin blue line between peaceful political protest and the violence of terrorism, but my faith in our ability to survive the difficulties we confront together is fading fast.

Just as police officers must recognize that our political protests are not acts of terrorism, we must be able to see their faces, to know who they are, to trust that they are on our side, and that they will act as professionals.

Contrary to the propaganda of those who seek unlimited power over us, the law enforcement model has worked well for more than 200 years to protect the security and freedoms of Americans. We must resist with all of our might the use and deployment of the military and federal agents within this country to enforce our local laws. We must trust our local police to protect us and our right to dissent.

Years ago as a brash young man I attempted to define the meaning of the motto, "To Protect and To Serve," painted on the side of LAPD patrol cars. Today, as a much older and hopefully wiser man, I believe the motto should be, "The People and Their Police – Peers for Peace." It speaks for itself.

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