

# Ferguson Killing Exposes the Reality Of Militarized, Racist Policing directed against African Americans

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**This is a teachable moment for the nation that presents an opportunity to transform policing so it serves the people.**

*The killing of Michael Brown by a Ferguson, MO police officer, who was identified Friday as Darren Wilson, and the aftermath in which nonviolent protesters and reporters were met with a violent and militarized police force have exposed something that has been building for years. Many have written about the militarization of the police and the disproportionate impact they have on people of color, but now more Americans are seeing this reality and cannot escape it.*

Michael Brown is one of four unarmed black men killed in the last month by police. On July 17, [Eric Garner](#) was killed by an illegal chokehold in New York. On August 5, John Crawford was shot in a store in Beavercreek, OH. Just after Brown's death, on August 9 [Ezell Ford](#), a young man with known mental illness, was shot in Los Angeles. These are four examples of many, [according to a recent study](#), a black man is killed every 28 hours by police, security guards or vigilantes. The whole nation is experiencing these tragedies; reality is being forced upon us.



The public reaction to the event has been immense. On Thursday evening [protests were held from coast-to-coast](#) expressing solidarity with the people of Ferguson and grief for the death of Michael Brown and the deaths of others across the nation killed by police. There are now increasing [calls for the demilitarization](#) of the police by the Attorney General and elected officials. And, the [DOJ has announced a broad review of police practices](#) that lead to deadly force. People are taking action pressuring the DOJ to act, see: [Tell The Department of Justice to end racist and militaristic policing.](#)

Ferguson police used tear gas, rubber bullets and sound cannons against unarmed residents.

This is a teachable moment and an opportunity to advance the cause of transforming the police. Hundreds of thousands of Americans watched events unfold in Ferguson. They saw the police tear gassing a community in mourning, firing at them with rubber bullets and using sound canons to disperse them. They saw military-style police chase them into neighborhoods where they continued to fire tear gas and rubber bullets. They [saw reporters abused and arrested as a SWAT team took over a McDonald's](#) where they were reporting from and other reporters [attacked with tear gas](#) and then the [police dismantling the journalist's equipment.](#)

These events led to news outlets reporting on the actions of the police with even greater intensity. In response to the arrest of one of their reporters, [Ryan Grim wrote an official Huffington Post statement](#) about the journalist's arrest which made a key point: "Police militarization has been among the most consequential and unnoticed developments of our time." The police in Ferguson did an excellent job of drawing the nation's attention to the reality of 21<sup>st</sup> Century policing and the need to dramatically change its direction.

The rhetoric of a "war" on drugs and "war" on crime is no longer mere rhetoric. Over the last few decades police forces in the United States, down to small town forces, have been militarized by the federal government. Militarization has been part of the escalating clampdown on dissent; and the targets of these extreme policing practices are disproportionately communities of color. Practices like 'stop and frisk' and 'driving while black,' as well as policies focused on Arabs and Muslims, have shown that racially-based policing is the intentional policy of police across the country.

Much of this has been growing in police departments in secret without transparency or public debate. Would the public want a militarized police force if they had a voice in the decision? Without a democratic process, the US has essentially created a standing army that violates the fundamentals of the US Constitution. The military police force applies the law unequally, violating equal protection of the laws and undermining the justice system as police take on the role of judge and executioner.

### **How Did We Get Here?**

Racist policing is not new. As [Victor E. Kappeler points out](#), "the St. Louis police were founded to protect residents from Native Americans in that frontier city" and "in 1704, the colony of Carolina developed the nation's first slave patrol." These patrols developed into the first police departments. The purpose of the first police was to control the slave population and protect the property interests of slave holders. This disastrous racial legacy continues to this day.

Ferguson is not unusual when it comes to racially unfair policing, tensions between police and the African American community has been building for years. For a community that is 2/3 African American, there are only three black officers on the 53 person police force. [According to](#) the Missouri Attorney General annual report on policing, although blacks make up 63% of the population of Ferguson, they make up 86% of police stops. Blacks are almost two times as likely to be searched and are arrested twice as often as whites although whites are more likely to possess contraband. While these are ugly statistics, the state of Missouri is even worse. The NAACP sued St. Louis for the racial disparity in its traffic stops. One resident told the Washington Post: "Everybody in this city has been a victim of DWB [driving while black]."



Six ton armored vehicle with 14 foot steel battering used by LAPD SWAT team in drug raids, Photo by Jack Gaunt for Los Angeles Times

The militarization of police is a more recent phenomenon. [Peter Kraska of the University of Eastern Kentucky](#) has been writing about this since the early 1990s. He documents the rapid rise of Police Paramilitary Units (PPU's, informally SWAT teams) which are modeled after special operations teams in the military. [PPU's did not exist anywhere until 1971](#) when Los

Angeles under the leadership of the infamous police chief Daryl Gates, formed the first one and used it for demolishing homes with tanks equipped with battering rams. By 2000, there were 30,000 police SWAT teams; Kraska reports that by the late 1990s, 89% of police departments in cities of over 50,000 had PPU's, almost double the mid-80s figure; and in smaller towns of between 25,000 and 50,000 by 2007, 80% had a PPU quadrupling from 20% in the mid-80s.

And Kraska reported that SWAT teams were active with 45,000 deployments in 2007 compared to 3,000 in the early 80s. The most common use he found was for serving drug search warrants where they were used 80% of the time, but they were also increasingly used for patrolling neighborhoods. These numbers are consistent with a [recent report by the ACLU](#).

Another important chronicler of the rise of militarism in policing is Radley Balko, author of [Rise of the Warrior Cop: The Militarization of America's Police Forces](#). He reported a "1,500% increase in the use of SW AT teams over the last two decades" and [wrote in the ABA Journal](#) in 2013 that "SWAT teams violently smash into private homes more than 100 times per day." Their use of flash-bang grenades has caused [injuries](#) to children and a [seven year old was shot and killed](#) in her sleep when a SWAT team forced entry into the wrong house. There are many examples of similar abuses.

Colin Jenkins points out in [Coming Home to Roost: American Militarism, War Culture, and Police Brutality](#), that this was a gradual process. There was never a debate about militarizing the police but instead a series of decisions around the late 60s protest movement, the drug war and post 9/11 policing. The trend became particularly noticeable in the 1980s when the Reagan-era drug war created exceptions to the *Posse Comitatus Act*, a Reconstruction Era law that kept the military out of domestic enforcement. This is when SWAT teams began to be used to serve drug search warrants. The post-9/11 era gave police even greater power under the Patriot Act and seemingly unlimited resources to fight terrorism. Of course militarized police have rarely been used to fight domestic terrorism because there really is not much terrorism in the US to fight.

[Jenkins points](#) out billions of dollars of military equipment have flowed to police departments across the country: "They possess everything from body armor to high-powered weaponry to tanks, armored vehicles, and even drones." He asks why, pointing out that it is not because of safety, noting there are 50 fatalities annually out of 900,000 officers nationwide. That is 1 out of 18,000 police maliciously killed each year (the odds of being killed by lightning in your lifetime are 1 out of 3,000). He blames the US war culture and believes police have become militaristic because they have shifted from defense to offense where they aggressively confront and repress the people, rather than protect and serve the community.



Arlington, Texas SWAT team destroyed an organic farm looking for marijuana, found none, August 2013. AFP Photo by Kevork Djansejian

The problem may also be compounded by programs such as the Chamber of Commerce's '[Hiring our Heroes](#),' that intentionally seek out active military and veterans to work in police departments. The [Doj has a program](#) called 'COPS' that fast tracks members of the military into police work. The [San Antonio Police Departments boasts](#) that military personnel

transition smoothly into police work. Perhaps it is because they are using the same equipment and techniques. This raises concerns about what effect police work in a militarized environment has on veterans who experience Post Traumatic Stress Disorder. Then there is the problem of [police steroid use](#) which has psychological impact, i.e. “roid rage.”

Military instruction of police officers may also contribute to the more aggressive tactics being deployed in our communities. The ACLU reports that the [National Guard is training police](#), and there are also training programs hosted by the [Israeli Defense Force](#).

[Newsweek reports](#) that the military equipment is the result of the bloated US military. Their budget is more than half of US discretionary spending and in 1990 Congress included in the National Defense Authorization Act a provision, Section 1033, that allowed DoD to transfer equipment the military no longer needed to federal and state agencies to help fight the drug war.

The [ACLU reports](#) that \$4.3 billion in equipment has been transferred through this section. The program includes 17,000 law enforcement agencies from all states and territories. The program expanded from \$1 million in 1990 to nearly \$450 million in 2013. The waste in DoD budgets is exemplified by the fact that 36% of the property transferred was never even used by the military.

The ACLU examined 20 state’s with 800 SWAT teams over 2011-2012. They found “a total of 15,054 items of battle uniforms or personal protective equipment received by 63 responding agencies . . . and it is estimated that 500 law enforcement agencies have received Mine Resistant Ambush Protected vehicles built to resist[ant] armor piercing roadside bombs.” Because the primary use of SWAT teams (79% of the time) was for drug searches, their report concluded that militarized police primarily impact people of color. When police have this type of equipment, it should not be surprising that they use it and their operations become more militaristic.

It is important to emphasize that we got to this point without public debate. In fact efforts to gather information on militarized policing and SWAT teams are often blocked. In Massachusetts, the ACLU group [Privacy SOS, attempted to gather information](#) through public records requests. They were told the SWAT teams were exempt because they were private entities, Law Enforcement Councils, not subject to open records laws. They will not even tell basic information like how many raids they have conducted.



A lot of the para-military law enforcement activities are conducted with multi-agency task forces that also lack transparency. Privacy SOS found the work was done through the New England High Intensity Drug Trafficking Area (NEHIDTA). When documents were requested, they were denied with the rational that “HIDTAs are not legal entities capable of possessing any information. Rather, HIDTAs are coalitions that serve ministerial and administrative functions. Any information that passes through a HIDTA remains the sole property of the originating agency, and NOT the property of the HIDTA.” Privacy SOS points out that militarization of police has gone hand-in-hand with the federalization of local police and neither change has been part of any public debate. The police are ruling themselves, rather than being ruled by the people in any democratic way.

Another area where militarized police are used is in cracking down on political dissent. During the occupy encampments there was aggressive use of militarized police across the country as part of the forced closing of the encampments. Again, this occurs in part through federalization of local policing operating as part of [Joint Terrorism Task Forces](#) with federal agencies like the FBI or Homeland Security. It not only affected Occupy but the [military was on call for both the Democratic and Republican Conventions in 2012](#) again operating with local police under the auspices of the Joint Terrorism Task Forces as part of the military's Northern Command.

### **What is needed to end militarized policing?**

A [December 2013 Reason Rupe poll](#) found that 58% of Americans agree that police are going too far when they use all of this military equipment. Now that people have been exposed to the abuses in Ferguson, these numbers will grow. We can see the growth of opposition to the militarization of police and racially discriminatory policing in the [coast-to-coast protests](#) that occurred this week.

Military veterans are speaking out. [Paul Szoldra](#) a retired Marine who served in Afghanistan, understands why you need camouflage in a military operation, but not in a police operation and concludes "it seems that some police officers have shed the blue uniform and have put on the uniform and gear of the military, bringing the attitude along with it." He writes that the message of soldiers wearing this gear in Afghanistan was: "'We are a military force, and we are in control right now.' Many Afghans saw us as occupiers." What is the message US police are sending the communities they are supposed to 'protect and serve'?

Andrew Exum, a former Army infantry officer summarized the situation in a [tweet](#): "The militarization of law enforcement is counter-productive to domestic policing and needs to stop." We expect this is where public opinion is quickly moving in the United States. So, what can be done to correct the situation, to demilitarize and bring back common sense to policing?



Seven-year-old Aiyana Stanley-Jones was shot to death by a SWAT officer during a midnight raid in Detroit, moments after a flashbang grenade lit her blanket on fire.

There are growing [calls for demilitarization of policing](#) since events have unfolded in Ferguson by Attorney General Holder and US Senators. [Rep. Henry Johnson \(D-GA\)](#) has sent a "Dear Colleague" letter inviting Members to join him in restricting the flow of military equipment to police departments. He writes:

"We should be concerned that we are giving away unprecedented amounts of military equipment and creating incentives for local police to use it in order to conduct ordinary law enforcement activities. That is why I will soon introduce "Stop Militarizing Law Enforcement Act" to reform the program. My bill will do two things. (1) It will limit the type of equipment that can be transferred; (2) It will require that states certify that they can account for all equipment."

We're pleased to see that the Obama [Justice Department has finally announced a broad review of police practices](#). Throughout President Obama's tenure there have been regular killings of African Americans. Finally the DOJ announced they will review police practices

that lead to abuse. Among the areas they will examine is the use of deadly force, police encounters with the mentally ill and new technologies being used by police. People should feel free to [contact the Department of Justice](mailto:AskDOJ@usdoj.gov) with their concerns (their email is [AskDOJ@usdoj.gov](mailto:AskDOJ@usdoj.gov)). For democracy to work, people need to participate, be involved and express their views.

Some are fighting the battle of race-based police killings in the international arena. [Ron Davis, the parent of another slain young black man](#), is angry over unpunished murders of young black men across the country. He is using the 85th meeting of the Committee on the Elimination of Racial Discrimination in Geneva, Switzerland to pressure Washington to stop “the criminalization of race” in America. At the meeting the US will be forced to answer questions about the issue in an effort to hold the US responsible.

We wrote [an article](#) for the [Green Shadow Cabinet](#) on what a healthy response to a disaster like the murder of a young black man would be. Instead of militarized police raising tensions in a traumatized community, police and other government agencies would support peaceful protests; there would be greater transparency about the details and an investigation into the incident and social workers and psychologists would be made available to community members.

We concur with [recommendations made by the ACLU](#), which we summarize:

Police reforms must be systemic as this is not just a few bad apples, but a nationwide policing problem.

The federal government has the power to ensure that military equipment is not used in routine policing situations, like drug searches or street patrols, but limited to truly dangerous situations, e.g. barricades, hostage situations or active shooters. The federal government holds the purse strings and controls military equipment so they can have a big influence by curtailing or even stopping the flow of military equipment to states.

State and local governments should limit the use of SWAT teams to appropriate situations. Standards should be clearly set so subjective decisions by police do not result in misuse of SWAT teams.



SWAT teams should never be deployed solely on the basis that there is probable cause that drugs are present. Drugs being present do not equate to violence and many abuses of SWAT teams have been the result of that mistaken assumption. SWAT teams are only appropriate if it can be demonstrated that ordinary police officers cannot safely execute a warrant.

When SWAT teams are used it should be proportional. A full SWAT team is 20 officers and in many cases partial deployment is more appropriate and will not result in escalation or risk to citizens.

Training programs that encourage a ‘warrior’ mindset should be avoided.

Police stand next to a SWAT robot in Sanford, Maine, during a media demonstration. AP Photo by Robert F. Bukaty

There needs to be transparency so the public knows how the police will be policing their



community and a chance to participate in the decision making process. A bright light needs to be shined on the policies, practices and weaponry that are being used, there needs to be public oversight. This requires data collection on equipment received, where it is and how it is used. Right now there is no consistent record keeping.

Finally we urge individual police officers who recognize that the militarization of policing is undermining their ability to be part of the community, to serve citizens and to protect them, to begin to speak out. We saw the impact of smart policing in Ferguson when Gov. Nixon put the State Highway Patrol in charge and [Captain Ron Johnson joined the march and took off the helmets](#). Perhaps a broader effort for demilitarization by police will start with retired police officers, but it is important for the silent majority of police who see the problems of militarization to speak out. Let your colleagues know the police are part of the community, not occupiers of the community.

Take Action: [\*\*Tell The Department Of Justice to end racist and militaristic policing.\*\*](#)

This Monday [we will be discussing "Demilitarizing the Police for Safer Communities"](#) and will examine the militarization of police, racism in police enforcement and enforcement against political dissent on our radio show *Clearing The FOG*. You can hear it live or download the podcast.

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