

Social Control in America, Police Enforcement of “Minor Crimes”

Broken Countries Policing

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Despite being [disproven](#) as a strategy for reducing crime, the broken windows policing theory is still utilized in New York and throughout in the United States to crack down on disorder and nonviolent crime. To think that harsh enforcement of this type of “crime” would prevent serious crime like homicide and assault is patently absurd on its face. If you want to rid society of the most serious crimes, you should be enforcing the most serious crimes, like aggressive war. Call it broken countries policing.

In the United States in 2014, you may be arrested for selling loose cigarettes, jumping turnstiles, dancing on the subways, and having small amounts of marijuana, but not for assassination, torture, anal rape, illegal surveillance, or invading, occupying and bombing sovereign countries.

The “broken windows” theory that you can nip violent crime in the bud by punishing minor “quality of life” violations like smoking and drinking in the street or sleeping on the subway is so transparently nonsensical it is hard to believe anyone could even consider it seriously.

It is equivalent to a diet to prevent obesity that consists of forgoing vegetables and grains because foods with the least calories are a gateway to fatty, fried foods with no nutritional value. Corn seeds are not twinkies, and sleeping on a subway train is not murder.

Basic common sense and years of empirical data demonstrate that broken windows theory has no effect on preventing serious crime. When you understand this, it is easy to see that the broken windows theory put into practice is about something entirely different than its professed aims.

There is a strong correlation between race and socioeconomic status in the U.S. Racial minorities suffer [disproportionately lower socioeconomic status](#) compared to whites, creating a [racial caste system](#). With the drastic decline in recent decades of agriculture, manufacturing and other forms of manual labor, populations previously depended on for cheap labor have become disposable in the modern economy.

The state has undertaken a system of social control to prevent any solidarity and political opposition that would recognize and oppose unjust racial castes. Not coincidentally, broken windows policing has been carried out predominantly against African American and Latino citizens.

“The public is constantly getting out of control,” [Noam Chomsky says](#). You have to carry out

measures to insure that they remain passive and apathetic and obedient, and don't interfere with privilege or power. It's a major theme of modern democracy. As the mechanisms of democracy expand, like enfranchisement and growth, the need to control people by other means increases.

This is accomplished by employing a police force that operates like an occupying army in poor neighborhoods of color under the guise of crime prevention. It would be impossible to admit publicly that the police mission in these communities is repression and subjugation. The idea of broken windows as a deterrent to violent crime provides cover to justify what is in reality a racist, punitive, paramilitary occupation.

As Henry Giroux wrote in a Truthout article on December 5 ([State Terrorism and Racist Violence in the Age of Disposability: From Emmett Till to Eric Garner](#)) we are living in "an age of disposability" which has seen "the rise of the punishing state as a way to govern all of social life."

"Under assault are those individuals and populations considered excess such as poor youth of color and immigrants" who are controlled by "fear of punishment, of being killed, tortured, or reduced to the mere level of survival," Giroux writes.

Raven Rakia describes in a Truthout article on November 20 ([Subways Are an NYPD Hotspot in de Blasio's New York](#)) how low-level infractions have been disproportionately enforced against people of color, sweeping thousands into the criminal justice system and further marginalizing people already struggling economically.

"Arbitrary rules such as 'no sleeping on a subway car in a way that is hazardous or interferes with others' have turned into the NYPD brutally arresting a man on his way home from work in an almost empty subway car. He was later charged with resisting arrest, obstructing governmental administration and violating local law (the MTA rules)," Rakia writes.

Repressive policing has long been used to maintain political and economic domination over minority groups in the United States. After African Americans were nominally liberated from slavery following the Civil War, southern states manipulated the legal system to replicate their control over freed slaves.

In his Pulitzer-prize-winning book [Slavery By Another Name](#): The Re-Enslavement of Black Americans From the Civil War to World War II, Douglas Blackmon describes how southern states criminalized black life, using the legal system to punish black and then lease them to corporations to work in coal mines, steel furnaces, farms, quarries and factories. This served the dual purposes of marginalizing blacks politically and supplying cheap labor to capitalist commercial interests.

"The original records of county jails indicated thousands of arrests for inconsequential charges or for violations of laws specifically written to intimidate blacks - changing employers without permission, vagrancy, riding freight cars without a ticket, engaging in sexual activity - or loud talk - with white women," Blackmon writes.

The criminalization of black life has continued since the Reconstruction era, morphing into a new form. Whereas once there was convict leasing, now there is mass incarceration. People are warehoused in prisons at the [highest rate](#) in the entire world. Public prisons create jobs for construction workers and corrections officers in rural, mainly white communities, while private prisons turn prisoners into profit centers for corporations and their investors.

One hundred years ago, African Americans were persecuted through the criminal justice system en masse. Today the system is remarkably similar. Besides exploitation for profit, criminalization of African American enables many of same types of discrimination as previously existed under Jim Crow.

Michelle Alexander notes in her book [The New Jim Crow: Mass Incarceration in the Age of Colorblindness](#) that discrimination against African Americans today is arguably even more pernicious than under Jim Crow because it is carried out under a nominally colorblind legal system. However, the mindblowing numbers of imprisoned ethnic minorities who are imprisoned mostly for nonviolent crime make the racial aspect of the system indisputable. The result is eerily similar to post-Civil War discrimination against blacks.

“The ‘whites only’ signs may be gone, but new signs have gone up – notices placed in job applications, rental agreements, loan applications, forms for welfare benefits, school applications, and petitions for licenses, informing the general public that ‘felons’ are not wanted here. A criminal record today authorizes precisely the forms of discrimination we supposedly left behind – discrimination in employment, housing, education, public benefits, and jury service,” Alexander writes.

If we pretend for a minute that the criminal justice system was meant as a deterrent to prevent the most serious violent crimes then we could imagine the most severe punishment for such crimes. The worst crimes are those of violence – murder, rape, torture, assault, etc. – and white-collar crimes like fraud that rob people of their financial security.

While individuals can commit atrocious crimes on their own, states and corporations, by virtue of their size, money and influence, can magnify the size of serious crimes exponentially. International crimes are committed on a scale much larger than retail crime committed by individuals or local criminal organizations. The Holocaust is six million times worse than a single homicide in New York City.

As the enforcer of domestic law, the state has the obligation to lead by example and follow international law if it expects its citizens respect its law enforcement at home. It is not possible to break the law abroad while claiming moral authority inside the country’s borders. Why should anyone listen to someone who says: “Do as I say, not as I do?”

Martin Luther King, Jr. articulated a damning indictment of the U.S. government – which at the time was engaged in a murderous war in Southeast Asia that killed 3 million Vietnamese – in his speech at [Riverside Church](#) in 1967 when he pointed out that one cannot oppose crimes of individuals while ignoring much larger crimes of the state:

As I have walked among the desperate, rejected and angry young men I have told them that Molotov cocktails and rifles would not solve their problems. I have tried to offer them my deepest compassion while maintaining my conviction that social change comes most

meaningfully through nonviolent action. But they asked — and rightly so — what about Vietnam? They asked if our own nation wasn't using massive doses of violence to solve its problems, to bring about the changes it wanted. Their questions hit home, and I knew that I could never again raise my voice against the violence of the oppressed in the ghettos without having first spoken clearly to the greatest purveyor of violence in the world today — my own government. For the sake of those boys, for the sake of this government, for the sake of hundreds of thousands trembling under our violence, I cannot be silent.

King notes the dissimilarity of one person throwing a Molotov cocktail with the U.S. state using 30 billion tons of munitions in Indochina - including napalm, Agent Orange, cluster bombs, "pineapple" bomblets, daisy-cutter bombs, artillery shells, rockets, grenades and countless other weapons of mass destruction.

Aggressive war was deliberately defined [Nuremberg Trials](#) as the "supreme" crime "differing only from other crimes in that it contains within itself the accumulated evil of the whole."

The U.S. government has been guilty of aggression multiple times since World War II, in Korea, Vietnam, Cambodia, Laos, Grenada, Panama, Iraq and Afghanistan.

The President himself maintains a "[kill list](#)" that he uses in his extrajudicial drone assassination program that has killed [thousands](#) of people since the start of his Presidency. Among the victims have been at least two [American citizens](#) who were never convicted or even faced a single charge in any court of law.

Why should any U.S. citizen show indignation against a common street criminal who kills someone, but not against the President of the country who has executed people many times over? Since when did the President of what is supposed to be a democracy, where no one is above the law, gain the powers of judge, jury and executioner?

Earlier in December, the Senate released the Executive Summary of its "[Torture Report](#)" (while the remaining 6,300 pages remain classified. The details of the summary are so horrific, they make crimes of Japanese general hanged for torture after World War II seem mild.

In addition to the many well-known cases of waterboarding, the Senate Report details instances of "rectal feeding and rectal hydration" which consisted of a detainee's lunch "consisting of hummus, pasta with sauce, nuts, and raisins, [being] 'pureed' and rectally infused. Additional sessions of rectal feeding and hydration followed."

These heinous, savage acts are anal rape. Never was the detainee tried or convicted of anything in a court of law. What makes this any different than a man who forces himself on a woman in a dark alley?

There is no one alive that would claim a rapist who violates a woman walking home from the subway would deserve to be let free because we need to "look forward as opposed to looking backwards," yet that is exactly what [President Obama](#) said about rapists and other torturers after taking office in 2009.

If there could possibly be any doubt morally about the actions described in the Senate Torture Report, legally there is not. The [Convention against Torture](#) makes indisputably

clear that “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.” Furthermore, the state where torture takes place is obligated to “submit the case to its competent authorities for the purpose of prosecution.”

There is no room under the law for someone’s opinion – a person on the street or in the White House – whether we should look forwards, backwards, or sideways. The law and the obligations of each party to the treaty could not be more clear: torture is never justifiable, and must always be punished.

As Tom Engelhardt explains in his book [Shadow Government](#): Surveillance, Secret Wars, and a Global Security State in a Single-Superpower World: “Today, in the wake of the rampant extralegality of the Global War on Terror – including the setting up of a secret, extrajudicial global prison system of ‘black sites’ where rampant torture and abuse were carried to the point of death, illegal kidnappings of terror suspects and their rendition to the prisons of torture regimes, and the assassination by drone of American citizens backed by Justice Department legalisms – it’s clear that national security state officials feel they have near total impunity when it comes to whatever they want to do. They know that nothing they do, however egregious, will be brought before an open court of law and prosecuted.”

Since George W. Bush took office, the countries of Afghanistan, Iraq and Libya lie in complete ruins. In Iraq alone, estimates run as high as [1 million dead](#) as a result of U.S. military intervention. Many millions more have been wounded, displaced, widowed and orphaned. That is in Iraq alone. The situations in Afghanistan and Libya are equally as serious. Syria and Ukraine have been destroyed by destabilization and proxy wars encouraged every step of the way by the U.S. government. Millions cannot farm their fields in Pakistan, Yemen and Somalia without fear of being incinerated by U.S. drones.

Until the criminals who cause untold death and destruction abroad are held accountable, it is impossible to preach respect for the rule of law at home. The imperialist wars in Iraq and Afghanistan, and the rash of unpunished police killings of unarmed black men like Michael Brown and Eric Garner, have made clear that the criminal justice system is not an impartial arbiter serving the nation to uphold justice but a weapon for those who control it, alternately enabling their own criminal actions and punishing others for actions that pale by comparison.

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