

Policing Was Militarized from the Start

“Do you see this soldier in this checkpoint?” complained [Iraqi resident Wael al-Khafaji, pointing to a spot just a few feet from his Baghdad barbershop.](#) “He can do whatever he wants to me right now and I can’t say a word. Is this democracy?”

Before the U.S. invasion, this businessman – like millions of other Iraqis – was ruled by a distant dictator who had little direct influence on his life. Following what we are told to call the US “liberation” of his country, everything he did took place in the shadow cast by armed men who have given themselves permission to brutalize or kill anybody who refused to obey them.

For Mr. al-Khafaji, it made no material difference whether the checkpoint was manned by U.S. soldiers, State Department-employed mercenaries, members of Saddam’s Republican Guard, or elements of a local sectarian militia. Similar conditions now exist in those sections of Iraq patrolled by cadres representing the Islamic State. The problem is the presence of people who claim the right to use aggressive violence to force others to submit to their will. The problem is not one of geography or affiliation.

Americans who supported the Iraq war would be scandalized by Mr. al-Khafaji’s ingratitude. They would be wise to ponder his insight while examining the extent to which our own country is becoming a garrison state. And they would also do well to emulate his habit of looking with acute suspicion – and no small measure of resentment – on the oddly dressed armed men who presume to exercise authority over us.

The Occupation Comes Home

Gainesville, Florida resident Lucas Jewell was prompted to

exclaim, “I didn’t know we were in Iraq!” [after he was pulled over by deputies in Gainesville, Florida who were outfitted in combat attire and driving a tank](#). The deputies were dressed in military regalia as part of Orange and Blue Weekend, an event built around the spring practice scrimmage of the University of Florida football team. Exercising a constitutionally protected right, Jewell flipped off the armored deputies as he drove by.

[The officer who detained Jewell – and threatened to arrest him for “resisting”](#) – pretended that this was an “improper hand signal” and that the motorist’s smartphone could have been a weapon. This was clearly and unmistakably a retaliatory detention as summary punishment for “contempt of cop” – and it vividly illustrates that in America, as in Iraq, armed state functionaries can do whatever they want to any member of the population they patrol.

This state of affairs would have been inconceivable to America’s 18th Century British forebears, both in the colonies and the Home Country.

[A French visitor to London in the mid-1700s was astounded when none of the local residents could direct him to the police – or even recognize the term](#). “Good Lord! How can one expect order among these people, who have no such word as police in their language?” he exclaimed.

That was how things were in England under a government against which the colonies rebelled. In 2016, America is a country in which dozens of military raids – carried out by SWAT teams – occur each day, and police are not only ubiquitous, but behave like a standing army.

In recent years, a growing number of Americans have lamented [the militarization of the police](#) as if this were a deadly mutation of a healthy institution, rather than the inevitable assertion of its latent nature.

Even before “local” police agencies were effectively satellitized by the federal government, they were paramilitary bodies designed to operate as occupation forces, rather than as a protective service.

Not Peace, but Pacification Officers

Robert Peel, creator of the London Metropolitan Police Force that is the template for all modern police agencies, adapted the model he had employed in creating the “Peace Preservation Force,” a specialized unit within the 20,000-man military contingent Peel had commanded as military governor of occupied Ireland.

Writing in the December 1961 Journal of Modern History, Galen Broeker observed that when Peel was appointed governor in 1814, his objective in creating the Peace Preservation Force was “‘pacifying’ a recalcitrant population.” For several years prior to Peel’s appointment, rural insurgents had been fighting among themselves and occasionally attacking British outposts.

Of much greater concern to occupation authorities, however, was evidence of involvement by “respectable people” in “insurrectionary activity of a political nature.”

At the time of Peel’s arrival, the crime rate in Ireland wasn’t particularly high, so he took advantage of a “lull” to “muster the forces of authority in anticipation of the inevitable trouble to come” as English authorities took aggressive action to stamp out separatism. The “Peace Preservation Force” – which was the prototype for every modern police agency – wasn’t designed to protect person and property from criminal aggression, but rather to protect a political elite.

This is why Peel’s London Metropolitan Police Force was initially greeted with hostility by conservatives in the British Parliament and [the public at large, who often referred](#)

[to officers as “Blue Locusts.”](#) Within a decade, however, Peel’s model was firmly entrenched in London, and migrated across the Atlantic to New York City.

As evangelists of “Manifest Destiny” carved their bloody path to the Pacific, an Americanized version of Peel’s police concept was among the chief tenets of their gospel of government-imposed “civilization.” At the same time, the central government expanded its influence through the US Marshals Service, which descended from an even older imperial institution.

[Historian Larry D. Ball, in his book “The United States Marshals of New Mexico and Arizona Territories 1846-1912”](#) describes how the US Marshals Service, acting as agents of the federal courts, established a form of military rule in the western territories. At first, US marshals were chiefly responsible for the operation of federal courts, and deputized local sheriffs and constables as necessary to carry out that task.

As the name of the office suggests, the Marshals Service has military origins. The office of provost marshal was imported by British settlers at Roanoke in 1584, but by the late 1600s had been replaced with the common law institution of the sheriff. This resulted in an interesting divergence from legal institutions in the Mother Country.

In 1697, the [British Crown established vice-admiralty courts that employed marshals as enforcement officers.](#) One role played by those courts was to deal with piracy, which had been promoted [as an instrument of state policy during the Thirty Years’ War.](#) Marshals were also tasked to pursue and arrest smugglers and tax resisters. Ball points out that “These energetic officers expanded their jurisdiction until the American Revolution, when the [colonial] Rebels abruptly extinguished the British Imperial Judiciary.”

A Fatally Incomplete Revolution

Unfortunately, one of the first accomplishments of the newly independent American Government was to revive British Admiralty Law. Despite deep and understandable misgivings on the part of the American population, England's vice-admiralty courts, according to historian Charles Andrews, "laid the jurisdictional foundation ... of the federal courts of the United States."

During the debate over ratifying the US Constitution, James Madison famously promised that:

"The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation and foreign commerce. ... The powers reserved to the several States will extend to all the objects which in the ordinary course of affairs, concern the lives and liberties, and properties of the people, and the internal order, improvement and prosperity of the State."

[The Militia Act of 1792](#), passed less than three years after the Constitution went into effect, created a framework for federalization of law enforcement. That measure conferred on federal marshals "the same powers as sheriffs in executing the laws of the United States." Under the Militia Act, a federal judge who encountered resistance to federal authority within a given state could petition the president to call out the state militia to impose order. If the state militia balked at that task, the president could "call forth and employ such numbers of the militia of any other state or states ... as may be necessary," until the insurrection is put down.

For the first three or four decades of their agency's existence, federal marshals were little more than judicial handymen. The powers of the office grew concomitantly with the

westward expansion of the United States.

When local officials in southwestern territories bridled at assertions of federal authority, or armed conflicts arose out of contending land claims, the US Army served as the de facto enforcement arm of the federal government. Notes historian Larry Ball: "The fact that the marshals and other territorial lawmen depended upon the military for support caused some persons to scoff at the civilian government."

In the decade prior to the Civil War, US marshals – with military backing, when necessary – enforced the [1850 Fugitive Slave Law](#), under which blacks who escaped from chattel slavery – and free people of color, such as Solomon Northrup – were subject to arrest and rendition into bondage without recognizable due process rights. During the war, federal marshals were tasked to enforce the Confiscation Acts, in which the property of Confederate sympathizers would be "libeled" – often on the word of an anonymous informant – and subject to seizure.

Those mid-19th Century tactics have a strong contemporary flavor when examined in light of the "war on drugs" and the "war on terror." In similar fashion, the military occupation of the conquered South in the name of "Reconstruction" prefigures both military nation-building abroad and our contemporary federalized and militarized police state at home.

Post-Civil War Reconstruction, wrote Professor James J. Schneider of the Army Command and General Staff College at Fort Leavenworth, "represented, from a military standpoint, the darkest days in the history of the Army." It was "an effort in peacekeeping, peace enforcement, humanitarian relief, nation-building and, with the rise of the Ku Klux Klan, counterterrorism. The Reconstruction activities of Army units were unprecedented in their time, and they sound remarkably familiar today."

As part of a pungently cynical political deal intended to resolve the bitterly contested 1876 presidential election, Republican leaders in Congress offered to end the military occupation of Louisiana and South Carolina. In June 1878, a federal appropriations bill was amended with a paragraph forbidding the use of the Army as “a posse comitatus, or otherwise, for the purpose of executing the laws” absent explicit congressional authorization.

This provision, commonly called the Posse Comitatus Act, was intended not only to end the military occupation of the South, but to prevent the amalgamation of law enforcement and the military. But given their shared origins and common purposes, these two implements of state coercion could not be kept separate for long.

During the Virginia constitutional ratifying convention of 1788, George Mason – a prominent anti-Federalist – declared: “I abominate and detest the idea of a government, where there is a standing army... I humbly conceive there is extreme danger [in congressional power over the militias] of establishing cruel martial regulations.”

At the beginning of the 20th Century, the beast foreseen by Mason was unveiled when the state militias were absorbed into the standing military establishment by way of the Dick Act of 1903. In this way the people’s local militias – “this great bulwark, this noble palladium of safety,” in Patrick Henry’s optimistic assessment – became the National Guard.

Significantly, this development was brought about, in large measure, because of dissatisfaction with the way the militias had performed in Washington’s first unambiguously imperialistic war, the 1898 war of aggression against the decrepit Spanish Empire. But the local militias had always been troublesome, from Washington’s perspective.

During the War of 1812, for instance, the refusal of militia

units to cross into Canada prompted the administration of James Madison – yes, the same one who had warned against the wartime aggrandizement of executive power –and his congressional allies to propose a conscription bill. Even with a depleted treasury and a White House still smoldering after being put to the torch by Redcoats, Congress refused to embrace conscription.

This would change a century later during WWI, in which America would display, among other defining marks of tyranny, a centrally controlled “select” militia, or National Guard, and a conscript standing army. Many national guardsmen deployed during Washington’s improvident and disastrous European intervention would later be on the receiving end of a bloody exercise in domestic counter-insurgency warfare.

Cracking Down on Ex-Conscripts

In early 1932, roughly 17,000 desperate veterans calling themselves the “Bonus Army” assembled in Washington D.C. They had been promised compensation for wages they had lost while serving as conscripts during World War I. In 1924, [Congress had approved a “Bonus” measure to compensate the former draft slaves](#), but the promised pittance was to be deferred until 1945, by which time it would have been rendered worthless through inflation.

As a [protest handbill](#) pointed out, “The Republican, Democratic, and Socialist Parties are all united in the fight against payment of the balance due to the veterans of the Bonus.”

Commanding the cavalry sent to clear away the protesters was Major George S. Patton, who [had no compunctions against using the military against civilians involved in “domestic disturbances.”](#)

In a guide to “Riot Duty” he published a few months later, [Patton offered some practical advice to future field](#)

[commanders called on to put down citizen uprisings.](#)

Patton was enthusiastic about the domestic applications of chemical warfare: "The use of gas is paramount.... While tear gas is effective, it should be backed up with vomiting gas.... Although white phosphorous is incendiary, it is useful in forming a screen for the attack of barricades and defended houses."

"Warn newspapers, theaters, and churches that if they encourage the mob, they are guilty of aiding them and that their leaders will be held personally accountable," Patton continued. "Freedom of the press cannot be construed as 'license to encourage' the armed enemies of the United States of America. An armed mob resisting federal troops is an armed enemy. To aid an enemy is TREASON. This may not be the 'law,' but it is fact. When blood starts running, the law stops."

Perhaps thinking of [Andrew Jackson's behavior as self-appointed military dictator of New Orleans during \(and, for a while, after\) the War of 1812](#), and anticipating the Cheney-era invention of the concept of "unlawful enemy combatant," Patton urged future military governors to dispose of the nuisance called habeas corpus – and likewise to dispose of any particularly troublesome "agitator" with extreme prejudice:

"If you have captured a dangerous agitator and some 'misguided' federal judge issues a writ of Habeas Corpus for him, try to see the judge to find out what he is liable to do... There's always the danger that the man might attempt to escape. If he does, see that he at least falls out of ranks before you shoot him. To be soft hearted might mean death to your men. After all, WAR IS WAR."

That dictum by General Patton foreshadows the obsessive focus on "officer safety" that typifies contemporary law enforcement – which increasingly defines its mission in terms of counter-insurgency and the maintenance of order, rather than the

protection of persons and property.

Counter-Insurgency Comes Home

During the 1950s, while waging its first undeclared war overseas, Washington positioned itself to inherit France's colonial mission in Indochina. [Douglas Valentine's invaluable book *The Phoenix Program*](#) describes in detail how the CIA – working through an academic cutout at Michigan State University and through the Agency for International Development – centralized and militarized Vietnam's law enforcement system. One of the key figures in this program was former LAPD Commander Frank Walton, who had been an Army Intelligence officer in the Pacific during World War II.

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The most promising police candidates, Valentine reports, “were trained by the CIA and FBI at the International Police Academy at Georgetown University.” Their primary role, once sent back to their home country, was to identify, interrogate, and, ultimately, liquidate suspected subversives through the US-created General Directorate of Police and Security Services.

In 1959, as the Vietcong insurgency coalesced, US Army Special Forces operators created so-called “Civic Action” programs. According to Valentine, this involved organizing “paramilitary units in remote rural regions and SWAT team-type security forces in the cities.”

One of the key law enforcement advisers in Vietnam was [former LAPD inspector Frank Walton](#), who had served as a military Intelligence officer in the Pacific during World War II. Significantly, the domestic version of Civic Action – that is, special militarized police units to carry out counter-insurgency operations – was a Vietnam Veteran named [John Nelson](#). Having seen “Civic Action” teams at work in Vietnam, and similar measures employed by the Delano, California PD to

deal with farm protests organized by Caesar Chavez, [Nelson presented the concept to future LAPD Chief Daryl Gates, who at the time held the rank of inspector](#). At the time, the LAPD was dealing with the aftermath of the 1965 Watts riots and [a critical report from a commission headed by John McCone, who had just retired as Director of Central Intelligence](#).

“We watched with interest what was happening in Vietnam,” [Gates later recalled](#). “We looked at military training, and in particular we studied what a group of marines, based at the Naval Armory in Chavez Ravine, were doing. They shared with us their knowledge of counter-insurgency and guerilla warfare... John Nelson became our specialist in guerilla warfare.”

Entranced with what he was learning, Gates originally wanted to call the tactical unit the Special Weapons Attack Team. An assistant chief suggested that the acronym be altered in the interest of public relations; hence it became known as the Special Weapons and Tactics team. All of the original LAPD SWAT operators came from a military background. Gates has described how they received instruction from the marines regarding guerilla warfare, and intensive instruction from Special Forces units.

After providing security during presidential visits and similar events, the LAPD SWAT team fought its initial engagement in December 1969 during a stand-off in South Central LA. The confrontation grew out of a noise complaint filed against the local headquarters of the Black Panther militia. After the responding officer was driven away by armed Panthers, an arrest warrant was issued, SWAT was deployed, and a four-hour firefight ensued in which three militiamen and three officers were wounded.

The Panthers eventually surrendered – but only after Gates requested a grenade launcher from Camp Pendleton, a requisition that required approval from the White House.

What this means, among other things, is that the first test of the SWAT concept involved the escalation of a noise complaint to the status of a national security emergency.

As Chief of the LAPD, Gates never forgot the origins of the SWAT concept in counter-insurgency warfare, nor was he reluctant to use the language of warfare in publicizing his department's initiatives.

In April 1988, the LAPD conducted a massive crackdown called "Operation Hammer" in which nearly 1,500 young males – most of them either black or Latino – were arrested by SWAT teams and a special paramilitary anti-gang task force. Nearly all of the arrests were for outstanding warrants on petty offenses, such as parking tickets or curfew violations. Those who were rounded up and released without charges had their names and addresses entered into a computerized database.

All of this, significantly, followed the counter-insurgency methods taught by the CIA and the Special Forces to the US-supported Vietnamese government.

"Tonight, we pick 'em up for anything and everything," explained an LAPD spokesman. The head of the department's Hardcore Drug Unit bluntly declared: "This is Vietnam here." Gates himself employed martial language to deflect criticism of due process violations: "This is war."

Now, nearly three decades later, crackdowns and warrant-enforcement roundups of this kind take place regularly, and SWAT raids occur constantly.

We live in the age of domestic counter-insurgency warfare, [in which anywhere from eighty to 120 SWAT raids occur, on average, each day](#) – nearly all of them involving warrant enforcement or [arrests of the kind that could be carried out through conventional means](#). This has also created a spillover effect in which police departments exploit every opportunity to acquire, use, and display Pentagon-provided armored

vehicles, and attire their officers in a fashion appropriate to battlefields, rather than residential neighborhoods.

As that despondent Iraqi barber might point out, the message being sent by American law enforcement agencies is not that they are here to protect and serve us, but rather that they can do anything they want to any of us at a time of their choosing – and get away with it.

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