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The Militarization of America's Police Forces

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In 2006, right around Thanksgiving, a narcotics task force with the Atlanta Police Department was out on patrol when they saw a man walking that they had previously arrested for various drug offenses. They jumped out, threw him to the ground, pulled a gun, and we would later find out, planted a bag of marijuana on him.

The man had a long rap sheet, but the police said they'd let him go if he would tell them where they could find a supply of drugs. So he made up an address basically on the spot. The address happened to be that of Kathryn Johnston, a 92-year-old woman who lived in a rough part of Atlanta.



*Radley Balko is a senior writer and investigative reporter for the Huffington Post, as well as a media fellow at the Cato Institute. He spoke about his new book, *Rise of the Warrior Cop*, at a Capitol Hill Briefing in July.*

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When the police get a tip like this, they're supposed to get a confidential informant to perform a controlled buy from the address given. But that process can easily take two or three days. Instead, these officers fabricated an informant, lied on the affidavit, and started breaking down Kathryn Johnston's door that evening.

Johnston, fearing that she was about to be robbed, met the police with a rusty, nonfunctional revolver that she used to ward off threats. The police opened fire. Once they realized their mistake, the officers handcuffed Johnston, leaving her to bleed to death on the floor while they planted marijuana in her basement.

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Shortly after the shooting, the police alleged that they had paid an informant to buy drugs from Johnston's home. They said she fired first, wounding two officers. And they alleged they found marijuana in her home. We now know these were all lies.

In the federal investigation that ensued, we found out that police corruption—from lying on search war-

rants to raiding wrong houses—was rampant in Atlanta. It also became clear that the city's narcotics officers had quotas. They were expected, for example, to arrest so many people or seize a minimum quantity of drugs each month. These numbers, in turn, were used to help evaluate performances, calculate raises, and determine promotions.

What the federal investigation didn't capture, however, was the reason for these quotas. It turns out that there are federal grants earmarked specifically for drug policing, meaning that police departments across the country are competing for limited funds. The pressure to produce these statistics is then passed on to the individual officers.

In the United States, we've always drawn a firm line between the military and the police. There's good reason for that. These are two very different jobs. The role of police officers is to protect our rights and keep the peace, while the military's job is to annihilate foreign enemies.

For the most part, we've done a good job of keeping the military and the police separate. Nevertheless, as I argue in my book, we've violated the spirit of the Posse Comitatus Act, a Civil War-era law prohibiting police from enlisting active-duty soldiers for civilian law enforcement. Instead of bringing soldiers in, we've encouraged police officers to use the tactics and adopt the mindset of soldiers. The outcome has been just as troubling.

There are two trends which began in the late 1960s and early 1970s that help explain how we got here: the rise of the SWAT team and the escalation of the war on drugs. Longtime Los Angeles police chief Daryl F. Gates is widely credited with inventing the SWAT team in early 1966. During that time, Gates was in charge of find-

ing new ways to counter the guerrilla tactics used against LA police during the Watts riots. He soon embraced the idea of assembling an elite unit of officers—trained by the military in everything from crowd control to sniping—who could react quickly and forcefully to emergencies.

The original name Gates gave to this unit was “Special Weapons Attack Team,” or SWAT. But city officials objected to the word “attack” and persuaded him to change it to “Special Weapons and Tactics.” The new name stuck; however, the change was purely cosmetic.

The concept of having a specialized force to handle dangerous situations quickly gained favor among officials, politicians, and the public. In their very first raid, the LA SWAT team engaged in a high-profile shootout with the city’s Black Panther militia. Publicity from the standoff won the unit widespread public acclaim. Gates’s team would again be featured in a celebrated standoff in May 1974, when SWAT officers traded gunfire with the Symbionese Liberation Army on live national television. This helped thrust the idea into popular culture, with TV shows,

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board games, lunch boxes, and the like soon to follow.

Around the same time, President Richard Nixon declared a war on drugs. Among the new law-enforcement policies included in this campaign was the no-knock raid, which allowed drug cops to break into homes without the traditional knock and announcement. The Nixon administration adopted the idea on the advice of a 29-year-old Senate aide. After fierce debate, Congress passed a bill authorizing no-knock raids for federal narcotics agents.

Over the next several years, these federal agents began conducting raids across the country, often without warrants. This was accompanied by a lot of martial rhetoric from the Nixon administration, which served to dehumanize drug offenders. Several of these botched raids began to get news coverage, and, in one of those rare moments when the drug war wasn’t yet completely intractable, Congress held hearings and actually repealed the no-knock law in 1974. But the policy soon made a comeback, even in the absence of congressional authorization.

Throughout the 1970s, these two

trends developed simultaneously: the drug war continued to intensify at the same time as the number of SWAT teams proliferated. Whereas Gates's unit was the only SWAT team in the country in 1969, there were over five hundred by 1975. It wasn't until 1980, however, that the war on drugs and the use of SWAT really converged.

The election of Ronald Reagan brought new funding, equipment, and a more active drug-policing role for the paramilitary SWAT units popping up across the country. Reagan's new offensive in the war on

drugs involved a more confrontational and militaristic approach to combating narcotics, a policy enthusiastically embraced by Congress. Over the next decade, with prodding from the White House, Congress paved the way to widespread military-style policing by carving out exceptions to the Posse Comitatus Act.

In 1986, for instance, Reagan declared drugs a threat to U.S. national security. A few years later, Congress ordered the National Guard to help with state drug-enforcement efforts. By 1989, President Bush had created a series of regional task forces within the Department of Defense, which brought together police officers and soldiers for drug interdiction. And just five years later, Congress created a "reutilization program" to hand military

weaponry over to civilian police agencies.

These changes, of course, were a significant departure from long-standing domestic policy. Yet most were passed without much attention from the media or the public. Any debate was muted by assurances from

politicians that the threat of drugs was too pervasive to be fought with traditional policing. Critics who feared for the impact on civil liberties were dismissed as alarmist.

There are two major milestones that occur after this point. The first comes in 1996 when

California decides to legalize medical marijuana. Up until this point, the argument for using SWAT teams was that drug dealers were often heavily armed, dangerous people who had no qualms about killing police officers. The police needed to use violence, in other words, to respond to a proportionate threat. Yet this reasoning obviously no longer applies once the federal government began raiding medical marijuana dispensaries with SWAT teams. These mom-and-pop shops were clearly not a threat. It was about sending a message on marijuana, and it's a terrifying development when the government starts using violence to make a political statement.

The second major milestone has to do with mission creep. Over the last decade, SWAT teams have been



used for increasingly petty crimes. In 2007, for instance, a Dallas SWAT team raided a Veterans of Foreign Wars outpost for hosting charity poker games. In 2010, a team of heavily armed Orange County, Florida, sheriff's deputies raided several barbershops, holding barbers and customers at gun-

point while they turned the shops inside out. Of the 37 people arrested, 34 were taken in for "barbering without a license."

I'd like to close with a story that illustrates how truly absurd the current state of affairs is. In 2001, on the night after Christmas, 21-year-old Cory Maye was asleep at home in Mississippi with his 18-month-old daughter. The police had conducted a drug raid on the other half of Maye's duplex based on a confidential tip, but they ended up finding little more than a gram of marijuana.

They came into Maye's apartment next, and although the officers claim they knocked and announced themselves, Maye says that he heard neither. He woke up in his living room to the sound of people breaking into his apartment, ran to his daughter's bedroom where he laid down by her, and took out his .38 caliber pistol. When a figure burst into the bedroom, Maye fired three times and killed Officer Ron Jones. Maye then surrendered and dropped his gun with three bullets still left in it. Police found one smoked joint in the apartment.

Maye had no criminal record until he was subsequently convicted

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of capital murder and sentenced to death by lethal injection. Through a long and protracted legal process, his conviction was overturned by the Mississippi Supreme Court and he was given a new trial. Maye eventually pleaded guilty to manslaughter and was sentenced to 10 years in prison, which he had already served.

I tell this story because I was at Cory's homecoming party in Mississippi—a big celebration with his entire family—and I was talking to his attorney about how happy we were for him. Eventually, though, we both realized how absurd that was. Here was a man who had done nothing wrong. He had people break into his home in the middle of the night, put him in a terrifying life or death position, and eventually—after trying to kill him for it—the state settled on taking him away from his children for 10 years. And this is one of the good stories. It's an illustration of just how low our expectations have become.

There's an old Cold War saying commonly attributed to Winston Churchill that goes, "Democracy means that when there's a knock on the door at 3 a.m., it's probably the milkman." Unfortunately, that no longer seems to be the case. ■



Cato Scholar Profile: STEVE H. HANKE

STEVE H. HANKE is a professor of applied economics at the Johns Hopkins University. He is also a senior fellow and director of the Troubled Currencies Project at the Cato Institute. During the 1980s, he served as a senior economist in President Ronald Reagan's Council of Economic Advisers, and later as a senior adviser to the Congressional Joint Economic Committee. Hanke was recently honored by the Bulgarian Academy of Science with his fourth doctorate, honoris causa, in recognition of his scholarship on exchange-rate regimes. He and his wife, Liliane, reside in Baltimore and Paris. You can follow him on Twitter at @Steve_Hanke.

What exactly is the Troubled Currencies Project?

The Troubled Currencies Project is a joint Cato Institute–Johns Hopkins research program I have founded, which focuses on countries whose currencies are experiencing severe depreciation, and, in consequence, inflation. At present, the Troubled Currencies Project is tracking currencies in Argentina, Egypt, Iran, North Korea, Syria, and Venezuela.

With the assistance of my undergraduate research team at Johns Hopkins, I collect black-market exchange-rate data in these countries. The black-market exchange rate is the most important free-market price in an economy experiencing currency troubles. Using these data, I can estimate the implied inflation rate in countries where reliable inflation rates would otherwise not be available.

You recently wrote in the *Wall Street Journal* that the government should "put the fate of the greenback in the hands of consumers." What do you mean by this?

The op-ed you are referring to ("To Make Sense of the COINS Act, Follow the Money," *Wall Street Journal*, August 20, 2013) dealt with the so-called COINS Act, which would abolish the dollar bill and replace it with a dollar coin. This legislation is a Washington boondoggle of the highest order.

Americans clearly prefer dollar bills to coins. So, the only way for certain politicians to engineer a switch to the dollar coin is to literally give consumers no choice in the matter.

Instead of getting caught up in a political battle over which type of \$1 currency the gov-

ernment mandates, I proposed that we simply privatize the production of notes. The money supply would still be controlled by the Fed, but the actual production of bills would be handled by private enterprise. If Americans prefer bills to coins, these businesses would thrive. If Americans prefer coins, they would go bust. In short, we should let consumers, not politicians, decide the fate of the dollar bill.

How did the march toward greater military involvement with Syria affect that country's currency?

Following U.S. Secretary of State John Kerry's saber-rattling statements on August 26, the value of the Syrian pound zigged and zagged a great deal. Indeed, the pound lost 24.7 percent of its value against the U.S. dollar in the two days following Kerry's announcement.

Then, on August 29, we saw a sharp reversal in the course of the pound. Why? We need look no further than the eroding support for a U.S.-led strike against Syria. The United States had lost support from important allies: the United Kingdom, Canada, and Italy.

At present, the diplomatic tango taking place between the United States, Russia, and Syria has brought some semblance of stability to the pound, at least for now. As Obama, Putin, Assad, and others continue to negotiate a potentially war-averting chemical weapons deal, the black-market Syrian pound / U.S. dollar exchange rate is hovering around 210, indicating that Syrians are holding their breath—just like everybody else. ■

Announcing the Cato Legacy Society



Over the past few years, planned gifts—such as bequests and beneficiary designations of retirement assets—have become an important and increasing component of Cato’s support. Without such gifts, Cato’s defense of liberty would be less robust. Therefore, in an effort to recognize and encourage planned gifts, we are pleased to announce the creation of the Cato Legacy Society. All Sponsors who have made Cato part of their estate plans are welcome as members.

If you have included Cato in your plans but have not yet let us know, please do so and we will gladly include you as a Cato Legacy Society member.



You can simply contact Cato’s director of planned giving, Gayllis Ward, at gward@cato.org or 202-218-4631. Please be assured that we are sensitive to privacy issues and will not publish any list of Legacy Society members.

As a gesture of appreciation, Cato Legacy Society members will receive a complimentary book, DVD, or other publication at least once a year. You will also be invited to attend Cato’s annual Benefactor Summit. While normally this invitation-only event is restricted to those who make annual contributions of \$5,000 or more, Legacy Society members are also welcome to attend this wonderful three-day weekend retreat. Of course, all attendees are responsible for their own travel and conference expenses (meals, hotel etc.).

If you have any questions about how to

best structure your planned gift to Cato, please feel free to contact Gayllis Ward, our planned giving officer. For example, you may want to chat about pending tax-law changes or you may want to discuss how to craft a gift that would benefit a particular area at Cato. Your area of interest might be student programs or foreign policy or curbing our runaway spending. The important thing to remember is that Cato welcomes both unrestricted and restricted bequests: an unre-

stricted bequest allows Cato to determine the best use for your gift, whereas a restricted bequest lets you make the choice.

Let me close by thanking you, our

Sponsors, for your generous support which makes it possible for Cato to speak on behalf of freedom, civil society, and the rule of law. Because these principles are under brutal siege, support for Cato has never been more important. Moreover, special thanks go to those Sponsors who have decided to leave a lasting legacy of freedom—by making a planned gift to Cato. Planned gifts, literally, “touch” the future and help ensure that generations yet to come will know the prosperity and peace bestowed by a civil society.

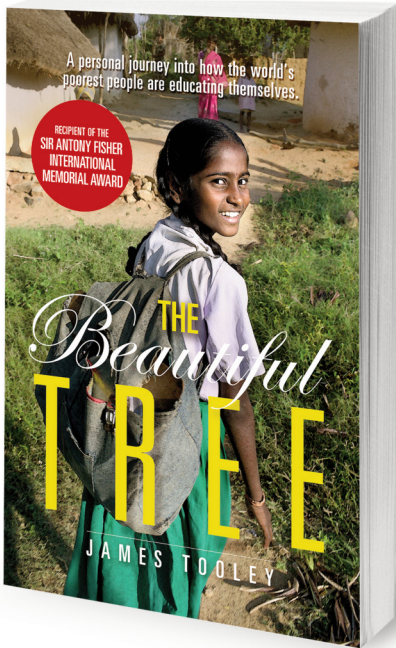
If you would like more information about planned giving at Cato or if you would like to join the Cato Legacy Society, please contact **Gayllis Ward**, director of planned giving, at gward@cato.org or 202-218-4631. ■

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