

Christian Parenti:

Lockdown America: Police
& Prisons in an Age
of Crisis.

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CHAPTER ONE

**NIXON'S SPLENDID
LITTLE WAR:
SOCIAL CRISIS AND
CONTAINMENT**

The revolution revolutionizes the counter-revolutionaries.

Régis Debray

[President Nixon] emphasized that you have to face the fact that the whole problem is really the blacks. The key is to devise a system that recognizes this while not appearing to.

H. R. Haldeman

How bleak the world must have been for those with political and economic power during the late sixties and early seventies. Order seemed to be unraveling: massive anti-war protests on the Mall; a war effort bogged down and hemorrhaging in the mud of Southeast Asia; economic stagnation and declining profit rates; and, in the cities, skyrocketing crime coupled with some of the most violent riots since the Civil War.

The crisis had two primary fault lines: race and the war. The civil rights movement had radicalized and transmogrified into more militant, nationalist, and explicitly anti-capitalist forms. The Panthers – Black Marxists and fully armed – stormed the California state capitol. In Newark, Watts, and Chicago, Black people shot back at cops and National Guardsmen; in Detroit, African American snipers were joined by transplanted urban “hillbillies.”¹ In New Mexico, armed Chicanos fired on a county court house, trying to kill

the sheriff. Chants of "Black Power," "Brown Power," and "Red Power" rose from all quarters. Gay men, routinely pilloried as "sissies," were knocking out cops during the pitched battles following a police raid on the Stonewall bar in New York City. Meanwhile, women burnt bras and, more importantly, filed suits, protested against discrimination, and won the right to reproductive choice. Not even the US army could be trusted. In January 1968 the American embassy in Saigon came under direct attack. With that the *Wall Street Journal* called the war doomed; gung-ho officers in the field started getting "fragged" with terrifying regularity, as drug addiction, madness, and open insubordination became the norm among GIs. (In 1970, the military, which preferred to suppress news of rebellion in the ranks, gave a official "fragging count" of 363 for that year alone.)²

Back in the belly of the beast, the Weather Underground was – as Che put it, "waging the most important struggle of all" – bombing the Pentagon, Congress, IBM, police stations, the headquarters of the New York Department of Corrections, and scores of other targets. By the early seventies a version of this same breakdown had metastasized to the shop floor. Sabotage, drug abuse, and wildcat strikes began biting into Fordist production regimes; costs began to rise as quality and profits slumped. It was not just alienated and pampered white youth who were "dropping out." America's whole social fabric seemed to be coming apart. Every structure of authority and obedience was breaking down. Though garnished with youthful nudity and flowers, the crisis of the late sixties and early seventies was more serious than is often acknowledged; the country was in the midst of a haphazard but deadly social revolution. It is from this political and economic crucible that today's emerging anti-crime police state and prison industrial complex were forged.

POLICE CRISIS

And where were the police during these convulsions? In hindsight they appear as masters of repression: murdering Fred Hampton in his sleep, framing activists, cracking heads at the Democratic convention in Chicago, and gunning down students at Jackson State. But consider the era from a different angle. Police had been swinging clubs, buying provocateurs, and worse since the march on Selma, yet protests and social upheaval only seemed to spread.

Martin Luther King's home had been fire-bombed as early as 1956, and by the late sixties Black militants were being killed as routine procedure, yet the protest and mass rioting continued. If the job of the police was to maintain order, they were failing. As a besieged and buffoonish Mayor Daley said during the debacle of the 1968 Democratic convention in Chicago: "Get the thing straight once and for all. The policeman isn't there to create disorder. The policeman is there to preserve disorder." Daley's malapropism was perhaps a Freudian slip which revealed a deeper truth: state repression *was not working*; it was failing to put the genie of social change and economic crisis back in the bottle. In fact, if the role of the Chicago PD is anything to go by, repression was making things *worse*. Repression – like the tear gas so liberally dispensed at demonstrations – was blowing back into "the Man's" own face.

Nor was the crisis confined to the realm of the overtly political. According to the FBI's Uniform Crime Reports (UCRs), both violent crime and crimes against property had been pitched on a steep incline since 1961.³ Likewise, the spread of lifestyle "perversions" – homosexuality, miscegenation, free love, and drug use – were, in the eyes of many political and economic elites, dragging America towards some modern Sodom. Nothing the police did seemed to stop this. To make matters worse, Kennedy had booby-trapped the federal courts with liberal appointments. From 1963 on, the Warren court handed down a series of decisions which conservatives like Congressman Gerald Ford said would cause the "breakdown" of law and order.⁴ First came *Gideon vs. Wainwright*, which guaranteed the poor a public defense. Then a year later came *Escobar vs. Illinois*, which gave defendants the right to have a lawyer present during interrogation. And finally in 1966 the coup de grace, *Miranda vs. Arizona*, required police to inform suspects of their legal rights upon arrest. Overnight an arsenal of "traditional" investigative methods had to be scrapped.

Forming the crucial backdrop to all this were the hundreds of riots which ravaged American cities between 1965 and 1968. Imagine the moment from the right-wing, racist vantage point of your average Southern senator: pencil-necked liberal judges giving away the goddam store, while Negroes burnt down the cities, and communists in pajamas kicked ass in Vietnam! What a nightmare.

It was in the midst of this storm that President Johnson, stubbornly losing the war in Southeast Asia, began edging towards a new war at home. In 1967 he took drug enforcement and regulation away from the Treasury and

FDA, respectively, and handed both to Attorney General Ramsey Clark at the Justice Department, creating a new agency called the Bureau of Narcotics and Dangerous Drugs (BNDD), the precursor of today's Drug Enforcement Administration (DEA). At the same time Johnson called on Congress to create a new "super agency" to strengthen ties between the federal government and local police. Over the next decade that body, the Law Enforcement Assistance Administration (LEAA), spent billions of dollars in an effort to reshape, retool, and rationalize American policing. Along with money, the federal government doled out military weaponry, communications technology, and special training.

Thus Johnson laid the initial groundwork for the tremendous combination of police power, surveillance, and incarceration that today so dominates domestic politics. But the rhetoric that would fuel the long criminal justice boom was first crafted by Sunbelt Republicans.

THE POLITICAL LEXICON OF FEAR

Senator Barry Goldwater, that desert photographer turned neoconservative demagogue, first dredged up crime as a presidential campaign issue in 1964. The Mann Act of 1910, the Harris Act of 1914, the Wickersham Commission, and Hale Boggs' mandatory minimums of 1951 had made crime a national political issue. But the vast majority of criminal justice policy was local and *not* the business of American presidents. Goldwater's rhetoric changed all that. "Security from domestic violence," said the senator, "no less than from foreign aggression is the most elementary form and fundamental purpose of any government." Goldwater promised that "enforcing law and order" would be central to his presidency.⁵

Around the same time another Sunbelt Republican began to experiment with the same fearmongering black science. Enter Richard Nixon: inveterate red-baiter, enforcer in the McCarthyite mob, and a former vice president, whose "political obituary" had been broadcast by ABC in the wake of his 1962 California gubernatorial race. Surveying the approaching cloudbursts of the late sixties, Nixon argued that "the deterioration [of respect for law and order] can be traced directly to the spread of the corrosive doctrine that every citizen possesses an inherent right to decide for himself which laws to obey and when to disobey them."⁶ As Dan Baum has pointed out, Nixon,

like many who would follow in his wake, was linking street crime to the civil disobedience of the civil rights movement. Likewise, Goldwater linked the redistributive efforts of the war on poverty to criminal violence:

If it is entirely proper for the government to take away from some to give to others, then won't some be led to believe that they can rightfully take from anyone who has more than they? No wonder law and order has broken down, mob violence has engulfed great American cities, and our wives feel unsafe in the streets.⁷

Goldwater lost to Johnson, but the Goldwater message won. At the heart of this new type of politics was a very old political trope: white racism and the self-fueling fear bred by it. Crime meant urban, urban meant Black, and the war on crime meant a bulwark built against the increasingly political and vocal racial "other" by the predominately white state. The fear of crime became all-American; law and order were emerging as the new political currency with which to unite white voters of disparate classes. In fact, shortly before his presidential victory in 1968 Nixon wrote his mentor Dwight Eisenhower, noting both the power of anti-crime fearmongering and its racial content: "I have found great audience response to this [law-and-order] theme in all parts of the country, including areas like New Hampshire where there is virtually no race problem and relatively little crime."⁸

In observing the momentum of Nixon's vicious law-and-order stumping, *New York Times* columnist James "Scotty" Reston made a passing but prophetic remark. Nixon, he wrote, "undoubtedly will emphasize order in the cities, for that is his best issue . . . He thinks he can tame the ghettos and then reconstruct them, and he may very well make reconciliation with the Negro community impossible in the process."⁹ Nixon's message was taking on a life of its own. By the summer of 1968, 81 percent of respondents to one Harris poll believed that law and order had broken down and blamed the chaos on "communists" and "Negroes who start riots."¹⁰

Amidst this climate the right was painting Johnson as soft on crime, and his young Attorney General Ramsey Clark, scion of an LBJ confederate and Texas state supreme court justice, wasn't helping matters with his fuzzy comments about "root causes."¹¹ In response, Johnson appointed a national commission on crime and another on riots, and started proposing legislation.

Then in the early spring of election year 1968, Dr. Martin Luther King was gunned down in Memphis, and hundreds of cities great and small exploded in frenzied and desperate rioting, some for the second time in less than five years. With billowing smoke from D.C.'s ghettos to concentrate their minds, Congress worked diligently on muscular criminal justice legislation. The hard work culminated in Johnson's Omnibus Crime Bill, which received its final changes just as Robert Kennedy followed King in early departure to the hereafter. The first big federal crime bill, the Omnibus Crime Control and Safe Streets Act of 1968, was passed in the House the very next day and was signed into law a few months later.

Against this backdrop and mounting casualties in Vietnam, Nixon announced a secret plan to bring "peace with honor" to the debacle in Southeast Asia. At the same time he ratcheted up his narco-phobic, anti-crime rhetoric: "I say that doubling the conviction rate in this country would do more to cure crime in America than quadrupling the funds for [Hubert] Humphrey's war on poverty."¹² It was this sort of right-wing rhetoric that shaped the Omnibus Crime Control and Safe Streets Act. In many ways the bill was a Frankenstein initiated by Johnson in the wake of the 1966 rioting season; the monster had been given more life than the administration wanted or expected, thanks to two years of haggling and pressure from congressional Republicans and Southern Democrats. Johnson got his LEAA and \$75 million overall in funding, but the bill was also larded with draconian legal provisions and millions for riot control and police training which the president and many House liberals opposed. Johnson called the bill "unwise" and "potentially dangerous," prevaricated for two weeks, and then signed the act into law just as his veto ran out.

Among the Omnibus Crime Control and Safe Streets Act's most aggressive features was a weakening of *Miranda* rights in federal cases. Now "confessions" made by defendants in police custody would be admissible evidence, as long as such statements were made "voluntarily." More importantly, the law unleashed police to tap phones and plant bugs in a wide variety of cases. And when law enforcement officials felt an "emergency" existed, they were now free to intercept communications for up to forty-eight hours without a warrant. These were momentous changes. Previously legal wiretapping had been restricted to cases of "national security" only, and states for the most part did not have the right to tap phones. The change in federal law cleared the way for similar transformations at the state level.

NIXON GOES TO WAR

Once in office Nixon faced an interesting problem. Johnson's lame protestations during the 1964 campaign against the fulminating Goldwater had in fact been correct: crime control was predominantly a local issue, beyond federal jurisdiction. So how was Nixon to deliver on his political hype and how was he to restore order? He had invoked the specter of street crime, political chaos, and narcotics abuse – much of which was thinly veiled code for "the race problem," namely African American migration and the political demolition of US apartheid. But could Nixon actually deal with the reality of rising crime? Delivering a drop in crime rates would be valuable political capital for Republicans in the next election. Most importantly, how could Nixon contain the growing threat of organized political rebellion and the culture of disobedience and disrespect that fed it?¹³

The mean young squares at the White House soon found a strategy. Narcotics would be the Trojan horse for deeper federal involvement in policing. Since the Harris Act of 1914, the Feds had policed illegal drugs based on their constitutional right to tax. But this rather narrow entrance would not accommodate the onslaught of forces that Nixon was planning. So the new team slid federal prerogatives onto the more generous terrain of policing interstate commerce by redefining narcotics trafficking as a violation of the Hobbs Interstate Commerce Act. The "war on drugs" would give the Feds the necessary latitude to beef up local policing and rationalize the nation's haphazard and often contradictory patchwork of criminal law. Thus the image of the evil dope fiend loomed large in the new administration's rhetoric, as it had during the campaign. Trafficking was targeted as "public enemy number one," while using was cast as the linchpin of rising crime rates, because as Nixon informed the nation, addicts "turn to shoplifting, mugging, burglary, armed robbery, and so on" to feed their habits. Six months after taking office, the president told Congress that

Within the last decade, the abuse of drugs has grown from essentially a local police problem into a serious national threat to the personal health and safety of millions of Americans . . . A national awareness of the gravity of the situation is needed: a new urgency and concerted national policy are needed at the federal level to begin to cope with this growing menace to the general welfare of the United States.¹⁴

Nixon was correct that drug use – that is, casual drug use, mostly in the form of smoking marijuana – was on the rise, but evidence of a national narcotics siege did not exist.¹⁵ Nonetheless, Nixon's team went into action, haranguing the public about the evils of drugs at every opportunity and drawing up tough new legislation (all of it double-checked by a young right-wing attorney named William Rehnquist). The proposed legislation back-filled legal spaces that had been missed by crime hawks, or successfully defended by liberals, during the battle over the 1968 crime bill.

Among the most controversial new proposals was one creating “preventive detention,” which allowed judges to deny bail to federal defendants despite the constitutional presumption of innocence. The bill also unveiled “no-knock” warrants, which allowed cops to kick in doors without warning. The American Civil Liberties Union (ACLU) called no-knock “excessive and unconstitutional.” Congressional opponents called no-knock a violation of Fourth Amendment protections against unlawful search and seizure. Attorney General John L. Mitchell fired back: “We are dealing with clever and ruthless drug peddlers, who have no hesitation about taking the life of an agent.” He went on to suggest that new rules might be more palatable if referred to simply as “quick entry” and urged Congress to give American families “an exciting ‘back-to-school’ present . . . letting them know that more effective tools for drug control are on the way.”¹⁶

The battle of words raged throughout 1969 and 1970, as Nixon's legislative wish-list lingered in Congress without passage. (But Congress did quadruple LEAA funding from \$59.4 million for fiscal year 1968 to \$268 million for fiscal year 1970.)¹⁷

As Nixon's anti-crime legislation made its way through the House and Senate, congressional hearings provided a platform for law-and-order hawks to tutor the public about evil narcotics. Suddenly it seemed *all* of America's troubles were somehow drug related – even the horrors of Vietnam. A report on CBS showed US GIs in the verdant killing fields of Vietnam smoking pot through the barrel of a rifle, and even Bob Hope, Mr. Super-straight himself, was telling “pot” jokes to the troops during his annual Christmas tours of Indochina. As news of the massacre at My Lai finally broke, the demonization of drugs – particularly marijuana – reached fantastic new heights.

According to one eyewitness testifying before Congress, “At least 60 percent of the soldiers in Charlie Company, the unit involved in the My Lai incident, had smoked marijuana at least once. Some soldiers smoked marijuana

the night before they went to My Lai on the day of the alleged massacre.”¹⁸ Senator Thomas Dodd, a Democrat from Connecticut, concluded that “in Vietnam dangerous drugs and even heroin are almost as available as candy bars.” Ronald Ridenhour, the helicopter door-gunner who witnessed, researched, and then exposed the barbarism of My Lai, concurred; most troops in Vietnam smoked pot. But he denied that had anything to do with *why* Charlie Company massacred a village during Operation Song My: “Many Americans are looking for any reason other than a command decision.” The real crimes were assiduously avoided. “Did the Viet Cong smoke marijuana?” asked a concerned Senator Dodd.¹⁹ The parade of witnesses seemed to think not – yet another unfair advantage. The message was simple: America was under attack, and even its war crimes were just aberrations, animated by heroin and weed.

The months of hysterical talk fueled the smooth passage of the next big federal crime bill, the Comprehensive Drug Abuse Prevention and Control Act of 1970. This provided \$189 million for expanded drug treatment during 1970–77; in the interest of getting crime rates down by the next election, even the toughest conservatives were willing to mix a “soft” approach with their \$220 million booster shot to enforcement. The Bureau of Narcotics and Dangerous Drugs received 300 additional agents. That same year Congress allocated the LEAA \$3.55 billion to be doled out to local and state law enforcement over the next three years.²⁰ For the rest of the decade the LEAA's annual budget routinely topped more than a billion dollars.

Simultaneous with Nixon's “war on drugs” the administration set afloat another canard to facilitate expansion of the state's police apparatus: the fight against “La Cosa Nostra.” On October 15 Nixon signed the Organized Crime Control Bill – also known as the Racketeer Influenced and Corrupt Organizations (RICO) Act. Turning to his Attorney General John Mitchell and the malevolent FBI Director J. Edgar Hoover, Nixon said: “I give you the tools. You do the job.”

“The job,” as it turned out, was much more than cracking down on a few crime families. In fact the RICO “tools” were immediately turned on the left. Most pernicious among the law's new devices was the advent of secret “special grand juries” empowered to subpoena and interrogate *anyone* (including a defendant's attorney) about literally *anything*. These grand juries revolutionized the state's investigative powers and gave birth to a legal culture of

mass snitching. Unlike previous grand juries, the secret RICO tribunals did not have to offer witnesses immunity. The new so-called “use-immunity” laws transformed immunity into a rare payoff for complete and total cooperation with the state, and thus greatly facilitated federal prosecutors’ efforts to “flip” defendants – that is, turn them into government informants. Unlike witnesses before traditional grand juries, uncooperative RICO witnesses could be jailed for up to eighteen months. The new juries quickly became investigative tools used against the left, as federal prosecutors used them to trawl for evidence.

RICO also loosened the rules pertaining to the use of illegally obtained evidence by prosecutors; it created new categories of federal crime, including types of gambling and reinvesting allegedly ill-gotten lucre; it allowed the federal government to seize the assets of any organization deemed to be a criminal conspiracy; it created new penalties and policing powers over the use of explosives (a provision, tailor-made for the more energetic elements of the New Left, which had detonated over 350 bombs in the previous two years); and finally, it created 25-year-long sentences for “dangerous adult offenders.”²¹

The New York Bar Association described the law as containing “the seeds of official repression.” While the language of RICO invoked organized crime (its eponym is a character from an Edward G. Robinson gangster movie), the act’s real targets were more often members of the New Left. “Nixon’s Justice Department subpoenaed over 1,000 anti-war activists . . . [and] twenty-three leaders of the Vietnam Veterans Against the War were subpoenaed to appear before a grand jury on the day they were to hold a protest at the Democratic convention in Miami.”²² Thousands of journalists, Black Panthers, and the Puerto Rican *Independistas* were also hauled before RICO grand juries. These were Nixon’s real enemies, and his ultimate goal was to put the militant representatives of the urbanized poor in check. This required a generalized buildup of police power, hardware, and organization. As Nixon’s Chief of Staff H. R. Haldeman had written in his diary: “[President Nixon] emphasized that you have to face the fact that the whole problem is really the blacks. The key is to devise a system that recognizes this while not appearing to.” That “system” was the war on crime and criminal justice buildup.²³

It was in this same tendentious vein that Nixon attempted to shift the focus of BNDD enforcement efforts away from the higher levels of the

narcotics business and down to street level dealing. When the BNDD resisted, Nixon created a narco Praetorian Guard, the Office of Drug Abuse Law Enforcement (ODALE), a special police agency directly accountable to the White House. The new presidential drug cops would move against Black people and the other dangerous demographics causing such chaos and so terrifying Nixon’s “forgotten” Americans. Such intervention was all the more necessary because the growing political tumult was now joined by economic stagnation and labor strife, which together posed real threats to the smooth functioning of American capitalism. A generalized show of state force was needed and ODALE would act as the flamboyant vanguard.

ODALE’s 300 commandos – equipped with all the best gear and broad new RICO powers – were deployed at ghetto listening posts with orders to search and destroy. Staffed mostly by agents from the BNDD and prosecutors from the Department of Justice, ODALE’s mission was to hunt down the “very vermin of humanity.” Their field agents were the drug war irregulars; free to “adopt [the] dress and tactics” of “drug people.”²⁴ From 1972 through 1973 these ODALE squads – usually augmented with cross-deputized officers from local forces – roamed their areas of operation at will, using “no-knock warrants,” preventive detention, and the special grand juries to raise hell and make headlines on the streets of a few big cities. But the press generated by ODALE bullying tactics was not all good.²⁵

For example, in the spring of 1973 *Newsweek* reported that the outfit’s (admittedly loose) discipline completely unraveled during a night of rampaging in the working class suburb of Collinsville, Illinois, outside St. Louis, Missouri. It seemed that two ODALE detachments had gone berserk and vandalized a pair of all-American homes; kicking in the doors, the raiding parties held their victims at gunpoint, calling the women “whores” and threatening to kill the men as they ransacked the quarters. No dope was found, and one traumatized non-combatant had to be evacuated to the local psychiatric ward.²⁶

Simultaneously, the crisis of Watergate was closing in and public tolerance for police state tactics was fraying. In response Nixon collapsed both ODALE and the BNDD into a new agency called the Drug Enforcement Administration. Congress and the administration began cooling to the crime issue in 1973, but they did pass new anti-hijacking legislation, expanded the role of the LEAA, and gave the agency another \$3.25 billion funding to last it through 1976.²⁷

LEAA: ADDRESSING THE POLICE CRISIS

ODALE had been short-term pyrotechnics, but it cut the template for later task-force-style federal drug wars, and for that reason it is important. However, the Nixon administration's most significant legacy to domestic repression was manifest in Johnson's brainchild gone bad, the LEAA. For a few years in the early seventies this hybrid think-tank/slush fund/law enforcement bureaucracy was the fastest-growing agency in the federal government. In its early years, 50 percent of LEAA "action grants" went to police hardware and training, other moneys went to community corrections, drug rehab, and research. ODALE was largely funded with "repurposed" LEAA money.²⁸

Though the LEAA was an effective catalyst in the Nixon-era buildup, its role as such was bitterly contested. Many congressional liberals and policy analysts opposed what they saw as a bastardization of the LEAA's originally intended function. Under Johnson, the LEAA had been launched to develop a broadly defined "reformist" approach to crime control and corrections. But under Nixon's "new federalism" – whereby the federal government increased aid to states without increasing its control over them – the LEAA became, in the eyes of many, "merely a conduit" for federal aid. As one critic from the non-profit legal sector put it, "The overall result is that the federal reform program has become a fiscal relief program . . ."²⁹ Other critics focused on the LEAA's cumbersome, sloppy, and chaotic bureaucracy. Despite the LEAA's problems it was the Johnny Appleseed of today's law-and-order militarization.

The LEAA's primary function during the first half of the seventies was to address the police failures of the sixties. That is, it was intended to forge an infrastructure capable of containing rising crime, protest, rioting, and cultural upheaval. In this respect the LEAA's mission was to rebuild the heart of the state's function: protecting powerful minorities from majorities. Recall that "every state is a 'special repressive force' for the suppression of the oppressed class. Consequently, no state is either 'free' or a 'people's state.'"³⁰

What then were the causes of the policing crisis? One stood out above all others: America's police apparatus was hopelessly fragmented and uncoordinated. Whole regions of the country's law enforcement infrastructure

were submerged in quagmires of nepotism, corruption, and incompetence; many metropolitan departments, despite decades of reform, were still ruled by recalcitrant, provincial, good ol' boys or corrupt municipal machine-style thugs.³¹ In 1965 *only four* states mandated police training; more than twenty states did not even have *minimum* educational and literacy requirements for their recruits. A Department of Justice study noted with concern that both barbers and beauticians, on average, were required to train more than three times as long as the average American cop. In Detroit most officers came from the bottom 25 percent of their high school class, and this was not a unique situation. One regional LEAA administrator relayed the story of a sheriff in Missouri who was totally illiterate and signed his grant applications with an X.³²

In 1967 the President's Commission on Law Enforcement and Justice Administration noted that: "the problem of personnel is at the root of most of the criminal justice system's problems . . . The system cannot operate swiftly and certainly unless its personnel are efficient and well informed."³³ The forces of law and order were in need of a "great leap forward."

Modernization necessitated massive retooling, reorganization, and retraining of law enforcement nationwide, along with building a new structure for regionally coherent, long-term law enforcement planning.

Police officials were some of the first to recognize the challenge. "Greater demands than ever before are being made on our police by American citizens for the preservation of law and order," read an article in a 1965 issue of the *FBI Law Enforcement Bulletin*.³⁴ Another warning claimed: "Our population increases daily, the crime rate rises steadily and the police line is stretched further. If the breaking point is reached, the cost in crime, property loss, and most of all liberty, will be the intolerable results."³⁵

The young Daryl Gates (who went on to become chief of the LAPD), in a self-deprecating article on riot control, noted that "the police of America have not been overwhelmingly successful in their control of riots . . . [In Los Angeles] our initial efforts were pretty awful . . . Control strategy and street tactics have had to be developed and combat-tested almost simultaneously. Police ingenuity has been sorely tested under the most severe conditions. Some of the strategies employed have proven to be completely ineffective . . ." Turning the tide, argued Gates, "requires careful and precise planning. It requires talking to one another, and building upon our strengths, not lamenting past weaknesses."³⁶

Gates was merely echoing a growing consciousness among law enforcement officials and policy analysts and their academic counterparts. Correcting the failure of policing required a new "military-corporate model."³⁷ As one expert put it: "The problem of crime demands the same kind of research techniques that have been so dramatically effective in other national programs; in the space program, in the fight against disease and in the defense effort."³⁸

Policing needed the technological edge of the Defense Department, coupled with the managerial expertise of the large corporation. After all, the Presidential Crime Commission of 1967 had found that many departments were "not organized in accordance with well-established principles of modern business management."³⁹ Thus the dominant vision of change was rooted in modernist notions of society as machine, social problems as technical problems.

One of the first forces to embrace the corporate managerial model was that veritable laboratory of police innovation, the Los Angeles Police Department. (The LAPD and Sheriff's Department, like other California law enforcement agencies, had long maintained close links to research universities and the military, and as a result both had been on the cutting edge of policing for decades.) Chief William Parker sent emissaries to study the management training programs at Ford, Rockwell, IBM, and Union Oil. With LEAA funding, and lessons from corporate America, the LAPD set up a "Management Development Center." Other departments quickly followed suit, submerging their captains and lieutenants in courses like "Managerial Communications," "Creative Thinking," and "Speed Reading."⁴⁰

As a result of the 1968 Omnibus Crime Control Act, these rationalizations at the departmental level were complemented by law enforcement planning at the state level.⁴¹ In order to receive LEAA funds, each state was required to form a law enforcement state planning agency (SPA) and have this body approved by the LEAA. As the haphazard will of nature and the chaos of the city were conquered, so too would "modern planning" and "scientific organization" tame the new unruly social forces.

Enforced planning by the LEAA – an often overlooked feature of Nixon's war on crime – was an essential mechanism in producing law enforcement's rapid modernization. Among other things, state planning agencies played "an active role in initiating, drafting, and implementing state legislation."⁴² Though relations between the planning agencies and the LEAA were often

chaotic and choked with bureaucratic confusion (caused in part by the Nixon administration's eagerness to pump huge sums of federal cash to local cops as quickly as possible), such linkages nonetheless fostered autonomous state-level rationalization. The planning efforts forced local cops into more regular contact with the state bureaus of investigation, state police, and local FBI field offices. The SPAs created uniform training standards, state-wide academies, contingency plans, and special joint task forces that dealt with everything from traffic flows to guerrilla warfare.

Kentucky offers an illustration of the changes: "Before 1966, a great majority of Kentucky police and sheriffs departments afforded no training to their officers . . ." nor did they seek training from the FBI or state troopers. But starting in 1969 the new SPA, with LEAA money, established training standards, built a state police academy and a mobile training school, helped pass a new criminal code, and opened relations between police forces and the University of Kentucky.⁴³

In the early sixties, the ultimate symbol of chaos had been the urban riot: for white America all bad things converged there. Consider the kaleidoscopic vision of the Los Angeles police chief: "We are living in an age of discontent and discord. We see rapid – almost daily – changes in social, economic, and philosophic values . . . We have 'love-ins,' 'be-ins,' 'sit-ins,' and other demonstrations, and they have gradually degenerated in riots . . ."⁴⁴

With the onset of the seventies a more sinister specter haunted police. According to the FBI, "New tactics and techniques have been developed in the United States by a small number of criminals who style themselves urban guerrillas."⁴⁵ Counterinsurgency had always been close to the surface, but now it was coming to the fore. "[N]ever before in the history of American law enforcement," wrote J. Edgar Hoover in an article on urban guerrilla warfare, "has our profession faced such inflamed bitterness and hostility and such purposive intentions to wreak havoc against the police officers through injury, maiming and outright murder . . . Ideological and revolutionary violence in the nation is on the increase."⁴⁶

Hyperbolic as Hoover may have sounded, policy and law enforcement elites were increasingly concerned with "militants," "extremists," "terrorists," and what seemed to be an increasingly organized war against order. Between 1967 and 1973 annual fatal assaults on law enforcement officers increased from 76 to 131. Most disturbing for authorities was the growing number of organized ambushes.⁴⁷ In the first nine months of 1970 sixteen

police were killed in what appeared to be unprovoked sniping, bombings, and point-blank executions; a dozen more were wounded. Real or imagined, the threat of warfare loomed large in the minds of police policymakers and pundits.⁴⁸

As elements in the New Left turned toward the moral and strategic beacons of Che, Marighella, and Uncle Ho, so too did the authors of domestic repression borrow lessons from the Third World. Counterinsurgency techniques developed in Southeast Asia, Africa, and Latin America were now being openly repatriated to domestic policing. As early as 1966, articles intended to tutor American law enforcement in counterinsurgency and urban guerrilla warfare started appearing in the law enforcement trade press. One piece entitled "Police-Military Relations in a Revolutionary Environment," by an instructor from the US Army War College, made these recommendations:

It is now generally agreed among counterinsurgency experts that one of the most important aspects of counter-insurgency operations is the control of population and resources . . . Techniques to control the people include individual and family identification, curfews, travel permits, static and mobile check point operations, and the prevention of assemblies or rallies.

The article went on to describe rising crime rates as a precursor to revolution, and to laud the "value of an effective police organization – both civil and military – in maintaining law and order, whether in California, Pennsylvania, Mississippi, or the rice paddies and jungles of Vietnam."⁴⁹

COMPUTER SURVEILLANCE: BIRTH OF THE ELECTRONIC DRAGNET

Development of a nationwide law enforcement communications infrastructure was central to the mission of modernization and pacification. Police information systems had to be upgraded, rationalized, and computerized. Typed memos on carbon copy, filed in clumsy cabinets, had to go. Not only was each department urged to modernize its record keeping and surveillance files, but the LEAA, through a hybrid contractor called SEARCH, set about

creating a unified national police information system with a massive database of criminal histories. America's patchwork, disparate, and sometimes overlapping police agencies had to be brought together into a single, coherent, smooth-running informational and surveillance network. It would be a monumental task.

In 1968, only ten states had automated state-level criminal justice information systems.⁵⁰ Four years and \$90 million later, forty-seven states had functioning computerized criminal databases, all connected to the FBI's recently formed master system, the National Crime Information Center (NCIC). Started in 1967 as a database of wanted persons, firearms, stolen autos, and other property, the NCIC contained 500,000 files. By 1974 the future of policing was already hard at work; the NCIC included criminal histories and held a total of 4.9 million entries, handled 130,000 transactions daily, and was wired to ninety-four different federal, state, and large metropolitan law enforcement agencies, as well as all fifty-five FBI field offices.⁵¹ Among the federal agencies contributing and receiving information from the NCIC in 1974 were the Secret Service, the Internal Revenue Service, Bureau of Alcohol, Tobacco and Firearms, US Bureau of Prisons, INS, US courts, and the US Marshals Service.

Previous to the massive infusion of federal cash, local enforcement agencies had to send for files by mail and wait two weeks to receive fingerprints and background checks from the FBI in Washington, D.C. As a result, wanted fugitives often slipped the leash before the appropriate documents could be forwarded. Likewise, fabricated identities often functioned as well as real ones.

The NCIC brought the nation one step closer to "achiev[ing] the ultimate goal of a law enforcement information system encompassing the entire United States."⁵² For the NCIC to operate with maximum power, it required (and still requires) increasingly sophisticated surveillance and computer systems to feed it. Thus as the NCIC expanded, so too did police computer power at the regional, state, and local level. With the growth of these systems came the demand for ever more information, which meant increased emphasis on stopping and questioning the general population. In San Diego, "the source documents included in the system were traffic citations, traffic warnings, all traffic offense arrests, and field interrogation reports containing vehicle information. These contacts provide approximately 300,000 vehicle descriptions per year."⁵³

Since its inception the NCIC has been used for employment background checks, immigration purposes, large-scale private investigations, and in routine police work. As the system's functions expand, society is rendered ever more transparent to the state and police power. While most NCIC "transactions" are innocuous enough, or in an immediate sense even enhance public safety, the larger long-term significance of a national computerized database is more ominous. A central police database in which anyone can appear is the axis around which any future police state will revolve. And the NCIC's voracious appetite for ever more input from local sources fosters new surveillance practices among subsidiary institutions, thus propelling us towards a "dossier society." Thus the NCIC logarithmically expands state power to control individuals and groups.

The advent of the NCIC, like so much of the policing infrastructure, was not without problems. In fact the system was vexed by the very issues it sought to overcome: First there were the technical limitations and vicious turf fights between the FBI and the bureaucrats controlling the LEAA. The more liberal (or at least publicly accountable) LEAA argued that any centralized computer network should have at its hub merely an index of local law enforcement files, not actual files. The idea was to avoid over-centralization and concentration of power in federal hands. And the LEAA argued that it should control the criminal history files of the new system and that its function should only be facilitating information flows between local agencies.

One LEAA idea that the Bureau saw as particularly inane was a proposal to allow individual citizens access to *their own files*. Needless to say, Hoover soon crushed this and other fuzzy-headed plans. He wanted more than just an index, he wanted a national database of complete files fed by local law enforcement and controlled by the FBI. And eventually that's what he got.⁵⁴

Another problem for the NCIC was that many state and local law enforcement agencies were hesitant to cooperate with the FBI, or Feds of any sort. In fact many local police hated the FBI, especially its bullying and parsimonious chieftain Hoover. As early as 1956, police from California and seven other western states held a secret meeting to launch the Law Enforcement Intelligence Unit (LEIU), a private consortium designed to facilitate information sharing and avoid the prying of Hoover's G-men. According to one former member, the LEIU's founder, Captain Hamilton (then head of the Los Angeles Police Department's intelligence unit),

. . . wanted to take police intelligence away from the FBI. Police departments do the street-level work to collect information and Hamilton didn't like the idea of turning it over to the FBI and making them the monitor; so he formed the LEIU to circumvent the FBI's network. It was established to form an intelligence network independent of any Federal agency.⁵⁵

By the early seventies, the LEIU involved police agencies from throughout the US and Canada and served as a hot-house of cross fertilization for local red squads, spooks and over-zealous law enforcement satraps.

But the Feds and the territorial locals, whether they knew it or not, still needed to integrate their intelligence systems and build a culture of collaboration if America was to conquer "disorder" as it had outer space and nature. So the LEAA had to sweeten interagency cooperation with hearty federal grants and the promise of subsidized technology transfers from the military. It worked, more or less, and by the mid seventies all fifty states were plugged into the NCIC grid.⁵⁶

THE GEAR GIVEAWAY

The LEAA also helped build up the capillary levels of police communications, supplying local law enforcement agencies with the basic physical infrastructure of car radios, high-tech dispatch systems, and mobile command and control centers. (Even in the early seventies few foot cops had portable radio "transceivers" that connected them to headquarters. Beat cops used call-boxes, and car patrols could only communicate by radio when in their cruisers.) Today gadgetry such as "shoulder radios" may seem mundane, but for the riot-besieged cops of the sixties communications were all-important. One forward-looking officer described the confusion between local, state, and federal forces in Illinois as follows:

[B]ecause these various agencies operate on different radio frequencies, it has been impossible to mobilize all the police units involved under a single unified command. This has not only resulted in inefficient use of available police units, but it has also left many police units to operate without direction and without knowledge of the overall plan of action

. . . Inadequate communications have plagued law enforcement officials for many years, only in the last few has proper attention been given to the problem . . .⁵⁷

Even the best equipped forces, like the LAPD, were shown to be unprepared when mass rioting erupted. In fact, it was a communications breakdown between the three forces attempting to quell the inchoate Watts rebellion in 1965 – the LAPD, California Highway Patrol, and L.A. County Sheriff's Department – that allowed the conflagration to grow so large. At first, scrambled radio communications led to confusion, then paralysis, and then – in the face of mounting violence and looting on the street – *a complete withdrawal of forces!*⁵⁸ Effective policing, like modern warfare, requires communications, proper organization, and a clear chain of command.

Computers, microfilm fingerprint files, and electronic maps (developed for use in Vietnam) were also part of the LEAA's modernist arsenal. Likewise, police forensic labs were stocked with technology for taking and matching dental files, processing samples of organic compounds, and so on. But the most spectacular new tool was the helicopter. The Watts riots of 1965 showed the sheriff's year-old helicopter program to be an indispensable command and control tool during civil disturbances. One LEAA case study found that

Civil disturbances often result in a vast amount of confusion, particularly at night, with ground patrol units unable to identify the key points of difficulty, and participants often claiming they did not hear an order to disperse. *The helicopter's over all view of the scene, together with loud speakers and riot suppression equipment, will do much both tangibly and psychologically to bring the situation to a rapid and accepted conclusion.* [emphasis added]⁵⁹

Choppers were also noted to be effective in locating, spotting, and deterring night-time snipers; and floodlights helped support night-time operations by ground units.

Police choppers, when used with sufficient regularity, helped to create an urban panopticon, where citizens internalized the police gaze and made the effects of state power constant even when its application was sporadic. As the L.A. county sheriff explained it,

Concentrated patrol had not only demonstrated that visibility of the officers was vastly improved, *it also placed officers in a position where they were highly visible to offenders.* One of the most effective deterrents to crime is the "would be" offender observing a patrolman nearby. This two way visibility factor, coupled with the fact the helicopters would not become involved with the petty routine demands made on radio cars, presented the probability that helicopters could provide the sorely needed crime deterrent link sometimes missing in ground unit deployment. [original emphasis]⁶⁰

As a result of the L.A. experience, the National Highway Safety Act of 1966, as well as the LEAA, made police air power a new priority; on average the Feds were willing to pay 75 percent of the bill for police choppers.⁶¹ By 1972 Bell and Hughes were selling 120 police helicopters a year. Fully decked out, these aircraft featured radio communications, high-intensity directional lights, powerful public address systems and in a few cases infrared scopes for night-time surveillance. This early seventies revolution in police equipment marked the first systematic and large-scale "technology transfers" from the military to the civilian police, and (as we shall see later) set an important precedent. The zenith of this new ethos, where military technology *and* organization met in perfect synthesis, was the advent of Special Weapons and Tactics (SWAT) teams.

Started in L.A. in 1966, and quickly duplicated throughout the country, SWAT teams were first designed to deal with snipers and hostage crises. Conceived by an ex-marine, and armed with M-16s or Colt AR-15s, body armor, and tear gas, SWAT teams were at first trained at Camp Pendalton, and then by the FBI. Usually backed up by mobile command centers, SWAT teams were and still are the vanguard of police militarization. In the eighties, SWAT teams would proliferate, and become even more central to routine policing.⁶²

"TURNING ON" THE COMMUNITY TO LAW ENFORCEMENT

Along with LEAA-funded paramilitarization of policing, the buildup of the sixties and seventies had a soft side. Many experts saw that the policing

crisis of the sixties was as much a matter of *too much* repression as *too little*. Indicative of this dilemma were the findings of the Kerner Commission on Civil Disturbances: "Invariably the incident that ignites disorder arises from police action. Harlem, Watts, Newark and Detroit – all major outbursts of recent years – were precipitated by routine arrests of Negroes for minor offenses by white police."⁶³ The sordid truth was that the belligerent and racist forces of order were in fact *destabilizing* America's cities; in every ghetto conflagration police brutality against Black people had been the fuse. This breakdown of social control was only the most dramatic example of a growing alienation between citizenry and police. Poor intelligence, lack of community cooperation, the increasing rates of assaults on police officers and miserably low "clear up" rates for many categories of crime were the less dramatic expressions of this problem.

The more sophisticated analysis of America's growing disorder suggested that the LEAA's military-corporate model alone would not restore a politics of obedience. The gendarmerie needed to become more thoroughly insinuated into the communities they policed. And law enforcement, trampled by a decade of its own misdeeds, was in need of re-legitimization.

But this "soft" side of the great leap forward borrowed just as heavily from the military, as did helicopter patrols, computer systems, SWAT teams, and regional anti-riot plans. As in Vietnam, so too in the cities the battle for "hearts and minds" was as essential as any satellite photo or high-tech fire power.

"Community relations efforts," explained one *FBI Bulletin*, "were born in the turbulent sixties as police concentrated on rebuilding their image, gaining community support and cooling the brush fires of violence."⁶⁴ At the forefront of this movement was a group of conservative criminologists – most notably James Q. Wilson, George Kelling, and Lawrence Sherman. These "community policing" experts were rather more cynical about crime and disorder than their friends the square-jawed, modernist police administrators and Nixon spin-doctors, who trumpeted a possible "end to crime." The "new criminologists" saw crime and rebellion as endemic in modern American society. The question for them was "what constitutes an effective law-enforcement and order maintenance system."⁶⁵

Effective policing would require that cops re-engineer their social skills: the new school of thought called for sensitivity training and the creation of official communication and input channels for community members. The

main intellectual base camp for this new line of reasoning was the Police Foundation in Washington, DC. Launched in 1970 with \$30 million from the Ford Foundation, the Police Foundation began developing experiments in what was variously called "community sector policing," "team policing," the "beat commander project," or the "basic car plan." Syracuse, Los Angeles, New York, Cincinnati, Detroit, and Kansas City were some of the first cities to embrace the tactics.⁶⁶ In contrast to the professional "emergency response" model – in which cops, no longer walking the beat, answered 911 calls in cars – the "team policing" model pushed responsibility down the police hierarchy and kept beat cops in a (preferably small) regular geographic area. In many ways this was simply a return to the model of the beat cop in close contact with all aspects of community life, but with the added responsibility of initial investigation and a new layer of formal community relations with anti-crime groups, schools, business, and hospitals. Donald Santarelli, head of the LEAA, summed it up best: "there's an obvious need to turn the citizen on to the criminal justice system."⁶⁷

If, in the police world-view, the much storied "militant Negro" was the domestic equivalent to the Viet Cong, then the soft community police strategies – like block watches and police community alliances – were domestic parallels to the "strategic hamlets" of South Vietnam (those militarized villages where a combination of land reform, urban planning, and ideological bombardment was used to pry the people away from the guerrillas). It was in the same spirit that police in the late sixties set about deliberately insinuating themselves into the social life of the ghetto.

Before the riots such efforts were rare; the police struggle for hearts and minds was almost non-existent. For example, the LAPD, like most forces, had no community relations program in the 1950s and early 1960s, not even youth programs. As LAPD's *caudillo* Chief Parker said, "I'm a policeman not a social worker." But when the lid blew off Watts, attitudes changed.

As the smoke cleared, Chief Parker reassigned one hundred staff to "community relations," ordered officers to "fraternize" with Blacks and Latinos, began sensitivity training, and even returned some cops to foot patrol. Despite internal confusion and a leadership struggle after Parker's death in 1966, one thing was clear: the ideological struggle for legitimacy and police penetration of targeted communities was not to be brushed off as mere "social work." By 1971 the department had seventy separate community relations programs including youth sports, partnerships with merchants, community

patrols, and neighborhood watch groups.⁶⁸ Throughout the country other departments followed suit.

In San Francisco the Police Community Relations (PCR) unit – in direct competition with the Black Panther Party – started holding dances, parties, movies, sporting events, and even job fairs, in the isolated African American neighborhood of Hunter's Point. While the PCR made some inroads into the Black community, it failed in its more important task of schooling the SFPD: Chief Cahill called PCR "a secondary function," while the rank and file called it "Commie relations." And in 1966, when police killed an unarmed youth, Hunter's Point exploded in three days of fiery riots.⁶⁹

As PCR units around the country were "pow-wow"ing with "hostiles," police forces – with LEAA funding – set up neighborhood watch groups, block patrols, and civilian auxiliary forces. In St. Louis police set up a secret "Block Watchers" association designed to facilitate anonymous tip-offs; Toledo established REACT, a citizens' surveillance network that maintained radio contact with the police; Oakland set up a similar radio tip-off system, with private funding.⁷⁰

In short, the early seventies saw a buildup in law enforcement's social-psychological arsenal as well as matériel. Of course all these programs had problems, and there were very real natural limits to the affinity between oppressor and oppressed. Unemployed Black youth and white suburbanite (often racist) "pigs" and "rollers" will never be strongly united. Likewise, "block captains" and the volunteer "eyes and ears" of law and order are notoriously flighty; after initial waves of enthusiasm, such civilian cooperation with the police usually wanes. Regardless of the long-term success of individual projects, the general effort to create formal, rationalized "police-community" relations was born – like so much of the present – in reaction to the rebellion and chaos of the sixties: as such it was an attempt to reimpose racial and class control.

STALEMATE: THE FORD AND CARTER YEARS

Watergate effectively marked the beginning of the end of the criminal justice buildup of the late sixties and early seventies. Suddenly the guardians of law

and order were on the defensive, and during the second half of the seventies their project temporarily stalled.

The *Congressional Quarterly Almanac* noted that "it was an ironic twist on the 'law and order' theme of the first years of the Nixon administration: the crimes which drew the most attention in the administration's last years were those committed by or charged against the men who held some of the highest offices, including Nixon himself."⁷² The siege began in earnest with the March 1973 indictment of Nixon's spooky retinue: Attorney General John Mitchell, former White House Chief of Staff H. R. Haldeman, and former presidential advisor John D. Ehrlichman. By late July 1974 the House Judiciary Committee had recommended impeachment and Nixon was forced to release more tapes which confirmed his involvement in at least the cover-up of the June 1972 break-in of the Democratic National Committee headquarters. With that the Nixon administration collapsed. "Faced with certain impeachment and probable conviction, Nixon resigned as president Aug. 9." A month later President Ford dragged Nixon from the fire with a full pardon.

The magnitude of the scandal put something of a damper on the Ford administration's ability to apply right-wing medicine on either the macro-economic front or in the realm of domestic social control. The LEAA continued its work, but no new pro-police legislative offensives were launched at the federal level. And as the economy continued to drift, public opinion turned away from the issues of crime, violence, and law enforcement, towards the more pressing issue of "economic concerns."⁷³ In fact, during the next six years significant progressive legislation passed at the federal level, designed to expose and curtail the power of police agencies. Behind it all loomed the specter of Watergate. First to fall was the "no-knock" provision of the 1970 Drug Abuse Prevention and Control Act. Senator Sam J. Ervin, a Democrat from North Carolina, said the laws had been enacted in a "period of hysteria," adding that "The Bill of Rights applies to everyone, even drug peddlers."⁷⁴ Later some wiretapping practices were also restricted.

The second half of the seventies also saw the LEAA come under increased criticism for being inept, wasteful, and uncoordinated. Pressure from liberals directed more LEAA money toward the soft side of criminal justice, to projects like public and private delinquency prevention programs and community-based alternatives to incarceration. During 1976 both the House and Senate spent considerable time and energy investigating domestic intelligence; the release of the full report of the Church Committee further

damaged the image of America's police agencies. Municipal policing took a direct hit as the nation read of the Knapp Commission's investigation into mass corruption in the New York Police Department. Meanwhile the Ford administration was sounding downright liberal; the official 1976 "Federal Drug Strategy" made mention of poverty, unemployment, alienation, or lack of opportunity as causes of addiction, and noted that alcohol was linked to more violence and accidental death than any other drug. Finally, the Strategy called for "seriously studying" the decriminalization of marijuana.⁷⁵

Carter went even further, announcing to Congress that "I support legislation amending federal law to eliminate all federal criminal penalties for the possession of up to one ounce of marihuana [sic]."⁷⁶ And twelve states did decriminalize possession. Carter's new Attorney General Griffin B. Bell spent most of his lobbying efforts on securing more funding for the courts and expanding the number of judges. This clearly facilitated further penetration of the law into everyday life, but it was a fairly innocuous agenda compared to doling out helicopters and new legal powers. The new ethos even pulled in the LEAA, which started directing much of its money towards the infrastructure of the courts and community corrections. By 1978 the LEAA was funding some of the movements it had helped repress. For example, it gave a \$100,000 grant to a Black Panther-run youth program.⁷⁷

At the same time, a torrent of revelations about domestic spying and abusive police culminated in the passage of the Foreign Intelligence Surveillance Act, which restricted the federal government's ability to spy on Americans suspected of aiding "foreign powers." The law hardly made amends for the crimes of Watergate, Wounded Knee, and the liquidation of the Panthers, but it was a distinct departure from the ideological and legislative onslaught of the Nixon era.

CHAPTER TWO

FROM CRISIS TO ROLLBACK

Rising unemployment was a very desirable way of reducing the strength of the working classes . . . What was engineered – in Marxist terms – was a crisis in capitalism which re-created a reserve army of labor, and has allowed the capitalists to make high profits ever since.

Alan Budd, chief economic advisor to Margaret Thatcher¹

The Nixon-era criminal justice buildup was an attempt to re-engineer a social economic system in crisis, a system besieged from below and within. Why was there such a crisis and what exactly were its dimensions? We all familiar with the story of the sixties. Or are we? As Tom Frank put "We understand 'the sixties' almost instinctively as the decade of the change, the birthplace of our culture, homeland of hip . . ."² But "culture is only one part of the story. There's another, systematically forgotten sixties. Beneath the bohemian boom, Summer of Love, Days of Rage, May '68 lurks a less flamboyant nuts-and-bolts history of profound economic crisis.

The story of this near-meltdown begins three decades earlier, at the end of the last great economic calamity. With the onset of World War II, the US began a massive economic recovery that pulled the country out of Depression and increased its industrial capacity by almost 100 percent between 1940 and 1945.³ After the war, Europe and Japan (the world's other most industrialized regions) were both devastated: economic recovery required heavy dependence on imports of US goods and capital. This further boosted US industry, which shifted from munitions production to feed these hungry new markets. The Bretton Woods Agreement of 1944 made

NOTES

1 NIXON'S SPLENDID LITTLE WAR: SOCIAL CRISIS AND CONTAINMENT

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- 8 Quoted in Dan Baum, *Smoke and Mirrors: The War on Drugs and the Politics of Failure* (Boston: Back Bay Books, 1996), p. 11. Baum provides countless other such nuggets in his detailed account of this period. My analysis is indebted to and predicated upon his excellent work.
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- 12 Quoted in Arnold S. Trebach, *The Heroin Solution* (New Haven, CT: Yale University Press, 1982), p. 231.
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- 65 James Q. Wilson, "Crime and law enforcement," in Kermit Gordan, ed., *Agenda for the Nation* (Washington, DC: Brookings Institution, 1969), p. 204.
- 66 For a review of these early experiments written close to the time, see Lawrence Sherman et al., *Team Policing* (Washington, DC: The Police Foundation, 1975); also see James Q. Wilson, *Thinking about Crime*, revised edition (New York: Vintage, 1985, 1974), for an overview of these early trials.
- 67 Quoted in *The Iron Fist*, p. 135.
- 68 Ibid., chapter 13.
- 69 Alvin A. Rosenfeld, "The friendly fuzz," *The Nation*, April 21, 1968.
- 70 "Citizens' war on crime: spreading across U.S." *U.S. News & World Report*, March 23, 1970.
- 71 *The Iron Fist*, chapter 13.
- 72 "Crime and judiciary," *Congressional Quarterly Almanac*, vol. 30, 1975, p. 271.
- 73 Polls cited in ibid., p. 272.
- 74 "Congress repeals 'no-knock' laws," *Congressional Quarterly Almanac*, vol. 30, 1975, p. 273.
- 75 *Federal Drug Strategy: Drug Abuse Prevention*, Strategy Council on Drug Abuse, November 1976, quoted in Baum, *Smoke and Mirrors*.
- 76 "Drug law revision" (text of President's message to Congress), *Congressional Quarterly Almanac*, vol. 32, 1977, p. 273.
- 77 Anita Frankel, "'New Panthers' face old problems," *Seven Days*, February 24, 1978.

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- 1 Quoted in Richard Brooks, "Maggie's man: we were wrong," *Observer*, June 21, 1992.
- 2 Thomas Frank, *The Conquest of Cool* (Chicago: University of Chicago Press, 1997), p. 1.
- 3 Philip Armstrong, Andrew Glyn, and John Harrison, *Capitalism since 1945* (Oxford: Basil Blackwell, 1991), p. 23, put the figure at 50 percent. Mike Davis argues that capacity doubled, "The political economy of late-imperial America," *New Left Review*, no. 143, 1984, p. 8.
- 4 William Ashworth, *A Short History of the International Economy since 1850*, second edition (London: Longmans, Green, 1962), p. 259.
- 5 Armstrong et al., *Capitalism since 1945*, p. 155.
- 6 For the quintessential story of state-led capitalist development, see Alice Amsden, *Asia's Next Giant: South Korea and Late Industrialization* (Oxford: Oxford University Press, 1992).
- 7 Armstrong et al., *Capitalism since 1945*, p. 155.
- 8 Ibid., p. 157.
- 9 Barry Bluestone and Bennett Harrison, *The Deindustrialization of America: Plant Closings, Community Abandonment, and the Dismantling of Basic Industry* (New York: Basic Books, 1982), p. 14.
- 10 Juliet B. Schor, *The Overworked America: The Unexpected Decline of Leisure* (New York: Basic Books, 1992), p. 111.
- 11 Charles Sable, quoted in Bluestone and Harrison, *The Deindustrialization of America*, p. 10.
- 12 On excess capacity or over-accumulation, see Armstrong et al., *Capitalism since 1945*, especially chapter 11.
- 13 Samuel Bowles, David Gordon, and Thomas Weisskopf, *After the Waste Land: A Democratic Economics for the Year 2000* (Armonk, NY: M. E. Sharpe, 1990), p. 83. It is important to note that during the late sixties and early seventies acute unemployment did increase but

- from the capitalist's point of view the beneficial effects of unemployment did not. We will address this point in more detail later on.
- 14 Juliet B. Schor, "Wage flexibility, social welfare expenditures and monetary restrictiveness," in M. Jarsulic, *Money and Macro Policy* (Boston: Kluwer-Nijhoff, 1985); Juliet B. Schor and Samuel Bowles, "Employment rents and the incidence of strikes," *Review of Economics and Statistics*, vol. 62, no. 4, 1987, pp. 584-92.
- 15 Bowles et al., *After the Waste Land*, pp. 72 and 37.
- 16 Michael Perelman, *The Pathology of the U.S. Economy: The Costs of a Low-Wage System* (London: Macmillan, 1993), pp. 32-5.
- 17 David Halberstam, *The Reckoning* (New York: William Morrow, 1986), p. 488, cited in Perelman, ibid.
- 18 Quoted in "More trouble for builders - strikes go on, pay keeps rising," *U.S. News and World Report*, June 29, 1970, p. 50.
- 19 "Labor turmoil: truce and new threats," *Time*, April 6, 1970, p. 8.
- 20 Ibid.
- 21 "Rail strikes begin to hurt everywhere," *Business Week*, July 31, 1971.
- 22 "When New Bedford stops its fishing," *Business Week*, August 18, 1973.
- 23 "New wonder at Disneyland," *Newsweek*, September 21, 1970.
- 24 See Table 37, *Monthly Labor Review*, vol. 99, no. 6, June 1976, p. 111.
- 25 This assumes that existing capital stock is continually being paid for, or that every firm has some debt, which is usually the case.
- 26 See Bowles et al., *After the Wasteland*, table on p. 37.
- 27 Quoted in Richard Cloward and Frances Fox-Piven, "A class analysis of welfare," *Monthly Review*, vol. 44, no. 9, February 1993, p. 28.
- 28 See Bluestone and Harrison, *The Deindustrialization of America*, footnote 12, p. 11.
- 29 For a more mathematical and technical definition, see David W. Pearce, ed., *Macmillan Dictionary of Modern Economics*, fourth edition (London: Macmillan, 1992), p. 330; also see Robert Haveman, "Unemployment in western Europe and the United States: a problem of demand, structure, or measurement," *American Economic Review*, vol. 71, no. 4, December 1977, pp. 44-50 for proof of the historical accuracy of the Phillips curve. This same relationship was noted by Karl Marx when he wrote about the "industrial reserve army of labor." Marx argued that the unemployed were functional for capitalism, because they served as a cudgel with which to psychologically and at times physically menace the working class. An ample pool of desperate hands helped to quiet proletarian demands for redistribution. Also the most desperate of the unemployed, or unemployable, the "déclassé rabble" or "lumpen proletariat," could also serve as capital's shock troops and strike breakers. Marx saw the "production of a relative surplus population" as "a necessary condition of modern industry." See Karl Marx, *Capital* (New York: Random House, 1906), vol. 1, chapter 25, p. 695.
- 30 Bowles et al., *After the Waste Land*, p. 44.
- 31 Graph from ibid., p. 37, also statistics, p. 36.
- 32 Bennett Harrison and Barry Bluestone, *The Great U-Turn: Corporate Restructuring and the Polarization of America* (New York: Basic Books, 1988), p. 7; also Norman Glickman, "Cities and the international division of labor," in Peter Michael Smith, ed., *The Capitalist City* (Oxford: Blackwell, 1987), p. 71.
- 33 Bowles et al., *After the Waste Land*, p. 45. See Figure 4.4, "Declining profitability after the mid sixties"; Andrew Glyn, Alan Hughes, Alan Lipietz, and Ajit Singh, "The rise and fall of the golden age," in Stephen A. Marglin and Juliet B. Schor, eds., *The Golden Age of Capitalism: Reinterpreting the Post-war Experience* (Oxford: Clarendon Press, 1990), p. 77, Figure 2.10.