

Suburban Commandos

The militarization of local police puts innocents at risk.

By William Norman Grigg

LOCAL POLICE in Fairfax, Virginia suspected that Salvatore Culosi Jr., a 37-year-old optometrist, was running an illegal gambling operation. On Jan. 24, after a three-month undercover investigation, police sent a tactical squad to Culosi's home to execute a search warrant. For reasons yet to be explained, the unarmed Culosi was shot and killed by a TAC squad member—an outcome tantamount to summary execution for allegedly taking sports bets in a state that has a government-run lottery.

The officer who fired the lethal shot was identified by Fairfax Police Chief David M. Rohrer as a seven-year veteran of the tactical unit. In a Jan. 25 press conference, Chief Rohrer expressed “condolences and sincere sympathy to Mr. Culosi’s family and friends” and promised “to conduct a comprehensive, balanced and fair investigation” of the shooting. But he also expressed “my support for the officer involved. He is a 17-year veteran of our department and he is a valued member. My support goes out to him and his family.”

Had the roles been reversed—with the officer being mistakenly shot and killed by Culosi—it’s impossible to believe that Chief Rohrer would have displayed similar evenhandedness between the shooter and the victim. It’s doubtful that criminal charges will be filed against the officer for needlessly killing Culosi, who was accused of a nonviolent offense. Nor is there any indication that the Fairfax County Police will re-evaluate the wisdom of its current policy requiring that all warrants be served by a heavily armed TAC squad.

In recent years, commented policy analyst Radley Balko in a Feb. 7 *Washington Post* op-ed, paramilitary tactics “once reserved for rare, volatile situations such as hostage takings, bank robberies, and terrorist incidents increasingly are being used for routine police work,” such as gambling raids, including an April 2005 raid on a poker game in a Denver suburb. What we are seeing, according to Peter Kraska of Eastern Kentucky University, is the “normalization” of militarized police work. Where SWAT teams and similar outfits were once “peripherally part of a police organization,” they have now been integrated seamlessly into standard police operations, “such as serving search warrants, doing patrol work, serving arrest warrants.”

The militarization of local police has resulted, in large measure, from the war on drugs, in which no-knock raids and armed seizure of forfeited properties have become very common—as have incidents in which innocent people have been injured and killed as a result of those raids, which are often carried out on the word of anonymous informants.

Ismael Mena, a 45-year-old father of nine from Denver, was killed by a SWAT team in 1999 after a tip from an anonymous informant resulted in a no-knock raid on the wrong address. Wisconsin resident Scott Bryant was gunned down by a SWAT team under nearly identical circumstances. And 70-year-old Boston resident Accelyne Williams, a drug counselor, died from a heart attack after masked men broke into his home, thrust him to the floor, and shoved guns into his

face while screaming at him. The masked assailants, predictably, were from a paramilitary counter-drug unit acting on a tip from an informant who was not only anonymous but also intoxicated.

When innocent civilians perish at the hands of police paramilitaries, criminal charges very rarely result. But the case of Cory Maye of Prentiss, Mississippi illustrates that civilians who use lethal force to defend themselves enjoy no such immunity.

Late in the evening of Dec. 26, 2001, Maye was startled awake by the sound of intruders in his duplex. Fearing for his 18-month-old daughter, Maye grabbed his handgun and went to confront the eight armed men who had broken into his home, lethally shooting one of them in the abdomen. The mortally wounded prowler was Ron Jones, a 29-year-old Jefferson County police officer who was part of a SWAT team conducting a no-knock armed raid on the basis of an anonymous tip.

Maye, who had no criminal record apart from a few trivial traffic citations, was not the target of the raid; the warrant was for the other half of the duplex. The officers attempted to enter that home by what they believed was a side door but was actually an entrance to Maye’s side of the duplex. Maye claims that the officers never identified themselves as police. His reaction is entirely predictable: he was a young father of an infant daughter, living in a bad section of town, facing a party of armed intruders. Yet he was arrested and convicted on a felony murder charge, and is now on Mississippi’s death row.

Under both Mississippi state law and the state's constitution, Maye committed no crime. The state's law on "justifiable homicide" specifies that lethal force can be used "in the lawful defense of one's own person or any other human being, where there shall be reasonable ground to apprehend a design ... to do some great personal injury, and there shall be imminent danger of such design being accomplished."

The relevant Supreme Court precedent, the 1900 ruling *John Bad Elk v. U.S.*, recognizes that when an officer of the law "is killed in the course of [a] disorder which naturally accompanies an attempted arrest that is resisted, the law looks with very different eyes upon the transaction when the officer had the right to make the arrest, from what it does if the officer had no such right. What might be murder in the first case might be nothing more than manslaughter in the other, or the facts might show that no offense had been committed."

If Maye's conviction stands and his sentence is carried out, an ominous precedent will be set. Victims of wrongful no-knock raids are already treated as little more than collateral damage in the war on drugs. The Cory Maye case indicates that those who defend themselves in such desperate situations are to be regarded as little better than terrorists or insurgents.

At the time of its birth nearly 40 years ago, SWAT was intended to forestall the militarization of police not to facilitate it. Daryl Gates, the former chief of the Los Angeles Police Department, is credited with devising the concept. As Gates explains in his memoir *Chief: My Life in the LAPD*: "Whereas the military will go in with bazookas and blow the place apart, SWAT's main objective *always* is to get everybody safely out. If anybody gets killed or injured, the operation's a failure..."

SWAT had its baptism of fire in a December 1969 firefight with members

of the Black Panther militia in South Central Los Angeles. A police officer, responding to neighborhood complaints about noise blasting from a loudspeaker at the Black Panther headquarters, had paid the Panthers a visit—only to be chased away by gun-wielding thugs. An arrest warrant was issued, and a large SWAT team was sent to serve it. Tipped off about the raid, armed to the teeth, and ensconced in a heavily fortified building, the Panthers held off the SWAT team for hours. Three officers were wounded, one of them shot six times.

Anxious to break the impasse and bring the firefight to an end, Gates put in a request to Camp Pendleton for a grenade launcher, fully understanding the grave implications of that request. The commanding officer at Camp Pendleton informed Gates, "You're going to have to get permission from the Department of Defense and probably the President of the United States." Eventually the request was approved, but the Panthers surrendered before the grenade launcher was deployed—much to Gates' relief.

SWAT was born amid the urban riots and related violence of the late 1960s as a way of dealing with armed robberies, hostage situations, and the threat of domestic terrorist groups like the Black Panthers and the Symbionese Liberation Army. By the late 1990s, notes Cecilia Weber, a writer on law enforcement and criminal justice, "nearly 90 percent of the police departments surveyed in cities with populations over 50,000 had paramilitary units, as did 70 percent of the departments surveyed in communities with populations under 50,000."

While SWAT-type tactical teams have proliferated, the institutional and ideological barriers separating law enforcement from the military have nearly been eliminated. Observes Weber, "Congress has encouraged the US military to supply intelligence, equipment, and training to

civilian police. That encouragement has spawned a culture of paramilitarism in American law enforcement."

Where Daryl Gates was informed in 1969 that procuring a single grenade launcher may require presidential authorization, the federal government now routinely equips local police tactical squads with cutting-edge military gear. "The Pentagon has been supplying [tactical] units with M-16s, armored personnel carriers, and grenade launchers," reports Weber. "The police paramilitary units also conduct training exercises with active duty Army Rangers and Navy SEALs." Adds Eastern Kentucky University's Pete Kraska: "Our research showed, in fact, that almost 50 percent of police departments today are engaged in some kind of training with military special operations experts currently."

Predictably, police tactical teams now focus on occupying and dominating a battlefield rather than protecting and serving a community. This is reflected in comments offered by a member of a metropolitan police tactical team who took part in a national survey.

"We're into saturation patrols in hot spots," the officer explained. "We do a lot of our work with SWAT units because we have bigger guns. We send out two, two-to-four-men cars, we look for minor violations and do jump-outs, either on people or on the street or automobiles. After we jump-out the second car provides periphery cover with an ostentatious display of weaponry. We're sending a message: if the shootings don't stop, we'll shoot someone."

Coming from a Marine detachment patrolling neighborhoods in Fallujah, that message is understandable. Coming from local police in the United States, it portends the arrival of a garrison state. ■

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Arts & Letters

FILM

[*Night Watch*]

From Russia With Blood

By Steve Sailer

RUSSIA'S TRIUMPHANT RISE from cultural backwater to dazzling center of creativity and profundity during the century before the Bolshevik Revolution was mirrored by its sad decline under Communism. The collapse of the Soviet Union in 1991 might have been expected to unshackle Russian artistry, but over the last decade and a half, little has emerged that has caught the attention of the West.

Still, hope for a Russian aesthetic revival endures, so when the film "Night Watch," the first of a planned trilogy that has set box-office records in Russia, finally reached America, the Saturday evening crowd at an art-house cinema in West Los Angeles solemnly took it in as if it were the second coming of *Crime and Punishment*.

In reality, "Night Watch" is a clever and entertaining—if confusing and not at all scary—commercial fantasy film about supernatural undercover cops who arrest vampires. While reminiscent of the great Mikhail Bulgakov's long-banned 1930s novel about the devil's visit to Stalin's Moscow, *The Master and Margarita*, it's actually closer to the TV show "Buffy the Vampire Slayer" and last year's Keanu Reeves theological thriller "Constantine."

"Night Watch" is built on the current

Hollywood economic model. It's a special-effects-encrusted and lavishly advertised blockbuster that has spawned a franchise. Of course, the financial scale is tiny by comparison: "Night Watch" cost all of \$4 million to make and reaped \$16 million at the Russian box office. Fortunately, a dollar goes a lot farther in Russia, and "Night Watch" looks terrific. The computer-generated imagery is professional, and Moscow's grubbiness has never been depicted so slickly. While "Night Watch" is a pastiche of American hits, there's a distinct Russian flavor and a crucial anti-abortion plot twist that Hollywood wouldn't touch.

As veteran investigative reporter Edward Jay Epstein documented in *The Big Picture*, television's seduction of the old habitual moviegoer has meant that the studios must conjure up an audience from scratch for each new film, at an average of almost \$30 million in American advertising costs.

Not surprisingly, movie executives therefore try to lessen risk by green-lighting familiar-sounding titles, such as sequels. Unfortunately, this can result in "Matrix" syndrome, where the filmmakers who expended every idea they ever had in their breakthrough movies are exposed as creatively bankrupt when given huge budgets to concoct follow-ups.

An alternative is to plan on shooting a trilogy from the beginning, as in "Lord of the Rings." The downsides, however, of plotting on a three-film scale, from which "Night Watch" suffers, are that the first installment spends an inordinate amount of time introducing plot and characters and never reaches a satisfying resolution.

Loosely based on the first novel in a bestselling trilogy by science-fiction

author Sergey Lukyanenko and directed by Timur Bekmambetov, both born in Kazakhstan, the film expounds a vaguely Zoroastrian dualistic cosmology. The battle between the well-balanced forces of Light and Darkness, fought by mystical Others who dwell amongst us, once became so destructive that in 1342 their leaders negotiated a complex truce. But now this Cold War threatens to turn apocalyptically hot again.

The heroes of "Night Watch" are a grungy squad of Light Other police officers who work at night, apprehending bloodsucking Dark Others who violate the rules. Yet the main characters seem to be willing to break a lot of eggs to make an omelet, dangling innocent humans as "live bait" to entrap the vampires.

How do we know the protagonists actually are the good guys they repeatedly insist they are? The vampires, who on a personal level are often friendly or glamorous, argue that they're just doing what comes naturally when "the hunger" is upon them and seem sincerely aggrieved by the cops' procedural corner-cutting. Indeed, these vampires aren't all that bloodthirsty by the standards set by such prominent historical Muscovites as Ivan the Terrible, Trotsky, and Beria.

It's possible "Night Watch" is an ambivalent allegory of recent Russian history, in which the morose heroes—who espouse high ideals for which the ends justify the means—represent the old Soviet KGB secret police, while the sleazy villains—gangsters, pop stars, and black marketers—embody the new Russian mafioso capitalism.

Or then again, "Night Watch" might be just a cops-and-vampires flick. We'll have to wait for "Day Watch" and "Dusk Watch" to find out. ■

Rated R for strong violence, disturbing images, and language.