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# HOW TO DEMILITARIZE THE POLICE

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# INTRODUCTION

As peaceful protesters throughout the United States challenge the police killings of Black women and men, they are confronted today with fully militarized police forces, equipped with M4 rifles, sniper scopes, camouflage gear and helmets, tanks and mine-resistant ambush-protected (MRAP) vehicles, and grenade launchers from the

wars in Iraq and Afghanistan. Heavily weaponized police officers in fully armored vehicles face-off against mostly peaceful and unarmed civilian protesters. A new militarized police force has been deployed on Main Street USA, with images like these flooding our news feeds and social media:



This was on display on June 1 in Washington, D.C., after President Donald Trump mobilized the military police and a U.S. Army Black Hawk helicopter to control peaceful protesters, and deployed the 82nd Airborne Division to D.C. Then, after tear-gassing and shooting peaceful protesters with rubber bullets to clear a path for that now-infamous church photo-op, Trump marched with the Secretary of Defense and the highest-ranking military general, Chairman of the Joint Chiefs of Staff Mark Milley, by his side—with General Milley in full combat uniform.

That same day, two Black Hawk military helicopters hovered over protesters, creating winds with the force of a tropical storm—a classic counterinsurgency tactic used in Afghanistan. One of the helicopters flew as low as 45 feet, below the height of nearby buildings, in a show of military force unparalleled on U.S. streets.<sup>1</sup>

Shortly before these events played out, Trump explicitly called for a militarized response and “total domination” of the battlefield in order to eradicate protesters, whom he labelled domestic “terrorists” in a meeting with governors. Trump put General Milley in charge of the federal government’s response to the nationwide wave of protests after George Floyd’s death, and repeatedly emphasized the need for law enforcement to “dominate” the battlefield. “If you don’t dominate your city and your state,” they’re gonna walk away with you,” he stressed. “[In D.C.] we’re going to have total domination.”

“I wish they had an occupying force in there,” Trump declared. Esper agreed, saying earlier in the meeting that, “we need to dominate the battlespace.”

This rhetoric is not unique to the Trump administration—it reflects the reality of modern American policing in towns and cities across the country. In 2014, responding to protests in Ferguson, Missouri, after the police killing of Michael Brown, SWAT officers, dressed in Marine pattern (MARPAT) camouflage moved next to armored vehicles that looked like tanks with mounted high-caliber guns. They frequently pointed their Mega AR-15 Marksman and M4 rifles, sniper Leupold long-range scopes, and acoustic riot-control devices at protesters. In their military helmets and goggles, with tear gas grenade launchers, twelve-gauge shotguns, long knives, and night-vision equipment, the police looked exactly like battlefield soldiers in the War on Terror.

The police in Ferguson and elsewhere look like military soldiers, not surprisingly, because all their equipment comes from the wars in Iraq and Afghanistan.

## MILITARY TRANSFERS TO THE POLICE

As a result of Department of Defense programs that distribute excess military equipment, billions of dollars’ worth of armored vehicles, military weapons, and tactical equipment have reached local police forces across the country. According to the *Washington Post*, transfers through the Excess Property Program, known colloquially as the “1033 program,” has increased exponentially

1. The Washington Post reconstructed this show of force using flight-tracking data, images and videos. <https://www.washingtonpost.com/graphics/2020/investigations/helicopter-protests-washington-dc-national-guard/>

since the war in Iraq. In 2006, the program was transferring \$33 million worth of excess property to law-enforcement agencies; by 2013, that number rose to \$420 million. In the first four months of 2014 alone, the agency made \$206 million in transfers. Overall, the 1033 Program has transferred military equipment worth more than \$7 billion since it started in the mid-1990s.

And the 1033 program isn't local law enforcement's only source of military-grade equipment. In 2014, *The Guardian* reported that it "is eclipsed in size and scope by grant money from the Department of Homeland Security (DHS), which enables purchases of similar 'tactical' equipment," including the Bearcat armored vehicles used to quell protests in Ferguson. The program has distributed billions of dollars to states and local governments with few restrictions and little oversight of how the money is spent. All told, between 2009 and 2014, the federal government "provided nearly \$18 billion dollars in funds and resources to support programs that provide equipment and tactical resources to state and local LEAs [law-enforcement agencies]," according to the Congressional Digest.

As a result, police forces across the country have stockpiled over 500 military-grade aircrafts, 44,000 night-vision devices, 93,000 assault weapons, 200 grenade launchers, and 12,000 bayonets. From 2006 to 2014, the 1033 program funneled to local law enforcement over 600 mine-resistant ambush-protected vehicles (MRAP), 475 bomb-detonator robots, 400 helicopters, as well as thousands of combat knives, night-vision sniper scopes, and camouflage gear.

## POLICE ADOPT MILITARY'S COUNTERINSURGENCY STRATEGIES

All this military-grade equipment enables the tactics of violence and intimidation that have become de rigueur in response to peaceful protests, but police militarization runs deeper than just equipment. In a 2015 law review article, former police officer-turned-law professor Seth Stoughton documents the "warrior mindset" that officers are trained to cultivate. "Modern policing has so thoroughly assimilated the warrior mythos," he writes, that "at some law enforcement agencies, it has become a point of professional pride to refer to the 'police warrior'"—the hypervigilant police officer at war with their community, prepared to kill everyone they meet. Likewise, journalist Radley Balko traced the history of local police militarization in his book *Rise of the Warrior Cop: The Militarization of America's Police Forces*. His conclusion perfectly summarizes our condition today: "Police today are armed, dressed, trained, and conditioned like soldiers."<sup>2</sup>

With shared culture, training, uniforms, weapons, and equipment, ordinary police forces and military units can hardly be distinguished. This military buildup of civilian police forces has also resulted in an increased use of militarized tactics, including the deployment of counterinsurgency practices learned in the villages and moats of Iraq and Afghanistan. Civilian law enforcement now regularly responds to 911 calls about suspicious

2. Radley Balko, *Rise of the Warrior Cop: The Militarization of America's Police Forces* (New York: Public Affairs, 2013), 333.

persons with the exact same techniques that would be used in a raid in Iraq or Afghanistan. In part, this is due to the porous nature of police, military, and reserve personnel and training. Many police officers are in the reserves, and vice versa, and many military veterans become police officers after they are discharged. It is also due to the dominance of the counterinsurgency paradigm in the law-enforcement imagination.

As an infantryman with the U.S. Army's 3rd Stryker Brigade, 2nd Infantry Division in Iraq, Alex Horton conducted countless counterinsurgency raids against suspected guerrilla fighters in Iraq. When he returned stateside, Horton accidentally found himself at the other end of the barrel. He had been temporarily placed in a vacant unit in his apartment complex, while his rental unit was being repaired, when someone suspected him of being a squatter. Three police officers barged into his temporary unit, guns drawn, sweeping the place, backing into corners, and pointing their weapons at him. "In the shouting and commotion, I felt an instant familiarity," Horton wrote. "I had done this a few dozen times myself, 6,000 miles away from my Alexandria, Virginia, apartment. I had conducted the same kind of raid on suspected bombmakers and high-value insurgents."

It was the same techniques, the same movements, practically the same equipment. "Their tactics were similar to the ones I used to clear rooms during the height of guerilla warfare in Iraq," Horton observed. "I could almost admire it—their fluid sweep from the bedroom doorway to the distant corner. They stayed clear of one another's lines of fire in case they needed to empty their Sig Sauer .40-caliber pistols into me."

Hypermilitarized equipment and counterinsurgency practices have seeped into ordinary domestic policing. The result are scenes like this in homes and on streets across the United States—where the target is not a suspected bombmaker, but a protester or someone with an eviction notice. In Oakland, when the Alameda County Sheriff's Office evicted Moms 4 Housing organizer Dominique Walker and her children from a previously vacant home, they arrived with an armored car and a tactical team wielding AR-15 rifles.

These trends are the outcome of the domestication of counterinsurgency strategies from colonial wars of the Western powers in the 1950s and 60s. As I show in *The Counterrevolution: How Our Government Went to War Against Its Own Citizens*,<sup>3</sup> the United States has embraced and gradually domesticated a counterinsurgency model of governing that operates through total surveillance (or what is now called "total information awareness"), eradicating an internal enemy, and pacifying the masses—the three key prongs of counterinsurgency warfare. The hypermilitarized police on American streets is just the final evidence of this development.

In this three-step movement, of world historical proportion, our government has brought home to roost the logic of counterinsurgency warfare strategies. It started abroad, post September 11, in our wars in Iraq and Afghanistan, where the United States redeployed the counterinsurgency warfare strategies that the colonial powers had developed in Indochina, Algeria, Malaya, and Vietnam. Those unconventional war logics were then deployed more widely throughout our foreign policy, turning to drone strikes to summarily eliminate even our own citizens abroad, outside the war zone, and to total

3. Harcourt, Bernard E., *The Counterrevolution: How Our Government Went to War Against Its Own Citizens* (Basic Books, 2018).

information awareness on all foreigners around the globe. Then finally, in what can only be described as a tragedy of poetic justice, we brought it all home, hypermilitarizing our police and turning them into counterinsurgency tactical units equipped with night scopes, military-grade assault weapons, armored vehicles, and grenade launchers, to face off with unarmed protesters in T-shirts.

## STRATEGIES & POLLING

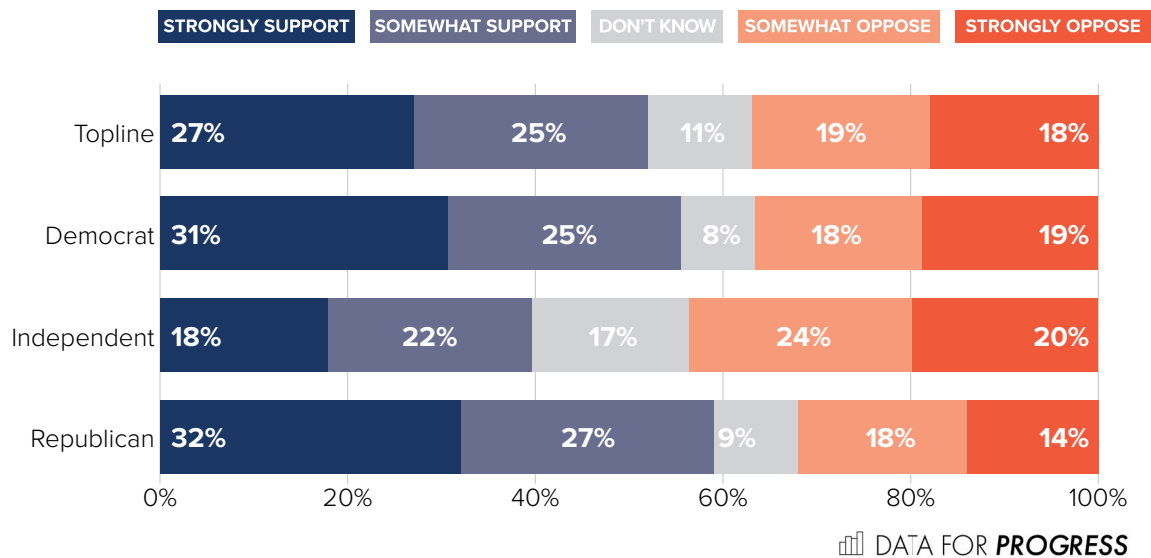
The way forward, to reverse this “Counterrevolution,” will require changing the very ways that the United States governs abroad and at home. It will also require dramatic cultural shifts within law enforcement. Demilitarizing

and defunding the police is a large, complex, and multifaceted undertaking.

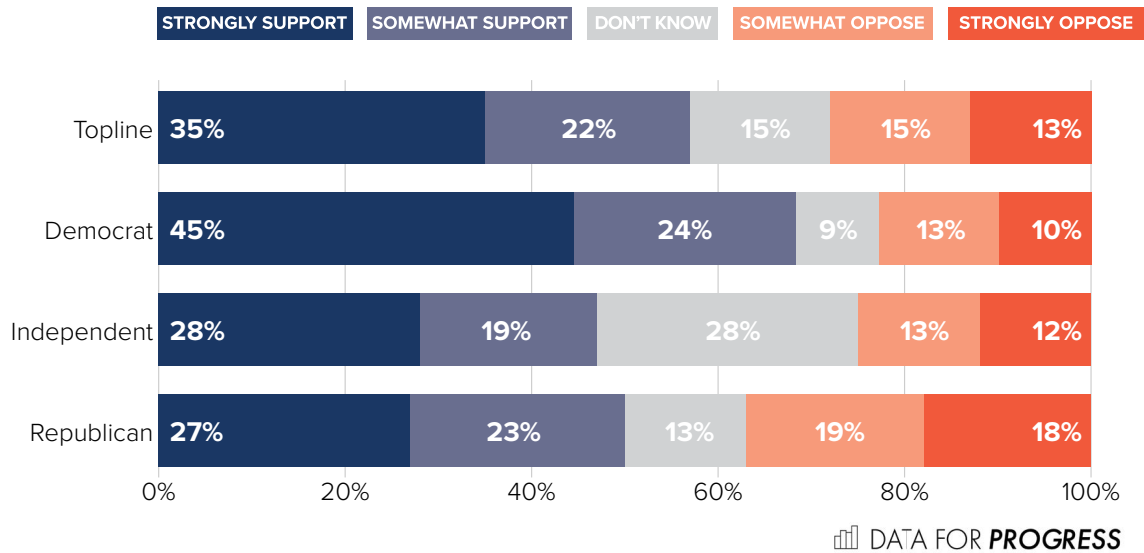
But a first step in that direction, and the most immediate change, is eliminating access to military-grade weapons and other equipment. Polling from Data for Progress and The Justice Collaborative Institute shows bipartisan support for this approach, which can easily be achieved through several policy changes at the federal, state, and local levels.

At the federal level, Congress should both end the 1033 program, that transfers surplus military equipment to local police departments, and restrict the use of DHS grants, so that funds cannot be used to obtain weapons of war like grenade launchers, weaponized drones, tracked combat vehicles, armor-piercing ammunition, and tear gas.

### Do you support or oppose stopping the sale of military-style equipment by the federal government to police departments, including armored or weaponized drones, militarized armored vehicles and grenades?



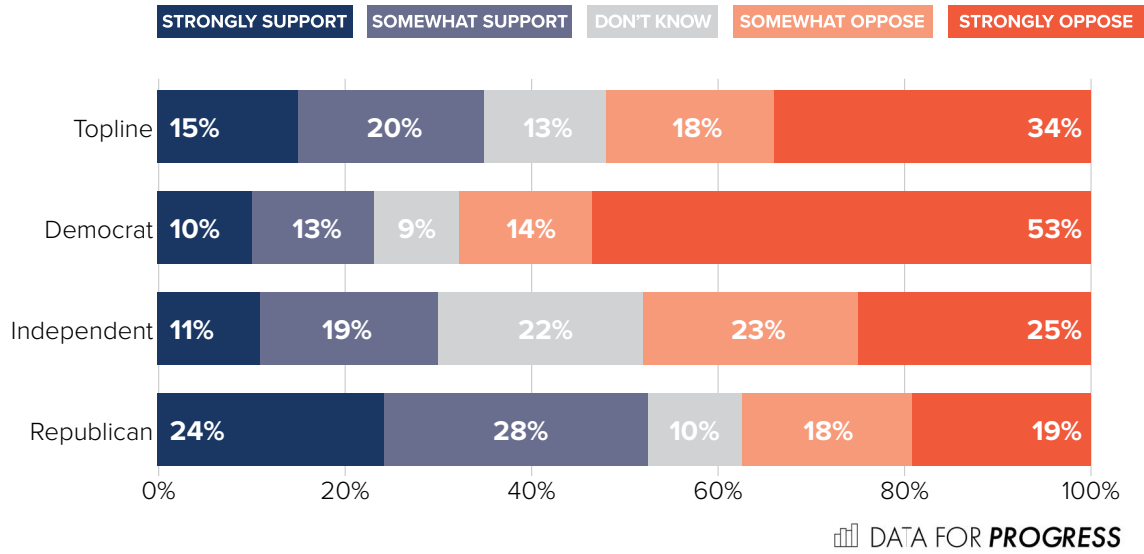
**Do you support or oppose banning the Department of Defense from transferring certain equipment to state and local law enforcement agencies, such as bayonets, grenade launchers, tracked combat vehicles, weaponized drones and asphyxiating gases?**



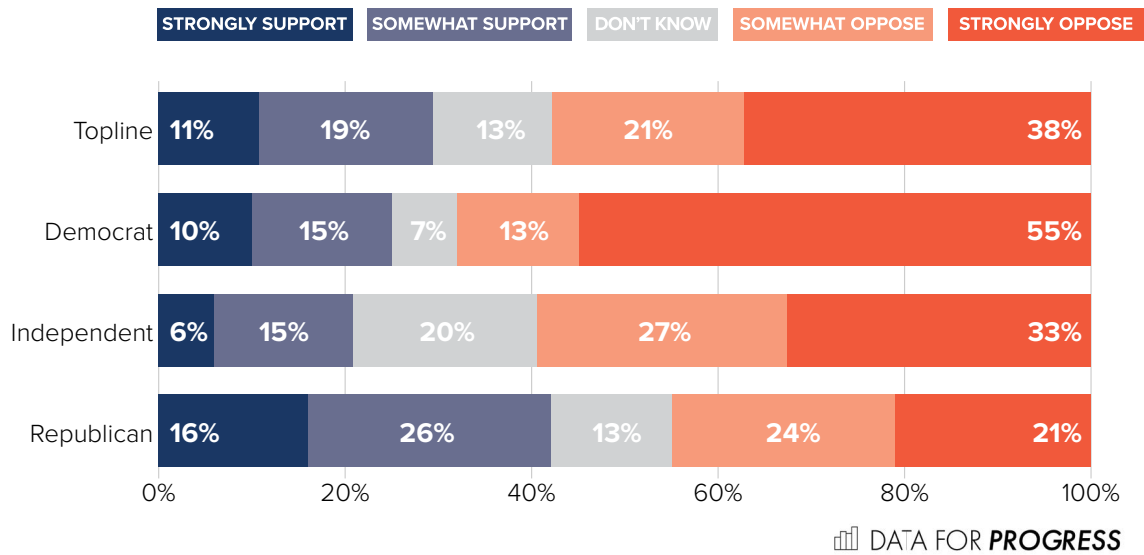
States can achieve the same results through legislation that bans military equipment acquisitions, whether through 1033 transfer or purchase. In Montana, for example, [state law](#) prohibits state or local law enforcement from receiving certain classes of military equipment from the 1033 program and also bans law enforcement agencies from purchasing such military equipment with federal grants. Montana law enforcement agencies can still purchase the equipment using state or local funds, but must give public notice within 14 days of a request for any such purchase.

Both the federal and state governments should also restrict how any equipment in law enforcement's possession may be used, including by banning the use of transferred or purchased military equipment against First Amendment-protected activities, including the right to peaceably assemble and petition the government for redress of grievances.

**Do you support or oppose the use of military vehicles and weapons to respond to protesters exercising their First Amendment rights?**



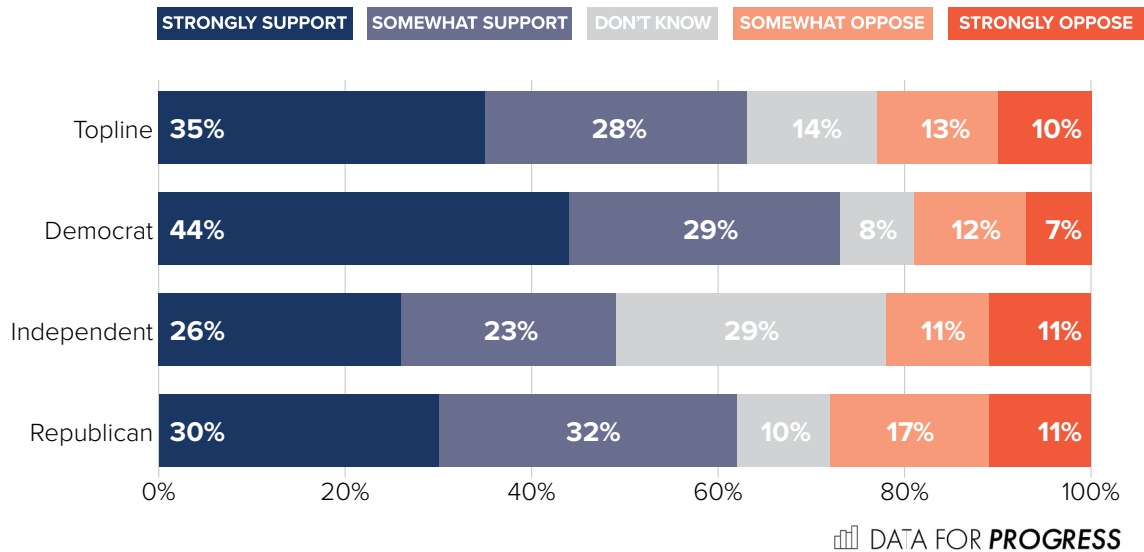
**Do you support or oppose the use of military vehicles and weapons in every day policing?**



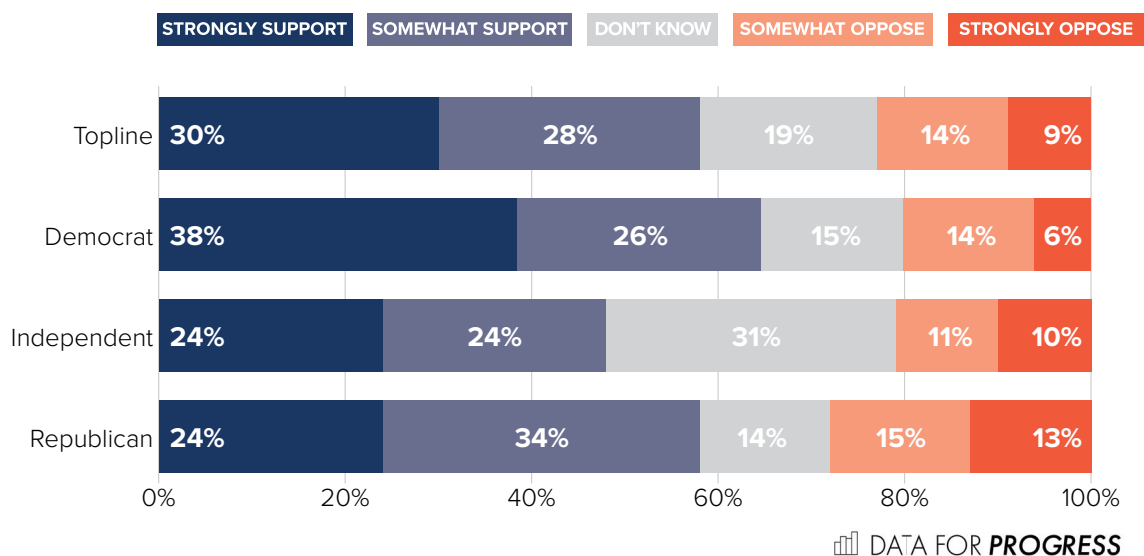


The fact is, voters support Congress imposing greater accountability and transparency in how law enforcement agencies acquire and use military equipment.

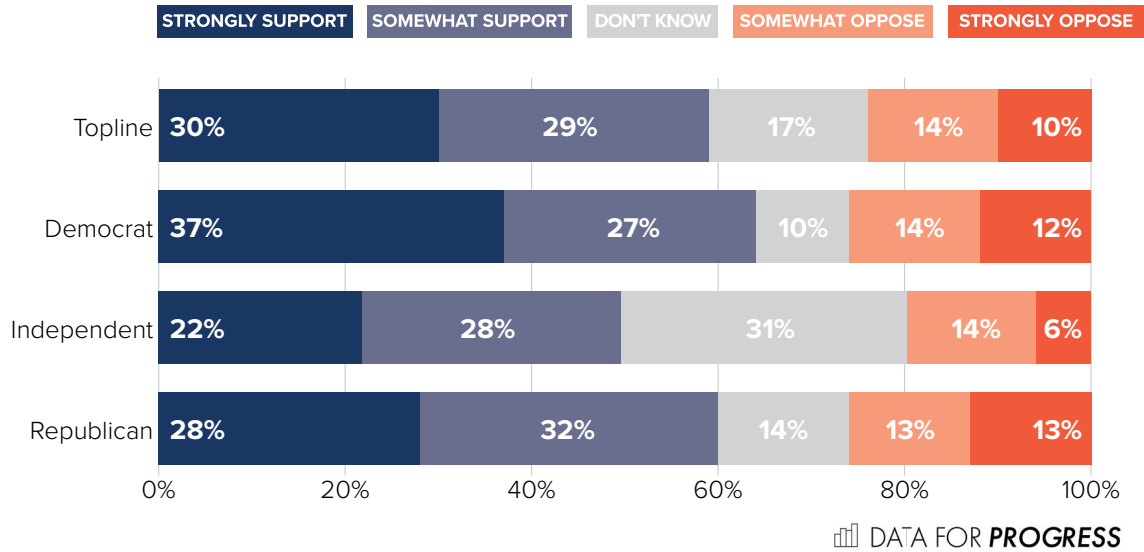
**Do you support or oppose requiring state and local law enforcement agencies to receive approval from city council (or other relevant governing bodies) before acquiring military equipment from the Department of Defense?**



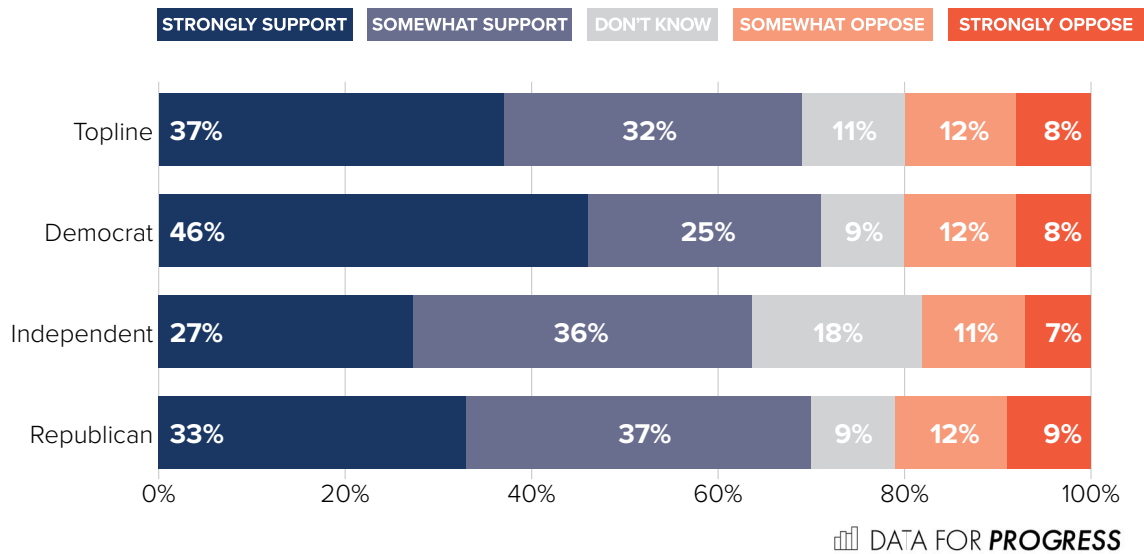
**Do you support or oppose requiring state and local law enforcement agencies to provide communities with at least 30 days notice before requesting equipment from the Department of Defense?**



**Do you support or oppose the federal government creating a website that displays the military-style equipment law enforcement agencies have received?**



**Do you support or oppose requiring law enforcement agencies that purchase military-style equipment to provide justifications for the purchases so they cannot get more military equipment than they need?**



# POLLING METHODOLOGY

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From 9/18/2020 to 9/19/2020, Data for Progress conducted a survey of 1,104 likely voters nationally using web panel respondents. The sample was weighted to be representative of likely voters by age, gender, education, race, and voting history. The survey was conducted in English. The margin of error is +/- 2.9 percentage points.

For the questions regarding activity protected by the First Amendment and using military equipment for every day policing: From 7/2/2020 to 7/3/2020, Data for Progress conducted a survey of 1,303 likely voters nationally using web panel respondents. The sample was weighted to be representative of likely voters by age, gender, education, race, and voting history. The survey was conducted in English. The margin of error is +/- 2.7 percent.