

Written by Joe Wolverton, II, J.D. on September 8, 2014 Published in the September 8, 2014 issue of <u>the New American</u> magazine. Vol. 30, No. 17

When Local Police Become a "Standing Army"

"A SWAT team blew a hole in my 2 year-old son."

A toddler was put in a medically induced coma and hospitalized for more than a month after a Cornelia, Georgia, SWAT team tossed a flash-bang grenade into his crib during the execution of a "no-knock" warrant.

Bounkham Phonesavanh was 19 months old and was asleep in his crib when police broke down the front door of the residence he was in in the early morning hours on May 28 and threw the grenade into the front room. His mother, father, and three sisters were in the room as well.



In May, the baby's mother, Alecia Phonesavanh, described the ordeal in detail, including the relevant account of the near-fatal blurring of the line between soldier and cop:

Flashbang grenades were created for soldiers to use during battle. When they explode, the noise is so loud and the flash is so bright that anyone close by is temporarily blinded and deafened. It's been three weeks since the flashbang exploded next to my sleeping baby, and he's still covered in burns.

As civil unrest engulfs Ferguson, Missouri, and police patrol the streets in armored personnel vehicles and confront unarmed citizens while wearing riot gear like something out of *Robocop*, headlines from around the country relate similar stories of cops training like, dressing like, and acting like soldiers.

"23 Police Officers Fire 377 Bullets at Two Men With Zero Guns" is the headline of an article by Conor Friedersdorf published in *The Atlantic*. Friedersdorf goes on to recount the unbelievable behavior of Miami law enforcement in pursuit of a suspect:

The local CBS affiliate has investigated a police shooting that happened there last December. The results are jaw-dropping. A man who committed armed robbery and shot a police officer hours earlier was spotted in his automobile, along with a passenger who played no role in his crime. Police officers gave chase.

CBS reports what happened next:

The suspect's blue Volvo crashed into the backyard of a townhouse.

It was later determined that neither the suspect nor the passenger was armed. Police officers nevertheless fired two barrages of bullets into the vehicle. Witnesses say that after the first volley of approximately 50 bullets, the two men were still alive.

Anthony Vandiver, who lives in a building adjacent to the lot, saw the incident. "They were saying put your hands up, and the guys were still moving after they shot maybe 50, 60 times," he said. "And the guy tried to put his hands up. And as soon as he put his hands up, it erupted again. And that was it for

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them. That guy tried his best to give up. I swear to God on everything I love, my kids, my momma, everything, I seen it all."

Roughly two minutes passed between volleys.

After the second volley both men were dead. Said another witness: "The policemen that had on the black and white vests were out there laughing like it was so funny."

In another part of the country, cops stormed a house wearing masks covering their faces, dressed in military special forces-style black uniforms and battle helmets. They busted down the door using a battering ram, then rushed the occupants, seizing and breaking one camera and preventing another from recording the remarkable scene.

What was the heinous violent crime with which the intended target of the raid was charged? Murder? Rape?

Credit card fraud.

This is the incredible, incomprehensible story told by *Washington Post* civil liberties blogger Radley Balko in his February 4 opinion piece, "Scenes from a militarized America: Iowa family 'terrorized.'" Balko's story includes a video of the incident. Regarding the police department's response, Balko explained:

Finally, note that police department officials say they "do not have a written policy governing how search warrants are executed." That's inexcusable. Most police departments do. But whether or not they're governed by a formal policy, the use of these kinds of tactics for nonviolent crimes like credit card fraud is hardly unusual, and it's happening more often, not less. I've reported on jurisdictions where all felony search warrants are now served with a SWAT team. At least one federal appeals court has now ruled that under the Fourth Amendment, there's nothing unreasonable about using a SWAT team to perform regulatory inspections. To be fair, two others have ruled that such tactics are not reasonable. But it's concerning that this would even be up for debate. We have plenty of discussion and analysis about when searches are appropriate. We also need to start talking about how.

Transformation of Police

In a free society, police officers are more likely to be viewed as friends whose purpose is "to protect and serve" their fellow citizens. Their numbers are few and their firepower and other means of enforcement are not so immense and intimidating as to cow and overawe the local citizenry, from whom, ultimately, they receive their authority — and their paychecks. In an authoritarian or totalitarian society, on the other hand, police officers are viewed with fear and suspicion as agents of a despotic central government, vested with the authority and means to deprive the hapless citizenry of life, property, and liberty at whim. In many countries, the police force is a ubiquitous, nationalized gendarmerie that is indistinguishable from the military establishment, of which it is, in many cases, merely a subsidiary.

As the number of U.S. troop-heavy foreign interventions decreases, the warcraft and weaponry used in battle are now being deployed in American neighborhoods as the members, machines, and methods of law enforcement become increasingly indistinguishable from those of the military.

This is the situation as revealed in a new report published by the American Civil Liberties Union entitled "War Comes Home: The Excessive Militarization of American Policing." The ACLU provides a

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brief history of the creation and transformation of SWAT:

SWAT [Special Weapons And Tactics] teams were created in the late 1960s as "quasi-militaristic" squads capable of addressing serious and violent situations that presented imminent threats such as riots, barricade and hostage scenarios, and active shooter or sniper situations. The first SWAT team, at the Los Angeles Police Department, was developed in the wake of a series of emergency situations in which local police felt unable to respond as swiftly or as effectively as was necessary. SWAT teams have since expanded in number, and are used with greater frequency and, increasingly, for purposes for which they were not originally intended — overwhelmingly to serve search warrants in drug investigations.

To be sure, the ACLU is less than an objective, trustworthy source. Besides constantly utilizing the federal courts to strike down the reserved powers of state and local governments and increase the power of the national government, the ACLU has been a frequent ally of totalitarian regimes and subversive and terrorist organizations. Not only has the ACLU been top-heavy with communist and procommunist leaders since its founding (e.g., Roger "communism is the goal" Baldwin, and Communist Party USA officials Helen Gurley Flynn and William Z. Foster), but more recently the organization elevated unrepentant Weatherman terrorist Bernadine Dohrn to its national advisory board. Nevertheless, its "War Comes Home" report offers further documentation of the militaristic transformation of our police that this magazine and other sources have been exposing and opposing.

In the case of Bounkham Phonesavanh, SWAT team members executed the no-knock warrant after receiving a tip from an informant that the informant had bought methamphetamine from a man named Wanis Thometheva, the Phonesavanhs' nephew, earlier that day. Precisely the perversion of the power documented in the ACLU report.

"War Comes Home" reviews 818 SWAT operations from July 2010 to October 2013. These operations were carried out by more than 20 law-enforcement agencies in 11 states. The 96-page report reveals that the increasingly militaristic police — forces equipped, trained, and often outfitted by the Pentagon — are behaving with a belligerence more at home on the battlefield in the face of an armed enemy than in neighborhoods while performing routine duties once accomplished with little more than a squad car and a badge.

The sources of the funds that equip formerly cash-strapped towns and cities are also covered in the ACLU report. As the organization writes,

Law enforcement agencies have become equipped to carry out these SWAT missions in part by federal programs such as the Department of Defense's 1033 Program, the Department of Homeland Security's grants to local law enforcement agencies, and the Department of Justice's Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

"Neighborhoods are not war zones, and our police officers should not be treating us like wartime enemies," the ACLU says.

The authors of the study recognize that their findings are not new, but only another brick of evidence in the wall of proof incriminating the police for treating Americans as suspects, rather than as fellow citizens.

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Homeland Security Co-opts Cops

Steadily and speedily, the forces of the militarized police are denying citizens the protections of fundamental civil liberties afforded us by the Bill of Rights. While there remain legions of lawenforcement officers devoted to protecting and serving their fellow citizens, the federal government's proffer of powerful, free (or almost free), weapons, vehicles, gear, and tactical training is making the allure of becoming an unofficial branch of the armed forces irresistible.

When they are patrolling the streets of their cities, cops these days look more like soldiers or Darth Vader-esque Imperial Storm Troopers than police, thanks again to the buckets of cash dumped into coffers by Homeland Security. Self-serving bureaucrats inside the U.S. government are tirelessly trying to obliterate local police forces answerable to local citizens and promote the consolidation movement as a step toward nationalization of all law enforcement.

These proponents of regional and national police forces desire nothing less than the eradication of all local police departments and sheriffs' offices, the surrender of state and municipal sovereignty, and the conversion of cops into federal security agents sworn not to protect and to serve their neighbors, but to protect the prerogatives of politicians, precisely the type of tyrannical symbiosis that our Founders feared would one day obliterate the liberty they sacrificed so much to preserve.

Take for example the information contained in a White Paper presented in 2012 to the House Permanent Select Committee on Intelligence. In that report, the Department of Homeland Security (DHS) is encouraged to embark on an "evolving mission" away from its ostensible purpose of fighting terrorism, toward becoming the administrator of an enormous domestic intelligence agency resulting from an integration of the country's local and state law-enforcement agencies.

The White Paper was written by the Aspen Institute Homeland Security Group, co-chaired by former DHS chief Michael Chertoff. The blueprint promoted in the report pushes Congress toward greenlighting the growth of DHS and the dissolution of local police and sheriffs.

The organization described in the paper, entitled "Homeland Security and Intelligence: Next Steps in Evolving the Mission," is reminiscent of more-draconian governments. For example, one section of the report calls for a transition in the mission of DHS away from protecting the country from the "terrorism" of foreign militants and toward "more specific homeward focused areas." Additional sections of the report lay out the plans for building a DHS/police hybrid agency that can monitor Americans in any town and prevent threats from fellow citizens.

In order to achieve their ultimate aim, the authors of the report demand that DHS or some other federal agency take control of the personnel decisions currently made by local police chiefs and county sheriffs. "As the threat grows more localized," the report claims, "the federal government's need to train, and even staff, local agencies, such as major city police departments, will grow." Put another way: The federal government will run your local police department and sheriff's office.

A key component of this proposal is the establishment of "fusion centers." The following information is taken from a fact sheet on fusion centers posted on the DHS website: "A fusion center is a collaborative effort of two or more agencies that provide resources, expertise and information to the center with the goal of maximizing their ability to detect, prevent, investigate, and respond to criminal and terrorist activity."

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A description of the functioning of these incubators for the forthcoming federal police force is also provided on the DHS site:

State and major urban area fusion centers (fusion centers) serve as primary focal points within the state and local environment for the receipt, analysis, gathering, and sharing of threat-related information among federal, state, local, tribal, and territorial (SLTT) partners.... Fusion centers conduct analysis and facilitate information sharing, assisting law enforcement and homeland security partners in preventing, protecting against, and responding to crime and terrorism.

The literature promoting the acceptance of fusion centers lists several ways the new federal agency will impose its will on the formerly autonomous and accountable police chief or county sheriff.

First, the feds will decide where and when to deploy local police department personnel. The chief, if he still exists, will be no more than a functionary required to make sure that the orders of the federal government are carried out. More likely than not, these new missions, in addition to purportedly preventing crime in the city or county, will engage in the collection of information about and apprehension of those local citizens identified by a committee in Washington as posing a threat to national security. Consider the revelation in 2009 that Homeland Security's Office of Intelligence and Analysis released a document entitled "Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalism and Recruitment," which listed war veterans, anti-abortion activists, small-government advocates, and those concerned about immigration as terrorist risks.

Second, DHS (or whichever one of the federal agencies eventually takes over law-enforcement duties) will train new recruits. Policies, procedures, and purposes will not reflect traditional (and constitutional) goals of law enforcement, but will be tailored to training officers to perform those duties associated with the new, national emphasis of the force, with a slant toward federalism.

Finally, funds for this conversion from local police department to outpost of the federal law-enforcement agency will be provided by the bureaucrats on Capitol Hill. This carrot will be tied to the stick of federal control.

The Allure of Using Technology

Is there a chance that DHS is funneling all this money and materiel to local police to prepare them to quell popular uprisings? One expert thinks that may be the case.

Jim Fitzgerald worked for eight years as a vice and narcotics squad detective in Newark, New Jersey, before joining the staff of The John Birch Society. He is point man for the conservative organization's "Support Your Local Police and Keep Them Independent" initiative. In an interview with The New American, Fitzgerald said there is "virtually no use" for the military-grade equipment being bought by local law enforcement with DHS grant money. "The only reason to have this equipment is to use it," Fitzgerald said, and it is likely it would be used against local citizens who have risen up and created some sort of civil disorder.

DHS, Fitzgerald believes, may be anticipating riots and looks to them as a justification for the militarization of the police. "They [DHS grants] are not good, not healthy, and not constitutional," Fitzgerald added.

The question that remains is, how long will Americans accept this militaristic transformation of their



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local police? Will we idly wait until this trend reaches its logical conclusion — a police state? At that point, the options are reduced either to slavish acceptance of tyranny, or active resistance, which is to invite being the target of all the tactical weaponry, ammunition, and monitoring technology that the DHS (and our tax dollars) has provided.

From license plate readers to facial recognition software, from surveillance cameras to cellphone signal trackers, the Department of Homeland Security is providing police with all the gadgets, hardware, and software necessary to keep everybody under surveillance, without the targeted public ever realizing that it's the Capital, not the cops, that is behind the monitoring.

Local police who participate in the program will have access to a shockingly broad array of personal information of citizens. Facial recognition technology, license plate readers, and stop light camera video feeds will all be funneled to a Regional Operations Intelligence Center where FBI, police, and DHS agents can watch the live feeds.

It is important to remember that there are several state law-enforcement agencies benefiting from Big Brother's data collection. In fact, Reuters reported last year that a secretive Special Operations Division (SOD) of the federal Drug Enforcement Administration (DEA) is "funneling information from intelligence intercepts, wiretaps, informants and a massive database of telephone records to authorities across the nation to help them launch criminal investigations of Americans."

The information cited by Reuters points to the fact that these cases "rarely involve national security issues," and that local law enforcement is directed by SOD to "conceal how such investigations truly begin."

The federal government is not being stingy with the electronic data vacuumed up by the National Security Agency (NSA), FBI, IRS, and other federal agencies, but is entering into "sharing agreements" with state and local counterparts who may ostensibly use the information as they see fit. It is yet another brick of evidence in the wall of proof that the federal government is purposefully converting local police forces into subordinate departments of the sprawling surveillance apparatus, converting precincts into what amount to no less than military posts.

Our Vigilant Founders

During the Virginia ratifying convention, James Madison described a standing army as the "greatest mischief that can happen." His colleague and fellow delegate to the Constitutional Convention of 1787, George Mason, put a finer point on it.

"No man has a greater regard for the military gentlemen than I have," said Mason. "I admire their intrepidity, perseverance, and valor. But when once a standing army is established in any country, the people lose their liberty. When, against a regular and disciplined army, yeomanry are the only defence, — yeomanry, unskillful and unarmed, — what chance is there for preserving freedom? Give me leave to recur to the page of history, to warn you of your present danger. Recollect the history of most nations of the world. What havoc, desolation, and destruction, have been perpetrated by standing armies!"

In *The Federalist*, No. 29, Alexander Hamilton echoes not only Mason's warning against a standing army, but his solution to the threat, as well. Hamilton averred:

If circumstances should at any time oblige the government to form an army of any magnitude that army



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can never be formidable to the liberties of the people while there is a large body of citizens, little if at all inferior to them in discipline and the use of arms, who stand ready to defend their own rights and those of their fellow-citizens. This appears to me the only substitute that can be devised for a standing army, and the best possible security against it, if it should exist.

In commenting on *Blackstone's Commentaries*, founding-era jurist St. George Tucker speaks as if he foresaw our day and the fatal combination of an increasingly militarized police force and the disarmament of civilians. "Wherever standing armies are kept up," wrote Tucker, "and the right of the people to keep and bear arms is, under any colour or pretext whatsoever, prohibited, liberty, if not already annihilated, is on the brink of destruction."

Does not some air of this same situation hang over the United States today? Are not the "rulers" in Washington, D.C. — through the Department of Homeland Security, FBI, and other federal agencies — forming and funding a standing army, albeit built upon the pre-existing structure of a formerly free and independent local law-enforcement apparatus?

Where the police were once the servants of the people and the law, often these officers wield weapons that are more at home on a battlefield than a boulevard and they are employing tactics more appropriate to prosecuting a war than serving a warrant.

Surely this vast and rapid militarization and federalization of local law enforcement is the very spirit — and likely the letter — of the establishment of a standing army that our Founders and the republican writers who influenced them regarded as "inconsistent with a free government," "dangerous to liberty," and a "grand machine of power and oppression."

Just how large is the local law-enforcement corps? According to data published by the Bureau of Justice Statistics, "Local police departments make up more than two-thirds of the 18,000 state and local law enforcement agencies in the United States." The organization also provides the following specific statistics regarding the size of the force:

In 2008, 12,501 local police departments with the equivalent of at least one full-time officer were operating in the U.S.

In 2008, local police departments had about 593,000 full-time employees, including 461,000 sworn officers. About 60% of all state and local sworn personnel were local police officers.

Standing Armies vs. Second Amendment

As the current administration and its globalist allies grow increasingly closer to carrying out their civilian disarmament agenda, the police — when reduced to little more than administrative units of the federal police state — will be the means whereby the confiscation is accomplished.

While it is undoubtedly true that many loyal, patriotic police officers will refuse to take part in any unconstitutional seizure of the weapons or ammunition of their fellow citizens, there is some evidence that there will be others who will gladly do the dirty work of disarmament.

"How would you feel if a police officer you knew for 20 years told you that if an order were issued to confiscate your guns, he wouldn't hesitate to 'kick your door in'?" Selwyn Duke asked in a March 2014 online article for The New American. "This was precisely the experience Connecticut resident, Navy veteran, and former firefighter John Cinque had after commenting on his state's 2013 violation of the



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Second Amendment."

"The [Connecticut] law in question criminalizes the sale of magazines holding more than 10 rounds and also certain semi-automatic rifles, and mandates that all grandfathered weapons and magazines must be registered with the state," Duke noted. "As for Cinque and the exchange with his 'old friend' — Branford Police Officer Joseph Peterson — which occurred on Facebook," Duke quoted Mikael Thalen at Infowars.com:

"I've had contact with a police officer in my home town, I live in Branford, and his words straight out were, 'I cannot wait to get the order to kick your door in,'" Cinque said.

... In multiple [Facebook] screenshots captured from the lengthy conversation, Peterson continually argued that law enforcement were not obligated to defy unconstitutional laws. Instead, Peterson stated that he would follow any order given, even if it meant confiscating firearms from close friends.

To one of the participants in the Facebook conversation (not Cinque), Peterson crudely declared, "I give my left n** to bang down your door and come for your gun."

Sadly, this sort of mentality may be on the rise as the police are increasingly armed and trained to behave like occupying soldiers rather than peace officers. Many otherwise well-meaning police officers may become gradually convinced that their role as lawmen requires them to enforce any law, even laws that are usurpations of power and violate state constitutions and/or the U.S. Constitution. Then, should any citizen resist, the officer will be equipped with the weapons and techniques necessary to punish the recalcitrant gun owner.

Beyond the threat to the Second Amendment posed by the crescendo of the cop-cum-soldier corps, there are liberty-minded scholars who look to the past and recognize similar sinister patterns in history. In his essay "The Right to Keep and Bear Arms Under the Second and Fourteenth Amendments: The Framers' Intent and Supreme Court Jurisprudence," author and legal scholar Stephen Halbrook marshals a host of citations from our founding era.

For example, Halbrook quotes Noah Webster, "the influential federalist whose name still appears on dictionaries," stating, "Before a standing army can rule, the people must be disarmed; as they are in almost every kingdom in Europe. The supreme power in America cannot enforce unjust laws by the sword; because the whole body of the people are armed."

Later, in that same paper, Halbrook cites court rulings regarding the dangers of a disarmed citizenry:

Justice [Joseph] Story stated: "The right of the citizens to keep and bear arms has justly been considered, as the palladium of the liberties of the republic; since it offers a strong moral check against usurpation and arbitrary power of the rulers; and will generally, even if these are successful in the first instance, enable the people to resist and triumph over them." Judge [Thomas M.] Cooley stated: "Among the other safeguards to liberty should be mentioned the right of the people to keep and bear arms.... The alternative to a standing army is 'a well-regulated militia'; but this cannot exist unless the people are trained to bearing arms."

The federal government's effort to disarm civilians and monopolize control over firearms, ammunition, and component parts is well chronicled in The New American. Police will be required, as part of the assimilation agreements — tacit or express — that are attached to the millions of dollars in federal grant money they take, to enforce the forcible seizure of weapons. Where once these fellow citizens



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would have resisted such obvious tyrannical requests, modern police will be powerless to resist, being reduced in many cases to nothing more than local outposts of the massive federal standing army.

In an essay published in the *Wall Street Journal* in August 2013, Radley Balko presented chilling and convincing evidence of the blurring of the line between cop and soldier:

Driven by martial rhetoric and the availability of military-style equipment — from bayonets and M-16 rifles to armored personnel carriers — American police forces have often adopted a mind-set previously reserved for the battlefield. The war on drugs and, more recently, post-9/11 antiterrorism efforts have created a new figure on the U.S. scene: the warrior cop — armed to the teeth, ready to deal harshly with targeted wrongdoers, and a growing threat to familiar American liberties.

Balko rightly connects the menace of the martial police with the decline in liberty and a disintegration of legal boundaries between sheriffs and generals:

Americans have long been wary of using the military for domestic policing. Concerns about potential abuse date back to the creation of the Constitution, when the founders worried about standing armies and the intimidation of the people at large by an overzealous executive, who might choose to follow the unhappy precedents set by Europe's emperors and monarchs.

Restoring Local Police

Given the critical role played by sheriffs in the protection of constitutionally guaranteed liberty, it is dismaying to read story after story describing the anxious acceptance — and occasionally the full-time petitioning — of military materiel by county lawmen.

There are those charged with enforcing the law who recognize the federalization of city police forces and county sheriffs departments for what it is: an assault on freedom. Sheriff Richard Mack, founder of the Constitutional Sheriffs and Peace Officers Association, answers the question of what can be done, writing:

The answers lie within our grasp and come from the foundation of our country. The principles are embodied within the Declaration of Independence and outlined in the Constitution. Yes, America is in deep, deep trouble. The good news is that there is hope and my victory at the U S Supreme Court proves that it only takes a few to stand to make monumental changes. We do not have to stand by and watch while America is destroyed from within. If our counties, cities, and states and all local officers keep their oaths to protect us from tyranny, we can win this battle to take our country back.

Citizens should be concerned because they will lose direct control over their neighborhood law enforcement through the right to elect their sheriff, and because every large law-enforcement agency divorces itself from the local community. The further away a government bureaucracy is from the direct involvement of the local citizen, the less responsive it becomes to the local citizen.

If the threat of the country's police becoming a full-fledged, unstoppable, and all-powerful standing army of the sort our forefathers knew to be "dangerous to the Constitution" is to be diffused, we, the people, must indeed take our country back. We must not only exercise our right to demand police recognize their responsibility to abide by the law, but we must fiercely resist every attempt to abridge our right to keep and bear arms and keep ourselves ready to defend that right against all enemies.

To this end, for more than 50 years The John Birch Society has been committed to stopping and





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reversing the dangerous trend toward nationalizing our police forces. In 1963, the society launched its "Support Your Local Police and Keep Them Independent!" campaign and formed local Support Your Local Police committees. The effort was successful in stopping Police Civilian Review Boards in the 1960s and '70s and in getting the federal government's Law Enforcement Assistance Administration abolished in 1982. Today, as the federal government subtly subordinates local police and sheriffs through grants of money and materiel, Americans need to participate in this sort of grassroots activism to work to keep local law enforcement under the supervision of local elected officials and free from state and federal control or influence.



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