



Written by [Raven Clabough](#) on June 14, 2011

Is Law Enforcement Becoming Militarized?

Several days ago, the home of former Marine and Iraq combat veteran Jose Guerena was raided by local sheriffs in Pima County, Arizona, who were attempting to execute a narcotics search warrant. Unfortunately, the manner in which the SWAT team invaded Guerena's home prompted Guerena to reach for his gun to protect himself and his family. Sheriffs then shot off 71 rounds and hit Guerena with 22, killing him. The department has officially taken responsibility for the fatal shooting.



According to *Politico*, the tragedy is just one of many examples that prove law enforcement in the United States has been [militarized](#).

For example, Pima County released several documents and a video related to the raid that may lend some evidence to *Politico's* claim. A statement issued by the SWAT Supervisor involved indicates that after the SWAT team entered Guerena's home, one or two "operators" were left with the body while the rest of the home was searched.

Politico writes that the use of the term "operators" is indicative of the militarization of the police:

"Operator" is a term of art in the special operations community. Green Berets, SEALs and other special operations personnel often refer to themselves as operators. It's a recognition of both the elite standards of their units and the hybrid nature of their duties — part soldier, part spy, part diplomat. But importing operator terminology into domestic law enforcement is not a benign turn of the phrase.

Perceiving yourself as an operator plasters over the difference between a law enforcement officer serving a warrant and a commando in a war zone. The former Mirandizes, the latter vaporizes, as the saying goes — and as the recent Osama bin Laden raid vividly illustrated.

As noted by *Politico*, the war on drugs has in many ways served as a catalyst that transformed local law enforcement into virtual combat troops.

For example, in May 2010, a SWAT team in Columbia, Missouri [invaded](#) the home of Jonathon Whitworth, shooting and killing Whitworth's dog in the presence of Whitworth's small child. The home invasion resulted in the minor recovery of a grinder, pipe, and small amount of marijuana. Whitworth was arrested on misdemeanor charges. Though a minor example in comparison to what took place at the Guerena home, it certainly highlights what is increasingly showing itself to be a failure on the part of law enforcement to mitigate damages.

Dave Kopel made similar [assertions](#) in the *National Review* on May 22, 2000 regarding the war on drugs and its impact on law enforcement:

Because of the war on drugs, law enforcement throughout the U.S. has been militarized. The



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Founding Fathers worked hard to prevent oppression by standing armies, but the militarization of law enforcement is making more and more Americans subject to precisely the kind of violence the Founders worried about.

The Los Angeles police department started the trend in the 1960s when future police chief Daryl Gates created the first Special Weapons and Tactics (SWAT) team. Gates had originally wanted to call it a “Special Weapons Attack Team,” but changed the name for public-relations purposes.

In the 1980s, violent home invasions under the pretext of drug-law enforcement became routine. In 1988, for example, LAPD officers, including members of the department’s task force on gangs, broke into and destroyed four apartments on Dalton Avenue; the apartments were suspected to be crack dens, but in fact were not. The officers who participated in the raid were promoted.

The police in Fresno, Calif., have taken the next step: The Fresno SWAT team now deploys a full-time patrol unit, in complete battle gear. According to criminologist Peter Kraska, the Fresno police department considers the SWAT patrol an “unqualified success,” and “is encouraging other police agencies to follow suit.”

Kraska also notes that “perhaps as many as 20 percent” of police departments in cities with a population over 50,000 have already put their own paramilitary units into street police work. In many cases, money for these deployments comes from “community policing” grants from the federal government.

The judicial branch has even served to defend this abuse of police power. Recently, the Supreme Court in Indiana [ruled](#) that citizens “have no right to reasonably resist unlawful entry [to their homes] by police officers.” In the decision, Justice Steven David admitted, “The English common-law right to resist unlawful police action existed for over three hundred years, and some scholars trace its origin to the Magna Carta in 1215.” However, he adds, “We conclude that public policy disfavors any such right.”

Unfortunately, police indiscretion has not been limited to drug arrests.

In May, Pastor Brett Coronado of Hemet Calvary Chapel was [arrested](#), along with church elders Mark Mackey and Edmond Flores, Jr., for conducting a public Bible reading at the entrance to a local Department of Motor Vehicles office.

Two weeks ago, several people were arrested at the Jefferson Memorial in Washington, D.C. for dancing. The *Huffington Post* [writes](#):

The dancers were [protesting an appeals court ruling](#) handed down last week that the national monuments are places for reflection and contemplation — and that dancing distracted from such an experience.

In 2008, Mary Brooke Oberwetter and a group of friends went to the Jefferson to commemorate the president’s 265th birthday by dancing silently, while listening to music on headphones. Park Police ordered the revelers to disperse and arrested them when they did not.

On May 17, the appeals court ruled that Oberwetter’s conduct was prohibited “because it stands out as a type of performance, creating its own center of attention and distracting from the atmosphere of solemn commemoration.”

In protest of the ruling, several Americans gathered at the Memorial on Saturday, May 28, and began to dance. A number of arrests were made as a result, and the dancers were charged with demonstrating without a permit.



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Many law enforcement officers, in an effort to serve and protect the public, have seemingly forgotten that the United States Constitution remains the law of the land. It would bode well for the American people if the Constitution was taught closely and carefully to officers in training so that incidents such as that involving Guerena or the dancers at the Jefferson Memorial do not take place in a free land.

Photo: San Bernardino police SWAT team



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