



Alternatives to the Police State

by William Norman Grigg





ALTERNATIVES TO THE POLICE STATE

GUIDE 1.1

WILLIAM
NORMAN
GRIGG

This PDF is best viewed
using [Adobe Reader](#). If
you are having trouble
accessing the hyper-
links, copy the footnote
URL into your browser.

Introduction	3
Helots on Wheels	5
The police officer is not there to help you	6
The officer is looking for an excuse to arrest and imprison you	6
Never give consent	7
What you should—and shouldn't—say	8
Castle Security	9
How Did This Happen?	10
The Advent of Policed Societies	11
Support Our Troops—At Home and Abroad	14
What Is to Be Done?	16



Disclaimer

This guide is for informational purposes only. The author and Liberty.me make no representations or warranties with respect to the accuracy or completeness of the contents of this guide and specifically disclaim any implied warranties of merchantability or fitness for a particular purpose. The advice and strategies contained herein may not be suitable for your situation. Liberty.me is not engaged in rendering legal, accounting, investing, medical or other professional services. If professional assistance is required, the services of a competent professional should be sought. Neither Liberty.me nor the author shall be liable for damages arising herefrom. The fact that an organization, book or website may be referred to in this work does not mean that the author or Liberty.me endorses the information the organization, book or website may provide or recommendations it may make.



INTRODUCTION

“The police are to the government as the edge is to the knife.”

— Robert A. Heinlein

“To prove that these sort of policed societies are a violation offered to nature ... it needs only to look upon the sanguinary measures, and instruments of violence, which are every where used to support them. Let us take a review of the dungeons, whips, chains, racks, gibbets with which every society is abundantly stored, by which hundreds of victims are annually offered up to support a dozen or two in pride and madness, and millions in abject servitude, and dependence.”

— Edmund Burke

“There was a time, when I looked with a reverential awe on these mysteries of policy, but age, experience and philosophy have rent the veil; and I view this sanctum sanctorum ... without any en-thusiastic admiration.”

— Edmund Burke



In every encounter between a police officer and a citizen, the latter is at a dangerous and potentially fatal disadvantage. Police officers are given a license to commit aggressive violence, trained to inflict summary punishment for defensive resistance, and authorized to use lethal force whenever they sense even a potential threat to “officer safety.”

If the encounter results in a court trial, the unsubstantiated word of the police officer will be considered self-ratifying, even if contradicted by accounts from several disinterested eyewitnesses. Thanks to the unethical but widely recognized principle called “qualified immunity,” an officer who engages in documented and unambiguous misconduct—including physical abuse—can expect to escape criminal charges or civil liability. Owing to the influence of police unions, officers in such situations will rarely face professional discipline beyond what is commonly called “administrative leave,” that is, a paid vacation.



Each of us should know how to protect ourselves.

For a long time, police and rapists were the only people who could inflict unprovoked violence on helpless people, confident that the victims had been

counseled not to resist—this would only make things worse. Thankfully, in recent years women have been urged to fight sexual assault by whatever means are at their disposal. While this is a welcome development, it leaves us in a very unsettling position: police officers are now the only predators who are given social permission to punish victims who resist.

Innocent people will very rarely encounter a rapist. They will inevitably find themselves on the receiving end of the much more dangerous attentions of a police officer. Thus each of us should know how to protect ourselves when this happens.

HELOTS ON WHEELS

In ancient Sparta, the Helots were a subjugated population who could be mistreated or killed with impunity by the Krypteia—a band of violent young men who, to some extent, served as the police. Members of the Krypteia were dispatched across the countryside with official permission to seize and abuse any Helot they encountered.

For Americans, the automobile is both a

Whenever a driver is stopped by a police officer, he ceases to be a citizen and immediately becomes a Helot on wheels.



symbolic expression of personal autonomy and a practical means of expressing it. The grim fact, however, is that whenever a driver is stopped by a police officer, he ceases to be a citizen and immediately becomes a Helot on wheels.

Once that reality is understood, we can devise an appropriate survival strategy.

THE POLICE OFFICER IS NOT THERE TO HELP YOU

A police officer is an armed stranger who is trained to see you as a threat to be contained and, where necessary, eliminated. To them, officer safety is the highest priority; they are relentlessly catechized about the grossly exaggerated personal dangers of their profession. They are constantly reminded that their most important mission is to “stay safe” at whatever expense to the public.

Yes, there are decent and conscientious people who go into law enforcement intending to protect the weak and help people in trouble. Such admirable intentions do not coincide with the job description of a law enforcement officer.

The officer who pulled you over for a seatbelt violation sees you as a potential threat to his life, which is almost certainly not the case. However, he *is* an immediate threat to *your* life.

THE OFFICER IS LOOKING FOR AN EXCUSE TO ARREST AND IMPRISON YOU

All police are trained to “build every stop” with that objective in mind.

Do not help him. The most likely setting for an unwanted encounter with police (and, to be sure, all such encounters should be unwanted) is a traffic stop of some variety. Drivers in such circumstances are required by what the government calls the “law” to provide a driver’s license, auto registration, and proof of insurance.

This involves a rational calculation of the costs you are willing to pay for your individual autonomy. Yes, the individual has an unqualified right

to freedom of travel, which no government can treat as a state-issued privilege. Nor does any government have a legitimate right to compel you to register your property, or purchase liability insurance. If you are willing to confront the risks involved in operating a vehicle in perfect autonomy, what you are doing might be regarded as honorable, but it is *very* dangerous.

If you have obtained a license and related bureaucratic impedimenta, providing them to an officer represents the limits of your required cooperation. Do not answer any questions, no matter how innocuous they may seem.



At this point, you're involved in a simple transaction: the state functionary is determining how much he will charge you for being released from detention. He may decide to forgo the formality of an extortion note (commonly called a "ticket" or "citation"); this means you will be free to go at the relatively modest cost of a brief and unpleasant encounter. He may hand you the dreaded note that demands an additional payment.

If provided with a pretext, he will try to search your vehicle and person in pursuit of evidence of an offense. All police are trained to "build every stop" with that objective in mind. Don't do anything to assist him. The objective should be to end the encounter as quickly as possible.

The objective should be to end the encounter as quickly as possible.

NEVER GIVE CONSENT

Largely as a result of the exercise in national derangement called the war on drugs, police have been provided with powerful incentives to turn every traffic stop into a narcotics investigation. The depraved practice of "civil asset forfeiture" has turned police officers into highwaymen—robbers who prey on innocent and unsuspecting travelers.

Practically any encounter of this kind—especially those occurring at night, those involving a late-model vehicle (particularly an SUV or similar rig) with out-of-state license plates, or just about any car driven by someone who appears to be Latino—will provoke a demand to search the vehicle.

All police officers are trained to invent probable cause where none exists.

This will generally begin with an order from the officer that the driver exit the vehicle. If you comply—and once again, be aware of the potential costs of refusing that unwarranted demand—lock the door behind you and immediately assert your right to refuse a search. *Do not consent to any inspection of your vehicle or your person.*

This may prolong the "investigative detention" at the roadside. But bear in mind that the objective of the officer in this situation is to arrest you, charge you with a crime, and then seize your vehicle and any cash or valuables found therein.

All police officers are trained to invent probable cause where none exists. Those who work with drug-detecting dogs are adept at signaling their dogs to "alert" in order to justify a vehicle search. If a K9 handler materializes at roadside, he *will* devise some way to get into your car. Make sure



that your denial of consent is clearly and repeatedly stated. This is done chiefly for the record, in the event contraband is found or cash is seized from your vehicle.

WHAT YOU SHOULD—AND SHOULDN'T—SAY

Most police encounters are audio and video recorded. Use that fact to create a narrative of the encounter. This means describing what the officer or officers are doing, while refusing to provide any information about your own conduct.

Once again, do not answer any questions posed by police officers. Make a point of denying consent for searches. If your composure is adequate to the task, it may be possible—and worthwhile—to confront, in a contained and peaceful fashion, dishonest attempts by the officer(s) to manufacture consent or probable cause.

Make a point of denying consent for searches.

For example, in those circumstances in which you are falsely accused of carrying narcotics—such as a claim that the officer “detected an odor of marijuana” where none exists, or a K9 handler triggering a false alert—it may be worthwhile to articulate those facts for the record.

Here’s how that might play out:

Officer: When you rolled down your window, I detected the odor of marijuana.

Driver (in a clear, calm voice): No, you did not.

Officer (seeking an excuse to search the vehicle): Then what did I smell?

Driver: Am I free to go?

Here is another potential scenario:

K9 Handler: Our K9 officer alerted to the presence of narcotics in your vehicle.

Driver: No, he didn’t; he reacted to your prompt.

K9 Handler (once again, looking to create a pretext): What did he find, then?

Driver: Am I free to go?

The famous advice offered by Will Rogers applies here: “Never miss a good chance to shut up.” If something must be said, however, focus on what the officers are doing. Do not say anything about what you are doing.



The officers are looking to build a criminal case and will use anything you say against you. You should focus on ending the encounter as quickly as you can, and, if appropriate, building a record for use in a potential civil action against the officers. If you have a smartphone or similar device, make an independent record of the incident to the extent this is practical. Once the encounter is finished, record all of the germane details while they are fresh in your memory.

CASTLE SECURITY

Every time we get behind the wheel, we run the risk of an encounter with the police. The risks of such an encounter in one's home are smaller, but they are growing. Once again, the war on drugs has played a major role in the increased risk.

In defending one's home from the police, the first and most obvious protective measure is to avoid calling the police for any reason. As we will see below, police have no enforceable duty to render aid to an individual threatened by criminal violence—so they will not be of any help if and when they do arrive. On the other hand, as we noted above, police will seize upon any excuse to detain, investigate, and arrest innocent people. It is an unassailably sound assumption that whenever police intervene, they will do nothing to help you, and everything they can to harm you.

Consider this an axiom: there is no bad situation that will not be made immediately and dramatically worse through police intervention.

In dealing with unexpected police visits to your home, remember that you have no legal (let alone moral) duty to cooperate with them, unless they can produce a search warrant. *Never consent to a search of your property.* Do not allow officers to bully you by threatening to charge you with obstruction for exercising your clearly defined and unambiguous rights.

When dealing with the police, do not allow them an unobstructed view of the interior of your dwelling. Remember, they are always looking to build a pretext for an arrest, and you're helping them do so

if you allow them to take advantage of the clear view doctrine.

Never consent to a search of your property.

Police officers will often try to insert a foot inside the threshold of your home if the door is opened widely enough to permit that intrusion. Don't give them that opportunity. If an officer places his foot across the threshold, instruct him to remove it.

There is no bad situation that will not be made immediately and dramatically worse through police intervention.



In all interactions of this sort, assume that a record is being made—and if you are going to say anything, describe what the cops are doing while answering none of their questions and supplying no information about yourself.

Law enforcement officers are not bound by the laws they enforce. They operate on Mao's famous assumption that power flows from the barrel of a gun, and the notion that official accoutrements confer upon them special exemptions and privileges.

The great promise of American society is that individual rights will be protected by law. The regrettable reality is that a police encounter is an exercise in situational totalitarianism.

HOW DID THIS HAPPEN?

Are the police getting worse? Or have they always been this bad, and we're more aware of their behavior?

That question, or some variant of it, is often heard in response to well-publicized episodes of police abuse, such as shootings of unarmed citizens, including teenagers; the use of tasers on handcuffed suspects or helpless people such as elderly drivers or small children; brutal beatings on the street or in jails; or incidents in which police officers strike, kick, or otherwise assault pregnant women.

With the advent of the decentralized collection and dissemination of data through social media (YouTube, Facebook, Twitter, and the like) public awareness of such incidents, which are generally described as "excessive force," has expanded dramatically. At the same time, those in charge of the government-operated "justice" system maintain that we live in an era of unprecedented "police professionalism" in which such abuses have been marginalized.

Those in charge
of the government-
operated "justice"
system maintain
that we live in an
era of unprecedented
"police professionalism."

The regrettable
reality is that a
police encounter
is an exercise in
situational
totalitarianism.

Critics of contemporary law-enforcement culture point to the fact that police officers, clothed in qualified immunity and aided by the best legal representation police unions can obtain, are rarely held accountable for even the most egregious abuses of power. In some jurisdictions such as Las Vegas and Houston, official inquests of fatal police shootings always validate the actions of the officer, even when the victim is unarmed, handicapped, or otherwise nonthreatening.

Defenders of law enforcement invoke professionalism; critics decry a culture of impunity.



Missing from this debate is any discussion of what should be considered a foundational question: Should *any* group of people claim a license to commit aggressive violence in the name of imposing order?

THE ADVENT OF POLICED SOCIETIES

All police officers claim the title of “peace officer” and carry a license or other certification attesting to that status. The role of a peace officer is to protect persons and property from criminal violence. When he created the first municipal police department,

British Home Secretary Robert Peel insisted that “police are the public and the public are the police.” The difference separating officers from the public, Peel maintained, was that an officer was “paid to give full-time attention to duties which are incumbent on every citizen” regarding the protection of the innocent from aggression.

At around the turn of the 19th century, Peel, as the military governor of Ireland, introduced the so-called Peace Preservation Police, a centrally controlled paramilitary auxiliary to the 20,000-man military force garrisoned on the island. Peel explained that the force “was not meant to meet any temporary emergency” but rather intended to become a permanent institution. In 1829, as England’s home secretary, he proposed the creation of the Metropolitan Police, which was adapted from the model he had first employed in Ireland.

Peel’s proposal to create a full-time, quasi-military police force met with strong and passionate opposition.

to illustrate that fact [better] than the history of police in this country.” Less than a generation ago, Cobbett pointed out, the very term “police” was “completely new among us.” Owing to Peel’s innovations, London was

Should *any* group of people claim a license to commit aggressive violence in the name of imposing order?

Significantly, Peel’s proposal to create a full-time, quasi-military police force met with strong and passionate opposition from British conservatives.

Among the most outspoken opponents of Peel’s proposed policing system was parliamentarian William Cobbett, a conservative-leaning populist famous for denouncing what he called “tax-eaters.” Cobbett described the Metropolitan Police as the vanguard of a domestic army of occupation.

“Tyranny always comes by slow degrees,” Cobbett declared in an 1833 speech in Parliament, “and nothing could tend



overrun with “Blue Locusts”—“a police with numbered collars and embroidered cuffs, a body of men as regular as the King’s service, as fit for domestic war as the redcoats were for foreign war.”

Cobbett’s reaction resonated with much of the British public, which—like the young Edmund Burke, who contemplated the prospect of a “policed society” with dread—was deeply suspicious of institutionalized law enforcement. To most Britons, notes historian Leon Radzinowicz, the very term “police” was “suggestive of terror and oppression.

A French visitor to London in the mid-1700s was astounded when none of the local residents could direct him to the police—or even recognize the term. “Good Lord! How can one expect order among these people, who have no such a word as police in their language?” he exclaimed.

Owing to widespread hostility to the creation of a policed society, a 1785 police bill proposed by William Pitt the Younger shattered against an iron wall of opposition. Until the second decade of the 19th century, Peel’s police concept was limited to Britain’s Irish colony, where its heavily armed Royal Constabulary field-tested methods that would later be imported to the homeland.

In revolutionary and Napoleonic France, by way of contrast, government law enforcement agencies were well-entrenched and displaying the tendencies we would now associate with the term “police state.”

Bonaparte’s ascent to power began with a brutal police action.

Bonaparte, the armed evangelist of the Jacobin revolution, created the first modern police force. Bonaparte’s ascent to power began with a brutal police action: The massacre of thirteen Vendemiaire (October 5, 1795), during which the young Corsican general used artillery to slaughter royalist protesters on the streets of Paris.

By 1812, writes David A. Bell in his book *The First Total War*, large areas of Europe under Bonaparte’s rule were afflicted with “pervasive bureaucracy, particularly new agencies for tax collection and conscription.... To implement the new order, there came new police forces, often staffed largely by Frenchmen.”

Presiding over this apparatus of regimentation, extraction, and coercion was Secret Police Chief Joseph Fouché, a Jacobin fanatic who prefigured Felix Dzherzhinsky.

Bonaparte’s star was in eclipse by 1814. However, as British historian Paul Johnson observed in his book *The Birth of the Modern*, “the golden age of the political police” had just begun. The Congress of Vienna gave birth to what one contemporary critic called “all sorts of wild schemes of establishing a general police all over Europe.” The creation of Britain’s police system about two decades later could be seen as Bonaparte’s revenge.

Less than a generation ago, Cobbett pointed out, the very term “police” was “completely new among us.”



“The new police institution had many supporters in government, but opposition was to be found in the wider society,” wrote Watner in *The Voluntaryist*.

The fundamental principles behind the force were seen as ... anathema to Whig political principles, which emphasized “liberty over authority, the rights of the people against the prerogatives of the Crown, local accountability in place of centralization, and governance by the ‘natural’ rulers of society instead of salaried, government-appointed bureaucrats.”

Unfortunately, Britain embraced Peel’s paramilitary schematic for a policed society, and that model was imported to the United States by the mid-1800s.

In 1783, the last of King George’s occupation troops were evicted from New York. In 1844, New York City’s municipal government became the first in America to embrace Robert Peel’s system of paramilitary police. This amounted to exchanging Redcoats for “Blue Locusts.” Other major cities—New Orleans and Cincinnati in 1852; Boston, Philadelphia, and Chicago in 1855—soon followed. State police agencies began to appear in the last decade of the 19th century and first decades of the 20th century.

While those police agencies were locally controlled, they were not servants of the public; they were instruments of the political class that created them. On the western frontier, where political power was either radically decentralized or entirely

This model of decentralized public security was effectively ended with the closing of the western frontier in 1890.

theoretical, security for person and property was “protected by private policemen who were paid by—and, so, responsible to—the

community where they served,” notes libertarian writer Wendy McElroy in her article “To Serve and Protect—the State.”

Unlike the European gendarmes and royal British “shire-reeves,” McElroy points out, “Western sheriffs *did* protect people and property; they *did* rescue schoolmarms and punish cattle rustlers. Their mission was to keep the peace by preventing violence.”

Most importantly, in the Old West, sheriffs and marshals didn’t claim a monopoly on the legitimate use of force. Thus, when corrupt sheriffs like Montana’s Henry Plummer or Idaho’s David Updyke used their office as cover to operate as “road agents” (horse thieves and highway-

Most importantly, in the Old West, sheriffs and marshals didn’t claim a monopoly on the legitimate use of force.



men), they were arrested, tried, and punished by private “committees of vigilance.”

This model of decentralized public security was effectively ended with the closing of the western frontier in 1890. The Spanish-American War and subsequent counter-insurgency campaign in the Philippines offered the US government an imperial laboratory to develop new law enforcement and intelligence methods, just as the British government had employed Ireland as a testing ground a century earlier.

Many prominent police officials were involved in counter-insurgency operations in the Philippines, which involved surveillance, “third degree” interrogation, the use of electronic communications (in the form of telephone systems), and detailed collection of intelligence files.

Many of those methods—including interrogation through torture—were transposed into domestic police work following the war. They proved useful when the US government declared its first peacetime domestic “war” in the form of Prohibition, a thirteen-year experiment in futility that prefigured—in remarkably detained fashion—the contemporary war on drugs.

SUPPORT OUR TROOPS—AT HOME AND ABROAD

Over the last century in the United States, the Peel-inspired model of a policed society has shed its civilian pretense and lived down to its military pedigree. Relentless involvement in military operations overseas has produced an extensive surplus of military-grade hardware that is “recycled” as domestic law enforcement assets. Police tactical units nationwide are funded, equipped, and trained by the Pentagon. Thus it is not uncommon for small-town police departments and rural sheriff’s offices to have combat-grade armored vehicles and weaponry—even where violent crime is all but nonexistent.

Most ominously, perhaps, is the militarization of the law enforcement mindset: rather than seeing themselves

Police increasingly see themselves as troops conducting counter-insurgency operations on a domestic battlefield.

as peace officers devoted exclusively to the protection of lives and property, police increasingly see themselves as troops conducting counter-insurgency operations on a domestic battlefield. This combination of

It is not uncommon for small-town police departments and rural sheriff’s offices to have combat-grade armored vehicles and weaponry.



military-grade hardware, military training, and a *militarized* mindset has given rise to what investigative author Radley Balko calls the “warrior cop.”

When the SWAT concept was introduced in Los Angeles in 1968, its chief creator—future LA Police Chief Daryl Gates—said that it would be applied only in situations involving hostage rescues, armed robberies, or insurrectionary violence. In other words, SWAT teams would be employed only in rare and exceptional circumstances. Yet today it is estimated that as many as 80,000 SWAT-style raids occur every year. Many police departments employ SWAT-style tactical teams for routine warrant service, rather than high-risk operations involving barricaded suspects, or apprehension of violent felons. It is reasonable to believe that some local police departments have been transformed into support systems for their local SWAT teams.

It is estimated that as many as 80,000 SWAT-style raids occur every year.

When Gates created the first SWAT team, he originally said that the acronym stood for Special Warfare and Tactics—a name that reflected the fact that the LAPD’s tactical team was a militarized unit modeled after counter-insurgency units that had been created in Vietnam under the guidance of the CIA and military advisers in the late 1950s and early 1960s.

Concerned about maintaining a clear line of separation between the domestic police and the military, the LAPD’s upper command kept the acronym while revising it to mean Special Weapons and Tactics. The first SWAT deployment targeted a Black Panther hangout in Compton in a needless confrontation that escalated from a noise complaint.

Peel’s paramilitary police system is indispensable to the creation of an all-encompassing surveillance society.

To break the impasse, the LAPD had to petition the White House for authorization to obtain a single grenade launcher from the Camp Pendleton Marine Base.

Today, of course, it is commonplace for patrol officers to wear tactical attire resembling that of Special Forces operators or Blackwater mercenaries deployed in Fallujah. SWAT raids targeting nonviolent offenders are commonplace. Police departments nationwide are obtaining surveillance drones—and even some weaponized models. Urban warfare methods used in Iraq are being adapted by municipal police departments. Federal “fusion centers” operated by the Department of Homeland Security are consolidating local police departments into a vertically integrated apparatus of surveillance, regimentation, and social control.

Robert Peel may not have been familiar with Jeremy Bentham’s “Panopticon” prison concept, in which inmates could



be kept under constant surveillance. But Peel's paramilitary police system is indispensable to the creation of an all-encompassing surveillance society. It could be said that Peel plus Bentham equals Orwell.

WHAT IS TO BE DONE?

A truly civilized society would be one ruled by law, without it being ruled by law *enforcers*. The objective would be to protect property rights (beginning with the sanctity of the person) without authorizing a special caste of people who claim the privilege of committing aggressive violence in the name of the law. Obviously, the rule of law cannot exist where those said to enforce it are selectively exempt from it.

At this point, defenders of policed societies will reflexively insist that some form of positive enforcement of law is necessary in order to prevent the eruption of what they call "anarchy"—a term they mistakenly (or dishonestly) employ to describe violent chaos. However, anarchy is a rejection not of law (meaning the universal and unqualified moral law against aggression) but of rulers.

A practical anarchist is someone who conducts his or her affairs in a way that respects the rights of others, without seeking permission from someone claiming the authority to regulate the behavior of others. When this is understood it becomes clear that most people engage in anarchic conduct every day.

This has significant, if little-appreciated, implications regarding the role of law enforcement: nearly all of what is done by police involves unwelcome, needless, and counter-productive intrusion into harmless behavior by people who are otherwise minding their own affairs, rather than active defense of individuals who are threatened by criminal violence or fraud.

Police patrols offer plentiful opportunity for proactive intervention to obtain revenue or to enforce regulations that do nothing to protect persons and property. This means that they are worse than useless from the perspective of those who value individual liberty more than state-imposed conformity.

There are, on average, 220 SWAT raids in this country every day.

In 1972, with financial backing and technical assistance provided by the Police Foundation, the Kansas City Police conducted a year-long study to measure the deterrent effect of police patrol. That survey concluded that police patrols had no documented impact on the crime rate. There may be some social utility in maintaining police bodies to investigate crimes after the fact, but they have no measurable value when it comes to protecting individuals from criminal violence. And the role of the police in enforcing the ever-growing body of official edicts means that we are

A truly civilized society would be one ruled by law, without it being ruled by law *enforcers*.



either approaching, or have already reached, a point where innocent people have more to fear from the police than from private sector criminals.

There are, on average, 220 SWAT raids in this country every day, almost all of them carried out against nonviolent offenders, most of them mounted for reasons of official propaganda and “officer safety” without any colorable pretense of protecting the public.

The proverbial “midnight knock”—that is, the arrival of police under cover of darkness—is commonplace in a country that has unambiguously become a police state.

Some critics of the contemporary American police state indict the federal government as the chief culprit. Under the US constitutional scheme, law enforcement is among what Madison called the “numerous and indefinite” powers reserved to the states. The 1878 Posse Comitatus law forbids the US military to carry out domestic law enforcement operations.

Both the constitutional assignment of responsibilities and the legislative prohibition against internal militarization have been completely ignored by the federal government as it has consolidated power over law enforcement in the name of fighting open-ended “wars” against narcotics use and terrorism.

That critique is accurate, but entirely inadequate. The problem is foundational, rather than one of execution. Simply put: since police are invested with the supposed authority to commit aggression, they are all guilty of impersonating peace officers whose role is to protect the innocent against aggression.

That is the root from which all of these institutionalized abuses spring. Here are a few *very preliminary* suggestions as to how we can strike at that root:

- **End prohibition.** For more than a century, the federal government and its state-level affiliates have relentlessly expanded police power through selective prohibitions against the production, sale, and consumption of some mood-altering substances. The original experiment in Prohibition required a change to the US Constitution. This isn’t true of the ongoing effort to prohibit the use of some drugs. The federal war on drugs was inaugurated without the benefit of constitutional authorization, and it continues today in defiance of the reserved powers of states that have legalized medical or recreational marijuana use. Public opinion has shifted dramatically against drug prohibition, and this is having a measurable impact at the state and local level. A similar shift is visible internationally: drug legalization is increasingly popular in Latin American countries such as Mexico, Honduras, Uruguay, Guatemala, and Colombia. All of those countries have suffered terribly as a result of the exported war on drugs. They know from painful and bloody experience that drug prohibition does nothing to abate the problem of addiction, while doing a great deal to propagate paramilitary violence (from both police and cartels) and official corruption.

Public opinion
has shifted
dramatically
against drug
prohibition.



Grassroots and state-level efforts to repeal drug prohibition are gaining traction, even in the face of escalating federal enforcement efforts.

- **Use nullification.** During the Bush administration, left-leaning groups, often attached to the Soros-funded MoveOn.org campaign, pressured municipal governments to enact measures prohibiting enforcement of the USA PATRIOT Act. Other liberal activist groups promoted state measures legalizing the use of medical marijuana or municipal measures declaring certain jurisdictions to be “sanctuary cities” for undocumented immigrants. All of those campaigns were applications of the principle of nullification or interposition. The same is true of more recent Tea Party-inspired efforts to forbid enforcement of the NDAA (a measure that would permit the president to order indefinite military detention of US citizens suspected of involvement in terrorism) or proposed federal restrictions on firearms ownership.

During the Bush administration, conservative Republicans and their media allies denounced MoveOn.org’s nullification efforts as subversive. The same refrain has been taken up during the Obama era by left-leaning pressure groups such as the Southern Poverty Law Center (which has a profitable niche indoctrinating police regarding the supposed dangers of “antigovernment extremists”) and partisan media outlets such as MSNBC, who accuse Tenth Amendment activists and Tea Party agitators of acting out of insurrectionist or “neo-Confederate” motives.

From an individualist perspective, all efforts to nullify federal enforcement efforts should be regarded as welcome—but not all-sufficient. The most important application of this principle is jury nullification, through which members of citizen juries (and grand juries) can prevent the enforcement of manifestly unjust or immoral laws, such as those dealing with narcotics consumption.

The jury is one of the few official bodies that is controlled by citizens rather than governing elites. Prior to the mid-20th century, grand juries had extensive authority to conduct *proprio motu* investigations of official corruption and abuses by police and prosecutors. Trial juries have an unqualified right to rule on both the facts of the case and the validity of the law being used to prosecute the defendant and can acquit a citizen in cases where the prosecution has proven that a defendant has violated an unjust law.

Unfortunately, in our current legal system, the right of trial by jury is becoming extinct.

New York Times legal analyst Adam Liptak has observed that in recent rulings, the US Supreme Court “has turned its attention away from criminal trials, which are vanishingly rare, and toward the real world of criminal justice, in which plea bargains are the norm and harsh

The jury is
one of the
few official
bodies that is
controlled by
citizens rather
than governing
elites.



sentences commonplace.” In effect, we’ve seen the emergence of an American version of the Soviet justice system, in which juries didn’t exist and prosecutors were expected to achieve a 100 percent conviction rate.

At present, by one estimate, a defendant will prevail in court only once in every 212 cases—a rate of prosecutorial efficiency that would have commanded the admiration of Joseph Stalin. This isn’t a reflection of the superhuman competence of the justice system but rather of the tragic and disastrous acquiescence of the citizenry. Jury service (which should not be coerced) by fully informed citizens represents one of the few means of peaceful direct action to reverse our descent into an undisguised police state.

- **Defy the government’s artificial monopoly on security.** A peace officer is any citizen who renders aid to another who is faced with criminal aggression.

Robert Peel’s conceit was that police officers would do—as a vocation—what any other citizen can and should do in such circumstances. The problem, as many English conservatives understood at the time, was that Peel’s prescription would create an effective monopoly on security, rather than simply buttressing the natural individual right to self-defense (and to the active defense of others threatened by violence).

Legal tender laws create an immoral and unsustainable official monopoly on currency. Tru-

ancy laws create a similarly unsupportable education cartel. Private alternatives to government currency—from precious metals to bitcoin—are undermining the legal tender system, and homeschooling represents a large and growing challenge to the state’s education system. In similar fashion, Americans seeking protection of person and property are turning, in increasing numbers, to private security agencies. In fact, private peace officers (security guards, private security patrols, private investigators) outnumber government law enforcement personnel by a considerable margin. This is a healthy and encouraging trend that has become particularly visible in cities such as Detroit, where private security patrols have filled the void

left by police cutbacks, and Oakland, where the police department announced that because of budget cuts they simply wouldn’t respond to calls for service dealing with common property crimes.

Americans seeking protection of person and property are turning, in increasing numbers, to private security agencies.

At present, by one estimate, a defendant will prevail in court only once in every 212 cases.



- **End qualified immunity and restore legal recognition of the right to resist unlawful arrest.** When police commit criminal or tortious injury to innocent people, they invoke the claim of qualified immunity, and that claim is almost always validated by the courts. What this means is that the law enforcers are selectively exempt from the laws they supposedly enforce. As Murray Rothbard pointed out, if we are going to suffer the continued existence of government police agencies, we must require that police officers be subject to exactly the same laws as everybody else and be personally liable for the injuries they inflict on innocent people.

To the extent that we seek legislative redress for the growing problem of police violence, we should encourage state legislatures to enact measures abolishing the pernicious principle of qualified immunity as an affront to equal protection under the law. We should also urge legislatures to enact measures explicitly recognizing and protecting the right of innocent people to resist unlawful arrest—a right with deep and well-established roots in Anglo-Saxon and American common law.

If we are going to suffer the continued existence of government police agencies, we must require that police officers be subject to exactly the same laws as everybody else.

Indiana recently enacted a law expanding the castle doctrine to include armed self-defense against unwarranted police incursions. This happened despite the formidable efforts of police unions to convince the public that recognizing the right of citizens to defend themselves against criminal aggression by police would be tantamount to issuing a general license to hunt police officers. What that measure actually did was to undermine the assumption that police have an exclusive privilege of hunting the public they supposedly serve.

- **Educate the citizenry regarding the need to video record and publicize police conduct.** Antonio Buehler's Peaceful Streets Project in Austin, Texas, conducts street patrols as a means of exposing criminal misconduct by police and mobilizing efforts to hold such officers accountable. CopBlock and other activist groups engage in similar projects elsewhere in the United States. Activism of this kind can be much more dangerous than police "work" (which, contrary to public opinion, is actually a very safe occupation)—and it is having a measurable effect on public opinion.



- **Educate the citizenry regarding the critical need to avoid—wherever possible—any involvement with the police.** The police, as noted above, are an implement of state coercion; they are not accountable to the public, they have no enforceable responsibility to protect individual citizens, and they are both trained and expected to exploit every opportunity to commit aggressive violence in the name of “public order.” Given all of this, it isn’t clear why any rational individual would invite police intervention under any circumstances.



WILLIAM NORMAN GRIGG

William Norman Grigg was born, raised, and educated in southeastern Idaho. He began working as a journalist with the Provo Daily Herald newspaper in 1989.

From 1993 until 2006 he was a senior editor at the *New American* magazine. In that capacity he reported extensively on terrorism, international organized crime, and the dangerous trend toward federalization and militarization of law enforcement.

In addition to his work with the *New American*, Mr. Grigg has been a contributor to *Chronicles*, *the American Conservative*, and *Liberty* magazine and was the managing editor of *Republic* magazine. He is a frequent contributor to LewRockwell.com.

Mr. Grigg is the author of six books, including *Liberty in Eclipse: The War on Terror and the Rise of the Homeland Security State* and the forthcoming *No Quarter*. He has also produced or been featured in numerous video documentaries, most recently *Crosshairs: The Internal Revenue Scandal*.

Since 2006, Mr. Grigg has published the [Pro Libertate blog](http://ProLibertate.com),¹ which focuses on civil liberties and abuse of power.

Will lives in Payette with his wife, Korrin, and their six children.

¹<http://freedominourtime.blogspot.com/>