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Law Enforcement: Fallujah, Va.?

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"Over the last 25 years, America has seen a disturbing militarization of its civilian law enforcement," said the Cato Institute in its 2006 report, *Overkill*, "along with a dramatic and unsettling rise in the use of paramilitary police units ... for routine police work." Virginians have witnessed the phenomenon in action recently in their state capital — particularly last Saturday, when officers of the State Police dressed in combat gear squared off against protesters who were peacefully exercising their First Amendment rights.

A number of those protesters later were arrested for refusing to clear the steps of the Capitol. The protesters had a permit to protest at the Bell Tower, but not the Capitol steps. Although the courts have upheld restrictions on the time, place and manner of public demonstrations, those restrictions ought to be as lax as possible. Giving demonstrators broad latitude is more in keeping with the First Amendment than rigid enforcement of arbitrary constraints.

That said, the protesters' refusal to obey a lawful order was unwise. They already had made their point, and did not advance their arguments by provoking a confrontation that distracts from their message. The politically motivated debate over the arrests that has followed — complete with utterly ridiculous comparisons to the era of segregation and Massive Resistance — has now overshadowed the issue to which the protesters were trying to bring attention.

Still, the broader issue is worth drawing out. Saturday's display of force is far from unique in the commonwealth. Homeland Security grants lavished on local police departments in the wake of 9/11 have only encouraged the tendency to blur the distinction between civilian and military operations. A number of Virginia localities now have armored assault vehicles such as the Lenco Bearcat — an 8-ton, quarter-million-dollar behemoth with half-inch steel plating. Among those localities is Warren County, a

bucolic community of 40,000 people with an average of one homicide every three years — not exactly Hell's Kitchen.

But the grants only accelerated an existing — and troubling — trend that started many years ago. Law enforcement exists to protect the rights of the citizens; maintaining order is a means to that end, not the end in itself. Police officers decked out like combat patrols in Fallujah send a far different, far more threatening message: that they have come not to protect and to serve, but to command and to conquer. Saturday's events in the capital of Virginia stain a state with a reputation as the cradle of democracy.