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Federal agents in Detroit won't recreate Portland violence

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Aiming to combat violent crime, the federal government plans to send a "surge" of federal law enforcement personnel to Detroit and other cities.

Don't mistake this for a hometown version of the same federal government's ongoing law enforcement misadventures in Portland, Oregon.

In Portland, the federal courthouse has been under siege for weeks in nightly protests that have included regular acts of arson, assaults on police officers, and general property damage. By any normal standard, the feds are within their rights to react: "Since when is it okay to try to burn down a federal court?" said Attorney General William Barr in his Tuesday testimony before Congress.

But the nature of the feds' response has sparked a furor: They've sent out camouflage-clad, poorly identified enforcers to conduct street arrests and skirmish with crowds. In at least one case, a protest participant appears to have been bundled into an unmarked van and later released after no probable cause was found for his arrest.

This has sparked heated talk of secret police and kidnapping, and while it's not that, it's also not good police practice and has quite rightly sparked investigations into what went wrong.

The crime-fighting program, meanwhile, was announced last week at a federal press conference as an extension of a pilot effort in Kansas City. Initially it will roll out to Chicago and Albuquerque, with other cities like Detroit being added later.

Here are six differences to keep in mind between what was seen in Portland and what to expect in Detroit.

- ▶ The U.S. Attorney in Kansas City, which hosted the pilot version of the violent-crime program, said the federal participants "won't replace or usurp the authority of local officers" and in particular "won't be patrolling the streets." Should they participate in arrests at all, to quote the Associated Press, they "will be clearly identifiable when making arrests, unlike what has been seen in Portland."
- ▶ Feds say the help is aimed at supporting rather than supplanting the cities' police efforts, and that they will defer to local priorities. In Portland, by contrast, both the mayor and the state

governor say they don't want the federal agents, and the tension and lack of cooperation between the two levels of government have led to many problems.

► Relatedly, the feds have secured the agreement and cooperation of the cities involved for the violent-crime initiative. It can't hurt that they are sweetening the whole deal with more than \$70 million in federal taxpayer funds, much of it directed to the cities themselves.

This has already called for a few skillful dance steps from mayors like Chicago's Lori Lightfoot and Kansas City's Quinton Lucas. Both signed a letter condemning the feds' actions in Portland and saying "Deployment of federal forces in the streets of our communities has not been requested nor is it acceptable." But (pivot!) if the feds want to send agents and money to help with what we agree is a crime problem, well, that's not so bad.

Detroit Mayor Mike Duggan is likely to follow much the same steps. While he didn't sign the Portland letter, Duggan co-signed a statement with police chief James Craig saying "We definitely have no need for any federal presence being sent in now." But it seems doubtful that he would turn down federal aid.

► Many of these other cities haven't seen serious protest unrest for weeks, let alone sieges of federal buildings. They aren't Portland. Duggan and Craig noted that Detroit has managed to avoid the arson and looting seen in many other cities.

► The numbers of feds involved are too small to suggest much of a role in street policing or crowd control. According to Attorney General Barr, they include specialists in skills like ballistics identification and investigation, the better to help cities crack homicide cases and the like.

► Significantly, the anti-crime program is being run out of the U.S. Department of Justice, which will be deploying mostly agents from DoJ divisions like the FBI and Drug Enforcement Administration. For all their problems, these agencies have long histories of professionalized law enforcement in response to violent crime.

By contrast, the Department of Homeland Security has fumbled and bumbled its way through its direction of the Portland operation. It has deployed officers repurposed from agencies like Border Protection and Customs Service — Portland, of course, is nowhere near an international border — who have flubbed issues both fundamental and superficial, such as: Are officers adequately identified to the public? Are they respecting Constitutional standards of arrest and detention during encounters with the public?

Is DHS's problem poor planning? Poor training? Both? Whichever, it's been compounded by the department's inability to explain its way out of a public communications debacle. So the more it trims its nationwide ambitions, the more relieved we should be. No one should want a summer of Portland Everywhere.

The crime-surge program is new in almost no way. As Attorney General Bill Barr himself explained — somewhat undercutting his boss's claims to originality — "the operations we're talking about are the standard anti-crime fighting activities we have been carrying out around the country for decades."

The Trump administration, of course, sees crime-fighting as an issue on which the public will take their side, at a time when there aren't many. Ironically or otherwise, Joe Biden is among

longtime advocates of federal assistance to urban police forces, and a “crime wave surge assistance” program is just the sort of thing he might have come up with himself.

As for Portland, whatever happens next in the situation there, this whole episode should prompt a searching review of where DHS has been headed for years (not just in the current administration). The department's mission creep has proceeded with the help of lawmakers of both parties. Many of the legislators lately discontented with DHS have routinely voted to award it higher budgets with few questions asked. Both parties, too, have fingerprints on the DHS grant program that has been a key force in local police militarization.

When Congress created DHS after 9/11, it considered but firmly rejected the notion that the department could form the nucleus of a federal domestic police force. There were too many dangers down that road — dangers seen in other countries, dangers of politicization and worse.

Former California Senator Barbara Boxer wrote a Washington Post opinion column the other day saying that she now regrets voting for the creation of the department at all. "I never imagined a president like Trump when I voted to create the Department of Homeland Security."

Well, now she knows. Plenty of libertarians would have been glad to warn her about that, over her 34 years in Congress.

Every time you vote to expand a government power you should think hard about how it might someday fall into the hands of the very people you oppose most.

And there are few better examples of that than the U.S. Department of Homeland Security.

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