

How the Internet Checks Police Abuses

Though often disparaged by the mainstream media, the Internet and its social media represent an important safeguard against civil rights abuses, like the police shooting in Ferguson, Missouri, from being covered up. That makes Net neutrality especially important, says Michael Winship.

By Michael Winship

At the end of the classic *Mr. Smith Goes to Washington*, Jimmy Stewart, as Senator Jefferson Smith, is in the midst of his filibuster against the corruption of the political machine that sent him to Capitol Hill as their lackey. Now he knows the truth and he's taken over the floor of the Senate to tell it.

The nation is enthralled by his one-man stand, but no one back in his home state is hearing the story: the machine controls all the newspapers and radio stations and even when the kids in Smith's youth group print out a special edition of their own paper to try to tell his side, they're run down by Boss Taylor's goons.

Ultimately, Jimmy Stewart triumphs, of course, thanks to some handy, Hollywood-style *deus ex machina*, but just imagine if Jeff Smith and those kids had mobile phones, the Internet, Twitter and Facebook. Okay, maybe it wouldn't have made for movie magic, but look at the power of today's social media in the hands both of journalists committed to truth-telling and everyday citizens fighting back against injustice. And think of the loss to democracy if that ability to access a free and open Internet is taken away.

The tragedy and ensuing crisis in Ferguson, Missouri, have shown the ability of social media to get the story told.

Yes, we're talking about preserving Net neutrality, preventing the Federal Communications Commission from allowing the Internet to be split into fast lanes for the rich and slow lanes for the rest of us, lanes that could be clogged or blocked to prevent word from getting out about corporate and government malfeasance.

David Carr wrote in *The New York Times* that, "Twitter has become an early warning service for news organizations, a way to see into stories even when they don't have significant reporting assets on the ground. And in a situation hostile to traditional reporting, the crowdsourced, phone-enabled network of information that Twitter provides has proved invaluable."

Also contemplating the situation in Ferguson, Zeynep Tufekci, a fellow at Princeton's Center for Information Technology Policy, noted, "It seems like a world ago in which such places, and such incidents, would be buried in silence, though, of course, residents knew of their own ignored plight. Now, we expect documentation, live-feeds, streaming video, real time Tweets."

Which is a reason why the new generation of civil rights leaders despite opposition from legacy groups like the NAACP that have received significant funding from the media and telecommunications conglomerates recognizes that maintaining an Internet accessible to all is crucial. "Keep in mind, Ferguson is also a net neutrality issue," Tufekci writes. "How the Internet is run, governed and filtered is a human rights issue."

Meanwhile, the FCC continues its consideration of proposed rulemaking for an Open Internet and has just extended the latest period for public comments until Sept. 15. A final decision may not come until next year, and you can keep e-mailing them at OpenInternet@fcc.gov. More than a million comments were received during the first comment period, shutting down the FCC's platform more than once.

What many of those comments say is that there's a simple solution if only FCC Chair Tom Wheeler and his commissioners will grasp the nettle and defy Washington's rotten habit of never admitting or correcting a mistake. Under Title II of the Communications Act, broadband service providers can be reclassified as telecommunications services, common carriers like the phone companies.

"Common carriage simply means that companies must serve the public indiscriminately," Candace Clement of the media reform group Free Press writes. "And that is the DNA of Net Neutrality."

Despite the cries and moans of Verizon, Time Warner and Comcast and the hundreds of millions they, their allies and lobbyists have spent trying to convince or scare, us otherwise, that's really all there is to it.

But there are disheartening indications that the FCC's Tom Wheeler may not be paying heed to the public, opting instead for a watered-down version of the rules that might best be called "Net Neutrality Lite."

And although President Barack Obama's recent comments in support of an Open Internet may seem encouraging "You don't want to start getting a differentiation in how accessible the Internet is to various users," he said the President has shown no signs of putting his words into action.

Former FCC Commissioner and interim chair Michael Copps, now with Common Cause,

and Craig Aaron, president of Free Press, have requested a meeting with the President to further press the case for Net neutrality. That's a good thing. But the person Barack Obama really should be talking to loudly, is Tom Wheeler, a former lobbyist, lest we forget, for the cable and telecommunications industry.

If the President really means what he says, he should demand that Wheeler do the right thing.

It's more important than ever that Wheeler and the FCC get outside the Beltway and into the community, that it hold public hearings on the Open Internet around the country. It's essential to listen to citizens instead of lobbyists, to see in their faces and hear in their testimony the very real impact an Open Internet has had on their lives and how adversely affected they would be should that access and freedom be taken away.

According to Free Press, "It's been more than five years since all five FCC commissioners left Washington, DC, in an official capacity to hear how the agency's policies affect real people. The public is invested in the future of the open Internet and wants to have a voice in this debate."

It's about time. An analysis of that first million or so public comments is revealing and not because of the near 10,000 uses of a certain common obscenity. As crunched by the data analysis company Quid and reported by Elise Hu at the NPR "All Tech Considered" blog, "While the research showed several themes matched the talking points in the debate advocated in the press, the two more surprising emerging arguments were not outflows of advocacy group talking points or news media. They had to do with how the Internet affirms American principles.

"One cluster focused on preserving net neutrality to maintain a diversity of opinion. Commenters argued that biasing faster traffic to the content providers that can pay for it removes a set of voices that should have a fair shake in sharing content. 'It's the idea that America is America because you can connect to different opinions,' Quid's Sean Gourley says.

"The related but separate cluster of arguments had to do with the American dream. Commenters believe America should be a meritocracy, and that everyone should be able to compete equally with everyone else. Not preserving net neutrality, commenters argue, tilts the playing field away from everyone and toward firms in special positions of power."

Hear that, Mr. President and Chairman Wheeler? The Internet "affirms American principles." We're seeing that as the press and public seek the truth in Ferguson and rely on social media to help reveal it.

Jimmy Stewart's Jefferson Smith would be pleased. "There's no place out there

for graft, or greed or lies,” he tells his fellow senators. “Or compromise with human liberties. Great principles don’t get lost once they come to light. They are right here. You just have to see them again.”

A free and open Internet shines the light.

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Is Police Brutality Color-Blind?

The Missouri police shooting death of Michael Brown has spotlighted police brutality toward blacks but many other Americans, including whites, are finding themselves the targets of harsher and harsher police tactics, notes Nat Parry.

By Nat Parry

A survey released this week by the Pew Research Center has revealed glaring differences of views among blacks and whites when it comes to the death of Michael Brown, an unarmed African-American youth killed by a white police officer in Ferguson, Missouri, on Aug. 9, and the protests that have followed.

Unfortunately though, the wording of the survey leaves some pertinent questions unaddressed, focusing on the racial aspect of the controversy while overlooking the public’s general perception about the problem of police brutality in America.

Nevertheless, the survey significantly found that blacks are about twice as likely as whites to say that Brown’s shooting “raises important issues about race that need to be discussed,” with about 80 percent of African-Americans agreeing with that statement and whites saying by a 47 percent to 37 percent margin that the issue of race is getting more attention than it deserves.

Although the Pew survey neglected to ask, it’s possible that at least some of the white respondents objected to the focus on race because they feel that the epidemic of police violence cuts across racial lines. As anyone who regularly follows news pertaining to police brutality knows, the police are generally out of control across the country and the victims of their brutishness are not just African-Americans but in fact, Latinos, Asians, and yes, even white people.

In one recent case that received some national attention, police shot and killed

a homeless white man in Albuquerque, New Mexico, sparking a wave of demonstrations in the city. Police officers gunned down 38-year-old James Boyd on March 16 in the Sandia foothills following a standoff and after he allegedly brandished a small knife, authorities said. But a helmet-camera video showed Boyd agreeing to walk down the mountain, gathering his things and taking a step toward officers just before they opened fire.

Amid the popular uproar that ensued, the U.S. Justice Department issued a report on April 10 documenting that the Albuquerque Police Department (APD) has for years engaged in a pattern of excessive force that violates the U.S. Constitution and federal law.

The investigation, launched in November 2012, specifically identified three general patterns of police abuse in Albuquerque:

–APD officers too frequently use deadly force against people who pose a minimal threat;

–APD officers use “less lethal” force, including tasers, on people who are non-threatening or unable to comply with orders; and

–Encounters between APD officers and persons with mental illness and in crisis too frequently result in a use of force or a higher level of force than necessary.

While these findings specifically pertained to law enforcement practices in Albuquerque, largely vindicating the grievances of demonstrators protesting the shooting death of James Boyd, they could just as easily apply to any number of police departments across the country that engage in similar practices of excessive force.

United Nations’ Criticism

The national epidemic of police violence has even caught the attention of the United Nations Human Rights Committee, which earlier this year issued a scathing report raising serious concerns about human rights abuses in the United States, including police brutality.

In a section on “Excessive use of force by law enforcement officials,” the UN found that across the country, there is an unacceptably “high number of fatal shootings by certain police forces,” as well as “reports of excessive use of force by certain law enforcement officers including the deadly use of tasers.”

In order to bring U.S. practices in line with international norms on law enforcement, the UN recommended that the U.S. government should “step up its

efforts to prevent the excessive use of force by law enforcement officers by ensuring compliance with the 1990 UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officers” and “ensure that reported cases of excessive use of force are effectively investigated, alleged perpetrators are prosecuted and, if convicted, punished with appropriate sanctions.”

This is one area that is severely lacking in the U.S., with killer cops rarely if ever held accountable for their actions. It is also another major difference in the perceptions of whites and blacks, according to the Pew survey. In fact, whites are nearly three times as likely as blacks to express confidence in the official investigations into the shooting of Michael Brown, with about half of whites saying they have a great deal or fair amount of confidence in the investigations, compared to just 18 percent of blacks.

Whites are also less likely than blacks to view the highly militarized and aggressive police response to the Ferguson street protests a response that has been widely condemned, including by UN Secretary-General Ban Ki-moon and Amnesty International as problematic, with fully 65 percent of African-Americans saying the police have gone too far but only 33 percent of whites agreeing. (According to the Pew survey, 32 percent of whites say the police response has been about right, while 35 percent offered no response.)

While the framing of the Pew survey may in some ways be lacking, failing to consider for example the possibility that whites view race as receiving too much attention because they also feel victimized by police, when combined with the findings on the police response to the protests and the viability of the official investigation of Brown’s death, it does appear that there may be some naiveté on the part of white people when it comes to these issues.

Racial Disparities

Indeed, although police violence to a certain degree does cut across racial and demographic lines, the reality is, if you are black you are far more likely die at the hands of a police officer than you would if you are white. A 2007 investigation by ColorLines and the Chicago Reporter found for example that in ten major cities, there was a disproportionately high number of African-Americans among police shooting victims, particularly in New York, San Diego, and Las Vegas.

An investigation of the NAACP into police shootings in Oakland, California, found that out of 45 officer-involved shootings in the city between 2004 and 2008, 37 of those shot were black and none were white. Although one-third of the shootings resulted in fatalities and despite the fact that weapons were not found in 40 percent of cases, no officers were ever brought up on

criminal charges.

Considering these statistics, the black-white perception divide on the Ferguson situation may indeed be a cause for concern. While there could be other unaddressed dynamics at play, including a general ignorance and apathy as it pertains to the racial disparities in law enforcement, it seems likely that the concept of white privilege is also playing a significant role.

White privilege, as defined by sociologists, is a system of unearned benefits granted to white people, providing them with an advantage based on their race, which enables them to maintain an elevated status in society. As Frances Kendall describes the concept in *Understanding White Privilege*, it is “an institutional, rather than personal, set of benefits granted to those of us, who, by race, resemble the people who hold the power positions in our institutions.”

One of those benefits, it is assumed, is the right not to be shot, beaten or even harassed by police. And by maintaining relative silence over the routine police brutality that disproportionately affects African-Americans and expressing general support to cops who are “just doing their jobs,” whites may think that they can maintain this privilege and hold on to their perceived immunity from police violence.

If this is the assumption, it is a foolish one indeed. Emboldened by decades of martial rhetoric emanating from the war on drugs, the war on crime and the war on terror, and lavished by the Defense Department with advanced military combat gear through a program authorized by Congress in the 1990s, local police forces around the country have been militarized to a degree never seen before in the United States.

The Warrior Cop

Radley Balko, author of the book *Rise of the Warrior Cop: The Militarization of America's Police Forces*, explained the phenomenon in a recent interview on Democracy Now.

“The transfers from the Pentagon of surplus military equipment we’re talking tanks, armored personnel carriers, grenade launchers, helicopters that began early in the Reagan administration informally and then was formalized by Congress in the 1990s,” he said. “We’ve had millions literally millions of pieces of military equipment have been exchanged this way. And then, after September 11th, the Department of Homeland Security started sending out checks to buy new military-grade equipment from companies that have now sprung up to build that equipment.”

Balko pointed out that the body responsible for administering these transfers, the Law Enforcement Support Office, which is part of the Defense Logistics Agency, boasts the motto, "from warfighter to crimefighter."

"So, you know," Balko said, "their very motto sort of portrays a misunderstanding of the role of soldiers versus the role of police officers. I think these are two very different jobs. The soldier's job is to annihilate a foreign enemy; it's to kill people and break things. A police officer's job is to keep the peace and to protect our constitutional rights."

In a report released in June, "War Comes Home: The Excessive Militarization of American Policing," the American Civil Liberties Union investigated more than 800 SWAT raids conducted by law enforcement agencies in 20 states and the agencies' acquisition of military weaponry, vehicles, and equipment.

"We found that police overwhelmingly use SWAT raids not for extreme emergencies like hostage situations but to carry out such basic police work as serving warrants or searching for a small amount of drugs," said Kara Dansky, Senior Counsel with the ACLU's Center for Justice.

Wounding a Baby

In one tragic case the ACLU examined, police in Habersham County, Georgia, carrying out a "no-knock" search warrant for someone suspected of having made a \$50 drug sale, threw a flash-bang grenade into the house that landed in a crib where a 19-month-old boy was sleeping.

"Just before 3:00 am on a night in May of 2014, a team of SWAT officers armed with assault rifles burst into the room where the family was sleeping," the ACLU explained. "Some of the kids' toys were in the front yard, but the Habersham County and Cornelia police officers claimed they had no way of knowing children might be present. One of the officers threw a flashbang grenade into the room. It landed in Baby Bou Bou's crib."

When the grenade exploded, it blew a hole in the toddler's face and chest, exposing his ribs. The blast covered his body in third degree burns and left him disfigured. The boy's mother, Alecia Phonesavanh, who is white, told the ACLU, "This is all about race and class. You don't see SWAT teams going into a white collar community, throwing grenades into their homes."

Despite costing the family \$800,000 for the toddler's medical bills, officials from Habersham County are now refusing to pay. The cops have defended their actions, with Police Chief Rick Darby claiming that since there was "nothing to indicate that there was children present in the home," throwing a grenade into someone's house in the middle of the night was perfectly reasonable.

"If there had been [indications of children present] then we'd have done something different," Darby said. An investigation is underway into the handling of the case, but no arrests of police officers for criminal negligence have been made.

Cases such as these make one wonder about the mentality of modern-day police officers, specifically whether they possess anything resembling a conscience or human empathy. Do they recognize inherent human rights in others, or do they simply view people as potential threats or as subjects with whom they must establish their authority at any cost?

Don't Resist

In a Washington Post op-ed on Tuesday, Sunil Dutta of the Los Angeles Police Department provided some insight into this question, offering practical advice to civilians on how to avoid being brutalized or killed by cops.

"If you don't want to get shot, tased, pepper-sprayed, struck with a baton or thrown to the ground," he wrote, "just do what I tell you. Don't argue with me, don't call me names, don't tell me that I can't stop you, don't say I'm a racist pig, don't threaten that you'll sue me and take away my badge."

Acknowledging that police "field stops" can sometimes amount to unlawful and unconstitutional harassment, Dutta nevertheless advised civilians to never question the police about why they are being hassled, and above all, never contest cops' authority in any way.

"I know it is scary for people to be stopped by cops," he wrote. "I also understand the anger and frustration if people believe they have been stopped unjustly or without a reason," adding that he is well aware that "corrupt and bully cops exist."

However, "if you believe (or know) that the cop stopping you is violating your rights or is acting like a bully, I guarantee that the situation will not become easier if you show your anger and resentment," he said. Instead of challenging the cop on the spot or questioning the legitimacy of his or her "field stop," Dutta advises that you "Save your anger for later, and channel it appropriately. Do what the officer tells you to and it will end safely for both of you."

"Feel free to sue the police," he says. "Just don't challenge a cop during a stop."

Of course, this is often more easily said than done. While many people have long ago internalized Dutta's advice, having learned at an early age that to avoid being brutalized or thrown in jail, it is always best to demonstrate the utmost

respect during run-ins with the law, at times, this is not always realistic. Particularly when it comes to individuals who endure police harassment on a daily basis such as African-American youths living in the ghetto or homeless people of any color living on the streets there is always a breaking point at which civilians might on occasion talk back to police or, heaven forbid, fail to immediately comply with what they feel are unfair or disrespectful police orders.

At other times, police orders might be confusing or contradictory, such as the incident last week in Ferguson in which Washington Post reporter Wesley Lowery was arrested after failing to obey the conflicting commands of two different police officers who were demanding that he leave a McDonald's restaurant where he was filing a story.

"One instructed me to exit to my left," Lowery explained. "As I turned left, another officer emerged, blocking my path." 'Go another way,' he said." At that point, Lowery, who is white, was slammed against a soda machine and handcuffed.

A Beating Death

Or, consider the tragic case of Kelly Thomas, a white 37-year-old homeless man who was savagely beaten to death by police in California in July 2011. The full video of the altercation, which was made public for the first time in May 2012, demonstrated for all to see that the episode started as routine harassment of a homeless person, with questioning about where he sleeps at night and requests to search his belongings.

Police officer Manuel Anthony Ramos then began making contradictory demands of Thomas, instructing him to sit down, to extend his legs and simultaneously put his hands on his knees. When Thomas, who suffered from schizophrenia, failed to immediately comply with the confusing instructions, Ramos held out his fists and warned Thomas that "they're getting ready to fuck you up."

Ramos then proceeded to viciously beat and taser Thomas for about ten minutes, assisted by several other officers who subsequently joined the assault. Thomas repeatedly cried out "I'm sorry! I'm sorry!" and "Daddy, help me!" as the officers continued to torture him. He died several days later in a hospital.

After a lengthy legal battle, Ramos was ultimately acquitted of second-degree murder and involuntary manslaughter. His partner, Jay Cicinelli, who assisted in the beating of Kelly, was acquitted of involuntary manslaughter and excessive use of force. As the Associated Press noted, "It was a rare case in which police officers were charged in a death involving actions on duty. Jurors took less than two days to reach their verdicts."

Incidents such as these reveal that, perhaps, police brutality is really more about power than it is about race. In the U.S., of course, race and power are historically linked, but then again so too are wealth and power. It is therefore unwise for whites to think that their racial status their white privilege will protect them from out-of-control, militarized police forces around the country. Power, of course, is also intrinsically tied to violence, or what political scientists call the *"monopoly of legitimate physical force."*

Max Weber, one of the most influential political theorists of the Twentieth Century, defined not just state power but the state itself in terms of the means that is specific to it, namely, violence.

"Violence," he wrote, "is not the normal or sole means of the state, but it is what is specific to the state." The state "is the sole source of the 'right' to exercise violence," and must maintain its monopoly over violence in order to "force those who are ruled to comply with the claimed authority of those actually ruling."

This may help explain why police brutality is generally on the rise across the country, and also more specifically why the police in Ferguson are now employing such harsh and draconian means to quell the uprising that has taken hold there. What police despise more than anything is when their authority is challenged, whether it is by whites, blacks, Asians or Latinos. When they feel the need to establish authority is when they lash out, which can be either by throwing you in jail or through excessive force.

And when they do lash out, be advised: white privilege is no protection.

Nat Parry is the co-author of *Neck Deep: The Disastrous Presidency of George W. Bush.*
