

The American Police State
Guest: John Whitehead
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John Whitehead is president of the Rutherford Institute and author of *A Government of Wolves: The Emerging American Police State*.

WOODS: I just told people a little bit about your new book, but maybe you can explain and defend a bit of the premise of it. I'm sure for some of our listeners, this is something they're familiar with. They may not know all the details but they'll agree with the thesis. But maybe the average person on the street might feel like you're exaggerating. If you're not a troublemaker, the authorities aren't going to give you any trouble, so what's worth worrying about?

WHITEHEAD: Those are good questions. I'm a constitutional lawyer. I've been litigating cases throughout the courts, including the Supreme Court, for over 36 years, so I've looked at what's happening in the country. I'm alarmed. I've written over 20 books. I would say this is probably the most important book I've written in 20 years because I'm alarmed. James Madison, who wrote our Bill of Rights, said "take alarm at the first experiment with liberty," so we all should be concerned when we see the things happening—the revelations about the National Security Agency downloading all the information from our computer, our bank records, watching everything we're doing worldwide. In fact, I argue there's an electronic concentration camp that's being put around the world and we just learned, believe it or not, that the NSA just in January downloaded 120 billion phone calls around the world.

We live in a very precarious state where you've seen the rise of annual SWAT raids to approximately 70,000. That might be a low figure. In fact, I was told by a former NSA agent that number—70,000 SWAT raids occurring across the country where police were going through people's doors, for misdemeanors, by the way, shooting their dogs and we want to talk about it; some of the cases where people are getting killed that have done nothing wrong. All the things I'm seeing—the drones will be flying over the country very soon, they'll be equipped with lasers, Tasers, sound cannons, they'll have scanning devices. They'll be able to fly over your home, watch what you're doing in your home. I'm not the only one saying this. People are saying there's really no place to hide anymore basically. You may not be doing anything wrong, by the way. You may get the arrival of a SWAT team at your door so you're going to be watched.

Here's the thing that I say to most people: I stand up and fight for freedom every day. It's not easy. I defend people who picket for our liberties and they get arrested. It's not easy. If you're not doing something the government has at least been investigating, then you're clearly not doing anything wrong and you don't have to worry because you're not out there fighting for freedom. That's where we're at today. I believe we have about 10 years before we're going to see something so ominous that we can't deal with it so the time to act is now.

WOODS: You've been mentioning these SWAT team raids. That's actually how I got to know about your book. I read an article that you did and you were describing what sounds to me like pretty horrifying episodes involving average Americans. You would think when you hear SWAT team, you think "That's never going to happen to me," or these people probably had it coming, or whatever. This is our instinct that we have growing up, especially law-and-order conservative types. Just give us some examples of these sorts of things that have been going on.

WHITEHEAD: Here's the key: our Founding Fathers gave us the Fourth Amendment. It says we are to be secure in our homes, persons, papers and effects unless the government has some idea, some evidence, that we're doing something criminal. They can come investigate us but they have to get a search warrant. If you just look at the average police today when they do a SWAT team, they're in black outfits, with assault vehicles, assault weapons. Now the new phase is they're wearing masks, actually; all you can see is their eyes. These are American police coming to your doors. Starting back in the 1980s, the Department of Defense started handing out billions of dollars worth of equipment to police across the country, so your average police force today is a military force.

That's what you're dealing with, but some of the most outrageous cases I go through in the book.

One was José Guerena, former decorated Marine in Arizona, over a year ago. He was asleep in his home, three in the morning, the door flies open. All the SWAT team raids occur during the night when you don't know what's going on. You wake up and you're disorientated. He grabs his wife and child and puts them in the closet and says, "Stay here, I'm going to protect you." He grabbed his shotgun, the police enter and see him standing at the end of the hallway, they fire over 70 rounds, killing him. Fifty rounds hit him. He bleeds to death on the floor. They wouldn't let the medics take care of him. The police claimed he had fired at them, an investigation showed he had never taken the safety off his gun. The reason they came into his home is they were doing a sweep of the neighborhood trying to find marijuana. They found no marijuana in José's home. He died for nothing.

The case of Aiyana Jones, a young African-American girl, seven years old, asleep on a princess blanket in a Detroit apartment. The same thing happened. Three a.m. The window blast out, the doors go down, in come the police. One of the policemen said his gun went off by accident. It strikes young Aiyana, who was asleep wrapped in her princess blanket, killing her immediately; her blood splattered all over the apartment, all over the floor. Her father came out screaming, "Why did you kill my little girl?" They shoved him face down on the floor. Lo and behold, they were in the wrong apartment. The guy were looking for was two stories up in the apartment building. All these people have filed lawsuits and I hope they get some money and that it's a lot. But again, if they get settlements, they have to pay for it.

Those are the kinds of cases I'm seeing happening. We can talk more about some of the cases I'm actually involved in where we're seeing people disappear now, in most cases where the police arrive and just take people away and put them in institutions. I actually have people who work in the Secret Service who tell me that they're freaked by it and they don't know what to do about it, but when you get all this military equipment—and you're getting paid to do drug busts, by the way; police get federal grants for doing marijuana—and they're not using the warrant procedures; they're not knocking on the door. Most of these people aren't even armed and they're getting shot and killed.

There were 3000 estimated SWAT team raids yearly in the early 1980s. There are over 70,000 today. That's over a 3000 percent increase. By the way, crime has dramatically dropped in half while the SWAT raids have increased.

WOODS: If you had to estimate, what percentage of these would you say are due to drug-related offenses?

WHITEHEAD: Marijuana. They're all misdemeanors by the way. Most of these cases—30 to 40 percent. They make a lot of money off of it by doing these raids. They get actually money and I think that's awful. No policeman should be going at anybody's door to get a federal grant. That should not be. They should go there because they're actually dealing with a real criminal. The Chief of Police was my next-door neighbor. I

used to talk to him and he would be shocked; in fact, I have a lot of older policemen—and, by the way, younger policemen—who come by to visit me and they say, “I wish this wasn’t happening.” In fact, they’re reading my book, *A Government of Wolves*, and they’re saying, “I don’t want to do this, I hate this stuff, but it’s actually increasing.”

Under George Bush, some of this stuff dropped, but under Barack Obama, it’s actually dramatically increased, the hand-out of equipment and the raids. It’s increasing under the new president.

WOODS: Here’s a concern, though. Some people will say, “We have plenty of good cops, and we have a lot of bad cops too,” but then if it’s the bad cops who were up to a lot of the bad stuff—for example, who were lying about what actually went on in these sorts of incidents—why is it that we tend to find out about what the bad cops have been up to not because good cops rat on them, but because somebody, thank goodness, had a video camera somewhere or somebody recorded somebody? Why don’t we hear about this from within more?

WHITEHEAD: I do occasionally. Some policemen do get freaked out and that’s the word. They’ve basically seen what we might call executions in people’s homes of these SWAT team raids and they do get freaked out; they do report to their policemen. There are a lot of good policemen out there; in fact, I’ve spent my life on and off defending policemen, so I know. And I have good friends, as I said, who are policemen. Usually, it’s thankfully programs like this that’s I’m on, newspaper articles pick it up, sometimes just the TV station sees there is a rumor and they investigate it and find out about it. You’re hearing that but when I say police state by the way—and that’s the subtitle of my book *The Emerging American Police State*—I’m not talking just about the local police; I’m talking about anybody that carries a gun today. By the way, there’s a certain paranoia and people need to know this: last year, about this time, the Department of Homeland Security bought over \$1 billion hollow-point bullets for use by federal agents.

I was a military officer; we weren’t allowed to use hollow-point bullets because if you know what those are, they enter like a regular bullet, but they collect flesh and when they exit, you’re dead. They just blow a hole through. The FBI, the Department of Homeland Security, IRS, Department of Fisheries, Department of Education have hollow point bullets. There are some people asking serious questions about that. There’s something happening in America and that’s why I wrote the book *A Government of Wolves*; in fact, the title comes from Ebner Merrill, who was the great CBS analyst. He said, “A nation of sheep will beget a government of wolves.” People ask me, “Who’s to blame here?” Us, because we’re not informed, we’re sitting endlessly watching 50 to 60 hours of television a month. We’re not down at the city hall complaining about these things. They will go on as long as we allow it.

WOODS: What is the precipitating factor? Why now? What do you think is pushing this? I understand that when the local police get all this extra equipment, naturally they tend to find uses for it, but that seems deterministic. Who’s foisting it on them and why?

WHITEHEAD: The Department of Defense hands it out free. The Founding Fathers, Madison, George Washington, Thomas Jefferson, always said you don’t want a standing military force. They didn’t believe in the standing army on American soil; we have it today with the average police, but they actually combined with FBI and other agencies. Let me give you a case quickly about which we’re in the courts: A guy named Brandon Raub, decorated Marine, was at his home last year in Richmond, Virginia, and he hears a noise outside. He’s got a home business, he’s typing, he’s got his running shorts on, he had just finished jogging, he walks to the front door and there’s eight or nine vehicles driving up around his lawn. Out jumps a bunch of local policemen in black. Then black-clad plainclothes people run up to his door and he steps out and

says, “What’s up?” Remember, he’s a Marine; he’s a little concerned seeing these armed fellows running toward his home.

They said, “We’ve been reading your Facebook posts, we’re concerned.” Brandon was posting some anti-Obama Facebook posts. They asked him to step out quickly, they grab him, handcuff him behind his back. One policeman shoves him into a fence, severing his back, and he starts bleeding badly. He asks for a shirt, they say no. When he gets to the police station, he asks for bandages and they throw a shirt on him which sticks to his back. They had been reading his Facebook posts, which was common; in fact, there’s more information that I’m writing on right now about how the police are watching Facebook posts.

They put him in a mental hospital because of his Facebook posts. We sued, got him out. Now we filed a federal lawsuit against the FBI and the local police on this issue but there are millions of those happening across the United States. They’re called civil commitments, where people have disappeared, the police arresting them. What we’re seeing in my opinion is a total matrix problem; it’s picked up dramatically over the last 15-20 years. Why? In my book, I discuss it pretty clearly and this is from studies that have been done: if you put someone in a military outfit, hand them an assault vehicle, a tank, black cloud outfits, they become very military. They no longer are the old servants—“serve and defend” I used to see on police cars. By the way, when I was a kid, the “Serve and Protect” was on the side of the police cars; I don’t see that anymore at all.

Basically, the psychology of the policeman changes when they put on the military outfit. That’s what the studies show. It really shows but again it’s all documented in my book.

WOODS: My listeners wouldn’t let me get away with not following up on the “people disappearing” point that you made earlier. Run with that if you would.

WHITEHEAD: They’re called civil commitments. Brandon Raub, as I said, was a decorated Marine, he didn’t threaten anybody; he just said he thought the president’s executive powers had gone too far. He thought the government had turned against the people. He was concerned about SWAT team raids. They grabbed him, a psychiatrist gave him a two minute investigation in the jail cell and said he thought Brandon might be mentally disturbed because there were long pauses after the questions that he asked.

Brandon’s a pretty smart fellow. He knows if you don’t have a lawyer, you don’t answer the questions of a psychiatrist in a jail cell. Just in Virginia alone, there were 20,000 of these commitments that occurred, so we don’t know what happens to a lot of the folks in those cases, but for some reason, there’s a program called Operation Vigilant Eagle that comes out of the Department of Homeland Security, and I talk about it in my book, which targets returning vets. There’s great concern for some reason by the federal government, especially under president Obama, for whatever weird reason. They’re watching them. I get dozens of calls a week from veterans saying the FBI arrives at their door reading their Facebook posts and questions them and say if they do it again, they could be in serious trouble.

They called them interviews. One of the tactics they use now is if you’re not at home, when you get home there’s one of those little hooks around your door that says FBI, you open it and they want to have an interview. It intimidates people and you stop speaking up.

WOODS: You’ve compiled many of the outrages so terrifyingly in *A Government of Wolves* that one hardly knows where to begin. In fact, the headline on your press release is “Citing NSA surveillance, drones, roadside strip searches and SWAT team raids, author John Whitehead warns against the emerging American

police state.” Who, 40 years ago, would have thought we’d be reading a sentence like this?

I think people like me, and probably people like you, grew up more or less politically as conservatives, and we felt like the law enforcement arm was upholding standards of morality in terms of trying to protect us from murder and theft, and these were people putting their lives on the line, so we tended to give them the benefit of the doubt. But that’s the problem. There’s no sector of government employee who can be given the benefit of the doubt; we always have to be asking questions and I don’t think we are.

WHITEHEAD: You’re correct; you have to answer the questions. I have law students who study with me every summer. I ask them when they come in for their interviews a number of questions and such, but one question I always ask them is “Can you give me the five freedoms of the First Amendment?” I haven’t found one law student that can. We don’t teach the Constitution in schools anymore; kids just don’t know. Another study I talk about in the book is about kids getting arrested for food fights now; what I’m really concerned about is what kids coming out of the educational system now are going to be having in their heads, they’re going to be worried that if they wear the wrong t-shirts, they’re going to get arrested. What they’re creating in my book is the bystander effect where in places, some of the big cities, people are being strip searched on streets where 50 bystanders are watching; that violates the Fourth Amendment. They have to have some evidence before they can strip search.

In Milwaukee, they cause rectal bleeding in men. They’ve been sued. In Oakland, they’ve been sued. In a case I talk about in my book, last summer in July, Ashley Dobbs and her niece were driving along in Texas, the policemen pulled them over and said, “You threw a cigarette out of the car and I want to know if there’s marijuana in the car,” and they said, “There’s no marijuana.” They pull the two women out, another policeman came, they did vaginal and rectum searches; you can go on YouTube and watch this. Guess what? No marijuana was found.

If you’re living in that environment, you’re going to be nervous, you’re going to be afraid, bodily integrity is gone and that’s what the Fourth Amendment is all about: we’re to be secure in our persons, papers, home and effects. The Founding Fathers lived under a regime: the British would invade their homes, they would push down their doors. And they didn’t let that happen in America, but believe it or not, I talk about this in the book really clearly, the Supreme Court’s upheld all this.

Two years ago, the case of *Kentucky v. King*. The police were searching for a guy, they arrived at the wrong door, they were going to do a SWAT team raid, they had no warrant, nobody to prove this; they thought they smelled marijuana. They went through the door, smashed it down. Of course, people that believed in the Constitution said this was wrong. The Supreme Court ruled it was okay to do that. Ruth Bader Ginsburg said this is the end of the Fourth Amendment if we allow these things, and I agree with it.

WOODS: Apart from educating the public, what else can be done?

WHITEHEAD: You want to educate the public. That’s what we do. I have a large section of that in the book. It’s time to get aggressive. You can make tremendous headway in your local communities. When you see kids get arrested for a food fight, people should be throwing a fit. Don’t be arresting six- and seven-year-old kids; that intimidates them. When you see and hear about SWAT raids, go down to your local city council, get your neighbors together, get groups together. Committees of Correspondence is what they called them in the colonies; people got together. They said enough is enough. We’re not going to allow this stuff to happen in our community. You can do that.

I'm warning people: drones are coming in 2015. President Obama signs a law allowing them to fly over the country without any civil liberties protection, so they're going to be looking through everything in your home, all the crazy things that I write about. And people go to my website [Rutherford.org], I write on stuff weekly. That's all we do. And research this. People say you're an alarmist, but let me go back with a quote I started the program with. James Madison, who wrote our Bill of Rights, said, "Take alarm at the first experiment of liberties." Either you're an activist or you're going to allow this to happen. That's all I can say and shame on you.