

Flipping the script – how use of power by police in the 1960s worked against them

Fire. Screaming. Dogs. Panic. Blood. These images took over the media of the United States in the 1960's. Nor was it an accident. The long suffering African American population finally found a way to put their suffering on the front page of the news. Led by Martin Luther King and other civil rights leaders, a massive campaign was kicked off to spread awareness about the conditions and harms of segregation.

Their surprising ally in this campaign was exactly the people meant to keep them down: the police. There were two distinct streams of thought from police organizations during this period of unrest. Some police chiefs advocated for a moderate approach, allowing the protest to occur, and quietly arresting the dissenters after the fact. The other school of thought was openly confrontational. This second group used police dogs, batons, and violence to suppress peaceful protestors. At times, they allowed, encouraged, or even participated in lynching and violent counter protests carried out by the KKK.¹ To someone unfamiliar with the strategy being employed by the protestors, it would seem obvious which response was preferable. A quiet night in jail or risk of bodily harm and even death? To the seasoned nonviolent protesters the choice was simple, but it was not the one most would expect. A simple fine and arrest wouldn't make headlines, but police actively attacking black children for being in the wrong place would make front page news.

This was one of the main reasons why the civil rights movements had its biggest battles and biggest successes throughout the deeply racist bible belt. Mississippi and Alabama became the frontline, especially cities known to have a violent response from police.² While protesters in New York were having to commit violence themselves to make headlines, the Southern police were being photographed attacking black children, strategically put on the front lines for that very purpose. Although it may seem cold and detached to take such a strategy, nothing could have more clearly highlighted the immorality of the status quo in the South.

This calculated use of the media had incredible success. This of course does not negate the successes of groups with a different strategy, such as the Nation of Islam or the Black Panthers. These two groups had a much different reaction to the situation they were in, and a much different reaction to the police who were in charge of maintaining it. A typical Black Panther response to arrests was to investigate the situation, guns drawn.³ Meanwhile, riots broke out in response to police killings, lynching, and other violence perpetrated against African-Americans.⁴

1964 was a violent year in the north. Rochester, New York City, Philadelphia, Jersey, and Chicago were all brought to their knees through violent protest from African Americans.⁵ These riots were prompted by a forceful arrest, a police killing, police brutality, and a citizens arrest (and assault) respectively.⁶ As most people would now recognize, these protests were sparked by legitimate concerns. Police brutality, enforced poverty, gutting of social services and de facto housing segregation made for neighborhoods

¹ Kristian Williams, *Our Enemies in Blue*, (Cambridge, Massachusetts: South End Press, 2007) at 78-80.

² Frye Gaillard, *A Hard Rain: America in the 1960's, Our Decade of Hope, Possibility, and Innocence Lost* (Montgomery: NewSouth Books, 2018) at 356–364.

³ Paul Butler, *Chokehold: Policing Black Men*, (United States: The New Press, 2017) at 87.

⁴ Gaillard, *supra* note 2 at 356-364 and 405.

⁵ *Ibid.*

⁶ *Ibid.*

full of angry young people with little to lose. At the time however, these young people were labeled “thugs”⁷ and tough, hard-line responses were praised by those in power.⁸ Against armed and potentially dangerous protesters police violence was accepted, and even encouraged, by most.

This public response to police action against the riots was markedly different from the response to what was happening in the South. While Martin Luther King and his nonviolent activists garnered the sympathy and support of Americans across the country, the Black Panthers and Nation of Islam faced almost unanimous contempt and opposition from white people, mainstream media, and those in power – right up to the presidency.⁹ Many arguments can be made to justify the violent reaction of Black Panthers and NOI, but there can be no argument that it was treated very differently. While police attacking small children raised an uproar from concerned citizens across the nation, police arresting gun toting paramilitaries in Harlem was almost unequivocally supported. Indeed to many, this was the job of the police. In many respects though, the different brands of activists were asking for the same things. Police were doing their jobs in both cases, preserving order – including the racial order. It was only the bald open violence against citizens that garnered condemnation, even though the Black men being arrested in the North were facing their own more subtle violence. These protesters were ignored however, not fitting into the box of ‘harmless victim’ as those in the South did. Gun carrying, trained, adult black males are much less of a sympathetic victim than those in the South.

These two different branches of the civil rights movement were asking for the same radical upheaval of society. In both cases, it was the police's job to enforce the order of the day and quell the uprisings. In the south, they were successfully portrayed as the “bad guys”, while in the North, they were perceived much more positively based on who they were preying upon. In both the South and the North the status quo was, we recognize now, clearly immoral. At the time however, it was only the nonviolent activists in the South who managed to showcase this immorality to the country through their actions.

In the end, it was mostly Martin Luther King who forced concessions from those in power. The violent protests faced violent suppression as well, but it was widely supported based on their negative image. This has exposed a significant limit to the usefulness of police powers. Although they may or may not be authorized to do so, when police use violent repressive tactics against protesters it can easily backfire. Nearly any picture or video of police violence will face condemnation if it is being perpetrated against a sympathetic target, and we have entered an age where pictures and video is commonplace. Because of this drawback, police violence has had to take a backseat in certain situations.

This failure of police power can maybe explain the change of strategy seen in recent years. Although police violence is still a constant in the news, within Western countries it is relatively rarely used against peaceful protesters. It has become clear that this only adds power to their voice and is more likely to make them succeed. For police, the best way to suppress resistance has been to allow it to run its course within defined perimeters. In doing this, protesters run out of energy, without having achieved any of the substantive aims they are searching for. General malaise and dispassion now haunts social

⁷ Will Mack, “The Jersey City Uprising (1964)” (November 27, 2017), online: *Black Past* <www.blackpast.org/african-american-history/1964-jersey-city-uprising-1964/>.

⁸ *Ibid.*

⁹ Lee Sustar and Alan Maass, “The Black Panthers”, *Socialist Worker* (2013) <socialistworker.org/2013/02/15/the-black-panthers>.

movements, with no faith that anything will change. These movements are put in a tough conundrum – whether to break the law and risk social condemnation to achieve actual results, or stay safe and burn their energy in unopposed marches. This is clearly a catch 22. By breaking the law, activists put themselves in the same situation the Black Panthers were in, criticized by mainstream society for not “playing by the rules”. By not breaking the law, they are playing by the rules of the very people they are protesting against, a sure recipe for failure. One example of this is Justin Trudeau’s widely criticized participation in the climate strikes. Perfectly accepted by mainstream Canada, these strikes, although a wonderful step, do not seem to have had substantive successes. This is why Justin Trudeau is both allowed to participate in these marches, and also has to have no concern with them challenging him in a concrete matter. Despite his patchy record on climate change, he must know that these protests present no realistic challenge to the status quo as implemented by him while they stay within the legal boundaries. The best response for Trudeau is to nominally support the protesters, pay lip service to their goals, and wait for them to run out of momentum. We have seen this time and time again recently. BLM, the Occupy movement, and others, quickly ran out of steam without achieving their main objectives. Meanwhile, the Standing Rock protests received sustained coverage, based on the police violence used against peaceful protestors. The Occupy movement had its greatest momentum under the same circumstances. The G20 protests (loosely affiliated with the Occupy movement) only gained widespread support when pictures of police beating and pepper spraying protestors surfaced on the internet.¹⁰

In the 1960s, mainly through the brilliance of Martin Luther King Jr, a fatal flaw in police tactics was discovered. By exposing the moral injustices behind the status quo through a cat and mouse game of political theatre, King was able to turn public opinion against the police and towards his movement. Contrasted against this success, we can see the failures that resulted from armed movements, who failed to achieve sympathy or support. Whether or not this is still a viable strategy is debatable. It seems that in many cases the police are wary of the negative optics from using violence against unarmed protestors. Although violence certainly still occurs, there is nothing to the extent of the repression against the civil rights movement in the south. Although it may seem counterintuitive, this is a blow to the ambitions of nonviolent protestors everywhere.

¹⁰ *R v Andalib-Goortani*, 2015 ONSC 1403 at 3.