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# No Witnesses: Protest Policing and the Media at the 2008 Republican National Convention

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**NO WITNESSES: PROTEST POLICING AND THE MEDIA AT THE 2008  
REPUBLICAN NATIONAL CONVENTION**

by

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B.A. May 2009, Old Dominion University

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## **ABSTRACT**

### **NO WITNESSES: PROTEST POLICING AND THE MEDIA AT THE 2008 REPUBLICAN NATIONAL CONVENTION**

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Old Dominion University, 2016  
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The importance of First Amendment protections for assembly, speech, and the press is manifest during protest events in a way that is not seen in many other situations. Entrenched political and commercial powers, which benefit from the status quo and resist the change supported by the protesters, use many tactics to suppress the message and repress the messenger. One of the tools of repression is the policing of protests. Protest policing, where the government uses law enforcement personnel as a tool to impose its will on the protesters, has evolved over the years. Another of the power center's tactics is control of press coverage. Honest and informative news reports are vital for movements as a way to spread their message. However, the mainstream press has traditionally downplayed the message and instead focused on troublemakers who provide the action that raise the ratings. The rise of Internet publishing and inexpensive video cameras, as well as small, local newspapers has mitigated this and supported the ascension of the independent media, or the Indy Press. The Indy Press offers a favorable depiction of protests and the message of protesters. This development has led some mainstream reporters to follow the lead of the Indy Press, thus presenting a threat to the power center's control of the message.

During the 2008 Republican National Convention, the police and other security forces providing security for the event arrested at least 43 journalists who were recording the protests and actions on the streets. These arrests were made in spite of the fact that many journalists were wearing valid press passes and identified themselves as reporters. Beyond that, the police maliciously assaulted many of the journalists during their arrest. This work examines the link between the policing of protests, the arrest of protesters, and the repression of reporters. These actions by the power centers serve as a form of intimidation known as *propaganda of the deed*. Utilizing the accounts of those reporters and witnesses, this work details the potential threat to democratic freedoms posed by the repression of the press, especially the Indy press, by the government.

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The thesis is dedicated to my wife, Dorothea Bunch  
whose steady support and advice has been invaluable.

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## INTRODUCTION

*“Those who make peaceful revolution impossible will make violent revolution inevitable” – John Fitzgerald Kennedy<sup>1</sup>*

At the 2008 Republican National Convention three journalists from the independent news program *Democracy Now* were among many journalists arrested while covering the protests outside the convention hall. A report by a legal watchdog group, The Center for Constitutional Rights, detailed the arrests of Amy Goodman, Sharif Abdel Kouddous, and Nicole Salazar:

Ms. Salazar was filming a demonstration outside the RNC Convention when riot police cornered her, forced her violently to the ground, bloodying her face, handcuffed her and disabled her camera, all while ignoring her protests that she was a member of the press. Mr. Kouddous, who was also covering the protests, tried to come to Ms. Salazar’s aid by explaining to the police she and he were journalists; the police slammed him against the wall and repeatedly kicked him in the chest. Ms. Goodman, upon hearing that her colleagues were arrested, rushed to the scene from the convention floor and asked to speak with a supervising police officer. Without any lawful basis, police pulled Ms. Goodman over a police line and arrested her (The Center for Constitutional Rights, 2011, para. 6).

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<sup>1</sup> Address on the first anniversary of the Alliance for Progress, 13 March 1962.  
<http://www.jfklibrary.org/Asset-Viewer/Archives/JFKPOF-037-026.aspx>. Page 21.

In a *Nation* magazine article, reporter Sharif Abdel Kouddous asserted, “Journalists should not have to risk being arrested, brutalized or intimidated by the police in order to perform their duties, exercise their First Amendment rights and facilitate the rights of others to freedom of speech and assembly.” In the same article, Nicole Salazar added, “The public has both an interest and a right to know how law enforcement officials are acting on their behalf. We should ask ourselves what kind of accountability exists when there is no coverage of police brutality and intimidation” (Scahill, 2010, para. 9-10).

This research examines the arrest of journalists at the 2008 Republican National Convention protests and how the treatment of reporters was linked to how the police dealt with the protesters. Most of the journalists were from independent media organizations, so the focus in this work is why the independent press is important and how it differs from the mainstream press. Also, some of the arrested reporters were citizen journalists and students, which is a reminder that the value of social media and blogs should not be minimized. This work also investigates how protest policing and the media have evolved over time. In this age of surveillance of citizens by the power centers in America, the independent press offers the valuable service of watching the watchers. Being a journalist today has become increasingly challenging and often dangerous. One would expect reporters to be in danger in war zones and in developing countries; however, in the United States it has become increasingly common for journalists to be arrested, sometimes violently, while reporting on the actions of the police. Sometimes reporters encounter restricted access to an event and/or have their equipment confiscated by law enforcement personnel. This trend prevails during protest events. To better understand the dynamics of journalists’ clashes with police,

this study centers on the police actions against journalists covering the protests at the 2008 Republican National Convention (RNC) in Saint Paul, Minnesota. This event was chosen for this study because over 43 journalists were arrested, the most to date, while reporting the events on the streets. There is a vital need for federal and state governments to develop well-defined rules and parameters for police and media interactions. Perhaps the federal government, with a great amount of input from journalists from all forms of news media, can establish a non-restrictive certification process for journalists to obtain valid press passes that would be universally honored. As it stands now, the system for obtaining press passes is very convoluted.<sup>2</sup> The need for independent voices in media cannot be overstated; they must not be silenced. The foundation for this research is the theoretical concepts developed by Michel Foucault, Herbert Marcuse, and Stanley B. Cunningham, which will be reviewed below.

At the outset, it must be stated that the police acted against journalists in Saint Paul while they were herding, corralling, and arresting alleged lawbreakers. The police considered these protesters and journalists lawbreakers and guilty of crimes equivalent to jaywalking and loitering.<sup>3</sup> However, these two minor crimes were renamed, or rather augmented to charges of “unlawful assembly, obstructing the legal process, misdemeanor interference with a peace officer and felony to riot plus other riot pretenses” (Pratt, 2008, p. 1). These arrests occurred because the federal government and the individual states failed to provide citizens with adequate opportunities to

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<sup>2</sup> See <https://nppa.org/page/press-credentials>

<sup>3</sup> A few of the arrested protesters were committing more serious violations than jaywalking and loitering but the vast majority of those arrested, detained, or harassed by the police were not. In fact, there were some curious discrepancies concerning who was arrested, who was detained, and who was released at the 2008 RNC. This will be covered more below.

exercise their First Amendment rights. John D. McCarthy and Clark McPhail (2006) informed us that,

a number of mechanisms have been at work during recent decades which have shrunk the practical size of the public forum, taking much existing public space out of the public forum, thereby narrowing the range of locations where protest events can be staged with maximum constitutional protection (p. 234).

They also ask the pertinent question, “How effective can protesters be if they are displaced from the assembled citizens whose eyes and ears are the targets of the protest message?” (McCarthy & McPhail, 2006, p. 229). Many of the protesters were arrested because they were trying to get closer to the Xcel Energy Center where the 2008 RNC was being held.<sup>4</sup> Journalists also found it difficult to report on the events where they were not allowed the freedom of the press that the Constitution provides.<sup>5</sup>

Protest is an integral part of the American experiment and a significant part of social movements. It represents another tool for political change outside of those that have been institutionalized, such as involvement in a political party and voting. In fact, according to Meyer (2007), “In order to understand American politics, we need to understand protest movements” (p. 1). Many who are not involved in political protest are not aware of the personal risks involved. Transgressive forms of contentious politics (e.g., protests, civil disobedience) represent an attempt to change the status quo; therefore, resistance to change in the form of suppression comes from those who

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<sup>4</sup> While approving the march route, the local courts felt that the route and the timing was acceptable. The route was closer than many other previous political conventions. However, many groups disagreed with the arrangements (Cullinan, 2008). This will be covered in depth below. The important consideration is that geography matters.

<sup>5</sup> As implied by Rosenberry and St. John (2010), the term “press” is becoming somewhat antiquated since so little of independent media is produced on a printing press. Yet due to the power of its “traditional, holistic meaning,” the use of the word is still justified (p. 6). The term is inclusive of websites, print media, radio, and television news.

benefit from the current order.<sup>6</sup> Sociologists refer to this resistance from power centers as the *threat approach model*, which states that a correlation exists between the challenge to the established order and the amount of repression experienced by the challenger. As Earl and Soule (2006) reasoned, “larger threats to political elites predict greater repression in terms of both frequency and severity” (p. 146). Boykoff (2007) defined suppression as “a process through which the preconditions for dissident action, mobilization, and collective organization are inhibited by either raising their costs or minimizing their benefits” (p. 12).<sup>7</sup>

The current literature about repression details many methods used by power centers to control protesters and the communication of their grievances to the general public. A great deal of the contemporary research concerns the policing of protests. The police represent the face of the government to those on the streets during protest events. This work stresses the fact that the treatment of journalist at these events is intrinsically linked with the treatment of protesters. Some of these news workers that were arrested at the 2008 RNC were members of the mainstream press, however, most of the arrested journalists were from independent news services, documentarians,<sup>8</sup> bloggers, and journalism students.

### **Movements and the media**

Protests that fail to receive media coverage might fail to achieve the intended goals or have no value (Koopmans, 2005, p. 160). Just as change in the United States

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<sup>6</sup> The term contentious politics covers all forms of political dissent. The two forms: contained and transgressive cover everything from institutionalized politics to civil wars. See the seminal work, *Dynamics of Contention* by Doug McAdam, Sidney Tarrow, and Charles Tilly (2001) for an illuminating look into the mechanics of dissention.

<sup>7</sup> Boykoff prefers the term suppression to repression, however, I use both terms interchangeably.

<sup>8</sup> These groups, which include the *I-Witness Video Group* and the *Glass Bead Collective*, document the actions of police at demonstrations. Most of their work is Web based.

profits from social movements; these movements need the media to communicate their concerns to the general public. This “public” is made up of three groups: 1) the authorities in government, business, or any other entity with the power to produce the change desired; 2) activists outside of the protesting groups who provide sympathy and support, or better yet, more volunteers; and 3) bystanders who, by being alerted about the need for change, can help to pressure authorities. Meyer (2007) agreed, “communication with these audiences is broadly possible only with the help of *mass media*, which can affect the presentation of the message and activists to others” (emphasis in original). He considered the media to be a “fourth audience” (Meyer, 2007, p. 87).

Endeavors to transform society depend on whether or not a group’s message is transmitted in a way that gains the attention of the policy makers and the sympathy of outsiders who would mobilize in their favor. Therefore, the activists are at the mercy of the media and the way the media *frames* the story. Media frames, according to Gitlin (2003), “*are persistent patterns of cognition, interpretation, and presentation, of selection, emphasis, and exclusion, by which symbol-handlers routinely organize discourse, whether verbal or visual*” (p. 7, emphasis in original). These news frames are an essential part of the news reporting process; they provide a way for reporters to take a complicated event and “package it for efficient relay to their audiences” – a template, if you will (Gitlin, 2003, p. 7). A key concern of movement leaders is the “symbolic struggle over meaning and interpretations” between them and power centers in society (Boykoff, 2007, p.176).

Based on historical patterns, the media have not been very gracious with their coverage of protest groups. In most coverage, protesters are not treated as “legitimate political actors” (Sobieraj, 2011, p. 74). Di Cicco (2010) asserted, “contemporary news coverage often seems to suggest the protests are an irrelevant nuisance” (p. 135). In fact, some scholars contend that the media are a source of repression in their own right. Boykoff (2007) presented this assessment, “Sometimes the mass-media-related suppression of dissent arises from an accumulation of tactical responses rooted in the everyday norms and practices of journalism, although occasionally it arises from concerted conspiring between media workers and state agents” (p. 178). “There is a journalistic squeamishness at the unscripted disorder of protest,” argued Todd Gitlin (2003), “Unreadiness to take protest seriously amounts to unwillingness” (p. xix). Sarah Sobieraj, (2010, 2011) Assistant Professor of Sociology at Tufts University, contended that movements are wasting their time trying to attract news coverage and should expend their energies elsewhere. Yet, if this is true and the press allegedly helps to repress the transmission of social movements’ messages, what can explain the current spate of arrests of journalists, especially independent journalists, covering protests? Does it reflect a change in the news coverage of protests that are more favorable to movements? Or is it a change in the attitude or policing methods of the law enforcement community? Actually, it is both.

Before continuing, it is germane to consider how the police relate with the public in general. Consider the recent systemic escalation of violent acts and targeting of the African American community. The current wave of protest over police overreach began with the shooting death of Michael Brown, an unarmed, 18 year old African American in



Ferguson, Missouri (Salter, 2014). Since then there have been numerous race-related encounters in which, seemingly in every instance, the police are not prosecuted. For example, in the case of Freddie Grey in Baltimore, Maryland whose spine was severed while being transported without a seat belt in a police van all of the officers involved avoided any penalties (Graham, 2016). Thirty-seven year old Alton Sterling of Baton Rouge, Louisiana was shot while the police had him “pinned to the ground” (Fausset, Pérez-Peña, & Robertson, 2016). Philando Castile (32) was shot four times at point-blank range while reaching for his licence and registration at a traffic stop in Minnesota. The entire ordeal was streamed to Facebook by his girlfriend, who was sitting next to him, also her 4-year-old daughter was in the back seat during the shooting (Furber & Pérez-Peña, 2016). Considering the similarities of these and comparable cases, it is not unreasonable to consider these violent encounters an epidemic. After the shooting death of Philando Castile, President Obama stated “. . . all of us, as Americans, should be troubled by these shootings, because these are not isolated incidents,” he said. “They’re symptomatic of a broader set of racial disparities that exist in our criminal justice system” (Furber & Pérez-Peña, 2016).

Preventing reporters from covering demonstrations is also “symptomatic of a broader set,” which in this case is of perspectives that downplay the importance of citizen and the media’s engagement in the political process and it is a direct assault on the First Amendment protections afforded under the Constitution. Moreover, these actions have a twofold effect. First, they produce a domino effect by discouraging journalists from reporting on future protests. Reluctance to participate applies not only to the arrested journalists, but also deter other journalists who learn of their

experiences.<sup>9</sup> Second, as a correlative, it represents another method to control the protesters and their message by removing the press from the scene. Fear and intimidation can be powerful tools of dominance. As observed by Oliver Thomson (1999), “The promotion of fear is one of the oldest of all forms of propaganda” (p. 75). Experts in the field of repression studies have written about how protester arrests have an effect on their involvement in movements (Barkan, 2006, Boykoff, 2007, Boghosian, 2007). Fernandez (2009) quoted an activist and organizer in the anti-globalization movement who commented that government sponsored, negative pre-protest publicity has a “chilling effect” which is intended to “keep people from participating in the protest” (p. 163). Arrest of journalists has a similar influence on their ability to cover protest appropriately. Historically, and across the board, the relationship between the media and the police has always been a strained one. This current assault on and repression of the press by law enforcement personnel represents a disturbing and systemic trend that needs to be addressed aggressively.

### **Organization of the Research**

First, in order to understand the current trends it is important to review the literature about the dynamics of protests and the types of repression generally experienced by activists. Next, this work offers a review of the history of protest policing. Then, it moves to an examination of how the police and the media interact during demonstrations. It also reviews the origins of the independent press as an evolutionary transformation of the dissident and underground press. Once the groundwork has been laid, this work will then provide a review of the news coverage

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<sup>9</sup> This form of control, discouraging participation, is one outcome of *propaganda of the deed*, which will be explored below.

and commentary regarding the events that transpired on the streets and behind the scenes during the 2008 Republican National Convention. First-hand accounts of the arrests are interspersed with commentary by interested observers and experts in media, sociology, and criminal justice. The conclusion argues that monitoring this trend is necessary. The silencing of dissent and the control of the press is not without precedent being correlated to the rise of totalitarian regimes. From an optimistic perspective, this work culminates with examples of how the attempts to silence the media have backfired in our current technologically saturated society. This work ends with a review of the current state of protest today, particularly as evidenced by groups working to protect the freedoms we enjoy.

## **Resources**

Building upon the dynamic protest policing research of leaders in the field, including the work of John D. McCarthy, Sarah A. Soule, Jennifer Earl, and Alex S. Vitale, this work shows that there has in fact been a change since the 1960's in the way law enforcement organizations conduct the policing of protests. This change would also apply to how the police routinely deal with the press. The interplay between the media and the police has been thoroughly documented by authorities in the field like Regina G. Lawrence and Hans Toch. Of vital interest are the theories developed by Noakes and Gillham that state that the current trends in protest policing are reflective of "broader shifts in criminal justice philosophy" (Vitale, 2007, p. 405; Gillham & Noakes, 2007). This shift is away from the rehabilitative use of incarceration described as "penal modernism" to a view of prison as a form of "incapacitation" known as the "new penology." This viewpoint has changed to include social control outside of the prison,

including protest policing, in that “it utilizes information to assess which individuals and populations pose the greatest risk to society and uses mechanisms of control to isolate and discipline them in the Foucaultian sense of micromanaging their actions under constant surveillance” (Vitale, 2007, p. 405). The work of Michel Foucault holds an important place in this study, however, a greater weight must be given to the work of David Garland who has taken the theories of Foucault and others and applied them to present developments. Above all, this work delves into the essential characteristics of the suppression of dissent, expanding on the observations and concepts advanced by Heidi Boghosian and Luis A. Fernandez. The backbone to this investigation is the work of Jules Boykoff (2007) who, in his book, *Beyond Bullets: The Suppression of Dissent in the United States*, developed a list of twelve different types of suppression to which this work adds a new dimension: the arrest of media personnel covering the protests. The central theme of this work – the arrest of news-gatherers at protests – is not mentioned in the literature and appears to be an underexplored topic. Also, paramount to this study would be to assess the changes in the media, the dominant change being the proliferation of independent media, citizen journalism (blogs), and the dissident press. Principal to this argument would be 1) how the Bill of Rights was designed to protect citizens’ prerogative to assemble and speak freely and the press to inform the public and, 2) how in post-September 11<sup>th</sup> America these constitutional rights are in jeopardy. Underlying the concepts and events detailed in this work is a number of theoretical foundations that constitute part of the systemic principles of a created social structure.

## **Panopticism**

Panopticism is a concept developed by Michel Foucault (1995) based on Jeremy Bentham's Panopticon, which was a prison design where the inmates were unaware when they were being observed; therefore, they could be coerced into good behavior through fear of discovery. Bentham (1995) believed that many institutions could incorporate this concept: schools, barracks, hospitals, and factories. Today's surveillance society, with its ubiquitous use of cameras in public places, represents the ultimate panopticon. "Panopticism," reasoned Foucault (1995), "constituted the technique, universally widespread, of coercion" (p. 222). The role of the news media as the watchdog of the government is revitalized in the independent press. The independent press along with citizen journalists and social media, present a form of counter-panopticism – asserting the role of watching the watchers.

## **One Dimensional Man**

Herbert Marcuse diagnosed an affliction that accompanied the rise of advanced industrial society – one-dimensional thinking. Within this mindset a citizen is trapped in the system of which he or she is a part. Under this condition, questioning the system tends to be counter-intuitive. Marcuse (1964) claimed, "Under the conditions of a rising standard of living, non-conformity with the system itself appears to be socially useless, and the more so when it entails tangible economic and political disadvantages and threatens the smooth operation of the whole" (p. 2). As such, a person's reasoning and conscience becomes "reified" as a result of being deprived of the ability for "negative thinking" – the ability to question authority (Marcuse, 1964, p. 123). This reification becomes so entrenched that one accepts without question the decisions of leaders who

can “give the signal that liquidates hundreds and thousands of people, then declare himself free from all pangs of conscience, and live happily ever after” (Marcuse, 1964, 79). The solution is for the individual to “liberate themselves from themselves as well as from their masters” and be “liberated from all propaganda, indoctrination, and manipulation, capable of knowing and comprehending the facts and of evaluating the alternatives” (Marcuse, 1964, pp. 251-2). Marcuse’s writings were an inspiration for the rise of the New Left in the sixties (Marcuse, 1964, p. xxxvi) and one can see its influence in both protest movements and the independent press today. Although, it must be considered that all movements and forms of news media are far from being “liberated” at least an attempt is being made to evaluate alternatives in society.

### **Propaganda of the Deed**

At the outset, a definition of propaganda would be prudent. The one offered by Randal Marlin (2002) is rather succinct, “The organized attempt through communication to affect belief or action or inculcate attitudes in a large audience in ways that circumvent or suppress an individual’s adequately informed, rational, reflective judgment” (p. 22). Konrad Kellen (1973) argued that, “[Propaganda] aims to intensify existing trends, to sharpen and focus them, and, above all, to lead men to *action* (or, when it is directed at immovable opponents, to non-action through terror or discouragement, to prevent them from interfering)” (Ellul, 1973, p. vi).<sup>10</sup> Ellul (1973) declared that propaganda is an integral part of “public and human relations” since “[propaganda activities] seek to adapt the individual to a society, to a living standard, to

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<sup>10</sup> Konrad Kellen wrote the introduction to the Vintage Books Edition of Ellul (1973).

an activity. They serve to make him conform, which is the aim of all propaganda” (p. xiii).

The use of actions to convey a message is defined as “propaganda of the deed.” Cunningham (2002) wrote that it “comprises [of] *nonsymbolic* behavior that, admittedly, is interpretable by viewers, but is not inherently symbolic” (p. 71). Jowett and O’Donnell concurred, they wrote that propaganda of the deed is when “a nonsymbolic act is presented for its symbolic effect on an audience” (p. 282). The use of the term has occasionally been applied to describe violent actions like terrorist attacks; however, Cunningham (2002) contended that “physical violence and terrorism” lacks the “symbolism and communication activity to qualify as propaganda,” although he accepts propaganda of the deed in its “non-violent” form (p. 71). This conclusion is not supported by the facts. Consider this, when an army enters a targeted country or city in order to pacify the inhabitants, the violence committed to the populace is not symbolic for those that are killed, but it is very symbolic for the witnesses – the army can only pacify the survivors. Power exudes an unmistakable symbolic message. In its non-violent form, Cunningham (2002) argued that propaganda of the deed could be extended to encompass actions as large as demonstrations to acts as small as “flag rituals and making a Sign of the Cross” (p. 70).

Propaganda of the deed is also an essential part of integration propaganda. Thomson (1999) presented a “shadow eighth form of propaganda” to his list of seven forms. He calls this form “diversionary” and it entails the “use of media throughout the ages to divert populations away from questioning their rulers” (p. 11). The police, by sweeping up reporters along with protesters during mass arrests, attempt to intimidate

reporters into self-censorship. The adverse of this and as part of institutional control, the mainstream media assists power centers by coloring the protesters as disruptive, miscreant, and violent. Most germane to this argument is that the arrest of journalists that are trying to record the interaction between the police and the protesters represent a direct attack on the First Amendment's protection for the press. Restricting the press from doing its job is unconstitutional.

### **Indymedia – Perils and Promises**

A realistic evaluation of the independent press must address some its fundamental faults. Rather than being impartial observers, journalists for independent media organizations engage in “subjective testimony and eyewitness reporting,” that “situates the activist in both the texts they produce and in the sociopolitical contexts in which they place them (and are themselves placed)” (Atton & Hamilton, 2008, p. 87). This behavior could be interpreted as a lack of journalistic professionalism. The mainstream media tends to depend on sources with “social and political power” as the focal point of news coverage; yet, the independent press, in contrast, seek out voices that that would not be “deemed worthy of accreditation as sources” by the mainstream press (Atton & Hamilton, 2008, p. 90). Critics of independent media cite the lack of professional editorial oversight as a prominent weakness (Lievrouw, 2014, p. 132). Another glaring deficit is the short duration that many dissident news sources stay in business (Streitmatter, 2001, p. 276). This makes archiving of news events a near impossibility. Mitzi Waltz (2005) identified a problem that still permeates all forms of independent media – left and right wing readers will gravitate to news sources that “have roughly similar political views to their own” (pp. 90-1). This produces a *swirling*



*eddies* affect where important news never reaches the general populace, but is rather contained within closed communities. Lastly, there is the alleged lack of objectivity, which is somewhat related to the first point above. Journalistic objectivity, being the reputed first rule of good reporting, is the “separation of ‘facts’ from ‘values’” (Atton & Hamilton, 2008, p. 84). However, members of the independent press tend to “challenge its central assumptions: that it is possible in the first place to separate facts from values and that it is morally and politically preferable to do so” (Atton & Hamilton, 2008, p. 85). In this case, Indymedia may have a point, W. Lance Bennett (2009) observed, “Objectivity is a tough standard to achieve, particularly with so many critics and citizens charging that journalists today do not even come close to achieving it” (p. 187). The consumers of the independent press must be willing to overlook its shortcomings since it gives “these audiences a way to communicate with each other, to provide information and support where it is needed, and to get involved in creating media that serves their own needs” (Waltz, 2005, p. 33).

## CURRENT RESEARCH

### The State and the Protester

Paramount to the arguments presented in this inquiry is the understanding that protest is an essential ingredient in a democracy. Meyer (2007) argued that this tool is becoming more popular with each passing year, “People take to the streets when they don’t think they can get what they want any other way, and the number of people who might take to the streets in the service of a cause has increased tremendously” (Meyer, 2007, p. 1). Davenport (2005) observed “when individuals engage in protest they are engaging in one of the most direct forms of political expression” (p. xii). It is essential to understand at this juncture that protest takes many forms, such as: an organized, permitted march or rally; an unscheduled, ad hoc demonstration for or against a particular cause; the occupation of a building or public office; or acts of civil disobedience. Most of the arrests at the 2008 RNC did not occur at the permitted march – they occurred after the permitted time for the marches, when small groups of protesters gathered on the streets or tried to get closer to the convention center. Arrests also occurred when groups broke away from the established march route.

When a government fails to support the peaceful assembly of citizens to air their grievances, people may turn to violence to achieve change. However, according to the original design by the founding fathers, driving the masses toward revolutionary reaction was something to be avoided if at all possible. Meyer (2007) reported that at the beginning of the American experiment, “institutionalizing dissent” was James Madison’s plan (p. 19). This was intended to keep dissent visible. Madison’s believed that by

“limiting government restrictions on basic civil liberties, specifically speech, assembly, press, and religion, the Constitution allowed a broad range of interests to try to mobilize visibly, rather than taking their concerns underground” (Meyer, 2007, p. 19). Meyer (2007) emphasized that, “Clandestine organizing flourishes when the United States retreats from constitutionally protected liberties” (p. 21).

The literature regarding protests, repression, and media interaction substantiates the perception that power centers have no desire to end the First Amendment protected right to protest. Rather, they would prefer to just make demonstrations ineffectual as a whole and costly on a personal basis. In the quest to maintain the status quo, power centers, which include not only the government and the elite, but also the mainstream media, make it difficult for protesters to broadcast their message. The mainstream media follows,

a set of unwritten yet culturally powerful professional practices that serve to marginalize the political viewpoints of activists. Many groups make their way into the news, but almost always as voiceless criminals, clowns, or intriguing curiosities, rather than as legitimate political actors (Sobieraj, 2011, p. 163).

Reflect also on the fact that protests “of the last decade have met with widespread police actions – many of them in violation of the law – aimed at stopping dissent in its tracks,” as noted by Heidi Boghosian, the executive director of the National Lawyers Guild (2010, p. i). She shared that, “Those who speak out against government policies increasingly face many of the same types of weaponry used by the U.S. government in its military operations” (Boghosian, 2010, p. i).<sup>1</sup>

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<sup>1</sup> Boghosian described a “large police presence in full riot gear; uniformed officers throughout the city shot tear gas weapons, used concussion grenades, and deployed mace and pepper spray (Boghosian, 2010,

## The Conditions for Protest

A functioning government legitimizes its rule by the propagation of “values” which is defined as the “general purposes of political action,” and the communication of “norms” which “indicate the rules of the political game, that is, the rights and obligations of concrete structures involved in the policy process” (Andrain & Apter, 1995, p. 126). The dissemination of values and norms is performed through “sociopolitical structures” which include “mass media, parties, social movements, small groups [and] government agencies” (Andrain & Apter, 1995, p. 126). When the government is operating based on citizen-accepted values and norms, the conditions are favorable for peaceful, nonviolent protests to proceed.

The environment for effective protest is dependent on a number of factors. High on the list would be what scholars refer to as “political opportunities” (Andrain & Apter, 1995; della Porta & Reiter, 1998; Meyer, 2007). This concept is key to the success of any campaign in that it is imperative that the proper conditions exist to allow protest events to take place. It is also important to consider how and why the citizens of a society resort to protest to attempt to change policy.

Andrain and Apter (1995) pointed out that “cultural beliefs, sociopolitical structures, and individual attitudes, motives, and perceptions” are the motivating factors that prompt people and groups to get involved in actions including “nonviolent movements, rebellions, and revolutions” (p. 2). In a similar vein, Davenport (2005) argued that dissent is “largely a function of three factors: cultural frames, mobilizing

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p. 34). For an in depth analysis of the problem concerning the militarization of the police, see the work of Peter B. Kraska. President Obama is currently trying to reduce the number of military style weapons that are given to local police forces (Wofford, 2015). This paramilitary style of policing is known as the “Miami Model,” more on this below.

structures, and political opportunity structure” (p. xiii). When it comes to petitioning for change in governmental policy, a person’s involvement or non-involvement in a movement is predicated on their opinion about “the protest movement” itself, as well as “government leaders, and their public policies” (Andrain & Apter, 1995, p. 4).<sup>2</sup> If an individual is satisfied with the status quo, then it is unlikely that he/she would petition for change. The complex balance between the state and the citizens is pivotal in determining whether people rely on “nonviolent strategies – electoral campaigning, voting, petitioning, demonstrating, [and] boycotting” or resort to “more violent tactics like property damage, physical assaults, and assassinations” to try to effect change in a country (Andrain & Apter, 1995, p. 3). McAdam, Tarrow, and Tilly (2001), in their treatise on contentious politics, reasoned that an array of mechanisms operate in a similar fashion across all forms of dissent from protests to revolutions. Understanding how these mechanisms work help analysts predict the trajectory of contention, including the cycle of protest.<sup>3</sup>

As highlighted above, Andrain and Apter (1995) identified three factors that dictate the formation, popularity, and success of protest movements: cultural, behavioral, and structural. Cultural values operate for both sides – for citizens and for those who control power in a nation. Personal cultural development may lead citizens to get involved in a movement because they question the dogma from the established

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<sup>2</sup> It must be acknowledged that the government is not the only target for protest. There are also “capitalist enterprises, trade unions, political parties, and transnational organizations such as foreign nation-states or multinational corporations” (Andrain & Apter, 1995, p. 127). In fact, some analysts convey that the state is the wrong target for protest. For instance, sociologist Ralph Miliband contends that it is “powerful capitalists” who wield the true power over the state, and Antonio Gramsci, who agreed, “political order stems from a hegemonic culture. Through the mass media, advertisements, schools, and churches, the dominant capitalist class propagates its interpretations of basic cultural values” (Andrain & Apter, 1995, p. 140).

<sup>3</sup> Protest movements have an origin and demise, generally, “cycles end through a combination of exhaustion, sectarianization, and cooptation” (McAdam, D., Tarrow, S., & Tilly, C., 2001, p. 66).

leaders and/or dislike the current direction of the country. On the other hand, cultural values are manifested in signs from those in power in the form of “religion, nationalism, ideology, rituals, ceremonies, and myths” which they utilize to prove “political legitimacy” (Andrain & Apter, 1995, p. 135). Two methods of cultural analysis are *political culture theory*, which utilizes quantitative methods of investigation and *discourse theory* that uses “a qualitative hermeneutic approach that focuses on narrative understandings of texts and their meanings” (Andrain & Apter, 1995, p. 19).<sup>4</sup> In essence, according to discourse theorists, the motivation behind all protests is grounded in managing meaning in society, or rather, “the struggles over meaning become struggles for power” (Andrain & Apter, 1995, p. 19). This conflict between the status quo and the organizers of a movement over controlling the interpretation of “cultural symbols” is because the “cultural meanings in language shape political actors’ goals and their decisions” (Andrain & Apter, 1995, p. 19). A significant point regarding the control of cultural symbolism is the concept of a “*collective action frame*” whereby, utilizing mobilizing rhetoric, a movement organizer frames the cause in a way to stimulate recruitment and motivate its members in the current drive (Meyer, 2007, p. 52). The movement’s frame seeks to counteract the “prevailing political rhetoric that emphasizes the risks of social movements” (Meyer, 2007, p. 52). To summarize, it is the “content of cultural beliefs, the power of institutions that interpret them, and their internalization in personal behavior [that] affect the achievement of social change” (Andrain & Apter, 1995, p. 62).

The cultural development of an individual operates together with personality traits to affect his or her behavior. Contrary to research in the 1950s, the typical protester is not some malfeasant loner. Most are well connected, young, well educated and

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<sup>4</sup> This work uses a qualitative approach to analyze police, media, and protester interaction.

financially secure. They are also endowed with what Meyer (2007) referred to as “personal efficacy,” the belief that they can influence change in society (p. 49). Along with the personality traits required to get involved, there is also the motivation. Meyer (2007) succinctly defined the chief stimulus for participation as being, “substantial dissatisfaction with some element of government policy and a level of cynicism, frustration, or pessimism about getting a response without social protest” (p. 11).

Of the three factors that motivate involvement, structure is perhaps the most important. Meyer (2007) stressed that the political structure of America was designed to accommodate movements. However, the conditions are not always favorable for a movement to gain traction. A vital term relating to structure, prevalent in repression studies, is *political opportunity*. Developing and clarifying the use of the term, della Porta & Reiter (1998) identified two types: 1) the institutional form: “Political Opportunity Structure (POS),” which includes “police force organization, the nature of the judiciary, law codes, and constitutional rights,” and, 2) a more ad hoc form, evidenced by groups like “political parties, interest groups, trade unions, and voluntary associations” (p. 9). These groups work to create or discourage political opportunities. Meyer (2007) introduced a more mutable interpretation of the concept. This version is dependent on the political climate of the times. He commented that, “The circumstances that favor or impede the development of a movement are political opportunities for mobilization” (Meyer, 2007, p. 2). As an example of a conducive circumstance, he pointed to the way movements were encouraged when “*Brown v. Board of Education* legitimated criticism of segregation and offered the promise of federal government intervention as a powerful ally against southern state and local governments.” He also discussed a non-conductive

environment: the increase of anti-Communist rhetoric during the Cold War period impeded the antinuclear movement (Meyer, 2007, p. 53).<sup>5</sup> Protest development, from this perspective, is contingent on political conditions – where events transpire that create opportunities and movements can take advantage of developed weaknesses in the system. Accordingly, presidential election years, when candidates are revealing or alleging weakness in their opponents and the present system, produce perfect opportunities for protest – and National Conventions are a perfect venue. The makeup of “political opportunities,” according to Meyer (2007), is comprised of,

salient public grievances; a political context that includes both institutional rules and public values; political space for activist mobilization; political alignments, particularly on the issue of concern; and availability of elite support, usually a function of elite schisms (p. 30).

However, it is not enough for political opportunities to exist, activists have to be able to recognize the prospects for success and act on them. Andrain and Apter (1995) argued that, “Individuals are more likely to feel motivated to participate in a political action when they perceive that structural opportunities outweigh the structural constraints and that their participation will lead to goal attainment” (p. 17). According to analysts of resource mobilization theory, “Effective political action by protesters depends on favorable structural conditions” (Andrain & Apter, 1995, p. 6).

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<sup>5</sup> McAdam, et al. (2001) called these conducive circumstances *certification*, because movements gain credibility by having the support of elites for their cause. The inverse, obviously, is *decertification* (p. 145, 204).



## The Repression of Protest

In the field of sociology there is a wealth of research pertaining to repression, which includes the control of protesters. Earl (2011) provided a definition of repression as a “state or private action meant to prevent, control, or constrain noninstitutional, collective action (e.g., protest), including its initiation” (p. 263). Even though protest is a protected right in America, influential parties utilize many methods to adjust political opportunities in order to maintain the status quo. Andrain and Apter (1995) explained that government-sponsored protest controls take the form of,

legal authority, finances, information, bureaucratic expertise, and the loyalty of the military and police, who maintain control over the territory. By controlling the armed forces, police, security agencies, and mass media, state officials use their resources to repress the opposition, deter challengers, persuade dissidents, and maintain mass apathy (p. 139).

Control is accomplished through many tools possessed by those in power, and their “repressive toolkits are diverse” (Earl, 2011, p.262). Jules Boykoff (2007) gave us a litany of methods that are used to suppress activists and their message:

1. Direct Violence
2. Public Prosecutions and Hearings
3. Employment Deprivation
4. Surveillance and Break-ins (including “black bag jobs”)
5. Infiltration, Badjacketing, and Agent Provocateurs
6. Black Propaganda
7. Harassment and Harassment Arrests
8. Extraordinary Rules and Laws
9. Mass Media Manipulation
10. Bi-level Demonization
11. Mass Media Deprecation
12. Mass Media Underestimation, False Balance, and Disregard (p. 36)

Many of these oppressive techniques are outside the scope of this work, however, the list is informative because it reveals the extent of the assault on protest in America. This research adds the arrest of reporters at protests to Boykoff's list as a new weapon in the elite arsenal. The arrest of journalists would best fit in the technique, "mass media manipulation." In his book, Boykoff (2007) offered two types of manipulation: 1) "story implantation" when the government encourages "editors, publishers, and owners" to change reporting to more favorable content. Or the government provides stories geared to undermine targeted organizations; 2) "Journalist strong-arming" when journalists, mostly out of fear of loss of employment, self-censor content (Boykoff, 2007, pp. 178-90). Before looking into government and the media interaction, it is important to review the history of how the police deal with protests in general. This history begins with a look at some of the current literature concerning protest policing. This is followed with a review of the literature about how the law enforcement organizations and the media normally interact.

### **The Policing of Protest**

Protesters are not generally afforded the opportunity to directly confront the target of their grievances such as government leaders or CEOs of large corporations. However, they do have many occasions to meet members of the law enforcement community. Lipsky (1970) remarked that, "Police may be conceived as 'street-level bureaucrats' who 'represent' government to people" (quoted in della Porta & Reiter, 1998, p. 1). Out of all the forms of control, the observable nature of protest policing makes this component, as claimed by Earl (2011), "the most studied specific type of repression" (p. 265).

Vitale (2005) revealed one potential problem with investigation in the field of policing: the hesitancy of the authorities to comment on the topic because of “high levels of litigation against the police in relation to their handling of demonstrations” (p. 285). Jennifer Earl (2003) introduced another difficulty inherent in this type of investigation, “Given the wide range of theoretical approaches to repression and the large number of types of repression, clearly comparing research findings can be difficult at best” (p. 54). In another essay, Earl (2009) commented that the task of researching this topic has become exponentially more difficult since September 11, 2001. For example, she claimed that since the NYPD conflated protesting with terrorism, the planning for and the policing of the 2004 Republican National Convention in New York was designated as classified information. Therefore, access to information about the policing of the 2004 RNC became difficult to obtain. As Earl (2009) related, “without access to these documents, it is difficult to understand clearly why the NYPD so tightly couples protest policing with its anti-terror mission, given that there is no inherent connection between terrorism and lawful protest” (p. 51). Although it is difficult to see into the mind of the authorities, fortunately, there are other avenues to explore for information about police behavior: news reports, eyewitnesses, the statements of legal observers, and activists’ testimonies.

Research into the interplay between the police and protesters is relatively new. Writing in 2005, Davenport noted that for “approximately thirty years scholars have been investigating the relationship between dissidents and dissent, on the one hand, and authorities and protest policing (or political repression), on the other” (p. vii). McPhail and McCarthy (2005) confirmed that “repression must be considered along a

continuum” with the least invasive form being surveillance all the way to “deadly direct force” such as opening fire on protesters like at Kent State in 1970 (p. 3-4). All the same, in spite of the challenges, there has been a notable amount of research exploring this topic.

Protest policing concepts tend to overlap, complement, and (sometimes) contradict each other. First, from a historical point of view, there have been changes in the attitude towards protests and protesters by law enforcement organizations, local governments, and the federal government. As a result, there have been at least four different, systemic, countrywide changes in how protest events are handled. Second, sociologists have developed theories about what motivates police behavior at protest events. Third, on a local level, and on a case-by-case basis, police organizations use different approaches to crowd control. There are also subtle differences in methods from one jurisdiction to another based on the size of the law enforcement community, financial resources, the degree of experience and training in crowd control, and the size of the protest. Finally, some events, such as those labeled *National Special Security Events* (NSSE), are overseen by Federal organizations like the FBI and the Secret Service.<sup>6</sup> The presence of Federal agents will influence the behavior of the local constabulary.

Much of the literature on protest policing attempts to discover what tools the government uses to control movements and the respective response by the activists; the key component for both sides being *adaptation*. Scholars are interested in the level of police presence at demonstrations – how many, if any, and why they decided to cover a particular event; how the police engaged the protestors at each protest

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<sup>6</sup> National political conventions are regarded as National Special Security Events.

gathering; the extent of repression by the authorities; as well as behind-the-scenes operations like infiltration and surveillance. On a different level, researchers assess the authorities' response to civil disobedience – which is a separate, but ever present, aspect of mass demonstrations. Another approach looks at the issue from the viewpoint of the police, in particular the organizational structure and the police culture, which are determined, in part, by the type of government in power. In one study, the authors contended that, “shifts in the policing of protest – or techniques of repression – have often been traced to changes in the government’s makeup;” they cited the “ideological position of the president as the most important variable” (della Porta & Reiter, 1998, p. 15). One of the newest catalysts for scholarly attention has been the collective action that occurred at the 1999 World Trade Organization meeting in Seattle, Washington and the numerous spinoffs worldwide. Another important time period that has received attention by researchers is the turbulent years between 1954 and 1973 – the chief mobilizing grievances in this period being the civil rights movement and the Vietnam War (McPhail, Schweingruber, & McCarthy, 1998, p.55). What is vital is that the policing of protest has been evolving over the years.

### **Historical Trends**

There have been macro changes nationwide that have evolved over time concerning overall treatment of protest events. These changes can be divided into four major types of police approaches to social control of protests that has developed since the 1960's. First, as noted by McPhail and McCarthy (2005), during the sixties the police utilized “escalated force,” whereby the police “justified their actions as upholding their sworn responsibilities to maintain law and order by protecting the property and

person of the targets of protest” (p. 4). This was at the expense of the health, safety, and First Amendment rights of the protesters. The dominant contact that demonstrators had with the authorities was when they were beaten and/or hauled away and arrested. Many who experienced the sixties recall the television coverage of the 1968 Democratic Convention and the scenes of aggression toward the protesters and bystanders by the police. Obviously, escalated force as a police tactic goes back further than the sixties, however, Soule and Davenport (2009) declared that “it was not until this period that the frequency, magnitude, and consistency of application of these methods reached unprecedented levels – seemingly throughout the whole country” (p. 1). Earl et al. (2003) asserted that in spite of the images of violent police repression during that time, the “severe repression of protest events was relatively rare” (p. 582). In fact, they contended, during the 1968 to 1973 window that they studied, an “overwhelming – 69 percent of events occurred without police presence. Thus, the modal police response to protest during this period was to ignore it” (Earl et al. 2003, p. 591). However, the police and protester interaction must have been severe enough to prompt change.<sup>7</sup>

The second form of social control used at demonstrations, “negotiated management,” partly grew out of the negative reporting of the brutal treatment that protesters and bystanders received from the police during the sixties (McPhail & McCarthy, 2005, p.5). In conjunction with, or in reaction to, this bad press rose the creation of three presidential commissions: the National (Kerner) Commission on Civil Disorder – July 1967; the National (Eisenhower) Commission on the Causes and

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<sup>7</sup> The power of television images to gain the sympathy of the nation to a movement’s message was evident during the civil rights and anti-Vietnam War era. Sidney Tarrow (1998) confirmed that television 1) “brought long-ignored grievances” to light, and 2) it “contrasted the peaceful goals of the movement with the viciousness of the police” (p. 115).

Prevention of Violence – June 1968; and the National (Scranton) commission of Campus Unrest – September 1970.<sup>8</sup> These commissions all recognized the inefficiency of the authorities methods in dealing with demonstrations and other forms of social unrest and recommended new procedures. The Eisenhower Commission contained the most robust proposals. The commission boldly asserted that not only is the practice of assembly protected by the First Amendment, but also, the “excessive use of force is an unwise tactic for handling disorder . . . [and] often has the effect of magnifying turmoil not diminishing it” and that “group protest is as American as cherry pie” (quoted in McPhail, Schweingruber, & McCarthy, 1998, p.56). This new approach, negotiated management, incorporated room for demonstrators’ First Amendment rights and entailed cooperation and coordination between the protest organizers and the authorities. McPhail and McCarthy (2005) wrote about the process and referred to the formation of a “public order management system (POMS)” which ushered in the permitting system as part of negotiated management (p. 5). The process entailed an application for a “permit to protest,” where the police and protest groups negotiated “regarding the purpose, the time, place, and manner of protest” (McPhail & McCarthy, 2005, p. 5). This effectively temporarily repurposes the streets (made for vehicle use), and the sidewalks (designed for residents, shoppers, and business uses) for the use of protesters. It is important to indicate that, as McPhail and McCarthy (2005) emphasized, the negotiated management approach was not universally applied in every state in the U.S. and not all protest groups were willing to work with the police. Yet, it was accepted enough to change the face of the “collective-action repertoire” (Tilly,

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<sup>8</sup> The names in parenthesis stand for the chairmen of each commission. These reports also cover other forms of citizen unrest such as the race riots so prevalent in the 1960s and 1970s.

1979, quoted in McPhail & McCarthy, 2005, p. 15). Another important point needs to be considered – protest under the constraining parameters inherent in negotiated management, tends to take the novelty out of the events. “Limitations”, argued McPhail and McCarthy (2005), “make it increasingly difficult for protesters to sufficiently disturb, disrupt, or discombobulate targeted decision makers” (p. 7). Disruption is what forces both the challenger and their targets to negotiate and perhaps make concessions. This loss of novelty created what McPhail and McCarthy (2005) labeled as a “perceived ineffectuality of protest” which may explain what generated the evolution to the next step in the cycle (p. 7).

The third form of protest policing is “command and control.” The events in Seattle encouraged the transition of protest policing to the next level (Vitale, 2005; Noakes & Gillham, 2007). During the protests at the 1999 World Trade Organization meeting held in Seattle, better known as the “battle in Seattle,” the protesters displayed a keen ability to adapt and outmaneuver the police. Although many at the demonstrations followed the normal peaceful protest pattern, there were some who principally disagreed with the parameters set by the negotiated management process. This included activists who went with the express purpose of disrupting the talks and self-professed anarchist groups that caused some property damage.<sup>9</sup> Along with the successful use of tactics, Meyer (2007) reported that the “Seattle police were overwhelmed, and activists, using cell phones, were able to coordinate the movement of

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<sup>9</sup> Two crucial points need to be addressed. First, della Porta and Reiter (2006) have confirmed the presence of infiltrators and *agent provocateurs* among the groups protesting at Seattle (p. 182). Boykoff (2007) noted that agent provocateurs are government ““undercover agents who urge others to violent activity, train others in violent methods, and consciously provoke violence”” (p. 120, quoted from Michael Linfield, 1990). Second, news sources frequently describe protest events using the “violence frame.” Boykoff (2007) reported “almost 63% of news stories covering the WTO protests in Seattle featured the violence frame, with more than half of all newspaper accounts and almost three quarters of every television segment focusing on violent protesters” (p. 223).



demonstrators to places where police forces were understaffed, creating a maximum of havoc and disruption” (p. 60). This event exemplifies the exploitation of a political opportunity in that the activists were able to exploit the weaknesses in a political structure, namely, the law enforcement community. Wood (2007) observed that, after Seattle, law enforcement personnel were embarrassed into action pledging “never to repeat the same mistakes, and many began to reevaluate their approach to protest policing” (p. 377). Wood’s research focused on the “effect of repression on tactical diffusion” which reinforces the idea that the policing of protest underwent a radical change after Seattle (2007, p. 378; Gillham & Noakes, 2007).<sup>10</sup> In his study of the New York Police Department’s tactics in dealing with crowd control, Vitale (2005) reported that this new system, the “command and control” model, grew out of the “broken windows’ philosophy of policing” whereby the authorities display a “zero-tolerance control of disorder” through a “hierarchical micro-management of demonstrations” (Vitale, 2005, p. 284). The broken windows concept holds that “even minor disorderly behavior . . . can produce a climate of lawlessness, which in turn can lead to more serious crime” (Vitale, 2005, p. 292). The command and control method emphasizes the “quality of daily life for average residents,” who would possibly experience an inconvenient disruption to their daily routine, over the First Amendments rights of protesters (Vitale, 2005, p. 291).<sup>11</sup> This argument is developed further by D’Arcus (2006) in his detailed work on the geography of protest. He describes the reaction of lawmakers to the outbreak of riots and protests in the 1967-68 period as an inverse interpretation of First Amendment rights held by the protesters. The lawmakers

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<sup>10</sup> This is another example of the effects of “adaptation” – both the police and the protesters adjust their tactics based on their respective successes.

<sup>11</sup> This is, in a small way, a throwback to escalated force.

believed that the “rights of citizens were being trampled by a variety of less-than-citizens who were turning public spaces into spaces of danger and chaos” (D’Arcus, 2006, p. 46). Vitale (2005) illustrated his concept of command and control by analyzing four protest events in New York: the Million Youth March in September 1998; the Matthew Shepard Emergency Demonstration, October 1998; the World Economic Forum Protest in February 2002; and the February 2003 anti-Iraq war demonstrations (which he focused on in the paper).<sup>12</sup> Vitale (2005) reasoned that the show of force at the February 2003 demonstrations was not caused by an abandonment of the command and control model, but the result of a loss of control by the police due to the overwhelming size of the crowds in relation to the manpower available (p. 291). In his description of the city’s handling of these events, one dominant aspect is glaringly obvious – the city went out of its way to be uncooperative with the protest groups. In this instance, gone were the days of police and demonstrator interaction and cooperation found in negotiated management. In its place is an authoritarian show of domination where no deviation from the permitted behavior is tolerated.

A new paramilitarism, referred to as the *Miami model* is named after the policing methods used during the protests at the 2003 Free Trade Area of the Americas meeting held in Miami (Vitale, 2005, p. 288). The Miami model is the fourth incarnation of protest policing and could be considered a new manifestation of escalated force.

Vitale’s (2005) described it as a “paramilitary policing of demonstrations” that features surveillance and infiltration of non-violent political organizations; the denial of permits or tight restriction of demonstration locations; the heavy deployment and

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<sup>12</sup> The author reported that the protests of February 15<sup>th</sup> and 16<sup>th</sup> were “the largest weekend of coordinated protest action in world history” (p. 284). It should also be noted that the protests were held *before* the war started.

use of defensive equipment, such as body armor; the use of 'less lethal' weapons on non-violent protestors; the deployment of highly trained specialized police units to control demonstrations; preemptive arrests and targeting of protest leaders; and coordination between local and federal law enforcement officials (p. 290).

It should also be noted that Gillham and Noakes (2007) introduced the term *strategic incapacitation*, which is in some ways similar to the *Miami model* (p. 343). The increased use of Special Weapons and Tactics (SWAT) teams at demonstrations is part of this development. McPhail and McCarthy (2005) wrote of "television coverage filled screens with images of groups of black-suited 'Darth Vader' police confronting the protesters" at a number of events starting with Seattle (p. 7).

The four phases: escalated force, negotiated management, command and control, and the Miami model represent the overall manifestation of protest policing in America since the 1960s. In particular, the events at Seattle are paramount to this study as that conflict instigated the newest incarnation in how police departments now deal with protests. During current protest events we find a blend of methods somewhere between the command and control and the Miami models. Vitale raised the question of whether or not a "new paradigm" of repressive policing of demonstrations has evolved. He cited the findings of della Porta and Reiter (2006) that "police have once again come to view many protests as politically illegitimate and thus subject to repression" (Vitale, 2007, p. 404).

## Geography and Repression

Another tool of bureaucratic repression is found in the shrinking of the public forum. Many of the arrests at the 2008 RNC occurred outside of the permitted march and rally times.<sup>13</sup> Why do some dissidents feel it is necessary to venture outside of permitted events? There is an important facet that is integral to protests and associated media coverage – space. McCarthy and McPhail (2006) wrote about the geography of protests where they expounded on the idea of the “public forum doctrine” as a part of the citizen rights determined by the U.S. Constitution and the courts. They argued, “how effective can protesters be if they are displaced from the assembled citizens whose eyes and ears are the targets of the protest message?” (McCarthy and McPhail, 2006, p. 229). The authors list the types of geographical locations along a continuum with the public places where First Amendment rights are protected by the state at one extreme, to private property where there is no protection for assembly. With this in mind they make three points: first, they argue that people today are prone to gravitate to “semi-public,” but privately owned, venues like “shopping malls, sports arenas, concert venues, and state and county fairs” and away from “parks, plazas, and squares” – the traditional place for protest. Second, they claimed, “the effective size of the public forum has been shrinking” (McCarthy & McPhail, 2006, p. 237). This has been accomplished through “privatization of public space” such as “gated communities,” and “business improvement districts (BIDs)” (McCarthy & McPhail, 2006, p. 233). Third, even when events are staged within the public forum, the government has manipulated the controls inherent in negotiated management to “place protest groups far from their

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<sup>13</sup> Though people were arrested just trying to get to events or leaving events and some innocent bystanders were in the wrong place at the wrong time.

targets and to displace them from their preferred locations.” This is accomplished through the creation of fenced in “protest” or “free speech zones” (McCarthy & McPhail, 2006, p. 234-5; Boykoff, 2007). D’Arcus (2006) reported that the use of the protest zones were instrumental in keeping dissenters out of the view of the media and George W. Bush when he visited parts of the country (p. 171). As mentioned above, the negotiated management phase of protest policing has the effect of taking the steam out of protest events. This was the motivation for protesters to deviate from the established system. Again, the keyword is adaptation – as protesters struck out from the negotiated parameters, so too had the law enforcement community. D’Arcus’ (2006) argument spotlights “dissent as a fundamentally spatial practice” (p. 35). It occurs in public space and that space is coming under more governmental control every year. Consider this quote by Henri Lefebvre, the philosopher and sociologist, “Wherever threatened, the first thing power restricts is the ability to linger or assemble in the street” (quoted in D’Arcus, 2006, p. 163). A fundamental facet to realize is that even though the police are universally using the command and control and Miami models of protest management, negotiated management is still in use by the states and cities holding events like political conventions and a great many protesters avail themselves of permitted protest. Many groups at the 2008 RNC had permits to gather and march. However, as is often the case, the route and timing for marches and/or rallies were either too far away from the intended audience or scheduled when the target for protest had not yet arrived at the scene. Many times law enforcement will setup “protest zones,” these “are often fenced off and at some distance from the event being protested” (Boghosian, 2010, p. 13). Even though the protest march at the 2008 RNC

was closer to the venue than earlier political conventions, many protesters believed that both the route and the timing were restrictive (Cullinan, 2008). Groups that either broke away from the established parade route or overstayed the permitted time periods that suffered from the bulk of police repression. Also, reporters who documented these actions placed themselves in jeopardy. Notwithstanding, during the protests at the 2008 RNC even those who followed the rules met with an oppressive, constraining, intimidating environment.

### **Motivational Theories**

Reflecting on the complexities of this issue, Earl, Soule, & McCarthy (2003) noted that it is important to understand the “mix of factors that affect the likelihood of different police action at different protest events” (p. 583). One dynamic observed by Earl et al. (2003) is that the motivations for aggressive policing of a demonstration can be divided into four categories.” First, the “threat approach” states that the level of repression is contingent on parameters which include: the degree of threat the event presents to the political elites; the number of protesters present at a demonstration; and the number of hostile or radical groups present. The reasoning behind the threat approach is that the “police and militaries are typically cast as agents operating at the behest of their political principals” (Earl, 2011, p.264). Second, the “weakness approach” holds that some protest groups are repressed by the authorities because they lack the political or structural power to “resist repression by police or [are] less able to retaliate politically against repressive policing agencies” (Earl et al., 2003, p. 584). This approach is composed of two variants: “weakness from within” where the weakness is inherent in the groups, for example, “racial and ethnic minorities, religious

minorities, and the poor” (Earl et al., 2003, p. 584). However, Meyer (2007) observed that, generally speaking, demonstrators are “disproportionately advantaged in terms of education, resources, familial support, and social connections” (p. 47). This is especially true when it comes to civil disobedience. The possible risks involved with civil disobedience are greater for minorities and the poor than for those white and well off. A member of SLAM (Student Liberation Action Movement), which consists of mostly students and minorities, commented about how civil disobedience is viewed among them:

the number of people who are willing to actually go out and get arrested drops, as people consider their family situations, their job situations and what it means to go through life with a criminal record and it’s very different if you’re, you know, white, middle-class, you have certain options (quoted in Wood, 2007, p. 383).

The other form is “weakness from without,” whereby the groups lack outside support such as those that are not represented by large social movement organizations (SMO’s). Press coverage represents a source of necessary support that could be obtained from a sympathetic public.<sup>14</sup> In other words, lack of witnesses equals a form of weakness that could be exploited. The removal of the press from the scene would also create the same condition. Gamson (1990) wrote that if the media is watching it “dramatically changes the scope of a conflict, enlarging the role of the audience and the intervention of potential third parties, who may act as allies, opponents, or brokers” (p. 147). He emphasized that, “Social control strategies that might work in the dark backfire when the media spotlight shines on them” (Gamson, 1990, p. 157).

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<sup>14</sup> Yet another source of support is found in independent observers such as The National Lawyers Guild. The Guild place trained observers at protest events to witness and document protester/police interaction. Members of the Guild also find themselves harassed and arrested at protest events.

The third item in this theoretical grouping is a combination of the two where the levels of threat and weakness work together to determine the degree of police repression. Earl, Soule, and McCarthy (2003) contended that this approach is not often addressed in the literature; moreover, it consists of more than just the “additive effects of threat and weakness” (p. 584). Referring to the work of McAdam (1988), they noted that during the Freedom Summer protests, blacks protesting were more harshly treated than whites, even though both were considered a political threat (Earl et al., 2003, p.584).

The fourth methodology is the “police agency approach,” which is contingent on the size and resources of a municipal force or the history of repression by a particular law enforcement group (Earl et al., 2003, p. 584 - 585). Earl and Soule (2006) offered a good example of the fourth methodology, which they call the “blue approach.” This position, rather than considering the law enforcement community as merely appendages to the political system, explains its behavior from a within-departmental viewpoint. Earl and Soule (2006) considered the *loss of control* that may occur during a protest event to be the motivating factor for any police action. They reasoned that, “Instead of studying threats to political elites, the blue approach examines what police agencies and officers are likely to find threatening. We argue that this peculiar institutional characteristic of the police structures protest control” (Earl & Soule, 2006, p. 149). One element that Earl and Soule (2006) used as evidence is the “presence of counterdemonstrators” (p. 149). When counterdemonstrators are present at an event, the potential for clashes tends to escalate. But according to the elite threat perspective mentioned above, the “political elites should prefer counterdemonstrator presence”



since counterdemonstrators tend to agree with the status quo (Earl & Soule, 2006, p. 159). Hence the law enforcement community, if they were indeed representatives of the government, should encourage counterdemonstrator attendance, not step up repression.<sup>15</sup> Therefore, as Earl and Soule (2006) argued, control of the crowd is the more viable explanation for police actions than doing the bidding of the political elite. Another factor in keeping with the blue approach is to consider that “repression varies by police jurisdiction and agency in accordance with the extent of the agency’s experience with policing public order in general and protest in particular” (McPhail & McCarthy, 2005, p. 20).

Similar and complementary to the blue approach mentioned above, McPhail et al. (1998) developed “five characteristics of policing practices”, which reflect more about the possible attitudes of the police, they are:

(1) The extent of police concerns with the *First Amendment rights* of protesters, and police obligations to respect and protect those rights; (2) the extent of police *tolerance for community disruption*; (3) the nature of *communication* between police and demonstrators; (4) the *extent and manner of arrests* as a method of managing demonstrators; and (5) the *extent and manner of using force* in lieu of or in conjunction with arrests in order to control demonstrators (emphasis in original) (p. 51).

In practice, one would find that the threat, weakness, and blue approaches all operate in some form or another during a protest event – a phenomenon that I name the

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<sup>15</sup> Even though Earl and Soule make an overall valid argument, counterdemonstrators that support the government’s viewpoint are traditionally such a small gathering at protest events that it may be possible that the elites may not care one way or another about their presence at a demonstration. See Meyer (2007, p. 158).

*true blue approach*. This research into the interplay between the police, the protesters, and the media at the 2008 RNC focuses attention on the weakness approach – specifically the *weakness without* feature. By removing or controlling the press, the authorities eliminate the witnesses to any interaction with the protesters thus increasing the vulnerability of protest groups to police actions. Consider that Earl et al. (2003) downplayed the utility of the weakness theory and gave more credence to the concept of threat, they reasoned, “authorities will respond to high levels of threat with high levels of repressive force no matter how strong or weak the protesters” (p. 586).<sup>16</sup> Yet, they acknowledged the value of the weakness without theory because the presence of “external watchdogs or monitors” is something that the police would regard when it comes to dealing harshly with protesters. (Earl et al., 2003, p. 586).

### **The Effects of Repression**

It is contended that there is no hard and fast rule about the effects of repression because “sometimes repression appears to demobilize protesters, sometimes it mobilizes them, and sometimes it does both” (Wood, 2007, p. 378). As another example of unpredictable political opportunities, the persecution of participants in the 1964 Freedom Summer project “shows that those who were willing to bear the consequences of repression (e.g. physical confrontation, jail, and even death) actually contributed to expanding political space within the civil rights movement” (Zwerman & Steinhoff, 2005, p. 87). As mentioned above, the government of the United States was intentionally designed to allow for the airing of grievances in the light of day, however repression by the state may undermine that intent. In their study of the 1960s,

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<sup>16</sup> It appears that, in this case, when the authors referred to “threat level” they emphasized “confrontational tactics and/or the presence of large numbers of protesters” (Earl et al. 2003, p. 586).

Zwerman and Steinhoff (2005) related that scholars name “repression as a primary cause for the overall decline of the protest cycle” (p. 86). Yet, they found that not all protesters were deterred, “for a persistent few, draconian responses on the part of the government served as a stimulant. Instead of surrendering, these activists raised the bar on militancy and redoubled their commitment to the movement” (p. 87). The history of the “Weather Underground” is a good example of how a peaceful movement can develop a militant branch. The development of an ultra-radical aspect of a movement is considered part of the normal “conflict cycle” (Davenport, 2005; Zwerman & Steinhoff, 2005).

### **The Media Connection**

Among those witnessing the interaction between protesters and the police at a demonstration is the press. The relationship between the police and the press is a delicate balance, a love/hate relationship. Law enforcement organizations rely on the media as part of a public outreach platform. With crime news being a pervasive part of daily reporting, it is easy to see how the press can enhance or detract from the reputations of law enforcement communities. The other side of this symbiotic relationship is also clear – reporters tend to lean on official, authoritative sources, like police departments, for a steady supply of stories. The existence of a “police beat” for a local news organization is commonplace. The police depend on the press to help maintain their “legitimacy” with the public; however, the reporting fluctuates between

favorable and negative coverage (Lawrence, 2000, p. 31).<sup>17</sup> According to Lawrence (2000)

police often view the media with suspicion and express frustration and bitterness over what they see as the media's willingness to sensationalize the use of force without making the public aware of the difficulties and danger faced by police officers (p. 49).

Norm Stamper (2005), the former police chief of the Seattle Police Department,<sup>18</sup> shared how his feeling of respect, cooperation, openness, and forthrightness toward the press changed to dislike and distrust after he became the target of an overblown and inaccurate investigation. He asserted, "reporters fudge facts, manufacture news, [and] steal from their colleagues" (Stamper, 2005, p. 320). Before that, Stamper (2005) could not understand other police department's tendency to "jerk reporters around" (p. 321).

### **Media and Police Tensions**

Kirsten Berg (2012) related how, in the coverage of protests, both the news agencies and the police make claims of interference with the performance of their jobs. She reported that, during the Zuccotti Park eviction in November of 2011, "26 journalists (five of them credentialed by the New York City Police Department)" were arrested (Berg, 2012, p. 2). This was accompanied with "allegations of roughing up journalists" as well as preventing them from gaining access to the action (Berg, 2012, p. 2). The police department claimed that it was trying to protect the journalists from danger. Some reporters objected by retorting "do reporters in dangerous war zones get held

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<sup>17</sup> The reputations of police departments throughout the country are currently being challenged because of the killing of unarmed suspects like Michael Brown in Ferguson, MO and Eric Garner in Staten Island, N.Y. Journalists were also assaulted and arrested during the protests in Ferguson.

<sup>18</sup> He resigned his post after the 1999 WTO protest in Seattle.

back for their own safety?” (Berg, 2012, p. 2). Press apologists responded that the police action “reflected a clear, department-wide policy to keep reporters away from the scene” (Berg, 2012, p. 2). Along with the threat approach model defined previously, where the actions of the police at protests are directed from above and are politically motivated, law enforcement personnel and organizations have other reasons for controlling the media.

It is understandable that journalists want to be where the action is, however, the chief problem, observed by Lawrence (2000), is the “police use of force ‘rarely, if ever, photographs well,’” which is a constant concern for the law enforcement community (p. 20). Toch (2012) claimed that “the average officer assumed that his actions on behalf of law and order ought to be immune from closer inspection,” and outsiders that the officer felt were “interfering with the officer’s work . . . were now morally and legally entitled to be arrested” (p. 24). What it comes down to is, according to the editor of *The News Media and the Law*, Gregg P. Leslie (2012), “many officers have a strong aversion to being videotaped by others while executing an arrest” (p. 1). Of course, this complaint extends beyond protest events to encompass general police/citizen encounters. Stories about police brutality become widespread after celebrated cases, like Rodney King and Michael Brown, come to the fore.

### **The Media and State Partnership**

Contrary to the image described above, the press has historically given the police the benefit of the doubt when it comes to dealing with the public. Lawrence (2000) observed that the media generally “ignore voices within the communities most subject to brutality” and have a “tendency to ‘side with the police’ by relying almost exclusively on

official sources” (p. 30). This apparent reciprocal relationship between the media and official sources is enough to put a spin on incidents and make it difficult to prove that excessive force is a systemic condition. Bureaucrats utilize symbolically laden language to disperse any concern about a widespread problem. First, by “individualizing” events they can claim that the perpetrators “brought the force on themselves with their deviant, violent behavior” or officials blame the trouble on some “rogue cops” (Lawrence, 2000, pp. 14-15).

Local papers, in particular, may be inclined to side with government officials and the police over the protesters.<sup>19</sup> There are many obvious reasons for this: local reporters already have an alliance with government informants and journalists tend to rely on official sources. As mentioned above, this is especially true for reporters who cover the police or city hall beats.<sup>20</sup> Sometimes the connection may even be deeper. Brasted (2005) wrote about the protests at the 1968 Democratic National Convention in Chicago, and she noted that the local paper, the *Chicago Tribune* had “strong ties to Mayor Daley” (p. 21).

Focusing on police and media interaction at protests, it is established that the “media help hobble dissident citizens and social movements” (Boykoff, 2007, p. 15). Researchers examining the relationship between the media and movements agree that news coverage of protest events and groups is derisive (della Porta & Reiter, 1998, Gitlin, 2003, Gans, 2004, Fernandez, 2009, Di Cicco, 2010). In one example the protest participants are “overtly cast as buffoons” (Sobieraj, 2010, p. 76). The article in

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<sup>19</sup> For example, Brasted (2005) determined that in the coverage of the confrontations between protesters and police at the 1968 Democratic National Convention the local “*Chicago Tribune’s* articles and editorials showed a greater bias in support of the status quo than did the *New York Times*” (p. 23).

<sup>20</sup> Lawrence (2000) argued, “The practices of routine beat journalism ‘[lead] newswriters to treat their sources’ accounts not as versions of reality but as ‘the facts’” (p. 54).

question recounted, “Self-described anarchists managed to organize a rally and march of about 200 demonstrators, led by a group called the Bl(A)ck Tea Society, which may be against government but is apparently pro-parenteses” (quoted in Sobieraj, 2010, p.76).

Power centers are always looking for ways to control press reports. One new trend, borrowed from the Iraq War, is for news reporters to be “embedded” with the police. Fernandez (2009) informed us that at the Free Trade Area of the Americas (FTAA) meeting in Miami in 2004 reporters who became involved underwent “police-run training” sessions to be acquainted with police tactics and to learn what to expect from the protesters. He pointed out that, “From a police perspective embedding reporters is a smart strategy because from the start it allows police to build relationships with individual reporters and frame protesters as violent” (Fernandez, 2009, p. 150). As an added benefit the relationship allowed the police to target “un-embedded” journalists – which tend to consist of mostly independent press reporters. One eyewitness at the FTAA protests noted the following encounter,

‘Independent journalists who dared to do their jobs and film the police violence up close were actively targeted. ‘She is not with us,’ one officer told another as they grabbed Ana Nogueira, a correspondent with *Pacifica Radio’s Democracy Now !* who was covering a peaceful protest outside the Miami-Dade county jail. When the police established that Nogueira was ‘not with us’ (i.e., neither an embedded reporter nor an undercover cop) she was hauled away and charged’ (Fernandez, 2009, p. 151).

The news media needs action in their reporting, Sobieraj (2011) asserted that, “Conflict does not steal the spotlight; it owns it” (p. 91). Boykoff (2007) concurred, “The interplay between social movements and the mass media creates a situation in which activists feel pressed to amp up or escalate their tactics;” he pointed out that this is partly in order to cater to the “mass media’s unquenchable penchant for novelty” (p. 28). Gans (2004) related that this dynamic is well entrenched as, in the 1960s, reporters “often ignored peaceful protests” (p. 150).

The deeper problem is when the fringe groups at protest events create disturbances “journalists write about the disruption itself – the element of the activity they interpret as newsworthy – and rarely cover the issues that prompted the event in the first place” (Sobieraj, 2011, p. 90). As noted above, the mainstream press paint the clashes between the police and protester with the “violence frame” portraying the police as agents tasked with restoring control over social disturbances (Lawrence, 2000). Boghosian (2010) argued, “misleading news coverage has helped the public buy the official police line that protest poses a threat that necessitates a repressive or overwhelming police response” (p. 22). Todd Gitlin (2003) agreed, referring to anti-globalization demonstrations, “A few Starbucks windows smashed by a hundred ‘anarchists’ were all the shallower news reports needed to see to decide ‘what’s the story,’ even if tens or hundreds of thousands of demonstrators were marching by playfully, in peace” (p. xviii). However, the public’s opinion dictates interpretation, for example, Wisler and Giugni (1999) argued if the political zeitgeist is in the realm of “law-and-order,” then the police can exert more overt control. They also pointed out, “if a



civil-rights scenario dominates, the police will show restraint to protect their public image” (p. 173).

The traditional form of protest reporting by mainstream journalists versus current events presents somewhat of a conundrum. First, there is a strong consensus among scholars in the communication field that the media, in all of its forms, is a dominant source for propaganda. Largely, journalists are virtual stenographers for the government – passing on the message of the status quo verbatim, albeit clothed in public-approved packaging (Jowett & O’Donnell, 2006; St. John, 2010). This has also been true concerning predominantly negative coverage of protest by the news media. Andrain and Apter (1995) contended that “if the mass media portray the protesters’ goals as unworthy and their tactics as illegitimate, a public backlash may result, thereby hindering the movement’s prospects for political success” (p. 312-13). They also argue that those in power use the media to propagandize the masses. If a powerful entity can gain “hegemonic control over communications media, it can more easily secure support for its value priorities than under pluralist conditions” (Andrain & Apter, 1995, p. 315). Second, the inverse may be the case because at many recent protest events the number of mainstream media personnel arrested has increased. This may produce a blowback reaction thereby changing the media’s point of view in favor of the protester’s message. In contrast to the mainstream press, it is the independent press that provides most of the reports, with photographs and film documentation, of excessive force by the police during the capture and detention of alleged perpetrators.

## The Independent Press

Since most of the journalists arrested at the 2008 RNC were part of an independent press organization, it would be appropriate to define the independent press?<sup>21</sup> There are certain aspects and business models those organizations that call themselves independent share.<sup>22</sup> Many declare their non-profit status makes them independent. News sources like *The Uptake*, *TC Daily Planet* (Twin Cities), and *The Real News* are all officially non-profit. Take, for instance, the claims of the aforementioned news program *Democracy Now*. Its mission statement reports “[it is] funded entirely through contributions from listeners, viewers, and foundations. We do not accept advertisers, corporate underwriting, or government funding. This allows us to maintain our independence.”<sup>23</sup> Also consider the *Public News Service*, which is supported by “non-profit organizations, foundations, individuals and businesses for social responsibility.”<sup>24</sup> Then there are other groups that could be considered independent like *The Associated Press* with its “not-for-profit” business model and policies that make the organization more independent than standard news providers.<sup>25</sup>

There is also the matter of how an organization operates that places it in the category. There is the non-business model like *Portland IndyMedia* that operates with a volunteer staff and an open publishing format.<sup>26</sup> Similarly, *Rochester IndyMedia* works

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<sup>21</sup> Independent media should not be confused with media outlets that are “independently” owned and operated rather than corporately owned, yet are considered part of the mainstream press.

<sup>22</sup> Even though there are many news organizations that are considered *independent*, the following discussion will focus on independent news groups that had members of their staff arrested at the 2008 RNC.

<sup>23</sup> Found at <http://www.democracynow.org/about>.

<sup>24</sup> Found at <http://www.publicnewsservice.org/about.php>.

<sup>25</sup> See <http://ap.org/company/about-us>.

<sup>26</sup> The open publishing model is one where individuals submit articles for publication to the news service. See <http://portland.indymedia.org/en/static/about.shtml>.

with a democratic, collective model (not uncommon among independent news groups). They describe their model as non-profit, non-hierarchical, and anti-authoritarian.<sup>27</sup>

Why is the independent press needed? It is generally accepted by media scholars that alternatives exist because the mainstream press failed to provide a platform for unorthodox ideas. “The conventional press”, as observed by Lauren Kessler (1984), “has created a marketplace closed to all but those who hold beliefs and ideas consistent with what is currently acceptable” (p. 14). Michael Albert (2006), an activist, writer, economist, and a key figure in the world of alternative news sources, offered this succinct definition of the workings of mainstream media,

a mainstream media institution most often aims to maximize profit or surpluses.

It typically sells elite audience to advertisers for its main source of revenue. It is virtually always structured in accord with, and to help reinforce, society’s defining hierarchical social relationships. It is generally controlled by and controlling of other major social institutions, particularly corporations. (p. 307).

The foremost purpose of a mainstream news organization is to make a profit and to defend the societal infrastructure that perpetuates the moneymaking atmosphere. For example, referring to television news, Ted Turner offered this appraisal, “There is always a risk that news organizations can emphasize or ignore stories to serve their corporate purpose. But the risk is far greater when there are no independent competitors to air the side of the story the corporation wants to ignore” (Waltz, 2005, p. 1). With an nod to the ideas of Upton Sinclair, Rodger Streitmatter (2001) reasoned that “America’s largest and best-known newspapers generally do not champion fundamental social change but, in reality, construct a ‘concrete wall’ between the American public

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<sup>27</sup> Found at <http://rochester.indymedia.org/node/7555>.

and alternative thinking” (p. xii). Hence the need for a separate voice to offer the public the other sides to a story.

Is the independent press a new phenomenon? What about other labels for news sources like alternative, dissident, radical, citizen, and the underground press? The independent press is the latest in a long line of status quo challenging news media forms.<sup>28</sup> Paradoxically, the evolution of today’s mainstream press has a curious parallel historically. Atton and Hamilton (2008) informed us that “the development of what we refer to today as the ‘dominant’ or ‘mainstream’ mode of journalism was initially a critical (dare we say ‘alternative’?) response in its day to an earlier dominant [form]” (p. 10). Downing (2001) concurred, “Everything, at some point, is alternative to something else” (p. ix).

In his book, *Voices of Revolution: The Dissident Press in America*, Rodger Streitmatter (2001) claimed that one of the first forms of oppositional newspapers was the dissident press. He traces the origins of the dissident press back to the labor movements of the 19<sup>th</sup> century with the *Mechanic’s Free Press* (p. 4). He contended that in order for media to be “dissident” it “not only had to offer a differing view of society but also had to seek to *change society* in some discernible way” (emphasis in original, Streitmatter, 2001, p. xi). Next would be the underground or subterranean press, which was a byproduct of the youth uprising of the 1960s. Whereas one enterprising individual controlled most of the dissident press publications, that aspect was rare with underground papers. They operated mostly as “democratic collectives” (McMillian, 2011, p. 14). As is the case with all of the non-mainstream sources, the rise of

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<sup>28</sup> Not all of these types of news media directly transitioned from one to the other and some coexisted with other forms, yet, the order of appearance is fairly accurate.

underground papers was due to the “failure of the nation’s glossy magazines and daily newspapers to cover the youth rebellion” (McMillian, 2011, p. 7). Through the New Left’s own periodicals, according to McMillian (2011), they could disseminate “its news, ideas, trends, opinions, and strategies without having them ‘strained through a mainstream filter’” (p. 6).

One could argue that the term *independent press* is the latest incarnation of *alternative journalism*. Opel and Templin (2004) used the two expressions interchangeably. In the space of two pages, Ostertag (2006) employed the descriptors alternative media, independent media and social movement press while writing about the same entity (p. 18-19). Perhaps the reason for the transition from alternative to independent is similar to the shift from the underground press to the alternative press – to shed the stigma that had developed over time. Tom Miller, a notable figure in the underground press establishment, contended that in the transition to the name alternative press, “some of the more outrageous aggressiveness has been sacrificed for something called ‘credibility’” (quoted in Peck, 1991, p. 289). The underground press community were looking for “Increased acceptance, public visibility, and a general shift in editorial content away from shocking the public towards ‘serving the people’” (quoted in Peck, 1991, p. 290). Some print and online publications today are still using the term alternative, such as Minnesota’s *City Pages*.<sup>29</sup> One interesting observation is that “all dissident publications are alternative publications, but many of those alternative publications are not dissident” (Strietmatter, 2001, p. xi).<sup>30</sup> What Strietmatter means is that some alternative news sources are not focused on change;

<sup>29</sup> Found at <http://www.citypages.com/about/node/7555>.

<sup>30</sup> Mitzi Waltz (2005) made a similar distinction between activist and alternative media (p. 4).

whereas, change is the purpose of the dissident press. Another appellation is the *radical alternative media*. According to John Downing (2001) the main goals of this form is,

(a) to express opposition vertically from subordinate quarters directly at the power structure and against its behavior; (b) to build support, solidarity, and networking laterally against policies or even against the very survival of the power structure (p. xi).

One of the earliest uses of the term independent would be the *Indymedia* group.<sup>31</sup> They are a web-based group that began after the 1999 protests in Seattle. There are Indymedia related groups in “almost every major city in the United States and Europe as well as areas of Latin America, Oceania, Africa, and Asia” (Fernandez, 2009, p. 63). They are “known to authorities as ‘radical journalists online’” (Riccardi, 2006, quoted in Fernandez, 2009, p. 4). Their goal is to make “reporters out of protesters, allowing activists to *disseminate* their own information and provide a view of the protest that may be very different from the mainstream media’s” (Fernandez, 2009, p. 63). Lastly, a mention of *public* or *citizen* journalism is in order. Public journalism is an attempt to bring citizens into the mainstream news-making business as partners creating a “citizen-engaged press.” Rosenberry & St. John (2010) noted that public journalism was considered as a possible answer to the public’s displeasure with the coverage of the 1988 presidential campaign (p.9). It was an effort to “encourage a more citizen-engaged press that would, in turn, facilitate improved citizen involvement with issues of public concern” (Rosenberry & St. John, 2010, p. 2.). The difference between the independent and public journalism is the independent press stresses the separation

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<sup>31</sup> See the note on the independent press on page 45.

from and the opposition to the corporate media.<sup>32</sup> Again, many observers feel that the independent press is an answer to what they perceive to be the failures of the mainstream press.

Regardless of the moniker, the goal of the independent press is to give voice to the voiceless. In fact, the stated purpose of all oppositional journalism is so close in meaning as to be the same. Mainstream media seeks to maintain the status quo, which is integral to their economic survival. In the spirit of Marcuse, the opposition press exists to show that there is another way to interpret society. Those involved in alternative journalism, according to Atton and Hamilton (2008), “seek to redress what they consider an imbalance of media power in mainstream media, which results in the marginalization (at worst, the demonization) of certain social and cultural groups and movements” (p. 2). Leah A. Lievrouw (2014) identified “alternative/activist new media” which she stated, “employ or modify the communication artifacts, practices, and social arrangements of new information and communication technologies to challenge or alter dominant, expected, or accepted ways of doing society, culture, and politics” (p. 19). Exemplifying the qualities of Marcuse’s “negative thinking,” most of the manifestations of the oppositional press possess the following features: they operate outside of conventional income streams, they function in a more democratic and less hierarchical manner, they seek to give voice to people and groups that the mainstream press overlook or ignore, and they seek to help change society.

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<sup>32</sup> In spite of the stated opposition, it would be irrational to believe that some interaction and crossover would not occur. Stelter and Baker (2011) reported that while police were removing protesters encamped at Zuccotti Park as part of the Occupy Wall Street movement, mainstream reporters were blocked from covering the event. However, video footage that was made by citizen journalists and posted online was downloaded and used during mainstream television broadcasts that day. In the other direction, Gitlin (1981) wrote that people he knew that worked in the underground press later went to work for mainstream publications like the *New York Times* (p. 23).

## THE 2008 RNC

### Introduction

On the surface, during the 2008 RNC, the authorities utilized the Miami model while policing the demonstrations and rallies. However, upon review of available data it is obvious that a partial return to the escalated force technique had been adopted.<sup>1</sup> This was true for those peacefully assembled, for those conducting civil disobedience, and for witnesses, including journalists, observing and documenting the events on the streets. The arrest of news media personnel covering the protests at the 2008 RNC was an example of intimidation and repression directly linked to the city's security forces' treatment of protesters.<sup>2</sup> The propagandistic message of power centers exclaims, "This is the price you pay for getting involved." In fact, Frank Smyth, of the Committee to Protect Journalists,<sup>3</sup> noted that journalists' allegation that "media present during disturbances were treated no differently than those engaged in the disturbances" was indeed true (Smyth, 2009, para. 3). Certainly, these actions go beyond the arrest and detention of reporters. Along with the intent to remove the source of credible evidence and viable witnesses from the scene of arrests, this police behavior will also affect future protest gatherings making journalists reluctant to cover the streets in fear of being inconvenienced, suffering abuse, or incurring legal fees for themselves or their organizations. As emphasized above, the targeting of journalists introduced a new form

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<sup>1</sup> Negotiated management was still in use since most of the marches and rallies were permitted. Nonetheless, the city seemed to honor the rights of protesters, but the collected security forces did not. See page 24 for a description of escalated force.

<sup>2</sup> According to Boghosian (2010), St. Paul "entered into over 100 joint powers agreements, contracts between cities, counties or districts that agreed to perform services or lend resources to a designated district" (p. 27).

<sup>3</sup> Found at <http://www.cpj.org>.



of social control to Boykoff's (2007) list of twelve repressive methods that power centers use against the rights of demonstrators.<sup>4</sup> During their arrest, many journalists were brutally assaulted by the police. Several reporters were also detained, harassed, and intimidated while attempting to do their jobs on the streets along with pre-convention raids at homes, temporary meeting places, and offices.

One may question that out of approximately 15,000 media personnel present during the convention, what significance could 43 journalists being arrested represent? Five possible reasons why this is a concern is manifest: first, these arrests were the tip of the iceberg, not all of the reporters present at the events on the street were arrested, but a great many endured harassment and interference while attempting to do their job.<sup>5</sup>

Second, Bill Tilton (2008), a lawyer who lives and practices in St. Paul, reasoned that,

in a sense journalists are 'the canary in the coal mine' for purposes of evaluating the degree of respect paid to constitutional protections like freedom of speech and probable cause – If non-participating journalists are arrested despite being clearly identifiable as such . . . without probable cause to think they are criminal actors, then how credible are probable cause claims by police about other persons arrested? (p. 4).

Third, Heidi Boghosian (2010) observed that St. Paul lacked "a clear policy toward the media," and fourth, that "independent media became specific targets of local and federal law enforcement during the 2008 RNC" (p. 28). These points are all disconcerting considering the importance of the press in a democracy. Finally, many members of the

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<sup>4</sup> See page 18-19 above.

<sup>5</sup> One case detailed in Tilton (2008) was Trish van Pilsum's report "that police tried to prevent her crew from filming the sadistic and stupid treatment of Leah Lane" (see below) Tilton questioned, "was this a pattern because there was a policy? (pp. 16-17).

media remained near the Xcel Energy Center, so the chances of being arrested were negligible. It was noted that with TV coverage, the local media were among those reporting from the streets, but the “national media shied away from the gas-masked officers, anarchists and tear gas” (Pioneer Press, 2008, para. 12). The last two points are undoubtedly related. It was the local and independent reporters that braved the clouds of tear gas in order to be “watchers” and found themselves netted with the alleged perpetrators. Notably, of the 43 journalists that were arrested, only nine were from mainstream news services.

## **Method**

This work is approached from a qualitative perspective and is by no means exhaustive in scope. The goal of the research is to evince the oppressive atmosphere between encounters with the police, the protesters, and the media and show how this repressive behavior by power centers is a form of social control that is systemic and premeditated. Starting with an overview of the logistics, this work reviews the preparation for the convention by the city and the protest groups, followed by the overall treatment of protesters and media on the street. Some reports were written by the targeted reporters detailing the arrest experience as well as reports by independent observers present on the streets, opinion pieces, and articles written by experts in the interplay between the media and the law enforcement community. The events at the 2008 RNC was chosen for analysis because it was the best example to date of official overreach in view of the large number of reporters detained and mistreated and the continued reliance on the Miami model and escalated force for social control.

## The Event

The 2008 Republican National Convention (RNC) was held from September 1<sup>st</sup> to September 4<sup>th</sup> at the Xcel Energy Center in Saint Paul, Minnesota. The chosen Republican candidates were John McCain and Sarah Palin. The RNC Site Selection Committee chose St. Paul over Cleveland, New York City, and Tampa-St. Petersburg in January of 2007 even though St. Paul is a small city by comparison “a city of fewer than 300,000 people” (Burkeman, 2008, para. 3). From the perspective of the event-goers, the post-convention appraisal of the choice was glowing, both by the president of the convention, Maria Cino, and by the media who commented en masse that the accommodations were much better than the DNC in Denver (Pioneer Press, 2008, para. 4-9). The only thing that disrupted the normally scheduled convention events was Hurricane Gustav, which struck Louisiana on September 1<sup>st</sup> and coerced the Republican Party to curtail the first day’s proceedings. This unexpected development inadvertently helped to increase the coverage of actions on the streets since there was little for the media to cover at the Xcel Center.

Overall, there were “more than 15,000 journalists, bloggers and members of the independent media at the convention” (Boghosian, 2010, p. 28). As mentioned above, most of the reporters on the streets were members of non-mainstream organizations. In contrast, many members of the mainstream media stayed away from protest areas by situating themselves near or inside the Xcel Energy Center. Consider also that members of the press are not the only eyewitnesses that are usually present at protest events. There are also documentarian and legal observer organizations. For example, at the 2008 RNC, there was the *I-Witness Video* group, which has made documenting

police actions at protests its mission<sup>6</sup> and the National Lawyers Guild (NLG), which trains “Legal Observers” to be witnesses to any legal improprieties that may occur at demonstrations. For the 2008 RNC, the NLG assembled over “225 Legal Observers to be on the streets throughout the convention and to organize attorneys to represent people who were arrested or to deal with other issues that might arise” (Boghosian, 2010, p. 26).

### **The Preparation for Protests**

Security for the convention included the Xcel Center being “surrounded by eight-foot-high metal fencing” (Boghosian, 2010, p. 34). Along with the fence, there were an estimated 3,700 security personnel present (Pioneer Press, 2008, para. 32). In March of 2008 the city’s police department “disavowed the use of riot gear unless it becomes necessary” (Hoppin, 2008a, para. 16). Delegates expressed gratitude to the security arrangements, which “allayed their concerns about tear gas and anarchists” (Pioneer Press, 2008, para. 25). Along with the security, the city requested and received a \$10 million insurance policy paid for by the Minneapolis Saint Paul 2008 Host Committee. Reporter Jason Hoppin noted that all of the police officers “would be covered by the policy” (2008c, para. 9).

John Brewer, a reporter for the *St. Paul Pioneer Press*, listed some of the major planned and permitted events scheduled for the week. These included five marches, a picnic, and a peaceful gathering at the Minnesota Capitol building grounds (Brewer, 2008). The city also provided a portable stage within sight of the convention where applicants were awarded 50-minute blocks of time to express their grievances (Hoppin,

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<sup>6</sup> The work of I-Witness Video and other documentarian organizations resembles the output of other Indy press groups; therefore, they are listed with the number of journalists arrested.

2008d). Assistant Police Chief Matt Bostrom stated “people will be allowed to congregate in the area from 8 a.m. to 8 p.m. daily during the convention” (Hoppin, 2008d, para. 8).

Regarding the geography of protest, there were a number of lawsuits leveled against the city by protest groups and coalitions. In spite of their intense efforts, which included assistance by the Minnesota Chapter of the National Lawyers Guild and the Minnesota Civil Liberties Union (MCLU), to acquire march routes, demonstration zones, and times that would reach the intended audience, the “city imposed the route march permits and public demonstration areas that it wanted” (Boghosian, 2010, p. 26).

One group, the Coalition to March on the RNC and Stop the War sought a march route that would be closer to the venue. They also felt that the short time period for the march would not “maximize their chances that delegates are entering the Xcel Energy Center at the same time protesters are passing by” (Hoppin, 2008b, para. 5). On July 16, 2008 Judge Joan Ericksen, raising security concerns, ruled against their request, thereby enforcing the already established route and duration. The judge expressed that the decision fulfilled First Amendment requirements, yet Teresa Nelson, of the Minnesota chapter of the ACLU contended that it “weakened” the First Amendment, she reasoned that “all the government really needs to do is raise the specter of security, and anything they do is going to be justified” (Hoppin, 2008c, para.2).

In a similar vein, Judge Kathleen Gearin ruled against a greater use of public sidewalks and streets in *Rowley v. St. Paul* and *Twin Cities Peace Campaign v. St Paul* stating in her opinion that even though the “180,000 – square foot space across from the arena may not be ‘ideal’ and protesters are ‘understandably frustrated’ the plan

won't position them closer to the delegates, 'Is it constitutionally adequate in light of all the relevant circumstances? Yes'" (Cullinan, 2008, para. 2). Note that, even though mainstream news coverage is the goal of many demonstrators, it is through communicating to the delegates that many of the protesting groups hoped to encourage "some sort of changes in the party platform" (Forliti, 2008, para. 3).<sup>7</sup>

The city of St. Paul was aware of the potential problems that might arise concerning the press in mass demonstration situations. If for no other reason than the fact that the organization, Reporters Committee for Freedom of the Press (RCFP) retained the services of attorneys Bill Tilton, Paul Hannah and George Dunn to insure that the city was aware of First Amendment protections for the press. These attorneys met with all of the city's leaders to voice their concerns that at protest events journalists are "sometimes arrested improperly" (Tilton, 2008, p. 2). They offered their help to mitigate situations by acting as "a liaison with arrestees who were or claimed to be journalists" (Tilton, 2008, p. 3). At these meetings the city queried what is the definition of a journalist and what if a "journalist" commits a crime? Tilton and company assured the authorities that they were not seeking any special treatment of reporters above those granted in the First Amendment, however,

Respect for the First Amendment as well as probable cause required that in any arrest situation the authorities make an attempt to distinguish between non-participating observers (such as journalists) from participating criminal actors; and that processes be established to minimize the chance that the non-participating journalist observers be arrested (Tilton, 2008, p. 3).

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<sup>7</sup> There is more about the implications of geography and protest in the conclusion below.

What the lawyers wanted to avoid was the “surround and arrest ‘em all’ tactics” that were prevalent during the 2004 RNC in New York, that ensnared a number of reporters (Tilton, 2008, p. 2). Tilton informed the city’s leaders of the RCFP’s “Reporters Hotline” that could be used to work through problems. He also reminded them of the law that “forbade police from taking a journalist’s work product, like camera images, tapes, [and] phone records” (2008, p. 4). As it turned out, the city did not avail themselves of the expertise of Tilton and his associates, and the Reporters Hotline was not used much. Tilton declared that the hotline’s “failure is guaranteed when police independently decide not to accord any special importance to news gathering, and indeed even purposely hinder journalists when convenient, as in making multiple arrests thereof” (2008, p. 7).

### **The Police State**

Many of the reports about the week’s events expressed the overall sense of oppression that existed on the streets for everyone involved at the protests at St. Paul. “The most dispiriting aspect,” asserted Caroline Palmer (2008), a writer for the Minneapolis *Star Tribune* and *City Pages*, “being the complete transformation of St. Paul into a forbidding police state” (p. 7). *Pacifica Radio*’s Geoff Brady, who witnessed the events on the street during the 2008 RNC, commented, “military tactics are used domestically to intimidate protesters and bystanders” (Boghosian, 2010, p. 35). As mentioned above, political conventions are designated National Special Security Events (NSSE), which was established under the Presidential Threat Protection Act of 2000 and are under the auspices of the United States Secret Service (Boghosian, 2010, p. 25). This fact was evident at the 2008 RNC as Bill Tilton (2008) recalled how during the

2008 RNC the Secret Service “transformed our local cops into a hostile occupying army” (p. 1).<sup>8</sup> It would be hard to imagine that a federal presence at an event would not substantially influence the behavior of the local constabulary. Even though the majority of marches, rallies, and even the so-called illegal assemblies were peaceful, the police still adopted an overall aggressive stance at all the events. Again, Tilton (2008) remarked that the “police were viewing the peace marchers with disdain, distrust, even hostility”, he continued to say that “the officers lining the 9/1/08 march were about as friendly as prison guards toward prisoners, and less willing to help” (p. 7).<sup>9</sup> The pledge made back in March for the police to abstain from wearing riot gear was largely abandoned. The final outcome went far beyond riot gear, according to reporter Anne Elizabeth Moore (2008) of the *Phoenix*, some of the weaponry in use on the streets included:

Triple Chaser grenades . . . described by makers Defense Technology as having the potential to cause ‘serious damage to property’ and ‘injury or death,’ 40 mm Direct Impact rounds, pepper spray, Tasers, smoke bombs, mace, brand-new \$650 Trek mountain bikes (if you’re confused why these might be listed in a manifest of weapons, you haven’t seen the video footage of officers rearing up on them and ramming into victims) (para. 10).<sup>10</sup>

Training for the convention security forces cost “approximately \$50 million received in a grant from the Department of Justice” (Moore, 2008, para. 10).

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<sup>8</sup> In fact, according to the RNC Executive Summary, which was part of a commission report initiated by the City of St. Paul, many observers felt that the St. Paul police “abdicated control over security in downtown Saint Paul to the Secret Service or the F.B.I.” (RNC Commission Report & Executive Summary, 2009, p.14).

<sup>9</sup> These points will be elaborated on in greater detail as we proceed with a review of the events.

<sup>10</sup> See the description of the arrest of Leah Lane below.



Bill Tilton (2008) related his own experience as he joined the march on September 1<sup>st</sup>. As he was marching for a couple of hours and his feet “started to hurt, a lot” he resolved to go to his office which was only “three blocks away to change shoes, hydrate and recharge.” He found that he was “**forbidden permission to travel from the area of the peace march permit to my office**” (Tilton, 2008, p. 10, emphasis in original). He concluded that the, “police were systematically excluding from St. Paul over 10,000 peaceful citizens, including me, simply because of our attendance at a permitted anti-war march! If that isn’t a non-content neutral exercise of police power, then I don’t know what is” (Tilton, 2008, p. 10).<sup>11</sup> In his statement he explained the law in that a “**parade permit grants additional rights to its users,**” such as using the streets to march, however, a “**parade permit does not take away rights from its users**” (Tilton, 2008, p. 11 emphasis in original, removed underlining). It is never against the law for a citizen to use the sidewalks. Therefore, the city of St. Paul was in violation of Constitutional law in forcing the crowds to keep to an assigned path because of their political stance.

## **Arrests**

The behavior of the police, which the RNC Commission summed up as broken promises, poor planning, and ineptitude, can only be properly explained as propaganda of the deed in action. The Pioneer Press (2008) reported that 818 people were arrested on the streets during the week, “which appears to be the second most at a national political convention” (para. 34).<sup>12</sup> Anna Pratt reported that at least 42 journalists,

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<sup>11</sup> The law requires that all public assemblies be granted permits to rally, march, or demonstrate regardless of the content of their message.

<sup>12</sup> During the 2004 RNC a reported 1800 people were arrested.

photojournalists, bloggers, documentarians,<sup>13</sup> and videographers were included among the arrestees.<sup>14</sup> As stated above, the accusations leveled against the members of the media included “unlawful assembly, obstructing the legal process, misdemeanor interference with a peace officer and felony to riot plus other riot pretenses” (Pratt, 2008b, p 1).

Many journalists were arrested along with protesters during mass arrest incidents. Nigel Parry, a communications consultant based in St. Paul detailed three mass arrests that occurred during the four-day convention (Parry, 2009).<sup>15</sup> A September 1<sup>st</sup> incident involved over 200 people in a park who were trying to get to a free concert that was being held on Harriet Island. On September 3<sup>rd</sup>, 102 people were arrested after leaving a concert featuring *Rage against The Machine*. The last episode was on September 4, the last night of the convention, where over 300 people were arrested on the Marion Street Bridge.<sup>16</sup> During all three occasions, people were not allowed to disperse, instead they were entrapped and herded into locations where they could be contained and processed. Reporter Art Hughes, a reporter from the *Public News Service*, witnessed that “police essentially cornered people, including journalists, giving them no safe way to obey the order” to disperse (Public News Service, 2008, para. 6). At what was described as the “Battle of Mickey’s Diner,” police in riot gear surrounded a group of “largely peaceful protesters.” At this standoff, “dispersal orders were given, and the use of weapons threatened – but for hours no exits were open to

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<sup>13</sup> It was with these documentarian groups that the police started making arrests even before the convention began, more below.

<sup>14</sup> Rick Rowley of Big Noise Films, not included in her list, makes 43 arrested reporters.

<sup>15</sup> Nigel Parry has done outstanding work setting up a website archiving numerous documents and articles concerning the 2008 RNC protests. I am greatly indebted to his endeavors. Unfortunately, the website, *RNC 08 Report* has lately become unavailable; I greatly hope that this wonderful resource returns.

<sup>16</sup> Some reports put the number at about 400 people.

marchers.” A protester commented, “it was terrifying. They offered us no way out” (Moore, 2008, para. 9). Nigel Parry reported, “at a minimum, at least 600 of those arrested during the RNC – more than 75% of the total of over 800 people arrested, were arrested in a mass arrest situation” (Parry, 2009, p. 1). Many journalists were included in these arrests. His reaction to this police behavior was,

Mass arrests are illegitimate and unconstitutional because people should only be arrested if they have committed a crime. Mass arrests target the innocent as well as the guilty. They are a form of lazy, intimidating, and civil rights-abusing police work. They expose and exploit the innocent rather than protect and serve them (Parry, 2009, p. 2).

Before the convention began, police joined by other assembled security forces raided the homes and temporary headquarters of some protest groups. Some of the groups experiencing pre-convention police actions were Food Not Bombs whose house was raided and Communities United against Police Brutality. Then, there were the anarchists. On Friday, August 29, 2008 the authorities raided a former theater at 627 Smith Avenue South, St. Paul, which was the temporary headquarters of the RNC Welcoming Committee (a self-described anarchist group of about 35 members). Snyders (2008a) reported that “the activists were handcuffed for nearly an hour before being set free,” while officers confiscated “numerous computers and equipment as evidence” (para. 10). Sheriff Bob Fletcher of Ramsey County estimated that there were “about 400 and 500 individuals” who he determined to be members of anarchist organizations (Goodman, 2008d, para. 2). Eight members of the RNC Welcoming Committee were arrested and charged with “conspiracy to riot in furtherance of

terrorism” (Goodman, 2008d, para. 12).<sup>17</sup> An activist and resident of St. Paul had this to say about the house raids,

The house raids that we saw in Minneapolis and St. Paul this week are very similar to the house raids that have been carried on by our Marines in Iraq and in Afghanistan and in other places around the world. We cannot — the government cannot carry on a repressive foreign policy without it coming home to roost in the United States (Goodman, 2008d, para. 19).

Many reports detailed the indiscriminate use of non-lethal weaponry and unnecessary violence directed toward mostly peaceful protesters. In many cases the police used tear gas and pepper spray in lieu of arresting protesters. There is the case of 18-year-old Leah Lane.

As police in riot gear were driving protesters away from accessing the streets near the Xcel Center, Leah Lane held her ground, in a non-threatening manner, while chanting “all you need is love” in front of a line of police. Instead of arresting her for failure to obey a dispersal order, they repeatedly sprayed her directly in the face with OC pepper spray. Eventually, some of the bike patrols ran into her with the wheels of their bicycles and pushed her to the ground. When it became clear that mistreating her would not work, they arrested her. While handcuffing her, an officer had his foot on her face to hold her down. The *Fox 9* reporter and cameraperson filming the event were ordered by the police to leave the scene, but they refused. The reporter stated that they were not blocking traffic and she felt it was important to cover the arrest (Van Pilsum,

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<sup>17</sup> Eventually, none of the eight faced any time in prison.

2008).<sup>18</sup> Eileen Clancy of *I-Witness Video* reasoned, “The emptying of pepper-spray canisters into the eyes of protesters rose to the level of torture . . . These are people [the police] who were using pepper spray in a way that it’s likely the manufacturers never imagined” (Moore, 2008, para. 31).

Keith Smith, a 17-year-old protester, due to his confusion about the situation, failed to respond fast enough to an order to raise his hands. Five policemen reacted by attacking him. They forced him to the ground

repeatedly kicking, beating, dragging and hitting him. He responded by protecting his body, only to be accused of resisting arrest. When he was escorted away from the scene he was heavily covered with blood, so the police officers used a shirt to cover his body, possibly to avoid media coverage of the attack (Smith-Tourville, 2008, para. 7).

He was later released on his own recognizance from the Juvenile Detention Center at night, in need of medical attention, in a strange city, and had to call his parents using a phone belonging to a concerned passerby. This is only a small sample of the many examples of harsh measures used by the police. This trend in policing has become systemic; Fernandez (2009) observed that “violence at anti-globalization protests, in my experience . . . is usually administered by the police, not the other way around” (p. 55). These individuals, and others like them, who braved the abuse of the authorities believed in a different reality than the one the power centers have inculcated into the populace. However, according to Marcuse, our society “may justly demand acceptance of its principles and institutions, and reduce the opposition to the discussion and

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<sup>18</sup> The Fox 9 reporter, Trish Van Pilsem, later interviewed Leah who surprisingly declared that she has forgiven the police who brutalized her.

promotion of alternative policies *within* the status quo” (p. 2, emphasis in original). The security forces at the 2008 RNC, due to the perceived threat that a couple of hundred anarchist types presented, decided to apply the Miami model of protest policing to everyone in attendance.

### **Arrested Reporters**

As mentioned above, the police represent the face of the government for the citizens, who in this case were the protesters and journalists outside of the Xcel Energy Center during the convention. The arrested reporters, bloggers, and documentarians that were present were serving as a counter-panoptic tool to watch the interaction between the protesters and the security forces. The Miami model, with its use of surveillance was actively engaged prior and during the event – the police knew that *I-Witness Video* was coming.

The pre-convention arrests included an August 30<sup>th</sup> police raid at 951 Iglehart Ave., St. Paul, where the documentarian group, *I-Witness Video* was staying. Mike Whalen, who opened his home to the *I-Witness Video* group, commented on the siege, saying “It was surreal: [something] I’d only heard about happening in other countries” (Hoppin, 2008e, para. 6). In spite of the police’s claim that they were looking for weapons, computers, and communication equipment, Whalen stated, “they weren’t coming into my home to look for bombs and guns. They were going after *I-Witness*, I think” (Hoppin, 2008e, para. 23). The police searched the house, but according to Patrick File (2009), the police did not remove anything (para. 33). Two days later, on September 3, police responded to a call alleging that “anarchists [were] holding people hostage” in the office building that *I-Witness* was using during the convention

(Goodman, 2008b, para. 3). As a result, the group was forced by the landlord to vacate the premises. According to Bruce Nestor, chair of the National Lawyers Guild Foundation (NLGF), police used the hostage accusation to “enter without a warrant” (Goodman, 2008b, para. 43).

A statement from the *I-Witness Video* website blog called the action, “a clear effort to intimidate and undermine the work of I-Witness Video – a group that was remarkably successful in exposing police misconduct and outright perjury by police during the 2004 RNC held in New York City. Out of 1800 arrests made that week, at least 400 were overturned based solely on video evidence which contradicted sworn statements by police officers” (Mattson, 2008, para. 6). This fact was not lost on the Minneapolis police, who have a reputation for “harassing people who are documenting police misconduct,” noted NLGF’s Nestor (quoted in Boghosian, 2010, p. 28).<sup>19</sup>

Many times documentarians are not connected with a media group but with a protest group. According to McPhail and McCarthy (2005), affinity groups are inclined to designate a videographer to record their interaction with the police. This video evidence serves many purposes: to sell or use as a form of independent news on the web, as a learning tool for future actions, for propaganda, and most importantly, to “provide affinity groups with their own record of contact and interactions with the police should they have to defend themselves in court” (pp. 12 -13).

Once the convention began, so did the targeting of reporters. The highest profile arrest was of three members of the *Democracy Now* organization who were assaulted and arrested by the police while clearly identifying themselves as journalists.<sup>20</sup> A

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<sup>19</sup> The Minneapolis police were among the security forces that joined the St. Paul police on the streets.

<sup>20</sup> Details of the arrest can be found on page one.

journalist from *Portland IndyMedia*, Wendy Binion, was arrested on day two of the convention. In a lawsuit she alleged that during the arrest she was “battered, assaulted, subjected to excessive, unreasonable force, unreasonably seized, falsely arrested and falsely imprisoned” (Boghosian, 2010, p. 37). She asserted that “she was peacefully carrying out her duties as a journalist, but was targeted because she is part of the independent media” (Weinmann, 2009, para. 29). Matt Snyders, a reporter for the Minneapolis alternative weekly *City Pages*, described his arrest. He was following a group of about 800 demonstrators who were trying to get closer to the Xcel Center after the permitted time. Later he found himself and a large group, which included many reporters, trapped on the Marion Street Bridge by converging police officers and ordered to, “Get down! Put your hands behind your head!” (Snyders, 2008b, para. 18). He related how a nearby photographer failed to respond to the order quickly enough, so an officer “indifferently took out a Mace canister and unloaded it in his face” (Snyders, 2008b, para. 19). He related how a “middle-aged woman kept repeating that she lived in a nearby apartment, she didn’t do anything, she was just outside watching. An officer told her to calm down and that ‘freaking out just makes it worse’” (Snyders, 2008b, para. 23). Eventually, an officer showed Snyders’ press credentials to another officer who commented, “Well, I heard that the press are going to jail tonight anyway, so it doesn’t matter” (Snyders, 2008b, para. 27). After a long ordeal being processed, Snyders was asked by an officer if he had any questions, to which he responded, “‘Yes, What’s happened to our democracy?’” the officer responded, ‘It’s still here, don’tcha think? You’ll just have to remember to follow the orders next time, won’tcha?’” (Snyders, 2008b, para. 33-34). This attitude by the authorities is indicative of the lack of respect



for the press and the City of St. Paul's failure to establish a protocol for dealing with the press during the roundup of alleged perpetrators.<sup>21</sup> Tony Webster, a photojournalist from the Twin Cities area, was detained during the mass arrests on September 3<sup>rd</sup> reported that while showing his identification as a professional photojournalist, "the officer took the cards, and attempted to take my camera memory cards. He handcuffed me with plastic riot cuffs and made me sit down again with force. He pushed me and my camera hit the ground, breaking my lens and nearly breaking off my external flash" (Parry, 2009, p. 5). Later that evening he was released and told not to "return to Minneapolis ever again, despite [his] residence being just eight blocks away in Loring Park" (Parry, 2009, p. 5). Art Hughes, a reporter who was arrested on the last night of the convention, had this to say about the overall police attitude, "The net they cast was extraordinarily large. They scooped up bystanders, people passing by on bicycles – I heard one story in which someone had stepped out of a nearby hotel to grab a smoke, and just happened to get swept up in it. It was very indiscriminate" (Public News Service, 2008, para. 3).

Still, despite this propensity for arresting independent (and some mainstream) reporters, at times police displayed inconsistencies in their tactics. Paul Demko, a reporter for the *Minnesota Independent*, who witnessed the arrest of about 400 people on the Marion Street Bridge, had a different experience. He, and other unidentified members of the press, had their handcuffs removed, were given an unlawful assembly citation, and freed (Demko, 2008). Two media workers for *The Real News*, reporter Geraldine Cahill and cameraperson Ania Smolenskaia were also arrested on the Marion Street Bridge. Cahill asserted that, "We told the police that we were media, and they

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<sup>21</sup> More on this below.

told us that they didn't care who we were. We were just shuffled along with everybody else” (2008, para. 16). Another instance occurred when Stephen Maturen, with the University of Minnesota student-produced *Minnesota Daily*, was “pepper sprayed in the face after asking an officer how to leave the scene of the protest,” he was released after intervention by another journalist (File, 2009, para. 20). The *Trifecta Press Photo's* Nathan Weber said that “police threw him to the ground, beat him, and then handcuffed and arrested him,” and then charged him with Gross Misdemeanor Third Degree Rioting (National Press Photographers Association, 2008, para. 20). A notable inconsistency surfaced with a pair of mainstream news workers.<sup>22</sup> *Associated Press* Photographer Evan Vucci was released after showing his RNC approved press pass, but only after being “picked up from behind and thrown to the ground, an action that broke his camera. After he followed orders and rolled onto his stomach, he was kicked in the ribs and then cuffed” (Reilly, 2008, para. 18). Yet, his colleague, Matt Rourke, was held overnight (File, 2009). Sheila Regan, a reporter for the *Twin Cities Daily Planet* who was arrested covering the protest, said:

The experience was eye-opening about the extent of law enforcement and security lining the streets during every march. The raids prior to the convention, the journalists, legal observers and other law-abiding citizens getting arrested right and left indicated to me that this was not a situation where free speech was tolerated (Regan, 2011, para. 2).

Of the mainstream reporters who braved the chaos on the streets only to get arrested, there was the national editor for *MyFox*, John Wise. The police seized his

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<sup>22</sup> In some ways the *Associated Press* is more “Indy” than most of the mainstream outlets. See the Annotated RNC’s Journalist Detainees in the appendix.

equipment and press badges during the mass arrest on the Marion Street Bridge and he spent the night in the Ramsey County jail. He commented that during his coverage on the streets he “did not see one protester get violent, break anything, throw anything at anybody, anything like that. People were wanting to get away, but that’s natural – they were scared” (Reilly, 2008, para. 13). Wise contended that his “eye-opening” experience in St. Paul “will make [him] take a bit more of a stance” toward the defense of First Amendment rights (Reilly, 2008, para. 16). His experience lends credence to the concept introduced above that stated that repression sometimes mobilizes, rather than discourages, a person.<sup>23</sup> Ted Johnson, of the entertainment magazine, *Variety*, had this to say about his experience on the Marion Street Bridge, “When it became clear that they intended to take reporters away as well, my reaction was a bit more dumbfounded. *They have got to be kidding*. “The experience,” he continued, “was a combination of mild amusement, bewilderment and anger” (Johnson, 2008, para. 2-4, emphasis in original).

### **Fellow Reporters’ Reactions**

One journalist, Mike Buscko, commented, “We’re appalled by the treatment of journalists. It’s had a chilling effect on the coverage of the convention outside and in the street” (Pratt, 2008a, para. 8). Bob Carey, president of the National Press Photographers Association, also expressed dismay over the events, saying, “photojournalists count on the fact that police presence at protests keeps them safe . . . We deserve to be protected by police, not falsely arrested by them” (NPPA, 2008, para. 11). Reporter Anne Elizabeth Moore (2008) declared, “for many observers, even

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<sup>23</sup> See page 38.

independent ones, the crackdowns at the RNC went above and beyond what we've come to call police brutality" (para. 22). Moore (2008) confirmed that the police "targeted not only independent media makers and successfully kept them from documenting these events, but also manipulated the coverage in mainstream media" (para. 23). Power centers use of manipulating the press to pacify the masses is one of Boykoff's listed tools mentioned above. For example, an Associated Press reporter heard from an "anonymous source" that anarchists were targeting journalists, to which Moore responded that, "No, it's not true, I told him. It's not even *logical*. Why wouldn't anarchists want anyone to know they were being arrested, targeted, beaten, and tortured?" (para. 24, emphasis in original). One journalist commented, "nothing about the aggressive display of force made sense – unless you viewed it as an act of war" (Moore, 2008, para. 27).

### **Expert Witnesses**

The propagandistic meaning for the protesters is clear as detailed by Heidi Boghosian (2010), "The presence of legions of police in body armor and engaging in paramilitary tactics obviously has an intimidation effect on the public." She also observed that when people witness the police violence and the consequences of becoming involved, either as eyewitnesses or through the media, they are discouraged from practicing their First Amendment rights (p. 19-20). What compounds the effect of this violence is that it creates a feeling of anxiety for those who either experience it or those that learn of it afterwards. Referring to the work of Karen Horney, Jacques Ellul (1973) informed us, "anxiety is a reaction disproportionate to the actual danger or a reaction to an imaginary danger" (p. 154). Nancy Doyle Brown, of Twin Cities Media

Alliance, commented that the message for the press was equally as strident, “the Twin Cities don’t value the essential role that journalists play in a democracy” (File, 2009, p. 2). Brown asserted that journalists have “been detained and arrested, subjected to raids, pepper-sprayed and more simply for showing up to work. These have been dark days for press freedom in the U.S.” (Pratt, 2008a, para. 2). Clint Brewer, of the Society of Professional Journalists declared “jailing reporters doing their job [is] ‘unacceptable in an open society’” (Public News Service, 2008, para. 4). The AP’s associate general counsel, David Tomlin, in a letter to St. Paul police chief John Harrington complained about the uneven treatment of reporters on the Marion Street Bridge. His reporters Amy Forliti and Jon Krawczynski were detained and released after three hours, but Rourke and Vucci (detailed above) “weren’t given a chance to leave or peacefully submit to detention: ‘Instead, they were victims of unprovoked, gratuitously violent, and seemingly malicious attacks by officers whose lawful mission that day was to contain violence, not to add to it’” (Reilly, 2008, para. 19).

Adam Reilly, a reporter for *The Phoenix* newsweekly in Boston addressed the function of counter-panoptic journalism of the government’s actions. He expressed concern over the lack of coverage the media has given to the arrest of journalists. He observed that even though some “left-leaning outlets,” the *Associated Press*, local Minnesota news sources, and some mainstream “blogs” gave the subject some attention, the main news agencies were remiss in not providing coverage or opinions. Reilly’s (2008) reaction to this dearth of reporting is of great import, “What’s especially strange about this is that the activity that got these journalists into trouble – monitoring the exercise of government power – is one of the most important things the fourth estate

does. So why the muted response to their plight?” (para. 5). Part of the reason, according to Reilly is, what Herbert J. Gans (2004) referred to as a small “newshole,” and having too much news to print (p. 319). This is exactly the case in the first weeks of September 2008 with all the politics, the hurricane, and the collapse of Wall Street taking up all the space in the news. Another cause for the lack of coverage is what Reilly calls the “Amy Goodman Effect.” To explain he shared a quote from the author of *What Liberal Media? The Truth About Bias and the News*, Eric Alterman,

They’re [Goodman and company] actually enormously resented by many journalists, and with good reason: they treat the mainstream media as if it’s part of a corporate conspiracy to keep people from knowing the truth. There’s not the sense of affinity there. They’re viewed more as activists than journalists in the minds of many (Reilly, 2008, para. 8).

Because Amy Goodman was reflexively appointed the “poster child” for the Indy press, most news outlets shied away from reporting about the arrests. Reilly (2008) argued, “because this story never really took off, a large segment of the public – and even the press – seems not to realize just how wide-ranging the RNC’s crackdown on journalists was” (para. 11). Ted Johnson of *Variety* concurred,

The arrest of journalists last week at the Republican National Convention got a great deal of coverage in local media, yet little play elsewhere, as has been the case when similar incidents occurred at past conventions. (Strangely, it seems the media harps on these kinds of arrests in foreign lands more intensely than they do when they occur in their own backyard.) (Johnson, 2008, para. 5).

## Deferential Treatment

The need for the elite to control news reporting was exemplified during the protests at the 2008 RNC. It appears that not all journalists were treated equally, even though the St. Paul police stated that the media “did not enjoy any special rights of access or immunity from arrest,” (Report RNC, 2009, p.19).<sup>24</sup> At a journalism-sponsored forum held shortly after the St. Paul convention, University of Minnesota blogger Patrick File noted that there was “pre-convention arrangement[s] between some media organizations and police to embed journalists with ‘mobile field forces’” (2009, para. 22). Furthermore, if a journalist signed a waiver agreeing to “hold any reporting on ‘police strategy’ until after the convention ended,” he or she would not be arrested (File, 2009, para. 22). Nancy Doyle Brown, of the Twin Cities Media Alliance, observed that, “If embedded reporters are the only ones not subject to arrest, then they’re the only journalists who can practice journalism on the streets. It created a special elite class of journalists” (Brauer, 2008, para. 9). Brauer (2008) reported that the selected journalists were from local mainstream media organizations and that most media workers were unaware of the opportunity. He added that the lucky ones were, “veteran cop-watchers: They knew what to ask for and whom to approach” (Brauer, 2008, para. 20). Also, according to Brauer, these insiders all gave the police favorable reports after the convention. Geraldine Cahill (2008), a reporter for *The Real News*, who was arrested on the Marion Street bridge, said that, “One officer told me while I was sitting on the bridge that the media can embed themselves with police and not get into trouble ... So much for the Fourth Estate” (para. 17).

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<sup>24</sup> The full name of the report is: Report of the Republican National Convention Public Safety Planning and Implementation Review Commission, which was initiated by Mayor Chris Coleman and approved by the city council on October 1, 2008. Hereafter shortened to Report RNC.

## St. Paul's Response

On October 1, 2008 the City of Saint Paul commissioned a group to look into the events at the 2008 RNC in respect to the handling of protesters and the actions of the police. The commission completed a report entitled *Report of the Republican National Convention Public Safety Planning and Implementation Review Commission*. The report details what was, allegedly, the original intension of the city to what eventually transpired. During the early planning stages, Mayor Chris Coleman stated, "The first thing people are going to notice is officers on the street with a smile on their face. I think that's the Saint Paul way" (Report RNC, 2009, p. 5). The city's official message to all protest groups was "that it respected peaceful protest, even peaceful civil disobedience" (Report RNC, 2009, p. 5). Also, there was the promise that the protesters "would not be greeted by police in heavy riot gear" (Report RNC, p. 7). What changed this initial attitude and what was some of the policies and decisions that waylaid these plans? The Commission determined that due to the threat of anarchists descending on the city "the community was frightened and the city's vision for the RNC was threatened before it even got off the ground (Report RNC, 2009, p. 8). The city assured the populace that "thousands of officers would be present in Saint Paul and police would arrest anyone taking part in violent activities" (Report RNC, 2009, p. 8). The obvious must be addressed and that is, according to some reports, some of the security forces were accommodating to the protesters. In one instance, an MFF commander "specifically allowed protesters to engage in peaceful but unlawful behavior outside the [Landmarks] center and ended the encounter with a 'group hug' before sending the protesters on



their way” (Report RNC, 2009, p. 69).<sup>25</sup> Yet, in spite of the city of Saint Paul’s preliminary intentions and subsequent fears, the eventual plans and decisions made by the city borders on the bizarre and can only be determined to be a case of blatant ineptitude or a deliberate attempt to sabotage the protests. First, there was the policy to “minimize arrests and only arrest when absolutely necessary” (Report RNC, 2009, p.12). The idea was to use containment techniques rather than stir conflict by making arrests. Another questionable decision was that the regular uniformed patrol officers in the downtown area and the security forces in the protest areas utilized two different communication channels and could not effectively communicate. According to the commission’s report, on day one of the convention,

At approximately 12:30 p.m., a crowd of anarchists split off from the main protester gathering at the Capitol grounds and marched east down 12th Street to the Minnesota Avenue Bridge over I-94. An MFF unit at 12th and Cedar initially stopped the crowd from proceeding east on 12th to the Minnesota Avenue Bridge and entering downtown. However, the MFF unit withdrew and allowed the anarchists to enter downtown. A television station video recording from the scene shows an MFF supervisor saying “step back” and “let ‘em go.” (Exhibit 10-05, [www.stpaul.gov/rncreport](http://www.stpaul.gov/rncreport).) The anarchist crowd then spilled into downtown Saint Paul, causing significant damage and mayhem for the next several hours (Report RNC, 2009, p. 41).

Consequently, a small number of regular patrol officers had to deal with “over 500 anarchists” in the downtown area. It seems that the black suited riot police were all watching the parade route while a few plain-clothes policemen were responsible to keep

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<sup>25</sup> “MFF” stands for Mobile Field Force.

track of these roving bands of Black Bloc types.<sup>26</sup> The regular police could not call for help because they “reportedly had no access to the separate RNC dispatch channel” (Report RNC, 2009, p. 44). Tilton (2008) wondered who was behind the decision for the use of “3000+ police personnel almost exclusively for pinning in the legal marchers, with clearly insufficient numbers of mobile troops in reserve to help out elsewhere in the city?” (p. 8). He presented an interesting question; if these groups really had control of downtown St. Paul for a couple of hours, “think of how much damage logically would get done?” (Tilton, 2008, p. 9). However, contrary to how the authorities depict these groups as criminals, Tilton refuted this image, “Indeed, some of the anarchist-type web sites claim that even among the roving fringe groups, most of the people on the scene actively tried to discourage window breaking and the like” (2008, p. 9). He also offered this possible hypothesis,

A more paranoid thought: Maybe the anarchist types were purposefully permitted to run wild downtown in the hope that they would do something stupid, like break a bunch of windows, thereby justifying a massive police response? (Tilton, 2008, p. 10).

Members of the community commented that, “Law enforcement overreacted to what really amounted to no more than unruly behavior by students, the type of behavior that would be ignored following a sporting event” (Report RNC, 2009, p. 67). The community also felt that, “Law enforcement took over the Public Viewing Area to silence protesters on September 2” (Report RNC, 2009, 67). One could also question the

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<sup>26</sup> “Black blocs” which are made up of “protesters wearing masks and black clothing and moving in tight formation, in order to better protect members of the bloc from being apprehended by the police.” It is traditionally made up of “young, anticapitalist, antistate, antiglobalization anarchists in the United States and Canada” (McPhail and McCarthy, 2005, p. 13).

findings of the RNC Commission because, according to Nigel Parry, the members were “comprised entirely of former law enforcement (including police chiefs) and city hall officials (including former St. Paul mayors) (Parry, 2009, p. 7). However, some of these observations were fair. They determined it was “clear that the peaceful protest community was the real loser in the event” due to the actions of anarchists and the arrest of journalists that garnered all of the press (Report RNC, 2009, p. 67). The city determined that not all of the 3,500 officers involved shared “Saint Paul’s vision” (Report RNC, 2009, p. 71). All things considered, due to the layout of St. Paul, from a security viewpoint, it was a bad choice for a national convention.

What could be some of the reasons St. Paul’s government gave for targeting the press, both mainstream and independent, covering the protests in St. Paul during the RNC? Initially, St. Paul’s intention was to “facilitate journalists’ coverage of protests under occasionally chaotic conditions” (Report RNC, 2009, p. 18). Due to previous experience with the St. Paul police, journalists “expected that police would afford journalists some grace to cover news events” (Report RNC, 2009, p. 19). The RCFP lawyers were told by the city that “police would only arrest journalists if they engaged in illegal activity” (Report RNC, 2009, p. 21). However, in the chaos of the moment, reporters were just being swept up with the rest. “It stems,” reasoned Leslie (2012), “from the inability of the police to distinguish between protester and journalist (p. 1). The Assistant Police Chief Bostrom reasoned, “he and other law enforcement agencies didn’t anticipate the sheer number of people claiming to be media” (Pratt, 2008c, para. 7). However, whatever the reason for the arrests, there is no way to explain the police brutality. Even when journalists presented valid press passes, the arresting officers still

physically assaulted them.

By November, the city's attorney, John Choi "reviewed 35 citations against reporters and dropped every one in which the person's status as a journalist – 'broadly defined' – was confirmed, and where no other charges were involved" (RCFP, 2008, para. 3). The charges against the *Democracy Now* staff were also dropped. As would be expected, there were a number of lawsuits leveled at the city after the convention. The staff of *Democracy Now* brought the most notable case. Goodman and her associates were awarded \$100,000 in damages, but the most significant detail was the court order for the city of St. Paul to offer "additional training for police on crowd control" (Mullen, 2011, para. 14).

Considering all of the details concerning the treatment of protesters, the arrest of reporters, and the uneven use of police forces, one can see propaganda of the deed was the overarching motivation behind the event. It is also very possible that the St. Paul police force was an unwilling participant in the outcome. Recall that it was a concern of the St. Paul community that "the SPPD abdicated control over security in downtown Saint Paul to the Secret Service or the F.B.I." (Report RNC, 2009, p. 67).

### **Recent Examples**

As time passes, police intimidation of mainstream news workers is receiving more attention. Consider the Occupy Wall Street movement, specifically the eviction of campers at Zuccotti Park.<sup>27</sup> Brian Stelter and Al Baker (2011) reported that during the eviction the mainstream media were "blocked from observing and interviewing protesters" (para. 1). They wrote that many journalists "believed that the police efforts

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<sup>27</sup> Zuccotti Park, in downtown New York City, is where the Occupy Wall Street protest began in September of 2011.

were a deliberate attempt to tamp down coverage of the operation” (Stelter & Baker, 2011, para. 1). Their account emphasized that police were clearly targeting mainstream press near Zuccotti Park; among those assaulted and/or arrested were reporters from the *New York Post*, *The Associated Press*, and *The Daily News* (Stelter & Baker, 2011). A reporter from the *Village Voice* said that when “telling a police officer, ‘I’m press!’ She said the officer responded, ‘Not tonight’” (Stelter & Baker, 2011, para. 16).

However, there are situations where reporters are spared from unfavorable police interaction. A report about the 2012 RNC and DNC noted that, “For the first time in 20 years, no journalists were arrested at either convention” (Chapra, p. 10).<sup>28</sup> The report stated that, “Many observers attributed the largely peaceful interaction between journalists and law enforcement officials to a large police presence and smaller crowds of protesters” (Chapa, 2012, p. 10). Apparently, there was no message to control.

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<sup>28</sup> The lack of arrests of journalists at the 2012 RNC and DNC was an aberration. Since then there has been reporters arrested at many gatherings like at the Occupy Wall Street and Black Lives Matter protests.

## CONCLUSION

### Analysis

The actions by the representatives of power centers in the United States on the streets at the 2008 RNC signifies the rise of an official mindset that has become more constraining toward dissent since 1999. Indeed, the repressive attitude toward dissent has become more robust since the 9/11 attacks. This inclination becomes a slippery slope in a democratic system of government. When the social structure that the government has established becomes too constricting and political opportunities for mobilization become difficult, problems are prone to arise. The ability of citizens to openly air their grievances in the form of protest becomes manifest if repression of human rights convinces people that revolution is the only answer. This is especially true if the masses feel that their concerns are not being heeded. When a government loses its legitimacy by failing to follow the norms and values contained in the political/social agreement, citizens resort to actions outside of normal nonviolent tactics. This condition then becomes a reciprocating effect. As the state responds with punitive government actions, the dissidents, in the eyes of the general populace, obtain more legitimacy for their grievances thereby creating a “greater opportunity to gain control over government offices and implement their policy preferences” (Andrain & Apter, 1995, p. 126-7).

As the evidence presented above suggests, the arrest of reporters on the streets at the 2008 RNC raises some questions. Regarding these queries, two concepts need to be considered: reason and motivation. There are, at least, two possible reasons.

The first reason is intimidation: the police were trying to reduce, through an application of propaganda of the deed, the number of reporters that are willing to cover protests in the future. The second reason is the desire to have “no witnesses” – this is a key concept that relates to the “weakness approach” explained above (Earl et al., 2003). As presented above, the role of the independent press, in a Foucaultian sense, is to watch the watchers. This is proven because in the presence of reporters, according to Wisler and Giugni (1999), usually has a taming effect on repression, “Police forces are vulnerable to publicity and are likely to refrain from using excessive force under conditions of broad public attention” (p. 173). At the 2008 RNC, the police apparently felt that the mostly Indy press members present at arrests did not constitute enough of a threat to their reputations. However, reducing the number of newsmen and newswomen that witnessed the actions of the police was an attempt to prevent proof of misconduct that could be used in litigation. As to the motivating factor, the security forces were driven by agencies outside the law enforcement community, an example of the “threat approach” in action.<sup>1</sup> This research argues that the chief reasons for the arrests are both intimidation and the desire to control the media and the motivation emanates from the federal government through its representatives on the street, such as the Secret Service and the FBI.

The repression of dissent by the government is manifest in many forms. By analyzing the message within the actions of the power centers, one can see the intent. The engagements by the police against the protesters and reporters are an instance of “propaganda of the deed” – acts of violence and repression conducted *by the state* against its citizens as a form of social control through intimidation. Clint Brewer, of the

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<sup>1</sup> See page 31 for a description of these approaches.

Society of Professional Journalists had this to say about the arrest of reporters at the RNC, “By having journalists scooped up off the street in police sweeps, the public is not going to know the extent of protest. And there’s a long-term, chilling effect on reporters if they know that, by covering what goes on, they may end up in jail” (Public News Service, 2008, para. 5). The late Stuart A. Scheingold, professor of socio-legal studies at the University of Washington said, “When the police indulge in expressive violence, their concern is less with the most satisfactory resolution of a particular incident than with teaching the public a lesson” (1984, quoted in Lawrence, 2000, p. 47). The symbolic message is: conform and accept the status quo or suffer the consequences. Bruce Nestor, president of the Minnesota Chapter of the National Lawyers Guild, had this to say about the pre-convention house raids where police wielding assault rifles and shotguns broke into the homes of families. “There were children in all of these houses,” he declared, “and children were held at gunpoint,” he continued,

It was really an overwhelming show of force, again, designed to heighten public fear to do two things: to make people fearful of the protests, but also to discourage people from protesting. I think it’s somehow designed to say, you know, don’t take to the streets, because this could happen to you, or you could get caught up in this, and therefore, don’t get involved. And that’s why they have that level of force involved (Goodman, 2008a, para. 19).

### **Protests and Terrorism**

Tilton (2008) asserted that at the 2008 RNC there was a “hint that all protesters were treated as if they were probable terrorists, rather than patriotic citizens with a right to be there” (p. 21). Writing about the 2004 RNC in New York City, Earl (2009) said,



“from public statements, it would appear that the NYPD saw terrorism, protest, and the RNC as intricately intertwined” (p. 49). Most recently, at the 2012 RNC, Tampa police declared that photojournalist equipment fits the description of possible weapons, and that “any ‘rope, chain, cable, strapping, wire . . . or any material’ longer than 6 feet will be viewed as a potential weapon in Tampa” (Leslie, 2012, p. 1). This concept takes on worrisome implications when you contemplate the power of state sponsored propaganda. Consider the idea of a “War on Terror,” Katie Rose Guest (2005)<sup>2</sup> observed that “terrorism” is a violent act, whereas with “terror” “Bush declared war on an emotion.” The author applied the concept of “ideological state apparatus” (ISA) introduced by Louis Althusser, to explain the current use of “terror” as a form of social control. An ISA could best be described as a state produced sociological construct of reality “in the form of distinct and specialized institutions” (p. 368). She noted the church and education as being examples of an ISA utilized over the ages. According to Althusser, ISAs “function massively and predominantly *by ideology*, but they also function secondarily by repression” (quoted in Guest, 2005, p. 368). Thereby, by utilizing the new ideological language created for the “war on terror” and conflating protesting with terrorism by using bi-level demonization, the state has a new tool to silence any dissent against any military action.<sup>3</sup> A good example of how George W. Bush helped set up this dichotomy is when he stated, “Either you are with us, or you are with the terrorists” (quoted in Boykoff, 2007, p. 309). In a lawsuit, NLG Legal Observer Daniel Dobson, contended that the “labeling of individuals and groups planning to

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<sup>2</sup> She received the “Best Graduate Student Paper Award” at the 2005 American Culture Association Conference.

<sup>3</sup> Boykoff (2007) defined “bi-level demonization” as “the state and mass media linking dissidents to a demonized group or individual from the international arena” (p. 191).

attend the RNC as ‘anarchists’ and ‘terrorists’ was used to justify the infringement of the constitutional rights of those who came to protest” (Boghosian, 2010, p. 37).

### **Concluding Remarks**

The power center’s attempt to control the message may be unsuccessful. The size of the counter-panoptic force is constantly expanding. The ubiquitous presence of cameras and video equipment and the number of citizen journalists at protest events may make the attempt to control content a hopeless undertaking. Stelter and Baker (2011) observed that in spite of the attempt to control the reporting of the Zuccotti Park eviction by keeping out the media, it was still recorded. They wrote, “much of the early video of the police operation was from the vantage point of the protesters. Videos that were live-streamed on the Web and uploaded to *YouTube* were picked up by television networks and broadcast on Tuesday morning” (p. 1). However, there is no reason to believe that the elite powers will desist from their attempt to gain greater control of the message. Zwerman and Steinhoff (2005) emphasized that “repression may have serious long-term costs not just for the activists it represses, but for the state that imposes it – that, indeed, the cost of repression may be borne by the state for decades after its apparent end” (p. 102). The repression of dissent and the press may have political implications – the shifting of political parties to the radical right or left.

In 1925 Mussolini framed Fascism as a program in which “all is for the state, nothing is outside the state, nothing and no one are against the state” (quoted in Bosworth, 2005, p. 215). Bosworth (2005) reported that in the same year (1925) a directive was issued that proclaimed that the “police must act peremptorily to suppress all political dissidence and close down the branches of any groups which ‘might be

viewed as subverting the powers of the state.” At the same time, the government outlawed all “meetings, assemblies, parades or other public demonstrations” (p. 216). Along with other means, autocrats maintain power by controlling the message that the masses receive. Mussolini wasted no time taking control of the press in Italy, “By 1928 it had become compulsory for every journalist to be a registered Fascist” (Bosworth, 2005, p. 217). One could argue, convincingly, that such a radical political takeover could not happen here. But, changes in a country do not occur suddenly, but incrementally. Sheldon S. Wolin (2010), professor emeritus of politics at Princeton University, argued that, “The regimes of Mussolini and Stalin demonstrate that it is possible for totalitarianism to assume different forms” and that today “would-be totalitarians now have available technologies of control, intimidation and mass manipulation far surpassing those of that earlier time” (p. xvii). He wrote that there are signs that America is possessed by a form of “inverted totalitarianism” where “the paradigmatic change [is] represented by the amalgamation of state and corporate power” (Wolin, 2010, p. x).

However, on a more traditional track, consider also the campaign of Donald Trump. His populist and nationalist message has attracted millions of mostly white, blue-collar workers that has further polarized the established political right/left divide. His attitude toward the press is pertinent to this study. Anthony D. Romero (2016), executive director of the American Civil Liberties Union, argued that Donald Trump’s “policies, if carried out, would trigger a constitutional crisis” and “would violate the First, Fourth, Fifth and Eighth amendments” (para. 1). One of Trump’s plans, pertinent to this research, is his threat to “open up our libel laws,” which Romero (2016) referred to as

“his most ignorant proposal,” since tort laws are controlled by the states, not the federal government (para. 13). However, a change in the libel laws would effectively force journalists into self-censorship in fear of being sued. Donald Trump cultivates a climate of fear and anger among his followers and encourages violence at his rallies. Both demonstrators and the press are at risk attending his gatherings. In a *Guardian* article, Lucia Graves had this to say about anyone who would assault anti-Trump protesters and members of the press covering his rallies,

they are about silencing voices of dissent, silencing critics, silencing truth in a campaign built around racist fear-mongering and bombast. And that – it shouldn’t need to be said, but it does – is undemocratic. Activism and the media play a vital role in any healthy democracy, and to allow this kind of brutality and silencing of free speech to go unaddressed is worse than undemocratic: it’s fascist (Graves, 2016b, para. 10-11).

During one rally, Secret Service agents threw Christopher Morris, a *Time* magazine reporter, to the floor when he stepped outside the press pen. Graves (2016a) noted that a *Time* magazine report “singled out Trump’s Campaign for its authoritarian treatment of reporters” (para. 18). Notably, if elected president, Trump would return the military-style weaponry to police departments that President Obama recalled (Swaine & Jacobs, 2016, para. 1). Reflect on the fact that,

fascism is more plausibly linked to a set of ‘mobilizing passions’ that shape fascist action than to a consistent and fully articulated philosophy. At bottom is a passionate nationalism. Allied to it is a conspiratorial and Manichean view of history as a battle between the good and evil camps, between the pure and the

corrupt, in which one's own community or nation has been the victim (Paxton, 2005, p. 41).

When organizations such as the Reporters Committee for Freedom of the Press and the Council for the Associated Press utilize words “like ‘thugs’ and worse to describe police behavior against working journalists who were lawfully doing their jobs” (Tilton, 2008, p. 22), one can associate similar behavior that occurred in Nazi Germany, Fascist Italy, or Stalin's Russia to what is happening now. Even though the repression of journalists in these totalitarian states was more widespread and intense, still the events at the 2008 RNC contain the seed of systemic changes in America.

The use of propaganda to control the actions of people or to discourage involvement was manifested in the events at the 2008 RNC as Oliver Thomson (1999) observed, “violence is the ultimate technique for crowd control” (p. 45). Hannah Arendt (1994) informed us that in “modern dictatorships . . . terror is no longer used as a means to exterminate and frighten opponents, but as an instrument to rule masses of people who are perfectly obedient” (p. 6). The reporters who braved the clouds of tear gas and the threat of police encounters to be a witness to the protests on the street at the 2008 RNC deserve credit – whether they were Indy press or mainstream press.

### **Further Research and Implications**

Fellow researchers could continue this work from a quantitative perspective and investigate the difference between the Indy press coverage of events and that of the mainstream press. An enterprising team could interview the arrested reporters to get a more personal perspective. Also, one could review court reports to see how the courts

interpreted “who is a reporter?” Regardless, this work should not end here; on the contrary, to ignore this trend in protest policing and police and media interaction would be unfortunate.

The key concepts in this work is that people who organize behind a cause utilize Marcuse’s “negative thinking” to imagine a different reality than the one of which we are all a part. There is also the predominant fact that change and adaptation occur between the police and the protesters. The power centers in America will continue to strive to maintain the status quo and will use the vast repressive tools it possesses to that end. There is also the vital need for the independent press to continue their role as a watcher of the government. Anyone who has been following the news, especially the news in print format, know that mainstream news organizations are in trouble, or at least, in transition. Concurrent with this development has been the meteoric rise of the independent press, which has benefitted greatly from the growth of the Internet. Walter Lippmann commented, “anybody can be a journalist – and usually is” (quoted in Zelizer, 2005, p. 75). He could not have foreseen the development of websites such as: Democracy Now, The Uptake, The Real News, Vice, Alternet, and LinkTV, which have attracted a large following. As mentioned above, these news sources not only cover more protest events, but they give voices to the protesters, not just a list of statistics and dismissive, mawkish comments that one can find in much of the mainstream coverage. However, the important consideration is the tradeoff between the massive audiences that the mainstream media reaches versus the more favorable coverage that they receive from the independent press. Of the inherent faults, mentioned above, that

exists in independent media; the most grievous is the problem of *swirling eddies* – the fact that much of the vital information that a movement wants to broadcast is only heard by its adherents.

Along with the change in news coverage, there has been the change in protest policing. The evolution from escalated force to the Miami model was accompanied by the new penology (the replacement of inmate rehabilitation with a form of quarantine), which has diffused from the prison to the streets where the power center's quest for control has translated into intimidation and incapacitation.<sup>4</sup> Those reporters who dare to face the consequences of witnessing protests find themselves covering a war on the streets of their own country.

In America, where the governed are supposed to be ruled by consent, it is important that the provisions granted in the First Amendment be honored. If people believe that their demands are not being heeded by their elected leaders and the established press is not reflecting the dissatisfaction of the masses, they go to the streets and they create new media forms, such as the independent press. If assembled people are corralled out of contact with their representatives and the media is intimidated into self-censorship, if the only recourse left is voting in a two-party system where there is no viable difference between the parties, if only the top echelons choose the direction of the country, then the American experiment is in jeopardy.

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<sup>4</sup> See page 10.

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