

“Less lethal” violence: Police, discourse, pacification

by

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## **Abstract**

Public discussions of police violence tend to fixate upon seemingly exceptional cases of lethal violence: Eric Garner choked to death by the NYPD, Michael Brown shot dead in Ferguson, Derek Chauvin's knee on George Floyd's neck, the list grows. While necessary, the focus on lethal violence performs the trick of minimizing "non-lethal" violence, hiding it in plain sight. This is in part accomplished through discourses which frame violence and injuries not as the misdeeds of police, but as the consequences of the behavior of protesters, agitators, and other "disrupters." To broaden the critique of police violence and the police power beyond lethality, this project focuses on the use of "less-than-lethal" weaponry (LLW) in the context of the 2020 protests. Focusing on this overlooked, perhaps under-theorized form of violence problematizes the neat dichotomy between lethal and non-lethal. From the murder of journalist Ruben Salazar by a "less lethal" tear gas missile, the 1992 LA riots where rubber bullets were first fired by the LAPD to the summer of 2020, where it again fired less lethal munitions into crowds, the project demonstrates how public protest registers as inimical to the LAPD. Hence, this research explores by what ways, if any, less lethal as a concept expands the police's ability to administer violence by negotiating and depicting this potential through appeals to reform as well as narrow understandings of acceptable protests and police violence.

Key words: less lethal, pacification, reform.

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## **Dedication**

To my fiancé, Katherine, for your selfless and unconditional love.

## Preface

On May 30, 2020, in Pan Pacific Park of Los Angeles near The Grove shopping center, LAPD Mobile Field Force (MFF) agents fired “less lethal munitions” at demonstrators and activists after attempting to clear a route for a recently vandalized MTA bus, striking at least twelve in the head, face, and groin that afternoon. In addition, at least 115 head injuries from crowd-control weapons were documented throughout the nation from May 26 to July 27, 2020, according to a report by Physicians for Human Rights (2020). These injuries came amidst a movement against police violence following the murder of George Floyd that challenged police’s tradition of racialized and classed violence.

Tellingly, yet unsurprisingly, US police agencies met protests against violence with more violence, sometimes directed not only at demonstrators but also journalists. On May 31, in Los Angeles, KPCC reporter Adolfo Guzman-Lopez was struck in the neck by a rubber bullet. The previous day in Pan Pacific Park, CJ Montano was struck in the head as he held his hands in the air. Meanwhile, Bradley Steyn was shot in the groin at point blank range during the same protest as well as Abigail Rodas who was shot in the jaw with a rubber bullet. Likewise, a homeless man in a wheelchair caught between protesters and the LAPD was shot in the face with a rubber bullet on June 2, 2020, as photos show him, post-impact, slouched over in his chair, blood dripping from his forehead (Queally, 2020). Given that injuries of this nature are not relegated to May 30, 2020 (e.g., Ruben Salazar’s slaying on August 29, 1970), they should instruct us to the fact that LAPD has never been reformable.

From Watts 1965 to the LA uprising of April-May 1992 to the summer of 2020, LAPD has expanded its power and ability to administer violence through the policies and rhetoric of reform. In severing the links between the racialized violence of the past and the racialized

violence of the present, the ideology of reform has allowed the LAPD to elude serious scrutiny time and again as every riot commission—from McCone to Christopher to Independent Counsel Gerald Chaleff’s examination of LAPD’s actions during the summer of 2020—has framed it not as a failed institution, but as on the path towards progress, albeit *tomorrow*. Therefore, this research seeks to reveal the extent to which pacification functions through the text of news articles, official LAPD statements, and assessments of the LAPD’s performance in response to various riots, public protests, and public-protests-allegedly-turned-riots to legitimate less lethal violence. For when we sever the links between the past and the present, the notion that police are mere “problem solvers” gains greater legitimacy, disguising the link between all police activities as imbued with a logic of domination.



## Chapter 1 - Introduction: The Slaying of Ruben Salazar

*LA Times* columnist and news director for KMEX-TV, Ruben Salazar, had been covering the Los Angeles police and sheriffs' brutal suppression of the Chicano anti-war movement in Los Angeles' Eastside since 1969. As Robert J. Lopez of the *Times* reports, Salazar had repeatedly clashed with the Los Angeles Police Department (LAPD), which culminated in a March 1970 meeting between him, Los Angeles Police Chief Ed Davis, and a handful of other Latino journalists. Chief Davis, enraged at Salazar's critical reporting, claimed Salazar had fabricated information about him and should retract a statement the firebrand journalist attributed to him. "You're a liar," Davis said, according to then KMEX vice president, Joe Rank, who had also attended the meeting. "I'm not," Salazar replied. "I have it on tape" (Lopez, 2010).

On August 26, 1970—after his weekly columns for the *Times* had repeatedly called out the LAPD—Salazar met with close confidant Philip Montez, then-Western regional director for the U.S. Commission of Civil Rights inside an Olvera Street restaurant. Salazar confided that the police were following him and that he was worried they might do something to sabotage his reporting. Salazar had good reason to be suspicious of the department as his relationship continued to deteriorate in the preceding months (Lopez, 2010). As Bill Thomas, then *Times* city editor recalled, it was not unheard of for reporters covering police matters to have such concerns. "Everyone who wrote about cops and got critical in those days was looking over his shoulder," he said. In July 1970, KMEX crews had been covering the murder of two Mexican nationals by LAPD officers, which prompted police to visit the station (Lopez, 1995). "They warned me about the 'impact' the interviews would have on the department's image," Salazar wrote in a July 24, 1970, *Times* column. "Besides, they said, this kind of information could be dangerous in the minds of barrio people" (Lopez, 2010).

Around the same time, Salazar and his KMEX crew launched an investigation into allegations that LAPD and LA sheriff's deputies were planting evidence on unwitting suspects and had routinely used degrading and humiliating violence upon Eastside residents. Guillermo (William) Restrepo, Salazar's partner on the project, interviewed residents who were reportedly victimized and had corroborated information with sources in both law enforcement agencies. As the *LA Times*' Steve Lopez reports in an interview with Restrepo, "Ruben was very mad about the whole thing. He was offended that these things were happening." Revealing the surveillance journalists who were critical of the police experienced, Restrepo recalled that he and Salazar were notified by an LAPD source that they were being followed by police and sheriff's deputies who knew the KMEX reporters were covering the investigation (Lopez, 2010).

On August 29, 1970, three days after his meeting with Montez, Erikson, and a friend, Salazar and his KMEX crew were covering the National Chicano Moratorium Against the Vietnam War, an action and rally that drew 20,000 to 30,000 people to Laguna Park in East Los Angeles as well as 500 police and sheriff's deputies (Shuit and Scheibe, 1970). As Lopez (2020) writes on the historic and largely peaceful gathering:

As the summer sun burned through a smoggy haze, at least 20,000 men, women and children marched nearly three miles to a rally at Laguna Park (later renamed Ruben F. Salazar Park). They chanted "Chicano Power!" and hoisted banners — "Houston," "Denver," "Albuquerque" — proclaiming the far-flung places from where they had traveled for the historic gathering. It was the high point of a burgeoning movement and at the time was one of the largest civil rights marches in Los Angeles history.

Thousands of young Latinos marched to the stage guided by Brown Berets, waiting for speakers such as Cesar Chavez and Rodolfo "Corky" Gonzales, a former boxer whose advocacy of Chicano power endeared him to many Chicano youth during the 1960s. However, signs of trouble were brewing as a block away people were huddled inside the Green Mill Liquor Store.

As Louis Sahagun for the *Times* reported, “At about 1:30 p.m. the owner, Morris Maroko, called police and complained that teenagers had stolen soft drinks,” later telling the *Times* that the youth had threatened him. As LA County Sheriff’s deputies rushed in with “sirens blaring” they were met by a pelting of “rocks and Bubble Up and Double Cola soda bottles” from an angry crowd (2020).

As tensions between police and Chicano protesters intensified, further fanning the violence was LA sheriffs' use of tear gas to “disperse the troublemakers” (Associated Press, 1970). Amidst the chaos on the streets, Salazar sought refuge inside the Silver Dollar Bar. As Lopez documents in a video piece for the *LA Times* (2010), there were two theories of what happened next. The first is the version promoted by LA Sheriff's tells of two people who had entered the Silver Dollar Bar carrying weapons. Per this narrative, at approximately 5pm, a man in the area called deputies informing them that two men with guns had entered the Silver Dollar Bar—a story which conveniently provided the pretext for sheriffs to swarm the building’s entrance and exits.

LA Sheriffs claimed its officers had given orders to occupants to vacate the Silver Dollar Bar though the 12 people inside held that they neither heard nor received any such commands (Lopez, 1995; Los Angeles Times, 2010). Rather, those inside told that many had attempted to leave the bar but were forced back inside by armed sheriff's deputies. This alternate story to the LASD’s was corroborated by bystanders across the street who supported the Silver Dollar occupants’ claims that no one armed had ever entered the establishment.

As one photo documents, a “shotgun-wielding deputy” is shown directing four men *into* the bar from where they had gathered just outside moments before gas was fired. However,

Deputy Thomas H. Wilson testified as firing two projectiles from the sidewalk as he moved swiftly from side to side in front of the bar's curtained doorway. Standing three to five feet from the entrance when he launched the first projectile into the bar, Wilson claimed that he could not see people inside and insisted he had never heard of Salazar prior to his killing (Lopez, 1995).

As Lopez (1995) notes, the first shot of Wilson's—a "torpedo-shaped missile designed to pierce plywood"—struck Salazar in his left temple as he and Restrepo were seated inside, killing him instantly. Restrepo and others crawled on their hands and knees out the back door where he noticed his shirt splattered with Salazar's blood. Meanwhile, Salazar's body remained in the bar for several hours until 7 p.m., as deputies testified they were not equipped with gas masks at the time. After removing his body, the unrest had finally settled down.

On August 31, 1970, the 16-day inquest held at the Downtown Hall of Records was by all accounts a media spectacle as all seven Los Angeles television stations offered "unprecedented" nonstop coverage in live color. The FBI was also requested at the behest of Representative Edward Roybal (D-Los Angeles) and 20 of his colleagues. Roybal and colleagues had authored a joint letter to the Justice Department demanding an "impartial" probe into the event that never came to be. The hearing, which allowed hearsay, opinion, and non-responsive answers to dominate the proceedings, further enraged Chicano activists as it largely portrayed them as inclined to rebellion and in need of heavy policing (Lopez, 1995).

The hearing did ultimately establish that Wilson was the agent who killed Ruben Salazar though it failed to determine whether his actions were following department protocols. Moreover, in his defense Wilson claimed he had undergone 16 weeks of training at the Sheriff's Academy, which included training on tear gas and chemical sprays at Biscailuz Center in

February and March 1962 as well as 8 hours at Wayside Honor Rancho in April 1970, which consisted of “mock demonstrations” (Cummings, 1970).

Pertaining the Federal Laboratories Flite-Rite projectile, the manufacturer's warning label explicitly stated: “For driving out barricaded persons. Not to be used against crowds.” With 12 people inside the Silver Dollar Bar, Wilson directly contradicted the manufacturer's warning. Moreover, LA Sheriff's claimed its training manual for tear gas operations was “classified” and not only refused to submit it as evidence but later destroyed the manual as use of the Flite-Rite was discontinued following Salazar's killing (Lopez, 1995).

Though Salazar's family eventually won a \$700,000 settlement from LA County, the Justice Department refused to act on their behalf citing insufficient evidence on which to base criminal charges (Lopez, 1995). What should not be lost is the understanding of the three men Salazar was with in the final minutes of his life, a popular one at the time—this was an assassination carried out by Los Angeles sheriffs. Among them, Charlie Ericksen—who later became the founder of Washington D.C.-based Hispanic Link news service—commented, “I'm one of those people who still firmly believe that Ruben was a victim of a political assassination” (Lopez, 2020). This theme of assassination carried out by the LASD has nonetheless helped sustain Salazar's legacy as a political martyr alongside numerous awards, murals, poems, and other Salazar ephemera located throughout Los Angeles.

Of course, dissenters like Los Angeles County Sheriff Sherman Block challenged charges of criminal intent, insisting in a *Times* interview twenty-five years later, “If you have an intent to shoot somebody. You don't do it with a tear gas projectile” (Lopez, 1995). What Block's statement elides is that the Flite Rite projectile that killed Salazar was accurate within 20 yards, which makes it an extremely reckless and callous means to “drive out” the barricaded suspects of

a small bar. This defense also confuses the missile's intended use—to pierce armor and dislodge barricaded suspects—with how it was employed by Wilson whose testimony indicated that he neither knew nor cared who he was firing at. Given Wilson's training and his failing to adhere to the manufacturer's instructions, places other testimony—such as his nothing having heard of Salazar—in doubt. Moreover, the Sheriffs' decision to destroy the manual for the Flite Rite projectile could reasonably be interpreted as providing further cover for Wilson and the LA County Sheriffs. Taken collectively, these suspect actions and decisions suggest that Salazar's slaying was more than a single Sheriff's deputy acting “lazily” or “sloppily” (Reyes, 2020).

As the history of state perpetrated violence documents, mainstream media accounts tend to parrot the state's version of events, often making the dead or injured somehow responsible for the violence visited upon them. Salazar's case was no different as the anti-war protests and broader organizing on behalf of the Chicano community were red-baited by LASD. As journalist Michael Nagler remarked:

That's the storyline the Sheriff's Department promoted from day one; it was outsiders, it was communists, it was Fidel Castro's boys, etc., etc. who were responsible for the rally, the ensuing riot(s) – and, by inference, the death of Salazar. If the protestors had not attacked, Salazar would be alive to this day (2014).

As will be argued, this allusion to “outside agitators” is a continual theme running throughout the riot commission reports, political, religious, and business official's statements, and news articles of the era. However, the trope lives on, albeit in different terminology, given its utility to the police narrative that looters and other violent and disruptive demonstrators operate apolitically and opportunistically; thus, their actions have no meaning beyond fostering chaos and violence and must be responded to with equal or greater violence.

Part-obituary, part-social commentary, part-investigation, in his 1971 *Rolling Stone* piece, “Strange Rumbblings in Aztlan,” gonzo-journalist Hunter S. Thompson sternly rejected the LASD’s Salazar-as-Communist-operative narrative, arguing that August 29, 1970, was little more than a thinly disguised “police riot.” Portending LAPD’s more recent spate of violence inflicted upon journalists during the Democratic National Convention of 2000 and the uprising over George Floyd’s murder in the summer of 2020, Thompson reflected:

I had seen the L.A. Times that morning, with the story of Salazar’s death, and even at a distance of 2000 miles it gave off a powerful stench. The problem was not just a gimp or a hole in the story; the whole goddamn thing was wrong. It made no sense at all. The Salazar case had a very special hook in it: Not that he was a Mexican or a Chicano, and not even [lawyer Oscar] Acosta’s angry insistence that the cops had killed him in cold blood and that nobody was going to do anything about it. These were all proper ingredients for an outrage, but from my own point of view the most ominous aspect of Oscar’s story was his charge that the police had deliberately gone out on the streets and killed a reporter who’d been giving them trouble. If this was true, it meant the ante was being upped drastically. When cops declare open season on journalists, when they feel free to declare any scene of “unlawful protest” a free fire zone, that will be a very ugly day—and not just for journalists (1971: 228).

Thompson’s warning of unchecked police power was far from the only critique of the time. In his *Rolling Stone* essay, he quoted a 1971 handbill from the National Chicano Moratorium Committee a year after Salazar’s murder, which rejected liberal nostrums calling for greater civility from Chicanos in their dealings with police (a plea still invoked today by clergy, police officials, politicians, reformers, and NGOs alike, the state’s primary agents of pacification):

What the sad death of Ruben Salazar demonstrates is how violence—always the state’s primary instrument of pacification—can be hidden behind the very scientific discourses and departmental policies ostensibly meant to govern if not limit or reduce violence in the first place. Ruben Salazar’s death confirms how—despite whatever benign intent lay behind the tear gas missile and the extensive training background of Deputy Wilson—police deflect culpability for their actions, whether intentional or malicious, onto the category of a racialized and classed

Enemy whose existence in refusing to be “at peace” with the unequal and unjust social order marks the limits of their restraint.

The animosity LAPD displayed toward the Chicano community manifested in Salazar’s murder complicates mainstream narratives surrounding police violence, which tend to fixate upon seemingly exceptional cases of lethal violence realized through lethal means. Such accounts offered by police officials, politicians, riot commissions, and newspaper editorials perform the trick of depicting “non-lethal” violence as essential, hiding it in plain sight. This is perhaps even more the case when considering how injuries to protestors via non-lethal or, more commonly, “less lethal” weapons (LLWs) are presently understood by mainstream news accounts and the public at-large: not as the misdeeds of police, but the consequences of the behavior of protestors themselves.

To broaden the critique of police violence and the police power beyond lethality, this project focuses specifically on the “off label” use of “less-than-lethal” weapons—specifically rubber bullets or kinetic impact projectiles (KIP)—during the summer 2020 George Floyd protests in Los Angeles, which were part of a broader national movement against police violence that drew between 15 to 26 million participants (Buchanan et al., 2020). Focusing on and including this overlooked, perhaps under-theorized form of violence further problematizes and specifies the neat dichotomy between the lethal and non-lethal. The following literature review will go back to 1965 to look at the dominant narratives around the Watts rebellion as well as the state’s response to quell it. However, given the marked lack of development in less lethal weapons as it pertains to LAPD—with exception to the agency’s adoption of the Taser stun gun in 1980—the focus then jumps three decades to chart an approach realized after the 1992 LA



uprising: the use of rubber bullets as a crowd control technology in response to public protests and riots that could exert a level of force between that of the baton and the gun without killing.

As will be argued, this decision to adopt rubber bullets to disperse crowds congregated at Florence and Normandie in South Los Angeles in 1992 has had ramifications for the contemporary moment—not only the Democratic National Convention of 2000, where one person lost an eye to a rubber bullet, or the LAPD’s overkill response to May Day 2007 in MacArthur Park which resulted in a \$12.9 million settlement—but more recently, the onslaught of “less lethal” head and eye injuries sustained by demonstrators protesting the murder of George Floyd during the summer of 2020, which were also subject to a lawsuit by Black Lives Matter L.A. and the National Lawyers Guild.

Of these dates, May 30 in Pack Pacific Park was among the most violent in terms of the LAPD’s Mobile Field Force Division’s response which included baton strikes, beanbag rounds, and the use of less lethal launchers using foam projectiles, particularly the 40-mm model. In the aftermath of these disturbances, officials laying blame to “hoodlums” and other “riffraff” for perpetuating disorderly and disruptive violence in the streets of Los Angeles in Watts 1965 bears an uncanny resemblance to more recent invocations of “disrupters” as behind the costly damage left during the summer of 2020 Floyd protests. In each instance, the LAPD has been defended by not only police chiefs and politicians but as will be shown, through various police-friendly discourses found in news accounts, official statements, and riot commission reports.

This timeline is a disjointed one by necessity given that less lethal weapons have progressed, albeit in spurts, from the gas warfare of WWI to blunt force projectiles such as wooden, and later, rubber bullets, from the 1950s and 1960s, to electroshock weapons such as the Taser stun in the 1970’s and 1980s and, on a more restricted or military basis: biological and

thermal weapons (Davison, 2009: 12-31). This prolonged evolution is marked by a significant lack of research and development into LLW with specific police applications during the 1970s and 1980s and again from the beginning of 21st century into the present (DAVISON). However, it is far too broad a topic to address within the limits of this research. What is revealed here instead is the catalyst behind calls for better, more humane, less lethal weapons—major crises of police legitimacy such as Watts 1965, the Rodney King verdict, and subsequent riots of April - May 1992, and the less lethal violence LAPD inflicted during the summer of 2020 in Pan Pacific Park. As the major uprising of the 20th century, the Watts rebellion of 1965 was a watershed moment, providing instruction as to how politicians and police officials deflect culpability and how addressing LAPD's systemic anti-Black violence entails a constant churn of corruption, controversy, and technological, educational, and training-based reforms, including the development of less lethal weapons.

## **Chapter 2 - Literature Review: Mapping Less Lethal Discourses through Uprisings – Watts 1965 and Los Angeles 1992**

On August 11, 1965, Marquette Frye, a Black man was stopped under suspicion of driving while intoxicated by CHP officer Lee Minikus just outside of Watts. While submitting to a sobriety test, Marquette stumbled on his way to the curb where a crowd began to appear. By the time his brother Ronald, who had also been in the car, walked home and returned with their mother, Rena Price, a crowd of between 250 and 300 onlookers had gathered (Queally, 2015).

Price scolded Marquette for driving intoxicated, lobbing insults at Minikus as well. Marquette, who had been cooperative until that point, allegedly began to resist arrest while Minikus responded with greater force. Rumors soon spread within the crowd that Price and his pregnant teen girlfriend had been struck by police. By this time, angry mobs had begun to form which then escalated to throwing nearby objects at police. A routine traffic stop had morphed into a spectacle. Price, Marquette and Ronald would later be arrested and taken away as the crowd began to grow along Avalon Boulevard. While police attempted to disperse the agitated crowd several times, they ultimately decided not to intercede further (Queally, 2015).

After a night of increasing disturbances, police and local Black community leaders held a community meeting the following day, August 12, to discuss a plan and urge peace among community members. The meeting eventually fell apart with Chief Parker calling for the assistance from the California Army National Guard and likening the riots to an insurgency. As the unrest reached its peak, on Friday, August 13, about 2,300 National Guardsmen joined police in suppressing the crowds. That same night, a Black civilian was killed in the crossfire during a shootout between the police and demonstrators, marking the first casualty of the unrest. The

rebellion would spread throughout the region from as far east as Pasadena to as far south as San Diego, although these were minor shockwaves arriving in the wake of Watts (Dawsey, 1990).

By Saturday evening, some 16,000 law enforcement personnel had been mobilized to patrol the city. Guardsmen established blockades and posted warning signs throughout the riot zones threatening the use of lethal force. In addition to Guardsmen, 934 LAPD officers and 718 officers from LASD were deployed during the rebellion as Watts and all Black-majority areas in Los Angeles were put under a strict 8pm curfew. This curfew eventually led to the arrest of some 3,500 people and by the morning of Sunday, August 15, the rebellion had largely been contained (Dawsey, 1990).

Drawing approximately 31,000 to 35,000 adult participants, over six days, there were 34 deaths, 1,032 injuries, and roughly 3,500 arrests made during the rebellion, an event that resonated across time and space, marking Watts as one of the major so-called “riots” of the era (Dawsey, 1990). At least 600 buildings were damaged from fires or looting, with another 200 buildings destroyed, resulting in excess of \$40 million damage to the local community. Revealing the lethality of the police, of the 34 people killed in the riots, 23 were shot by LAPD officers or National Guardsmen (Jenkins, 2020), while two law enforcement officers died: an L.A. County sheriffs’ officer who was shot by friendly fire during a confrontation with rioters and a Long Beach police officer who died as unrest boiled over into several adjacent cities (Queally, 2015). However, the term “rebellion” is more appropriate for, as historian Elizabeth Hinton argues, to reduce these conflict-ridden moments to a single category—as riots—obscures the reality that “these events did not represent a wave of criminality, but a sustained insurgency,” one that came in response to moments of “tangible racism” in the form of an otherwise routine police encounter. Moreover, “the tens of thousands of Black Americans who participated in this

collective violence were rebelling not just against police brutality,” Hinton argues. “They were rebelling against a broader system that had entrenched unequal conscious and anti-Black violence over generations” (2020: 7).

As a story from August 16, 1965, in the Australian newspaper, *The Age*, reported, 10,000 National Guardsmen and police were called into Watts to enforce an 8pm curfew, which applied to an 18-square-mile area south of the Los Angeles civic center. Announced by Lieutenant Governor Glenn M. Anderson given Governor Pat Brown’s absence (Brown was vacationing in Greece at the time), from afar Governor Brown was unequivocal in blaming the violence on “the work of organized gangs” who had brought a “state of insurrection” to the city (Australian Associated Press, 1965). Likening the urban unrest to an insurgency, Governor Pat Brown likewise declared “this tragedy is now being prolonged by hitrun hoodlums and terrorists. This is now a case of guerilla fighting with gangsters” (UPI, 1965, August 16).

Likewise, Lyndon Johnson offered his views on the inherent criminality of the riots, linking them to juvenile delinquency: “The riots—as well as other criminal and juvenile delinquency problems in our cities—are closely connected. Each riot began with a single incident and was aggravated by hoodlums and habitual lawbreakers.” In addition, Johnson chided during a national televised address in response to the unprecedented violence in Detroit in 1967, stating “There is no American right to loot stores, or to burn buildings, or to fire rifles from the rooftops. That is crime (Hinton, 2020: 4). Rather than situate the Watts rebellion as a legitimate response to the systemic racism and violence centered in South Central Los Angeles and in cities throughout the country where the color line was blatant, police historian Max Felker-Kantor (2018) writes that ultimately “political officials blamed the [Watts] uprising on a

rogue criminal element and absolved the police of responsibility, shoring up the power of the police” (20).

The 1965 Watts rebellion was essentially reduced to “a symptom of a sickness in the center of our cities,” as historian Elizabeth Hinton notes quoting the McCone Commission (2020: 6). Absent any political content the eruptions were depoliticized by the McCone Commission, as scholar and writer Mike Davis describes, as the “action of a criminal fringe” (Gooding-Williams, 1993: 144), thereby collapsing the threat categories of “the criminal” and “the subversive” into a composite enemy. From the vantage of L.A.’s elite, there were no valid, comprehensible reasons for taking to the streets beyond the mob violence of certain so-called hoodlums and agitators.

Parker, an avowed white supremacist, commented that “an organized minority” was trying to undermine the police’s ability to respond, that leaders within the Civil Rights movement “can’t lead at all,” and that accusations of racist policing by LAPD were “a vicious canard” (Smith, 1965). Contrary to the denials of Parker who—upon being asked about brutality within his department—claimed “There is no brutality!”, for the city’s African Americans and Chicanos who became increasingly vocal over the abuse suffered under the LAPD, their complaints were grounded in everyday reality (Stark, 1972: 71).

As writer Rodney Stark (1972) noted from a study of perceptions of police brutality against Black residents of South-Central Los Angeles, from the roughly 300,000 sample size, “3.9 percent—the number who report they have been beaten up by police while in custody—means 11,700 Black residents of only one section of Los Angeles claim to have been beaten.” Stated differently, this systemic abuse equated to approximately two beatings per day in the Watts area of Los Angeles. Also, factoring in the “7.8 percent who claim to have been the victims of

unnecessary force while being arrested into the population produces 23,400 victims” for an average of about four victims a day, “or a combined total of six cases of police brutality daily in the South-Central part of Los Angeles” (73). Stark (1972) holds that such numbers are entirely plausible given sufficient numbers of LAPD officers patrolling at the time (73).

Historian Donna Murch further contextualizes this ubiquity of state violence perpetrated among the Black residents of South Central in terms of racist notions of Black inferiority that were associated with Watts in particular. Murch (2012) writes on this racialized context:

Few places embodied the collective effects of the overlapping systems of racial discrimination more than Watts, an urban portal for the poorest and most recent migrants from the South ... As newcomers settled at the social margins of America’s second largest city, they faced intense racial and class segregation, miserable schools, and large-scale joblessness. A hostile and overwhelmingly white police force engaged in routine traffic stops of motorists of color, beatings of neighborhood residents, and harassment of interracial couples. The LAPD chief’s claims of black inferiority further exacerbated these everyday practices of intrusive policing (38).

Given the prevailing white order, by challenging the power of LAPD the Civil Rights, Chicano, and Black Power movements were placed within Chief Parker’s crosshairs. Parker was unabashed in his racism as he reminded the public upon his appointment as chief in 1950, “Los Angeles is the white spot of the great cities of America today. It is to the advantage of the community that we keep it that way” (Felker-Kantor, 2018: 19). As the public face and voice of LAPD, one of the most influential police departments in the country, Chief Parker fashioned his department as a “force unto itself” (19), one designed to police the color line as well as contain and neutralize the threats borne from broader post-World War II demographic changes, particularly the growing number of African-Americans whose population between 1940 and 1965 jumped from 75,000 to 650,000 in LA County (Mozingo and Jennings, 2015).

According to Schrader (2019), “Parker developed a rationale for order-maintenance policing that disdained any sort of social intervention beyond crime prevention or attenuation.” Maintaining healthy police-community relations was of no concern to Parker’s LAPD where control rather than correction was key. Per his ideology, imperfection and disorder was ubiquitous to contemporary life. Subsequently, Parker reasoned that the police function was ultimately meant to deal with surface level threats. “We deal with effect, not causes,” he once remarked at a conference at Michigan State University (218-219). Under Parker’s command, LAPD effectively ignored the inciting key beliefs behind social conflict as well as the social causes behind crime, instead upholding order, which was based upon racial segregation (219).

As Felker-Kantor (2018) argues, if LAPD was a “racist, violent institution prior to Watts,” following a series of riot committee-spurred reforms that funneled increased funding and resources to the department, it would emerge from these scandals more powerful than ever (20). Facilitating LAPD’s expanded powers, the analysis of the various riot commissions of the 1960s—McCone and Kerner, most prominently—offered a white upper middle class reading of these sustained rebellions from Watts to Newark to Detroit. Thus, the McCone Commission would ultimately fail in its task of repairing the racial and class rifts of Los Angeles thereby sealing the future of the city, a nightmare later realized in the uprising of April-May 1992.

### **The McCone Commission**

The McCone Commission was established on August 24, 1965, by Governor Pat Brown to study the issues behind the Watts rebellion and other urban uprisings and “to develop recommendations to prevent a recurrence of these tragic disorders” (Associated Press, 1965). Chaired by John A. McCone, an American businessman and politician who served as Director of the Central Intelligence Agency (CIA) from 1961 to 1965, other committee members included “a



prominent attorney, the chairman of the Pacific Mutual Life Insurance Company, the president of Loyola University, the dean of the U.C.L.A. Medical School, and a former president of the California League of Women Voters (the six whites) as well as a municipal judge and a Presbyterian pastor (the two African Americans) (UPI, 1965, August 20).

As the sole government agency investigating the Watts riots of August 1965, the McCone Commission was subsequently not subject to any outside investigation by Attorney General Ramsey Clark nor was there any follow up federal report on the riots (Platt and Jacobs, 1971: 294). Thus, the political composition and socio-economic positioning of its members that shaped the McCone Commission's analysis and recommendations were profoundly salient to the city's future. But in response to the criticisms of such prominent figures as Dr. Martin Luther King Jr. who placed blame with Chief Parker and the LAPD demanding that drastic changes were needed that might demand more of the white majority (UPI, 1965), the commission ultimately took the side of law-and-order.

Activist, journalist, and co-founder to *Mother Jones* magazine, Paul Jacobs, contends that "The initial failure of the commission was in the very limited conception the governor and his associates had of its function, a concept which led them inevitably to the choice of McCone as its head" (Platt and Jacobs, 1971: 288). Furthermore, as Warren Christopher, advisor to Governor Pat Brown, Los Angeles attorney, and former Deputy Attorney General of the United States, offered:

The governor was anxious to make a sound approach to the problem and he wanted to make a deep inquiry. But at the same time, he didn't want to do anything precipitous. He believed that what we needed to try and do was to move the total community to support the disadvantaged areas, and so he was instinctively drawn to a man with an impeccable reputation in the business community who would yet have enough experience with this kind of problem so that he could take a broad view of it (Platt and Jacobs, 1971: 288).

Policy proposals pertaining to the 1965 Watts rebellion followed centrist political orientations of the committee's members with little divergence in their support of Parker's LAPD. As Jacobs (1971) argued, the city's very future depended upon "the most accurate diagnosis of its ills and perhaps prescribing drastic steps to help it survive, [and yet] the liberal governor and his liberal staff still didn't want 'to do anything precipitous'" (Platt and Jacobs, 1971: 288). This is significant for, as Anthony Platt (1971) argues in *The Politics of Riot Commissions*, riot commission are "authoritative tribunals, financed and/or supported by a governmental body, established temporarily to investigate and explain specific outbursts of illegal collective violence by private citizens, most notably urban blacks" (4). Such commissions are not only authoritative in that they are created at the behest of or with the permission of governmental representatives and are composed of professional experts, but they study a specific form of collective violence of private citizens: collective Black violence (5). As Platt (1971) elaborates:

...riot commissions are invariably synonymous with the study of *collective black violence*, even to the extent that "riots and ghettos" have become popularly and semantically associated. That riot commissions are primarily concerned with *black* civil disorders is self-evident from even a cursory glance of their reports. While it is true that official investigations of "rioting" have been expanded recently to include the disturbing collective behavior of youth (especially students) and even police, it is also evident that, from the perspective of official authority, urban blacks continue to be the most problematic "rioters." Moreover, authoritative studies of collective violence involving students and youth derive many of their ideological and theoretical assumption from commissions investigating black violence....*It is an irony of riot commission that, while they may memorialize riots as a symptom of profound despair and alienation, they also testify to the capacity of the modern state to "rationalize" rebellions and to swiftly restore order and regularity to the political process...* Uprisings are merely another form of extreme protest action soon to be included under the heading of Natural Calamities (5, emphasis added)

When collective Black violence was the focus rather than the racist police practices of the LAPD, the everyday indignities of LAPD were largely reduced to the work of a few bad apples or omitted altogether. In short, their violence was rendered as essential. This gap in

understanding among the respectable Commission members marked a fundamental inability to address the deep-rooted nature of the problem, thereby prompting facile solutions. Crucial to this misunderstanding were certain assumptions about the population of Black rioters involved and their class composition.

As Robert M. Fogelson noted in his critique of the Commission, “White on Black: A Critique of the McCone Commission Report,” at the beginning of the investigation, “The Commission reached the conclusion that only 10,000, or approximately 2 percent of Los Angeles County’s 650,000 blacks joined the rioting.” The Commission further reported most of the rioters were not representative of the Black community as they were “the unemployed, ill-educated, delinquent, juvenile, and uprooted—in short, the riffraff” (Platt and Fogelson, 1971: 311).

Fogelson contends that this invocation of “the riffraff theory”—though not the first usage of this smokescreen tactic, as it had been used by New York Governor Nelson Rockefeller in order to explain the 1964 uprising in Harlem—was “highly reassuring” for if the rioters were the result of the actions of a marginal population of LA’s undesirables, then the Los Angeles riots were “less serious” than would otherwise be the case (Platt and Fogelson, 1971: 311). This form of political rhetoric, the riffraff theory, as Felker-Kantor (2018) writes:

Delegitimized black grievances, reinforced belief in black criminality and allowed the commission to absolve the city officials and law enforcement of any responsibility for the violence. It also rationalized and enhanced policing and punitive crime control policies. The commission’s report recommended police reform, but its underlying logic reinforced prevailing views that defended the police and their expansive authority to prevent, contain, and eliminate potential threats to order (38-39).

Thus, through equating looting to a threat that must be eliminated, the police power was strengthened by funneling capital intensive technology and training through which to further

rationalize the criminalization of the Black and Brown undesirables, particularly youth, of Los Angeles. Fogelson (1971) notes that this occurred within a broader elite understanding of rebellion as the “senseless” doings of a marginalized and resentful racial underclass, which nonetheless followed a certain depoliticizing logic:

It follows that the rioting was not only peripheral to the issue of black-white relations, but also a manifestation of problems of poverty, which is alterable, rather than race, which is immutable. It also follows that the riots reflected not so much the social problems inherent in black ghettos as the personal disabilities of recent newcomers. It follows further that the violent acts, the looting, arson, and assault, were not expressions of legitimate grievances and that they were, in the Commissions words, “formless, quite senseless,” and by implication, meaningless. Hence future riots could be prevented in south central Los Angeles merely by elevating the riffraff without transforming the ghetto—without, in effect, radically changing greater Los Angeles or seriously inconveniencing its white majority (Platt and Fogelson, 1971: 311-312).

Reflective of this wariness to inconvenience the white public, in their December 2, 1965, report, released only three months after the Commission’s inception—*Violence in the City - An End or a Beginning?*—the authors rendered systemic poverty and racist policing as issues to be corrected through rational planning and the involvement of economic and political capital from the local business community. This framing underestimated the suffering of Los Angeles Chicano and Black communities and the racism within the LAPD aggravating this exploitative system of racial subjugation. Over the long-standing complaints and grievances of the city’s Black and Hispanic populations, greater deference would ultimately be given to the bearers of law-and-order, the LAPD.

As an example, in one section of the report —“Law Enforcement - The Thin Thread”—the police are elevated as the ultimate condition in ensuring civil order and tranquility, thereby reasserting the primacy of police power as a fundamental component of liberal democracy and the freedoms it secures. As argued in the report:

Maintenance of law and order is a prerequisite to the enjoyment of freedom in our society. Law enforcement is a critical responsibility of government and *effective enforcement requires mutual respect and understanding between a law enforcement agency and the residents of the community which it serves* (McCone, 1965: 27).

By suggesting understanding as a key factor between police and the city's African American and Chicano communities' who viewed LAPD as a fundamentally racist and increasingly militarized police force—SWAT was formed in 1967, one year following Parker's departure, as a response to the Watts uprising)—the McCone Commission failed to recognize the dire, asphyxiating climate these communities operated within. Rather, improved training, diversified hiring, and greater allocations for education comprised the major planks of their policy proposals, which sought to elevate the ghetto without transforming it (especially vis-a-vis the LAPD).

Signifying this dismissal of Black and Brown citizens' charges of routine, racist LAPD violence—what Mayor Sam Yorty referred to as the “big lie” (UPI, 1965, August 20)—the Commission reported that the police in Los Angeles were ultimately there to protect Black Angelenos, from themselves. As the authors paternalistically argued:

Although the criminal element among the Negroes is only a small fraction of the Negro population, over half of all crimes of violence committed in the City of Los Angeles are committed by Negroes, and the great majority of the victims of these crimes are Negroes. Thus, the police, in their effort to suppress crime, are doing so to protect the entire community, including the Negro community (McCone, 1965: 29-30). However, the McCone Commission did call for reforms such as improving The Police Board of Commissioners, streamlining complaints procedures under the watch of an independent Inspector General who would report to the Chief of Police, expanding police-community relations to address the scourge of crime, and making greater efforts to recruit African-American, Hispanic, and other minority youth to join law enforcement (1965: 30-37).

While commendable, these policies originated from the respectable white, upper-middle-class perspective of the commission members and ultimately did nothing to challenge their class

and racial assumptions regarding riots, ghettos, slums, and other phenomena that resided outside of their direct experience. As Fogelson argues in terms of the Commission's main failures in addressing the crisis of Black disenfranchisement in Los Angeles:

There is, however, a more crucial explanation for the McCone Commission's failure. The commissioners were not altogether unsympathetic to the plight of Negroes in the south central ghetto, nor were they unintelligent or irresponsible. They were, to the contrary, representative of upper-middle-class whites in Los Angeles and other American cities. Accordingly, they brought to their task assorted preconceptions about violence, law enforcement, ghettos, and slums, preconceptions which they shared with others of their class and race. These preconceptions—they emerge clearly from the hearings and, less so, from the report—prevented the commission from perceptively analyzing the evidence and correctly interpreting the riots. For they filtered the testimony and other information received by the commissioners and enabled them to draw conclusions based on the flimsiest material while ignoring more substantial but less reassuring data. Hence, a reconsideration of the investigation is worthwhile not only because "Violence in the City" is the fullest official statement about any riots of the nineteen-sixties, but also because the McCone Commission's fiasco sharply illuminates why most white Americans have thus far failed to understand the Negro riots (310-311).

Subsequently, no matter how grave the Black community's grievances and desperation, the conviction held by most whites that "there are no legitimate grounds for violent protest," achieved greater resonance through the official recommendations of the McCone Commission, thereby depoliticizing riots and other disruptive acts without having to address their root causes. By avoiding the stark reality facing the economic and social conditions of many Black Angelenos and instead adhering to the "riffraff" theory of rioting and situating the threat of Black collective violence as the engine of disorder, the mostly white Commission also avoided reexamining the features of their own class, racial, and national ideology (Platt and Fogelson, 1971: 312).

These decisions to uphold the white majority's privileges would hold ramifications for the future of race relations in Los Angeles, echoed through the uprising of April - May 1992, which likewise involved officials ascribing violence to the riffraff, albeit in a different racialized language given the multiracial rebellion that ensued that fateful spring. However, within the

McCone Commission's report, while there is no mention of police weaponry and suggestions to update LAPD's use-of-force—though later, in March 1968, the Kerner Commission would decry arming police with even more deadly force as the main response to riots and instead, advocate for massive government spending to uplift the ghetto—the LAPD's disastrous response to the Watts uprising as well as the official discourse of the “riffraff” that emerged would inform, negatively and positively, the Los Angeles uprising of 1992, where the death toll was substantially less than in Watts.

### **The 1992 LA Uprising and the LAPD's Adoption of Rubber Bullets**

Nearly two and a half decades after the arrest of Marquette Frye spawned a citywide uprising, the beating and accompanying 2-minute recording of Rodney King on Mar 3, 1991, would come to mark one of the first “viral” videos of police violence thanks to camcorder technology and the curiosity of local resident George Holliday who filmed the incident from his apartment balcony. At the time, King, a construction worker, was on parole for robbery and led police on a high-speed chase after failing to pull over for an alleged speeding violation, driving his 1987 Hyundai west on Interstate 210 in the San Fernando Valley of Los Angeles. King and his two passengers Bryant Allen and Freddie Helms had spent the previous night watching basketball and drinking at a friend's house in Los Angeles (Freed, 1991).

Though the gory details of King's beating do not bear repeating, much like a routine traffic stop that precipitated Marquette Frye's arrest and the broader Watts 1965 uprising, King was also pulled over on suspicion of driving intoxicated and was followed by an intense car chase. However, King was subjected to violence of a more extreme nature, which would render the exoneration of the four LAPD officers involved—Briseno, Powell, Solano, and Wind—even

more egregious. Among his injuries, King was stunned at least once by Sgt. Stacey Koon with the Taser TE86, a “flashlight-sized device that shoots two 15-foot-long wires with barbs at the end into a suspect’s clothing, then sends a 50,000-volt electrical charge through the wires into the suspect’s body when a button is pressed” (Fleeman, 1991).

However, the device’s voltage, a mere 7-Watts in modification to an earlier 11-Watt model (CITE), apparently proved insufficient in subduing King, which allowed police to falsely claim King was high on PCP. Given the War on Drugs fueled moral panic that local media had generated around PCP in Los Angeles and throughout the country, the brutalization of King was largely legitimated through the four officers' accounts of King’s PCP-fueled superhuman, if not monstrous, strength (Franklin, 1980). According to the officers’ logic and given the failure of their 7-Watt TASER to control King (Griffith, 2011), it follows then, that scores of baton “power strikes” and numerous kicks were necessary to secure compliance, given the inefficacy of these less lethal means up to that point.

Amidst the political fallout from King’s brutalization, journalist Richard Winton (2016) writing for the *LA Times*, argues the 56 crushing blows delivered via a 2-foot solid piece of aluminum to Rodney King’s body “marked the beginning of the end for the baton’s reign.” Winton (2016) states:

The baton offers a dramatic example of how police behavior has changed since the King beating. Authorities said that officers stopped using them for a variety of reasons: Changes in rules and training and the rise of other types of less-lethal weapons, as well as the lasting stigma from those grainy images.

However, contra Winton and the promises of reform, the baton has made numerous appearances throughout LAPD’s checkered history since the King beating, most recently in Pan Pacific Park on May 30, 2020, where video shows LAPD Mobile Field Force agents swinging their batons at



people's knees, which one observer remarked looked like batters trying to "hit a home run" (Rector et al., 2020: A1, A8). Thus, to inflect upon Winton's point, the police baton's use in securing compliance from *individual* suspects suffered a legitimacy crisis post-Rodney King; however, its use as a less lethal *crowd* control tactic has remained constant throughout LAPD's recent history.

Despite the severe injuries he received from scores of baton strikes, King escaped death, while 15-year-old resident of South Los Angeles Latasha Harlins was not so fortunate. Less than two weeks after King's beating, on the morning of March 16, 1991, Harlins—an excelling student at Westchester High School—went to Empire Liquor Market and Deli in South-Central to purchase a \$1.79 bottle of orange juice for her family's breakfast table. Upon approaching the store counter, store owner Soon Ja Du accused Latasha of trying to steal the bottle of orange juice. Witnesses stated Latasha, who placed the drink in her backpack, had intended to pay as she was holding \$2 in her hand. As journalist Kailyn Brown (2021) recounted in a 30th anniversary *LA Times* article:

After Du grabbed her sweater, Latasha punched Du in the face and broke free, knocking the store clerk to the ground. The teenager then put the bottle on the counter, and Du picked up a .38-caliber handgun. As Latasha started to walk toward the exit, Du shot her in the back of the head, killing her instantly.

While a jury subsequently found Du guilty of voluntary manslaughter, which carried a maximum sentence of 16 years in prison, Judge Joyce Karlin reasoned "that Du acted out of fear due to previous robberies at the store, [and] sentenced her to probation, 400 hours of community service and a \$500 fine" (Brown, 2021). Reflective of a similar racialized judgement at play in George Zimmerman's murder of Trayvon Martin, like Martin, Harlins was depicted as a threat to the 51-year-old woman thus rendering the shopkeeper's actions as self-defense.

Both the brutalization of Rodney King in Los Angeles and the acquittal of his LAPD batterers in the mostly-white, conservative town of Simi Valley as well as the murder of Latasha Harlins and the leniency granted her killer added further fuel to the fire from which Los Angeles riots of April 29 - May 4, 1992, ignited. Despite video evidence of excessive force, within Los Angeles' Black community the King verdict sent the stark message: the police can get away with anything.

As the four police officers—Briseno, Powell, Solano, and Wind—were allowed to walk free on April 29, 1992, their exoneration added to the repeated acts of “what is widely perceived in the community to be blatant abuse of power by the police and the criminal-justice system more generally” (Gooding-Williams, 1993: 120). In response, “peaceful protesters gathered in front of Parker Center, while others marched in the streets holding signs condemning Chief Gates, racism in the LAPD, and police practices that gave officers a ‘license to kill,’” writes Felker-Kantor (2018: 228). However, looting and burning encompassed broad swaths of the city within hours of the verdict, extending to Koreatown, Hollywood, and parts of the San Fernando Valley. LAPD was caught uncoordinated, outnumbered, and ill-equipped at the corner of Florence and Normandie in South Central, the central hotspot of the unrest, where the public would later witness on live TV the beating of trucker Reginald Denny.

Amidst the spectacle of Denny's brutalization, LAPD attributed ultimate blame for the violence through dog-whistle invocations of “gangs,” which lent legitimacy to employing counterinsurgency tactics of mass arrest, occupation, and containment to restore order. To stave off criticism, Chief Gates announced internal investigations by the Internal Affairs Division and Major Crimes Investigation sections. In addition, Gates referred to the LAPD as a “model department” that was to be emulated by police agencies throughout the country. Though Gates

eventually offered a half-hearted apology for King's beating, he nonetheless emphasized King's criminal past. "He's on parole," Gates remarked. "He's a convicted robber, I'd be glad to apologize," offering that the incident was not evidence of a deeper, systemic issue within the department but rather an "aberration" (Felker-Kantor, 2018: 222).

As the unrest escalated, Mayor Bradley declared a state of emergency, called on the State National Guard to send troops, and instituted a "citywide sunset-to-sunrise curfew." President George H. W. Bush supplied over 7,000 National Guardsmen and more than 3,500 federal troops from myriad agencies including the FBI, SWAT Teams, special riot control units from the U.S. Marshals Service, Immigration and Naturalization Service (INS), Alcohol, Tobacco, and Firearms, and the Bureau of Prisons. Ultimately, it took over 20,000 law enforcement and military forces to stop the uprising, which had extended over 5 days with 16,291 arrests—1,240 of them were of undocumented immigrants who were handed over to INS for immediate deportation—2,383 injuries, at least fifty-two deaths, 700 business burned, and nearly \$1B in damages. This cooperation between local and federal police resulted in not only mass arrests but also criminalization and deportation for the city's Hispanic population (Felker-Kantor, 2018: 228-229, 231). Of those arrested from April 30 - May 4, 1992, 36.9 percent were Latino, 29.9 percent were Black, 6.8 percent were white, and 26.4 percent were "Other/Unknown" (Gooding-Williams, 1993: 121).

Often referred to as the LA Riots, rebellion or "Uprising" is more appropriate, though not without its own limitations, as Mike Davis noted in his summer 1992 interview with *Covert Action* magazine. When asked how to characterize this event—as a riot, uprising, rebellion, or insurrection—Davis responded, "this time the contradictions are different," rooted as they were in the abusive treatment of Black customers in the Korean stores, which culminated in the

murder of Harlins (Gooding-Williams, 1993: 143). However, Davis (1992) describes vividly how the outside agitators trope functioned within the televised coverage of the 1992 riots:

Unlike the 1965 rebellion, which broke out south of Watts and remained primarily focused on the poorer east side of the ghetto, the 1992 riot reached its maximum temperature along Crenshaw Boulevard--the very heart of black Los Angeles's more affluent west side. Despite the illusion of full-immersion "actuality" provided by the minicam and the helicopter, television's coverage of the riot's angry edge was even more twisted than the melted steel of Crenshaw's devastated shopping centers. Most reporters--"image looters" as they are now being called in South Central--merely lip-synched suburban cliches as they tramped through the ruins of lives they had no desire to understand. A violent kaleidoscope of bewildering complexity was flattened into a single, categorical scenario: legitimate black anger over the King decision hijacked by hard-core street criminals and transformed into a maddened assault on their own community. Davis offers that local television "unwittingly mimed the McCone Commission's summary

judgment that the August 1965 Watts riot was primarily the act of a hoodlum fringe" (1992).

Adding to this discourse was the district attorney's and the city attorney's attempts to paint the spring uprising also as the action of a criminal fringe, which likewise echoed the McCone Commission in claiming there are no valid reasons for taking to the streets. And yet, Davis contends that broad swathes of the population—at least twice the area of the 1965 riot and curfew area, which extended into White middle-class areas—took part in the riots emphasizing the reality that "the main force driving it was a need for consumer goods and necessities"

Gooding-Williams, 1993: 142) As Davis elaborates in the interview on the material underpinnings of what informed the uprising's origins:

I think the majority of participants, particularly the youths who started it, see the events that began on April 29th as a rebellion...In any case, you can't reduce the events to a single essence—one major characteristic or identity. L.A. was a hybrid social revolt with three major dimensions. It was a revolutionary democratic protest characteristic of African-American history when demands for equal rights have been thwarted by the major institutions. It was also a major postmodern bread riot—an uprising of not just poor people but particularly of those strata of poor in Southern California who've been most savagely affected by the recession. Thirdly, it was an interethnic conflict—particularly the systematic destroying and uprooting of Korea stores in the Black community. So, it was all those things at once and issues of rage, class, and race cannot

be separated out. Sometimes they coalesced, sometimes they were parallel in time and space” (Gooding-Williams, 1993: 142-143).

As an “eruption of fury at the socioeconomic structures that excluded and exploited so many in Southern California” (Mohammed, 2022), the LA riots were more materially based, and thus more political than LA’s establishment was willing to concede. However, journalist Ryan Reft (2020) argues that the official response to the 1992 riots as contained in Webster Commission’s report, “The City in Crisis,” instead “criticized the LAPD for its lack of preparedness and advocated for community policing models to improve relations between the police and residents.” Moreover, like the McCone report, “it never addressed the systematic and structural racism embedded within the LAPD,” but unlike its predecessor, which encouraged government-funded interventions into a range of areas including health, education, and employment, “in an era of neoliberal urban governance, the Webster Commission made no such recommendations” (Reft, 2020). Thus, the Webster Commission’s analysis and interventions would prove even more conservative than the 1965 McCone report, offering little beyond market-based solutions to Los Angeles’ systemic racism and poverty.

While experiencing a nadir in terms of their public legitimacy post-Rodney King—one that would only worsen due to the LAPD’s poor performance during the spring riots, where 10 mostly Black individuals were killed often under suspect circumstances (Feldman, 1992)—the 1992 rebellion did provide the avenue for LAPD to gain control of the corner of Florence and Normandie, thus ushering in rubber bullets and other Kinetic Impact Projectiles as a crowd control technology. In a December 20, 1992, *LA Times* article, “Rubber Bullets Effective in Handling of Tense Post-Riot Situations,” journalist Dean E. Murphy writes:

The new bullets, which are actually cylindrical projectiles resembling chunks of sausage, are intended to disperse crowds without causing serious injury. Officer fire a cartridge of projectiles from a .37-millimeter gas gun, aiming the weapon at the ground and allowing

the rounds to ricochet into the crowd. Each cartridge contains five rounds about 1 5/8 inches long. (1992: BB10)

The article further notes that the rubber bullets were approved for use by Chief Gates shortly after the spring riots and were “enthusiastically embraced by [Gates’ successor] Chief Willie L. Williams,” as the department began to explore a variety of alternative weapons and munitions (Murphy, 1992: B1, B3). In addition to a later incident in December—the third since the April riots in which rubber projectiles, also known as “knee knockers,” were fired at crowds in Los Angeles—rubber bullets were used earlier by the LAPD to break up a “gang-related incident” near USC on June 13, 1992, and again on July 4 at a gang-related gathering in southwest Los Angeles. Commander Rick Dinse, who oversaw training for the LAPD, commented “There is always a danger to any of these tools, but the dangers are minimal when they are used properly” (Murphy, 1992: B1, B3). While the Los Angeles County Sheriff’s Department had used rubber-style bullets for at least two years prior to LAPD’s adoption of the technology, the article notes predecessors including Israeli, South African, as well as British forces in Northern Ireland all used variations of the rubber bullet. “It’s an idea whose time has come,” said Hubert Williams, president of the nonprofit Police Foundation in Washington, D.C. Williams. Williams further commended the LAPD for exploring technologies that use “the degree of force that is required and no more. Non-lethal forms of force are a very positive addition to the array of options, and it is something that the LAPD should be complimented on.” In addition, one LA Sheriff’s deputy who trained deputies to use rubber bullets commented:

We use it in circumstances where there needs to be some type of force used, where the person may be dangerous, or mentally disturbed or on narcotics, and we don’t want deputies to get too close with a baton. We feel it is a good weapon” (Murphy, 1992: B1-B3)

Rubber bullets presented LAPD a technological, if easy, fix to the problems associated with Black and Brown uprisings, allowing them to act forcefully to suppress disorders but without

casualty. The technology also lessened officer risk as well as the poor optics associated with the traditional baton, allowing the department to elude greater scrutiny by appearing restrained in their use-of-force. As Hubert Williams, who was co leader with William Webster of the special investigating panel into the 1992 LA riots, offered use of the bullets by a “high-profile department such as the LAPD” would serve as the catalyst in helping spread the usage of these projectiles nationwide. “What happened in South-Central this time around is widely viewed as an effective use of force and nipping the bud of a potential civil disorder,” Williams said. “Police departments will be studying it—all aspects of it” (Murphy, 1992: B7-B8). However, this technology had existed for the greater part of three decades and had, in Northern Ireland during the Troubles of 1970 and elsewhere, maimed and killed innocent bystanders. Less lethal weapons scholar Neil Davison (2009) further notes that, as early as 1958, Hong Kong police had used cylindrical inch-long wooden bullets made of teak that were “skip fired” off the ground with the intent of striking the legs, much like how rubber bullets were initially intended to be fired before the ricochet method was found to be highly inaccurate and potentially fatal (20).

In the summer of 2020, as the world reeled over the murder of George Floyd by Minneapolis Officer Derek Chauvin and protestors took to the streets, LAPD MFF agents would maim and injure demonstrators and journalists alike with foam projectiles that were ostensibly less damaging than the rubber bullet. In fact, they constituted a reform to the department’s use-of-force within crowd control scenarios following their response to the Democratic National Convention of 2000, where a Rage Against the Machine concert erupted into a confrontation between concertgoers and the LAPD whose use of “sweeping force” destroyed the space for public dissent (Ripston, 2000). Nonetheless, when targeted in head, face, and/or groin, as occurred to at least 12 journalists and demonstrators on May 30, 2020, in Pan Pacific Park during

a march against police violence, this form of less lethal violence illustrates that, if not fatal, rubber and foam projectiles can be at the very least life-altering in their impact (Haar and Iacopino, 2020). In addition, as part of the investigation, the Committee to Protect Journalists documented hundreds of “press freedom incidents” in the United States in 2020, among them over 100 arrests, and 302 attacks on journalists through rubber bullets and other KIPs as well as tear gas (Mendelson, 2020).

Of these marches and demonstrations, in Los Angeles, May 30 in Pan Pacific Park within blocks of The Grove shopping center, owned by real estate billionaire and mayoral candidate Rick Caruso, would mark the most violent clash in the city that summer between “peaceful protesters,” LAPD Mobile Field Force agents attempting to clear a route for a recently vandalized MTA bus, and so-called “disrupters.” Though ninety-three percent of the Black Lives Matter protests that summer were found to be “peaceful,” according to an otherwise conservative study by the Armed Conflict Location and Event Data Project (Mansoor, 2020), the violent response of police throughout the country, in particular the LAPD, would be interpreted and legitimated through various discourses: reform, the right to protest, and police use-of-force.

Each of these discourses lends legitimacy to the LAPD narrative that, as the afternoon descended into evening on May 30, 2020, disrupters intent on creating chaos and havoc changed the atmosphere of the once peaceful protest in Pan Pacific Park, putting LAPD agents in an impossible position—between using a public order policing model that attempts to respect the civil liberties of demonstrators and an escalated force model that neutralizes threats that may appear at these marches. The latter were the “disrupters” who allegedly attacked police from within the anonymity and cover of the crowd. What is elided in these official discourses is the reality that less lethal weapons used by LAPD can and have severely maimed and disfigured not



merely disrupters but bystanders and journalists. Thus, this research asks in what ways does LAPD less lethal discourse reify police violence by framing the latter as facilitating the right to protest through the legitimate use-of-force.

## Chapter 3 - Methods

This project is organized around one central question, *“In what ways, if any, do the political discourses surrounding “less lethal” police weaponry and practices negotiate, depict, and perhaps broaden the scope of police violence?”* As we have seen, the introduction and institutionalization of “less lethal” technologies is a longstanding and ongoing accomplishment. To consider how these discourses operate presently, this project establishes a temporal and geographically discrete sampling frame of events occurring on May 30, 2020, in and around Pan Pacific Park in the Fairfax District of Los Angeles, CA.

**Sampling Strategy:** I have identified this date and location due to the involvement of the LAPD and LASD and the coverage by major LA and national media outlets. The involvement of two high profile police agencies and coverage of a large media market combine to produce a highly visible milieu of the broader national uprising against police violence in the aftermath of George Floyd’s murder as, on the afternoon of May 30, 2020, at least twelve people were injured by rubber bullets and KIPs fired by police agents (Physicians for Human Rights, 2020). As these injuries were sustained within a single afternoon in and around Pan Pacific Park, this event allows for an examination of LAPD violence made in response to protests against police violence and how the media covered this story and related events and how official governmental entities also responded.

**Data Sources:** Given that it is well established that police violence is legitimated by members of the news media and other social institutions, not simply the police, (see for instance, Hirschfield and Simon, 2010), I selected sources that encompass varying institutional accounts of how police deployed less lethal weapons on that day. Moreover, as data on less lethal injuries are not made available by state or federal police agencies, my analyses of this form of police violence will

identify and focus on reporting by the *Los Angeles Times* as well as LAPD and LASD statements. In addition, public discussions of these events as found in the Los Angeles Police Protective League news blog are included as alternative sources.

1. **News media accounts** - Given their historic ties to and past favorable relations with the LAPD (Folkenflik, 2022), I focused on coverage of the events published by the *Los Angeles Times* which were collected using a public database (newspapers.com). Limiting the database to a data/range of articles published from May 31, 2020, to May 31, 2021, I used a number of keywords to ensure a wide and comprehensive search, these terms are as follows: “Pan Pacific Park,” “Pan pacific park less lethal,” “The Grove.” I also included the names of those injured who were party to subsequent lawsuits— “Abigail Rodas,” “C.J. Montano,” “Bradley Steyn,” “Deon Jones,” “Randy Stewart,” “Tina Crnko,” and “Jasmine Morales.” Once I eliminated duplicate articles that appeared in multiple searches, this process yielded a sample of articles with the key words “pan pacific park” and “the grove” yielding the most results (5). Tellingly, there was a lack of unique coverage pertaining to CJ Montano, Bradley Steyn, Randy Stewart, Tina Crnko, and Jasmine Morales.

Per criteria established by Regina Lawrence (2000), in her book *The Politics of Force*, the number of stories published by the *LA Times* on the day in question classifies it as a “high-profile” incident (more than 10 articles). However, taken individually, each search term yielded results that ranged from low- to mid-profile, thus police use-of-force incidents were treated with less editorial coverage, thematic reporting, systemic claims, and critical nonofficial voices (Lawrence, 2000: 94). As Lawrence (2000) contends, “the data show that the more coverage an incident receives, the more likely it is to appear in articles that prominently feature critical nonofficial voices and systemic claims about police brutality” (93). Conversely, the less

coverage an incident receives (e.g., the injured within the above sample), the more likely it is to lack contextualizing information.

**2. Official statements and press releases made by the LAPD and LASD** - As the official collection of news, updates, and information, LAPD and LASD sources were drawn from their respective Newsroom archives covering May 2020 through May 2021. Within these texts, LAPD posts pertain to arrest figures from the late-May 2020 protests including number of officers injured, declarations of unlawful assembly, and other security-related alerts. Likewise, LASD Newsroom posts center around a three-day countywide curfew in LA county following a recent spate of demonstrations and looting. Searches within the LAPD Newsroom yielded 47 pages of results, while 30 pages of results resulted from the LASD Newsroom. Key news bulletins related to May 30, 2020, were as follows:

#### LAPD Newsroom

- Man in Wheelchair Struck by Gunfire NR20112rc - May 31, 2020
- Statement Regarding Recent Demonstrations NR20109ti - May 31, 2020
- Hundreds Arrested During Friday Night's Protest NR20111jr - May 31, 2020
- LAPD Request to the Public NR20115ml - June 1, 2020

#### LASD Newsroom

- Curfew Order – June 3, 2020: Sheriff Villanueva Orders County-Wide Curfew for Los Angeles County

**3. Alternative sources** - As the police union representing LAPD officers up to rank of lieutenant, the Los Angeles Police Protective League (LAPPL) has a membership of 9,900 sworn

officers. The statements made by LAPPL offer a different narrative to the more equivocal statements emerging from Police Chief Michel Moore, City officials, and leadership in LAPD and LASD, dedicated as they are to documenting assaults upon officers, “end of watch” posts for officers who died or were killed in the line of duty, coronavirus updates, and other features. Sometimes reposting local media stories, LAPPL news briefings and updates provide insight into how the representatives of the LAPD’s rank and file interpreted the events of the summer of 2020 and more specifically, May 30, 2020.

3a. To obtain documents related to this framing, I searched the **LAPPL Newswatch** page from May 2020 through May 2021 for submissions reflective of the social and political context around May 30, 2020. These searches yielded six relevant entries:

- 6 Officers Hurt In LA, 533 Demonstrators Arrested When Protests Over George Floyd Death Turn Violent
- California’s largest police unions unveil reform plan in joint statement
- LAPD COA Response to City Council Motion
- L.A. Police Protective League Statement on Death of George Floyd
- LAPD coronavirus cases spike, adding to debate over role of protests in spread
- 264 LEOs killed in the line of duty in 2020

**Analytic Strategy:** I will rely on a limited application of Critical Discourse Analysis (CDA) to identify and analyze how various discourses legitimate less lethal police violence, taking a qualitative approach that employs sociologist John Thompson’s (1990) conceptual framework in discerning patterns of ideological content and how these symbolic forms “nourish and sustain the exercise of power” (292). Following Paul Hirschfield and Daniella Simon’s (2010) study on news coverage of deadly police violence, I use Thompson’s (1990) “strategies of symbolic

construction” as my analytical framework due to its specification of the “measurable ways in which symbolic forms sustain ‘relationships of domination’, including violence under the color of authority” (Hirschfield and Simon, 2010: 161). Thompson’s (1990) strategies will allow me to highlight and analyze the way different texts depict police violence through symbolic construction (Hirschfield and Simon, 2010: 161).

To prepare the data, I will use Thompson’s (1990) five linguistic and symbolic strategies that legitimate police violence as my coding categories as well as two additional strategies—objectification and anonymity/invisibility as developed by Hirschfield and Simon (2010: 161). I begin by coding only those portions of the texts that pertain to the legal and moral justifications of the injuries or that help fashion an image of the key actors involved, characterizing each relevant claim as supportive or critical of the LAPD’s version of events and whether they originate from an official or non-official source. Following the selection and coding of a subset of articles, coding criteria is then refined through several additional iterations to get a better sense of the function these various textual elements serve in their moment of use, while simultaneously being mindful of how these strategies are dynamically embedded within other strategies of (de)legitimation. Though each reader decodes a text in a highly specific manner, these discursive strategies nonetheless pacify language through euphemizing, passivizing, and rationalizing word choices, tenses, pronouns, and other syntactic and structural features.

Finally, the existing gaps within my research design will be discussed within the context of suggestions for further research. By offering a detailed, if localized, snapshot of the patterns of symbolic strategies in circulation following May 30, 2020, in Los Angeles, I will reveal the extent to which these discursive techniques in mainstream newspapers and other media facilitate (or delegitimize) the essentialness of less lethal police practices, revealing a new facet to the

study of pacification as discourse particularly within the context of public dissent including protests and riots.

## Chapter 4 - Analysis

Through the coverage of the LAPD Mobile Field Force division's actions on May 30, 2020, near Pan Pacific Park in Los Angeles, CA, recurring themes surface from multiple readings of news accounts and official statements from Mayor Eric Garcetti and LAPD Chief Michel Moore. These themes are crucial to understanding how the press, politicians, police, and the public more broadly, understand police violence –often limited to exceptional, lethal cases. Focusing our analysis on the text of *LA Times* stories and officials' comments that legitimate acts of police *less lethal* violence, three unique, yet overlapping explanations for LAPD's actions that day are distilled: reform, the right to protest, and force vs. violence. Each of these discourses depicts the limitless violence of the LAPD as an essential and legitimate type of violence. Within this framework, force is a means to secure and facilitate peaceful protest. Moreover, peaceful protest is framed as the first step toward registering the demands of demonstrators and funneling these into institutionally legitimate channels.

### Reform as the Legitimation of (Less Lethal) Violence

Within the reformist political imagination, LAPD may be flawed, but with adequate resources and funding, the agency's training, education, and hiring standards can be improved, greater numbers of people of color and women recruited, racial and gender biases phased out and violence reduced. Despite past crises of legitimacy, reformers tell us we must continue to believe in the LAPD for there are no viable solutions that do not require their expertise. Reform functions as “an ideological rescue of present police from past sins,” as police scholars David Correia and Tyler Wall argue (2018: 126). Within reformers' reading of the LAPD's historical development, systemic violence and racism have nearly disappeared amidst diversified hiring



and anti-bias training. These alluring fictions achieve their legitimacy through various actors, institutions, and agencies who speak in the ideology of improvement.

Reform requires a malleable depiction of police power with the LAPD's experience with federal consent decrees and other crises of legitimacy supposedly marking a change of trajectory from its violent past. As Correia and Wall (2018) argue, this apolitical framing is accomplished through a "vast complex of institutions and agencies across the political spectrum that share a narrative of police as an essential if occasionally flawed institution that requires total respect but occasional tinkering" (164). As a perfectible institution, reform avoids challenging systemic police violence in Los Angeles and throughout the country by relegating it to historical footnote, sanitizing it as respectable and necessary to achieving order.

As we have seen—from Watts 1965 to the LA uprising of 1992 and their subsequent commission reports—reform involves a constant ratcheting-up of police power: calls for better training, education, and especially, greater investments in technologies that facilitate the streamlined delivery of force. As one mode of police reform, this orientation—also known as "technological liberalism"—serves to rework the mode and means of violence while still maintaining police's prerogative power to use discretionary violence (Correia and Wall 2018: 167). Essentially, this tendency proposes technological panaceas, including LLW, to correct the ingrained issues of policing and police culture.

The LAPD's experience with the 40-mm LLL, which uses a foam round and was deployed on activists Bradley Steyn and CJ Montano on May 30, 2020, highlights the perpetual cycle of reform. Though the same weapon was banned following a report by the City Council on the LAPD's response to the summer 2020 protests, it was initially adopted after the fallout of the Democratic National Convention protests in 2000 where a woman "lost vision in one eye after

being hit by a rubber bullet” (Rainey 2020: A1, A8). Seven years later after the DNC Convention, in response to the LAPD’s brutal crackdown of the May Day protests in MacArthur Park—when over 250 demonstrators and journalists were shot with hard foam bullets and batons by a specialized unit of officers (similar to the MFF division)—a review by the Police Commission “later determined that rubber bullets designed to be “skipped” off the ground had, instead, been fired directly into the crowd” (Rainey 2020: A1, A8). Reminiscent of the response of LAPD on May 30, 2020, the review further noted that during May Day 2007, “less-than-lethal force had been directed at people who were either demonstrating peacefully or reporting on the event for news outlets” (Rainey 2020: A1, A8). While these and past incidents suggest that LAPD has an established record of using less lethal force in response to Constitutionally-protected activity, within the discourse of reform, violence disappears and is replaced by concerns over training.

Training is a central solution within the reformist discourse. Following the summer 2020 protests and the LAPD’s response, which resulted in a temporary court-imposed injunction, both the 37-mm and 40-mm projectile launchers were reinstated for use by LAPD on April 29, 2021, with the stipulation that officers “have proper [the] training and are giving individuals a verbal warning to disperse and a reasonable opportunity to comply” (Rector 2021: B1, B2). Rather than addressing the injuries demonstrators suffered in Pan Pacific Park on May 30, the city pursued reforms to improve the LAPD’s crowd control tactics. Though it prompted backlash from LAPD’s victims and their legal representatives in the form of a lawsuit by Black Lives Matter L.A. and National Lawyers Guild Los Angeles, the violence inflicted upon demonstrators on May 30 is rooted in a concept—less lethal—born from this perpetual decades-long churn of police reform.

From Watts 1965 to the LA uprising of 1992 to the post-Floyd protests in Los Angeles, the notion of a perfectible LAPD is displayed through the recommendations of riot commission reports and the latter's routine condemnation of looters, arsonists, and other "riffraff." Most recently, the City's 2020 report on the LAPD's handling of the Floyd protests, which encouraged the Department "to review and evaluate the Department's public order policing operational doctrine and training as well as less lethal tools training, certification, and less lethal use related to crowd control situations" while maintaining the hope that, despite future strategic challenges, "the LAPD will seriously engage in a continuous cycle of improvement" (Chaleff, 2021: 57).

Due to the official narrative of reform that speaks to LAPD's continued evolution from occupying army of the urban ghetto to colorblind public servant, within the discourse of reform, anger in response to LAPD violence is not framed as the fault of police, but rather as rooted in mistrust and misunderstanding from the *public*. Steve Lopez, in his piece "L.A. saw all this before, and then nothing changed", argues this point:

It's understandable but a shame, really, that the clash we're witnessing in L.A. is between protesters and police, most of whom do a hard job as well as they can. Police don't run the schools or the economy or write public policy that determines who we invest in and who we leave behind. It's true that in L.A. County, cops accused of brutality are seldom prosecuted to the full extent of the law, *and it's true as well that the Los Angeles Police Department is not perfect, by a mile. It's a different force than it was in 1965 and 1992; more diverse, more progressive, but we still have a long way to go.* (2020: B1, B4, emphasis added)

Lopez claims that, while seemingly immune to prosecution, LAPD's political power is limited, and the public's ire should be directed instead toward city politicians who write policy and allocate budgets. Lopez further contends that a certain segment of the public is misdirected in focusing their anger at the LAPD as they use force more judiciously than in the past (e.g., 1965 or 1992). As Correia and Wall (2018) contend, the reformist narrative that Lopez invokes holds that "in the past, the police were certainly corrupt and violent and racist, but eventually

reformists arrived and instituted all sorts of professionalization standards, such as better technology and training and education, and these standards effectively solved the problem” (166). Police reform thus marked the end of a violent and unaccountable era and the dawning of a new, more progressive one.

However, reform doesn’t erase police violence but as will be shown, merely renames it. Through its many failures and excesses, agencies like the LAPD have undergone reforms in a perpetual process that constantly ratchets up their ability to track, trace, monitor, surveil, and harm communities. Put differently, reform equates to LAPD’s development of “new ways to control and dominate Black, migrant, poor, and Indigenous communities” as the Skid Row Los Angeles-based Stop LAPD Spying Coalition has documented (2021). As a narrative-based intervention, the discourse of reform attempts to interrupt the historical line connecting the systemic police violence of the past to the systemic police violence of the present (Correia and Wall 2018: 166). Though these links are never completely detached, when the public comes to largely associate the LAPD and its less lethal weapons with a post-reform era of police power, essentialized depictions of LLW at demonstrations becomes a more tangible achievement. Put differently, “Pacification is the amnesia that a liberal capitalist order requires” to sustain a regime based upon occupation and dispossession (Correia and Wall, 2018: 92).

Mayor Eric Garcetti’s comments in a public safety update on May 31, 2020, made in response to the previous days’ unrest, offer further evidence of reformer’s attempts to interrupt the historical timeline of police violence. Distancing LAPD from its past transgressions and associating peaceful protest with the promise of reform (e.g., “moving forward,” “progress forward”), Garcetti commented:

And for a lot of people who are outraged about Minneapolis, I invite you to be a part of these ongoing things not to paint a caricature of a department or a city, but to look deep in the progress we've made, while also demanding more moving forward. Because Los Angeles has incredible successes. And like any city in America, *we still have a long way to go*. But those commitments, especially now, must be accelerated. *We can't do that while there's burning in the street. So let's bring that piece back and simultaneously talk about the progress forward* (Mayor of LA 2020: emphasis added).

Lopez' and Garcetti's points on the progressive evolution of LAPD, alongside the obligatory, shared admission that "we still have a long way to go" alludes to the promise of reform. That we are instructed "not to paint a caricature of a department or a city, but to look deep in the progress we've made," attempts to foreclose consideration of how systemic police violence plagues not only Los Angeles but every unequal city throughout the nation. However, by associating less lethal force with professionalized police departments—albeit ones that are still on "a path of improvement *tomorrow*" (Correia and Wall 2018: 165)—reform reinstates legitimacy in the police through sabotaging the legitimacy of protest movements (Correia and Wall, 2020: 124). This is accomplished through an accompanying discourse of the right to protest, an appeal to act peacefully, which enlists key protest organizers as police collaborators to further pacify movements' ability to enact meaningful change.

What must be held constant is the understanding that the discourse of the right to protest peacefully functions to divide demonstrators into deserving and undeserving subjects of police violence—looters and peaceful protesters, respectively. In comporting oneself to this binary, solidarity vanishes as demonstrators are expected to remain vigilant with regards to their own movements. Should they fail to take on this added responsibility, organizers and movement leaders run the risk of damaging the legitimacy of their concerns through not containing acts of looting and vandalism, which play unfavorably among the public. Thus, despite its benign qualifier and its co-optation by politicians as well as police and FBI officials, the right to protest

is viewed with hostility and suspicion by local, state, and federal police for *any* refusal to adhere to the demands of the state and capital is perceived as a threat. Whether permitted or unpermitted, protests must be secured through the LAPD who dictate what constitutes the limits of peaceful protest.

## **Securing the Right to Protest through Less Lethal**

During any major uprising, the narrative around civil liberties follows a familiar script: pleas from local and national politicians, police officials, and other actors urge citizens to exercise their First Amendment rights, but to engage peacefully in the right to protest. As the mirage of reform extends placatory gestures to activists, promising better policing through education, training, and technology, another component to the depiction of less lethal violence is found within the discourse of the right to protest. This discourse instructs activists to police their own movements, conduct, and demonstrations to comport with police and official expectations. Echoing this call for a self-constructed around the identity of security, on May 31, 2020, Mayor Eric Garcetti urged viewers in a televised public safety update, “We must not allow any who feast off of chaos, who hunger for division, who want to replace peaceful protest with images of a nation coming apart. *We must not let them win*” (Mayor of LA 2020: emphasis added). In addition, a report for the city by Independent Counsel Gerald Chaleff noted the LAPD’s failure to contain damage to local businesses by “small groups of individuals”—which totaled \$1-2B around the nation, eclipsing the 1992 LA riots—and cited the department being unprepared to handle the scale of unrest. As the report noted in its Executive Summary (Chaleff, 2021):

In the protests in Los Angeles in May-June 2020, there were small groups that were primarily responsible for the violence and criminal activity, which resulted in the disruption of protestors’ ability to exercise their First Amendment rights. Additionally, these *disrupters* were throwing dangerous objects at the police. The level of violence committed by these small groups had not been seen at demonstrations in years. *The lack*

*of adequate planning and preparation caused the Department to be reactive, rather than proactive, and inhibited the Department's ability to have better control over the violence being committed by small groups of individuals whose objectives were to create chaos and confrontation with the police (4, emphasis added).*

While Shakeer Rahman and Hamid Khan of the Stop LAPD Spying Coalition (2021) note that Chaleff mentions LAPD “shadow teams” who infiltrated the summer 2020 protests, “the report does not ask or answer a single critical question about that infiltration — including whether these officers instigated or entrapped members of the community, as the LAPD’s agents have a long history of doing.” Rather, they argue, Chaleff merely proposes “better “communication” and coordination with the agents infiltrating protests, presumably directed by the new Public Order Policing command.” As Rahman and Khan contend, Chaleff has a storied history of using the imperative of reform to funnel additional resources and funding to the LAPD. As both argue in providing additional context on Chaleff’s role vis a vis the LAPD in producing this anything but “scathing” report:

Chaleff has a long history of using LAPD violence to propose useless reforms and increased police resources, stretching back to when he served as Deputy Counsel to the commission to examine police violence after the 1992 uprising...

...In 1999, Chaleff was made president of the Police Commission. He went on to serve as commanding officer of the consent decree bureau in 2003, and as Chief Beck’s Special Assistant for Constitutional Policing in 2009. Despite his long history with the LAPD, in June 2020, he was appointed to lead an “independent examination” of the Department’s protest response.

Chaleff’s team was comprised of five other former LAPD officials, three of them former chiefs. The purpose of their report is plain: to use the LAPD’s failed response to the uprising to win the Department more resources and power (Stop LAPD Spying, 2021).

By composing the independent examination with former LAPD chiefs and interviewing “over 100 members of the LAPD (more than 50 of whom were on the leadership team)” and 10 civilians, all of them selected from a list that “City Council members provided,” Chaleff’s teams’

conclusions could only operate to improve, rather than castigate, the LAPD much like the 1965 McCone Commission or the 1992 Webster Commission, the latter of which he contributed.

In a similar tenor, Chief Moore called out demonstrators for not cooperating with LAPD officers in the days prior to May 31, 2020, thereby rendering a dangerous situation more precarious. As Moore described the reasonableness of LAPD agents in the streets:

Many times, in fact, in nearly every instance, the protesters actually were without the authority...the protesters actually were wrong. But it was like, let me step in here. And let us take and show the higher road of opportunity. That's what we're doing in a police department today versus a police department twenty, thirty, forty years ago. We're not going to just put force force force because we have the authority. That's what we stopped. And we have continued to stop because of strong leadership and because of the desire to maintain the public's trust, but there is a number and a significant number of the public who look at this narrative from prior generations. And they believe that our force should be more like what you see in other parts of this country, where you see tear gas, and you see police tactics that are extremely strong (Mayor of LA 2020).

Thus, against the apparent bloodlust of the more-law-and-order minded citizens of Los Angeles who desired LAPD's response at The Grove and other hotspots to be more forceful with greater numbers of arrests, Moore claims that—despite *other* departments using tear gas and force more liberally—LAPD took the “higher road of opportunity,” acting with greater restraint than ever in its troubled history. As Moore commented, LAPD strived to act “in a manner that is as peaceful and in a manner of reverence for life” (Mayor of LA, 2020). Likewise, Garcetti praised LAPD's restraint in handling the unrest. He offered that “...99.99% of the good restraint that is done by officers who want to keep the peace never leaves the news never makes the headlines. But I want to praise it, thank those officers, and ask them to continue to do that.” Also further legitimating the narrative of LAPD restraint, the City's 2020 report investigating LAPD's use-of-force noted that, among the community members surveyed about the demonstrations occurring from May 27 to June 7, “None of the community members interviewed personally witnessed any violence, and none had complaints about officer misconduct. *Nearly all agreed that the police, while*



*appearing intimidating, were restrained* (56, emphasis added). Furthermore, most agreed with the statement that “The police gave us a chance to protest and give our planned speeches,” while “outside agitators” and “Trump supporters” were most cited for instigating violence within the various marches (2020: 56).

On this topic, discussion of the violence that occurred on May 30 from so-called “disrupters”—whose actions are devoid of political content, moral character, and unworthy of study—is not isolated to the commentary of political officials. Rather, it is a refrain among some activists who view disruption from looters and vandals as distracting from their message (as Garcetti stated on May 31, 2020: looters and vandals were essentially “hijacking a moment and a movement and changing the conversation”) (Mayor of LA, 2020). One protester in neighboring Van Nuys was quoted in a June 2, 2020, *Times* article, ‘Risking their lives to march,’ “Everybody handles their pain in different forms. So, I don’t really want to speak up on that. *But at the same time, there’s a way of handling and conducting business to be heard. And looting is not one of them, and vandalism is not the other. I just want us to have a peaceful protest and, you know, say it loud*” (Wick et al., 2020: A1, A7). Writer and activist Vicky Osterweil inflicts upon this perspective and positionality in the opening to their book, *In Defense of Looting*:

In the face of rioting and looting, even sympathetic self-identifying radicals sometimes balk. They claim that these more extreme actions are mainly the work of outside agitators, “opportunists,” or out-of-step middle-class radicals. They claim that those doing the looting are “not part of the movement,” that they are “apolitical” and ignorant, that their actions reflect “false consciousness,” or even that they are acting as consumers and therefore furthering capitalism (2020: 2).

Through this displacement of racialized violence onto the racialized enemies of order—disrupters and “looters” with the latter functioning as a “perfect color-blind dog whistle” (Osterweil, 2020: 226)—such threats are understood to have had the conscious intent to “create chaos and confrontation with the police” and are deserving of the violence inflicted upon them

(while simultaneously lamenting the violence that many agitators escaped). While not perfect, the frequency of less lethal force LAPD used that afternoon was a justified, though regrettable, decision due to opportunistic individuals who exploited the cover of the crowd to commit crimes, which opened both LAPD agents and innocent participants to greater harm.

Chief Moore commented during his public safety update remarks on May 31, 2020, attempting to correct the misunderstanding regarding the LAPD's public order role. Engaging in a balancing act between signaling his respect for the civil liberties of Los Angelenos while placating the insecurity-saturated imaginary of his more law-and-order constituents, Chief Moore stated, "We're not going to chase a group of unlawful individuals mixed with others who just want to watch or participate and express themselves. We're going to instead exercise our authority for failure to disperse. And that's the tactics that you see." Here, Moore notes the dynamics of the crowd on May 30, 2020, an internal battle between the legitimate concerns of "real protestors" versus disrupters who operated within these peaceful demonstrations and used the anonymity of the crowd to engage in vandalism, looting, and assaults upon LAPD officers: in brief, violence.

On LAPD's shift from public order policing to escalated force, accounts found in the *Los Angeles Times* following May 30, 2020, trace the stark contrast between the orderly daytime marches and the anarchy of the evening hours. In "Risking their lives to march" (Wick, et al 2020: A1, A7), the authors allude to a shadowy presence plaguing peaceful demonstrations during the evening hours: "Most of the protests over Floyd's death...have been peaceful. But some have taken a darker turn as looters have used the marches as cover to steal from stores." Elsewhere, in "Businesses try to limit the damage, reports (Vincent, 2020: A8), the author describes that "The actual march and protest [on May 30, 2020] was peaceful and organized.

Everything seemed civil...*and then it was like something snapped. At 6 p.m. on the dot, it turned into something else. Rampant destruction of property, looting and vandalism*” (emphasis added).

In an instant, the line separating order from anarchy—public order from escalated force policing—was broken.

Moreover, the article, “LAPD tactics against protests decried” (Rector, et al, 2020: A1, A8), described how, an escalated force LAPD response arose as “The peaceful protest at Pan Pacific Park *spiraled out of control* as people within the crowd, whether protesters or *infiltrators keen on inciting chaos*, started to damage stores, light cars on fire and endanger other citizens and officers” (emphasis added). Here the temporal construction of events places “protestors or infiltrators keen on inciting chaos”—the implication being that it was difficult to distinguish each given the fog of war—as the catalyst to LAPD’s violence. Likewise, in “Video shows police force at protest” dated August 1, 2020 (Rector 2020: A1, A7), the authors further emphasize the insecurity of political protest: “While many protesters say police in riot gear targeted a peaceful demonstration, escalated tensions and instigated the clashes, *police allege that protesters or other agitators among them had turned violent and created a dangerous situation for themselves and others, including officers*” (emphasis added). Clearly, the enemy resided among the people, which further stifled criticism of LAPD’s forceful response on May 30, again, given the ambiguous circumstances in which they acted.

Though these examples stress that “peace” morphed into chaos and violence, peace is a concept that Neocleous (2010) describes as implying not the absence of war but instead, the emergence of a victor’s peace obtained through methods of “war and conquest.” Thus, these accounts from the *LA Times* all ignore a fundamental reality: the uneasy relationship between peace, pacification, and protest. As Neocleous inflects (2010):

‘Peace’ is a deeply problematic concept. Phrases such as ‘peaceful protest’ are therefore not especially useful to describe our struggles. ‘Peaceful protest’ means nothing, because from the point of view of state and capital when one engages in protest one is by definition no longer at peace: *the act of protest is a refusal*. It is a refusal of the obedience expected in pacification, a refusal of one’s pacified status, a refusal of the demand that we accept everything done in the name of progress, development or improvement. When expropriation is countered by the refusal of the subject, the subject becomes the enemy. *Hence...in the act of protest we declare ourselves to be the enemy* (2: emphasis added).

Being peaceful operates as a euphemism for being a pacified citizen-subject, one who accepts the latest financial bailout, the latest police murder acquittal, the police narrative of outside agitators being the target when the protesting public is the enemy. Being pacified means one who internalizes the belief that the police power aligns with the public's self-interest and upholds their security and civil rights. Yet, within the context of “peaceful protest,” we declare ourselves to be enemies of the state and of capital and, most visceral, of the police. For this reason, less lethal weapons make their appearance at any all sites of refusal—for by demanding accountability from the latest state-perpetrated atrocity or injustice, we become the enemy, opening ourselves up to a calibrated, though intimidating less lethal force that, when used properly, preserves the legitimacy of the police power through attributing violence to its victims.

Moreover, the right to protest and its appeal to loyalty signals political officials’ concerns regarding demonstrators exercising their rights *appropriately*. Essentially, a certain decorum is both expected and required for their demands to register as legitimate. While major corporations and financial markets must not be disrupted by any form of demonstration, protesters are expected to act “responsibly” and “peacefully” as disciplined political subjects whose approach to activism, and politics more broadly, is non-disruptive (Jackson 2013: 160-161). However, peaceful protest is defined by police, and it is through this lens that all forms of protest, regardless of the disorder they engender, are saturated with insecurity. As Osterweil (2020) inflects upon the Catch-22 dynamic involved in conducting oneself with respect to the peaceful

vs. non peaceful distinction, “No matter how peaceful and “well-behaved” a protest is, the dominant media will always push the police talking points and the white supremacist agenda.” In shaping our conduct and message to align with the mass media, the enemy of liberation, we pacify our own movements. As Osterweil argues, “If we riot, they will slander us. If we behave politely, peacefully, legally, they will simply return to ignoring us” (10).

While we are told by politicians, journalists, criminologists, police officials, trainers, and others that police officers use force, including less lethal, to preserve the peace, just because peace is said to exist doesn’t entail the absence of war (paraphrasing Martin Luther King Jr.). As Osterweil (2020) argues, “There is no such thing as peace under current conditions. Social peace is just the condition under which patriarchal white supremacist violence is acting most fluidly and most thoroughly and is distributed most invisibly” (120). Despite surface level changes brought to the LAPD over the decades including diversified hiring, this structure has remained dominant in Los Angeles, and it is preserved through levels of police “force” calibrated to the context. In other words, violence in terms of psychological, economic, discursive, and other impacts undergirds the patriarchal white supremacist order of Los Angeles into the 21st century, albeit in a more benign form less likely to draw attention and scrutiny (though the discourse is changing). Subsequently, in waging a constant war to secure peace, what appears to be retributory police violence directed against participants to a movement against police violence in the aftermath of George Floyd’s murder must instead be rendered as involuntary or accidental “force,” which absolves LAPD agents of any malign intent despite their preemptively targeting a score of individuals who challenged their violence mandate.

## On Police Use-of-Force and Criminal Violence

Despite at least twelve demonstrators and bystanders being injured by LAPD MFF within a single afternoon on May 30, 2020, a through-line idea operating within the remarks of Mayor Garcetti and Chief Moore was initial praise credited to LAPD for their “restraint” considering officers being injured during May 30 and subsequent demonstrations in and around Los Angeles. According to one story, “Garcetti and Moore have repeatedly lamented the fact that more than two dozen police officers were injured, including one with a skull fracture, *but have attempted no public accounting of protester injuries at the hands of police*” (Rector, et al, 2020: A1, A8; emphasis added). While this account notes LAPD officers injured and/or hospitalized because of the demonstrations, the frequency of injured protesters, which far outranked LAPD injuries, deserved little-to-no consideration from politicians and police.

This erasure of violence is partly accomplished through the discourse of force, which is based upon the understanding that the police use “force” only in response to legitimate threats whereas criminals employ “violence” wantonly and without regard for lives or property. Force achieves its legitimacy as it involves physical coercion to impose order, “whereas violence is the domain of criminals and criminality” (Correia and Wall, 2018: 111). Force and violence are thus associated with respective notions of legality and illegality as lawless violence functions to legitimize the lawful use-of-force by police (2018: 111). This Manichean binary posits one type of violence being understood as legitimate and legible, the other illegitimate and indecipherable. One is conducted lawfully by police, the other inflicted unlawfully by criminals.

Tellingly, as Chief Moore conceded on the afternoon of May 30, 2020, as the LAPD MFF division worked to disperse a crowd to allow a recently-vandalized MTA bus to bypass the traffic: “We worked with strategies that we know are harsh and strong, but are necessary to our

primary mission, which is the safety of Los Angeles.” However, Moore added that alongside using methods that were “harsh and strong,” LAPD agents nonetheless were mindful to use force “constitutionally, to do so according to the law, and do so in respect of everyone in their rights” and with the realization that not all demonstrators and protesters constituted one single identity (Mayor of LA, 2020).

Thus, LAPD officers deserved sympathy as both victims and protectors of First Amendment rights, while protesters were to be thankful for the former’s restraint given the hardships LAPD officers endured, including being taunted, assaulted, and working long hours away from their families without break (Mayor of LA, 2020). LAPD Chief Moore echoed this sentiment in his public address on May 31, 2020. Praising the conduct of his agency, he remarked, “...despite the injuries, despite the attacks, and at times vile and obscene remarks, terrible things said, and then augmented by acts of violence, you held your ground of your character” (Mayor of LA, 2020). Amidst the Hobbesian state of nature playing out in the streets of Los Angeles and the verbal and physical assaults from an insurgent mob, where some peaceful demonstrators provided cover to criminals, the LAPD held their ground.

Chief Moore justified LAPD’s use of projectile weapons stating, “they are a necessary tool to protect officers and clear crowds that have turned unruly and violent.” He added that “such weapons have been used only when officers were taking incoming bottles and rocks and were under threat.” The term “necessary” is a useful concept to highlight as it is based upon whether such violence or force is justified or unjustified. As a story from the *Times*, dated May 4, 2021, notes, the LAPD changed its use-of-force guidelines on deadly force in early 2020 from being based on what is “reasonable” to what is “necessary,” which emphasized officers first employ de-escalation tactics to mitigate their use-of-force (Wilber and Rector: A2). The

language of police violence as either justified or unjustified is, as Correia and Wall (2018) contend, “how police want you to talk about police violence, because the question of justification is a question only police can answer” (251).

This police-privileged perspective, in turn, is undergirded by the use-of-force continuum, which establishes “a seemingly objective and independent standard against which all police violence is judged” (251). In its basic framework, the use-of-force continuum is structured at the lowest level upon officer presence including verbal orders. If a subject is compliant but police use force anyway, the violence is ruled excessive and unjustified. However, when confronting “noncompliant” subjects—such as those officers claimed they encountered in the Fairfax district on May 30, 2020—LAPD agents are authorized to use escalating force, up to and including lethal force (though this creates possibilities for severe political blowback).

The injuries of Bradley Steyn and CJ Montano on May 30, illustrate how this understanding of force is legitimated retroactively by law. Steyn was shot at close range in the groin by a LLL after lunging at and kicking an officer who had, moments before, jabbed a bystander in the ribs for walking in front of a police skirmish line. As video evidence later establishes, Steyn was explicitly targeted after kicking an officer in the leg, illustrating that the use-of-force continuum allows for split-second changes to their escalation of force. Thus, the intensity of force used jumped within seconds from officer presence to “immediate” or less lethal force. Though Steyn eventually passed out from the shock and pain of being hit in the groin, he was hospitalized for his injuries and criminally charged for assaulting an officer while the latter’s actions were deemed “justified.”

Conversely, the officer who fired a beanbag round from his Remington 870 shotgun at CJ Montano’s head from atop a nearby synagogue, which landed Montano in the hospital for



four days, was found to use force improperly, which marked a departure from LAPD policy. As one article notes:

In Montano’s case, two officers who fired projectile weapons were found to have violated the department’s rules. One of the officers who fired a 40-millimeter hard-foam projectile launcher four times was wrong to fire one of the shots at a protester, the commission concluded. A second officer who fired a beanbag launcher nine times was found out of policy for two of those shots, which struck Montano and another protester” (Rector, 2021: A1, A8).

Though the use-of-force continuum appears to protect the public due to its framing of police as a “carefully circumscribed, locally controlled, and accountable, limited, public, and civilian project dedicated not the interest of capital nor the control of political opposition but simply to the containment of ‘crime’” (Seigel, 2018: 186-187), it legitimizes the violent and cruel order that policing upholds (Correia and Wall, 2021: 183). In practice, the use-of-force continuum “invests in a police officer the *sole* discretion to choose when, where, and how to use violence based on a police officer’s interpretations of noncompliance” (Correia and Wall, 2018: 251). Any limits placed on police use-of-force are retroactive, meaning that the standard is a limit only imposed after the fact. Stated differently, “Law may deem [police force] unjustified, but only after the blood has been spilled” (Correia and Wall, 2018: 251). To this point, though the injuries both Steyn and Montano and at least ten others sustained can never be undone, analyzing whether the officers involved were within policy via the use-of-force continuum allowed for the complete disavowal of their retributory violence on May 30, 2020.

## Chapter 5 - Conclusion

As discussed, the discourse of “less lethal” achieves greater legitimacy through several recurring themes, found within the various and sometimes contending discourses that emerge from news accounts and the official statements of politicians and police officials. These themes of reform, the right to protest, and police use-of-force, negotiate, depict, and broaden police violence, in this case the LAPD’s Mobile Field Force Division’s actions in and around Pan Pacific Park on May 30, 2020, where less lethal launchers and batons were the main tools of compliance. As a narrative-based intervention, reform attempts to unlink the historical continuity between the racialized and classed police violence of the past and the present. In marking an “end of ideology” for American policing, particularly in Los Angeles, the LAPD can be headed nowhere else besides the horizon of perfectibility.

To this end, as the McCone Commission of 1965, the Christopher Commission of 1991, the Webster Commission of 1992, and the Independent Examination of the Los Angeles Police Department 2020 Protest Response reveal, reform funnels additional resources to the LAPD in the guise of education, training, and technology. The path paved by technology, known as “technological liberalism,” proposes to limit police systemic violence, but instead reworks the mode and means of violence while keeping the violence intact—as the LAPD’s experience with foam projectiles loaded in the 37-mm and 40-mm LLL, which were meant to replace rubber bullets, illustrates. Subsequently, less lethal as a concept serves a political function, signaling to the broader public the image of a professionalized LAPD—an agency dedicated to facilitating the political agency of all citizens while exercising a greater degree of restraint and reverence for life as evinced by Chief Moore’s earlier comments.

Building upon the discourse of reform, the right to protest entails the increased securitization of public demonstrations through responsabilizing demonstrators to police their own protests. Much like reform, the right to protest is built upon the notions of trust and loyalty stemming from the public to the police. Essentially, by operating on the assumption of shared responsibility, the right to protest signals the implicit understanding that LAPD curtails its more explicit violence in exchange for key protest organizers comporting themselves and their demonstrations respectfully. The right to protest upholds belief in LAPD withholding force, or using it less lethally, to facilitate political expression, while also signaling to the broader public watching at home the risks associated with public protest and to demonstrators, the shared responsibility of all participating parties should communication between demonstrators and LAPD agents disintegrate. When this occurs, less lethal force—whether through baton strikes or foam projectiles and beanbag rounds—becomes the primary mode of securing compliance from disorderly and disruptive subjects.

However, the right to protest elides the animus through which the police view the engaged public who—through congregating to mark their refusal to submit to the demands of state and capital—are viewed inimically. Its allure resides in its more optimistic reading of peaceful protest, however, as a way for demonstrators to register their demands through official, legitimate channels. By ignoring the increasing number of barriers placed between protestors—free speech zones, security checkpoints, and police kettles—the right to protest, albeit peacefully, adds an apolitical gloss to the LAPD depicting them as mere problem solvers rather than a revanchist agency whose history of violence against journalists speaks volumes about their distinctions and worldview.

We are further told that less lethal and other levels of physical force constitute legal means to achieve order when used by police, whereas criminals employ violence against persons and property to achieve illicit ends. When peaceful protest descends into disruptive violence by outside agitators or formerly peaceful protesters gone rogue, a determination is made by the police that ultimately marks the boundaries between order and anarchy, peaceful protest, and riots. As a Manichean binary, this framing allows police to disavow their violence as it situates determinations of force within a binary of justified/unjustified. While the public largely adheres to the belief that the police are held accountable to law through frameworks like the use-of-force continuum, in presenting an “if this, then that” escalation of violence, the latter ultimately defers to the police perspective in determining what is “necessary” or reasonable within law.

Through its legal interpretation then, the injuries of Bradley Steyn and CJ Montano On May 30, 2020—though the latter was found to result from an unjustified use-of-force—reveal how the police hide in plain sight their own retaliatory violence through couching it in terms of (overstated) threat. Referring to the violence inflicted upon Steyn and Montano as “force,” this discourse not only packages retaliatory violence as accidental thereby reducing the agency of individual “problem officers,” but also illustrates how the fear of threat informed LAPD’s forceful response on May 30, which was justified by ascribing danger to mere acts of public refusal and noncooperation.

Given the limitations of this study, which were confined to examining a year’s worth of LA Times articles and official statements and reports that examined the protest in Pan Pacific Park on May 30, 2020, future research should take up the mantle in exploring how the act of maiming by police relates to questions not limited to sovereignty, subjectivity, biopolitics, and necropolitics. As critical theorist Jasbir Puar (2017) describes, the “right to maim” operates as

“slow but simultaneously intensive death-making as targeting to maim is an accelerated assault on both bodily and infrastructural fronts,” or, put differently, a version of life that seems and feels like “neither life nor death, not even attenuated death” (139). Given the severity of the injuries sustained by Montano, Steyn, Rodas, and other individuals involved in the march on Pan Pacific Park on May 30, the act of maiming calls forth questions of state violence in a mediatized age, the ramifications of state violence despite their “less lethal” moniker, and the chilling effect police’s right to maim holds in terms of further ostracizing public dissent.

Furthermore, this study examined discourses that further legitimate police violence—from LAPD’s experience in Watts 1965, LA 1992, and Pan Pacific Park during the summer of 2020—leaving the reader to infer the counter-narratives that emerged as LAPD acted with greater violence on May 30, 2020, than in over a decade since the May Day melee of 2007 in MacArthur Park. What might these marginalized voices and underrepresented discourses that speak with an understanding of abolition, police racism, and systemic violence inform us in terms of policing’s ability to shape the script and map the discourses that inform the policies that determine our collective future? Given that police violence of May 30 was not confined to this geographically and temporally discrete example but was widespread with over 115 individuals being shot in the head over three months of mostly peaceful demonstrations, this disconnect between thousands of “peaceful protests” on the one hand and agencies like the LAPD responding by targeting activists and journalists with less lethal violence speaks to deeper issues, not of training but of police animus and revanchism in an era of heightened criticism and elevated consciousness.

However, the thread running throughout this study is the theory and practice of pacification and how it functions through the texts of news articles, commission reports, and

official statements to sanitize less lethal police violence from Watts 1965 to Pan Pacific Park 2020. Elucidated upon most effectively by Neocleous (2010), pacification is enveloped by liberal notions of “peace.” Neocleous argues that pacification holds exceptional promise “as a vehicle for theorizing police power and the ways in which such power is linked with state violence exercised against radical, democratic social action,” (Neocleous et al., 2013: 3) under which banner we must include the over 7,000 Black Lives Matter-led demonstrations during the summer of 2020. Neocleous argues that beneath the façade of peace, pacification is at work:

Far from ending war, the ‘civil peace’ is in fact its continuation: ‘If we look beneath peace, order, wealth, and authority... will we hear and discover a sort of primitive and permanent war?’ It is not so much ‘politics’ that is the continuation of war by other means, then, but ‘peace’. That is, liberal peace, alterations in which are merely episodes, factions and displacements in war. We therefore ‘have to interpret the war that is going on beneath peace’, because ‘peace itself is a coded war’. Coded, we might say, as pacification (14).

Pacification refers then to the state of war that undergirds liberal order. Though it is rarely recognized as such, through the police power, pacification fabricates social order through eradicating all threats of disorder: in short, the riffraff of society. As Correia and Wall (2018) remind us, a certain subjectivity is required for us to comport ourselves appropriately with the police officer, for:

The goal of pacification projects is to produce obedient, docile, and servile subjects. This last one—servility—is important for the way it implies a humiliation at the heart of cop–community relations. Police don’t expect obedience; they impose it ... To think of police as agents of pacification is to find in all of these police activities a logic of domination and forced obedience. (71).

This passage gets at the ideological as well as more physically coercive means through which police achieve obedience and, through it, order. It is fitting then to study the discourses that constitute this pacification within the context of riots and public dissent as well as how they achieve the ideological goals of the police power in reifying violence. Among the latter’s aims, public dissent is expected to be “obedient, docile, and servile.” Subsequently, by comporting

ourselves as malleable to the police's every whim, we too, as "peaceful demonstrators" signal our humiliating relationship to the police. This is important for it sheds new light on how "peaceful protest" functions as a euphemism for co-opted protest: a form of dissent that nonetheless polices its own while comporting itself to police standards. However, this constitutes a goal that can never be attained, which is the point.

While we offer "Hands up! Don't Shoot!" during moments of crisis, the police shoot anyways, because our very refusal to submit registers us as disobedient and at dis-ease with the existing peace. But we are told, LAPD agents responded with restraint and the injured should be thankful they were only foam projectiles. Policing amidst public dissent is thus akin to protection racket: we are expected to support the police but, should that loyalty falter, we are reduced to little more than the "hoodlums," the "riffraff," the "disrupters" and outside agitators and subject to their same violence. Subsequently, by highlighting the animus through which the police view public dissent and the discourses through which they legitimize their violence against this threat, regardless of how far outside policy it may be deemed later, less lethal violence reveals the monster at the heart of the cop. As Neocleous argues, "Security and protection are two of the most fundamental mechanisms that underpin the police power. But in security there is always insecurity and in protection there is always fear." This power, Neocleous argues, brings forth the monster in the police as policing circulates around containing and controlling the perpetual fears that undergird bourgeois order. In practice, this unstable dynamic equates to the police power overflowing the policies ostensibly meant to contain its discretionary violence: stated differently, LAPD MFF officers shooting journalists and demonstrators with less lethal projectiles at close range.

As a means toward security and protection, less lethal as a concept in service to the police power cannot contain this monster that devours all through neither policies nor education nor training. And though less lethal tries to obscure this increasingly violent order through the most benign, sanitized terms and unimaginative discourses conceivable, we must reject the perpetual churn of police reform and the legitimization of the police power into ever more facets of our lives. Contra reform and within our struggles against the LAPD and myriad other agencies, we must continue to situate the racialized police violence of the past within the context of the racialized police violence of the present. To do so will require looking beneath the headlines, beneath the riot commission reports, beneath the official claims of “outside agitators,” beneath the cop-speak.



## References

- Associated Press. (1965, August 25). Brown Tells Panel to Find Out Causes. *The Lincoln Star*, pp. 9–9.
- Associated Press. (1970, August 30). East L.A. Area Sealed Off; 53 Injured; 57 Jailed. *Independent Press-Telegram*, pp. A1–A4.
- Australian Associated Press. (1965, August 16). Troops, police put down Negro 'revolt'. *The Age*, pp. 1–4. <https://www.newspapers.com/image/122126841/>.
- Brown, K. (2021, February 1). *Latasha Harlins' name sparked an L.A. movement. 30 years later, her first memorial is up*. Los Angeles Times. <https://www.latimes.com/california/story/2021-02-01/latasha-harlins-memorial-south-central-30-years-later>
- Buchanan, L., Bui, Q., & Patel, J. K. (2020, July 3). *Black Lives Matter may be the largest movement in U.S. history*. The New York Times. <https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html>
- Chicano Moratorium Committee. (1971, January 31). *Marcha por la justicia/ March for Justice*. Calisphere. <https://calisphere.org/item/ee1acaf9b82e4a6ec24d53c21cf807e5/>
- Correia, D. and Wall, T. (2018). *Police: A field guide*. Verso.
- Cummings, R. (1970, October 1). Deputy who fired tear gas shell testifies. *El Sereno Star*, pp. 1, 7.

- Davis, M. (1992, June 1). *In L.A., Burning All Illusions*. The Nation. <http://www.thenation.com>
- Davison, N. (2009). *"Non-lethal" Weapons*. Palgrave Macmillan.
- Dawsey, D. (1990, August 19). *To CHP officer who sparked riots, it was just another arrest*. Los Angeles Times. from <https://www.latimes.com/archives/la-xpm-1990-08-19-me-2790-story.html>
- Feldman, P. (1992, May 24). *Faces of death: 10 men slain by officers in riots: Victims: All were shot by police and troops who said they were under attack. some dispute official accounts*. Los Angeles Times. <https://www.latimes.com/archives/la-xpm-1992-05-24-mn-378-story.html>
- Felker-Kantor, M. (2020). *Policing Los Angeles: Race, resistance, and the rise of the LAPD*. University of North Carolina Press.
- Fleeman, M. (1991, March 29). *King beating focuses attention on Police Taser, Nightstick*. AP NEWS. <https://apnews.com/article/b0c4c38f03f76a4f0c65c218998612d4>
- Folkenflik, D. (2022, March 31). *From Kid Gloves to Rubber Bullets: How the LAPD's ties to news media unraveled*. NPR. <https://www.npr.org/2022/03/31/1089643078/lapd-media-echo-park-history>
- Franklin, J. (1980, March 17). Research shows how drug-user becomes superhuman. *The Evening Sun*, pp. 1–1.

- Freed, D. (1991, June 30). *Passenger with King on night of beating is killed in car crash*. Los Angeles Times. <https://www.latimes.com/archives/la-xpm-1991-06-30-me-2497-story.html>
- Gooding-Williams, R., Oliver, M. L., Johnson, J. H., & Farrell, W. C. (1993). Anatomy of a Rebellion: A Political-Economic Analysis. In *Reading Rodney King* (pp. 117–141). essay, Routledge.
- Gooding-Williams, R. (1993). In *Reading Rodney King: Reading urban uprising* (pp. 142–154). essay, Routledge.
- Griffith, D. (2011, March 4). *Tasers can prevent another Rodney King Incident*. POLICE Magazine. <https://www.policemag.com/373756/tasers-can-prevent-another-rodney-king-incident>
- Haar, R. J., & Iacopino, V. (2016, March 1). *Lethal in disguise*. Physicians for Human Rights. <https://phr.org/our-work/resources/lethal-in-disguise/>
- Hinton, E. (2020). *America on Fire: The Untold History of Police Violence and Black Rebellion Since the 1960s*. Liverlight Publishing Corp.
- Hirschfield, P. J., & Simon, D. (2010). Legitimizing police violence. *Theoretical Criminology*, 14(2), 155–182. <https://doi.org/10.1177/1362480609351545>
- Jackson, W. (2013). Securitisation as depoliticisation: Depoliticisation as pacification. *Socialist Studies/Études Socialistes*, 9(2), 146–166. <https://doi.org/10.18740/s4np45>

Jenkins, M. (2020, August 3). *Watts Riots Show Black History is Full of Heavy Memories*. Time. <https://time.com/5873228/watts-riots-memory/>

Lawrence, R. G. (2000). *The Politics of Force: Media and the construction of police brutality*. University of California Press.

Lopez, R. J. (1995, August 26). *Column one: Journalist's death still clouded by questions: Friends say Ruben Salazar, whose stories often criticized police treatment of Mexican Americans, believed he was in danger. His 1970 slaying left a lasting wound*. Los Angeles Times. <https://www.latimes.com/archives/la-xpm-1995-08-26-mn-39122-story.html>

Lopez, R. J. (2010, August 29). *Ruben Salazar had clashed repeatedly with LAPD in months before slaying*. Los Angeles Times. <https://www.latimes.com/archives/la-xpm-2010-aug-29-la-me-salazar-20100829-story.html>

Lopez, R. J. (2020, August 23). *Why did Ruben Salazar Die? A reporter's years-long quest*. Los Angeles Times. <https://www.latimes.com/projects/chicano-moratorium/reporter-quest-answers-ruben-salazar-death/>

Lopez, S. (2020, May 31). L.A. saw all this before, and then nothing changed. *Los Angeles Times*, pp. B1–B4.

Los Angeles Times. (2010, August 13). *Questions cloud Ruben Salazar's slaying*. YouTube. <https://www.youtube.com/watch?v=CK6AByHBTHA>

Mansoor, S. (2020, September 5). *93% of Black Lives Matter protests have been peaceful: Report*. Time. <https://time.com/5886348/report-peaceful-protests/>

Mayor of LA. (2020). *Mayor Garcetti delivers public safety update, May 31*.

<https://twitter.com/i/broadcasts/1LyGBNWLQZLGN>.

McCone, J. A. (1965). (rep.). *Violence in the City - An End or a Beginning?* (pp. 1–101). Los Angeles, CA: State of California.

Mendelson, A. (2020, December 9). *An LAist reporter was hit by a police projectile. LBPB says the incident was within police policy*. LAist. <https://laist.com/news/long-beach-police-adolfo-guzman-lopez-protest-shooting>

Mohammed, I. (2022, April 28). *What were the L.A. riots?* The New York Times.

<https://www.nytimes.com/interactive/2022/04/28/magazine/la-riot-timeline-photos.html>

Mozingo, J., & Jennings, A. (2015, August 13). *50 years after Watts: 'there is still a crisis in the black community'*. Los Angeles Times. <https://www.latimes.com/local/wattsriots/la-me-watts-african-americans-20150813-story.html>

Murch, D. (2012). The many meanings of watts: Black Power, Wattstax, and the Carceral State. *OAH Magazine of History*, 26(1), 37–40. <https://doi.org/10.1093/oahmag/oar062>

Murphy, D. E. (1992, December 17). Rubber Bullets Pass LAPD Test. *Los Angeles Times*, pp. B1, B3.

Murphy, D. E. (1992, December 17). New Rubber Bullets Pass Test Under Fire. *Los Angeles Times*, pp. B7-B8

Murphy, D. E. (1992, December 20). Rubber Bullets Effective in Handling Tense Post-Riot Situations. *Los Angeles Times*, pp. BB10–BB10.

- Nagler, M. (2014, May 29). *Ruben Salazar and the filmmaker in the middle*. Truthout.  
<https://truthout.org/articles/ruben-salazar-and-the-filmmaker-in-the-middle/>
- Neocleous, M. (2010, January 1). *War as peace, peace as pacification*. Radical Philosophy.  
<https://www.radicalphilosophy.com/article/war-as-peace-peace-as-pacification>
- Neocleous, M. (2014, February 1). *The monster and the police: Dexter to Hobbes*. Radical Philosophy. <https://www.radicalphilosophy.com/article/the-monster-and-the-police>
- No author. (1965, August 18). "Los Angeles Anarchy." *The Bedford Daily Times-Mail*.  
<https://www.newspapers.com/image/547279959/?terms=agitators+watts&match=1>
- Physicians for Human Rights. (2020, September 14). *Shot in the head*. ArcGIS StoryMaps.  
<https://storymaps.arcgis.com/stories/29cbf2e87b914dbaabdec2f3d350839e>
- Platt, A. M., & Fogelson, R. M. (1971). White on Black: A Critique of the McCone Commission Report. In *The Politics of Riot Commissions, 1917-1970* (pp. 307–334). essay, Collier Books.
- Platt, A. M., & Jacobs, P. (1971). The McCone Commission. In *The Politics of Riot Commissions, 1917-1970*. (pp. 286–306). essay, Collier Books.
- Police Chief William Parker*. (1960). Lincoln Heights Bulletin-News (pp. 1–1). photograph, Los Angeles, CA.
- Queally, J. (2015, July 29). *Watts riots: Traffic stop was the spark that ignited days of destruction in L.A.* Los Angeles Times. <https://www.latimes.com/local/lanow/la-me-ln-watts-riots-explainer-20150715-htmlstory.html>

Queally, J. (2020, June 6). *Advocates sue LAPD over protest tactics, alleging disabled homeless man was shot in face with rubber bullets*. Los Angeles Times.

<https://www.latimes.com/california/story/2020-06-05/advocates-sue-lapd-over-protest-tactics-alleging-disabled-homeless-man-was-shot-in-face-with-rubber-bullets>

Rainey, J. (2020, June 12). 'Less lethal' weapon sparks outcry. *Los Angeles Times*, pp. A1–A8.

Rector, K. (2020, August 1). Video shows police force at protest. *Los Angeles Times*, pp. A1–A7.

Rector, K. (2021, April 21). LAPD bans some projectiles. *Los Angeles Times*, pp. B1–B2.

Rector, K., Karlamangla, S., & Winton, R. (2020, June 11). LAPD tactics against protests decried. *Los Angeles Times*, pp. A1–A8.

Reft, R. (2022, June 21). *A tale of two commissions: Watts, Rodney King and the politics of Policing*. KCET. <https://www.kcet.org/shows/lost-la/a-tale-of-two-commissions-watts-rodney-king-and-the-politics-of-policing>

Reyes, R. A. (2020, August 28). 'Ahead of his time': Latino journalist Ruben Salazar, killed 50 yrs ago, tackled racism, identity. NBCNews.com. <https://www.nbcnews.com/news/latino/prominent-latino-journalist-ruben-salazar-killed-50-years-ago-tackled-n1238011>

Ripston, R. (2000, August 16). Chicago's Lessons Remain Unlearned. *Los Angeles Times*, pp. B11–B11.

- Sahagun, L. (2020, August 23). *A day of rage and racist neglect*. Los Angeles Times.  
<https://www.latimes.com/projects/chicano-moratorium/east-la-protest-gave-voice-chicano-movement/>
- Schrader, S. (2019). *Badges without borders: How global counterinsurgency transformed American policing*. University of California Press.
- Seigel, M. (2018). *Violence work: State power and the limits of police*. Duke University Press.
- Shot in the head*. Physicians for Human Rights. (2020, September 14). <https://phr.org/our-work/resources/shot-in-the-head/>
- Shuit, D., & Scheibe, J. (1970, August 31). Rioting Spreads to Two Other Areas. *Los Angeles Times*, pp. A1, A3.
- Simon, R. (1992, June 19). Retirement Process Being Rushed, Gates Says. *Los Angeles Times*, pp. B1–B8.
- Smith, E. G. (1965, August 16). Top Cop in L.A. Shoots from the Lip. *Newsday*, pp. 62–62.
- Stark, Rodney. (1972). *Police Riots*. Wadsworth Publishing Company.
- Stop LAPD Spying. (2021, March 16). *Yet another police reform proposal designed to expand the LAPD's Stalker State*. Medium. <https://medium.com/groundgamela/lapd-report-proposes-expanding-police-surveillance-105b09b16c04>
- Thompson, H. S. (1971, April 29). Strange Rumbblings in Aztlan. *Rolling Stone*, (81), 217–262.
- Thompson, J. B. (1990). *Ideology and modern culture*. Polity Press.



UPI. (1965, August 16). Negro Attacks Spread to L.A. White Areas. *The Capital Journal*, pp. 1–1.

UPI. (1965, August 20). King and Yorty Feud Over Causes of Rioting in La. *Detroit Free Press*, pp. 5B–5B.

Vincent, R. (2020, June 4). Businesses try to limit the damage. *Los Angeles Times*, pp. A8–A8.

Wall, T., & Correia, D. (2020, June 12). *The definition of police reform*. Versobooks.com.  
<https://www.versobooks.com/blogs/4753-the-definition-of-police-reform>

Wick, J., Cosgrove, J., La Ganga, M. L., Kohli, S., & Castillo, A. (2020, June 2). 'Risking their lives to march'. *Los Angeles Times*, pp. A1–A7.

Winton, R. (2016, March 2). *How the Rodney King beating 'banished' the Baton from the LAPD*. Los Angeles Times. <https://www.latimes.com/local/california/la-me-rodney-king-baton-20160303-story.html>