

Posted 10/30/11

A DELICATE BALANCE

Can police best help a democracy flourish by intervening or by artfully holding back?

“People across America were disgusted by what they saw here. Millions have been inspired by you because, the next night, you didn’t go away. You have altered the national discussion.”

By Julius (Jay) Wachtel. Firebrand documentarian Michael Moore was referring to a series of incidents in Oakland that began with [the arrest of ninety-seven “Occupy” activists](#) who refused to leave an illegal encampment early last Tuesday. That evening a group of four-hundred demonstrators marched on the site intending to take it back. Thus far there had been no injuries of consequence, but as tempers flared what many feared would happen did. A few hotheads hurled paint and rocks at a skirmish line of officers who blocked the way. Police responded with batons and tear gas. [A canister struck an Iraqi vet in the head](#) and sent him to the hospital in critical condition.

City officials expressed remorse and visited with the injured man’s family the next day (he suffered a skull fracture but his condition has improved.) Once the plaza was cleaned protesters were allowed to return but cautioned not to camp overnight. They not only ignored the warning but kicked things up a notch, calling for a citywide general strike to take place Tuesday, November 1.

There is precedent. Sixty-five years ago the famous [Oakland labor strike of 1946](#) shut the city down for two days. Unlike what Occupy intends, the event began with a spontaneous walkout by retail workers. When city officials sent in police to protect strikebreakers and make sure that supplies got through organized labor called a general strike, and soon the streets of Oakland were flooded with tens of thousands of angry members of the working class.

A major strike carries risks to public safety and could further damage Oakland’s fragile economy. Even so, labor and community leaders have lent their qualified support. Union members seem particularly enthused. One who told reporters that the financial crisis badly hurt his family [put it quite plainly](#): “It looks like we’re on course to be the next 1946.”

Soon after the 1946 strike municipal elections transformed the composition of Oakland’s city council from labor-hostile to labor-friendly. But in recent decades the

POLICEISSUES.ORG

jobs that brought scores into the middle class have disappeared, reducing the influence of unions and possibly causing Oakland officials to think of Occupiers as extremists. Whether their tone-deafness will return once Michael Moore and his entourage have left is impossible to predict. In any event, the reoccupation seems temporarily secure. Mayor Jean Quan, who heartily endorsed the initial police response, seems thoroughly chastened. Acting police chief Howard Jordan confirmed that cops wouldn't be going back in; officer presence, he emphasized, would be "very, very minimal." Given what his depleted department may face if the strike actually takes place ([80 officers were laid off last year](#)) it could hardly be otherwise.

Oakland has become the poster child of what can happen when city leaders forget that in a democracy the elite must occasionally pay attention to the rabble. That's apparently a lesson that even hyper-liberal places such as San Francisco must periodically relearn. Just across the bay, its own entourage of Occupiers were happily encamped when [rumors spread of an impending raid](#). That night a gaggle of union bosses and politicians showed up and cops kept their distance. Volunteers clean the grounds, porta-potties are in place, and by all appearances the campers will be there for a good while longer.

Prompted perhaps by the Oakland debacle some "occupied" cities [have adopted a warily permissive approach](#). In Los Angeles, where the mayor seems most concerned that the month-long campout will ruin the expansive lawn that graces city hall, police insist there is no timetable. "We're still working as best we can and trying to be cooperative [with Occupy]," said a commander, who also mentioned that whatever happens the department will do its best to avoid using tear gas. Meanwhile in Occupy's birthplace, New York City, protesters [face a far more daunting challenge than the cops](#): the weather. Perhaps they can adopt the ways of their counterparts in other chilly climates. Occupy Boston has a greenhouse-like affair in the works, while Occupy Maine set up a heated outdoor room and has asked for permission to stack bales of hay as a windbreak.

In "[First, Do No Harm](#)" we displayed a photo of a transient snoozing in front of offices closed for a holiday. Readers were asked what a passing cop should do. After setting out a couple of real-life examples with very bad endings the answer seemed all but obvious: sometimes doing nothing is best.

If only all situations were as simple! Yet the principle of avoiding needless intrusion is the same. Other than in a few situations, such as domestic abuse, police have full discretion in deciding whether, when and how to act. Circumstances can easily make mechanistic responses impractical, unwise or unjust. In "[Who Deserves a Break?](#)" we examined the example of a student who is caught with a switchblade in his pockets. We

POLICEISSUES.ORG

argued that the implicit threat to public safety tilts the scales in favor of making an arrest, and that's so whether the youth attends a Christian college (as in the example) or not.

Here we see it differently. To be sure some anarchists and assorted ne'er do-wells have infiltrated the ranks of the protesters. Yet by all accounts most Occupiers seem sincere, peaceful and committed to reforming an economy that badly needs repair. Their choice to take the message to the streets follows in a tradition that Americans have held dear since the days of the original "Tea Party." By making reasonable accommodations – suspending no-camping rules, furnishing portable toilets, and so on – enlightened officials aren't threatening the Constitution: they're defending it. They're also defusing needless friction with a public that cops very much need on their side, in good times and bad.

Sometimes the best solutions come from afar. In London, which hosts its own Occupy-like movement, officials at St. Paul's Cathedral [are turning to the courts](#) to evict hundreds of activists camped outside. A proposal by the deputy mayor in charge of policing would use high-pressure sprinklers to shoo protesters away. But some citizens can't understand why all the fuss. A middle-aged Londoner who came to mass thought that the economy was a perfect cause for the Church. "I would like to see the tents and the church stay together. This is what the church should be preaching, anyway, and nobody is doing any harm here. I am happy to be able to see both things."

And to that all we can add is "Amen."