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Over-Militarization Reaches Our Streets

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The nation's cities and towns have been filled in the past month with protests against centuries of systemic racism and police brutality directed at Black, Latinx, and Indigenous peoples. The killings of George Floyd in Minneapolis and Breonna Taylor in Louisville are only some of the latest examples that have called the nation to confront its history of police violence against people of color. [Police have often confronted protests with equipment made for waging war, not protecting our communities.](#)

Towns along our nation's borders are increasingly patrolled by agencies that have police power without accountability. The ever-expanding budgets for the Department of Defense and the Department of Homeland Security also link to the militarization policing inside our borders. National Guard units have been summoned into our nation's cities to put down peaceful protests. Under the Defense Department's "Section 1033 Program," surplus military hardware is deployed even to small-town police departments.

U.S. defense policy often begins from the premise that the military needs continued funding increases, including weapons that will do nothing to protect Americans from pressing threats like COVID-19 and climate change. But there is a very real trickle-down effect of funding and policies that can cause domestic police departments to look and act like occupying armies in our cities and towns.

Section 1033 program: Military equipment to police

Under the National Defense Authorization Act's Section 1033 program, [surplus military equipment can be repurposed](#) by donation or sale to state, municipal, or tribal police forces. This policy, created initially in the post-Cold War 1990s, was once part of a peace dividend in a shrinking military. Instead, with the war on drugs and the rise of fear of global terror, it has been closely associated with domestic police agencies receiving surplus weaponry and hardware from the military, without the required training or oversight. The Department of Defense estimates the value of this military hardware at [more than \\$7.4 billion since 1997](#), ranging from office supplies and clothes to rifles, helicopters, rocket launchers, and armored personnel carriers designed to withstand mines and IEDs.

The winddown of U.S. military activities in Afghanistan and Iraq means there is a glut of surplus war matériel available for this program. President Obama [restricted the](#)

[scope of the Section 1033 program](#) via Executive Order, following widespread anger at the sight of military equipment rolling through the streets of Ferguson, Missouri, after the death of Michael Brown, an 18-year-old Black man, in police custody. But the [Trump Administration reinstated the program](#) in 2017.

That year, the [Government Accountability Office \(GAO\) determined that the program](#), administered by the Department of Defense's Law Enforcement Support Office, was vulnerable to fraud, misappropriation, and misuse of potentially lethal equipment. Under the name of a nonexistent agency, the GAO obtained 100 items including night-vision goggles, simulated rifles, and simulated pipe bombs. The Department of Defense acknowledged these failures and concurred with the [GAO's recommendations](#), including strengthening internal controls over the approval and transfer of DOD property to law enforcement agencies, and instituting comprehensive fraud prevention and mitigation measures.

Given the global uprising of concern over anti-Black racism and police brutality, there is great momentum to reverse the militarization of domestic policing and end the Section 1033 Program. Section 365 of the Democratic-led George Floyd Justice in Policing Act, passed in the House of Representatives on June 24, 2020, would limit the transfer of military-grade equipment to state and local law enforcement. By comparison, Senate Republicans' JUSTICE Act, which [Democrats have called "woefully inadequate,"](#) did not address Section 1033 at all. Additional differences in the legislation can be found in a recent [detailed comparison of the two bills](#) from the Progressive Caucus Action Fund.

Insurrection Act in domestic civilian protesting

President Trump threatened to invoke the Insurrection Act of 1807 at the height of the demonstrations in early June 2020 over police brutality and the killings of Black Americans. Under the Insurrection Act, the President can call on the military to quell unrest, typically on the invitation of a state governor. The Insurrection Act has been invoked only rarely since its creation, most recently in 1992 following protests and rioting in the wake of the acquittal of four Los Angeles police officers in the beating of Rodney King.

President Trump threatened to invoke the Insurrection Act in the face of the peaceful George Floyd protests. As Americans protested peacefully, the Department of Defense deployed National Guard troops in the streets of Washington, DC, against the wishes of the District's elected officials.

Legal analysts have identified a [number of ways in which the Insurrection Act could be amended](#) to better protect civil liberties and ensure that the force of the U.S. military is not directed at peaceful, First Amendment-protected political speech protest. Democrats in the [House](#) and [Senate](#) have introduced legislation that would require the President to consult with Congress before invoking the Insurrection Act,

limit how long troops can be deployed, and institute other protections. This could be included in the FY21 National Defense Authorization Act.

Overpolicing Along the U.S.-Mexico Border

The military and police presence in the U.S.-Mexico border region is one of the most visible representations of the bloated budgets for the Pentagon and the Department of Homeland Security. As of FY20, the U.S. Customs and Border Protection (CBP) budget of \$18.2 billion and the U.S. Immigration and Customs Enforcement (ICE) budget of \$8.8 billion were [19 percent higher than FY19 levels](#).

With more than 59,000 personnel, CBP is the largest law enforcement agency in the country, and more than [85 percent of the agency's Border Patrol agents are concentrated on the southern border](#). With a fleet of helicopters, jeeps, aircraft, drones, and other military-like hardware, CBP has broad powers of surveillance, interrogation, and enforcement. The Agency asserts this power to act without a warrant and interrogate anyone to ask for their papers in the U.S, search vehicles up to 100 miles from the border, or enter onto private property (but not a dwelling) up to 25 miles from the border.

The overwhelming bulk of that policing and military-like authority is directed at Latinx populations in the Southwest, but [ICE and CBP also conduct raids in trains and buses hundreds of miles from any border crossing](#). Under pressure in 2020, [Greyhound stopped allowing warrantless searches](#) of its buses, but other abuses are still widespread. For instance, in the June 2020 protests in Minneapolis, [CBP drones were flown overhead](#), sending video to law enforcement agencies, and such drones could be [repurposed to collect mobile phone data](#) to surveil peaceful protestors.

The bloated border security budget also includes the reallocation of billions of dollars in Pentagon spending on the border wall, as part of the broad anti-immigrant budget with funds in the NDAA, DHS budget, and other measures that have been used harshly against undocumented migrants, asylum seekers, and others, The [Defund Hate Coalition](#) calls on Congress to slash the massive FY21 budget proposal for the border wall, CBP, ICE, and the “remain in Mexico” policy of the Migrant Protections Protocol.

Conclusion

As Americans protest police brutality, we should not overlook the links between swollen military and defense budgets and the increasing militarization of our police forces. In addition to advocacy at the municipal and state levels, there is a role for efforts to change the National Defense Authorization Act and appropriations, as well as the policies of the Department of Defense and Department of Homeland Security, to help reform domestic policing.