NYPD Protest Policing:
An Analysis of Discourse, Dissent, and Redefinition

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Abstract

The focus of the project is to study the specific police knowledge that was discursively and socially constructed as true within the protest policing discourse of the New York Police Department (NYPD) prior to the 2004 Republican National Convention (RNC) political demonstrations. During these protests, the NYPD arrested a record number of political demonstrators; however, charges were dismissed against 90% of those arrested (Moynihan 2008). The excessive use of preemptive arrest and preventative detention that took place during the RNC 2004 convention similarly followed suit with the policing tactics employed by the NYPD during the 2003 anti-war protests in New York City (Dunn 2003). Although not often identified as such, these recent policing methods represent an intentional policy departure from the traditionally recognized approach to handling American political protests.

While various scholars have argued that there has been a recent radical transition in the ways that protest policing strategies have been conceptualized and utilized by U.S. police departments, no scholar to date has adequately analyzed how recent state discourses and truth regimes have influenced the ways in which this policing has been carried out in post-9/11 social space of New York City. The study also explores how the NYPD's new counter-terrorism discourse and social practices are now remapping the local social spaces of New York City as sites of danger. This is a process that now influences the Department's perceptions of and interactions with the public and political protesters alike. In this sense, the study argues that although the vast majority of the protesters who attended the 2004 Republican National Convention demonstrations were completely peaceful, the harsh tactical responses of the authorities were the result of the discourse of fear and terror that had been constructed and adopted prior to the political demonstrations, which necessarily depicted the future events as sites of local danger, disorder, and potential terror.

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Chapter 1: Introduction

1.1Policing Then and Now

The focus of the project is to study the specific police knowledge that was discursively and socially constructed as truth within the protest policing discourse of the New York Police Department (NYPD) prior to the 2004 Republican National Convention (RNC) political demonstrations. During these protests, the NYPD arrested a record number of political demonstrators; however, charges were dismissed against 90% of those arrested (Moynihan 2008). The excessive use of preemptive arrest and preventative detention that took place during the RNC 2004 convention similarly followed suit with the policing tactics employed by the NYPD during the 2003 anti-war protests in New York City (Dunn 2003). Although not often identified as such, these recent policing methods represent an intentional policy departure from the traditionally recognized approach to handling American political protests.

While various scholars have argued that there has been a recent radical transition in the ways that protest policing strategies have been conceptualized and utilized by U.S. police departments (Vitale 2005; Noakes 2006), no scholar to date has adequately analyzed how recent state discourses and truth regimes have influenced the ways in which this policing has been carried out within the post-9/11 social space of New York City. To address this gap in the literature, this project primarily utilizes a combination of contemporary critical social theories (used in political sociology) and constructivist political and social theories (commonly employed in modern political analysis) to uniquely illustrate the relationships that exist between discourse, power, and knowledge during the policing of political demonstrations.

Much of the social movement literature and scholarly work that examines social interactions between authorities and citizens concentrates on identifying the action frames and discourses of the claim-making protesters. However, instead, the present research focuses on how those in positions of power tended to perceive and characterize events of political protest

in the reconstituted social space of New York City, within the parameters of an established discursive field at a given moment in time. Additionally, the paper analyzes how the police's constructed perceptions may have influenced their given responses to the protesting citizens and the public.

By conducting a critical discourse analysis on texts taken from internal police documents from the NYPD, the study attempts to reconstruct the dominant discourse of police knowledge that underpinned and influenced the police tactics that were used during the RNC political demonstrations in 2004. As is the nature of any discourse analysis project, the socio-political analysis is derived from an "interpretive and explanatory" approach to the specified texts, which illustrates new and interesting insights about the dimensions of the particular social phenomenon identified and discussed (Titscher 2003, 146). While numerous authors are employed throughout the project to offer insights on specific social and political issues, our discourse research is guided by a systematic methodology of textual and discursive analysis, which is primarily developed from the work of social theorists Michel Foucault and Norman Fairclough. This framework will allow us to excavate the selected texts to discern what they may explain and imply about the wider social context and power relations at this time.

1.2 Objectives

Before beginning, it is useful to highlight what is within the scope of this project and also what falls outside of its parameters. This analysis does not seek to establish a generalizable way of understanding the broad spectrum of contemporary social interactions that occur between protesters and police in all liberal democracies or even across the United States in general. Nor does the study attempt to essentialize or sweepingly define what it means to be a modern protester or member of the police force in various social contexts. Instead, one of the central goals of this analysis is to provide at least a partial genealogical account of how certain discursive and material social processes helped constitute the

particular categories of the social subjects, social spaces, and underlying objects of knowledge that existed for the NYPD during the political demonstrations at the 2004 Republican National Convention (RNC).

The study also explores how the NYPD's new counter-terrorism discourse and social practices are now remapping the social space of New York City as local sites of danger, as a process that is impacting its perceptions of and interactions with political demonstrators. In the post-911 world, it is evermore important that officials can balance maintaining public order with respecting civil liberties, such as freedoms of speech and assembly, as well as the right to dissent. If the NYPD, as the largest single police department in the world, with nearly 40,000 officers,[1] is now moving toward a model of protest policing that requires ever-greater intelligence powers and relies on the production of a general climate of uncertainty, this shift may indicate an important self-reconceptualization of the role of contemporary police in modern democracies.

The present research is timely as it analyzes newly released internal documents from the NYPD in order to reconstruct the discourse of police knowledge that may have become part of the dominant truth regime during the RNC political demonstrations. If it were established in the future that this transition in the conceptualization of protest policing represented a more general shift, this project may also prove to have far-reaching constitutional, legal, and political ramifications throughout the United States, as well as other similar Western societies. In the following sections, we first introduce the concept of "police knowledge" from social movement theory, as one of the first major attempts at understanding how authorities may perceive political challengers during demonstrations. We then review the relevant protest policing literature and chart the development of these social control tactics in the United States. Next, we outline some other relevant concepts from social movement

[1] The NYPD is larger than the standing armies of eighty-four countries (CBS 2006).

literature that deal with how knowledge frames and meanings may be constructed within discursive frameworks to mobilize certain social groups.

1.3 Police Knowledge

In her work on contemporary protest policing in Italy entitled *Police Knowledge and Public Order: Some Reflections on the Italian Case*, sociologist and social movement scholar Donatella della Porta argues that "[p]olice reactions to demonstrations are linked to the knowledge police have about disturbances, as well as their role and the role that other actors play: notably political power and public opinion" (della Porta 1997, 19). According to della Porta, this police knowledge describes "the images held by the police about their role and the external challenges they are asked to face" (della Porta 1998, 229). Further, as cited by sociologists John Noakes and Patrick F. Gillham, della Porta argues that "police knowledge" refers to how "police 'construct external reality, collectively and individually'" (Noakes 2006, 99). Applying this theory of police knowledge to the context of the United States, Noakes and Gillham elaborate that the "[social] construction of reality by police shapes their role in the maintenance of social control" (Noakes 2006, 99).

Interestingly, the officially accepted knowledge may or may not be accurate. In fact, it often includes very subjective stereotypes about trouble makers, which construct specific profiles in the minds of authorities. For example, della Porta claims that at least in the context of present day Italy police usually believe lawbreakers to be *"young, 'outsiders'* (immigrants, ethnic minority members or 'agents provocateurs'), deviants and *disadvantaged socio-economic groups* (della Porta 1997, 19, italics in original). During political demonstrations, police stereotypes about protesters are normally "related to 'conspiracy' theories – such as the 'masked man,' the 'rotten apple,' or the communist agitator" (della Porta 1997, 19). In this way, the police knowledge of protesters perpetually reinforces and internally justifies the police's various actions toward them. The police's position of authority allows them to

continue to produce their version of official knowledge about those that oppose them.

Despite the inaccuracies that may exist in their assumptions, what police *believe* to be true has a real impact on how they handle protesters. In this sense, through her empirical research, della Porta finds that police often classify protesters as either good or bad, relative to how they perceive the nature of the challenging group's claim-making, social background, profiles, and motivations (della Porta 1997, 19-27). These police perceptions about protesters directly contribute to how they respond to them (della Porta 1998, 241). However, della Porta also emphasizes that "the strategic choice about protest policing is related not only to the image of demonstrators, but also to police self-understanding of their role" (della Porta 1998, 245).

In her essay "Protest, Protesters, and Protest Policing: Public Discourses in Italy and Germany from the 1960's to the 1980's," della Porta further examines how different forms of protest demonstrations are characterized and perceived by the public, the authorities, and the police. According to della Porta, "movements, parties, media, governments, and state apparatuses (including the police) engage in...'the struggle to have certain meanings and understandings gain ascendance over others, or at least move up some existing hierarchy of credibility" (della Porta 1999, 69). This describes the "*interactive* [framing] process" (della Porta 1999, 69, italics in original) that takes place whenever challengers and authorities publicly battle over the terms of the accepted social discourse and contest the official modes of knowledge production.

To some extent, della Porta's work inadvertently agrees with Foucault's social analysis, although the two also noticeably diverge in their own specific understandings of knowledge and power in other regards. The discourses of police knowledge in question are shaped by certain power structures, while they also simultaneously shape, reinforce, and reproduce the same power structures themselves. Knowledge is manufactured out of systems of power to

support its own systemic perpetuation. Likewise, the terms of discourse are bound by social structures, yet also create new forms of social reality. In fact, discourse itself becomes a form of pervasive social control, which is dominated by the official knowledge production of those in power (Foucault 1990; Foucault 1995, 77-78, 81-82, 135-169). This is what Foucault means when he explains that discourse is actually a form of deploying power.

While della Porta has conducted limited discourse analysis on the policing of protests in the European context, little such research has been carried out to examine American protest policing discourse or conceptions of contemporary police knowledge. Over the last several decades, shifts have clearly occurred in the ways in which police have enforced social control during political demonstrations. But, more work must be done to better understand these transitions and identify the paradigmatic shifts they may imply. Developing this research is the only way that one can gain a picture of what Allan Silver has called our contemporary "policed societies" (Silver 1967, 6) and what Foucault has labeled our modern "disciplinary societies" (Foucault 1995 170-228).

In both visions of the current state of affairs, social order and cohesion is maintained in the broad society through the internalization of specially produced knowledge that identifies, marks, and ostracizes the deviant criminal delinquent. Understanding how these lawbreakers are viewed and managed by those who enforce official knowledge discourses, provides a window into comprehending how the tools of the state, including the police, conceptualize their own power, legitimacy, and relationship to knowledge, as they deliberately act and react in certain ways during political demonstrations.

1.3 American Protest Policing Literature

To understand the NYPD's contemporary intelligence discourse dealing with political dissent, it is necessary to briefly examine how American protest policing has evolved over the last several decades. In this regard, this section reviews the relevant work of political

sociologists Clark McPhail, David Schweingruber, John McCarthy, Alex Vitale, John Noakes, and Patrick Gillham. These authors explain how observable paradigmatic shifts have occurred in the ways that authorities view and respond to political protest. They offer insights into the interactions that

In their essay "Policing Protest in the United States: 1960-1995," Clark McPhail, David Schweingruber, and John McCarthy examine the evolution of protest policing throughout the country and argue that during this period there was a general shift away from the "escalated force" approach to the "negotiated management" strategy of handling public protest (McPhail 1998, 49-51). Initially, the police would respond to any violation of the law with iron-fisted zero tolerance and use a high level of frontal assault force to combat demonstrators. However, eventually authorities learned that they could manage and manipulate protesters more effectively through developing a more flexible system of control. The key to this model was negotiated interaction, driven forward by the emergence of a new field of jurisprudence known as "protest law" or the "public forum doctrine," which allowed authorities and protesters to discuss the difference between legal and illegal forms of protest (McPhail 1998, 57).

Under this new legal framework, political demonstrations became more regulated and institutionalized by the authorities through the creation of a new protest permit system of management, which would "depend on protesters' prior notification of public officials of their intentions to demonstrate" (McPhail 1998, 59). For example, before a permit to protest would be issued, officials would require that potential protesters provide information about their expected activities, their goals, the expected size of the demonstration, and whether the applicants would "anticipate the possibility of counter-demonstrations and if so, the names of the organizations or individuals who might mount such opposition" (McPhail 1998, 59). However, as these new negotiated policies developed, the authors explain that the American

civil police forces also became more militarized, as they began being trained in the 1960's-1970's to use military tactics to counteract civil disturbances (McPhail 1998, 62-64).

The work of McPhail, Schweingruber, and McCarthy informs all contemporary research on protest policing in the United States. Although their own analysis stops with the mid-1990's, the sociological groundwork they provide up to this point is both clear and concise. Additionally, their research opens the door for further subsequent work to be done. As one of the first extensive studies of its kind, their work looks at the changing protest policing strategies of the American establishment instead of only concentrating on the oppositional actions of political protesters. By painting a detailed picture of the evolving police strategies, highlighting the new systems of control that emerged, and emphasizing the greater role that permits came to play in managing protests, McPhail, Schweingruber, and McCarthy successfully challenged the long-standing assumptions dominant at that time, which claimed that the level of violence at demonstrations depended on the violent actions of protesters alone. In this regard, their work is also influenced by della Porta's earlier research on protest policing, which popularized the idea of examining the dynamic relationship between police and protesters in the mid-1990's in the European context (McPhail 1998, 49).

However, it must be mentioned that della Porta was never actually alone in recognizing the changing interplay between the forces of order and protesters. For example, sociologist Doug McAdam also recognized the same phenomenon in his 1983 article entitled "Tactical Innovation and the Pace of Insurgency," which uses the American civil rights movement as his sociological case study. By concentrating on specific police reactions to various types of civil rights demonstrations between 1955 and 1970, McAdam demonstrates how the "tactical adaptation" on the part of the authorities eventually led to more efficient policing and more effective social control, as they adapted their own responses over time to the various changing methods of protesters (McAdam 1983, 735-736, 741-752).

In this way, McAdam illustrates that although the civil rights movement was initially able to develop new claim-making tactics to confront authorities, "[f]or each new innovation...movement opponents were eventually able to devise the effective tactical counters that temporarily slowed the momentum generated by the introduction of the new technique" (McAdam 1983, 752). Thus, in the end, their ability to evolve their own policing tactics and public policies often had the powerful effect of defusing the urgency and shock value of the protesters' contentious performances. This allowed for the prevention of what otherwise would have been even more dramatic and violent head-on confrontations between the protesters and police (McAdam 1983, 750).

While McAdam's account of events during this period is more chaotic and violent than the seemingly peaceful transition of tactics presented by McPhail, Schweingruber, and McCarthy, it nonetheless still emphasizes that protest policing has always been a dynamic, rather than a static, form of social control. Though McAdam offers no specific overall theory for the evolution of policing tactics, he still implicitly recognizes that eventually there was a shift toward combating civil rights activists through accommodating them instead of violently opposing them. Citing Von Eschen, McAdam explains that "authorities learned that such [violent] responses were counter-productive," and thus they incorporated new "responses sufficiently appropriate to deny the movement its instruments of disorder and to totally disorganize its leadership" (McAdam 1983, 750). These new softer strategies of social control opened the door to limited accommodation and negotiation, which intentionally caught protesters off guard (McAdam 1983, 750).

While the conceptual move from escalated force to negotiated management is accepted by most protest policing scholars as an accurate description of the transition that occurred in policing tactics from the 1960's to the 1990's, since the late 1990's new theories have emerged to explain the current U.S. strategies of policing political demonstrations. Following the

tradition of the previous research, now several new theoretical proposals have been offered by Alex Vitale and also Johan Noakes and Patrick F. Gillham. These attempt to draw on previous observations and expand on existing theories in order to better understand how the phenomenon may be changing today.

In his article “From Negotiated Management to Command and Control: How the New York Police Department Polices Protests,” Vitale presents his “command and control” model of protest policing as an alternative to the traditional negotiated management framework (Vitale 2005, 283). He argues that this new form of policing, observed in the recent tactics of the New York Police Department (NYPD), represents a strategic shift in the police's philosophical approach to political demonstrations. Unlike the previous policing paradigm, this emerging variety is made up of a “consistent set of practice in use based on a philosophy of micro-managing demonstrations” (Vitale 2005, 285). He explains that this theory is largely underpinned by the notion of “aversion to disruption,” which directly follows the path of the NYPD's “'broken windows' policing philosophy” (Vitale 2005, 300). This prioritizes the “'quality of life' of average citizens” above other concerns and attempts to strictly regulate even minor offenses (Vitale 2005, 300).

However, Vitale's overall policing approach includes a total of five central components: “*aversion to disruption*, *controlled access*, *divide and conquer*, *shock and awe*, and *zero tolerance*” (Vitale 2005, 192). Accordingly, to illustrate these new policing tactics, he examines and discusses the police responses to the Million Youth March (1998), the Matthew Shepard Emergency Demonstration (1998), the World Economic Forum Protest (2002), and the widespread New York City anti-war demonstrations (2003) (Vitale 2005, 295-299). In each case, Vitale argues that the features discussed were present. But, he further claims that this model is most effective only under certain conditions. For example, he asserts that the “'command and control' style of policing had, until 2003, been effective in containing and

reducing disorder at most political demonstrations" (Vitale 2005, 302).

Nevertheless, due to the magnitude of the 2003 anti-war protesters, this policing strategy eventually was shown to be lacking. Vitale explains that the main failure of this model is that it tends to be "vulnerable...when confronted by very large crowds or protesters who directly resist police management of demonstrations," as this does not easily allow authorities to micro-manage demonstrators (Vitale 2005, 302). However, in his more recent work, he now proposes another protest policing model that is being used by authorities to respond to these larger-sized, mass, political protests. This alternative approach will be discussed after reviewing the work of Noakes and Gillham, since it largely draws on their contributions.

In their essay "Aspects of the 'New Penology' in the Police Response to Major Political Protest in the United State, 1999-2000," Noakes' and Gillham argue contemporary American police forces now follow the protest policing paradigm of "strategic incapacitation" (Noakes 2006, 101, 108-111). This consists of four main components, which include "restricting the access" of demonstrators to central protest areas, "aggressively enforcing laws and regulations," using police force, such as arrests and less-lethal weapons to "[strategically] rearrange or incapacitate transgressive demonstrators," and employing intensive surveillance, "in an effort to neutralize the uncertainty generated by transgressive protesters" (Noakes 2006, 108). According to these authors, this new model emerged as the nationwide reaction of the American police after watching the massive and destructive WTO protests in Seattle in 1999.

Noakes and Gillham, like Vitale, also identify Seattle as the contemporary turning point in American political protest. They assert that it represented the emergence of new forms of mass demonstrations in the United States, which now require new policing techniques and strategies. They discuss the details of the WTO demonstrations in Seattle

(1999), the widespread protests against the IMF and World Bank in Washington DC (2000), and the political demonstrations at the Republican National Convention (RNC) in Philadelphia in (2000) (Noakes 2006, 105-107). In each case, they argue that the police's responses have deviated from the previous negotiated management model and that communication with demonstrators has been largely ignored.

Police have begun to increasingly use large “no-protest zones” to divide up and isolate protesters, so that groups remain either neutralized from a distance or completely fragmented (Noakes 2006, 108-109). Additionally, police now often initiate raids of protesters' preparation facilities and conduct mass arrests to disrupt protest activities, even when convictions are nearly impossible or unlikely (Noakes 2006, 109). Similarly, various less-lethal weapons, such as “pepper spray, rubber bullets, tear gas and concussion grenades,” are now being used more often to subdue political protesters (Noakes 2006, 110). Further, the state's new pervasive surveillance of activists is another obvious break with the former negotiated management style of policing.

In this regard, Noakes and Gillham explain that intelligence is now being more widely used to incapacitate key protesters. In one case, they reveal that “police [even] targeted three alleged 'ringleaders' for pre-emptive arrest” using intelligence gathered on activists (Noakes 2006, 110). In another example, a police raid was facilitated by “undercover state troopers, who had infiltrated the [protesters'] site by masquerading as union carpenters opposed to globalization” (Noakes 2006, 109). These features are all part of what Noakes and Gillham call the “new penology” that has come to dominate American protest policing (Noakes 2006, 115). The strategies employed do not represent traditional escalated force, nor negotiated management. They belong to their own new category. This is clearly and thoroughly established in their work.

Noakes, Gillham, and Vitale present convincing arguments that there has been another

modern transition in protest policing tactics, however, none of these authors adequately discuss how this relates to changes in the contemporary protest policing discourse. While Noakes and Vitale briefly introduce the notion of police knowledge in their essay, they never fully elaborate on it in their actual argument. Similarly, though Vitale briefly mentions the concept in his article, he also neglects to address the role of police knowledge during the protests he discusses.

1.4 Social Movement Frames and Discourse

In the context of the United States, over the years, scholars have developed an extensive body of research that examines social movements' specific messages, actions, and patterns of behavior (McCarthy 1977; Tilly 1978; Tarrow 1998; McAdam 2001); nevertheless, only recently have they begun to examine the internal justifications and tactics that the forces of order employ to restrain political protests (McPhail 1998, 49). Thus, much of the existing literature studying the interactions between political demonstrators and police concentrates on trying to understand how events are perceived through the eyes of protesters and claim-making social groups. In this regard, many scholars have focused on the ways in which shared understandings are constructed through the use of strategic "collective action frames," which may mobilize social movement formation or galvanize support for other collective action and protest activities. In this sense, these frames act as conceptual lenses that help simplify the complexities of social struggles, clearly define enemies and friends, and motivate protesters to act together in certain ways in favor of a cause.

In the social movement literature, frames represent "action oriented sets of beliefs and meanings that inspire and legitimate social movement activities and campaigns" (Gamson 1992, 7). Put slightly differently, Bendford and Snow describe frames as the underlying "'schemata of interpretation' that enable[s] individuals 'to locate, perceive, identify, and label' occurrences within their life space and the world at large" (Snow 1986, 464). By studying

these social movement frames, much has been learned about the motivations, justifications, perceptions, and behaviors of political protesters. To this end, political scientists, sociologists, and social psychologists, such as David Snow, Robert Bendford, David Meyer, Hank Johnson, Bert Klandermans and William Gamson, have made significant contributions to the advancement of "frame theory" and "frame analysis" within the social movement literature. Further, by highlighting the influence that belief systems, perceptions of situations, and world-views have on social groups' actions, these authors have paved the way for traditional notions of political opportunity structures to be re-conceptualized and expanded to now also include a new "cultural dimension" of analysis (Olesen 2005, 35).

In this vein, sociologist Marc Steinberg argues that certain "repertoires of discourse" function like discursive political opportunity structures for social movements to set the boundaries for acceptable speech and action during political demonstrations, establishing a hierarchy of what is allowable within the given parameters (Steinberg 1995; 1999). Likewise, political sociologists Ruud Koopmans and Paul Statham also agree that the "*discursive opportunity structure*" of a given situation influences the social outcomes that result (Koopmans 1999, 227-229, italics in original). Similarly, sociologist David Snow now maintains that protest speech and action usually occur within specific "discursive fields" and "discursive opportunity structures" (Snow 2007, 401-403). However, this line of research is rather new and still developing within the social movement literature.

1.5 Conclusion

After reviewing the protest policing literature and relevant concepts from the social movement literature, it becomes clear that discursive social movement research has advanced in recent years. However, the study of authorities' discourses during political protests still has remained largely under developed. Thus far, few scholars have attempted to systematically understand the logic that underpins the police's diverse responses to various forms of protest

and types of protesters. While some sociologists, such as John Noakes and Patrick Gillham (2006) and Alex Vitale (2005, 2007), have recently begun to explore the nature of contemporary shifts in protest policing tactics and have even given cursory mentions to the notion of police knowledge in their analysis, these authors still fail to sufficiently examine the exact nature and discursive social construction of the forms of knowledge that are enacted.

Della Porta's concentration on the rhetoric of the authorities remains the exception and not the rule in the social movement and police protesting literature. Her *Police Knowledge and Public Order* still stands rather solitary as one of the only major works to consider the social construction of police knowledge during contemporary political demonstrations, specifically examining the internal perceptions of the forces of order. However, della Porta's work opens the door for more research to be done in this field and provides the point of entry for this paper. While she alludes that the creation of "police knowledge" is connected to the dominant discourse that the authorities may hold and enact at a given time, she does not adequately explore how exactly this discourse arises. Nor does she employ any of the theoretical approaches from contemporary critical social theory to help her explain how this knowledge may be socially constructed. Thus, this is one of the aims of this project; to reconceptualize certain topics from social movement theory, such as the notion of "police knowledge" and "discursive opportunity structures," through the lens of critical social theory and other constructivist political theories in order to further shed light on strategies of protest policing and the contentious social interactions that result during political demonstrations.

Chapter 2: Theories of Discourse & Methodological Considerations

2.1 Introduction

Although this study is conducted against the backdrop of existing protest policing literature and social movement literature, the present project is chiefly built on a theoretical framework developed from social theorist Michel Foucault's critical academic work dealing with discourse, knowledge, truth, and power. Foucault's theoretical principles provide particularly appropriate scaffolding for our discourse analysis and social research, since it is recognized that his writings have greatly impacted the emergence and development of contemporary police studies, as well as innovative projects exploring modes of social control and power (Tomlins 2006, 254). Utilizing his genealogical approach to understanding social phenomenon, this study seeks to explore the discursive and social processes through which particular knowledges, truths, and social subjects were constituted for the NYPD during the political protests at the 2004 Republican National Convention (RNC). In this sense, the project attempts to not only make a contribution to the protest policing literature, but also seeks to add new insights to the field of the sociology of knowledge.

This paper's design and goals are consistent with the interdisciplinary focus of critical discourse analysis as described by Norman Fairclough, which draws on theories of discourse relevant to numerous scholarly fields including political science, sociology, linguistics, and social psychology (Fairclough 1992, 226). Thus, while the project primarily draws on notions from Foucault and Fairclough to help illuminate the answers to its research questions, it also borrows relevant elements from social movement theory. Specifically, della Porta's notion of "police knowledge" developed in the context of the contemporary Italian case offers useful insights. Her work highlights how police in Western liberal democracies often hold certain "perceptions" and "images" that they consider to be true regarding "their role and the external

challenges which they are asked to face" during demonstrations (della Porta 1995, 2). This knowledge is bound up with specific language and discursive devices, which elevate certain types of legitimate political protest, while demonizing others (della Porta 1997; 1999). In her study, as in Foucault's work on other institutions, certain discourses establish hierarchies of knowledge that influence how social actors – the police in this case – perceive their surroundings and react within their given social conditions.

The paper also draws on the work of sociologist Pierre Bourdieu, whose research may be used to help unpack and expand upon the study of discourse through his notions of symbolic power, social space, and the field. In this sense, we will later explore how the post-9/11 political discourse has affected the American and New York City security fields, using political scientist Didier Bigo's work on the emergence of security fields in the U.S. and Europe as our point of reference. In this discussion, we will understand Bourdieu's concept of the "field" or "field of power" to constitute a particular coherently structured system of social positions and power relations. Within these fields, certain sets of social practices and orientations are enacted. Accordingly, these fields are organized in such ways that they produce particular perceptions and images about social reality.

Bourdieu confirms della Porta's and Foucault's observations about the ordering of discourse and recognizes the differentializing effects of knowledge construction, as he explains that "[t]hose who have the monopoly on discourse about the social world think differently when they are thinking about themselves and about others...they are readily spiritualist as regards to themselves, materialist towards others, liberals for themselves and dirigiste for others" (Bourdieu 1992, 80). These sociological observations suggest that certain power relations influence the types of knowledges and truths that are produced through particular discourses.

Christopher Tomlins has also made similar observations, asserting that "the 'science' of

the new police science promises a systematic order of knowledge" (Tomlins 2006, 253). In this way, della Porta's sociological discussion of "police knowledge" may relate to this police science in the sense that it seeks to establish a hierarchy of acceptable knowledge. Tomlins similarly parallels this "new police science" to what Bourdieu calls the "'field'...as an area of 'structured, socially patterned activity or 'practice' centered on 'a body of internal protocols and assumptions, characteristic behaviors and self-sustaining values' that produce and reproduce both the concept and its effectivity" (Tomlins 2006 253).

Foucault explains that this power-knowledge interplay directly relates to the specific truth regime that exists within a given social context. In this vein, he elaborates that "each society has its regime of truth, its 'general politics' of truth: that is, the types of discourse which it accepts and makes function as true; the mechanisms and instances which enable one to distinguish true and false statements" (Foucault 1980). In this way, it becomes clear that both Bourdieu and Foucault agree that "power relations have to do with discourse," which is a central theme throughout much of their work, and this fundamental principle also underpins the practice of discourse analysis itself (Titscher 2003, 146).

Accordingly, this thesis project will attempt to identify, examine, and reconstruct the discourse that established the police knowledge, which the NYPD accepted as true and reacted against during the 2004 RNC political demonstrations. This will shed light on the power relations that were conveyed through and also constituted by the dominant protest policing discourse that existed at the time. This also satisfies Titscher's explanation that "[d]iscourse analysis means, therefore, the analysis of relationships between concrete language use and the wider social and cultural structures" (Titscher 2003, 149). In our study, we also examine how police science is now becoming integrated into the science of security and intelligence in the specific contemporary context of New York City through the empirical analysis of the NYPD's discourse and the reconstruction of its police knowledge.

To this end, Foucault's genealogical approach will guide our analysis of the relationships between the NYPD's particular discourse of truth and the processes that constituted the concrete social subjects, as well as objects of knowledge, that existed across the social terrain of the 2004 Republic National Convention. This framework accepts that the particular politics of power that exist within a given social context produces its own politics of truth, as power is enacted upon social space through networks, chains, and processes (Foucault 1990; Foucault 2003). Accordingly, the social production of certain knowledges and truths is interrelated to the constitution, enactment, and transformation of particular relations of power. On the one hand, although patterns of power construct and reinforce the selective knowledges that support their own existence and perpetuation, at the same time "power and knowledge directly imply one another" (Foucault 1995, 27). In this regard, as Foucault elaborates, "there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations" (Foucault 1995, 27).

At every moment, existing discourses elevate some forms of knowledge to appear dominant within society, while others are relegated to the status of being disqualified and are subjugated (Foucault 2004, 7-9, 24-25). These hierarchies of knowledge are directed by the society's power dynamics and social processes, and have the effects of truth when enacted. Yet, they also impact the on-going constitution of social power relations. This is what Foucault means when he explains that "truth isn't outside power, or lacking in power... [t]ruth is a thing of this world: it is produced only by virtue of multiple forms of constraint. And it induces regular effects of power" (Foucault 1980, 131). In this way, power is not only repressive, as traditionally thought, but is also productive and creative in how it constitutes and continuously reshapes social reality by constructing and ordering particular knowledges and subjects within discourses of truth (Foucault 1980, 119; Foucault 1990, 97; Foucault

1995, 27; Foucault 2003, 24-25). Likewise, as power is exercised at various sites it continually constitutes these dynamic subjects, which are neither static nor absolute (Barret 1991, 146).

This reveals that power and discourse are inextricably interrelated (Foucault 1990, 97-98; Titscher 2003, 146). Power relations produce certain discourses, yet discourses also set the limits and boundaries for the functioning of power, defining what is allowable and accepted as true within the given social conditions (Foucault 1990, 97-98; Foucault 1980, 131; Foucault 2003, 24-25). In this way, discourse is always "infused with power/knowledge," yet at the same time also contributes to "producing power/knowledge networks" (Carabine 2001, 268). In the Foucauldian framework, discursive formations are never the neutral expression or translation of preexisting objective social realities.

Discourses reproduce and transform certain power effects through the establishment of their own "field of regularity for various positions of subjectivity" (Foucault 1972, 55). Taken together, the given positions of subjectivity that are elevated and enacted within dominant power networks bear the function of truth across particular social spaces. Critical discourse analysis does not attempt to establish one version of events as better or worse than others. Rather, it analyzes how specific discourses and social processes reflect and construct power relations among and within social groups, constituting patterns of particular subjectivities. Thus, this project endeavors to examine and better understand how the NYPD's protest policing discourse had the effects of truth, as it helped constitute the social reality of the police in New York City during the 2004 RNC political protests.

2.2 Methodology

The paper's theoretical framework is intertwined with its primary research methodology, which is critical discourse analysis. While there is no single appropriate way to conduct such an analysis, Fairclough is often credited with formalizing this form of analysis

into a recognized social science methodology. Yet, Foucault's theoretical work is also seen to be a “major influence” on Fairclough's contemporary version of critical discourse analysis (Titscher, 144). In *A Social Theory of Discourse*, Fairclough explains that “[d]iscourse is a practice not just of representing the world, but of signifying the world, constituting and constructing the world in meaning” (Fairclough 1992, 64).

In this regard, Fairclough argues that discourse has three constitutive effects that parallel the three main functions of language. This represents the “multifunctionality of language in texts” (Titscher 2003, 149). These effects directly and indirectly relate to the paper's theoretical framework, which is based on the dynamic and mutually constitutive relations between social subjects, power, knowledge, truth, and discourse. By identifying the specific multiple ways that language may function within texts and discourses, Fairclough operationalizes our theoretical assumptions that follow from Foucault's work that discourse constitutes and interacts with social reality (Titscher 2003, 149). This provides us with the foundation for a workable methodological research approach.

First, echoing Foucault, Fairclough elaborates that discourse helps constitute “what are variously referred to as 'social identities' and 'subject positions' for social 'subjects' and types of 'self'” (Fairclough 1992, 64). In our Foucauldian framework, this also corresponds to how certain categories of social subjects are constituted and transformed through discourse. Second, Fairclough explains that discourse has the effect of establishing particular social power relations (Fairclough 1992, 64). This relates to what we have discussed as the interactive and mutually constitutive relationship present between power and discourse. Lastly, Fairclough argues that discourse contributes to the construction of knowledges and beliefs (Fairclough 1992, 64). This is consistent with our groundwork as well. But, as Foucault has explained, it should be noted that these knowledges also have their own power and truth effects that impact the social world accordingly.

Citing Fairclough, sociologist Stefan Titscher further elaborates that critical discourse analysis is based on the notion that "'[l]anguage use is always simultaneously constitutitive of (i) social identities, (ii) social relations and (iii) systems of knowledge and beliefs'" (Titscher 2003, 149). In this sense, Titscher similarly claims that "[t]he ideational function of language constitutes systems of knowledge; the interpersonal function creates social subjects or identities or the relationships between them" (Titscher 2003, 149). Thus, both Fairclough and Foucault tackle similar questions about how particular knowledges, social subjects, and power relations may be constructed and emerge in a given society. Fairclough's contribution is to provide the tools for analysis of specific texts according to Foucauldian assumptions.

In an effort to further operationalize what Foucault identifies as the constitutive interplay between social subjects, knowledge, discourse, truth, and power, our discourse analysis will explore the three key dimensions that Fairclough argues exist for all texts. These crucial levels of analysis are *textual analysis*, *discursive practice*, and *social practice* (Fairclough 1992c, 71-73). On the "*textual level*," we may address how the elements of "content and form/texture" interact and mutually reinforce each other in the selected excerpts (Titscher 2003, 150, italics in original). Beyond merely examining the statements' chosen themes, we may also briefly consider how its other features, such as semantics, organization, sentence structure, selected vocabulary, grammar, and tone, work together to produce particular linguistic messages (Titscher 2003, 150). As a whole, we may also take note of the texts' overall cohesion, breadth, depth, style, and flow.

However, it is important to understand that texts never exist in a vacuum – they are always embedded in "discursive practice" – a term Fairclough uses slightly differently than Foucault. For Fairclough, the term describes extra-discursive aspects of the text's production, distribution, and consumption, for example publishing practices and the organization of the media (Fairclough 1992, 71-72). In our study, we expand this to include recent structural

changes, cultural shifts, and social reorganizations within the institution of the NYPD. In this way, a comprehensive exploration into and examination of discursive practice takes into account the social, political, economic, etc. processes and conditions that are involved with the generation of a given discourse (Fairclough 1992, 71). Likewise, the production and consumption of texts always relate to socio-cognitive processes of meaning production and interpretation within the particular social conditions (Fairclough 1992, 71-72).

In order to gain insights into the more interpretive socio-cultural and historical dimensions of texts, it is necessary to analyze how a text or discourse "absorbs and is built out of texts from the past" (Fairclough 1992, 102). This is expressed through a text's interdiscursivity and intertextuality (Fairclough 1992, 84-85; 101-104). In this sense, texts always draw from a mixture of previous narratives, messages, myths, symbols, and other metatexts, which all help frame and give meaning and resonance to the present. This relates to Foucault's concept of the "order of discourse," which refers to "the totality of discourse types and the relationships between them" within the parameters of a given social space (Titscher 2003, 149).

In *The Archaeology of Knowledge*, Foucault elaborates that the "enunciative function" of a statement must always be considered in light of all its conditions of emergence and all other domains that it draws from (Foucault 1972, 88-105). By considering these features, we may better make sense of the selected statements, texts, and discourses, since they are implicitly interrelated and reinforce each other, never existing on there own. For example, we will reconstruct the specific images of the protesters that were present in the protest policing discourse by considering how the NYPD's internal law enforcement institutional discourse may have interacted with the knowledge frames of the intelligence community into which the Department is being integrated, transforming existing categories of social subjects and constituent social realities.

Additionally, we will examine how the police's information-gathering mechanisms may help establish or detract from the credibility of the presented information, relative to the audience which consumes the discourse. However, besides examining the discursive frameworks of the relevant institutional and social contexts of our texts, we will also analyze key statements that were made by President George W. Bush, Mayor Michael Bloomberg, Police Commissioner Raymond Kelly, and Deputy Commissioner for Intelligence David Cohen prior to the RNC demonstrations, which may further help us determine the intertexual and interdiscursive elements within our textual samples.

The last level of our analysis will be that of "social practice," within which both the discursive practice and the text itself are situated. This relates to the power dynamics of discourse (Fairclough 1992, 91). It explores the social organization and power relationships that are both expressed through and reproduced by texts and discursive practice. Since discourse is fundamentally a social practice for Fairclough, an analysis of this dimension identifies the existing social relations, struggles, and identities within a given society or social context, which find their voice through the subtleties of a given discourse (Fariclough 1992, 86-95).

In this sense, according to Fairclough, whenever discourse reproduces patterns of domination it fulfills the function of ideology (Fairclough 1992, 91). Likewise, when a particular ideological discourse not only dominates but also successfully integrates and leads various spheres of a given society, it acts as hegemony (Fairclough 1992, 92). Yet, these hegemonic power relations that simultaneously constitute and are constituted by discourse are never absolute and are always evolving as sites of struggle (Fairclough 1992, 94). In Foucauldian terms, these ideological discourses may have the same effects as truth regimes enacted within specific social contexts. This is how we will approach the discourses that are dominant within certain fields during critical moments, such as societal political protests. By

observing the power struggles within our individual texts, as well as among texts and throughout the broader protest policing discourse, this exploration will help us reveal clues about how these power relations may relate to the truth regimes and patterns of power that were enacted in society through the NYPD protest policing practices used against the political demonstrators at the 2004 Republican National Convention.

Chapter 3: Discursive Practice & Socio-cultural Context of Production

3.1 Introduction

This chapter explores the social and historical processes and conditions within which our selected texts have been developed and are situated. Examining these factors is a necessary part of analyzing and understanding the intertextuality and interdiscursivity of our samples. As Fairclough explains, citing Julia Kristeva, incorporating these concepts helps us in identifying and locating "'the insertion of history (society) into a text and of this text into history'" (Fairclough 1992, 185). While our textual samples may have been physically produced by the NYPD during the time period of 2003-2004 in preparation for the 2004 Republican National Convention, they draw on, combine, and transform particular sets of perceptions and truths that have their own genealogies. These are based in the underlying narratives, discourses, and knowledges, as well as social, cultural, and political insights, which give the texts their life and meaning.

In the following sections, we explore some of the most significant cultural shifts and institutional restructurings that have occurred within NYPD within the last several decades. Better understanding these developments and their impacts allow us to historicize our discursive data and appreciate important cultural dimensions that may otherwise be overlooked. In this effort, we first discuss sociologist Allen Feldman's observations and elaborations on the relationality of perception and meaning, which have particular relevance for studying police institutions. We first trace the contemporary institutional and cultural evolution of the NYPD by reviewing its reorientation and recreation in the mid-1990's as a proactive police force focused on community policing. Second, we examine its recent re-framing and recreation as an international, counter-terrorist, intelligence-driven organization after September 11, 2001.

3.2 NYPD Culture of Perception

To understand the NYPD's contemporary actions and discourse, we must first examine the department's traditional cultural perceptions about its own role in society, its perceived opponents, and its interaction with other social groups. In this effort, we turn to Feldman's 1994 article entitled “On Cultural Anesthesia,” which introduces the notion that social reality is always interpreted through the institutional “culture of perception” within which social actors are situated (Feldman 1994, 406). Taking into account the events surrounding the police beating of Rodney King in Los Angeles, CA and the unfolding of the Persian Gulf War in the early 1990’s, as his two case studies, he develops the powerful argument that in all institutions the “mass production of facts, *and of facticity* itself, are based on techniques and disciplines that...materially mold a subject and culture of perception” (Feldman 1994, 406). Thus, an institution's practices, techniques, disciplines, and policies contribute to the material process through which a given culture develops.

The power dynamics that they establish and reproduce become internalized into the culture of perception, which thus discursively reinforces and justifies their material existence in a mutually reinforcing relationship. However, this process also creates a hierarchy of what is possible and allowable within a culture of perception. Feldman expands on this when he explains that “the construction of the modern political subject entailed the stratification and specialization of the senses, and the consequent repression of manifold perceptual dispositions” (Feldman 1994, 406). In this way, patterns of subjectivities are inscribed onto populations through institutions in ways that allow and elevate some forms of existence, while repressing others.

In its extreme form, Feldman describes that at times a “sanctioned enforcer” of the social order, such as the police, may even extract the “disciplinary subject” from a position perceived to be outside of the dominant socio-political realm and capture him as “raw

material to be reworked by the state" (Feldman 1994, 409). Accordingly, this disciplinary process enacts the "symbolic logic of the state" onto subjects through violence and is aimed at the "internalization of the will of the state" (Feldman 1994, 409-410). In more recent work, Feldman cites Nietzsche and Reinar Schurmann to explain that such material practices craft the "formation of social memory" and the "formation of domination," especially since the latter may be understood as "the ordering of power" (Feldman 2003, 61-62). To further clarify, he elaborates that within the social production of power relations "social and individual perspectives, standpoints, and positions" are actually what "constrain and create meaning" (Feldman 2003, 61). In this way, the police's particular "techniques and disciplines," relative to their perceived position to other social groups, materially and discursively construct given types of subjects. When self-perceived to act from a position of authority, the police attempt to order populations according to the subject categorizations that exist within their own "culture of perception."

As an institution, the NYPD possesses its own police culture, which produces particular discourses and knowledge. However, the research within this paper also suggests that the department's lens of cultural perception has been heavily influenced by dominant political discourses and processes of material restructuring on the national and local levels in recent years. This has contributed to a general re-conceptualization of American security, the re-framing of social reality, and the re-defining social groups, enemies, and goals. Yet, the department's current messages of future-oriented policing have not developed in a vacuum. In many ways, current events, threats, and discourses have only acted as catalysts to expedite processes that were already set in motion. As we will see, the contemporary political discourse of preemptive action against terrorism actually resonates with the department's own traditional culture of perception in relation to crime prevention.

3.3 The NYPD and Crime Prevention

The conceptualization of modern police as a crime prevention force can be traced back to at least the late eighteen-century with the work of British police theorist Patrick Colquhoun (1745-1820) who argued that crime prevention may even be "the true essence of Police" (Neocleous 2006, 29-30, Colquhoun as cited by Mark Neocleous). Likewise, when the New York City Police Department (NYPD) was initially established as an institution in 1845, its organization was fashioned after the prevention-oriented London Metropolitan police (Vila 1999, 35). At this time, following the British tradition, the NYPD became the first "unified, prevention-oriented police force" in the United States (Vila 1999, 35). In this regard, the Department's first patrol guide for new officers published the same year[2] even declared, "*the prevention of crime being the most important object in your view*,...the absence of crime will be considered the best proof of the efficiency of the police" (Silverman 1999, 25, italics added).

However, the contemporary emergence of proactive policing in New York City is dated to have only started in 1993 during current Police Commissioner Raymond Kelly's previous tenure in office (1992-1994). According to sociologist George Kelling, at this time, Commissioner Kelly's strict policing stance toward certain classes of low-level offenders represented the first modern "breakthrough in the NYPD's approach to disorder and quality of life issues" (Kelling 1997, 137). Additionally, as part of the City's "Safe Streets, Safe City" initiative, under the direction of Kelly, the amount of officers policing the streets greatly increased and an attempt was made to re-frame the police as "problem solvers in communities" (New York City Council 2007, 6). This was a shift from its previous model of *reactively* policing major crimes and providing social services, to *proactively* policing disorder on all levels.

[2] The date of the first patrol guide was cross referenced with information provided by the New York City Police Museum in "Frequently Asked Questions FAQ's About The History Of The New York City Police Department." 1999. <http://www.nycpolicemuseum.org/html/faq.html#guide>. Accessed April 13, 2008.

The preventative policing started by Kelly against the backdrop of NYC's rising crime rates in the early 1990's was widely implemented and expanded by Police Commissioner William Bratton in the mid-1990s during Mayor Rudolph Giuliani's administration (Kelling 1997, 137-193; Silverman 1999, 79-96). Within the NYPD, Bratton established "a new strategy of policing – community policing," which focuses on crime control through aggressive prevention (Kelling 1997, 145). This approach concentrates on eliminating the low-level "quality-of-life" and "broken windows" crimes[3] that are believed to lead more serious offenses (Silverman 1999, 80-81).

Advocates of this style of policing further argue that by arresting more petty offenders and not tolerating even minor violations, this "alerts all criminals to the vigilance of the police and gives police legitimate access to information about more serious problems" (Kelling 1997, 146). Based on this set of assumptions, Bratton "reengineered" the NYPD into an "assertive policing" institution (Silverman 1999, 81-83, 88). His own vision of community policing brought the Department down the path of harsh "'zero-tolerance'" policing, which aggressively aimed at "taking any and all offenders off the streets before more serious crimes could be committed" (New York City Council 2007, 7). In this reorientation effort, during his first year in office he created the new position of "deputy commissioner for crime control strategies" and removed more than 60% of the City's existing precinct commanders, replacing them with his own new personnel who were recognized as "champions of anticrime initiatives" (Silverman 1999, 86).

Further, he empowered these local precincts by giving them authority to conduct numerous new crime-fighting operations and felony arrests that they were previously not permitted to carry out (Silverman 1999, 82-85). Also, a "major propellant and centerpiece" of the NYPD's restructuring was the introduction of computerized documentation of policing

[3] According to Silverman, these include "drug dealing, aggressive panhandling, illegal street peddling, noise, prostitution, graffiti, loitering, public urination, pickpocketing, disorderly premises, and illegal social clubs" (1999, 80-81).

statistics through the "Compstat"[4] system (Silverman 1999, 98). This advancement, as well as future software development, allowed the NYPD for the first time to analyze city-wide data, map trends and patterns, and force local commanders to take greater "ownership" of precincts that reflected statistically inefficient crime prevention (Silverman 1999, 98, 103-106).

In this regard, Eli Silverman argues that the "key" to more effective preventative policing in this case was to "provide departmentwide access to crime location details" (Silverman 1999, 103). As a result of these institutional policy developments, Silverman explains that "[i]nteraction and information sharing are now built into the system" (Silverman 1999, 109). Thus, at this time, we see the newfound importance of directly integrating new information technologies into the NYPD's community policing framework. The scope of this tendency has only widened today. Yet, this more information-focused model still fundamentally rests on the police's initial assumption that if they can only know more about potential criminal activity, they will be able to successfully deter and prevent it.

Bratton's new plan for harsher policing in New York City was continued and expanded by the subsequent NYPD Police Commissioners – Howard Safir and Bernard Kerik (New York City Council 2007, 7). While this model significantly reduced crime rates in the City throughout the 1990's, its inflexible and aggressive format also largely alienated the police from the communities that they were supposed to be policing (New York City Council 2007, 7). On February 12, 2001, in what basically amounts to an official admission of these shortcomings, the Department recognized its failure to maintain a positive image and good community relations, when Commissioner Kerik's told the New York City Council that "'improving community relationships is an absolute necessity if we are to continue to reduce crime'" (New York City Council 2007, 7).

However, a significant public relations boost inadvertently soon came for the NYPD

[4] Silverman explains that "[t]he name Comstat arose from 'Compare Stats,' a computer file name, and not, as is commonly thought, from an abbreviated version of 'computer statistics'" (1999, 98)

from the most unlikely of sources – terrorist attacks in Manhattan that following September. Instead of being viewed as an oppressive force, quickly the presence of police on the streets was transformed into a "calming force" (New York City Council 2007, 7). This initial radical shift in the public's perception of the NYPD in such a short time alludes to the power that changing social conditions have on how social groups may interpret and interact with the same social subjects.

Yet, in the years following the attacks the new mostly positive perception has again greatly faded, as reports have now surfaced that the NYPD has (mis)used its newfound legitimacy to expand its policing powers in new invasive ways that were previously prohibited, now spying on legal political activity and numerous peaceful protesters (Lee 2002, Dwyer 2006, Murphy 2006, Dwyer 2007). Today, the Department's police culture of crime prevention has become increasingly synonymous with a new culture of counter-terrorism,[5] increased suspicion, and expanded intelligence.

3.4 The NYPD Post-9/11

Since September 11, 2001, the NYPD has increasingly taken on the structure and function of a domestic intelligence agency. In the months following the September 11, 2001 attacks, the Department began making sweeping changes in how it conceptualized its role in the City and the threats that it faced. The Department quickly launched its counter-terrorism hot-line campaign on public transportation that "urged people to report suspicious people or objects" (Bornstein 2005, 5). In 2002, the Metro Transit Authority (MTA) and the NYPD began their public subway advertisements, "If you see something, say something" (MTA 2008a). One such campaign poster now reads, "Thank you for keeping your eyes and ears open. And not keeping your suspicions to yourself" (MTA 2007, italics added).

[5] The recent reorientation is also indicated by the fact that on the NYPD's current official homepage, the link entitled "Crime Prevention" now connects directly to another website listing "Counter Terrorism" and "Initiatives to counter terrorism" as the top two items on the page (NYPD 2008b).

In 2002, Police Commissioner Raymond Kelly created "his own versions of the CIA and FBI within the department" in an effort to fight potential terrorism in the City (Horowitz 2003, 1-2). As part of the Department's restructuring, Kelly greatly revamped its Intelligence Division (Horowitz 2003) and opened the NYPD's own Counterterrorism Bureau, as the "first unit of its kind in the nation" (NYPD 2008a). He appointed Frank Libutti[6] to the newly created post of Deputy Commissioner of Counter-Terrorism, putting him in charge of overseeing the Bureau's operations (City of New York PR-012-02 2002).

In accordance with the FBI's new post-9/11 counter-terrorist mission, the CIA's reinvigorated goals, and the current dominant policy orientation of the U.S. political field, the Counterterrorism Bureau's central objective is to "develop innovative, forward-looking policies and procedures to guard against the threat of international and domestic terrorism in New York City" (Counterterrorism Units 2008, italics added). Interestingly, while other federal agencies broadly lump all terrorists threats together, the NYPD specifically identifies that part of its own new mission includes guarding against the threat of "domestic terrorism," as well as international threats. This detail will become increasingly relevant as the paper continues.

Also, as part of the 2002 NYPD re-structuring effort, Commissioner Kelly and NYC Mayor Michael Bloomberg created the position of NYPD Deputy Commissioner of Intelligence and appointed David Cohen, a thirty-five year veteran of the CIA and former CIA Directorate of Operations, as the first person to this new post (NYC Office of the Mayor PR-020-02 2002). In the official announcement of Cohen's appointment, the press release explains that "Deputy Commissioner Cohen joins Deputy Commissioner of Counter-Terrorism Frank Libutti in *leading the NYPD's effort against terrorist threats*" (NYC Office of the Mayor PR-020-02 2002, italics added). Likewise, Mayor Bloomberg highlights how he

[6] Frank Libutti is a retired U.S. Marine Corps Lieutenant General.

perceives New York City to be facing numerous threats at this time and refers to these to order to justify why the NYPD must now be transformed into an evermore intelligence-driven organization.

In this regard, Bloomberg explains that "*[g]athering and analyzing intelligence information is vital to the City's security and ability to confront all threats*." (NYC Office of the Mayor PR-020-02 2002, italics added). Commissioner Kelly also expresses the new importance he places on the NYPD's counter-intelligence and counter-terrorism efforts, praising Deputy Commissioner Cohen's ability to preempt potential threats. Recalling President's Bush declaration that the U.S. Government will act against "*emerging threats before they are fully formed*" (Bush 2002a, ii, italics added), Kelly similarly explains that Cohen possess a "distinguished record of achievement in *the field of security and the vision and ability to anticipate and prevent threats from materializing*" (NYC Office of the Mayor PR-020-02 2002, italics added). This new focus on evermore future-oriented policing is crucial to the Department's new reorganization.

Additionally, Kelly applauds Cohen's "strong reputation for forging ties and working effectively with other government agencies, foreign governments, and the private sector" (NYC Office of the Mayor PR-020-02 2002, italics added). Since this time, the NYPD has increasingly implemented intelligence initiatives that have focused on establishing ever-closer information-sharing and surveillance relationships with other domestic and foreign state agencies. This reinforces the sense that the local social space of New York City is now always perpetually in danger of numerous terrorist threats.

The appointment of Cohen, as a structural change, has also helped to fuse the NYPD and CIA together in a new way, according to Paul Browne, the NYPD Deputy Commissioner of Public Information (Goodman 2005). In this respect, Browne explains that the two organizations now have "an excellent relationship," which they did not have before Cohen's

arrival at the Department (Goodman 2005). In fact, Browne further explains that Cohen has utilized his CIA contacts and experience to set up an international NYPD intelligence program (Goodman 2005), which now includes the overseas deployment of its own officers and the signing of bilateral agreements with foreign police forces.

The Department's Intelligence Division calls this new initiative the "International Liaison Program" (NYPD Press Release #PH02 2008). As part of the program, since 2002, the NYPD has now stationed its officers around the world in Amman, Jordan; Lyon, France; London, England; Madrid, Spain; Montreal, Canada; Paris, France; Santo Domingo, Dominican Republic; Singapore, Tel Aviv, Israel; Toronto, Canada (NYPD Press Release #PH02 2008). According to the Department, it now maintains this international presence explicitly "in order *to share information and work to prevent terrorism* and other crime" (NYPD Press Release #PH02 2008, italics added). In this sense, the NYPD has controversially assumed the powers of a federal government intelligence agency, negotiating its own counter-terrorism agreements abroad. This move is consistent with the Department's move toward reconstituting the City of New York as the local site of international threats.

Domestically, information and intelligence sharing between the NYPD and other agencies has also exponentially increased since September 11, 2001. For example, in response to the terrorist attacks, the Department greatly enlarged the size of the New York City Joint Terrorism Task Force (JTTF) from 17 to 125 officers and assigned the augmented specialized squad the duty of operating the NYPD's Counterterrorism Bureau (Counterterrorism Units 2008). The FBI explains that Joint Terrorism Task Forces (JTTFs) are specialized units that act as "small cells of highly trained, locally based, passionately committed investigators, analysts, linguists, SWAT experts, and other specialists from dozens of U.S. law enforcement and intelligence agencies" (FBI 2004b). These teams function as local counter-terrorist Special Forces and intelligence operatives, which work with the FBI.

JTTFs now operate in a hundred cities throughout the United States, with over two-thirds of these being created after September 11, 2001 (FBI 2004b). While JTTFs conduct operations across the country in all major U.S. cities, today they also exist in various other locations not normally associated with terrorist attacks, such as Knoxville, Tennessee; Covington, Kentucky; Anchorage, Alaska; Helena, Montana; and, Omaha, Nebraska, to name a few. Their very presence in what may have been previously seen as safe locations is indicative of the national remapping of local social spaces as potential terrorist targets and new sites of danger. Incorporating and organizing these local security professionals, possessing local knowledges and networks, into new local-federal counter-terrorist squads has the effect of localizing the threat of terror for these populations. In this way, the federal government may now better tutor and order formerly peripheral social spaces into a new politics of fear.

In New York City, the NYPD now interacts regularly with federal authorities through its JTTF, "partner[ing] with FBI agents on terrorism investigations in the New York metro area and around the world" (Counterterrorism Units 2008). In fact, Horowitz explains that the "FBI-NYPD Joint Terrorism Task Force" now serves as "one of the key instruments" that helps to protect the City from terrorist threats (Horowitz 2003, 3). At times, the NYPD is now even "enlisted by the FBI" to conduct numerous sensitive investigations that were previously reserved for federal agencies (Bornstein 2005, 6).

Bornstein elaborates that just by being assigned the JTTF the local police officers in New York City are now easily connected with "the DHS [Department of Homeland Security], the FBI, the U.S. Marshals Service, the U.S. Department of State's Diplomatic security Service, the Bureau of Alcohol, Tobacco and Firearms, the New York State Police, the New York/New Jersey Port Authority Police Department and the U.S. secret Service" (Bornstein 2005, 5). This is one more example of the U.S. nationwide trend of increasing cooperation,

collaboration, and information sharing between local, state, and federal state authorities for counter-terrorism. Amid these structural changes that often blur the lines between what used to be distinct legal jurisdictions (Bornstein 2005, 5).

In July 2002, the FBI also created the National Joint Terrorism Task Force (NJTTF) to function as a "coordinating mechanism with the FBI's partners" (FBI 2008b). Today, this organization now exists as an interconnected network of forty nationwide governmental agencies (FBI 2008b). The FBI refers to it as an "operational nerve center" that is "all about one-stop shopping for terrorist intelligence...in order to prevent acts of terrorism" (FBI 2004a). It functions as the central access point through which contemporary terrorist intelligence may be shared and coordinated throughout the country to support the state efforts of the War on Terror.

Interestingly, although most of the members of the NJTTF are federal governmental agencies, both the Washington, DC Metropolitan Police Department and the New York City Police Department (NYPD) also participate in the NJTTF as the only two city level police departments (U.S. Dept. of Justice 2005). In a July 2004 interview with Acting Chief of NJTTF Ken Love, one month prior to the 2004 Republican National Convention, he explains,

> [W]e bring together people from every U.S. agency that collects and processes terrorist intelligence; we put them in one room and hook them into their own and into our FBI intelligence databases; and all of a sudden we have *the universe of terrorist intelligence* on the table – to share, to query, to coordinate, to answer questions, and to give direction and support to the 84 Joint Terrorism Task Forces (JTTFs) around the country that function under us. (FBI 2004a, italics added).

In many ways, the NJTTF concretizes the terrorist threats for the local JTTFs by processing this intelligence material, giving it the aura of official legitimacy. As a federal information

gathering and dispersion mechanism, it provides the necessary intelligence to put alleged faces on abstract enemies. It attempts to professionalize and legitimize the existence of a smart War on Terror through its databases, technologies, and details. In this sense, it produces scientized security knowledges by professionals and for professionals, which may be coordinated throughout all levels of the evolving field.

In the same sense that scientists and astronomers study and conduct experiments to gain new knowledges about the limitless physical universe, these new experts in the security field now study the great unknown "universe of terrorist intelligence" to produce their own new truths. As new dominant knowledge frames, these are then used "to share, to query, to coordinate, to answer questions, and to give direction and support to the 84 Joint Terrorism Task Forces." In this way, this "intelligence" actually becomes the new paradigm for remapping local social spaces, reconstituting social subjects, and understanding the world. However, just as Copernicus revealed in the field of natural science, due to their own positioning and relationality, so-called security experts may also sometimes mistakenly believe themselves to be the center of the universe they study.

In the context of New York City, the intelligence that the NYPD now gains as a new member of the National Joint Terrorism Task Force (NJTTF) and a more integrated part of the wider intelligence community is now incorporated into its everyday policing operations. As part of the Department's reorientation, Commissioner Kelly has also now greatly expanded the scope and style of its daily counter-terrorist activities throughout the City. For example, as part of the NYPD's new Operation Hercules, now heavily-armed, Special-Forces-type, Hercules Teams are constantly deployed around New York City "at difference locations with no obvious pattern" in order to demonstrate the "random nature" of the police's ability to strike at any moment (Bornstein 2005, 4). These Hercules units are specifically intended to "intimidate and to very publicly mount a show of force" (Horowitz 2003, 2). Reinforcing the

underpinning sense of uncertainty and social power hierarchy created by such massive demonstrations of police force, the justifications for Hercules activities are “never shared with the public” (Finnegan 2005).

Similarly, the NYPD's Operation Atlas also deploys NYPD officers around the City to special events, hotels, restaurants, tourist sites, and other landmarks, as well as throughout the Financial District (NYPD 2006). To support these efforts, Atlas consists of “comprehensive specialized patrol comprised of ESU heavy weapons, Canine, Highway radio cars, Intel, Aviation and Harbor Units” (NYPD 2006b). Likewise, at any moment a hundred NYPD police cars may randomly swarm any key area, such as Times Square and others, as part of intentionally unpredictable NYPD operations called “a surge” (CBS 2006). According to Chief Vincent Giordano directing these operations, they are now carried out “Every day. Seven days a week. 365!” (CBS 2006).

According to the Department, these new “tactical deployments are designed *to deter attacks, detect terrorist threats through surveillance* and other means” (NYPD 2006b).Yet, as very public displays of police force, they also easily serve the double function of intimidating both terrorists and the general population alike, reminding all observers of the Department's increasing powers in the on-going domestic “War on Terror,” which is now played out on the New York City streets. Also, in an effort to socialize all officers into the new dominant power discourse and familiarize them with their new role relating to the citywide management and preemption of terror, the NYPD now offers “department-wide counterterrorism training” with the official goal of “enhanc[ing] response capabilities” (Newman 2007, 8).

Besides these new forms of preemptive intelligence-based policing, which promote perceptual uncertainty in the City, in February 2003 the NYPD also won a landmark victory in federal court that allowed many of its longstanding restrictions on spying to be officially lifted (O'Brein Ahlers 2003). From 1985 until 2003, the Department had been greatly

constrained in how it could investigate, monitor, and spy on individuals' legal political activity (O'Brein Ahlers 2003). According to the City, during this period, legal requirements "seriously precluded information sharing between the NYPD and other law enforcement agencies at the federal, state and local level" (O'Brein Ahlers 2003).

These limitations were part of the Handschu decree, which was a federal court order imposed after a 1971 law suit "filed by a diverse group of activists who accused police of using dossiers and undercover agents to chill and punish lawful dissent" (Lee 2002). However, in 2002, with the support of Deputy Commissioner for Intelligence Cohen, the City officially requested that many of these restrictions be removed, citing "*unprecedented security concerns, specifically those raised by the September 11, 2001 attacks*" (O'Brein Ahlers 2003, italics added). In fact, according to *The Village Voice*, the City's request called on the federal judge in charge of the case to "strike nearly every aspect of the Handschu agreement – especially the core requirement that police establish some trace of criminal activity before surveilling someone" (Lee 2002).

On February 11, 2003, agreeing with the NYPD's claims that prohibitions on investigating legal political protesters may also impede counter-terrorism efforts, Senior U.S. District Judge Charles S. Haight, Jr. "granted the City's motion to modify the Handschu consent decree to allow greater investigative freedom to the New York City Police Department *in its fight against terrorism*" (O'Brein Ahlers 2003, italics added). This ruling formally opened the door for a stark reversal of the City's official protest policing policies, now allowing for the on-going surveillance of legal political dissidents under the justification of fighting terrorism. However, according to other internal NYPD reports released in 2006, the Department had actually already begun using "'proactive arrests,' covert surveillance, and psychological tactics" in New York City in 2002 to control political demonstrators who the police believed to be "'*obviously potential rioters*'" (Dwyer 2006, italics added).

The NYPD is at the forefront of increasingly incorporating intelligence operations into its everyday policing activities, yet currently there is also a nationwide trend toward expanding the police's intelligence capabilities. In this regard, recent documents such as *Intelligence-Led Policing: The New Intelligence Architecture*, which was prepared and published through the joint efforts of the International Association of Chiefs of Police and the U.S. Justice Department, are indicative of the changes occurring in American policing (Peterson 2005). The report cites the "terrorist attacks of September 11, 2001" as the turning point that revealed the need to enhance and revamp U.S. intelligence (Peterson 2005, viii). Yet, it further clarifies that today "effective intelligence operations can be applied equally well *to terrorist threats and crimes in the community*" because "homeland security and local crime prevention are not mutually exclusive" (Peterson 2005, viii, italics added).

This discursive bridge connecting counter-terrorism to crime prevention is yet another example of the blending of definitions and the converging of threats that is occurring within the American security and political discourses. According to the report's top recommendations for developing intelligence capabilities, police departments should "establish the criminal intelligence unit as a *proactive* crime prevention operation" (Peterson 2005, 15). While the NYPD was the first in the country to follow this advice, today it is precisely the evermore proactive and preemptive nature of the Department's intelligence operations relating to political protests that has been most controversial.

3.5 NYPD Protest Policing: 2003 Anti-war Demonstrations

As discussed, scholars including Vitale, Noakes, and Gillham observe that recent changes have taken place in American protest policing (Chapter 1). However, the current explanations and interpretations of these modern trends continue to vary in different ways. Vitale argues that the NYPD's harsh response to some contemporary protests, such as the anti-war demonstrations in New York City on February 15-16, 2003, has largely been "the

continuation of a series of coordinated crowd control practices based largely on the 'broken windows' philosophy of policing...that emphasizes the zero-tolerance control of disorder" (Vitale 2005, 284). However, also recognizing the differences, he explains, "I call this new style of protest policing 'command and control' because of its emphasis on the hierarchical micro-management of demonstrations" (Vitale 2005, 284).

Noakes and Gillham also explore the increased police control of political protests in the United States. However, in contrast to Vitale's model of "command and control," they argue that a protest policing strategy of "strategic incapacitation" is becoming the nationwide trend (Noakes 2006, 101, 105-108, 111-112). They explain that this approach is based on "the selective incapacitation philosophy of social control" (Noakes 2006, 101, 111-112). Yet, they assert that in cities across the country, such as Seattle, Washington DC, and Philadelphia, this strategy has emerged today due to the new needs of the contemporary social phenomenon of a "return to mass protests in the US," which they believe arrived with the World Trade Organization (WTO) protests in Seattle in 1999 (Noakes 2006, 105-108). These authors agree that modern policing in many locations represents a new form of increased preemptive police action.

Their work keenly identifies similarities among their three case studies that may be useful to help determine whether there exists any one contemporary American style or pattern of protest policing. Several of the key elements that they observe, which are most relevant to the present study, are the increased use of proactive arrest and the heightened surveillance of potential protesters. However, since their case studies are based on protest policing in other distinct cities and they examine a period of time (1999-2000) prior to the evens of September 11, 2001, it would be overly assumptive to claim that their findings are valid in the same way and for the same exact reasons in context of contemporary New York City.

While it has been established that in recent years the NYPD has harshly departed from

its previous protest policing strategy of negotiated management, which had been aimed at accommodating and working with protesters to resolve conflicts peacefully (NYCLU 2003, 26; Vitale 2005, 2007), current explanations for why this has occurred remain overly broad and unsatisfactory. The existing theories do not adequately take into account the recent trends and transformations that have occurred in the political and security fields, which the NYPD has been a part of. Nor do they carefully enough examine the particularities of post-9/11 New York City or the Department's discourse.

To remedy this oversight, the Department's recent tactical responses to major political demonstrations must be examined in light of its new protest policing discourse, as well as the particular material social and historical in which it was created. In the same vein, any comprehensive analysis of the current social phenomenon will also study the discursive and social processes that have contributed to the production of the contemporary changes in behavior and interaction. Once these factors are considered, it becomes clear that the NYPD's tendency toward preemptive policing actually relates to its discursive and material integration into the contemporary political and security fields in New York City.

Today, these are now dominated by the same social phenomenon that political scientist Didier Bigo observes in the European case – "governmentality based on misgiving and unrest" (Bigo 2002). According to this model, as social actors, such as the NYPD, increase the power and legitimacy of their social positions within the given fields by adopting the dominant forms of behavior and discourse, they also impose the newfound power on their wider spheres of influence. In this regard, Bigo actually somewhat anticipated the current situation in New York City when he warned that "the professionals in charge of the management of risk and fear especially transfer the legitimacy they gain from struggles against terrorists, criminals, spies, and counterfeiters toward other targets, *most notably transnational political activists*" (Bigo 2002, 63, italics added). This is what has occurred in

New York.

In February 2003, the NYPD refused to allow anti-war protesters the ability to march anywhere in New York City, as the Department recently "had adopted a policy of denying permits for all protest marches" (NYCLU 2003, 1). When the New York Civil Liberties Union (NYCLU) challenged the NYPD's permit denial and filed a federal lawsuit on behalf of United for Peace and Justice, at the hearing "the City's lawyers emphasized security concerns that they contended made it too risky to allow a march to take place" (NYCLU 2003, 4-5). Further, the NYCLU reports that before a court decision was issued, the U.S. Justice Department sent a brief to the presiding judge urging the court "to give substantial weight to security concerns arising out of the attacks of September 11" (NYCLU 2003, 5). Shortly thereafter, the NYPD's "unprecedented" denial to grant a march permit anywhere in the city was upheld (NYCLU 2003, 5, 34).

Although anti-war demonstrators were allowed to participate in a "stationary rally," the NYCLU reports that the "NYPD's use of 'pens' – metal barricades used to form closed areas into which protesters are confined – at the rally site significantly limited the ability of protesters to move around, to form contingents, and to enjoy the event" (NYCLU 2003, 1). Also, according to the NYCLU, after entering these protest pens "it was extremely difficult to get out." (NYCLU 2003, 10). The civil liberties organization further explains that "[o]nce a pen was deemed 'full,' the [NYPD] officers closed it and refused to let anyone else enter" (NYCLU 2003, 19). In this way, the police could divide groups, restrict access, preempt threats, and hold people if necessary.

In some cases, the NYPD even documented the names and social security numbers of penned political protesters on a form entitled "Counter Terrorist Intelligence" (NYCLU 2003, 19). This served to both remind them of current threats and also pejoratively renounce their own protest activities. When demonstrators were arrested, they were "met with threats of

prolonged detention" and "interrogated about their *political affiliations and prior political and even religious activity*" (NYCLU 2003, 10, italics added). However, thousands of would-be protesters never even arrived at the demonstrations, since the NYPD "closed streets and sidewalks leading to the event" (NYCLU 2003, 2).

This new style of protest policing in New York City, which uses preemption, unpredictability, intelligence, and 9/11 security justifications, was further expanded during the preparation for the 2004 Republican National Convention. Both the extent of the pre-Convention intelligence operations and the excessive use of preemptive arrest during the event indicate that the NYPD's counter-terrorist policing may now be converging with the general policing of social order.

3.6 NYPD Preparation: 2004 Republican National Convention

Over a year before the 2004 Republican National Convention, armed with new spying powers granted to it specifically to fight terrorism, the NYPD sent undercover officers across the United States, Europe, and Canada to gather extensive intelligence about the political protesters that it believed may come to demonstrate in New York City (Dwyer 2007). Jim Dwyer elaborates that through these covert intelligence activities the NYPD "identified a handful of groups and individuals who expressed interest in creating havoc during the convention" (Dwyer 2007). However, at the same time, Dwyer explains that in hundreds of secret police reports the "[NYPD] Intelligence Division chronicled the views and plans of people who had no apparent intention of breaking the law, the records show" (Dwyer 2007).

Cohen has defended such invasive policing powers by invoking security concerns relating to 9/11 and the on-going fight against potential terrorist threats in the City. In this regard, in a 2002 affidavit, he argued that "[g]iven the range of activities that may be engaged in by the members of a sleeper cell in the long period of preparation for an act of terror, the entire resources of the N.Y.P.D. must be available to *conduct investigations into political*

activity and intelligence-related issues" (Dwyer 2007, italics added). Cohen argues that terrorists may pose as normal citizens before the crucial moment when they carry out their acts of terror. Thus, according to the released reports, it appears that the new rule dominating investigations and intelligence operations within the NYPD is that all potential political protesters are now classified as a suspected terrorist until proven otherwise. This perspective represents a grave departure from the Department's previous perception of political demonstrations.

However, this tendency to dissolve the borders between threats is also present across the national political field, as indicated in the wording and policy orientation of the U.S.A. Patriot Act. While initially justified on the basis that the U.S. federal government needed more power to pursue and prevent terrorism abroad, in practical terms, the law also widely expands the definition of "domestic terrorism" within the United States, broadly redefining terrorism in a new way that may even include categories of political protesters who damage private property (USA PATRIOT ACT of 2001; NYCLU 2002). Accordingly, the legislation augmented the state's domestic spying and surveillance capabilities and removed many privacy protections on citizens' personal information and records, such as educational, medical, financial, mental health and travel (Bornstein 2005, 7).

In this regard, the NYCLU explains that the U.S. Patriot Act "expand[s] the type of conduct that the government can investigate when it is investigating 'terrorism'" (NYCLU 2002). Under the current definition and reconceptualization, it now allows the state to monitor World Trade Organization (WTO) protesters and Vieques Island demonstrators, as well as many others, even though these demonstrators may not actually even directly engage in violence against other people (NYCLU 2002). In the same way, policing expert Avram Bornstein further explains that organizations like Greenpeace, People for the Ethical Treatment of Animals (PETA), Operation Rescue, the Environmental Liberation Front, as well

as fair trade advocacy networks, “or any other form of vocal political dissent,” may now actually be investigated by the government “under the banner of fighting terrorism” (Bornstein 2005, 5). Under new federal law, the Attorney General and Secretary of State are now also authorized to “unilaterally designate terrorist groups,” allowing for a much broader level of discretion in naming threats to the nation (Bornstein 2005, 7).

The potential that now anyone may be watched or investigated at any moment in order to fight terrorism suspends the individual in a state of perpetual unease and anxiety, and inscribes particular subjectivities and power relations onto this social subject. This is a version of Foucault's traditional form of governmentality, which is based on the disciplinary society or panopticon principle (Foucault 1995, 195-228). In this model, the threat of perpetual surveillance is a power technique for regulating and constituting docile citizens, as individuals internalize the state's gaze and self-regulate their own behavior. However, Bigo further expands on this mode of governmentality, arguing that today professionals in the political and security fields help to socialize Western populations into a fear of the unknown other, such as the terrorist or the immigrant (Bigo 2002, Bigo 2006). At the same time, they establish their own monopoly over the official knowledges within this field, which they then use to order and dispose of populations accordingly.

In this regard, this allows for both potential political discretion and opportunism, since “[t]he framing of the enemy, especially an unknown one, and a stealthed one, *gives manoeuvre to enlist many adversaries and political opponents as potential enemies, and may have a self fulfilling effect.* So the politics of protection are profoundly affected by the politics of fear and reassurance developed in political discourses” (Bigo 2006, italics added). This relates to the new fluidity of meaning that exists within the wider contemporary security and political fields that Bigo’s observes regarding the emergence of a new “continuum of threats and general unease,” which may be invoked at the prerogative of the professionals who today

manage social fears and risks (Bigo 2002, 63).

In the context of New York City, the particular framing of the enemy that took place prior to the 2004 Republican National Convention (RNC) was helped by the very structure and organization of the preparation. For example, security and logistical planning for the Convention was a joint "cooperative effort amongst numerous agencies" (NYPD 2004b, 5; #000007086). From the beginning, the event was influenced by the dominant political agendas and orientations of these agencies, many of which were directly tied to the federal government and the Bush Administration. In this sense, in July 2003, the 2004 RNC was also classified as a National Special Security Event (NSSE) by the Department of Homeland Security, officially and politically identifying it as a potential terrorist target (NYPD 2004b, 2; #000007083).

Also, internal NYPD documents state that prior to the event the "NYPD Intelligence Division, in partnership with the USSS [United States Secret Service], FBI, Joint Terrorist Task Force and other Federal, State, and local law enforcement agencies, ha[d] increased its intelligence gathering capabilities" (NYPD 2004b, 5; #000007086). As discussed, this included sending officers throughout the United States, Canada, and Europe to collect intelligence, as well as spying on numerous peaceful groups and other legal political activity (Dwyer 2007). Internal reports further suggest that NYPD Intelligence Division was prepared to "tap all available sources to develop the most accurate information available that may affect the planning process" (NYPD 2004b, 5; #000007086).

This highlights the Department's new focus on future-oriented policing and the management of threats through professional intelligence. Against the backdrop of the War on Terror and the NYPD's increasing integration into the intelligence field, as well as the removal of the Handschu spying restrictions, the Department managed the perceived threats of terrorism and political dissent in similar new and previously unacceptable ways. This parallels

Bigo's observations in the European context that the "expansion of what security is taken to include effectively results in a convergence between the meaning of international and internal security" (Bigo 2002, 63).

Chapter 4: Constituting Threats to Public Order

4.1 Introduction

The next two chapters analyze two textual samples taken from two different NYPD sources that offer interrelated yet slightly divergent pictures of the situations that the Department expected may occur during the 2004 Republican National Convention. The first text, which will be the focus of this chapter, is an excerpt from the *2004 Republican National Convention: New York City Police Department Executive Summary*, prepared in June 2004, which reviews the Convention's expected "Situation & Threat Assessment." The second text, which will be the object of study for the next chapter, is an excerpt from the NYPD's *Police Student's Guide: Maintaining Public Order*, prepared in July 2004, which elaborates the "Future Large Scale Events" that were expected to occur in New York City at this time.

Neither the *Executive Summary*, nor the *Police Student's Guide* was ever intended to be released to the public (*Schiller v. The City of New York* 2007a). In fact, the City of New York specifically attempted to legally shield these documents from public view, arguing that they contained sensitive confidential and privileged information about the Department's policing strategies (*Schiller v. The City of New York* 2007a). However, despite the City's objections, on January 19, 2007, U.S. Magistrate Judge James Francis ordered their release, ruling that the City had failed to demonstrate sufficient evidence supporting its claims (*Schiller v. The City of New York* 2007a).

Thus, analyzing these texts allows us to have a rare inside look into the Department's internal discourse, helping to reveal the deeper knowledges and perceptions that contributed to the constitution of the truth regime that framed how the police would understand their social conditions during the Convention. These specific selections have been chosen because they demonstrate the complexity that has existed within the NYPD concerning its own changing role in society after September 11, 2001. The texts illustrate how the Department's

protest policing discourse was embedded in multilayered discursive practice, relating to intertextuality and interdiscursivity.

Exploring these dimensions, allows us to better identify how the following statements were able to be enunciated in the specific ways that they were. Following Fairclough's methodology, we will first describe the texts, interpret them, and then explain them in light of the functions of language and constitutive effects of discourse, which we have previously outlined (Fairclough 1992, Titscher 2003, 153). As discussed, these relate to how language and discourse help to constitute identities, social relations, and knowledges (Chapter 2).

4.2. Deconstructing Threats

Our first text represents a particular hybridization of at least three discourses: moral discourse, political discourse, and social order discourse. In the following pages, we will explore how the sample draws on these three Foucauldian "orders of discourse" to create its own new mixture of knowledges and sites of struggle, which have contributed to the NYPD's contemporary protest policing discourse. We will examine how moral and political claims interact to shape new reconceptualizations of threats within the social context of post-9/11 New York City. We will also analyze how the text contributes to the remapping of the City's social space according to what Gerard Toal has identified as a Jacksonian style of political discourse. In this regard, we will demonstrate how the reconstitution of the City in this way after September 11, 2001 has allowed for the emergence of a new governmentality of unease within the City, which may now inform the NYPD's social order practices.

By virtue of the fact that this textual sample is taken from a confidential official NYPD report detailing the police's preparation for the 2004 Republican National Convention (RNC), bearing the names of Mayor Michael Bloomberg and Police Commissioner Raymond Kelly on its cover, it is recognized that it was written with the purpose to conveying a true and accurate representation of the events as they were perceived to be. Thus, this report reflects

part of the NYPD's internal understanding of the social context within which it was operated. However, by analyzing its statements and structure we find that this text does not convey general common sense claims or universally recognizable truths, but rather specific knowledges and expectations situated in specific discursive fields.

Understanding that the presentation of a text may also indicate additional details about its meaning and significance, the following text's format has not been modified from how it initially appeared in the original report, with several qualified exceptions. First, it now is italicized to highlight it as our textual sample. Second, it was initially presented as one block of text. But, for our purposes, while maintaining the same order, it is now broken into sections that will help us better analyze the material according to its content, form, and progression.

4.3 Textual Sample

Situation & Threat Assessment

Currently there are no specific threats against the RNC. However, political conventions and elections are potential terrorist targets. The vehicle borne improvised explosive device remains one of the most readily available and frequently used tactics by terrorists worldwide. The use of hazardous materials, including chemical and biological weapons, poses a significant threat as well.

Additionally, it is anticipated that New York City will see a volume of protest activity not seen in decades. Organizers from United for Peace and Justice predict that 250,000 people will participate in their march and rally scheduled for August 29th.

While the vast majority of the participants will be peaceful, the sheer size of this event will place a tremendous strain on the department's resources and severely impact vehicular and pedestrian flow in midtown.

Open source information indicates that there will be some individuals and groups, who advocate violence in opposition to the government, seeking to engage in criminal conduct that could significantly endanger public safety.

The department has established a June 15, 2004 deadline for submission of applications

16 *for parade permits* (NYPD 2004b).

4.4 Description

This text begins by explaining that there are no threats against the 2004 Republican National Convention, as of June 2004 (Lines 1). It then goes on to generally discuss potential terrorist threats that still exist (Lines 1-5). This discussion is directly juxtaposed against a warning about the size the anticipated political protests at this event (Lines 6-8). It then qualifies these demonstrations (Lines 9-14). First, it offers an official recognition that the majority of the expected political protesters will be peaceful (Line 9). Notwithstanding, the text again expresses its concerns over the size and effects of even large peaceful protests (Lines 9-11). It also explains that the Department believes that some individuals and groups attending these events may be dangerous (Lines 12-14). Lastly, the text mentions the deadline set by the NYPD for applying for a certain type of protest-related permit (Line 15-16).

On the surface, some may believe that such a text merely expresses neutral information, simply describing the world as it is. However, the theoretical framework informing this paper argues that the content and structure of texts and discourses always contain numerous clues that help us better understand social power relations, knowledge construction, and identity creation (Chapter 2). In this regard, there is no such thing as a neutral statement that directly and transparently relays information (Foucault 1972). Texts and discourses always reflect, transform, and constitute particular subjectivities, knowledges, and power dynamics, which are relevant for society.

4.5 Interpretation and Explanation

The sample's opening lines have the effect of topicalizing *terrorism* as the main potential threat facing the 2004 Republican National Convention (Lines 1-5). Its location as the first concern to be discussed in this official text indicates its primary importance in the authorities' hierarchy of policing priorities. In this sense, terrorism's existence is introduced

and verified by the direct enunciation that institutional political gatherings are now the "potential terrorist targets" (Line 2) of an implied network of rogue "terrorists worldwide" (Line 4). The truth of this declaration is taken as a given in the text, since no additional evidence is offered to support the claim. Its accuracy is assumed to be based on the research and experiences of officials and security professionals who possess expert knowledge in this field.[7]

However, taking these statements at face value would greatly overlook the sample's underlying interdiscursivity. As mentioned, texts do not merely translate neutral information; they constitute new knowledges, transform subjectivities, and often hybridize discourses (Chapter 2). In this regard, by carefully analyzing the first section of our textual sample discussing terrorism (Lines 1-5) we find that it actually represents a hybridization of moral and political discourses, which actually enable it to have meaning. In this sense, these sentences draw on and subtly blend moral judgments about legitimacy and violence with an affect-imbued style of political discourse following a Jacksonian policy orientation, which we will soon explore.

Although these lines (1-5) are presented as straightforward descriptions of the perceived threats to the Convention, they are bound up with complex socio-cultural assumptions about the nature of social reality and current events. In this regard, cultural anthropologist Philip Herbst observes that definitions of terrorism are usually "biased against one group to the benefit of another" (Herbst 2003, xii). Similarly, criminologist Grant Wardlaw argues that the problem of defining terrorism is not actually a technical or scientific issue, but rather a "*moral problem*" (Wardlaw 1997, 4, italics added). Thus, beyond merely

[7] This is indicated throughout the report by statements such as, "The NYPD Intelligence Division, in partnership with the USSS [United States Secret Service], FBI, Joint Terrorist Task Force and other Federal, State, and local law enforcement agencies, has increased its intelligence gathering capabilities" (NYPDb 2004, 5, #000007086) and "The Intelligence Fusion Center is being enhanced and it will be the nexus for the flow of all incoming raw intelligence data" (NYPDb 2004, 5, #000007086). This gives the strong impression that the information being presented has been systematically prepared and analyzed by security professionals.

recounting security concerns, any text that invokes the language of terrorism or counter-terrorism, such as the present sample, actually implicitly relies on underpinning moral discourses to inform their classifications of certain actions, persons, or social groups as "terrorist" (Wardlaw 1997, 4).

Wardlaw argues that employing this discursive categorization contributes to the constitution and establishment of particular moral power relations between the speaker who monopolizes the discourse and the non-institutional actors being assigned the title. The action of naming one's opponents as "terrorists" has the effect of delegitimizing them and relegating them to positions of moral inferiority. This also recalls Bourdieu's sociological observations that "[t]hose who have the monopoly on discourse about the social world think differently when they are thinking about themselves and about others...they are readily spiritualist as regards to themselves, materialist towards others, liberals for themselves and dirigiste for others" (Bourdieu 1992, 80).

In this way, from the beginning, the text's initial mentions of terrorist threats serve to implicitly locate its claims within a web of moral relationality, which frames the rest of the text. Further, elaborating on the moral implications of framing texts in terms of terrorism, Wardlaw explains that "[a]ttempts at definition often are predicated on the assumption that some classes of political violence are justifiable [or legitimate] whereas others are not. Many would label the latter as terrorism whilst being loathe to condemn the former with a term that is usually used as an epithet" (Wardlaw 1997, 4). Thus, by exploring what kinds of threats of political violence are specifically indicated as unacceptable in the text, we may better understand how the NYPD discursively positions itself within the subtextual moral discourse.

In this sense, not only is it significant that the producer of the text identifies the police's opponents as morally inferior "terrorists" in this case, but also that even without any specific evidence demonstrating that they actually plan to threaten the Convention it is

nonetheless assumed that this political meeting is still a "potential" terrorist target (Line 2) and that in fact terrorists with weapons of mass destruction pose an on-going "significant threat" to this event (Line 5). Even while there are "no specific threats," the text simultaneously embeds this declaration in a general ethos of unease and uncertainty by adding the caveat, "*However*, political conventions and elections are potential terrorist targets" (Line 2, italics added). This casts substantial doubt on the validity of the first statement, by asserting that despite what has just been stated the opposite alternative reality of danger is also equally possible.

In this way, the text frames the contemporary threat of terrorism in a very particular way. It is not the concrete threat of a specifically labeled terrorist group that may potentially endanger the Republican National Convention. Rather, it is the very existence of certain tactics and weapons anywhere in the world that could be used at any time by "terrorists worldwide" within the intimate social space of New York City that threatens this event (Line 4). While seemingly stating clear information about terrorist threats, the text's entire opening (Lines 1-5) discursively plays with and mixes the knowable and the unknowable – technical details with utter uncertainty.

In this regard, the fact that there are "no specific threats" takes on the new meaning that there are simply no *known* terrorist threats, as of now. But, this does not preclude the general existence of several types of specific threats that are still possible. These on-going potential threats include the "most readily available and frequently used" terrorist tactic of using the vehicle borne improvised explosive device and also the deadly use of "hazardous materials." This discursively creates an on-going state of unease, although the actual existence of these threats is not substantiated anywhere in the text.

In his article "Just Looking for a Fight," Gerard Toal identifies this same affective tendency of presenting a "set of (con)fusions of the specific and the general" in President

Bush's own speeches in the time period leading up to the controversial U.S. invasion of Iraq as part of the War on Terror (Toal 2003, 864). Toal explains that "instead of defin[ing] the enemy as a specific terrorist organization or network, the Bush administration chose to universalize its representation of the enemy. The threat was not Osama bin Laden or al-Qaeda, but 'terrorists'" (Toal 2003, 865). Likewise, the 2002 National Security Strategy reminds us that the U.S. is "fighting a war against terrorists of global reach" in which the "[new] enemy is not a single political regime or person or religion or ideology. The enemy is terrorism..." (NSS 2002, 5). According to Toal, the intentional imprecision of this language allows for numerous changing redefinitions and expansions, as well as "threat inflations and universalizations" (Toal 2003, 864-866).

This is part of what Toal describes as the post-9/11 "'down-scaling' of the [complex] world into infantile categories and identities: 'good' versus 'evil,' 'civilization' and 'freedom' versus a cartoon world of 'evildoers,' 'terrorists,' and storybook characters described in presidential speeches as 'the dictator' and 'the tyrants' (Toal 2003, 859). Toal argues that it is all part of the "affect-imbued" style of "Jacksonian" political discourse, which has taken hold across the political fields in the United States since 9/11 (Toal 2003, 860-865). However, this discourse has also greatly impacted the security field as well, evidenced by its effects on the Federal Bureau of Investigation (FBI), among other government agencies.

After President Bush signed the U.S.A. Patriot Act in October 2001, expanding federal counter-terrorism powers, the newly sworn in Director of the FBI Robert Mueller "accepted on behalf of the Bureau responsibility for protecting the American people against future terrorist attacks" (FBI 2008a). In this effort, Director Mueller "called for a reengineering of FBI structure and operations" to primarily reorient the Bureau toward specializing in counter-terrorism and espionage,[8] as well as the prevention of "cybercrime-based attacks and other

[8] The FBI officially defines this second objective as "countering foreign intelligence operations against the U.S." (FBI 2008a). However, in his 2002 interview with PBS, former Inspector General of the U.S. Justice Department

high-technology crimes" (FBI 2008a; Lehrer 2002). Further, the FBI has now rewritten its mission statement, naming its new top objective to be to "[p]rotect and defend the United States against terrorist and foreign intelligence threats" (FBI 2008a). These developments have represented a move away from law enforcement activities, towards "domestic intelligence" operations (Lehrer 2002)

Similarly, in 2002, when the NYPD established its own Counterterrorism Bureau, as the "first unit of its kind in the nation," it was also charged with the sweeping mission to "*develop innovative, forward-looking policies and procedures to guard against the threat of international and domestic terrorism in New York City*" (NYPD 2008a, italics added). In this regard, the words of military man Frank Libutti,[9] appointed as the first Deputy Commissioner of Counter-Terrorism to lead the NYPD's new Bureau, are telling of the Jacksonian political style that now pervades the security field on all levels. Invoking both the an implicit moral discourse and also the Bush Administration's political discourse of confidence in the ominous threat of terror, Libutti explains the police's perception of terrorism in the following way, "We don't know the time and we don't know the place…but *we know* the bad guys are coming back" (Horowitz 2003, 9, italics added).

Libutti's statement, as well as the perception of terrorism implied in our textual sample, is an example of what Bigo calls "misgiving-based security," which relates to a new form of governmentality through unease (Bigo 2002, 81). In this sense, uncertainty becomes the new political logic that orders populations and becomes concretized through policy measures and security practices. According to Bigo, this functions as a "political technology of ruling that concentrates fears on an adversary who is always opaque and difficult to catch" (Bigo 2002, 81). This is reflected by the newly articulated definition of terrorism as an ever-present and significant threat.

Michael Bromwich refers to this simply as "espionage" (Lehrer 2002).

[9] Frank Libutti retired from a career in the U.S. Marine Corps as a Lieutenant General.

Wardlaw's and Toal's comments on the moral, discursive, and social dimensions of texts shed light on our sample and simultaneously speak to all three of the constitutive effects of discourse that Fairclough has identified (Chapter 2). These allow for the discursive construction of "terrorists" as social subjects who are necessarily morally inferior and illegitimate in a relational sense to the dominant speaker. This positioning also serves to ideationally articulate and elevate particular knowledges and beliefs within specified social spaces to the advantage of those already holding power, while disqualifying others. This new uneasy concern with the *potential* of on-going terrorism, as an ambiguously defined and amorphous threat, represents a reorientation and re-thinking in the area of policing political conventions from what it has been in the past.

Throughout the 1950's and 1960's, urban race-related riots, looting, and violent anti-war demonstrations at political gatherings were top priorities for police departments, famously showcased by the violent police-protester interactions at the 1968 Democratic National Convention in Chicago, IL (Kusch 2004, 16, 20-21, 68-69). At around the time of the 2000 Democratic National Convention and Republican National Convention, police forces across the United States now viewed the 1999 Seattle WTO protests as the new contemporary "worst-case-scenario" of what could happen during political demonstrations (Noakes 2006, 98). According to CNN, the Seattle events led to "riots" that resulted in 600 arrests and caused three million dollars worth of property damage (CNN 2000).

However, the present text strongly locates itself within a new time and social space by giving predominance to the threat of potential terrorist attacks above all other concerns. This indicates that after the events of September 11, 2001 it is now the possibility of terrorism at political events that most preoccupies state authorities – at least in New York City. Attempting to police this new form of nebulous contentious politics,[10] which may also represents a new

[10] The term *contentious politics* was coined by Sidney Tarrow, Doug McAdam, and Charles Tilly to describe political claim-making by unrepresented social groups that involves challenging authority structures through

kind of horrific worst-case-scenario for authorities, produces uncertainty and confusion on the part of the police about how to interpret and react to these new challenges. This is indicated and qualified in lines 2-5. We will also further explore the police's uncertainty in our second sample.

Additionally, the NYPD's explicit mention of the potential local use of "[t]he vehicle borne improvised explosive device" against the 2004 Republican National Convention in New York City, as "one of the most readily available and frequently used tactics by terrorists worldwide" (Lines 2-4), directly implicates the Department as part of the international coalition that is now fighting against these ambiguous "terrorists worldwide" who use this tactic. Also, referring to this tactic as the first form of potential terrorism specifically reinforces the Bush Administration's definition of the War on Terror, since according to the *Washington Post*, improvised explosive devices have been responsible for 63% of all U.S. military fatalities in Iraq and nearly 70% of U.S. soldiers wounded (Washington Post.com 2007). Similarly, they have led to over half of all U.S. forces wounded in Afghanistan, and their usage against American troops has steadily increased in both countries since 2003 (Washington Post.com 2007).

Thus, through this subtle process of linguistic association, those using these devices against the U.S. military around the world are again reclassified and now implicitly designated as part of the same group of ambiguous "terrorists worldwide" – versus any other possible categorization, such as insurgents, rebels, perpetrators of sectarian violence, etc. Accordingly, the warning that potential terrorists may use the same tactics in New York City that are being used in Iraq and Afghanistan against the American military effectively remaps the social space of the City as a battleground for terrorist and counter-terrorist warfare, reconstituting local spaces as sites of extreme danger, unpredictability, and potential sudden

non-institutional means. This includes social movements, revolutions, and riots, as well as various other forms of related collective action.

terrorist explosions. This reconceptualization is clear from the NYPD's new random military-like counterterrorist "deployments" throughout the City, which make up its Operations Hercules and Atlas, among others. This will also be further discussed in the analysis of our second sample.

Similarly, the NYPD's assertion that unknown and unspecified chemical and biological weapons – weapons of mass destruction (WMDs) – now pose "a significant threat" (Lines 4-5) to the 2004 Republican National Convention smacks of allusions to the Bush Administration's own pre-war political discourse justifying the invasion of Iraq based on so-called preemptive self-defense and guided by faith in an enemy's potential weapons that still remain unseen and undiscovered. In this way, the NYPD's newfound faith in unseen enemies' capabilities to wreak terror in the City may also be led by the same style Bush Doctrine, which perpetually flirts with implementing future-oriented security policies to preempt even emerging threats.

After constituting the various terrorist threats that plague the City, the text then abruptly transitions into a warning about the political protests that will soon occur (Lines 6-8). This content shift is achieved only by using the word "Additionally" linking the potential use of weapons of mass destruction to the large demonstrations that are expected. Although not directly stated, this positioning has the effect of casting the protesters as a substantial security concern against the backdrop of the previous statements of potential terror.

In this way, this juxtaposition of themes contributes to the perception that if the NYPD have the choice between counter-acting deadly terrorist attacks and accommodating protesters, the first certainly must trump the second. Further, in an uncharacteristic move, the text subtly personifies the social space of the City as a separate subject than the future demonstrators (Lines 6-7). This linguistically distances the claim-makers from the City and NYPD, which at times act as one. This is done by stating that "New York City *will see* a

volume of protest activity *not seen in decades*" (Lines 6-7, italics added), implying that the protesters are not necessarily an organic element of New York itself.

The intentional selection of language in these lines also offers clues about the NYPD's contemporary perceptions about political demonstrations as a potential problem of public order. In this sense, the text first refers to the 250,000 people expected to protest not as protesters or otherwise individually constituted social subjects, but rather as a certain increased "volume of protest activity not seen in decades." This emphasizes what Foucault calls the modern power tendency to order populations through the enactment of a governmentality of technicalization. Through such power techniques, complex individual human beings and social groups are conveniently rendered governable by being reduced and categorized into a measurable statistical data – in this case a certain level or volume of civil disorder – which the police can manage and control through the enforcement of official public order norms.

Yet, the following two sections also seek to qualify this mass of protest activity in more certain terms (Lines 9-11 and Lines 12-14). In this sense, there are two clearly defined and distinctly separated categories of protesters who are identified as constituting the two main recognizable social groups – peaceful (Line 9) and violent claimants (Lines 12-14). However, in regard to the NYPD's power relations with both classes of protesters, the text illustrates that the official role of the police is not to punish the wrongs of social subjects, but rather to maintain social order. This characterization of the NYPD also parallels the wider shift in modern legal theory, which Roger Berkowitz identifies in *The Gift of Science: Leibniz and the Modern Legal Tradition*. In this regard, Berkowitz argues that in contemporary American society the law is no longer an institution aimed at seeking justice; rather, it is a tool to secure orderly lawfulness (Berkowitz 2005, ix-xii). Whereas *justice* necessarily implies moral language and judgments, *order* relates to efficiency and the normalization of conduct.

Accordingly, in our sample, the language used in these lines (9-11 and 12-14) chiefly conveys the concerns of the police from the perspective of enforcers of order. This is indicated by the acknowledgement that even abnormally large groups of peaceful and well-intended protesters still pose a serious problem to the public order (Lines 9-11). Massive political mobilizations are claimed to "*severely impact*" the regular functioning of social and economic relations within the parameters of the identified social space of midtown (Lines 9-11), which represents the center of Manhattan and the Times Square area.

This language does not morally condemn the peaceful protesters' actions, but focuses on the effects of their behavior on the order of society. Even though these demonstrations may not actually do anything intentionally wrong, nonetheless, the police must still draw upon all of their strained resources to act as a disciplinary force to control them and secure lawfulness. In this regard, the text implies that the police should assure that those making political claims during these demonstrations do not disrupt the routinized "flow" of the state and social order, which is represented here by the image of the transportation of goods and people in the City's center (Lines 10-11).

Secondly, the text discusses the police's relation to potentially violent protesters (12-14). Again, in this case, the NYPD's primary concern is social order. This is indicated by the fact that the police do not focus on the wrongs that may be committed, but rather on the harm that might result from them (Line 14). Here, the stated primary preoccupation is not that some citizens will question the moral legitimacy of the state and "advocate violence in opposition to the government" (Lines 12-13). Instead, the concluding concern of the NYPD is actually that their behavior "could significantly endanger public safety," representing a threat to the police's ability to maintain and enforce social control (Line 14). This reemphasizes the notion that the NYPD are agents of order and not morality.

This conceptualization of modern power tactics in these lines (9-11 and 12-14) reflects

a contemporary example of the dominant governmentality of Western disciplinary societies, in which power chiefly functions to constrain and discipline illegalities, as well as normalize social conduct (Foucault 1995, 195-228). This contemporary model is distinct from those of previous times when power was meant instead to punish perpetrators for moral wrongs (Foucault 1995). An additional explicit confirmation of the modern role of police power is also offered in the NYPD's *Police Student Guide: Maintaining Public Order*, which declares, "The police officer's role is *never to punish*; the objective is the *calming of the disorder*" (NYPDa 2004, 27, italics).

While this same discourse of public order and governmentality of social control is implied throughout these two sections of our textual sample (Lines 9-11 and 12-14), a policy manifestation of this discourse is ultimately directly referred to in its closing lines, clarifying beyond doubt that NYPD is the legitimate agent of the state that can decide the limits and regulation of speech and movement in the City (Lines 15-16). In light of significant potential terrorist attacks (Lines 1-5), the sheer size of the expected political protests (Lines 9-11), and the possible presence of violent claimants at this event (Lines 12-14), this last affirmative statement serves as a partial reassertion of the police's power and agency, despite the dominant tone of unease.

In terms of content, these last two lines (15-16), which pronounce and legitimize an ordering of voices and bodies through the practice of protest permitting, are a remaining effect of the historical shift from "escalated force" to "negotiated management" that occurred in protest policing in the United States between the 1960s and mid-1990s, which was observed by McPhail, Schweingruber, and McCarthy (Chapter 1). This new style of negotiated policing allowed for the emergence of the field of jurisprudence within which the social practice of contemporary "protest permitting" is now embedded. This body of knowledge is known as "protest law" or the "public forum doctrine," which allows authorities and political

challengers to negotiate claim-making and social control methods (McPhail 1998, 57).

4.6 Conclusion

The Foucauldian discourse of social order and regulation that is implied throughout the text (Lines 6-16) is at odds with the first two affective discourses of morality and politics (Lines 1-5). In this sense, this text is a site of struggle between two distinct contemporary representations of the police in New York City. One is the official modern conceptualization of the police as a force for public order and social control. The other is the recent reconstitution of the NYPD after September 11, 2001 as a counter-terrorist morally-driven (political) agent of the state.

These two policing images are hybridized in this text into a new protest policing discourse, which is based on a governmentality of misgiving, unease, and unpredictability. In this way, categorizing ambiguous moral enemies and articulating a general climate of fear may now function as new power techniques to help reorder social spaces accordingly. Understanding how this development influences the NYPD's self-perceptions and perceptions of society will be further explored in the next chapter, which analyzes a textual sample taken from the Department's *Police Student's Guide: Maintaining Public Order.* The following analysis offers further evidence that substantial social changes are occurring within the NYPD and across the social space of New York City, as a result.

Chapter 5: Reconstituting Identities

5.1 Introduction

The terrorist attacks on September 11, 2001 were universalizing events that have had particularizing effects across various fields in the United States and world. Some scholars have interpreted these events as evidence that the U.S. should seriously reconsider the nature of its foreign polices in the Middle East, opening new policy debate in this area (Chomsky 2007). In the political field, the Bush Administration has attempted to essentialize the events, claiming that these were simply acts of evil committed by evildoers who must be fought and destroyed (Jackson 2005, 65-69). In the intelligence community, FBI Director Robert Mueller has explained that "9/11" marked the beginning of "a different culture" requiring the reconceptualization of goals, roles, and priorities (Mueller 2002, FBIa 2008).

As the local law enforcement agency primarily charged with securing the safety of New York City, the New York City Police Department (NYPD) was thrust into an initial identity crisis after the September 11th attacks, as it was forced to reconceptualize its function in society and the threats that it faced. In the years following these attacks, the Department has struggled to redefine its new role and place within this uncertain social space. However, the major structural changes within the NYPD in recent years (Chapter 3) indicate that it has tended to reorient itself towards being an intelligence-led, counter-terrorist agency.

The following sections examine a second textual sample discussing how the NYPD internally perceived "Future Large Scale Events" in July 2004. This selection was taken from the Department's *Police Student's Guide: Maintaining Public Order*. By analyzing this sample in light of the first sample and the social practices that we have explored so far, we may better understand the social, political, and socio-cognitive processes that have affected the Department's recent policing, namely its protest policing during the 2004 Republican National Convention. While this text includes several of the same topics as the first, its style,

tone, form, and much of its specific content are distinct.

The NYPD attempted to block the release of this document by asserting that it revealed too much information about the Department's own internal workings and that if it were made public it would actually "undermine the NYPD's ability to police incidents of disorder [and] civil disobedience" (*Michael Schiller v. The City of New York* 2007a, 30-31). Although the City highlights that this text reveals "vulnerable locations" for potential physical disorder (*Michael Schiller v. The City of New York* 2007a, 31), on a deeper level, the sample also reveals the Department's own sense of internal vulnerability and uncertainty at this time concerning its abilities and role.

This following text appears in italics to highlight it as the present discursive data. In the original document, these four sections reviewing possible threats to the 2004 Republican National Convention and the City were also followed by a fifth section outlining threats to the 2012 Olympics in the City. However, this last section has been omitted from the present study, since our main focus is to excavate the text for the perceptions, expectations, and interdiscursivity that affected the police's specific discourse and social practices during the 2004 RNC.

5.2 Textual Sample

Future Large Scale Events

The Department's ability to prevent civil disorder should not be over-estimated. Only through intense training and increased community relations can we hope to quiet unrest. Nevertheless, there will be future events that will test our resolve; events that are out of the City's control; global events that will be played out on the streets on [sic] New York. Only through a unified response will we be able to manage these large-scale incidents. Some future events include:

The Republican National Convention *– The threat of terrorism, overseas war, protests, and past civil disorder associated with these conventions makes this event highly volatile. All Department resources will be used to police this convention.*

The Continued Wars in the Middle East – *As the wars drag on, more people will begin to grow concerned about our role in that area. Protests will become larger and, possibly, more violent. Emerging conflicts with Iran and South Korea [sic?], coupled with the ongoing tension between Israel and Palestine, will undoubtedly lead to further protests.*

Terrorist Threat – *The ongoing conflicts in the Middle East also bring the prospect of another terrorist attack in the City. It is possible that the reason there was no panic on 9/11 was that people didn't fully realize what was happening. Another attack would surely prove different. With the devastation of 9/11 still fresh in people's minds, a second wave of attacks could possibly cause wide scale panic and civil unrest* (NYPD 2004a, 25-26, #000008246-000008247).

5.3 Description

The sample opens with a direct and modest admission that the NYPD is an institution with clear limitations (Line 1). While extensive training and the cultivation of better community relations are recognized as important components in being able to police civil disorder (Line 2), the text clarifies that some incidents are inevitable (Lines 3-5). In order to successfully manage such situations, it asserts that the police must respond in a unified way (Lines 5-6). This first section (Lines 1-6) acts as an introduction and preface to the next three specific types of "Future Large Scale Events" that follow in our sample – The Republican National Convention (Lines 7-9), The Continued Wars in the Middle East (Lines 10-14), and the Terrorist Threat (Lines 15-19).

As the text continues, it then outlines some of the specific international and domestic factors that contribute to the Republican National Convention being an especially sensitive event, explaining that these elements warrant the full utilization of the Department's resources (Lines 7-9). The subsequent section serves as an overview of what are seen as relevant international affairs (Lines 10-14). It explains that as wars and conflicts continue in the Middle East this will have a direct effect on an increase in domestic protests (Lines 10-12). In

this section, "[e]merging conflicts with Iran and South Korea" are listed as a concern (Line 12). However, it may be assumed that the naming of "South Korea" instead of "North Korea" is actually a mistake in the text, since South Korea is a significant ally of the United States at this time. In contrast, the text does accurately identify the conflict between Israel and Palestine as another potential source of concern (Lines 13-14).

The next section explains that the perpetual unrest in the Middle East also fuels the possibility of more terrorist attacks in New York City (Lines 15-16). The text speculates that the reason why there was not as much panic as would be expected during the terrorist attacks of September 11, 2001 was because people may not have actually understood what was going on at that time (Lines 16-17). However, the text claims that against the backdrop of the previous terrorist attacks, now more attacks could lead to mass civil disorder (Lines 17-19).

5.4 Interpretation and Explanation

This textual sample is noticeably unique from our first in that it linguistically serves to help constitute a police community through both its form and content. In contrast to our first sample, the audience of this text is new police students who must be integrated into the police culture and intuition. In this regard, its topics and structure attempt to ideationally reinforce the same type of Jacksonian[11] "folk community" that Toal observes to exist in the political and security fields in the contemporary United States (Toal 2003, 860).

Linguistically, the intentional usage of the discursive constructions "we" (Lines 2, 5) and "our" (Lines 3, 11) help to reduce the barriers between the speaker and the reader. This hybridizes the institutional discourse with a more informal variety of language. In this way, the first person plural form of the verb conveys a closer sense of identification and

[11] The Jacksonian geopolitical tradition is based on "popular aggressive nationalism" (Toal 2003, 860), idealizes the existence of a "folk community with a strong sense of common values and common destiny" (Toal 2003, 860), promotes values of "self-reliance, individualism, and personal dignity" (Toal 2003, 860), and supports being "vigilant and strongly armed" (Toal 2003, 862).

immediacy, helping to "soften the authority"[12] of the speaker and transform the otherwise mostly institutional discourse. Additionally, the interpersonal function of the text's language promotes a power relation of equality between the speaker and reader. This style of speaking from within the community is not unique to any one field, social group, genre of text, or social context.[13] In our text, we will also explore several other linguistic formations that have the effect of helping to constitute of the police as a particular kind of social subject and group.

Despite the text's attempt to discursively construct a consolidated community, clues throughout the sample indicate that this community is in a period of transition, redefinition, and hybridization. In this regard, the text's opening lines express a tone of humility and resignation (Lines 1-6). As an introduction appearing in an official NYPD training manual, this text is exceptional in the sense of disempowerment and uncertainty that it conveys (Lines 1, 3-5). Not only does it explicitly warn that the police's own "ability to prevent civil disorder should not be over-estimated" (Line 1), but it also admits that today some events are simply "out of the City's control" (Line 3-4). In a similar way, following the manual's prescribed policing recommendations does not even affirmatively assure the successful managing of civil disorder, but merely provides the "[only] hope" for quieting unrest (Line 2).

These lines from this 2004 training manual locate the text in the particularly uncertain post-9/11 social space of New York City, indicating a level of internal insecurity that never would have been expressed by the NYPD in its assertive policing era of the 1990's under Commissioner William Bratton or his successors. In this regard, in 1999, Bratton had even declared, the "[New York] police can control and manage virtually every type of crime in virtually every neighborhood. No place is unpoliceable; no crime is immune to better enforcement efforts" (Bratton 1999). Likewise, conveying the NYPD's internal self-

[12] This is a phrase used by Titscher to describe the effects of first person plural verb usage in his work on discourse analysis.
[13] This style also varies significantly among politicians. However, it is interesting to note that this approach is now common to President Bush's political rhetoric (Johnson 2002, 214, 218).

confidence at this time, a sign hanging in the NYPD Command Center in 1995 read, "We're not report takers...We're the police" (Bratton 1999).

However, these assertions were made before the events of September 11th illustrated the inadequacy and severe limitations of the police to protect the City in the ways they thought they could. Signaling a departure from the previous policing discourse, now police students are specifically instructed not to over-estimate themselves, because today it should be expected that sometimes inevitable "global events…*will be* played out on the streets on [sic] New York" (Line 4, italics added). While grammatically this statement should be written "played out on the streets *of* New York," it is telling that the text actually enunciates that global events are now being played out "on the streets *on* New York," as if they are being pressed down on the City and it is unable to resist or escape.

While neither the imagery of "9/11" nor the discourse of terrorism is yet explicitly mentioned in the text at this point, these scripts serve as meta-narratives to inform and frame these opening statements about the police's recent loss of agency. The direct invocations of and allusions to the moral and political discourses associated with terrorism appear in the following sections entitled "The Republican National Convention" (Lines 7-9) and "The Terrorist Threat" (Lines 15-19). In the former, the non-specific "threat of terrorism" is listed as the first concern above all others facing the Convention (Line 7). This feature is the same in both of our textual samples.

The intentional linguistic usage of the term "terrorism" to morally designate the particular genre of political violence that is primarily feared by the police at this time, as well as the topic's primary location in the text, may indicate that both samples similarly draw on the same dominant (societal) moral and political discourses for meaning. Also, the way that a nebulous threat of terrorism is predominately topicalized and given top priority in both texts may indicate a pattern in the NYPD's protest policing discourse surrounding the 2004

Republican National Convention.

Interestingly, as the text reviews the variety of specific social concerns that "makes this event [the 2004 RNC] highly volatile" (Lines 8-9), it lists several very different kinds of social phenomena alongside each other. For example, after the "threat of terrorism," it then names "overseas war, protests, and past civil disorder associated with these conventions" (Lines 7-8). Judging from the hierarchy of priority implied in this ordering, we again observe that the police are much more concerned with addressing the threat of terrorism at this event than they are with enabling protesters to peacefully demonstrate or even policing potential civil disorder outside of what might lead to terrorism. Also, by combining these extremely heterogeneous potential threats into one broad list of components that all contribute to making this event "highly volatile," this also has the effect of homogenizing these issues' individual intricacies into one main security concern, which is now dominated by the threat of terrorism. Thus, in an effort to control this major threat, the text explains that "[a]ll Department resources will be used to police this convention" (Line 9). This declaration further infuses the previous statements with urgency.

However, in this specific context, it should be noted that the notion of "polic[ing] this convention" also has a particular meaning, which is constructed in the text's introductory lines (1-5). In this regard, the traditional function of *crime prevention* is largely suspended (Lines 1, 3-4) and the new function of *threat management* is taken up in its place (Line 5). Recognizing the Department's new limitations, it no longer seeks to prevent criminal activity as it once did. Instead, it now attempts to "*manage* these large scale incidents" (Line 5) by utilizing its new policing repertoire of intelligence and preemptive unpredictability. This also confirms Bigo's observations about the contemporary emergence of threat and risk management within the security field. Locating this discursive shift within the contemporary social practices of the NYPD in New York City, we understand that unlike previous crime prevention tools, the

police's new management devices are now uniquely used to establish the sense of police *omnipresence* – and not just presence.

Besides the NYPD's new increasing use of intelligence operations to infiltrate and spy on political protesters (Dwyer 2006; Dwyer 2007), this shift in protest policing is also identified in the NYPD's own *2004 Republican National Convention Executive Summary*. In this regard, the internal report explains that during the event "[s]quads from the mobile field force will, on a rotational basis, visit hotels, critical infrastructure and transit facilities *creating the sense of omni-presence* and deterring criminal and terrorist activity" (NYPDb 2004, 11, #000007092). This represents a new form of governmentality, allowing for the ordering of populations according to threats, fears, and unease. In this way, the security professionals themselves play crucial roles in helping to make abstract and ill-defined threats into new social realities through their own existence and social practices. This becomes a new mode of governance through fear management.

In this case, it is also especially significant that these policing measures are included under the heading of "Mobile Response & Demonstrations" (NYPDb 2004, 11, #000007092), since they actually have the twofold stated function of "deterring criminal *and terrorist activity*" during these political demonstrations. This further represents the Department's recent blending of perceptions relating to threats, tactics, and objectives. In fact, this new specific policing tactic of instilling a sense of general unease and unpredictability in the population is actually identical to the Department's own counter-terrorism operations Hercules and Atlas, which begun in 2002 (Horowitz 2003; Finnegan 2005). Additionally, prior to the event, Mayor Bloomberg affirmed that the NYPD's anti-terror, Special-Forces-like, Hercules teams would also be deployed throughout the City during the Convention (Sheridan 2004).

However, this new policing approach aimed at managing threats through imposing uncertainty and creating omnipresence is actually a direct effect of the earlier observation that

the NYPD has experienced an identity crisis and redefinition within the post-9/11 social space of New York City. Analyzing the text, it becomes evident that the September 11, 2001 terrorist attacks had both a profound impact on the NYPD's initial self-confidence and future trajectory. In fact, these events in many ways now define the Department, since it has been restructured in opposition to such threats. Yet, this has had diverse effects, as we will see.

The traumatic effects of the September 11, 2001 attacks on the Department and City cannot be over-emphasized. In fact, there are indications in the text this was still a key issue haunting the NYPD, even during the production of this document. This is indicated by what might be a classic example of psychological projection[14] expressed in the text, which appears within the section entitled "The Terrorist Threat."

The text asserts that "[w]ith the devastation of 9/11 still fresh in people's minds, a second wave of attacks could possibly cause wide scale panic and civil unrest" (Lines 18-19). However, while this statement is seemingly presented as an enunciative warning to the reader, it has an additional double underlying effect. First, it ideationally constitutes the knowledge that the "devastation of 9/11" is actually "still fresh in people's minds" for those who read this text. In this sense, the very way that the sentence is structured takes for granted that theses events are actually still in people's minds. Second, the speaker of the text actually projects his/her own undesirable experiences and feelings relating to "9/11" and their vividness in his/her own mind onto *the people*. This functions as a defense mechanism to help deal with the trauma of these events.

This psychological projection may be chiefly suggested by the "conversationalization" of the discourse during the exact moments when the text recounts the instant of uncertainty and trauma. Fairclough explains that the "conversationalization of discourse" occurs when certain elements from the private domain of language usage permeate an institutional

[14] This is a psychological term that describes when subjects attribute their own undesirable or unpleasant thoughts, feelings, and qualities onto others as a defense mechanism. Subjects may unconsciously do this in an attempt to escape their own unacceptable traits or experiences.

discourse (Titscher 2003, 154). Often this may happen in the context of a social interaction between people. Titscher explains that "[t]his change gives the institutional discourse a markedly informal character" (Titscher 2003, 154). The presence of this type of linguistic realization highlights socio-cultural changes and is a sign of the hybridization of discourses (Titscher 2003, 154). In our text, it is indicated by two linguistic mechanisms. But, the introduction of both informal elements coincides exactly with the moment when the text explains the exact moment of trauma. Here, the formal institutional language is temporarily suspended in the moment of uncertainty in favor of a more personal, emphatic, and informal language. This is subtly indicated by the following sentences:

> It is possible that the reason there was no panic on *9/11* was that *people didn't fully realize* what was happening. Another attack would surely prove different. With the devastation of *9/11* still fresh in people's minds, a second wave of attacks could possibly cause wide scale panic and civil unrest (Lines 16-19).

The first example of the permeation of private language into this institutional police training discourse is the inclusion of the vernacular numerical symbol for the terrorist attacks – "9/11" (Lines 17-18). This shorthand has become a powerful colloquial representation that is now able to recall the socio-cultural flashbulb memory[15] of the trauma and terror associated with that day in the United States. Put differently, Toal identifies that the term "9/11" has become a powerful "somatic marker" that now represents a national "culturally mobilized, corporeal disposition" in which one participates and that is enacted as a lens through which one may consolidate complex emotionally-charged experiences and memories, scaling them down into more easily understanding and digestible realities (Toal 2003, 858). The second indication of "conversationalization" is the use of the contraction "didn't" in the phrase "people didn't realize" (Line 17) instead of "people did not realize." This further reflects a more vernacular

[15] This is a psychological term that describes how certain significant, shocking, and/or traumatic memories may be instantaneously inscribed into the memory with great detail and vividness. They are captured almost like snapshots by the mind.

and emphatic intonation, potentially suggesting a personal connection with these event. Either way, the presence of this element of informalization does indicate that this police institution is susceptible to changes.

By further re-examining the opening lines of this sample through this deeper socio-cultural or socio-psychological lens, we also observe that these statements bear a tone of self-deprecation, which highlight the police's new self-perceived inability to be effective (Line 1), acknowledge their status as inevitable victims of circumstance (Lines 3-4), and represent indications of the NYPD's own internalization of victimhood after September 11, 2001. This observation is consistent with Gerard Toal's reading of the dominant U.S. perception about these attacks. In this sense, Toal explains that "[w]ithin this quick-draw, personal-to-the-geopolitical culture, *America was defiled and disrespected* by the 9/11 attacks" (Toal 2003, 862, italics added). In this way, these acts of terrorism were a personal affront to the dignity and self-confidence of the American people.

Demonstrating the sentiment of loss, shortly after 9/11, in October 2001, President Bush lamented, "We are a generous people, *a thoughtful people who hurt. And share the sadness* when people lose their life or when people are hurt" (Johnson 2002, 218, italics added). In *Writing the War on Terror,* political sociologist Richard Jackson similarly observes that a "sacralising language" is used to discursively reconstruct these attacks on America's innocence, establishing the country as the "primary victim" (Jackson 2005, 35). Accordingly, linguistic representations of the attacks make "constant reference to tragedy, grievance and the exceptional suffering of the American people" (Jackson 2005, 31, 35).

As sociologist William Gamson has observed in the context of social mobilization, a sense of injustice is usually part of what motivates groups to respond to perceived problems or issues on the societal level (Gamson 1992, 7; Olesen 2005, 31). This injustice component of mobilization recognizes that unwarranted "harm and suffering" has been deliberately inflicted

without legitimate cause (Gamson 1992, 7). Gamson argues that the "moral indignation" felt from suffering an injustice is channeled into action (Gamson 1992, 7). In an even more evocative description, Gamson explains that the perception of injustice "focuses on the righteous anger that puts fire in the belly and iron in the soul" (Tarrow 1998, 11, Gamson as quoted by Tarrow).

In President Bush's political rhetoric after the attacks, sociologist Richard Johnson observes that the America that was victimized "reveals itself as a source of strength" (Johnson 2002, 215). More directly, examining social mobilization, Jackson notes that "a powerful sense of grievance and victimhood" can motivate people to not only engage in forms of social action, but also even acts of violence (Jackson 2005, 36). He explains that the feeling of powerlessness and victimhood "induces anger, hatred, fear, and a desire for revenge" (Jackson 2005, 36). In this sense, Toal argues that the Bush Administration's exercise of "military power in response to the exposure of 9/11" is actually part of the national "desire to avenge the symbolic castrating of America's power and profile on September 11" (Toal 2003, 859, 668).

The opening lines of our textual sample (Lines 1-6) convey the NYPD's same internal sense of metaphoric castration in the post-9/11 social space of New York City. However, examining the text in light of the Department's corresponding social practices at this time, we find that outwardly the police also similarly projected an inflated image of power throughout the City after these attacks, which may parallel what Toal calls the Bush Administration's violent "illusion of power" on the international level (Toal 2003, 868). This may have been done in a like effort to reassert themselves, reclaim an insecure identity, and regain a lost sense of agency. In both cases, it has been in these moments of extreme vulnerability that violence – in the form of military and police might – has been called upon as the last resource of the state.

In this way, according to Walter Benjamin, the reassertion of the police into society actually "marks the point at which the state, whether from impotence or because of the immanent connections within the legal system, can no longer guarantee through the legal system the empirical ends that it desires at any price to attain" (Benjamin 1978, 287). Such a description seems accurate in many ways for the situation in New York City in the years after September 11, 2001. In moments of uncertainty, the police may wield force, but not necessarily power. In this sense, Benjamin also further explains that in such times of doubt the police begin to also "intervene 'for security reasons' in countless cases where no clear legal situation exists, when they are not merely, without the slightest relation to legal ends, accompanying the citizen as a brutal encumbrance through a life regulated by ordinances, or simply supervising him" (Benjamin 1978, 287).

In this regard, what Nietzsche calls the *will to power* may be manifest instead in the NYPD's reconstituted *will to intimidate*, most starkly epitomized in the Department's new counter-terrorist maneuvers, such as Operation Hercules and Operation Atlas, as well as others. Beginning in 2002, these iron-fisted policing programs have been purposefully devised and implemented "to intimidate and to very publicly mount a show of force" (Horowitz 2003, 2). Describing the public's reaction to Hercules operations, Dennis Behreandt writes that "stunned New Yorkers look on in awe and fearful silence" (Behreandt 2007).

As part of the NYPD's Operation Hercules, now paramilitary Hercules Teams wearing body-armor and armed with submachineguns show up unannounced at random locations throughout the City daily (Horowitz 2003, 2; Finnegan 2005). These new counter-terrorist tactics have no apparent pattern and are meant to display the "random nature" of the NYPD's ability to strike anywhere in the City at anytime (Bornstein 2005, 4). Likewise, Operation Atlas now even deploys heavily-armed teams to restaurants, hotels, tourist sites, special events, landmarks, and also the Financial District (NYPD 2006). This Operation maintains

"comprehensive specialized patrol comprised of ESU heavy weapons, Canine, Highway radio cars, Intel, Aviation and Harbor Units" (NYPD 2006b). Referring to Hercules tactics, NYPD officer Abad Nieves in the Intelligence Division affirms, "We are in the business of scaring people – we just want to scare the right people" (Behreandt 2007).

These policing operations of extreme force and intentional intimidation are social articulations of the NYPD's new discourse of its own war on terror, which is brings to the City's streets everyday in the form of these counter-terrorist deployments (Horowitz 2003). Yet, in response to the Department's initial disempowerment and symbolic castration after 9/11, the NYPD could not have proclaimed more hyper-masculine mythic symbols of strength and power than "Hercules" and "Atlas" to represent its own new reassertions of macho identity. The first character embodies the classical Greek and Roman hero figure, specifically signifying "a supreme manifestation of virility and physicality" (Simons 2002). In this sense, Hercules also represents both "heroic manhood" and the "mythological founder of war" (Headlam Wells 2000, 178). In this regard, Robin Headlam Wells explains that "[w]ar is one of the most rigidly gendered of all human activities" (Headlam Wells 2000, 178). The second, being the Greek Titan who bears the world on his shoulders.

Yet, this newfound power to intimidate also enacts new forms of indiscriminate violence upon the local populations occupying the immediate social terrain, namely violences of arbitrariness and preemptive action. In this way, the NYPD's newfound will to intimidate is extended towards other perceived classes of opposition as well as its initial targets. This may include political protesters and minority social groups. In this sense, the NYPD would be well served by heeding Nietzsche's observations, "He who fights with monsters should look to it that he himself does not become a monster. And when you gaze long into an abyss the abyss also gazes into you" (Nietzsche 1973, 102). In this sense, their own initial loss of power may now be reenacted onto their local social spaces through what Bigo observes as a new politics

of fear and misgivings.

This loss of power and perceived intimate victimization on the homefront of New York City also contributes to the remapping of local social spaces as unpredictable battlegrounds for terrorist warfare. This is another layer of what is meant when the text states that "[t]here will be future events that will test our resolve; events that are out of the City's control; *global events that will be played out on the streets on [sic] New York*" (Lines 3-5, italics added). Such statements help to discursively reconstitute the City as a local theater for the international military (and NYPD) campaign against terrorism. Although merely implied at this point in the text, this direct connection is affirmed later when it explains that "[t]he ongoing conflicts in the Middle East also bring the prospect of another terrorist attack in the City" (Lines 15-16).

While this statement (Lines 15-16) localizes terror for the NYPD, bringing its possible realization back to the City, it also has the effect of directly attributing the usually ambiguous threat of terrorism to the concrete and specific geographical region of the Middle East. By representing the entire zone of "the Middle East" as place of "*ongoing conflicts*" (Lines 15-16, italics added), the text Orientalizes this area as a demarcated social space of perpetual backwardness and war. This essentializing and pejorative representation is further reinforced by the text's section entitled "*The Continued Wars* in the Middle East" (Lines 10, italics added). Here again, the same broadly constituted area is introduced as an abysmal zone with no possible end to conflict and "the *wars drag on*" (Line 10, italics added). The classic example of the "*ongoing tensions* between Israel and Palestine" (Lines 13) is given to justify the generalization, as if the nature of the current conflict was actually an organic development of the region.

Further, the U.S. presence and foreign policies in the Middle East are taken as a given, collectively described in the text as "our role in that area" (Line 11). Yet, it is not the violence

being enacted in the Middle East that is the text's focus, but rather how seemingly inevitable global affairs impact the City – "global events that will be played out on the streets on [sic] New York" (Lines 3-5). In this way, it is an implicit assumption in the text that the United States will continue its same exact policies in the region and, as a result, the NYPD should expect both more local terrorism (Lines 10-11, 15-16) and increasing political protests (Lines 11-14).

Conclusion

Today, there is a growing body of scholarly research being conducted on social movements and protest policing in the United States. Within the disciplines of political science and sociology, most scholars recognize that police tactics during political demonstrations are not static, but change over the years through interactive processes. Some authors have attempted to identify paradigmatic shifts in how the forces of order deal with political protesters. Yet, few have thoroughly integrated the concept of police knowledge into their actual research. While scholars recognize the importance and existence of certain types of official knowledge, so far they have not yet used this opening as a point of departure for further research on protest policing. Instead, they have often merely concentrated on police tactics themselves and not the official discourses or knowledge that have underpinned their implementation. As a new field of research, future scholars must find ways to more effectively blend empirical work with the theoretical frameworks of della Porta, Fairclough, Foucault, and Bourdieu.

The discourse of preemptive counter-terrorism and practice of ordering populations on the basis of fear have increased in popularity and legitimacy since 2001-2002. However, the ambiguous search for external enemies has now discursively turned inward seeking out enemies within the domestic sphere. The future-oriented discourse of securing the public order has resonated with previous cultural frames of NYPD police knowledge about crime prevention, however, the institution has also undergone a noticeable evolution in how it perceives its own role and its position as an organization that proactively attempts to control crime and increasingly seeks to preempt future threats with intelligence. This has been starkly demonstrated through the case study of the NYPD's responses to the 2004 RNC political demonstrations.

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