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Counterinsurgency
and the Occupy
Movement

ka in the 1970s and MOVE in the 1980s, not to mention the more mundane selectivity of stop-and-frisk and racist curfews. Unfortunately, the chasm separating the Occupy Movement from the most oppressed communities has prevented us from taking this lesson to heart. Our enemies who wrote FM 3-24 understand well the need for insurgents to take refuge in the people, in broad movements, to sink our roots deeply into communities and refuse to be moved. Williams continues:

When facing counterinsurgency, we need to learn to think like insurgents: The antidote to repression is, simply put, more resistance. But this cannot just be a matter of escalating tactics or increasing militancy.

Crucially, it has to involve broadening the movement's base of support.

When we have successfully done so, there will be no 'good' protesters, only 'bad.' When the troublemakers outnumber the collaborators, then—and only then—will our own popular insurgency stand a chance.

The following article was written by George Ciccariello-Maher and was originally published with additional end notes in Life During Wartime (AK Press, 2013).

“There is your cancer! Go and excise it!” The PPD was more than willing to oblige, moving in to surgically arrest two so-called agitators. Hedges himself would have been proud. Even more troubling was the fact that many ‘good’ protesters seemed not to care that the ‘bad’ had been removed. When some marchers retreated while singing “This Little Light of Mine,” they were mic-checked by a young black woman: “This is no time to celebrate! Your comrades were just arrested! This is disgusting!”

By merely standing in opposition to violence—by the police or protesters—rather than standing *for* the imperative need for social transformation that drives protests to begin with, Wolf and Hedges unwittingly contribute to a double function. Firstly, they obscure the fact that contemporary policing is *not* simply rooted in brute force but instead in the more subtle and selective deployment of force against the ‘bad.’ Secondly, they themselves contribute to that selectivity by reinforcing the very division that underlies the strategy of strategic incapacitation. Thus they conceal the weapons of our enemies and divide our own forces.

Much has been said about the violence-versus-nonviolence debate within and prior to Occupy, and it is true that we need to defend the violent as well as the nonviolent and accept not only a diversity of tactics but also a diversity of strategies for building the new world. Arguably more important than debating violence within *our* ranks, however, and even more important than denouncing nonviolence as complicit in perpetuating the violence of the existing order, is grasping and opposing the seemingly less-violent policing strategies we might otherwise overlook or, worse still, encourage with our rhetoric. From the perspective of building sustained movements, “strategic incapacitation”—if we fail to recognize how it operates and strategize how to oppose it—could prove even more harmful than the indiscriminate force of the past. In response to such divide-and-conquer tactics, Kristian Williams has argued that, “we need to be prepared to support the guilty along with the innocent.” We must also protect the troublemakers, because this is simply not a question of violence or nonviolence, but one of attempts to destroy political movements by violent *or* nonviolent means. We are opposed to both.

Here an important final caveat is in order: counterinsurgency research has been too focused on the rights of the privileged. As Williams puts it, “repression... is not something that happens solely, or even mainly, to activists.”⁶⁹ There have always been good and bad protesters, and these are distinguished as much by race as by tactical orientation. Surveillance, preemptive arrests, media slander campaigns, and less-lethal—but also more-lethal—weaponry have been nothing new to black movements from the Revolutionary Action Movement and the Black Panthers of the 1960s to the Republic of New Afri-

Journalist Chris Hedges ruffled the feathers of many within and around the Occupy Movement when he denounced black bloc anarchists as a “cancer” requiring rapid and precise excision. “The corporate state,” he argued, “can use the Black Bloc’s confrontational tactics and destruction of property to justify draconian forms of control and frighten the wider population away from supporting the Occupy movement,” and the movement would be better off without these hypermasculinist, anti-organizational absolutists who “represent no one but themselves.” Many, notably anarchist theorist David Graeber, have rightly attacked not only the misrepresentations in Hedges’ argument, but crucially its implications: by singling out and denouncing a sector of the movement, by dividing ‘good’ protesters from ‘bad,’ this purportedly nonviolent writer was in fact *encouraging* police violence himself (after all, surgical removal of a tumor is nothing if not violent). Less noted, however, is the degree to which Hedges’ discourse *literally* does the work of the police by contributing to actual policing strategies as they have developed in recent decades. By grasping the development of these strategies, we will be in a better position to avoid the pitfalls of the hysterical liberalism espoused by Hedges and others, and by understanding our enemies, we will be better prepared to confront them.

From Force to Incapacitation

Counterinsurgency (COIN) doctrine has seen parallel developments in the international and domestic sphere, aided in no small part by the mutual imbrication of the two spheres as federal agencies have come to play a larger role in both equipping and assisting the development of local policing strategies. Internationally, this shift in counterinsurgency theory is best expressed in the recent revision, under the oversight of General David Petraeus of the U.S. Army *Counterinsurgency Field Manual* (FM 3-24), which emphasizes the political over the military aspects of counterinsurgency, a focus on the local population rather than the enemy (strictly understood), and the ideological winning of the hearts and minds of the “uncommitted middle” rather than a policy of unrestricted annihilation. However, we must be clear that this new counterinsurgency doctrine is still fundamentally military, and these hearts and minds are not seen as ends-in-themselves, but are rather a means toward ultimately defeating the enemy. For Petraeus and others, good intelligence comes from a friendly native population—the sea within which insurgent fish either flourish or perish—and the goal is therefore to disrupt this insurgent symbiosis.

Just as the U.S. military seeks to win hearts and minds abroad not as a contribution to a more human world but as the best way to win a war against insurgents, so too has domestic policing shifted toward seemingly softer

forms in an effort to destroy movements with the velvet glove, albeit not without recourse to the iron fist. Patrick Gillham has recently tracked this shift in protest policing, one driven by a dialectic of policing and resistance that has led to strategic and tactical innovation on both sides. During the 1960s, the policing of protest movements was rooted in a strategy of “escalated force,” which was characterized by “mass and unprovoked arrests and the overwhelming and indiscriminate use of force.” The public scrutiny generated by this excessive use of force gave rise in the 1980s to a new strategy of “negotiated management,” in which police collaborated with the leaders of “professionalized social movement organizations” to regulate highly choreographed demonstrations and the often scripted arrests they involved. Radical organizers soon slipped the yoke of such routinized protest, however, putting forth ambitious demands that exceeded negotiation, pioneering new and more flexible tactics, and refusing to be straitjacketed by either the police or their own ‘leaders.’ Negotiated management simply could not keep up.

The rigidity of negotiated management was fully laid bare in the 1999 Seattle protests, where police were unable to “prepare for contingencies and allocate resources necessary to control the unpredictable tactics” of demonstrators.⁹ Radical organizers thus forced policing agencies to strategically reconfigure once again, the result of which has been what Gillham deems “strategic incapacitation.” This approach “emphasizes the application of selectivity whereby police distinguish between two categories of protesters—contained and transgressive—in order to target those most likely to engage in disruptive activities.” In other words, contemporary policing strategy has come to rest firmly on a distinction between ‘good’ and ‘bad’ protesters, crucially identifying the latter *in potentia*, prior to any disruption. In practice, this often looks like a selective fusion of the two prior policing regimes: negotiation for the good protesters, force for the bad.

However, Gillham insists that this selective use of force—with its preemptive and large-scale arrests and “less lethal” weaponry—has three additional aspects that constitute a qualitatively new regime for the containment and repression of dissent. Firstly, contemporary policies of strategic incapacitation place a much greater emphasis on surveillance prior to, during, and between protests. Secondly, this strategy seeks to consciously manage information, both internally through multi-agency sharing practices, and externally through the media by controlling “the flow of suitable information... using sophisticated public relations tactics.” Finally, and crucially, strategic incapacitation seeks to proactively organize space in a way that hinders and hobbles organizers by effectively preventing access to the object of protest (with a greater reliance on the so-called “free-speech zones” of recent years). This is,

their paranoia toward different targets: Wolf toward the alleged federal coordination of the crackdown on Occupy, and Hedges toward the anarchist fringe of that movement. However, once we turn from what Wolf and Hedges are *against* to what they are *for*, we find striking similarities. Put simply, Hedges and Wolf both subtly demand a return to negotiated management, or even escalated force: for Wolf, the police should return to their role as protectors of First Amendment rights, and for Hedges the protesters themselves should return to the choreographed routines and even “embrace police brutality.” By neglecting the shift in policing strategies and counterinsurgency from outright force and violence, through negotiated management, and on to strategic incapacitation, both ignore the imperative need for a rupture with the existing order if political change is to be possible at all.

Doubly ironic is the fact that Hedges couches his attack on the black bloc in this same language of counterinsurgency: these anarchists are “a gift from heaven to the security and surveillance state,” he contends, while naïvely insisting that our relationship toward that state “is not a war.” But pressed to provide an alternative, Hedges conveniently retreats to the past, to the strategic opposition between Martin Luther King’s nonviolence and Bull Connor’s predictably violent response, thereby concealing recent shifts in policing strategy. Contemporary policing is less Bull Connor and more Charles Ramsey, and our strategy must keep pace with that of our enemies. Like Wolf, Hedges conspicuously fails to do so. More troubling than Hedges’ neglect of this shift in policing strategy is his contribution—however inadvertent—to its effectiveness. By parroting the fundamental division of strategic incapacitation between ‘good’ and ‘bad’ protesters, and by suggesting the surgical removal of the latter, Hedges literally marks the boundary that divides his liberal tolerance from that which is beyond the pale. The implications of this position are not abstract.

I was recently on an Occupy Philadelphia march in solidarity with Occupy Oakland following the encirclement, or “kettling,” and mass arrest of protesters during the attempted January 28th building occupation. Several marchers attempted to rile the small crowd up to retake Dilworth Plaza. While Civil Affairs Officers (a notorious unit established in the 1960s to manage protesters) initially attempted to prevent this, they and other officers withdrew, the fence was torn down, and some marchers symbolically reoccupied the plaza for a few moments. Half of the crowd, rather than remaining in the streets, actually *retreated* to the other side, actively denounced the action (mind you, retaking a plaza that had previously occupied), and some even pointed out agitators to the police (others later denounced instigators as possible *agents provocateurs*). These aspiring surgeon’s assistants were effectively saying:

crackdown, PERF was contributing to something arguably more sinister: the expansion of the doctrine of strategic incapacitation and its application to the Occupy Movement. Not only do we need to recognize the shift from escalated force to strategic incapacitation if we are going to be in a position to resist contemporary policing strategies, but focusing on police violence makes it very easy for organizations like PERF to deny the charges. In a press release responding to allegations of coordinating police crackdowns, PERF insisted—quite honestly—that it seeks only to disseminate “best practices” that aim to reduce, not increase, police use of force in crowd control. Among these “best practices,” they refer to precisely the same distinction between ‘good’ and ‘bad’ protesters that is so central to contemporary strategic incapacitation: “When dealing with law-breaking protesters, don’t forget that thousands of nonviolent protesters are merely exercising their First Amendment rights. So the police must differentiate the lawbreaking protesters from those who are peaceful.” All PERF needed to do to assuage liberal hysteria that it was stoking the flames of violent repression was to tell the truth.

After defending PERF’s objectives from the critiques of Occupiers, one budding military strategist puts this nicely:

PERF is in a position much like that of the COIN advocates in the US military. They are saying that the police need to win hearts and minds, they need to have good contacts in the community, they should show restraint even in the face of provocation, they should target the use of their full power as precisely as possible, etc. Ironically, by delegitimizing PERF and perhaps by chilling police chiefs from talking with it, the Occupy folks may well be setting the stage for more police violence and overreactions. Of course, this would serve Occupy well. A good round of police atrocities could be what really kicks their movement into overdrive.

PERF is perfectly aware that the “whip of the counter-revolution” can be a boon to radicals, and this understanding lies at the heart of both global counterinsurgency doctrine and “strategic incapacitation” on the domestic level. But here liberals fall silent, and the liberalism underlying many of the occupations becomes a serious obstacle. By focusing too directly on brute force, Wolf and others neglect the reality of strategic incapacitation, thereby running the risk of contributing to its effectiveness by lending tacit support to attacks on the so-called violence within the ranks of Occupy and the ‘good’ vs. ‘bad’ protester division which underlies police efforts.

Wolf in the Hedges

Here we return, of course, to Chris Hedges, despite the ostensible opposition between his rhetoric and that of Naomi Wolf. After all, each seems to direct

in short, a potent strategy for the segregation of protesters (the preemptive identification of troublemakers as objects suitable for the use of force), the preemptive justification of their repression (through media smear and fear campaigns), and the preemptive division of space as a marker confirming this division (those who stay where they are told are ‘good,’ those who do not are ‘bad’). Those troublemakers, “whose actions the police cannot predict,” represent a non-negotiable excess that must be contained or “neutralized.”

The echoes of international counterinsurgency doctrine in this new form of movement policing are direct and unmitigated: where “strategic incapacitation” is premised upon a distinction between good and bad protesters, the revised FM 3-24 similarly seeks “a balance between the discriminate targeting of irreconcilable insurgents and the persuasion of less committed enemies to give up the fight with the political, economic, and informational elements of power.” Toward this end, two of the first “contemporary imperatives” for COIN include the management of information and the use of an appropriate (selective) level of force. It is crucial to bear this police-military parallel in mind, lest we forget that this is a war. While FM 3-24 marks the entry of a “kinder and gentler counterinsurgency” into military doctrine if not practice, that does not make it any less violent, but only means that—like strategic incapacitation—the violence is more selective when a “kinder and gentler” façade is politically expedient. Even where the military and police are in fact less violent than in the past, that is not because the police or the army desire a more just and peaceful world: *they want to win*. If we lose sight of this, we get caught up in measuring progress by declining use of force rather than in forms of popular victories, privileging the façade of peace over the need for justice.

In what follows, I discuss the degree to which this shift in policing/COIN strategy has played out in the repression of the Occupy Movement, which began by inverting the terms of counterinsurgency doctrine, beginning with the last element of “strategic incapacitation”: the control of space. Not only did the movement set out from a preexisting basis of widespread economic discontent, but it did so in a way that seized territory, threatening to hold it permanently, reversing the equation of who it was who controlled the space, and forcing the state to act: this seizure of space was its strength. Here it was the oppressed doing the occupying, taking space not in the name of imposing a social order on the colonized, but as a fulcrum for attacking privilege. This emphasis on space was not without its problems, but in what follows I want to focus on the *military* importance of this inversion. Here was not simply another march to be choreographed, with a small number of incorrigibles to be preemptively arrested or dispersed by force: the Occupy Movement planted

itself territorially and refused to move. Even once camps were cleared, moreover, their specter provided a focal point for demands (especially in Oakland): return to the camp. After all, if FM 3-24 speaks of both “occupations” and “insurgencies,” it does so on the assumption that these are opposing terms: that the U.S. will be the occupier and those occupied will resist with insurgent methods. At least in theory, the Occupy Movement sought to be something relatively new: an insurgent occupation.

My analysis draws on two seemingly opposite examples: Occupy Oakland and Occupy Philadelphia. While Oakland and Philadelphia both boast a considerable radical heritage (particularly with the Black Panthers in the former and the Revolutionary Action Movement in the latter), recent years have seen vastly different political conditions in each city. In Oakland, 2009 marked a seismic shift in radical politics with the rebellions that greeted the murder of Oscar Grant at the hands of the police. The self-empowering lessons of mass action in the streets led organizers to break decisively with progressive city leaders and their partners in the nonprofit sector, relying on street mobilizations to force the arrest and trial of Grant’s murderer. These rebellions were followed in short order by a wave of university occupations prompted by the further privatization and neoliberalization of the University of California. In other words, Oakland was home to both the “occupations” that preceded Occupy Wall Street as well as the popular, community struggles that had in many ways provided their political lessons and organizational infrastructure.

By contrast, Philadelphia was amid a relative downswing of organizing (an energetic 2009 effort to save public libraries notwithstanding). Many radicals were embedded within either nonprofit reform efforts or the prefigurative communal projects that were in many ways a legacy of the Movement for a New Society, and many black residents were living under the shadow of the Philadelphia Police and the memory of the 1985 MOVE bombing. While both cities were governed by Democrats, Oakland Mayor Jean Quan played the role of the wavering progressive, whereas Philadelphia Mayor Michael Nutter had no such pretenses, and this difference would be crucial. In analyzing these cases, however, we must not let their divergent outcomes and impacts mislead us. While the occupations in both cities began from very different positions of strength and political composition, and confronted a different degree of will on the part of the city and the police, the policing strategies each faced were largely identical.

Incapacitating Occupy: A Drama in Three Acts

The similarity with which Occupy Oakland and Occupy Philly have been repressed testifies to a complete embrace of the “selective” nature of strategic incapacitation. The exceptionally broad nature of the Occupy Movement

to reform corrupt and discredited policing practices. But even here I want to insist that, for our purposes, there is more continuity than rupture with the Rizzo legacy.

Charles Ramsey came to the Philadelphia Police Department out of his involuntary retirement amid the fallout surrounding his policing of anti-IMF protests in Washington D.C. in 2002. As Metro Police Chief, Ramsey had shown his dedication to strategic incapacitation when he preemptively arrested hundreds of anti-IMF protesters in Pershing Park. Just two years prior, Ramsey’s MPD had used zoning laws to preemptively shut down the convergence center for IMF/World Bank protests, “successfully disrupt[ing] the ability of demonstrators to organize.” In other words, Ramsey had proven his ability to destroy movements without resorting to the brute force of the past, and while both he and the D.C. city government were ultimately held responsible for violating the Fourth Amendment, Philadelphia Mayor Michael Nutter was eager to bring this new paragon of policing on board. Prior to the emergence of the Occupy Movement, Ramsey was applying COIN-like measures to policing Philadelphia’s black population, largely through an increase of surveillance, foot patrols, and the control of space through stringent and racist curfews. In other words, Frank Rizzo and Charles Ramsey used different means toward the same end: both excelled at destroying movements. So, if our only metric is overt coercion, we run the risk of missing the underlying continuities between escalated force and strategic incapacitation.

It is precisely these crucial underlying continuities that have evaded recent debates about the policing of the Occupy Movement. In a now-controversial piece, Naomi Wolf ties—in a conspiratorial fashion—the blandest anti-corporate demands of Occupy to a purported scheme for top-down corporate/Congressional/Department of Homeland Security repression of the Occupy Movement. The similarities in messaging and tactics used against the occupations, Wolf insists, would be simply unthinkable without “a full-court press at the top. This was clearly not simply a case of a freaked-out mayors,’ [*sic*] city-by-city municipal overreaction against mess in the parks and cranky campers. As the puzzle pieces fit together, they began to show coordination against OWS at the highest national levels.” While Joshua Holland has roundly debunked Wolf’s factual claims, and Corey Robin has similarly undermined the theoretical foundations of this assumption that repression must begin at the top, something has been missed in this debate over the “facts” and a crucial aspect of this paranoia has gone unnoted, namely, the fact that repression and counterinsurgency need not be brutal at all.

The central object of Wolf’s denunciation is none other than PERE, within which Ramsey is a prominent figure, but rather than coordinating a ‘brutal’

and later mayor, Frank Rizzo). Once again, the occupiers made the fatal mistake of taking the city at its word. Given the tradeoff between a potentially long-term occupation of Paine Plaza and a potentially conflictive eviction of Dilworth, Nutter and PPD opted for the latter and blocked entry to Paine Plaza, forcing occupiers to scurry back across the street in disarray. The permits, the negotiations, and the commitment to protect First Amendment rights were revealed to have been little more than a ruse.

When an eviction order was finally handed down for November 27th, many within Occupy Philly seemed willing to embrace a return to the scripted protests of the past and negotiation with the police: a select few were prepared to passively remain in the Plaza to be arrested, with pathways cleared for a choreographed police action. Nutter's only error in the whole affair was *not* evicting the occupiers that night, but instead waiting until the 30th, by which point anticipation had put nerves on edge and the unpredictability of the action prevented a fully negotiated outcome. The result was instead at least a minor rupture, as somewhat unexpectedly, hundreds engaged in unpermitted marches around Center City, leading to 52 arrests in the early morning hours. But the ease with which the city destroyed Occupy Philly was no accident, and nor was the striking similarity between the scripts played out in Oakland and Philadelphia.

Charles Ramsey and PERF

If the strategy to repress and destroy Occupy Philadelphia played out almost seamlessly, this was not due to the farsightedness of the city's *political* leadership or Nutter's own management skills, but to a different actor entirely: Police Commissioner Charles Ramsey. Not only is Ramsey worthy of discussion in his own right as an emblematic figure in the new policing model of strategic incapacitation, but the shift in policing in Philadelphia also reflects broader nationwide shifts as well as underlying continuities to which we must be attentive.

For years, policing in Philadelphia was epitomized by the combative Commissioner-turned-Mayor Frank Rizzo, whose electoral victories were largely fueled by attacks on the black community. The fact that both a black mayor (Nutter) and black police commissioner (Ramsey) currently preside over the city should not mislead us, however: knowing full well that black police are compatible with white supremacy (and are arguably its best weapon), Rizzo was himself responsible for an influx of black officers into the PPD, and a black mayor (Wilson Goode, who cut his teeth in lawsuits against PPD racism) would preside over the 1985 bombing of the MOVE house. More importantly for my purposes, Ramsey is today the head of the Police Executive Research Forum (PERF), originally an anti-Rizzo organization seeking

exacerbated this selectivity in three key ways. Firstly, political leaders from right to left (but especially Democrats) felt obligated to embrace at least some elements of this outpouring of spontaneous, populist dissent. Secondly, the multiplicity of messages and demands emerging from the movement—from liberal tax reform to revolutionary change—allowed elected officials to seemingly embrace the movement (by embracing one part) while simultaneously attempting to destroy it. Finally, the broad nature of the Occupy Movement meant that, in COIN terms, not all occupiers were hard-line insurgents. As a result, the strategy for dividing 'good' from 'bad' protesters would be more ambitious and brazen, attempting to chip away at the unity among the Occupiers while cutting ties to the broader population.

The common script that would play out across the country took the form of a drama in three acts, each intertwined and circulating around a central premise of the new domestic counterinsurgency that is "strategic incapacitation": divide insurgents both internally and from their support base, using media manipulation and managed information, before then subjecting them to the "selective" use of force. I hope that by looking closely at the stages according to which this process played out it might be possible to get beyond some of the limitations of Gillham's arguably more static model of strategic incapacitation. This script is strikingly similar across the map, from Oakland to Portland, Atlanta to Philly: a Democratic mayor plays nice, claiming to represent "the 99%" and to support the Occupation's crusade against big business. But at some point, small hegemonic shifts signal coming offensives.

In a crude and thinly-veiled information war, lies are tossed about like the seeds they are, and the media duly parrots lines put forth by police and city alike. This "chatter" (to turn the language of the counterinsurgents against them) begins to spread surreptitiously: that Occupy is unsanitary, now dangerously so, now downright violent. A murder, a suicide, a rape, or an overdose suddenly brim with political opportunity. With the stage set, all that remains is for the guardians of good order to step in to defend the common good. Something must be done to save Occupy from itself.

Act One: The Façade of Negotiation

Under a regime of strategic incapacitation, negotiation does not disappear entirely, but communication becomes both "selective" and "one-way," available only to the 'good' protesters and functioning merely to inform them of decisions made previously by police. In the policing of Occupy, there was more to it than this, as communication strategy was from day one itself a terrain for a struggle to divide and discredit the movement and eliminate the encampments. One cause for the decline of negotiated management in the aftermath of the 1999 Seattle protests was the difficulty of "negotiating" with leaderless

movements, and this difficulty was similarly present with Occupy. But rather than making policing more difficult, in the era of strategic incapacitation this difficulty provided fodder for public officials, with permits and the legitimization of certain voices functioning within a media strategy aimed at dividing and discrediting the movement.

When the occupations appeared on the horizon, sparked by the example of Occupy Wall Street, many city officials supported and even encouraged these expressions of discontent while attempting to corral them within the realm of the permitted. Given recent history, Occupy Oakland resolutely refused to even consider applying for a permit: the lesson in popular power offered by the Oscar Grant rebellions was enough to convince a majority that permits were both unnecessary and even dangerous. (On several occasions, OPD used permits to pressure the permit-holders, namely the family of Oscar Grant, to keep protesters in line.) Public officials and political leaders were also banned from speaking at the General Assembly, and perhaps most importantly but controversially, the police were themselves banned from the recently-renamed Oscar Grant Plaza.

In Philadelphia, by contrast, despite an initial outpouring of more than 1,000 people to support the occupation and the direct seizure of City Hall (Dilworth) Plaza, a small number of self-appointed liaisons and ACLU representatives successfully applied for a permit, marking a considerable if rarely mentioned victory for the Nutter administration. Occupy Philadelphia had agreed to play by the rules established by the city, and had crucially handed over its own sovereignty. Ironically, the permit application was only filed *after* the occupiers had forcibly taken the plaza, as though they became frightened of the specter of their own power. According to a former city liaison from Occupy, the mayor's office even offered—in a nod toward negotiated management—to arrange symbolic arrests to stimulate the movement, while also promising that a permit would protect the rightful occupiers from “other groups.” The first few nights of Occupy Philly reflected this balance of forces: Mayor Nutter and Police Commissioner Charles Ramsey visited the Occupy camp, with some occupiers even posing for pictures with these ostensibly supportive officials. While some confronted the mayor and distributed pamphlets insisting that “The Mayor and the Police Are Not Our Friends,” such warnings went unheeded in the early days of the occupation.

By late October, Oakland city officials were already complaining of a breakdown in communication, but the question of permits and formal communication with the city was in reality but a prelude to the crucial second act.

Act Two: Discredit and Divide

The nexus of city/police officials and the media was central for the destruction

and an estimated 25,000 people poured out of work and into the streets to shut down the Port of Oakland. Quan had learned a central lesson of the new COIN doctrine the hard way: that “an operation that kills five insurgents is counterproductive if collateral damage leads to the recruitment of fifty more insurgents.”

Not only did the perception of excessive force give Occupy Oakland a much-needed shot in the arm, but this dialectic of resistance and repression has also forced innovation in policing techniques akin to the previous curtailment of the escalated force doctrine in the late 1960s. The baton jabs against UC Berkeley students and professors and the infamous pepperspray incident at UC Davis were widely publicized and roundly condemned (here, *Daily Show* coverage again played a key role). After the UC Davis incident, for example, California Governor Jerry Brown ordered a review and revision of Police Officer Standards and Training (POST) guidelines, beginning with an upcoming Crowd Management Summit in San Diego. It was not only excess from above in the form of police violence that pushed this transformation, but also the excess from below of the Occupy Movement's own innovative elements.

According to one headline, Occupy “chang[ed] how police operate,” as the large and rapid mobilizations made possible by electronic communication have exacerbated the difficulties that previously surfaced under negotiated management. Moreover, as larger numbers now become potential ‘trouble-makers,’ police agencies are forced to devote heavier resources to mobile policing in their own jurisdictions and “mobile field forces” to respond to increasingly frequent requests for mutual aid police contingents by other municipalities. Even more recent events in Oakland indicate that the selective incapacitation of transgressive elements in Occupy Oakland has increased: the city and OPD undertook a campaign of increased surveillance, targeted arrests, selective intimidation, and more recently, the issuing of “stayaway” orders preventing individuals from returning to Oscar Grant Plaza. More ominously still was the arrest of three Occupy participants who, after an altercation at a march, were charged with a hate-crime to, in the words of one civil rights attorney, “break the movement.”

In Philadelphia, given the effectiveness with which Mayor Nutter and the PPD had divided Occupy from the city and even from itself, it would be no surprise when the occupation was removed with a whimper rather than a bang. On November 18th, under threat of eviction from the city and a withdrawal of support from the unions, Occupy Philly voted to do what it thought the city wanted by moving across the street into Thomas Paine Plaza (adorned with a menacing statue of notorious former Police Commissioner,

nor from blatantly disregarding them). OPD's extensive use of surveillance and infiltration became clear, moreover, with the publicized identification of OPD officer Fred Shavies, who had been operating undercover around the camp, and the later release, under state and municipal law, of OPD's internal documents related to the policing of Occupy. Equally apparent is OPD's selectivity: recently released internal communications reveal an effort to target "anarchists" prior to any illegal activity.

Despite all efforts to strategically incapacitate Occupy Oakland, the first eviction of Occupy Oakland on October 25th became an unmitigated public relations nightmare for Mayor Jean Quan. When occupiers reconvened at the Oakland Public Library and attempted to retake Oscar Grant Plaza, the division between 'good' and 'bad' protesters collapsed: marchers uniformly insisted on retaking the plaza, and police responded with teargas, reducing the downtown area to a hazy warzone. While this already marked a failure of strategic incapacitation, it became a disaster when Iraq War veteran Scott Olson was critically injured and, to make matters worse, a police officer was seen callously tossing a flash-bang grenade into a crowd of demonstrators attempting to rescue him.⁴⁹ The idea of a war veteran surviving multiple tours to nearly be killed for protesting was beyond the pale: soon Jon Stewart was lampooning Mayor Quan on *The Daily Show*, Keith Olbermann was demanding her resignation on *Countdown*, and many Occupy supporters had thrown their support behind a previously conservative campaign to recall the Mayor.

It was not the live rounds of Jackson State and Kent State that nearly killed Olson, however, but rather an excess built into strategic incapacitation itself: Olson was struck in the head by a teargas canister fired at close-range. If negotiated management could not contain the will of radical organizers, neither could strategic incapacitation contain the will of individual police officers to do maximum harm with whatever weapons are at their disposal. The first Oakland eviction was therefore *not* a return to the days of escalated (and excessive) force, but rather a situation in which, confronted with intransigent marchers in the streets, OPD officers, commanders, and supporting agencies exceeded the bounds of strategic incapacitation knowing full well that Mayor Quan would bear the brunt of the consequences. When Occupy Oakland retook Oscar Grant Plaza, the fences hastily erected to keep the protesters out were removed and turned into lawn art, symbolically mocking efforts to control space. At a euphoric General Assembly in the reoccupied plaza, more than a thousand demonstrators took full advantage of the momentum provided by police repression—a dynamic Marx reputedly deemed the "whip of the counter-revolution." They declared a General Strike on November 2nd,

of the Occupy Movement. According to Gillham, under strategic incapacitation the media functions not only to discredit movements, but to assist their repression by stoking fear and "rais[ing] expectations that police will need to curtail civil liberties, use force, and make mass arrests in order to minimize violent protests." The function of media messaging and framing strategies toward Occupy was threefold: firstly, to document an unwelcome shift from acceptable to unacceptable occupations; secondly, to present the occupiers as unreasonable and unfaithful partners in dialogue; thirdly, to exaggerate the threat posed by the occupations; fourthly, to discredit the movement by dividing it both from the population and within its own ranks; and finally, to prepare the public for the eventuality of a brutal eviction.

It is worth directly comparing the rhetoric delivered by the respective city administrations to their respective media arm. In a public statement on October 20th—five days prior to the first eviction of Occupy Oakland—City Administrator Deanna Santana posted the following:

We believe that after 10 days, the City can no longer uphold public health and safety. In recent days, camp conditions and occupants' behavior have significantly deteriorated, and it is no longer manageable to maintain a public health and safety plan. These conditions, which have not been sufficiently addressed, include: Fire hazards... Safety hazards: increasing frequency of violence, assaults, threats and intimidation... Denial of access: to emergency personnel to treat injured persons and to police to patrol the Plaza... Sanitation hazards... Health hazards... Physical damage... As a result of these serious conditions, the Administration has determined that facilitating this expression of speech is no longer viable, nor in the interest of public health and safety.

The media, meanwhile, was contributing in its own significant way to the good vs. bad distinction, decrying aggression toward reporters, lamenting the fact that a national movement had been hijacked by activists and the homeless and "altered to embrace local issues," and openly fostering a division between "legitimate protesters" and "activists." In the run-up to the first eviction of Occupy Oakland, press reports cited anonymous police to document these purportedly dangerous conditions. And prior to the second eviction anonymous leaks warned both of an impending eviction and the "overwhelming force" it would entail, all in an effort to 'soften up' the public to the idea. The fact that these were 'leaked' only serves to obscure the media strategy of making such threats public. This strategy became clear when emails appeared in which OPD Chief Howard Jordan informed the Mayor that crime had actually *declined* around the occupation and discussed how to manipulate this truth, as well as in efforts both prior to and after the effort to reoccupy

a space on January 28th. A fatal shooting near the camp on November 10th only provided more fodder for the city in the run-up to the second eviction.

On the opposite coast, the same script played out. After initially expressing support for Occupy Philly, and evidently fooling many Occupiers in the process, Mayor Nutter was re-elected by a wide margin on Tuesday November 8th, freeing his hand for a change in course. The previous week, the Radical Caucus of Occupy Philly had brought forth a proposal to the General Assembly, which simply stated that the Occupy camp would not voluntarily leave in preparation for a scheduled construction project in Dilworth Plaza, and would resist eviction. The proposal seemed to shock many who had been lulled into the false sense of security that liberal tolerance provides, but after extending discussion of a modified proposal for an entire week, a four-hour General Assembly decided almost unanimously to remain in Dilworth Plaza and make preparations for nonviolent civil disobedience in the event of a raid. In a scripted press statement just two days after that vote, Nutter's intentions to divide and conquer were made patently clear, in terms that directly echoed Oakland.

As in Oakland, Nutter spoke of a shift within the Occupy Movement leading to "dramatically deteriorating conditions." As in Oakland, the indicators of this deterioration included "intolerable" health and safety issues, including a recent sexual assault at the camp. And as in Oakland, the embodiment of this deterioration was the takeover of a once-laudable movement (of 'good' protesters) by anarchistic troublemakers ('bad' protesters), and the vast bulk of Nutter's speech was dedicated to emphasizing this division and deepening it with his fear-mongering:

Occupy Philly has changed.... Occupy Philly is fractured with internal disagreement and disputes. The people of Occupy Philly have also changed and their intentions have changed.... [T]hey told me that they would be peaceful, that they would not be disruptive.... We've seen the rise of new groups as a part of this movement like the Radical Caucus, which is bent on civil disobedience and disrupting city operations. Many of the people that we talked to in the beginning of this event and activity are now gone.... And Occupy Philly has refused to engage in active, regular discussions with us. This change in behavior is no accident. It is a direct result of the fact that this movement has changed and the people have changed.... Occupy Philly has changed, so we must change our relationship with them.

The *coup de grâce* of this entire performance came with regard to the impending renovation of Dilworth Plaza, a project "built by the 99 percent for the 99 percent." While this was clearly an effort to pit Occupy against the com-

munity more broadly, it was also a strategy for planting the seeds of political division *within* Occupy and allowing these to play out: debates soon raged within Occupy Philly about the danger of losing labor support (which with a few exceptions had been largely absent from the beginning), neglecting that this rhetoric was simply part of the city's eviction strategy.

Occupy Philly was quick to respond to the mayor's accusations. At a counter-press conference, speaker after speaker dismantled Nutter's claims, piece by piece. The most shocking revelation came from the Women's Caucus, which was quick to highlight the opportunism and hypocrisy of focusing in on the sexual assault as a pretext to attack the Occupation. As a representative of the Women's Caucus told the press, "We asked police for help with the eviction of a sexual predator. The police said, 'It's not our problem. Get your men to handle it.'" This counter-messaging was only a scrambling rearguard effort, however, and despite the fact that Nutter's clear strategy strengthened the resolve of some occupiers and drove out some collaborators, the damage had already been done. According to one self-professed "moderate" who had previously (and naïvely) collaborated with the city: "The Mayor of Philadelphia blatantly lied. All of the people that the city had worked with from day one, myself included, were still there. The only thing that had changed was that we were no longer allowing ourselves to be controlled by a system that served to protect the status quo." The script was written beforehand, and all that remained in question was how divided the movement would be and how much public support it could muster to prevent an eviction.

Act Three: Evict

While we have already seen that the political strategy of elected leaders in Oakland and Philadelphia largely conforms to the strategic incapacitation model in its effort to divide 'good' from 'bad' protesters through the management of media portrayals—reserving the use of force for the latter (at least in theory)—in Oakland this was not, or not primarily, the result of the ineffectiveness of negotiated management. Rather, it was the indiscriminate use of "less lethal" weapons against an April 2003 anti-war demonstration at the Port of Oakland that informed a revision of OPD policy to prohibit some "less lethal" weapons, constrain the use of others, and prescribe negotiation even in cases when laws are being broken. The revised OPD Crowd Control Policy reads in many ways like a guidebook for strategic incapacitation, particularly in its insistence that "all members of a crowd of demonstrators are not the same" (Section VIII, C6). While this revised policy also prescribes mass arrest prior to the use of force and other elements of strategic incapacitation, the evictions of Occupy and the outcry they would spark emerged at the margins of these regulations (neither from following them to the letter