

**DEMOCRATIC OR DESPOTIC? POLICE VIOLENCE AGAINST PROTEST MOVEMENTS
IN THE UNITED STATES AND PALESTINE**

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DEDICATIONS

This thesis is dedicated to Razan Al-Najar for her courage. Razan, a volunteer medic, was shot and killed in 2018. May this thesis be a reminder of her life and the lives of all those who put their lives on the line for freedom.

This thesis is also dedicated to all the protesters who continue to resist injustice and oppression. This thesis was inspired by them.

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ABSTRACT

In 2014, Palestinians in Gaza tweeted protesters in Ferguson advice on how to deal with tear gas. These Tweets gained worldwide attention. Black Americans, living in democratic America, were being tear gassed just like Palestinians living under military occupation. Studies have focused on the interaction between protesters and police, the agents shooting the tear gas. Some have paid particular attention to police brutality, while others have focused on the actions of protesters. This paper focuses on the increasingly militarized tactics and tools police utilize in Palestine and the United States to control and contain protests. Through a comparative lens, this paper explores the ways in which the violence that results from the use of so-called “non-lethal” tools reveals a colonial mindset and reality that continues to the present.

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INTRODUCTION

Both the American and Israeli governments, which claim to be flagbearers of democracy, have utilized police as instruments of state violence in their reaction to Palestinian and American dissidents and to put down protest movements. Although both situations are unique and there are important differences, the policing of protest movements by the American and Israeli governments is strikingly similar as both have masked militarization to seem more democratic. The focus on protest becomes even more vital when the subject is historically marginalized groups because of the well-documented massive state violence that has been directed against them, especially in comparison to other groups. In the United States, this translates to more violence being directed at protesters of color, particularly Black Americans, while in Palestine, this translates to extreme violence used against Palestinian protesters compared to Jewish populations. With the policing of Palestinian and Black protest, there is a particular brutalization of bodies that occurs, as well as a battle for space. These similarities lead to a larger point about the American and Israeli governments and their use of police violence.

One of the most obvious similarities, which directly questions and even contradicts their democratic label, is the internal colonization that characterizes both countries. In his book, *The Global Cold War*, historian Odd Arne Westad refers to what he describes as “the internal African colony that had come with the Europeans.”¹ He uses this concept of internal colonization to describe America’s imperialism program, which relied on the subjugation of Indigenous and African peoples. In his essay, “Internal Colonialism: An American Theory of Race,” Ramón A. Gutiérrez explains that the idea of internal colonialism emerged in Latin America during the 1950s “as part of a larger Marxist critique of development ideologies and was specifically elaborated by dependency theorists to explain the racial

¹ Odd A. Westad, *The Global Cold War* (Cambridge: Cambridge University Press, 2006), 13.

effects of poverty and isolation on indigenous communities.”² Although the theory was used by development economists who sought to explain inequality between dominant and subordinate groups in the First and Third Worlds, the theory was then elaborated on by Black nationalists and Chicanos to describe their own life in the United States. Like colonial subjects, they were dominated by the combination of racism and outsiders.³ According to Gutiérrez, the idea of internal colonialism was embraced by Black nationalists and separatists in the 1960s and 1970s as a form of political liberation. During the Cold War, civil rights leaders also used this to link their struggles for freedom to decolonization movements in Africa and across the world, a movement of which Palestine was also a part. In particular, “internal colonialism offered minorities an explanation for their territorial concentration, spatial segregation, external administration, the disparity between their legal citizenship and de facto second-class standing, their brutalization by the police, and the toxic effects of racism in their lives.”⁴ This paper argues that the policing of protest movements upholds a de facto internal Black colony in the sense that Black Americans are treated as colonial subjects, rather than as American citizens when they protest.

Israeli police violence against Palestinian protest movements creates a strikingly close parallel. Westad describes the situation in Palestine and says that “the implantation of a European state in the Middle East was also seen as a way of exporting civilization and democracy to the region.”⁵ Scholars like Edward Said argue that what Westad describes is simply a colonial project that continues in Palestine. Said points out “that modern Palestinian social, economic, and cultural life was organized around the same issues of independence and anti colonialism prevalent in the region, only for the

² Ramón A. Gutiérrez, “Internal Colonialism: An American Theory of Race,” *Du Bois Review: Social Science Research on Race* 1, no. 02 (2004): 281.

³ *Ibid.*

⁴ *Ibid.*, 282.

⁵ Westad, 127-128.

Palestinians there were the legacy of Ottoman rule, then Zionist colonialism, then British mandatory authority (after World War I) to contend with more or less all together.”⁶ Israel continues these imperial practices to the present day. Like Black Americans and colonial subjects across the world, Palestinians are also dominated by a racism and an outside force, despite multiple misleading international declarations of a free and independent Palestinian state.

This paper explores the militarization of the police in the United States and the use of police violence against protest movements in the United States and Palestine through an internal colonial lens. For this paper it is important to understand that the term “militarization” does not simply refer to guns and live ammunition; instead, as this paper shows, militarization refers to police weapons and tactics that originated in a military context. This paper also looks at policing tactics and weapons over time, and how they have evolved and come to be labeled “non-lethal” despite the fact that they are still deadly, particularly in instances where they are misused. In particular, it explores how the label of “non-lethal” tools and weapons has redefined militarization. To do this, this paper analyzes how American and Israeli forces put these tools into practice in order to crush dissent. In addition, this paper explains how governments that claim to be democratic have increasingly normalized this militarization and the violence that accompanies it through claims of widespread crime, terrorism, immorality, and rioting. Police militarization and state violence demonstrate how police forces are used as weapons to control subjugated populations as if they were colonial peoples.

An introduction to the subject of the militarization of the police in the United States is Radley Balko’s *Rise of the Warrior Cop: The Militarization of America’s Police Forces*. Balko provides a comprehensive overview of police militarization in America, from the 1960s to the expansion of

⁶ Edward Wadie Said, *The Question of Palestine* (New York: Vintage Books, 1992), 12.

SWAT teams to the War on Terror. He argues that the government and politicians have used police militarization to make political statements about crime, drugs, and to proclaim themselves as anti-gang and anti-counterculture.⁷ Fanna Gamal, by contrast, examines police militarization through a racial lens in “The Racial Politics of Protection: A Critical Race Examination of Police Militarization.” Gamal argues that police forces are a representation of state protection. This was deliberately spread unequally to minorities to keep the status quo of a White America that remains within the limits of state protection and the underprotection of communities of color.⁸ Blacks were blocked from achieving an elevation of economic and social status, and when Blacks sought state protection from the violence and poverty perpetuated by the state, they were instead met with more repression through militarized overpolicing, which continues today.

While Balko and Gamal focus on the purpose and role of police, Kraska and Kappeler trace the rise of paramilitary units, (PPUs) within the police. They argue that this occurred because of a link between the PPU and the military. Kraska and Kappeler point out how many police forces were born from militia groups and soldiers.⁹ Radil and McAden, however, focus on police militarization through policy. By taking a look at policies like the War on Drugs, they argue that the increasing militarization of the police and state violence against protesters in the United States has shifted and transformed as it has been framed as a national security issue following the 1960s and 1970s, particularly during the Vietnam War.¹⁰

⁷ Radley Balko, *Rise of the Warrior Cop: The Militarization of America's Police Forces* (New York: Public Affairs, 2013).

⁸ Fanna Gamal, “The Racial Politics of Protection: A Critical Race Examination of Police Militarization,” *California Law Review* 104, no. 4 (2016): 979-1008.

⁹ Peter B. Kraska and Victor E. Kappeler, “Militarizing American Police: The Rise and Normalization of Paramilitary Units,” *Social Problems* 44, no. 1 (1997): 1-18.

¹⁰ Steve M. Radil, Raymond J. Dezzani and Lanny D. McAden, “Geographies of U.S. Police Militarization and the Role of the 1033 Program” *Professional Geographer* 69, no. 2 (2017): 203-213.

The situation of the Israeli occupation of Palestine has brought different approaches to studying the policing of protest movements there. Aronson focuses on the events following the Six-Day War in 1967. He explains how the Israel Defense Forces (IDF) polices Palestine, and its main purpose is to suppress any security threats. The IDF is given indirect rule when dealing with Palestinians in Palestine, especially concerning wide discretion when it comes to policing.¹¹ Aronson concludes that the Israeli policy concerning occupation and militarization is based on national self-interest. In contrast to Aronson, Bornstein argues that militarization in Palestine has evolved through prisons, checkpoints, and walls to serve the primary purpose of social control.¹² Bornstein looks at Israeli occupation of Palestine through Michel Foucault's theory of a carceral society. Like Aronson, however, he also explains how these architectural forms of militarization have developed to prevent Palestinian violence before it occurs.

Another set of arguments involves the tools used by police in their attempt to control protest movements. Daniel P. Jones traces the transfer of tear gas from the military to police forces in the United States and concludes that this transfer was made primarily so that tear gas could be used on American citizens without calling for federal intervention.¹³ In a similar vein, journalist Nate Jones traces the use of rubber bullets on civilian protesters first by the British Army in Northern Ireland during the colonial period. Jones explains that British authorities used rubber bullets because they were labeled as non-lethal weapons, even though in some instances they ended up killing people. Rubber bullets were seen as ideal to control a colonial group that kept rising up in protest against British rule. Jones points out that the British discontinued the use of rubber bullets over three decades

¹¹ Geoffrey Aronson, "Israel's Policy of Military Occupation," *Journal of Palestine Studies* 7, no. 4 (1978): 79-98.

¹² Avram Bornstein, "Military Occupation as Carceral Society: Prisons, Checkpoints, and Walls in the Israeli-Palestinian Struggle," in *An Anthropology of War: Views from the Frontline*, ed. Alisse Waterston, (Berghahn Books, 2009), 106-130.

¹³ Daniel P. Jones, "From Military to Civilian Technology: The Introduction of Tear Gas for Civil Riot Control," *Technology and Culture* 19, no. 2 (1978): 151-168.

ago, but the weapon continues to be used against Palestinian and American demonstrators.¹⁴ Like Jones, Semerdjian draws parallels between the use of rubber bullets in America and Palestine. She discusses how these weapons and tactics are used by both police forces to squash dissent. Semerdjian focuses on the use of both tear gas and rubber bullets, and she explains how the United States has been supplying and continues to supply Israel with military weapons since 1973.¹⁵

This paper uses a variety of sources to investigate the past and current trajectory of police methods to combat protest movements in the United States and Palestine. Official reports by different departments within the American and Israeli governments provide primary sources that indicate that these methods are used with specific purpose and intent. In the case of Palestine, the Palestinian Liberation Organization (PLO) has raised problems concerning the Israeli policing of Palestinians to the attention of international bodies. In the case of the United States, recent attention to the police killings of unarmed civilians and the Black Lives Matter protests of 2020 has led to more research being published. What these sources reveal is the striking similarity between weapons and tactics used by these governments and how they have evolved.

The United Nations is also involved in the reporting and study of police violence, particularly in the case of Palestine. Sources from the United Nations offer documentation of what Palestinian authorities view to be gross human rights violations. These documents allow us to trace the changes throughout Israel's occupation of Palestine. Non-governmental organizations (NGOs) also offer a wealth of studies related to the topic. Particularly, they help paint the picture of how so-called non-lethal weapons are used and the damages they cause. The reports of NGOs like Amnesty International and Human Rights Watch also complement contemporary newspaper reports. This paper utilizes *The*

¹⁴ Nate Jones, "A Brief History of Riot Control," *Time Magazine*, August 6, 2010.

¹⁵ Elyse Semerdjian, "How Counterinsurgency Tactics in the Middle East Found Their Way to American Cities," *Jacobin*, July, 8, 2020.

New York Times, *The Jerusalem Post*, *Haaretz*, and *The Electronic Intifada* to help understand how the police and IDF have responded to democratic protests over time. They offer diverse perspectives from Israeli voices documenting policing of Palestinians, to Palestinians and Americans living through the policing as they organize social movements.

The sources present a historical trajectory in both Palestine and the United States of three general phases of militarization. We see a movement from a period of openly anti-Black and anti-Arab sentiment, subjugation, and colonial rhetoric to a period where there is an effort to mask this through policies like the War on Drugs in the United States or false promises of peace as a military occupation is tightened in Palestine. This second phase has transitioned to the current trajectory which makes use of the rhetoric of non-lethal force and the needs of national security in an effort to hide the reality of historic and institutionalized forms of state violence that continue in new forms. It also masks the continuation of colonial tactics and control by both governments as the supposedly non-lethal weapons being used are the same used to control colonial territories and as a settler colonial project still continues on the ground in Palestine.

Democratic countries should be held to higher standards when it comes to the treatment of people because of the concepts and civil liberties they claim to represent. The right to protest is central to democracy, and not only is protest an essential right, but its practice also exposes other oppressive tactics that have been put into motion by government powers. In addition, it often springs up when other vital rights have been infringed upon and replaced with oppressive practices like disenfranchisement and displacement. When one takes a deeper look, however, it becomes clear that countries which utilize the democratic label do not always remain true to those values. Examining the policing tactics of these governments is proof of this. The police as an institution in the United States, as well as the Israel Defense Forces (IDF) in Palestine, are problematic because their origins are rooted

in oppressive colonial practices. The history of protesters' interaction with police demonstrates that police violence is part of the systematic tactics for state control over marginalized groups that threaten that domination because of their struggle for freedom and equal rights.

FROM SLAVERY TO CONTAINMENT: THE POLICING OF PROTEST IN THE UNITED STATES

The beginning of the police as an institution can be traced to the institution of slavery. The first slave patrol in America was formed in 1704 to police slave populations. It was formed by the colony of Carolina, and its purpose was to "maintain the economic order and to assist the wealthy landowners in recovering and punishing slaves who essentially were considered property."¹⁶ When slaves fled from their plantations, itself a form of protest, they were hunted down by slave patrols. These patrols were the first institutionalized form of policing in the United States. Policing was a key aspect of society, so much so that "serving on patrol was required of all able-bodied men (often, the patrol was mustered from the militia), and patrollers used the hue and cry to call for anyone within hearing distance to join the chase."¹⁷ Virginia, which started the cycle of enslavement, followed suit with its own slave patrol 1726.¹⁸ For generations, Black Americans lost their lives to racialized violence. Not even the Declaration of Independence, which proclaimed that all men were created equal, brought relief. Instead, it led to more policing, enslavement and genocide.

Urban policing was also used to control racialized minority groups. In 1844, New York established an official police force. Other cities soon followed suit. As cities formally established police departments across the country, an abolition movement was growing. Still, Black bodies were

¹⁶ Victor E. Kappeler, "A Brief History of Slavery and the Origins of American Policing," *Police Studies Online*, accessed January 2, 2021, <https://plsonline.eku.edu/insideloook/brief-history-slavery-and-origins-american-policing>.

¹⁷ Jill Lepore, "The Invention of the Police," *The New Yorker*, July 13, 2020.

¹⁸ Annaliese Griffin and Jamiles Lartey, "The System: Race and Policing," *The Marshall Project*, October 21, 2020.

policed under the conditions of slavery, as urban policing functioned like the early slave patrols by controlling minority groups, such as new immigrants. Eventually, the Civil War brought freedom on paper, and during the war slaves protested by joining the Union Army. The war freed African Americans from one shackle only to enslave them in a society that looked different, but remained the same in the era of Jim Crow. Racial segregation became the order of the day as racialized minorities remained targets of violence. The Ku Klux Klan terrorized Black Americans in the South and lynchings took place across America to send a message to African Americans who attempted to disrupt the status quo. Local police forces were often complicit, if not directly involved in these incidents.

Although popular culture paints the picture that Black resistance did not take place until the Civil Rights Movement, the reality is that Black Americans pursued efforts of racial uplift as a form of protest for generations. African Americans pursued their right to vote despite threats of violence and terror. Black men served in the military throughout both World War I and World War II. Black women, in particular, were leaders and advocated various forms of protest. They sought opportunities in higher education. Some, like Ida B. Wells, organized around anti-lynching and suffrage at the same time. In fact, “Black women also felt the call of civic engagement through the club movement and settlement houses, but due to the prevailing racism at the time, their efforts were generally conducted separately from those of white women.”¹⁹ In the face of segregation, violence, and racism, Black Americans protested by organizing in their churches, forming benevolent associations, and helped provide services to their community, which formed the foundation of the Civil Rights Movement.

¹⁹ Susan Ware, *American Women's History: A Very Short Introduction* (Oxford: Oxford UP, 2015), 72.

The Civil Rights Movement redefined and reignited protest movements in the United States. Although the movement is associated with the 1960s, it actually began years before. *Brown v. Board of Education*, the murder of Emmett Till, the arrest of Rosa Parks and the Montgomery Bus Boycott, the Greensboro Sit-ins, and the Freedom Rides, all occurred before the March on Washington in 1963. A year after the March on Washington, the Civil Rights Act of 1964 was passed followed by the Voting Rights Act in 1965 and the Civil Rights Act of 1968. The Black Nationalism Movement and the Black Panther Party were also very active during the 1960s and 1970s. At the same time, opposition to American involvement in the Vietnam War turned into a mass movement led by young people all over the country. In 1975, the United States pulled out of Vietnam, but war was brought home as early as 1971 when the Nixon administration launched the War on Drugs. Nixon proclaimed drug abuse as the new enemy, which his administration planned to solve through incarceration. The Reagan administration later took this war even further spending billions at home and abroad to fight the War on Drugs and expand its framing into a national security issue. This allowed the federal government to get involved in local law enforcement and led to programs like the 1033 Program. At the same time, the “decades-long, trillion-dollar war on drugs funneled tens of millions of people into jails and prisons.”²⁰ The main targets were young Black men. National security as an excuse for increased policing took on a new form in the 21st century. Following the September 11, 2001 attacks, then President George W. Bush unleashed the War on Terror leading to the American invasion of Afghanistan and Iraq and the surveillance of American citizens in the name of national security and counterterrorism. This move led to increased police funding as well as the rise of new weapons, many of which have been used to fight against America’s own citizens.

²⁰ Griffin and Lartey.

The use of military weapons in domestic policing has a long history. One of the most familiar weapons of crowd control today is tear gas. Tear gas was first used in the trenches of World War I. The introduction of tear gas into the war was due to extensive research on chemical warfare sponsored by the world powers. The question of which country first introduced tear gas to the war has caused some debate, but evidence points to the French.²¹ Tear gas was used strategically: it forced “the opposing army to wear gas masks as much as possible, since it was learned that soldiers lost much of their efficiency after wearing these uncomfortable masks for any extended period of time.”²² By the time the United States finished developing its own new form of tear gas, led by a branch of the army known as the Chemical Warfare Service (CWS), the war was practically over. After the war, however, the government deployed federal troops all over the country to restore order after what it labeled as strikes and riots broke out. In reality, these were protests that African Americans organized in response to violent terrorism by white supremacists all over the country.

Beginning in the summer of 1919, also known as the Red Summer, police departments, wanting to control Black people in the streets, began sending the CWS requests for tear gas, the first of which came from New York City. Also by that time, the CWS was developing technology that would turn the tear gas into a grenade, which could be used in imperial programs in the Philippines and Central America. The grenades were eventually perfected, but the War Department refused to allow them to be used against civilians. In fact, “despite the fact that the CWS had developed a suitable tear gas grenade and was eager to provide it for mob control, the War Department refused permission for such munitions to be issued to federal troops or to police forces”²³ because it viewed the use of chemical weapons against populations in the United States as undesirable. This attitude changed in

²¹ Daniel Jones, 151-153.

²² *Ibid.*, 152.

²³ *Ibid.*, 156.

time as new leaders in the War Department saw the usefulness of applying these military weapons to civilian control. After the United States signed an agreement at the Conference on the Limitations of Armament in 1922 to ban the use of such weapons in war, these leaders reinterpreted the agreement to mean “that the intent of the agreement allowed the use of nontoxic gases for internal disorders.”²⁴ Former employees of the CWS founded private companies in the 1920s and 1930s to produce the gas. The CWS offered help to these former employees and companies by selling and donating some of its supplies for research. The CWS also assisted private firms in another way; they referred police departments who requested tear gas to the firms.²⁵ Thus, tear gas became a new weapon that could be used against Americans in the streets.

Despite police departments’ access to tear gas, police continued to rely heavily on live ammunition and other weapons. In 1922, the Chicago Commission on Race Relations released its report on the 1919 Chicago riot. During the police response, four-fifths of the police forces was located in the “Black Belt,” and “many of the deaths and injuries occurred during clashes between white policemen and Negro mobs.”²⁶ Just a few years later in 1935, when Harlem residents forged an uprising against increasing unemployment, inequality, and police brutality, the police response was harsh and quick. The all-white police force injured sixty people in just one day. Here, physical force was used, rather than tear gas.²⁷ The day after the riot, the Needle Thread Workers sent a telegram to Mayor La Guardia demanding that he “immediately withdraw police and arrest those responsible for beating and shooting innocent workers in Harlem.”²⁸ Despite the workers’ demands and the mayor’s

²⁴ Ibid., 164.

²⁵ Ibid., 165-167.

²⁶ “The Negro in Chicago: A Study of Race Relations and a Race Riot,” University of Minnesota Law School, accessed September 9, 2020, http://moses.law.umn.edu/darrow/documents/The_Negro_in_Chicago_1922.pdf, 37.

²⁷ Allyson Compton, “The Breath Seekers: Race, Riots, and Public Space in Harlem, 1900-1935” (MA Thesis, City University of New York, New York, 2017), 28.

²⁸ “Telegram Sent by Protesters from the Needle Thread Workers,” NYC Department of Records, accessed March 1, 2021, <https://www.archives.nyc/blog/2019/3/1/the-mayors-commission-on-conditions-in-harlem-1935>.

appointment of a biracial commission to investigate the situation in Harlem, Harlem residents once again rose up in protest in 1943 after reports that a Black veteran had been killed by police. The police response again shows discrepancies as “a total of 16,100 men were deployed to quell the violence; they were comprised of 6,600 civil police officers, 8,000 states guardsman and some volunteers as well.”²⁹ While 400 people were injured, 500 were arrested as city officials quickly took up the language of a “cleanup.”

This trajectory shows how there was no effort to mask police and state violence against Black Americans until about the 1960s, which served as a transition period. During the 1960s and 1970s, the use of tear gas becomes far more common. Some scholars attribute this to a concerted effort to mask state violence following the era of the Civil Rights Movement. During the Civil Rights Movement, there was mass physical violence and force used against protesters who were demonstrating peacefully. In fact, it was during this time period that “President Lyndon B. Johnson in 1965 “declared a ‘war on crime,’ and asked Congress to pass the Law Enforcement Assistance Act, under which the federal government would supply local police with military-grade weapons, weapons that were being used in the war in Vietnam.”³⁰ Even in places outside the South where protesters utilized a variety of tactics, like the Newark Rebellion of 1967, police still did not rely on tear gas. For the most part, live ammunition was fired. In a document prepared for the Newark Human Rights Commission, the Newark Legal Services Project found that there was indiscriminate shooting by police, which “included random shooting into the air, shooting at houses and into doors and windows, spraying housing projects with bullets, shooting down streets and at cars, shooting at or around groups of

²⁹ “Disasters: New York City (NYC) Harlem Riots of 1943,” Baruch College, accessed March 2, 2021, https://www.baruch.cuny.edu/nycdata/disasters/riots-harlem_1943.html.

³⁰ Lepore.

people, including children at play.”³¹ In a letter to the Governor’s Select Commission on Civil Disorder, the Major General of the New Jersey National Guard, James Cantwell, estimated that over 10,000 live rounds of ammunition were fired in Newark and nearby Plainfield by National Guardsmen during the uprising of 1967.³² It was not until after this time period that tear gas emerged as a tool of common use. In fact, although police departments had access to tear gas, it did not become widely used until the end of the 1960s and the early 1970s as people protested the Vietnam War, such as the Kent State protests in 1970.

During this same time period, a new type of weapon was also introduced. Rubber bullets, also known as baton rounds and often termed “non-lethal” weapons, went from first being introduced in Ireland by the British, a clear example of the rubber bullet’s colonial roots, to widespread use in American streets against protesters. In April 1972, an eleven-year-old Irish boy, Francis Rowntree, died after being struck in the head by a rubber bullet fired by a British soldier. Rubber bullets were introduced to Northern Ireland by the British as a tactic of riot or crowd control during The Troubles, a major part of Britain’s colonial efforts to control Ireland. A rubber bullet works by acting as “a pain compliance weapon: it relies on inflicting enough suffering on someone to deter them from a course of action, such as throwing stones. The problem is that the more determined someone is, the more pain you have to inflict to stop them.”³³ The rubber bullets were often shot at close range causing injury, permanent damage, and even death as was the case of eleven-year-old Rowntree.³⁴

³¹ “Preliminary Analysis of Statements Concerning Law Enforcement during Newark Riots,” Newark Legal Services Project, accessed January 4, 2021, <http://riseupnewark.com/wp-content/uploads/2016/08/Preliminary-Analysis-of-Statements-Concerning-Law-Enforcement-During-Newark-Riots-by-Newark-Legal-Services-Project.pdf>, 3.

³² “C-109 (Letter from General Cantwell on Amount of Ammunition Expended during Newark-Plainfield Civil Disorders),” Governor’s Select Commission on Civil Disorders, accessed January 2, 2021, <https://riseupnewark.com/wp-content/uploads/2016/08/C-109-Letter-from-General-Cantwell-on-Amount-of-Ammunition-Expended-during-Newark-Plainfield-Civil-Disorders.pdf>.

³³ David Hambling, “The Deadly Truth about Rubber Bullets,” *Forbes Magazine*, June 8, 2020.

³⁴ Nate Jones.

In the 1970s, rubber bullets had made their way to American streets where police used them, in tandem with tear gas, against demonstrators protesting the Vietnam War. Although rubber bullets in the United States were banned as a weapon to police protests after a 1971 fatality, they were reintroduced in the 1980s.³⁵ Like tear gas, rubber bullets were not utilized heavily at first despite their availability to police. In one of the most prominent examples, police cracked down aggressively against Los Angeles protesters who took to the streets in 1992 after the exoneration of the police officers who were caught beating Rodney King on videotape. In response to public criticism of the police response during the protests, a few months after the protests began, Los Angeles police began using foam rubber bullets to disperse crowds. To use the rubber bullets, officers fired “a cartridge of projectiles from a .37-millimeter gas gun, aiming the weapon at the ground and allowing the rounds to ricochet into the crowd.”³⁶ Despite all of the officers being trained to fire the bullets, the overwhelming majority did not use them at the time of the protests. In fact, “typically only one or two officers in a squad of 12 carries one of the weapons when police approach an unruly crowd. The other officers carry batons, handguns and other traditional firearms.”³⁷ Even in the modern period, police are still equipped with a combination of live ammunition and weapons like rubber bullets that are termed “non-lethal.” Just recently in June 2020, American photographer Linda Tirado was left permanently blind in one eye after being shot with a rubber bullet by American police at a protest.

The slow transition to the non-lethal weapon began emerging in connection to public outcries over national security. During the Vietnam War, there were widespread reports of American soldiers abusing heroin. The federal government under the Nixon Administration used this to frame drug abuse

³⁵ “Assemblywoman Lorena Gonzalez Leads Legislative Push against Rubber Bullets,” CBS8, accessed January 1, 2021, <https://www.cbs8.com/article/news/local/assemblywoman-lorena-gonzalez-leads-legislative-push-against-rubber-bullets/509-09f20843-6deb-4872-9179-62a62d20279a>.

³⁶ Dean E. Murphy, “Rubber Bullets Pass LAPD Test: Police: Officers Used New 'Knee Knockers' to Disperse Crowd. Officials Say the Non-Lethal Munitions Appear to Be Working Well,” *Los Angeles Times*, December 17, 1992.

³⁷ *Ibid.*

as a national security threat, and thus, the federal government was able to formulate a new space for itself in local government and law enforcement. In other words, “the issue of substance abuse and its collective impact on U.S. society was initially framed as a national security threat by political elites during the Vietnam War, as it was seen as a particular problem in prosecuting the war in Vietnam.”³⁸ In reality, this framing was another way to police protesters and dissidents on domestic land. John Ehrlichman, former aide to Nixon, claimed that “the Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and black people. You understand what I’m saying? We knew we couldn’t make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities.”³⁹ To do this, the Nixon Administration claimed that drug addiction was hurting America’s ventures abroad, and through this strategic policymaking, “the issue of drug use and abuse had risen from a matter of domestic law enforcement within U.S. cities to a national emergency that required new action at home and abroad.”⁴⁰ Not only did this mean that a militarized approach was required in which “U.S. borders and territory had to be secured against the flow of heroin from abroad, which required military involvement,”⁴¹ but it also meant that the government was taking an aggressive legal approach to the drug epidemic, rather than treating it like a public health crisis.

As a result of what became known as the domestic War on Drugs, the federal government, particularly under Ronald Reagan in the 1980s, helped formulate a new relationship between the police and military, some of which included the rewriting of defense funding bills and “significant portions of federal law on the relationship between the military and local LEAs [Law Enforcement

³⁸ Radil, Dezzani and McAden, 207.

³⁹ Dan Baum, “Legalize It All,” *Harper's Magazine*, March 31, 2016.

⁴⁰ Radil, Dezzani and McAden, 208.

⁴¹ *Ibid.*

Agencies] by specifying an active role for the military in antidrug efforts.”⁴² The connections between the War on Drugs policy from the Vietnam and Reagan eras continue to fuel the militarization of the police today. Thus, the War on Drugs was framed as a national security necessity, which was then used to expand a domestic war against Black Americans by strengthening the ties between local police and the military, as well as allowing more possibilities for funding and funneling of weapons to police.

Another more recent tactic connected to war is kettling. Recently, New York Attorney General Letitia James sued the New York City Police Department for police abuses including the use of kettling. Kettling, used to control and contain protests on the larger side, is one of the lesser known tactics used by police, but it gained significant attention during the Black Lives Matter protests in 2020. Law enforcement forces “block off streets and push people into confined areas, like a city block or a bridge. While protest and riot management traditionally focuses on dispersing crowds, kettling is all about containment.”⁴³ Proponents of the tactic, including Mayor Bill De Blasio and the New York City Police Department, argue that it is key to diffusing tensions by allowing small groups to be released at a time, thus necessary for public safety. Critics argue that it violates the First Amendment by blocking protesters from exercising their right, and it actually creates tension. In fact, the etymology of the word kettling is linked to war. According to the BBC, it comes “from the German word "kessel" - literally a cauldron, or kettle - to describe an encircled army about to be annihilated by a superior force. For soldiers within the kettle the situation would soon become unbearable hot.”⁴⁴ As a form of crowd control, kettling typically ends with mass arrests as it did in New York in 2020. Critics also argue that kettling causes physical confrontation to become more likely as “tensions run high in a kettle—protesters can become agitated, giving police officers grounds to employ more

⁴² Radil, Dezzani and McAden, 207-208.

⁴³ Colin Groundwater, “‘Kettling’ Is Supposed to Defuse Protests-Instead, It Does the Opposite,” *GQ*, June 5, 2020.

⁴⁴ Julian Joyce, “Police ‘Kettle’ Tactic Feels the Heat,” *BBC*, December 9, 2010.

violent tactics and conduct arrests.”⁴⁵ By the fall of 2020, the practice had gained so much negative attention that even De Blasio had changed his tune, claiming that “kettling is not an acceptable practice.”⁴⁶ He also emphasized that it is actually not part of the NYPD’s patrol guide, which contains tactics and rules that officers should follow in their official roles.

WALLS, BULLETS, AND PUNISHMENT: PROTEST IN PALESTINE

Palestine has historically always been under colonial rule. From the early sixteenth century to the end of World War I in 1917, Palestine was under Ottoman rule and control. Palestine became a British mandate after the French and British partitioned the Middle East in the wake of World War I. In fact, “Palestine was among former Ottoman territories placed under UK administration by the League of Nations in 1922. All of these territories eventually became fully independent States, except Palestine.”⁴⁷ In the Hussein-MacMahon Correspondence (1915-1916), the British promised support for an independent Arab state in return for an Arab revolt against the Ottoman Empire. At the same time that they were promising Arabs independence, the British also secretly signed the Sykes-Picot Agreement, which planned for the partitioning of the region, and they made the Balfour Declaration, which promised a national home for Jews in Palestine. Palestinian nationalist organizations were also emerging, and in response to Palestinian uprisings, the British limited Jewish immigration to Palestine in 1930. The British harshly crushed any other Palestinian dissent and revolt. “In 1947, the UK turned the Palestine problem over to the UN,”⁴⁸ and the United Nations partitioned Palestine into Arab and Jewish states. The UN believed that by creating this plan, essentially a two-state solution, it would

⁴⁵ Ibid.

⁴⁶ “Transcript: Mayor De Blasio Appears Live on the Brian Lehrer Show,” City of New York, accessed September 6, 2020, <https://www1.nyc.gov/office-of-the-mayor/news/765-20/transcript-mayor-de-blasio-appears-live-the-brian-lehrer-show>.

⁴⁷ “History of the Question of Palestine,” United Nations, accessed September 21, 2020, <https://www.un.org/unispal/history/#:~:text=History%20of%20the%20Question%20of%20Palestine%20%2D%20Question%20of%20Palestine&text=Palatine%20was%20among%20former%20Ottoman,League%20of%20Nations%20in%201922.&text=UK%20considered%20various%20formulas%20to,problem%20over%20to%20the%20UN>.

⁴⁸ Ibid.

solve what it called the “question of Palestine.” In 1948, the state of Israel was created through war as the British mandate ended. As a result, however, over 700,000 Palestinians were expelled from their homes in what became known as *Al-Nakba*.

What Israelis call the War of Independence, Palestinians call *Al-Nakba*, the catastrophe. This occurred partly as a result of what is known as Plan Dalet or Plan D. Plan D was carried out by the Haganah, a paramilitary force and armed Zionist group located in Palestine from 1920 to 1948. In March 1948, the Haganah began planning Plan Dalet, the name given to the military plan which called for the destruction of Palestinian villages and the expulsion of Palestinians. According to the plan, there would be: “Destruction of villages (setting fire to, blowing up, and planting mines in the debris), especially those population centers which are difficult to control continuously. Mounting search and control operations according to the following guidelines: encirclement of the village and conducting a search inside it. In the event of resistance, the armed force must be destroyed and the population must be expelled outside the borders of the state.”⁴⁹ The state of Israel was founded through war, and the expulsion of Palestinians through Plan D made possible further colonization of their land by Jewish settlers. This colonization helped solidify the settler-colonial dynamic which still exists and leads to many of the Palestinian protest movements. After 1948, the Haganah became the Israel Defense Force (IDF), which polices and controls Palestinians today.

After 1948, Palestinians experienced a new form of policing as their existence became increasingly politicized. “Between 1948 and 1967, most of the Palestinians who remained in what was Mandatory Palestine under the British, occupied two non-contiguous areas of land: the Gaza Strip and

⁴⁹ “Israeli War of Independence: Plan Dalet,” Jewish Virtual Library, accessed November 5, 2020, <https://www.jewishvirtuallibrary.org/plan-dalet-for-war-of-independence-march-1948>.

the West Bank.”⁵⁰ Palestinians were now confined to only two parts of their homeland, which were controlled by Egypt and Jordan. Throughout the 1950s, Palestinians protested sporadically: guerilla groups formed and carried out raids. In 1964, this form of protest consolidated as the Palestine Liberation Organization (PLO) was founded under the leadership of Yassir Arafat. In 1967 the Six-Day War was fought, and Israel gained control of East Jerusalem, Gaza, the West Bank, the Sinai Peninsula, and the Golan Heights. In blatant violation of international law, Israel began moving settlers into those areas. Following the war in 1967, Jordan and Egypt withdrew any claims to Gaza and the West Bank, and the areas remained under Israeli occupation.⁵¹ Jewish settlement into these areas increased significantly, as Palestinians were forced out. In 1973, the Arab-Israeli War was fought between a coalition of Arab states, led by Egypt and Syria, against Israel. The conflict ended in 1978 with the Camp David Accords in which Egypt became the first Arab state to officially recognize Israel, in return for Israel’s withdrawal from the Sinai Peninsula.

Palestine remained under Israeli control, and as the occupation of Palestine had worsened following the wars, “all attempts at self-governance have been met with brutal repression, as have all forms of resistance against the occupation (where, for instance, Israeli soldiers have not hesitated to shoot at children demonstrators).”⁵² Since the wars, Israel also instituted a system of checkpoints and roadblocks further restricting Palestinian movement. All of this contributed to the start of the First Palestinian Intifada, or “shattering” in Arabic, which began in 1987. Palestinians faced off with Israeli soldiers, protested in their villages, and created songs and dances expressing revolutionary sentiment. The movement ended on paper in 1993 with the Oslo Accords, in which Palestinians were promised

⁵⁰ Todd May, *Contemporary Political Movements and the Thought of Jacques Ranciere: Equality in Action* (Edinburgh: Edinburgh UP, 2010), 51.

⁵¹ “Intifada Begins on Gaza Strip,” History.com, accessed February 9, 2021, <https://www.history.com/this-day-in-history/intifada-begins-on-gaza-strip>.

⁵² May, 51.

their own state. The Intifada is said to have never ended because its seeds are still prevalent in Palestinian society. In fact, the Second Palestinian Intifada began in 2000 after Israel failed to withdraw from Gaza and the West Bank, as promised in the Oslo Accords. During this time, Israel erected the West Bank separation barrier, “located mostly within the Occupied Palestinian Territory, ruled illegal by the International Court of Justice.”⁵³ This has helped Israel tighten its system of control when it comes to policing Palestinian protest. The Second Intifada ended in 2005, and Israel withdrew from Gaza, but retained control of airspace and borders. In 2007, Hamas gained control of Gaza, and Israel and Egypt instituted a land, air, and sea blockade which continues today. The West Bank remained under Israeli control even as Palestine was recognized as a non-member observer state by the UN.⁵⁴ In the summer of 2014, Israel launched a military operation into Gaza, which continued until a ceasefire at the end of August. In 2017, Donald Trump recognized Jerusalem as the capital of Israel leading to more tensions, and on the 70th anniversary of *Al-Nakba*, the Great March of Return was launched. This led to a new round of protest and police repression; the cycle continues.

Between 1950 and 1980, Palestinian protest looked more like warfare because of the unstable situation in Palestine. Despite promises of an independent state in 1948, the situation on the ground contradicted this. As Israel fought various wars against neighboring Arab states, which also got their independence, Palestinian nationalist sentiment was growing. Refugees of 1948 were spread geographically throughout refugee camps in Palestine and other countries. The Arab Nationalist Movement was particularly influential in Palestine. Palestinian armed protest by the PLO and Fatah was growing, as they sought a revolution and were inspired by anticolonial movements across the world. They also utilized art and music as forms of protest, as Palestinian artists across the globe

⁵³ “History of the Question of Palestine.”

⁵⁴ Ibid.

contributed and published their work. As Palestinians were scattered across vast territories and the PLO remained exiled, new local leaders arose during the 1980s in what became known as the Intifada.

During the First Intifada, Israeli forces utilized a new bullet type against Palestinian protesters. A cousin of the rubber bullet, the plastic bullet is a metal bullet covered in plastic that is also termed non-lethal, “but like other ammunition meant to be nonlethal, the new bullets, marble-sized metal balls, are killing and injuring protesters at an increasing rate.”⁵⁵ When they were first introduced in the Intifada, Palestinians hit by the bullets were often killed automatically. In other cases, the plastic bullets created so much brain damage that death was imminent. Like the British, who switched to plastic bullets in 1973, the Israelis first used rubber bullets then switched to plastic bullets because they were supposedly less lethal. The plastic bullet is also a tactic of crowd control, and “defense Minister Yitzhak Rabin said that while the plastic bullets would be less lethal than regular bullets, they would discourage protesters by causing more injuries.”⁵⁶ The bullets are not meant to be fired at close range, and if they are, they are able to penetrate the body proving to be fatal. The injuries allow the army to have the upper hand when attempting to shut down protests.

Tear gas used against Palestinian protesters is manufactured in the United States. It is also the main weapon used to control crowds of Palestinian protesters by Israeli forces. It can be released through grenades or aluminum canisters. It can also be hand-thrown or launched.⁵⁷ A report done in January 2018 by the Human Rights Center of the University of California, Berkeley, School of Law titled “No Safe Space: Health Consequences of Tear Gas Exposure among Palestine Refugees” named Aida and Dheisheh refugee camps, right outside of Bethlehem, as the two places most likely to be

⁵⁵ John Kifner, “Israel Uses New Bullet against Arabs,” *The New York Times*, January 14, 1989.

⁵⁶ Ibid.

⁵⁷ “Crowd Control: Israel’s Use of Crowd Control Weapons in the West Bank,” B’Tselem, accessed January 2, 2021, https://www.btselem.org/publications/summaries/201212_crowd_control.

exposed to the highest rates of tear gas in the world. According to the report, the psychological impacts of regular tear gas exposure “are profound and suggest that residents are experiencing high levels of psychological distress in relation to tear-gas exposure, or in anticipation of exposure.”⁵⁸ The report also found that Palestinian residents of these refugee camps were being exposed to tear gas in situations outside the realm of protests or public safety. The IDF used it against them in places like their schools and homes. Furthermore, the report indicates that “the widespread exposure to tear gas among all strata of the population is in discordance with all publicly available international guidelines on how it should be used. Even during a protest, or potentially a violent riot, the use of crowd control weapons such as tear gas should be restricted to when other options, such as communication or individual arrests, have already been tried or are not practical.”⁵⁹ In situations where tear gas is being used for purposes of crowd control, B’Tselem found that it is also abused. According to B’Tselem, “soldiers and Border Police often fire tear-gas grenades directly at demonstrators with the aim of hitting them, or fire carelessly, without ensuring that demonstrators are not in the direct line of fire.”⁶⁰ This use of tear gas continues to occur even though it is a violation of official regulations.

The weapon known as “the Skunk” is one of the most notorious weapons deployed against protesters in Palestine. It was first used in 2008, four years after it was developed. The Skunk is essentially a truck attached with water cannons that spray protesters with a man-made version of skunk liquid. The malodorant is said to be so strong that it forces protesters away.⁶¹ In fact, “after Skunk makes contact with a person or object, the putrid stench can last for days and can cause nausea and vomiting. The smell is overpowering, similar to a skunk’s spray but worse, smelling as if it has been

⁵⁸ Rohini Haar, and Jess Ghannam, “No Safe Space: Health Consequences of Tear Gas Exposure among Palestine Refugees,” University of California, Berkley, School of Law, accessed October 15, 2021, https://www.law.berkeley.edu/wp-content/uploads/2017/12/NoSafeSpace_full_report22Dec2017.pdf, 24.

⁵⁹ Ibid.

⁶⁰ “Crowd Control.”

⁶¹ David Hambling, “Israel Unleashes First 'Skunk Bomb',” *Wired*, June 4, 2017.

mixed with raw sewage, sulfur and rotting animal corpses.”⁶² It is particularly used against civilian protests in the West Bank. The Israeli authorities claim they are adjusting their tactics to Palestinian organization because “Palestinians have reshaped their resistance in recent years from suicide bombings and armed attacks to civil disobedience and nonviolent demonstrations.”⁶³ They view this organized protest as one of the main security threats in the West Bank. According to Israeli officials, the Skunk allows troops to control protests more easily because as one Israeli commander put it, “the challenges today are sometimes more of a police challenge rather than a military challenge, so we are trying to react in a police way.”⁶⁴ They claim tools like the Skunk are especially necessary to control civil protests, which demonstrates how these are used as tools of control and containment to crush any type of dissent against an occupying colonial power.

Palestinians view the new technology differently. When the Skunk was used on protesters in Nabi Saleh in 2010, Palestinians claimed the weapon was used to provoke violence, instead of suppressing it. According to them, “soldiers fired the Skunk cannon’s liquid into homes, making them uninhabitable.”⁶⁵ They view this as a tactic to incite them to take up armed resistance even though they believe in civil resistance. According to B’Tselem, “forces regularly hose down Palestinian homes with Skunk, raising suspicions that the practice is used as a punitive measure — especially against residents in villages that routinely hold protests against Israel’s occupation of Palestinian territories.”⁶⁶ The Skunk tactic may also be used for another reason. According to a *Jerusalem Post* reporter, the Israeli “police love because it lingers for weeks and makes identifying people who took part in the protest simple. I’ve also heard that dogs love the smell.”⁶⁷ This tool aids the military in the high

⁶² Renee Lewis, “What Is Skunk Spray Israel Uses Against Palestinians?” *Al Jazeera America*, October 9, 2015.

⁶³ Edmund Sanders, “Israel Tries New Tactics against Palestinian Protesters,” *Los Angeles Times*, April 27, 2010.

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

⁶⁶ Lewis.

⁶⁷ Melanie Lidman, “Reporter's Notebook: Suffering 'The Scream',” *The Jerusalem Post*, March 30, 2012.

number of Palestinian arrests it pursues. Modern tools like the Skunk coupled with the arrests also suggest that Israeli police utilize such tools and methods strategically as both a preventative and punitive measure against civilians pursuing their rights to protest and demonstrate.

In 2010, classified American diplomatic cables were leaked which described how the IDF planned harsh methods against Palestinian demonstrators. General Mizrachi, in reference to the Skunk, “warned that he will start sending his trucks with ‘dirty water’ to break up these protests, even if they are not violent, because they serve no purpose other than creating friction.”⁶⁸ According to the cables, Mizrachi “plans on arresting organizers of demonstrations that ‘serve no purpose’ beyond exciting the population.” The cables also described how less violent demonstrations hinder the IDF, which gets very impatient with them. As one official stated, “we don't do Gandhi very well.”⁶⁹ These leaked cables once again demonstrate how protesters who choose to protest are punished, but they also show that the punishment is premediated, as the IDF clearly admits that the use of this weapon is essentially to prevent any type of protest, not to defend against acts of violence by protesters raising national security concerns as the government may claim. Thus, this demonstrates how the culture of violence and physical force against Palestinian protesters is still prevalent, despite the addition of non-lethal weapons.

The Scream is another new weapon, and it is used strategically. The Scream was reintroduced in 2011, after the Palestinian Authority asked the United Nations to recognize Palestine as an independent state, to decrease the number of protesters killed during demonstrations. In Palestine, Palestinians killed at the hands of the IDF during demonstrations are considered martyrs. Their deaths

⁶⁸ “Leaked Cables on Israel: IDF Plans Harsher Methods with West Bank Demonstrations,” Jewish Virtual Library, accessed October 12, 2020, <https://www.jewishvirtuallibrary.org/leaked-cable-idf-plans-harsher-methods-with-west-bank-demonstrations-february-2010>.

⁶⁹ “Leaked Cables on Israel”

often lead to more demonstrations, acting like a rallying call. The Scream is meant to avoid this because it “is a vehicle-mounted sonic blaster that shoots repeated pulses of sound at targets, leaving them dizzy and nauseous.”⁷⁰ For this reason, “Maj.-Gen. Avi Mizrahi has put an emphasis on having commanders at the front of every engagement with the Palestinians as part of an effort to lower the risk of a tactical mistake that could lead to a larger national and strategic crisis.”⁷¹ This is a strategic move to try to limit the number of protests that occur. Despite the “non-lethal” labeling, sonic weapons, like similar weapons at governments’ disposals, are also capable of causing severe damage and death. A version of the Scream known as the “Thunder Blaster,” if shot 10 meters from its target, can be deadly. This weapon “uses liquefied petroleum gas to make loud explosions -- up to 100 per minute -- like a repeating flashbang grenade.”⁷² According to the Jewish Virtual Library, weapons like the Scream are not as commonly used as live bullets or other weapons because of their short range.⁷³ It is important to recognize that live ammunition is still the main weapon of choice used against Palestinians. Even so, when “non-lethal” weapons are used, in many instances they are meant to punish Palestinians who rise up against the cycle of violence created by the IDF in the first place.

During the 2018 Gaza protests in the Great March of Return, at the separation fence between Israel and Gaza, Israel utilized mostly live ammunition despite the various “non-lethal” weapons at its disposal. In 2019, the United Nations Human Rights Council published its report on the protests. The commission investigating the protests concluded that Israel’s actions constituted war crimes as the forces committed human rights violations. According to the report, these actions included forces that “killed and gravely injured civilians who were neither participating directly in hostilities nor posing an imminent threat to life. Among those shot were children, paramedics, journalists, and persons with

⁷⁰ Adam Rawnsley, “‘The Scream’: Israel Blasts Protesters with Sonic Gun,” *Wired*, June 3, 2017.

⁷¹ Yaakov Katz, “Security and Defense: Challenging Times,” *The Jerusalem Post*, September 23, 2011.

⁷² Rawnsley.

⁷³ Mitchell Bard, “Myths & Facts,” *Jewish Virtual Library*.

disabilities. 183 people were shot dead and another 6,106 were wounded with live ammunition.”⁷⁴ The report also looked into the use of non-lethal crowd control measures and cautioned that those weapons, such as tear gas, can cause serious injuries and death if misused. In the context of the Gaza protests, the report listed instances where the IDF fired “tear gas canisters recklessly, at times with lethal results, towards children, health workers and journalists, as well as other demonstrators.”⁷⁵ Many of the protesters were hit in the head, eventually causing death.

CONCLUSION

The ongoing protests in Jerusalem and much of Palestine against the expulsion of Palestinian residents from the neighborhood of Sheikh Jarrah are an example of this paper in real time. Palestinians are being tear gassed and hit with rubber bullets in one of the holiest sites in the world as Israel attempts to consolidate its control of Jerusalem and expand its settler colonial goals. At the same time, police departments across the United States are preparing to battle protesters demonstrating for Black lives. Both the IDF and American police also arm themselves with the same weapons and tactics. These are the images of countries which call themselves democracies. How do they reconcile this image with their claims of being democratic?

Both governments use the rhetoric of “non-lethal” force and claims of national security threats to hide the reality of historic and institutionalized forms of state violence. The term “non-lethal” itself needs to be deconstructed. A typical trend is the governments’ efforts to mask the offensive nature of such weapons. These weapons attack demonstrators’ physiological reactions rather than inflict bloody injury; however, they can leave lasting scars and mask the violence under the label of non-lethal. As

⁷⁴ “Report of the Detailed Findings of the Independent International Commission of Inquiry on the Protests in the Occupied Palestinian Territory,” United Nations Human Rights Council, accessed January 4, 2021, https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session40/Documents/A_HRC_40_74_CRP2.pdf, 1-2.

⁷⁵ “Report of the Detailed Findings,” 166.

this paper demonstrates, these weapons also can be lethal, particularly when they are abused and misused. In addition, even when they are not lethal, they can cause massive damage, such as blindness and even the loss of limbs. It is just as important to point out that the use of such weapons does not mean that live ammunition is no longer used; this is far from the case. It is also key to recognize the roots of these weapons. The rubber bullet, for example, clearly emerged from a colonial environment, particularly one in which an oppressed group was protesting its oppressor. What this shows is that the bullet has not strayed far from its intended target. It has just been masked by misleading language that hides the underlying reality.

This façade is laid bare when one takes a closer look. What is left behind is the clear continuation of colonial tactics and efforts of containment and control. Israel has set up a military occupation of Palestine and argues that the structures it has in place, from the West Bank separation barrier to its roadblocks and checkpoints that Palestinians go through daily, in addition to its weapons and tactics, are all necessary to protect Israel's national security against what its government calls rampant terrorism. Similarly, since September 11, 2001 and the War on Terror, the United States has used national security as a means to justify increased militarization: the same militarization with its roots in the War on Drugs, which strengthened the relationship between local police and the military. In other words, state violence and domestic warfare are utilized in the name of national security.

What is the reality? In Palestine, the West Bank separation barrier has been deemed apartheid by various groups. The reality is that it does not surround Israel's borders; 85% of the wall runs inside the West Bank separating and punishing Palestinians who dare to protest. This is key to halting mass Palestinian protests and keeping Palestinians from physically gathering, as well as serving as a symbol of punitive and preventative measures. This is convenient as Israel has set up a model police state. At the same time, there is a modern day continuation of settler colonialism within the West Bank; Peace

Now has tracked 132 settlements and 135 settlement outposts in the present day which further help to physically divide Palestinians because they are set up sporadically throughout Palestine.⁷⁶ In the United States, a physical separation barrier does not exist; yet, policies like the War on Drugs, housing discrimination, and police brutality all lead to a similar image of containment and control, which relegates Black Americans to the status of a colonial people.

Another aspect of this internal colonization is the presence of a carceral society. Not only is Gaza a symbol of this as the largest open-air prison in the world, but so is what Khalil Gibran Muhammad calls “the condemnation of Blackness.”⁷⁷ He argues that the affiliation of blackness with criminality is a social construct that has helped make urban America. In Palestinian land outside of Gaza, incarceration is an everyday occurrence, even for underage children; and in the United States, the rate of incarceration for Black Americans is disproportionate to their population, often for small crimes other Americans are not prosecuted for. While further research needs to be done into the connections between protest and incarceration, it is important to understand that incarceration is used as a threat against those who protest. Furthermore, by locking up possible dissidents, governments are able to more easily tighten their colonial control.

Further research also needs to be done on the funding of both the IDF and American police, as well as the training of American police in Israel. When it comes to funding, much attention has been given to the billions of dollars of military aid to Israel. While this is an important point, it is just as important to understand exactly what this money is being used for. Similarly, one cannot point to American military aid to Israel without looking at American funding and federal aid to police

⁷⁶ “Settlement Watch,” Peace Now, accessed February 21, 2021, <https://peacenow.org.il/en/settlements-watch/settlements-data/population>.

⁷⁷ Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America*, (Harvard UP, 2010).

departments and other foreign countries. The point about the training of American police is also key because of the similarities in tactics and weapons highlighted in this paper; however, as Marc Lamont Hill says, to suggest that Israel taught American police how to be violent would be incorrect; the history of policing in the United States began long before 1948.⁷⁸ Even so, it is important to analyze how programs and trainings, which are justified as being needed to exchange national security and counterterrorism information, help reinforce the idea that police violence is acceptable against Palestinians and Black Americans.

At the same time, the production and sale of the weapons used must also be examined. While Israel is buying weapons like tear gas made by and for Americans, America is introducing weapons like the Scream, tried and tested in the “laboratory of human suffering,”⁷⁹ known as Palestine. Not only are these weapons highly profitable, but they also solidify the relationship between the police and the security state. The Israeli policing of Palestinians and their protest is made possible through this security state, and as Elyse Semerdjian warns, this security state model has also found its way to the United States, particularly after September 11, which has resulted in a transfer of surveillance, profiling, and policing tactics to various departments throughout the United States.⁸⁰ Under the security state model, attacks on civil liberties and democratic rights are accepted in order to protect security and guard against perceived dangers at any cost. It begs the question of whether the danger is actually prevalent, or whether this is an excuse to attack civil liberties. After all, people tend to ask fewer questions and turn a blind eye to others’ suffering when they are surrounded by the rhetoric of dangerous enemies.

⁷⁸ Marc Lamont Hill, *We Still Here: Pandemic, Policing, Protest, and Possibility*, (Chicago: Haymarket Books, 2020), 104-106.

⁷⁹ Semerdjian.

⁸⁰ Ibid.

The security state model is a clear example of the third militarization phase. In the historical trajectory of militarization, openly anti-Black and anti-Palestinian sentiment have evolved into discriminatory policies, which laid the foundation for the third phase characterized by “non-lethal” force and national security as priority. What has been consistent throughout time is the colonial mindset and practices at play. One part of the colonial program is administrating the colonial apparatus, which police do. Another part is the ensuring of dominance and control through organizational structure, which is achieved, for example, through practices like incarceration. Yet another part is rhetoric and justification, which is what phrases like non-lethal and national security help to achieve. While American and Israeli officials may argue that the shift to “non-lethal” weapons saves more lives, the reality is that the basic colonial goal of suppress and conquer is still at play. Both Israel and America not only perpetuate, but directly create, shameful and inhumane systems of oppression and violence against Palestinians and Black Americans resisting and demonstrating so that they may be seen and treated as human beings. For two countries calling themselves democracies, one would think that the right to be treated as a human being would be the most basic democratic principle of them all. Rather, in their treatment of Palestinians and Black Americans, Israel and America reveal their blatant hypocrisy.

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