



Episode 388 – Is America a Police State? Here's the Evidence

Guest: John Whitehead

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WOODS: Well, you've got this new book, *Battlefield America: The War on the American People*, and it's a follow up to your very good selling book, *Government of Wolves: The Emerging American Police State*. So let me give you a chance here before we get into any specifics to give the listeners an overview of this book and how it's different from the previous one. You're covering an enormous amount of ground here, but yet through all the specifics that you're giving, there runs a fairly ominous theme. What is that?

WHITEHEAD: That we're living in a police state. There's no doubt about that right now. A police state is basically defined by surveillance of citizens, violence towards citizens by government agents, militarization of government agents and on down the line. We're seeing all that right now. So the statistics out there don't lie. It's really zoomed since 9/11. I'd say the last 20 years the face of the country has changed in terms of how government agents view us. I have had the unique opportunity since writing *Battlefield America* of dealing with a number of former Secret Service agents who just meet and talk to me, and they're concerned. In fact, some are arguing that if you're a high-profile person and a civil libertarian, you should leave the country, which I have rejected and said I won't do such a thing, but there's a lot of things going on that should have people, I would say, freaked if you're following the news, but you're not going to get it on television. You're going to get off of programs like yours, Tom, and the people out there that are reporting things. As I say in the book, by the way, it's not what you see on the news. It's what you don't see on the news that's not reported. So how many people. I mean, I talk to journalists, believe it or not, and I say, you realize there is 80,000 SWAT team raids occurring annually. That's up from less than 3,000 in the mid-1980s, and they look at me like, what? So most of your journalists are not up on what's going on. I mean, you're having babies being burned, shot, killed. Dogs always killed in these raids, John Doe raids, where they just show up and go through your door. They don't even have a warrant anymore, and it's happening on an increasing basis, and so people need to wake up right now. I think we have a chance to change things, but we're going to have to get educated because education precedes action.

WOODS: Let me raise the traditional devil's advocate kind of response and that would be I am a regular American. I am regular Joe American. I don't cause any trouble. I don't get in trouble,

and the result is the police leave me alone, and there are no SWAT team raids on my house. And what you're doing is you're elevating some high-profile cases into a general rule, but basically if you stay out of trouble, nobody bothers you. Now, by the way, I say that as devil's advocate, but there is five percent of me that gets annoyed with a certain kind of libertarian—I am going to get in trouble for this—who go out at 2:00 in the morning with their bullhorn, the police tell them to shut up, and they say, police state! Police state!

WHITEHEAD: (laughs) Yeah, there are some people, I think, I have not run into those kind of folks, but there are probably people like that. As I show in the book, it's a steady progression, but it's like I say, it's picked up steam since 9/11, when the Department of Homeland Security was created by executive order. Okay, I get that question all the time: if I am not doing anything wrong, why do I care that the NSA is doing all these things? But let me say one thing. I am a constitutional lawyer. My book has 43 pages of footnotes, so I am not a conspiratorialist. I document everything I say. I draw conclusions from the facts, which any good lawyer or any good person will do. But to give you an example: the NSA now downloads 2 billion emails a day of American citizens. They are put into computers. They are read. They download almost every text message. They admit now, the NSA, to hacking into 160,000 Facebook pages a day to see what you're doing.

Now, Brandon Raub, a good Marine, outspoken, served tours in Iraq, Afghanistan. What he did, he defused mines in the minefields to protect the troops. Actually he captured weapons from al Qaeda. He came home. He didn't like some of Obama's executive orders, which most Americans if you're careful, you won't like them because he can do whatever he wants to do, basically, like an imperial president. He is a 9/11 truther, which there are a lot of folks running around out there. He was saying these things on his Facebook page on a Saturday morning about a year and a half ago. He heard some noise outside. He just got through jogging. He didn't have a shirt on. He walks through the front door, and he looks out, and there's eight vehicles pulled up around his property, black clad policemen running toward his house, people in plain clothes. He steps to a screen door. It's a hot August day, and he says, "What's up?" And they said, "Sir, we'd like to talk to you. Could you step outside?" He did. They immediately handcuffed him behind his back. He was resisting. He was arguing with them, not physically. They slammed him against the fence and lacerated his back and took him to the police station. His mother called me crying. She contacted every group. No one seemed to care about this particular situation. Well, I called the police chief and said, what has this man been charged with? The cop actually said to me on the phone, "Excuse me, sir, he's committed no crime. We're just concerned about his Facebook post."

Brandon had a five-minute examination in his jail cell. The psychiatrist decided because he was a 9/11 truther, and he was slow on his responses, which any American should be. If you don't have a lawyer, don't be answering questions at that point. He was given a hearing. He was put in a mental hospital. We filed a lawsuit and got him out. The judge ruled there was no shred of

evidence to have him in there. Now, what had he done wrong? It's just traditional free speech stuff.

I can go down the list with these kind of cases, but today, if you say the wrong thing, there are over 5,000 federal laws. There's over 5,000 criminal regulations. We're having cases where people have a chicken in their backyard for eggs. The police are actually arriving and confiscating the chickens and charging the people with a misdemeanor. There's a list of these cases in my book.

So you really don't have to be doing anything wrong what we used to think, but there's several constitutional experts that say that the average American commits three crimes a day, and they don't even know it. There are so many crimes. You can't collect rainwater in some states. The government says now they own the rainwater. There's a guy in Texas right now serving 17 days in jail for overgrown grass. He had to give up all his vacation time, and there's a fine with that, by the way. He didn't realize what he was doing wrong. So what I am saying is if they decide to target you, if you're outspoken. Now, here's the other thing. If you're sitting on your butt, and you don't give a poop, and you're watching the country down the tubes, it probably won't bother you.

I am seeing these cases. I detail many of them in my book where your average citizen does not know we're doing anything wrong, and two seconds later, they have somebody at their door who is handcuffing them. So in the cases we have here at the Rutherford Institute, we see them, so I know what's going on across the country and the other groups that we work with.

I am not the only one saying this. We've got people on the Left and the Right all backing my book, by the way. I have got the former head of the ACLU saying this is a great book. You've got to read it. Ron Paul wrote the introduction. Judge Andrew Napolitano said after he finished the book, he couldn't go to sleep. So these are good people. They are not stupid. These are learned folks out there that are seeing the trends, and what I am trying to do is wake the average American up to take action before it does. What I show in the book is we seem to be following, paralleling in a really eerie way what happened in Nazi Germany and the Soviet Union—very eerily, by the way. And here's the other thing as I show in the book: totalitarian regimes never announce themselves with trumpets. No. It's a very subtle transition. How many people realize in 1938 that Adolf Hitler was *Time* magazine's Man of the Year? How many people realize in 1939 he was nominated for the Nobel Peace Prize? People loved him in Germany and around the world. We saw what happened there about one year later.

WOODS: What do you make of the fact that as this kind of behavior on the part of law enforcement and the courts and the federal regulators and so on—as this expands, more and more people are going to know at least somebody—

WHITEHEAD: They are going to see it, yes.

WOODS: But yet, even though there have been all these cases that you describe in your book, and there are people violating a diversity of statutes. It's not by any means all the drug war.

WHITEHEAD: No, no, it's not the drug war anymore, no.

WOODS: So it's a whole bunch of things. Yet, what do you make of the cognitive dissonance here? There is nothing is more guaranteed to get you a heap of Facebook likes than if you post something about our brave men and women in law enforcement.

WHITEHEAD: Yeah, I think there are several things going on. One is, well, I have worked with a lot of good policemen, by the way. I have actually helped several now develop constitutional courses, which they are having trouble getting in their academies. The militarization of the police academy started about, I'd say, 15 to 20 years ago. So many younger policemen coming out have a different view of their training. The older policemen that I work with. Some chiefs of police don't like what they are seeing. Some are resigning based on it, and I quote a lot of them in my book, by the way. These are well-known national figures now. The training has changed. There are very powerful police unions that stop any legislative efforts. I am not always super up on everything. I didn't realize until about a year ago there was a SWAT team union. You can get no legislation through Congress. It blocks everything—very, very powerful moneyed unions. So we're up against some pretty powerful things that the average citizen doesn't know about.

But here's the key. As a constitutionalist, the Fourth Amendment is really clear, and read your Bill of Rights, folks. And this is the thing that astounds me, because the average American I run into has trouble telling me what's in the Fourth Amendment. I spoke to 150 lawyers not too long ago—the best: Berkeley, Harvard—about our case. In the middle of my speech I stop and I said, can any lawyer in this room give me the five freedoms of the First Amendment? These are constitutional guys that work in civil liberties and stuff. I said, if you raise your hand, we'll call on you. One guy started to raise his hand. I started to point to him, and he put it down. My wife was sitting in the back of the room, and she said they were arguing about what was in the First Amendment.

WOODS: Oh, wow!

WHITEHEAD: Now, for the last 20 years I have asked incoming law students in my summer intern program the same question. I haven't found one student who can give me the five freedoms. So what's happened? In the schools now, they have about a half a semester. I have been told this by so-called civics teachers. They have a half a semester to teach anything about the Constitution. I had a full year when I was in school. I learned about how radical the Founding Fathers were, the principles in the Constitution. That's all gone now. The average student—I just talked to a college class not too long ago at one of the elite schools, and I was astounded how disconnected these people were. They had no idea. These were top students—what's going in the country. They had no idea what's in the Constitution. So most of us are asleep. It's like I am telling people we've been on a 10-day drunk. We're starting to wake up. The problem is sometimes you wake up and it's too late. So what I am telling people is you can

read my book. It's documented—*New York Times* sources and all the top sources. It's there. You just have to dig. I dig. I am one of the few people that gets out there and digs and screams and stuff from the rooftops because I love this country. I am former military officer, and I am shocked that the Department of Homeland Security a year and a half ago contracted—they didn't buy them up off of foreign markets. They contracted to buy and have made for them 1.6 million hollow-point bullets which explode on contact. They violate international law. They are illegal.

The Social Security Administration purchased almost 200,000 hollow-point bullets they said in their press release to be distributed to 41 locations across America. How many people know that all of the federal agencies now have SWAT teams—IRS, the Department of Education—their SWAT teams actually do SWAT team raids for overdue loans. I challenge people. Go on the Internet and look up the case of Kenneth Wright. They took him outside, slammed his face down on his lawn because his wife had an overdue loan. This is happening in America. These are guys coming through the doors. They are not reported cases. You have to dig to find them. The local media doesn't cover them very well. So it's there. It's are we willing to do our research as good Americans and stand on the Constitution.

Again, we can go back to the Constitution. The Fourth Amendment is really clear. The government is not supposed to touch us in our home or do surveillance on us unless they have probable cause, which means some evidence of illegality, and if they can't come through our door unless they have a search warrant—unless they have a super-emergency. They are going through people's doors now, and people are going—I can go through some of the cases. Some of the people are getting blasted away, and they are in the wrong home. That used to never happen in America. Twenty years ago, it did not happen.

WOODS: John, let me ask you—it's hard to know exactly what the role of technology is going to be on this because it seems like it can swing both ways. You talk in here about different ways you can be tracked using new technology whether it's in your car or any other way—whether it's reading emails or whatever, but on the other hand, never before in history have we been able to track the state the way we can at least in its most in-your-face ways. I can have a cell phone app that lets me record my police encounter. What do you think on net the role of technology is? Is it for good or for evil? Is it easy to draw a conclusion about this?

WHITEHEAD: Technology can be very good. It can be super-good if we could put limits on it, but there's no limit. When the NSA is downloading two million emails a day of American citizens who have done nothing wrong, they violate the Constitution. Congress, again, Congress does nothing about it. They absolutely do nothing. Most congressmen are dominated by lobbyists, and that's a proven fact. You do have to do a lot of research on that one to understand that, but again, I have worked out of Washington D. C. for 40 years. I know. So the thing is that where we're at today—we're at, I would say, the transition period. In fact, history seems to show that when you see the violence that I am talking about against the population, it's the

transition to a moral, authoritarian regime—one that will be a surveillance state where you will be watched continually, and we're moving in that direction.

How many people out here know that many local police departments now have Stingray devices? They are small, little boxes that fit in police cars. They can drive by your home or wherever you are on the street and download everything on your cell phone. Now cities are setting up what they call real-time crime centers, which track your cell phone wherever you go through the day—if you're going to the store. Let's say you are a politician, and you have an alcohol problem. You go to Alcoholics Anonymous. They know that. Well, the FBI, as I show in my book is notorious for blackmailing people in politics. That's a fact. So you're being watched wherever you go. The devices coming to local police are going to be amazing. There's a new one being introduced to local police departments called a retinal obfuscation device. It blinds you for 15 minutes. They point it at you and completely blind you. And here's the thing: They have not done scientific tests to see what it does to the retina of your eye. If you just keep up with the news, people getting beat up on the streets, unarmed citizens getting shot in the back. Again, I go back. When I was a kid, that never happened. That never happened. You never saw it—something strange.

WOODS: Tell me about—this is a section of your book that surprised me. It's a short section on community policing. I never thought about this, but the term always sounded benign enough to me, but it turns out that community policing basically amounts to turning everybody into a snitch.

WHITEHEAD: Yeah, and again, you can draw parallels to former regimes. What I was surprised by—we did some amazing research at the Rutherford Institute. When I was writing some of my commentaries—I do a weekly commentary—I wanted to at least show some SWAT team-type raids in Nazi Germany. I thought, gee, they must have started it. Come to find out, very few of those things actually happened in Nazi Germany. They had a program set up, and this was, by the way, there are some really good books there by college professors who studied all the records of arrests in Nazi Germany and collated them. They have come to find out that almost the majority of arrests in Nazi Germany were from average citizens turning other citizens in. That was at the time a form of community policing where you'd turn in your neighbors, they'd get fined, and in Nazi Germany, many of them wound up in concentration camps. We might want to talk about the FEMA thing in a minute, but community policing is a national program around the Department of Justice, and it's basically a program where people are told to watch their neighbors, essentially, and we get the cases.

Most of the cases we get involved in where, I mean, there was a case in Minnesota or Michigan, I forget which state it was, where a kid had a pet chicken in his backyard, one chicken. A neighbor complained to the police. The police chief actually went out, took the chicken out of the cage, the guy wasn't home. He decapitated the chicken. He left the chicken dead in the backyard. Took the head and threw it on the front porch for the family to come home. That was by—and that was somebody who called. We have a case now where we're looking at

helping a church who had a Mother Teresa sign on their fence. The neighbors complained. The city now is telling the church they are going to fine them, may take them to court if they don't take down the sign. It's a Mother Teresa quote. It's legal. I mean, under the Constitution, I think we're going to win our case, but we see these cases all the time. A veteran who wants to grow a vegetable garden on a side yard. The neighbors complained. The police come out and say you either cut it down or they may take him to jail. The guy is spending 17 days in jail now for the overgrown grass reported by neighbors. So we're seeing the same kind of trends, folks.

WOODS: But now you're talking about going to the courts. Of course, that's what you do with the Rutherford Institute, but on the other hand, you have a section of the book called *The Complicity of the Courts*.

WHITEHEAD: It's very difficult to navigate the courts. When we win a case, it's like hallelujah, it's celebration time. The courts are very difficult to navigate. The Supreme Court in 9 times out of 10 votes on behalf of anything the police want to do. I can list all of the cases from taking your DNA now at police stations when you're not even found guilty. If you have been arrested, strip searches. Now they can do strip searches where they go inside your pants. The Supreme Court has upheld that in the *Florence* case. I went down the list. I mean, watch out if you get arrested these days. And I am telling people: if you're pulled over on the side of the road, watch out. Be careful. I think you should state your rights, but you better be careful how you state them. And you can go to our website at Rutherford.org. We have a constitutional section that goes through your rights. But today there are a lot of people getting slammed down. Malaika Brooks in the State of Washington—pregnant, six months pregnant—argued with a policeman about—they said she did a rolling stop. She argued with them. They pulled her out of the car, slammed her face down, and tasered her. She was six months pregnant. That case was fought all the way to the Supreme Court. Malaika Brooks lost. They said it was a reasonable action by the police. The Supreme Court refused to hear the case.

WOODS: Well, what are you going to do in that situation?

WHITEHEAD: There's not much you can do.

WOODS: And yet kids are still taught in school this civics lesson about the way the courts work and the three branches and what the purpose of government, is as if none of this is happening.

WHITEHEAD: There are good judges out there, and one of the reasons I write my books like *Battlefield America* is judges do read them. I mean, I am trying to educate judges—everybody—that we're all together here. We're citizens—citizens of the state. I tell policemen—now, one thing the police—the term that's rolling off their lips that I don't like is the word civilian when they refer to us. I told a policeman a couple of months ago when I was talking to him. He said, well, the civilians. I said, sir, I am not a civilian, I am a citizen. So are you. We don't have a standing army. George Washington was against that. He said, don't have a standing army. We faced it in the American Revolution. I mean, local police departments—why does Florida need 36 grenade launchers and 47 MRAPS—Mine Resistant Armored Protection Vehicles? Why does

Texas need 74 of those and \$24.3 million worth of Blackhawk helicopters? Your local police now are so militarized, and I have friends who are gun owners, and they say, well, I am getting my gun. I go, dude, put the gun down. You'll get blown away. It's the argument in my book.

I mean, non-violent militant, but what Martin Luther King called militant, non-violent resistance is the way to go if you're going to do anything and get involved in your local government. We can change the things. There's a lot of hope out there. I look to the government like I do my lawn. When I walk through the lawn I see a bad weed. I pick that weed up and throw it in the garbage. The government is like that, too. If you've got government that doesn't act, you need to get down there and pull that weed, and that means by political action, getting your picket signs and taking action. You can do it, but you're going to have to get up off your butts and do it, folks.

WOODS: All right, before I let you go, I do want to say something about the idea of detention camps. I had Judge Andrew Napolitano on this program not too long ago talking about his own new book, which has to do with civil liberties.

WHITEHEAD: Yeah, good man, yeah.

WOODS: I was noting to him that I thought that in some ways things were worse, but in some ways things were better, in the sense that I personally consider it inconceivable that the government could get away today with what it did to the Japanese Americans in the early 1940s. That would just never happen. It's just not conceivable.

WHITEHEAD: It depends on the type of crisis, yeah.

WOODS: All right.

WHITEHEAD: I mean, when 9/11 happened, they were pulling over in cities and grabbing what they thought Muslims were, taking them and putting them—just grabbing them.

WOODS: Yeah, that may be, but I can't imagine over 100,000 of them would be confined for a matter of years.

WHITEHEAD: It depends on whether you know about—just to give you the facts. In 2006, George Bush gave Halliburton, the large, corporate entity, \$385 million to build FEMA camps. Shortly thereafter—I would say about three years later, I had several of my attorneys contact Halliburton. We just wanted to ask the question, did you use the money? They referred us to the Department of Justice. The Department of Justice referred us to the FBI. The FBI referred us to the Department of Homeland Security. The Department of Homeland Security us to Halliburton. It went around a circle in two hours, and no one would answer the question yes or no. So do I think they spent the money? Yeah. If there are already detention camps, there may be some in isolated areas, but they are probably on military bases. That's what I have been told by former NSA agents.

WOODS: So I have heard—

WHITEHEAD: If they are out there, yeah.

WOODS: And I don't know what to think—maybe, maybe not. What would it be used for if there is general civil unrest, what would you use these things for?

WHITEHEAD: Well, when they set the FEMA camps, the legislation said that they would be set up for a growth in immigration or, and this is the key phrase, the development of new programs. What in the hell that means—you can take a guess at that one, but again, I see paranoia. The American government is giving their agents hollow point bullets. The Department of Homeland Security, by the way, their agents have three times the ammunition as a ground troop has in Afghanistan, and it's to be used on American soil. You're eight times more likely to be killed by a policeman in this country than a terrorist, and this is the statistics. The FBI says—this is the FBI statistics. Violent crime is at a 40-year low. Policemen getting shot in the line of duty is at a 50-year low. 2013 was the lowest murder rate in a century of Americans killing other Americans. These are citizens. So why all the armored equipment, hollow point bullets, et cetera? I mean, it doesn't take a weatherman to know which way the wind blows. That's Bob Dylan, by the way.

WOODS: John, how can people get a copy of *Battlefield America*? Amazon?

WHITEHEAD: Amazon.com.

WOODS: And we'll link to it on today's show notes page, tomwoods.com/388 for this being episode 388. We'll link to the Rutherford Institute, Rutherford.org, which is—people can learn about all the important cases that you guys work on there, and I will link also to your previous appearance on the program when we talked about your previous book, *A Government of Wolves*. I got tremendous feedback from that conversation, so I am very glad you're able to come back and join us again today. Thanks, John.

WHITEHEAD: Hey, thank you, Tom, and thanks for sounding the alarm, okay?

WOODS: I appreciate it. Thanks for all your work.

WHITEHEAD: Thank you, sir.