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The Authoritarianism Of The American Police State

Posing a Threat

by MATT PEPPE

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Two days before Christmas, a “thug” launched an “unprovoked attack” on a female MTA employee on a Bronx subway platform, “choking her” and causing injuries, according to the *Daily News*. The “hulking brute” then fled the scene, “grinning as he made his way through the turnstile.” The newspaper’s description conjures images of a fanatical psychopath, aggressively assaulting an innocent victim and showing a twisted pleasure in his deranged actions while escaping. Several days later the perpetrator was located, but he was not arrested. On Friday, more than a month later, police announced he will face only misdemeanor charges.

The perpetrator was allegedly discovered when he saw video of himself on the news and turned himself in, police said. Incidentally the man, 37-year-old Mirjan Lolja, is himself an NYPD policeman. Having a law enforcement officer stand accused of criminal actions is obviously a stain on the force itself. This could be considered incentive for the NYPD to minimize the assault. One way this might be accomplished would be to create mitigating factors. Say, for example, claiming the officer turned himself even if the discovery were made by one of the officer’s many colleagues who would have all presumably seen the alert with Lolja’s photograph.

Standard operating procedure for the discovery of a suspect in a violent, “unprovoked attack” on an MTA employee is no doubt to detain and book him immediately. As the ads on subways and

buses clearly state, assaulting an MTA employee is a felony punishable by up to seven years in prison. Someone who stands accused of such a serious charge may likely be sent to Rikers Island without bail.

The MTA has been aggressively trying to protect its workers, going as far as offering rewards of up to \$2,000 to people who report to police details of crimes against MTA employees they have witnessed.

“Transit Watch puts criminals on notice that if they assault a bus or subway employee, everyone who sees it happen is going to help put them in jail,” said MTA Chairman and CEO Joseph Lhota in a statement on the MTA Web site from 2012.

In the alleged attack on the MTA conductor, several passengers who witnessed the attack shouted at the perpetrator, “That’s a felony” and “You going to jail,” according to the *Daily News*.

Yet nearly an entire month passed before it was announced that Lolja will face charges resulting from the incident. And the charges were not for felony assault – which every subway rider is reminded constantly by the MTA’s ads is the penalty for such a crime – but a misdemeanor charge of third degree assault.

Lolja’s preferential treatment in avoiding felony charges is surely nothing more than a gift due to his status as an active NYPD officer. It is inconceivable that there is any other reason a person declared a “thug” in a newspaper with a circulation of half a million would spend four weeks free without charges in what was allegedly an “unprovoked attack” with at least several witnesses.

When he was finally charged on Friday, Lolja was not sent to Rikers but was released on his own recognizance, according to the *Daily News*.

Compare Lolja’s experience with that of Jelani Henry. In 2012, Henry was arrested and charged with attempted murder in connection with a shooting involving sparring members of two Harlem street crews. The only evidence presented against him were Facebook posts about one of the crews that Henry had “liked.”

>”Jelani had never been convicted of a crime, but at the arraignment, the District Attorney’s office described him as a known member of a violent gang,” writes Ben Popper in an article titled “How the NYPD is using social media to put Harlem teens behind bars” in *The Verge*. “The judge denied Jelani bail, instead sending him to Rikers Island ... Days went by, then weeks, months, a year. The trial never came.”

Popper writes that despite legal requirements that if a felony suspect is not granted a trial within six months he must be freed on bail, this never happened for Henry. He was kept for 19 months in one of the most violent housing centers on Rikers and spent “nine months straight in the box,” solitary confinement. Finally, with the DA failing to move ahead with charges the case was

dropped. Popper says Henry's experience in Rikers "changed him" and that he is now struggling to achieve normalcy in everyday life.

Raven Rakia writes in Truthout that 28-year-old Marc was kept at Rikers for 60 days after being caught by police dancing on the subway and charged with obstructing governmental administration, a class A misdemeanor. In a 2013 *New York Times* article "Faltering Courts, Mired in Delays," William Glaberson writes: "With criminal cases languishing for years, a plague of delays in the Bronx criminal courts is undermining one of the central ideals of the justice system, the promise of a speedy trial."

This is a reality that thousands of people accused by the police and the District Attorney's office live through every day. Innumerable lives are disrupted and often ruined because of their treatment by the criminal justice system without as much as being tried for a crime.

There are obviously two sets of rules. Common civilians, especially blacks and Latinos, are seen as inherently criminal and are treated as such. Members of law enforcement are seen as above the law, and are exempt from such treatment. By virtue of their authority, police are superior to criminals. Criminals are the people who are poor, who are black, who are Latino, who don't wear uniforms or suits to work.

The population is imagined to be an existential threat. Whether it is nonviolent drug possession, social media posts that can be construed as potentially advocating violence, or harmless behavior on a subway that considered disorderly, the police and criminal justice system routinely punish a population believed to be disposable.

The corporate-owned *Daily News* coverage can be understood as authoritarian propaganda. Their version of the narrative in the original report propagates the idea that the city is full of dangerous criminals who can only be kept under control by the police who protect us from them.

The change in language is pronounced after the "thug" is discovered to be a policeman. "NYPD cop turns himself in for attacking female MTA employee," the subsequent article says. He is no longer a "hulking brute." His own accusation is even expressed: the conductor "cursed at him" and when he tried to take her picture with his phone "she grabbed it, prompting a struggle." There is a complete shift in tone, and it becomes merely a he said, she said dispute.

The latent authoritarianism of *Daily News* is an expression of the internalized belief that police are good guys who keep a lid on the violence constantly percolating below the surface, erupting in the form of "thugs" and "hulking brutes." In reality, this is a right-wing myth. Images of dangerous and irrational criminals are overblown to create the perception of instability and disorder that police are needed to prevent.

Repressive, punitive policing and the mass incarceration that results from it are understood as a response to this imaginary crisis rather than as the racist form of social control that they really are.

Of course, crime is real and violence does occur. Laws prohibiting violence, and a mechanism to enforce them, are a necessity in any society. But the militarized police force we have today with its own hierarchy almost entirely outside civilian control is a result of specific policy choices, it is not a fact of nature. And it did not come about because of its effectiveness or justness.

As historian Sam Mitrani writes in *CounterPunch*: “The police were not created to protect and serve the population. They were not created to stop crime, at least not as most people understand it. And they were certainly not created to promote justice. They were created to protect the new form of wage-labor capitalism that emerged in the mid to late nineteenth century from the threat posed by that system’s offspring, the working class.”

The working class is still the predominant threat to elite interests today. Corporate media, who control almost all the news that reaches the US public, convey an authoritarian worldview that reflects this perception to their audience through innuendo, as evidenced by the reporting in the Mirjan Lolja incident.

This case is not an isolated occurrence. As with the killings of Michael Brown, Eric Garner, Tamir Rice and many others, laws are not applied equally to police. Crimes by police are rationalized and distorted by the criminal justice system to shield state authorities from accountability for their actions. The corporate media defends their ideological position and translates it into the narrative portrayed to the public. In this way, the police and the elite media work together to maintain the legitimacy of the authoritarian system upon which their privileged position in society – and that of the wealthy who benefit from it – rests.