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The Foundation for Politization of the Police: Its Implications on the Watergate Scandal

Every component of the criminal justice system except the law enforcement component is able to protect itself from the scandalous taint of the Watergate affair. This is not to infer that the other components of the criminal justice system would necessarily be free of potential scandalous involvement, but it is meant to infer that structurally all other components of the criminal justice system are organized in such a manner as to minimize their vulnerability to such scandalous involvement. Moreover, their visibility in the areas of processing participants of such scandals is more legitimized in terms of discretionary decision making that must necessarily occur in such cases, both prior to and after adjudication. The law enforcement component, on the other hand, is severely handicapped by low visibility political pressures to influence the decision either to arrest, charge, or investigate. Aggravating this problem is the intense political nature of the police organization, with its politically appointed administrators; its historical involvement in political activities; and its vulnerability to the use of discretionary decision making.

The isolation of the law enforcement role with its vast secrecy and silence also exacerbates the politization of the police. Secrecy among the police stands as a shield against the attack of the outside world—against bad newspaper publicity, which would make the police lose respect; against public criticism, from which they feel they suffer too much; against the law, which they too frequently abrogate. Therefore, secrecy becomes redefined as loyalty, for it represents sticking with the group, and its maintenance carries with it a profound sense of participation. Secrecy is also solidarity, for it represents a common front against the outside world and consensus in at least one goal. The entire aspect of secrecy within the police organization not only facilitates its further politization, but at the same time justifies it. Moreover, because all police officers find their personal involvement in their role so comprehensive and total, it becomes that much more subtle and difficult to overcome. For, as Westly observes [1], the job disrupts the policeman's life because he must work on shifts when other people sleep and sleep when other people work, and thus finds it almost impossible to establish social contacts outside of the law enforcement world. Therefore, the job isolates the officer both from his family and society. The isolation, the time allocated, and the emotional involvement makes the job a major, if not the most important, influence in the policeman's life. The shock of confronting a hostile community suggests that the police use secrecy as a means to protect themselves from a very ambivalent community. Secrecy, the maintenance of respect, and the necessity for violence all become fused as a

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defense against hate. This constitutes the policeman's role, his way of life, his morality, and his self-conception. Therefore, his obligations are primarily to the police and secondarily to the community [1]. In this manner secrecy becomes imperative, to the extent that even the goal of law enforcement is subordinated to the reality of community rejection.

When one appreciates the importance of police secrecy in obtaining community acceptance, even to the point that law enforcement itself becomes incidental, then one can also appreciate how formidable a role secrecy plays in the politization of the police. The police have been caught up in a situation in which they find it necessary to reject the paradoxical and incompatible values of the public so as to avoid conflict or minimize conflict with the public. This leaves the policeman in the untenable position of accepting the values of other police, thus enlarging the opportunity for politization to occur. The important point to grasp is that this excessive group solidarity makes it possible for the police to legitimize their entrance into the political arena as their way of maintaining those values they view as fundamental to the American way of life, which they see as progressively deteriorating through both their pervasive role involvement and the apathy of the community at large.

Traditional Political Involvement of the Police

Political involvement of the police is neither a recent nor a new phenomenon. The police have too often owed their very jobs or promotions to either the big city politician, the closed corporate air of the small town, the county board of supervisors, or the federal bureaucrat or campaign contributor.

Unfortunately, there is both a more traditional and pervasive manner of politization of the police—their role as an active arm of the status quo. For decades the police were the main bulwark against the labor movement, where we found picket lines roughly dispersed, meetings broken up, and organizers and activists shot, beaten, jailed, or run out of town [2]. In fact, the Ludlow Massacre in Colorado still haunts the Colorado Highway Patrol. While these days have passed, neither the police nor the body politic reaped too great a lesson from this form of politization, as the participants in the protest movements of the 1960s have also seen the police used as political enforcers of the status quo. For example, the civil rights workers, first in the south and then in the north, plus the student and antiwar protestors have also experienced the active police opposition, hostility, and force [2]. While these types of political involvement pose serious problems to a democracy, recent patterns of politization of the police point to even more significant problem areas. What it refers to is the increasing police militancy that has emerged.

The increasing police militancy can be traced back to the growing frustration police have felt with U.S. Supreme Court decisions of the 1960s, the narrow view that attributes unrest to "malcontents," and the general stresses inherent in the policeman's job. In response to this frustration the police have become more militant in both their views and demands. As Skolnick observes, they have sometimes begun to act out this militancy by violence, but also by threatening illegal strikes, lobbying, and organizing politically [2].

This militancy and politization have built upon an organizational framework already available within the police community, namely, fraternal and social organizations. It is these guilds, along with others, which have challenged and disobeyed the authority of police commanders and administrators all over the country. In fact, this challenge has also been extended to the courts and the very fabric of our democracy, with the resulting effect of organized police groups entering the political arena as a militant constituency. Skolnick observes that such developments threaten our long tradition of impartial law

enforcement and make the study of "police protest" essential to our understanding of police response to mass protest. Moreover, many of the manifestations of this police activism bring the police themselves into conflict with the legal order, for they too may act in a manner inconsistent with their role in the legal order, or even illegally in some situations. Paradoxically, much of this activity is justified in the name of law and order [1]. Perhaps James Q. Wilson best summarizes it in his observation that the police are in all cases keenly sensitive to their political environment, without in all cases being governed by it [2].

The politization of our police raises more serious problems, even apart from its contribution to more radical forms of police militancy. For one, the police have a virtual monopoly on the legal use of force and investigation in our society. Second, because of their frequent and intimate closeness to the day-to-day workings of our political process and their frequent interaction with the population, the potential for police abuse of the political process becomes a very real possibility. Third, the narrowness and shallowness of philosophical and political expression considered "appropriate" may well lead to political coercion within our police. In other words, control over promotions, transfers, raises, and disciplinary action could well make coercion possible, thus extending pressure on lower ranking members of the police organization to adopt, contribute to, or work for a political cause. Finally, the politization of our police is also exacerbated by the mere fact that no other governmental or social institution appears to be so deficient in its understanding of the constructive role of dissent in a constitutional democracy as our police organizations [2], and in my judgment this may well be the central problem to the entire Watergate affair.

Implications for the Watergate Scandal

Where does this all lead to? Initially the Watergate scandal, but it could have gone and could go further. The mere fact that this entire scandal was discovered, revealed, and pressed for a full inquiry by two newspaper reporters should not be of any comfort to any of us. For it is a scathing indictment of our police and the politization that enveloped them.

Perhaps the most enduring and damaging consequence of the Watergate scandal has been its weakening of public confidence and support in the police in general, and the IRS, FBI, CIA, and Secret Service in particular. There has been a general public acceptance of the "untouchable" nature of these agencies. Watergate has brought these agencies down to the level of many municipal police departments in terms of their no longer being free from political taint and misuse. The implications for the morale of the personnel within these agencies are, of course, devastating. Not the least of the problems will be leadership within each of these agencies in the future. What will prevent an irate group of agents from not feeling responsible to new (lawful) leadership patterns? In other words, we tend to expect our law enforcement personnel to follow through on legal and discreet activities, but, on the other hand, we expect them to resist administrative directions which channel them into indiscreet or illegal expeditions. Therefore, future administrators of these agencies have been placed in the untenable structural position of having directives ignored by way of the vague and general idea that finds line resistance to these directives legitimate as long as the line resistance is in response to administrators' illegal, indiscreet, or politically motivated actions. Whether or not this resistance is supported by fact will of course be the administrator's dilemma. For this problem we have only our politicians and selected past administrators to thank.

Scandals involving political corruption, such as Watergate, bring to light one of law enforcement's greatest vulnerabilities, namely that of staffing our law enforcement

agencies with administrative appointments that can at best be characterized as "incompetent." It's one thing to weed out of the appointment process people who have neither the leadership ability nor the inclination to solve the problems of decay and neglect that affect our criminal justice system. It is, however, quite another to select personnel solely on the basis of political persuasion, ideology, and responsiveness to the overall "game plan." Neither of the two situations is healthy; however, the latter will bring about total paralysis of our democratic system.

The Watergate affair is replete with many examples of administrative appointments at several different agencies where it appears as though the basic asset of the individual was ideology and unquestioning responsiveness to the political party leaders in power. Perhaps former Attorney General John Mitchell best typified this approach within the U.S. Department of Justice.

Finally, I would direct your attention to an observation made by James Q. Wilson over five years ago on the general state of corruption [3]. This insight, better than any other, grasps the fundamental violation committed upon our democracy, by both our political leaders and our police administrators. "Whatever was good or bad about the public official—however competent or incompetent he has been in the conduct of public affairs, however profound or superficial in the analysis of the nation's problems—all is obscured in large measure by the fact, real or imagined, that public power has been used for private purposes."

The very flimsy defense which states that this scandal differs from most because there was no motive to individually enrich oneself financially is debatable, not only because the apparent motive was to ensure the re-election of the President and thus assure continued employment at a very prestigious level of government service for many. It is, however, even more questionable since there have not been any firm, final figures issued on campaign contributions received and expenditures allocated. So for the more skeptical, the possibility that some of the campaign money found its way into Swiss bank accounts is a very frightful plausibility.

However, if one does accept the basic proposition that the Watergate scandal did not financially enrich any group or person, we are indeed then facing a different type of political corruption, a type which is certainly no more palatable than that based on financial gain. In fact, it is a type of corruption which may be less easy to rationalize, at least in my judgment, for it may well be far more destructive to our basic political system. In any event, Wilson's observation on the use of public power for private purposes seems to be quite compelling.

Implications for the Forensic Sciences

Perhaps another disquieting effect of the entire scandal has been the obstructionist point of view which typifies the present administration, insofar as the forensic sciences are concerned. This simply has been a case in which precious little assistance has been called for either by the defendants involved or by the respective prosecutors. Moreover, the administration has set the tone by refusing to encourage the engagement of competent, objective forensic experts. In fact, at every opportunity efforts have been made to mediate the scandal at an in-house level.

The public is certainly aware of the issue of the credibility of the presidential tape recordings, and some expert witnesses were relied upon in this area, but I dare say not to a degree that should offer any comfort to the forensic scientist.

There are additional areas of concern within the forensic sciences that already have been passed or will be upon us in the near future, relative to this scandal. For example, what role will forensic psychiatry, questioned documents, forensic engineering, and forensic jurisprudence play in the investigation and resolution of the imponderable litigation that will be the necessary conclusion to this scandal?

In my judgment, there has been no commitment to the idea that forensic scientists should be encouraged to participate; in fact, it appears as though the contrary has occurred. The forensic scientist, as well as the behavioral scientist, has or should have an immensely important role to play in this scandal. Unfortunately, this reservoir of expertise has not been tapped.

Perhaps someday policy makers within the police organizations, prosecutor's offices, and the judiciary will recognize the political nature of cases such as the Soledad brothers, Angela Davis, Attica, the Black Panther raid, Chicago 7, and now the Watergate scandal. Perhaps they will depend more upon the utilization of forensic experts than upon the in-house legal maneuvering that results in counterproductive partisan efforts which, in the final analysis, eventuate in an increase in cynicism for the general public, members of our criminal justice system, and also the defendants in these cases.

In conclusion, I would suggest that the remedy for these situations is not to denigrate the police, but to point out the weaknesses within a system that allow these situations to occur. Now more than ever, the police need our understanding, compassion, and assistance. They need our acceptance so that the solidarity and police subculture can be incorporated into our larger society, thus minimizing the early subtle factors which create the climate for politization to occur. They need assistance in identifying the structural and organizational weaknesses which create the type of environment that fosters politization of the police within their own organizations.

References

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