

## **“MORE THAN A MARCH IN A CIRCLE”: TRANSGRESSIVE PROTESTS AND THE LIMITS OF NEGOTIATED MANAGEMENT\***

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*We examine how tactical innovations introduced by transgressive protesters during the Seattle cycle of protests contributed to the end of a long, relatively stable period of détente between police and protesters in the United States. Case studies of the demonstrations staged by the AFL-CIO and the Direct Action Network (DAN) during the 1999 WTO protests are used to reveal the divergent capacity of the negotiated management style of policing protest to control contained and transgressive protesters. We argue that the transgressive protesters' tactics, organizational structure, and decision-making processes all frustrated police attempts to control their demonstrations and contributed to DAN's ability to shut down the opening day of the WTO. We conclude by developing a framework for understanding how police responded in subsequent protests using what we describe as "strategic incapacitation" and by proposing research questions about the impact of this style of policing on subsequent protests in the U.S. and other Western democracies.*

[W]e had lots of discussion with the county execs and the council members, and the mayor, and the city council, you know, the governor's office...the police, all the security folks. . . . We didn't want to blindside anyone. We wanted to let them know that we had a problem . . . not with trade, but with the trading system, the rules of the system and that the WTO was . . . going to be the catalyst for lots of discussion, debate, and actions. And that we were planning something large (Ron Judd [2000], Executive Secretary of the AFL-CIO's King County Labor Council).

[Some] groups . . . have always accepted the constraints that the police place on protests in return for being granted permits. Newer, anarchist-oriented activists refuse to be penned in and corralled like cattle and have fought such constraints every step of the way, organizing feeder marches outside designated areas and refusing to protest inside police barricades (Belil El Anan, quoted in Wood [2003]: 252).

The violent street clashes at the 1999 World Trade Organization (WTO) protests in Seattle ended a long détente between police and protesters at mass demonstrations in the United States (della Porta, Peterson, and Reiter 2007). Prior to the WTO the Seattle Police Department (SPD) publicly declared its respect for the right to protest and confidence in its ability to control the demonstrations by negotiating advance agreements with social movement groups to limit the scope of their protest activities (Dunphy 1999; Slivka 1999). By mid-morning of the first day of the WTO meetings, however, direct-action protesters, having declined to negotiate limits to their protests with police, had taken control of downtown Seattle and forced cancellation of the first day's schedule. To regain control of the situation the SPD employed several tactics largely avoided in American policing since the 1970s,

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including the strategic use of force and the banning of protests in a significant area of the city (Thomas 2000; Gillham and Marx 2001; Gillham 2003; Cockburn et al., 2001).

In this article we explore the seemingly sudden failure of the *negotiated management* style of policing protests in Seattle and the subsequent development of alternative tactics to police transgressive protesters. The sociological literature generally has categorized U.S. police-protester interactions by the dominant style of police response. Prior to the mid-1970s, there was the *escalated force* style, in which police relied on ever-increasing amounts of force to disperse protesters and break up demonstrations. The period from the mid-1970s to the late 1990s is characterized by the use of the *negotiated management* style, in which agreements are reached between police and protesters limiting the scale and scope of demonstrations, but not preventing them from happening. When social scientists began to pay more attention to the policing of protests in the 1990s, it was the transition from escalated force to negotiated management that captured most of their attention. There was a broad consensus on the characteristics of the negotiated management approach: a general respect for the right to protest, underenforcement of the law, the use of force only as a last resort, and open lines of communication between police and protesters. There was also general agreement that the rise of negotiated management substantially decreased the number and intensity of street clashes between police and protesters (McPhail, Schweingruber, and McCarthy 1998; della Porta and Reiter 1998; Waddington 1994).

Identifying police-protester relations by reference to the actions of the police alone, however, obscures the coevolution of police and protester tactics (Oliver and Myers 2003). The tactics employed by the police shape the protesters' tactics (and vice versa), and changes in both are driven by an iterative process. During the escalated force period, for example, the Southern Christian Leadership Conference (SCLC) dramatized their cause by engaging in direct-action protests that they knew would provoke violent confrontations (Branch 1998). In turn, savvy police chiefs in some Southern cities tried to defuse the SCLC's strategy by arresting protesters rather than using police dogs, fire hoses, or batons to clear the streets, thus minimizing the overtly violent street conflict (Barkan 1984). By the end of the 1960s, however, police use of force during demonstrations caused both what Waddington (1998) refers to as "on-the-job" and "in-the-job" troubles. On-the-job troubles include the need to put down challenges to their authority that police began to believe were more frequent when they used violence to end protests. In-the-job troubles, which refer to the relationship between the police and the broader criminal justice apparatus, came in the form of several national inquiries into the cause and consequences of political protests and the police response to them (Kerner 1968; McPhail, Schweingruber, and McCarthy 1998).

During the negotiated management period police and protesters found more common ground, but the process was no less iterative. The willingness of police to negotiate agreements with activists represented a significant tactical shift by police, but it required the cooperation of protest groups to succeed. Had demonstration leaders refused to negotiate with police or refused to give up the right to engage in disruptive demonstrations the new police tactic would have failed. Many of the social movement organizations (SMO) that survived the 1960s protest cycle had begun to professionalize and to deemphasize confrontational street protests, however, in favor of symbolic protests and lobbying activities (McPhail and McCarthy 2005; Rootes 1999a; Brand 1999). Regulations requiring cooperation with the police, such as the permit process, therefore, seemed to legitimate protest organizations as much as restrict them, and for the most part, they embraced this new approach.

There appears to be another shift in both police and protester tactics. Seattle drew the scholarly attention to the global justice movement, which has been characterized as distinctive on several counts, including the target of its demands (Snow 2005; Almeida and Lichbach 2003; Chesters and Welsh 2004; Smith 2001), its development of transnational networks and communication (Doucet 2005; Sassen 2004; Murphy and Pfaff 2005; Smith 2001), and its use of innovative organizational forms and protest tactics (Gillham and Edwards 2003; Smith 2001; Fisher, et al. 2005). In addition, those who study the policing of protests have identified several

tactical innovations by police aimed at neutralizing the advantages gained by protesters in Seattle (della Porta, Peterson and Reiter 2007; Noakes and Gillham 2006; Noakes, Klocke and Gillham 2005; Vitale 2005).

We have argued elsewhere that these innovations mark a new phase of protest policing called *strategic incapacitation* (Noakes and Gillham 2006; Noakes, Klocke and Gillham 2005). This new approach is characterized by a range of tactical innovations aimed at temporarily incapacitating transgressive protesters, including the establishment of extensive no-protest zones, the increased use of less-lethal weapons, the strategic use of arrests, and a reinvigoration of surveillance and infiltration of movement organizations. This shift in police tactics during protests is consistent with broader changes in the ideological underpinnings of crime control, including an emphasis on risk management and the prevention of (rather than reaction to) crime and disorder (Noakes and Gillham 2006; Noakes, Klocke and Gillham 2005; Vitale 2005).

The missing piece in this literature is an analysis of how the tactical shift initiated by transgressive global justice protesters undermined the negotiated management approach and shaped the recent tactical shift by police. Both police and protesters recognize that the prominent role played by transgressive protesters in Seattle clearly distinguished the WTO protests from recent mass protests in the U.S. (Smith 2001; Beasley, Graham and Holmberg 2000; Seattle Police Department 2000). This is not to argue that the transgressive global justice protesters in Seattle were the first to use direct-action protests. The global justice movement can be traced back several decades to protest movements in the underdeveloped nations of the South (Smith 2001; Wood 2003; Rootes 2005). Many of the tactics and organizational forms used in Seattle can be seen in protests during the 1980s and 1990s by American labor organizations, consumer groups, and environmental groups opposed to the effects of global trade, and the direct-action protests of the 1960s (Tarrow 2005).

In the years directly preceding the Seattle protests it was clear that not all activists approved of negotiating with police. Groups such as ACT-UP, Earth First! and Operation Rescue resisted negotiation with the police, occasionally obliging for strategic reasons, but also continuing to engage in well publicized transgressive protests (McPhail and McCarthy 2005; Kaufman 2002). At the same time, several small, radical, grass-roots groups, critical of what they saw as the timidity, ineffectiveness, and disinterest in local issues exhibited by large, institutionalized SMOs, seized the political space abandoned by professional protest groups, rejecting their accommodationist style on both a philosophical and a tactical level (Rootes 1999b; Walls 1999; Kaufman 2002). By the end of the 1990s many of these groups saw themselves as natural allies in the struggle against global justice. The WTO conference in Seattle provided the first opportunity for them to coalesce on a mass scale. In this respect, the presence of a critical mass of transgressive protesters mobilized against the WTO was “the culmination of a thirty-year-long process of political reinvention; the creation, in the decades after the 1960s, of an effective, decentralized, multivocal radicalism based on direct action” (Kauffman 2002: 35).

## METHODS

Our primary goal in this article is to explain how the organizational forms and tactics employed by transgressive protesters in Seattle facilitated the apparently sudden collapse of the negotiated management model and the development of new police tactics. We compare the actions and experiences of contained and transgressive protest groups in Seattle; respectively, the AFL-CIO and the loose coalition of groups that formed the Direct Action Network (DAN). Contained protest groups are well known to police and employ familiar tactics whereas transgressive groups are, at least initially, not well known and utilize innovative tactics (Tilly 2000). We constructed our case studies from a variety of data sources collected during and following the Seattle episode. Prior to the WTO protests, the lead author was a participant observer during activist training sessions and at spokesperson meetings where representatives from affinity

groups planned strategy. The same author also observed the protests from the streets, and one year later conducted interviews with sixteen activists involved in organizing the Seattle protests, mostly those involved in the transgressive protests. Activists were asked about their tactics, organizational and decision-making styles and organizing of the distinct events. Interviews ranged from one to three hours.

In addition, we drew on detailed interviews of forty-nine activists conducted by researchers with the WTO History Project (2006) at the University of Washington. News coverage by the *Seattle Post-Intelligencer* and *Seattle Times* provided detailed coverage of the protests and the police response, helping us establish a timeline for the events prior to, during and after the WTO protests. Several public reports also supplemented our knowledge of the WTO protests (Seattle Police Department 2000; WTO Accountability Report 2000; ACLU 2000; National Lawyers Guild 2000). The most extensive and least biased of the reports was the Seattle city council WTO Accountability Report (2000). Combined, these reports provide significant insight into the actions of the SPD prior to and during the WTO meetings.

Supplementing our analysis of the Seattle protests are observations of protests and several interviews conducted with police officials in Philadelphia and Washington, DC (Noakes and Gillham 2006; Fisher 2001; Gainer 2001). The Philadelphia protests occurred during the Republican National Convention (RNC) in 2000 where thousands gathered to disrupt the convention. The Washington protests include IMF and World Bank protests in April 2000 and the first antiwar protests mobilized in anticipation of the U.S. invasion of Afghanistan in September 2001. Together the authors used similar observation techniques during the Washington, DC protests as were used during the WTO protests visiting convergence centers to observe activist training and planning sessions, and observing policing and protester interactions in the streets.

## THE SEATTLE WTO PROTESTS

Local political groups responded to the mayor of Seattle's January 1999 announcement that the city had won the bid to host the WTO's third millennial round of trade talks by forming a coalition of local groups, including field offices of national organizations like the Sierra Club and Public Citizen, to plan protests against the WTO. The first organizing meeting occurred in Seattle at the King County Labor Temple, home of the AFL-CIO's King County Labor Council (KCLC). Though there was much enthusiasm for organizing the demonstrations, two issues soon became divisive: (1) Should protesters send a reformist message to the WTO or should the message be to abolish the institution? And, (2) what tactics should protesters use? After several months of sometimes-fractious debates the organizations interested in abolishing the WTO and those in favor of using nonviolent direct action withdrew from the coalition (Adams 2000; Baskin 2000; Wilder 2000a). Those remaining in the original coalition took the name People for Fair Trade/Network Opposed to WTO and spent the next several months planning a week of events. These included teach-ins to be held throughout the city by local and national NGOs and several rallies and marches, including the largest one, called the "Citizens' Rally and Big March," organized jointly by mainstream environmentalists, and the AFL-CIO, affiliated unions, and the KCLC (Thomas 2000; Baskin 2000; Burton 2000; Dolan 2000; Scott 2000).

Many of those who withdrew from the coalition joined forces with an emerging coalition of transgressive organizations loosely organized under the banner of DAN, which had as its primary goal coordinating a large direct-action protest aimed at shutting down the WTO by blocking the streets of downtown Seattle on the opening day of the meetings (Shan 2000; Solnit 2000; Thomas 2000).

### *Contained Case Study: The AFL-CIO*

The case of the AFL-CIO, a hierarchically structured confederation of unions, exemplifies the large, institutionalized SMO. At the top of the AFL-CIO organizational chart are the chief

officers who work out of headquarters in Washington, DC. The officers are supported by experts in organizing, publicity, lobbying and legal affairs as well as by a large staff. The AFL-CIO has regional districts and state offices. Within the jurisdiction of each state office are smaller community councils made up of local unions and affiliate organizations like Jobs With Justice. Each regional office is managed by a director who answers directly to the AFL-CIO president. Under the regional director are state directors concerned with state union issues and managing the activities of community labor councils. Each community labor council is directed by an executive secretary. Like the national, regional and state offices, the labor councils have their own stratification of supporting staff (AFL-CIO 2006; Wilder 2000b).

In Seattle, the KCLC received significant resources from the national, western regional and Washington State offices of the AFL-CIO. In addition to providing money and on-site expert and staff support, the national office also sent field organizers to work the I-5 corridor between Vancouver, BC and Los Angeles, helping to educate and mobilize the West Coast rank-and-file union members (Feldman 2000). The AFL-CIO required operational decisions to be run by the national office, insisted that educational materials produced by local unions be based on national policy publications, and determined the central framing of the campaign (O'Brien 2000; Wilder 2000a, 2000b). Working through the KCLC, the AFL-CIO negotiated with the SPD months in advance, securing permits for several large rallies and marches to occur across Seattle between November 29 and December 3 (Dunphy 1999).

Despite organizers' concerns that Seattle's typically inclement November weather might deter potential participants, over 20,000 unionists, their families and other supporters, and a smaller contingent of environmentalists attended the Citizens' Rally and Big March. The joining of unionists and environmentalists for this event was part of an ongoing effort by national union and environmental groups to bridge the "blue-green" divide (Wilder 2000a; 2000b; WSLC Report 1999). The Citizens' Rally began at 10:00 AM on November 30 at the Seattle Memorial Stadium, two miles away from the Convention Center and Paramount Theater, where the WTO was meeting. National union leaders, union activists from developing countries, and the executive director of the Sierra Club addressed the audience. Workers sitting together by union clapped loudly, stomped their feet, and cheered when their respective union boss spoke at the podium. The rally concluded with a prayer for global justice and a public address announcement asking marchers to lineup according to their union affiliation and to follow the instructions of marshals during the Big March.

Unionists and supporters marched from the stadium towards the city center along a prearranged route lined by 1,000 union marshals who had been trained the morning of the protests (Wilder 2000a; Stern 2000). National level union leaders lead the march, followed by journalists riding on a flatbed truck rented by the AFL-CIO, machinists riding Harleys, and an escort of motorcycle police. The unionists and their allies, including environmentalists dressed as turtles, filed in behind the police motorcyclists (Wilder 2000a). Along the route, other smaller marches of environmentalists and students converged with the big march forming an impressive collection of citizen groups wanting to reform the WTO. In a choreographed media moment, the march stopped just outside of the city center where AFL-CIO president Sweeney and other union leaders bowed to their knees for a moment of silence and prayed for laborers around the world affected by international trade policies.

Shortly after rising from their prayer, union leaders were informed by the SPD that the downtown area was under siege by direct-action protesters. Despite the chaos just a few streets away, the SPD, confident in the agreements they had reached prior to the demonstrations and trusting their relationships with local union leaders, allowed the marshals to continue directing the big march near the Convention Center then back to the stadium where the march had begun. While some marchers broke through the line of marshals to join the transgressive protesters, the vast majority of those in the Big March returned to the Seattle Center where they disbanded and unionists boarded buses for the return trip home (Adams 2000; Auguirre 2000; Barbee 2000; O'Brien 2000; Wilder 2000b).

*Transgressive Case Study: The Direct Action Network*

In contrast to the AFL-CIO, DAN exemplifies a flat organizational structure and decentralized decision making. In preparation for the “N30” protests, DAN served as an organizing collective for numerous small and medium sized local and regional SMOs operating on the affinity group model. It was responsible for planning, organizing, and orchestrating the direct action that succeeded in shutting down the WTO meetings. The collective was born in the early summer of 1999 from a conference call among members of a San Francisco-based group called Art and Revolution, and several other West Coast activists. Participants proposed a broad-based, purposely leaderless, transgressive demonstration utilizing affinity groups to disrupt the WTO meetings. Soon after the proposal was completed it was sponsored by three medium sized and more bureaucratically structured SMOs: Global Exchange, the Rainforest Action Network, and the Ruckus Society, who helped with planning and the provision of resources necessary to mobilize the direct action.

Though formal organizations were important sponsors, DAN was intentionally leaderless from the start, using spokes council meetings to exchange information and plan the N30 demonstrations. Planning and mobilizing continued through the summer and fall months. On November 21, DAN opened a convergence center in an old warehouse a few blocks from the Seattle Convention Center, which was used for daily trainings session, the dissemination of information, as a place for existing affinity groups to meet or new ones to form, and for daily spokes-council meetings. Decisions were made collectively in the spokescouncil meetings.

The protest was to be carried out by DAN’s constituent affinity groups, each made up of between five to twenty friends, workmates, or acquaintances joined specifically to plan and carry out the direct action, and then disperse after the action was over. Decision making within affinity groups is generally done by consensus with various participants rotating through defined roles such as meeting facilitator and vibe checker, and with each participant able to block a decision they are uncomfortable with (DAN Action Packet 1999; Dwyer 1983; Epstein 1991; Lojowski 2000; Starhawk 2000; Starr 2005). Representatives of affinity groups met nightly at spokesperson councils, held in the convergence center and open to the public. However, only representatives of affinity groups willing to agree to the four principles of the DAN mobilization—remaining nonviolent, carrying no weapons, abstaining from alcohol and illegal drugs, and pledging not to destroy property—were allowed to join in making actual decisions (DAN Action Packet 1999:3).

It was during these spokescouncil meetings that the details of the plan for shutting down the WTO through direct-action protests, including the division of the downtown area into thirteen “slices of pie” to be occupied by hundreds of affinity groups, were hashed out. By the end of this meeting each slice of the pie had been divided among clusters of ten to twenty affinity groups. The groups then retired to decide among themselves what tactics they would employ to prevent delegates from passing through the territories they had claimed. (Lojowski 2000).

The next morning, N30, on the same day that the AFL-CIO and environmentalists were holding their contained rally and march, transgressive protesters mobilized by DAN upstaged not only the unionists and turtles, but the WTO meetings themselves. At approximately 7:00 AM, in a deliberate occupation of public space (Tilly 2000), hundreds of autonomous cells filled the streets of Seattle and quickly seized control of the city center (Gillham and Marx 2000; Lojowski 2000; Seattle City Council 2000). Some affinity groups blocked exits from hotels where delegates were staying, while others danced in the streets or set up “lockdown” barricades across key intersections, freeway exit ramps, and sidewalks leading into the Convention Center and the Paramount Theater. Other actions were closely coordinated between affinity groups, for example those groups that allowed city buses full of other cells to pass through blockades in order to get to strategic locations to set up their own blockades. Still more acted as flying squads on bicycles and rollerblades collecting and distributing

information around the demonstration area via cell phones, two-way radios and bull horns (Chase 2000; Crass 2000; Gillham and Marx 2000; 2003).

As the day continued the demonstrators' actions became even more unpredictable as protesters were divided from their affinity groups by police actions or the general "organized" chaos of the situation. From mid-morning on, police used baton charges and less-lethal weapons, including beanbag rounds, sting balls, concussion grenades, pepper spray and tear gas to clear the streets of transgressive demonstrators. By late afternoon police had forced many activists to Capital Hill, just east of the downtown center. DAN activists not currently engaged in clashes with police returned to the convergence center to celebrate their victory, report back on their experiences, and to make plans for returning to the streets the next day.

Police in the downtown area were overwhelmed by the range of actions they faced that day, with over 200 major incidents recorded on the police action log between 6:25 AM and 12:00 noon (Cabrera 2000; Seattle City Council 2000). Not only were police unable to provide adequate security for delegates—many of them VIPs—they were also unable to move freely into positions to protect each other. With delegates unable to reach the Paramount theater and the Convention Center, the WTO was forced to cancel its opening day events.

Among the problems hamstringing the SPD was their inability to negotiate an end to the demonstration. Prior to the protests, the SPD had met several times with representatives of the Ruckus Society, one of the sponsors of the direct action, but the two sides could not even agree on the purpose of meetings. SPD Captain Jim Pugel reported on opening night of the demonstrations that protesters had been informed in advance they would not be allowed to block intersections in the downtown area. "We thought," he complained "we had some agreements" (Cabrera 1999). But the Ruckus Society's Han Shan (2000) insists that the protesters never entered in negotiations with police, meeting with the SPD only to inform them of their intention to engage in nonviolent protests aimed at shutting down the WTO and to seek assurances that the SPD would not use violent force against them. This misunderstanding left police unprepared for direct-action tactics and scrambling to maintain control of an increasing unpredictable situation. It was not until late in the day that police had dispersed most transgressive protesters. In preparation of the next day, Seattle's mayor called a state of emergency and established a fifty-block no protest zone around the city center and Washington's governor called out the National Guard (Gillham and Marx 2000).

Undeterred, protesters returned to the streets the next day. Seattle officials, hoping that the no protest zone would enable delegates to get to the second day of WTO meetings, stationed police and National Guardsmen on the perimeter with orders to keep protesters out. More clashes occurred between police and protesters, however, as demonstrators, fueled by their opening day victory and their anger at the previous days' police tactics, were joined on the streets by people who had been mobilized by what they had seen on television. Police continued to make arrests and to use less-lethal weapons to disperse unpermitted marches. Still, many protesters found ways to enter the city center despite the police checkpoints and efforts to secure the perimeter of the city. While the SPD's use of force prevented a repeat of the disruption seen on the opening day of the WTO meetings, during the remaining three days of the WTO ministerial thousands of protesters continued to return to the downtown district seriously disrupting law enforcement in other parts of the city, downtown traffic and bus service, holiday shopping, and the spending of tourism dollars by WTO delegates.

### THE LIMITS OF NEGOTIATED MANAGEMENT

As our case study of DAN suggests, transgressive protest groups pose fundamental challenges to the negotiated management style of policing protest. As outlined in table 1, the tactical repertoire, organizational structure and decision-making style of transgressive protesters caused problems for police utilizing the ill-matched negotiated management style of public order policing.

**Table 1:** Limits of Negotiated Management: Problems Created for Police by Transgressive Protest Tactics, Organizational Structure, and Decision-Making Style.

|                     | <i>Protest Characteristics</i>                   | <i>Policing Difficulties</i>                                                                                        |
|---------------------|--------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| Tactical Repertoire | Unauthorized<br>Unpredictable<br>Confrontational | Claiming legitimacy<br>Preparing for contingencies and allocating resources<br>Avoiding on- and in-the-job troubles |
| SMO Structure       | Leaderless<br>Informal<br>Affinity Groups        | Incapacitating or negotiating with leaders<br>Interrupting diffuse networks<br>Infiltrating and monitoring groups   |
| Decision Making     | Consensus<br>Decentralized                       | Predicting decisions<br>Disrupting communication                                                                    |

### *Problem of Transgressive Tactics*

DAN's tactical repertoire confounded the SPD. The transgressive group's decision to engage in unauthorized actions, which were both confrontational and unpredictable, was rooted in both philosophical and tactical concerns. Philosophically, many of the affinity groups taking part in the N30 demonstration were influenced by anarchist ideologies and rejected the absolute value of order and the legitimacy of the police to enforce it (Chaggi-Starr 2000; Crass 2000; Solnit 2000). This led to a tactical decision to disrupt the WTO meetings rather than simply stage a symbolic—and in their mind ineffective—demonstration (Rootes 1999a, Kaufman 2002). Moreover, few of the groups who participated in the DAN protests had any insider status to lose; they were challenging groups that had limited access to formal power. As a result, most of the direct-action protesters refused to comply with officers' orders to disperse or the mayor's state of emergency declaration.

The unwillingness of DAN to negotiate away their capacity to disrupt, one of the most effective means of expressing dissent and exercising power for challenging groups (Scott 1985; Piven and Cloward 1978), meant that DAN's actions would be unpredictable to the SPD. Police value predictability as a means of controlling risk and allowing for the effective allocation of resources (Ericson and Haggerty 1997). When contained groups negotiate with the police for permits to demonstrate they provide a wealth of information to the police that renders their actions during the demonstration highly predictable, reducing the risk faced by police (della Porta and Reiter 1998; McPhail, Schweingruber and McCarthy 1998). Transgressive protest groups who refuse to divulge their plans in advance, however, are considered a greater risk to social order and ineligible for many of the softer tactics associated with negotiated management, even when they engage in nonviolent demonstrations.

Moreover, the confrontational nature of the protesters tactics created on- and in-the-job troubles for police. On-the-job troubles came up almost immediately as police, out-numbered and out-manuevered, lost the capacity to protect one another during the demonstration. By the time police realized how effective the transgressive protesters' tactics were, using force would have risked on-the-job problems, as well. The SPD decision to employ a variety of less-lethal weapons to disperse the demonstrators enraged nonviolent activists, making a bad situation worse. Quickly, the police repression became as important to many protesters as global justice, and demonstrators, most of whom had planned for a half-day protest, gained new resolve to hold the blockades and extend the direct action as long as possible (Direct Action Network's Action Guide 1999).

Had the SPD done nothing, however, the national and international pressure would have intensified. On the first day, trade representatives from various countries, trapped in their hotels or stuck in the organized chaos on the streets complained about the ineffectiveness of the police

(*Seattle Times* Staff 1999). Moreover, with United Nations' Secretary-General Kofi Annan and U.S. Secretary of State Madeline Albright scheduled to speak at the opening ceremonies of the WTO meetings and with President Bill Clinton slated to arrive later in the week, the U.S. Secret Service was demanding that the SPD control the demonstrations (Carter, Postman, Miletich, Gilmore, and Grimaldi 1999; Lacayo 1999). But other in-the-job problems for police followed from the decision to employ less-lethal weaponry, including public outrage at the excessive use of force, law suits from injured activists and those denied constitutional freedoms, and the ire of business leaders who lost millions in holiday sales and property damage.

### *Problem of Structure*

Research on SMOs show how organizational structure impacts movement success, organizational stability, and strategic choices (Gamson 1975; Staggenborg 1988; Edwards and Marullo 1995; Edwards and McCarthy 2004; Andrews and Edwards 2005). Our observations of the Seattle protests suggest that organizational structure affects the police response to SMOs as well. The nonbureaucratic organizational structure of DAN created difficulties for authorities unfamiliar with leaderless organizing, the use of extensive informal recruiting networks, and affinity groups. Leaderless organizations like DAN have no one for police to directly negotiate with. In addition, leaderless organizations make it hard for police to interfere with a chain of command by incapacitating leaders, as they have successfully done before (Marx 1988; Noakes and Gillham 2006). As a result, when they looked back on Seattle, police officials in other cities, confused about how to respond to leaderless organizations referred to the transgressive protesters' tactics as new or imported (Fisher 2001; Gainer 2001).

Mobilizing for the WTO direct action entailed reliance on extensive informal networks. Activists from around the country invited friends to join in protests and formed affinity groups on college campuses, in homes and churches, and at work. Such a diffuse network made it more difficult for police to interrupt organizing efforts or keep them under advance surveillance. In addition, police had no way to estimate the number of participants that might attend the protests. The affinity group structure challenged police as well. These groups are not easy for police to manage since they consist of small numbers of activists in numerous autonomous groups. Police have no way of easily monitoring such groups or infiltrating enough of them to collect useful information. Even if police had enough resources, it would be challenging to enter such groups without raising suspicion among group members who often know each other from years of working together on progressive causes or through friendship networks.

### *Problem of Decision Making*

Activists relying on consensus decision-making models also create troubles for police attempting to employ negotiated management strategies. Knowing how opponents might routinely make a decision, or profiling those who make such decisions, can help police anticipate possible actions. Centralized decision making, for example, leaves a paper trail for police to follow in their efforts to interfere with SMOs. When police are unable to predict protesters decisions in advance, however, it is more difficult to reduce risk and allocate resources, giving activists who engage in consensus decision making an edge. In addition, the decentralized and face-to-face nature of the decision-making process, especially within affinity groups, makes it more difficult to disrupt communication or to sow dissent between autonomous groups.

## **STRATEGIC INCAPACITATION**

Police chiefs across the country, particularly in cities with plans to host major national or international events, quickly learned the lessons of Seattle (Fisher 2001; Gainer 2001; Beasley et al. 2000). Because the tactical innovations that ensued represented a substantial shift away from the

negotiated management style, and because they reflected broader changes in policing over the past several decades, we argue that these innovations constitute a distinct style of policing protests—*strategic incapacitation* (Noakes and Gillham 2006; Noakes, Klocke and Gillham 2005).

Two provisos, however, are necessary. First, we are not arguing that police have abandoned negotiated management tactics for those willing to negotiate with the police. Several aspects of the new approach to policing transgressive protesters, however, inevitably limit the activities of contained protesters too. Unable to confidently predict the activities of transgressive protesters, for example, police have become far less tolerant of community disruption and place a lower priority on the protection of First Amendment rights during mass demonstrations. Among the concrete ways this manifests itself is in the establishment of larger no-protest zones and the increased use of impenetrable barriers to channel all demonstrators, not just the transgressive ones, into smaller spaces further away from the targets of their protests. Second, policing remains a highly decentralized process in the U.S. and the response to political protesters varied across cities. Nonetheless, enough patterns have emerged to suggest a new tactical approach is being developed and to raise a series of research questions for those interested in how police respond to political protesters. In the remainder of this article, we offer several research propositions based on our observations of innovations in three types of police tactics aimed at neutralizing transgressive protesters: surveillance and information sharing, proactive policing, and the elaborate control of space.

#### *Increased Use of Surveillance and Information Sharing*

Given the relatively open flow of information between police and protesters during the negotiated management era, police deemphasized surveillance. In Seattle, for example the SPD neglected to even send officers (undercover or not) to open DAN meetings giving authorities little idea what transgressive protesters were planning (Seattle Police Department 2000; Seattle City Council 2000). Since Seattle the surveillance of social movement groups and political activists appears to have increased, as has the sharing of information about activists by one police organization with another (Boghosian 2004). Gathering information on transgressive groups can help police gain at least cursory knowledge about what protesters are planning to do, rendering greater predictability. Because it is difficult to infiltrate transgressive groups' diffuse networks, it appears that police have shifted their surveillance activities in three ways worthy of further study.

First, technological advances allow for innovative ways to gather information on activists. Police use of closed circuit television, for example, has expanded beyond crime control to include the maintenance of public order (Mackay 2006; Goold 2004), which would allow for effective on-site, real time surveillance of ongoing demonstrations. What we know about CCTV as a crime-fighting tool suggests that it is far from a neutral technology (Norris and Armstrong 1999). Access to this synchronous information reduces the uncertainty that can frustrate police efforts to control transgressive protests. In addition, it is possible to access asynchronous information on protest planning and activist participation in movements by searching the servers hosting websites, as the FBI was allowed to do to a server housed by a Seattle-based Indy Media Center in 2001 (IMC 2001; Shukovsky 2001). More research is needed on the virtual chess match between police and protesters and how it shapes internet organizing and mobilization efforts, though barriers to researcher access will make this difficult.

Second, given the transitory nature of affinity groups, police may be shifting their attention to more identifiable groups like those making art and doing political theatre and to those leading civil disobedience trainings. Though such "professional" activists have always been subject to surveillance for their political activities, the development of national databases of threats in response to September 11 may have increased the risk for those identified as political activists. The 2005 discovery that the Pentagon's TALON antiterrorist database

contained the names of U.S. peace groups, some of which had been involved in Seattle and Washington, DC global justice protests, is a case in point (ACLU 2007). While the Pentagon later agreed that this information should not have been included in the TALON database, how it got there in the first place and how the information was used remains unknown (ACLU 2007). Accounts from individual activists in the U.S. suggest that in 2001 Canadian Customs detained and arrested activists entering the country to train others in using civil disobedience for two independent global justice protests (Boshra and Dougherty 2001; Starhawk 2001). One activist reported that customs detained her after their computers showed that she had been arrested at the WTO protests a year early (Starhawk 2001). In Europe, shared information about long-term activists has been used to refuse entry of those so identified into nations hosting major international events (della Porta, Peterson and Reiter 2006). Our statements here are necessarily qualified. It is difficult to know with any certainty what secret agencies are doing. Moreover, systematic future research may depend on how future congresses amend, and future courts interpret, the Freedom of Information Act (FOIA). In the interim, researchers should be on alert for anecdotal or individual-level evidence of how new “antiterror” surveillance initiatives affect activists in the U.S.

### *Proactive Policing*

Although any preparation for a demonstration could be seen as proactive policing, we refer here to two specific types: (1) the overenforcement of the law to disrupt the preparations of transgressive protesters; and (2) the strategic use of arrests. While neither of these tactics is new, each may be more common as police seek ways to compensate for the decreased predictability of transgressive protesters. While the negotiated management approach calls for police to underenforce the law, since Seattle police have actively sought ways to use the laws and legal codes of various cities to disrupt the activities of transgressive activists. Just days before the 2000 IMF and World Bank protests, for example, the Washington, DC fire marshal, working in conjunction with the police, shut down the activist convergence center for exceeding the number of people allowed in the building and allegedly creating a fire hazard. All puppets and posters were locked inside the building by the fire marshal and activists were forced to find a meeting place on the other side of town to finish their training and finalize their protest plans. Similar preprotest disruptions have occurred in Philadelphia, Goteborg, Sweden, and Davos, Switzerland prior to major national or international events (Slobodzian 2001).

Strategic arrests by police can also serve to temporarily take protesters off the streets during demonstrations. This has taken at least two forms: the *en masse* arrests of large groups of protesters shortly before or at the beginning of mass demonstrations and the targeting of “ringleaders.” In the case of mass arrests, most of those arrested are released without charge or after paying a minor fee. Punishing them, it seems, is not the goal of the arrest as much as incapacitating them for as long as legally possible in order to reduce the size and intensity of the demonstration (Noakes and Gillham 2006; Drake and Mizjewski 2000). When police target “ringleaders” they seek to disrupt the demonstrations by removing those they believe to be coordinating events from the streets for as long as possible (Noakes and Gillham 2006; Harris and McCoy 2001).

Further research is needed on two questions. First, in what ways has the enforcement of minor laws and regulations changed since the Seattle protests? A comparison of current laws and their enforcement with those during the negotiated management and escalated force eras would be instructive. Second, a careful analysis of what happens to those who are arrested during demonstrations is needed. How many, for example, are charged with crimes, how many are taken to trial, and how many are convicted? While a dropped charge or an acquittal in any particular case is not necessarily indicative of police intent, there seems to be an overwhelming pattern in the protests we are most familiar with. While police are interested in

removing people from the streets they rarely do even the basic police work necessary to make convictions possible and lose interest in the cases once the demonstrations are over, suggesting that incapacitating protesters is sufficient. Given the Constitution protects freedom of speech and limits the power of police to make unjustified arrests, it would be fruitful to examine whether and how the use of enforcement and arrests has become a routinized form of policing protests.

### *Controlling Space*

In the period of negotiated management police established small barricades and fencing around secure areas to ensure that protesters knew where they could not enter. Usually, the areas designated for protests were within earshot of the target of the demonstrations. This has changed in recent years as police have begun to keep protesters at much greater distances from their targets. Authorities have prevented the possibility of disruption in the first place by locating targeted meetings in places inaccessible to protesters. After Seattle, the next round of WTO meetings were held in Dubai, a place both difficult to reach for most Western protesters and one where police are not bound by law to protect civil liberties. The G8 meetings in 2002 were held in Kananaskis, a resort located in walled off canyon in the Canadian Rockies with only one road into the resort. In these ways, authorities were able to minimize the effects of transgressive protesters by using isolation for purposes of establishing “defensible space.”

At protests in putatively accessible places in the U.S., elaborate barriers have been used cordoning off large areas around the perimeter where national or international meetings are being held. For example, in April 2000 during the first large scale protest following the 1999 WTO protests, authorities established a ten foot high fence around the IMF and World Bank headquarters, taking up several blocks in the center of downtown Washington, DC. The future may have been on display during the 2007 G8 meeting in Heiligendamm Germany, where, at the cost of 12.5 million Euros, a fence 2.5 meters high and 12 kilometers long was constructed of hardened steel with features preventing crawling and overclimbing. An extensive surveillance system was added to track people who might circumvent the barrier (Polizei Mecklenburg-Vorpommern 2006a, 2006b). A central question that arises is what effect does the domination of space by police have on dampening demonstrations themselves? Unlike the escalated force era, during which the violence associated with police efforts to suppress protests produced a backlash that threatened the legitimacy of the police and publicized the cause of protesters, if the police succeed in an essentially bloodless incapacitation of protesters by effectively dominating the space in which demonstrations occur, then movements face the choice of abandoning protest as a means of achieving their goals or devising evermore innovative means of demonstrating in an increasingly controlled public space.

## CONCLUSION

In this article we have detailed how the limited capacity of the negotiated management style of policing protests to control transgressive protesters has led police to develop new means of controlling political dissent. Returning to an escalated force style of policing is unlikely for constitutional reasons and because of on- and in-the-job troubles it tends to cause for police. While police continue to rely on negotiated management tactics to control contained protesters, they have developed a range of tactics aimed at incapacitating transgressive ones. Police are in a difficult position when given the charge to protect the rights of citizens to express public dissent while simultaneously protecting the rights of delegates to participate in international meetings or ensuring that the general public can carry out their daily activities without disruption. Since Seattle, police have primarily used strategic incapacitation on transgressive protesters although there has been a spillover effect onto contained protesters,

especially those mistaken as or demonstrating in close proximity to transgressive actors. Moreover, when police use barricades or increase surveillance of demonstrations, all protesters are affected. Emphasizing the incapacitation of “bad” protesters has created few on- or in-the-job troubles for police partly because the tactics employed by some transgressive activists are not seen as legitimate by the mainstream media and public. Even when they are, incapacitation often comes across more as inconvenience than repression. However, this fact is not comforting to those concerned with the protection of civil liberties for all. Making preemptive arrests, placing surveillance on law abiding citizens, creating databases without immediate law enforcement or legally sanctioned purpose, and encouraging courts to set exorbitant bail for nonviolent activists runs roughshod over the U.S. Constitution in the eyes of many observers. Such actions also send an unsettling message to those familiar with the history of state repression. During periods of uncertainty, national security threat, or unstable political rule the state has routinely utilized such actions to withhold basic civil rights for some (as in the internment of Japanese Americans during WWII) or to silence dissent (as in the killing of outspoken labor leaders, teachers and political opponents in recent Latin American history). As news continues to leak out about Homeland Security’s efforts to track activists and as police departments continue to acquire military weapons—whether less-lethal or otherwise—in the name of public order policing, it is not difficult to imagine that such actions represent a broader trend towards the growth of an ever strengthening state more concerned with national security and quelling dissent than with improving our democracy. The questions raised here suggest that a rigorous research agenda remains to discover how this new configuration of tactics influences social movements in the U.S. and in other Western democracies and whether or not they have a chilling effect on activism.

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