

DOES IT TAKE A RIOT? EFFECTIVENESS OF PUBLIC PROTESTS

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Mass movements aimed at political and social change have been more or less effective over time depending on many factors: the power of the message in the particular place and time, the capacity of advocates to organize, the degree to which state actors push back, random events that stall momentum, and many others. Sociologists who study mass movements generally agree that a movement for political and social change is more likely to achieve its goals if it is organized, consistent in its messaging, and non-violent.¹ Nevertheless, at various times in the twentieth century in the USA, riots have moved such movements forward – and riots are neither organized nor non-violent. Explaining these anomalies is a difficult task, especially since measuring effectiveness or progress in achieving what advocates wanted is subjective.

Historians and political scientists have chronicled many protest movements in detail, so the hundreds of factors that contribute to success are knowable. However, because “success” or “effectiveness” is seldom linear (“two steps forward, one step back, and be prepared to detour”) or even universally recognized (“the glass is half full; the glass is half empty”), whether success was achieved will always be debatable. Amassing all available information to determine with high confidence that success was achieved, or debating the influence of each factor on that success, will require exhaustive and elaborate scholarship. This paper is not that! Instead, it presents a panoptic and surely over-generalized look at several protest movements in the USA in the twentieth and twenty-first centuries, with the goal of examining which were most effective in achieving legal and social change as explained by the method of public protest they used.

The question under consideration is: *what types of “petitions for redress of grievances” delivered in what types of public demonstrations have been most effective in achieving the changes the petitioners wanted?* The language of

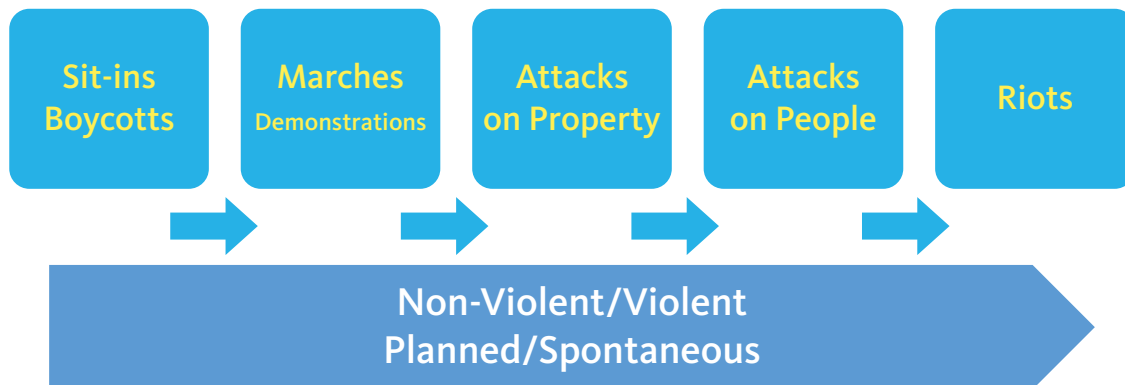
“petition for redress of grievances” is a direct quotation of the First Amendment to the United States Constitution, which states that “Congress shall make no law . . . abridging . . . the right of the people peaceably to assemble, and to petition the government for a redress of grievances.” But sometimes the protests are not peaceable. Sometimes sit-ins and marches seem useless, and frustration builds. Sometimes protesters’ anger and frustration bursts out, and riots result. Although riots are not protected by the First Amendment and the protests are therefore unlawful, they are considered here because nevertheless they might be effective.

To say that a riot may be an effective tactic in achieving political change might be seen as a statement in favor of rioting. That is incorrect. Observing the conditions and characteristics of street protests and determining whether they helped achieve the protesters’ goals is simply an empirical matter, not a prescriptive one. Moreover, as we shall see, it turns out that riots are effective in getting what the rioters wanted *not* when they are planned beforehand (and in fact, a “planned riot” might be an oxymoron) and *not* when people get hurt or killed, but when the riots are spontaneous and damage property only. There are observable important exceptions to this general rule, and the primary character of various riots can be debated, but the many examples of American riots in the twentieth century generally fit that pattern.

There are many kinds of public “petitions for the redress of grievances.” Defining each type and determining its effects in getting what the petitioners want is a very broad inquiry, but it comes into focus more easily if the types of activities are described according to two criteria: 1) was the protest peaceful or violent? and 2) was it planned or spontaneous?

1 Piven, Frances F. and Richard A. Cloward, *Poor People's Movements: Why They Succeed, How They Fail* (New York, Vintage Books, 1977); Tarrow, Sidney, “National Politics and Collective Action: Recent Theory and Research in Western Europe and the United States.” *Annual Review of Sociology*, Vol. 14 (1988), pp. 421-440.

A Typology of Public Protest



Why these two factors? They are based on a normative, ethical claim. Universally, the laws in all nations and in all times of human activity prefer peace over violence. Of course, we all know that states make exceptions to this rule (e.g., war, capital punishment) but “thou shalt not kill” remains as the standard. On the typology of protests set out here, the protest types on the left are peaceful, but “riots” on the right of the continuum are not. Further, riot in which property is damaged is distinguished from riot in which people are hurt or killed because of the same universal rule against violence. Under some conditions, perhaps violence against things (property) can be justified, and we could find several reasons to support that view, but many fewer people would agree that violence against people to make a political point is justified.²

As for “planned versus spontaneous,” this continuum also is based on a normative claim. It concerns intention. The old adage that “even a dog knows the difference between being tripped over or kicked” is apt. The law draws distinctions between crimes depending on whether they were committed negligently, recklessly, or with specific intent. (An old-fashioned wording for the latter is “malice aforethought.”) The act is a crime, but the degree of intent to commit the act matters in determining the

degree of punishment that will ensue. For instance, it is a crime to kill your spouse. However, your punishment will be lower if you killed in a moment of horrible anger brought on by repeated provocation, compared to killing your spouse to get the money from a life insurance policy you bought beforehand with the expectation of collecting on it. Similarly, protesters who do not intentionally plan beforehand to commit violence or property damage but take to the streets enraged when a “triggering event” has occurred are different from protesters who cold-heartedly plan ahead of time to vandalize, or to injure or even kill other people. The act of riot itself remains a crime, but – in the court of public opinion, at least, although perhaps not in a court of law – planned property damage such as looting is worse, ethically, than spontaneous smashing when anger boils into rage.

Criminologists explain this difference by categorizing crimes as “expressive” versus “instrumental.” Scholars of law and society point out that the “righteous anger” leading to outpourings of violence against property or people is often linked to protesters’ belief that they themselves are upholding the rule of law; they are protesting what they regard as the state’s or a dominant majority class’s perversion of the rules.

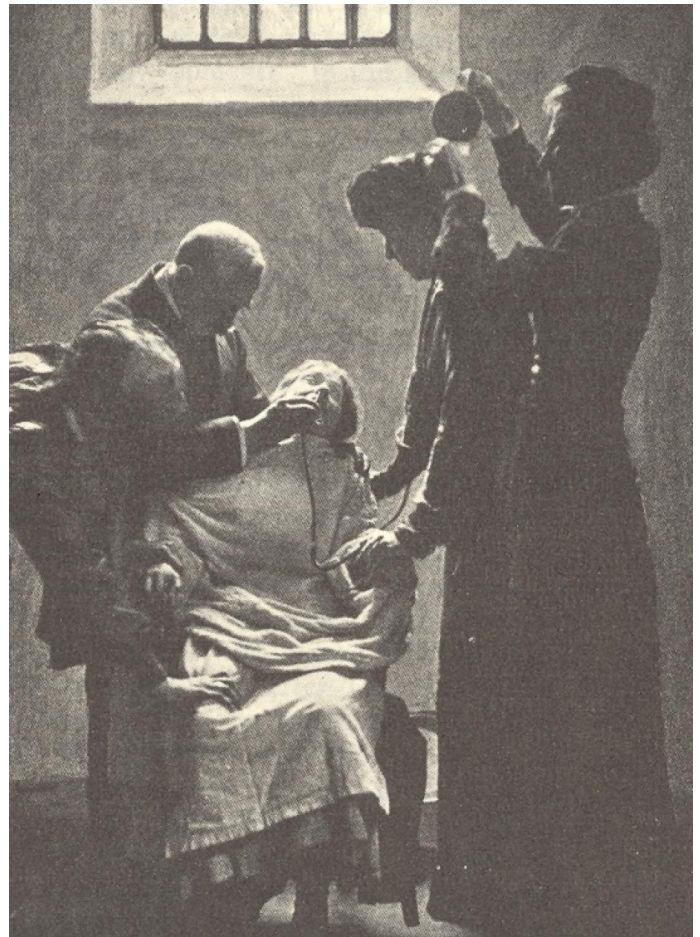
² As this essay was being written, a riot broke out in Paris. Protesting high taxes on gasoline and what they perceive as their declining standard of living, people calling themselves “the working poor” from throughout France converged on the capital wearing “Yellow Vests” and marching through the streets demanding that the Macron government rescind the new taxes and begin addressing the rising inequality among social classes. As the marches continued into the next weekend, they were joined by young men called “casseurs” (“breakers”) who also donned yellow vests and systematically smashed storefronts and vehicles on streets in wealthy neighborhoods, eventually looting many stores. “ ‘This is just madness,’ said a middle-aged Yellow Vest, Franck Moriat, a train driver who had traveled from central France. ‘Totally unacceptable.’ Others around him looked disgusted. As protesters were smashing in windows with golf clubs, an ambulance driver and Yellow Vest who gave her name only as Stephanie said ‘sure, it’s sad. But if it hadn’t come to this, nothing would change.’ ” “Turmoil Marks Another Weekend in Paris,” *New York Times*, December 9, 2018, p. A-13. On December 11, Macron announced that the gas tax would be rescinded and the minimum yearly wage in France would be increased.

Any typology is a compendium of a great number of examples, from which common themes are drawn to make the typology. For a typology of public protests in the United States, examples from the twentieth century which received nationwide media attention are used here. These are the easiest to typify because, in most cases, people are currently alive and capable of sharing memories of the protests so as to describe the events and judge where they fit on the typology, and because journalists' and broadcasters' recordings of these protest movements are detailed and vivid and widely available compared to technologies of previous centuries. This essay and its accompanying images are simply a skeletal beginning; the reader is invited to add more examples³ to determine whether they fit the typology and thus whether the typology is valid.

Each protest movement is categorized also as to whether it was effective. Effectiveness is judged by whether the protesters' demands were met, either in the form of new legislation or a specific policy change. For instance, the 1963 March for Jobs and Freedom had as one of its demands that Congress should pass legislation protecting the civil rights of racial and ethnic minorities. The federal Civil Rights Act, passed in 1964, counts as the indicator of effectiveness. Another example is the protest movement against the Vietnam War. Eventually, after nearly a decade of organizing and protesting and publication of the "Pentagon Papers" which were stolen and leaked to the press, opponents of the war saw success when the Nixon Administration reversed course. These are examples of legal and policy changes that would not have happened but for organized non-violent protests of several types. By contrast, violent urban riots in 159 cities in the "long hot summer" of 1967 produced very few observable changes that the protesters wanted and, arguably, sparked backlash that produced changes the opposite of what was wanted. They therefore cannot be seen as effective.

For this essay, the method of analysis is to examine iconic images – photographic evidence, as illustrations – of these various protest movements, and place each protest movement on the typology continua according to its characteristics. Then, looking at all the examples, determine which were effective.

The first example is the movement for women's suffrage.



This is Mrs. Pankhurst, a leader in the British suffrage movement, who went on a hunger strike, refusing to eat until Parliament passed a law granting the vote to British women. When she became unconscious for lack of food, prison authorities put a tube down her throat and into her stomach and force-fed her.

³ The American labor movement, probably the most powerful mass movement of the late nineteenth and early twentieth century in the USA, is not included in this narrative, although its effects were deep and powerful. The rise of labor unions and eventual passage of the National Labor Relations Act, which institutionalized and regulated the practice of collective bargaining between company owners and workers, were surely successful partly due to the workers' public protests. Because these protests were carefully planned – they were organized strikes, after all, unless of the "wildcat" variety – and because they sometimes ended in free-for-alls involving property damage and sometimes violence, it would seem they should be included in the typology. There is a good argument to be made that they should. However, the instances of strikes in which labor violence occurred generally involved planned violence first perpetrated by agents of the companies' owners. The carnage following the Pinkerton force's assault on the "army" of striking workers at Andrew Carnegie's steel manufacturing plant in Homestead, Pennsylvania in 1892 is an example. For an interesting history of it, see Les, Standiford, *Meet You in Hell: Andrew Carnegie, Henry Clay Frick, and the Bitter Partnership That Transformed America* (New York: Random House, 2005).

Surely there are many other examples of labor "throwing the first punch," but arguably the battles between labor and capital ownership constituted industrial warfare, not riots as discussed here.

Mrs. Pankhurst's hunger strike is the first example set out here because it is easy to put on the typology: clearly, this is a protest akin to an extreme sit-in, and it is non-violent. Along with numerous suffragette marches and political lobbying over the course of several years, its effectiveness is also clear: Parliament passed the law. In America, an identical movement demanding that women be allowed to vote had begun in the mid-nineteenth century with the famous Seneca Falls resolution. In subsequent decades, more and more women (and some men) organized and advocated in favor of suffrage, culminating in highly organized marches around the country.



This photo is just one of many from a march of over 25,000 participants, held in New York City on October 23, 1915. These particular suffragettes were from several different states, as their placards indicate. Note that the onlookers are almost all men, as would have been expected at a public march held during the working day in a business district.

The Nineteenth Amendment to the U.S. Constitution was passed in 1920. It states that “the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.”

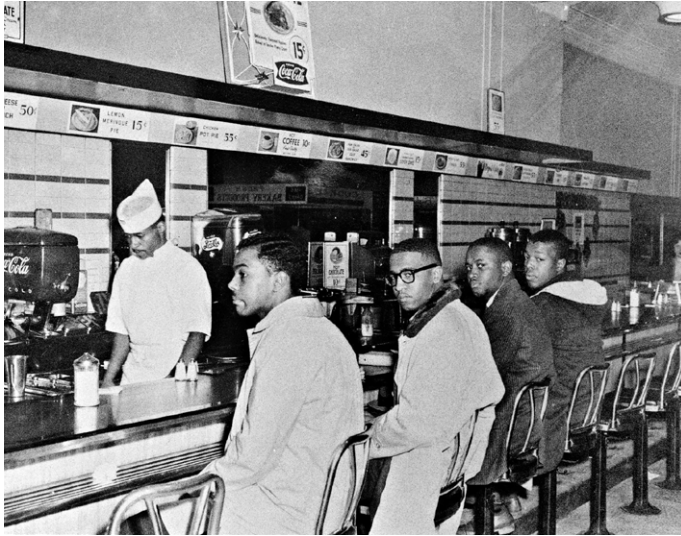
That example was easy because passage of a Constitutional amendment is a clear indicator of effectiveness. Effectiveness is easy to determine when the demands themselves, such as “pass a Constitutional Amendment,” are also simple, discrete and clear. Diffuse demands such as “end the growing inequality among social classes in the USA” are more difficult to assess as to effectiveness because the markers of success are also diffuse.



Here is an example of non-violent protest with diffuse demands: extended sit-ins to protest “the 1%” of Americans who control a majority of the country’s wealth were the tactic of the Occupy movement at the dawn of the twenty-first century. This photo of an Occupy rally was taken at Zuccotti Park in New York City, located a block away from Wall Street. To “occupy Wall Street,” protesters camped out at Zuccotti Park for months. Police eventually cleared the encampment, stating that its conditions had become unsanitary and dangerous for the protesters.

A more difficult example to classify on the typology is the movement for legislation and policies and programs supporting the civil rights of racial minorities. It is more difficult because the types of protests and tactics changed over two decades, some protests were spontaneous rather than planned, and effectiveness of some of the protests is clear while effectiveness of others is debatable.

Here are two iconic images from the beginning days of the Civil Rights Movement. The first depicts a famous sit-in: young activists protesting the fact that Woolworth lunch counters in the South would not serve black people.



This sit-in was not a protest against government, but against a private company (Woolworth department stores,) though government policies of segregating public spaces throughout the South supported the private companies in their segregationist policies. It was against the law for the waiter to serve the young men seated at the lunch counter. They and others who sat at Woolworth counters insisting they be served lunch became the subjects of humiliating acts by whites in the city, who arrived at Woolworth to push back against them. They remained silent and stoic, insisting that they wanted to eat lunch. The incidents received major media attention.

The next image may be more familiar to you. Americans who study recent history know that in 1955, Rosa Parks protested the policy of the Montgomery, Alabama public transportation system of requiring members of racial minorities to sit in the back of the bus. She boldly sat in the front of the bus as a physical statement of the protesters' goal.



Rosa Parks's "sit-in" occurred in 1955 as part of a bus boycott. This photograph was probably staged later. There were probably no photos taken when Ms. Parks took her seat at the front of the bus, though the protest was planned well in advance by the local chapter of the National Association for the Advancement of Colored People which employed Ms. Parks as its secretary.

Moving along the typology from sit-ins and boycotts to organized street marches, examples of the Civil Rights Movement's marches are numerous. Perhaps the most famous was the March for Jobs and Freedom in 1963.



This photo was taken at the very beginning of the March, and the people in the line at the front wearing white lapel buttons, locking hands, and stepping off to lead the march were all leaders of various civil rights groups that organized and sponsored it. Which organizations do you think each of these men represented?

A quarter of a million people marched and then rallied around the reflecting pool on the National Mall to hear speeches from these leaders and music and speeches from others. The most famous from that event was the Reverend Martin Luther King's "I Have a Dream" speech.



These numerous non-violent, organized protests sponsored by civil rights advocacy groups nationwide produced a clear effect a year later, when Congress passed the 1964 Civil Rights Act.

By contrast, in 1967's "Long Hot Summer," violent riots erupted in 159 US cities. All involved black people rioting against a variety of injustices, all involved property damage and looting, and across the country more than a hundred people died.



Birds-eye view of blocks of buildings burning in Detroit, 1967.

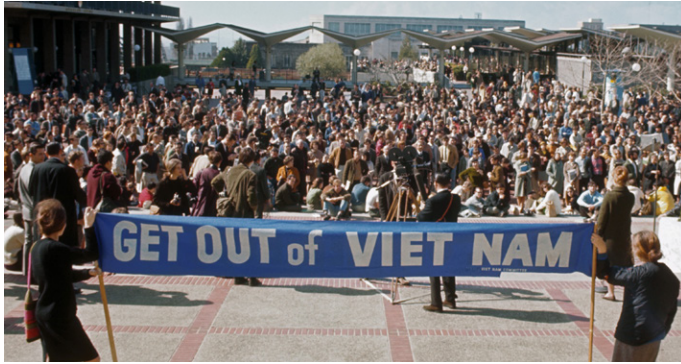
As a result of the 1967 riots, support and votes for Democratic candidates, who generally supported the movement for civil rights, dropped. In states and localities across the nation and in the national presidential elections, Republicans who generally did not support civil rights were elected. Although there were several other important political struggles ongoing at the time – most notably, opposition to the Vietnam War – the civil rights movement stalled in 1967 and took a fatal hit with the assassination of the Reverend Martin Luther King in 1968. Perhaps the most fundamental effect of the 1967 riots was economic. Whites living in these cities fled to the suburbs and, along with "red-lining" practices of banks and realtors, caused the intense racial segregation that still deeply affects public life in the USA today, exactly half a century later. Sadly, black homeowners and black-owned businesses in the affected cities suffered the most, because the value of their homes and businesses plummeted when neighborhoods and business districts became segregated.⁴

In the late 1960s, protests against the Vietnam War began with sit-ins and teach-ins on college campuses. They were protesting a war that had built up slowly over several years, in which the United States became increasingly committed. The American government aligned with the government of South Vietnam, in the region then known as "Indo-China," to fight North Vietnam which was seen as a proxy for communist China. An outgrowth of Cold War tensions between communist nations and Western nations, leaders of the United States believed the war in Vietnam was necessary to prevent the "domino effect," i.e. that as small states fell under Communist domination, they would push others to fall and eventually Communism would rule. By the mid-1960s, a series of military offensives had yet to succeed in stopping the insurgency in North Vietnam, and the war escalated. By 1967, over 500,000 American military personnel were fighting in Vietnam. About two-thirds of these had volunteered to fight, while the remainder were conscripts. As had been the case earlier in the century in World Wars I and II, all American males 18-25 years old were required to register with the Selective Service and report for military duty if called. This "draft" applied to all such young men except those who received deferments due to physical or mental health conditions, enrollment in post-secondary education, or being the breadwinner for a family. As the war dragged

⁴ Collings, William J. and Robert A. Margo, "The Economic Aftermath of the 1960s Riots in American Cities: Evidence from Property Values," *The Journal of Economic History*, Vol. 67, No. 4 (Dec., 2007), pp. 849-883.

on, it became more and more unpopular, and university campuses became rallying points for opposition.

The protest movement began as sit-ins and “teach-ins” at which speakers covered the history and politics of the Indo-China region and the war there. Universities around the nation were usually the focal point of activism and protest.



“Teach-in” at the University of California, Berkeley, around 1960.

The self-interest of these college students was evident: they wanted the war to end not only because they opposed this particular war, but because upon graduation the young men could be drafted to go fight it. Their arguments and political organizing had an effect on the broader voting public, and on November 15, 1969 the largest anti-war protest in the country’s history was held on the iconic “national public square” in Washington, DC at which the civil rights speeches had been delivered: the National Mall. Half a million people marched down Pennsylvania Avenue, past the White House, and rallied at the mall.



As the Vietnam War dragged on into the 1970s, and as the protests continued, it became broadly unpopular. In the 1960s, anti-war activists tended to be young and often associated with the “counter-culture,” sharply divided from conservative and traditional “America: Love It or Leave It” voters. Later, in the 1970s, public opinion slowly turned, which was partly attributable to powerful arguments from veterans returning from their service who joined the protests.



The wheelchair-bound veteran carrying the upside-down flag is Ron Kovic, an organizer and author.

When veterans started marching, both sides paid closer attention. “Vietnam Veterans Against the War” joined the organized protest marches and the political activism; their authority as veterans and deeply informed citizens spoke powerfully. Additional weight soon came when veterans with a leftist angle joined the protest. These men had volunteered or been drafted instead of going to college (which in the 1970s was more expensive and less accessible than it is now) and tended to be less affluent than the middle-class college students. They believed that the Vietnam War was at base a power-grab by Western corporate and imperial interests.



Veterans march in Philadelphia.



Anti-war march in San Francisco, police on horses.

Protests against the Vietnam War, from sit-ins through teach-ins through marches and rallies, very seldom involved property damage or violence. As marches continued and increased into the 1970s, however, police forces prepared for trouble. Angry protesters at times did commit vandalism, and anger against the government meant that official buildings would be targets. A leftist terrorist group called the Weathermen, which was a radical splinter off the anti-war activist organization Students for a Democratic Society (SDS), by 1975 “had claimed credit for 25 bombings—including the U.S. Capitol, the Pentagon, the California Attorney General’s office, and a New

York City police station,” according to the FBI,⁵ though actual damage was minimal compared the bombs’ firepower had they actually been all detonated. The Weathermen had a much larger political agenda than solely being anti-War, but they had emerged from the anti-War umbrella group, SDS. They used violence to spark what they hoped would be a leftist revolution.

Police around the nation prepared for violence in any public demonstration. Anti-war demonstrations as the most numerous and visible were heavily patrolled. Sometimes the violence came primarily from the police themselves as they sought to control protesters who had overstepped the limits of parade permits or who engaged in vandalism or who provoked “the pigs,” as they called the police.

On the typology of protests, note where these activities fall and the relative effectiveness of each. Sit-ins and teach-ins occurred at the beginning of the movement, progressing to marches and other political activism. Effectiveness was not immediate; the Vietnam War continued, although it became increasingly unpopular and a deeply divisive issue culturally and politically. In 1969, believing that North Vietnam received supplies and troops from trade routes passing through Cambodia, President Nixon secretly ordered them to be bombed. Journalists and returning veterans reported that Cambodia was being bombed, and in April 1970 Nixon publicly announced that American ground troops would invade it. College campuses around the nation erupted in spontaneous protests, some of which were riotous.

At Kent State University in Ohio, students marched to the Quonset hut building housing the Reserve Office Training Corps (ROTC) and set it on fire in rage against the military and the invasion of Cambodia. The next day, May 4, 1970, authorities expected more riots. The governor called the Ohio National Guard to restore order. A group of students massed at a protest spot on campus, but most continued their daily routine. The National Guard troop advanced on the protesting group and fired into them, killing four students – two of whom were not protesting but were walking to class.

⁵ www.fbi.gov/history/famous-cases/weather-underground-bombings (accessed December 1, 2018). The Weathermen group took a hit in 1971 when they began to make bombs in a townhouse in Greenwich Village, New York City, intending to use them to terrorize armed services personnel at Fort Dix, New Jersey. The material blew up, killing three of the Weathermen group and publicizing how extreme the group had become.



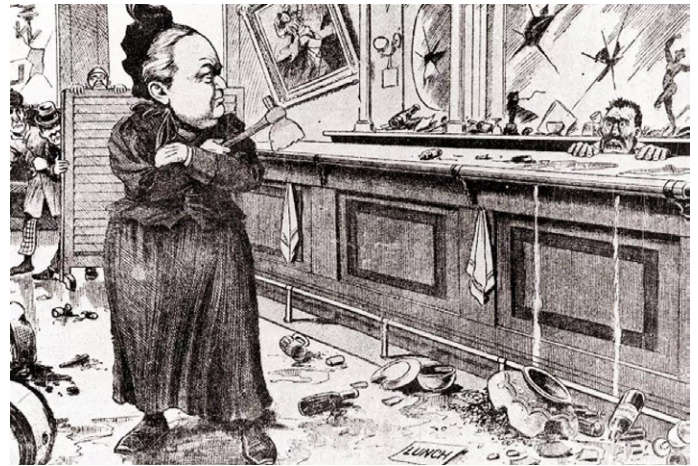
Kent State University, Ohio – May 4, 1970

Rather than repress protests, this event triggered higher rage among anti-war demonstrators, and protests continued. Two weeks later, police shot and killed two more students at Jackson State University in Mississippi.

The degree to which riots involving property damage on college campuses and deadly response from military and police authorities produced an end to the Vietnam War is debatable. But surely it can be said that the many protests over the previous decade – protests and counter-protests that were rapidly becoming deadly – were one important factor in convincing voters that the war should not be fought and thus eventually to convince the Nixon Administration to pull the troops home. The war officially ended when Secretary of State Henry Kissinger negotiated and signed the Paris Peace Accords on January 27, 1973. On the same day, the Selective Service announced that the draft was ended and that American military troops would all be volunteers in the future. In 1974, Americans still in South Vietnam and about 7,000 Vietnamese who had worked with them were evacuated from the country and the army of North Vietnam moved in.

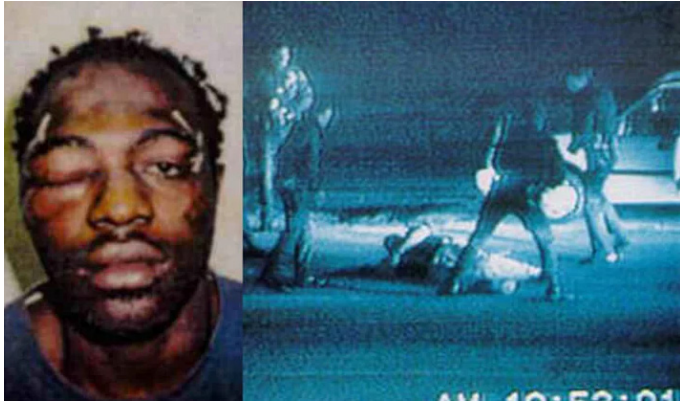
Continuing with the question of whether riots – either spontaneous or planned – are effective, imagine examples of each. The burning of the ROTC building at Kent State University is an example of a spontaneous riot involving property damage. But is there such a thing as a planned riot involving property damage? Intentional vandalism to illustrate a political demand is a common tactic, though an illegal one. In fact, there are many examples of planned property damage in circumstances resembling riots. In

the nineteenth century, Carrie Nation could have been described as a one-woman riot in her own right, as she traveled around the country taking an axe to saloons in support of the Prohibition amendment!



A more recent example is the protests against economic globalization at a meeting of the World Trade Organization in Seattle in 1999. 400,000 people marched and protested non-violently, a small number engaged in civil disobedience and were arrested, and a group of anarchists carried out their careful plans to smash storefronts and all vulnerable properties of financial institutions that could be targeted in downtown Seattle. Whether such planned property damage can be said to be a “riot” is debatable, though clearly it represents an escalation of protest as you think about where to place it on the typology.

The most extreme example of protest is the planned riot that involves violence against people. Consider the example of riots in Los Angeles that broke out spontaneously after the acquittal of the police officers who were charged with beating Rodney King. In 1992, Los Angeles police officers beat King mercilessly when, they said, he resisted arrest after they stopped his car. King was speeding and a blood alcohol test later indicated he had been intoxicated at the time; when the officers signaled him to stop, he sped away from them and went almost eight miles at high speed on surface streets in Los Angeles before officers caught him. Four officers beat him when they got him out of the car, and many more who had joined in the chase looked on. He suffered multiple cuts and bruises and a broken bone in his face, and he probably suffered brain damage due to concussion.



On the left: police mug shot of Rodney King after his arrest. On the right: videotaped images of police beating King after their chase of his car ended and they pulled him out to arrest him.

This event might have gone unnoticed, but an amateur videographer with a new technology at the time – a handheld VCR videocam – recorded the beating and gave it to a television station. Soon it was broadcast widely and a national conversation about police brutality ensued, and the officers were charged with the crimes of assault and battery and using excessive force. When a jury acquitted them of these charges, apparently believing their testimony about self-defense when King had charged at one of them when pulled from his car – King was 6’3” – riot spontaneously erupted in the neighborhood of south-central Los Angeles, which was predominantly African-American and had busy commercial streets running through it.

In addition to attacking storefronts and committing vandalism, the riotous crowd converged on a busy intersection and stopped cars and trucks, pulling their drivers out and beating them. Black motorists were allowed to pass through, but light-skinned people of any race were beaten and severely injured.

The Los Angeles riot then progressed from spontaneous to planned as it extended over the next four days. Looting began as people of all races converged on trashed stores and hauled the merchandise away.



Photos source: National Public Radio, crediting Paul Sakuma, Nick Ut, Kevork Djansezian of Associated Press.

More disturbing, violence against light-skinned motorists continued, and some died. Each night after the looting and violence, rioters retreated but emerged the next day with plans to continue, despite pushback from the National Guard and a late-arriving Los Angeles police force. In the last days of the disturbances, rioters focused on stores owned and operated by recently-immigrated Korean-Americans with whom black neighbors had particularly bad relationships due to the store-owners’ arrests of black people they accused of shoplifting, sometimes wrongfully.



Store owners preparing to shoot looters.

In the last days of the rolling riot, Korean-Americans and African-Americans exchanged gunfire and more people died.

Returning to the typology, this five-day riot is characterized both as *spontaneous* property damage and violence against people and also *planned* property damage and violence, because what started as spontaneous became planned when the riot entered its second day and three subsequent days. The “Rodney King riot” caused over a billion dollars’ worth of property damage, not only against stores but burning of homes and apartment buildings in the south central LA neighborhood.



Los Angeles women comfort a friend weeping over property damage in her neighborhood. April 30, 1992.

Over the course of five days, 53 people died, ten of whom were shot by police or the National Guard.⁶

The effectiveness of this riot in achieving what the protesters wanted might be expected to be minimal, considering that organized marches and protests with their well-defined demands for specific policy changes had not taken place prior to the outpouring of rage. What exactly did the protesters want? At the very least, they wanted the police to stop beating people like Rodney King, and they wanted police officers who did it to be held accountable

for their actions. This is clear because the riots erupted when the four officers were acquitted of the wrongful use of force. They also were protesting the racism of Los Angeles police – after the King beating, transcripts of the involved officers’ radio transmissions to each other showed one of them responding to the call saying “it will be real gorillas in the mist,” a reference shared by other officers and widely regarded as racist.

The conditions leading up to the riot probably contributed significantly to its spontaneous combustion. The cause for police reform was acute in Los Angeles in the 1980s and 1990s. Throughout the 1980s, community activists had protested police brutality regularly. Several official sources have documented this history, most importantly the report of the Christopher Commission which investigated the causes of the riot that followed the acquittal of the officers who beat Rodney King.⁷

It is not necessary to recount the many facets of a bad police organization culture that the Commission researched and described – the report and related journalistic and scholarly writings speak for themselves – but an indicator of their accuracy is that the populace of Los Angeles, across its many neighborhoods, races, ethnicities, and economic strata, generally agreed that the police department was out of control and racist. One example of an incident affecting public opinion occurred when Police Chief Daryl Gates responded to criticism of his officers’ use of chokeholds. “We may be finding that in some blacks when it [the chokehold] is applied, the veins or arteries do not open up as fast as they do in normal people.”⁸ Although both his supporters and civil rights leaders stated that his comment had been taken out of context and widely misunderstood, the damage was done in the court of public opinion, and it worsened the more Gates tried to defend his department. Gates was named personally in several high-profile lawsuits against the department, and the chokehold policy was just one example. (Seventeen people died of chokeholds, thirteen of them black people.) Civil rights lawyers pushed

⁶ In 2017, 25 years after the Los Angeles riots occurred, several films providing retrospectives were released. Probably the most widely-watched is LA 92. See trailer at <https://www.bing.com/videos/search?q=national+geographic+film+los+angeles+riots&view=detail&mid=F97C611FE5EB28CC21B7F97C611FE5EB28CC21B7&FORM=VIRE>. In that film, note especially the courage of the journalists who waded into the riotous crowds to broadcast their stories.

⁷ <https://archive.org/details/ChristopherCommissionLAPD/page/n9>. See also a book by Lou Cannon, who was the lead reporter for the Washington Post on the trial of the officers and subsequent riots, covering the decade leading up to the beating of Rodney King and the circumstances of the riots: Lou Cannon, *Official Negligence: How Rodney King and the Riots Changed Los Angeles and the LAPD* (New York: Times Books, first printing; Boulder, CO: Westview Press, 2nd printing, 1999.)

⁸ Cited and discussed in detail in Cannon, *ibid*, pp. 100-101.

a steady stream of lawsuits; in 1980, the city paid out about a million dollars in lawsuit judgments, but that figure had risen to \$11.3 million by 1990.⁹ After the beating of Rodney King, the *Los Angeles Times* polled Angelenos around the city and found that a clear majority believed the police regularly used excessive force and that they were racially discriminatory.¹⁰

The riot that spontaneously erupted after the King acquittal might have been effective, if it was, because of this political background. Even though there had not been large organized marches or a mass political campaign in favor of changing the policies of the Los Angeles Police before the riot occurred, nevertheless the public had become aware of the issue over the course of the decade as civil rights advocates protested and sued and as the media reported on repeated acts of police brutality. In the public outrage at the King beating, city officials immediately established the Christopher Commission to investigate its causes and recommend changes to the police department. The Commission's report set out the roadmap for reform, but the City had a long road to travel before it would reach the goal of meaningful change in its police department. Later that year, when King's assailants were acquitted of criminal charges and the five-day riot occurred, pressure on the City to come up with workable solutions mounted.

The Christopher Commission had recommended that the City create an independent Inspector General over the police department to investigate and recommend changes which the City Council would approve and fund. It also pushed for term limits of the police chief, which voters then approved. These changes were implemented, but progress seemed doomed when another major scandal of systemic police misconduct erupted: the Rampart Division revelations. The Rodney King and similar incidents involved brutality, but the Rampart scandal (named for the police division where it occurred) involved corruption, drug running, gang involvement, and procuring wrongful convictions. In 2000, the officers were charged with related crimes, but in a long saga of courtroom and political drama, some were not indicted and others

were released after appeal. In 2005, the City settled 200 lawsuits arising from the misconduct for a total of \$70 million dollars. Clearly, the riots and demands for reform after the Rodney King acquittals had not been sufficient to push city officials to implement the Christopher Commission recommendations fully.

However, change occurred, though fitfully. The Inspector General resigned in 1998, claiming that the traditional Police Commission prevented independent investigations of the police department, but in 1999 voters approved a stronger structure for the office. Perhaps most important, in 2000 the federal Department of Justice conducted an investigation into whether the Los Angeles Police Department regularly maintained a custom, policy, and practice of overlooking brutality and not training or supervising officers to avoid use of force, among other allegations – and made findings that ran parallel to those of the Christopher Commission a decade earlier.¹¹ The city council signed a consent decree with the federal DOJ, overseen by a monitor appointed by the federal court, agreeing to implement a wide variety of changes. The LAPD operated under the monitorship for nine years, and in its later years Chief William Bratton embraced the decree and measured the success of the department according to whether the changes had been successfully achieved. Today, most police experts point to Los Angeles as an example of successful police reform. The degree to which the protests and riot were responsible for that reform, or the degree to which the Christopher Commission recommendations that came from the King incident and subsequent riot were responsible for it, or the degree to which the consent decree which followed were responsible for the improvements cannot be measured. Perhaps all of them were necessary to move the city towards change.

Returning to the typology of public protests, there is just one type left to consider. The two continua for the various types of mass demonstrations were non-violent/violent and planned/spontaneous. The many examples covered so far come to the conclusion that the most effective type of protests are planned and non-violent, although

9 Cannon, *ibid.* pp 104-105.

10 Ted Rohrlich, "The Times Poll: Majority Says Brutality by L.A. Police Is Commonplace." March 10, 1991. Given this widespread opinion, it is not surprising that a jury acquitted OJ Simpson, a Heisman trophy winner and actor, of murdering his wife and her friend. Simpson's "dream team" defense lawyers claimed that he had been framed by racist police officers and detectives, and the racially mixed jury was willing to believe it partly because they knew of the department's past history.

11 For a timeline of these developments and an overview of the Rampart allegations, see this report: http://assets.lapdonline.org/assets/pdf/rampart_reconsidered_executive_summary.pdf.

spontaneous riots which damage property (not violence against people) can cause officials to pay attention and make important changes the protesters want. The Vietnam anti-war movement culminated in isolated incidents of such spontaneous violence against property, but the Los Angeles riots with planned violence against persons had a spottier result. There is just one more type of protest to find an example for: planned violence against people in a mass demonstration.

Although this example is from the 21st century rather than the 20th century as the others have been, it has some similarities to some acts taken in labor unrest of the latter century. On May 13, 2017, men (and a few women) calling themselves Nazis marched in Charlottesville, Virginia to protest the planned removal of a statue honoring the Confederacy.



They had no parade permits and the event had been promoted only on their own social media. The next day, a spontaneous counter-protest quickly organized and the two groups faced off. The police were unprepared, surprised at the size of the Nazi march and the vehemence of the counter-protest, but these events ended with no damage or injuries.¹² In July, the Ku Klux Klan marched, and counter-protesters arrived. The police set out to keep the groups separate, and after the Klan left, the protesters attacked the law enforcement officers and were tear gassed.

Tensions continued to build. The Nazis got a parade permit for August 11 and promoted a “Unite the Right” march, to which they invited a variety of groups sympathetic to their ideology, including the Klan. They promoted the march relentlessly on all their social media.



Torch-bearing white nationalists marched onto the campus of the University of Virginia and rallied at the statue of Thomas Jefferson.

On August 11, carrying tiki torches and chanting “You Will Not Replace Us” and “Jews Will Not Replace Us,” the groups marched together in a frightening display.



Counter-protesters rallied and planned to march against the radical right-wing groups the next day. Here, they taunt the neo-Nazis.

There is no doubt that many people on each side intended violence against the others. On August 12, violent clashes broke out in 51 locations around the small city. Police tried to intervene but were ineffective, and a police helicopter surveying the locations of the mobs crashed; its two police operators died. Hundreds of people were injured, but the most violent act of the day occurred when Neo-Nazi James Fields drove his car into a crowd of leftist counter-protesters.

¹² This summary of the events is taken from the independent review report commissioned by the Charlottesville city government to investigate and report on the events of August 11 and 12, 2017. For a copy of the report, see <http://www.charlottesville.org/home/showdocument?id=59691>.



August 12, 2017 – Neo-Nazi runs his car into a crowd of anti-Nazi protesters. Police could not prevent the Nazis and anti-Nazis from clashing because they were skirmishing at multiple points in the city simultaneously; police could not know beforehand where to deploy.

Charlottesville resident Heather Heyer was killed.

Over a year later, in December 2018, a jury found Fields guilty of homicide. Many people who Fields injured were there; the *New York Times* reported that “Courtney Commander, whose knee was grazed by the car, said that in the first days of testimony, Mr. Fields mouthed the words, “I’m sorry” at her, prompting her and two other victims to leave the courtroom.”¹³ The *Times* article added: “Instead of uniting the right, the rally’s purported goal, it empowered a leftist political coalition that vows to confront generations of racial and economic injustice . . . [but] wholesale change has been slow to take hold. The bronze Confederate generals that ignited the rally still sit on horseback in public parks. Activists still demand their removal. A judge still forbids it.”

Perhaps events such as those of Charlottesville do not fit on the typology at all. Although they are planned and they are violent, they do not fit under the First Amendment’s “peaceably assemble to petition the government for redress of grievances” model. Of course, no riot is peaceable, so the First Amendment never protects people who protest violently against either property or persons.

But even within the category of protests not covered by the amendment but which might nevertheless be effective in achieving political change, the Charlottesville events are different from riots such as the ones which followed the acquittal of the Rodney King assailants. In Charlottesville, there were two groups and they were protesting each other, not government policies. Such a case is, at base, gang warfare. It is not protest as the writers of the First Amendment contemplated or as protesters in other movements practiced.

Does it take a riot to achieve political change? Recall they types of protests outlined on the typology, and where each example fit on it. This review of several iconic examples of public protest movements of the past century indicates that the most effective protests are long-lasting, non-violent, and well-planned. Sometimes, though, a spontaneous riot that damages property can focus public attention and opinion so as to push change forward, which probably would not have happened but for the riot. However, when protest devolves into planned violence against persons, it is ineffective and can produce a public backlash that is the opposite of what the provocateurs wanted.

Perhaps it is not surprising that the example from the 21st century presented here ended in planned violence from both sides, because it was profoundly shaped by social media and culture wars fanned by that media. Activists might do well to review the history of protest in the previous century to learn its lessons before setting out to do contemporary battle. Planned violence as a form of political protest has historically been ineffective, and often counter-productive, in achieving protesters’ goals. When it devolves from protest into warfare between opposing activists, it is not even “riot” in the form of spontaneous outpouring of rage against a government policy or action. Sometimes, it seems, it does take a riot to shake the foundations of injustice, but pre-planned street violence is not riot.

¹³ Jonathan M. Katz and Farrah Stockman, “James Fields Guilty of First-Degree Murder in Death of Heather Heyer,” *New York Times*, December 7, 2018.