



Written by [Bob Adelman](#) on April 27, 2015

Montana Is Second State to Slow Police Militarization

Last Thursday Montana Governor Steve Bullock [signed into law](#) the strongest prohibition yet by any state against accepting “free” used military equipment from the federal government. A month ago New Jersey Chris Christie signed into law prohibiting such “free” used war materiel without express approval from the local governments involved. Montana’s new law outright prohibits any department in the state from receiving drones that are armored or weaponized (or both), military aircraft, grenades or grenade launchers, silencers and “militarized armored vehicles.”



In New Jersey the bill passed both houses unanimously; in Montana the House voted 79-20 in favor while the Senate voted 46-1 in favor. Under the new law police departments remain free to purchase such materiel, but they would have to use their own funds (not federal grants), and they would have to notify the public about the intended purchase at least 14 days in advance.

The difference between the laws was spelled out by Mike Maharrey of the Tenth Amendment Center:

By making it a local decision, the New Jersey law is a great first step, but the Montana law takes things to the next level. It closes loopholes and covers almost all the bases.

The next step would be to expand the equipment banned, and we’re hopeful that the good people in Montana will work on that in the next session.

The Montana law also makes it clear that the equipment is banned from whatever federal source it might come, not just from the Defense Department’s Section 1033 program. Section 1033 has allowed local police departments to Hoover up more than \$4 billion of surplus military equipment since 1997. But military surplus offered by the Department of Homeland Security (DHS) under other similar programs is triple that amount, meaning that, thanks to efforts by U.S. government officials to turn local law enforcement agencies into branches of the federal government, local police departments now sport something approaching \$15 billion worth of war surplus supplies and equipment.

That equipment includes military grade weaponry including automatic assault rifles (the real ones), body armor, mine-resistant armored vehicles (MRAPs), military helicopters, and even military sea craft.

Resistance to the proffered materiel has been building ever since the American public was subjected to surreal scenes of military-style efforts to put down protests in Ferguson, Missouri. At present, 10 states have either passed legislation or have legislation pending to put the clamp on the continuing and increasing flow from the federal military services to local police departments. Lawmakers in Vermont, Massachusetts, Tennessee, Minnesota, Washington, California, and Nevada have introduced similar legislation, while in New Hampshire such legislation has already passed one house.

Pushback is happening at the local level as well. Last October a group of concerned citizens in Nampa, Idaho, a city of some 97,000 people, protested the acceptance by local enforcement of a MRAP offered



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through a grant from the DHS. In addition to petitioning their local representatives, they enlisted the help from the Rutherford Institute, a pro bono legal assistance firm headed up by John Whitehead, author of *A Government of Wolves: The Emerging American Police State*, and the just-released *Battlefield America: The War on the American People*.

In his letter to Nampa's Mayor Bob Henry, Whitehead said:

[Any] discussion about whether community police officers need rifles or night vision scopes of an armored vehicle ... must be decided by local residents and their elected representatives, and not be decided unilaterally by the federal government, the military, or local law enforcement.

The acceptance of such equipment, perceived as being "free" because of federal grants, is hardly free, Whitehead told Henry. Not only are their maintenance costs on the vehicle (which cost U.S. taxpayers nearly \$750,000) likely to exceed tens of thousands of dollars annually, such a vehicle also greatly exceeds the needs of a community like Nampa.

There are political costs as well, said Whitehead:

The American police force is not supposed to be a branch of the military.... It is an aggregation of the countless local civilian units that exist for a sole purpose: to serve and protect the citizens of each and every American community.

The transformation of local police departments into units of the federal government is deliberate, according to Whitehead:

When the Department of Homeland Security launched its 1033 surplus military equipment recycling program, it laid the groundwork for a transformation of local law enforcement into extension of the military, upsetting a critical balance established by our Founding Fathers who warned against establishing a standing army that would see American citizens as potential combatants.

The Pentagon thinks these concerns are overblown. After all, most of the equipment being given away to local police departments consists of shelving, office equipment, and communications gear, according to Pentagon Press Secretary Rear Admiral John Kirby: "It's not weapons ... I think it's important to keep this thing in perspective."

For perspective, however, it's useful to remember that law enforcement in Florida, in addition to shelving and copy machines, has received 47 mine-resistant vehicles, 36 grenade launchers and more than 7,540 fully automatic assault rifles. Texas has received 73 MRAPs and a military aircraft. Tennessee got 31 MRAPs and seven grenade launchers, while North Carolina has 16 military helicopters and 22 grenade launchers.

The claims that such transfers of war weaponry are benign aren't being bought by an increasing number of towns that are now either returning them or melting them down. Over the last 10 years more than 6,000 military items have either been returned to the Pentagon or turned into scrap. In Minneapolis, the police department stopped accepting this equipment several years ago and is in the process of destroying what it still has.

More states need to join with New Jersey and Montana in order to prevent America from being turned into a federal militarized zone.



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