

Kevin Skelly
Professor Cedric deLeon
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Are police unions really unions?

The question has been raised, and recently to a fervent pitch, as to what is happening in police unions. The actions of police, and importantly, police unions and police union representatives through public statements, have increasingly been called into question, especially with respect to the use of state violence, upon whom it is used, and the accountability and consequences, or lack thereof, ensuing from those violent actions and statements supporting them.

A smattering of recent headlines point to trouble: “What’s Wrong with Police Unions?”;* “Police Unions Called Too Powerful”;* “The Authoritarian Instincts of Police Unions”;* “Police Unions Sustain Police Violence Epidemic”.* Connections are being drawn between police unions and violence, corruption, and unchecked police power.* Some in the labor movement are now calling for police unions to be separated from the rest of the labor movement.* From many quarters now, such calls are emerging, and the alarm is being raised about the effects of police unions on police department behavior and policy, local governments, and society at large. The protests in the wake of the murder of George Floyd are said to have been the largest in the nation’s history, and the mourning didn’t stop at our national borders. That particular event turned out to have been a seminal moment of awareness of police violence and injustice world-wide. Commentaries in the press appear to have spiked in the wake of the police killing of Michael Brown in Ferguson, MO, and again after George Floyd’s murder. (**Search results**) The

awareness seems to be spreading that police unions are a problem that must be addressed to move toward a less violent society.

The question about police unions cuts deep into a cross section of pressing social issues. How do we decide upon and apply appropriate policies pertaining to the use of force in society at large? This question requires us to look not only at how much violence should be used against citizens, and other questions concerning its appropriate use, such as who comes to my door when I have a mental health issue and whether they are armed, but forces us to look at how state violence is controlled, and whether police themselves, or their unions, stand in the way of that control. Should police be allowed to unionize? What about other public sector employees? Should they all be considered under the same light, or are police different? Do police unions tend so completely towards self-protection that the police mission itself is compromised? Does the presence of a police union lead to an increased use of force? Should these tendencies be circumscribed? How? How does that impinge on the right of police officers, themselves American citizens? Police violence is of course not even-handed. What about the systemic racism of policing? Does the presence of a police union have an affect on that? Policing is a dangerous job. Violence against police is a factor that cannot be ignored if we want to understand the attitudes of police as they pertain to the use of force.

Is a police union really a union? It depends, and it's complicated. Is it enough to call oneself a union? Obviously not. The history behind company unions is sufficient to show how empty such titles can be. But the declaration of unity, the conscious awareness that individuals have chosen to belong to a union, is essential. There is the legal definition, set forth in the National Labor Relations Act (**NLRB**). Is that enough? Unions clearly exist outside of that legal framework, that deserve by other means inclusion in the definition. How much does the legal

definition help us understand on a deep level what behaviors lead to labor solidarity, strong labor organizations, and provide the terms upon which one organization or another can be discerned as a legitimate union? Since unions pre-date the NLRA, and today exist in what you could call a post-NLRA labor environment, I think we need to look deeper.

I will discuss below in greater detail the types of behavior, on the part of a labor organization, and on the parts of its members, that tend towards strength and success vs. dissolution. But the question has seen some fresh discussion, especially most recently, particularly since the George Floyd murder, and subsequently, during the current pandemic. [public statements critical vs. supportive, by pundits, police union leaders, etc.] I see these behaviors and attitudes as an essential part of what defines a union culture, and for that matter, culture at large. It has to do with solidarity, which has to do with the connections between us as individuals. We are taught in many ways to see ourselves as individuals in competition with one another. Individuality can be a powerfully uplifting philosophy. But heightened competition among individuals is not compatible with solidarity the way we might imagine a balance between competition and cooperation might allow. Our social attitudes regarding individuality and competition have infiltrated labor; not just the labor movement per se, but workers everywhere, subjected to pervasive social messaging, have bought into the narrative and are playing out the concomitant script. I do not plan to prove this point. I am taking it as a given for current purposes, but the pieces are there to be picked up. Capitalism demands individual competition among workers, even as it seeks monopolistic dominion for itself. We compete as workers, and as consumers, pushing our own wages down, and prices up. The point deserves exploration, but it will be taken as a starting point here, that cooperation is closely related to solidarity, and competition undermines it. We have built-in biases that will always work against

us. Racism would be the big and obvious social issue, but on the personal level we also have strong tendencies to elevate our own value, while deprecating that of others. We need to consider these factors in our strategic thinking about movements. Programs must be initiated and maintained to counter these unhelpful emotional tendencies, while accommodating and supporting our natural tendencies toward cooperation. These harmful tendencies have had their way with our movements **many times**. Only in cases where a deliberate multicultural solidarity program was instituted, and importantly, maintained, by a labor organization has labor been able to sustain long-term solidarity.

Did the development of unions within police departments reflect the rest of the labor movement, or did they diverge in significant ways? I will briefly discuss how the emergence of police unions evolved alongside the rest of the labor movement. Material will be drawn from books, periodicals and journal articles, as well as news articles. I will attempt to demonstrate from the police point of view what the issues were among police that prompted them to organize, by looking at minutes of police unions' meetings. I have found one complete set of minutes from the Baltimore police union. I don't know yet if they will prove my point or destroy it, but we will weigh that evidence and consider its meaning. A lot of current commentary on the subject of police and their unions is on cable news and social media, and in the form of video content, and I will make reference to such sources as are relevant to the discussion. (MSNBC all week: "Striketober")

Initially, police and other public employees were not allowed to form unions at all, even as unionization surges came and went, so the argument against is not a new one. This has resulted in a relatively late start for police unions, compared to the rest of labor, even though now police are among the most highly unionized sectors in America. This is a very significant

divergence of these two paths. I will attempt to trace that history to try to discover why. Is there something about American society that favors police union strength, given that simultaneous to their rise, the rest of labor has fallen? It's not just police unions, but public unions have done well generally, so a large part of this could have something to do with the legal environment. I want to try to control for that factor and isolate the internal factors of the behaviors of leaders, members, and the behaviors of the labor organizations towards each other, and towards other entities such as governments and employers.

While that presumed divergence was occurring between police unions and the rest of labor, another divergence began to emerge at some point. It's fairly natural, given what a labor organization is supposed to be, for a union, a police union, to look out for its members. In police unions, this has evolved into a situation that many find unacceptably extreme. [Who?] The history of the labor movement is rife with **examples** of workers struggling to have their rights recognized by their union. Unions have tried to do such things as organize a closed shop, then bar African American workers from jobs in that shop, requiring those workers to bargain with the employer only through them, by the terms of the CBA, and excluding them from the union.* Many times workers are pushed to the brink and their leaders fail to sense that urgency. Why has this divergence occurred? How have police union leaders, where some leaders of unions in other sectors have often found attending to the needs of their actual rank and file members to be tedious, inconvenient, or incompatible with their goals, become hyper-protective of their members?

While I have not seen many people question the legitimacy of police unions,* there are certainly many who are questioning whether things have gotten out of control and need to be fixed. Questioning the legitimacy of police is perhaps too radical for many, and while police

union behavior may be subject to attack, undermining their legitimacy may feel too close to undermining the police themselves. But assuming police union critics are correct, we're not going to gain control of or fix anything unless we can get a deeper understanding in terms of behaviors, and as much as possible, cause and effect.

It has been argued in recent years that things are getting better and have been improving, for most people, most of the time, for a long time. Steven Pinker makes a convincing statistical case in his book, *The Better Angels of Our Nature*. Society is slowly becoming less brutal. From a time when brutal force might come to you from many possible directions, we have arrived at a time when the use of force is supposed to be a state monopoly. As other threats to the safety of an individual have fallen over time, the police remain as a consistent potential source of personal mayhem, particularly if you are not white. If we want to move forward as a society in a non-violent way, the bulwark of police violence has to be whittled down. Therefore the factors supporting it must be properly understood.

The history of police unions is relatively short. News articles concerning police unions were scarce through the 20th century, but their occurrence has gone up sharply in the past two decades, with sharp increases occurring in the wake of infamous police killings, implying a connection in the minds of writers between this violence and the actions and attitudes of the associated police unions. How did this evolve? I intend to trace the history of police unions, as reported in news and other articles. I want to find my way back to primary materials that document important moments where different ideas emerged among police unions, such as the thin blue line and the code of silence.

Another thread that deserves to be followed is the history of police forces themselves, and their roots in the slave patrols, the Ku Klux Klan, and other militia groups*. Those attitudes

appear to have carried through in police departments in every state, and have most recently manifested in a high degree of police and military involvement in right-wing militias, and many officers of the law appearing at the capitol on January 6 to overthrow the elected government and forestall the peaceful transfer of power.

I intend to finish with a brief discussion on the subject of moving forward. I have one **source** that proposes some solutions, and I suspect I will see more of that type of thing in other critical articles. I want to evaluate this landscape and seek some room to offer suggestions of my own.