

...Police unions

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and enforcement mechanism.”

That response didn't quiet the AFL-CIO's activist critics. But the truth is, police unions mostly aren't in the AFL-CIO to begin with. At 23,000 members, IUPA is less than one-fourteenth the size of American's biggest national police union—330,000-member Fraternal Order of Police—which is not part of the AFL-CIO. And hundreds of thousand of other police union members are in independent stand-alone unions like Portland Police Association.

In fact, police unions have had a long and at times uneasy history within the labor movement. When a Cleveland police union asked to be admitted to the American Federation of Labor (AFL) as an affiliate, delegates to the AFL's 1897 convention voted no, reasoning that it was “not within the province of the trade union movement to specially organize policemen, no more than to organize militiamen, as both ... are too often controlled by forces inimical to the labor movement.” Inimical is closely related to the word enemy. The AFL delegates of 1897 regarded police as tools of the enemies of the trade union movement.

And that gets to one of the awkward facts about police unionism. Then as now, police are called upon to protect property and use force to quell disorder, and that has at times meant arresting union organizers and leafleters accused of trespassing, and forcefully confronting union picket lines. Today, America's unions seldom engage in disruptive strikes, protests, and occupations. When they did in the past, they faced billy clubs, tear gas, and even bullets at the hands of police. And there's reason to think unions would face police force if they again became disruptive. Police got rough with union members during the Pittston Coal wildcat strike of 1989-90 and the Seattle WTO protests of 1999.

In 2011, as part of a dispute with a nonunion grain terminal, 400 Longshore members and supporters blocked train tracks in Vancouver, Wash. About 50 police moved in aggressively with batons and pepper spray, tackled union members, and made 125 arrests over several days. That was condemned by the International Transport Workers Federation, and the ILWU protested by



About 300 people from over a dozen local unions took part in a June 18 Black Lives Matter rally sponsored by IBEW Local 48. Supporters lined sidewalks on Southeast Stark and Washington streets between 99th and 102nd Avenue in Portland during rush hour traffic from 4 to 7 p.m. All participants wore face coverings and tried to maintain 6 feet of social distancing. Passing drivers showed support by honking horns.

shutting down four Washington ports for a day.

Back in 1919, the affiliation question came up again at the AFL. This time, convention delegates voted to admit police unions. But a police strike in Boston that same year created such a public backlash that it made the question moot: Police unions dissolved, and the movement to unionize police was set back by a generation.

The first police union to form in modern times, it turns out, was the Portland Police Association (PPA), which formed in 1942. In 1996, PPA hired journalist Susan Hauser to document its first 54 years, and *Pickets, Pistols and Politics*, the resulting book, doesn't whitewash PPA's record on race or police accountability issues. According to the book, the union's first official president was Otto

Meiners, a former active member of the German-American Bund (a group formed in 1936 to promote a favorable view of Nazi Germany in the pre-war era). And when it comes to police reform and race relations, the history of Oregon's largest police union didn't improve much from there. PPA began as AFSCME Local 456, and it had substantial local labor support in its campaign for a first union contract in 1970. After *Labor Press* editor Gene Klare editorialized that it might take a strike to get City Council's attention, local ILWU members honored PPA's informational picket lines, shutting down the docks for three days. A contract was signed. That same year, PPA left AFSCME and became independent.

In 1981, two Portland police officers were fired after they

dumped four dead possums in the doorway of a Black-owned restaurant in the Albina District. To protest their firing, PPA hired the fired officers to work temporarily on its newspaper, *The Rap Sheet*, and led 850 police and supporters in a march around City Hall. Members voted 411 to 10 to condemn Black police commissioner Charles Jordan for the firing. An arbitrator overturned the firings, and the two officers were back to work five months later.

PPA also spent \$80,000 in 1982 (the equivalent of \$213,000 today) on a ballot measure to stop a newly created accountability organ called the Police Internal Investigations Auditing Committee. After PPA came a few hundred votes short of stopping it at the ballot, it told members to refuse to testify when subpoenaed.

WHAT CONGRESS COULD DO

The national AFL-CIO and hundreds of other organizations have endorsed the following recommendations for national legislation from the Leadership Conference on Civil and Human Rights:

- 1 Require a federal standard that use of force be reserved for only when necessary as a last resort after exhausting reasonable options, and incentivize states to implement this standard; require the use of de-escalation techniques, and the duty to intervene; ban the use of force as a punitive measure or means of retaliation against individuals who only verbally confront officers, or against individuals who pose a danger only to themselves; and require all officers to accurately report all uses of force;
- 2 Prohibit all maneuvers that restrict the flow of blood or oxygen to the brain, including neck holds, chokeholds, and similar excessive force, deeming the use of such force a federal civil rights violation;
- 3 Prohibit racial profiling with robust data collection on police-community encounters and law enforcement activities;
- 4 Eliminate federal programs that provide military equipment to law enforcement;
- 5 Prohibit the use of no-knock warrants, especially for drug searches;
- 6 Change the legal standard from “willfulness” to “recklessness” in order to allow federal prosecutors to hold law enforcement accountable for the deprivation of civil rights and civil liberties;
- 7 Develop a national public database covering all police agencies in the United States, which would compile the names of officers who have had their licenses revoked due to misconduct, including but not limited to domestic violence, sexual violence, assault and harassment, criminal offense against minors, excessive use of force, perjury, falsifying a police report or planting and destroying evidence, and deadly physical assault; as well as terminations and complaints against the officers;
- 8 End the legal doctrine of “qualified immunity” that prevents police from being held legally accountable when they break the law.

In decades since the events narrated in the book, police accountability activists say PPA has continued to oppose police reforms in bargaining, in court, and in the Legislature.

If police unions are an obstacle to police reform, it's partly because state legislators have given them that ability. Legislators could also take it away, by restricting the scope of what police unions can bargain over. There's currently no proposal to do that in Oregon.

But with the momentum of the George Floyd protest movement, Oregon lawmakers met June 24-26 in a legislative special session to consider six police reform bills. And this time, the legislative representative for Oregon police unions didn't stand totally opposed.

Mike Selvaggio, a contract lobbyist who also represents United Food and Commercial Workers Local 555, has represented the Oregon Coalition of Police and Sheriffs (ORCOPS) since it formed in 2014.

“We don't want to be known as the organization that draws a line in the sand and says, ‘Don't cross this.’” Selvaggio told the *Labor Press*.

Selvaggio said ORCOPS was supportive of all the proposals in concept, but had issues with each, and especially opposed, as written, the bill to make it harder for arbitrators to overturn officer discipline. Five of the six proposals passed anyway. Under the bills:

- Arbitrators can't overturn police disciplinary findings if they agree misconduct occurred and disciplinary policies were followed
- Chokeholds are banned (except when deadly force is warranted, thanks to an amendment)
- Tear gas is allowed only after police declare a riot, announce they intend to use it, and give people time to disperse.
- Police officers now have a “duty to intervene” to prevent or report misconduct by a fellow officer.
- The state will maintain a database on police discipline that law enforcement agencies around the state must check when hiring an officer.

A fifth proposal—to put the Oregon Department of Justice in charge of police shooting investigations—was killed. Instead, a joint committee will come up with recommendations for further legislative action on police transparency and use of force in next year's legislative session.

What do YOU think?

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