

# The Political Influence of the Police in American Cities

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**Abstract** How do the police try to influence politics? In this project, I use historical case studies to trace the emergence and development of modern police political activities (issues and tactics) over time. Starting with New York City as a theory-building case, I describe how the political involvement of the police there, while initially focused on issues like pensions and wages, eventually shifted to more contentious issues related to race and civil rights, a change that resulted from a confluence of local and national factors between 1958-1964. Police protest activities also developed from subtle tactics (like signing paychecks with the phrase "under protest") to more combative ones (like pickets, petitions, and the threat of strikes). Perhaps more controversially, police organizations also began to endorse political candidates and engaged in a public campaign, culminating in a contentious referendum vote, to stop civilian oversight of police misconduct in 1966 (an issue that would again be protested by police, although unsuccessfully this time, decades later). I conclude by describing some general theoretical principles derived from this work that might be applied to other cities to assess what factors explain variation in police political behavior across cases, as well as within cases over time.

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## Note to Readers

This is an in-progress working paper that is part of my second book project. I am tentatively planning to submit a theory-building case study of the NYC Police Benevolent Association to a journal once I am able to complete some planned archival research. For the larger book project, I plan to complement the study of the NYC PBA with additional city cases. I am also planning to go into greater detail about such organizations' foundational periods in the late 19th century to more fully describe their origins and how they developed into what we see today.

## Conceptualizing the Police as Political Actors

The goal of this project is to provide a historical, developmental account of the police themselves as political actors over time.<sup>1</sup> Although police officers might engage in politics in several different ways, I am particularly interested in examining the political activities of police unions. As the legal scholar Marcia McCormick recently noted, "While there has been significant study of the use of force by police officers, there has been virtually no study of police unions."<sup>2</sup> Police unions, though, raise a number of important and complicated questions for scholars of politics. As McCormick writes:

Police officers occupy a unique social position. They are literally the arm of the executive branch and privileged to use force to keep the peace. As a result of that power, police conduct must be controlled to ensure it remains within constitutional limitations. At the same time, however, because no one including government officials is above the law, the police must be at least somewhat independent of political influence.

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<sup>1</sup>Some scholarship has placed the criminal justice system in an APD perspective. Marie Gottschalk, *The Prison and the Gallows: The Politics of Mass Incarceration in America*, (New York: Cambridge University Press, 2006); Vesla M. Weaver, "Frontlash: Race and the Development of Punitive Crime Policy," *Studies in American Political Development* 21(2), 2007, 230-265; David Dagan and Steven Teles, *Prison Break: Why Conservatives Turned Against Mass Incarceration*, (New York: Oxford University Press, 2016). This project builds on such work by more centrally emphasizing the political role of the police themselves as political actors. For a discussion of growing attention to the police in political science generally, see Joe Soss and Vesla Weaver, "Police Are Our Government: Politics, Political Science, and the Policing of Race-Class Subjugated Communities," *Annual Review of Political Science* 20, 2017, 565-591. There is also an emerging line of policing scholarship by historians, including Max Felker-Kantor, *Policing Los Angeles: Race, Resistance, and the Rise of the LAPD*, (Chapel Hill: University of North Carolina Press, 2018); Simon Balto, *Occupied Territory: Policing Black Chicago from Red Summer to Black Power*, (Chapel Hill: University of North Carolina Press, 2019); Stuart Schrader, *Badges without Borders: How Global Counterinsurgency Transformed American Policing*, (Oakland: University of California Press, 2019).

<sup>2</sup>Marcia L. McCormick, "Our Uneasiness with Police Unions: Power and Voice for the Powerful?," *Saint Louis Public Law Review* 35(47), 2015, 52.

This tension between constraint and freedom can be difficult to manage, and workplace protections for police officers illustrate that tension. In some ways police officers need more protection than other kinds of public employees, and in other ways, they should have less protection.<sup>3</sup>

Such tensions—police officers are simultaneously public sector workers with standard concerns about salaries and benefits as well as the armed representative of the state sanctioned to use deadly force—present several challenges for political scientists.

Part of this challenge is making sense of what police generally, and police unions particularly, are a case of. Are police just another group of public sector workers, like teachers or firefighters? Or are police qualitatively different than other public sector workers, perhaps more like the military? Answering this question shapes the research strategy one might take. If the former is right, then the collective bargaining and lobbying behavior of police officers can simply be studied in the same manner as scholars have studied other public sector unions.<sup>4</sup> However, if police are qualitatively different—and if the military comparison is even partially compelling—then this raises a much more complicated set of questions regarding the appropriate role of police political influence in democratic societies.<sup>5</sup>

Which of these comparisons is more apt? On the one hand, police certainly share important similarities with other public sector workers. And, when carefully considered, it can be difficult to distinguish critiques of police unions specifically from critiques of public sector unions generally, which raises challenges for those sympathetic to the latter but critical of the former.<sup>6</sup> In other ways, though, police seem qualitatively different. Police are, as one theorist describes it, violence workers.<sup>7</sup> Of all public sector institutions, policing is most tied to lingering racial inequities in American society. And although there are important differences between the military and the

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<sup>3</sup>Ibid., 52-53.

<sup>4</sup>There is, for example, a sizable literature on the political influence of teachers unions. See, for example, Terry M. Moe, *Special Interest Teachers Unions and America's Public Schools*, (Washington, D.C.: Brookings Institution Press, 2011) and Michael T. Hartney, "Turning Out Teachers: The Causes & Consequences of Teacher Political Activism," PhD diss., (University of Notre Dame, 2014). For a more critical perspective on some of the underlying normative assumptions often present in this scholarship, see Paul Frymer, "Review Symposium: Teachers Unions and Public Education," *Perspectives on Politics* 10(1), 2012, 124-126.

<sup>5</sup>Risa Brooks, "Paradoxes of Professionalism: Rethinking Civil-Military Relations in the United States," *International Security* 44(4), 2020, 7-44.

<sup>6</sup>Benjamin Levin, "What's Wrong with Police Unions?," *Columbia Law Review* 120(5), 2020, 1333-1402.

<sup>7</sup>Micol Seigel, *Violence Work: State Power and the Limits of Police*, (Durham: Duke University Press, 2018).

police, police still serve as armed representatives of at least the *local state*. If political activity generally, and partisan political activity in particular, makes us uncomfortable coming from the military, so, too, might such activity on the part of the police.

These ambiguities about police officers' status *as workers, as armed representatives of the state, or perhaps as some combination of both* underlies the complicated ideological and partisan politics of support for police unions. Although Democrats tend to support public sector unionization and Republicans tend to oppose it, often the opposite seems to be true for police unions specifically. Indeed, even some state-level Republican efforts at undermining public sector unionization have explicitly exempted the police, while more liberal Democrats have grown increasingly comfortable criticizing police unions in the context of highly salient incidents of police violence. This partisan confusion over police unionization likely stems from the parties' other commitments. The Republican Party's commitment to a particular vision of "law-and-order," one that generally involves giving a great deal of discretion to law enforcement, moderates their anti-union stance in this particular instance, while the Democratic Party's growing racial liberalism makes them, if not open to the more radical demands of abolitionists, at the very least more critical of police misconduct, which is often tied to union contracts in popular discourse.

Answering conceptual questions about police unions, though, might necessitate attention to more basic ones. What, exactly, do police unions do? And how has this (and the broader political context surrounding them) changed *over time*?

## Research Design and Evidence

One of the things that makes the U.S. case challenging to study is the extent to which policing is a state and local, rather than national, matter.<sup>8</sup> This, in turn, leads me to take a case study approach. In this paper, I use New York City as a theory-building case. I focus primarily on New York City's Police Benevolent Association (PBA). The PBA—known as the *Patrolmen's Benevolent Association* until 2019—is the largest organization of New York City police officers. Although formed in

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<sup>8</sup>For a more general account of federalism and criminal justice politics in the U.S. case, see Lisa L. Miller, *The Perils of Federalism: Race, Poverty, and the Politics of Crime Control*, (New York: Oxford University Press, 2008).

the late 19th century before public sector unionization existed, it developed collective bargaining rights over time. I am particularly interested in the issues such police organizations advocate for and the tactics they use to advocate for them. Along the way, I am interested in the underlying question of how they attempt to maintain legitimacy while also achieving their goals. Although the police might have different goals (and these goals might vary over time), I point to two of particular note. First, a substantial portion of police union activity has been focused on traditional bread-and-butter issues like wages and benefits. In this way, police unions look much like other public sector unions. But second, police unions advocate for substantial autonomy from elected officials, particularly in cities with more liberal political leadership where the preferences of officers and elected representatives diverge. In an abstract sense, this desire for autonomy is common to many public sector bureaucrats. However, when combined with the threat of state-legitimated violence that is inherent to policing and the role of policing in maintaining racial hierarchies, this is also where some of the most difficult questions for democratic theory are posed.

Studying police unions presents certain methodological hurdles. Police unions do not have archives and generally are not interested in helping out academics seeking to study them. In this project, I make use of the available evidence, hoping to combine different sources to offer the best possible assessment of their historical development. To start, I rely on newspaper coverage. For the NYC case, I principally use the *New York Times* since it has the most consistent and broadest coverage. I have also gathered material from other newspapers, including the *Amsterdam News* (a newspaper written for a Black audience), the *New York Post*, and *New York Daily News*. I also utilize archival materials where available, including mayoral collections in the municipal archives, gubernatorial papers in the state archives, and oral history interviews conducted by researchers at Columbia University. Finally, I make use of a number of historical secondary sources.<sup>9</sup>

The available evidence has certain strengths and weaknesses. Ideally, I would prefer to have

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<sup>9</sup>One particularly important source for my early history of the PBA is Emma Schweppe, *The Firemen's and Patrolmen's Unions in the City of New York: A Case Study of Public Employee Unions*, (New York: King's Crown Press, 1948). This study, though, does leave out some interesting information contained in newspaper coverage at the time. Occasionally the author also interprets events in a particular light, so I try to take care here in thinking about the sort of interpretive problems that can emerge through reliance on secondary sources. See Ian S. Lustick, "History, Historiography, and Political Science: Multiple Historical Records and the Problem of Selection Bias," *American Political Science Review* 90(3), 1996, 605-61.

access to internal PBA documents over a long period of time. The absence of such internal materials is an important limitation of this project, but that is likely to be true of attempts to study any police organization in this way. I plan to try and get around this at least partially by looking at correspondence between the PBA and politicians. These would have not been public at the time in question, so that should provide some insight beyond what was reported in newspapers. However, even such correspondence was only what the PBA chose to reveal to politicians, which could have been strategic in certain instances. Despite some of the inherent limitations, however, I argue there are important benefits to making use of the materials that are available. In particular, there seems to be a good deal of confusion about what police unions actually do and how that has changed over time. One of the primary goals of this project is to provide a detailed account of how the NYC PBA has evolved over time, both for its own sake and to help build a larger theoretical framework for thinking about the historical development of such police organizations more broadly.

In this paper, I begin with general historical background on police unionization debates over time. I then describe the origins of the NYC PBA in the late nineteenth century and trace the trajectory of its political agenda as well as the evolution of its ambiguous status as a fraternal organization, a political lobby, and (eventually) a labor union. I focus particular attention on the 1950s and 1960s as a critical period in the emergence of modern police union strategies, particularly opposition to civil rights activism. I also briefly discuss other police organizations designed to represent groups within the police, particularly the Guardians, a fraternal association of Black officers. I conclude with some brief remarks about extensions to other cases.

## **Historical Background on Police Unions**

Before public sector unionization was widely legalized starting in the early 1960s, opposition to police unionization took two forms: a general opposition to all public sector workers forming unions and a specific opposition to police in particular forming unions. The latter objection often remarked upon the police's semi-military nature. The 1919 Boston police strike produced two widely cited quotes by prominent public officials regarding the impropriety of police unionization

generally and police strikes in particular. Massachusetts Governor Calvin Coolidge, in a telegram to American Federation of Labor (AFL) president Samuel Gompers, remarked that “[t]here is no right to strike against the public safety by anybody, anywhere, any time.”<sup>10</sup> President Woodrow Wilson responded to the strike by stating that, to him, “the obligation of a policeman is as sacred and direct as the obligation of a soldier.”<sup>11</sup> These quotes, especially the Coolidge one, became widely referenced in discussions of police unionization for decades to come.

In 1944, seemingly in response to an increase of reports of police unionization attempts, the International Association of Chiefs of Police (IACP) released a report addressing unions “and other police organizations.” The document provides what is probably the best available representation of elite sentiments at the time on this issue. In a summary of opinions released by various judges and other public officials, the IACP noted three aspects of attitudes: unionization was “contrary to the basic nature of police duties,” police unions would be prohibited from utilizing the standard tools of traditional unions (like bargaining, strikes, the closed shop, and a dues check-off) even if formed, and state and local governments are given the power to prohibit them. Across different rulings, the IACP executive secretary wrote, “appears the general conclusion that police agencies are semi-military in nature, and police officers, by the very nature of their duties, are required to forego certain personal privileges enjoyed by employers in private industry.”<sup>12</sup>

The response to the possibility of police unionization in Detroit during the Second World War exemplified such sentiments. An editorial in the *Detroit News* declared that top-down discipline “is as necessary to a police department as to an army,” while an editorial in the *Detroit Free Press* went further with the military comparison: “It is a maxim of politics that who controls a nation’s army controls that nation. In a democracy army control resides in the people; in a dictatorship army control sustains the dictatorship. Police are a city’s ‘army.’ Their functions are roughly parallel to the domestic duties of a national army...”<sup>13</sup> Later that same month, the police commissioner released a statement to the department explaining why unionization was not allowed.

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<sup>10</sup>Telegram, Calvin Coolidge to Samuel Gompers, September 14, 1919, <https://coolidgefoundation.org/resources/a-telegram-to-samuel-gompers/>

<sup>11</sup>“Wilson Denounces Police Strike That Left Boston a Prey to Thugs,” *New York Times*, September 12, 1919.

<sup>12</sup>International Association of Chiefs of Police, *Police Unions and Other Police Organizations*, (IACP: Washington, D.C., 1944), ii.

<sup>13</sup>*Ibid.*, 19-20

It noted, among other things, that “[t]he position of a police officer is different from that of other city employees or employees in private employment. The Michigan Supreme Court has declared that a police force is similar to a military force organized under the laws of the United States and equally as important in the functions it is required to perform.”<sup>14</sup>

In 1952, the IACP’s annual conference discussed police unions, with a police chief declaring that “[p]olice affiliation is incompatible with the concept of law enforcement.”<sup>15</sup> In 1957, the IACP conference held a more nuanced discussion on the issue, even giving a union representative a chance to speak. The union official advocated for police unionization in general terms, noting that “[p]olicemen are workers. They have job problems. They have interests in common with their fellow officers. Issues arise which affect them in their job interests. They have grievances as do other workers.”<sup>16</sup> The Louisville chief of police disagreed, noting that the AFL itself had initially expressed opposition to police unionization, having earlier in its history declared that “it is not within the province of the trade union movement to especially organize policemen, no more than to organize militiamen, as both policemen and militiamen are often controlled by forces inimical to the labor movement.”<sup>17</sup> Finally, the chief inspector in Baltimore also spoke against police unionization, stating that police officers “have been vested with extremely broad powers, few of which are given to any other governmental employee. He has the legal right to carry a weapon, his powers of restraint, arrest and control of moral and physical behavior of others are grave and solemn and the abuse or illegal use of them can result in dire consequences.”<sup>18</sup> He later repeated many of these distinctions, further noting that the police are “semi-military.”<sup>19</sup>

In 1958, the IACP released an updated version of their 1944 report. Noting a “renewed effort” at police unionization, they reached the same conclusions about the inadvisability of police unionization as they had in 1944.<sup>20</sup> A 1970 survey of the legal landscape, though, noted that the political context changed dramatically not long after the 1958 IACP report, with the 1961-62 period being

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<sup>14</sup>International Association of Chiefs of Police, *Police Unions*, (IACP: Washington, D.C., 1958), 28.

<sup>15</sup>*Ibid.*, 57

<sup>16</sup>*Ibid.*, 58

<sup>17</sup>*Ibid.*, 62

<sup>18</sup>*Ibid.*, 69

<sup>19</sup>*Ibid.*, 72

<sup>20</sup>*Ibid.*, 3, 15



a critical one for the advent of widespread public sector unionization generally. By 1970, scholars were able to write—in a manner quite different than how the IACP report had framed things only 12 years earlier—that “[t]he protected right of public employees to organize and to bargain collectively is now generally accepted in theory by most knowledgeable observers of the public sector and is in practice in many jurisdictions.” The authors continued, however, by noting that even in places where public sector unionization had been proceeding, “there has been a reluctance on the part of a significant minority of jurisdictions to unqualifiedly grant the same rights to municipal police officers.”<sup>21</sup> In their concluding remarks, the authors differed from the sentiments expressed in the IACP reports, recommending that “any reconsideration should recognize the fact that police unionism in the functional sense is well established and that the more considerate position would be to institutionalize rather than oppose this trend.”<sup>22</sup>

Between the 1910s and 1960s, perceptions of police unionization changed dramatically. Reflecting lingering discomfort with the idea of police unionization (and sentiments that the police were semi-military in nature), police unionization proceeded at a much more unsteady pace than that of other public sector employees, as the following case study of NYC illustrates. Over time, however, the unionization of police officers alongside other public sector workers became increasingly normalized, with many of the earlier objections (particularly the police as semi-military in nature making unionization inappropriate) fading from public discourse. In recent years, however, a critique focused primarily on racial justice has become salient, and police unionization is again the subject of much political contestation. The goal of this project is to trace the historical development of these organizations, examining both their behavior and sentiments towards them over time.

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<sup>21</sup>Hervey A. Juris and Kay B. Hutchison, “The Legal Status of Municipal Police Employee Organizations,” *ILR Review* 23(3), 1970, 352.

<sup>22</sup>*Ibid.*, 363

# The New York City Police Benevolent Association

## The PBA's Origins and Early Agenda

The PBA was officially incorporated on March 30, 1894, although it had existed in some form for several years prior to that.<sup>23</sup> Even from an early time period, there was some ambiguity over the PBA's exact goals. In 1895, the *New York Times* described the organization as one of a "harmless nature," noting that it was "an organization formed for insurance purposes, the members of which, by paying 25 cents per month, insure themselves for \$200 at death."<sup>24</sup> By 1900, however, it was reported that "[f]or a long time it has been rumored that a Patrolmen's Benevolent Association was really an organization for the purpose of carrying out the political and legislative objects of members of the force."<sup>25</sup> In 1901, an unnamed "patrolman" wrote a letter to the editor describing the PBA in his own words. The PBA, he wrote, was "a chartered one, organized to protect the rights and interests of patrolmen only." He described the death benefits, but also noted that "[a]s a chartered organization the association has a legal right to employ counsel and to collect money from its members to pay such counsel."<sup>26</sup>

In his reference to the PBA's counsel, the patrolman was referring to an ongoing debate about the hours police officers were required to work. This issue, along with demands for salary increases, were consistently the core of PBA advocacy in this early period. Although their actions related to these issues did not include the demands for collective bargaining that would make them into a proper labor union, they certainly engaged as a political lobby beyond just their role in providing death insurance to members and their families. Over the years, the debate about unionization would occasionally rear its head, although the PBA leadership would oppose it for much of its early history. In this and the following sections, I describe the PBA's actions in its first several decades, including attention to bread-and-butter issues related to wages and hours, efforts

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<sup>23</sup>Schweppe, *The Firemen's and Patrolmen's Unions in the City of New York*, 49. The PBA had been preceded by the Mutual Aid Association, which disappeared in the 1880s (according to Schweppe, because of high assessments). *Ibid.*, 50. An 1870 *New York Times* article discusses disbursements to widows by the Mutual Aid Association and mentions they had 1,783 members in good standing at that time. "The Police Mutual Aid Association," *New York Times* (hereafter NYT), October 9, 1870.

<sup>24</sup>"Police Force is Warned," NYT, September 4, 1895.

<sup>25</sup>"Police Planned Legislative Fund," NYT, March 2, 1900.

<sup>26</sup>"Letters from Readers on Various Timely Topics," NYT, April 7, 1901.

to resist reforms to the police department, and questions about unionization and the relationship of police officers with other public sector workers.<sup>27</sup>

When the PBA was formed, police officers worked on a “two-platoon” system where officers generally served lengthy 12-hour shifts. The PBA advocated a shift to a “three-platoon” system where officers would be broken up into 3 groups working 8 hours per day instead. In 1900, for example, there were reports that police were raising funds to pressure legislators to pass a two-platoon bill.<sup>28</sup> This ultimately failed, but in May 1901 the PBA began gathering signatures for a petition to convince the Police Commissioner to establish it directly himself.<sup>29</sup> Starting in August 1901, the department switched to the two-platoon schedule for approximately 5 months, possibly for political purposes in light of the upcoming election. The election saw the defeat of the Democratic incumbent by a fusion ticket supported by Republicans, however, and in February 1902 the two platoon-system resumed.<sup>30</sup> In April 1902, police officers engaged in a concerted effort to strictly enforce laws related to the sale and distribution of liquor, which caused major disruptions.<sup>31</sup> A few days into this effort, 5,000 officers, including men who would normally be off-duty, concentrated their energy on seeking out violations. Although the PBA claimed this was not organized by their organization, many high-ranking PBA officials participated in meetings planning the action.<sup>32</sup> Later in the month, the mayor actually acted to convince police to interpret the laws more loosely during Passover.<sup>33</sup> Ultimately this effort was not successful in changing the police workday structure. It was, however, a preview of workplace actions that would become more common later, particularly in the “blue flus” of the 1970s and more recent protests by urban police against liberal mayors.

In addition to structuring their work schedule, the PBA also advocated for higher salaries. In 1894, for example, the PBA successfully lobbied for a salary increase, having even hired a law firm

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<sup>27</sup>This period will be analyzed in much greater detail in a larger book manuscript.

<sup>28</sup>“Defense Fund for Police is Decreed,” *NYT*, April 2, 1900.

<sup>29</sup>“Petition of Policemen,” *NYT*, May 2, 1901.

<sup>30</sup>Schweppe, *The Firemen’s and Patrolmen’s Unions in the City of New York*, 53.

<sup>31</sup>“Revolt of the Police Spreading,” *NYT*, April 1, 1902; “Jerome and Partridge Rooting Out Blackmail,” *NYT*, April 2, 1902.

<sup>32</sup>“Entire Force of Patrolmen in Revolt,” *NYT*, April 6, 1902.

<sup>33</sup>“Mayor Intercedes for East Side Residents,” *NYT*, April 19, 1902.

to draft legislation and then advocating for passage through the legislature.<sup>34</sup> One tactic used in pursuit of this goal was the gathering of signatures. For the 1894 increase, the PBA gathered 20,000 signatures on a petition.<sup>35</sup> In 1912, the PBA presented more than 50 resolutions from taxpayer's associations supporting a salary increase. In this instance, however, no salary increase was forthcoming.<sup>36</sup> Demands for higher salaries, like the debate about the structure of the police work day, would remain on the PBA agenda going forward. Petitions and signature-gathering, too, would remain important tools for the organization in later decades.

Along with these more conventional workplace and pay issues, the PBA also defended the department against various efforts at reform. In the 1890s, the Lexow committee in the New York State Senate examined police corruption in the city, causing an uproar that led to the election of reformist Republicans and the defeat of Tammany Hall in the 1894 city elections. In the aftermath of these hearings, bills were introduced that would give the Police Board more discretion in firing police officers. The PBA formed an alliance with the state Republican Party boss Thomas Platt, though, and ultimately the proposed legislation was never passed—an early important victory for the PBA that showed both their potential clout as well as a strategy of appealing to state leaders when city leaders were unsupportive.<sup>37</sup> The PBA was not always successful, however. In 1907, legislation was introduced that would reorganize the department in a manner designed to give the commissioner greater oversight. In this case, the PBA were unable to stop its passage, and indeed reports of suspicious PBA fundraising were blamed by some as one reason for the bill's ultimate passage.<sup>38</sup> In 1914, though, legislation was introduced to strengthen the police commissioner's power over disciplinary matters. The PBA employed counsel to act as a lobbyist and ultimately the legislation was never moved out of committee.<sup>39</sup> These efforts—some successful, some not—preview the sorts of resistance of reform that persist until the present day. As described later, over the course of twentieth century such opposition to reform would become increasingly tied to debates about race and civil rights.

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<sup>34</sup>Schweppe, *The Firemen's and Patrolmen's Unions in the City of New York*, 50.

<sup>35</sup>*Ibid.*, 50.

<sup>36</sup>*Ibid.* 60.

<sup>37</sup>*Ibid.*, 51-52.

<sup>38</sup>*Ibid.*, 56-59.

<sup>39</sup>*Ibid.*, 87-88.

## Unionization and Relationships With Other Public Sector Organizations

Although the PBA would not gain collective bargaining rights until much later, the labor question was often in the background even in this earlier era. In summer 1919, amidst growing news of police militancy around the country, there were reports that an effort to unionize NYPD officers was underway. The PBA ultimately felt compelled to release a statement denying that they had joined the American Federation of Labor (AFL), although the statement also warned that the best way for the city to avoid police unionization would be better wages.<sup>40</sup> In September 1919, the Boston police went on strike, drawing national attention. The next day, the PBA held a meeting, but the PBA president was called away by the chief inspector. Two days later, he released a statement saying there would be no NYPD strike as there had been in Boston. He further stated that NYPD officers “will not join the American Federation of Labor and have settled that idea definitely.”<sup>41</sup> By the late 1930s, there were early signs that a more general movement towards public sector unionization was starting, one that would achieve success starting in the following decades. In the early 1940s, there were several bills before the City Council to grant collective bargaining rights to city employees, although none were successful. Intriguingly, the PBA did not appear to play any role in advocating for these bills, and the PBA president at the time refused to comment when asked about such measures.<sup>42</sup>

Although often going at it alone, the PBA did form alliances—some lasting, some not—with other groups, including other public sector workers’ organizations. In 1914, the Civil Service Forum was founded. The PBA along with a wide range of other public sector employee associations joined.<sup>43</sup> In 1918, the PBA joined the firefighters’ association in forming a Joint Council. In 1923, the Joint Council successfully pushed for a referendum on salary increases that ended up passing overwhelmingly. Although it achieved some success, the Joint Council started to dissolve in the late 1920s.<sup>44</sup> This short-lived effort would, however, preview the sporadic and uneven alliance the PBA made with the firefighters’ association in particular over the following decades. When public

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<sup>40</sup>Ibid., 119-120.

<sup>41</sup>Ibid., 121. “Police Will Not Join Union if Pay Goes Up,” *NT*, August 8, 1919.

<sup>42</sup>Schweppe, *The Firemen’s and Patrolmen’s Unions in the City of New York*, 168.

<sup>43</sup>Ibid., 83-84

<sup>44</sup>Ibid., 108, 133-134, 142

sector unionization finally came to New York City, overlap and tensions between the interests of the police and other public sector workers would again come to the foreground.

## Decades of Declining Influence

The economic downturn during the Great Depression severely constrained the influence of public sector workers' organizations, the PBA included.<sup>45</sup> While the PBA had nearly 18,000 members by 1932, the influence of groups advocating fiscal restraint proved more influential. Although the PBA had continued pushing for salary increases into the late 1920s, by the early 1930s the organization found itself defensively opposing salary cuts and changes to their pension plan instead.<sup>46</sup> By the time of the Second World War, the PBA was again advocating for salary increases, although unsuccessfully. Internal disputes about how much to go along with the LaGuardia mayoral administration led to several tense PBA meetings, including one in January 1944 that resulted in a partial walkout by disgruntled delegates in a dispute over bonuses.<sup>47</sup>

Into the 1950s, the PBA remained primarily focused on pension costs, wages, and related issues. There were some occasional moments of optimism for the organization. For example, the city council voted 31 to 1 to decrease the required contribution for pensions in October 1950. The Board of Estimate, however, unanimously decided to shelve it.<sup>48</sup> Such setbacks were the focus of much of the organization's attention. Although focusing much of its attention on these paycheck issues, PBA also continued to resist reform. In 1950, Brooklyn District Attorney Miles McDonald launched an investigation of bookies who were paying off police officers to ignore their gambling establishments. Rather than testify, many eligible police officers decided they would retire.<sup>49</sup> In

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<sup>45</sup>While there is a large debate about the consequences of the Great Depression and federal New Deal legislation for private-sector unionization growth, it is worth keeping in mind that New Deal labor protections did not apply to public sector workers and the trajectories of private vs. public sector unionization have looked very different. For an analysis of this divergence, see Alexis N. Walker, *Divided Unions: The Wagner Act, Federalism, and Organized Labor*, (Philadelphia: University of Pennsylvania Press, 2020).

<sup>46</sup>"City Police Warned of Reduction in Pay as Economy Move," *NYT*, January 16, 1932; "M'Kee Program Cuts Police Pay 5 to 20%; Prial Denounces It," *NYT*, September 24, 1932; "Salary Cut Foes Gather at Albany," *NYT*, December 13, 1932; "Police Economy Praised by Mayor," *NYT*, January 29, 1933, "End of Cut is Sought in Fire and Police Pay," *NYT*, February 19, 1935; "New Pension Bill Fought by Police," *NYT*, April 3, 1939.

<sup>47</sup>Schweppe, *The Firemen's and Patrolmen's Unions in the City of New York*, 173, 178

<sup>48</sup>"Pension Cost Change is Voted by Council," *NYT*, October 11, 1950; "City Pension Bills Shelved by Board," *NYT*, November 17, 1950.

<sup>49</sup>"Retirement Curbs on Police Debated," *NYT*, December 6, 1950.

response, the city council voted 18 to 6 to pass a bill mandating a 30-day waiting period before retirements could become effective in February 1951, which the Board of Estimate affirmed the following month.<sup>50</sup> In response to this crackdown, the PBA urged officers to engage in an early protect action, albeit one that was rather tame by later standards: officers were to sign their payroll checks with the phrase “under protest.”<sup>51</sup>

## The Union Debate in the Early 1950s

Around this time, Michael J. Quill, the radical president of the Transport Workers Union (TWU), announced his plan to unionize the city’s police officers.<sup>52</sup> On the same day the Board of Estimate approved the waiting period, Quill announced he had received approval from his union’s executive board to proceed with his plans. The PBA, he said, was “under the thumb” of police department officials. The PBA responded that while their organization maintained “friendly relations with labor,” it was opposed to Quill’s plan: “If unionization is necessary to gain our objectives, there is only one effective way to do it – through the P. B. A., not through the individual, isolated, ineffective action of political opportunists who have repeatedly been discredited by policemen in the P. B. A.”<sup>53</sup>

About a week later, the PBA announced it was asking its board to study whether it would be desirable for police officers to unionize.<sup>54</sup> By early April, the mayor intervened, giving support to Police Commissioner George Monaghan, who had told officers that unionization would be inappropriate.<sup>55</sup> By August of that year, the PBA would effectively use Quill’s efforts as a threat, telling the Board of Estimate that if it “fails to act on our pension and salary program, we might find Quill to be entirely too conservative for our purposes.”<sup>56</sup> The Board of Estimate ultimately

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<sup>50</sup>“Police Pension Bill Passed by Council,” *NYT*, February 17, 1951; “City Bills Adopted on Police and Bias,” *NYT*, March 2, 1951.

<sup>51</sup>“Police Protest Urged,” *NYT*, March 4, 1951. In April 1955, the PBA again encouraged officers to sign their paychecks “under protest” in response to what the PBA called “inadequate pay.” *NYT*, April 1, 1955.

<sup>52</sup>“Says Police Want Union,” *NYT*, February 17, 1951. As early as August 1, 1950, AFL and CIO representatives met with police and firemen to talk. See *NYT*, August 1, 1950.

<sup>53</sup>“T.W.U. Board Backs Police Union Plan,” *NYT*, March 2, 1951; “Police Group Told it Must Raise Dues,” *NYT*, March 6, 1951.

<sup>54</sup>“Police Benevolent Association Asks Board to Study the Desirability of Having a Union,” *NYT*, , March 14, 1951.

<sup>55</sup>“Mayor Asks Police Not to Join Union,” *NYT*, April 3, 1951.

<sup>56</sup>“Police Group Weighs a Union But is Doubtful About Quill,” *NYT*, August 5, 1951.

approved reductions in what police were required to contribute to their pensions, although they claimed the decision had been made in July.<sup>57</sup>

Around the same time, Quill claimed he was officially ready to charter the police union.<sup>58</sup> Monaghan, mostly in response to Quill's moves, issued a strong public statement against unionization, which he tied to its military character:

In my judgment the Police Department is very much akin to the Armed Forces of this nation. No one should be in a position to have his loyalty divided. It would be just as sensible to unionize the Army, Navy, Air Force and Marine Corps of our great country as it would be to organize the membership of the Police Department of this great city. I am in favor of labor unions in industry. I have always been in favor of labor unions in industry. It is a very fine thing, but I feel equally strong that the best interests of all the people of this city will unquestionably be better served by the action I have taken today.<sup>59</sup>

Notably, though, Monaghan said he favored the existing line organizations like the PBA.<sup>60</sup>

The police unionization debate led reporters at the *New York Times* to investigate the exact legal issues involved, which led them to a surprising discovery:

The City Charter does not expressly forbid policemen to join unions. It does, however, forbid them to join organizations that have as their objective the influencing of legislation. A strict interpretation of this provision would mean, it appeared, that it is illegal, for example, for policemen to belong to the Patrolmen's Benevolent Association, dominant department line organization, which has been in existence for more than fifty years and which has openly campaigned for improved conditions for members of the force.<sup>61</sup>

The fact that the activities the PBA engaged in to influence politics were themselves likely against the law presents a curious tension. In an editorial, the paper similarly noted that "[l]ittle if any real distinction can be drawn between the Patrolmen's Benevolent Association, which apparently has the Commissioner's blessing, and a labor union."<sup>62</sup>

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<sup>57</sup>"Savings for Police, Firemen in Pension Funds Approved," *NYT*, August 8, 1951.

<sup>58</sup>"A.F.L. Union Offers Charter to Police," *NYT*, August 7, 1951. AFSCME, an AFL union representing state, county, and municipal workers, also reached out to the PBA. Jerry Wurf, then head of AFSCME's New York City council, called Quill's campaign "the epitome of irresponsibility."

<sup>59</sup>"Monaghan Forbids City's Policemen to Join Any Union," *NYT*, August 8, 1951.

<sup>60</sup>*Ibid.* He later stated that he felt it was acceptable for firefighters to be unionized. "The Police Department deals with and directs human beings and the Fire Department deals with a physical fact. There is no comparison." "Monaghan's and Quill's Views on Union," *NYT*, August 9, 1951.

<sup>61</sup>"Quill Challenges Police Union Ban; Plots Secret Drive," *NYT*, August 9, 1951.

<sup>62</sup>"The City's Police," *NYT*, August 9, 1951. The TWU's legal counsel would make a similar argument later: "It



## The Early Wagner Years and the Revolt Against Police Commissioner Kennedy

One of Mayor Wagner's most important actions was Executive Order 49, the "little Wagner Act" of 1958. A reference to his father, Senator Robert Wagner, whose name was widely associated with the 1935 National Labor Relations Act that provided a legal framework for unionization in the private sector, New York City's "little Wagner Act" offered similar structure for public sector unionization in the city.<sup>63</sup> The police, though, were not included in Wagner's order, but the years that followed would see a gradual effort to turn the PBA into something that increasingly came to resemble a union.

By late May and early June of 1958, the seeds of a more radical PBA were afoot. On May 27, Wagner backed his Police Commissioner, Stephen P. Kennedy, in opposing giving unionization rights to the police. Kennedy, the *New York Times* reported, "said it was as improper for members of the force to join a union as it would be for them to join a political club."<sup>64</sup> On June 8, PBA president John Carton lost his reelection bid to John Cassese, who had attacked him for "lack of leadership."<sup>65</sup> Cassese's leadership would be the impetus for a more militant style. About a month later, on August 6, the PBA told the mayor they wanted to be given collective bargaining rights for policemen in the city. While asking for bargaining rights, the PBA claimed it would refrain from striking. They also argued that the Police Commissioner's opposition to unions was about "outside unions" with which the PBA would not seek affiliation.<sup>66</sup>

Kennedy, though, made clear the following day that he was just as opposed to turning the PBA into a union as he was the police affiliating with a national union organization.<sup>67</sup> On September 20, with the debate ongoing, Kennedy gave a speech marking the completion of an officer training course where he went off his prepared remarks and addressed the controversy. The PBA, Kennedy

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is surely a questionable expedient for the Mayor and the Police Commissioner to encourage policemen to join an organization whose existence depends wholly on the failure of the Commissioner to enforce the law – and in the very department to which is entrusted the honest, impartial enforcement of all laws." "Letters to The Times," *NYT*, August 24, 1951.

<sup>63</sup> Alexis N. Walker, "Labor's Enduring Divide: The Distinct Path of Public Sector Unions in the United States," *Studies in American Political Development* 28, 2014, 190.

<sup>64</sup> "Mayor Backs Ban on Police Unions," *NYT*, May 27, 1958

<sup>65</sup> "Carton is Defeated in Police Elections," *NYT*, June 8, 1958.

<sup>66</sup> "Police Group Seeks Recognition to Bargain for City's Patrolmen," *NYT*, August 6, 1958.

<sup>67</sup> "Kennedy Opposes P.B.A. Bargaining," *NYT*, August 7, 1958.

said, “can’t have special privileges on the one hand and act like a union on the other. It just won’t work.” He went on to say that the “police represent the sovereign power of the state, namely the enforcement of the laws. They must be impartial in the performance of their duties; their attitude must be that of the person who is impervious to any pressures.”<sup>68</sup> On October 10, the PBA bought an ad in the *New York Times* framed as an open letter to Wagner. In it, they asked for a “neutral arbitrator” and criticized Kennedy in direct terms: “The Police Commissioner argues that any restriction whatever on his absolute power over policemen will ‘subvert the discipline of the Police Department.’ WHY?” They gave examples from elsewhere (e.g., the Inspector General in the Army and Philadelphia police having the ability to appeal commissioner rulings to the mayor and civil service commission). “We are proud to be policemen and vow to uphold our oath of office, but we need a grievance procedure!,” the text declared. **“WE DEMAND A GRIEVANCE PROCEDURE. IS THE DICTATORIAL AND SELF-ADMITTED ‘EMOTIONAL’ VIEW OF ONE MAN SUFFICIENT CAUSE FOR DENYING US THE RIGHT ALREADY GRANTED TO THOUSANDS OF OTHER POLICE OFFICERS?”**<sup>69</sup>

In January 1959, the PBA said that Kennedy had a “totalitarian and uninformed opposition to a grievance procedure.”<sup>70</sup> Wagner said that Kennedy had a “blank check” on issues related to police discipline. Labor Commissioner Felix rejected the police’s petition for a grievance system. Cassese said that the PBA would file a court action.<sup>71</sup> In July, they planned to appeal to the State Court of Appeals after their argument was rejected by the Appellate Division.<sup>72</sup> Later that month, the PBA planned legal action against Kennedy to obtain a dues check off system.<sup>73</sup> Wagner backed the PBA, telling Kennedy allowing the check off is city policy.<sup>74</sup> On September 22, the court ruled in favor of the PBA’s petition for a dues check off, calling Kennedy’s actions “arbitrary, capricious and unreasonable.”<sup>75</sup>

In October 1960, Cassese said that a majority of policemen held outside jobs, contrary to rules

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<sup>68</sup>“Kennedy Warns Police on Unions,” *NYT*, September 20, 1958.

<sup>69</sup>“An Open Letter to the Mayor of the City of New York” (advertisement), *NYT*, October 10, 1958.

<sup>70</sup>“Patrolmen Demand Grievance System; Kennedy Criticized,” *NYT*, January 7, 1959.

<sup>71</sup>“Police Lose Plea Over Grievances,” *NYT*, January 15, 1959.

<sup>72</sup>“Police Plan Grievance Appeal,” *NYT*, July 3, 1959.

<sup>73</sup>“Police Unit Plans Suit on Check-Off,” *NYT*, July 24, 1959.

<sup>74</sup>“Mayor Backs Police Check-Off, Tells Kennedy it is City Policy,” *NYT*, July 25, 1959.

<sup>75</sup>“Patrolmen Win Dues Check-Off Despite Kennedy’s Union Fears,” *NYT*, September 22, 1959.

prohibiting “moonlighting,” because of low police pay.<sup>76</sup> On October 25, the police staged a “ticket holiday” work action, which Kennedy said was effectively a strike. Investigating the historical context, the *New York Times* reported that “[a]s far as could be learned this was the first time in the history of the Police Department that there had been concerted action that resulted in mass failure to carry out prescribed duties.” Cassese, somewhat curiously, claimed it was a spontaneous rather than an organized effort. Cassese called Kennedy “arrogant, egotistical and a vindictive disciplinarian” who “has sadistic tendencies” and “is happiest when he is hurting cops.”<sup>77</sup>

In response to the ticket holiday – which Kennedy called “the blackest day in the history of the department” – Cassese was transferred from his desk job to traffic duty. This move is interesting in part because it reveals how the PBA was able to operate via an internal norm that the PBA leader would receive a favorable assignment from which he could conduct PBA business while on duty. After being elected president, Cassese was assigned to the pension bureau in the chief clerk’s office at police headquarters. “By tacit understanding,” the *New York Times* reported, “the president of the P.B.A. was at liberty to carry on organization affairs, a situation that has been traditional in the department.”<sup>78</sup>

In response to his transfer, Cassese claimed to have injured his foot.<sup>79</sup> Following departmental protocol, he was prohibited from leaving his apartment while he was unable to report for duty, including attending PBA business meetings. Kennedy, learning that PBA delegates were regularly given paid time off to attend PBA business meetings, limited this, leading to backlash from the officers affected. The PBA responded by scheduling its meeting for later in the day so that these officers could still attend.<sup>80</sup> Because Cassese was not allowed to attend, the PBA actually moved its meeting to the basement of his apartment building. In a symbolic move, the PBA removed Kennedy as a member of the organization.<sup>81</sup> In response, Kennedy ripped up his PBA card in front of TV reporters the following day (he later taped it back together so that he could rip it up

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<sup>76</sup>“60 to 70% of City’s Policemen Reported Holding Extra Jobs,” *NYT*, October 17, 1960.

<sup>77</sup>“Policemen Stage a Ticket Holiday,” *NYT*, October 25, 1960; “Police Head Says Ticket Slowdown is a Strike Move,” *NYT*, October 26, 1960.

<sup>78</sup>“Police Discipline Leader of P.B.A. in Ticket Revolt,” *NYT*, October 27 1960.

<sup>79</sup>*Ibid.*

<sup>80</sup>“Police Time Off for P.B.A. is Cut,” *NYT*, November 14, 1960; “Time Off for P.B.A. Tightened in Feud,” *NYT*, November 15, 1960.

<sup>81</sup>“P.B.A. Delegates Transfer Session to Cassese’s Home,” *NYT*, November 16, 1960.

a second time for cameramen and photographers who were late to arrive).<sup>82</sup> By February of 1961, Kennedy had resigned, much to the joy of the PBA and many police officers.<sup>83</sup>

## Political Endorsements and Bargaining Rights

Just prior to this, a letter from the “Committee for a Square Deal for Policemen and Firemen” was distributed to officers encouraging them to vote for Republican candidates for office, an action very much against departmental rules. The letter read in part:

Consider the fact that the Republican State Legislature at Albany is the only governmental agency which over the years has shown any concern at all with dignifying our jobs and making it possible for us to prepare for retirement. We’re absolutely convinced that the only way that Bob Wagner, Steve Kennedy, and Ed Cavanagh will see the light is to realize that we policemen and firemen are intent on political action – this year and next year, if necessary. Here is what we ask. When you go into the voting booth on Election Day, vote the straight Republican ticket – Nixon and Lodge and particularly our proven friends, the Republican candidates for State Senate and Assembly.<sup>84</sup>

Although Cassese denied PBA involvement, it was an early signal of the PBA’s move towards candidate “endorsements” that would soon follow.

In October 1961, the PBA declared that it found Attorney General Louis J. Lefkowitz, the Republican candidate running against Wagner in the mayoral election, to be the “best-qualified candidate,” the first time in PBA history that the organization expressed a preference for a political candidate. “The wording of the resolution avoided any reference to ‘support,’ ” the *New York Times* noted, “as support for a political candidate would violate police regulations.” The implication, though, was rather clear. The PBA said it did not plan any other action on the Republican candidate’s behalf, however.<sup>85</sup> New Police Commissioner Michael Murphy, who had won initial

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<sup>82</sup>“Police Head Rips P.B.A. Card in Two,” *NYT*, November 17, 1960.

<sup>83</sup>“Police-Car Radio Carries Cheers,” *NYT*, February 23, 1961.

<sup>84</sup>“Letters Ask Police to Vote Republican,” *NYT*, November 6, 1960.

<sup>85</sup>“P.B.A. Breaks Tradition to Hail Lefkowitz as ‘Best Qualified,’” *NYT*, October 11, 1961. Wagner said that the “association had a right to take any action it wanted. He added that he was confident that the average policeman, on reflection, would vote for him as the ‘Mayor who has done more for the police than any Mayor in history.’ ” “Explaining why the association had taken a stand, Mr. Cassese said he had been dealing with the Mayor for three and a half years as president of the association. He said that after meetings with Mr. Wagner he had reported ‘faithfully’ to the membership, and that partly as a result of these reports the membership had decided on last night’s action. ‘We think we’ll get a better shake from Lefkowitz,’ he said.” *Ibid.*

praise from the PBA after he took over from Kennedy, said that the “carefully calculated evasion of the law and the regulations of the Police Department” was “a betrayal of law-enforcement officers throughout the nation who have been striving to make the police profession nonpolitical.”<sup>86</sup>

A *New York Times* editorial called the PBA’s actions “outrageously improper”:

It goes without saying that the police force as such ought to stay out of politics, except in the exercise by its members of their individual right and duty as citizens to vote for anyone they choose. The Police in their organizational capacity have no more business expressing a political preference than have the Army, Navy or Air Force.<sup>87</sup>

The Superior Officers Council, including the Sergeant’s Benevolent Association and other similar groups, also criticized the PBA’s actions. “We pledge our continued support for a Police Department free of politics or political favor,” said Lieutenant William V. Cosgrove.<sup>88</sup>

Pressure grew over persistent wage demands and, increasingly, the demand for bargaining rights. In September 1962, the PBA passed a resolution at its annual convention calling for the PBA board “to employ whatever means they deem necessary to accomplish the extension of Executive Order #49 to our members” and informing the city’s political leaders of their intent to “act as a bargaining agent on behalf of all of the Patrolmen of the police force of the City of New York, in matters of policy, salaries, hours of employment and all other matters relating to the general welfare of the members.” Cassese forwarded the resolution to Wagner along with a letter reiterating their desire to be included in the executive order’s provisions.<sup>89</sup>

On October 9, 1962, the PBA and the Uniformed Firemen’s Association (UFA) agreed to a mutual assistance policy for future negotiations and the PBA asked policemen to join a picket line (in civilian clothes) for the first time.<sup>90</sup> The *New York Times* editorial board was not thrilled by the idea. “The spectacle of policemen and firemen picketing City Hall and booing Mayor Wagner in a demand for higher pay,” it declared. “is not calculated to inspire respect for law and order.”<sup>91</sup>

On October 16, somewhere between one and two thousand picketers showed up, mostly fire-

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<sup>86</sup>“Murphy Assails P.B.A.’s ‘Politics,’ ” *NYT*, October 12, 1961.

<sup>87</sup>“Police in Politics,” *NYT*, October 12, 1961.

<sup>88</sup>“P. B. A. Stand Irks Some Patrolmen,” *NYT*, October 13, 1961.

<sup>89</sup>Letter, John Cassese to Mayor Wagner, undated, New York City Municipal Archives; PBA resolution, 1962, NYC Municipal Archives.

<sup>90</sup>“City Police to Join Picket Lines Today to Assist Firemen,” *NYT*, October 9, 1962

<sup>91</sup>“Picketing Policemen,” *NYT*, October 13, 1962.

men but including some police officers.<sup>92</sup> Later that night, the city announced that it would be extending collective bargaining rights to the PBA.<sup>93</sup> Notably, the plan did not involve including police in the little Wagner Act that applied to most other city employees, and Murphy said it was important not to confuse these actions with unionization of the police or something that would interfere with his “control, administration, disposition and discipline of the department.” Bargaining was to be limited to matters like wages, the length of the work week, pensions, and allowances for uniforms. Notably, Murphy again related his discomfort with police unionization to the military. “The Police Department,” he said, “is a quasi-military organization dedicated to the protection of all the people, and it will continue to be administered as such.” A union, he said, was “as unthinkable as it would be in the armed forces.” He noted while the policemen who had joined the firefighters in their picket had a legal right to do so, he did not “like it.”<sup>94</sup>

On November 2 1962, just a few days before the election, the PBA made another “endorsement,” this time declaring that Nelson Rockefeller, the incumbent Republican governor, was the best-qualified candidate.<sup>95</sup> Two years later, on May 3, 1964, the neighboring Nassau County PBA endorsed several Republicans candidates, also using the “best qualified” language.<sup>96</sup> Although the PBA seemed to be exhibiting a bias towards Republican candidates, the impending mayoral administration of liberal Republican John Lindsay would complicate matters significantly.

## **Race and the Emergence of the Civilian Review Board Issue**

Although police brutality has a longer history in New York City, the early 1960s seemed to mark a real turning point in the PBA’s issue agenda (and, not unrelated, the extent to which the white

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<sup>92</sup>“Firemen Picket for Raise Again,” *NYT*, October 16, 1962.

<sup>93</sup>“City Gives Police Right to Bargain,” *NYT*, October 17, 1962.

<sup>94</sup>“Bargaining Right of Police Limited by Murphy to Pay,” *NYT*, October 18, 1962.

<sup>95</sup>“Tax-Deal Offer Laid to Governor,” *NYT*, November 2, 1962.

<sup>96</sup>“P.B.A. in Nassau Backs 3 in Race,” *NYT*, May 3, 1964. The paper noted that rules “forbid political activity and prohibit a police officer from using his authority in any way to affect the outcome of political campaigns. Violation of the law is a misdemeanor. Asked if his organization, which has 2,200 members, is in conflict with the statute, Patrolman Lecci said: ‘This is still a free country. As president of the P.B.A., I have every right in the world to tell members how to vote.’ ” The Nassau Police Commissioner was seemingly not bothered by this. Cassese was not available for comment, but “a political source here said that the patrolman, a resident of Brooklyn, had pledged that he would urge 8,000 members of his organization who live in Nassau to vote for the Republicans.”

mainstream press covered topics like police misconduct).<sup>97</sup> A critical moment came on June 16, 1964, when the PBA rallied 1,200 off-duty officers to show up at City Hall to protest a plan to set up a civilian review board that would investigate claims of police misconduct. Inside, Murphy called the idea “a tragedy of errors compounded by half-truths, innuendos, myths and misperception,” arguing that the already-existing internal review board was sufficient.<sup>98</sup> Outside, police officers unable to make it inside gathered to show support, and some were reported to have stopped people from entering the building and asked their reasons for wanting to enter, a move that several councilmen strongly criticized. “Well-organized pressure groups are regularly demonstrating in support of the bill and it is now vital that these demonstrations be countered by a large turnout of P.B.A. members,” declared a PBA memorandum in anticipation of the hearing. “Therefore, all off-duty members, especially those coming off the late tour, are urged to report to City Hall Plaza in uniform at 9:30 A.M. on Tuesday, June 16.” Cassese added that the review board was “a threat to every policeman! Now is the time to do your share in preventing a breakdown of law and order.”<sup>99</sup> The review board issue would increasingly come to define city politics for the next two years, ultimately culminating in an immensely contentious referendum vote that would draw the police into political advocacy in novel – and to some, disconcerting – ways.

The fight against the review board marked an abrupt turning point in how the PBA, especially Cassese, talked about race and civil rights. While generally ignoring the topic in the past, Cassese came to speak increasingly bluntly about his distaste for civil rights activists and, sometimes, “minorities” writ large. In an August 1964 radio interview, Cassese said that the review board issue was “all an organized effort on the part of civil rights leaders to discredit the police” (the previous week, Wagner had declined to appoint such a board and Murphy had threatened to resign as police commissioner in the event that he did appoint one). In the event of a review board, Cassese said, “I don’t think that in a race riot that the police would be as effective. Now I know that the public officer is the first line of defense and if you want protection, you certainly don’t discredit your own army.” Cassese also brought up the case of Lieutenant Thomas Gilligan,

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<sup>97</sup>For a longer history of police brutality in the city, see Clarence Taylor, *Fight the Power: African Americans and the Long History of Police Brutality in New York City*, (New York: NYU Press, 2019).

<sup>98</sup>“Police Decry Bill for Review Panel,” *NYT*, June 17, 1964.

<sup>99</sup>“Midnight-to-8 Shift Does Second Tour at City Hall,” *NYT*, June 17, 1964.

who had shot James Powell, a 15 year old Black student, the previous month. "If the facts show he should be acquitted, then I mean, why penalize a man?," Cassese asked. "Where is his rights, the white man's rights, if you want to put it that way?"<sup>100</sup>

Not all police officers opposed the review board. Of the approximately 26,000 officers, probably somewhere between 1,300 and 1,700 were Black.<sup>101</sup> Many belonged to a fraternal organization called the Guardians Society. Unlike the PBA, the Guardians came out in favor of a civilian review board.<sup>102</sup> Cassese was not happy with them, saying that it was "unfortunate they put their color before their duties as policemen"<sup>103</sup>

The PBA used picketing and petitions to try and get their message out. In June 1965, Cassese said police would collect signatures opposing the review board on their way to and from work and other off duty time, although the department made clear they would not be allowed to collect during their lunch breaks. Cassese said it was "first time that the police officers have undertaken such an operation as collecting signatures on a project that concerns them." The *New York Times* reported that it was "another indication of a growing feeling in police ranks that the P.B.A. should try more actively to mold public opinion." PBA community relations counsel Norman Frank said policemen "can't be passive any longer, waiting for decisions that affect their lives and are made by other people."<sup>104</sup>

Near the end of June, police again picketed City Hall, with 5,000 showing up this time (two years earlier, the number was closer to 1,200). Cassese brought what he claimed to be 400,000 signatures opposing the review board. He again criticized the Guardians, saying that it was "unfortunate they put color before their oath of office." The *New York Times* noted that it found only three Black officers in the PBA picket.<sup>105</sup> In their editorial anticipating the planned protest, the *New York Times* expressed disapproval, but in notably more restrained terms than earlier, smaller actions:

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<sup>100</sup>"P.B.A. Head Scores a Civilian Review Board," *NYT*, August 3, 1964

<sup>101</sup>This is about 5-6 percent of the police force in the middle of the decade. By contrast, 14 percent of city residents were Black in 1960 and that number had grown to 21 percent by 1970.

<sup>102</sup>"Negro Policemen Here Ask For a Civilian Review Board," *NYT*, June 15, 1965.

<sup>103</sup>"Police Will Fight Civil Review Board," *NYT*, June 21 1965.

<sup>104</sup>*Ibid.*

<sup>105</sup>"5,000 Policemen Picket City Hall," *NYT*, June 30, 1965.



Peaceful participation in such demonstrations is an undoubted right of all citizens interested in making known their views on municipal legislation. But the plan of the Patrolmen's Benevolent Association to mass 10,000 off-duty policemen against any change in the existing departmental machinery is an ill-advised exercise of that right. It is, of course, entirely appropriate for the association to send a delegation to the City Council hearing to make known the position of its members and to present the petitions they have signed. But when a disciplined, semi-military organization like the police force engages, en masse, in a show of strength outside a building where legislation unwelcome to it is under consideration, the action smacks of intimidation.<sup>106</sup>

### **The Lindsay Administration and the Civilian Review Board Referendum**

When Lindsay became mayor in 1966, he had to decide whether to reappoint the existing Police Commissioner or not. He instead decided to look outside the city and bring in the head of the Philadelphia police, Howard Leary. Although not particularly supportive of civilian review boards, Leary had operated under one in Philadelphia and was willing to work with one in New York City if the mayor so desired.<sup>107</sup> Civil rights groups were generally supportive of the pick and the PBA was tentatively open to it as well. What they were not open to, however, was any hint of civilian oversight, something that Lindsay, unlike his predecessor, strongly supported.

Cassese's anti-review board rhetoric expanded to extensive red-baiting, declaring in February 1966 that a civilian review board would "spread like wildfire" around the country. If "that should happen," he continued, "then Russia should send a medal to the City of New York and say, 'Thank you for accomplishing what I haven't been able to do these many years.' Russia, if they want to take over any country, they have to immobilize the Police Department and knock out the religion of the country. You put in a police review board throughout the country, you immobilize the police force." Cassese later continued: "All this tends to do is placate and play up to a little minority group within the minority group who are doing all the clamoring. And these people will never be satisfied should you put in a civilian review board unless there were nine Negroes and Puerto Ricans browbeating and finding every policeman who goes before them guilty."<sup>108</sup>

By April of that year, Lindsay was floating a plan that would expand the existing internal

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<sup>106</sup>"Police at City Hall," *NYT*, June 29, 1965.

<sup>107</sup>"Lindsay Appoints a Philadelphian as Head of Police," *NYT*, February 16, 1966

<sup>108</sup>"State Law Asked on Police Boards," *NYT*, February 21, 1966. See also *NYT*, September 20, 1966.

police review board to include a slight majority of civilian members.<sup>109</sup> Particularly given the extreme opposition by the PBA, it is worth noting that civil rights groups generally viewed the proposal as being insufficiently strong to have much impact (CORE's Harlem chapter called it "a cruel hoax" and "an affront to the intelligence of the black community").<sup>110</sup> In May, Lindsay created an 11-man panel (including three Black and one Puerto Rican members) to recommend who the four civilians should be that would join the three current police members of the board.<sup>111</sup> The PBA said it would challenge the addition of civilian members in court and the Superior Officers Council, which had distanced itself from the PBA's candidate "endorsements," offered its support to its review board opposition.<sup>112</sup>

"I'm sick and tired of giving in to minority groups with their whims and their gripes and shouting," Cassese declared in a particularly blunt May 9 statement. "I don't think we need a review board at all." In response to William H. Booth, chairman of the City Commission on Human Rights, who said that many white officers would support a review board, Cassese said: "If by 'many,' he means 10 or 15, I'd go along with him. If he means more, I'd say the statement was incorrect." Of the Guardians, Cassese again said "[t]hey put their color ahead of their duty as police officers," adding that "they don't speak for the 1,300 Negro policemen in the department." Cassese also denied that there was any pattern of police brutality that would merit outside review.<sup>113</sup>

A week later, Dr. Eugene T. Reed, president of the New York chapter of the NAACP, asked the State Conference of Police Associations to censure the PBA for its "subtle appeals to bigotry" and "apparent alignment with extreme right-wing political forces." Cassese noted that Reed was among those who thought the review board idea did not go far enough. "You won't satisfy these people until you get all Negroes and Puerto Ricans on the board," he said.<sup>114</sup> Booth also criticized Cassese's statements, accusing him of exploiting "basic prejudice and bigotry." He singled out

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<sup>109</sup>"Civilian to Head Police Inquiries Under New Board," *NYT*, April 12, 1966

<sup>110</sup>"Lindsay Assailed on Review Board," *NYT*, April 13, 1966. See also "N.A.A.C.P. Attacks New Police Plan," *NYT*, May 4, 1966, for the NAACP's criticism.

<sup>111</sup>"Civilian Control of Police Review is Set Up By City," *NYT*, May 3, 1966

<sup>112</sup>"CORE Assails Lack of Voice for Ghettos on Police Panel," *NYT*, May 5, 1966; "Police to Sue for Writ Barring Civilian Review," *NYT*, May 9, 1966.

<sup>113</sup>*Ibid.*

<sup>114</sup>"Rights Aide Charges P.B.A. Appeals to Bigotry," *NYT*, May 16, 1966.

Cassese's "won't satisfy these people" remark. "This kind of remark does indeed appeal to basic prejudice and bigotry. As chairman of the City Commission on Human Rights, I deplore these ill-advised statements and sincerely trust they do not express the true sentiments of the 20,000-man Patrolmen's Benevolent Association, many of whom serve Negro and Puerto Rican communities on a daily basis." Cassese replied that his statement was "just the truth from where we stand."<sup>115</sup>

In June, the PBA announced that it would be starting a petition campaign to put the review board issue on the ballot in November. "There's no need for civilians," Cassese said. "Notwithstanding the cries of various minority groups, there is no set pattern of police brutality, plus the fact that the morale of the men would be lowered, the power of the Police Commissioner would be diluted, and it would have an effect on the efficiency of all city policemen." To generate a referendum, the PBA needed to gather 30,000 verified signatures. At that point, the city legislature would have the option of passing the measure itself. If they chose not to, an additional 15,000 verified signatures would put it to a public vote.<sup>116</sup>

Lindsay found himself in a difficult political spot. He publicly stated that he did not think the issue was appropriate for a referendum and that he found the PBA's actions improper.<sup>117</sup> He seemed to feel constrained, though, in how to criticize their actions. After the PBA and the Conservative Party delivered 51,852 and 40,383 petition signatures, respectively, Lindsay said that "highly organized, militant, right-wing groups" were working to overturn his review board. When pressed, though, he said that neither the PBA nor the Conservative Party fell into this category. "I don't think all the people who signed the petitions like to be called members of militant right-wing groups," the PBA's Norman Frank replied nonetheless.<sup>118</sup>

Support and opposition to the civilian review board did not break down evenly along party lines. Most of the prominent city- and state-wide politicians of both parties supported the review board. Republican Senator Jacob Javits was first to offer his support. "As a citizen I would certainly urge the people not to support a reversal of this plan," he said, adding that it "will only

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<sup>115</sup>"Booth Condemns Cassese Remark," *NYT*, May 19, 1966.

<sup>116</sup>"P.B.A. Asks Public to Oppose Board," *NYT*, June 3, 1966.

<sup>117</sup>*Ibid.*

<sup>118</sup>"Lindsay to Fight Police Issue Vote," *NYT*, July 9, 1966.

improve public support of the Police Department. It's a very desirable development."<sup>119</sup> Democratic Senator Robert F. Kennedy later joined Javits, and both campaigned with Lindsay in favor of the board.<sup>120</sup> Republican Governor Nelson Rockefeller also offered support, but refused to campaign for it, viewing it as a question for the city to decide on its own.

The review board was also supported by a range of civic organizations, including the Protestant Council of the City of New York, New York Civil Liberties Union, the Union of American Hebrew Congregations, the Anti-Defamation League of B'nai Brith, the Urban League, the Catholic Interracial Council, the Liberal Party, the Congress of Racial Equality, the Committee for Democratic Voters, the Commonwealth of Puerto Rico Migration Division, and others.<sup>121</sup> Ultimately a new organization, Federal Associations for Impartial Review (FAIR), was formed. The Guardians maintained their support of the review board. In October, the head of the organization said that the debate had made the average Black policeman into "a bit of a schizoid": grateful to the PBA for its work on salary and pension issues, but opposed to their anti-review board advocacy.<sup>122</sup> They later accused the PBA of illegally spending their duties on political activities. "They have taken the money of Negro and Puerto Rican policemen and engaged themselves in a racist and divisive campaign," the Guardians president said.<sup>123</sup>

A new group, the Independent Citizens Committee Against Civilian Review Boards, was formed to help the PBA coordinate the effort to overturn the review board. Reflecting on differences between supporters and opponents of the review board, Frank said, "They've got the luminaries, we've got the people."<sup>124</sup> In contrast to its support among city- and state-wide political leaders, the board was often opposed by politicians with a more localized electorate. In Queens, the *New York Times* reported, "bumper stickers saying 'Stop the Civilian Review Board'

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<sup>119</sup>"Racism Laid to P.B.A. Head in Review Board Stand," *NYT*, July 13, 1966. So, too, did the New York Young Republicans Club offer its support.

<sup>120</sup>See *NYT*, November 3, 1966, for an article demonstrating their camaraderie and support for the issue across party lines.

<sup>121</sup>"Civic Groups Rally for Review Board," *NYT*, July 22, 1966.

<sup>122</sup>"Negro Policemen Split with P.B.A. Over Review," *NYT*, October 4, 1966. He noted that he thought every member of the Guardians was likely also a member of the PBA. PBA delegate turnover "has not been sufficient to keep up with the changing ethnic composition of the Police Department. There is one Negro delegate and one Puerto Rican delegate; neither minority is represented among the officers. Most Negro and Puerto Rican patrolmen, nonetheless, *belong* to the P.B.A." To run for PBA office, must already be a delegate. *NYT*, October 16, 1966.

<sup>123</sup>"Negro Unit Suing P.B.A. Over Dues," *NYT*, November 6, 1966.

<sup>124</sup>Thomas R. Brooks, "25,000 Police Against The Review Board: 'No!' Says the P.B.A.," *NYT*, October 16, 1966.

turn up on every fourth or fifth car parked on the busy business boulevards or tree-lined residential streets." Several Democratic Assembly candidates in the borough told the paper that they felt that had to oppose the review board to win. One said he had studied the issue "from every angle to find reasons I could give to be against it," but "[t]he more I studied, the more I liked the board, but still I had to come out against it. There's no sense in being in this to lose."<sup>125</sup>

In being so forthrightly involved in a contentious political issue, though, the PBA had to navigate the line between pressing for its interests and crossing the line into behavior that might be seen as illegitimate coming from police officers. The adamant support of the Conservative Party posed one such dilemma for the PBA. When the Conservative Party dropped off its petition signatures in July, William F. Buckley, the party's mayoral nominee that year, said it "makes sense that a group not formally identified with the police should also do this." The *New York Times* reported, though, that it was clear "Mr. Cassese and his aides were displeased with the Conservative party's petitions," with Cassese quoted as saying he was "not enthusiastic" about it.<sup>126</sup>

Other issues also arose. About two weeks before the election, police arrested the driver of a sound truck driven by a member of the National Maritime Union that was pressing for keeping the review board. Police claimed the driver did not have a permit, while the union said it had acquired one.<sup>127</sup> Although the dispute was never properly settled, it was one example of a growing concern about police tactics. In their editorial after the referendum, the *New York Times* wrote: "During the campaign there were a number of unfortunate instances of arrogance by police, actions against citizens who were opposed to the P.B.A. referendum. It seems unlikely that most citizens would condone or even accept further activity that might indicate that the police force thought it was

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<sup>125</sup>"Congressional and Legislative Candidates Tip-Toe on Issue of Police Review Board," *NYT*, October 23, 1966. Another said the issue "has turned me from a decent, honorable man into another political hack." The *New York Times* also explored the PBA's campaigning in neighborhoods they felt would be supportive, like Coney Island and Brighton Beach in Brooklyn where they went "with go-go girls, Jewish songs and sharp criticism of Mayor Lindsay." One scene: "In front of Dubrow's Cafeteria on King's Highway at 16th Street, a campaign worker spoke in a mixture of Yiddish and English in an effort to clarify things for an elderly man. 'Listen,' the worker said, 'Yes means: No, you don't want it.' 'No means yes?' the old man asked. 'No - yes means no. Vote yes if you want no.' 'Oy, I'm all confused,' the old man said. 'it's that Lindsay,' the worker said. 'Oh,' said the old man, and he walked off, beaming." When a young woman challenged one of Cassese's arguments, she was "shouted down with cries of 'Communist' and 'Comrade, where's your hammer and sickle?' " Of note for contemporary readers, Cassese and Frank also spoke at the Trump Village shopping center in Brighton Beach. "Brooklyn Areas Toured by P.B.A.," *NYT*, October 24, 1966.

<sup>126</sup>"92,235 Ask a Vote on Review Board," *NYT*, July 8, 1966.

<sup>127</sup>"Police Halt Sound Truck Backing Review," *NYT*, October 23, 1966.

immune to reasonable review.”<sup>128</sup> In the weeks leading up to the referendum, Commissioner Leary also warned officers to “remain impartial and objective,” promising that “[p]rompt action will be taken against anyone who attempts to intimidate voters or otherwise interfere with the elective process.” Although Leary did not specifically mention it, the *New York Times* noted that there were reports of complaints that some members of the force were campaigning against the board in uniform.<sup>129</sup>

On election day, voters overwhelmingly defeated the review board. “It’s deplorable,” Senator Javits said. “It places a very heavy responsibility on the police, who campaigned for its defeat, to see that individual civilians are treated decently and fairly.” Lindsay blamed “emotion, misunderstanding and fear” for the outcome. The reaction was different at the PBA’s victory party. “Thank God we saved this city,” Cassese told those in attendance.<sup>130</sup> A *New York Times* article about supporters and opponents of the referendum used the telling title, “Board’s Defeat Elates Police, Saddens Negroes.”<sup>131</sup> The police had stepped forthrightly into explicit political advocacy, campaigning strongly against demands for oversight from civil rights activists. And, in this instance, the police won.

### **Increasing PBA Militancy**

By December 1966, the PBA turned its attention to a joint effort with the UFA to get raises for policemen and firemen. Although the police initially agreed to a \$1,350 raise, the firemen rejected it, which sent things back to the negotiating table.<sup>132</sup> In February 1967, both groups said they needed a better contract or what the *New York Times* called “unspecified protest actions” would result. “We have things in mind,” Cassese said. When asked if a strike – which the PBA had explicitly agreed not to use – was a possibility,” he replied, “I won’t say yes, and I won’t say

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<sup>128</sup>“The Fight Goes On,” *NYT*, November 9, 1966.

<sup>129</sup>Bernard Weinraub, ‘Review Board Backers Accused of ‘Smear’ Tactics,’ *NYT*, October 25, 1966.

<sup>130</sup>“Police Review Panel Killed By Large Majority in City,” *NYT*, November 9, 1966.

<sup>131</sup>“Board’s Defeat Elates Police, Saddens Negroes,” *NYT*, November 9, 1966. At Frank’s restaurant in Harlem, the paper reported this scene: “When the first reports indicating that the review board would be defeated were flashed on the screen, George Cummings, a liquor salesman, said: ‘I thought for once a bill backed by Negroes would pass.’ A woman down the bar chuckled and said, ‘You should have known better.’ Mr. Cummings joined in her laughter. ‘Yeah, baby,’ he said. ‘I should have known better.’ ”

<sup>132</sup>“Police, Firemen Get \$1,350 Raise in New City Pact,” *NYT*, December 14, 1966; “Firemen Reject 2-Year City Pact,” *NYT*, December 15, 1966.

no.”<sup>133</sup>

About a month later, the UFA rejected the new offer and called for a mail ballot asking their members if they would approve a strike.<sup>134</sup> The *New York Times* editorial board was outraged. “Mayor Lindsay was right to assert that New York City will stand firm against the strike threatened by its uniformed firemen,” they wrote. “Such a strike would not only be illegal; it would also be as outrageous a threat to public safety as the celebrated Boston police strike of almost half a century ago.” They noted, though, that the PBA was staying committed to its no-strike pledge for the moment.<sup>135</sup>

The next day, while still not talking about striking, the PBA threatened to picket municipal buildings in civilian clothes.<sup>136</sup> About a week later, the mayor got directly involved in negotiations, and the PBA called off its picket. The UFA also postponed a threatened work slowdown, but strike ballots were still in the process of being mailed off. By April 6-7, with negotiations not going well, firemen began a work slowdown, only responding to emergencies and not doing more routine services. The PBA again said it was planning a picket of City Hall.<sup>137</sup> On April 8, the city finally reached an agreement with both the firemen and policemen, bringing the drama to a close at least temporarily.<sup>138</sup> The threat of increasingly disruptive police behavior, though, was foreshadowing of the more radical actions that would happen in the years to come.

## **PBA Politics Since the Late 1960s**

I’ve conducted fairly thorough research on the PBA into the 1990s, but haven’t yet written it up. In 1970, the PBA endorsed Conservative Party candidate James Buckley for U.S. Senate, an election he ended up winning.<sup>139</sup> There was a massive unofficial police strike (“blue flu”) in 1971. Wildcat

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<sup>133</sup>“Police and Firemen Warn City of Fight to Win More Pay,” *NYT*, February 5, 1967.

<sup>134</sup>“Firemen Reject New Wage Offer; Strike Vote Set,” *NYT*, March 21, 1967.

<sup>135</sup>“An Intolerable Threat,” *NYT*, March 22, 1967.

<sup>136</sup>“Unions Here Doubt If They Will Honor Police Picket Lines,” *NYT*, March 23, 1967. Interestingly, the UFA is affiliated with the New York City Central Labor Council, while the PBA is not. The council was thus likely to support any action by the UFA but there was some uncertainty about their support of action by the PBA.

<sup>137</sup>“Firemen to Begin Slowdown Today,” *NYT*, April 6, 1967; “Slowdown Begun by City’s Firemen; Police to Picket,” *NYT*, April 7, 1967.

<sup>138</sup>“Firemen, Police Ratify Pay Pact; Strike is Avoided,” *NYT*, April 8, 1967.

<sup>139</sup>*NYT*, July 11, 1970. They also expressed support for Republican candidates for Lieutenant Governor and Attorney General as well as the Democratic candidate for State Controller.

actions and disruptive behavior by off-duty officers on a smaller scale kept happening throughout the decade, often met with reticence by city politicians to punish them for fear of provoking a larger strike. After years of hostility with the mayor's office, the PBA had a particularly friendly relationship with Mayor Ed Koch in the 1980s, although the PBA was often critical of Ben Ward, Koch's police commissioner (notably the first Black person to hold the position).<sup>140</sup> When David Dinkins became the city's first Black mayor in 1990, the PBA again became more critical. In 1992, this culminated in a riot of off-duty officers, although the PBA claimed not to have supported it. Dinkins, though more critical of police misconduct earlier in his career, seemed to feel constrained by mayoral office, although his administration did finally succeed in bringing an independent civilian review board into existence. In 2019, 75 percent of city voters voted to expand its scope in a stark reversal of popular opposition to a much more constrained review board in the Lindsay era. The PBA strongly opposed the 2019 referendum, but this time voters didn't go along, perhaps suggesting less influence—or at least popular support—for the union now than in the past. In other ways, though, the PBA has been successful in preventing other major changes to policing, and has, if anything, increased its hostility towards liberal elected officials in an increasingly liberal city. The NYPD, though subject to growing public criticism, has maintained a great deal of discretion in its day-to-day operations.

### **Alternative Police Organizations**

Although the PBA has always been the most prominent organization representing rank-and-file police officers in New York City, other smaller organizations have also existed. Of particular interest are smaller fraternal organizations designed to represent particular racial or ethnic groups, as well as more recently groups to represent women. The Guardians, an organization of Black officers, merit particular mention. In the previous section, this organization came up in passing as supporters of Lindsay's proposed review board.

I am working on a more detailed analysis of the Guardians, but for now a few remarks: First, the Guardians play an important role in challenging the PBA, particularly on issues related to

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<sup>140</sup>Oral History Interview with Philip Caruso (1994), *Edward I. Koch Administration Oral History Project*, Oral History Archives at Columbia, Rare Book & Manuscript Library, Columbia University in the City of New York.



race and civil rights. The two organizations are not always at odds. Indeed, many—likely most—members of the Guardians are also members of the PBA, and Guardians members generally support the PBA’s efforts at achieving wage and benefit gains for police officers. However, on issues where Black and white officers tend to disagree, the Guardians can give organizational voice to perspectives neglected by the disproportionately white PBA leadership. The Guardians have also formed relationships with non-police civil rights organizations.

That said, although the Guardians are critics of individual racist incidents in policing, they are not critics of policing itself. They are, after all, an organization of police officers. As Charles C. Coleman, a long-time editor of the organization’s newsletter, said in an oral history interview, “The department is not racist. It is people who in the department who behave in those ways.”<sup>141</sup> In contrast to the PBA, the Guardians are much more likely to call out police misconduct. However, they are unlikely to find common ground with more radical critiques of policing. Indeed, Eric Adams, the current mayor of New York City who was certainly not the preferred candidate of most criminal justice reformers, was formerly a leader of the Guardians.

## Conclusion

As I work my way through the historical record, I am struck by a few themes. Critics of police political activity in the early and mid-twentieth century often echoed pluralist concerns about the police’s semi-military nature. Over time, though, the initial shock at police political involvement by establishment figures (politicians but also the *New York Times* editorial board) begins to diminish a bit. This also seems to relate to the strategic (and legal) question of whether police engaged in political behavior in uniform or wearing civilian clothes. In most of their more formal political work, officers were encouraged to wear civilian clothes. In at least one picket, though, officers coming off their shift remained in their uniforms.

Between 1961 and 1964, the mayoral and gubernatorial endorsements of the PBA, in conjunction with the endorsements of the neighboring Nassau County PBA, seem to suggest an early

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<sup>141</sup>Reminiscences of Reuben C. Bankhead, Charles C. Coleman, Lester H. Grissom, Leory Hendricks, and Robert Nero (2015), *Guardians Oral History Project*, Oral History Archives at Columbia, Rare Book & Manuscript Library, Columbia University in the City of New York, 12.

tendency towards support for the Republican Party. Certainly in the present era, the PBA and other police organizations are more associated with Republicans than Democrats, especially at the national level where the Fraternal Organization of Police have only endorsed the Democratic presidential candidate one time since it began giving endorsements in 1988.<sup>142</sup> The Lindsay administration, though, marked an important break in this trend, and by 1969 the police would support Lindsay's Democratic opponent, who ran on more of a "law-and-order" platform.<sup>143</sup> This fluctuation is reflective of the relatively non-polarized party politics of the era.<sup>144</sup> As liberals like Lindsay were pushed out of the Republican Party (and conservatives out of the Democratic Party), the partisanship of police political behavior had more of a chance to emerge.

The New York City case, though, suggests the path was at the very least uneven (and tentative looks at other cases like Chicago and Philadelphia, where Democratic law-and-order mayors supported the police against civil rights activists, further suggest it likely varied geographically as well as temporally).<sup>145</sup> Even in New York City, though, the PBA has been critical of modern law-and-order Republicans, notably Rudy Giuliani.<sup>146</sup> More recently, though, police unions have become enthusiastic supporters of Donald Trump in national politics, and it's clear that many are aligning themselves with some of the most right-wing actors in American politics. This has not always come at the expense of strategic considerations in more liberal environments, however. In the case of the 2021 NYC Democratic primary, the PBA did not make an endorsement, but did reportedly tell its members to only consider voting for Andrew Yang, Eric Adams, or Kathryn Garcia ("Ranking candidates other than Yang, Adams and Garcia could inadvertently help an anti-police

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<sup>142</sup>The organization started presidential endorsements in 1988 and Bill Clinton's re-election bid is the only time it endorsed a Democrat. "Fraternal Order of Police to Endorse Clinton," *NYT*, September 16, 1996. In 2012, the FOP refused to endorse Mitt Romney, but refrained from making an endorsement rather than endorsing Barack Obama. For a more recent analysis of the FOP's endorsement behavior and its consequences, see Michael Zoorob, "Blue Endorsements Matter: How the Fraternal Order of Police Contributed to Donald Trump's Victory," *PS: Political Science & Politics*, 2019.

<sup>143</sup>Leonard Ruchelman, *Police Politics: A Comparative Study of Three Cities*, (Cambridge: Ballinger Publishing Company, 1974), 87.

<sup>144</sup>Wilson noted in passing in his study of the police in smaller New York cities: "The cleavages between and within the political parties have also made it possible for the organized police officers, and the firemen, to play an important role." Wilson, *Varieties of Police Behavior*, 244.

<sup>145</sup>Megan Marie Adams, "The Patrolmen's Revolt: Chicago Police and the Labor and Urban Crises of the Late Twentieth Century," PhD diss., (University of California, Berkeley, 2012); Timothy J. Lombardo, *Blue-Collar Conservatism: Frank Rizzo's Philadelphia and Populist Politics*, (Philadelphia: University of Pennsylvania Press, 2018).

<sup>146</sup>"PATRICK LYNCH ON RUDY GIULIANI'S PRESIDENTIAL CANDIDACY," <https://www.nycpba.org/press-releases/2007/patrick-lynch-on-rudy-giuliani-s-presidential-candidacy/>.

candidate win," the union told its members).<sup>147</sup>

In recent years, police unions have attracted substantial attention (and criticism) in the aftermath of highly salient incidents of police officers killing Black civilians. Despite a sense that change was afoot in the aftermath of the George Floyd protests, however, cities have been reticent to actually alter policing.<sup>148</sup> In some ways, this is puzzling: why do city officials defer to the much more right-wing views of police officers rather than the more liberal views of city voters? A historical examination of the development of police political involvement can help make sense of the extent to which police officers have maintained discretion and deference even in the face of city electorates seemingly more open to change.

Going forward, I plan to more fully connect the critical period of the 1950s and 1960s with the PBA's origins in the late 19th and early 20th centuries. Although certain aspects of the PBA's midcentury actions were seen as novel by observers at the time, there are some interesting parallels with the Tammany Hall era, particularly the question of the police's relationship with political parties and resistance of reform. The extension of collective bargaining rights, though, was a major shift from the Tammany Hall era, when public sector unionization was nearly unthinkable to many. Future drafts will more fully draw out some of these connections.

After completing research for the NYC case, my goal is to have a more fully developed theoretical framework for thinking about the political influence of the police in American cities, which can then be applied to other cases. I'm trying to think through what sorts of city-level variation might be useful to consider in case selection and I welcome any suggestions.

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<sup>147</sup>Julia Marsh, "NYPD union tells members to rank these 3 candidates for mayor," *New York Post*, June 14, 2021.

<sup>148</sup>"How a Pledge to Dismantle the Minneapolis Police Collapsed," *NYT*, September 26, 2020.