



The Labor of Law and Order: How Police Unions Transformed Policing and Politics in the United States, 1939-1985

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June 9th, 2021

The Labor of Law and Order:

How Police Unions Transformed Policing and Politics in the United States, 1939-1985

A dissertation presented

by

Aaron Thomas Bekemeyer

to

The Department of History

in partial fulfillment of the requirements

for the degree of

Doctor of Philosophy

in the subject of

History

Harvard University

Cambridge, Massachusetts

June 2021

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**The Labor of Law and Order: How Police Unions Transformed
Policing and Politics in the United States, 1939-1985**

Abstract

This project narrates the rise of the police union movement in the United States in the second half of the twentieth century. It shows how after World War II, a segment of predominantly white, male rank-and-file officers of big-city police departments successfully articulated their resistance to new forms of managerial oversight and discipline enacted by the police professionalization movement to a broader struggle for law-and-order politics, developing a highly successful form of right-wing social movement unionism. Police unions had existed since the turn of the twentieth century but struggled to reproduce themselves or secure recognition and collective bargaining rights due to skepticism and hostility both from the labor movement and from their managers in the state. However, conditions changed dramatically after World War II. In cities across the United States, civil rights reformers and their allies in city hall and among the top brass fought successfully for administrative reforms intended to achieve equitable, race-neutral policing, police unionists argued that these reforms were inimical to good policing and empowered those police were charged to capture, punish and exclude from civic life: criminals, radicals, and other civic outsiders, whom they systematically conflated with African Americans in general and participants in the Black freedom struggle specifically. Beginning in the 1960s, many white voters, politicians, judges favorably received the police union argument favorably and, for the first time in U.S. history, granted them the cultural

legitimacy, collective bargaining rights, operational autonomy, and political standing police unionists argued were necessary to defend the civic order.

The project also shows that police unionists were not content to alter their voice and bargaining power on the job in a narrow sense. As the violence workers who made state power effective, they understand the conditions of possibility of their work in fundamentally political terms and newly engaged in politics to defeat their opponents. Through media campaigns, lawsuits, political lobbying, protests, and other actions, they fought for new legal protections and social programs to reward the work they did and helped install politicians, judges, and prosecutors sympathetic to their law-and-order politics. In short, they assumed a new role as independent political subjects and used it to reshape statebuilding and the terms of American politics in their favor, especially but not exclusively at the local level. These efforts were not without opponents, resistance, and setbacks. Black officers sometimes organized through their own organizations in cooperation with civil rights politics and liberal police reform. Nascent neoliberal mayors rained budget cuts on police as much as on their colleagues during the fiscal crises of the 1970s. But police unionists survived these difficulties because of the political coalitions that defended them and past legal and political victories that institutionalized them in city police departments, making them an enduring part of the political landscape.

This project adopts a multiscalar analysis to capture a transformation of national scope that developed in distinctive ways in each city according to local circumstances. Its story centers on the Fraternal Order of Police (FOP) in Philadelphia from the 1930s to the 1980s, a critical hub in networks of both police reform and police union organizing. But it also moves to other cities, other unions, and larger scales of analysis to capture the larger network of movement-building and political transformations in which Philadelphia played such a critical role.

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Abbreviations Used in Text and Notes

ACLU	American Civil Liberties Union
AFSCME	American Federation of State, County, and Municipal Employees
BPF	Black Political Forum
BPPA	Boston Police Patrolmen's Association
BPD	Baltimore Police Department
CAPA	Coalition Against Police Abuse
CCDR	Citizens' Council on Democratic Rights
CDU	Civil Disobedience Unit
CFPCP	Coalition for a Fair Police Complaint Procedure
CHR	Commission on Human Relations
CLEAT	Combined Law Enforcement Association of Texas
CMEA	Classified Municipal Employees Association
COPPAR	Council of Organizations on Philadelphia Police Accountability
CORE	Congress of Racial Equality
CUAPA	Communities United Against Police Abuse
DC	District Council
EEOC	Equal Employment Opportunities Commission
FAIR	Federated Associations for Impartial Review
FC	Fellowship Commission
FOP	Fraternal Order of Police
GCL	Guardian Civic League
GCCCP	Germantown Council for Community Control of Police
GPM	Greater Philadelphia Movement
HUD	Housing and Urban Development, Department of
IACP	International Association of Chiefs of Police
IBPO	International Brotherhood of Police Officers
ICPA	International Conference of Police Associations
IAFF	International Association of Firefighters
IEB	International Executive Board
ILGWU	International Ladies' Garment Workers Union
JAD	Juvenile Aid Division
JBS	John Birch Society
JCRC	Jewish Community Relations Council
LEAA	Law Enforcement Assistance Administration
LEOBOR	Law Enforcement Officers Bill of Rights
NAACP	National Association for the Advancement of Colored People
NBPA	National Black Police Association
NEA	National Education Association
NLRB	National Labor Relations Board
NOBLE	National Organization of Black Law Enforcement Executives
NPA	National Patrolmen's Association
NPERA	National Public Employees Relations Act
NYCLU	New York Civil Liberties Union

NYPD	New York Police Department
OLEA	Office of Law Enforcement Assistance
PAB	Police Advisory Board
PBA	Patrolmen's Benevolent Association
PBI	Police Board of Inquiry
PEJ	Philadelphians for Equal Justice
PFMA	Police and Firemen's Medical Association
PGH	Philadelphia General Hospital
PILCOP	Public Interest Law Center of Philadelphia
PSB	Personnel Service Board
PPD	Philadelphia Police Department
SEIU	Service Employees International Union
SYLP	Save Your Local Police
TWU	Transport Workers Union
USCCR	United States Commission on Civil Rights
WIA	Women in Action

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Introduction

On May 13, 1985, the Philadelphia Police Department (PPD) bombed a home in West Philadelphia, starting a fire that consumed several city blocks. It was the gruesome culmination of a decade-long series of conflicts between the police and a local religious community called MOVE. On that day in May, police pumped the house full of military-grade bullets and flooded it with tear gas and water from fire hoses. When this strategy failed to flush MOVE members from the house, police dropped not one but two explosives on the house. The first killed MOVE founder and leader John Africa, and the second ignited drums of gasoline stored on the roof, sparking the fire that killed all but two of the remaining MOVE members who had not already died in the assault. The fire department allowed the fire to continue to burn for hours, destroying the compound and many of the adjacent buildings and leaving more than two hundred neighbors homeless. In sum, the assault by over 300 police officers killed eleven of the thirteen residents of the compound and left the two survivors with little of the religious community, household, and family they had left, except for those MOVE members incarcerated at the time because of previous conflicts with the police.¹

The brutality of the assault garnered nationwide media coverage and immediate recriminations against the unrepentant Police Commissioner Gregor Sambor and the guilt-racked Mayor W. Wilson Goode, which quickly led to the creation of a special commission to investigate the nature and causes of the day's events. It was difficult to fathom why the city had moved so violently and destructively against a small religious community, even grating that

¹ Richard Kent Evans, *MOVE: An American Religion*, (New York: Oxford University Press, 2020), 1-4. Timothy Lombardo, *Blue-Collar Conservatism: Frank Rizzo's Philadelphia and Populist Politics* (Philadelphia: University of Pennsylvania Press, 2018), 217-218.

MOVE had long had a tense, often antagonistic, relationship with its neighbors and with city government.

There is no one answer to this question, but the disaster would have been much less likely, if not impossible, without a significant trend that came to shape American cities in the decades following World War II: the increasing functional and political autonomy of city police departments from municipal government. In the case of the MOVE Bombing, Mayor Goode infamously ceded direct supervision of the May 1985 operation to the police commissioner, washing his hands of whatever the day might bring.² While this may have been a cynical maneuver to distance the mayor from the virtual certainty of police violence that day, it was also just the latest in a long series of concessions to the thousands of city police officers who had spent decades fighting for administrative autonomy from city hall, and for the independent political power to protect that autonomy.

That fight, in turn, had been championed by the city's police union, Lodge No. 5 of the Fraternal Order of Police (FOP). Since the 1950s, the FOP had fought tooth and nail for maximum autonomy from city hall and sometimes even from their commanders. They were thus vocal opponents of liberal reforms that aimed to turn the PPD into a professional, impartial law enforcement agency robustly accountable to the *entire* public, not just propertied or white Philadelphians. True professionalism, FOP leaders argued, meant that police, not civilians, knew best how and whom to police, and that virtually any reform compromised the ability of police to maintain safety and order. As African-Americans and other marginalized Philadelphians fought to claim greater authority over and protection from police, police unionists vilified them as

² *Ibid.*, 325.

dangerous, criminal outsiders and rejected civilian review and other forms of accountability as illegitimate meddling from illegitimate citizens.

The MOVE bombing was perhaps the most outrageous and grisly single outcome of this effort, in which police unions had continually won administrative, legal, and political victories that brought their vision to life. The bombing was an operation fueled by a racist campaign of hatred and retribution against MOVE that FOP leaders sustained even when the top brass of the police department did not. It relied solely on the police judgment of MOVE as civic outsiders and enemies who needed to be crushed, crowding out the judgment of grassroots activists and civilian agencies like the city's Commission on Human Relations who sought a peaceful solution to MOVE's conflicts with its neighbors and the city. And it highlighted the power of the union in the aftermath of the bombing, as the FOP sued, albeit unsuccessfully, to nix the investigative commission, provided legal support to its members who did not cooperate with the commission, and worked tirelessly to block police reforms the city tried to implement afterwards. It was a testament to the incredible power that police unionists had won over the preceding decades that even in the wake of such a shocking and murderous event, substantive reform and redress was limited and hard to come by. It was not always so: in the first half of the twentieth century, police unions were rare, marginal, and weak. By the 1980s, they had won enough power to withstand the political blowback from one of the worst cases of police violence of the century.

This dissertation asks why and how police unionists organized and rose from a place of political marginality in the first half of the twentieth century to achieve unprecedented workplace and political power in the second half. While today police unions are widely acknowledged today to wield tremendous power and influence, historians and other scholars have devoted little space to understanding the history of these organizations and movements and their place in

politics, state-building, and the labor movement. I argue that the overwhelmingly white and male corps of police unionists both fed and rode the wave of law-and-order politics that swelled from the 1950s onward, forming the vanguard of a political movement that not only blocked or neutralized professionalizing reforms but also beat back the emancipatory projects of the postwar Black freedom movement. Combining aggressive public relations and legal strategies with the threat of a police strike, police unionists won legal recognition and negotiated contracts; lobbied for tough-on-crime legislation in their cities and states; campaigned for law-and-order politicians, prosecutors, and judges; and occasionally ran for office themselves. By the 1980s, police unionists had succeeded in vastly expanding the scope and scale of police authority on the streets and in making themselves indispensable allies (or fearsome enemies) in city politics.

Police unions' success in building this power fundamentally reshaped not only police practices and politics but also the terms of American citizenship. The broad discretion and authority of American police officers came under increasing pressure in the 1940s, '50s, and '60s from civil rights and Black power organizers who identified city police as a buttress of white supremacy. Police unionists viewed both moderate and radical tendencies within the Black freedom struggle as equally threatening attacks on the status quo, and no less damaging than the harms perpetrated by that other figure who lay outside the bounds of citizenship: the criminal. Officers increasingly saw themselves as the guarantors of citizenship in the United States, responsible for defending the white, propertied Americans at the heart of the civic order from a nebulous threat of "crime" that encompassed everything from the pettiest of offenses to the Black liberation struggle. They used this framing to make the case for the institutionalization and empowerment of their unions, as the vehicles that secured and protected the essential labor of maintaining civic order from the many forces that threatened it.

This dissertation expands our understanding of the growing power of city police in the twentieth-century United States by providing the first dedicated history of the police union movement. While the past ten years of scholarship on the carceral state, with a few exceptions, have often treated the police department as a unitary political subject, this dissertation focuses on division and conflict *within* the department shows how such conflicts critically shaped the fates of projects to professionalize, integrate, and otherwise reform police departments in the decades following World War II. It unpacks the inner workings of the institution itself, identifying the frictions, antagonisms, and conflicts that critically shaped institution-building, police practice, policy, and law.

The Labor of Law and Order also shows how police organizing not only affected police administration and policy narrowly understood, but also redefined the terms and reshaped the course of urban politics more broadly. As blue-collar, white-ethnic conservatives opposed to both racial-liberal reform and business-conservative austerity, police unionists fought and largely defeated liberal police reform in local governments and organized to elect mayors, city councilors, prosecutors, and judges who met social concerns with punitive and racist “tough-on-crime” policies. Their unionism was never limited to the workplace but rather always political, given their understanding of the political function of policing itself. Police unionists found political intervention and the cultivation of political alliances essential to reproducing the police project as they understood it.

Finally, this dissertation contributes to recent discussions in labor history on the continued significance of unions and worker politics after the decline of the labor movement of the New Deal Order. Police unions offer one of the most dramatic examples of rank-and-file workers building durable workplace and political power against the backdrop of broader labor

movement decline after 1970. But police unionism was not merely an outlier that bucked the trend of decaying worker power. Rather, it helped build a new form of worker power that partly constituted the political order that was constructed amidst the ruins of the New Deal Order. Just as auto and steel workers in the 1930s and 1940s leveraged their labor power to bring about key elements of the New Deal state, it was precisely through slow-downs, strikes, and political lobbying that police unionists helped usher in the era of law-and-order politics and mass incarceration. This history aims to illuminate the course that led to the powerful police union movement and the new political order of today's United States.

What is Police Work?

Workers of any kind have a day-to-day relationship to the work they do—a familiarity with the tasks that fill their hours, a set of knowledge and skills required to complete them, a sense of pride or revulsion or indifference to their jobs—that informs the attitudes and visions they bring to organizing and unionism. Any discussion of police unionism must attend closely to the nature of police *work*—work whose nature is shrouded in public perception by veils of vagueness, euphemism, misunderstanding, and outright deception.

Just as today, in the postwar years, police officers themselves most commonly portrayed their role as straightforward: to protect the innocent and law-abiding from criminal threats. “The police officers in this country,” a Massachusetts police union president wrote to a Senate subcommittee in 1970, “are the thin blue line of defense which protects good law-abiding citizens from death, injury, and robbery.”³ This is a simple, Manichaeon vision of society, in

³ *Assaults on Law Enforcement Officers: Hearings before the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws, of the Committee on the Judiciary, United States Senate, 91st Cong. 491 (1970)* (statement of Philip Connors). The term “thin blue line” is a twist on the “thin red line,” a military reference to a red-dressed Scottish regiment that held off a Russian attack on a British base in 1854 during the Crimean War. The term “thin blue line” thus figured the police as a domestic military or “semi-military” force holding internal enemies at bay. Examples can be found very early in the twentieth century: the New York Police Department referred to itself as a “thin blue line” in its 1920 annual report (New York Police Department, “Annual

which there are just two transparent categories of people: wrongdoers and rule-followers. The harms perpetuated by the former—most often referenced as murder, rape, assault, burglary, and so forth—are readily classified as “crimes,” which are best deterred and punished by the harsh, unyielding response of law enforcement, courts, and prisons. No critical scrutiny or theoretical apparatus is required to identify crimes and criminals, nor need anyone second-guess the necessity, appropriateness, or success of “tough-on-crime” measures in excluding the “criminal” from the realm of the law-abiding. In this world, police typically see themselves as the “thin blue line” between order and chaos, the first line of defense against criminal threats.

Over the same period—indeed, ever since modern police departments were instituted in the nineteenth century—a body of critical counter-narratives have challenged the thin-blue-line account. Advanced by those on whom police violence falls the hardest—the poor and working class, those suffering from homelessness or addiction, African Americans, queer and trans people, and non-citizens—these counter-narratives insist that dividing the world into the law-abiding and the criminal is not so easily done, and that “law and order” is less about stamping out obvious harms and more about protecting the dominant social hierarchy from threats that would restructure or topple it. They recognize police departments as institutions constructed to break strikes, segregate cities, and suppress political dissent. The chronically unemployed factory worker stealing food, the Black family beginning to integrate a white neighborhood, and the homeless person looking for a place to sleep see the police officer less often as a guarantor of their safety and more as the perpetrator of harms against them—harms intended to stymie their

Report,” 1920, 32, https://www.google.com/books/edition/Annual_Report/BaUXAAAAYAAJ, accessed July 28, 2021). The term became increasingly popular in the second half of the twentieth century, presumably because of the increasing adoption of blue as the color of police and military analogies of policing by departments across the United States. See Meagan Day, “The problem with the thin blue line? Cops aren’t the army,” *Timeline*, July 14, 2016, https://web.archive.org/web/20170524164343if_/https://timeline.com/police-thin-blue-line-efb34a45c28a.

search, whether mundane or grand, for security, dignity, and self-determination. They conclude that if police truly try to protect life, property, and order, then the lives, property, and security of the already-privileged weigh much more heavily in the balance than those of the marginalized and excluded. This view has found expression in countless political formations, from labor leaders and anarchists in the nineteenth century to the Black Panther Party in the 1960s and 1970s, through to the police abolition movement of today.⁴ These counter-narratives have found further expression in recent social science scholarship on policing, perhaps most famously Alex Vitale's *The End of Policing*. There is also a growing critical historiography on crime and policing that deconstructs the thin-blue-line narrative by presenting all the historical evidence that contradicts it. Projects like Rudi Batzell's *Reconstructing Global Capitalism* and Lisa McGirr's *The War on Alcohol* show how police have long controlled working-class life through strikebreaking and morals enforcement. Works like Adam Malka's *The Men of Mobtown* and Khalil Muhammad's *The Condemnation of Blackness*, as well as Christopher Clements' forthcoming *Akwesasne* show how criminal law and policing became important instruments of social control upholding white supremacy. And Micol Seigel, Eric Schneider, Christopher Agee, and Themis Chronopoulos have characterized policing as "violence work" or "dirty work." They emphasize policing as the practice, both tied to and exceeding the letter of the law, that violently upholds racial hierarchies or capitalist social relations.⁵

⁴ For examples, see Pierre-Joseph Proudhon, "The Federative Principle, and the Need to Reconstitute the Party of Revolution" (1863), <https://theanarchistlibrary.org/library/pierre-joseph-proudhon-the-principle-of-federation>, accessed November 24, 2020; Safyia Bukhari-Alston, "Notes on the Black Panther Party – It's Basic Working Papers and Policy Statements," 1971, Safiya Bukhari Collection, Freedom Archives, San Francisco, California, https://search.freedomarchives.org/search.php?view_collection=105, accessed November 24, 2020; and Mariame Kaba, "Yes, We Literally Mean Abolish the Police," *New York Times*, June 12, 2020, SR-2.

⁵ Alex Vitale, *The End of Policing* (Brooklyn, NY: Verso, 2017). Rudi Batzell, *Reconstructing Global Capitalism: Class, Corporations, and the Rise of Welfare States, 1870-1930* (forthcoming). Lisa McGirr, *The War on Alcohol: Prohibition and the Rise of the American State* (New York: Norton, 2016). Adam Malka, *The Men of Mobtown: Policing Baltimore in the Age of Slavery and Emancipation* (Chapel Hill: University of North Carolina Press, 2018).

This dissertation embraces this scholarship’s critical understanding of police work while deepening its theoretical foundations and revealing a truth obliquely indicated by the thin-blue-line narrative. On the one hand, characterizing police work as “violence work” or “dirty work” highlights the “how” of police work—the licit use of violence—without fully plumbing the “what” or the “why” of it—the goal of such violence, and the reasons it is employed. Accounting for the social hierarchies that police work defends brings us closer to the “what” and the “why,” but not close enough. It leaves unexplained what these hierarchies have in common and what brings their defense under the purview of policing. To close this gap, this dissertation argues that we must counterintuitively return to the thin-blue-line narrative to explain what underlies and unites the many particular tactics, tasks, and aims of police work.

It contends that we must take that narrative seriously if not literally. Police may not be the line that simply protects the harmed from the harmful, but they do protect those with the strongest claims to citizenship and leave unprotected those with the weakest. The unity that underlies all police work is the defense of citizenship, or the civic order, from those deemed to lie outside it. Historically, Americans with the greatest political power and civic standing have constructed the thin blue line to manage and exclude those with the least. The thin blue line ringfences those who try to integrate into or dismantle the status quo and those whose mere unsecured existence threatens established hierarchies. The line helps label these people as dangerous, threatening—indeed, criminal. The thin blue line is real, but it does not separate order from chaos. It rather marks off the realm of citizenship and all its attendant privileges—political

Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge: Harvard University Press, 2010). Christopher Clements, *Akwesasne: Settler Colonialism and Everyday Life on the Northern Border* (forthcoming). Micol Seigel, *Violence Work: State Power and the Limits of Police* (Durham: Duke University Press, 2018). Eric C. Schneider, Christopher Agee, and Themis Chronopoulos, “Dirty Work: Police and Community Relations and the Limits of Liberalism in Postwar Philadelphia,” *Journal of Urban History* 46, no. 5 (September 2020): 961-979.

power, legal standing, and cultural voice and credibility—from those who have little to no civic status whatsoever. Indeed, the work of policing is the work of *producing* the civic order. Every time a police officer chooses whether to accost someone or to leave them alone, to treat them with caution and respect or force and violence, to arrest or charge them, to read them their Miranda rights or not, to testify against them in court or not, they make concrete that person’s status as a citizen or lack thereof. Thus, conflicts over the nature and terms of police work always raise simultaneous questions over the scope of citizenship and the distribution of status and power in society.

Police Unions and the Carceral State

The growth of mass incarceration in the final decades of the 20th century led scholars to explore the roots and the development of this boom in policing, imprisonment, and surveillance. That the number of incarcerated Americans increased by 700% to 2.3 million between 1970 and 2020, that the U.S. houses 25% of the world’s prisoners with only 5% of the world’s population, that one in three Black boys born today is estimated to go to prison in his lifetime—this staggering expansion of carceral capacity with a distinctly racist bent demanded explanation.⁶

In the first decade of the 2000s geographers and historians focused on the origins of the prison boom. Ruth Wilson Gilmore’s 2007 monograph *Golden Gulag* offered a grand theory of mass incarceration not as a simple response to rising crime, but rather as a solution to concurrent crises of “surplus” in the 1970s: surpluses of labor, land, finance capital, and state capacity

⁶ American Civil Liberties Union, “Mass Incarceration,” <https://www.aclu.org/issues/smart-justice/mass-incarceration>, accessed November 13, 2020.

produced in the twilight years of the New Deal Order.⁷ Three years later, historian Heather Ann Thompson published “Why Mass Incarceration Matters,” encouraging historians to delve into the phenomenon as a way of deepening the historiographies of urban crisis, the labor movement, and party realignment, among others.⁸ This call was boosted in 2010 by legal scholar Michelle Alexander’s *The New Jim Crow*, which characterized mass incarceration as a new racist system of social control that succeeded Jim Crow.⁹ All of these works rendered mass incarceration as something more than a straightforward and logical response to crime, and they contended that research into the phenomenon was critical to understanding the many crises of the 1960s and ‘70s and how their outcomes durably shaped American social and political life .

These three works inaugurated a decade of scholarship on the history of the American prison system both before and during the era of mass incarceration.¹⁰ But until recently, this scholarship has attended much less to the policing that forms the entry point of the American

⁷ Ruth Wilson Gilmore, “Globalization and U.S. Prison Growth: From Military Keynesianism to Post-Keynesian Militarism,” *Race & Class* 40, no. 2/3 (1998/99): 171-188. Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007).

⁸ Heather Ann Thompson, "Why Mass Incarceration Matters: Rethinking Crisis, Decline, and Transformation in Postwar American History," *Journal of American History* 97, no. 3 (Dec. 2010): 703-734

⁹ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2010).

¹⁰ Among many others, highlights include: Tera Agyepong, *The Criminalization of Black Children: Race, Gender, and Delinquency in Chicago’s Juvenile Justice System, 1899–1945* (Chapel Hill: University of North Carolina Press, 2018); Dan Berger, *Captive Nation: Black Prison Organizing in the Civil Rights Era* (Chapel Hill: University of North Carolina Press, 2014); Roxane Dunbar-Ortiz, *Loaded: A Disarming History of the Second Amendment* (San Francisco: City Lights Books, 2018); Garrett Felber, *Those Who Know Don’t Say: The Nation of Islam, the Black Freedom Movement, and the Carceral State* (Chapel Hill: University of North Carolina Press, 2020); Michael Javen Fortner, *Black Silent Majority: The Rockefeller Drug Laws and the Politics of Punishment* (Cambridge: Harvard University Press, 2015); Kelly Lytle Hernández, *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771-1965* (Chapel Hill: University of North Carolina Press, 2017); Naomi Murakawa, *The First Civil Right: How Liberals Built Prison America* (New York: Oxford University Press, 2014); Donna Murch, *Living for the City: Migration, Education, and the Rise of the Black Panther Party in Oakland, California* (Chapel Hill: University of North Carolina Press, 2010); Carl Suddler, *Presumed Criminal: Black Youth and the Justice System in Postwar New York* (New York: New York University Press, 2019); Heather Ann Thompson, *Blood in the Water: the Attica Prison Uprising of 1971 and Its Legacy* (New York: Pantheon Books, 2016).

carceral system than on the prisons at the heart of it. There were exceptions to this trend—Elizabeth Hinton’s *From the War on Poverty to the War on Crime* addressed the development of federal programs to fund and professionalize police; Julilly Kohler-Hausmann’s *Getting Tough* showed how police surveillance was used to regulate access to welfare benefits as such programs became more restrictive from the 1970s onward. Christopher Agee’s *The Streets of San Francisco* was one of the earliest recent histories to focus on police departments and policing as an object of analysis.¹¹ For decades prior, police history was a marginal subfield with little connection to the main currents of U.S. historiography. In his 1982 police history review article, Eric Monkkonen warned that much of this history “has been neither critical nor very deep,” and that more synthetic work “locat[ing police]...within the context of urban institutions” was necessary “to steer the topic away from becoming a narrow specialization unrelated to broader problems in U.S. history.”¹² Little had changed until the 2010s, especially until the cascade of works published in 2018 and 2019 exploring the relationships among policing, empire, capitalism, white supremacy, and social control.¹³

¹¹ Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge, MA: Harvard University Press, 2016). Julilly Kohler-Hausmann, *Getting Tough: Welfare and Imprisonment in 1970s America* (Princeton, NJ: Princeton University Press, 2017). Christopher Lowen Agee, *The Streets of San Francisco: Policing and the Creation of Cosmopolitan Liberal Politics, 1950-1972* (Chicago: University of Chicago Press, 2014). This list could also include Kelly Lytle Hernández, *Migra!: A History of the U.S. Border Patrol* (Oakland: University of California Press, 2010) and Timothy Stewart-Winter, “Queer law and order: sex, criminality, and policing in the late twentieth-century United States,” *Journal of American History* 102, no. 1 (2015): 61-72.

¹² E. H. Monkkonen, “From Cop History to Social History: The Significance of the Police in American History,” *Journal of Social History* 15, no. 4 (June 1, 1982): 575.

¹³ Simon Balto, *Occupied Territory: Policing Black Chicago from Red Summer to Black Power* (Chapel Hill: University of North Carolina Press, 2019). Max Felker-Kantor, *Policing Los Angeles: Race, Resistance, and the Rise of the LAPD* (Chapel Hill: University of North Carolina Press, 2018). Anne Gray Fischer, “‘The place is gone!’: Policing Black Women to Redevelop Downtown Boston,” *Journal of Social History* 53, no. 1 (2019): 7-26. Marisol LeBrón, *Policing Life and Death: Race, Violence, and Resistance in Puerto Rico* (Berkeley: University of California Press, 2019). Seigel, *Violence Work*. Stuart Schrader, *Badges Without Borders: How Global Counterinsurgency Transformed American Policing* (Berkeley: University of California Press, 2019).

The Labor of Law and Order builds on this flourishing scholarship by attending to conflicts *within* police departments and showing how these conflicts and the police union organizing they spurred played a critical role in resolving political disputes over crime, policing, and police reform in the decades following World War II. Institution-building and police practices did not take place in frictionless, functionalist ways but were the very product of conflicts that unfolded within departments. I am indebted to the few studies that attend closely to these internal dynamics, especially Agee's *The Streets of San Francisco* and Alex Elkins' dissertation project "Battle of the Corner."¹⁴ Both works capture a key moment in the history of police unionism, but by locating its origins in the 1960s, they miss earlier parts of the story that laid the groundwork for these developments. I build on these histories by placing questions of police labor, unionism, and worker politics at the heart of my inquiry showing and expanding the temporal scope of my investigation. Police labor consciousness and organizing preceded the 1960s by half a century, but these efforts met with widespread resistance and only began to succeed in the 1950s when police reforms introduced stricter management models in city and state police agencies nationwide, and when police organizers could draw inspiration and legitimacy from the wider boom in public-sector union organizing. I also trace the story of police unionism beyond the turning points of the '60s, showing how police unionists fended off legal and political challengers during the 1970s and '80s to deepen and entrench their power in city police departments and governments.

¹⁴ Agee, *The Streets of San Francisco*. Alexander B. Elkins, "Battle of the Corner: Urban Policing and Rioting in the United States, 1943-1971," (Ph.D. dissertation, Temple University, 2017), <http://search.proquest.com.ezp-prod1.hul.harvard.edu/docview/2014019959?accountid=11311>.

Police Unions and Urban History

Police unionism revolutionized the administration and practice of policing, but it also played a broader role in city politics and municipal statebuilding. This dissertation intervenes in a set of vibrant debates at the intersection of carceral history and urban history that recognizes that crime, policing, and the maintenance of order were always linked to other social, economic, and political issues in American cities. The worldviews, programs, and power dynamics that animated policing in modern cities always aimed to use it to purposefully shape urban life. And the rise of police unionism in particular was linked to two major, interlinked shifts that transformed American cities in the twentieth century: the Great Migration and the decline of the old political machines that dominated urban politics since the nineteenth century.

The historical literature on policing has long recognized the role police played in the social control of dynamic and growing urban populations in the United States. The modern police forces that first emerged in the antebellum period and during Reconstruction were not, as traditional Peelite histories would have it, simply the product of neutral, professionalizing forces aiming to better prevent and punish crime.¹⁵ They developed to surveil and discipline growing working-class urban populations fed both by European and Asian immigration and by the mass emancipation of formerly enslaved people after the Civil War. From the antebellum period well into the early twentieth century, police conducted industrial espionage against union organizers, broke strikes, and took advantage of the growing criminalization of alcohol, drugs, and immigration to violently disrupt working-class culture, social life, and the political party machines often linked to them. From the outset, middle- and upper-class city dwellers relied on

¹⁵ Sir Robert Peel, a two-time prime minister of Great Britain in the first half of the nineteenth century, founded London's Metropolitan Police. Many police professionalizers' accounts of police history located the genesis of the institution itself with Peel, emphasizing his "professional" innovations over the older night watch system: uniforms, ranks, a chain of command, and so forth. Seigel, *Violence Work*, 5. Malka, *The Men of Mobtown*, 37.

police to protect their property and to ensure that the autonomy of working-class people did not disrupt their privileged place in urban society and politics.¹⁶

As the social antagonisms that structured American cities changed in the first half of the twentieth century, so too changed the role of police. During World War I, African Americans increasingly began migrating from the rural South to urban areas nationwide, especially to the Northeast, Midwest, and West Coast, fleeing oppressive Jim Crow institutions and hoping to find good manufacturing jobs. While the police role in regulating labor and working-class life remained central well into the middle of the century, white city dwellers anxious that the influx of Black residents would bring crime, challenge segregation, and disrupt their own political power increasingly called on the police to surveil and discipline Black residents. This was not an entirely new mission for police, but from the 1920s to the present day it became an increasingly central – indeed, primary – one. New uses of statistical methods in race science helped legitimize focusing on Black residents as the drivers of urban crime, as the members and descendants of the immigrant working class integrated into the structures of whiteness. And influential white citizens, policymakers, and law enforcement increasingly located the social problems policing should solve in Black neighborhoods and Black institutions.¹⁷

¹⁶ Sven Beckert, *The Monied Metropolis: New York City and the Consolidation of the American Bourgeoisie, 1850-1896* (Cambridge: Cambridge University Press, 2003). Robert M. Fogelson, *Big-City Police* (Cambridge: Harvard University Press, 1977). Sidney L. Harring, *Policing a Class Society: The Experience of American Cities, 1862-1915* (New Brunswick: Rutgers University Press, 1983). Malka, *The Men of Mobtown*. McGirr, *The War on Alcohol*.

¹⁷ W. E. B. Du Bois, *The Philadelphia Negro: A Social Study* (Philadelphia: University of Pennsylvania Press, 1899). John Higham, *Strangers in the Land: Patterns of American Nativism, 1860-1925* (New York: Atheneum, 1963). Erika Lee, *The Making of Asian America: A History* (New York: Simon & Schuster, 2015). Muhammad, *The Condemnation of Blackness*. Murch, *Living for the City*, 38, 42, 131-132. One recent economic study found an independent positive association between the extent of Black population increases in American cities during the Great Migration and local government expenditures on policing (both per capita and as a share of the total budget), as well as between such increases and local government staffing of police agencies as a share of the city population. See Ellora Derenoncourt, “Can you move to opportunity? Evidence from the Great Migration,” 38, 40, 115 (working paper, December 31, 2019, https://www.dropbox.com/s/134h2avpjomylr/derenoncourt_2019.pdf).

However, police agencies were not merely the willing instruments of white public opinion in this period, but rather active agents shaping these developments. They were also sites of internal contestation. This dissertation shows that rank-and-file police mobilizations and the militant unions they produced led the charge against reform commissioners, inspectors, and captains after World War II. They viewed with suspicion any reform intended to augment fairness, transparency, and accountability in policing, seeing them undermining the central police role of surveilling and disciplining cities' Black populations. They were conscious and protective of the racist origins and functions of police departments and hostile to the Black freedom activists and their allies in city government who sought to transform police into equitable, race-neutral law enforcement bodies for all citizens.

These mobilizations were also prompted by another wave that crested in the mid-twentieth century: the dismantling of the political machines that had long dominated the governments of many Northern cities. While party machines offered a form of representation, albeit rather restrictive and coercive, to white ethnic voters, they were utterly uninterested in engaging with Black voters, and were in tension with a bloc of white businessmen and professionals who judged the machines corrupt and unlawful abominations preventing clean, transparent, accountable government. These reformers spent decades trying to weaken the machines through political and administrative reforms, scoring key victories in the Progressive Era, and by the Post-World War II period, hobbling or destroying the old machines altogether.¹⁸

Anti-machine reforms remade city government at almost every level. A number of critical efforts aimed to separate police departments from machine influence, weakening the

¹⁸ Fogelson, *Big City Police*. For the case of Philadelphia, central to this dissertation, see Countryman, *Up South*, 15-47.

power of captains and centralizing departmental administration under democratically elected mayors and the police commissioners they appointed. These processes also accelerated the rise of police organizing and unionism. Reform mayors and commissioners centralized and strengthened managerial oversight in police departments not only to roll back racist police abuse, but also to try to fight police corruption and to make police accountable to elected officials rather than unelected machine bosses. While rank-and-file officers were not especially empowered by the old machine structure, anti-machine reforms removed the legibility and predictability of the machine world, stripping officers from their precinct and party patrons and replacing them with powerful manager-mayors and –commanders, new bosses willing to investigate, discipline, and fire officers for hitherto accepted practices of corruption and abuse. Even when these actions had nothing to do with civil rights reforms, officers often experienced them as unjust overreach and sought to curtail them by building police union power.¹⁹

By the late 1960s and early 1970s, the police union political project appeared quite successful. Police had not only negotiated contracts that boosted their protections and autonomy on the job, they had also made themselves a visible and influential lobby in local politics. Playing on white voters’ fears of the Black freedom struggle, the urban uprisings of the 1960s, and some mix of actual and perceived rising crime, police unionists criticized racial liberals’ support for greater civic inclusion, occupation and residential integration, and multiracial social welfarism. Instead, they promoted tough-on-crime politicians, judges, and prosecutors who responded to these new social developments with punitive policies. Such moves garnered the support of white business owners and blue-collar homeowners, worried that these social upheavals threatened their communities and privileges.

¹⁹ Fogelson, *Big City Police*.

Police unionists seemed on track to continue this political project unobstructed until the fiscal crises of the 1970s struck. As tax revenues continued to shrink and municipal debt came due in the middle of the decade, city support for public-sector workers of all kinds withered. Even the political power police unions had built over the previous decade could not always protect their members from the cost-cutting logic of austerity. The 1970s were not the 2010s, when the Governor of Wisconsin would exempt police and fire unions from right-to-work labor law reforms that weakened unions' ability to bargain for pay and benefit increases. The police budget was often on the chopping block alongside other departments'. But the legal victories and contracts police had won did sometimes allow them to blunt the effects of austerity and weather it better than other city workers. Indeed, at times police unionists turned austerity to their advantage. When in the 1970s civil rights and Black Power organizing increasingly succeeded in electing Black mayors and city councilors, their ability to enact liberatory social and political programs was often heavily constrained by tight budgets. Under these circumstances, police unionists often had great leverage to pressure these officials to prioritize increased funding and support for law enforcement measures, not least because growing concerns about crime and community harm weighed at least as heavily on Black neighborhoods as on white ones. These pressures helped forestall the implementation of new inclusive civil rights reforms or decolonial Black Power programs that police unionists feared Black politicians would bring.

Police Unions and Labor

Finally, *The Labor of Law and Order* intervenes in debates in labor history and links them to the central concerns of urban and political history. Evidently, police unions were and are labor unions. But as importantly, the exercise of their labor power and the power to strike allowed police unionists to reconfigure the political order of American cities in the late twentieth

century. It is impossible to understand police unions as a special interest lobby or a strategic political actor without grasping how officers' experiences of, and investment in their work shaped the interests and goals of their unions. This argument cuts against the grain of a dominant narrative in labor historiography, namely, that the economic, political, and cultural significance of unions in the United States has steadily declined since the early 1970s. Jefferson Cowie's 2010 *Stayin' Alive* exemplifies this tendency, positing the declining power and significance not only of organized labor but also of a certain kind of working-class identity as a given and a problem to be explained. Cowie attributes the decline to flat-footed, bigoted movement leaders both unwilling and unable to meet the triple challenge of reascent business conservatism, 1970s stagflation, and "cultural" political movements like feminism and Black liberation struggle.²⁰

While the labor movement of the New Deal Era had entered into decline by the 1970s, this framing fails to capture the ways labor struggles, working-class politics, and sometimes even trade unionism *per se* continued to shape American politics and political economy after the 1960s. As Lane Windham has shown in *Knocking on Labor's Door*, the number of workers organizing in the 1970s to form unions through National Labor Relations Board (NLRB) elections virtually matched the numbers of the 1950s and 1960s. Union membership and union density decline in this period not for any lack of interest from workers and unions, but rather because employers won new forms of economic and political power that made it much more difficult for workers to win those elections and form unions.²¹ Indeed, those new forms of power were often management and legal innovations spurred by and designed to crush workers' very

²⁰ Jefferson Cowie, *Stayin' Alive: The 1970s and the Last Days of the Working Class* (New York: New Press, 2010).

²¹ Lane Windham, *Knocking on Labor's Door: Union Organizing in the 1970s and the Roots of a New Economic Divide* (Chapel Hill: University of North Carolina Press, 2017), 1-12.

organizing. Coming under profit-squeezing global competition, American firms grew more and more anxious to crush the power of labor unions in part because of the expensive fringe benefit packages unions negotiated for their members. Breaking the back of organized labor was one of American employers' top strategies in cutting compensation costs to remain competitive and maintain profits. They did this not only by making it difficult to organize unions through intimidation, threats, and firings, but also by shifting increasingly to short-term, contracted, and off-shored labor. The continued potency of labor organizing in this decade thus led to the restructuring of both domestic and global markets and management practices.²²

Labor historians of government employees have also made similar arguments over the past decade, showing how public-sector worker organizing resonated outward into the political realm. Historians Joseph McCartin and Joseph Hower have shown how public-sector labor actions helped spur anti-public-sector union sentiment among both Republicans and Democratic mayors trying to balance budgets and attract investment, especially amidst white flight, deindustrialization, shrinking revenues, and fiscal crisis in the 1970s. That these Democratic politicians were also the upper management of city government created financial and political incentives that contributed to the Democratic shift away from pro-labor politics, and toward anti-welfare state and pro-tax revolt politics, all of which rested on a view of public-sector workers as

²² *Ibid.*, 8-9.

lazy, inefficient, and parasitic.²³ McCartin emphasizes that a focus on the declension narrative makes it harder to see the significance of these continued labor struggles.²⁴

This dissertation sees police unionism, by contrast, as a story of remarkable success in which police unionists both won new power on the job and leveraged it to help constitute a new political order. Their success is evident in a number of ways. Police union density, though difficult to measure, has clearly grown several times over since the police organizing boom of the late 1960s. From the early 1970s to 2017, even as the total number of sworn law enforcement personnel in the country doubled from 400,000 to 800,000, police union density rose from more than 10% to somewhere between 40% and 80%.²⁵ In 2020, median patrol officer pay exceeded the U.S. mean individual annual income of about \$50,000 by tens of thousands of dollars, with such mean incomes reaching \$70,000 in Pennsylvania, over \$80,000 in New York and Illinois,

²³ Joseph A. McCartin, "Bringing the State's Workers in: Time to Rectify an Imbalanced U.S. Labor Historiography," *Labor History* 47, no. 1 (Feb. 2006): 73-94. McCartin, "A Wagner Act for Public Employees': Labor's Deferred Dream and the Rise of Conservatism, 1970-1976," *Journal of American History*, vol. 95, no. 1 (Jun., 2008): 123-148. McCartin, "Turnabout Years: Public Sector Unionism and the Fiscal Crisis," in Bruce J. Schulman and Julian E. Zelizer (eds.), *Rightward Bound: Making America Conservative in the 1970s* (Cambridge, MA: Harvard University Press, 2008), 210-226. Joseph E. Hower, "'The Sparrows and the Horses': Daniel Patrick Moynihan, the Family Assistance Plan, and the Liberal Critique of Government Workers, 1955-1977," *Journal of Policy History* 28, no. 2 (2016): 256-289.

²⁴ McCartin, "Bringing the State's Workers In," 77, 83-84.

²⁵ Donald Baker, "Blue Power: Police Unions On Way," *Washington Post*, October 8, 1973, A10. Bill Richards and Fred Barbash, "Striking Baltimore Police Adopt Tactics of Militants," *Washington Post*, July 14, 1974, B1. U.S. Bureau of Labor Statistics, "Union Members Summary – 2020," January 22, 2020, <https://www.bls.gov/news.release/pdf/union2.pdf>, accessed October 6, 2020. Ron DeLord and Ron York, *Law Enforcement, Police Unions, and the Future: Educating Police Management and Unions About the Challenges Ahead* (Springfield, IL: Charles C. Thomas Publisher, 2017), 11. All available measures of police union density are rough estimates given the absence of a central, comprehensive database of law enforcement union density. The sources I cite all refer to "sworn officers" without defining who this includes—municipal police, county sheriffs, correctional officers, customs and border patrol agents, and so forth. Moreover, they seem to measure membership in a police union or association regardless of whether a given organization is the recognized collective bargaining agent of its members or has secured a collective bargaining agreement. The BLS union membership report for 2019, however, notes that in the public sector, union density was "highest in local government (39.4 percent), which employs many workers in heavily unionized occupations, such as police officers, firefighters, and teachers." The report does not specify density within these subcategories, but if we assume that city police union membership rates at least match those of local government overall, we can set 40% as the floor for contemporary police union density.

and over \$100,000 in California.²⁶ Many police unions have also famously negotiated robust “due process” protections into their contracts that protect them in the event of investigations, discipline, or dismissal, often to the point of mitigating or altogether undermining accountability in the event of officer misconduct or criminal behavior, including assaults and murders.²⁷ The ability to secure powerful contract provisions through collective bargaining is clearly central to the power of police unions, but their power also extends far beyond the negotiating table and the parameters of labor law. Police unions advocate lobby for legislation, both narrowly as it applies to police pay and working conditions and broadly for laws about criminalization and sentencing, or against programs that pursue public safety outside the bounds of policing. They campaign for and donate to politicians, prosecutors, and judges who support tough-on-crime political agendas, and occasionally police union leaders run for office themselves.²⁸

I also argue that police unions are unions both in substance and in name, rather than law enforcement lobby groups that have coopted the language and law of collective bargaining.²⁹ Understanding them as such is critical to explaining how they have evolved and why they exert such incredible influence in policing and politics. The earliest police associations, whether or not

²⁶ Andy Kiersz and Madison Hoff, “Here’s how much police officers make in every state,” *Business Insider*, June 4, 2020, <https://www.businessinsider.com/map-what-police-officers-make-in-every-state-2019-9>, accessed October 8, 2020. U.S Bureau of Labor Statistics, “Usual Weekly Earnings of Wage and Salary Workers, Second Quarter of 2020,” July 17, 2020, www.bls.gov/news.release/pdf/wkyeng.pdf, accessed October 7, 2020. The latter source found that in the period under study, the median weakly earnings for full-time wage and salary workers was \$1002, which in a 52-week year translates to \$52,104 in annual earnings.

²⁷ Stephen Rushin, “Police Union Contracts,” *Duke Law Journal* 66, no. 6 (March 2018): 1191-1266, i-xviii. Abdul Rad, “Police Institutions and Police Abuse: Evidence from the US,” (SSRN Scholarly Paper, Rochester, NY: Social Science Research Network, April 23, 2018), <https://doi.org/10.2139/ssrn.3246419>, accessed October 7, 2020.

²⁸ Stuart Schrader, “To Protect and Serve Themselves: Police in U.S. Politics since the 1960s,” *Public Culture* 31, no. 3 (September 2019): 601-623.

²⁹ For an exemplary case of this critique, see Eve L. Ewing, “Blue Bloods: America’s Brotherhood of Police Officers,” *Vanity Fair*, August 25, 2020, <https://www.vanityfair.com/culture/2020/08/americas-brotherhood-of-police-officers>, accessed November 25, 2020.

they called themselves unions, challenged their employers to improve their working conditions. Their leaders and members were conscious of being in a labor relationship with the city officials who employed them and sought to leverage their collective strength to favorably alter the terms of that relation. Similarly, the police unionists of the 1960s understood that police professionalization and accountability reforms were, in part, management reforms in police departments. They were in fact a sort of Taylorization, an effort to remove autonomy, discretion, and expert judgment from the realm of police officers to that of the civilians in the mayor's office. These shifts introduced new cleavages within police departments and between police departments and city hall, leaving many rank-and-file officers alienated from the goals and means of their reformer-managers. They felt they were "handcuffed" and treated as "second-class citizens" by reformers whom they understood to be effectively in league with criminals, subverting the proper order of things in which police protected civil society from law-breaking criminals.³⁰ Organizing police unions and building workplace and political power meant not just blocking or reversing the Taylorization of law enforcement, but doing so in order to protect their own vision of the role of police society as guardians of the civic status quo, shaped as it was by both white supremacy and capitalism.

Over the past 60 years, police unionists have leveraged their labor power in a highly visible and socially valued sector to redefine the terms of American politics. Just as the labor power of industrial unions in the private sector helped constitute the political order of the New Deal Era, as that configuration came under stress in the 1960s and '70s, police unions began exercising their labor power to constitute a new political order that grew up in the final decades

³⁰ For an example of this rhetoric, see Ken Hartnett, "Police Uniting for Power," *Atlanta Constitution*, October 27, 1969, 3B.

of the twentieth century. This new order was grounded in neoconservatism and law-and-order politics that stratified the rights and privileges of citizenship along lines of race and class and regulated those at the bottom of this hierarchy with increasingly punitive regulation through the carceral institutions of the state. Police unionists endorsed this vision of society and declared that their expertise and labor were essential to creating and sustaining it. And they missed no opportunity to warn that anything that compromised this labor, from transparency and accountability regulations to police slowdowns and strikes, would leave good, law-abiding citizens vulnerable to the forces of crime and chaos threatening to overrun civil society.

Structure of the Dissertation

The rise of the police union movement was a national phenomenon, but it did not unfold under any top-down plan or central organization. Police organizing and unionism rather grew in hundreds of separate cities and counties with their own police agencies and jurisdictions. They communicated with and learned from each other but still emerged from and responded to local ecosystems. This dissertation thus studies this national phenomenon from the point of view of one particularly important node in the network of police reform and resistance: the city of Philadelphia. Philadelphia was one of the cities that most decisively broke its pre-war political machine and implemented the sort of reforms that accelerated the rise of police unionism. Post-World War II civil rights organizing spread through Philadelphia earlier and more ambitiously than in most other Northern cities and was just as dramatically rebuffed with the election of former police commissioner Frank Rizzo as mayor in 1971. And Philadelphia experienced some of the most extreme and destructive consequences of union-fueled police autonomy when the

PPD bombed several of its own city blocks in 1985. Philadelphia thus serves as an excellent case study of the history of police unionism in Northern industrial cities.³¹

At the same time, Philadelphia functions as a useful launching point for examining this history at larger scales. Politicians and police around the country closely followed the unfolding of police politics in Philadelphia, whether as a laboratory, a bellwether, or a cautionary tale. Philadelphians, too, reached out and traveled to other parts of the country. Perhaps most importantly, from the mid-1960s to the mid-1970s Philadelphia Highway Patrol Sergeant John Harrington served as the president of both the local and national lodges of the Fraternal Order of Police, the second-largest national police union at the time. This dual office holding gave Harrington and other Philadelphia police unionists outsize influence in shaping police unionism and American politics across the United States. Harrington's dual presidencies constituted a vector that transmitted the particular histories and experiences of Philadelphia to the national stage, rapidly upgrading the scale of the police union movement and cementing its place in conservative politics rather than in the labor movement and the New Deal coalition.³²

³¹ Countryman, *Up South*. Lombardo, *Blue-Collar Conservatism*.

³² While centering Philadelphia in this story permits the narration of this history at both local and national scales, this approach, like any other, has its limits. In the second half of the twentieth century, police unions spread not only in the United States' old industrial core, but also in the South, the Southwest, and in the plains and mountain states west of the Mississippi River. They emerged under distinct social, economic, and political circumstances. While political debates in postwar Philadelphia were often organized around a Black-white racial binary (with little attention to the city's slowly growing population of Latino and Asian immigrants), Chicano, Indian, Asian, and Asian-American residents were a larger share of the population in these other regions and figured more heavily in debates and contests over police power locally. Even within the old industrial core, this history played out differently in the heavy-industrial boomtown of Detroit or the metropolis of New York differently than in Philadelphia. And across the United States, police organizing and unionism cropped up not only in city police departments but also among state police, county sheriffs, and the countless federal law enforcement agencies like the Border Patrol. While a history centered on Philadelphia helps us understand the national history of police organizing and political power, it cannot stand in for further study of this history. Further local and state studies and studies at the level of the federal government remain essential to grasping the full extent and impact of police worker power.

This dissertation also focuses on the forty or so years following the end of World War II as the formative years in the rise of police unions' workplace and political power. Their rise occurred in this period first because it was the zenith of the police professionalization movement and its push to dismantle police connections to corrupt political machines and organized crime and compel officers to serve the interests of the voting public. Professionalization achieved hegemonic status from city governments to presidential administrations in these decades.³³ Reformers did not, however, foresee that many police officers would see civil service reforms, civilian review, and new training and education requirements as disembedding them from communities they saw the heart of civil society, and binding them to a public that included, on their view, dubious citizens like African Americans. The dramatic scaling up of professionalization reforms thus proved a crucial spur to the growth of a police union movement, which concomitantly embraced the growing functional autonomy the reforms promoted while rejecting the strict public accountability that was supposed to accompany them.

Moreover, this postwar period featured a transition point in the social role of police in American industrial cities away from surveilling the labor movement and toward disciplining Black residents. This shift stemmed from the formalization and bureaucratization of labor law under the New Deal, from the growing assimilation of these many immigrants and their children to whiteness and American culture during the same period, and from white hostility to a growing population of African Americans in Northern industrial cities as the Great Migration progressed. white residents believed that these Black migrants brought with them a mounting social and

³³ Christopher Lowen Agee, "Crisis and Redemption: The History of American Police Reform since World War II," *Journal of Urban History* 46, no. 5 (September 2020): 951-960. On the upscaling and federalization of police reform, see Wes Antell, "Crimes of Youth: Juvenile Delinquency and the Carceral State in New York City, 1920-1978" (Ph.D. dissertation, Harvard University, 2020), <https://dash.harvard.edu/handle/1/37365720>, accessed November 25, 2020.

political threat and called on police to watch over and control them to contain it. Police unionists' ability to link their cause to this social mission, so widely supported by white Americans in large cities, was also critical to helping police unionists win legal rights, cultural legitimacy, and political power that simply wasn't possible to achieve in the earlier period.

Third, in this postwar period police departments and police union members and leaders remained overwhelmingly white and male. These identities and the experiences they entailed shaped officers' understandings of and approach to their police work, and consequently the policy and political programs they pursued as police unionists. Importantly, departments were not *uniformly* white and male—small numbers of women officers had filled specialized but limited roles since the early twentieth century, and Black officers – disproportionately lower-ranking – formed a small but significant minority on many police forces.³⁴ Nevertheless, through most of this period, white men activated and led their white peers in the rank and file to push for their particular visions of policing and politics in American society.

Changes to all of these conditions were in full swing by the 1980s. Liberal reformers, increasingly concerned that officers had become *too* distant from the communities they policed, called for “community policing” reforms that would build relationships and trust between police and “the community” and, theoretically, mitigate police abuses. While policing Black city residents remained central, the slowing and reversal of the Great Migration, the flourishing of white flight, and the outmigration of middle-class Black families, as well as the growing arrival of other non-white immigrants to Northern cities all altered the social focus of policing. Moreover, affirmative-action political campaigns and lawsuits launched in the 1970s began

³⁴ George Anastasia, “Decade after suit, officer is the eye of the hurricane,” *Philadelphia Inquirer*, March 29, 1982, 2-A.

altering the composition of police departments and, to a lesser extent, their unions, swelling the proportion of women, African Americans, and other people of color in the ranks. Further study is necessary to understand how these changes affected police organizing and political power from the 1980s to the present. But this project does the necessary work of establishing the dynamics of the earlier period immediately following World War II when police unionism became a mass movement, influential in both policing and politics.

Chapter 1 examines the roots of police unionism, showing how the movement originated at the turn of the twentieth century, when police officers in industrial Northeastern and Midwestern cities dominated by political machines began organizing for better wages, hours, and working conditions. The chapter then turns to the arrival of the Fraternal Order of Police Lodge No. 5 in Philadelphia in the late 1930s, and the pressure it came under in the 1950s when reform Democrats ousted the Republican machine from city government after decades of continuous control. In an effort to stamp out connections between the machine and the police department, these reformers helped usher in a new city charter that centralized greater power under the mayor and the mayor's appointed police commissioner, tightening managerial oversight and discipline of officers across the board. Most officers experienced these changes as oppressive managerial overreach and turned to the FOP to resist these changes and protect them from them. But while the FOP lodged complaints and provided legal assistance to officers disciplined or charged with crimes, it could do little to stem the tide of reform.

Chapter 2 focuses on the political struggle over another police reform: Philadelphia's establishment in 1958 of the nation's first civilian review board, the Police Advisory Board (PAB). This board was the project of another Democratic reform constituency, a multiracial civil rights coalition interested in eliminating racist police discrimination and abuse. For this coalition,

creating a venue to receive and investigate civilian complaints of police mistreatment was an important mechanism for expanding the bounds of citizenship so that Black and white Philadelphians alike could expect fair and impartial treatment by the police. Many officers, however, saw civilian review as the most egregious management overreach, a project that threatened to circumscribe their judgement and autonomy on the job. Led by Highway Patrol Sergeant John Harrington, the FOP fought back against the civilian review in Philadelphia and across the country as both an insult to independent police professionalism and tantamount to an invitation to criminals to overturn their records and undermine effective law enforcement. Indeed, they believed all civil rights reforms degraded the civic order by hobbling the workers—police officers—who guaranteed its integrity.

The fight by the FOP and other police unions against civilian review gave these organizations new publicity and resources they could turn to other goals. Beginning in the 1960s, they used this new position to win formal collective bargaining rights. Chapter 3 examines the halting transformation by which a sustained, explicit police union movement emerged in the United States for the first time. The transition, however, was not frictionless. Debates took place among police and between police groups and the rest of organized labor about the extent to which police should be unionized at all, and if so what relationship they ought to have to the labor movement. The chapter begins with a national overview of these debates and transformations before considering a case study that dramatizes the two main paths forward the police union movement could have taken in the 1960s and 1970s: the fight to organize the Baltimore Police Department. Even as John Harrington managed to double the FOP's national membership numbers during his national tenure, founding new FOP lodges across the country, he struggled to establish an FOP local in Baltimore, where for decades the American Federation

of State, County, and Municipal Employees (AFSCME) had been competing to organize the same police force alongside the rest of their Baltimore city union membership. While the FOP model organized police alone—independent of the broader labor movement, of other public-sector workers in particular, and of the New Deal partnership between organized labor and the Democratic Party—AFSCME pursued a model in which police joined a broader coalition of public-sector workers that crossed lines of occupation and race, a coalition more explicitly joined to the labor-liberal and race-liberal elements of the Democratic Party and the New Deal Order.

Chapter 4 explores another project police unionists undertook at their visibility and power grew in the 1960s and 1970s: the effort to build new forms of social support and legal protections that I call the “policeman’s welfare state.”³⁵ If the earliest New Deal welfare state programs extended union rights and social provisioning as citizenship rights to a segment of the working class because of the social value of their labor, and the Great Society programs of the 1960s built on and expanded them, the policeman’s welfare state aimed to extend and adapt this vision to police officers in particular. In an echo of these established programs, police unionists fought at every level of government for their own union rights, new laws criminalizing physical assaults on and media critiques of police, and new categories of benefits for themselves and their families in the event of their retirement or the death on duty. They argued for these provisions on the basis of the essential work they did protecting the civic order, as measures that both secured and rewarded the violent work they performed. Police unionists met with uneven success in these

³⁵ The gendered term “policeman” is deliberate here. The police union movement, to an even greater extent than the departments from which it emerged, was composed exclusively of men. It advanced a program and a worldview whose normative subjects and principal beneficiaries were men. Police unionists, like many police officers, saw the violent, ostensibly protective task of policing as men’s work and police forces as “brotherhoods” sustained and protected through the homosocial bonds of masculine solidarity. The various components of the policeman’s welfare state were designed to compensate and legally support the men who did this work, and even policies that benefited women, like death benefits for police widows, were conceived as replacements for the family wage earned by the deceased husband.

efforts, but this vision animated core aspects of the police union movement across the country and reshaped statebuilding and policy at the local, state, and federal levels.

Chapter 5 returns to focus on Philadelphia in the era of Mayor Frank Rizzo, the former police commissioner who governed the city for most of the 1970s. The era represented a victory and a high-water mark for the established Rizzophile leaders of the FOP. At the same time, however, other police-worker voices gained new visibility and force in the Rizzo years. A younger generation of police officers unsatisfied with the FOP functioning merely as an adjunct to Rizzo's political strategy elected Sergeant Tom McCarey as their local president for one two-year term. McCarey's brief tenure, focus on rank-and-file issues, and unflagging hostility to Rizzo was a sign that even when the mayor had been a "cop's cop," tensions and conflicts could still flare up between police management and the rank-and-file. Another fissure deepened, too, as a segment of Black police officers operating through the Guardian Civic League (GCL) articulated an alternative to the racist police apparatus that Rizzo and the FOP establishment supported. Led by Patrolman Alphonso Deal, these officers sat at the intersection between the police department and local civil rights organizations like the NAACP, and they advocated for a vision of equitable, race-neutral policing as part of a broader program of social and political justice for Black Philadelphians. Together, Deal and McCarey showed that even under seemingly ideal circumstances, the Rizzo-FOP axis did not speak for all police officers and could not fend off challenges to the hegemony that FOP leaders had fought for decades to build.

Chapter 6 concludes this dissertation by examining how police unionists met the challenge of fiscal crisis and austerity in the 1970s and '80s. Contrary to notions that police have always been carved out of assaults on public-sector unions because of their political standing, I show that in many cases their economic and political power was threatened and damaged by

politicians seeking to cut worker pay and power across the board. Merely being police officers, unionized or not, was no guaranteed protection against the relentless logic of budget cuts and downsizing. I consider the effects of fiscal crisis on the police union movement in the 1970s and 1980s in three large American cities: New York, Philadelphia, and Baltimore. New York faced the era's paradigmatic fiscal crisis in 1975, while Philadelphia's would not crest fully until the early 1980s. But in both cities police unionists were unable to resist austerity programs imposed by governments motivated by diminishing tax revenues and punitive bond markets that favored such changes. In Baltimore, by contrast, the AFSCME police union members struck alongside their AFSCME peers in other occupations to resist low pay raises that failed to keep up with inflation. They succeeded in securing the desired raises, but the action came at a cost: the police commissioner revoked the AFSCME police union's collective bargaining rights and dues checkoff, effectively destroying it, all with the full support of the mayor and the governor. Politicians committed to austerity were unwilling to tolerate a striking police force, especially one that struck with other city workers. Baltimore, however, was the exception, and austerity did not usually pose an existential threat to the police union movement. The collective bargaining rights, contracts, legal protections, and political alliances police unionists had forged allowed them to weather the storm and remain fixtures of police departments and urban politics for the long term.

Chapter 1

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Dismantling the Machine and Building a Fraternal Order: Municipal Reform and the Police Unionism in Philadelphia, 1939-1958

In the early 1920s, Philadelphia City Councilman Edward Kelly raised the alarm about an imminent threat he perceived in his city. He warned that a group of city workers was vulnerable to the seductions of a dangerous organization, a “union filled with communists and racketeers,” and he directed Kern Dodge, the city’s Public Safety Director, to investigate the organization. Once the investigation was complete, the City Council voted to ban the threatened employees from membership in “any state or national organization,” including the alleged communist group. The ban would stand for seven years. Kelly was not concerned with teachers or transportation workers, or some left-leaning CIO union: he was trying to insulate Philadelphia police officers from the temptations of the Fraternal Order of Police (FOP).³⁶

The FOP was not, in fact, a communist outfit, but rather one of the most conservative associations of public employees, its leaders proud to proclaim themselves enemies of the socialist left and quick to deny that the FOP was a union. But the FOP was hardly an idle threat to the status quo in big-city police departments, and when in 1939 Philadelphia’s police officers finally formed Lodge No. 5 of the Fraternal Order of Police, they unwittingly paved the way for major changes in the history of police work, police unions, and the role of police in political life.

³⁶ Justin E. Walsh, *The Fraternal Order of Police, 1915-1976: A History* (Indianapolis, IN: Joseph Munson Co., Inc., 1977), 111. Walsh’s *Fraternal Order of Police* is a sort of house history of the FOP, commissioned in the mid-1970s by Indiana businessman Joseph Munson. Munson was a strong supporter of the FOP with a personal relationship to the national president at the time, Pat Stark. He commissioned the book as counterweight to the “anti-police propaganda in much that passes today as scholarship in the study of law enforcement.” Munson funded the project himself, employing Justin Walsh—a trained historian who had worked for Munson in a non-scholarly capacity—to write the book, with President Stark blessing the project and providing Walsh access to FOP archives. Because of the difficulty of accessing these archives, it is difficult to independently verify some of Walsh’s claims. At the same time, *The Fraternal Order of Police* is for the same reason an indispensable reference, providing insight into internal debates and deliberations that otherwise remain opaque to historical researchers.

The arrival of the FOP created a new and enduring institutional presence in the police department as it navigated a tense and uneasy relationship with the Republican machine that had dominated Philadelphia politics for over half a century. By making wage and labor rights demands on which the Republican regime was ill-equipped to deliver, police unionists and other city employee unionists destabilized the machine system from within. Their actions created opportunities for good-government reformers backed by powerful figures in business and the professions to topple the machine and usher in a decade of Democratic reform in city government.

If anything, though, police unionists had an even more adversarial relationship with the political coalition behind these reformers. This coalition was comprised of civil rights activists looking to use local government to fight segregation and good-government reformers looking to root out corruption and make the police accountable to downtown business interests. This conflict played out in many cities across the United States in the middle of the twentieth century, but nowhere was the conflict starker nor the stakes clearer than in Philadelphia, where Democrats used a charter reform referendum to shatter the Republican machine altogether. Chapter 2 will explore the political struggle between police unionists and civil rights liberals, which peaked in the 1960s. This chapter examines an earlier fight: the dispute between police unionists and anti-corruption and professionalization advocates, which unfolded largely in the 1940s and 1950s. Sometimes with their commanding officers and sometimes in opposition to them, FOP leaders consistently led a large segment of the department's rank and file in the struggle against the tighter managerial control and the policies and practices recommended by police science and criminology advocated by professionalizers. Unionists lost this fight more often than they won it, but they maintained their place in the department and developed strategies

to combat the forces of police professionalization. In short, the arrival of police unionism in Philadelphia helped reconfigure municipal state-building and local politics, and it laid the groundwork of the political landscape of the 1960s in which the FOP and other police unions would leap into positions of greater power and prominence.

The Origins of Police Unions and of the FOP

When the FOP founded a lodge in Philadelphia in 1939, the Order had already existed for almost 25 years; the practice of police unionism reached back even further to the 1890s. At this moment at the end of the nineteenth century, police departments were comparatively new institutions, having replaced an older night-watch system in virtually all large American cities over the previous half century. These cities' white, Protestant, capitalist class has led the effort to create these modern departments, building historically novel standing armies for their cities to regulate the lives, labors, and leisure of a growing multiethnic working class, fed by immigration and emancipation in the South. As these departments grew increasingly capable of offering stable, long-term employment, their working-class, largely German- and Irish-American members developed a distinctive subculture and built organizations. As early as the 1860s fraternal and membership societies were flourishing, raising funds for sick or injured officers and offering death benefits to widows. At the turn of the twentieth century, rank-and-file police officers first began forming more labor-oriented groups. New York's Patrolmen's Benevolent Association (PBA), founded in 1892, was among the earliest, but cities throughout the old industrial core of the Northeast and Midwest formed followed suit, with Pittsburgh patrolmen Martin O'Toole and Delbert Nagle establishing the Fraternal Order of Police in the spring of 1915. These groups hosted parties, organized athletic leagues, and distributed awards for good citizenship, but they also represented their members' workplace grievances to their superiors in

city and state governments. The FOP, for instance, grew up partly in reaction to a twelve-hour workday and lack of overtime pay, and the PBA fought for and won an eight-hour day for New York's officers in 1901. But these groups were careful not to identify as unions, and they walked a fine line in defining their powers and their public image. Groups like the FOP were decentralized and heterogeneous, and some lodges would never take on an advocacy or union role. But their framing as non-union was also practical. Even as the FOP founders relied on Pittsburgh Mayor Joseph Armstrong's "friendliness" toward unions to secure recognition, they promised him that "no union was intended" and the "word strike is completely ruled out" given officers' duty "to protect life and property." They worked to assure their superiors that this new organization would threaten neither the mission nor the chain of command in the police department.³⁷

To a large extent, this disavowal of unionism was a pragmatic response to the threat of punishment from politicians and their business-class backers, who expected police to break unions, not form them. The stakes were illustrated starkly in 1919 when Boston police officers carried out the first police strike in U.S. history. In 1917 the city of Boston allowed patrolmen to form their own union, the "Boston Social Club," as long as it remained unaffiliated with the AFL—that is, with the unions police were supposed to regulate and discipline—and they used it to advance their demands over the next two years. The bulk of the roughly 1500-member police

³⁷The Order's founders also rejected the name "United Association of Police" because it "sounded too much like Union, and Union sounded antagonistic." Samuel Walker, *A Critical History of Police Reform: The Emergence of Professionalism* (Lexington, MA: Lexington Books, 1977), 49. Mark Jones and Peter Johnstone, *History of Criminal Justice* (New York: Routledge, 2012), 329-330. Walsh, *The Fraternal Order of Police*, 15-17. On the origins and function of police departments in the 19th century, see Eric H. Monkkenon, *Police in Urban America, 1860-1920* (New York: Cambridge University Press, 1981); Sam Mitrani, *The Rise of the Chicago Police Department: Class and Conflict, 1850-1894* (Urbana: University of Illinois Press, 2013); Malka, *The Men of Mobtown*; Jonathon Booth, *Dethroning Justice: Dethroning Justice: Race, Law, and Police after Slavery*, Ph.D. Dissertation, Harvard University, 2021.

force resented working 80-hour weeks in old, ill-kept stations, and for years they lobbied unsuccessfully for raises to keep up with wartime inflation. Between 1915 and 1920, the cost of living in the United States doubled, and while wages for the average unionized manufacturing or construction worker kept pace, police pay stagnated. These conditions only intensified police petitions for union charters from the AFL, which dated back to the 1890s. But the Federation denied all charter requests until 1919. Like politicians and business leaders, labor was wary of police unionism, but for opposite reasons: they were reluctant to admit front-line union busters and strike breakers to their ranks. 1919, however, was a tremendous year for strikes across all sectors, and other workers shared police demands for raises and shorter hours. AFL President Samuel Gompers explained the 1919 admission of police into the AFL as the result of requests becoming “so widespread and from so many sources” that they became impossible to ignore.³⁸

In Boston, with AFL affiliation now on the table, Police Commissioner Edwin Curtis quickly banned the police “Social Club”, refused to meet with its representatives, and removed and sued 19 of its leaders, which prompted an overwhelming majority of officers to vote to strike September 9. The strike lasted just a few days. Local and national press tarred the strikers as traitorous and symptomatic of creeping Bolshevism; Commissioner Curtis recruited numerous volunteers—including 250 Harvard students—to serve as replacement patrolmen; and Governor Calvin Coolidge called in the State Guard to break the strike. As support from both Gompers and the Boston Central Labor Union quickly waned, every striker was fired, and replacements were

³⁸ Philip Sheldon Foner, *History of the Labor Movement in the United States*, vol. 8, *Postwar Struggles, 1918-1920* (New York: International Publishers, 1988), 63, 92-93. Walker, *A Critical History of Police Reform*, 111, 114. Richard C. Kearney, *Labor Relations in the Public Sector*, (New York: Marcel Dekker, 1984), 8. The first police to request a union charter from the AFL did so in Cleveland in 1897.

offered substantially improved pay and benefits—but no union rights. Cities throughout the country emulated Boston by barring police from joining outside labor organizations.³⁹

The fallout from the Boston police strike was one of the most important forces to affect the development of the police union movement in the first half of the twentieth century. While Boston's police union and many others suffered in the wake of the strike, the events of 1919 had an ambiguous legacy for the Fraternal Order of Police. On the one hand, the strike incentivized FOP leaders to double down on their insistence that the FOP was not a union and allowed them to present the group as a safer alternative to adversarial, strike-prone officers. Unlike most out-and-out police unions, the FOP did continue to grow in the years following World War I. After spreading throughout Pennsylvania during and after World War I, the FOP picked up new members in states like Ohio, Indiana, and West Virginia. Beginning in the 1930s, these city-based lodges organized into state-level lodges, the better to coordinate their activity and lobby state governments. As late as the 1940s, the center of gravity of the Order's membership remained in Western Pennsylvania and the Lower Midwest.⁴⁰

But in spite of FOP leaders' best efforts, mayors, governors, and legislators often feared the Order would undermine internal discipline and compromise the impartiality of the police in upholding the law. Their continued opposition was the second main force that shaped the FOP in these early decades, leading the Order to develop a legal defense strategy that would become central to the institutional function of all police unions over the course of the twentieth century. This was especially evident in organizing campaigns the FOP ran in Michigan in the 1940s. The Order had had a state lodge in Michigan since the 1930s and operated in several cities, but

³⁹ Foner, *History of the Labor Movement in the United States*, 8:94-101.

⁴⁰ Walsh, *The Fraternal Order of Police*, 25-29, 50, 107-109, 128-137.

supervisory officers in the state capital of Lansing and all officers in Detroit found themselves barred from membership by department ordinances.

In Detroit, the FOP membership ban stretched back to 1919, preceding the Boston police strike by four months. Rather than responding to the events in Boston, the ban was actually an outgrowth of a reform movement that reshaped municipal government in virtually every major U.S. city throughout the first half of the twentieth century, and the conflicts with city reform in Detroit, Philadelphia, and other cities would shape the FOP's organizational structure and organizing strategy for years to come.⁴¹

In the decades on either side of World War I, many business leaders sought to roll back the political “machines” that dominated city politics in the US, especially in the North. These machines were the local party organizations of the party (usually Democratic) that in each city had monopolized control of big-city government since the second half of the nineteenth century. The machines rewarded those who voted or canvassed for them—or, more insidiously, engaged in ballot-stuffing and other forms of fraud—with positions in city government. This patronage system generally operated in a highly decentralized municipal bureaucracy where mayors and other centralized offices held less power than city councilors or various boards and committees whose members selected on a ward-by-ward basis. In this system, ward leaders within the party bureaucracy, rather than elected officials, held the most power and the greatest ability to shape political life in the city. But in most large cities, business leaders had limited influence in the machines and saw machine-dominated government as inefficient, opaque, and corrupt. They led many campaigns (with varying success) to reform city government, create stronger central

⁴¹ The Detroit ban was enacted on June 5, 1919, while the Boston strike began on September 9. *State Lodge of Michigan, Fraternal Order of Police v. City of Detroit*, 318 Mich. 182, 184 (1947).

institutions, and secure greater political power, leading, in the case of Detroit, to a successful referendum for a new charter in 1918. The new charter marked a clean break from machine power. It streamlined the institutions of city government, shrinking the city council and mandating at-large (rather than ward-based) election of its members. It also augmented the authority of the mayor and the city council, transferring final budgetary authority to them from the old, machine-dominated board of estimates.⁴² It was the first city government under this new charter, full of officials backed by reformers, that barred city police from membership in the FOP and other outside organizations.

In the 1940s, FOP lawyers sought injunctions suspending these orders, arguing that these bans infringed on officers' first-amendment rights to speech and assembly and fourteenth-amendment rights to equal protection under the law. But the departmental bans held up in court, with the Michigan Supreme Court ruling that police had a commitment to neutrality that forbid belonging to groups that promoted their particular interests. The U.S. Supreme Court upheld the decision, blocking any legal right to police collective bargaining for the time being.⁴³ This outcome was a blow to the FOP in Michigan. The Detroit Police Officers Association that eventually took hold in later years was independent of the Order. But this failure decisively shaped the future of the FOP at the national level in two ways. First, while the Detroit case was litigated by the Michigan state lodge of the FOP, the national lodge developed a Legal Defense Fund to support the Detroit litigation and similar cases, which became permanent by 1943. From then on, local and state lodges would not have to bankrupt themselves to finance litigation that

⁴² Daniel Amsterdam, *Roaring Metropolis: Businessmen's Campaign for a Civic Welfare State* (Philadelphia: University of Pennsylvania Press, 2016), 15-27.

⁴³ *State Lodge of Michigan, Fraternal Order of Police v. City of Detroit*, 318 Mich. 182 (1947).

protected their mere existence.⁴⁴ Second, and relatedly, the outcome of the Detroit case nurtured the impression among many officers that they were treated as second-class citizens. Increasingly, police association members and leaders interpreted the liberal insistence on rigid departmental discipline and police neutrality as an unjust infringement of officers' constitutional rights. In the following decades, the FOP and other police associations were able to capitalize on this impression and position themselves as the lone defenders of the police officer under assault by hostile politicians and their constituents.

The FOP faced a similarly arduous struggle to establish a lodge in Philadelphia, but here they met with success, and the city's inclusion in the Order would come to significantly shape its national priorities and strategies the 1960s, '70s, and '80s. While Philadelphia police could claim a police benevolent society dating to the 1800s and had made an abortive effort to form an AFL-affiliated police union in 1917, the city had never otherwise seen a police union. The FOP, which had organized every major city in Pennsylvania except Philadelphia and Johnstown by 1919, would take another 20 years to claim Philadelphia police as members. The national lodge didn't commit sustained organizing resources to courting Philadelphia until 1931, and was, at first, stymied by the city government. City Councilman Edward J. Kelly insisted the FOP was a union, raised the specter of Boston in warning against it, and urged Public Safety Director Kern Dodge to block the Order's progress—which he did with a 1933 ban on city police affiliating with most outside groups, which was paired with a City Council regulation to the same effect.⁴⁵ It took the election of a new mayor, Samuel Wilson, who had been sympathetic to the FOP, to repeal the ban in late 1937, and another 18 months still for the FOP to announce its new campaign in

⁴⁴ Walsh, *The Fraternal Order of Police*, 183, 189.

⁴⁵ *Ibid.*, 12, 38, 52-3. "Police Fraternity Ban Seen Certain," *Philadelphia Inquirer*, September 8, 1932.

Philadelphia. Even then, they had to compete with other groups for members. The City Council, likely in a bid to divide the police department and undermine the FOP, explicitly authorized the formation of a Patrolmen's Benevolent Association (PBA) on the model of those in New York and New Jersey. The American Federation of State, County, and Municipal Employees (AFSCME) also vied for police members. The public-sector workers' union was also organizing Philadelphia's blue-collar city employees in the late 1930s, and its sanitation workers' Local 222 signed its first contract with the city—and AFSCME's first official recognition in any large American city—in July 1939. But while AFSCME was organizing police in smaller towns and cities across the country, it won virtually no police members in Philadelphia, perhaps because of divisions and antagonisms between AFSCME's multiracial membership and the virtually all-white members of the FOP. The police's labor-regulation function had also at times extended to other city workers, as when police had clashed with striking sanitation workers during the "Garbage Riots" in 1938. AFSCME may have seemed alien or threatening to them, not least because of its members' willingness to strike, compared to the all-police and ostensible non-union alternative of the FOP.⁴⁶

The foundation of Fraternal Order of Police Lodge No. 5 in Philadelphia was a major coup for the FOP: the Philadelphia police force was one of the largest in the country, and it not only was the first big-city force on the East Coast to join the FOP but also became the largest force in the Order upon joining. FOP leaders were confident that bringing Philadelphia into the

⁴⁶ "New Attempt Planned To Organize Police; Meeting Is Scheduled," *Philadelphia Inquirer*, April 6, 1939, 2. "Policemen Form Fraternal Order," *Philadelphia Inquirer*, April 18, 1939, 2. "Council Approves New Police Lodge," *Philadelphia Inquirer*, September 29, 1939, p. 1. "Police Lodges In Rival Drive," *Philadelphia Inquirer*, October 12, 1939, 21. "Patrolman Defends Benevolent Association," *Philadelphia Inquirer*, October 19, 1939, 7. "Rival Police Order Asks Rights Here," *Philadelphia Inquirer*, November 17, 1939, 19. Francis Ryan, *AFSCME's Philadelphia Story: Municipal Workers and Urban Power in the Twentieth Century* (Philadelphia: Temple University Press, 2011), 48-54, 71-73.

fold would not only strengthen the national FOP but also increase the Pennsylvania state lodge's bargaining power with respect to the state legislature in Harrisburg.⁴⁷

The Philadelphia Police Department

When the FOP secured its spot in Philadelphia, the city's police force was one of the largest and oldest in the country. Founded in 1850, Philadelphia's was one of the first "modern" forces in the country, replacing a looser system of local watch committees with a centrally controlled force that regularly patrolled defined territories in the city. Unlike many large cities, Philadelphia formally instituted central control right away, placing officers under the authority of a "Police Marshall" in 1850 and subordinating the entire force to the mayor in 1854. Effective control, however, still remained largely at the district level of the Republican machine.⁴⁸ By 1939, the city had 4100 officers, of whom 3400 chose to join the FOP. Virtually all officers were men, though a handful of women had served since 1936 in the department's Crime Prevention Bureau, tasked with preventing crime by reshaping the hobbies and habits of young boys and girls. The vast majority were also white ethnics, predominantly Irish and Italian Catholics. These demographics were reflected both in the Order itself—most of the Philadelphia lodge's early leadership was of Irish-American descent—as well as in the police department more generally. Many belonged to the League of the Sacred Heart, a fraternal organization of Catholic

⁴⁷ Walsh, *The Fraternal Order of Police*, 38, 121.

⁴⁸ James N. Reaves, *Black Cops* (Philadelphia: Quantum Leap Publisher, 1991), 11. Jonathan Rubinstein, *City Police* (New York: Farrar, Straus and Giroux, 1973), 10-12. The origins of the "modern" police department, and how or whether even to define such a thing, have been challenged by the budding historiography of policing. Criminology textbooks throughout the twentieth century have traced identified key principles of in North Atlantic cities, such as central control, effective discipline, and a focus on crime prevention, and traced them back to a program instituted by British Prime Minister Sir Robert Peel in the 1830s, that eventually spread to North America. This history, however, seems largely to have been invented, and police forces developed in a much less linear, uniform way. See Susan A. Lentz and Robert H. Chaires, "The Invention of Peel's Principles: A Study of Policing 'Textbook' History," *Journal of Criminal Justice* 35, no. 1 (2007): 69–79. Note, too, new histories that locate the origin of modern police forces in cities outside of London and emphasize their role in responding to slave emancipations in the Atlantic. See, e.g., Booth, *Dethroning Justice*.

policemen, firefighters, and park guards, and local newspapers often reported on annual parades in which thousands of League members marched through the city and attended mass. Shomrim, an analogous Jewish organization, counted only 150 members across the police, fire, and park guard services. And while Black officers had served on the force since the 1880s, they represented a similarly small proportion of police officers—after a record high of 268 in 1923, their numbers slowly dwindled through the 1930s, ‘40s, and ‘50s. Virtually all were assigned to walk beats, and very few were considered for supervisory, plainclothes, or even desk work positions. They were assigned almost universally to Black neighborhoods, and James Reaves, who in the 1950s became Philadelphia’s first Black Captain, observed that as a result, “most of the people I arrested were black.” Even so, employment in the police department was attractive for Reaves and others, who had grown up amidst “paycheck to paycheck” living and “bouts of unemployment,” because it offered steady pay and “equal status with the black schoolteachers and postal workers of the day—jobs of some significance for a black person.” Black officers, too, had an organized society, named simply the “Philadelphia Police Social Club.”⁴⁹

Nominally, the FOP and the groups that preceded it all may have been fraternal organizations, but their memberships were organized along different lines. Shomrim and the League of the Sacred Heart functioned as social spaces, organizing regular visits to Mass or temple and to breakfast afterwards, but members could take advantage of the social bonds these events formed to network within the department. Membership was reputed to help officers

⁴⁹ “Council Approves New Police Lodge.” “2 Policewomen Will Join Force to Nip Juvenile Crime in Bud,” *Philadelphia Inquirer*, January 15, 1936, 1. Walsh, *Fraternal Order of Police*, 124-125. “Catholic Police in Annual Parade,” *Philadelphia Inquirer*, June 20, 1936, 2. “Shomrim Honors Steinberg as Hero,” *Philadelphia Inquirer*, February 3, 1939, 6. Reaves, *Black Cops*, 1, 6, 13, 16-17. “High Police Told to Quit All Clubs,” *Philadelphia Inquirer*, May 8, 1940, 23. Women had worked as Philadelphia police officers before 1936—the first two women police officers were appointed, with badges and full arrest powers, in 1913 to assist solitary women traveling through the city by train and to keep an eye out for prostitutes. “Two Policewomen Sworn In,” *Baltimore Sun*, April 17, 1913, 2.

advance their careers or clear up trouble with a superior. The FOP, on the other hand, cut across religious lines and at least claimed to represent all the members of the department. This did not mean that all police officers were equally empowered by the FOP. The continued dominance of white Catholic men and the persistence of racism within the department meant that Black officers' interests generally went unrepresented in the FOP, though many of them would challenge this distribution of power in later decades. Nor did the FOP displace religiously defined societies or the social linkages those societies formalized. The League of the Sacred Heart continued its annual marches and masses for decades, and the FOP and the firefighters union would long seek pay and benefit improvements in coordination with each other.⁵⁰ Even so, the Order was nonetheless a departure from these older groups and bonds, de-emphasizing patronage networks by drawing a line between police and their bosses in City Hall and using the Fraternal Order of Police to advocate for the interests of labor against management. The line between the two, however, was ambiguous, and could be drawn anywhere from a sergeant supervising patrolmen, to a captain, an inspector, the commissioner, or the mayor. The capaciousness of the FOP's structure would always leave room to negotiate the location of this line.

In the 1940s and 1950s, the work of policing was wide-ranging. The vast majority of officers were patrolmen who worked a neighborhood beat, usually on foot but increasingly in squad cars. In addition to neighborhood patrols, there were also specialized divisions or squads dedicated to particular tasks: detectives, the Crime Prevention Bureau, vice and narcotics squads,

⁵⁰ "Patronage Is Assailed At Sacred Heart Rites," *Philadelphia Inquirer*, April 9, 1951, 17. "High Police Told to Quit All Clubs." On coordinated lobbying by police and firefighters, see for instance "Bill No. 2199," *Officers' Call*, February 1963, in International Association of Fire Fighters, Local 22 (Philadelphia, Pa.) Records, Box 33, Folder 79, Special Collections Resource Center, Temple University Libraries, Philadelphia, Pennsylvania.

and even a corps of crossing guards that numbered nearly 700 by 1948. Many patrolmen worked clerical jobs in station houses alongside a small number of civilians. All these officers were responsible, in theory, for preventing and responding to criminal activity, as well as for maintaining public order. In reality, they exercised tremendous discretion in defining these terms and deciding how to enforce the law, often without regard for the letter of the law or the authorization of a warrant.⁵¹ Different sources provide different information as to how officers spent their time, and arrest statistics are one measure, albeit imperfect, of the relative time spent on policing different offenses. Table 1.1 illustrates the distribution of arrests for different offenses in 1950. (The PPD published no public arrest data during the 1940s.) Consider, for instance, that officers made over 49,000 arrests for drunkenness, disorderly conduct, and vagrancy combined, compared to about 7,000 for all assault, and 4038 for robbery, burglary, larceny, and auto theft. In other words, when Philadelphia police arrested someone in 1950, over 60% of the time it was classified as relating to a disturbance of public order—a vague, capacious category that reveals little about what police work actually looked like.⁵²

⁵¹ Philadelphia Committee, Pennsylvania Economy League, “Report of the Administrative Survey of the Philadelphia Bureau of Police, Section Two,” October 1, 1948, 91-92, in Richardson Dilworth Papers, Box 185, Folder 11, Historical Society of Pennsylvania, Philadelphia, Pennsylvania. Elkins, “Battle of the Corner,” 51. For more on the theory and history of discretion as one of the defining features of twentieth-century American city police, see Agee, *The Streets of San Francisco*. See also David A. Sklansky, *Democracy and the Police* (Stanford: Stanford University Press, 2008).

⁵² Annual Report of the Philadelphia Bureau of Police, 1950, Table No. 1, in Police Department Records, Box 997, Folder “Annual Report, 1950,” City Archives, Philadelphia, Pennsylvania. Arrest statistics are an imperfect measure of how police officers spend their time—an arrest for vagrancy may not entail the same likelihood of a trial, conviction, or follow-up work as, say, an arrest for murder, or robbery. It is also difficult to verify the accuracy of reported numbers or disaggregate the variety of behaviors that prompted, for instance, an arrest for disorderly conduct.

ACTIVITY	ARRESTS
Murder and Non-Negligent Manslaughter	104
Manslaughter by Negligence	169
Rape	174
Robbery	640
Aggravated Assault	1086
Burglary	1618
Larceny	1044
Auto Theft	736
Other Assaults	5901
Forgery and Counterfeiting	37
Embezzlement and Fraud	45
Stolen Property	245
Weapons	834
Prostitution and Commercialized Vice	543
Other Sex Offenses	681
Family and Children Offenses	118
Narcotic Drugs	569
Liquor Laws	1356
Drunkenness	37536
Disorderly Conduct	10356
Vagrancy	1241
Gambling	5795
Drunk Driving	476
Suspicion	245
All Other	6266
TOTAL	77815

Table 1.1: Number of Arrests by Philadelphia Police Department by Type of Offense, 1950

Black Cops, the memoir of Philadelphia police officer James Reaves, better captures the day-to-day work of a Philadelphia police officer in the 1940s and 1950s. Reaves was a Black officer whose career spanned many roles in the department: he joined the police force in 1940 as a patrolman, worked on both the plainclothes Special Investigation Squad and the youth-focused Junevile Aid Bureau, became the city’s first Black captain in 1954, and briefly headed the young

Police Community Relations unit in the early 1960s. As a patrolman, much of Reaves' work involved protecting the property of local businesses. Reaves described the "little tips and gifts freely given from law abiding citizens" to police officers. Reaves insists these were not bribes but simply signs of gratitude for the work of policing—a cash tip from a business owner, or a "small bag of food" from a grocer. Whether seen as graft or not, these "tips and gifts" were a form of remuneration for the protection of property that took place outside the city payroll. Many business owners also offered off-duty employment to officers who found a policeman's pay insufficient, and Reaves himself describes moonlighting with a caterer who worked the parties of a Democratic committeeman. Graft was the means by which property owners secured protection independent of law or official department policy. And illegal businesses were just as capable of securing this protection as legal ones. Beyond tips, gifts, and part-time work, there was more systematic collusion among city politicians, illegal vice houses, and the police—what the Kefauver Commission would in the 1950s describe as a "politico-gambler-police tie-up." It was "general knowledge," says Reaves, that those who ran gambling rings, brothels and speakeasies (bars without a liquor license) paid off officers up and down the chain of command, often exempting themselves from arrest or prosecution. Squad car officers were frequent participants in these graft relationships, as were some members of specialized units—especially the vice and narcotics squads.⁵³

In addition to protecting property, police engaged in various forms of surveillance, dispute intervention, violence, and arrest that reinscribed social hierarchies and the boundaries of citizenship in Philadelphia. The simple but endlessly reiterated act of choosing whom to accost

⁵³ John Brantley Wilder, "Captain Reaves, First to Attain Rank, Retires," *Philadelphia Tribune*, June 15, 1965, 1, 3. Reaves, *Black Cops*, 1, 4-5, 33, 53, 57-60. *Third Interim Report of the Special Committee to Investigate Organized Crime in Interstate Commerce*, S. Rep. No. 82-307, at 46 (May 1, 1951).

or arrest marked some Philadelphians as law-abiding citizens and others as suspect or criminal. In a context where James Reaves observed that “criminals, regardless of their race, were seen as not having civil rights” by propertied Philadelphians, to be marked as criminal was to fall outside the bounds of civic community. And if white property owners sat at the heart of the body politic, poor and working-class Black Philadelphians most often fell at its boundaries or outside it altogether. Police took advantage of vague statutes and their lawful discretion to reinforce these hierarchies. Arresting someone because of “suspicious circumstances” might disguise the fact that an officer arrested a Black Philadelphian for being in a predominantly white neighborhood, or for simply driving an expensive car. James Reaves noted that in “West Philadelphia during World War II, barriers of segregation were coming down, and more blacks were going into restaurants and bars and demanding service.” As a result, he said, “[t]here were a lot of disturbances,” for police to intervene in. There were also instances of officers breaking up interracial social gatherings or neglecting to protect Black residents who faced resistance as they moved into formerly all-white neighborhoods, like Germantown or South Philadelphia, in the 1950s. One city official observed that when a Black family moved into a largely white neighborhood, “a variety of intimidation tactics would be launched against them and vandalism of their automobiles or their houses, including the tearing out of the heating systems, breaking all of the windows, occasional firebombings, and that sort of thing.” When the city’s Commission on Human Relations (CHR), receiving such a complaint, would request a twenty-four-hour guard on the house, patrolmen and their supervisors, supposedly “at a loss as to how to cope with this,” would complain to the Commissioner, who would complain to the CHR. Complicity with racial and racist policing, in other words, extended all the way up the chain of command. All in all, by

the estimate of one 1952 study, three quarters of all disorderly conduct arrests covered “lawful conduct of which the police disapprove.”⁵⁴

What united the diverse domains and goals of police activity was the fundamental role of policing in the social reproduction of Philadelphia society. The protection of property ensured the orderly continuation of business and profit-making. Breaking up interracial gatherings reproduced the segregation that structured the geography of the city and access to its institutions and public spaces. Operations from policing sex work to working with juvenile offenders helped channel the relations of sexuality and kinship into normative models of families and households. James Reaves described a period working on the police department’s Juvenile Aid Division as cultivating a paternal sensibility in him, as he would visit offenders’ parents and homes and “counsel and guide young boys and young adults away from antisocial activities and attitudes.”⁵⁵ Of course, many institutions, both public and private, were engines of social reproduction in midcentury Philadelphia. What distinguished a police officer from a teacher or a social worker was their legal right and willingness to use violence. To “fight crime” was constantly to make the distinction between “criminals” who should be forcibly removed from the body politic to terminate and punish the harms they had accomplished; and “law-abiding citizens” who could legitimately claim police protection from criminals.

⁵⁴ Reaves, *Black Cops*, 20, 24. Paula R. Markowitz and Walter I. Summerfield, Jr., “Philadelphia Police Practice and the Law of Arrest,” *University of Pennsylvania Law Review*, 100 (June 1952): 1182-1216. Walter Massey Phillips, Interview with Dennis Clark, December 7, 1976, 5-6, Walter Massey Phillips Oral Histories, Box 4, Folder 32, Special Collections Research Center, Temple University Libraries, Philadelphia, Pennsylvania. I am grateful to Alex Elkins, who shared with me his dissertation work on post-World War II urban policing and rioting, which has offered me useful context for the events I describe and guided me to helpful sources, including the source cited in this footnote. Elkins, “Battle of the Corner.”

⁵⁵Reaves, *Black Cops*, 48.

Altogether, these various facets of police work—formal and informal, licit and illicit—complicate a model of policing in which police simply enforced the laws on the books, in accordance with the commands of their departmental superiors and the mayor. In reality, officers were embedded in a much more complex web of financial streams, lines of authority, personal biases, and cultural prerogatives. They exercised tremendous discretion over how they spent their time, and many individuals, groups, and institutions were variously positioned to exert pressure on officers with respect to what they did and how they did it. And, importantly, these networks and fields of power were not static. A multitude of groups constantly strove to remold the relationship between police and the rest of society. A labor history of policing is a history of how these relationships, pressures, and prerogatives changed over time, and what role officers themselves played in shaping those changes.

Negotiating a Relationship with the Machine

In this context in the early 1940s, FOP Lodge No. 5 was able to score a few victories on raising pay and cutting hours. Like officers in all major cities, as well as most public-sector employees, the Philadelphia police lacked collective bargaining rights, and as a result they had to rely on political lobbying, letter-writing campaigns, and other forms of political demonstration and agitation. They generally targeted the city government but also wrote or travelled to the state government in Harrisburg. In these early years, their efforts often paid off, not least because the conscription of working-age men and the ensuing tight labor markets during World War II gave the FOP leverage in lobbying for improvements. The city specifically acknowledged that fact when in 1943 it granted officers a 48-hour work week, an improvement over the average of nearly 53 hours a week officers had worked previously. They struggled more to recoup the pay cuts Philadelphia police had taken during the Depression years, missing a raise, for instance, in

1941 and constantly comparing their starting yearly salary to their counterparts in New Year (\$2190 vs. \$3000 in 1942). When the city was unwilling or unable to spend more on officer pay or pension funding, the city and state lodges often appealed to Harrisburg.⁵⁶

What Lodge No. 5 did not do in these early years was challenge the political machine. The GOP machine had controlled Philadelphia city government for decades, and while this rule was occasionally interrupted by the election of an upstart reformist mayor, it would take a revision of the city charter 1951 to break the Republican lock on city office and bring Democrats to power. And so, until the movement for charter reform began to build after World War II, Lodge No. 5's leaders and organizers did their utmost to carve out a place for the lodge within the existing hierarchies of city government rather than upend those hierarchies altogether. To some extent, this was unsurprising—in general, officers were only present on the force because of their loyalty to the Republican machine, and many were able to use this network to advance their careers by, for instance, bypassing civil service exams to be promoted. But the years-long struggle to found Lodge No. 5 illustrated how threatening the machine found the FOP. Its leaders saw the lodge as a curb on the Superintendent of Police's managerial authority at best, and at worst a radical element that posed a New Deal liberal or "communist" challenge to the machine itself. In order to prove that they respected GOP dominance in Philadelphia, the leaders of Lodge No. 5 pledged political neutrality. Shortly after the mayor overturned the FOP ban in 1939, FOP Secretary John Traynor highlighted the FOP's own constitutional ban on affiliation with unions and other outside groups, insisting it meant that Lodge No. 5 could not, "under any

⁵⁶ "Police Protection To Be Increased by 48-Hr. Week Here," *Philadelphia Inquirer*, November 14, 1943, 1-2. "Police to Ask Council to Increase Salaries to \$2555 Annually," *Philadelphia Inquirer*, September 13, 1942, 25. Joseph Miller, "Police Pensions Bill Passed by Senate as Legislature Nears Final Adjournment," *Philadelphia Inquirer*, May 9, 1943, 1, 4.

circumstances, be associated with any political party.” A year later, the lodge had to issue another public statement reiterating the point.⁵⁷ This frequent restatement of FOP neutrality was an effort to reassure Republicans that it was not a leftist fifth column while also keeping professionalizing reformers at bay by insisting on the ability of police officers to uphold the law in a neutral and objective way.

Through the early 1940s, Lodge No. 5’s pledge of political neutrality helped protect its fragile new existence, but the management of the police department still sought to constrain the FOP’s power by excluding officers with supervisory roles from its ranks. James Malone, the Director of Public Safety (who oversaw both the police and firefighters), asked all ranking officers to resign from all fraternal organizations in 1940. This “request” applied to all officers with the rank of sergeant or higher and was ostensibly intended to promote “harmony and increased efficiency in the bureau.” Moreover, it applied not only to the FOP but also to the other fraternal groups within the department. Still, the labor-disciplinary intent of the “request” was clear, as Malone admitted to the Philadelphia *Inquirer* that he hoped to place similar restrictions on the fire fighters’ union. Indeed, two years later Malone signed formal agreements with both groups, barring ranking officers from “active membership” in Lodge No. 5 and ensuring that ranking officers in IAFF Local 22 could not vote, attend meetings, or serve on committees, but might still be dues-paying members and share insurance and other benefits.⁵⁸

⁵⁷ “‘Open’ Tests Urged for All Phila. Police,” *Philadelphia Inquirer*, December 17, 1952, 1. “New Police Lodge ‘Not in Politics,’” *Philadelphia Inquirer*, October 5, 1939, 21. “Police Order Neutral in Politics,” *Philadelphia Inquirer*, October 19, 1940, 15. The FOP’s fear of being labeled leftist was not unfounded: during the fight to securely charter Lodge No. 5 in the late 1930s, founding member Fred McCallum said FOP organizers “were lambasted from every angle...called Communists...called Democratic organization, everything.” Walsh, *Fraternal Order of Police*, 39.

⁵⁸ “High Police Told To Quit All Clubs.” “Police Unit Signs Pact On Activity,” *Philadelphia Inquirer*, August 29, 1942, 17.

Struggles like these over the place of supervisory employees in unions and workers' associations were live for all workers in the 1940s, not just for police and firefighters. By 1946, the CIO-aligned Foreman's Association of America had organized thousands of shop foremen in factories across the Midwest—a fact Nelson Lichtenstein has called “one of the most important sociopolitical phenomena of the late New Deal era.” However, the 1947 Taft-Hartley Act that restricted union activity along a number of lines included a provision that barred the inclusion of such workers in private-sector labor unions.⁵⁹ In both the private and public sectors, these exclusions limited unions' dues-paying membership and bargaining power. They also attempted to align the “middle management” and its ambiguous class position with the priorities of top management—headed, in the case of cities, by the mayor and the police chief. But there was no public-sector equivalent to Taft-Hartley's national, all-at-once ban for the private sector; municipalities, states, and the federal government worked out this question separately and unevenly over time. In the case of the FOP in Philadelphia, nothing more binding than Malone's agreement with Lodge No. 5 was ever put in place, and that agreement does not appear to have survived very long. Immediately after the agreement was formalized, for instance, the FOP campaigned for pay raises for both rank-and-file and supervisory police officers. The FOP constitution explicitly provided for membership of higher officers, and in the years following Malone's ban, higher-ranking officers appear to have drifted back into the membership of Lodge No. 5.⁶⁰ The allegiances of the middle layer of supervisors among the Philadelphia police remained up for grabs.

⁵⁹ Nelson Lichtenstein, *State of the Union: A Century of American Labor* (Princeton, N.J.: Princeton University Press, 2002), 118-122.

⁶⁰ “Police to Ask Council To Increase Salaries To \$2555 Annually,” *Philadelphia Inquirer*, September 13, 1942, 3. Given existing archives, it is difficult to say just when Lodge No. 5 began formally representing higher-ranking officers again. The legal status of Malone's agreements with the policeman and firefighters is unclear, and the agreements may have expired when this Director left public office, or perhaps when Democrats retook control of

The Fall of the Machine

By the mid-1940s, FOP Lodge No. 5 had secured an uneasy but stable existence for itself, raising occasional grievances with the department and lobbying for raises. But the decade or so following the war saw two major projects that challenged the status quo, originating with forces outside the department. During the 1940s and '50s, an alliance of business leaders, and Democratic liberal reformers led a successful campaign to break the Republican machine and overhaul city governance along more transparent, accountable, and centralized lines. During the same period, civil rights activists led efforts on behalf of the Black residents of Philadelphia—an ever-larger segment of the city's population thanks to the Great Migration—to curtail police brutality and to ensure that the city police provide adequate protection to African-American lives and property. These two projects did were led by different groups and had different aims. But the leaders and most members of Lodge No. 5 perceived in them a similar threat to the niche the lodge had carved out for itself in the city's political ecology, and thereby to the autonomy, job security, and modest political power officers had won. The two-pronged fight against these reform projects would influence the FOP more than anything since the Boston police strike. It reshaped Lodge No. 5's understandings of its interests and priorities, drove it to repudiate its earlier pledges of political neutrality, and elevated a leader whose experiences in Philadelphia would recast the FOP at the national level.

In the years immediately following the close of World War II, the Republican machine's hold of city government began to slip. Democrats started contesting citywide offices in increasingly close elections, first with Richardson Dilworth's run for mayor in 1947. Dilworth,

city government in the early 1950s. Certainly by 1960, when Highway Sergeant John Harrington first began securing FOP office, higher ranking officers were FOP members in good standing, but when precisely the transition took place is hard to say. "Dateline...Delaware Valley U.S.A.", *Philadelphia Inquirer*, July 19, 1958, 9.

an attorney and leading member of Americans for Democratic Action, lost to incumbent Bernard Samuel by nearly 100,000 votes, but the campaign gave him public attention he used to smear the Republicans for corruption and inefficiency and boost his future electoral chances. In 1949 Dilworth ran successfully for district attorney, and his fellow ADA leader Joseph Clark was elected city controller. This success stemmed in large part from the changing demographics of the city. In all cases, Democrats relied on the New Deal coalition of Catholic, Jewish, and Black city residents—the latter group growing from about 220,000 to 376,000, or from roughly 11% to 18% of the city, between 1930 and 1950. But success also came from an attempt to split away a segment of traditional Republican voters. Philadelphia Democrats had taken on municipal reform as a main goal since 1946, hoping that white Protestants disaffected with Republican administrations would join the New Deal coalition voters. Campaigns like this were taking place in cities across the United States at the turn of the twentieth century, a cresting of the good-government reform wave that dated to the 1800s. But the total destruction of the Republican machine in Philadelphia in 1951 and the decade of Democratic reform that followed represented one of the starkest and most profound victories for reformists in any American city—victories that would transform the police department as much as or more than the rest of city government.⁶¹

In addition to this outside threat, the Republican administration also suffered from problems within the city government. Indeed, police and other city workers would make wage and labor rights demands that would unintentionally help to bring down the Republican machine. During the second half of 1947, police, firefighters, and other city employees waged an

⁶¹ Countryman, *Up South*, 14, 44-45. “Samuel Wins By 93,000,” *Philadelphia Inquirer*, November 5, 1947, 1. Christopher Lowen Agee, “Freedom, Policing and Urban Liberalism,” in Ben Bradford et al. (eds.), *The Sage Handbook of Global Policing* (Los Angeles: SAGE, 2016), 279-299.

aggressive campaign for pay increases. Mayor Samuel, proud of his ability to keep taxes low during his first term, was reluctant to raise taxes. He chose to defer the issue until after the election, prompting city employees to escalate their tactics. Lodge president William Gibbons organized a series of demonstrations, bringing members to city council meetings to demand a raise. The demonstrations culminated on December 5, when 2500 officers and their wives showed up at city hall (albeit four hours after the meeting actually took place). Officers' wives wore tags that said "I Am a Policeman's Wife" in red ink, tacitly appealing to the notion of the family wage—the idea, increasingly central to labor's wage demands in the years after World War II, that a male breadwinner should earn enough to support an entire family and avoid the need for his wife to work for wages. Such appeals showed that police unionists sought the power and status other unions had to make successful wage demands and reproduce the normative nuclear family. They also showed that at least as early as the 1940s, rank-and-file police officers had begun to develop a repertoire of protest. Public demonstrations outside city hall and the inclusion of police wives as stakeholders in and advocates for officers' economic claims remained central to police unionist politics for decades, and police union leaders would continue to develop and build on them.⁶²

Despite the protesters' tardy arrival at City Hall, the threat of a huge demonstration won the police and other city employees a partial victory: the Mayor and the Council agreed to appoint a special, fifteen-member committee that would review city finances for inefficiencies.

⁶² Committee of Seventy, "The Charter: A History," City Governance Project, 1980, <https://www.seventy.org/uploads/files/127709242549666483-1980-charter-history.pdf>, accessed March 21, 2018. Countryman, *Up South*, 45-47. "Police Again Ask For Boost in Pay," *Philadelphia Inquirer*, November 3, 1947, 29. "Police Pressure For Raise Urged," *Philadelphia Inquirer*, November 13, 1947, 3. "2500 Policemen, Wives Mass At City Hall in Demand for Pay Boost," *Philadelphia Inquirer*, December 5, 1947, 1,3. On the family wage, see Lizabeth Cohen, *A Consumer's Republic: The Mass Politics of Consumption in Postwar America* (New York: Knopf, 2003), 154.

Philadelphia would not raise new taxes to pay its employees, but it would try to fund them by cutting costs. What looked like progress, however, ended up backfiring on both the police and the Republican machine. As the so-called Committee of Fifteen dug into city finances and began making recommendations, it highlighted opportunities for spending cuts. Throughout the year, the newspapers ran story after story about what the Committee identified as inefficiency, waste, and corruption—but what the Republican machine defended as necessary to the functioning of the city. The bad optics the Committee created forced the city to embrace some reforms, but, by and large, Republicans were resistant to remodeling Philadelphia along reformist lines. That resistance remained strong when the Committee’s investigation addressed the administration of the police department itself. In two reports, issued over September and October of 1948, the Committee released the results of an “administrative survey” of the police bureau penned by investigator James Leonard, a “Detroit police expert.” The police force was a prime target for a cost-cutting committee, as Leonard found it to have more employees and a larger operating budget than any other government agency in Philadelphia.⁶³

The Leonard Report identified two fundamental problems with the administration of the police bureau. The first, predictably, was inefficiency: despite having adopted the most cutting-edge, labor-saving technology like police cars and radios, had never made corresponding cuts in the number of district stations or patrol strength. Leonard advocated for the closure of 15 old, decrepit stations, the establishment of a central headquarters, the use of one-man rather than two-man car patrols, and the reduction or elimination of several special squads. He also made extensive recommendations on the bureau’s command and the responsibilities of higher-ranking

⁶³ “2500 Policemen, Wives Mass At City Hall in Demand for Pay Boost,” 1,3. “Survey Urges Closing Of 15 Police Stations To Save City \$1,000,000,” *Philadelphia Inquirer*, September 16, 1948, 1-2.

officers, calling, for instance, for reducing the extensive work hours of captains and creating the position of lieutenant to serve in the place of captains when they were off work or away from the station. The second problem, in Leonard's view, was that the bureau's resources were used in an unfocused way, spreading manpower and patrols uniformly across the city rather than concentrating them in districts with the highest crime rates, or favoring patrol cars over foot patrols so that officers could be quickly redirected to incidents anywhere in the city. The recommended pattern of station closure and consolidation was also aimed to match the distribution of resources to the distribution of crime. Leonard's insistence on replacing uniformed officers with civilians for clerical work also furthered the same goal: civilians were cheaper to employ than officers, but uniformed men were also best used fighting crime rather than filling out paperwork. Surprisingly, Leonard also supported a 40-hour week for patrolmen, which he insisted could be implemented without hiring new officers. The larger Committee of Fifteen did not, however, highlight or fight for this recommendation.⁶⁴

The report provoked immediate pushback from the police department at every level. Lodge No. 5 issued a response that rejected almost all of Leonard's recommendations. While this "Patrolman's Reaction" favored Leonard's recommendations on improved officer training and reduced hours for higher ranks, it rejected all of the report's proposed cuts and consolidations, insisting that "economy rather than efficiency" was the basis for Leonard's conclusions and that even existing staffing and coverage levels were insufficient to adequately fight crime in the city. The top brass of the Police Bureau also released a point-by-point response to the Leonard Report,

⁶⁴ Philadelphia Committee, Pennsylvania Economy League, "Report of the Administrative Survey of the Philadelphia Bureau of Police, Section One," September 10, 1948, 1, in Dilworth Papers, Box 185, Folder 10. Philadelphia Committee, Pennsylvania Economy League, "Report of the Administrative Survey of the Philadelphia Bureau of Police, Section Two," October 1, 1948, in Dilworth Papers, Box 185, Folder 11.

similarly embracing a handful of points while generally rejecting the bulk of Leonard's recommendations. But while patrolmen and officers both feared the proposed reforms, they did so partly for different reasons. While Lodge No. 5 sought to protect and augment the power of low-ranking officers in the bureau, the PPD report defended the status quo as essential to maintaining the chain of command. This consideration appeared in relation to even the most seemingly trivial matters, like whether police garage mechanics should be officers or civilians. The Bureau rejected civilian mechanics as "impractical" because they would demand overtime, risk leaving to take outside work, and bring the threat of unionization into the department. The Bureau concluded, "The control over the men which is now held because they are policemen and are working toward a pension would be lost." Ultimately, however, despite these divergent goals, top brass and rank and file were able to unite with the rest of city government to block Leonard's recommendations. It would take charter reform and the Democratic administrations of the 1950s to bring these and other, similar reforms to the Philadelphia police force.⁶⁵

The incessant scandals of 1948, an increasing political liability, ultimately spurred Republicans to move toward charter reform. Drawing on a "home rule" law recently passed by the state, Mayor Samuel appointed a commission to redraft the charter and to hold a referendum on its enactment. Samuel hoped to staff the commission with reliable machine men and thereby avoid substantive municipal reform, but he was pressured to choose more independent figures by a business reform group, the Greater Philadelphia Movement (GPM). The city's industrial class had long backed the machine, but in 1949 Philadelphia's small, proprietary manufacturing firms

⁶⁵ Fraternal Order of Police, "The Patrolman's Reaction to the Administrative Survey of the Philadelphia Bureau of Police as Proposed by the Philadelphia Committee, Pennsylvania Economy League, Inc., for the Committee of Fifteen," 1, in Dilworth Papers, Box 191, Folder 8, Historical Society of Pennsylvania. Memo, Superintendent Howard P. Sutton to the Committee of Fifteen, November 8, 1948, 28, Dilworth Papers, Box 191, Folder 9.

were in decline, and it was men from finance, insurance, real estate, and law who populated the leadership of the GPM. GPM fell squarely within the reform camp, hoping to break the machine, make the city more accountable to the interests of GPM's constituencies, and invest in the city's physical infrastructure. Samuel ultimately staffed the charter commission almost entirely with candidates suggested by GPM. In April of 1951, city residents voted to pass a charter that substantially transferred power from political parties and ward leaders to the mayor and city agencies. Charter reform in turn paved the way for Democrats to sweep elections in November, securing control of city government for the first time in over fifty years.⁶⁶

The leaders of FOP Lodge No. 5 and IAFF Local 22 saw charter reform as an enormous threat. Philadelphia's police and firefighters were so embedded in the architecture of the Republican machine that they feared that if it crumbled, they would come down with it. In the weeks prior to the April 1951 referendum they distributed leaflets to their members urging them to vote "no." The new charter, the leaflets warned, would draw new police and fire hires exclusively from non-city residents and would permit the demotion or firing of current employees without cause or due process. FOP and IAFF leaders also complained to the *Inquirer* that the charter would excessively centralize power, allowing the mayor to "virtually" control pay, benefits, hours, and time off through the ability to remove personnel directors and members of the Civil Service Commission. These arguments implicitly defended the decentralized machine and stoked fears with suggestive provocations about how a Democratic mayor might manage the department. Pro-reform figures, on the other hand, argued that the machine was an instrument of domination from which reform would free police and firefighters. In an April speech to the Police Chiefs Association of Southeastern Pennsylvania, retired judge Nochem

⁶⁶ Committee of Seventy, "The Charter." Countryman, *Up South*, 45-46. Ryan, *AFSCME's Philadelphia Story*, 113.

Winnet scolded Lodge No. 5 and International Association of Firefighters (IAFF) Local 22 for defending the machine, which he believed only really benefited a bullying party bureaucracy. “The new City Charter means freedom from all these pressures,” he said, as though addressing the absent officers and firefighters. “It means freedom from paying part of your pay each year to your ward leader for his political organization; it means promotion by merit; it means protection from all kinds of influence that prevent a policeman or a fireman from doing an honest job.”⁶⁷

Winnet’s exhortations were insufficient to calm the anxieties of the many officers who tried to resist or evade the effects of the new charter. Some simply chose to leave. In May 1951, a month after passage of the charter (but eight months before it took effect), the Police Pension Fund Association reported that police were retiring at three times the normal annual rate, putting the city on track for 300 total retirements by the end of the year. Others developed new forms of resistance. They leveraged their labor power and discretion as police officers by enforcing certain laws and regulations at a much higher rate than usual in an effort to frustrate and shame Democratic reformers. Soon after the new Democratic city government took office in January 1952, for instance, several city councilors complained that police were over-enforcing traffic laws, building regulations, and sanitary ordinances, citing “Orders from City Hall” when irritated citizens complained.⁶⁸

The threat these officers perceived was not simply speculative, either. Already in the early 1950s, Philadelphia reformers were pursuing corruption cases against the police, beginning with a 1951 grand jury investigation into police corruption. The investigation was triggered by

⁶⁷ “New Charter Seen ‘Freeing’ Police,” *Philadelphia Inquirer*, April 13, 1951, 19.

⁶⁸ “Retirement Rate On Force Soaring,” *Philadelphia Inquirer*, May 15, 1951, 1. “Plot To Pester City Regime Seen,” *Philadelphia Inquirer*, April 10, 1952, 1.

the so-called Kefauver Commission, a Senate committee chaired by Tennessee Senator Estes Kefauver that investigated organized crime. In over a year of investigation, the committee concluded that organized crime, often protected by local politicians and law enforcement, ran rampant across the country. According to committee findings, after Prohibition the main alcohol syndicates had branched into illegal gambling, prostitution, narcotics, and racketeering, some growing by the 1950s into illicit versions of the national, monopoly-seeking industrial conglomerates of the day. These syndicates allegedly degraded local government and law enforcement by bribing politicians and police and bending these institutions toward the protection of these illicit enterprises, away from accountable democratic policymaking. The committee's Third Interim Report identified the numbers game—a sort of lottery—as the leading form of gambling in Philadelphia, a “big industry...organized on a highly efficient scale” and protected by a “politico-gambler police tie-up.” Current and former police officers testified that gambling operators bribed captains and other high-ranking officers into protecting the numbers racket, turning a blind eye to its activities and minimizing or altering charges against those arrested. One former policeman “calculated that the payment of protection money to police in Philadelphia in the lower echelon totaled more than \$150,000 a month, and he said that his own captain, Elwell, was reported to be getting \$1,000 a month.” Led by District Attorney Richardson Dilworth and initiated in March of 1951—a month before the charter referendum—the Philadelphia grand jury investigation attempted to compel all officers to complete questionnaires on their financial status. The FOP resisted the effort vigorously.⁶⁹

⁶⁹ Final Report of the Special Committee to Investigate Organized Crime in Interstate Commerce, S. Rep. No. 82-725, at 5, 37 (August 31, 1951). *Third Interim Report*, at 46-49. “Quiz ‘Degrading,’ Police Protest,” *Philadelphia Inquirer*, April 13, 1954, 18. The Kefauver Committee notably united the familiar good-government reformist critique of the corrupting influence of organized crime and machine politics with a New Deal liberal critique of the corrosive influence of unregulated corporate monopolies on democratic politics. “Criminal syndicates in this country make tremendous profits,” said the Third Interim Report, “and are due primarily to the ability of such gangs and

Remaking the Police

The two Democratic mayoral administrations of the 1950s—those of Joseph Clark, Jr., (1953-1956) and of Richardson Dilworth (1956-1962)—deepened and institutionalized this refashioning of the police, bringing to fruition many of the reforms Republicans had rebuffed in the late 1940s as well as some new ones. To accomplish these goals, they relied on loyal reformist police commissioners, critical intermediaries whose role was to subordinate the administration and operation of the police department to the centralized elected mayors in City Hall. Their challenge was to implement reforms while maintaining the trust and obedience of the rank and file. The first such commissioner, Thomas Gibbons, served in the role from 1953 to 1960. Gibbons had joined the Philadelphia police in 1929, worked in the Crime Prevention Bureau, and risen in the ranks, reputedly without political sponsorship. His successor, Albert Brown, was part of the following generation of Philadelphia police. He joined the force in 1942, briefly headed FOP Lodge No. 5 in 1952, leapt to the rank of inspector after performing exceptionally well on the civil service promotion exam in 1953, and was appointed deputy commissioner in 1954.

The changes to police administration and practice that these administrators oversaw went under the banner of fighting crime more efficiently, but in practice, they meant a narrowing view of what sort of property deserved police protection, and a corresponding shift in departmental labor practices. This model left no room for illicit enterprises to pay off officers, shifting police accountability to the larger, licit capitalists behind reform groups like the GPM. Gibbons, a home-grown crusader against corruption, was known for attacking organized crime and cracking

syndicates to secure monopolies in the illegal operations in which they are engaged...secured by persuasion, intimidation, violence, and murder” (1, emphasis added).

down on graft within the police department. During his eight years as commissioner, he fired over 300 men for code violations and suspended many others, often for weeks at a time. He also employed a team of staff inspectors (numbering ten by the end of his tenure) whose dual mandate was to identify inefficiencies for elimination and to surveil and report on policemen suspected of misconduct. For Gibbons, the fight for a more efficient and “more honest” department were one and the same. Like the Philadelphia Economy League of the late 1940s, both Gibbons and Brown favored the use of technology and the targeted use of manpower to focus on high-crime areas. “We’re going to try to get more and more juice out of the orange,” Brown told the *Inquirer* on taking office in July 1960, and spent the next several years shifting men on foot patrol to patrol cars. Such policies showed that “modern” methods of efficient crime fighting also entailed efficient labor administration, a move away from the machine’s patronage model of hiring and promotion to one focused on productivity and the minimizing of waste.⁷⁰

If modern policing meant a speed-up within the police department, it fell disproportionately on poor and Black Philadelphians outside the department. Because social scientists and law enforcement officials had systematically conflated Blackness, poverty, and criminality since the nineteenth century, efficient allocation of the department’s resources entailed the growth of police surveillance and violence that mapped onto the segregated racial geography of the city. Commissioner Gibbons first focused on driving vice businesses, the homeless, and drug users out of Center City, where business owners hoped to make real estate investments that would draw capital and tourists to the city. In May 1952, he appointed future commissioner and mayor Frank Rizzo as captain of the centrally located 19th District, and the

⁷⁰ “Profile: Tom Gibbons: Troubles Plagued the City’s Top Cop,” *Philadelphia Inquirer*, July 23, 1960, 5. “Gibbons Quits Police Post; Brown, His No. 1, Deputy, Appointed Commissioner,” *Philadelphia Inquirer*, July 23, 1960, 5. “FOP Insurgent Wins Presidency,” *Philadelphia Inquirer*, April 3, 1952, 10.

press quickly learned to write sensational stories about Rizzo's crackdown on drunks, loiterers, and other "unsavory characters." Gibbons also expanded the police presence in more distant, majority Black neighborhoods in North, West, and South Philadelphia in an attempt to contain and tamp down street crime. In 1953, the department built a new station at 17th Street and Montgomery Avenue in North Philadelphia that could accommodate 500 police officers and 60 detectives. Police pursued a "dragnet" strategy in these neighborhoods, making mass arrests in response to violent crime, and sometimes with no provocation at all. Responding to a street attack on a female social worker in late 1953, the department arrested 745 young Black men, and an additional 625 over the following two weeks. These operations were often carried out by special "ranger squads" and other special units Gibbons had created to address violent street crime. Heavily armed units like these patrolling Black neighborhoods came to be the public face of Gibbons' more efficient and focused crime-fighting, the sharp end of the spear that fewer officers were asked to wield more and more productively over time.⁷¹

Even with a focus on extracting as much labor as possible from officers, however, both commissioners lamented the increasing difficulty of attracting a sufficient quantity of qualified applicants to the department. Brown was especially willing to point to competition with better-paying jobs and to the option to pursue a college degree as reasons it was difficult to recruit officers, a challenge the Police Pension Fund Association had identified as early as 1951. The opportunity to earn a livelihood in policing did not seem to be keeping pace with the routes to prosperity and security the New Deal Order had expanded through union jobs and higher education. Gibbons had a different analysis of the recruitment problem, however, and his public

⁷¹ On the conflation of Blackness and criminality, see Muhammad, *The Condemnation of Blackness*. Elkins, "Battle of the Corner," 46-53. "Numbers Suspect Feels Law's Fist," *Philadelphia Tribune*, October 27, 1953, 14.

position on the matter also showed that there were limits to the zeal with which a reformer could refashion the police department, even under Democratic administrations. In July of 1960, late in Richardson Dilworth's first term as mayor, Gibbons published a long narrative piece titled "Watch Out for the Bullies With a Badge" in the *Saturday Evening Post* in which he bluntly reflected on his experience with reform. He characterized his leadership of the department as a fight against the "bad cop...out for the fast buck, the easy life with the badge"—men, in other words, who saw their status as police as a privilege to be abused, not a position in which they served the public. Gibbons framed this figure as a perennial threat to the professionalism and efficiency of the department, that, while possible to fight, nonetheless tarnished the image of the police department in an enduring way. He lamented the difficulty of attracting enough high-quality recruits in 1960 but explicitly rejected the notion that tight labor markets or inadequate pay made it hard to find good recruits. The problem was simply that "bad cops" gave the department a bad name, with the end result that "hardly anybody wants to be a policeman." From Gibbons' reformist point of view, police abuse and the attendant bad press was a threat to the reproduction of the institution as such. And the only solution to bad press was to stamp out corruption and misconduct within departments and maintain strict criteria in hiring. He had done so even more vigorously under Dilworth than under Clark; with his help, he claimed, during the year before his *Post* piece was published, more police officers had been charged and convicted of a crime than in any previous year.⁷²

While none of Gibbons' arguments were out of keeping with his philosophy and practice as commissioner, the piece was nonetheless perceived as a betrayal of the commissioner's fellow

⁷² "Gibbons Quits Police Post," 5. Thomas J. Gibbons, "Watch Out for the Bullies With a Badge," *Saturday Evening Post*, July 9, 1960, 30-31, 122, 124.

officers. Other officers in Philadelphia and across the country saw such harsh, broad-brush criticism of Philadelphia police as a violation of the bonds of fraternity and solidarity that bound a police department together, and that even a police commissioner with the full backing of the mayor could not afford to break. Gibbons' piece generated tremendous blowback from other members of the department and of the city government, as well as a condemnatory statement from the National Association of Police Chiefs. Reform efforts always strained intra-police bonds of solidarity, but Gibbons seemed to decide he'd taken a step too far: he resigned shortly thereafter, citing health reasons.⁷³

The reform efforts of Democratic mayors, police commissioners, and their allies throughout city government were thus a continuous balancing act, an attempt to dissolve the decentralized privileges of machine-era police officers, bring those officers under the central control of the commissioner, and establish firm boundaries between police officers and policing on the one hand and crime and criminals on the other—all without pushing so hard as to generate a substantial backlash from officers who felt betrayed by such efforts. Most of the time, mayors and commissioners were successful in striking this balance, maintaining discipline over the department. Throughout the 1950s, the department reactivated a departmental ban on beards and mustaches, attempted to reclassify detectives as patrolmen and force them to use departmental rather than private cars, instituted mandatory retirement at 65, and ended the practice of granting officers above the rank of patrolman time off for extra time worked.⁷⁴

⁷³ "Thomas Gibbons, 83, of Philadelphia Police," *New York Times*, February 7, 1988, 44. "Profile: Tom Gibbons: Troubles Plagued the City's Top Cop," *Philadelphia Inquirer*, July 23, 1960, 5.

⁷⁴ "Trimmer Trims: Takes Fop Out of Cop," *Philadelphia Inquirer*, December 8, 1955, 1, 5. "Detectives Fight Reclassification," *Philadelphia Inquirer*, December 24, 1952, 4. "Detectives Gripe As Car Pool Starts," *Philadelphia Inquirer*, September 2, 1958, 24. "Retirement at 65 OKd for Police," *Philadelphia Inquirer*, November 25, 1953, 7. "End of 'Time Off' Irks F.O.P., Identity of 'Cop-Hater' Sought," *Philadelphia Inquirer*, February 24, 1959. FOP officials found the elimination of time off for overtime so egregious that they publicly refused to believe

Other actions were aimed specifically at containing the FOP as a vehicle for expanding the power of lower-ranking officers in the department. In April 1959, for instance, Police Inspector Maurice Pliner resigned after the department discovered he had forced men under his command to do construction work on his house. When the FOP lobbied against and nearly derailed the approval of Pliner's pension, City Council President James Tate and fellow Democratic Councilor Paul D'Ortona moved to reorganize the pension board, "broadening" its base to allow greater representation of high-ranking officers. The city also imposed a ban on FOP members directly soliciting advertisements from local businesses to fund Lodge No. 5's membership publication. While the FOP claimed this was an honest and straightforward practice, opponents alleged that they essentially shook down businesses for contributions but granted contributors "get out of jail free cards" they could present to avoid arrests. The FOP vigorously protested the regulation but ultimately backed down in the face of Dilworth's intransigence. Finally, the city consistently blocked the FOP's key demand of the 1950s: a 40-hour week. The State Lodge of Pennsylvania made this demand a statewide goal during its thirteenth annual conference in 1954, and Lodge No. 5 pursued it vigorously in Philadelphia. The lodge filed a lawsuit in 1955 seeking to restore the 40-hour week that the last Republican administration had instituted for police in its final days, but though the FOP appealed the case all the way to the state supreme court, no judge was willing to rule in their favor. The order then pursued more traditional tactics, sending letters to Dilworth and marching on City Hall, eliciting more and more strident condemnations from the mayor. In both the solicitation and the work hours fight, the FOP was even able to rally support from other unions, including those of the firefighters,

Commissioner Gibbons had actually made this decision and asked him to reveal the "phantom City Hall cop-hater" who had forged Gibbons' signature on the order.

carpenters, bakery workers, dockworkers and workers aboard ships. But the city successfully resisted the demand throughout.⁷⁵

Conclusion

By the late 1950s, Fraternal Order of Police Lodge No. 5 found itself in an ambiguous position in Philadelphia. On the one hand, its mere presence in the city represented a profound victory for a police union movement that had struggled for 60 years to find firm institutional footing in U.S. cities, and for an FOP whose arrival in Philadelphia in 1939 crowned its saturation of Pennsylvania's police forces and its spread across the United States. The lodge united the Philadelphia Police Department's thousands of officers in a formal structure officially recognized by the brass, and it leveraged this position in informal, ad hoc negotiations with the city over compensation, hours, and working conditions. On the other hand, beginning in the late 1940s the FOP increasingly found itself on the back foot as it faced Democratic reformers who wanted to reduce rank-and-file officers' discretion and authority and subordinate them to the dictates of City Hall and the police commissioner. The last thing mayors like Joseph Clark and commissioners like Thomas Gibbons wanted was a group that institutionalized a check on their managerial prerogative, and they spent a decade framing the FOP as an obstacle to efficiency, professionalism, and reform in order to minimize its influence in the department. More often than not, they succeeded.

⁷⁵ "Pliner Quits As Ouster Is Withdrawn," *Philadelphia Inquirer*, April 16, 1959, 1. "Tate, D'Ortona To Seek Police Pension Change," *Philadelphia Inquirer*, May 15, 1959, 29. "City Aides Face Firing If They Solicit for Ad Books or Benefits," *Philadelphia Inquirer*, June 2, 1959, 1, 4. "Police, Firemen Solicitations Held Peril to Crime Fight," *Philadelphia Inquirer*, June 24, 1959. "FOP Apologies to Mayor, Drops Book and Dance," *Philadelphia Inquirer*, July 24, 1959, 23. "Fraternal Police Order Seeks 40-Hour Week," *Philadelphia Inquirer*, July 13, 1954, 8. "Police and Park Guards to Open Fight for 40-Hr. Week, Back Pay," *Philadelphia Inquirer*, July 19, 1955, 25. "Police Lose Please For 40-Hour Week," *Philadelphia Inquirer*, June 26, 1956, 7. Francis Downey, "Police-Fire Wages," *Philadelphia Inquirer*, August 16, 1959, 10.

Chapter 2

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Policing the Police: FOP Lodge 5 and the Fight Against Civilian Review, 1958-1969

Fraternal Order of Police (FOP) Lodge No. 5 spent most of the 1950s battling for autonomy from Philadelphia's Democratic reform mayors and police commissioners. They lost at least as often as they won: reformers successfully and accurately framed the police department as tied up with both the old Republican political machine and illegal vice enterprises, and they implemented tighter managerial authority for the brass and anti-corruption purges in the department. To achieve honest, effective policing, they argued, required severing these old ties and building a police department that cracked down on violent crime, property crime, and vice, to make Philadelphia safe for residence and business investment. Under the circumstances, rank-and-file police officers represented by the FOP struggled to find allies in their fight against the brass's growing managerial prerogative. Their fight against an anti-corruption crusade failed to look sympathetic to business leaders and other labor unions, let alone the ascendant liberal reformers leading the crusade. The FOP seemed a corrupt, particular interest straining to bend the instrument of local government away from public accountability and service to its own private concerns.

But in the late 1950s, Philadelphia police unionists identified a new opportunity to fight the liberal reform regime that would remake their public image and win them allies and political power on an unprecedented scale. By the end of the 1960s, however, the police union was transformed. Led by the charismatic and outrageous Highway Patrol Sergeant John Harrington, Lodge No. 5 increasingly set the terms of the relationship between the police department and the city government. The catalyst for this transformation was a relatively weak but politically

charged entity born in 1958: the Police Advisory Board (PAB), a venue in which Philadelphians could bring complaints of police brutality or misconduct and seek formal apologies, arrest record expungings, and sometimes reprimands or other punishments for officers. John Harrington successfully channeled anti-review board sentiment in Philadelphia into a political campaign that killed the Board and lifted the FOP to unprecedented power and prominence. And he leveraged his local struggle into a national campaign, mustering the resources of the FOP to help block or abolish civilian review measures in other cities, expanding FOP membership, and offering a model to other police unions. It was by fighting civilian review that Harrington and his peers in other large cities laid the groundwork for police unions as they came to be by the end of the twentieth century: powerful organizations with collective bargaining rights, strong workplace protections, savvy media strategies and extensive political power over the shape of criminal justice and law enforcement institutions.

Harrington and other police unionists achieved this dramatic transformation because the political valence of civilian review was distinct from the rest of the liberal reform program. The PAB was the fruit of efforts by Black political groups and the multiracial civil rights coalition that worked around them to dismantle the system of racist policing and replace it with race-neutral law enforcement accountable to all Philadelphians. By making opposition to the PAB central to the police unionism, Harrington and the FOP articulated the police union movement to a broader coalition of white, conservative, tough-on-crime voters and politicians. In essence, they adopted a highly successful form of right-wing social movement unionism to lift the fortunes of police unionism as a whole. FOP leaders undertook an aggressive PR campaign in Philadelphia and across the country to persuade white Americans that police were not a venal threat to the public interest. They were, rather, the very force whose labor secured public safety and order

against the conflated threats of civil rights politics, violent crime, property crime, and the urban uprisings of the 1960s. Police unionization simply guaranteed police adequate pay, working conditions, and protection from the vagaries of political influence to do this job effectively.

The FOP's successful fight against the PAB also helped unseat the liberal reformers from both the department brass and from city hall. By the end of the decade, the mayor of Philadelphia was not a reformer but Democratic machine operative James Tate, who increasingly embraced toward law-and-order politics in order to retain support from the city's blue-collar white-ethnic voters. In response to these voters and the FOP, Tate had progressively weakened support for the PAB, and in 1967 he permanently appointed as police commissioner the notorious, tough-on-crime Frank Rizzo, whom he would also anoint as his mayoral successor in the early 1970s. The FOP's campaign against the PAB as a threat to the integrity of their work and working conditions thus served as the vanguard of a larger political movement that defeated reform liberalism and elevated socially conservative, law-and-order figures within the municipal state.

Civil Rights Politics in Philadelphia

When Mayor Richardson Dilworth instituted a police review board in 1958, the move was consistent with Democratic reform efforts to purge the remnants of the Republican party machine in city government—the corrupt institutional network in which the police department had been deeply embedded. Per reformers, creating a venue in which citizens could report police discrimination, harassment, and brutality would improve the department's discipline and efficiency. But the establishment of the PAB was also a response to civil rights activism by Black Philadelphians and their white allies, who sought to curb police brutality and make the PPD more accountable to the needs of Black communities. The PAB was Dilworth's effort to respond to these demands.

For decades, Black academics and reformers in Philadelphia and other Northern U.S. cities had singled out racist policing as the force that overrepresented African Americans in crime statistics and left them vulnerable both to police brutality and unaddressed violent crime. Black researcher Anna J. Thompson published a study for the Urban League in 1924 that found that African Americans made up about 7% of Philadelphia's population but a quarter of total arrests. Frequent mass arrests, carried out during vice raids or when scapegoating Black Philadelphians for minor crimes to which they had no material connection, contributed substantially to this overrepresentation. These problems deepened with Commissioner Thomas Gibbons's dragnet policing of in the 1950s, and middle-class Black Philadelphians organized a political response. Operating in the tradition of civil rights liberalism, these men and women participated in electoral politics and political lobbying to secure race-neutral policing in the city. They did not reject the police altogether. Many favored Gibbons' crackdown on vice and wanted him to police street crime, property crime, and youth delinquency in their neighborhoods. But they resented discriminatory policing, especially "phoney numbers raids" against "respectable homes," in the words of one Philadelphia *Tribune* writer.⁷⁶

These Black Philadelphians organized through local groups to pressure the city to adopt more equitable policing. Neighborhood associations and block clubs led by professionals and real estate workers formed the most local layer of organization, but by the 1950s the National Association for the Advancement of Colored People (NAACP) became involved as well. The Philadelphia branch of the NAACP had been founded decades earlier, and during the 1930s and '40s branch leaders focused on housing segregation and employment discrimination. In the same period, the branch forged alliances with white Protestant- and Jewish-led liberal groups fighting

⁷⁶ Kahlil Muhammad, *The Condemnation of Blackness*, 226-268. Elkins, "Battle of the Corner," 57.

discrimination on the basis of race and religion. By the 1950s, however, the Philadelphia NAACP began to devote resources to the problem of police brutality and misconduct in Black neighborhoods. It maintained a committee on police practices and waged campaigns to increase the number of Black state police officers and the number of Black city police assigned to predominantly Black neighborhoods. In 1956, the branch secured an agreement from the police department to place more Black officers in squad cars patrolling Black neighborhoods, though the agreement went almost entirely unenforced. When the PAB was established in 1958, the NAACP represented the complainant in the board's first case.⁷⁷

The Fellowship Commission (FC) and the Philadelphia branch of the American Civil Liberties Union (ACLU), on the other hand, were led primarily by white Protestant and Jewish reformers. The FC was an umbrella organization founded in 1941 by Maurice Fagan and Marjorie Penney to fight a bloom of pro-fascist and racist groups in Philadelphia. It included Fagan's Jewish Community Relations Council (JCRC), Penney's Fellowship House, and others—including, soon after the FC's formation, the NAACP. In the 1940s and early 1950s, the FC became the leading vehicle for civil rights politics in Philadelphia. It was the main force behind the institution of the municipal FEPC in 1948 and the inclusion of key civil rights language in the 1951 city charter. Thanks to these efforts, the new charter banned discrimination in all city property, facilities, services, employment, and contracts worth more than \$2000. It also established the Commission on Human Rights (CHR), a successor to the FEPC with strengthened investigatory powers and greater resources. The FC also worked with the police

⁷⁷ *Ibid.*, 19, 22-44, 95. Francis Clay to Charles Joy, July 12, 1954, in National Association for the Advancement of Colored People (NAACP), Philadelphia Branch Records, URB 6, Box 15, Folder 15, Special Collections Resource Center, Temple University Libraries, Philadelphia, Pennsylvania. Jasper Foye to NAACP, October 27, 1956, Philadelphia NAACP Records, URB, Box 19, Folder 6. See also Philadelphia NAACP Records, URB 6, Box 16, Folder 20 on Special Committee on Police Practices.

department, advocating the incorporation of anti-bias material in police training as early as 1946 and in 1954 proposing a “Police Advisory Council” as an institutional liaison to manage police-community relations. Maurice Fagan also organized the first national conference on police-community relations in April of 1954.⁷⁸ The Philadelphia ACLU was itself an outgrowth of the FC. While the national ACLU had tried to organize a Philadelphia chapter since the 1930s, the effort only took off when in 1949 the FC established the Citizens’ Council on Democratic Rights (CCDR) tasked with investigating civil rights issues in Philadelphia. By 1951 this council had morphed into the Greater Philadelphia Branch of the ACLU, which spent much of the first half of the decade fighting the abuses of the red scare.⁷⁹

As the ACLU, and to a lesser extent the NAACP and the FC, turned their attention to police brutality in the 1950s, they did so not of their own initiative, but in response to Philadelphians with grievances against the police who had no meaningful way to pursue a complaint through city government. Before the institution of the Police Advisory Board, Philadelphians could complain directly to the Police Department, which would promise to have either the Commissioner’s office or the Police Board of Inquiry (PBI) look into the matter. There was no entity in the police department whose role was to investigate civilian complaints—the

⁷⁸ Countryman, *Up South*, 25-28, 40, 45-46. “Police Training Program,” November 12, 1946, in Fellowship Commission (FC) Records, Box 23, Folder 8, Special Collections Resource Center, Temple University Libraries, Philadelphia, Pennsylvania. Report of Sub-Committee on the Police Advisory Council, Committee on Community Tensions, Fellowship Commission, February 4, 1954, FC Records, Box 22, Folder 15. “First National Police-Community Relations Conference, Initiated by the National Association of Intergroup Relations Officials, Philadelphia, Pa. – April 8-9, 1954,” FC Records, Box 23, Folder 4.

⁷⁹ Walter Massey Phillips, Interview with Spencer Coxe, April 26, 1979, 1-2, 5-6 in Walter Massey Phillips Oral Histories, Box 5, Folder 4. The ACLU was founded in 1920, largely in response to the first red scare that occurred during and after World War I. For a (rather partisan) institutional history of the ACLU, see Samuel Walker, *In Defense of American Liberties: A History of the ACLU* (Carbondale, IL: Southern Illinois University Press, 1990). Ellen Schrecker offers a useful overview and analysis of the post-World War II red scare in *Many Are the Crimes: McCarthyism in America* (Boston: Little, Brown, and Company, 1998). For context on this period in Pennsylvania in particular, see Philip Jenkins, *The Cold War At Home: The Red Scare in Pennsylvania, 1945-1960* (Chapel Hill: University of North Carolina Press, 1999).

PBI was a means of internal discipline rather than external accountability—and in practice most inquiries remained unresolved. As a result, citizens took their cases elsewhere. The Philadelphia ACLU had taken up complaints with the Police Department on behalf of city residents practically since its inception. In the mid-to-late 1950s, the FC also received an increasing number of complaints about policing from Black Philadelphians, “resentful,” Maurice Fagan later recalled, “of what they regarded as ‘brutality’ by police and harassment of Negroes, with arrests and raids which failed utterly to distinguish between reputable Negroes and Negroes with established criminal records.” Meeting with Black civic groups, the Black press, and the city’s Council on Human Relations in 1957, the FC convinced Commissioner Gibbons to open PBI hearings to the public and allow complainants’ representatives to attend hearings, as well as to agree in principle to a ‘Citizens’ Hearing Tribunal’ that would hear complaints specifically about excessive use of force—this being the greatest independent oversight the PPD would tolerate. The ACLU developed a more ambitious proposal for a board that would allow complaints not only about brutality but also about discrimination on the basis of race or religion, illegal search and seizure, or even excessive rudeness.⁸⁰

At the same time, Councilman Gaetano Giordano opened City Council hearings on the question of police conducting frequent and (literally) warrantless raids on the homes of alleged numbers-runners. This was a particularly frequent complaint, and witnesses testified to returning home to find that police had broken into their homes and were wandering around. Others described “officers looking for easy money...pulling allegedly phony raids on respectable homes during quiet birthday parties.” An elderly Black woman described an officer during one such

⁸⁰ Maurice Fagan to Richardson Dilworth, January 2, 1958, 1-2, FC Records, Box 22, Folder 24. Spencer Coxe, “Police Advisory Board: The Philadelphia Story,” *Connecticut Bar Journal* 35, no. 138 (1961): 139-141.

home raid grabbing her by the throat and sticking his finger in her mouth—to stop her from swallowing what he claimed was a “numbers slip” but turned out to be snuff. Another raid led to the confiscation of bottles of beer and whiskey that were never returned or introduced as evidence in a trial. Giordano admitted testimony of a much broader scope, perhaps in part because the city’s largest Black newspaper, the *Philadelphia Tribune*, also advertised the hearings to encourage all complainants to come forward. Many Philadelphians, white and Black, appeared before the Council to describe police brutality they claimed to have suffered. Many of the complaints highlighted how police regulated behavior and appearance in public spaces. Two plainclothes detectives reportedly removed accosted a Black Sunday school treasurer for no apparent reason, decided the \$29 in his pocket were “too much money for him to carry unless he was in a racket,” and took him to a station house to strip search him for numbers slips and threaten to search his home. Another officer accused a diabetic man who was feeling unwell of “bumming” as he waited for a train, beat him, and appropriated \$69 from his pay envelope. In still another case, police “roughed up” and arrested a 77-year-old man for public drunkenness. A police surgeon declared him sober and discharged him, but he died of a heart attack three weeks later.⁸¹

Local civil rights groups took advantage of the hearings to offer an institutional response. The Philadelphia NAACP issued a statement expressing great concern about police brutality, and the ACLU seized the occasion to press for the uptake of its proposal. Councilman Henry Sawyer, also the president of the Philadelphia ACLU, introduced the ACLU plan as a Council bill, but

⁸¹ Schneider, Agee, and Chronopoulos, “Dirty Work,” 5. Dorothy Anderson, “Council Set To Hear All ‘Mistreated,’” *Philadelphia Tribune*, January 14, 1958, 1, 12. Dorothy Anderson, “Police Acts Shock Councilmen,” *Philadelphia Tribune*, January 21, 1958, 1-2. “Liberties Union Urges Board for Complaints on Police,” *Philadelphia Inquirer*, January 16, 1958, 17.

while the bill garnered the co-sponsorship of Gaetano and two others, it was quashed by the Committee on Law and Government Chairman Paul D’Ortona. As a last resort, the ACLU turned to Mayor Dilworth, who On October 1, 1958, Dilworth quietly issued an executive order creating a five-member Police Review Board modeled closely on the ACLU proposal. This was a momentous event. Civil rights groups around the country had been pushing for independent civilian review for at least a decade, but the PRB in Philadelphia was the first such board to come to fruition. The ACLU actively helped sustain the board in its early days, referring one third of all cases considered in its first year, and continuing to refer cases in future years alongside the NAACP, the Fellowship Commission, and city agencies like the CHR. Notably, the NAACP was a fickle supporter of the Board. Cecil Moore, president of the Philadelphia NAACP from 1963 to 1967, found the Board ineffective at best, and “designed to whitewash crimes of the police.” But the city’s Black, middle-class civil rights establishment—from the Urban League to Black ministers’ groups to the city’s largest Black newspapers, the *Philadelphia Tribune*—supported and defended the board as a valuable instrument throughout its existence.⁸²

The Board operated for 11 years from its creation in 1958 to its final dismissal in 1969. It had five members for its first several years, in 1960 acquiring an executive secretary to handle its administrative activities, and expanding from five to eight members in 1961. The PAB never had an independent investigative staff and so relied on the Commissioner, his own investigators, and the Police Community Relations unit to conduct internal investigations and report the results to

⁸² Dilworth had previously chaired the FC’s Committee on Community Tensions and who had been receptive to some kind of civilian input on police practice. “Liberties Union Urges Board for Complaints on Police,” 17. Coxe, “Police Advisory Board,” 141-143. Spencer Coxe to Maurice Fagan, October 19, 1959, FC Records, Box 22, Folder 24. Michael Von Moschzisker to Richardson Dilworth, January 28, 1959, FC Records, Box 22, Folder 24. Countryman, *Up South*, 126, 230-231, 364n99. Schneider, Agee, and Chronopoulos, ““Dirty Work,”” 3, 9-10.

the PAB. The Board itself tended to be staffed by members of the same milieu that pushed for its establishment: liberal attorneys, leaders of community groups like the FC, and liberal criminologists. A handful of local businessmen served on the Board. A labor leader, William Ross, manager of the Philadelphia Joint Board of the International Ladies' Garment Workers Union (ILGWU), did as well, as part of that union's commitment to civil rights causes. (The ILGWU also funded the NAACP, CORE, and the United Negro College Fund). Most Board members were men, and a majority were white, but several Black professionals and clergy became committee members, as did one Puerto Rican clergyman. In 1966, in response to the critique that the PAB lacked the expertise to assess the propriety of police actions, the Board also convinced the mayor to appoint two retired police officers, though, as discussed below, one resigned immediately under pressure from the FOP.

Over its lifetime, the PAB received a total of 932 complaints. Its mandate was broad, and the complaints reflected that breadth: Philadelphians brought concerns about brutality; illegal arrest, search, or seizure; and harassment. In the vast majority of these cases, complaints were handled informally, and solutions included apologies from officers or the expunging of arrest records. Over its lifetime, the Board only called for 30 official reprimands and 20 suspensions. Vitally, the PAB was only empowered to issue recommendations; it was up to the mayor and the police commissioner to decide whether to act on them, though by and large they did follow the Board's recommendations.⁸³

⁸³ "The Fourth Annual Report of the Police Advisory Board of the City of Philadelphia," 1, Police Advisory Board (PAB) Records, Box 1, Folder 3, Special Collections Resource Center, Temple University Libraries, Philadelphia, Pennsylvania. Spencer Coxe, "The Philadelphia Police Advisory Board," May 10, 1965, 1-2. PAB Records, Box 1, Folder 22. "Garment Workers Union Fights Anti-Bias Battle Relentlessly With Men, Money, Time," *Philadelphia Tribune*, July 31, 1962. James Reaves, *Black Cops* (Philadelphia: Quantum Leap, 1991), 124. "The Second Annual Report of the Police Advisory Board of the City of Philadelphia," 4, 6-7, PAB Records, Box 1, Folder 1. Countryman, *Up South*, 283.

The PAB's Annual Reports justified the Board's continued existence to the mayor in two ways. First, the reports repeatedly emphasized the board's use as a "safety valve," a way to institutionalize and guide the negative feelings some Philadelphians held toward the police. While the PAB could and did recommend disciplinary actions like time off or dismissals, it often served as a means simply to recognize and validate the complaints city residents brought to it. One report noted encouragingly that many complainants did not want disciplinary action taken against the officers they felt had wronged them, but would "merely request an apology and a statement that their rights will be respected in the future." Board members also believed they could serve their safety valve function by educating Philadelphians about what constituted a legal police stop, search, or arrest—hoping to assuage those who mistakenly, in the Board's view, believed their rights to have been violated.⁸⁴

But the PAB's members were interested in more than simply channeling citizen complaints. They also wanted to uncover abuses and oversights in the police department and encourage the department to correct them. Reports repeatedly insisted that the Board found "no general pattern of officially condoned police brutality or discrimination based upon race, creed or national origin." But they did not deny that officers carried the prejudices of the broader culture with them in uniform, and that some districts were particularly lax in enforcing departmental rules and regulations. The PAB even claimed some success in reforming such practices. Its 1965 Annual Report noted the existence of several station houses whose staff rebuffed civilian inquiries and treated arrested Philadelphians with violence and urged an internal investigation. The 1966 report believed the problem to have been fully corrected. Local ACLU leader Spencer

⁸⁴ "The Third Annual Report of the Police Advisory Board of the City of Philadelphia," 4, PAB Records, Box 1, Folder 2. "The Sixth Annual Report of the Police Advisory Board of the City of Philadelphia," 1, PAB Records, Box 1, Folder 5.

Coxe also wrote in 1965 that the Board had made it impolitic for the PPD to continue to break up interracial social gatherings at the same rate it had before the Board's existence. In neither case, however, were the authors of these documents able to offer any evidence for their optimistic conclusions.⁸⁵

In fact, the reality was more complicated, and the many ways police upheld class and racial boundaries within Philadelphia show up in the PAB complaint files. Officers regularly stopped cars with no pretext and invaded homes with no warrants, breaking down doors and grappling with residents to make arrests. Many such invasions were planned as raids on illegal businesses in alcohol, drugs, and gambling. But police typically arrested the Black employees of such concerns rather than the white Philadelphians who most often owned and managed them, and many arrests heedlessly disrupted the homes and businesses of Black city residents totally uninvolved in these vice enterprises. One Black Philadelphian described a home invasion by a plainclothes officer who did not announce himself as such, burst into a party in the man's basement, shouted racial epithets, and arrested the man when he tried to separate the officer and his sister. Other cases revealed officers' snap visual judgments of likely public intoxication. One man was returning from a doctor's appointment to work in the Navy Yard when officers arrested him for being high (his drug test came back negative); another, a Black pastor and block captain, was swept up in a raid on an after-hours bar when he was in fact heavily medicated. Racial scapegoating was rampant, with officers insulting and arresting random Black men while searching for car thieves, drug dealers, and other vice operatives. Across all cases, Black

⁸⁵ "The Third Annual Report of the Police Advisory Board of the City of Philadelphia," 5. "The Seventh Annual Report of the Police Advisory Board of the City of Philadelphia," 3-4, PAB Records, Box 1, Folder 6. "The Eighth Annual Report of the Police Advisory Board of the City of Philadelphia," 7, PAB Records, Box 1, Folder 7. Coxe, "The Philadelphia Police Advisory Board," 3.

Philadelphians comprised two thirds of complainants despite making up only a quarter of the city population. But police brutality complaints came amply from Philadelphians of all races—30% of Black complaints came from white and Black complainants each.⁸⁶

Rank-and-File Resistance

However salutary the PAB's members felt they were to the functioning of the police department, the members of Lodge No. 5 strenuously disagreed. From the moment of the PAB's inception, FOP leaders saw it as the latest front on the professionalizers' fight to remake the department, and they made the FOP the Board's most consistent, implacable opponent. Spencer Coxe had heard rumors even before a board was established that Lodge No. 5 President James Loughran predicted rebellion in the ranks if such a project went through. And though for its first year the Board faced no public opposition, in December 1959, the FOP filed suit to enjoin the Board from further action, arguing that it violated police officers' rights and was illegal under the city charter. The trial revealed a rift between the department's rank and file and its top brass; while the FOP alleged that the Board hurt department morale, Commissioner Thomas Gibbons insisted that "the Board has not only aided me, but has aided the Police Department." Gibbons, the quintessential reform commissioner, fully supported the civilian review project, insisting during the trial that the Board actually enhanced his own managerial authority over his subordinates. In February 1960, the trial ended in a settlement that made minor changes to the board, including a name change from "Police Review Board" to "Police Advisory Board." But

⁸⁶ Schneider, Agee, and Chronopoulos, "Dirty Work," 7-9. "Complaint of Mr. Elliot McIlwain against Policeman Robert J. McGrory," June 28, 1961, PAB Records, Box 3, Folder 28. "Complaint of Mr. William Burton against Policemen Fredrick Rhodes...Joseph Molino...and George Gill," July 11, 1960, PAB Records, Box 3, Folder 28. Complaint of Rev. H. Richard Monroe, December 21, 1965, PAB Records, Box 3, Folder 77. "Complaint of Mr. Wilbur Black against Officer Arthur Smith," February 28, 1962, PAB Records, Box 3, Folder 28. "Complaint of Mr. Odis Johnson against Policemen S. Zeitman...R. Pagliarella...and R. Kligerman," February 15, 1962, PAB Records, Box 3, Folder 28.

the PAB did agree not to investigate police officers who had related criminal charges pending against them, a victory for FOP members who felt the Board risked subjecting officers to a sort of double-jeopardy, over and above the judgments of the criminal justice system. The policy was a small but real victory in the FOP's fight to constrain the Board's authority⁸⁷

While Lodge No. 5 accomplished little with its lawsuit, many Philadelphia policemen continued to resent the presence of the Board and to search for ways to dismantle it. The officer who most fervently organized against the PAB was John Harrington, a Philadelphia Highway Patrol Sergeant who had served as President of the Pennsylvania State Lodge of the FOP since 1958. When the FOP National Convention met in Philadelphia in 1961, Harrington's was one of the loudest voices calling for the national organization to focus on fighting review boards. He was particularly critical of Legislative Committee Chair Carl Bare, whom he believed had been too slow to pivot from issues like whether city police should qualify for Social Security payments to the threat of civilian review boards. Harrington's complaints resonated with other FOP delegates, as efforts to create review boards had begun in other cities as well, including Los Angeles, Detroit, and Cincinnati. There was thus enough support to pass a resolution condemning review boards and calling on the FOP to fight them at all levels. FOP President Jack Dudek of Cleveland consequently designated the FOP's Law Enforcement and Human Rights Committee as the "clearing house" for the Order's efforts on review boards, and the Committee set to work producing a suite of pamphlets to educate FOP members on review boards and how to prevent them. One explained the "threat to law enforcement" that review boards posed, another overviewed "Their History, How They Are Created, [and] A Board in Action," and a

⁸⁷ Coxe, "Police Advisory Board," 152-3. "The Second Annual Report of the Police Advisory Board of the City of Philadelphia," 5-6, PAB Records, Box 1, Folder 1.

third collated a set of “rebuttal materials,” a number of articles, statistics, and opinion pieces intended to help anti-review board campaigns on the ground.⁸⁸

Together, these pamphlets narrated a conspiracy theory in which “pressure groups” like the ACLU, NAACP, and ADA had undertaken a national campaign to set up review boards across the country, with the aim of creating “[a]pathy on the part of police, governmental agencies, and the general public.” One pamphlet warned that the “resulting confusion, unrest and demoralization of the government and the public can be identified as Communist goals” and cited a “page from a Communist Espionage Agent’s training manual” on the importance of monitoring, repressing, and infiltrating American police and security organizations to “steal documents” and “destroy everything of value.” The same document went on to argue that review boards violated officers’ “fundamental liberties...as a citizen” by risking double jeopardy, ignoring rights to due process, equal protection, and a jury trial, and violating the “right to have his reputation protected against public attack by a governmental body.” Altogether, the pamphlets framed review board campaigns not as attempts to institute democratic accountability and social stability, but as the efforts of Communists to destabilize American society, undermine American security and liberty, and restrict officers’ rights. The pamphlet concluded by listing statements of support from other allies in the fight against review boards, including a U.S. Representative and HUAC member Gordon Scherer (of Cincinnati, no less), a number of police

⁸⁸ “Dateline...Delaware Valley U.S.A.,” *Philadelphia Inquirer*, July 19, 1958, 9. Walsh, *The Fraternal Order of Police*, 255-59, 261-62.

chiefs, and the IACP itself, which passed a resolution against review boards at its 1960 annual meeting.⁸⁹

Framing civil rights measures like civil review as a Communist conspiracy was marginal but not unheard of in right-wing political spaces in the 1950s and '60s, and it functioned to discredit Black emancipatory politics as alien, illegitimate, and threatening. Far-right groups like the John Birch Society, segregationist politicians, and the nation's highest law enforcement officer, FBI director J. Edgar Hoover, all publicly embraced this framing. To the limited extent that it corresponded to reality, it referenced the overlap between the Black Freedom Struggle and the Communist Party that flourished in the 1930s and 1940s. During World War II and the early Cold War, Black Communists, fellow travelers, and other Black leftists were frequently subject to FBI surveillance, questioning by the House Un-American Activities Committee, blacklisting, and deportation. These connections, however, had largely been demolished by McCarthyism by the time the FOP militated against civilian review in the 1960s.

The FOP's anticommunist rhetoric represented a deeper, more structural commitment by police unionists to opposing Black claims to citizenship of the sort that civilian review boards and their attendant politics of equitable, race-neutral citizenship represented. Framing the Black freedom struggle as a Communist conspiracy, while not literally true, positioned African Americans outside the body politic, and their efforts to claim belonging in it as an incursion on American sovereignty by a foreign element. This framing, as disseminated in these pamphlets, revealed what police unionists and their constituents believed to be the heart of their role. Across the diverse spheres of police activity, licit or illicit, embraced or disavowed, the heart of police

⁸⁹ Walsh, *The Fraternal Order of Police*, 261-62. "Police Review Boards: Their History, How They Are Created, A Board in Action," 1962, 1-5, 8-10, PAB Records, Box 1, Folder 35. "Police Review Boards: Articles—Opinions—Statistics," 1962, PAB Records, Box 1, Folder 34.

work was protecting the integrity of the body politic from those who threatened it—most centrally, the always conflated and collapsed categories of criminals and African Americans. Limiting Black power in American civic, social, economic, and political life was the central, if not exclusive, throughline of police work.⁹⁰

While the FOP prepared and disseminated these materials, changes were under way in the city administration that would further challenge the PAB. On February 12, 1962, Richardson Dilworth resigned as mayor to run for governor of Pennsylvania. Two days later, City Council President James Tate was sworn in as acting mayor. Tate would go on to win the next two mayoral elections and hold the office for ten years. Unlike Dilworth, Tate was a longtime member of the Democratic Party apparatus, having served as a committeeman, ward leader, State Assemblyman, and City Councilman through the 1930s, '40s, and '50s, and his ascent to the mayoralty marked an end to the active reform era of the previous decade. To be sure, there were many continuities thanks to the institutionalization of the reform movement's victories, and Tate shared with his reformist predecessors a belief in government as an instrument for addressing social inequality. But unlike Clark and Dilworth, Tate was a creature of the local Democratic Party, and his power and position rested on carefully balanced relationships with a variety of intra-party factions, power brokers, voting blocs. The lawyers, financiers, and real estate capitalists who backed the Greater Philadelphia Movement and the past decade of reform figured much less prominently in this coalition, while Black clergy and professionals and the city's labor

⁹⁰ D. J. Mulloy, *The World of the John Birch Society: Conspiracy, Conservatism, and the Cold War* (Nashville, TN: Vanderbilt University Press, 2014), 127-128. On the entanglement of antiforeignness and antiblackness in this discourse, see Charisse Burden-Stelly, "Constructing Deportable Subjectivity: Antiforeignness, Antiradicalism, and Antiblackness during the McCarthyist Structure of Feeling," *Souls: A Critical Journal of Black Politics, Culture, and Society* 19, no. 3 (2017): 342-358. My analysis of what Burden-Stelly calls the "McCarthyist Structure of Feeling" largely aligns with her own, but I consider its application to a time after the period Burden-Stelly examines (~1938-1950), and to considerably less radical Black political actors than are the focus of Burden-Stelly's article.

movement, especially the conservative, heavily white building trades unions, figured even more centrally than they had in the 1950s. Tate worked consistently to meet their concerns and to offer them patronage positions in city programming and institution-building. In turn, they brokered his relationship with Black and blue-collar white voters in the city. These groups, however, increasingly split with each other over the role of local government in general and local policing in particular. In resolving these disputes, Tate time and again favored conservative supporters and their law-and-order politics. These decisions would weaken the PAB and pave the path for its ultimate demise.⁹¹

From the beginning of Tate's time as mayor, he met the PAB with a much cooler reception than Dilworth had. At the beginning of Tate's term as acting mayor, a number of groups and individuals took advantage of the administrative turnover to try to affect the function of the Board to their advantage. In April 1962, Commissioner Albert Brown and the District Attorney James Crumlish, Jr., notified the PAB's Executive Secretary that they would no longer cooperate in investigations of complainants who were under indictment at the time of the Board's hearing—in direct contradiction of the city's 1960 settlement with the FOP. The Board attempted to proceed under established policy, but Brown held his ground: for the first time, the Philadelphia Commissioner began rejecting some of the PAB's requests, refusing to investigate complaints from Philadelphians arrested during anti-gambling raids Brown's officers were conducting. The FOP used the opportunity to join the fray as well: Lodge No. 5 President Maurice O'Leary publicly stated that complainants under indictment used the board to "harass"

⁹¹ Guian A. McKee, *The Problem of Jobs: Liberalism, Race, and Deindustrialization in Philadelphia* (Chicago: University of Chicago Press, 2008), 72-73, 241. Donald McDonough, "Tate Takes Oath; Cites City's Goal," *Philadelphia Inquirer*, February 14, 1962, 1, 3. Shawn G. Kennedy, "James Tate of Philadelphia; Held Mayor's Post in 1962-1972," *New York Times*, May 29, 1983, 32.

the officers who arrested them. He presented the Board as a forum in which Philadelphians could avoid arrest or indictment by threatening to bring officers before the PAB and asserted that the FOP had been trying to convince Crumlish, Brown, Dilworth, and now Tate of this point of view for over a year.⁹²

Many PAB members believed that Lodge No. 5's efforts were bearing fruit, seemingly with mayor Tate's imprimatur. During a meeting between Tate, his Managing Director, Commissioner Brown, and the PAB members in November, Tate did assert that he found the Board useful and did not intend to abolish it. The parties present also discussed ways to resolve conflicts when the Police Commissioner did not want to accept the recommendations of the Board, including mediation by the Managing Director. But these statements did little to assuage Board member Mercer Tate, a Philadelphia attorney who had served on the Board since 1961 (and bore no relation to the mayor). On November 27, he wrote to the PAB Chair and other members that he was "distressed by the mayor's evident disinclination to take any active role with respect to our Board and with his apparent bias against our executive director [Martin Barol]." He worried that the mayor believed the ACLU referred all of the Board's cases and that there may not be a firm legal basis for the PAB's existence—in other words, that he had been convinced of the FOP position. Mercer Tate feared the FOP would "actively attempt to destroy us" while Brown and the mayor "acquiesce[d] in our demise." Board Chairman Thorsten Sellin disagreed with his characterization of the mayor's attitude, finding him curious rather than critical, and fellow Board member Patricia Clifford played down Tate's fears of Lodge No. 5.

⁹² Martin Barol to Board Members of the Police Advisory Board, May 29, 1962, PAB Records, Box 1, Folder 10. Albert Brown to James Tate, April 11, 1962, Mayor James Tate Papers, Box 6338, Folder "Police Advisory Board," City Archives, Philadelphia, PA. Martin Barol to James Tate, April 19, 1962, PAB Records, Box 1, Folder 10. "Police and Advisory Board Clash on 'Abuse' Hearings," *Philadelphia Inquirer*, April 3, 1962, 33.

“We must expect some opposition,” she wrote, “but I would not honor the nuisance value of the FOP by suggesting that they in any important way threaten our existence.” In Clifford’s opinion, at least, the FOP was not at the time an obviously powerful or threatening force.⁹³

Mercer Tate proved the more prescient. In early 1963 Mayor Tate dismissed Martin Barol as executive director without apparent cause and without consulting with the Board, replaced him with the Rev. William Gray, a Black clergyman. This move prompted the resignation of both Patricia Clifford and Chairman Thorsten Sellin, who believed the replacement needlessly removed a competent and effective executive director, though not all Board members were dissatisfied: Charles Bowser, a Black lawyer and PAB member, wrote to the mayor speaking highly of Gray’s character and appointment to the Board. Gray’s appointment also generated a number of letters from individual Philadelphians and community group leaders, some of whom believed Gray was a token appointment intended to secure Black votes in James Tate’s first mayoral primary and general election later that year. One letter writer worried about Gray’s ability to fulfill a full-time commitment to the position, as he was also a member of the Housing Authority, chairman of a vocational school, and staff of a private bank. And in first two years after Barol’s departure, the PAB reported an increasing number of complainants unsatisfied with the rate at which the Board resolved their cases—a difficulty compounded by Gray’s own departure in 1965, the mayor’s slowness throughout his tenure to fill Board vacancies, and a new requirement that the Board hold hearings from *every* complainant, regardless of its merits or the desires of the complainant. These factors dramatically slowed the Board’s progress, which at

⁹³ Edward Bauer to James Tate, December 3, 1962, Box 6338, Folder “Police Advisory Board,” Mayor James Tate Papers, City Archives, Philadelphia, PA. Mercer Tate to Thorsten Sellin, November 27, 1962, PAB Records, Box 1, Folder 10. Thorsten Sellin to Mercer Tate, December 5, 1962, PAB Records, Box 1, Folder 10. Patricia Clifford to Mercer Tate, November 29, 1962, PAB Records, Box 1, Folder 10.

ground to a halt.⁹⁴ Neither Commissioner Brown nor Mayor Tate seemed interested in the PAB as an instrument of reform or accountability, and while neither was willing or able to abolish the Board altogether, a combination of neglect and new bureaucratic burdens from both figures made it much more difficult for the PAB to function.

The Board's difficulties worsened in 1964 and 1965, as John Harrington continued to advance his career within the FOP, using each new elected office as a platform from which to denounce review boards. In April 1964, Harrington upset Maurice O'Leary as President of Lodge No. 5 by a nearly 2-to-1 margin. He initially attributed the victory to a "protest vote against the city's pension plan," but he also quickly took to criticizing the PAB.⁹⁵ In July—the same week of the FOP's state convention in Allentown—he offered an interview to the *Philadelphia Sunday Bulletin* in which he spelled out the deleterious effects of the PAB as he saw them: "Harassment of police," "Depriving the public of police protection," and "Depleting the FOP treasury." He also lamented the mayor's directive that the Board hear all complaints brought before it and argued that Board hearings needlessly removed officers from the street, wasted time on their days off, and cost the FOP \$160 per officer for legal defense. He also

⁹⁴ Coxe, "The Philadelphia Police Advisory Board," 1, 5. Thorsten Sellin to Fred Corleto, March 19, 1963, PAB Records, Box 1, Folder 11. Mrs. Maurice Clifford to James Tate, April 2, 1963, PAB Records, Box 1, Folder 11. Martin Barol to Rev. Irving Murray, April 5, 1963, PAB Records, Box 1, Folder 21. Harold Solomon to James Tate, March 28, 1963, in Mayor James Tate Papers, Box 6364, Folder "Police Advisory Board," City Archives, Philadelphia, PA. Henry J. Sandler to The Bulletin, Letters to the Editor Department, March 22, 1963, Mayor James Tate Papers, Box 6364, Folder "Police Advisory Board." Mercer Tate to Clarence Pickett, May 14, 1964, PAB Records, Box 1, Folder 13. "Civilian Police Board Chief Asks Tate to Fill Vacancies," *Philadelphia Sunday Bulletin*, April 11, 1965, PAB Records, Box 1, Folder 14. For more examples of complaints about Martin Barol's firing, from both individuals and community organizations, see Mayor James Tate Papers, Box 6264, Folder "Police Advisory Board."

⁹⁵ "O'Leary Upset As FOP Leader," *Philadelphia Inquirer*, April 8, 1964, 24. Harrington had attempted to unseat O'Leary once before, during the lodge's 1960 elections, but just before the vote Commissioner Thomas Gibbons stepped in to deny Harrington's claims that O'Leary and his inner circle had squandered lodge funds and failed to serve members' interests. The effects of Gibbons' surprising intervention are difficult to measure, but O'Leary did retain his seat by a roughly 3-to-2 margin. "Gibbons Defends FOP From 'Vicious Attack,'" *Philadelphia Inquirer*, April 4, 1960, 25. "FOP Lodge Elects O'Leary," *Philadelphia Inquirer*, April 6, 1960, 14.

denied the Board's low rate of disciplinary recommendations as a sign of its benignity: in his view, that number only underscored the needlessness of the Board in the first place.⁹⁶

Just a month later, the city was rocked by an uprising of Black residents in North Central Philadelphia. On the evening of August 28, 1964, in North Philadelphia, two patrolmen (one Black, one white) attempted to remove from her car a drunk Black woman arguing with her husband and blocking the intersection. A local crowd intervened, pulling the officers away and pelting the police car and backup cars with rocks and bottles. Rumors quickly spread through nearby neighborhoods that “a pregnant black woman’s been beaten and shot to death by a white policeman,” and soon all of North Philadelphia was in upheaval, with residents attacking Black officers and police cars and looting white-owned stores while sparing their Black-owned counterparts. Police responded with dogs, fire hoses, and weapons drawn, attempting to contain rioting and looting. The rioting continued over the weekend, through Sunday night, in spite of the efforts of many community leaders and police officials to stem the violence and call for peace. Police Commissioner Howard Leary—Brown’s successor, and another staunch backer of the PAB—also prioritized the avoidance of interpersonal violence and casualties over the protection of property. By the end of the weekend, two people died, 339 were wounded (including 100 police officers), 308 were arrested, and the city estimated about \$3 million in property damage. Like the uprisings that sprang up in many cities in the mid-1960s, this one constituted a response to pent-up anger and frustration over police brutality and economic under- and dis-investment in Black neighborhoods.⁹⁷

⁹⁶ William Storm, “Advisory Board Harasses Police, FOP Official Says,” *Philadelphia Sunday Bulletin*, July 19, 1964, 16.

⁹⁷ Countryman, *Up South*, 154-160.

John Harrington was also able to exploit white backlash to the uprising in his campaign against civilian review. In the short term, Harrington publicly announced that he was “perfectly satisfied” with the city’s handling of police during the rioting and looting. In talks with Mayor Tate, he was able to secure commitments to pay officers working shifts over than twelve hours time-and-a-half and to provide them all with adequate food, water, sanitary and health facilities, allowing them to work “as comfortably as possible.”⁹⁸ In the following years, however, as Harrington’s crusade against the PAB continued, he would also claim that the property damage caused by the riot was so extensive precisely because of the Board. In testimony before the New York State Senate Committee on the City of New York, amidst controversy over that city’s own efforts to set up a review board (discussed below), Harrington asserted that officers “were confused what to do” and exercised excessive restraint in responding to the riot for fear that they would be punished by the Board. Only when the mayor invoked the “riot act” that authorized all use of force and promised officers they would not be brought before the PAB did they act decisively. “In four hours,” he concluded, “the riots were over.”⁹⁹ The 1964 uprising thus became a dramatic example that allowed Harrington to heighten the stakes of his anti-review board arguments.

Harrington paired this messaging campaign, carried out through interviews, op-eds, and committee hearings, with a legal strategy. In August 1965, he won the presidency of the National President of the Fraternal Order of Police, with the result that for several years he was simultaneously the head of the Philadelphia, Pennsylvania, and national lodges of the FOP. He

⁹⁸ Francis X. Brady, “City Policy in Rioting Is Approved by FOP After Talk With Tate” *Philadelphia Inquirer*, August 31, 1964, 4.

⁹⁹ “Review Board Blamed for Riot Business Loss,” *Philadelphia Inquirer*, October 19, 1966, PAB Records, Box 2, Folder 29.

set to work immediately to fight civilian review boards on multiple fronts. In addition to opposing a review board in Cleveland, on September 2—just two weeks after his election—he filed suit against the PAB in Common Pleas Court, again challenging the constitutionality of the Board. Because of the city’s 1960 settlement, the question of whether the city charter authorized advisory boards like the PAB had never been fully resolved, and Harrington hoped to strike it down once and for all. Just two weeks later the court granted Harrington a requested injunction, barring the PAB from holding hearings and making recommendations. The injunction was only lifted again late February of 1966, leaving the Board inactive for five months.¹⁰⁰

The dispute around the PAB opened opportunities for Lodge No. 5 to garner public support from other PAB critics. In late September 1965, at a parade organized by a group called Citizens Opposed to Pornography, District Attorney James Crumlish, Jr., and Councilwoman Virginia Knauer signed a petition calling for the abolition of the PAB. Councilman David Silver also added his name to the petition, and in an interview with the *Philadelphia Inquirer*, City Council President Paul D’Ortona expressed sympathy with the goal of the petition. “I’d have to agree with Mr. Harrington,” he told the paper, that the PAB “harasses” officers and reduces their efficacy, and he even suggested that there should be some “punish[ment]” for complainants who bring unfounded charges to the Board.

This coup for the anti-board campaign had been orchestrated by the Philadelphia Committee to Support Your Local Police, the originator of the petition and itself a front group for the John Birch Society. This far-right, anticommunist political group was the only national membership organization for conservatives in the early-to-mid-1960s, and its alignment with the

¹⁰⁰ Walsh, *The Fraternal Order of Police*, 266. “Seventh Annual Report of the Police Advisory Board of the City of Philadelphia,” 3.

FOP on the civilian review issues represented the lining up of middle-class conservatives behind police union politics. Founded in 1958 by Massachusetts candy manufacturer Robert Welch, the John Birch Society (JBS) pushed a conspiracist libertarian political line that depicted any government role in regulating business, providing social services, or guaranteeing civil rights as a Communist conspiracy to undermine the United States from within. Birchers saw civilian review boards as yet another front in this secret war, an attempt to dismantle the “last bastion of our [Americans’] defense against Communist vandalism, brutality, and murders.” Their rhetoric on this issue was virtually indistinguishable from that found in the FOP anti-civilian review pamphlets produced in the early 1960s. To help police fighting these boards, and in the hopes of recruiting more JBS members from their ranks, the Society launched a “Save Your Local Police” (SYLP) program in which local front groups nominally unaffiliated with the JBS would lead pressure campaigns against civilian review and other perceived threats to police autonomy. These campaigns, which unfolded in cities across the country, drew on the full repertoire of typical JBS strategies: writing letters and placing phone calls to politicians, soliciting media coverage, and canvassing for petition signatures at local businesses, churches, and other political groups. The John Birch Society probably only had several hundred members in metropolitan Philadelphia, but they were typical of the group’s membership nationwide: educated suburban professionals and business owners willing to leverage their organizational discipline and resources to shift political discourse in a conservative direction. The local SYLP committee’s executive board included two doctors, a professor of English at LaSalle College, a retired township supervisor, and a “regional sales manager for a national hair cosmetic company.” The last lived in Northeast Philadelphia, but most lived in the suburbs and worked in the city.

Together, they typified an important segment of the population who agreed with the FOP critique of the PAB and were willing to lend it rhetorical and organizational support.¹⁰¹

Support from the JBS was not an unambiguous boon to the FOP's campaign, as nationwide figures on the left, center, and center-right routinely decried the Society as a group of extremist conspiracy theorists outside bounds of respectable politics. The Philadelphia *Inquirer* quickly revealed the SYLP committee's connections to the John Birch Society, and DA Crumlish and Councilwoman Knauer both expressed reservations about signing after learning about petition's connection to the Birchers. That stigma was already well established after a media panic had unfolded in Philadelphia and other cities over the previous year over a possible Birchite "infiltration" of police departments, which had been followed by condemnation of the group both by Mayor Tate and Police Commissioner Howard Leary. The brass conducted an investigation of the department and concluded that while a handful of police were JBS members, others had chosen not to join the group. Nonetheless, many, including John Harrington, FOP Lodge No. 5 vice-president Charles Gallagher, and recording secretary Virgil Penn welcomed the JBS's ideas and their support for the campaign against the PAB. And even the politicians who disavowed the Society agreed with the Birchers on some key issues. Democratic City Council President Paul D'Ortona, observed the *Inquirer*, "said he knew little about the Committee to Support Your Local Police other than that it is opposed to the advisory board."

¹⁰¹ Lisa McGirr, *Suburban Warriors: The Origins of the New American Right* (Princeton: Princeton University Press, 2001), 75-79, 218. "The New Attack on the Police (Reprinted from the March 1967 Bulletin of The John Birch Society)," 7, in John Birch Society (JBS) Papers, Box 27, Folder 52, John Hay Library, Brown University Archives and Manuscripts, Providence, RI. Philadelphia Committee to Support Your Local Police, "What To Do," in JBS Papers, Box 25, Folder 52. "3 Officials Back Drive To Oust Police Board," *Philadelphia Inquirer*, September 30, 1965, 26A, 26C. Regarding the executive board members, the English professor is mentioned in "Dateline...Delaware Valley U.S.A.," *Philadelphia Inquirer*, July 14, 1964, 25; the township supervisor in "Baxter to Speak At State Parley," *Philadelphia Inquirer*, September 11, 1966, 34; and Paul D. Corbett, the regional sales manager and chairman of Philadelphia's SYLP committee, in "Bircher to Run Against Eilberg," *Philadelphia Inquirer*, February 14, 1968, 4.

The entire episode revealed the breadth of support the PAB was winning from a segment of the middle-class and business owners, as well as the city's political leaders. The FOP argument that civilian review allowed criminals to pervert criminal justice from the inside.¹⁰²

In order to counter the FOP line that the PAB was the instrument of meddling, even dangerous, outsiders, in the late 1960s PAB president Mercer Tate petitioned the mayor to fill two vacancies on the Board with former officers. He hoped to neutralize a frequent police complaint that the Board did not incorporate a law enforcement perspective. Mayor James Tate acquiesced and appointed two retired officers, Sergeant James Ippoliti and Captain James Reaves, the latter the city's first Black officer to attain that rank. These appointments, however, incensed rather than appeased FOP leadership, who demanded Ippoliti's and Reaves' resignation from the board. Ippoliti acquiesced as Reaves attempted to persuade Harrington and his officers "that the police needed 'a friend in the enemies' camp,'" but to no avail—in 1968 the FOP Grievance Committee recommended Reaves' expulsion from the FOP if he did not resign from the PAB, on the grounds that his membership on the Board violated his loyalty oath to the FOP, an organization that had condemned civilian review. Prior to the FOP membership meeting where a vote would be held on this matter, Reaves secured the support of the Guardian Civic League (GCL), the city's Black officers association and an organization that had heretofore confined itself mostly to social and charity work. GCL membership showed up alongside Reaves to the FOP meeting to vote in support of him, but they were vastly outnumbered by over 500 white policemen who arrived in "special buses." Reaves observed that it "was the largest

¹⁰² McGirr, *Suburban Warriors*, 127-129. Arnold Forster, "John Birch on the Police Force," *The Progressive*, October 1965, 15-18. "John Birch Society: Supplemental Report," November 19, 1964, in Philadelphia City Archives, Box 4408, Folder 3. "John Birch Society: Supplemental Report," December 14, 1964, in Philadelphia City Archives, Box 4408, Folder 3. "3 Officials Back Drive To Oust Police Board," 26A, 26C.

outpouring of members I have ever seen at a regular FOP meeting.” Members voted along racial lines, which gave Reaves thirty days to resign from the PAB or lose his FOP membership. Remarkably, though Reaves did not resign, the FOP did not revoke his membership.¹⁰³

Even if the FOP did not eject Reaves, the incident showed just how implacably opposed the FOP was to civilian review and even to Tate’s strategy of compromise and placation. The incident also highlighted the relatively limited role of the GCL at this stage. While the League voted unanimously to support Reaves in his hearing before the FOP, it was a relatively minor player in the politics of civilian review in Philadelphia. Black officers, however supportive they may have been individually of civilian review, had not yet organized as a bloc of police officers to the same extent as the FOP. It would not be until the 1970s, long after the demise of the PAB, that the GCL would assume this role and exert greater influence in struggles over policing and politics in Philadelphia.

Going National

The fight in Philadelphia over the fate of the PAB was a prominent example of many such struggles in cities across the US. In Rochester, New York, for instance, the City Council established review board in 1963, but the board quickly faced a lawsuit from the Locust Club, the local police association, and an anti-review publicity blitz organized by the Conservative Party. A court ruled the board unlawful in January 1966. Two months later, the York, Pennsylvania, City Council voted to abolish the review board it had instituted four years earlier,

¹⁰³ Mercer Tate to James Tate, April 6, 1966, PAB Records, Box 1, Folder 15. James Tate to James Reaves, April 18, 1966, PAB Records, Box 1, Folder 15. Reaves, *Black Cops*, 124-125.

bowing to a pressure campaign by the local FOP lodge.¹⁰⁴ But by far the most significant case outside Philadelphia was that of New York City.

Since 1955, the NYPD had had an internal review board that handled complaints, structured and operated by three deputy commissioners in the department. In the mid-1960s interest in civilian review began to grow and in 1964, Councilman Theodore Weiss submitted a bill for an independent civilian review board. Over the following year the council investigated the boards in Philadelphia and Rochester and generated additional proposals. U.S. Congressman John Lindsay joined the debate while running for mayor of New York in 1965, proposing to add a controlling majority of four civilians to the existing review board. Lindsay won the election and moved forward with the plan, making his four civilian appointments in July of 1966. Lindsay also turned to Philadelphia for his first police commissioner, replacing anti-civilian review Commissioner Vincent with Howard Leary in part because of Leary's experience with and support for civilian review boards. Throughout 1966, PAB officials and supporters in Philadelphia remained in touch with Leary, offering advice and asking for updates on the New York board's progress. In July, for instance, Fellowship Commission President Maurice Fagan wrote to Leary supporting the choice to retain active police officers on New York's board. "This," he wrote, "should prevent the charge that the Board has little or no understanding of the responsibilities and methods of the Police Department."¹⁰⁵

¹⁰⁴ Ross Guglielmino to Mercer Tate, April 27, 1965, PAB Records, Box 2, Folder 15. Rosario Guglielmino to Clarence Farmer, January 17, 1966, PAB Records, Box 2, Folder 15. Carol McLeary, "York Council Scraps Police Review Board," *Philadelphia Evening Bulletin*, March 13, 1966, PAB Records, Box 2, Folder 15.

¹⁰⁵ New York Young Democratic Club, City Affairs Committee, Report and Recommendations on Proposed Independent Civilian Complaint Review Board, May 19, 1965, 2, 23-31, PAB Records, Box 2, Folder 2. "Texts of Statements and Preamble of Order on Police Review Board," *New York Times*, May 3, 1966, 38. Bernard Weinraub, "Now Civilians Share The Beat," *New York Times*, August 21, 1966, 178. Homer Bigart, "5,000 Policemen Picket City Hall," *New York Times*, June 30, 1965, 1, 24. George Murray and Edward Hussey, "Leary Goes to N.Y., Bell

Fagan's hope was a vain one. In New York as in Philadelphia, police unionists gathered a coalition of conservative white business leaders and professionals to combat the review board. The NYPD's largest police union—the Policeman's Benevolent Association (PBA)—remained fiercely opposed to civilian review of any kind. In 1965, PBA President John Cassese had already led 5,000 of the NYPD's nearly 30,000-member force in a picket the previous year, echoing John Harrington by protesting civilian review as a threat to performance and morale. In response to Lindsey's 1966 changes, the PBA gathered over 50,000 signatures and filed successfully to place a measure to ban the review board on the November ballot. (William F. Buckley, Jr.'s, Conservative Party contributed over 40,000 signatures for its own ballot question, but this was later withdrawn to avoid voter confusion). The ballot measure, according to a New York Times report, would not only block civilian review boards but also “limit severely... the ability of *any* city agency to investigate the police for any reason.” To make this vision a reality, in August the PBA formed the Independent Citizens Committee Against Civilian Review Board, a vehicle for anti-review police, politicians, and businessmen. Managed by Madison Avenue PR consultant Norman Frank, the Citizens Committee raised funds, ran TV and billboard ads, printed pamphlets and buttons, and sent thousands of canvassers through the city to convince New Yorkers to vote for the PBA ballot measure.

As in Philadelphia, the John Birch Society also promoted the cause. Though the Citizens Committee vehemently denied any working relationship with the Birchers, the rhetoric of the two groups often overlapped, with Cassese once claiming to a State Senate committee on civilian review convened in October that “by weakening our police” with a review board, “we’re playing

Takes Over as Interim Police Head,” *Philadelphia Inquirer*, February 16, 1966, 3. Maurice Fagan to Howard Leary, July 21, 1966, 1, PAB Records, Box 1, Folder 15.

right into the hands of the Communists.” The very presence of both William Buckley and the Birchers in fact showed that both the mainstream and the “fringe” of conservative politics lined up side by side against civilian review. The State Senate hearings, opened by Republican State Senator John Marchi of Staten Island, proved an opportune forum for review critics to promote their message. Former PBA member and University of Pennsylvania sociologist William Kephart argued that civilian review of a “semimilitary organization like the police” inevitably lowers morale. John Harrington also testified, arguing that the PAB’s threat of punishment deterred officers from suppressing the 1964 North Philadelphia uprising, but that when James Tate allegedly promised the officers immunity from review board scrutiny, “[i]n four hours the riots were over.” Having such claims emanate from Philadelphia, ground zero for civilian review of the police, was a boon for the PBA and its allies.¹⁰⁶

These efforts to defeat the review board prompted defensive measures from its supporters: Senators Robert Kennedy and Jacob Javits lined up behind Lindsay and Leary, announcing their own pro-review committee three weeks after the PBA’s was formed. The Federated Associations for Impartial Review (FAIR) united the New York Civil Liberties Union (NYCLU), the Congress of Racial Equality (CORE), the Guardians Association (an association of most of the NYPD’s 1500 Black officers), and dozens of other groups in an effort to save the board. Kennedy, Javits, and Lindsay crisscrossed New York City in the months before the referendum, attempting to convince voters to preserve the board. Javits testified in the State

¹⁰⁶ Martin Arnold, “Police Will Fight Civil Review Unit,” *New York Times*, June 21, 1965, 1, 14. Homer Bigart, “5000 Policemen Picket City Hall,” *New York Times*, June 30, 1965, 1, 24. Bernard Weinraub, “92,235 Ask A Vote On Review Board,” *New York Times*, July 8, 1966, 19. “New Group Fights Police Review Unit,” *New York Times*, August 2, 1966, 21. Thomas Brooks, “25,000 Police Against The Review Board,” *New York Times Magazine*, October 16, 1966, 126, 128. Sydney Schanberg, “Birchers Linked To Review Fight,” *New York Times*, October 28, 1966, 44. Bernard Weinraub, Bernard Weinraub, “New Police Panel Stirs Contention At State Hearing,” *New York Times*, October 18, 1966, 1, 37. “Review Board Blamed for Riot Business Loss,” *Philadelphia Inquirer*, October 19, 1966, PAB Records, Box 2, Folder 29.

Senate committee hearings, arguing that the New York review board had not affected police morale or performance. He, too, was backed up by testimony from Philadelphia, in this case PAB Executive Secretary Clarence Farmer. Despite these efforts, however, the pro-review camp was trounced by the PBA coalition in November. Voters backed the PBA measure by a nearly two-to-one margin. For the time being, civilian review in New York City was dead.¹⁰⁷

The Demise of the PAB

In the meantime, the Philadelphia PAB was faring little better, in the face of continued resistance and hostility from Mayor Tate and police officers up and down the chain of command. The review board had always relied on the support of the commissioner to function, so when Howard Leary moved to New York, the Board lost a valuable ally. When Leary left, Deputy Commissioner Edward Bell stepped in to serve as Interim Commissioner while James Tate appointed a committee of twelve Philadelphians to recommend a new permanent commissioner. The committee included several businessmen, city government officials, and legal professionals—including Mercer Tate. In April, after consulting various local and national law enforcement groups and interviewing seven candidates, the committee recommended Bernard Garnire, Chief of Police of Tucson, Arizona, as the next Philadelphia police commissioner. But Mayor Tate ignored the recommendation and retained Bell as commissioner. Bell was the best fit for the job, he said, because he knew Philadelphia and its problems. Tate was wrong; Bell spent less than a year on the job, becoming just a transitional figure between Leary and Frank Rizzo, a deputy commissioner promoted to the commissionership on May 22, 1967.

¹⁰⁷ “2 Senators Back Mayor On Police,” *New York Times*, August 25, 1966, 1. Thomas Johnson, “Negro Policemen Split With P.B.A. Over Review,” *New York Times*, October 4, 1966, 39. “New Police Panel Stirs Contention At State Hearing,” *New York Times*, October 18, 1966, 1, 37. “Review Board Blamed for Riot Business Loss,” *Philadelphia Inquirer*, October 19, 1966, PAB Records, Box 2, Folder 29. Bernard Weinraub, “Police Review Panel Killed By Large Majority in City,” *New York Times*, November 9, 1966, 1.

Rizzo's appointment was political. 1967 was an election year, and Tate was facing stiff competition from his Republican competitor, District Attorney Arlen Specter. Tate feared the defection of some liberal Democrats to Specter, so he hedged against those losses by appointing Rizzo, popular among blue-collar white-ethnic voters. As Specter himself put it in an interview ten years later, "I don't know of anybody that has ever been as popular anyplace as Frank Rizzo was in Philadelphia in 1967." Rizzo was an ambitious officer who had joined the Philadelphia police in the early 1940s, been promoted to captain by 1954 (the same year as James Reaves), and become a deputy commissioner by 1964. He had a citywide reputation for brutal policing and anti-Black racism, and after Howard Leary's departure in early 1966 Rizzo focused on surveilling, harassing and arresting Black militants in SNCC, the Black Panthers, and other Black Power groups. He was also a staunch opponent of civilian review, and his opposition helped bend Tate's ambivalence toward the Board to active opposition. Thanks perhaps to Rizzo and to the FOP, which publicly supported the mayor's re-election, Tate eked out a victory over Specter in November, winning with just over 50% of the vote. Even with Rizzo's appointment, Tate won only 43% of the vote in majority-white wards, compared to over 66% in their majority-Black counterparts.¹⁰⁸

Tate's embrace of Rizzo had been instrumental, a short-term play to win an election. He had never liked the man personally, and two weeks after the election, when Rizzo led a violent

¹⁰⁸ Murray and Hussey, "Leary Goes to N.Y.," 1. "Tate Names 12 To Screen Men For Police Post," PAB Records, Box 2, Folder 25. Mayor's Advisory Committee for Selection of a Police Commissioner to James Tate, April 29, 1966, PAB Records, Box 2, Folder 25. "Bell's 'Out In Front' In Bid For Leary's Job," *Philadelphia Inquirer*, April 26, 1966, 26. Telegram from James Tate to Mercer Tate, undated, PAB Records, Box 2, Folder 25. Countryman, *Up South*, 213, 215-220, 231-32. Walter Massey Phillips, Interview with Arlen Specter, August 10, 1977, 9, in in Walter Massey Phillips Oral Histories, Box 10, Folder 4. Francis Lordan, "Rizzo Pledged A Free Hand By City Officials," *Philadelphia Inquirer*, April 12, 1967, 45. Joseph Miller, "Tate Defeats Specter by 10,957; Democrats Keep Council Control," *Philadelphia Inquirer*, November 8, 1967, 1. On FOP support for Tate, see e.g. William Weisenbach, "Somerton Unit Vows to Fight FOP Project," *Philadelphia Inquirer*, October 13, 1967, 4. McKee, *The Problem of Jobs*, 102.

arrest of Black high school students protesting racism in the school curriculum outside the Board of Education Building, Tate sensed an opportunity to fire Rizzo. Allegedly yelling, “Get their Black asses!”, Rizzo had led a riot police unit to chase after thousands of high schooler protesters, injuring dozens and sending fifteen to the hospital. But while liberal critics quickly heaped criticism on Rizzo, the event was hardly the scandal Tate expected it to be as support for Rizzo poured out of blue-collar, white ethnic Philadelphians. They flooded Rizzo with letters and petitions thanking him for restoring law and order in the city’s schools—for enacting, in other words, the sort of political policing he was famous for: crushing protest and dissent from Black students pushing for antiracist education reform. Facing pressure to support Rizzo from a voting bloc in danger of slipping further away, Tate officially reappointed him as commissioner. The choice was a point of no return: Tate would never be able to unbind himself from Rizzo, his unapologetically brutal and racist policing, and his opposition to the Police Advisory Board. Rizzo’s reappointment was also a tremendous political victory for the FOP, as Rizzo was the first commissioner of the post-machine era who clearly opposed reform and embraced law-and-order policing. His appointment appeared to heal the rift between the brass and the rank and file that reform mayors and commissioners had opened up in 1951. FOP leaders regularly lavished praise on Rizzo as a commissioner who understood what good policing looked like. “I am glad to say,” John Harrington told a police seminar at the University of Illinois in 1969, “that the Fraternal Order of Police lodge in Philadelphia has backed Frank Rizzo all the way.” He urged “every city and county of this country” to adopt “a similar program of law enforcement,” and committed the FOP to carrying out this vision.¹⁰⁹

¹⁰⁹ McKee, *The Problem of Jobs*, 262. Lombardo, *Blue-Collar Conservatism*, 103-104, 140. 91 Cong. Rec. 33494-33496 (biweekly ed. November 6-17, 1969) (statement by John Harrington).

That vision encompassed even more of the racist, dragnet policing that had characterized the previous fifteen years, but with even less restraint by officers and virtually no pretense of the procedural fairness reform commissioners had aspired to. Mass arrests and vicious beatings of suspects continued, and the commissioner became known for jailing lawyers who tried to counsel their clients during lie-detector tests. The political policing of Black radical groups, often premised on finding likely planted evidence collected during mediagenic raids, flourished in these years, as did the surveillance and harassment of protestors against the war in Vietnam. By contrast, white protestors, like those who marched and threatened to burn down a South Philadelphia high school before they would let it be integrated, were met with a gentle, tolerant touch by police.

At the same time, youth gangs became a growing target of police surveillance and violence. Though the department had formed a Gang Control Unit as part of the Juvenile Aid Bureau in the early 1950s, gang policing—took on increasing salience in the late 1960s and early 1970s, as both the vice policing of the immediate postwar era and the control of urban uprisings in the 1960s fell increasingly out of focus. These gangs were small groups of young Black men seeking to avoid the penury and boredom of unemployment or the arm of the draft. The gangs organized social activities but also focused on defining and defending turf from other gangs, along fractious boundaries. The department deployed groups of officers to patrol areas of reputedly high gang activity, and officers showed no compunction in threatening, arresting, and beating gang members during fights or the slightest sign of them. They would also engage in “turf dropping”—apprehending a gang member and leaving them in the heart of rival gang turf, where they would be beaten—to death, in at least one case. Indiscriminate stop-and-frisk, confiscation of money, and arrest also indiscriminately swept up young Black men who had no

gang affiliation. When one seventeen-year-old boy called the police to complain about gang members near his home, the gang members told the arriving police that the boy himself was a gang member, and the police shot him in the abdomen and sent him to the hospital. All of this took place as the department, like many others during the height of the war in Vietnam, stocked up on deadly equipment at an unprecedented rate. By 1968, Philadelphia was increasing its stock of mace and tear gas, and it had a riot plan centered on seven stake-out cars, each a “‘rolling armory’ with rifles, shotguns, submachine guns, carbines, and other equipment.”¹¹⁰

The police department’s increasing violence played out in a city without a functioning Police Advisory Board. On March 29, 1967, Judge Weinrott issued his judgment in *Harrington v. Tate*, finding the Police Advisory Board inconsistent with the Philadelphia City Charter and invalidating it. Mayor Tate was reluctant to push back on the decision and at first let it stand. It took over a year of continual urging by Mercer Tate, the threatened resignation of the same at the end of 1967 (to which James Tate never explicitly responded), and public pressure from community groups supporting the Board, for the city to file exceptions to Weinrott’s decision in July of 1968. The case made its way to the state Supreme Court, which overturned the lower court decision the next year. In a 5-2 decision, the court found that Weinrott had erred both procedurally and substantively in his decision and asserted that there was a clear basis for an

¹¹⁰ John Groutt, “City of (Big) Brotherly Love: Frank Rizzo’s Philadelphia,” *Commonweal*, May 1, 1970, 167-169. Reaves, *Black Cops*, 159-160. *Community Forum*, Spring-Summer 1969, 7-8, in PAB Papers, Box 2, Folder 2. Lombardo, *Blue-Collar Conservatism*, 111-115. Thomas Hall, “A Working Paper on the Police and the Community for the Conference on Police Power in a Free Society,” May 18, 1968, 4-6, FC Records, Box 23, Folder 2. “Police Power in Philadelphia – 1969,” 3, FC Records, Box 23, Folder 2. *Community Forum*, Spring 1970, 1-7, 10-11, PAB Records, Box 2, Folder 2. “The Truth Behind Charges of Police Brutality,” PAB Records, Box 2, Folder 29. “Allegations of Abuse Cover Varied Actions,” *Philadelphia Sunday Bulletin*, December 7, 1969, 2. Michelle Osborn, “Report on A Conference on Police Power in a Free Society, May 1968,” 14-16, PAB Records, Box 2, Folder 7.

advisory board like the PAB, provided the board retained a strictly advisory role and did not attempt to insist on effecting its judgments and disciplinary recommendations.¹¹¹

By this time, however, the political damage had been done, and James Tate had little to gain by keeping the PAB alive. In late August 1969, the Board's Executive Secretary Harold Pilgrim wrote to Mercer Tate to let him know that the Board's "activities would be 'phased out.'" "It was a pleasure," he wrote to Tate, who was on vacation, "to have been associated with you in this rather unlucky venture." Even now, the mayor refused to take decisive action, leaving Mercer Tate and the rest of the Board in the dark as to how and when this phase-out would take place. In order to force the mayor's hand, Mercer Tate withdrew his still-unresolved resignation letter of the previous year, and the Board announced it would continue to hold hearings. It was only when the Board began these hearings – its first in two years – that Tate formally abolished the Board.¹¹²

During those two years of inactivity and in those that followed, a number of groups and individuals attempted to revive the PAB, take on its work, or push for more radical solutions. A broad coalition of liberal and radical groups known as the "Citizens for the PAB" formed in 1969 and worked in vain (both before and after its official end) to make Tate reinstate the Board. In the meantime, various corners of city government processed complaints against police officers in

¹¹¹ Harmon Gordon, "Citizen's Police Advisory Board Ordered Abolished By Weinrott," *Philadelphia Evening Bulletin*, March 29, 1967, 1, 3. Mercer Tate to James Tate, April 13, 1967, PAB Records, Box 1, Folder 16. Mercer Tate to James Tate, November 15, 1967, PAB Records, Box 1, Folder 16. Paul Levy, "City Takes Steps to Revive Its Police Advisory Board," *Philadelphia Evening Bulletin*, July 24, 1968, 1, 67. Donald McDonough and John F. Clancy, "Police Advisory Board Upheld By High Court," *Philadelphia Inquirer*, June 28, 1969, PAB Records, Box 2, Folder 29.

¹¹² Harold Pilgrim to Mercer Tate, August 29, 1969, PAB Records, Box 1, Folder 18. Mercer Tate to James Tate, September 4, 1969, PAB Records, Box 1, Folder 18. Mercer Tate to James Tate, September 23, 1969, PAB Records, Box 1, Folder 18. Daniel McKenna, "Police Advisory Board to Resume Hearings," *Philadelphia Evening Bulletin*, October 27, 1969, PAB Records, Box 2, Folder 29. Laurence Geller, "Police Advisory Board Is Killed By Mayor Tate," *Philadelphia Tribune*, December 23, 1969, PAB Records, Box 2, Folder 29.

a patchwork, ad-hoc fashion. The Commission on Human Relations, for instance, received a number of complaints, and City Councilor David Cohen offered his office as a place where Philadelphians could bring complaints without fear or intimidation or retribution. But without the PAB, the city was left without an authority with the resources needed to receive, investigate, and evaluate misconduct complaints.¹¹³

The most effective responses came from community groups. Some, echoing the practices of Black Panthers in cities across the America, organized neighborhood groups that observed, recorded, and publicized instances of police brutality. Philadelphians for Equal Justice (PEJ), headed by Episcopal priest Paul Washington, formed one such group in early 1968. (PEJ, which had grown out a legal services program formed in 1965, also continued to offer legal defense services and maintain a bail fund.) The Germantown Council for Community Control of Police (GCCCCP), a group led largely by middle-class professionals but with a cross-class, multiracial membership, formed its own police watch group in early 1970. But the most successful effort was Mary Rouse's Council of Organizations on Philadelphia Police Accountability (COPPAR). Mary Rouse was a community organizer and member of the Kensington Council on Black Affairs who began her activist work after her son was beaten by police in 1966. After Weinrott's 1967 ruling, Rouse formed COPPAR, a coalition of PEJ, GCCCCP, and over twenty other groups that recorded brutality complaints and police efforts to prevent the investigation of these complaints. For over five years, COPPAR conducted publicity and education campaigns and reported brutality cases to higher levels of government. Campaigns like these were a huge focus for Rouse's Council and its constituent groups, who worked to build an anti-police brutality

¹¹³ Countryman, *Up South*, 284. Citizens for a PAB, Meeting Minutes, May 26, 1970, FC Records, Box 22, Folder 22. "PEJ," *Temple Free Press*, 6-7, PAB Records, Box 2, Folder 41. Floyd H. Patton, "Protection Needed From Police Abuse," *Philadelphia Inquirer*, May 15, 1970, 22.

majority in the city. COPPAR's leaders theorized that police brutality and other forms of misconduct existed because "there is a solid majority of support in Philadelphia for such behavior," a majority that believed violence and rights violations by police were necessary to check crime and or maintain white supremacy. They hoped that by revealing police activity to be oriented not so much toward statutory criminals as toward the poor and people of color, COPPAR could fracture the "tough on crime" coalition and claim new recruits to the cause of robust mechanisms of police accountability to civilians. These efforts ultimately led in March 1971 to U.S. Commission on Civil Rights (USCCR) hearings on police-community relations in Philadelphia—hearings that resulted in calls for the Justice Department to investigate the Philadelphia Police Department, as well as for an "external" review board to investigate civilian complaints against the police.¹¹⁴

Many of these groups wanted not only civilian review of the police but also civilian control, often in the Black Power tradition of Black communities seeing direct control of their political and economic institutions and public spaces. PEJ supported the demand for community control, though its leader noted that the term often went without concrete definition. On the other hand, the GCCCP, an interracial, cross-class group formed in early 1969, proposed concrete steps with respect to their own 14th police district, including "free access to all areas of...district headquarters" and "the right to review and approve all transfers and promotions of police officers." The drive for community control did not, however, bear fruit, and its leader often suffered retribution from the police department and other government officials. GCCCP co-

¹¹⁴ Alfred Klimcke, "Group Organized to Guard Ghettos Against Police," *Philadelphia Inquirer*, February 23, 1968, 3. Cover letter to "A Call to the Second Annual Conference of Philadelphians for Equal Justice," PAB Records, Box 2, Folder 41. Len Lear, "OK Policing Police Plan," *Philadelphia Tribune*, January 31, 1970, 1-2. Len Lear, "Germantown Council Head May Sue City for Being Relieved of His Duties Related to \$13,504 Post," *Philadelphia Tribune*, July 1, 1969, 1. COPPAR, Funding Proposal, 2-4, PAB Records, Box 2, Folder 15. Countryman, *Up South*, 290-293.

founder Floyd Platton, chief personnel officer for the City Water Department, was relieved of his duties in June 1969 because did not want him to “bring into government Black militants and others who want to overthrow our government.” Platton was only reinstated in February of the following year after bringing a federal lawsuit against the city.¹¹⁵

Conclusion

Had these community control proposals even come close to enactment, they would have constituted a much greater threat to police power and autonomy than civilian review did. In the event, however, it was the much more modest Police Advisory Board that nonetheless galvanized a new generation of leaders and members in the Fraternal Order of Police. The PAB, however weak, represented for many police officers a broader politics of reform that constrained their autonomy and discretion on the job in the name of a civil rights liberalism, and the Black political mobilization at the heart of it, that they rejected. Moreover, it stood for a principle they vehemently opposed: civilian authority over police operations and strategy, which police unionists saw as not only an insult to officers’ professional expertise but also a danger to good law enforcement, tantamount to letting criminal run roughshod over police. Led by Sergeant John Harrington, the FOP leveraged its position and labor power as police to fight the PAB in the name of protecting the status quo of American citizenship. They not only defeated the Board in Philadelphia but also galvanized an anti-civilian review movement across the country, and led the effort to take police unionism in a more militant, politically engaged direction.

¹¹⁵ “A Call to the Second Annual Conference of Philadelphians for Equal Justice,” PAB Records, Box 2, Folder 41. Len Lear, “Germantown Bloc Demands Control of Police District,” *Philadelphia Tribune*, June 7, 1969, 1-2. Lear, “Germantown Council Head May Sue,” 1. “Court Orders Water Department Executive Restored to Duties,” *Philadelphia Tribune*, February 10, 1970, 6.

The fight against civilian review gave police unionists new visibility and notoriety, and it helped them build new political networks and test new media and legal strategies. They would leverage this position of newfound visibility and political power to win new legal and policy victories—first in the form of employer recognition and collective bargaining rights for their unions. They argued that the unique and essential work they did to secure the civic order constituted them as an essential class of citizens who could claim labor rights that would secure their ability to do their work. This fight, which unfolded primarily in the 1960s and 1970s, would help institutionalize the police union movement, ensuring its survival over the long term.

Chapter 3

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“Not...a union in the ordinary sense”: Varieties of Police Unionism, 1959-1974

In the second half of the 1960s, police officers in cities large and small across the United States began to do something that was basically unheard of over the previous 45 years: go on strike. In 1966, police in Pontiac, Michigan, staged a 40-hour sick-out to pressure the city to raise their pay. In Detroit in 1967, police officers organized their own, much more famous “blue flu” to secure their own pay raise. In October 1968, New York City’s patrolmen began a slowdown in protest of a tentative agreement negotiated with the city that year. From Gary, Indiana, to Newark, New Jersey, from Albuquerque to Louisville to Atlanta, sick-outs, slowdowns, and strikes roiled the country’s police departments in the late 1960s and throughout the 1970s.¹¹⁶ Police struck for higher wages and better benefits, for due process and for more weapons. And they increasingly thought of and presented themselves as workers, organizing their actions through unions and in pursuit of collective bargaining rights and contracts with their government employers.

These shifts constituted a fundamental shift in the nature of the police union movement. Between the Boston Police Strike of 1919 and the 1960s, in most cases, most police unions did not identify as such, rather referring to themselves as professional associations that may have lobbied their municipal employers over their working conditions. They avoided identifying with

¹¹⁶ Glenna McWhirter, “Pontiac Police Back On Job,” *Detroit Free Press*, November 4, 1966, 1A. Elkins, “Battle of the Corner,” 479-485. Peter Millones, “Police Begin a Slowdown In Protest of Contract,” *New York Times*, October 19, 1968, 1. “60 Gary Policemen ‘Sick,’ Strike Charged,” *St. Louis Post-Dispatch*, July 20, 1968, 8A. “Police in Newark Give More Tickets,” *New York Times*, October 21, 1968, 41. Kenneth Reich, “Atlanta Chief Resists Police Arms Demands,” *Los Angeles Times*, August 12, 1970, 17. Vincent Crowdus and John Long, “Firemen say they want to reopen talks with city officials on pay-raise dispute,” *Louisville Courier-Journal*, July 3, 1971, B1. “Albuquerque Police Force Decimated as Officers Quit,” *Los Angeles Times*, July 16, 1975, A1.

“unionism” both to avoid the retribution of commissioners and mayors who would not tolerate independent police who might strike and to satisfy members who genuinely believed that labor unionism was incompatible with good policing. But in the 1960s police unions became increasingly politically engaged in resisting police reforms, especially civilian review boards, urged by the civil rights movement, and they succeeded in remaking their public image with white audiences as guarantors of public safety and civic order rather than particular interests that threatened democratic government. Riding this wave and leaning further into political engagement and strategic militancy, police unionists thus began to pursue collective bargaining rights, recognition by their employers, and negotiated contracts. Unions became the primary vehicle by which rank-and-file police officers reshaped the terms of their work.

This transformation was not frictionless. It generated debates within police organizations over just how union-like their organizations should be. It also raised questions both for such groups and for organized labor about what the proper relationship between police and the labor movement should be. There were no consensus answers to these questions. In some cases, police unions and other labor unions happily avoided affiliation with each other, while in others they sought each other out in an effort to boost their bargaining and political power. This chapter tracks these evolutions and debates in the postwar years across a number of cities before focusing on a particular case study: that of Baltimore in the 1960s and 1970s, where both the FOP and the American Federation of State, County, and Municipal Employees (AFSCME) vowed to organize the Baltimore City Police Department. Their competition dramatized the alternative forms a police union could take and the stakes of choosing organizing partners for police officers and for the labor movement.

AFSCME leaders like International president Jerry Wurf believed that a big union of public-sector workers, united across occupational lines, was central to the present and future of organized labor in the United States. Edging out the FOP in Baltimore would be a huge material and symbolic blow to the hegemony of the FOP and other police-only groups in organizing police officers. It would mean that police could choose to join the labor movement that they had previously surveilled and disciplined. The struggle between AFSCME and the FOP had political stakes, too. At both the local and national levels, the FOP embraced social conservatism and tough-on-crime politics and rejected the liberal reform tendencies within the War on Crime expounded by President Lyndon Johnson. While not strictly partisan, more often than not its leaders voiced their support for the law-and-order politics ascendant within the anti-labor Republican Party. AFSCME, by contrast, spent the 1960s cultivating a reputation for joining worker politics with racial liberalism that placed the union firmly in step with the politics of the national Democratic Party in the 1960s and '70s. Whether AFSCME or the FOP succeeded in organizing and representing big-city police officers thus had serious implications for the ways labor unionism and worker politics would relate to party politics and power in the final decades of the twentieth century.

Early Decades

The competition in the 1960s and 1970s to organize America's police officers was an entirely new development. The decisive crushing of the Boston Police Strike of 1919 put a long-lived damper on police associations' fragile relationship with the labor movement and on police aspirations to unionize. That organized labor ventured in 1919 to organize police at all was a surprise: strikebreaking remained one of the core functions of policing in the early twentieth century, and even the conservative leadership of the AFL refused to welcome police into the fold

until the nationwide strike wave that followed World War I. When Boston's police strike ended in crushing defeat, the AFL quickly returned to its former stance with the result that police-only, ostensibly non-union associations like the FOP and New York's Patrolmen's Benevolent Association (PBA) were among the very few police membership organizations that grew steadily over the coming decades.¹¹⁷

Despite this structural antagonism between police and organized labor, some labor unions occasionally tried to organize police or poach members before the 1960s. But the stymied efforts of these campaigns showed the difficulty of organizing police was in this period. Michael J. Quill, the New Yorker who presided over the Transport Workers Union (TWU) and attempted to unionize New York's and Philadelphia's police departments in 1951. It remains unclear why the head of a transit union chose to organize police. He may simply have wanted to branch out into other categories of public-sector employment. He may have been exploiting social connections between the many Irish and Irish-American members of his union and their family and neighbors among the police. He certainly took advantage of moments of scandal or crisis in each city in the early 1950s—in New York, the brass's carving out of police from the state's constitutional right to labor rights, and in Philadelphia the new Democratic city government's reorganization of the police department. TWU literature insisted that it was disgruntled police officers who had first approached the union (not the other way around), fed up with poor pay, long hours, and dependence on informal patronage networks for advancement within the department. Whatever the reasons, few observers viewed the TWU's efforts favorably. Quill was a publicity-seeking man dogged by a reputation for leftism even after having expelled Communists from his union a few years prior. As a result, Quill's critics saw his actions as mobster opportunism. The

¹¹⁷ Cf Chapter 1.

Philadelphia Inquirer ran several critical op-eds throughout the year, ranging from mild protests that police were not transit workers to impassioned denunciations of Quill the con man, running “one of the most dangerous mob forces in the country” and attempting to incorporate New York and Philadelphia police into a CIO “standing army” to advance the cause of creeping communism in the United States.¹¹⁸

In both New York and Philadelphia, Quill courted some limited interest among officers; reportedly holding meetings with hundreds of supportive officers in each city. But these officers remained anonymous and silent in newspaper reports, unlike their highly vocal and critical colleagues. Current and former FOP officials took to the pages of the *Inquirer* to condemn Quill, defend the efficacy of the FOP, and assert the incompatibility of “the police profession” with “unionism.” It was Lodge 5 Executive Secretary Edward McCarthy who first raised a contrast between “professionalism” and “unionism” that other critics of police unions would repeatedly deploy to justify their positions. As this chapter explores below, “professionalism” in police work might variously mean autonomy on the job, expert judgments, ethical conduct, impartial law enforcement, or a sort of vertical solidarity among all ranks of police officers. What it did not mean was police officers of any rank joining unions populated by other categories of workers. McCarthy and other FOP officials resolutely defended the police-only nature of their organization. And their passion ran deep into the rank and file as well: Patrolman (and future

¹¹⁸ Joshua B. Freeman, *In Transit: The Transport Workers Union in New York City, 1933-1966* (Philadelphia: Temple University Press, 1989), xi-xvi. “Quill Starts Drive To Unionize Police,” *Philadelphia Inquirer*, February 16, 1951, 7. “Quill To Boss Cops, Too?” *Philadelphia Inquirer*, March 10, 1951, 6. “Quill Union Bad Deal For Police in N.Y.,” *Philadelphia Inquirer*, August 16, 1951, 17. Michael Quill to George Monaghan, August 7, 1951, Transport Workers Union (TWU) Records, Box 63, Folder 2, in Robert F. Wagner Labor Archives, Special Collections Center, New York University, New York, NY. Patrolman X as told to Vilas Boyle, “A Cop’s Story: Why We Need a Union,” *New York Post*, August 10, 1951, 5, 39, in TWU Records. Stanley Levey, “Quill Sets Drive for Police Union; Calls Men ‘Slaves,’ Pay ‘Miserable,’” *New York Times*, February 16, 1951, 1, 18. This piece quotes a reporter asking Quill, “I suppose that you justify your invasion of this field by the fact that policemen ride in subways.” “And,” Quill joked in reply “because they operate mobile units.”

commissioner) Albert Brown won a decisive upset election for the presidency of Lodge No. 5 in April of 1952, in large part because of his promise to better defend the FOP against TWU encroachment.¹¹⁹

With the PBA and the FOP defending their turf and the cities' police commissioners opposing the TWU as well, Quill's venture foundered in both New York and Philadelphia in 1952.¹²⁰ But while Quill's high-profile efforts proved abortive, the American Federation of State, County, and Municipal Employees (AFSCME) had slowly organized police officers into police-only and amalgamated locals for decades. AFSCME was an AFL union of public-sector workers that originated in Wisconsin in 1932 as a professional association for state personnel employees. It quickly grew in scale and scope, spreading to other states, encompassing other categories of public-sector workers, and gradually pursuing formal collective bargaining agreements. Especially by the time New York's Jerry Wurf became International union president in 1964, it had morphed into a full-blown labor union covering sanitation workers, clerks, parks employees, and others—including police officers. At the 1946 AFSCME convention, the International Executive Board (IEB) confessed that the union itself had done little to solicit police membership, but rather was approached by officers seeking to join their unionizing colleagues. By 1946, the union counted around 50 police-only locals and 25 amalgamated locals that included police, covering 6000 dues-paying officers.¹²¹

¹¹⁹ "120 N.Y. Police At Union Meeting," *Philadelphia Inquirer*, August 23, 1951, 9. "Quill and the Police," *Philadelphia Inquirer*, March 14, 1951, 44. "Keep Quill Out Of Police," *Philadelphia Inquirer*, March 19, 1951, 14. "150 Police Seek To Join Union," *Philadelphia Inquirer*, February 7, 1952, 1, 10. "F.O.P. Insurgent Wins Presidency," *Philadelphia Inquirer*, April 3, 1952, 10. "Police Union Plan of TWU Blasted," *Philadelphia Inquirer*, June 8, 1952, 8.

¹²⁰ "Monaghan's and Quill's Views on Union," *New York Times*, August 9, 1951, 14.

¹²¹ Eric Arnesen, *Encyclopedia of U.S. Labor and Working-Class History* (New York: Routledge, 2007), vol. 1, 83-86. Proceedings of the Tenth Annual Convention of the American Federation of State, County, and Municipal

This project proved to be out of step with the rest of the AFL, whose own executive board in August 1945 decided to block new police organizing campaigns. Police officers, said AFL president William Green, cannot be “loyal to their unions and to their oath to the municipality at the same time.” Though this language mirrored reformers’ insistence on the impartiality of law enforcement, it also reflected the AFL’s enduring resistance to welcoming cities’ frontline strikebreakers into the fold of organized labor. AFSCME, however, blatantly disregarded this ban. In the 1946 AFSCME convention, an IEB report recommended “a larger staff [and] special attention to police organization....” While the report acknowledged that police officers were “a special occupational group with peculiar problems,” it nonetheless asserted that they shared fundamental interests with other government employees. They were, the Board believed, just as vulnerable to “the belief of politicians in ‘the divine right of politicians’” as any others. The convention did amend the AFSCME constitution to allow for the inclusion of no-strike clauses in police local by-laws, but this did not diminish the union’s commitment to organizing police. Even as highly visible campaigns in large cities like Los Angeles and Chicago had come to naught during World War II, AFSCME continued pursuing police in mid-size and large cities like Louisville, Richmond, Chicago, and Baltimore. Though unsuccessful at first, the Baltimore campaign would come to be AFSCME’s largest, most successful police organizing campaign—as well as its greatest challenge, as the union worked to fend off a competitor in the Fraternal Order of Police.¹²²

Employees, held April 22-26, 1946, 103-104, in American Federation of State, County, and Municipal Employees (AFSCME) Publications, Box 1, Vol. 8, Walter P. Reuther Library, Wayne State University, Detroit, MI.

¹²² Arnesen, *Encyclopedia of U.S. Labor and Working-Class History*, vol. 1, 84. “Resolution 63,” Proceedings of the Tenth Anniversary Convention of the American Federation of State, County, and Municipal Employees, 103-104, 157. “Police Union Forming Here,” *Los Angeles Times*, March 20, 1943, 1, 4. “State Supreme Court Denies Appeal Against Ban on L.A. Police Union,” *Los Angeles Times*, April 9, 1946, A1. “Southern Cities Face Union Test,” *New York Times*, September 29, 1946, 99. “Five Policemen Discharged For Staying In Union,” *St. Louis Post-Dispatch*, September 21, 1946, 1, 3. George Hartmann, “AFL Says Peace, Like War, May Find Us Napping,” *Chicago Daily*

The contest to organize the Baltimore police took place as the politics of police unionism were dramatically shifting. From the 1950s to the 1970s, the legal and political obstacles to police unionism began to crumble, thanks partly to administrative and statutory changes that opened the door to public-sector unionism more generally. While many teachers, clerks, sanitation workers, and other government workers had belonged to unions for decades, they now began to win collective bargaining rights that the private sector had enjoyed for decades. These victories depended on the support of Democratic policymakers at every level of government. Democratic mayors like Philadelphia's Joseph Clark and New York's Robert Wagner, Jr., were among the first to negotiate collective bargaining agreements with their cities' employees, and Wisconsin became the first state to pass a state employee collective bargaining law in 1959 under Democratic Governor Gaylord Nelson. Most important was President John F. Kennedy's Executive Order 10988 in 1962, which authorized collective bargaining for federal workers. The order not only legalized unionization for tens of thousands of federal employees but also helped other workers to win the same at the state and local levels: between 1959 and 1980, 39 states granted their employees collective bargaining rights. These victories admittedly did not match everything private-sector workers had achieved. Overwhelmingly, public-sector workers lacked the legal right to strike, and they never won a federal law comparable to the Wagner Act that would replace the patchwork of state and local statutes and regulations with a nationwide guarantee of labor rights for government workers.¹²³ Nonetheless, public-sector unionism made

Tribune, August 7, 1945, 20. "Affiliate of AFL Organizing Police," *New York Times*, April 25, 1946, 25. Leo Kramer, *Labor's Paradox: The American Federation of State, County, and Municipal Employees, AFL-CIO* (New York: John Wiley and Sons, 1962), 51.

¹²³ McCartin, "Bringing the State's Workers In," 78-81. McCartin, "'A Wagner Act for Public Employees,'" 123-148.

tremendous legal and political gains in these decades, and police both drove and benefited from these changes in their own fight for union rights.¹²⁴

Nevertheless, police officers remained a class apart in many ways. Their exclusive right to the legal use of violence and their historical links to corrupt political machines left many voters and politicians reluctant to empower police with labor rights. But from the 1950s through the 1970s, police unionists deployed narratives that shifted public opinion in their favor. Tapping into white homeowners' and business owners' fear of civil rights politics, Black Power organizing, and a complex mix of actual and perceived rising crime, police organizers ran sophisticated publicity campaigns arguing that police needed to secure their pay, working conditions, and autonomy on the job to secure the public from social and political threats to safety and order. Unions and collective bargaining, they insisted, would help them win these conditions and protect them from the ostensible threats of the Black freedom movement and from liberal reform politicians eager to subordinate police autonomy to centralized oversight and control. As these arguments won over more and more (overwhelmingly white) voters,

¹²⁴ Though sporadic work on public-sector unions and workers, especially teachers, has been done for decades, the field has grown substantially since the publication of Joseph McCartin's "Bringing the State's Workers In." See also McCartin, "Fire the Hell Out of Them': Sanitation Workers' Struggles and the Normalization of the Striker Replacement Strategy in the 1970s," *Labor: Studies in Working-Class History of the Americas*, vol. 2, no. 3 (2005), 67-92; McCartin, "Managing Discontent: The Life and Career of Leamon Hood, Black Public Employee Activist," in Eric Arnesen (ed.), *The Black Worker: Race, Labor, and Civil Rights Since Emancipation* (Urbana and Chicago: University of Illinois Press, 2007), 271-295; McCartin, "'A Wagner Act for Public Employees': Labor's Deferred Dream and the Rise of Conservatism, 1970-1976," *Journal of American History* 95, no. 1 (Jun. 2008): 123-148; Steve Estes, "I am a Man!': Race, Masculinity, and the 1968 Memphis Sanitation Strike," *Labor History* 41, no. 2 (2000): 153-170; Joseph E. Hower, "Big Brother Unionism? The Landrum-Griffin Act and the Fight for AFSCME's Future, 1961-1964," *Labor: Studies in Working-Class History of the Americas* 11, no. 2 (2014): 61-84; Hower, "'The Sparrows and the Horses'"; William P. Jones, "The Unknown Origins of the March on Washington: Civil Rights Politics and the Black Working Class," *Labor: Studies in Working-Class History of the Americas* 7, no. 3 (2010): 33-52; Joshua Page, *The Toughest Beat: Politics, Punishment, and the Prison Officers Union in California* (Oxford: Oxford University Press, 2011); Marjorie Murphy, *Blackboard Unions: The AFT and the NEA, 1900-1980* (Ithaca: Cornell University Press, 1990); Jerald E. Podair, *The Strike That Changed New York: Blacks, Whites, and the Ocean Hill-Brownsville Crisis* (New Haven: Yale University Press, 2002); and Clarence Taylor, *Reds at the Blackboard: Communism, Civil Rights, and the New York City Teachers Union* (New York: Columbia University Press, 2011).

politicians, and judges, police began to win collective bargaining rights. Police union density rose from a negligible level at the end of World War II to an estimated 17.5% by 1974 and grew steadily thereafter.¹²⁵ The bulk of this growth took place in police-only associations like the FOP and the patrolmen's and sergeants' benevolent associations that had long existed in New York and New Jersey. The FOP doubled its reported membership from 60,000 in 1965 to over 120,000 a decade later. The International Conference of Police Associations, an even looser confederation of independent police unions formed in 1954, claimed a membership of 173,000 in 1969—the largest of any single group at the time.¹²⁶

This trend did not simply represent numerical growth, but also accompanied a qualitative shift in the way members of police associations thought about and ran their organizations. Many FOP members increasingly conceived of their lodge in the Order as a union and believed the FOP should secure statutory collective bargaining rights and formal contracts. A rising generation of FOP leaders like Harrington hastened this process. Harrington's contribution to this movement began in 1959, when Pennsylvania state and local FOPs and firefighters union locals successfully pushed for a binding arbitration law. The law was constructed as a

¹²⁵ Calculating police union density is a difficult and imprecise task. Reliable national statistics do not exist, and the figures cited by researchers and journalists are difficult to verify. There is also a deeper trouble of what counts as a police union: a given police association may or may not have statutory collective bargaining rights and may act more or less like a union regardless of its legal status. Similarly, how to count the total number of police in the denominator of the density equation requires choices virtually no one makes explicit. Surely municipal police count here, but what about sheriffs? State police? The many branches of federal law enforcement? I have cited the best figures I have been able to identify from Donald Baker, "Blue Power: Police Unions On Way," *Washington Post*, October 8, 1973, A10; and Bill Richards and Fred Barbash, "Striking Baltimore Police Adopt Tactics of Militants," *Washington Post*, July 14, 1974, B1. As of this writing, U.S. police union density likely sits somewhere before 40% and 80%. See U.S. Bureau of Labor Statistics, "Union Members Summary"; and DeLord and York, *Law Enforcement, Police Unions, and the Future*, 11.

¹²⁶ Walsh, *The Fraternal Order of Police*, 279. Ralph Murdy to Donald Pomerleau, "Report on Conference, October 26-31, 1969, Zion, Illinois, on Police 'Unionization,'" November 4, 1969, 5, Ralph G. Murdy Collection, Special Collections Library, Johns Hopkins University, Baltimore, MD. Arnesen, *Encyclopedia of U.S. Labor and Working-Class History*, 1:83-86.

compromise: because police and firefighters could not legally strike, when labor negotiations with cities, counties, and the state reached an impasse, they could instead call for a neutral third-party arbitrator to resolve disputes, with results binding on all parties. Several years later, however, the Pennsylvania Supreme Court removed the binding nature of the arbitration awards when it found that elected officials lacked the constitutional authorization to hand over their fiscal powers to third parties. This legislation could only proceed after passage of a constitutional amendment, and so the FOP and the firefighter unions changed course. Amidst a lobbying campaign and threats of wildcat strikes by firefighters, in 1967 the Pennsylvania General Assembly passed a law that would submit the matter to a referendum later that year. Harrington, now leading the Philadelphia and national FOP lodges, worked with the firefighter unions to mount a public relations campaign in support of the measure. An authorized internal history of the Fraternal Order of Police claims the Pennsylvania state lodge reframed the measure's no-strike clause by running a statewide set of billboards that exclaimed, "Police and Firemen Should Not Have the Right to Strike! Vote 'Yes' on A-9." True or not, this story captures a typical principle of police unionism: that police work is essential to the integrity of the civic order, and citizens should fear its removal.¹²⁷

Either way, the measure passed by a resounding 3-1 margin, or 2.8 million votes. The legislature reshaped it as a statute, and by June 1968 it took effect as Pennsylvania's Act 111. It was a major victory: the law allowed a majority of police or firefighters in a given workplace to elect a representative to bargain over "compensation, hours, working conditions, retirement,

¹²⁷ Walsh, *The Fraternal Order of Police*, 278-9. "Phila. Firemen Warn Of Wildcat Strike in Dispute Over Salaries," *Philadelphia Inquirer*, July 24, 1966, 6. Stephen J. Sansweet, "Enforced Arbitration Of Municipal Wages Gains Senate Support," *Philadelphia Inquirer*, June 15, 1967, 31. "Amendment Receives Resounding Approval," *Philadelphia Inquirer*, November 8, 1967, 4.

pensions and other benefits,” with impasses resolved by the binding decisions of a three-person arbitration board. Over the following year, the law survived legal challenges brought by local governments in Pennsylvania, with the State Supreme Court deeming it not only constitutional but also, in the words of Justice Samuel Roberts, ““an obvious...policy to protect the public from strikes by policemen and firemen.”” And it was put to use immediately, especially by the FOP in cities in Montgomery and Delaware counties, just outside Philadelphia, where police officers were frustrated by stalled negotiations over pay. A 33-year veteran and FOP member in one of those cities, thrilled with the raise that arbitration earned him, told the *Philadelphia Inquirer* that Act 111 was the “best piece of legislation the FOP ever got.”¹²⁸

Harrington’s decade-long commitment to securing police collective bargaining legislation in Pennsylvania calls into question his claim at the Chicago police seminar in 1969—just a year after Act 111 took effect—that the FOP was “not...a union in the ordinary sense.” This ambiguous phrasing did significant rhetorical work for Harrington, who, throughout his career, balanced a pursuit of police labor activism with resistance from forces both within and outside the FOP who feared more explicit forms of police unionism as threats to professionalism and public safety.

Since its inception, the FOP had had built into its constitution and its public relations strategy assurances that it was not a union and that its members were forbidden to strike. These claims weren’t always enough to assure city officials that the FOP wasn’t a dangerous labor organization, but they did help the Order grow in the interwar years when most departments

¹²⁸ “Policemen and Firemen Collective Bargaining Act,” Act of Jun. 24, 1968, P.L. 237, No. 111, <https://www.legis.state.pa.us/WU01/LI/LI/US/PDF/1968/0/0111..PDF>, accessed June 26, 2019. “Arbitration Act Challenged,” *Philadelphia Inquirer*, September 26, 1968, 30. “Court OKs Bargaining Act,” *Philadelphia Inquirer*, July 10, 1969, 26B. “Police Believe Arbitration Act Is Wage Boon,” *Philadelphia Inquirer*, July 7, 1968, 1, 10.

quickly squelched explicit police unionism. In other words, the FOP's non-union line resulted as much from anti-union pressure from chiefs and administrators as it did from officers' own resistance to unionizing. But with other, self-avowed labor unions competing for police members in the 1950s and '60s, the FOP shifted course. In early 1959, FOP national president Jack Dudek of Cleveland called a series of regional conferences that resulted in a campaign to expand FOP membership and to present the Order to unorganized officers as a compelling alternative to unionization, or even as a union in all but name. And so ,throughout the 1960s, through a combination of Grand Lodge tolerance and state and local lodge initiative, many FOP lodges sought legal union rights and became their members' collective bargaining agents. Harrington's campaign for arbitration legislation was just one of many such efforts.¹²⁹

Rising militancy within the FOP ranks also drove this turn toward explicit unionism. Beginning in the 1960s, in rare cases Order members even began to strike when negotiations stalled. In 1967, for instance, police and firefighters in Youngstown, Ohio, walked off the job. Fifteen years earlier, the Youngstown police chief had boasted in that the FOP "is not a union, never will be a union," and that the Youngstown lodge had been "an outspoken foe of unionism." But when the smoggy steel town of 170,000 refused to grant them a \$100-a-month raise, on September 6 police and firefighters walked off and retreated to the local FOP headquarters, where they claimed to hold a "continuous professional meeting" to avoid a legal ban on police and fire strikes. When Ohio's governor refused to send National Guard troops as replacement police, and when Judge Sidney Reigelhaupt declined a city petition to immediately enjoin the strikers to return to work, negotiations ground to a halt. The police and fire employees were inspired by a flurry of local labor militancy that had sprung up around them in the last year. They

¹²⁹ Walsh, *The Fraternal Order of Police*, 55-56.

looked to other public-sector workers: in 1966, Youngstown saw strikes by other city employees—nurses, sanitation workers, water department truck drivers, and teachers. They looked to the United Steel Workers, whose district director they at one point considered to mediate their strike. And they looked to UAW workers who walked out of a local auto plant the same day the police and firemen walked off their job. During the “seminar,” FOP lodge attorney Don Hanni looked to the UAW strike as a model. “The UAW didn’t shut just half the plant, or three quarters of the plant,” he said. “They shut the whole plant.” Hanni urged the strikers to emulate the autoworkers, to enthusiastic cheers.¹³⁰

Along with the Detroit police sick-out of the same year, the Youngstown strike was the most significant police labor action since the (much larger) Boston police strike nearly 50 years earlier. It was driven by an organization that explicitly barred striking. As a result, as John Harrington descended on Youngstown to mediate the strike, he had to balance support for the strikers with his formal commitment to uphold the anti-strike clause of the FOP Constitution. Harrington arrived two days into the strike and began talks with the city and Judge Reigelhaupt. When the judge ordered the strikers back to work on Saturday, Harrington at first concurred, announcing that they “would return to duty at once.” But when the workers voted to stay off the job and continue negotiations, Harrington endorsed their choice and drew out the implicit threat of the police strike to the press: with police off the job, crime would run “rampant in the streets” in this city “long...notorious as a center of organized crime and vice.” In fact, neither the press

¹³⁰ “Current Trends in Law Enforcement, by Edward J. Allen, Chief of Police, Youngstown Ohio,” International Association of Chiefs of Police Conference, Biltman Hotel, Los Angeles, California, September 21-25, 1952, 2, Murdy Collection, Box 2, Vol. 8. “Firemen, Cops Stay Off Job In Youngstown,” *Newsday*, September 8, 1967, 4. “Court to Act On Strike in Youngstown,” *Washington Post*, September 9, 1967, A4. Martin Arnold, “Youngstown Judge Orders Halt To Municipal Strike by Today,” *New York Times*, September 9, 1967, 16. “Youngstown Police Vow ‘No Money Now, No Work,’” *Hartford Courant*, September 10, 1967, 16C. Walsh, *The Fraternal Order of Police*, 57.

nor the police department reported an uptick in crime, but nonetheless the strikers secured their demand in full: \$26 a month immediately, plus an additional \$74 a month if voters approved a millage in December. Unlike the Boston police strike, the Youngstown strike of 1967 was a success.¹³¹

The the FOP Grand Lodge supported Harrington's work in Youngstown, both tacitly and explicitly. No one moved to expel the Youngstown lodge from the FOP, as the constitution mandated. National Secretary Anthony Coyne wrote in the national FOP *Journal* that Harrington had demonstrated great "courage in stepping into a difficulty situation" and had "out-talked, out-manuevered the members of the City Council and the Mayor...to win the first police strike [since 1919]." But these stances had their limits, as Harrington discovered when he called for a two-day national police walkout to protest the murder of three FOP members from Cleveland in 1968. In the face of external backlash and opposition from other Grand Lodge members and state lodge leaders, he was forced to qualify and disavow his comments. Harrington's eventual successor Indiana FOP president Pat Stark, for instance, issued a statement opposing police strikes. In short, beyond John Harrington himself, there was little political will in the FOP Grand Lodge to proactively organize police walkouts, but it would not discipline members who joined police strikes and would support them however it could.¹³²

The explosion of police organizing and militancy in the 1960s made winning police members a prize for other unions, especially in a moment where the visibility and political

¹³¹ Walsh, *The Fraternal Order of Police*, 57-58. "Policemen and Firemen Stay Out in Youngstown," *Boston Globe*, September 10, 1967, 16. "Police, Firemen Told to Return to Jobs in Ohio," *Los Angeles Times*, September 10, 1967, D3. "Police, Firemen Ending 5-Day Strike in Ohio," *Atlanta Constitution*, September 12, 1967, 13. For more on the Detroit sick-out, see Elkins, "Battle of the Corner," 479-485.

¹³² Walsh, *The Fraternal Order of Police*, 58-61.

influence of police was ascendant—and especially for a union like AFSCME that aspired to represent as many government workers as possible. Though AFSCME had organized police members since the 1930s, the scale of independent police union organizing dwarfed AFSCME’s efforts—the latter claimed only 12,000 police members nationwide by 1973—and the union was eager to close the gap. In this context, the Baltimore City police were an especially tantalizing prize: serving one of the nation’s largest cities, they belonged to one of the largest police departments—with over 3000 sworn officers—but were not already claimed by an independent police-only group like the FOP. Moreover, Maryland’s large and growing government workforce was a prime site of expansion for AFSCME, which tripled its membership in the state between 1964 (when Jerry Wurf became International president) and 1966.¹³³ Claiming the Baltimore police for its own would be a crowning achievement in AFSCME’s campaign to organize workers in Maryland. But to succeed, it would have to contend with a competing drive by John Harrington’s FOP in order to succeed.

The Fight for Baltimore

AFSCME ran two short-lived organizing drives of BPD patrolmen in the late 1940s and early 1950s, capitalizing on widespread discontent among officers who felt overworked, underpaid, and disrespected by the brass. Neither drive made much headway, foundering against a departmental regulation banning membership organizations and commissioners’ willingness to fire lead organizers. During the second drive, Commissioner Beverly Ober issued a letter to the department in 1952 emphasizing that because officers could not be “answerable to anybody other

¹³³ John M. McClintock, “Might Police Union Is Dream Of AFL_CIO’s ‘Mini-Cop,’” *Baltimore Sun*, May 13, 1969, C6. Donald Baker, “Blue Power: Police Unions On Way,” *Washington Post*, October 8, 1973, A1, A10. J.D. Dilts, “Mello Saw Police Career as ‘Opportunity,’” *Baltimore Sun Magazine*, November 21, 1965, 14-15. Proceedings of the 16th International Convention of the American Federation of State, County, and Municipal Employees, AFL-CIO, Washington, D.C., April 25-29, 1966, 7, AFSCME Publications, Box 7, Vol. 6.

than the Commissioner,” they could not join a union or any organization that would divide their loyalties and threaten the chain of command. This language revealed the fear that unionized police might fail to discipline militant workers, a live issue nationwide, and anticipated the persistent claim of Ober’s successors that the “semi-military” nature of policing made it incompatible with unionism. To create a countervailing authority against that of the commissioner would contradict the very essence of the institution.¹³⁴

In the same period, the FOP sent organizers from Philadelphia to recruit BPD members and to lobby Baltimore members of the Maryland House of Delegates to legally authorize police membership in fraternal orders. The organizers took every opportunity to distinguish the FOP from a union, emphasizing that BPD members of all ranks could join. But the commissioner failed to see a distinction, barring the FOP from his department and likely helping to stall the bill in committee.¹³⁵ These events of the late 1940s and early 1950s set an enduring tone for labor relations within the police department: AFSCME and the FOP were locked in competition for the allegiance of Baltimore’s police officers, while commissioners and other executive officers resisted the intrusion of any groups that seemed to threaten their command within the department.

¹³⁴ Chief Inspector Joseph Wallace to the Commissioner, September 11, 1946, Murdy Collection, Box 2, Volume 8. General Order No. 5519, Baltimore City Police Department, Murdy Collection, Box 2, Volume 8. Statement by Commissioner Donald D. Pomerleau, State House, Annapolis, Maryland, March 16, 1967, 4-5, in Murdy Collection, Box 3, Vol. 1. “Ober Opposes Police Union,” *Baltimore Sun*, September 28, 1950, 9. “Ober Opposes Police Union,” *Baltimore Sun*, September 28, 1950, 9. Beverly Ober to the All Members of the Baltimore City Police Department, August 19, 1952, 1-2, Murdy Collection, Box 2, Volume 8.

¹³⁵ Hamilton Atkinson to Leroy Preston, February 9, 1949, 1-2, Murdy Collection, Box 2, Volume 7. “Memo: Meeting in Commissioner’s Office,” December 14, 1949, Murdy Collection, Box 2, Volume 7. “Bill Would Let Police Organize,” *Baltimore Sun*, February 15, 1945, 19. “Says Organization of Police Wanted,” *Baltimore Sun*, February 17, 1949, 28. “Change Made in Police Bill,” *Baltimore Sun*, February 26, 1949, 4. “Bill On Policemen Held In Committee,” *Baltimore Sun*, March 19, 1949. The FOP did reach out to the BPD police commissioner once more in this period, in April of 1951, but this attempt also failed to go anywhere. John Quinn to Beverly Ober, April 27, 1951, Murdy Collection, Box 2, Volume 7.

The next, more successful wave of police organizing efforts came in the mid-1960s, during a national wave of public-sector unionization and a time of crisis and reform in the Baltimore City Police Department. In 1964, Baltimore *Sun* reporter Richard Levine ran a series of articles exposing the department's inefficacy. The *Sun* exposé insisted that the Baltimore Police Department was woefully antiquated, not because it was tied up with organized crime or captured by political interests, but simply because no one had ever truly taken responsibility for making it effective. The articles emphasized the inefficiency and inefficacy of the department: despite high staffing levels and per capita funding greater than any other cities' except New York, Washington, D.C., and Chicago, the BPD had understaffed beat patrols and a worse than "50-50" chance of investigating a reported crime. Much of the condemnation focused on the city's record-keeping system, which failed to record an untold number of crimes. Many reports were only created and backdated when the press or insurance companies checked with the department to verify an incident. An anonymous patrolman told the paper about "File 13," the destination for complaints that patrolmen and sergeants chose to ignore

for a wide range of reasons—because they want to lighten their workload; because they want to keep the statistical level of crime down in their bailiwick; because they believe any further investigation would be hopeless, anyway, such as in cases of larcenies of auto accessories because they have a low estimate of the citizen complainant and choose to believe the complaint is untrue.

Political incentives to depress the reported crime rate meant that "the bulk of the statistics on major crimes," especially "burglaries, larcenies, and assaults," were profoundly underreported. At the same time, the brass was happy to exploit media panics over "crime waves" to win increased funding and manpower from the city, without necessarily changing policy or administration. These new resources, the *Sun* claimed, were "inevitably" mismanaged: without

reliable statistics, the department had no ability to follow the modern practice of geographically allocating manpower according to the crime rates of each district.¹³⁶

The *Sun* tied these persistent concerns to the fact that the department existed in an administrative netherworld between state and city government. State civil service regulations did not apply to the police, and the city did not administer the department because the Governor had appointed its commissioner since 1860, when this power was appropriated from the then “Know Nothing”-controlled city government.¹³⁷ But Governor J. Millard Tawes himself claimed he exercised “very little” control over the department, which had a “wide range of administrative discretion.” The police department received its funding from the city, but it enjoyed greater autonomy than any other city-funded department. Most departments were subject to “an elaborate system of checks and double-checks in accounting, disbursements, purchasing and payroll processing,” the *Sun* reported. But the Police Department made its own purchases and allocated its funds—\$26,000,000 out of the city’s nearly \$400,000,000 budget—with little to no oversight. The Commissioner would even make successful requests for payroll funds whose purpose he would determine only after receiving the funds.¹³⁸ In short, the department had operated with virtually no accountability for decades, escaping most moments of public scandal unscathed and unchanged.

¹³⁶ “The Police,” *Baltimore Sun*, December 7, 1964, 18. Richard H. Levine, “Study Shows Serious Deficiencies In City Police Management,” *Baltimore Sun*, December 7, 1964, 38, 28.

¹³⁷ Baltimore City Police-Community Relations: A Report by the Baltimore Community Relations Commission, March 1975, 1-2, William Donald Schaefer Mayoral Papers, Box 169, Folder 2, City Archives, Baltimore, Maryland.

¹³⁸ Levine, “Study Shows Serious Deficiencies,” 38, 28. “Police Handle Money Matters,” *Baltimore Sun*, December 7, 1964, 38, 28. “Tawes Says Police Head Has ‘Very Wide Discretion,’” *Baltimore Sun*, December 11, 1964, 38. On the scale of the budget, see “Budget Cuts of \$4,954,145 To Be Asked,” *Baltimore Sun*, December 13, 1964, 36.

This time, however, the department could not dodge the demand for change. Under pressure from the press, the Baltimore City Council, and the city's Criminal Justice Commission, Governor J. Millard Tawes created a commission headed by Attorney General Thomas Finan to investigate the matter. The commission, in turn, contracted the International Association of Chiefs of Police (IACP) to conduct an eight-month study of the department. The results, released in January of 1966, were scathing. The report knocked the force for paltry recruitment standards, ineffective investigative work, dangerously inadequate traffic law enforcement, a tacit acceptance of organized crime and illegal vice businesses, and a total lack of response to police brutality complaints—all of which could be chalked up to poor management by the top brass.¹³⁹ Indeed, the IACP reported was structured by the dominant ideology of the police professionalization movement, what I call *managerial professionalism*. Espoused by a reformist group of police and executives and civilian bureaucrats, this ideology named the impartial enforcement of criminal and civil law as the central goal of effecting policing. Its partisans deficient any department that was distracted from crime-control due to capture by private commercial, criminal, and political interests—or even interests *within* the department, like workers who exploited a generous sick leave policy. Professionalism, in this context, meant a police department insulated from capture by “private” interests, and police training and administration guided by criminology and police science. But “professionalism” was also a plastic notion, and it became a prized and contested term in the struggle to control the police department over the coming years.

¹³⁹ Richard H. Levine, “Tawes Calls For ‘Prompt’ Report On Findings In Study of Police,” *Baltimore Sun*, December 8, 1964, 46. “Police Changes,” *Baltimore Sun*, December 9, 1964, 24. Joshua Rubenstein, “Crime at a Store,” *Baltimore Sun*, December 9, 1964, 24. “Official Police Survey Backed,” *Baltimore Sun*, December 11, 1964, 48. Stephen E. Nordlinger, “Tawes Names Police Probe Committee,” *Baltimore Sun*, December 13, 1964.

Because the report focused on management as the site of success or failure, it was dismissive of the need for greater public oversight—and in particular of the need to establish any form of civilian review, even though Commissioner Schmidt had not investigated a single complaint of police brutality or abuse since he was appointed four years before. To the IACP consultants, this was simply a problem of poor management: “Demands for a Civilian Review Board,” they wrote, “are not usually heard in those communities where the police agency operates an effective disciplinary program of its own.” They embraced the need to respond to civilian complaints but limited their proposed remedy to the creation of an internal investigation division and disciplinary board, as well as a grievance mechanism by which low-ranking officers could contest decisions.¹⁴⁰ This recommendation flew in the face of years of effort by local civil rights groups to win robust civilian review in Baltimore and throughout Maryland, efforts that would continue well into the 1970s. Looking to Philadelphia’s Police Advisory Board for inspiration, the Maryland NAACP, the Baltimore Urban League, the *Baltimore Afro-American*, and countless Black churches and ecumenical groups had worked for years to bring civilian review to Baltimore. Long before the *Sun*’s exposé, they advocated for a civilian-staffed oversight board in Baltimore with the power to subpoena witnesses, hold hearings, and issue binding disciplinary decisions in cases of officer misconduct. But Maryland’s political leaders were unwilling to challenge the premises that only law-enforcement officials should have a role in police oversight. Attorney General Finan resisted calls for robust forms of civilian review and instead helped birth a “complaint evaluation board” in August 1965, in the middle of the IACP audit. This had only non-binding advisory power to consult on civilian complaints, and it left internal investigation and disciplinary decisions to the commissioner. It was staffed primarily by

¹⁴⁰ “Citizen Protests, Brutality Pleas Ignored by Schmidt, Report Says,” *Baltimore Sun*, January 10, 1966, A8.

law enforcement and prosecutors, drawing repeated criticism from civil rights leaders for its failure to democratize its membership. “Where are the citizens?” asked Maryland NAACP president Juanita Jackson Mitchell. But despite repeated efforts through the 1960s and 1970s, the push for independent civilian review in Maryland had stalled.¹⁴¹

The establishment of the complaint evaluation board did little to reassure anyone over the state of “police-community relations.” Indeed, the IACP report was published amidst fears among the political elite that civil rights organizing would boil over into Black rebellion. Until that point, Maryland’s Democratic political class had adopted a strategy of cooperation with and cooptation of mainstream civil rights organizations. Baltimore embraced rapid, if minimal, compliance with *Brown v. Board*. Baltimore’s mayors in the 1960s embraced racial liberalism, emphasizing equal economic opportunity and equal treatment. Even Republican Governor Tawes secured the passage of moderate desegregation legislation, under pressure from a White House that did not want African diplomats sleeping and dining in segregated accommodations in Maryland. In short, a combination of pressure from the Black grassroots and the politics of global image management during the Cold War led Maryland down the path of cautious civil rights reform. But the state did not pursue greater economic redistribution or shift political power into the hands of its Black communities. As a result, its policies did not fundamentally touch the realities of segregation and white supremacy, nor could they forestall the urban rebellions that

¹⁴¹ Stephen E. Nordlinger, “Finan Opposes Civilian Police Board, Offers Special 3-Man Panel,” *Baltimore Sun*, October 9, 1964, 44, 24. “Police Review Unit Work Cited,” *Baltimore Sun*, October 30, 1964, 42, 25. Arnold B. Isaacs, “Board Is Set On Police Misconduct,” *Baltimore Sun*, August 13, 1965, 38, 21. David E. Longley, “Local Police Charged With ‘Whitewash,’” *Baltimore Afro-American*, August 20, 1966, 17. Michael J. Clark, “Citizens Lodged Complaints Against 610 Policemen in ’68,” *Baltimore Sun*, April 28, 1969, C24. Matthew J. Seiden, “Police probes of brutality charges leave complainants unsatisfied,” *Baltimore Sun*, January 27, 1972. Fred Barbash, “Delegates, police union clash on civilian review,” *Baltimore Sun*, February 24, 1973.

African Americans undertook throughout the 1960s to protest the segregation, poverty, disinvestment, and police violence constitutive of white supremacy in American cities.

Maryland saw one of the earliest such uprisings in the Eastern Shore town of Cambridge, whose primary employer, the Philipps Packing Company, cut production and employment in 1963. When marches and demonstrations against segregation and unemployment were met with a police crackdown and the jailing of two marchers, protest turned to rebellion, which in turn was quelled by the state police and National Guard. The uprising reemerged in the Eastern Shore the next year, and in 1964 and 1965 larger ones rocked over a dozen American cities, from Manhattan to Philadelphia to Watts. By 1966, Baltimore's political leaders were anxious to prevent a "riot" in their own city, especially after the Congress of Racial Equality (CORE) identified Baltimore as having "the country's worst civil rights record" and made it its "target city" for civil rights organizing that year. State and local politicians reconstructing the Baltimore Police Department thus prioritized civil rights reform alongside their anti-corruption agenda.¹⁴²

Governor J. Millard Tawes' began by appointing as interim commissioner Major General George Gelston, commander of the Maryland National Guard, who solicited continued help in reforming the department from the IACP. Thanks to Gelston's reputation for suppressing the Eastern Shore uprisings of 1963 and 1964 with comparatively little violence, he was appointed on the notion that he would be popular among Baltimore's Black residents—40% of the city population. Simultaneously, the Maryland legislature drafted and passed a bill that authorized a grievance process for officers, expanded the criteria for who could be appointed police

¹⁴² Robert J. Brugger, *Maryland: A Middle Temperament* (Baltimore: Johns Hopkins University Press, in association with the Maryland Historical Society, 1988), 599-600, 608-610, 625. Matthew A. Crenson, *Baltimore: A Political History* (Baltimore: Johns Hopkins University Press, 2017), 441-451. On the early years of the 1960s uprisings, see Peter Levy, *The Great Uprising: Race Riots in Urban America during the 1960s* (New York: Cambridge University Press, 2018), 1-4, 17-43.

commissioner, and granted the commissioner broad powers to restructure the department. By September, the governor had identified that new commissioner: retired Marine Lieutenant Colonel David Pomerleau. Pomerleau, 51, had previously been the public safety director of Kingsport, Tennessee and Miami-Dade County and had served as a management consultant for the IACP since 1964 (though he did not personally work on the Baltimore report).¹⁴³

The appointment began a 15-year run for Pomerleau as one of the department's most consequential police commissioners, who was all but a walking personification of the IACP report itself. He understood his mandate as hybrid: both to modernize the administration of the department and to institute enough civil rights reforms to eliminate the risk of urban rebellion. In the coming years Pomerleau would revamp departmental training, tighten his authority over districts and captains, establish a strict chain of command, build up the Internal Investigation Division, accelerate the transition from foot patrols to car patrols, and update the department's technology and gear. He adopted a communications strategy to limit media exposure by expanding his community relations division to liaise with civil rights groups and deny departmental racism but otherwise avoided interacting with the media. He also furthered the department's recent policy of desegregating beat patrols and hiring more Black officers, while doing little to substantively address the white supremacy baked into crime statistics or the culture of most white police officers. By 1972, 6 years into Pomerleau's tenure, there were just over 100 more Black officers than when he started, for a total of 439, or about 13% of the force. They remained overwhelmingly locked out of promotions and special assignments.¹⁴⁴

¹⁴³ Bigart, "Baltimore Apathetic on Criticism of Police Force." "Hiring Police Group Urged," *Baltimore Sun*, February 25, 1966, C8. Edward Pickett, "House Is Cool To Giving City Police Choice," *Baltimore Sun*, March 11, 1966, C24. Charles Whiteford, "Taves Sent Police Bill; Signing Sure," *Baltimore Sun*, March 26, 1966, B18. Robert Erlandson, "Pomerleau's Police Post Chances Rise," *Baltimore Sun*, September 2, 1966, C24. Richard Levine, "Pomerleau Named City Police Head," *Baltimore Sun*, September 16, 1966, A1.

¹⁴⁴ Floyd Miller, "Come In and Talk it Over," *Baltimore Sun*, February 11, 1968, M4, M5, M7. Michael Parks, "Black police: men in the middle," *Baltimore Sun*, February 16m 1969, K1-K2. "Touch Commissioner Revitalizes

Both the AFL-CIO and the FOP took advantage of this extended period of crisis to launch successful organizing campaigns in the department. The conditions were ripe: the department was understaffed due to difficulties recruiting, with prospective employees tempted away by higher wages offered in industry. Current officers, by contrast, were demoralized and frustrated by a department and a state government that was unresponsive to their desire for better pay and working conditions. Upon his election to the national FOP presidency in 1965, John Harrington had taken stock of the situation and made organizing Baltimore a priority. Though the commissioner declined a meeting that year, Harrington visited Baltimore in February 1966. Major General Gelston had by then assumed control of the police department and was sympathetic to some kind of employee organization, even a union, that would facilitate communication between the rank-and-file and management.

Harrington seized on the opportunity and presented the FOP as an alternative to a union. He worked to establish Baltimore FOP Lodge 3 with a group of officers led by Earl Kratsch and Richard Simmons, respectively the first lodge treasurer and president, who would also found an FOP state lodge for Maryland a couple years later. The Order, Harrington told the *Baltimore Sun*, was oriented to “building a nation-wide image of policemen as professional workers” and excluded no one on the basis of rank—unlike an AFSCME union, which would only encompass

Baltimore’s Police,” *Washington Post, Times Herald*, May 31, 1969, E2. “Pat On The Back Or A Shove?”, *Baltimore Afro-American*, August 16, 1969, 5. Charles Whiteford, “Pomerleau, Reflecting, Rates City Police Among ‘The Top,’” *Baltimore Sun*, June 28, 1970, 20, 14. Roger Twigg and Louis P. Peddicord, “Baltimore’s black policemen,” *Baltimore Sun*, January 31, 1971, K3. Barry Rascover, “Pomerleau wins praise, 2d term from Governor,” *Baltimore Sun*, May 20, 1972, B20. Richard Ben Cramer, “Police local vows to fight reprisals,” *Baltimore Sun*, July 18, 1974, C1-C2. “Pomerleau to retire this year; Battaglia, 68, to succeed Him,” *Baltimore Sun*, May 12, 1981, A1, A7. On the cited statistics, there were about 300 Black officers on the BPD in 1965, the year before Pomerleau assumed its leadership (J. D. Dilts, “Mello Saw Police Career as ‘Opportunity,’” *Baltimore Sun Magazine*, November 21, 1965, 14-15). That number only rose to 439 in 1972. Jerome W. Mondesire, “Police academy enrolls 14 blacks in class of 34,” *Baltimore Sun*, May 15, 1972, C18. Earl Kratsch (ret. Detective, Baltimore Police Department, and current Treasurer, Maryland State Lodge, Fraternal Order of Police), in discussion with the author, February 18, 2020.

patrolmen and possibly sergeants. This professional stance included supporting or opposing potential laws that affected public safety, including civilian review boards. Such boards were, said Harrington, “not responsible to anyone” and threatened to disrupt a chain of accountability linking police officers to their commissioner.¹⁴⁵ Harrington’s vision of professionalism thus framed the FOP as an unthreatening alternative to a union that would not disrupt the chain of command or managerial authority and would remain focused first and foremost to public safety.

Harrington’s very public arrival in Baltimore prompted a countermove by AFSCME, which revealed that it had been conducting an organizing campaign in the department for two years and obtained signed union authorization cards from a majority of the department’s roughly 2600 patrolmen and sergeants—over 1000 of whom had signed on during the crisis months of 1966. In early April of that year, the union’s organizing committee hosted the first two open meetings of the campaign, at which 400 patrolmen voted publicly to form an AFSCME local and petition the international for a charter. At the same time, they encouraged Governor Tawes to sign a new bill authorizing police unionization that had been passed by the Maryland state legislature. Tawes, however, vetoed it in early May, expressing strong disapproval of police unions affiliated with organized labor.¹⁴⁶ Not long thereafter, Interim Commissioner Gelston, previously open to the idea of unionization, turned against it and ordered the FOP to stop organizing after it formed Lodge No. 3. Gelston instead favored a form of representation and

¹⁴⁵ William H. Zinman, “Police Organization,” *Baltimore Sun*, July 30, 1966, A12. Bernard Schmidt to John Harrington, September 3, 1965, Murdy Collection, Box 2, Vol. 7. Richard Levine, “Visit Is Due By Head Of Police Order,” *Baltimore Sun*, February 26, 1966, B18, B6. Kratsch, discussion.

¹⁴⁶ “Police Face Rival Groups,” *Baltimore Sun*, February 28, 1966, C7. Undated, untitled table listed AFSCME authorization card totals by year and month, 1964-1967, Murdy Collection, Box 2, Volume 8. “Non-Striking Police Local Is Organized,” *Baltimore Sun*, April 14, 1966, C20, C5. “Governor Vetoes Police Union Bill,” *Baltimore Sun*, May 7, 1966, B5.

grievance purely internal to the department, a “Personnel Service Board” authorized by the omnibus police legislation passed in March.

As the anti-union Pomerleau became commissioner and began to staff the department, the path forwarded narrowed for AFSCME as the FOP retained some advantages. Pomerleau retained as his Deputy Commissioner for Administration another anti-union administrator: Ralph Murdy, who had come on under Gelston in July. Murdy had been the managing director of the city’s Criminal Justice Commission, which opposed police unions but was warmer to an FOP presence.¹⁴⁷ Pomerleau’s and Murdy’s position on police unions essentially mirrored the IACP line. As early as 1944, during an upsurge in AFSCME organizing of police departments, the IACP issued a bulletin to chiefs around the country stressing the merits and the legality of forbidding police employee unionism. *Police Unions and Other Police Associations* insisted that police work was unique work and police employment unique employment, such that officers “are required to forego certain personal privileges enjoyed by employees in private industry,” like the rights to collective bargaining or to strike. Assuming the special and essential duty of “the unbiased and impartial enforcement of laws” meant sacrificing some of the rights and privileges of citizenship and instead subordinating oneself to the “semi-military” nature of a police department, whose command was forbidden to break the chain of command by “surrender[ing] or relinquish[ing] his unfettered control of the police department to meet the demands of a union.” Almost ten years later, another IACP report on police unions by Youngstown, Ohio, police chief Edward Allen echoed and deepened these points, warning against the “interference,

¹⁴⁷ “Police Form Rival Group,” *Baltimore Sun*, May 29, 1966, A6. Richard Levine, “Gelston Tells Police to Stop Fraternal Order Formation,” *Baltimore Sun*, July 23, 1966, B6. “Police Union Is Opposed,” *Baltimore Sun*, September 16, 1966, A6.. Richard Levine, “Gelston Asks Police Group To Present Organizing Plan,” *Baltimore Sun*, March 1, 1966, C22. “Crime Panel Names Head,” *Baltimore Sun*, July 10, 1966, 14.

direction, or coercion from professional labor union bosses, who possess neither the knowledge, the esprit-de-corps, the devotion to duty, or the philosophy of the police officer.”¹⁴⁸ From the literature of the 1940s to Pomerleau’s stance in the 1960s, the IACP was virtually unchanged. With both the governor and the BPD top brass staunchly opposed to police unionism per se, AFSCME faced a steep uphill battle for recognition and power in the department, while the FOP, as it had for decades, had the opportunity to present itself as less threatening, non-union alternative form of police organization.

The Personnel Service Board

Both AFSCME and the FOP channeled their initial efforts into the Personnel Service Board (PSB) election that August. Without the possibility of collective bargaining or exclusive representation, it was the only foothold either group could claim to better establish itself in the department. The board was to be composed of 16 representatives—eight patrolmen, four sergeants, and one lieutenant, captain, and civilian employee each—who would confer with the top brass and convey the desires and grievances of the department. It was a company union, authorized by management and incapable of securing binding promises from the commissioner.

¹⁴⁸ International Association of Chiefs of Police, *Police Unions and Other Police Associations* (Washington, D.C.: International Association of Chiefs of Police, 1944), ii. “Current Trends in Law Enforcement,” 1-2, 8. Allen waxed grandiose on what he saw as the continuum between temporal and divine law, and how the enforcement of both rested on good policing:

I have referred to the majesty, which if not always manifest, is certainly inherent in the profession of those vested with the authoritative custody of juridical law. Indeed, we defer in the reverence of our profession only to those authoritative custodians and propagators of Sinai’s Law, whose Creator is the authority and source of all law and order. Thus the laws of God and man are inextricably bound together and what He has joined together no man has a right to tear asunder. It is an inescapable conclusion, therefore, that where either fails, civilization is likewise doomed to failure; that the destruction of the one presages the destruction of the other....And the Ideal to which law enforcement is dedicated, is the Ideal of Divinity Itself, the Ideal of Peace on Earth. Indeed, we ARE its agents, for while we are called by many names (some good and some bad), our truest and noblest title is, and always will be, Peace Officer. We are dedicated to the maintenance of peace, to the protection of life and property, even at the cost of our own peace, our own property, our own lives. Can there be a nobler profession? Has this not been the very purpose of our government since its inception? (7-8)

Even so, the AFSCME police local, by now known as AFSCME Local 1195, took the PSB elections seriously. It aimed not only to prevent the PSB from becoming “a rubber stamp for the top,” leveraging it to raise issues and push for policy changes, but also to use it as a steppingstone toward the ultimate goals of union recognition and collective bargaining. All officers, a Local 1195 flyer read, “should have the opportunity to ballot on their choice of a union or other organization as soon as possible.” In a field of almost 50 candidates, AFSCME’s slate swamped both their FOP and unaffiliated opponents in August. All 12 of AFSCME’s patrolmen and sergeant candidates secured seats on the 16-member PSB, while none of the FOP candidates won their races, a reflection of the fact that AFSCME claimed 1500 to 2000 supporters while FOP members numbered only 300 by the end of the summer. Patrolman William Delahanty was elected chairman of the PSB, Sergeant John Whelittle its vice-chairman, and Patrolman Henry T. Beaudet its secretary. All three were both low-ranking officers and AFSCME members. They would retain control of the board over the coming years, edging the FOP out of formal channels of influence and using this position as a bulwark in their campaign.¹⁴⁹

Local 1195’s representatives on the PSB focused their advocacy on bread and butter labor issues, with little references to the particulars of police work. Raising pay and pension payments were top priorities, as was increasing overtime and applying it to more employees. In general, the local emphasized the notion that both as workers and as police, low-ranking BPD officers were disrespected and left behind. In the campaign, Local 1195 framed these issues

¹⁴⁹ Edwin Taylor to Ralph Murdy, August 25, 1966, Murdy Collection, Box 2, Volume 2. “Composition of the Personnel Service Board, Elected August 24, 1966,” Murdy Collection, Box 2, Volume 2. Flyer, FOP candidates for Personnel Service Board, annotated as August 1966, Murdy Collection, Box 2, Volume 2. Flyer, “All Patrolmen, Sergeants, and Civilian Employees,” annotated as Aug. 1966, Murdy Collection, Box 2, Volume 2. Levine, “Gelston Tells Police To Stop Fraternal Order Formation.” Minutes of the Personnel Service Board, August 29, 1966, 1-3, Murdy Collection, Box 2, Volume 2.

around inequalities between the rank and file and the brass. One flyer claimed that in the flurry of reorganization within the department, “nothing has been done for the patrolmen or sergeants; only the top have benefited.” “Widow and family benefits” paid to those who survive fallen officers, for instance, “now enjoyed by a few should be instituted for all [*sic*].” The same flyer also compared police to other city workers. “City trash collectors get time and one half when they work overtime” it read. “Why shouldn’t policemen? Sergeants should also be included as they now receive nothing”—i.e., no compensation, not even the normal hourly rate. Both of these comparisons—to the brass and to other city workers—were consistent with Local 1195’s status as a union rather than a non-union professional association. In the rhetoric of the local, the rank and file were workers first and foremost—workers who should resist exploitation from the boss and build solidarity with workers in other occupations. Local 1195 discursively made a horizontal cut, emphasizing the lateral connections among patrolmen and sergeants and the gulf between them and their superiors.¹⁵⁰

For similar reasons, the AFSCME majority on the PSB also represented the interests of employees who fell outside the norm of male sworn officers. Occasionally questions arose around policewomen, a bureaucratically separate class of sworn officers of whom there were fewer than 50 in the late 1960s. As late as June 1969, the Board asked the top brass in a meeting whether policewomen would be issued uniforms or given the choice to carry a gun, a questioned the brass deferred answering. (Pomerleau later decided on an “as-needed” policy.)¹⁵¹ The PSB

¹⁵⁰ Flyer, “All Patrolmen, Sergeants, and Civilian Employees.”

¹⁵¹ Minutes of the Personnel Service Board, June 10, 1969, 2, in in Murdy Collection, Box 2, Volume 3. Minutes of the Commissioner’s Staff Conference, July 1, 1969, 2, in Murdy Collection, Box 2, Volume 6. On the number of policewomen see Annual Report of the Baltimore City Police Department for 1965, 9, in Murdy Collection, Box 2, Volume 5; and “Policewomen Seek Smart Outfit,” *Baltimore Sun*, July 27, 1969, 20.

also became an important venue for the department's civilian employees, including clerks, crossing guards, and meter maids, who began bringing grievances and petitions to the Board as soon as it was established. The majority of these called for higher pay, a widespread demand among civilian employees, as well as the right to join the same pension program as sworn officers. In September of 1967, for instance, the Chief Clerk for the Northwestern District submitted a grievance calling for both these goals, as well as overtime pay and the right to work a second job concurrently. "It is impossible for any civilian, especially male," he wrote, "to live on this salary." Chairman Delahanty and the other PSB leaders repeatedly endorsed these demands. A month after the chief clerk's grievance once considered, Delahanty insisted in a Board meeting that low civilian pay was a "grave injustice" because "civilian employees within the department are part of a working team and without them our job cannot be completed."¹⁵² This linking of police and civilian grievances would have been unthinkable in the FOP, a fraternal organization for sworn officers alone, but flowed directly from AFSCME's commitment to organizing employees across occupational status and across city government.

Being part of a multi-occupational labor union also tied Local 1195 members to networks of experienced union members and organizers who brought their expertise to support of the police. In Maryland, labor unions in the aerospace industry of metropolitan Baltimore and the coal and steel industries of nearby Appalachia supplied some of AFSCME's most important organizers and officials. Three such organizers were hired in the mid-1960s out of a UAW local

¹⁵² Minutes of the Personnel Service Board, October 11, 1966, 8, in Murdy Collection, Box 2, Volume 2. Minutes of the Personnel Service Board, October 31, 1967, 3-4, in Murdy Collection, Box 2, Volume 2. Minutes of the Personnel Service Board, April 4, 1967, 6, in Murdy Collection, Box 2, Volume 2. Minutes of the Personnel Service Board, May 5, 1967, 6, in Murdy Collection, Box 2, Volume 2. Minutes of the Personnel Service Board, September 19, 1967, 2, in Murdy Collection, Box 2, Volume 2. Minutes of the Personnel Service Board, October 3, 1967, 2, in Murdy Collection, Box 2, Volume 2. Minutes of the Personnel Service Board, July 16, 1968, 11, in Murdy Collection, Box 2, Volume 2. Minutes of the Personnel Service Board, October 15, 1968, 1-2, in Murdy Collection, Box 2, Volume 3.

for workers at a nearby Martin Aircraft plant. One, Ernest Crofoot, joined in 1964 to head AFSCME District Council (DC) 67, which included both police Local 1195 and other AFSCME workers in the city. The first two years of his directorship saw the tripling of AFSCME membership in Maryland. The second, P.J. Ciampa, joined AFSCME in 1964 after having served as a regional director and international executive board member in the UAW. He was on the organizing team of the 1968 Memphis sanitation workers' strike in which Martin Luther King, Jr., was assassinated, and he frequently supported AFSCME's police members as well. The third was Thomas Rapanotti, born to a coal miner in southwest Pennsylvania's Masontown. He was elected president of his United Mine Workers local at the age of 15 and worked and organized throughout Appalachia in mining, rubber, auto repair, and busing before moving to Martin Aircraft, and from there to his statewide police organizing role with AFSCME in 1965. He eventually became the business agent for Local 1195 and earned the affection and loyalty of its members, who reputedly called him "the Godfather." This pipeline of organizers from mining and industry "brought," according to one *Sun* reporter, "a militancy and professionalism to the public employee union movement beyond its youthful experience." And their backgrounds often dovetailed with those of young police officers in the BPD, many of whom had grown up in union families in Pennsylvania and West Virginia.¹⁵³

While Local 1195 continued to organize in the department and use the PSB to advance its agenda, FOP Lodge 3 advanced its rival campaign for power. Lodge 3's officers continued to resent AFSCME's domination of the Personnel Service Board, which the FOP believed did little

¹⁵³ John M. McClintock, "Might Police Union Is Dream Of AFL-CIO's 'Mini-Cop.'" Rachel Scott, "Police call their union chief 'the Godfather,' and he fondly refers to them as his family," *Baltimore Sun*, July 13, 1974, A9. "Panfilo J. Ciampa, 61, Dies; Public Workers' Union Aide," *Washington Post*, September 23, 1981, C10. Proceedings of the 16th International Convention of the American Federation of State, County, and Municipal Employees, 7.

more than stir up unnecessary animosity with the brass. And the FOP continued to position itself as an alternative to unionization. In an early 1970s newsletter, for instance, the lodge claimed the mantle of professionalism and asserted its fundamental incompatibility with police unionism. In many ways, Lodge 3's notion of professionalism echoed Pomerleau's, especially in its insistence on the inviolable sanctity of management rights. As the newsletter put it, the early FOP of the World War I era "learned from the mistakes of the unions, that management fighting labor could destroy an industry" and had ever since shunned alliances with organized labor. Instead, it worked in an "advisory" capacity toward "improving the policeman's working conditions" and "upgrading the standards of the law enforcement profession."¹⁵⁴

Lodge 3's notion of "professionalism" shared with managerial professionalism an unwillingness to directly challenge the commissioner's authority; a preference for "vertical solidarity" across ranks rather than "horizontal solidarity" within the lower ranks and between them and other city workers; and an abstract commitment to improving the quality of police work. But even this cautious philosophy, tailored largely to win the commissioner's support, contained the seeds of an alternative to managerial professionalism. Lodge 3's vision made space for officers of any rank to contribute to the improvement of the department and thus sketched out a form of *rank-and-file professionalism*. This newsletter made so much room for such officers that it improbably portrayed the lodge as the vanguard of progress in the department, either being "instrumental" or having "participated in the acquisition of every major benefit and right which the Baltimore policeman has received."¹⁵⁵

¹⁵⁴ "An Introduction to the FOP," *FOP's Pen*, undated, 1, 3, 5, in Murdy Collection, Box 2, Volume 7.

¹⁵⁵ *Ibid.*

There was some truth to Lodge 3's account of itself and of the national FOP. FOP membership was limited to sworn officers; the FOP constitution did bar strikes. But as we have seen, many FOP lodges had long acted as *de facto* unions, and in the 1960s and 1970s they underwent further transformation in this direction, fighting for collective bargaining rights and negotiating contracts for their members. These lodges had the opportunity to play with the ambiguity of the FOP's organizational status, leaning into or away from the language of unionism as it suited them. It was the rather unusual competition with an AFSCME police union that unambiguously identified as such, as well as that local's success in representing the lower ranks, that led Baltimore's Lodge 3 to rely especially heavily on the FOP's history of non-union rhetoric and frame itself as the non-union alternative to Local 1195.

And Through the late 1960s and early 1970s, AFSCME consistently outcompeted the FOP in the fight for members of the Baltimore Police Department. Local 1195 maintained a membership of around 1500, or roughly 75% of the lower ranks in the department. FOP Lodge 3, by contrast, claimed only a few hundred members until 1971, when its leadership convinced the Education and Training Division to recruit from new cadet classes on its behalf. At that point, Lodge 3 membership grew threefold, cresting 1000 members by February of 1972, but even this was only two thirds of AFSCME's membership figure. It isn't clear whether Lodge 3's message was less persuasive to members of the department or if its organizers were less skilled than the experienced organizing staff AFSCME fielded.¹⁵⁶

What is clear is that Local 1195 responded to the increasingly complex terrain of the politics of professionalism with its own take on the term. As Lodge 3 consistently portrayed

¹⁵⁶ Ralph G. Murdy to Lawrence W. Bowe, "Allegation of Improper Solicitation for FOP Membership of E & T Classes," Spetember 29, 1971, in Murdy Collection, Box 2, Vol. 7. Untitled Document Totalizing AFSCME and FOP Membership in the Baltimore Police Department, February 2, 1972, in Murdy Collection, Box 3, Vol. 2.

AFSCME as the enemy of police professionalism, Local 1195 sought to redefine the nature of the competition between them: not as over a commitment to good policing but as over the ability to secure material gains for their members. In an April 1967 letter, AFSCME leadership reminded Local 1195's members that they had authorization cards from about 80% of patrolmen and sergeants, which meant, they argued, that these members "know the AFL-CIO are the *real pros* [emphasis added] when it comes to representation and getting results on the pensions and benefits that have been promised, and promised, and promised." The FOP, by contrast, offered "just what the title says – all out for fraternity with the boss."¹⁵⁷ This pitch placed workplace power and material gains at the center of the conversation and argued that AFSCME was the only professional labor union in the department—the only organization with the incentives, experience, and expertise necessary to improve their members' position. This appropriation of the discourse of professionalism was not one of AFSCME's primary rhetorical tools—union leaders consistently preferred to frame their arguments in terms of class and labor. But the ubiquity of the professionalism discourse from management and from the FOP invited a response.

Commissioner Pomerleau's willingness to accede to the PSB varied from issue to issue, and he was cooperative in some cases. In a September 1966, meeting with the recently formed PSB, he pledged to work toward "a shorter work week, better salaries and other benefits mentioned in the recent I.A.C.P. report," including vacation and holiday schedules better aligned with those of other city employees. Progress on these issues proved slow and partial, but there was progress. On civilian demands, by contrast, he was uncooperative, questioning the legality

¹⁵⁷ Ernest B. Crofoot and Dan P. Redding to AFSCME Local 1195 Members, April 13, 1967, in Murdy Collection, Box 2, Vol. 8.

of civilians joining the police pension program and barring them from seeking secondary employment. And he was resolute in pursuing policies that increased the brass's disciplinary power over the rank and file, clashing with the PSB over these issues again and again. The department's unlimited sick leave policy proved especially controversial. Without altering the policy formally, Pomerleau concluded that it should be curtailed to rein in officers' abuse of it. Even as the PSB argued for the status quo, Pomerleau ordered the department to develop stricter standards for sick leave and his executive officers to be more judicious in their granting of it. In early 1967, he began allowing executive officers to contact officers' families and make sure they were actually ill while on leave. Pomerleau was also more than willing to discipline officers for taking too much leave, even dropping a patrolman for taking 24 days of sick leave over nearly two years during his probationary period. In this context, professionalism meant removing discretion about the use of fringe benefits from lower ranks to the commissioner, and the use of that discretion to discipline officers seen to be stepping out of line.¹⁵⁸

Pomerleau's efforts to tighten his grip over the ranks clashed directly with one of Local 1195's and the PSB's core goals: limiting the commissioner's discretion in disciplining police employees. During the PSB's very first meeting with Pomerleau in September 1966, a sergeant requested that the commissioner refrain from suspending an indicted officer without pay short of an actual conviction. A year later, a sergeant asked Pomerleau to require complainants to sign their names to complaints to de-incentivize frivolous complaints—unaware that this was already department policy. The Board advanced this request “in view of the wave of brutality charges

¹⁵⁸ Minutes of the Personnel Service Board, September 27, 1966, 1-2, in Murdy Collection, Box 2, Volume 2. Minutes of the Personnel Service Board, January 9, 1967, 5, in Murdy Collection, Box 2, Volume 2. Minutes of the Police Commissioner's Staff Conference, March 28, 1967, 3, in Murdy Collection, Box 2, Volume 6. Minutes of the Police Commissioner's Staff Conference, October 17, 1967, in Murdy Collection, Box 2, Volume 6. Memo from Ralph Murdy, March 19, 1968, in Murdy Collection, Box 3, Volume 1.

which affect all major police departments across the nation...[which f]or the most part...have been proven unfounded and...[have been initiated] at the insistence of pressure groups which advise these individuals.” Notably, requests like this reveals how AFSCME Local 1195 and the FOP, divided on questions of unionism and their relationship to organized labor, were more or less aligned on the politics of police abuse and civilian oversight. However much AFSCME membership embedded BPD officers in a union committed to cross-occupation solidarity and civil rights liberalism, those officers remained as committed as their FOP peers to law-and-order political defenses of unqualified autonomy and discretion in the exercise of police power.

AFSCME organizers worried that guidance from the brass to limit use of force would endanger officers. In 1968, the PSB distributed literature to the department supporting House Bill 583, which would have provided that “a false and malicious charge of brutality in the line of duty is slander.” In 1970, in consultation with Commissioner Pomerleau, both Local 1195 and Lodge 3 prepared legal and media materials to rebut a civilian review board proposal from the Baltimore Urban Coalition. Again in 1973, both groups banded together in opposing the efforts of some Black Baltimore state house delegates to implement civilian participation in police complaint review.¹⁵⁹ In short, there was no “division of labor” between the FOP, on the one hand, as a reactionary force militating against police accountability and defending criminal violations, and AFSCME, on the other, maintaining a more moderate line and focusing solely on issues of pay

¹⁵⁹ Minutes of the Personnel Service Board, September 22, 1966, 6, in Murdy Collection, Box 2, Volume 2. Minutes of the Personnel Service Board, October 3, 1967, in Murdy Collection, Box 2, Volume 2. Minutes of the Personnel Service Board, February 27, 1968, 6, in Murdy Collection, Box 2, Volume 2. “Police Bill Is Proposed,” *Baltimore Sun*, February 13, 1968, A9. Maryland State Lodge of the Fraternal Order of Police, Resolution against civilian review boards, September 27, 1969, in Murdy Collection, Box 2, Volume 7. Sidney Schlachman to Marvin Mandel, October 7, 1969, in Murdy Collection, Box 2, Volume 7. Stephen C. Halpern, “Police Employee Organizations and Accountability Procedures in Three Cities: Some Reflections on Police Policy-Making,” *Law and Society Review* 8, no. 4 (Summer, 1974), 565-566. “Delegates, police union clash on civilian review,” *Baltimore Sun*, February 24, 1973, B6.

and benefits. Despite ideological, organizational, and strategic differences between AFSCME and the FOP, both groups raised issues of civilian complaints alongside concerns about pay and overtime. Both issues, in many officers' view, emerged directly from the nature of police work, and organizational differences between the different representative groups did not alter this fact.

The Holy Week Uprising

Tensions between AFSCME Local 1195 and Commissioner Pomerleau sharpened further in 1968, when the national wave of urban uprisings finally washed over Baltimore. The feared "riot" had not materialized in 1966 as expected. Even after Martin Luther King, Jr. was assassinated in April 1968 and Black neighborhoods boiled over in grief and protest in cities across the country—what became known as the "Holy Week" riots or uprisings—Baltimore remained quiet. This was the outcome Commissioner Pomerleau and Mayor Thomas D'Alesandro III had hoped to achieve with two years of anti-riot preventative programming. Since his appointment, Pomerleau had established a police-community relations division and set up "police service centers" across the city where Baltimoreans could bring problems and complaints. At the same time, D'Alesandro had created "mayor's stations," "neighborhood centers" and "development corporations" where residents could learn about the city's social services or complain about, say, housing discrimination. These programs were the local incarnation of the federally funded Wars on Poverty and Crime, which in Baltimore were especially dominated by state administrators who left little room for meaningful local control by civil rights and civic groups. All these measures also coexisted with the state's "complaint evaluation board" established in 1965 to quell demands for more robust civilian review. Pomerleau and D'Alesandro hoped this ecosystem of services could meet residents' needs and mediate or resolve problems (say, a police brutality complaint) without having to more

fundamentally alter the power or property relations that structured white supremacy and segregation in the city.¹⁶⁰

But the apparent success of these measures in forestalling rebellion was fleeting. On the evening of Saturday, April 6, Black Baltimoreans began to gather on North Gay Street in East Baltimore, and someone reportedly threw a firebomb into a vacant house. Protesters marched through the streets, and some began to attack, burn, or loot local businesses—overwhelmingly white-owned. So began the Holy Week uprising in Baltimore. Over the hours that followed, the uprising spread to West Baltimore and from there to nearly every Black neighborhood in the city, but not to white neighborhoods or downtown. The movement lasted for several days, as looting and burning intermingled with protests and demonstrations of mourning, like cars driven with their headlights on and the display of makeshift signs and flags.¹⁶¹

In the early hours of the uprising, Governor Spiro Agnew declared a state of emergency, triggering a coordinated emergency response that the Baltimore Police Department had planned with the National Guard and the federal government since 1967. Following the guidance of President's National Advisory Commission on Civil Disorders and the International Association of Chiefs of Police, the local police handed authority over to the National Guard and then to the U.S. military, with the aims of bolstering available manpower, containing the geographical spread of the unrest, and protecting the police department from bad press around police brutality.

¹⁶⁰ Crenson, *Baltimore*, 455, 462-463.

¹⁶¹ Jessica Elfenbein, Thomas Hollowak, and Elizabeth Nix, *Baltimore '68: Riots and Rebirth in an American City* (Philadelphia: Temple University Press, 2011), 5-10.

Over 10,000 Army and National Guard troops had joined the state and city police in occupying Baltimore by April 10, at which point they had mostly suppressed the uprising.¹⁶²

Police and troops shared a strategy of restraint in the use of firearms, tolerating property damage and only shooting when commanding officers deemed it absolutely necessary in order to minimize death and preempt the spread of violence overall. This was not a novel strategy—Police Commissioner Howard Leary had taken the same approach to the uprising that surged through North Philadelphia in 1964—and by 1968 both the Johnson administration and the IACP had adopted it as an official recommendation. Commissioner Pomerleau, Maryland National Guard Adjutant General George Gelston, and federal military command embraced it fully. Spectacle—the demonstration that government could respond to the uprising at a massive scale even if it was hesitant to pull the literal trigger—was central to this approach. The National Guard set up tent encampments, complete with “jeeps, with bales of barbed wire on their hoods” throughout the city. Troops and police wandered the streets with bayonets and visible but unloaded guns. If they encountered Baltimoreans looting stores or setting fires, they first attempted to scare them away or persuade them to stop. The *Baltimore Sun* anxiously reported multiple incidents throughout the weekend where protesters would pelt police and troops with rocks and bottles or stand their ground signing, “We Shall Overcome,” all without eliciting a violent response. The top brass and high command were reportedly very happy with their subordinates’ willingness to adhere to this policy. “Shooting is not the answer,” Adjutant General Gelston told the press after the suppression of the uprising. He reminded them that “hundreds of thousands of rounds of ammunition were fired in Detroit [*during its 1967 uprising*]

¹⁶² *Ibid.* Donald D. Pomerleau, “Utilization of the National Guard in Coping with Civil Disturbances,” Memphis, TN, June 12-14, 1957, 10-11, <https://archives.ubalt.edu/bsr/archival-resources/documents/box-65-national-guard-riots.pdf>, accessed April 7, 2021.

without returning the city to normal any faster.” On these terms the policy was a success—six people died in the Baltimore uprising, compared to 43 in Detroit and 34 in Watts the year before, a comparison reflected in the broader trend of a less deadly police response to most uprisings in 1968. But relatively low levels of police murder hardly meant that violence and coercion were absent from the state’s response to the uprising. Police and troops maintained daily curfews and spatial perimeters in an attempt to starve the uprising of oxygen and did not hesitate to arrest those who violated them. A full 63% of those arrested were charged with curfew violations. On multiple occasion the National Guard attacked some groups of protesters with tear gas.¹⁶³

Not everyone was as pleased with the police and military strategy as Adjutant General Gelston was. Baltimore’s uprising was one of the most financially costly of 1968, with an estimated \$12 million in property damage. Affected business owners and white homeowners who lived close to Black neighborhoods were furious with the police department’s approach, and some armed themselves during the uprising to scare away or threaten nearby protesters. The city’s business-backed Criminal Justice Commission, too, quickly developed a position critical of the police approach.¹⁶⁴ Many police officers themselves were also frustrated with their orders throughout the uprising. *Sun* reporters allegedly overheard officers complaining about the National Guard not “doing anything about the looters.” Narcotics officer and Lodge 3 Treasurer

¹⁶³ Elfenbein *et al.*, *Baltimore '68*, 10-11. “City Curfew Imposed; Agnew Sends Troops As Unrest Spreads,” *Baltimore Sun*, April 7, 1968, 1, 10-11. Edward G. Pickett, “Efficient, Weary Guardsmen Unable To Prevent Looting,” *Baltimore Sun*, April 8, 1968, A1, A9. “1,900 U.S. Troops Patrolling City; Officials Plan Curfew Again Today; 4 Dead, 300 Hurt, 1,350 Arrested,” *Baltimore Sun*, April 8, 1968, A1, A7. “1,900 More GI’s Join Riot Forces As Snipers Peril Police, Firemen; Arrests In 3 Days Rise To 3,450,” *Baltimore Sun*, April 9, 1968, A1, A9. “Backbone Of Riot Reported Broken; Return To Normal Could Be Near,” *Baltimore Sun*, April 10, 1968, A1, A8. Jewell Chambers, “Baltimore begins road back after four days,” *Baltimore Afro-American*, April 13, 1968, 3.

¹⁶⁴ Elfenbein *et al.*, *Baltimore '68*, 10. Kenneth D. Durr, *Behind the Backlash: White Working-Class Politics in Baltimore, 1940-1980* (Chapel Hill: University of North Carolina Press, 2003), 141-142. Richard G. Sullivan to Board of Directions of the Baltimore Criminal Justice Commission, “Civil Disorders at Baltimore – April, 1968, “April 29, 1968,” <https://archives.ubalt.edu/bsr/archival-resources/documents/box-8-police-judicial%20response.pdf>, accessed April 7, 2021.

Earl Kratsch apportioned some blame to the mayor, too, holding him complicit in leaving space for “violence” to take place unchecked. In the days after the uprising, both AFSCME Local 1195 and FOP Lodge 3 complained to the department about the shortcomings and inefficiencies of its response. They requested more riot gear more equitably distributed throughout the force going forward, as well as administrative changes to make it easier to book people arrested for rioting and to feed officers on duty during a riot. Lodge 3 President Richard Simmons, having observed exceptional “acts of courage in the maintenance of law and order” on the weekend of April 6, also asked Commissioner Pomerleau to visit each district and division and “personally commend every man, who participated in the recent civil disorder.” By late May, members of Local 1195 also voted to seek a legal injunction to pause the payment of “riot-duty overtime wages” to patrolmen unless sergeants and lieutenants received the same. These complaints from the rank and file all rejected the validity and success of the strategy of restraint. They expressed a sense that the department was not in fact adequately prepared for the uprising, and that its response left many officers unsafe and inadequately compensated for their work in suppressing it.¹⁶⁵

Tension rose to a boiling point in June when two officers of Local 1195 took their complaints about the response to the media and linked them to a broader critique of Commissioner Pomerleau. It would amount to a manifesto that became the clearest public expression of the spirit animating the AFSCME police union. Members of the AFSCME local, led by the local president, Officer Eugene Brukiewa, and local executive board member Officer Gary Woodcock, began by drafting a “position paper” that advanced a comprehensive critique of Pomerleau, his reforms, and the IACP itself. They sent Pomerleau a copy on June 5, 1968, two

¹⁶⁵ “1,900 U.S. Troops Patrolling City,” A7. Kratsch, discussion. Richard Simmons to Donald D. Pomerleau, April 11, 1968, 1-2, in Murdy Collection, Box 2, Vol. 7. “Police Union Asks Meeting,” *Baltimore Sun*, April 18 1968, C12.

months after the Holy Week uprising, and took their story to the media two weeks later in a WJZ-TV interview. Doing so meant breaking the department's conduct rules, which prohibited any member of the department from publicizing "the official communications and business of the department" and from "publicly critiz[ing] or ridicul[ing] the official action of any member of the department." But Brukiewa and Woodcock argued that Pomerleau had stonewalled their requests to discuss their concerns, and that with the city on the precipice of adopting a new budget, they were compelled to bring their critiques of the department's priorities and spending choices to the public.¹⁶⁶

Local 1195's position paper, "The IACP and the Baltimore City Police Department," was not simply a critique of a handful of policies or of the department's handling of the Holy Week uprising, but rather a broader takedown of Pomerleau's tenure and reform program and the professional milieu he exemplified. The paper claimed to represent disgruntled policemen throughout the department who found that in adopting the IACP report and its recommendations, Commissioner Pomerleau was spending vast sums of money (a "criminal waste") on materials and procedures that were at best worthless and at worst "endangering...the lives of the police officers." The authors ran through a list of materials emblematic of professionalization—new uniforms in "Pomerleau blue" rather than gray, reporting sheets, film projectors, and so on—that were indistinguishable from or inferior to what came before but allegedly cost the department more money. They pointed out that the brass insisted on buying IACP branded report sheets, training pamphlets, and projectors "at a fabulous sum" as well as "special pen[s]...typewriter ribbon[s]...and machine[s...]" to reproduce the reports" that could only come from the National

¹⁶⁶ Daniel Redding to Donald D. Pomerleau, June 5, 1968, in Murdy Collection, Box 2, Vol. 9. "Excerpts taken from Newscast on Station W.J.Z. – T.V., Channel 13, June 19, 1968," 1-2, in Murdy Collection, Box 2, Vol. 9.

Cash Register Company. To the authors, these were just two ways in which “the law enforcement field has become one of the most comically profitable rackets in the world,” and in which the Baltimore Police Department had been tragically victimized by this racket. But more than mere frivolity or exploitation, these practices also represented an opportunity cost, a failure to make investments that would make police officers safer and more effective on the job. “Who needs the collar emblems...the new shoulder patches?” they wrote. “Where is the policeman’s riot equipment?” Indeed, the report excoriated Pomerleau for failing to update the department’s preparation for urban uprisings after Holy Week. It asserted that the uprising had left officers underprepared and vulnerable and fumed that Pomerleau promised to “do exactly the same” in his response the “next time” an uprising struck, that he “refused to even talk with” police union leaders about “where mistakes were made and how to correct them.” The authors believed Pomerleau should follow the lead of other cities: purchasing an “armored car” or a “shotgun for every officer,” even “stockpil[ing] tons of tear gas and gallons of chemical mace” and “chang[ing] policy somewhat toward the get tough and early action,” in contrast to Pomerleau’s policy of relative restraint that could only “plod along toward another \$10,000,000 worth of damage in the same way it did before, learning no lessons in the upper echelon.” The authors rejected what they saw as cosmetic and wrongheaded expenditures on materials and classroom training and preferred only those purchases that would increase officers’ capacity for violence—to put down perceived threats, and in the name of their own safety. For these police unionists, workplace safety was directly proportional to their ability to inflict harm.¹⁶⁷

Underlying these objections was a philosophical critique of the managerial professionalization paradigm that Pomerleau and the IACP embodied. “What is the IACP?” the

¹⁶⁷ “The IACP and the Baltimore City Police Department,” 1-7, 13, Murdy Collection, Box 2, Vol. 9.

authors asked. “What makes them the experts on urban police techniques?” The authors of the report utterly rejected the business administration practices and criminological theories that animated this paradigm in general and Pomerleau’s embodiment of it. These worldviews, they believed, produced policies and forms of training that bore a tenuous relation at best to the actual work of policing. The IACP “Training Key” modules and Training Films they were supposed to discuss at roll call each week, which offered advice on how to “handle the problems encountered on the street” or to make out reports, were often “in direct conflict with the rules and procedures now in effect” or only covered “problems encountered in a small town with a small police force.” Indeed, they believed that “sheriffs and chiefs of the small towns in the Midwest and the southeast,” as well as individuals with non-police backgrounds like their own ex-Marine commissioner, were overrepresented in the organization. At best, their advice “couldn’t possibly be correlated to the problems of a big city,” and at worst, it was “downright dangerous to the officer.” All of it was “completely ignored by the older officers or even scoffed at.” The report also criticized Pomerleau’s proposal to create the rank of “master patrolman,” a position ostensibly identical to that of patrolman but with a bonus conferred for having a college degree. They not only found this a violation of the principle of equal pay for equal work but also a worrying omen about the future composition of the police force. If these “master patrolmen” were hired with college education but without the “necessary experience” of time in the Academy and “on the street,” what good would their police science background do them when “the case is won or lost with the arrest on the street”? How many of these master patrolmen, the authors asked, “are going to stay on the street after getting sliced with a razor or nearly kicked to death by a gang of teenage hoodlums?” How many would take the necessary risk of making a “questionable arrest,” of the sort the typical officer made “one or two [of] a week,” with its

attendant legal and professional risks? The authors couldn't be blunter: "Education is not good in the law enforcement field, but thorough training is," for the latter relied on the only sound foundation: experience of police work itself, and the "good common 'POLICE' sense," as one officer described it in a letter to Pomerleau, that came with it. No social science could reproduce the tacit knowledge experienced officers had. There was only one route to understanding police work, and that was doing it.¹⁶⁸

The police unionists' politics of knowledge also directly informed their other chief objection to police professionalization: the replacement of foot patrols with motor patrols. In "the old days B.P. ["Before Pomerleau"]", the authors claimed, foot patrolmen knew their beats by virtue of being physically present in them. There were very few officers assigned to two-officer radio cars, and the rest talked to people on the streets and in local businesses, "constantly observing and gathering information." "Many of the older men in the Department know deep in their hearts," said the authors, again referencing the tacit knowledge of police "common sense"—that the Holy Week uprising "would have been avoided in the B.P. footmen had been out on their posts where the start of the trouble was." Instead, Pomerleau had "completely mobilized" the department, shifting almost entirely from foot patrols to motor patrols in "one-man cars." While in theory these cars allowed officers to cover more ground, in reality they allegedly undermined officers' presence in and knowledge of their beats, making it impossible for them to prevent crime or stamp it out quickly. In fact officers found motor patrols

¹⁶⁸ "The IACP and the Baltimore City Police Department," 5-6, 8-9, 13-14. Daniel Redding to Donald D. Pomerleau, June 5, 1968, 1. Criticism of social science extended even to former Chicago police chief O. W. Wilson's influential *Police Administration*, which this paper claimed was a bible of sorts for Pomerleau and the IACP. Like Pomerleau in Baltimore, Orlando Wilson became the superintendent of the Chicago police after first being hired as a management consultant who was at the peak of his career in academic criminology. But Wilson was a career police officer who had led two police departments and participated in the de-Nazification of German police forces. Simon Balto, *Occupied Territory: Policing Black Chicago from Red Summer to Black Power* (Chapel Hill: University of North Carolina Press, 2019), 154-155.

incompatible with the old grid and infrastructure of the city, so full of “nooks and crannies...small alleys and area-ways” that a car could never enter. “Only the ‘ancient footman’ can cope with the problems here,” but instead “so many merchants groups have complained about the rising tide of crime since the footmen were done away with.”¹⁶⁹

The report admitted that the pre-1966 Baltimore Police Department had its flaws. But they insisted that that “[a]ny policeman on the street”—rather than the outsiders and grifters in the IACP—knew the key elements of a proper modernization program were “a better communications system...an instant records check system...and a suggestion system from the patrolman to the boss.” These efficiency measures, paired with boosted weapons purchases for the “safety” of officers on the job, would have been sufficient. Instead, they worried that law enforcement in Baltimore and across the country was “slowly but surely, coming under the control of men who don’t know the working end of an espantoon from the wrong end of a gun...teachers, lawyers, military careerists, newspaper men, and a whole conglomeration of everything else, but very few cops anymore.” And the “party paying the tab is the urban taxpayer...”¹⁷⁰

Officers Brukiewa and Woodcock faced individual repercussions for violating departmental regulations and speaking to the media about their concerns. With no public comment, Commissioner Pomerleau swiftly punished each of them with a “suspended dismissal” and a year’s probation—twice the length recommended by the departmental trial board.¹⁷¹ But whatever the personal cost for these union leaders, their pressure campaign achieved several

¹⁶⁹ “The IACP and the Baltimore City Police Department,” 4, 7, 9-12.

¹⁷⁰ *Ibid.*, 12-14.

¹⁷¹ “2 Policemen On Probation For Criticism,” *Baltimore Sun*, July 20, 1968, B20.

goals at once. It helped shift Local 1195's politics closer to the politics of law and order more forcefully practiced by the FOP. It likely helped advance the programmatic goals of the local, which secured a robust grievance procedure by the end of the summer. And it also paid off another strategy the local paired with media strategy to institutionalize itself within the department against Pomerleau's wishes: courting political pressure from supportive politicians, whose action it could secure through AFSCME's political connections in Maryland.

Pressure from the State

Years before the Holy Week Uprising, when AFSCME Local 1195 first started openly campaigning in 1966, it began with only a modest foothold in the department: indirect control over the Personnel Services Board. By the early 1970s, it had significantly deepened its presence, winning official recognition, a dues checkoff procedure administered by the department, a robust grievance procedure, and the official repeal of a departmental regulation banning union membership. The local followed a sophisticated, multi-pronged strategy to score these wins, but its central plank was the political pressure AFSCME was able to bring to bear on Commissioner Pomerleau from its allies in state government. Indeed, its rising fortunes through the early 1970s and its dramatic collapse in the wake of the police strike of 1974 directly parallel the amount of support AFSCME officials were able to secure from state actors. In this respect, AFSCME Local 1195 was little different from virtually all other public-sector unions, which have always depended on pressure and support from other state institutions to thrive and succeed.¹⁷²

¹⁷² "On the local, state, and federal level, the success of public sector unions was almost always dependent upon an alliance between those unions and Democratic politicians." Joseph A. McCartin, "Bringing the State's Workers In: Time to Rectify an Imbalanced US Labor Historiography," *Labor History* 47, no. 1 (February 2006), 79. In the story of AFSCME Local 1195, a Republican politician—Governor Spiro Agnew—would also have an important role to play, as we will see below.

One of Local 1195's core strategies was to have AFSCME allies in the legislature introduce bills that would mandate changes in the administration of the police department. By the end of 1966, just months after the PSB had begun its work, AFSCME drafted a new bill for police union rights for patrolmen and sergeants—only the latest in a series of such bills that the union had had introduced over the years. After being amended with a no-strike provision, the bill eventually managed to pass the House of Delegates, but it died with the end of the legislative session. The FOP, too, frequently tried to advance its agenda through the legislature, and in this case Lodge 3 tried to head off AFSCME's efforts with its own alternative proposal. FOP allies in the State Senate introduced a bill that would make the FOP specifically the representative of BPD officers—though the bill went nowhere—and both the local and national FOP lobbied the governor to veto the AFSCME bill.¹⁷³ This legislative strategy would be central for AFSCME well into 1970s, over which period the union had bills introduced on this and other topics. Some, like a bill instituting a grievance procedure in the police department, did not pass but created pressure on Commissioner Pomerleau to act, as we will see below. Others did pass: in 1970, Local 1195 circulated a flyer celebrating a number of wins over recent years, including several new state laws that increased overtime pay, vacation time and holiday time. All such measures gave the police unionists greater bargaining power against a team of administrators hostile to their presence in the department.¹⁷⁴

¹⁷³ "Police Union Again Sought," *Baltimore Sun*, December 18, 1966, 20. "Police Union Approved By House Group," *Baltimore Sun*, March 23, 1967, C20. "Police Union Bill Passed By House," *Baltimore Sun*, March 28, 1967, C24, C6. "Union Opposed By Police Group," *Baltimore Sun*, February 10, 1967, C24, C9.

¹⁷⁴ "Pomerleau assails bargaining bill," *Baltimore Sun*, April 6, 1973, C12. Barry Rascover, "Assembly meets today; vetoes at top of agenda," *Baltimore Sun*, July 30, 1973. "Legislation," *Police Union News*, no. 2 (March, 1968), 3, in Murdy Collection, Box 2, Vol. 9. Flyer, "Baltimore City Police Union," annotated as received May 19, 1970, 2-3, in Murdy Collection, Box 2, Vol. 11.

Arguably even more important was the role of the new governor elected in November 1966: Spiro Agnew. Because the Baltimore Police Commissioner was appointed by the governor, in principle the latter could exercise significant control over him. AFSCME organizers were optimistic that Agnew would prove more open to their agenda than his predecessor, Milton Tawes. Agnew had not yet earned his reputation as a vocal proponent of law-and-order—that would only come after the Holy Week uprising two years later, when he publicly scolded civil rights leaders for somehow failing to prevent the “disorder”. When he ran for governor in 1966, he had only worked as a lawyer and a county executive, and he painted himself in vague terms as a moderate, business-friendly Republican. In office, he approached politics with an aesthetics of conciliation and compromise, whether cultivating bipartisan coalitions in the state legislature or making modest overtures to civil rights leaders. It was from this Agnew that Ernest Crofoot, director of AFSCME District Council 67 (which included Local 1195), hoped to win support. It was in fact Crofoot who instigated the drafting of the police collective bargaining bill in the hopes that Agnew would be more supportive of the measure than Tawes had been.¹⁷⁵

Crofoot proved prescient—to a point. Agnew, citing a memorandum from the state Attorney General, refused to sign any bill that would make a single organization the exclusive bargaining agent of the police force. But the attorney general otherwise saw no legal obstacles to officers forming a group or groups through which to convey their grievances to the commissioner—the very breadth of the commissioner’s managerial authority permitted such an arrangement. And after Pomerleau traveled to Annapolis in March to testify against the bill—re-explaining why police unionism was in conflict with a sound chain of command and professional standards—Agnew called him back for a meeting in April. He was “disturbed,” according to the

¹⁷⁵ Brugger, *Maryland*, 619-621. “Police Union Again Sought,” *Baltimore Sun*, December 18, 1966, 20.

Sun, by Pomerleau’s “point-blank refusal to meet with any union-backed police organization and his reluctance to discuss personnel problems with other groups.” Agnew rejected, in other words, the core of Pomerleau’s managerial theory of professionalism. Apparently under threat of removing him from his post, he forced Pomerleau to agree to “discuss” grievances with “any organization” of officers—union or otherwise. While this arrangement did not include the official union rights or sole-bargaining-agent status AFSCME had sought, it did overturn the decades-old prohibition of any membership organization of Baltimore City police. Thanks to state control of the department and the help of a sympathetic governor, a police union was able to circumvent the authority of the commissioner and secure official recognition by the BPD for the first time.¹⁷⁶

Time and again, both the state executive and the state legislature would intervene to resolve a dispute between Pomerleau and Local 1195, often in the local’s favor. A 1967 legal opinion from the Attorney General pressured Pomerleau to institute a dues checkoff system for any departmental organization, including AFSCME Local 1195 and FOP Lodge 3.¹⁷⁷ At another meeting that summer, Agnew’s horror at Pomerleau’s disdain for the union leaders led the governor to compel the commissioner to roll back a set of practices that encouraged officers to revoke their union membership.¹⁷⁸ Pressure from elected officials was especially important again

¹⁷⁶ “Agnew Says Burch Opinion Voids Police Union Effort,” *Baltimore Sun*, March 16, 1967, C12. Richard Levine, “Pomerleau Airs Stand,” *Baltimore Sun*, March 17, 1967, C12. Donald Pomerleau, Statement on Unionization in the Baltimore Police Department, March 16, 1967, in Murdy Collection, Box 3, Vol. 1. Oswald Johnston, “Pomerleau Concedes on Police Union,” *Baltimore Sun*, April 19, 1967, C24.

¹⁷⁷ Fred Oken to Donald Pomerleau, June 29, 1967, Murdy Collection, Box 2, Volume 8. Police Commissioner’s Memorandum 67-61, July 13, 1967, Murdy Collection, Box 2, Volume 8.

¹⁷⁸ Police Commissioner’s Memorandum 67-61, July 13, 1967, Murdy Collection, Box 2, Volume 8. Confirmation of payroll change form, Murdy Collection, Box 2, Volume 8. Joseph Walker to Ralph Murdy, September 5, 1967, Murdy Collection, Box 2, Volume 8. Ralph Murdy, Memo, September 15, 1967, Murdy Collection, Box 2, Volume 8. Dominic Fornaro to Spiro Agnew, September 22, 1967, Murdy Collection, Box 2, Volume 8. Ralph Murdy, Notes

in 1968, when negotiations between Pomerleau and the police union over a grievance procedure stalled out. A grievance procedure bill in the House of Delegates brought Pomerleau to the table early in the year, and he reached an agreement only after the police union threatened to picket police headquarters in July of 1968, publicly linking the fight for a grievance procedure to complaints against union-busting by commanding officers in the department and to concrete demands like a preference for two-man over one-man patrol cars and an increase in foot patrolmen. Critically, the announcement of the picket was paired with a promise from AFSCME Local 44 director Raymond H. Clarke that 3400 hospital and public works employees in the city would also leave their jobs to join the police picket. This promise flexed the muscles of the AFSCME model of police unionism, the assertion that police and other public-sector workers shared common interests, that they would all be stronger if they fought together. In this case, public-sector solidarity seemed to work: Pomerleau and the union returned to the negotiating table, and by September the commissioner announced a new, four-step grievance procedure for the department—one that would allow a complainant to be accompanied or represented by a fellow officer—including a union member. It was another win for AFSCME.¹⁷⁹

Police Unionism Ascendant

AFSCME Local 1195's striking successes in the late 1960s were hardly unique. Headlines in 1968 and 1969 often observed the rise of "blue power"—the rapid growth of police unions and their increasing involvement in lobbying and local electoral politics. And as police

on a meeting in the governor's office concerning the police union, November 21, 1967, 1-4. Commissioner's Conference Minutes, April 25, 1967, 1. Ralph Murdy to Daniel Redding, December 22, 1967, 2.

¹⁷⁹ "Legislation," *Police Union News*, no. 2 (March 1968), 3, Murdy Collection, Box 2, Vol. 9. Kathy Kraus, "Policemen To Picket," *Baltimore News-American*, July 7, 1968, 1C, 2C. Michael Clark, "Police Union Aid Allowed," *Baltimore Sun*, September 25, 1968, C7.

unions grew, they faced the question of whether to form a national organization to coordinate their action at the national level. The question had arisen before. At the FOP's 1941 convention, in the face of slow membership growth during World War II, one member proposed a resolution to explore affiliation with the New York City and New Jersey PBAs and the Policemen's Association in Washington, D.C. It met with fierce resistance from several executive board members, ostensibly over worries that the merger would change the name and identity of the FOP—worries that may have stood in for fears of unpredictable and uncontrollable shifts in the balance of power within the Order that a merger would produce. The resolution was rejected. Even so, by the late 1960s groups like the FOP and the International Conference of Police Associations (ICPA) were the incumbents, the only national police-only organizations for rank-and-file officers. By 1968, the FOP was well on its way doubling its membership from 60,000 to 12,000 between 1965 and 1975, and the International Conference of Police Associations counted 150,000 members in its loosely affiliated constituent organizations in the United States, Canada, and the Panama Canal Zone as early as 1970. As national organizations, they already claimed to speak for police officers across the country, and their goal was to box out competitors who might want to do the same. And there were competitors, most notably the National Patrolmen's Association (NPA). It was founded in 1969 by Richard MacEachern, who had previously founded the Boston Police Patrolmen's Association (BPPA)—the first police union in Boston since 1919—in 1965. MacEachern, quickly took his ambitions national, not seeking reelection in the BPPA and gathering police from Boston, Chicago, Cleveland, Detroit, and St. Louis in an effort to form a national patrolmen's union. MacEachern was not able to sustain the project,

however, and the NPA fizzled within a year or so of its founding, perhaps coincidentally after MacEachern was shot in the leg and injured on the job in 1970.¹⁸⁰

The most notable effort to form an AFL-CIO-affiliated police union came from New York's John Cassese, the president of the PBA. In 1969, he resigned from the NYPD and the PBA to found the International Brotherhood of Police Officers (IBPO), a national police union that sought an AFL-CIO charter. Though the labor federation was at the time sympathetic to expanding its police membership, and though Cassese managed to pull together several thousand members, the Brotherhood's charter request was ultimately rejected in 1971, largely due to objections from AFSCME. AFSCME, which covered virtually all AFL-CIO-affiliated police union members in the country, argued to the federation leadership that IBPO chartering would violate the federation charter, which granted exclusive organizing jurisdiction in specific industries and workplaces to specific unions. An IBPO charter would violate AFSCME's rights to organize police officers. Moreover, AFSCME leaders pointed out, most of the IBPO's several thousand members—which did not, incidentally, include the New York City PBA—had been poached from AFSCME locals. AFL-CIO leadership found the argument convincing, leaving Cassese and the IBPO to find another home. He entertained joining the Teamsters or the Alliance for Labor Action—a breakaway federation led by UAW President Walter Reuther—but ultimately absorbed by the 470,000-strong Service Employees International Union (SEIU) in March of 1972. By while Cassese boasted that it was “only a matter of time, a year, two years, five years, before all police in the country will be in an AFL-CIO union,” he could only

¹⁸⁰ “Police Rebellion: Quest for ‘Blue Power,’” *Boston Globe*, December 15, 1968, 57, 89. “Blue Power,” *Wall Street Journal*, October 30, 1969, 1, 29. Walsh, *The Fraternal Order of Police*, 172-173. “Boston Police Seek Five-City Alliance,” *Boston Globe*, January 27, 1969, 28. “Police Assn. Head Won’t Run Again,” *Boston Globe*, October 19, 1969, 64. “MacEachern vows order and justice,” *Boston Globe*, February 20, 1970, 36.

dubiously claim 7,000 members out of an estimated 450,000 eligible police nationwide, and it would take almost 50 years merely to double that figure. The IBPO would never come close to ousting AFSCME as the dominant police-organizing union within the labor movement.¹⁸¹

In 1969, however, that outcome was not yet clear, and union competitors and the IBPO in particular posed a significant threat to groups like the FOP and the ICPA. Cassese had demonstrated the substance of his challenge when in 1969 he flipped the FOP's New Orleans lodge into an IBPO local with the support of younger members. After talks in late 1969, both the FOP and the ICPA groups decided to form a "Joint Council" of five officers from each organization to publicly oppose the unionization of police by the labor movement and to offer a compelling police-only alternative. In the end, the FOP and the ICPA remained some of the largest police associations on the national stage, and when a heavily indebted ICPA suddenly collapsed in 1978, splitting into an independent NAPO and an AFL-CIO affiliated IUPA, the FOP was left as the single most significant police labor group in the United States.¹⁸²

Even Donald Pomerleau was forced to respond to the explosive growth of police organizing by AFSCME Local 1195 and other police unions nationwide. To everyone's surprise, the changing balance of forces led Pomerleau to alter his public stance on labor unionism in law enforcement. Pomerleau acknowledged the necessity of compromise with police unions during a

¹⁸¹ "AFL-CIO Council Refuses To Issue Charter to IBPO; Grants Organizing Charter to School Supervisors," March 1, 1971, in Jerry Wurf Collection, AFSCME Papers, Box 84, Folder 16. "Summary," January 14, 1971, in Wurf Collection, Box 164, Folder 19. "AFSCME Position On Issuance Of Police Charter," February 15, 1971, Box 164, Folder 19. "AFL-CIO Snubs New Police Unit," *Detroit Free Press*, February 23, 1971, 6-C. James Strong, "Hope to Organize All U.S. Police," *Chicago Tribune*, March 6, 1972, A14. "A Conversation with a Police Union Leader," *New York Times*, June 29, 2020, <https://www.nytimes.com/2020/06/29/podcasts/the-daily/defund-police-union-rayshard-brooks.html?showTranscript=1>, accessed May 21, 2021.

¹⁸² Walsh, *The Fraternal Order of Police*, 59. Susan Giller and Christopher M. Cook, "Quick Switch Stuns Police Unions," *Newsday*, December 14, 1978, 6. Christopher M. Cook, "State to Probe Police Association's Demise," *Newsday*, December 15, 1978, 21. "Police Form Lobby Group To Replace Defunct ICPA," *Newsday*, January 15, 1979, 23.

speech to the 1969 IACP convention. He had not wavered in his belief that “employee organizations as they exist today” were “the greatest deterrent to the professionalization of law enforcement”; he remained convinced that the solution to workplace problems remained fair departmental policy and effective management. Remarkably, however, he conceded not only that such groups were “inevitable in law enforcement” and “here to stay,” but also that commissioners “must work with them,” and that “they can be an asset to the agency” if they “espouse[d] professional philosophy in their bargaining for those things they so richly deserve rather than using old industrial union techniques.”¹⁸³ Pomerleau phrased his remarks carefully: he favored the term “employee organizations” over “labor unions” and clearly preferred that these groups eschew collective bargaining for advice and consultation. But he had nonetheless publicly accepted their existence, and he hoped now to transform them rather than to destroy them. These remarks seemed to signal a true détente: by June of 1970, Pomerleau was telling the *Sun* that after some initial difficulties with the union “both sides developed accommodations” and that now the “rapport” was “excellent.” Local 1195 business agent Thomas Rapanotti agreed: “[W]e’re getting along real well.” It was no exaggeration. Pomerleau officially repealed the *de facto* defunct departmental regulation that banned employee organizations, and in 1971 he voluntarily recognized the new AFSCME Local 1599 for sergeants, lieutenants, and captains. Local 1599 was spearheaded by AFSCME’s new Police Council 27, which had originally moved three Maryland police locals—from Baltimore city, Baltimore county, and Salisbury—from their home district councils into a council devoted entirely to “handling the problem of police personnel.” AFSCME was building on five years of success by expanding its

¹⁸³ Donald Pomerleau, “The Eleventh Hour,” 1969, 1, 4-6, 7-8, in Murdy Collection, Box 3, Volume 1.

organizing infrastructure, moving against a commissioner increasingly playing defense against them.¹⁸⁴

But conflict between the commissioner and Local 1195 was not over, and in fact AFSCME's political strategy bore its greatest fruit in 1973, in the wake of the department's greatest scandal of Pomerleau's tenure. Pomerleau's first term was hardly without controversy—not only over his conflict with AFSCME and the FOP, but also over his criticism of the department's Community Relations Commission for “consort[ing] with our revolutionaries”—that is, holding too close a relationship, in his view, with radical Black activists in the city. Nonetheless, Governor Mandel judged Pomerleau to have done an admirable job renovating the department he inherited in 1966 and thus approved him for another six years at the helm.¹⁸⁵ Just the following year, however, Pomerleau and the department careened into another crisis that would strengthen the hand of the AFSCME police locals. During the first couple months of 1972, several grand jury investigations into department misconduct—two federal investigations into police involvement in gambling and organized crime, and one state investigation into narcotics corruption—came to light. Drugs seized as evidence had gone missing in (depending on the count) somewhere between dozens and hundreds of cases, and officers alleged conducted preferential gambling raids for payoffs, favoring some competitors over others. By late February,

¹⁸⁴ Charles Whiteford, “Pomerleau, Reflecting, Rates City Police Among ‘The Top,’” *Baltimore Sun*, June 28, 1970, 14. Police Commissioner's Memorandum 71-23, February 22, 1971. Antero Pietila, “3 Police Locals Form Council,” *Baltimore Sun*, March 21, 1971, 16. AFSCME Police Council 27 to Baltimore Police Department Personnel, March 30, 1971, in Murdy Collection, Box 3, Vol. 2.

¹⁸⁵ Charles Whiteford, “Pomerleau to get new term, sources say,” *Baltimore Sun*, April 28, 1972, C24, C10.

over a dozen current and former officers had been indicted. By early March, the BPD had begun transferring and investigating a number of suspected officers in its own internal investigations.¹⁸⁶

Under public scrutiny and internal investigation, lower-ranking officers' reactions ranged from anxiety to dark humor to outrage. Some took the euphemisms the brass used to describe the scandals and made them into jokes. One 30-year old patrolman told the *Sun* that he had been “worried” and “nervous” since he learned he was under investigation for theft, though he joked that a polygraph test told him he lied about one question only—his address. Many, in the words of one police union member, feared the public would conclude that “all policemen are crooked.” Thomas Rapanotti, speaking for Local 1195, conveyed to the press officers' fury at the transfers and the investigations, which he said neglected their “constitutional rights.” One sergeant, Rapanotti claimed, had not even investigated the robbery-murder case that prompted his transfer. The rank and file were particularly galled by the fact that the upper ranks were not undergoing comparable investigations. (Pomerleau at first dismissed the concern by saying “the integrity is there” but later claimed to have hired a private firm to investigate the brass, too.) At a day-long meeting on March 4, hundreds of Local 1195 members considered actions in protest, from a “sick-in to massive rush-hour traffic checks.” What they settled on was less flashy but proved much more consequential in the long run.¹⁸⁷

On March 8, a group of Maryland police officers—mostly from Baltimore—traveled to Annapolis with their families to pressure the House of Delegates Judiciary Committee to

¹⁸⁶ Roger Twigg and David Ettlin, “Keeping a watch on the city’s police,” *Baltimore Sun*, February 25, 1972, K1, K3. Twigg, “13 officers, including Pomerleau’s key aide, promoted in Police Department reshuffle,” *Baltimore Sun*, March 8, 1973, D8.

¹⁸⁷ Twigg and Ettlin, “Keeping a watch on the city’s police,” K3. Twigg, “Police union debates protest of inquiries,” *Baltimore Sun*, March 5, C18, C8.

advance a “law enforcement bill of rights,” often abbreviated as LEOBOR. The bill would provide a set of rights of procedures to protect officers under investigation for corruption or brutality; ensure full rights to political participation when officers were off-duty; and guarantee a grievance procedure in all municipal police departments in the state. Police Council 27 did not invent the idea of a LEOBOR—similar protections were first won by the Detroit Police Officers Association as contract provisions in 1967—but thanks to AFSCME’s efforts Maryland would be the first state to enshrine such a bill of rights in state law when the law passed and was enacted in the first half of 1974.¹⁸⁸

From 1973 through the bill’s passage in 1974, the media campaign around the bill framed it as the restoration of basic civil rights to officers who had ostensibly been denied them—“the same rights,” in the words of one co-sponsor, “that they safeguard for others.” Police have “no rights from themselves,” AFSCME organizer Thomas Rapanotti told the *Sun*, “no defense.” Another AFSCME officer said that “a policeman ‘once suspended is automatically crucified by the public...[and will] never function as a police officer again’—as though disciplinary action and critical media coverage were intrinsically antithetical to the work of policing. This framing, of course, was misleading: police had the same legal rights as criminal defendants as anyone else, and anything won through a LEOBOR would build above and beyond this constitutional foundation. And while primary sponsor and Baltimore Delegate John Gallagher called the bill “flawless” and insisted, “There is not a more important piece of legislation being worked on anywhere in the country,” hyperbole crashed up against reality as the bill stalled out in the state Senate after a month. The head of the state Senate Judiciary Proceedings committee said the bill had “serious defects” which his committee had “overlooked...because it was ‘somewhat blinded

¹⁸⁸ On the Detroit precedent, see Elkins, “Battle of the Corner,” 463.

to the realities...in an effort to be sympathetic to the policemen.” He decided to hold the bill in committee for the time being.¹⁸⁹

But while the LEOBOR bill wouldn’t advance any further in 1973, it reappeared in the next year’s session in substantially similar form, gained 70 co-sponsors, passed both houses, and received the governor’s signature at the end of May. Now, throughout Maryland, with or without a recognized police union, police officers could invoke the LEOBOR’s protections and shield themselves at least in part from the disciplinary power of their bosses. This landmark was the beginning of a trend: as of 2016, at least 15 other states had passed statutory LEOBORs.¹⁹⁰ In the coming decades, police unionists would argue time and again that LEOBORs are an essential bulwark against arbitrary discipline even as critics identified them as a central obstacle to accountability for police abuse, brutality, and misconduct.

Conclusion

The contest to organize Baltimore’s police officers dramatized the competition between two distinct models of police unionism. The FOP offered the dominant model: membership in police-only organizations that included sworn officers of all ranks and did not call themselves unions, though to varying extents sometimes functioned as unions. But in Baltimore, Jerry

¹⁸⁹ “Policemen, wives demand rights bill,” *Baltimore Sun*, March 9, 1973, C9. “Senate delays bill on policemen’s [sic] rights,” *Baltimore Sun*, April 8, 1973, A14. “Holt seeks rights for lawmen,” *Annapolis Capital*, July 2, 1973, 5. Pat King, “Policeman’s Bill Of Rights Gives Protection Against Sudden Firing,” *Hagerstown Daily Mail*, July 18, 1974, 15.

¹⁹⁰ “Beer Franchises Protected Under Hoffman-Backed Bill,” *Hagerstown Daily Mail*, March 19, 1974, 11. Anthony Barbieri, Jr., “Governor vetoes county tax option,” *Baltimore Sun*, June 1, 1974, B4. Catherine Fisk and L. Song Richardson, “Police Unions,” *George Washington Law Review* 85, no. 3 (2017): 5. Those states with statutory LEOBORs include California, Florida, and Texas, among many others. Maryland yet again broke new ground in police labor law when it became the first state with a LEOBOR to repeal it in April 2021, over the veto of Governor Larry Hogan. The new law created mixed civilian-police “administrative charging committees” to investigate complaints and recommend a binding minimum disciplinary action for the commissioner to issue. It also removed the waiting period before which complaints could be investigated, among other provisions. Michael Levenson and Bryan Pietsch, “Maryland Passes Sweeping Police Reform Legislation,” *New York Times*, April 10, 2021, <https://www.nytimes.com/2021/04/10/us/maryland-police-reform.html>, accessed April 19, 2021.

Wurf's AFSCME mounted a formidable and largely successful challenge to this model, by including both low-ranking and civilians employees of the police department in a multi-occupation union of public-sector workers. It framed police as distinct but not unique, embedded in a web of shared interests and solidarity with other government workers and with the labor movement as a whole. And from the mid-1960s through 1974, the AFSCME model appeared to be winning. Year after year, AFSCME Local 1195 had more members, controlled the department's Personnel Service Board, and leveraged its political connections to secure its place in the department.

This advantage, and the AFSCME challenge to the FOP model, would come crashing down in the wake of an AFSCME-led police strike against an austerity budget in 1974, which I explore in Chapter 6. But regardless of the differences between these two models, police unionism of all sorts exploded in the 1960s and 1970s. And police officers would use their unions as vehicles not only to win collective bargaining rights, but also engage in political lobbying in pursuit of special social programs and unique legal protections for police. They saw themselves as a special class of citizens and used their unions to renegotiate their relationship to state institutions on that basis. The next chapter explores this fight for a "policeman's welfare state," led at the largest scale by the FOP's own John Harrington.

Chapter 4

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The Labor of the Thin Blue Line: Building the Policeman's Welfare State, 1965-1975

In October 1969, John Harrington traveled to Chicago to deliver a speech at a conference on crime and policing. On Halloween, as he stood before police administrators from the 20 largest police departments in the United States, he also stood at the pinnacle of his career. He had been re-elected that same year to a third term as president of both his local Philadelphia lodge of the Fraternal Order of Police and the National Lodge. He had effectively defeated the Philadelphia Police Advisory Board he had campaigned against for so many years, raising the national profile of the FOP in the process. And now, on the Chicago Circle Campus of the University of Illinois, he used his platform to lay out a sweeping agenda for the FOP nationwide: an organizational, legislative, and PR plan animated by a vision of police unionism as the guarantor of social order and the integrity of American citizenship. It was perhaps the most thorough programmatic statement Harrington would make during the ten years he led the FOP.

“Our members are,” he told his audience, “on the firing line, every day and every night.” They knew what it meant “to deal with the thug, the robber, the hoodlum, the gangster, the con-man, the dope peddlers and the addicts, the drunks, violent and non-violent, the tensions and conflicts which arise from the race situation and the mindless vandalism which sometimes seems to defy explanation.” By virtue of their daily work, he claimed, police officers knew intimately and expertly “the problem of crime which literally threatens to tear our society apart.” And as a result, Harrington felt qualified to speak on behalf of his fellow officers and propose a plan to solve the problems he laid out, “I am announcing today,” he said, a “national crusade against crime. In every municipality or political entity in which we have a Lodge the FOP will throw all

its weight behind firm, fair and effective law enforcement.” John Harrington did not explain in detail what “firm, fair, and effective” enforcement meant. One of the conceits of the speech was that good law enforcement was a transparent and uncomplicated concept, the straightforward implementation of the laws on the books—a conceit that did not speak to questions of enforcement priorities, officer discretion, and the like. But he did devote substantial space to the question of conditions that made such enforcement possible, all of which were grounded in financial, legal, and cultural support for the officers doing police work. Within the broad political space of law-and-order politics, Harrington thus identified police unionism as integral to the fight against crime. In his view, if police officers were the agents of the fight against crime, they could only be effective if they had adequate pay and benefits, sufficient manpower, safe working conditions, and due process in disciplinary proceedings.¹⁹¹

This chapter explores how John Harrington led the FOP in an effort to build a welfare state for police officers in the late 1960s and early 1970s. By the late ‘60s, the decade-long process by which police would win collective bargaining rights in cities large and small across the United States was already under way. In 1967, Harrington was not only winning a lawsuit against Philadelphia’s civilian review board but also leading the campaign for police and fire collective bargaining rights in Pennsylvania, which they would win the next year. But Harrington’s vision for the FOP was not limited to securing collective bargaining rights. He also aimed to use it as a political vehicle to institute exclusive social programs for police that would support and reward their work in secure the civic order and its attendant social hierarchies. He lobbied government from the local to the federal level in pursuit of salary supplements, benefits,

¹⁹¹ 91 Cong. Rec. 33495 (biweekly ed. November 6-17, 1969).

medical care, retirement housing, and new legal protections that, he argued, would better help police enforce the thin blue line between civilization and crime.

All of these pursuits formed part of a larger project, one that I call the “policeman’s welfare state,” a comprehensive set of social supports and protections accorded to law enforcement officers by virtue of their crime-fighting work.¹⁹² Harrington believed that police officers had been left out of the New Deal bargain in which American citizens, by virtue of their status as workers, secured and justified the privileges of citizenship—not only civil and political rights, but also economic security. Harrington saw police officers as the very people who defended the world of law-abiding citizens against the criminals who stood outside it. And “criminal” was a capacious category, encompassing petty lawbreakers, civil rights activists, and anti-imperialist Black power advocates, who had all forfeited their own rights by their inability or refusal to abide by the law. At the helm of the Fraternal Order of Police, Harrington sought to invert what he saw as the status quo, where those who maintained the “thin blue line between criminals and society” gained the protections that such work required, while criminals—previously coddled by weak law enforcement and inflated defendants’ rights—were disempowered and disciplined. Harrington was not unique in these views; he shared them with his fellow leaders and members in the FOP and other police unions. But the Harrington-led FOP was alone in concertedly using these arguments as the basis for building an nationwide welfare state for police.¹⁹³

¹⁹² This designation owes a debt to Jennifer Mittelstadt, *The Rise of the Military Welfare State* (Cambridge, MA: Harvard University Press, 2015).

¹⁹³ Richard Severo, “Civilians Are Tough, But Want Polite Police,” *Washington Post*, June 28, 1966, A7.

This effort also involved police unionists in the massive program of state-building that began under Lyndon Johnson in the 1960s, and included both the War on Poverty and the War on Crime. Harrington and his peers were wary of these programs, seeing them as the efforts of liberals and reformist police professionalizers bent on empowering criminals and radicals and undermining both police and the body politic from within. They were skeptical of social programs for the poor and of grants from the Law Enforcement Assistance Administration (LEAA), which they believed made it more difficult for police officers to do their jobs. But their opposition to these programs did not translate to a rejection of the welfare state or of social citizenship as such. Rather, Harrington and his allies opposed extending social citizenship to the “wrong” people, to the conflated cluster of criminals, radicals, and African-Americans. Instead, they wished to restrict it to good, loyal, “law-abiding citizens”—and to no one more so than themselves, citizens who did the essential work of producing and reproducing citizenship in the first place. This commitment to a civic order rooted in white supremacy animated not just the fight for a policemen’s welfare state, but also the whole police union project.

Policing a Nation in Flux

Police unionists launched their quest for a policeman’s welfare state in the 1960s, a decade of tremendous social and political upheaval. Not for a century had the United States seen such extensive and profound contestation over the scope of American citizenship and the rights and entitlements it should provide. Much of it centered on Black Americans’ fight for civil and economic rights. The “classical” phase of the civil rights movement culminated in the legislative victories of the 1964 Civil Rights Act and the 1965 Voting Rights Act. Other tendencies in the Black Freedom Struggle arose alongside it, from the urban uprisings that challenged racist policing, segregation, and poverty to the rise of Black Power groups and the anti-imperialist

Black Panther Party. Other liberal and radical movements contesting the nation's social and civic relations more broadly similarly flourished. Feminists and gay liberationists sought to remake the relations of gender and sexuality that structured families, workplaces, and public spaces. Antiwar protestors challenged the justice of the American war in Vietnam and the United States' global hegemony. The student movement, through groups like Students for a Democratic Society, launched a left critique of the large, bureaucratic institutions of business, labor, and government. Rank-and-file insurgencies within the labor movement struggled to replace corruption and "one-party rule" with greater union democracy. Despite divisions and frictions within and between these various movements, together, their marches, protests, canvassing, strikes, and intellectual production constituted something greater than the sum of its parts, a generalized struggle to fashion a more egalitarian form of American citizenship.¹⁹⁴

These mobilizations provoked divergent responses. On the one hand, the New Right, another cluster of social movements growing in the same decade, increasingly defined itself in opposition to the liberal and radical mobilizations of the 1960s. While the New Right was already cohering in the early 1960s around anticommunist opposition to New Deal liberalism and the civil rights movement, as the decade wore on, a coalition of social and religious conservatives and libertarian business conservatives banded together to fight against antiwar protestors, student activists, and Black radical organizations. New Deal liberals in the Democratic Party, on the other hand, along with some establishment conservatives, attempted to coopt the broad movement toward egalitarianism by appropriating its liberal elements and

¹⁹⁴ Peniel Joseph, *Waiting till the Midnight Hour: A Narrative History of Black Power in America* (New York: Holt, 2006). Robert O. Self, *All in the Family: The Realignment of American Democracy Since the 1960s* (New York: Hill and Wang, 2012). Jeremi Suri, *Power and Protest: Global Revolution and the Rise of Détente* (Cambridge: Harvard University Press, 2003), 164-172. Cowie, *Stayin' Alive*, 23-74.

rejecting the more radical ones. The Democratic Party under Lyndon Johnson essentially aimed to preserve the New Deal Order by expanding American citizenship and the social rights it entailed while rejecting more radical threats to the system. The 1964 Civil Rights Act and 1965 Voting Rights Act were both meant to shore up Black Americans' inclusion in American citizenship. And Johnson's Great Society agenda, including Medicare, Medicaid, and the many War on Poverty programs, functioned to broaden social provision by the state not only to African Americans but also to retirees and the multiracial poor and working class. This flurry of domestic state-building was not in tension with the chaos and violence of Johnson's escalation of the war in Vietnam. They were, rather, homologous strategies. Johnson warred against Communists in Southeast Asia but ostensibly worked to win the hearts and minds of the Vietnamese people just as he rejected the politics of radical antiwar and Black Power critics at home while expanding the scale and scope of American citizenship. Elements of this project would even outlast the Johnson Administration proper.¹⁹⁵ Johnson's presidential successor Richard Nixon, a conservative Republican who deepened his party's relationship with the New Right, floated further integrating Black men into New Deal Order citizenship by extending a form of basic income to poor Black households headed by working, married men—until the economic crises of the 1970s began to undermine that Order and reorient Nixon's priorities.¹⁹⁶

A greater federal role for reforming city police departments was a central component of this larger agenda. Alongside the Civil Rights Act of 1965, Congress passed the Law

¹⁹⁵ McGirr, *Suburban Warriors*. Self, *All in the Family: The Realignment of American Democracy Since the 1960s* (New York: Hill and Wang, 2012). Hinton, *From the War on Poverty to the War on Crime*, 27-62. Gabriel Winant, *The Next Shift: The Fall of Industry and the Rise of Health Care in Rust Belt America* (Cambridge: Harvard University Press, 2021), 146-148. Schrader, *Badges Without Borders*, 42-43.

¹⁹⁶ Melinda Cooper, *Family Values: Between Neoliberalism and the New Social Conservatism* (New York: Zone Books, 2017), 42-46.

Enforcement Assistance Act, and 1968 it passed what Elizabeth Hinton has called the “capstone of Johnson’s Great Society,” the Safe Streets Act, which created the Law Enforcement Assistance Administration (LEAA). Together, these programs created conditional grant funding to police, court, and prisons systems. With it, for the first time, the federal government secured a large-scale, systematic role in shaping the carceral state at the local and state levels. Johnson and his allies saw the War on Crime as an integral complement to the War on Poverty. The two wars were the stick and the carrot, respectively, of an effort to stamp out “urban disorder and...the [ostensibly antisocial] behavior of young people, particularly young African Americans” by constructively integrating the willing into political and economic life and punishing those who refused to comply. It was also consistent with the broader Great Society push in its effort to diminish racist discrimination in policing and the courts. While Johnson may not have stood fully behind the systematic critique of racism and racist policing issued by his own National Advisory Commission on Violence and Civil Disorder, both the commission and the president shared the conviction that dysfunctional policing was partly to blame for the urban rebellions of the 1960s, and that modernized, professionalized, and trustworthy police would cure America’s cities of Black disaffection and unrest. In this respect, this moment moved the locus of liberal police reform from cities and states to the federal government. But although the locus had changed, the players had not. The War on Crime was envisioned, designed, and waged by the same professionalizing reformers, backed by big business and professionals, who had labored for decades to reconstruct city police efficient, focused, politically insulated crime fighting machines.¹⁹⁷

¹⁹⁷ Hinton, *From the War on Poverty to the War on Crime*, 1-2, 32, 54-56, 124-131.

It is no wonder, then, that so many rank-and-file police and police union leaders were as skeptical of or resistant to major elements of the War on Crime as they had been to its earlier local iterations. They rejected both the professionalization project of which the LEAA became the chief federal vehicle and the liberal political formation to which it was attached. As ever, they believed their role was to defend against challenges to the social compact at the heart of the New Deal Order.

These principles were orthodoxy within the New Right coalition, many of whose elements embraced a law-and-order politics that “combined,” as Michael Flamm has written, “concern over the rising number of traditional crimes...with implicit and explicit unease about civil rights, urban riots, antiwar protests, moral values, and drug use.”¹⁹⁸ But police unionists occupied a distinctive worldview and political program within the New Right, and even within law-and-order political spaces in particular. Within the New Right, they were distinct from both the middle-class anticommunists and the capitalist business conservatives who made up the libertarian segment of the coalition. Like their family and neighbors, the working-class, white-ethnic majority of police unionists embraced the social compact of the New Deal and labor unionism, social programs, and other form of state support. They rejected, rather, African Americans’ efforts to lay their own claim to these rights and privileges, though they did so in race-neutral language that praised the “tradition” and “hard work”, while critiquing government “handouts” to the lazy, criminal, and dissident. They practiced what Timothy Lombardo has called “blue-collar conservatism” and what I prefer to call “herrenvolk social democracy”—a commitment to democratic social citizenship for a privileged, white racial group premised on the

¹⁹⁸ Michael Flamm, *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s* (New York: Columbia University Press, 2005), 4.

exclusion of an excluded and in this case Black racial group.¹⁹⁹ But even within this category, police unionists forged a distinctive ideological tendency, one that emphasized the essential role of *police labor* performed by the rank and file in guaranteeing the maintenance of civic order. This focus on labor in particular further justified the political counter-program police unionists pursued at the local, state, and federal level in the late 1960s and early 1970s. They did not simply reject the professionalization program of the LEAA and the War on Crime but also advanced their own, which sought special social programs and legal protections for the officers who performed the labor of reproducing citizenship itself, and so were *prima inter pares* among American citizens as a whole. While they believed the professionalization program empowered the oversight and disciplinary powers of their enemies among in their bosses in the brass and in government, their program sought to empower ordinary police officers to reproduce their vision of the body politic with unprecedented levels of official state support.

This sort of political project had parallels in this period, in particular in the effort to expand what Jennifer Mittelstadt has called the “military welfare state.” By the late 1960s, the United States Army had long provided pensions, housing, healthcare, childcare, schooling, and other social services to servicemembers and their families as “rewards for faithful service or compensation for loss.” The contract at the heart of enlistment meant that performing the labor of military service and assuming the risk of injury or death entitled servicemembers to special

¹⁹⁹ “Herrenvolk social democracy” is a variation on the more general term “herrenvolk democracy,” coined by sociologist Pierre van den Berghe to describe polities that are “democratic for the master race but tyrannical for subordinate groups.” George Fredrickson further popularized the term among historians to describe ideologies of white civic equality and Black subordination in the antebellum and Jim Crow South and in apartheid South Africa. See George M. Fredrickson, *The Black Image in the White Mind: The Debate on Afro-American Character and Destiny, 1817-1914* (New York: Harper & Row, 1971), 61-18; Fredrickson, *White Supremacy: A Comparative Study in American and South African History* (New York: Oxford University Press, 1981), 166; and Justin C. Mueller, “Concepts of Note: What is Herrenvolk Democracy?,” May 16, 2016, <https://justincmueller.com/2016/05/16/concepts-of-note-what-is-herrenvolk-democracy/>, accessed May 16, 2021.

compensation. Before the 1970s, because of the widespread nature of men's military service, these programs "also catalyzed broader social welfare programs for civilians." But as politicians and bureaucrats prepared for the shift from the draft to volunteer recruitment and enlistment that came in 1973, these social programs became even more important as an enticement and reward for elective service. In the 1970s and 1980s, as bipartisan political coalitions both narrowed and dismantled elements of the civilian welfare state, the military welfare state grew larger and more generous, compensating a special class of citizens with social entitlements. The only major privilege this expansion failed to include was collective bargaining rights for servicemembers, as an Army union drive run by the American Federation of Government Employees failed against massive resistance from politicians, the military brass, many servicemembers, and even many of its own civilian members.²⁰⁰

The FOP campaign for a policeman's welfare state bore many structural similarities to the evolution of the military welfare state, but with some notable different outcomes. Both servicemembers and police sought forms of social support as recognition and recompense for the labor they performed and the risks they undertook. But while servicemembers had enjoyed benefits for decades, police unionists argued that they were a neglected group apart, shut out from the social entitlement of broader citizenship, and that they needed to win these programs for the first time. And whereas servicemembers enjoyed these social programs without collective bargaining rights—indeed, sometimes as enticements to quell calls for such rights—police generally won them first by building unions and winning collective bargaining rights. This difference reflected the fact that while the military brass often had a significant role in building

²⁰⁰ Mittelstadt, *The Rise of the Military Welfare State*, 4-5, 46-48, 69.

the military welfare state, professionalizing police bosses were generally either indifferent or hostile to such measures, eager as they were to centralize and strengthen managerial authority.

From the mid-1960s through the 1970s, John Harrington and his peers went to the media, to politicians, and to their own members to make the case for the policeman's welfare state. Harrington was among the most visible and bombastic police union leaders, and he used his platform to disseminate the familiar "thin blue line" narrative, though with a distinctive police union twist. In a 1966 interview with the *Washington Post*, he evoked the common characterization of law enforcement as a "thin blue line between criminals and society." That particular phrasing was telling.²⁰¹ For Harrington, as for many others in the conservative law-and-order tendency, criminals placed themselves outside of society altogether by violating the terms of the social contract—i.e., by breaking faith with the laws they had agreed to obey as a condition of participation in society. In this way, Harrington characterized police as responsible not to the American citizenry as a whole, but more narrowly to the "law-abiding public"—a phrase he used in various venues.²⁰² And if criminals forfeited some of their rights as citizens, while the "law-abiding" retained them, then police were first among their law-abiding equals, premier citizens who not only belonged to orderly civic life, but also guaranteed it. As Harrington told the President's Commission on Violence in October 1968, "The Constitution is just a piece of paper. The policeman is the life and blood of that paper. He's the one who guarantees the right to life, liberty, and pursuit of happiness."²⁰³

²⁰¹ Severo, "Civilians Are Tough," A7.

²⁰² See, e.g., "Restore Police Rights, Unit Asks," *Baltimore Sun*, June 4, 1969, A9; 91 Cong. Rec. 33496 (biweekly ed. November 6-17, 1969).

²⁰³ "Easy Bail and Parole At Root of Violence, Harrington Says," *Philadelphia Inquirer*, October 25, 1968, 9.

By 1968, Harrington had promoted a similar line on police as guarantor of American civic community for several years. The March-April 1965 issue of *The Peace Officer*, FOP Lodge 5's official organ, ran a front-page piece entitled "SECOND CLASS CITIZENS," arguing that police were "a very important and integral part of the Community and must be recognized, not only as a policeman but as a citizen, as well [sic]." The piece centered on two rights denied to police officers—the right to strike and the right to take a wrongful termination case to court. The piece held both rights as integral to citizenship and judged withholding them from police to be a dangerous injustice. "Why is it so wrong for City Police or State Police to strike?" the piece asked. "Is it because it is detrimental to the interest of the Community? If that is so, what is more important than National Safety?" In this way, the piece figured police work as the fundamental guarantee of secure, orderly society, and the failure to support it as a danger to the integrity of American society. And it concluded by assuring the reader—encouraged to share the piece with other "citizens"—that "President Harrington is not taking it sitting down" and "is taking the fight for the rights of policemen directly to the public...."²⁰⁴ The *Peace Officer* article also highlighted what Harrington saw as the cause of this neglect of police officers. "It is amazing in this era of Civil Rights efforts," it said, "that our citizens and City officials fail to recognize the plight of the Policeman in this regard."²⁰⁵

More than drawing an ironic comparison to civil rights activism, Harrington directly blamed civil rights activists for creating what he saw a culture of neglect and disrespect for law enforcement and support for law-breakers. In his 1966 *Washington Post* interview, he claimed a

²⁰⁴ "Second Class Citizens," 1, *The Peace Officer*, vol. 24, no. 2 (March-April 1965), 1, in IAFF Local 22 Records, Box 34, Folder 94.

²⁰⁵ *Ibid.*

marked uptick in this trend over the preceding 25 years and blamed “the pink groups” and “rabble rousers, acting as spokesmen for minority groups.” Virgil Penn, Lodge 5 Recording Secretary, agreed, naming “CORE, NAACP, and the civil liberties people” as those culpable. These groups, Harrington alleged, allowed criminals to evade responsibility by charging police brutality when in fact “civilian brutality...growing and...a hundred times worse than police brutality” was the true crime and the true threat. Harrington described arrestees who failed to peaceably submit to being jailed, parents who sullenly accepted lost children returned by police, traffic stops devolving into citywide riots, “[w]omen being raped in broad daylight,” “boy’s hair get[ting] longer, girls’ skirts get[ting] shorter,” students “burn[ing] draft cards”—all as “evidence that people just do not respect law and order the way they did in the old days.”²⁰⁶ Harrington frequently denied that blaming civil rights groups was racist even as he claimed that “most crimes are committed by Negroes”, a statement he also denied as racist. He insisted that his focus was on “many Negro leaders” who, instead of seeking “sympathy” for criminals, “should be more interested in helping their people by teaching them what every father and mother teaches their child: to respect the law and behave like decent citizens.”²⁰⁷

For these reasons, Harrington rejected the liberal theory animating the War on Poverty: that crime could be prevented by ameliorating the material circumstances of the poorest Americans. “One of the homilies that we hear often from liberal speakers,” he testified to a Senate subcommittee in 1970, “...is that the way to end crime is to do away with the conditions

²⁰⁶ Severo, “Civilians Are Tough,” A1, A7.

²⁰⁷ “Negroes Commit Most Crimes: Police Leader,” *Chicago Defender*, January 6, 1966, 10. Harrington would tweak this argument over time, as at his 1969 Chicago seminar speech, where he repeated his claims about the racial demographics of crime but added that “some Negro leaders are recognizing the facts” by “calling for more police protection for Negroes.” Given the prevalence of crime in Black city neighborhoods, Harrington said that “one can argue convincingly that failure to enforce the law constitutes racism.” 91 Cong. Rec. 33495 (biweekly ed. November 6-17, 1969).

that cause crime: poverty, ignorance, and so forth.” He rejected this theory ostensibly on empirical grounds: “how can we explain the fact that crime has gone up and up while material conditions have grown better and better?” Harrington’s argument sounded plausible, but it depended on stressed the historically high economic growth and low inequality of the New Deal Order while entirely omitting the effects of racial segregation, housing, and education. He further insisted that urban renewal or efforts “to restore the so-called ghetto” would “avail nothing” without crime- and violence-reduction to make these areas more hospitable to investment, foot traffic, and residence.²⁰⁸ The liberal theory that linked poverty to crime thus appeared to Harrington as a confused fantasy. The only way to fight crime was to give police the financial, legal, and moral support they needed to do their jobs.

Harrington’s testimony captured an increasingly widespread view across the police union movement. In a 1969 newspaper profile of police union leaders, Harrington and his police unionist colleagues spoke with one voice on the grievances powering their movement with his union president colleagues throughout the Northeast. “We’re sick and tired of being second-class citizens,” said John Cassese, head of New York City’s Patrolman’s Benevolent Association. Harrington insisted they spoke for the “average working man who’s worried about his wife and kids, worried about someone robbing them and raping them,” who’s “a prisoner in his own home” and “the sucker for the hoodlums.” Boston Police Patrolman’s Association (BPPA) founder Richard G. MacEachern, also featured in the piece, similarly saw civilian’s civil rights coming at the expense of police civil rights. “I’m not prejudiced as far as civil rights goes,” he told the *Christian Science Monitor* in 1965. “But their target for some reason often seems to be the police.” “We don’t want any more rights than anyone else,” he added, “but we don’t want

²⁰⁸ *Assaults on Law Enforcement Officers*, 91st Cong. 372-373 (1970) (statement of Philip Connors).

inferior ones, either.”²⁰⁹

Making the Police Union Lobby

In order to build a policeman’s welfare state, John Harrington and his peers would have to remake their unions as organizational vehicles for lobbying the rapidly growing American state of the 1960s and 1970s. Local, state, and national FOP lodges had long involved themselves in political lobbying—they had few other tools at their disposal before securing collective bargaining—but they had largely focused on questions of compensation and had not supported for government social programs. For decades, how to engage with Social Security was the number one national legislative item on the Order’s agenda. In 1938, Senator Robert Wagner of New York and Representative John McCormack of Massachusetts proposed expanding Social Security retirement benefits to cover all state and local government employees. The FOP National President at the time, Henry Squires of Cleveland, feared the proposed inclusion would threaten existing police retirement systems—which generally allowed earlier retirement and superior pay—and would impose an unnecessary tax burden. By 1940, Squire and the Grand Lodge board began organizing with other public employee groups—Patrolmen’s Benevolent Associations from New York and New Jersey, the International Association of Firefighters (IAFF) and the National Education Association (NEA)—to block Social Security amendments that would include their employees. By the 1950s, this alliance has solidified into the Joint Committee of Public Employee Organizations, which worked continuously (and successfully) to block Social Security inclusion. The Joint Committee’s chief opponent was the American Municipal Association, a coalition of mayors and city managers who sought to offload some of

²⁰⁹ Ken Hartnett, “Police Uniting for Power,” *Atlanta Constitution*, October 27, 1969, 3B. L. Dana Gatlin, “New Boston unit assists police,” *Christian Science Monitor*, November 12, 1965, 6.

their pension responsibilities to the federal government. The FOP's absolute hostility to Social Security inclusion began to weaken only in the late 1950s, as old-age insurance benefits became more generous. During the 1957 convention in Phoenix and through 1958, the FOP Legislative Committee softened its stance: while it would continue to 'oppose bills that would extend Social Security to *all* policemen in *all* states' it would grant discretion to state lodges to lobby for or against the inclusion of their particular state's law enforcement officers.²¹⁰

John Harrington deepened the FOP's turn away from a tight focus on Social Security and an absolute skepticism of federal social programs. During the 1961 national conference in Philadelphia, for instance, Harrington challenged National Legislative Chairman Carl Bare's primary focus on Social Security, arguing that the stakes of Social Security inclusion were much lower than the stakes of newer, more serious challenges like civilian review boards. Bare defended his record, but beginning in 1965 Harrington was able to pursue a much broader legislative agenda.²¹¹ As president of both FOP Lodge No. 5 and the Grand Lodge, Harrington secured benefits from Great Society programs, took advantage of municipal social-democratic institutions in Philadelphia, and promoted the development of police-specific social support at the federal level—all in spite of the hesitation and hostility of other FOP leaders repelled by a federal political program so closely tied to liberal police reform. Harrington, however, saw an advantage in pragmatically and strategically embracing certain programs to increase state support for police officers.

One of Harrington's earliest forays into welfare-state-building took place at the local level, with a 1966 campaign to expand public hospital care for Philadelphia police officers. It

²¹⁰ Walsh, *The Fraternal Order of Police*, 146-148, 214-216.

²¹¹ *Ibid.*, 258.

began in the fall, when Harrington opened a PR attack on the treatment of police officers at Philadelphia General Hospital (PGH). PGH was the city's only public hospital, and it served two disparate groups. The hospital provided medical care to city employees through its Compensation Clinic. The clinic was started as a perquisite of employment in the city's uniformed services: police officers and firefighters could receive treatment for injury and illness, whether or not they incurred it on the job. Poor city residents, especially homeless Philadelphians grappling with mental illness and addiction, also sought care at PGH because they could not afford private institutions. Both this population and the hospital staff itself were predominantly Black. But it was the police and fire ward that Harrington slammed in October 1966, alleging that it denied some officers necessary treatment and returned others to duty before they had recovered from injury. He referenced Patrolman John DeAngelis, who was hit by a bus while directing traffic. Ostensibly released prematurely, DeAngelis suffered from headaches, shoulder pain, and insomnia until he died suddenly the day after he was supposed to return to duty. Another patrolman, Richard Farina, got into a fight with a "recently discharged soldier" who beat Farina's face and back with his own baton. Harrington claimed that the prematurely discharged patrolman "couldn't sit in a patrol car because of the [steel back] brace and that is why he was assigned to duty at the bus terminal." He argued that cases like these had taken place for years because "[t]hose doctors at PGH don't care about us...[and] think we're all fakes"—in other words, faking injury to obtain disability leave. He proposed the police and fire ward be replaced with a clinic staffed by doctors employed by the independent Police and Firemen's Medical Association (PFMA), which would treat police and firefighters only and not also be responsible for PGH's civilian patients. "We'd feel much safer," said Harrington, "if we were tended to by

our own clinic.”²¹²

Hospital administrators rejected Harrington’s critique. PGH Executive Director Henry Kolbe defended the care police received, denying they were released prematurely and insisting Harrington, unlike “qualified physicians,” was “not qualified to sit in judgment on the illnesses of patients.” As the controversy rolled into the following summer, PGH Medical Director Dr. Alfred LaBocchetta called Harrington’s accusations “distorted, incomplete and misinformed” and a blow to both staff morale and the hospital’s reputation. And indeed, some of Harrington’s accusations did not hold up under scrutiny. In one case, Harrington argued that in 1964, an officer complaining of headaches mistakenly had holes drilled in his head and then incorrectly re-filled by PGH physicians. The officer was allegedly unavailable to comment personally “because he is now dead.” Hospital records revealed, however, that the procedure took place in 1949, was conducted by PFMA physicians rather than PGH staff, and followed proper procedure for looking for a possible brain tumor. Less than two weeks later, the *Inquirer* ran a piece on the police and fire ward describing it as “just a hospital ward, like any other hospital ward,” quiet and full of officers who would testify to good treatment—but only anonymously, so Harrington would not know how to identify them. “This place? It’s fine,” said a young officer who had been punched in the chest on duty. “No complaints at all. Everything’s been great.” And years later, reporting by the *Inquirer* revealed that police often did use diagnoses from PGH physicians to secure disability leave. A February 1971 report that the number of police accessing “Regulation 32,” shorthand for the city’s disability program that would allow up to three years’ full pay and

²¹² S. A. Paolantonio, *Frank Rizzo: The Last Big Man in Big City America* (Philadelphia: Camino Books, 1993), 197. Joseph R. Daughen and Peter Binzen, *The Cop Who Would Be King: Mayor Frank Rizzo* (Boston: Little, Brown and Company, 1977), 189, 299. “Harrington Raps PGH Doctors in Patrolman’s Death,” *Philadelphia Inquirer*, October 21, 1966, 41. Dennis M. Higgins, “Study Is Urged For Police-Run Clinic at PGH,” *Philadelphia Inquirer*, October 22, 1966, 23.

leave while the city looked for new positions for employees injured on the job, had jumped by almost 500%, much faster than in any other large U.S. city. The increase in fact took place after the PGH police ward scandal began and during Frank Rizzo's commissionership, and Rizzo claimed this was his way of disposing of hundreds of supposedly unfit officers hired by the previous police commissioner.²¹³

Nonetheless, Harrington's campaign gradually gained political support. In July 1967, the City Council responded to the campaign by inaugurating a special committee that held public hearings on the state of care at PGH. During these hearings, Patrolman Paul Lankford, Jr., died of a pancreatic infection after having been discharged with a vaguer diagnosis and inadequate medication the night before. The timing of Lankford's death supercharged the Council's investigation into the hospital. The investigatory committee resolved to include Lankford's death in the scope of its inquiry, and Councilman Thomas McIntosh, "a personal friend of the policeman," according to the *Inquirer*, claimed that Lankford's death was "the very kind of thing the hospital administration is trying to brush off." By the end of the year, the committee released a reform proposal endorsed by both Harrington and International Association of Fire Fighters (IAFF) Local 22 president Raymond Hemmert. The report recommended Harrington's plan to eliminate the Compensation Clinic and replace it with a PFMA, or alternatively, shifting the clinic to a 24-hour schedule and a staff comprised fully of non-intern physicians and specialists; the creation of an emergency ward exclusive police and firefighters; and a prohibition on police and firefighters being "kept waiting for hours in pain." The PGH's Association of Interns and

²¹³ "Harrington Raps PGH Doctors in Patrolman's Death." Joseph H. Trachtman and Jack Lloyd, "Physicians Dispute Charges in City Council Probe," *Philadelphia Inquirer*, July 14, 1967, 1, 6. Joe McGinnis, "Policemen Laud PGH Treatment," *Philadelphia Inquirer*, July 26, 1967, 25. Edward N. Eisen and Donald Drake, "Pay for Disabled Police: Is Regulation 32 Being Abused?," *Philadelphia Inquirer*, February 21, 1971.

Residents excoriated the report. To them, the last suggestion was “completely ridiculous and unreasonable...[as it] implies that uniform forces should get preferential care regardless of the extent of their injury at the possible expense of other more critically ill patients.” This was exactly what Harrington was suggesting. Harrington aimed to separate the city’s public police and fire medical services from the services it provided to the public—and to a disproportionately poor, Black public, precisely the public most subject to police surveillance. Police and firefighters did not want to compete with these other patients for time, attention, and resources, and they embraced the City Council report’s full uptake of their vision. They announced a plan to meet with the city’s Managing Director, Fred Corleto, to discuss its implementation.²¹⁴

The report was a political victory, and it resulted in Mayor James Tate appointing both Harrington and Hemmert in 1968 to the PGH board of trustees—the first case of police and fire representation on the board. Harrington and Hemmert hoped to use their new position to implement their vision, and they scored small victories: in 1969, the hospital moved the Compensation Clinic into a renovated space. But the Clinic itself survived, and PGH, far from expanding its offerings, only suffered increasingly drastic funding and budgetary problems under Mayor Tate and his successor, Frank Rizzo. When Harrington’s term on the hospital board expired in 1972, he publicly accused Rizzo of failing to prioritize funding and reforming the hospital over other matters. “It is my opinion,” Harrington wrote perhaps cynically in a letter to the board, “that the present administration is not concerned with the needs of the poor and the sick as much as they are with making transportation to attend the Bicentennial [celebration of 200 years of American Independence] a No. 1 priority.” Rizzo did not reappoint Harrington to

²¹⁴ George Ingram, “Patrolman Dies, PGH Hit On Diagnosis,” *Philadelphia Inquirer*, July 22, 1967, 1. George Ingram, “Councilmen Plan PGH Probe After Policeman’s Death,” *Philadelphia Inquirer*, July 24, 1967, 21. Joseph H. Trachtman, “Police Press for PGH Reform; Doctors Hit Back,” *Philadelphia Inquirer*, December 16, 1967, 11.

the Board and ultimately closed the hospital in 1977.²¹⁵

Harrington had greater success in building local social services for police when he acted on a long-held idea of FOP leaders: that of building affordable housing for indigent retired policemen. He introduced a resolution to investigate the matter at the 1961 convention in Philadelphia, and once elected to the presidency of Philadelphia Lodge 5 in 1965, he directed the lodge to consider establishing a retirement home at the local level. Lodge 5 formed a corporation called “FOP Senior Citizen, Inc.” and in 1967 used it to purchase a 1.7-acre lot in the Somerton neighborhood of Northeast Philadelphia. The lodge applied to the Department of Housing and Urban Development (HUD) for a \$1.2 million loan for an 8-story, 92-unit building and received the loan in January of 1970. Lodge 5 built the retirement home, nicknamed “Harrington House,” which it stands to this day.²¹⁶

Harrington House was, however, the only fruit of Harrington’s broader vision of a national network of police retirement homes, which met resistance from Northeast Philadelphia community groups and from other FOP members, all skeptical of a project that relied on a Great Society program. Lodge 5 purchased its property in a neighborhood zoned for single-family homes and had to ask City Council to rezone the lot for apartments—which the Democrat-dominated Council did on a party-line vote. Belatedly, however, the Somerton Civic Association and the Northeast Citizens Planning Council, along with other ad-hoc citizen groups, voiced

²¹⁵ Francis M. Lordan, “Tate Delays Buying of Riot-Tanks, Names Police, Firemen to PGH Board,” *Philadelphia Inquirer*, January 24, 1968, 29. “New Trustees Aim to Upgrade PGH,” *Philadelphia Inquirer*, February 2, 1968, 5. “Health and Welfare,” *Philadelphia Inquirer*, October 26, 1969, 78. Don McDonough, “Harrington Blasts Rizzo on Bicen Plans,” *Philadelphia Inquirer*, April 12, 1972, 24. Paolantonio, *Rizzo*, 197.

²¹⁶ Walsh, *The Fraternal Order of Police*, 30-31. “50 in Somerton Fight FOP Apartments,” *Philadelphia Inquirer*, October 5, 1967, 49C. “FOP Apartment Protest Set,” *Philadelphia Inquirer*, November 26, 1967, 2. “Somerton Citizens to Carry FOP Case to Supreme Court,” *Philadelphia Inquirer*, October 3, 1968, 24A. “Apartment Project For Phila. OK’d,” *Philadelphia Inquirer*, January 3, 1970.

objections to this “spot zoning” and the apartments it would introduce into the neighborhood. They feared that HUD anti-discrimination requirements would prevent the FOP from offering the units predominantly to retired police—which would, by implication, allow ostensibly less desirable residents to enter the neighborhood. One Mrs. Richard R. Hazell told the *Philadelphia Inquirer*, “We just believe Somerton is no place for a high-rise apartment.” These groups organized petitions to City Council and protests at zoning board hearings to block the apartments, and, when these efforts failed, in 1968 filed a lawsuit to reverse the re-zoning. In October 1967, Harrington himself attended a meeting of the Somerton Civic Association to defend his project, both to insist that it was now inexorable and also to promise that the FOP would be able to screen for retired police officers specifically, which HUD regulations did, in fact, allow. Still, Association members were unconvinced. “Mrs. Hazell” told the *Inquirer* that Harrington “hemmed and hawed” in response to many questions. Many were frustrated by Harrington’s open and enthusiastic support for Democratic Mayor James Tate, who they believed backed Lodge 5’s zoning request in a crude exchange for electoral support in that year’s election. When Association members circulated a hat to collect funds for a legal battle, Harrington thundered, “The construction of this home is now law, and your attempting to fight it with your \$200 means nothing!” The crowd booed in response. Despite these neighborhood groups’ ire and persistent efforts, Pennsylvania courts refused to overturn the re-zoning, and the project moved forward.²¹⁷

²¹⁷ James Eady, “FOP Apartment in Somerton Is Opposed by 2 Civic Groups,” *Philadelphia Inquirer*, September 12, 1967, 27, 30A. Eady, “FOP Apartments Assailed,” *Philadelphia Inquirer*, September 24, 1967, 6. “50 in Somerton Fight Fop Apartments.” William Weisenbach, “Somerton Unit Vows to Fight FOP Project,” *Philadelphia Inquirer*, October 13, 1967, 4. “Somerton’s 1st Round In Apartment Battle Looms Over Zoning,” *Philadelphia Inquirer*, October 15, 1967, 5. “Apartments To Be Fought,” *Philadelphia Inquirer*, October 26, 1967, 33. “FOP Apartment Protest Set.” “Somerton Citizens to Carry FOP Case to Supreme Court,” 24A, 24D. “Somerton Zoning Challenged on Apartments, Moose Hall,” *Philadelphia Inquirer*, January 30, 1969, 26C. Walsh, *The Fraternal Order of Police*, 30.

Harrington's greater vision of HUD-supported retirement homes foundered when in 1971 HUD restricted curtailed housing subsidies across the board. These funding cuts alone were enough to block the expansion of the retirement home project, but they also generated debate within the FOP around the use of federal subsidies for apartments. At the 1971 FOP convention, when Donald Dozier, the president of Nashville's FOP lodge, supported a resolution protesting the federal funding cuts, Jerry Gringrich of Oklahoma protested official FOP support for housing subsidies. He criticized HUD housing projects as "the ghetto system that the socialists have sold the country" and lamented, "I am getting tired of our people going into these places and getting stabbed...." Harrington replied by insisting that Harrington House was unlike other HUD housing and generally defended HUD support.²¹⁸ Although by now the point was moot—federal housing subsidies remained too little to support an expansion of the Harrington House concept—the debate revealed a split within the national FOP over engagement with government social programs. Some, like Harrington, believed the FOP could bend such programs to its own purposes, while others believed them irredeemably tainted by their supposed support for poverty, vice, and crime among non-white populations.

The FOP and the War on Crime

The willingness of the FOP under Harrington to engage with social-democratic social programs did not mean that the Order wholeheartedly or uncritically bought into the Great Society. Harrington and his administration were, rather, strategic about whether and how to support government programs, and his stance often evolved over time. This is best seen in Harrington's complex orientation to federal policy supporting local and state law enforcement. From the beginning, much of the FOP national leadership was skeptical of the new federal law

²¹⁸ Walsh, *The Fraternal Order of Police*, 31.

enforcement funding programs created in the 1960s, first under Lyndon Johnson as the Office of Law Enforcement Assistance (OLEA), and later under Nixon as the expanded Law Enforcement Assistance Agency (LEAA), formed in 1968. The FOP national board discussed OLEA at Harrington's at a Chicago meeting in 1965, when it was only months old. Harrington fielded critiques that OLEA's dual mission of improving police training and surveillance of crime was in fact "brainwashing" or "dwell[ed] more on the solving of social problems" than on law enforcement, but he remained open to soliciting funds. Early efforts to secure OLEA money came up dry, and despite enthusiasm over the creation of the LEAA—"the biggest thing to come out of Congress," according to Louis Damiani, Harrington's first National Legislative Chairman—Harrington and other FOP leaders remained frustrated and grew increasingly critical of the program. In part this reflected their belief that federal money was inefficiently distributed. In a 1971 *Washington Post* op-ed, Harrington alleged that "much of this money is wasted and is withheld from the high crime areas," instead of being put toward boosting big-city police salaries.²¹⁹

By the early 1970s Harrington had also grown suspect of the strings attached to LEAA funding, which was ultimately created by and for police professionalizers, the foe of most police unionists. FOP leaders grew resentful of grants conditional on minority hiring requirements or adjustments to the physical standards for police recruits, which were sometimes used to facilitate the hiring of women. Harrington also began to convince his colleagues that LEAA was funding programs that allowed police chiefs greater oversight and disciplinary power over the rank and

²¹⁹ *Ibid.*, 284-285. John Harrington, "Police Disappointed by Administration," *Washington Post*, July 6, 1971, A17. *Amendments to Title I (LEAA) of the Omnibus Crime Control and Safe Streets Act of 1968: Hearing before the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary, United States Senate, 93rd Cong.* 315 (1973) (statement of John McClellan, March 28, 1973).

file. In a May 1971 meeting, Harrington drew his board's attention to a case in Dayton, Ohio, where the police chief had applied for funds to set up "a board that would be similar to a review board." Harrington and Fred Wade, president of Dayton Lodge 44, understood the proposal as a pilot program. "If this guy gets away with it," Harrington said, "your Chief might try it." The FOP got Philadelphian and Republican US Senator Hugh Scott to lobby President Richard Nixon to bar the LEAA from funding disciplinary programs, though with no clear success. Despite the FOP's stalling action, the Dayton PD was eventually able to fund its incorporation of civilians into police discipline with a grant from the Police Foundation.²²⁰

The Police Foundation was a private entity spun off by the Ford Foundation in 1970 with a \$30 million grant that, along with LEAA and the International Association of Chiefs of Police (IACP), quickly became a core part of the institutional ecosystem that reproduced and disseminated the knowledge and practices of police professionalism. Its first director was Charles Rogovin, who had headed the LEAA under Nixon but resigned out of frustration with its block-grant system that required most funding to urban police departments to pass through state-administered bodies. Funding Dayton's civilian oversight project was exactly the sort of direct-to-cities model Rogovin preferred to oversee. But distinctions like these, let alone the fact that the former assistant attorney general Rogovin held tough-on-crime views and was described by a friend as "basically a cop in a way," were irrelevant to FOP leaders. They saw both the LEAA and the Police Foundation as two heads on the hydra of professionalization, threatening to undermine good policing from within.²²¹

While Harrington and his fellow FOP leaders were critical of War on Poverty and War on

²²⁰ Walsh, *The Fraternal Order of Police*, 285, 287-288.

²²¹ Schrader, *Badges Without Borders*, 11. Hinton, *From the War on Poverty to the War on Crime*, 65, 144, 187.

Crime grants as a Trojan horse for police professionalization, they were certainly not opposed to governmental support for police officers. Instead of federal funds that might be susceptible to misallocation or use as a lever of liberal reform, Harrington favored forms of support that flowed directly and unconditionally to officers on the job. This largely took the form of direct compensation or benefits, whether as disability or survivorship benefits or salary subsidies. Harrington first teased this program in 1969, when the Associated Press reported that the FOP was “readying a national legislative program that would couple campaign [*sic*] against loosening of social attitudes with a drive for police benefits, including a national minimum police salary.” The formula expressed the conceptual core of the policeman’s welfare state project: winning forms of direct support for the work of rank-and-file police officers in maintaining the civic order.²²²

The opportunity to push this program came the following year, when in October 1970 the Senate Judiciary Committee’s Internal Security Subcommittee opened hearings on “Assaults on Law Enforcement Officers.” The hearings were presided over by Judiciary Committee Chair James Eastland, a US Senator from Mississippi and “Voice of the White South” known for his resistance to integration. The hearings were premised on figures that showed an increase in the number of police officers killed on duty, which Eastland and his witnesses were eager to pin on revolutionary Black political organizations, especially the Black Panther Party. Eastland warned of a “wave of urban guerrilla warfare” and he hoped to use the hearings to popularize and ensure the passage of a suite of bills that would make it a federal crime with draconian punishments to conspire to assault, to injure, or to kill a police officer. Police unions like the FOP and the International Conference of Police Associations (ICPA) attended these hearings, and Harrington

²²² Hartnett, “Police Uniting for Power.”

paired them with a several-thousand-strong FOP protest several days later in Washington, D.C., at which he urged the federal government to support the police against a “revolution” under which the “thin line between civilization and the jungle—which is us policemen—is being shot to hell.” The dog whistle against the conjoined threats of Black politics and radicalism could not have been clearer. Police unions were hardly the only law enforcement groups that supported the bills or the hearings, whose witnesses also drew from a national cross-section of prosecutors, police chiefs, sheriffs, and tough-on-crime co-sponsors of the bills. But unlike other supporters, Harrington used his testimony to frame these bills as part of a much needed broader program of support for embattled police. Harrington hammered home the claim that officers were “being assassinated and wounded almost daily” thanks to the work of “militant organizations” like the Black Panthers “urging physical attacks on police.” As a result, he argued, police needed support in the form of thicker legal protections and greater compensation for the risks officers took on. Most of these policies would not become law, in part because of opposition from the Nixon administration. Richard Nixon’s Justice Department, for instance, opposed making the killing of a police officer a federal crime, arguing that state and local laws were sufficient and that it would be unnecessarily burdensome to involve the federal government. But Harrington did lay the framework for the passage of a \$50,000 death benefit for the dependents of officers killed on the job, which ultimately passed in 1976.²²³

The hearings’ premise, endlessly reiterated by Eastland and his witnesses, that the United States was facing a coordinated nationwide revolutionary guerrilla assault was exaggerated and

²²³ Elizabeth Hinton, *America on Fire: The Untold History of Police Violence and Black Rebellion Since the 1960s* (New York: Liveright Publishing Corporation, 2021), 113-119. *Assaults on Law Enforcement Officers*, 91st Cong. 370-371 (1970) (statement of John Harrington). “Legislation To Protect Police Urged in Protest At Capitol,” *Baltimore Sun*, October 15, 1970, A1. John Harrington, “Administration Opposes Plan Extending FBI Use,” *Hartford Courant*, May 28, 1971, 41A. Walsh, *The Fraternal Order of Police*, 294-295.

misleading at best. They were, however, a distorted reflection of a growing willingness among African Americans in American cities large and small to defend themselves against the violence of policing with violence of their own. Beginning with the urban uprisings of the 1960s and peaking between 1967 and 1972, African Americans, often children and teenagers, responded to the civil rights movements' inability to provide their basic material needs by rebelling against the police who secured the segregated civic order that barred them from the means to secure those needs. A few groups like the Black Panther Party and the Black Liberation Army were the most visible manifestation of this shift and often the focus of tough-on-crime conservatives. In reality, though, resistance was the work of tens of thousands of people who didn't always belong to organizations and even less often showed up in the archives, people willing to destroy property and attack police officers, often with guns, to resist the violence social control of policing. These attacks were rarely fatal, but the annual figure of officers killed on duty did rise from 76 in 1967 to a historical high of 132 in 1974. Harrington and his peers were not wrong that something was changing, though rarely were these resisters the disciplined guerrilla militants or mentally ill "snipers" that white politicians, journalists, and law enforcement so often made them out to be. Still, insofar as the core role of police work was to reproduce the racist hierarchies of the civic order, this resistance indeed constituted a threat to the police mission and a dramatic change to police working conditions. The FOP's push for new legal protections and social support in the late 1960s and early 1970s was a response to the changing material circumstances of the period. When John Harrington threatened (but failed to enact) a national police strike from FOP lodges nationwide, it was explicitly in response to a perceived "lack of [public] support" for police in the face of this rising resistance. "When police are being shot like fish in barrel," he said, "it's

time to do something.”²²⁴

Against “Lenient” Judges

The search for expanded protections led the FOP to intervene not only in legislative proceedings but also in judicial ones. Harrington had long emphasized the importance of judicial reforms that would undo the decisions of the Warren Court in late 1960s cases like *Miranda*, *Escobedo*, and *Gault*, which enumerated and expanded the rights of criminal defendants during police arrests and interrogations and in trial. He called *Miranda* “silly” and “ridiculous” and claimed it “robbed” the law-abiding public of police protection from robbers, rapists, and murderers. A month after the *Miranda* was issued, he resigned from active duty on the 26th anniversary of joining the Philadelphia Police Department, saying he was “disgusted” that the ruling meant “[y]ou can’t do police work anymore.” He understood these decisions’ constraints on police discretion as inimical to police work itself. Alongside the critique of these decisions, Harrington also slammed short sentences, easy bail and parole terms, and the death penalty.²²⁵

Police unionists like Harrington had many allies in their critique of the Warren Court. Right-wing groups like the *John Birch Society* also cried foul, and police chiefs of all stripes, from Frank Rizzo to archetypical reformer and Chicago Police Superintendent Orlando Wilson, criticized them and other “lenient” judges. Opposition to the Warren Court’s landmark decisions united so many factions within police departments because they were not simply a change to police administration but a narrowing of police power as such. But the FOP was unique in consistently tying concerns about “leniency” back to their working conditions, and the FOP often

²²⁴ Hinton, *America on Fire*, 94-104.

²²⁵ George Ingram, “Warren Steps Down, Sets Off New Furor,” *Philadelphia Inquirer*, June 30, 1968, 3. “FOP Says High Court Ruling Injures Public, Not Police,” *Philadelphia Inquirer*, June 18, 1966, 19. “Harrington Hits Court Rulings, Quits Police Job,” *Philadelphia Inquirer*, July 2, 1966, 17.

led the political pushback against the case law generated by the Warren Court. Quick and early release of those serving time meant “letting these bums out on the street to commit these crimes,” Harrington told Lyndon Johnson’s violence commission. For police patrols and arrests to have lasting effects and not need to be redone, he believed, sentences needed to be long and difficult to overturn. It was, as so many things were for Harrington, a matter both of public safety and of equitable police working conditions. In his 1970 Senate testimony, he reiterated his critique of Warren Court decisions and told Senator Strom Thurmond that one of the most urgent law enforcement priorities of the day was to eliminate the “loopholes” and “technicalities” that such decisions had created. He also called for heavily liberalized rules on the admission of evidence in court and on the detention of those who had not yet been convicted of a crime, all in the interest of addressing “criminal cases speedily and objectively” to get criminals off the streets.²²⁶

The FOP’s pressure campaign bore some fruit. In June of 1969, Harrington and other top Grand Lodge officials visited Nixon’s Attorney General John Mitchell to present a petition “asking nullification of recent Supreme Court decisions relating to the rights of prisoners,” especially *Miranda*. It asked to “move promptly to reconsider and nullify these dangerous decisions to the satisfaction and general well-being of the law-abiding public.”²²⁷ While neither the Attorney General nor the Supreme Court itself could simply overturn previous decisions by fiat, all of these comments and actions were part of a broader campaign to turn public opinion against the liberalization of arrestees’ and defendants’ rights and to pressure politicians to

²²⁶ McGirr, *Suburban Warriors*, 128. Lombardo, *Blue-Collar Conservatism*, 144-145, 162. Balto, *Occupied Territory*, 158-159. “Easy Bail and Parole At Root of Violence.” *Assaults on Law Enforcement Officers*, 91st Cong. 373, 375-376 (1970) (statement of Philip Connors).

²²⁷ “Restore Police Rights, Unit Asks,” *Baltimore Sun*, June 4, 1969, A9.

appoint and voters to elect tough-on-crime judges. Harrington may even have been emboldened by past success: in 1968, the Warren Court retreated from the substance of its earlier criminal defense decisions by ruling in *Terry v. Ohio* that police stop-and-frisk practices were constitutional and did not constitute illegal searches. In his dissent, Justice William Douglas attributed the decision to the fact that the “hydraulic pressure” or political pressure “on the Court to water down constitutional guarantees and give the police the upper hand...has probably never been greater than it is today.”²²⁸

Conclusion

By the time John Harrington left office in the local and national FOP lodges in the 1970s, the record of his crusade for a policeman’s welfare state was mixed. He had built a police retirement home in Philadelphia using Great Society funds but failed to convince the FOP to create a national network of such homes. He won special treatment for police officers at Philadelphia General Hospital, but could not convince Philadelphia city government to create an exclusive police-and-fire clinic there. He laid the groundwork for the eventual passage of a federal death benefit for the dependents of police officers killed on the job but could not win a federal salary subsidy for police or new federal laws criminalizing the killing of police. He could not push the Supreme Court to overturn *Miranda* and similar decisions, but he may have helped pressure the Court to back away from further decisions that constrained the authority of police officers.

In sum, the FOP’s ability to build the policeman’s welfare state through statutory social programs was limited, especially at the federal level. Its influence on judicial decisions may have been meaningful, but it was indirect and difficult to measure. In the end, state-level collective

²²⁸ *Terry v. Ohio*, 392 U.S. 1, 39 (1968) (Douglas, J., dissenting).

bargaining laws and city-level contracts remained the FOP's most reliable legal and political institutions for winning compensation, benefits, and workplace protections. As a result, the acquisition of these benefits depended on the efforts of individual FOP lodges, which had to fight new battles and negotiate new contracts on a case-by-case basis. Those fights took place in cities across the country, including Philadelphia, which, despite the election of Harrington's model commissioner Frank Rizzo as mayor in 1971, continued to see fresh bouts of conflict between the police union and the mayor throughout the decade. As Harrington lavished praise on Commissioner Rizzo and his police practices in the 1960s, perhaps no one could have predicted the resurfacing of old antagonisms and the rise of new ones between rank-and-file police and the mayor in Rizzo's Philadelphia.

Chapter 5

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Who Speaks for Police when the Top Cop becomes the Mayor?: Police Labor Relations in Rizzo's Philadelphia, 1972-1979

In November 1971, Frank Rizzo was elected mayor of Philadelphia. Five months later, in April 1972, Rizzo loyalist Charles Gallagher was elected president of the local police union, Fraternal Order of Police (FOP) Lodge 5. Gallagher's opponent, longtime incumbent John Harrington, insinuated that Gallagher would be little more than a Rizzo stooge, failing to protect the interests of the police rank and file from the mayor, even if he was a former police officer himself.²²⁹ Gallagher and Rizzo would indeed form a close alliance, presenting what looked like a united front between city hall and the top brass on the one hand and the rank and file on the other after decades of antagonism between these two camps. The establishment of the Rizzo-Gallagher axis seemed to embody a fundamental shift in city politics, liberals and their police reform projects looked to have been expelled from Philadelphia city government and replaced by tough-on-crime conservatives.

In the 1950s and '60s, police unionists in large, industrial cities around the nation had grown in power and influence. Their their efforts to defeat and unseat reformist mayors and commissioners met with increasing success. Nowhere was this more true than in Philadelphia. With the failed campaign to revive the Police Advisory Board after its demise in 1969, and Frank Rizzo's successful move from Police Commissioner to Mayor in 1972, the FOP seemed to have achieved its goals more definitively than in virtually any other American city. Philadelphia no longer had an administration that worked to constrain police discretion in the name of civil rights

²²⁹ Dan Enoch, "Harrington Loses FOP Election; Charles Gallagher Is New Chief," *Philadelphia Inquirer*, April 5, 1972, 1, 4.

and anti-discrimination. In theory, there was be no daylight between Mayor Rizzo, Commissioner Joseph O’Neill, and Charles Gallagher in their vision of unconstrained law-and-order policing, carried out by a well-compensated and powerful police force. None of the three would even acknowledge the existence of systematic police corruption or abuse. Defeating the local reform movement seemed to close the cleavage between the rank and file and the brass that professionalization had opened, allowing Rizzo and the police union to rally together against any threat to constrain or diminish the power of the police. And in many ways, this was true: throughout the 1970s, the Rizzo administration was dogged by state and federal investigations and private lawsuits aiming to stamp out police corruption and brutality, as well as discriminatory practices within the department and between the department and the public. At every step, Gallagher acted in lockstep with the mayor and the brass Rizzo to deny, diminish, and otherwise fight back against this scrutiny.

At the same time, however, Gallagher and his fellow FOP officers did not speak for all Philadelphia police, and groups within the department emerged to challenge Rizzo and O’Neill, especially with regard to police labor relations. Two tendencies were particularly consequential. The first was constituted by a group of officers who, despite the defeat of police professionalization, were still conscious of the labor-management relationship within the department and wanted the FOP to function as a union that represented their interests against those of the brass. These officers had workplace demands the brass was rarely interested in satisfying—from winning two-person patrol cars to lifting restrictions on their behavior off-duty and curbing cronyism within the department. This group, often younger officers without connections to Rizzo’s patronage networks, succeeded in ousting Gallagher for one term between 1976 and 1978 and replacing him with Patrolman Thomas McCarey. While McCarey

was as vigorous as Gallagher in defending the department and the union against charges of racism and brutality, he was more willing to challenge the commissioner on a range of labor-management issues purely internal to the department.

The second tendency consisted of a Black officers and women officers who sued the city over discrimination in hiring and promotion within the department. Though the experiences and the politics of these two groups differed in significant ways, both were part of a wave of affirmative action campaigns that struck employers across the United States in the 1970s. The Philadelphia police lawsuits dragged on for years, but by the 1980s they would yield changes in hiring and promotion that would lead to greater representation of women and African Americans in the department's ranks. The effect of these decade-long processes on police unionism was complex. On the one hand, one-term lodge president Thomas McCarey was so frustrated with Rizzo that he was willing to ally with women officers in their fight. On the other hand, under both Gallagher and McCarey, the lodge resisted the Black officers' movement, despite the hope of a few Black officers that they could turn the police union in favor of equitable hiring and promotion practices. As a result of this stonewalling, Black officers pursued their efforts through the department's Black officers association, the Guardian Civic League (GCL), itself embedded in a citywide network of civil rights organizations fighting police abuse and racism. Through this fight, Black officers became politicized and organized to the greatest degree yet, and the GCL emerged as a counterweight to the FOP within the department, a competing rank-and-file organization of Black officers who rejected the far-right politics of the Order. In short, the politics of affirmative action reorganized police organization and activism in the department in complex and cross-cutting ways that defied any expectation of harmony between the rank and file and the brass in the 1970s.

Thus, the 1970s proved not to be a period of straightforward triumph and consolidation for tough-on-crime forces in City Hall, in the police department, and in the police union, but rather a decade in which new challenges to these forces emerged both within and outside the department. Multiple constituencies within the police department, each with distinct subjectivities, political visions, and organizing strategies, came newly into public view and allied themselves with social movements outside the department. Despite their differences, the leaders of these factions used their strategic, prestigious positions as police to lead fights to reshape policing and city government, stamping it with their own views on the role and nature of the state and the proper scope and scale of citizenship. The 1970s saw not the end of political conflict over policing, local statebuilding, and citizenship, but rather their continuation both within police departments and in city politics more broadly.

Policing in Rizzo and Gallagher's Philadelphia

Having campaigned on his record as a tough-on-crime commissioner, Rizzo made law enforcement a central policy priority during his time as mayor. For his supporters, Rizzo's election meant an end to the reforms and regulations of his Democratic predecessors and a chance to augment police authority on the streets. Charles Gallagher's election as president of FOP Lodge No. 5 was premised on his commitment to fully support to Rizzo in this project. But Rizzo's pro-police agenda would confront an environment in which the legitimacy of the police remained frayed. For as many law-and-order supporters as Rizzo and the PPD could claim, there were also those who saw Rizzo and the police as brutal and authoritarian, hardly a law enforcement body accountable to the citizenry. This wavering legitimacy was not only cultural—it was also legal, as a series of cases culminating in the 1972 *Papachristou* decision by the U.S. Supreme Court voided vagrancy law, which police across the nation had used to regulate and

reinforce a number of social hierarchies in the name of “order maintenance.” Rizzo’s challenge was to reauthorize a broad, unregulated spectrum of street-level authority for police officers at a time when professionalization, modernization, and police-community relations practices were increasingly hegemonic.²³⁰

Rizzo set the tone for the police department by appointing Joseph F. O’Neill, the Acting Commissioner who had succeeded Rizzo when he ran for mayor, to the permanent position. O’Neill had spent most of his career working in the Juvenile Aid Division (JAD), where he, like the Division itself, had garnered a reputation for adhering scrupulously to procedure and for eschewing corruption. A meticulous “book cop”—as interested in bureaucratic niceties and the latest criminological research as in the rough work of patrol and investigation—O’Neill rose through the ranks throughout the 1960s but lacked the personal connections to ascend to the uppermost brass. As different as Rizzo and O’Neill were personally, they agreed on two core issues: their commitment to the functional independence of the department from structures of civilian accountability, and thus their opposition to any outside criticism of the police for corruption, brutality, and other issues. O’Neill’s personal reputation for having a clean record only burnished the notion that he would lead a modern, professional police force under Rizzo.²³¹

Some of the changes in policy under Rizzo were designed to augment the physical presence of police on the streets. Immediately, for instance, Rizzo had Commissioner O’Neill reinstate the mounted police patrol, training dozens of officers to patrol on horseback. Besides increasing the height and potentially intimidating appearance of the officer, horses increased

²³⁰ See Risa Lauren Goluboff, *Vagrant Nation: Police Power, Constitutional Change, and the Making of the 1960s* (New York: Oxford University Press, 2016).

²³¹ Mike Mallowe, “The Blue Menace,” *Philadelphia Magazine*, March 1977, 113.

their visibility and made it easier to maneuver through traffic. O’Neill claimed that six months in, the program already reduced crime by 22% in the areas in which it was deployed. But Rizzo extended the police presence in the city in subtler ways as well. The PPD quickly expanded its computer systems that logged crime data and used them to organize preventive policing. The Philadelphia force became a national leader in the use of decoy teams that sent disguised officers into predominately Black neighborhoods to tempt muggers and others into stealing from or assaulting them. The teams were not effective in reducing reported crime but did allow officers to continue to police along lines of race, class, and sexuality.²³² Moreover, like the other new policies, this one was designed to increase the scope and authority of police on Philadelphia’s streets.

Rizzo also employed the police department for his own personal purposes, particularly the surveillance of his political enemies. While police under Rizzo’s predecessors had engaged in political surveillance for decades, they had rarely done so quite so expressly for the personal advantage of the mayor—not, at least, since the party machine era. In August 1973, the *Inquirer* and the *Bulletin* broke the story that Rizzo had directed a special 34-member police squad to investigate City Council President George X. Schwartz and Democratic City Chairman Peter J. Camiel—two of the top city Democrats with whom Rizzo had been feuding for control over the local party to pave the way for a possible gubernatorial run. Though Rizzo claimed the squad, formed in the first months of his mayoralty, was dedicated to investigating municipal corruption and that the Schwartz and Camiel investigations were founded on legitimate “investigative

²³² Joseph F. O’Neill, “Improvements in the Police Department since January 1, 1972,” September 27, 1972, 13, in Rizzo Papers, Box 3542, Folder “Police Department,” Mayoral Records, City Archives, Philadelphia, Pennsylvania. Christopher Lowen Agee, “From the Vagrancy Law Regime to the Carceral State,” *Law & Social Inquiry* 43, no. 4 (Fall 2018): 1665.

leads,” the timing was suspicious. The mayor directed the squad to investigate Schwartz and Camiel in April 1973, almost immediately after his feud with them began. The *Inquirer* reported that this squad of three inspectors, five lieutenants, and nearly thirty detectives and policewomen had spent months interviewing “business associates and acquaintances” of the two men, promising Rizzo’s good will if they cooperated and threatening at least one with a loss of city business if they did not.²³³ But while the political function of this squad echoed the days of machine politics, the key difference was that Rizzo wielded these efforts *against* the local party, commanding their loyalty to him personally as a former officer and commissioner. It exemplified the newfound independence—not only operational but also political—of the local police, willing and able to act on their own initiative and in the service of their own vision and goals. Rizzo and FOP leaders were willing to engage in tactical, even long-term alliances with particular politicians or parties, but ultimately more loyal to themselves than to any civilian authority.

Rizzo’s chief ally in the FOP was Charles Gallagher, a retired police sergeant who won the presidency of Lodge 5 in the spring of 1972. Born in 1915, Gallagher was a former Golden Gloves boxing champion who joined the Philadelphia police in 1942 and won his first term as first vice president of the FOP lodge in 1960. He retained that office throughout the decade and worked closely with John Harrington during his local and national FOP presidencies after 1965. Gallagher often made public appearances with Harrington and co-signed press statements, rebutting criticisms of the police and pushing for tough-on-crime policies at the local and national levels. He also led Lodge No. 5’s contract negotiations with the city in 1968 and 1970 and headed the lodge’s Legislative Committee in the early 1970s. As Harrington’s national

²³³ Jon Katz, “Rizzo Police Squad Linked to Political Feud,” *Philadelphia Inquirer*, August 7, 1973, 1A-2A. Aaron Epstein, “Political Spying Denied by Rizzo,” *Philadelphia Inquirer*, August 8, 1973, 1A.

profile and travel increased through the early 1970s, Gallagher came to run the day-to-day responsibilities of the lodge while Harrington was away.²³⁴

However, as Harrington's relationship with Rizzo became strained in the run-up to the Commissioner's run for mayor, Gallagher firmly sided with Rizzo and worked to undermine Harrington's position in the FOP. Rizzo wanted a Lodge No. 5 president who would be a loyal ally. Until the election year, Harrington had seemed just such an ally—he frequently called for “Rizzo-style” policing nationwide, and in 1970 told the *Inquirer* that if Rizzo ran for mayor, “he’s got my vote,” as well as the backing of the “silent majority that is fed up with permissiveness” in law enforcement. But Harrington also demonstrated a willingness to act independently, ultimately withholding support from Rizzo in favor of Democratic City Council President Paul D’Ortona, whom Harrington hoped would run as a general-election candidate even if Rizzo secured the Democratic nomination. It was an act of fidelity to the Democratic machine in the city, to the forces that, between James Tate’s mayoral administration and D’Ortona’s city council, had killed civilian review in Philadelphia and rejected even modest liberal reforms of policing. Even though Harrington had not hesitated to criticize Tate and the city council when he deemed it necessary, he stood firmly behind them as allies. Harrington’s decision also turned (publicly, at least) on his support for the segregationist, law-and-order third-party presidential candidate George Wallace in 1968. Harrington stood by Wallace even as candidate Rizzo, positioning himself as a moderate, insisted that for that reason he would not

²³⁴ “FOP Lodge Elects O’Leary,” *Philadelphia Inquirer*, April 6, 1960, 14. John J. Harrington, Charles Gallagher, and Virgil D. Penn, “Advisory Board,” *Philadelphia Inquirer*, November 14, 1966, 22. Francis M. Lordan, “Police Reject \$26 Million Pay Package,” *Philadelphia Inquirer*, October 23, 1968, 1. “Mitchell Gets FOP Protest,” *Philadelphia Inquirer*, June 4, 1969, 10. “Police Present Demands for \$2500 Boost,” *Philadelphia Inquirer*, December 15, 1970, 37. Sam Ettinger, “Slowdown Looms Over Police Holidays,” *Philadelphia Inquirer*, February 9, 1972, 1. “...Decked by Gallagher,” *Philadelphia Inquirer*, April 5, 1972, 4. Thomas Madden, “The Danger Part of Being a Policeman Has Increased a Hundred-Fold,” *Philadelphia Inquirer*, April 28, 1972, 31.

want Harrington's support anyway. But while Harrington found Rizzo's condemnation gutless and cynical, Charles Gallagher stood firmly behind Rizzo's bid, and Lodge 5's membership seemed to as well: the crowd at a rowdy April 1971 lodge meeting pushed for Harrington and Lodge 5 to formally endorse the commissioner's run.²³⁵

Harrington would eventually reverse himself and lend his personal support to Rizzo by September, once the commissioner had easily secured the Democratic nomination and it was clear D'Ortona would not run, but the rift between Rizzo and Harrington proved permanent. In February 1972, during the FOP's contract negotiations, Harrington threatened a work slowdown if the city did not pay police for any unused holidays, as was the policy in the fire department. Rizzo, unwilling to brook such challenges, came out explicitly in favor of Charles Gallagher's challenge to Harrington in the April lodge elections, and Gallagher was able to unseat Harrington, securing 2889 votes to Harrington's 1241 in what was the lodge's highest-turnout election to date. Once the votes were tallied, Harrington left the FOP headquarters and told the press that because the mayor's candidate had prevailed, Rizzo would "have an awful lot to say about the operation of the FOP." "I know he wouldn't," he added, "...if I was FOP president." In this sense, Harrington positioned himself as the candidate of the rank and file and Gallagher as the bought-and-sold candidate of management.²³⁶ His comments were a signal that the FOP was not just a police lobby but also a union, with interests worth protecting from the overreach of the boss even if that boss was a sworn officer. And they served as a reminder that the cross-rank

²³⁵ "Philadelphia Cop Methods Studied," *Chicago Tribune*, September 1, 1969, 20. William Speers, "Rizzo for Mayor? Not Running, But Walking," *Philadelphia Inquirer*, February 8, 1970, 1. Dan Lynch, "Rizzo Backers Stir FOP Ruckus," *Philadelphia Inquirer*, April 16, 1971, 4. Dan Lynch, "Frank Rizzo: He's Loved or Hated, No In-Betweens," *Philadelphia Inquirer*, April 29, 1971, 8. Enoch, "Harrington Loses FOP Election; Charles Gallagher Is New Chief," 1, 4.

²³⁶ Sam Ettinger, "Slowdown Looms Over Police Holidays," *Philadelphia Inquirer*, February 9, 1972, 1. Dan Enoch, "Harrington Loses FOP Election," 1, 4.

solidarity of the blue brotherhood, however strong, need not be absolute. It was the first of many moments in the 1970s where Philadelphia officers would break their customary silence about their colleagues and publicly critique or campaign against their leaders in the department or the FOP.

In the meantime, the newly elected Gallagher was proving his loyalty to Rizzo amidst a corruption scandal that had exploded immediately after the mayor's election in November. The scandal was caused by revelations made by journalist Jonathan Rubinstein in *City Police*, an analysis of the author's time embedded in the PPD. Rubinstein, a Ph.D. in History from Harvard, had worked as a police reporter for the Philadelphia *Evening Bulletin* between 1968 and 1969 but, by his own account, found it difficult to grasp the nature of police work from the outside. The police department provided little besides self-serving narratives, and the public filled in the gaps with equally untrustworthy stories of "drama, action, and scandal." To learn more, Rubinstein convinced the department to let him train at the police academy and embed in patrol units, an exercise that stretched almost two years from September 1969 to summer 1971. He published the resulting manuscript in 1973. The section that garnered the greatest public attention was that on vice policing and corruption. Arrest statistics were an important tool for the department to demonstrate to the public the work it did, and arrests were the most prestigious forms of activity officers could engage in. The most valued were vice arrests, in gambling, liquor law, illegal drugs, and sex work. Responsibility for this work was distributed among special details across all districts, rather than in a centralized Vice Squad, which was abolished in the reform era, and vice arrests were the only forms of activity for which quotas were explicitly and strictly enforced. But the high value of vice arrests and the pressure to make them created strong incentives to break departmental regulations and the law in the process. And this system did

nothing to actually eliminate vice crime—far from it, it masked a deep-rooted network of corruption in which officers from throughout the department took monetary or in-kind bribes to protect or ignore vice businesses. Rubinstein devoted an entire chapter, “Taking,” to this phenomenon, showing how this sort of corruption touched every district in the department. Rubinstein’s take on corruption featured prominently in reviews of his book, which appeared not only in Philadelphia but also in major newspapers across the country.²³⁷

Rubinstein was not the first to break the news of ongoing police corruption to the public. Rather, his book and its reviews appeared as Philadelphia was already over a year deep in a corruption scandal prompted by the *Inquirer*. The *Inquirer* and the *Daily News*, both under new ownership and management as of 1970s, had replaced its police-friendly reporting of previous decades with a more critical attitude toward the police department, and had cancelled previous editors’ policy of “cleaning up” Rizzo’s quotes to quote him verbatim instead. A week after Rizzo was elected, the paper began a months-long series alleging widespread corruption in the police department.²³⁸ It eventually prompted an investigation by the state Crime Commission, whose members were appointed by the state’s liberal Democratic governor Milton Shapp—a recurring political antagonist of Rizzo’s. The committee came to encompass State Police Commissioner Colonel James D. Barger; State Attorney General Israel Packel; G. Thomas Miller, a former District Attorney of Dauphin County and a former judge; and law professor Ronald Davenport, who became the first African-American dean of a law school, at Pittsburgh’s

²³⁷ Rubinstein, *City Police*, ix-xii, xv, 49-52, 372-433. Christopher Lehmann-Haupt, “A Policeman’s Lot is Complex,” *New York Times*, June 19, 1973, 37.

²³⁸ Paolantonio, *Frank Rizzo*, 129-134, 175. Kent Pollock, “6-Month Tally: 24 Arrests, 125 Accused,” *Philadelphia Inquirer*, May 21, 1972, H-1, H-3.

Duquesne University.²³⁹ Former Philadelphia mayor Richardson Dilworth, who had tried to root out police corruption in the late 1950s, also served as a committee member until his death in February 1974. The Commission issued an interim report in 1972 and a final report (dedicated to Dilworth) in March of 1974, after 18 months of investigation, and based on the testimony of a small number of officers along with recordings, photographs, videos, and subpoenaed business records.²⁴⁰

The final, 1400-page report offered a damning account of corruption in the department, described as “ongoing, widespread, systematic, and occurring at all levels”. The report explicitly noted that this assessment contradicted the “rotten apple” theory endorsed by the police department, that while a few “rotten apples” might be corrupt on an individual basis, the department as a whole was sound. Corruption, rather, was rampant. The report described forms of petty corruption, identifying about a fourth of the over 8000-person department that had accepted free coffee or meals from businesses in their district. It also identified hundreds more as participating in more serious forms of corruption, from accepting “notes” (illegal payments) from businesses for extra protection; to taking cash or in-kind payments from “gamblers, racketeers, bar owners, businessmen, nightclub owners, after-hours club owners, prostitutes,” and drug dealers in exchange for protection or tolerance. The report noted how even reluctant officers were pressured into taking bribes by their peers, as a way of testing their trustworthiness. Isolated from anyone but other officers because of their irregular schedules and the nature of

²³⁹ Howard Shapiro, “Two High Officials Are On Crime Panel,” *Philadelphia Inquirer*, March 10, 1974, 3-A. Barger and Packel replaced their respective predecessors, Rocco Urella and J. Shane Creamer, in early 1973 when both resigned over a wiretapping scandal.

²⁴⁰ “Crime Unit Set Up Under Gov. Shafer,” *Philadelphia Inquirer*, March 11, 1974, 6-A. Pennsylvania Crime Commission, *Report on Police Corruption and the Quality of Law Enforcement in Philadelphia* (Philadelphia: 1974), iii, 41. Kent Pollock, “Sworn Testimony, Tapes Back Charges, Panel Says,” *Philadelphia Inquirer*, March 11, 1974, 6-A.

their work, new recruits caved to such pressure and joined departmental networks of corruption.²⁴¹

As in *City Police*, vice policing sat at the center of the Crime Commission's report. While police in any role could take payoffs or look past criminal offenses, it was those on vice detail, especially in relation to gambling, who most systematically accepted payoffs. The Commission also acknowledged the policy of vice arrest quotas, but emphasized that quotas incentivized "the quantity and not the quality of the arrest" and functioned to disguise the extraordinary degree of corruption in vice policing. Officers could use pre-arranged arrests or simply "bad arrests" with little basis, and as arrests rather than convictions was the yardstick by which officer performance was measured, they could give the appearance of accomplishing much without disrupting the networks of corruption in which they operated.²⁴²

The investigation and report generated an outcry in local and state politics. The state Attorney General quickly and appointed a special prosecutor to continue the investigation and prosecute corruption cases, acting on the report's assertion that local prosecutors had too close a relationship with police departments to successfully prosecute them. But the special prosecutor, Walter Massey Phillips, fared little better than Philadelphia County District Attorney Emmet Fitzpatrick, who had secured a few convictions since the *Inquirer* series began. Hamstrung by insufficient, insecure funding from year to year and faced with the recalcitrance of the police department, Phillips had convicted only six police officers on corruption charges 14 months into

²⁴¹ Pennsylvania Crime Commission, *Report on Police Corruption*, 5, 14-15, 20-22.

²⁴² *Ibid.*, 21.

the investigation. Due to lack of funding, he was forced to shut down the operation at the end of 1975.²⁴³

The Rizzo administration, by contrast, snapped into action to oppose both the report and the special prosecutor. Though Mayor Rizzo promised he would take seriously any evidence of officer misconduct, he primarily responded to the report's release by redeploying the rotten apple theory and simply denying that corruption was widespread and systemic. Moreover, he insisted that any responsibility for addressing misconduct lay with the department, not outside bodies. Commissioner O'Neill took the same line, and while he transferred most supervisors, ordered administrative penalties for a small number of officers, and fired a few, he took no systemic steps to root out corruption in the department. To many observers, this was an unsurprising result. A former Commissioner, Thomas Gibbons, whose administration in the 1950s was perhaps the most seriously committed to rooting out corruption, predicted that even criminal prosecutions "won't get anywhere because the heads of the department are doing nothing."²⁴⁴

²⁴³ Gerald McKelvey, "Corruption Reaches All Levels of Police, State Unit Charges," *Philadelphia Inquirer*, March 10, 1974, 1-A. Warren Brown, "500,000 Fund For Prosecutor Opposed In Senate," *Philadelphia Inquirer*, March 12, 1973, 9-A. Aaron Epstein and Mike Leary, "Police Probe 'Virtually Dead'; Phillips Blames Mayor," *Philadelphia Inquirer*, June 15, 1975, 1-B, 4-B. Mike Leary, "Phillips Jury Disbands With Blast At Police," *Philadelphia Inquirer*, December 16, 1975, 1-A, 8-A.

²⁴⁴ John F. Clancy, "Rizzo Promises Vigorous Probe, Insists Police Handle It," *Philadelphia Inquirer*, March 11, 1974, 1-A, 5-A. Pollock, "Six-Month Tally," 3-H. Kathy Begley, "FOP Vows Aid For 3 Police Freed by Jury," *Philadelphia Inquirer*, December 4, 1972, 1. John Clancy, "Rizzo Promises Vigorous Probe," 5-A. The Philadelphia Crime Commission, a private body funded by local business, also ran its own investigation in response to its state counterpart's work. This investigation, initiated in 1973, also examined corruption, but it focused more narrowly on assessing and improving the department's disciplinary procedures in the event of corruption or other forms of misconduct. The final report was issued in May of 1974, two months after the state's report. While some of its recommendations overlapped with the state commission's, it took a less confrontational tone, thanking Commissioner O'Neill for his cooperation and rejecting some of the state commission's more fundamental suggestions, like the appointment of a *permanent* special prosecutor and the total restructuring of the department's Internal Affairs Bureau. "It would be unrealistic," the commission insisted, "for an agency external to the police to attempt a complete restructuring of the present police organization," and so department leadership must take the lead themselves. The report thus acknowledged the need for some improvements without challenging existing structures of authority within the department. Citizens Crime Commission of Philadelphia, "Police Internal Affairs: An Analysis of Policies, Procedures, and Guidelines of Internal Discipline, Philadelphia Police Department," May 1974, i-ii, 45-51, FC Records, Box 23, Folder 6.

Throughout the crisis, the city police union moved in lockstep with the brass's defensive maneuvers. FOP Lodge No. 5 deployed every weapon in its arsenal to defend officers subject to scrutiny and to obstruct the investigation as a whole. Even before the investigation began, Lodge No. 5 (still led by the besieged John Harrington) launched an \$80 million libel suit against the *Inquirer*, claiming the corruption reporting defamed each of the city's 8200 sworn officers. A local judge threw out the case the following year. The lodge also provided legal assistance to members before the department's internal Police Board of Inquiry (one of whose three members the FOP always appointed) and in the relatively few criminal cases that reached the courtroom. As the investigation continued, Lodge No. 5 filed lawsuits to challenge the state Crime Commission's subpoena power, and in 1974 to block publication of the final report, although neither was successful.²⁴⁵ Lodge No. 5 also ran ads in the *Inquirer* and the *Philadelphia Tribune*, mocking the report's central claim by inverting it. "The following Philadelphia policemen," it said, "were involved in ongoing, widespread, systematic dedication to the Philadelphia Police Department and the Citizens of Philadelphia during the last six months." It listed dozens of officers who had received commendations for valor, bravery, and heroism.²⁴⁶

It was longstanding union policy, dating back to Commissioner Gibbons' anticorruption efforts in the 1950s, to deny legal defense to any FOP member who took a lie detector test, and in 1972 this stymied even the department's extremely modest efforts to investigate those accused

²⁴⁵ "FOP Votes to Sue The Inquirer For \$80 Million Over Expose," *Philadelphia Inquirer*, November 25, 1971, 3-A. Aaron Epstein, "Libel Suit Against Inquirer By 8,200 Police Thrown Out," *Philadelphia Inquirer*, October 18, 1973, C-1. Begley, "FOP Vows Aid," 1. Aaron Epstein, "Police Subpenas Upheld," *Philadelphia Inquirer*, September 20, 1973, 1, 2-A. "Furthermore...", *Newsday*, March 12, 1974, 14.

²⁴⁶ FOP Lodge No. 5 Advertisement, *Philadelphia Inquirer*, March 13, 1974, 11-B. FOP Lodge No. 5 Advertisement, *Philadelphia Tribune*, April 6, 1974, 7.

in the *Inquirer*'s reporting.²⁴⁷ This policy, consequential on its own, was built on a wider departmental culture of retaliating against both civilian and police whistleblowers. If Rubinstein's *City Police* and the crime commission report had described what police did to maximize officers' complicity in and silence about corruption, a September 1973 *Inquirer* piece described what happened when whistleblowers broke ranks. Civilians and current and ex-police who had cooperated with the crime commission described being followed, falsely arrested, jeered at and harassed outside their homes, slandered in the media, and threatened with expulsion from the FOP. No matter their status before whistleblowing—police or civilian, good or poor reputation, high or low rank—cooperation with investigations entailed significant threats and consequences.²⁴⁸ The FOP's policy on lie detectors was thus in some ways another form of retaliation for violating the cross-rank solidarity of the department.

The totality of these actions revealed an FOP happy to sideline labor-management conflict to protect the department against a common threat. It was a choice that deferred but did not resolve a tension inherent police unionism, between, on the one hand, "horizontal solidarity" among the rank and file that emphasized inequities of power and privilege between the brass and the rank and file; and vertical solidarity across the ranks that mobilized police fraternity to face down outside threats. In the 1950s and '60s, tensions between liberal reform mayors and commissioners and the majority of the rank and file generated conflict between the ranks, and the union organized accordingly. By the 1970s, however, Rizzo and his allies had vacated Philadelphia city government of most reform efforts, which were instead prosecuted by private

²⁴⁷ Kent Pollock, "Policemen Named in *Inquirer* Series Refuse to Take Lie Detector Tests," *Philadelphia Inquirer*, January 20, 1972, 1.

²⁴⁸ Kent Pollock, "Police Corruption Witnesses Harassed and Shunned," *Philadelphia Inquirer*, September 2, 1973, 1-A, 8-A.

actors in the city and by state and federal government. This shift in the locus of reform politics prompted Gallagher and his fellow FOP officers to turn almost exclusively outward, working with management to protect the department from outside restructuring. That corruption implicated officers of every rank in every division only further incentivized the union to line up with management to protect these common if not universal interests.

While the corruption investigation was the union's "No. 1 priority" during Rizzo's first term, at the time that Charles Gallagher was reelected president of Lodge No. 5 in 1974, he had other priorities as well.²⁴⁹ There were, as ever, persistent demands for better pay and greater power for the rank and file. And as usual, the FOP was able to negotiate a continuous rise in pay and benefits. In Rizzo's first term, the union won 18% in cumulative raises, an average of 4.5% per year, elevating starting pay from \$11,447 a year to just over \$14,000.²⁵⁰ Gallagher and other Lodge 5 officers also repeatedly demanded "[t]wo man cars on all tours of duty for increased effectiveness and safety." FOP Lodge No. 5 had called for two-man cars since 1947, as Philadelphia and many other large cities were in the midst of transitioning many foot patrols to car patrols. But Gallagher made it a central plank in each contract negotiation during Rizzo's first term, and it was the area in which he was most willing to openly challenge Rizzo. The lodge organized a media campaign around the issue, setting up newspaper interviews for Gallagher, buying billboard space, and distributing bumper stickers. Gallagher pointed to the examples of

²⁴⁹ Robert Terry, "Gallagher Elected FOP Head; Calls Crime Unit 'No. 1 Priority,'" *Philadelphia Inquirer*, April 3, 1974, 2-D.

²⁵⁰ Fraternal Order of Police, Lodge No. 5, and the City of Philadelphia, Award of Board of Arbitration, 1972, in Rizzo Papers, Box 3421, Folder "Fraternal Order of Police." Fraternal Order of Police, Lodge No. 5, and the City of Philadelphia, Award of Board of Arbitration, 1975, in Rizzo Papers, Box 3875, Folder "Fraternal Order of Police." Admittedly even this 18% cumulative raise represented a net loss of purchasing power in a period of 36% inflation. Inflation rate from July 1972 to July 1975 calculated using the CPI Inflation Calculator, Bureau of Labor Statistics, United States Department of Labor, https://www.bls.gov/data/inflation_calculator.htm, accessed December 12, 2019.

Patrolmen Frederick Cione and John F. McEntee, Jr., who had been shot to death alone in their patrol cars in 1970 and 1971, respectively. He argued that two-man cars would not only help prevent such deaths but also help officers better effect arrests. He also pointed to the rare example of New York City, where a few years earlier the Patrolmen's Benevolent Association had bargained for two-man cars across the board. Philadelphia, like Chicago and Los Angeles, reserved two-man cars for some "high-crime" areas, mostly at night. But while as commissioner, Rizzo had lobbied for two-man cars in all high-crime areas, as mayor he was unwilling to grant the concession at the scale the FOP desired. Arbitrators in each year's labor negotiations also failed to award the request, though in 1971 they suggested (vainly) that the department voluntarily increase the number of two-man car patrols.²⁵¹ Even with Charles Gallagher as FOP president, there could still be a gap between what police union leaders desired and what the commissioner-turned-mayor was willing to grant. And however many officers admired Rizzo's openly brutal police policies, the relationship between the mayor and the police rank and file remained structurally unequal.

Rank-and-File Resurgence

Even with an ally in the mayor's office, many Philadelphia police officers were unhappy with their lot in the 1970s, voicing complaints about working conditions that Gallagher and his administration did not address. Some were frustrated with last-minute scheduling decisions in which they had little to no say, or with the times the department allowed them to take vacation—

²⁵¹ Madden, "The Danger Part of Being a Policeman Has Increased a Hundred-Fold," 31. Thomas Garvey, "Police Are a Political Football," *Philadelphia Inquirer*, October 20, 1973, 6-A. Robert Terry and Gerald McKelvey, "FOP Seeks Support for 2-Man Police Cars," *Philadelphia Inquirer*, December 27, 1973, 1-C, 3-C. Fraternal Order of Police, Lodge No. 5, and the City of Philadelphia, Award of Board of Arbitration, 1971, 7, in Rizzo Papers, Box 3111, Folder "Fraternal Order of Police Arbitration." Fraternal Order of Police, Lodge No. 5, and the City of Philadelphia, Award of Board of Arbitration, 1972, 8. Fraternal Order of Police, Lodge No. 5, and the City of Philadelphia, Award of Board of Arbitration, 1974, 3.

often outside summer months when they would be able to vacation with their children and families. Many complained about rules—both set by the city charter and instituted by the famously moralistic O’Neill—that governed their behavior outside of work. As one anonymous source told *Philadelphia Magazine*, “With O’Neill you can shoot somebody and get away with it if you convince the old man you thought you were being a good cop. But God help you if he finds out you’re shacking up with a broad when he thinks you should be home with the wife and kids.” In fact, a significant contingent of officers wished to constrain their superiors’ authority over their lives both on and off the job.²⁵²

Indeed, there were some officers who actually resented Rizzo’s presence in the mayor’s office and his continued personal influence in the police department. While older generations of officers had worked with Rizzo in the department, many younger officers, in the words of a *Philadelphia Magazine* piece from 1977, saw him as “an interfering politician.” While the magazine attributed this attitude to the fact that many of the younger officers were “veterans of the anti-authority Indo-China War Army,” it also acknowledged that Rizzo’s personal influence in the department created ambiguity about who was actually in charge and often led to the in favorable transfers and promotions of those with personal connections to the mayor. The networks of personal loyalty that Rizzo had cultivated within the department and the FOP created a class of insiders and one of, often fearful or resentful, outsiders. Rizzo also used one Sergeant Young, or “Youngie”—a hybrid “secretary, bodyguard, court seneschal, and interoffice manager” for the commissioner, who carried over from Rizzo’s commissionership to O’Neill’s—to surveil and report on goings-on in the department. And many officers resented what the

²⁵² Robert J. Terry and John Clancy, “FOP chief threatens a police strike,” *Philadelphia Inquirer*, May 1, 1976, 2-A. Burr Van Atta, “Police vote not to strike against city,” *Philadelphia Inquirer*, May 3, 1976, 3-B. Mallowe, “The Blue Menace,” 150-151.

Magazine described as Rizzo's "favorite unit"—the Highway Patrol, onetime home of former FOP president John Harrington. Reportedly dubbed "The Gestapo" by other police, Highway Patrol functioned to "infiltrate high crime areas and stir up action," generating more brutality complaints than almost any other division. Some officers resentful of Rizzo's patronage network went so far as to lend their signatures to a failed recall petition in 1976.²⁵³

That same year, a candidate arose in Lodge No. 5's election who hoped to address these grievances through a new kind of police union leadership. At 44 years old, Thomas McCarey was a twenty-year veteran of several districts and the Juvenile Aid Division, as well as a two-year Vice President of Lodge No. 5, elected on Gallagher's slate in 1974. In 1976, however, he ran against Gallagher's record, arguing the lodge president had failed to serve his members' interests in virtually every way. Gallagher himself was retiring from his FOP post that year, but he had designated Recording Secretary John Quinn as his successor, and it was understood that Quinn had Rizzo's personal backing. McCarey turned that backing into a liability, saying that Quinn had the "key to the door of the mayor's office," and arguing that a personal relationship with Rizzo was a brake on effective bargaining and a poor substitute for a mobilized union with robust, contractual guarantees. In addition to pushing for higher raises, McCarey promised a revision of the duty manual and of regulations to remove the possibility of being charged with "conduct unbecoming an officer" and otherwise prevent the department from basing any decisions on off-duty activity that was not criminal and did not bear on police work.²⁵⁴

²⁵³ Mallowe, "The Blue Menace," 149-151. "Interview with Rick Chapman and Shelly Yanoff," December 6, 1976, 8, in Walter Massey Phillips Oral Histories, Box 4, Folder 31.

²⁵⁴ Thomas McCarey campaign material, "The Police Officer," vol. 1, no. 1 (March 30, 1976), 1, 3, in Rizzo Papers, Box 5128, Folder "Fraternal Order of Police – FOP."

Unlike his predecessors, who tended to emphasize the unique nature of police work and police unionism, McCarey repeatedly argued that in order to achieve these and other gains, the FOP would have to become more like other city unions. A McCarey campaign flyer compared the FOP's 1975 arbitration award to the same year's contract for AFSCME District Council 33 (DC 33), which covered most civilian municipal employees in the city. DC 33 had won at 12.8% raise to the FOP's 7.7%; a \$55-per-month health insurance plan to the FOP's \$38-per-month; a higher maximum accumulation of vacation days; a \$6000 life insurance policy, where the FOP had none; and so forth. Like his predecessors and his peers across the country, he framed the stakes of the fight as the struggle to claim the entitlements of full citizenship. "The mayor," he told the *Inquirer* in one interview, "has classified us as second-class citizens and a second-class union. He would not do this to District 33."²⁵⁵ To match these achievements, in his campaign and during his term as president, McCarey emphasized the need for a grievance procedure, a written contract, and a willingness to confront management over important issues.²⁵⁶

The campaign was so contentious that the lodge membership took the unprecedented step of hiring the American Arbitration Association to oversee voting and count ballots—normally the work of the lodge election committee. In early April, Lodge No. 5 set another record in voter turnout; McCarey secured election with over 2800 votes, to John Quinn's 1932.²⁵⁷ He promised "to strive for a better FOP," and resentment against Rizzo was in the air. The *Inquirer* reported

²⁵⁵ "Who Has the Key to City Hall, District Council #33 or the Fraternal Order of Police?", undated, in Rizzo Papers, Box 5128, Folder "Fraternal Order of Police – FOP." Terry and Clancy, "FOP chief threatens a police strike," 1-A, 2-A.

²⁵⁶ Van Atta, "Police vote not to strike against city," 3-B. J. Harry Camp, "FOP Suit Seeks Immediate Talks," *Philadelphia Evening Bulletin*, February 16, 1977, 38A.

²⁵⁷ Robert Terry, "FOP Hires Consultants To Oversee Its Election," *Philadelphia Inquirer*, January 18, 1976, 14-C.

that some of McCarey's election workers stood outside FOP headquarters after the vote count chanting, "Rizzo's next! Rizzo's next!"²⁵⁸

In some key ways, McCarey's single term as president of Lodge No. 5 was one of continuity with previous administrations. He was just as committed as Gallagher, Harrington, or Rizzo himself to fighting reform efforts to constrain or diminish police authority in the city. He was zealous in defending the department against corruption charges. In a post-election interview with the *Inquirer*, McCarey expressed interest in abolishing departmental regulations that prevented an officer from living or patronizing businesses in the district in which they were assigned. He acknowledged that such regulations had entered the duty manual in the 1950s to help undermine corruption and break up the old Republican machine's links to the police force, but he insisted that in the present, "the regulations are not necessary." He judged the Pennsylvania Crime Commission's report and the ensuing special prosecutor investigations "slanted to slander" the department and claimed "they never proved anything against" the accused officers. Moreover, he added, "one thing nobody can say about Joe O'Neill...[is] that he ignores corruption." "Any hint," he said, "and he conducts an investigation right away."²⁵⁹ Like John Harrington before him, McCarey had no interest in outside critics of the department exercising authority over the police than he did the commissioner or the mayor. And, like Harrington, his challenge to the brass was a challenge to new forms of central authority instituted as anti-corruption reform measures, all while denying the widespread, systemic nature of corruption itself.

²⁵⁸ Robert Terry, "McCarey elected FOP president, defeats Quinn, 2,845 to 1,932," *Philadelphia Inquirer*, April 7, 1976, 1-B.

²⁵⁹ Robert Terry, "New FOP president seeks aggressive role," *Philadelphia Inquirer*, April 9, 1976, 1-B, 3-B.

McCarey also consistently defended the department against brutality allegations. In 1976, for instance, the *Inquirer* published a letter by him criticizing the Public Interest Law Center of Philadelphia (PILCOP) for its work defending Philadelphians who claimed police abuse. He argued that their enterprise was a racket, existing only to generate paychecks for PILCOP employees, and that they would invent cases of police abuse to maintain their incomes if they could not find any real evidence. The *Inquirer* also published his response to a multi-part investigative project they published on abusive and illegal practices by homicide detectives. He argued that such allegations were unfounded and that in any case the *Inquirer* had neglected to discuss the vast majority of records where police abuse could not even reasonably be suspected.²⁶⁰ In short, he differed little from his predecessors in his public responses to accusations of brutality.

McCarey was, however, eager to shift the balance of power within the department, and he first took up the challenge in contract negotiations with an administration poised to make budget cuts. When Rizzo was reelected as mayor in November 1975, he had campaigned on his ability to avoid raising taxes at a time when other cities had been forced to do so amidst high inflation and a diminishing tax base. New York had had a close brush with bankruptcy throughout 1975, and the city's resulting austerity measures had led to layoffs and enormous cuts to city services. Under the circumstances, Rizzo was desperate to portray Philadelphia as the model of fiscal health, without any need to shift the costs of financing the city budget onto private households. But these claims rested on creative accounting by city finance director Lennox Moak (who had also served as reform mayor Joseph Clark's finance director between 1952 and 1954), who

²⁶⁰ Thomas McCarey, "FOP protests," August 10, 1976, 6-A. Thomas McCarey, "FOP reply: Series 'presents an imbalance.'"

obscured a mounting budget deficit. But two weeks after Rizzo's inauguration, Moak met with reporters to confirm that the city was \$80 million in the red—a deficit that would eventually be made up by real estate and wage taxes hikes and by spending cuts.²⁶¹

One of the city's proposed cost-cutting measures was a wage freeze for its 38,000 employees, which administrators hoped would save \$25 million.²⁶² Rizzo's main obstacle, however, was the binding arbitration procedure the FOP could invoke if negotiations reached an impasse—a procedure that had consistently granted the union raises since its enactment at the end of the 1960s. If arbitrators did so again this year, the city would not be able to appeal the decision and would be forced to pay the raise. McCarey went into negotiations dismissing a freeze out of hand, as well as threatening a police strike. A month after his election, as the city had ignored his requests to meet and discuss vacations, scheduling, staffing, and other contract issues, McCarey called a press conference. “[R]ed-faced with anger and virtually shouting,” the *Inquirer* said, he threatened a walkout or strike if the city continued to refuse to meet before mandatory arbitration kicked in the next week. O'Neill promptly promised to fire any striking officers “on the spot.” This threat was apparently effective: the next day, at an emergency membership meeting, one thousand FOP members voted unanimously to authorize any action *short* of a strike, and McCarey promised that only off-duty officers would participate in any planned demonstrations. “I’m not for on-duty strikes,” he backtracked. “I campaigned on that.” Still, he emphasized outrage among members of the force: O'Neill's strike threat had prompted thousands of supportive calls to the lodge, and McCarey insisted the FOP had had to “stop them

²⁶¹ Daughen and Binzen, *The Cop Who Would Be King*, 275-281, 296-297. Kim Phillips-Fein, *Fear City: New York's Fiscal Crisis and the Rise of Austerity Politics* (New York: Henry Holt and Company, 2017).

²⁶² Jerome Mondesire, “Will a freeze work? Clue due Friday,” *Philadelphia Inquirer*, May 18, 1976, 1-A.

from walking off the street, to send them back to duty.” In lieu of a strike, the FOP organized a citywide campaign of flyering and outreach to local businesses to explain the value of their work and the importance of meeting to negotiate with the city. It wasn’t enough to forestall the beginning of arbitration, which by the end of the month had yielded an award that included a 4.5% raise for police over two years.²⁶³

The award had significant consequences for Rizzo’s handling of the fiscal crisis. On its own, it upended the city’s budget plans and pushed the administration to pay for the raises through “attrition”—by failing to replace retired and fired officers. (Rizzo assured reporters that he would never lay off any police officers for budgetary reasons.) Moreover, the award became a benchmark for other city unions. For decades, the firefighters had bargained in tandem with the police and often received a comparable award, and this year, too, arbitrators granted the 3000 firefighters a 4.5% raise (also to be paid for by attrition). AFSCME DC 33—a union that enjoyed the right to strike and did not bargain through arbitration—also set a 4.5% raise as the floor of an acceptable settlement with Council president Earl Stout threatening a strike if offered anything less. Stout, president of DC 33 from 1970 to 1986, had until this point been a surprising supporter of Rizzo. Though the bulk of Stout’s membership was increasingly Black and working-class—typically the last segment of the city to support the mayor—Stout had offered Rizzo his explicit support in exchange for high raises at the bargaining table. The fiscal crisis of Rizzo’s second term began to undo this tacit pact. Negotiations dragged on into the summer, and while Stout’s threatened strike failed to materialize, workers did engage in targeted slowdowns,

²⁶³ Robert J. Terry and John Clancy, “FOP chief threatens a police strike,” *Philadelphia Inquirer*, May 1, 1976, 1-A, 2-A. Van Atta, “Police vote not to strike against city,” 1-B, 3-B. Mondesire, “Will a freeze work?”, 4-A. Fraternal Order of Police, Lodge No. 5, and the City of Philadelphia, Award of Board of Arbitration, 1976, 1, in Rizzo Papers, Box 5128, Folder “Fraternal Order of Police – FOP”.

with sanitation workers, for instance, refusing to work overtime or to pick up trash from specific locations. As the trash piles mounted through early August, AFSCME and the city finally reached a two-year agreement—no raise in the first year, as Stout had insisted, but 7% raise in the second, with cost-of-living increases and no layoffs.²⁶⁴ All told, the FOP’s ability to command almost guaranteed raises through binding arbitration demonstrated not only its own power in the face of threatened austerity, but also its power indirectly to raise the bargaining power of other city workers during the fiscal crisis. The arbitration law, passed thanks to substantial lobbying during John Harrington’s FOP presidency, proved one of Harrington’s most significant legacies.

McCarey, however, did not view the award as a victory. He judged the raise inadequate to “pay for the taxes he (the mayor) is forcing us to swallow,” let alone to actually raise purchasing power, and FOP arbitrator called the pay offer “an ‘affront,’ ‘contemptuous,’ and irresponsible”—but the best offer available from a city that preferred a wage freeze instead. The plan to pay for the raises by attrition also cut against McCarey’s initial position that the police force was understaffed and needed 800 additional officers. He told the press Rizzo should pay for the raise by “get[ting] rid of some of those Chryslers and other limousines and some of those \$30,000 drones who work for him. Super cop rides around the city with 40 bodyguards trailing behind him.” McCarey had failed to secure for the FOP virtually any of his demands on working conditions—vacations, scheduling, grievance procedure, or the perennial demand for two-officer cars. In short, the arbitrated contract lacked any of the gains on which McCarey had run.

²⁶⁴ Howard Shapiro and Larry Eichel, “Rizzo: city to pay police salary boost,” *Philadelphia Inquirer*, May 22, 1976, 1-B, 2-B. Larry Eichel, “‘Attrition’ will offset fire pay hikes,” *Philadelphia Inquirer*, June 8, 1976, 1-B. Anthony Lame and Mike Leary, “Contract settled; trash pickups to be resumed,” *Philadelphia Inquirer*, August 7, 1976, 1-A, 8-A. “City workers ratify two-year contract,” *Philadelphia Inquirer*, September 17, 1976, 3-B. Ryan, *AFSCME’s Philadelphia Story*, 182, 192-195.

McCarey blamed Rizzo. “I don’t know,” he said in a post-arbitration press conference, “how a man in good conscience could attend the funeral of four dead firemen (killed Sunday in a fire in the North east) knowing that he had made men who risk their lives protecting the citizens and property of this city accept a wage settlement like this.”²⁶⁵ All told, McCarey channeled a vision of Rizzo as a selfish, corrupt mayor unwilling to back his pro-police rhetoric with substantive support for officers. Like former Lodge 5 president John Harrington, McCarey was willing to draw a hard line between police management and labor and to break the blue code of silence by publicly, even vituperatively, criticizing Rizzo. In short, even the paradigmatic cop Frank Rizzo could not always command the loyalty and respect of all officers and their union. And even the hard core of law enforcement that backed law-and-order politics might turn against its avatar in City Hall.

In the following year’s contract negotiations, McCarey again he insisted (vainly) on actual negotiations with the city, a written contract rather than an arbitration award, and a contractually guaranteed grievance procedure. Rizzo once again stonewalled the FOP by refusing to meet before arbitration. This time, the FOP filed suit to compel the city to negotiate, arguing that the law required the parties to exhaust the option of actually, good-faith negotiation before invoking bargaining. And after bargaining took place, McCarey also threatened to appeal the award over a conflict-of-interest issue with the city’s arbitrator, though ultimately this approach failed to bear fruit. These actions evidence McCarey’s mounting frustration with the state arbitration law, which he saw as a cage that prevented the police union from exercising its full

²⁶⁵ Jerome Mondesire, “4.5% boost awarded in police pay,” *Philadelphia Inquirer*, May 21, 1976, 1-A, 5-A. Terry and Clancy, “FOP chief threatens a police strike,” 1-A, 2-A. Fraternal Order of Police, Lodge No. 5, and the City of Philadelphia, Award of Board of Arbitration, 1976, 1-9.

leverage in actual negotiations. But neither media campaigns, nor demonstrations, nor even legal actions succeeded in allowing the FOP to sidestep the law.²⁶⁶

Women Officers and the FOP

New forms of rank-and-file organization among the police in the Rizzo years did not only occur within the FOP. They also took the form of novel mobilizations by women and Black officers who undertook legal and political battles for affirmative action within the police department. Through the 1970s, white, male officers constituted a large majority of officers in the department ranks and dominated the department's and the police union's leadership. They also represented the normative police officer in departmental and media discourse. But both women and Black officers had worked in the department for many decades, often facing discrimination and harassment from their peers and limited opportunities to join special details and divisions or rise in the ranks. In the 1970s, they organized as women officers and Black officers *per se*, filing lawsuits and running media campaigns that aimed to reform the department's hiring and promotional procedures on a more equitable basis. These efforts challenged gendered and racialized hierarchies in which officers of all ranks were implicated, provoking fierce resistance from both the brass and the FOP.

The civil rights movement had fought for laws and institutions to combat employment discrimination for decades, and by the 1960s and early 1970s, the movement was able to put serious pressure on public and private employers to modify discriminatory practices. The 1964 Civil Rights Act and subsequent amendments banned private-sector employment discrimination on the basis of race, sex, and a number of other social categories and created the Equal

²⁶⁶ Robert Terry, "Phila. Police will get 6 pct. raise," *Philadelphia Inquirer*, May 21, 1977, 1-A, 2-A. Robert Terry, "FOP may appeal on contract," *Philadelphia Inquirer*, May 26, 1977, 1-B, 2-B.

Employment Opportunities Commission (EEOC) to enforce these bans. The 1972 Equal Employment Opportunity Act extended protections to government employees allowed the EEOC to initiate lawsuits against employers. And the Supreme Court's unanimous 1971 decision in *Griggs v. Duke Power Co.* expanded the set of illegally discriminatory employment practices to include those that disproportionately favored white employees, focusing on consequences rather than intent. Together these developments generated leverage that Black employees, women employees, and others exercised in campaigns to reconstruct employment practices across the country. Still, they faced resistance not only from these employers but also from many labor unions, especially those complicit in reproducing labor markets that favored white men. Construction workers attracted the greatest attention in their demonstrations and lawsuits against what they called "reverse discrimination," but police officers were equally vociferous in resisting affirmative action campaigns in their departments. Philadelphia would see both forms of protest, as building trades unions resisted a city-brokered plan integrate the construction workforce in the late 1960s, and as white, male police officers resisted remedies to employment discrimination in their department in the 1970s and 1980s. But Philadelphia would also see a twist on this usual story, as the politics of Thomas McCarey's brief time as FOP president would lead the Order into a short-lived but consequential alliance with the women officers' efforts.²⁶⁷

Women officers' campaign against sex discrimination unfolded over the course of Rizzo's mayoralty, first coming to public attention in July 1973 when police officer Penny Brace filed a sex discrimination case with the EEOC. At the time, Philadelphia's roughly 8000 sworn

²⁶⁷ Windham, *Knocking on Labor's Door*, 71. Nancy MacLean, *Freedom is Not Enough: The Opening of the American Workplace* (Cambridge: Harvard University Press, 2006), 109-110. Dennis A. Deslippe, "'Do Whites Have Rights?': White Detroit Policemen and 'Reverse Discrimination' Protests in the 1970s," *Journal of American History* 91, no. 3 (Winter 2004): 932-960. Countryman, *Up South*, 144-148.

officers included fewer than 70 policewomen and a handful of women supervisors, none of whom were permitted any authority over male officers. The vast majority of policewomen were assigned to work surveilling and policing children through the Juvenile Aid Division (JAD), and some to crowd control through the Civil Disobedience Unit (CDU). Commissioner O’Neill had begun to experiment with including JAD policewomen on a special, two-officer curfew patrol, but widespread opinion in the department that women’s physical and psychological traits suited them only to specific tasks kept the vast majority off the beat. The department also sometimes used them as decoys, working with male police officers to trap men soliciting prostitutes. These circumstances were not unusual for women across the nation. In 1972, according to a study by the Police Foundation (which recommended broader participation by women in police work), almost 60% of sworn women officers were assigned to work with minors, to surveillance of women prisoners in local jails, or to clerical work. But times were changing. Nationwide, the number of women on regular patrols rose from only 7 in 1971 to about 1000 three years later. While a few cities led the trend of including women in these roles, Philadelphia was more typical than exceptional in its virtually total refusal to do so. It was under these conditions that Officer Brace brought her complaints first as an EEOC complaint in July 1973, and then as a lawsuit in U.S. District Court in February 1974. Her case alleged a quota system that limited women to no more than 1% of the total force and a widespread web of discrimination that limited women’s opportunities for hiring, promotion, and even medical benefits equal to men’s.²⁶⁸

²⁶⁸ Peggy Anderson, “A First in Philadelphia: Policewomen on Patrol,” *Philadelphia Inquirer*, March 21, 1972, 9. “New Opportunities for Women in Police Work,” *Philadelphia Tribune*, May 15, 1973, A46. Hoag Levins, “What Does Philadelphia Have Against Lady Cops?,” *Philadelphia Inquirer Magazine*, July 15, 1973, 8, 10. “Cop Death Advances Women,” *Philadelphia Inquirer*, December 12, 1974, 3-C. Patsy Sims, “Nation’s Policewomen Are Angry Over Firing of Penelope Brace,” *Philadelphia Inquirer*, March 6, 1974, 1-B, 4-B.

When Brace filed with the EEOC, her standing with the brass deteriorated. Rizzo himself took the opportunity to tell a local TV news program that women police should not carry guns, in part because he believed they would over-rely on their relative male officers who could use physical strength to subdue a criminal. “If my family needed help,” he said, “I most certainly would rather have (Police Commissioner) Joe O’Neill respond – by himself – than any woman, no matter who she might be.” O’Neill himself affirmed his belief in “male superiority” in policing, echoing JAD head Inspector Thomas Rosselli’s stated commitment to “male chauvinism,” and both refused to assign policewomen anywhere outside their traditional roles. Rosselli even conceded in an interview that even if the PPD could attract “a crew of *Amazons* [sic]”, women equal to or greater than their male colleagues in physical strength, the department would risk “lesbianism in some.” He believed that this had been true in the JAD in the past, and that “this is what we have to keep out.” Rosselli thus revealed another source of opposition to widespread women police: not only that they might be physically inferior to men, but that even if they weren’t, they would risk violating their natural roles as wives and mothers.²⁶⁹

In an effort to dissuade other JAD women from following in Brace’s footsteps, Rosselli reportedly punished them, assigning them more demanding schedules and transferring them to less desirable duty assignments. As for Brace herself, after years of sterling performance reviews, she was surveilled by the department, transferred, subjected to a psychiatric exam, and finally, shortly after filing her lawsuit, fired after nine years in the department. Some policewomen were willing to speak anonymously to the *Inquirer* about sex discrimination in the department, but most demurred for fear of losing their jobs. Freer to express themselves, City

²⁶⁹ Aaron Epstein, “Policewoman With Gun Isn’t Equal, Rizzo Says,” *Philadelphia Inquirer*, July 21, 1973, 1-A. Levins, “What Does Philadelphia Have Against Lady Cops,” 8, 17.

Councilwoman Ethel Allen spoke out against Brace's firing and departmental policy, and an official of Pennsylvanians for Women's Rights wrote to the *Philadelphia Tribune* with her own condemnation. But the few women who did speak to the papers were often careful to distance themselves from the feminist movement, or at least popular perceptions of it. Brace would tell the *Inquirer* that she preferred Mrs. to Ms., and an earlier profile of policewoman Dorothy Gillespie included her disclaimer, "I'm not a women's libber."²⁷⁰ These women did not elaborate on these denials but paired them with an insistence that they simply wanted to do the same work as their male colleagues, on an equal basis. Their efforts were not embedded in a larger social movement, and indeed these disavowed such connections.

Brace's highly visible lawsuit helped build pressure on the police department to modify its practices. The department quickly reinstated Brace after an appeal to the Civil Service Commission, and in September 1974 it promised to hire 22 women for trial assignment to patrol cars. None of this was enough to deter Brace's suit, run by the ACLU, and a second suit by the ACLU successfully petitioning the Law Enforcement Assistance Administration (LEAA) to cut off federal aid to the PPD if it did not comply with non-discrimination conditions attached to that aid. Though city officials continued to insist on women's physical, hormonal, and emotional lack of fitness for police work, in March 1976 the case ended in a settlement between the city and the federal government. The city promised to hire 100 policewomen from the next several recruitment classes and report back to the court in two years with a study of their performance.

²⁷⁰ Sims, "Nation's Policewomen Are Angry," 1-B. Ann Davidson, "Concern For Ms. Penelope Brace," *Philadelphia Tribune*, March 16, 1974, 4. Maurice F. White, "Hostile Attitude Toward Policewomen Traced to Commissioner, Probe Shows," *Philadelphia Tribune*, December 18, 1976, 1, 21. Robert J. Terry, "Equality, Not Chivalry," *Philadelphia Inquirer*, October 9, 1974, 1-B. Jan Schaffer, "'Bashful' Mrs. Brace fights on," *Philadelphia Inquirer*, March 10, 1976, 3-B.

The judge also severed Brace's personal discrimination case from this agreement, which she disavowed (rejecting the notion that any study was necessary).²⁷¹

The 100 new policewomen hired under the settlement soon reported a comprehensive campaign of harassment that began as soon as they entered the police academy, detailed publicly by the city's leading African-American newspaper, the *Philadelphia Tribune*. The academy redesigned trainings and tests to be more challenging for women and subjected the women to a verbal exam about the intimate details of their personal lives. Once assigned to a district, they were issued men's uniforms, given lockers and space for changing next to other men, assigned disproportionately to high-crime areas, and, most significantly, made to conduct patrols alone, in contradiction of the department's longstanding policy to send out rookies with veterans during a probationary period. "They are doing everything they can," one anonymous policeman told the *Tribune*, "to demoralize, dehumanize, and degrade these women."²⁷²

It was over the mistreatment of this new class of rookie policewomen that McCarey involved the FOP. This was a departure from previous FOP policy, which had always stood against assigning women officers to patrol. In Fall of 1974, when the city had announced it would hire 22 women for trial patrols, then-president Gallagher denounced the decision. "Somebody's cracking up," he said. "They're the weaker sex. How the hell does anyone expect a policeman to go in on a call with a woman behind him? I'm going to advocate that policemen

²⁷¹ Harry Gould, "Police, U.S. Reach Pact on Sex Bias," *Philadelphia Inquirer*, May 8, 1974, B-1. Patsy Sims, "Women in the Police--," July 29, 1974, 7-B. Harry Gould, "Women Police to Go on Patrol," *Philadelphia Inquirer*, September 26, 1974, 1-C. "ACLU to Continue Police Equality Suit," *Philadelphia Inquirer*, October 3, 1974, B-1. William Vance, "Suit Asks Cutoff of Police Aid," *Philadelphia Inquirer*, September 5, 1975, 1-A, 6-A. Jan Schaffer, "Police cite 'God's wisdom' against women," *Philadelphia Inquirer*, February 8, 1976, 1-B, 2-B. Jan Schaffer, "City to hire women for police beat," *Philadelphia Inquirer*, March 3, 1976, 1-B, 2-B. Schaffer, "'Bashful' Mrs. Brace fights on," 1-B, 3-B.

²⁷² Maurice F. White, "Rookie Policewomen 'Are Catching Hell,'" *Philadelphia Tribune*, December 14, 1976, 1, 23.

refuse to do it.” When policewomen confronted him at the next membership meeting, he backtracked and denied the comments, but his words were consistent with those of the Police Wives organization, which had also denounced the plan in the local press.²⁷³ McCarey’s decision to defend the women against harassment was thus a departure from the status quo in Lodge 5 history, but also more generally: it was the first time an organized group of officers outside of policewomen themselves had publicly stood against sex discrimination in the department. First, in October 1976, the FOP filed a sex discrimination case against the department on behalf of a fired pregnant cadet in the new cohort. Later that year, it ran a joint press conference with James Holley, president of the Black officers’ association the Guardian Civic League, where McCarey condemned the policy of sending rookies out alone as dangerous to officers, bad law enforcement, and a form of harassment against the rookies. McCarey here revived the threat of a job action, even a strike, claiming that he had had to send men into the district to keep them from walking off the job over this issue. And it filed petitions with the judge presiding over the case to block demotions and certain delays of transfer requests.²⁷⁴

Why did McCarey guide the FOP down this unprecedented path? It was a question some officers answered cynically, anonymously telling the *Tribune* they doubted the FOP’s sincerity in taking up this defense. The *Tribune* also pointed out McCarey’s willingness to needle Rizzo

²⁷³ “ACLU to Continue Police Equality Suit,” 1-B, 2-B. Harry Gould, “Police Wives, Rights Groups Oppose Women in Patrol Cars,” *Philadelphia Inquirer*, September 27, 1974, 1-B. The local chapter of the National Organization for Women (NOW) also criticized the 22-patrolwomen plan as inadequate but equally slammed Gallagher’s comments as retrograde, awarding him one of their annual “Barefoot and Pregnant” awards, for “remarks [that] present a view of women based solely on outmoded stereotypes, and reflect a point of view that would prevent women from attaining equal employment opportunity....” Nada Goodman to Charles Gallagher, October 23, 1974, in Rizzo Papers, Box 4873, Folder “FOP.”

²⁷⁴ “FOP to fight dismissal of pregnant cadet,” *Philadelphia Inquirer*, October 3, 1976, William K. Marimow, “FOP calls police rift dangerous,” *Philadelphia Inquirer*, December 19, 1976, 1-B, 2-B. “FOP fights demotions of women,” *Philadelphia Inquirer*, December 24, 1976, 3-D. Maurice F. White, “Policewomen Await Court’s Decision on Transfer Issue,” *Philadelphia Tribune*, January 11, 1977, 24.

on nearly any issue. More likely, the FOP strengthened its stance as the policy of solo rookie patrols touched men as well as women. Indeed, the city had sent equal numbers of men and women rookies out alone, ostensibly to protect the integrity of its study of women officers' performance. And McCarey told the *Tribune* that while women had been "bringing their problems to the FOP and he [had] been handling them on an individual basis... now the pressure from the men has become such that the organization has had to take a public stand because some men feared for the safety of their lives and those of the rookies." McCarey was no feminist, but when a policy change rankled so many of his members—when that policy stepped back from the perennial demand for universal two-officer patrols—he did not shy away from supporting the women's lawsuits. Regardless of his intentions, it was a genuine and risky departure. "It's amazing that he has stuck his neck out so far," one source told the *Tribune*. "I'll just wait and see what happens."²⁷⁵ And it showed that a police union leader with a substantial constituency in the department could forcefully back affirmative action politics, in a time when police departments were some of the most contested sites of these policies nationwide.

McCarey's FOP remained committed to the legal defense of the women officers. In March 1977, the judge ruled that the blocked transfers should be allowed to proceed but refused to force the department to pair patrolling rookies with partners, claiming a desire not to interfere with the department's ongoing study. (The seven women awaiting transfer did not receive new positions until June). The FOP also won reinstatement and back pay for two fired pregnant cadets. But the most significant wins for these women came in 1979 and 1980, when the judge finally ruled against discriminatory standards in hiring and promotion, even taking into account

²⁷⁵ William K. Marimow, "Rizzo backs new policy on rookies," *Philadelphia Inquirer*, December 22, 1976, 2-B. Maurice F. White, "Rookie Policewomen Fear FOP Will Not Support Their Cause," *Philadelphia Tribune*, December 25, 1976, 1, 15.

the contradictory findings of the department's performance study. Building on an interim quota he had mandated in 1977, instructed the department to set guidelines leading to a department with 30% female officers.²⁷⁶

The FOP's commitment to fighting sex discrimination vanished after April 1978, when McCarey lost his bid for reelection. The FOP's alliance with the policewomen leading the charge against departmental sex discrimination was thus short-lived, an anomaly within the lodge's history. But thanks to the court decisions emanating from Penelope Brace's case, this alliance had lasting effects on the representation of women and the gendered division of labor in the department. Women slowly began moving into roles outside the JAD—Brace herself was promoted as the city's first woman detective in 1978—and the percentage of women in the department slowly began to creep up. It hit 22% in 1997, 20 years after Judge Weiner had instituted the first quotas, but only 27% in 2019, another 20 or so years later, when Christine Coulter also became the first woman commissioner of the department.²⁷⁷

McCarey's tumultuous term in office drew a slew of challengers in the run-up to the 1978 election. Opponents ranged from the unlikely 70-year-old Louis Zambino, who had served as Lodge 5's first president in 1939 to fourteen-year veteran Joe Meehan in October and Charles

²⁷⁶ Jan Schaffer, "Police ordered to assign women; rookies patrolling together upheld," *Philadelphia Inquirer*, March 25, 1977, 2-B. Robert J. Terry, "7 women officers finally get jobs," *Philadelphia Inquirer*, June 23, 1977, 3-B. Jan Schaffer, "How do women perform as police? The Philadelphia study is overdue," *Philadelphia Inquirer*, April 16, 1978, 3-L. Aaron Epstein, "High court backs Phila. police quota," *Philadelphia Inquirer*, October 3, 1978, 1-A, 4-A. Jan Schaffer, "Phila. loses case on police sex bias," *Philadelphia Tribune*, February 14, 1979, 1-A, 2-A. Jan Pogue, "Ruling establishes hiring goals for women officers," *Philadelphia Tribune*, October 3, 1980, 3-D.

²⁷⁷ Lynn Litterine, "Case of the lady and the all-male detective division," *Philadelphia Inquirer*, September 22, 1978, 4-B. Dick Cooper, "Sgt. Brace, city reach settlement," *Philadelphia Inquirer*, May 22, 1981, 2-B. Lynn Langton, "Crime Data Brief: Women in Law Enforcement, 1987-2008," U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, June 2010, 3, <https://www.phillypolice.com/assets/programs-and-services/2017-Annual-Report.pdf>, accessed January 21, 2020. Michaela Winberg, "Philly just got its first female police commissioner—45 years after top cop used 'God's wisdom' to keep women off the force," *BillyPenn*, August 23, 2019, <https://billypenn.com/2019/08/23/philly-just-got-its-first-female-police-commissioner-45-years-after-top-cop-used-gods-wisdom-to-keep-women-off-the-force/>, accessed January 21, 2020.

Gallagher, who came out of FOP retirement to challenge McCarey. Gallagher ran on the strength of his record, arguing that he had secured all-time high raises during his terms and effectively defended FOP members when the police department was under assault.²⁷⁸ And Meehan ran as the candidate of a 523-member FOP caucus called “Concerned Organization of Police,” or “C.O.P.” C.O.P. had formed eight months into McCarey’s presidency as a “watchdog group” aiming to compensate for what its leaders saw as a lack of prudence, strategy, and accountability within the McCarey administration. McCarey’s “dictatorial” attitude toward and poor communication with members, said the C.O.P. Declaration of Purpose, left Lodge 5 “divided and weak.” McCarey’s hostility to management meant that problems “that had in the past been resolved at the lowest possible level, now became costly court cases, remained unresolved or had an adverse effect on the member involved”—and had allegedly brought the lodge to the brink of bankruptcy. Meehan and C.O.P. supported many of McCarey’s values and goals but hoped to achieve them in a more politically savvy, financially sustainable, and democratically accountable way.²⁷⁹

It was a vicious election. McCarey fired from the lodge staff three officers who had defected to run on McMenamin’s slate. The president of the Police and Fire Medication Association spent four days in jail for allowing Gallagher but not McCarey to put up posters at

²⁷⁸ “Joseph McMenamin will seek the presidency of the FOP,” *Philadelphia Inquirer*, July 12, 1977, 2-B. “Dissident FOP members select a candidate to oppose Thomas McCarey,” *Philadelphia Inquirer*, October 20, 1977, 2-C. “A former FOP president seeks the office again,” *Philadelphia Inquirer*, January 13, 1978, 2-B. Joseph McMenamin to Frank Rizzo, February 15, 1977, in Rizzo Papers, Box 5227, Folder “FOP.” Joe McMenamin, “Get A Fair Shake from the McMenamin Team,” in Rizzo Papers, Box 5227, Folder “FOP.” “Results! ...Not Promises; Committee to Return ‘Charlie Gallagher’ to F.O.P. President in 1978,” 3-6, in Rizzo Papers, Box 5364, Folder “Fraternal Order of Police.” The race also drew a sixth candidate, Sergeant John McGill, but he never rivaled the other candidates or registered much media attention. Dick Cooper and Robert J. Terry, “Police image at issue in Phila. FOP election,” *Philadelphia Inquirer*, March 27, 1978, B-1.

²⁷⁹ “Dissident FOP members select a candidate to oppose Thomas McCarey.” Concerned Organization of Police (C.O.P.), “Declaration of Purpose,” undated, in Rizzo Papers, Box 5219, Folder “Police.” C.O.P., “F.O.P. Meeting News,” November 1, 1977, in Rizzo Papers, Box 5219, Folder “Police.”

the Association building. Zambino received an anonymous phone call urging him to “get out of the race, or else” at his unlisted home number. Rizzo also continued to make his opposition to McCarey known, both by his continued silence toward the FOP president and by the city pension board’s refusal to grant McCarey a disability pension. (McCarey claimed that a board member had been pressured directly by Rizzo to vote against granting a pension that was almost always granted to other officers in the same circumstances.) The vote saw another record turnout of more than 6000 officers (over 50% turnout of eligible voters, also a record rate), but McCarey earned only 713 votes. Gallagher once more swept into office with 2875 votes, more than double C.O.P.-backed Meehan’s second place result of 1292. Rizzo’s loyal ally in Gallagher would thus step back into power for the mayor’s final two years in office. This changing of the guard came not a moment too soon for Rizzo. In 1978, he campaigned to win a referendum to amend the city charter to allow him to run for a third term as mayor. Having the FOP on his side was critical to Rizzo in a campaign that drew the opposition not only of Rizzo’s usual critics, but even of a vocal segment of police officers—perhaps McCarey’s old constituency. McCarey was uncharacteristically chastened. He promised to support Gallagher “100 percent” and said of his loss, “It’s just one of those things...you win some, you lose others.”²⁸⁰

Black Officers Working Inside and Outside the FOP

The same day that Lodge 5’s election results were counted, a group of 600 protesters formed a chain around city hall to protest police violence toward a small religious group known

²⁸⁰ “The political rift widens in the FOP,” *Philadelphia Inquirer*, October 1, 1977, 2-B. Bob Frump, “Judge orders an arrest in Fop politicking,” March 7, 1978, B-1. Bob Frump, “Officer jailed four hours in FOP election case,” *Philadelphia Inquirer*, March 8, 1978, B-1. “A founder of the local FOP lodge is told ‘to get out of the race, or else,’” March 9, 1978, 2-B. Anthony Lame, “FOP chief loses bid for pension,” *Philadelphia Inquirer*, February 17, 1968, 1-A. Marc Schogol, “Gallagher wins FOP election,” *Philadelphia Inquirer*, April 5, 1978, 1-A, 2-A. Lombardo, *Blue-Collar Conservatism*, 213-216.

as MOVE.²⁸¹ Gallagher returned to power at the FOP as Rizzo was facing an ever-rising militancy of Black officers who, unlike the women officers who had disavowed the feminist movement, had linked their own affirmative action campaign against employment discrimination in the department to the citywide civil rights fight against racist, brutal policing.

Rizzo's first run for mayor took place at a low ebb for the anti-police brutality movement. 1969 had seen the death of the decade-old Police Advisory Board (PAB), thanks to legal action by the FOP, waning support from Mayor James Tate, and the hostility of then-Commissioner Rizzo. Though a coalition liberal and radical groups known as the "Citizens for the PAB" worked through the end of Tate's term in 1972 to pressure him to reinstate the board, he remained implacable. A smattering of city agencies and council members continued to invite the submission of abuse complaints and attempt to resolve them, but their work represented a fraction of what the PAB had done even with its resources.²⁸² Modest and embattled though its capacities had been, the PAB was the only institution within the machinery of the state that had the dedicated purpose of identifying and rectifying police abuse. As Rizzo assumed the mayoralty in 1972, the PAB seemed definitively a thing of the past.

The thorough defeat of the PAB led local civil rights groups to reevaluate and adapt their strategies. The ACLU, which had been one of the principal architects and supporters of the PAB, was instrumental in this reorientation. In a 1979 oral history interview, Spencer Coxe, head of the local ACLU through most of the 1970s, noted that over the decade, the organization shifted

²⁸¹ Gerald Etter and Robert J. Terry, "MOVE rally 'blockades' City Hall," *Philadelphia Inquirer*, April 5, 1978, 1-A.

²⁸² Countryman, *Up South*, 284. Citizens for a PAB, Meeting Minutes, May 26, 1970, FC Records, Box 22, Folder 22. "PEJ," *Temple Free Press*, 6-7, PAB Records, Box 2, Folder 41. Floyd H. Patton, "Protection Needed From Police Abuse," *Philadelphia Inquirer*, May 15, 1970, 22.

away from the bad apple theory of police abuse, and from the theory that the departmental command was committed to stamping out incidents of police abuse. Increasingly, he said, the ACLU began to realize that “the problem of police abuse is a problem of command...that police abuse is, in effect, encouraged and condoned by the department and it’s departmental policy to permit the use of police abuse.” Coxe admitted that even reform commissioners like Thomas Gibbons and Howard Leary, who were genuinely committed to eliminating brutality, condoned and employed police abuse in other ways, such as illegal arrests of gamblers to run them out of town. Rizzo’s time as commissioner and mayor only exacerbated this problem. Coxe especially pointed to the 1970 “Operation Find,” in which the PPD arrested hundreds of Black men in search of the murder of Officer Cione, holding them without probable cause and subjecting them to abusive interrogations.²⁸³ Coxe and other reform advocates concluded that they could not rely on even the most sympathetic and cooperative members of the brass to eliminate police abuse. Reform and accountability would have to be imposed on the department from the outside.

As in the case of corruption, the FOP under both McCarey and Gallagher typically acted in lockstep with the administration in responding to accusations of police abuse and brutality. As in the case of corruption, the FOP under both McCarey and Gallagher typically acted in lockstep with the administration in responding to accusations of police abuse and brutality. But there was a lonely voice who wanted to reshape FOP Lodge No. 5 as a vehicle for civil rights politics: a Black patrolman named Alphonso Deal. The fight against racist discrimination and for equal protection under the law was a thread that ran through Deal’s working life. After rallying against military segregation as a military policeman during World War II, Deal worked in a

²⁸³ “Second Interview with Spencer Coxe,” May 17, 1979, 23, in Walter Massey Phillips Oral Histories, Box 5, Folder 4. Robert Terry and William Weisenbach, “Patrolman Fatally Shot in N. Phila.,” *Philadelphia Inquirer*, January 30, 1970, 1.

Philadelphia auto body shop, where he chaired several committees in UAW Local 813 and fought for fair employment practices. He joined the PPD in 1954 and shortly thereafter co-founded the Guardian Civic League (GCL), Philadelphia's Black officers' association, which he led until 1969. For a year beginning in summer 1969, he also took leave from the department and moved to Fayette, Mississippi, where he helped Charles Evers, the state's first Black mayor, to train and reorganize the city's largely defunct police force. Deal had also been active in the local NAACP since the 1940s, becoming a Vice President of his branch in the late 1960s, and rising to the presidency of the North Central Philadelphia Branch of the NAACP in 1973. Over these many decades, Deal's work through the NAACP had been broad, focused largely on voter registration and turnout and on fighting segregation in housing and education. As he became branch president in 1973, Deal told the *Inquirer* that his "top priority" in redressing these wrongs was "to gain political power for blacks in North Philadelphia." Like many other civil rights and Black power groups in US cities in the early 1970s, he operated on the theory that securing elected office for Black politicians was the essential condition of guaranteeing political representation and equal legal protections for Black residents of the city.²⁸⁴ Thanks to both his civil rights and police work, in the 1970s Deal was overwhelmingly the face of the Black police officer in Philadelphia, and a notable member of the local Black freedom movement more generally.

The role of law enforcement occupied a foundational place in Deal's thinking on the fight against racism and for civil rights. "It doesn't make sense," Deal told a church audience in 1974,

²⁸⁴ "Biography of State Representative Alphonso Deal," 1-2, Philadelphia NAACP Records, Acc. 836, Box 1, Folder 15. "NAACP Begins Registration Effort," *Philadelphia Tribune*, August 26, 1972, 36. Warren Brown, "Deal Installed as Head of NAACP Unit," *Philadelphia Inquirer*, February 19, 1973, 5-A. Joey Johnson, "North Towers' Tenants Complaining About Filth, Burglaries, and Security," *Philadelphia Tribune*, May 15, 1973, 1, 5. "North Phila. NAACP May Sue To Stop Anti-Busing Bill," *Philadelphia Tribune*, November 26, 1974, 1. Countryman, *Up South*, 295.

as part of a campaign against Rizzo and O’Neill’s police practices, “to fight for civil rights and human dignity when you can’t even walk outside of your home in the Black community.” He added that Black children could not enjoy a good education, even when it existed, “because they will be attacked if they cross gang turfs.” In other words, like some other Black community leaders in the 1970s Deal positioned equal protection by law enforcement as the civil right that made the rest meaningful, and thus as a foundational goal of civil rights struggle. At the same time, Deal drew on a more conservative tradition of self-improvement and self-uplift, lamenting that “[f]ar too many of our men are doing nothing to make the community safe for our families”—that they were even “co-partners with the white racists who are trying to destroy us.” Black men would need to step up, he argued, and Black women would have “to work with us and help these Black creatures become Black men.” Though these words bore a superficial similarity to white conservatives’ defense of racial hierarchy in the guise of law-and-order politics, Deal’s outlook fit squarely in a longer, middle-class Black political tradition that sought equal citizenship rights for respectable, “law-abiding” African Americans as well. He believed in the importance of police to protecting life and property and reproducing the normative nuclear family, but he recognized law enforcement’s hostility to extending these services to Black citizens. He believed the solution was more, better, nondiscriminatory policing—by the “state police or the National Guard,” Deal hoped, “if there is no action” by the city—paired with efforts by Black citizens themselves to avoid gangs and criminality.²⁸⁵ The distinctive aspect of Deal’s vision, however, lay in his interest in pairing rank-and-file mobilization by Black and, if

²⁸⁵ “Deal Lashes Politicians At NAACP Rally,” *Philadelphia Tribune*, January 5, 1974, 12. For the literature on Black leaders calling for more and better policing of Black communities, see James Foreman, Jr., *Locking Up Our Own: Crime and Punishment in Black America* (New York: Farrar, Straus, and Giroux, 2017); and Fortner, *Black Silent Majority*.

possible, white officers to support the fight for equitable, accountable policing from within the police department as well. As both a police officer and a local civil rights leader, Deal fought not for law-and-order politics but for what I call a politics of “civil rights law enforcement.”

One of Deal’s first steps to achieve this goal was his campaign for the presidency of FOP Lodge 5 in 1972. Though the campaign was perhaps doomed from the start, it reflected Deal’s commitment to engaged membership within the FOP and his ceaseless efforts to turn it against racist and abusive policing, which reached back to the 1960s. While hundreds of Black officers were dues-paying members of the FOP, Deal was one of very few who attended meetings and actively paid attention to lodge politics. As a result, he was well positioned to channel the backlash when in 1968 lodge president John Harrington announced he would be voting for segregationist George Wallace for U.S. president. Deal led over 200 Black officers to a membership meeting in September, where one officer challenged Harrington for “openly back[ing] a racist,” and another tore up his membership card on the spot. (“Never,” one white officer told the *Inquirer*, “in my 27 years in the FOP have I seen so many Negroes at a meeting.”) Eventually Harrington threatened to throw out Deal and then dissolved the meeting, whereupon Deal and 100 other officers regrouped at St. Paul’s Baptist Church. Deal encouraged his fellow officers not to drop their FOP memberships just yet and began laying plans for “bucking Harrington” and pushing for new leadership. Deal’s strategy was twofold. On the one hand, he hoped to overwhelm poorly attended FOP meetings with large groups of organized GCL members and strategic use of parliamentary procedure. He claimed some credit for using the same tactics to help outmaneuver former Philadelphia NAACP leader Cecil Moore, who had been removed from leadership after the national organization had broken his branch into five separate branches. While Deal alone could not claim credit for Moore’s ouster, he presented the

claim as a success story that bolstered the plausibility of his campaign against Harrington. On the other hand, Deal hoped that the GCL would be able to ally with enough white officers disaffected with Harrington to create an effective opposition within the police union.²⁸⁶

Deal would conduct two major campaigns in this fight, and both failed definitively. Shortly following the contentious membership meeting, Deal led a contingent of Black officers to an FOP vote of confidence on Harrington. Over 2500 FOP members attended the meeting, however, and the white majority vastly outvoted the GCL bloc on the matter along strictly racial lines. Harrington, before the vote, addressed the floor and said that if in 1970, at the next FOP election, “if you don’t like it [his record], you know what you can do about it.”²⁸⁷ While Deal missed the 1970 election because of his stint in Mississippi, in early 1972 he announced his run for the presidency of the lodge, facing off against both Harrington and Charles Gallagher. Following the announcement, the department immediately ended his ten-year tenure on the Labor Squad and demoted him to plainclothes patrol. In spite of the punitive warning, Deal persisted in his campaign. He promised to support the current goals of FOP negotiations and placed a particular emphasis on winning two-officer cars on every patrol. He also promised that he would promote the values and goals of the membership, not those of the mayor and the commissioner: the same line Harrington used to critique the Rizzo favorite, Gallagher. These talking points avoided alienating white officers and made no mention of Black officers or civil rights in particular. In the end, though, Gallagher swept into office with nearly 3000 votes, with

²⁸⁶ John Cooney, “Harrington Battles Negro FOP Members Over Wallace Support,” *Philadelphia Inquirer*, September 4, 1968, 5. Tommy Cross, “FOP Head’s Wallace Support Spurs Negroes to Militancy,” *Philadelphia Tribune*, September 7, 1968, 1, 3. Acel Moore, “Negro Policemen Stay in FOP, Seek Harrington Ouster,” *Philadelphia Inquirer*, September 9, 1968, 27.

²⁸⁷ Robert Fensterer, “FOP Board Supports Harrington; Members Cheer and Boo Action,” *Philadelphia Inquirer*, September 25, 1968, 41.

Deal earning around 600. While no exit polling exists, it is likely that Deal was unable to expand his support beyond his base of certain Black officers, just as in the confidence vote of 1968.²⁸⁸ In both cases, a large enough bloc of white officers was consistently willing to mobilize against Deal's efforts, and his supporters lacked the numbers to successfully challenge the white members who controlled the lodge. Deal's defeat in 1972 marked the end of his inside strategy in Lodge 5 and seemed to vindicate the vast majority of Black officers who had never chosen to pursue their particular interests through the police union.

Deal and other Black officers were not, however, finished with trying to move the FOP. After 1972, though Deal maintained his membership in the police union, he and his colleagues continued a parallel strategy of critiquing the FOP as a members and as civil rights leaders. The GCL and the FOP found themselves at odds, for instance, over a case 1970 lawsuit alleging racial discrimination in hiring and promotion by the Department since Rizzo took control. The case, brought in federal court by the state Attorney General and a group of Black officers with the backing of the GCL, ACLU, and tri-state NAACP, led Judge John Fullam to find a pattern of discrimination in these practices. There had been a massive decline in hiring Black officers; in 1966 when Rizzo became acting commissioner, they accounted for over a quarter of new recruits. In 1970, when Rizzo ran for mayor, the rate had fallen to about 7%. Over the same period, Black officers went from comprising 21% of the force – the highest proportion of any US city – to 18%. Through a series of temporary court orders, appeals, and negotiations, the city managed to sidestep Fullam's original, indefinite 1972 order for mandatory hiring quotas and

²⁸⁸ "Deal to Seek Presidency of FOP," *Philadelphia Tribune*, February 15, 1972, 28. "Black FOP Candidate Wants 2-Man Patrols," *Philadelphia Inquirer*, March 14, 1972, 6. "Harrington Opposed By 2 for FOP Post," *Philadelphia Inquirer*, April 4, 1972, 19. Dan Enoch, "Harrington Loses FOP Election," Charles Gallagher Is New Chief," *Philadelphia Inquirer*, April 5, 1972, 1, 4. Acel Moore, "We're Spied On, Black Cops for Ratio Hiring Say," *Philadelphia Inquirer*, September 13, 1972, 64.

instead agreed to higher rates of hiring Black candidates in a series of cadet classes and to a redesign of the entrance exam. But as with Penny Brace's case over sex discrimination, talks over the final consent decree dragged into the 1980s, and Black officers remained less than 20% of the force over the same period. Finally, in late 1983, the city agreed to prioritize hiring Black officers over the next four years and to adjust the lieutenant's exam to promote more Black officers. By 1990, Black officers represented 23% of the 6100-member police force.²⁸⁹

Leading Black officers supported the lawsuit and Fullam's findings of discriminatory practices. Deal told an NAACP conference in 1972 (after his failed campaign for FOP president) that "more Black policemen would help solve many problems in major cities." He promoted these views with the local press as well, arguing that having more Black police would help "deal with the social problems of our community," thanks to those officers' greater familiarity with Black communities. Sergeants James Holley and Harold Arnold, a past and current president of the GCL, respectively, also lauded the decision and its potential to reduce the incidence of discriminatory policing. But this support brought officers like Deal and Holley into conflict with the FOP and Charles Gallagher, who said of the decision, "It stinks." Shortly after Fullam's decision, FOP member Sergeant John M. Carey filed a complaint against Holley with the police union, accusing the GCL of "subverting the aims of the FOP" and asking that Holley be fined, suspended, or expelled from the police union. The plaintiffs in the discrimination case managed to have Fullam postpone the FOP hearing on the matter, and the department does not seem to have gone through with disciplining Holley. But the episode revealed that even if politically

²⁸⁹ Frank McDevitt, "Judge Orders an End to Bias In Police Hiring, Promotions," *Philadelphia Inquirer*, May 26, 1972, 1, 7. Ray Holton and Kathy Begley, "Judge Orders Police to Hire One Black to Every 2 Whites," *Philadelphia Inquirer*, May 27, 1972, 1, 8. George Anastasia, "Decade after suit, officer is the eye of the hurricane," *Philadelphia Inquirer*, March 29, 1982, 2-A. George Anastasia, "Judge OKs pact to boost hiring of black police," *Philadelphia Inquirer*, November 19, 1983. Bob Miller and Robin Clark, "FOP head denies comments," *Philadelphia Inquirer*, July 25, 1990, B-1.

active Black officers did not contest the leadership of the FOP, lodge leadership was still willing to retaliate against them to quash anti-discrimination lawsuits against the department.²⁹⁰

Deal and his peers' repeated clashes with the FOP and their inability to bend it toward greater support for civil rights law enforcement came to a head in the crisis over the policing of MOVE, a small religious and political community in the city. Though its precise origins are unclear, MOVE seems to have emerged in the early 1970s by the hand of Vincent Leaphart, an unemployed Black handyman from West Philadelphia. In the first half of the decade, Leaphart assumed the name "John Africa" and built a small collective organized around a philosophy that drew on Black Nationalism and a return to nature. MOVE members rejected many trappings of modern society, forgoing indoor heat, compulsory schooling for their children, and treating animals as livestock or pests (leaving many to roam the compound grounds). Their mostly working- and middle-class Black neighbors in the Powelton Village neighborhood of West Philadelphia found these aspects of their compound, as well as the loud and profanity-laden statements they announced via bullhorn from their windows, an increasing nuisance. MOVE also protested an broad portfolio of political and cultural figures, increasingly targeting the police who often arrested MOVE members at protests. This circle of protests, arrests, and protests of those arrests, as well as MOVE's ensuing efforts to stockpile arms and ammunition, led to an increasingly tense and hostile relationship between MOVE and the police.²⁹¹

After months of heavy surveillance, the police blockaded the MOVE compound in 1978. Rizzo's goal in escalating tensions in this way was to drive the organization out of Powelton

²⁹⁰ Acel Moore, "NAACP Applauds Phila. Policeman for Upholding Hiring Suit," *Philadelphia Inquirer*, May 28, 1972, 3-A. Art Peters, "Why So Few Black Police? Color It Blue," *Philadelphia Inquirer*, May 29, 1972, 13. "Ask Help of Rizzo To Fill City Quota Of Black Policemen," *Philadelphia Tribune*, May 30, 1972, 1-2. Art Peters, "FOP Brotherhood Strained by Drive For Equality," *Philadelphia Inquirer*, June 23, 1972, 21. Moore, "We're Spied On, Black Cops for Ratio Hiring Say," 63.

²⁹¹ Lombardo, *Blue-Collar Conservatism*, 204-212.

Village. By May, the blockade had resulted in a handful of surrenders and an agreement by MOVE to leave the neighborhood and face arms possession charges in exchange for the release of imprisoned MOVE members. But as the group failed to vacate the compound or appear for their court dates, in August the police organized a raid on the compound and began a firefight with the group. Though police took the compound and the city soon demolished it, the standoff resulted in the death of police sharpshooter James Ramp and greatly deepened enmity between the PPD and MOVE.²⁹²

MOVE's eclectic philosophy and practice and their confrontational style had alienated most potential sympathizers and allies. They were almost unique in the space of Black political life, eschewing the civic integrationism of the civil rights movement and the quest for independent bases of sovereignty by Black Power groups and instead rejected citizenship and sovereignty altogether. Their worldview and practices were unintelligible to many observers because they were located outside the space of Philadelphia politics altogether. But in MOVE's arms race and standoff with law enforcement, police critics came to see the organization as the latest target of racist and abusive policing in the city and rallied to their defense. Deal, the NAACP, and the GCL became especially involved in this coalition after the August raid, organizing protests against Rizzo and calling for officers who bragged about beating MOVE member Delbert Africa to be dismissed.²⁹³ Deal's public and vocal stance prompted a massive backlash among a segment of FOP members, about 2000 of whom signed a petition and packed meetings calling for his expulsion from the police union. Even as the GCL, the local ACLU, the local and national NAACP, the National Black Policemen Association (NBPA), and local

²⁹² *Ibid.*

²⁹³ *Ibid.*, 211-213.

lawyers, politicians, and clergy lent their support to Deal—even Black Panther Party Chairman Bobby Seale visited Philadelphia in September to lend his support to Deal against Rizzo—he continued to face reprisals from some of his fellow officers. Some officers began interfering with his radio calls or arriving very late for calls for backup. Deal reported death threats and began traveling with GCL members as bodyguards out of fear for his safety. In September, the police department opened an investigation against Deal for alleged “cowardice” on the job, stemming from an incident where Deal tried to deescalate and break up a fight between two men in August. At the same time, the FOP opened disciplinary hearings against Deal for breaking his Order oath not to publicly criticize a fellow officer. Under this tremendous pressure, Deal retired on August 17, 1978, after 25 years as a police officer.²⁹⁴

At his retirement, Deal insisted that he had not been forced out of the department but rather that he wanted to focus exclusively on civil rights issues. At this point, Deal and others in the GCL backed away from trying to steer or pressure the FOP into support for their program, instead building a full, parallel campaign of their own. GCL members began to visit meetings of Black neighborhood associations and churches, listening to residents’ experiences and grievances with the police and acknowledging the existence of police abuse that neither the brass nor the FOP would ever countenance. GCL leaders often specified that they did not find most

²⁹⁴ Robert J. Terry, “2000 police jeer aide of NAACP,” *Philadelphia Inquirer*, August 23, 1978, B-1. Pamela Smith, “Black Cops Send Message to Bell,” *Philadelphia Tribune*, August 25, 1978, 1, 11. Jim Davis, “NBPA Supports Deal; Vows to Speak Out Against Police Brutality,” *Philadelphia Tribune*, September 1, 1978, 1, 16. Timothy Dougherty, “Deal Needs Bodyguards While On Duty,” *Philadelphia Tribune*, September 5, 1978, 1, 18. Timothy Dougherty, “Deal Probed For ‘Cowardice’ While On Duty,” *Philadelphia Tribune*, September 8, 1978, 1, 16. Acel Moore and Bob Frump, “ACLU will aid Deal in dispute with city,” *Philadelphia Inquirer*, September 15, 1978, 1-B, 3-B. Timothy Dougherty, “Civic, Community Leaders Come Out In Force, Supporting Alphonso Deal,” *Philadelphia Tribune*, September 19, 1978, 1, 17. Timothy Dougherty, “Deal Stands Firm; Vows To Continue to Talk Out Against Police Brutality,” *Philadelphia Tribune*, September 22, 1978. Timothy Dougherty, “Al Deal Claims Fellow Officer Threatened Life,” *Philadelphia Tribune*, October 10, 1978, 1. “Barristers Back Deal,” *Philadelphia Tribune*, October 10, 1978, 3. “Expressions From 3 Religious Groups Show Support for Police Officer Deal,” *Philadelphia Tribune*, October 10, 1978, 8. “Black policeman quits Rizzo’s force,” *Austin American Statesman*, November 17, 1978, A15.

officers, even most white officers, culpable for police abuse, but that the majority was guilty of their unwillingness to acknowledge the problem and do something about it. At times the GCL linked their rallies in defense of Deal and against brutality to the campaign to block Rizzo's effort to overturn mayoral term limits in Philadelphia's charter. But even as Rizzo's charter reform measure lost soundly at the polls in 1978, the GCL continued and expanded its reform campaign. Drawing its weeks of community meetings, released a report (including copies for the brass) and set new goals for the organization just before Christmas. The content of the analysis was not radical or even especially novel. The GCL identified the problem as a lack of "aware[ness] of the needs of the minority community," and the solution as better training and education for white officers and greater hiring of Black officers, who would also earn greater trust from Black residents. This take recapitulated the tenets of the 1960s-era liberal reform, centered as they were on education, training, and sensitivity. What was distinctive was the GCL's initiative to take these matters into its own hands and out of the FOP's—to become a clearinghouse for community sentiments and training techniques, to directly assume responsibility for recruiting new Black officers.²⁹⁵

Although the scope of the GCL's campaign transcended any one politician, the question of who would succeed Frank Rizzo drew them heavily into the mayor's race of 1979. In the Democratic primary, the group came to endorse William Green, Jr., a former congressman and the son of a major Democratic party official in the city. Green became the overwhelming favorite

²⁹⁵ "Police brutality here, an officer tells group," *Philadelphia Inquirer*, September 13, 1978, 3-C. Trace Gibson, "Deal Stresses Importance of Political Awareness at Catto Lectures," *Philadelphia Tribune*, November 17, 1978, 5. Acel Moore, "NAACP plans caravan to spur anti-third term vote," *Philadelphia Inquirer*, November 1, 1978, 3-D. Trace Gibson, "Public Grievances Aired During PCNO Monthly Forum," *Philadelphia Tribune*, November 7, 1978, 4. "Discussion set today on police abuse," *Philadelphia Inquirer*, November 26, 1978, 8-B. Pamela J. Smith, "GCL Calls For Help in Beginning Cohesive Community-Police Relations," *Philadelphia Tribune*, November 28, 1978, 3. Robert Michael Jackson, "Working to Change Community-Police Relations," *Philadelphia Tribune*, December 29, 1978, 5.

to succeed Rizzo and attracted the bulk of endorsements anyway, including from figures as different from the GCL as John Harrington. But the League cited Green's past support for civil rights legislation in justifying their endorsement, and they secured a promise that, if elected, he would consider a Black police officer for one of the top three spots in the police department, including commissioner. GCL leadership held out hope that Green could be an ally in their campaign as he won in November with nearly 53% of the vote.²⁹⁶

Conclusion

The 1970s saw the flourishing of several tendencies within the police worker movement. Charles Gallagher saw Mayor Rizzo as the champion of his constituents and the culmination of the FOP's efforts to defeat the reforms of racial liberalism in Philadelphia; as a result, he led the FOP in lockstep with Rizzo, rarely challenging the mayor on anything. Tom McCarey led a cohort of younger officers who resented being locked out of Rizzo's patronage networks and felt that, even with the FOP's staunch opposition to police critics, they lacked a union that could address their day-to-day grievances. And Alphonso Deal and his allies hoped to bring Black leadership to the helm of the FOP and make it a defender both of the police and of citizens' civil rights. But not all of them were able to generate the same kind of linked workplace and political power than lodge presidents like John Harrington and Charles Gallagher had. McCarey failed to repeat his one term in office and failed to break into city politics. Deal and his allies failed to change the FOP from within or to challenge it head on, but by the end of the decade were building parallel structures of power, working to build broad political coalitions in the city for *both* law and order and racial justice. And so the map was drawn as in late 1979 William Green

²⁹⁶ Countryman, *Up South*, 313, 323-324. "Guardian Civic League backs Green," *Philadelphia Inquirer*, October 16, 1979, 1-B. Jim Davis, "Black Policemen: Bill Green Will Keep Campaign Promise," *Philadelphia Tribune*, December 11, 1979, 1, 18. Paul Taylor, "Green Wins in Landslide," *Philadelphia Inquirer*, November 7, 1979, 1-A.

was elected to succeed Rizzo and to inaugurate one of two mayoralties in the 1980s. Both mayors would define themselves against Rizzo and his legacy and attempt to carve out a new liberal politics of policing, but on political terrain very different from that of the 1950s and '60s. And they would do so in the heart of a fiscal crisis that rocked American cities in the 1970s and 1980s, helping to usher in austerity budgets that challenged the ascendancy of the police union movement in cities across the United States.

Chapter 6
—
Weathering the Storm
Police Unionism in the Face of Austerity, 1974-1982

In 2011, Wisconsin’s Republican governor Scott Walker signed Wisconsin Act 10, euphemistically known as the “Wisconsin Budget Repair Bill.” Though the act appeared in the wake of the Great Recession and was framed as a budget-balancing measure, it was rather a right-to-work bill for Wisconsin’s public employees. It required most of them to pay 50% of their pension costs and nearly 13% of their healthcare premiums and revoked their collective bargaining rights with respect to benefits and working conditions. The state’s public-sector unions could now only negotiate pay raises. Most provisions of the bill, however, carved out law enforcement and firefighters. Police unions, in other words, emerged unscathed, reportedly because Walker feared the optics of police joining the labor protests that had flooded the state capital in opposition to the bill. That judgment reflected the degree of support police unions had amassed among the public and their representatives in government. Police and firefighters were a class apart, able to escape the scope of an anti-union law that covered the rest of the private sector.²⁹⁷

It was not always so. During the last major economic crisis before the Great Recession, the stagflation and municipal fiscal crises of the 1970s, police and their unions were not spared the austerity measures that mayors in cities across the United States adopted to make their

²⁹⁷ Eleanor Clift, “The GOP and Police Unions: A Love Story,” *The Daily Beast*, December 12, 2014, <https://www.thedailybeast.com/the-gop-and-police-unions-a-love-story>, updated April 14, 2017, accessed May 25, 2021. Riley Vetterkind, “10 years later: Wisconsin’s Act 10 has produced labor savings, but at a cost,” *Wisconsin State Journal*, February 2, 2021, https://madison.com/wsj/news/local/govt-and-politics/10-years-later-wisconsin-act-10-has-produced-labor-savings-but-at-a-cost/article_04022e81-82ba-5c23-88f9-25070c031f7c.html, accessed May 25, 2021.

budgets solvent. Police unionists had spent the late 1960s and early 1970s winning collective bargaining rights, negotiating strong contracts, and building political power and influence in city politics. Headlines about this “blue power” movement found its successes exceptional, even in the context of the broader public-sector labor mobilization that unfolded over the same period. But when wage freezes, layoffs, and spending cuts arrived they touched police forces alongside every other city department. Sometimes, but not always, police were able to secure lighter cuts compared to other departments.

This chapter explores how police unions responded to fiscal crisis and austerity in three large American cities: New York, Philadelphia, and Baltimore. In 1975, New York under Mayor Abraham Beame suffered the paradigmatic and largest fiscal crisis of the decade, as banks stopped loaning to the largest city government in the country and state and federal government hesitated to step in and make the city whole. The federal government eventually loaned billions of dollars to the city to stave off bankruptcy, but only on the condition that it make huge and lasting cuts to social services and city staffing. Philadelphia lacked a municipal state on the scale of New York’s, but Mayor Frank Rizzo had paired a penchant for patronage hiring with an unwillingness to raise taxes on city residents, which he only slightly relaxed when the city’s financial difficulties became apparent in his second term. As a result, his successor, William Green III, inherited a budget crisis which he sought to resolve with budget cuts like those in New York. In both cases, however, police and their unions fared poorly. After years of funding and staffing increases, they had to face corresponding cuts, despite their protests and resistance.

In Mayor William Donald Schaefer’s Baltimore, by contrast, the local police succeeded in fending off cuts to pay raises, but the local and national police union movement was transformed in the process. Since 1966, the Baltimore Police Department had housed two

competing campaigns to organize and represent the police: one from the American Federation of State, County, and Municipal Employees (AFSCME), whose Local 1195 represented low-ranking police along with other city workers; and the other from the FOP, which eschewed labor solidarity and overt unionism for membership in a police-only organization that promised to cooperate rather than contend with the brass. Through 1974, AFSCME decisively outcompeted the FOP—until AFSCME police members struck that summer alongside their civilian co-unionists against austerity wages. The strike won the desired wage package, but BPD Commissioner Donald Pomerleau, furious and unwilling to tolerate a striking police force, broke the AFSCME police union. The demise of Local 1195 represented a larger implosion of AFSCME’s project to integrate police into the broader public-sector labor movement both in Baltimore and across the United States.

The police union movement thus was affected by and responded to the fiscal crises of the 1970s in multifarious ways. But what the police unions of Baltimore, Philadelphia, and New York shared in common was a lack of political allies in their fight against austerity. The survival and thriving of public-sector unions had always depended not only on their militancy and ingenuity but also politicians willing to support them even in difficult times. The 1970s revealed that even Democrats normally tolerant or supportive of labor unions were all but unable to take their side amidst the budget shortfalls of an economic crisis. When state and federal governments failed to support insolvent cities and bond markets threatened to withhold lending from cities that did not cut labor costs, mayors generally had little choice but to acceded to the demands of this nexus of capital and state power. If police unions would one day build enough power to sidestep assaults on public-sector unions, as they seemed to in Wisconsin in 2011, they had not yet done so in the 1970s and 1980s.

New York: Austerity in “Fear City”

New York City suffered the paradigmatic fiscal crisis of the 1970s, as the largest city in the country approached the brink of bankruptcy in the face of a debt crisis. The severity of the cuts the city made to spending and staffing showed that the nation’s largest police union was no more able than other city unions to oppose fiscal retrenchment. Even after a decade of accumulating “blue power,” the cost of police officer salaries was just as attractive a target as the salaries of any other workers on the city’s balance sheet.

By the mid-1970s, New York had built a social-democratic state on a municipal scale that was unrivaled anywhere in the United States. In addition to massive police, fire, and K-12 school systems, the city also had an extensive network of public hospitals, parks, transit infrastructure, tuition-free higher education, and more, all staffed by hundreds of thousands of employees. The police department alone employed over 30,000 people. For decades the city had financed the massive spending that animated this tremendous infrastructure predominantly through debt. From year to year, deficits grew and the city covered them with more borrowing, such that by 1974 it was \$10 billion in debt and spent a full 15 percent of the city budget on interest payments. Banks had been willing to continue to extend new loans to the city throughout this period, but in 1974, as New York’s debt levels reached these unprecedented heights amidst a global economic crisis, ratings agencies began to lower New York’s credit rating and banks prepared to call in their debts.²⁹⁸ The result was a spiraling crisis that unfolded over 1975 as banks cut off lending to the city, which, faced the immediate prospect of bankruptcy. Mayor Abraham Beame scrambled to cut spending while searching for rescue funds. After much

²⁹⁸ Phillips-Fein, *Fear City*, 15-16, 28-59. Joseph B. Treaster, “Layoffs Are First for Police in Decades,” *New York Times*, December 12, 1974, 54.

reluctance, President Gerald Ford eventually signed a federal act that provided billions in loans to the city. But such loans – as well as subsequent loans from private banks – were premised on the condition that New York cut its staffing and prune its impressive municipal state. In contravention to contractually mandated raises, the city instituted a wage freeze for many workers, cut tens of thousands of jobs, and instituted new or higher fees for many city services.²⁹⁹

The city's workers and unions resisted this austerity program, but none of them, not even the police, were able to protect themselves from cuts. Indeed, austerity politics and pay cuts were one of the few issues that could unite a huge and diverse city workforce divided by lines of occupation, race, and more. This unity was, to be sure, difficult to achieve and often fleeting. The largely white, male uniformed forces in the police and fire departments, committed to the idea that they were particularly indispensable to the city, often believed they were a cut above New York's blue-collar workers, teachers, and other professional employees. American Federation of State, County, and Municipal Employees (AFSCME) District Council 37 (DC 37), by contrast, represented a much more racially and occupationally diverse group, ranging from hospital janitors and truck drivers to school-lunch workers, librarians, and court reporters. These divisions surfaced when, in the summer of 1975, the members of DC 37 ratified a wage freeze deal with the city to avoid more layoffs while the police, fire, and teachers unions rejected it. Even so, these workers were fighting a common opponent and often found moments of unity. In June, both DC 37 and the Patrolmen's Benevolent Association (PBA) announced that their pensions would withdraw their investments from First National City Bank, which they argued was overhyping the city's financial distress. That same month, the city's police unions distributed leaflets that welcome tourists to "Fear City," warning that police staffing cuts had

²⁹⁹ Phillips-Fein, *Fear City*, 140-143, 199-200, 205-226.

rendered the city streets dangerous and unlivable. The unions hoped to distribute the leaflets at the city's airports, too, and invite New Yorkers and visitors to a protest at City Hall. When the city blocked the PBA president's arrival at Kennedy International Airport on June 13, officers opted instead to drive sound trucks covered in American flags through the city, conveying their dire warnings by speaker instead. But these protests could not stem the tide of austerity. At the end of June, the city laid off 5000 police officers and detectives. Hundreds of laid off officers marched through the city streets with striking sanitation workers and got in fights with officers who had not been fired. As panic spread throughout the police force and among the public, Mayor Beame did announce that he would rehire 2000 of the laid-off officers. But the department still ended up thousands of officers short of its peak, and it would not escape further cuts in the years to come. To the extent that such cuts fell lighter on the police than on other occupations, often those that employed more non-white workers, was ultimately a difference of degree more than of kind. Police and their unions lacked the power to resist budget cuts and were captive to the political economy of the moment.³⁰⁰

Philadelphia: Austerity Delayed

The full weight of austerity fell comparatively late on Philadelphia, where a combination of Mayor Rizzo's penchant for offering patronage jobs in city government to supporters and creative accounting had masked growing shortfalls in the city's budget until after he was reelected in 1976. Even then, the comparatively small scale of the spending cuts and tax increases he instituted left his successor, Mayor Green, an enormous fiscal puzzle along with an especially corrupt and brutal police department. These two issues were interconnected, given the significant expense of running the department, and Green chose to solve them together.

³⁰⁰ *Ibid.*, 119-124, 129-144.

The solution meant payroll cuts. This endeavor relied on the cooperation and support of two of Green's administrative appointees: the police commissioner and the city's managing director (essentially the mayor's chief of staff). Green did not make these choices in a vacuum. Feeling pressure from the multiracial coalition of liberals and radicals who had protested the Rizzo administration, Green was eager to shore up his support with Black voters, after he defeated the Black political class's favored candidate, Charles Bowser, in the Democratic primary in 1979. In a bid to attract more Black voters, Green announced an agreement with Bowser in which he promised to promote African-Americans to top positions in his administration. The agreement symbolized a more general commitment to pursuing racial justice during his term as mayor.³⁰¹

In the event, this vague agreement did not cover the police commissioner: Green selected Deputy Commissioner Morton Solomon, a 29-year veteran of the department, to head the PPD. A resident of Northeast Philadelphia and the highest-ranking Jewish officer in the department, Solomon had long overseen what local papers called "incidents of racial friction" throughout the city. He would deploy large numbers of officers to sites of threatened interracial violence in an effort to defuse tensions. From the jump, Solomon proved much friendlier to the media than many of his predecessors. But like them, he described the department as a good institution with a bad public image, continuing his predecessors' patent refusal to acknowledge systemic patterns of police abuse. Though he had served under Rizzo, Solomon had had a tense relationship with the former mayor and largely operated outside Rizzo's patronage network. (Joseph O'Neill, by contrast, called him a "good selection" as he left his position). Solomon was a compromise appointment: while he had worked his whole career in the PPD and was a known quantity, his

³⁰¹ Countryman, *Up South*, 323.

lack of association with Rizzo at least gestured toward a new way of policing Philadelphia, a departure from the unrestrained law-and-order practices and corruption of the previous administration. His time as commissioner would bear out this promise: he would standardize the department's uniform policy, order officers on the street to cooperate with the press, destroy thousands of pages of intelligence on political activists, invest in police-community relations, open all positions to women officers, and implement a "merit"-based transfer procedure. In short, he was a professionalizing reformer in the classic mold.³⁰²

Solomon, notably, was not Black, and his selection did not please everyone. Sister Falaka Fattah, leader of the West Philadelphia community organization the House of Umoja, lamented to the *Philadelphia Tribune* that Green had not scoured the country for someone with "an extensive background in race relations," but she hoped nonetheless that Solomon would boost the hiring and promotion of Black and Hispanic officers. While the FOP withheld comment, the Guardian Civic League (GCL), the city's Black officers association, expressed disappointment that Green had passed over Donald M. Gravatt, the top-ranking Black officer in the department, who nonetheless rose from inspector to deputy commissioner under Solomon. Unable to change the appointment, however, GCL leaders committed themselves to lobbying Solomon for policies that reduced police abuse and discrimination.³⁰³

Solomon himself served under Green's pick for city Managing Director, W. Wilson Goode, whose first charge was to carry out Green's budget cuts. Goode was born in North

³⁰² Charles Gilbert and Gerald McKelvey, "O'Neill Reassigns Two Top Deputies, Calls It Routine," *Philadelphia Inquirer*, December 29, 1971, 25. William K. Marimow, "Solomon to Head Phila. Police," *Philadelphia Inquirer*, January 7, 1980, 1-A, 2-A. Dick Cooper, "From the ranks, a 'tough cop' and a tactician," *Philadelphia Inquirer*, January 7, 1980, 6-A. Dwight Ott, "The Moody Blues," *Philadelphia Inquirer Magazine*, September 13, 1981, 10.

³⁰³ Trace Gibson, "Critics adopt wait-and-see attitude about city's new police commissioner," *Philadelphia Tribune*, January 8, 1980, 1. Jim Davis, "City's top Black cop says his job is no window dressing," *Philadelphia Tribune*, January 25, 1980, 1, 16.

Carolina to sharecroppers and moved to Philadelphia as a teenager. He made his name running anti-poverty and housing advocacy groups that flourished under Great Society programming in the 1960s and was a co-founder in 1968 of the Black Political Forum (BPF), which aimed to elect more Black Philadelphians to office. But around the same time Goode also earned a Masters in Public Administration from the Wharton School, and over the course of the 1970s he moved from the grassroots to more technocratic spaces. In 1978, Governor Milton Shapp appointed Goode to the state Public Utilities Commission, where he remained when Green tapped him to join his administration in 1980. Over the previous thirteen years, Goode had earned a reputation as an effective manager, fundraiser, and budgeter, alongside his commitment to social justice and Black political representation. His place in Green's administration represented the mayor's attempt to run a more transparent, accountable administration at a lower cost while still pursuing the social good for Black and non-Black Philadelphians alike.³⁰⁴

It was a formidable challenge given the city that Green and Goode inherited from Rizzo. During Rizzo's tenure the city lost nearly 100,000 jobs. Although the vast majority in manufacturing, the city even lost non-manufacturing jobs even as national employment in this sector rose by 17 percent. By 1978 the city had the nation's third-highest overall unemployment rate at 12 percent, and the top national employment rate for African Americans at over 21 percent. But even as the city's employment and tax base steadily eroded, the city budget continued to grow, as yet uninhibited by austerity. Green entered office in 1980 with a projected \$100 million deficit for the coming fiscal year, on top of a \$25 million deficit for the current one. Rizzo administration officials had underestimated the current-year deficit by more than half,

³⁰⁴ John F. Bauman, "W. Wilson Goode: The Black Mayor as Urban Entrepreneur," *Journal of Negro History* 77, no. 3 (Summer 1992): 146-147. Countryman, *Up South*, 308-309, 323-324.

failing to note the impact of spending by Rizzo in his last two months, including hiring 247 new police officers at a cost of \$3 million and a huge uptick on police overtime. The last time the city had raised taxes was in 1976, just after Rizzo had covered up budget shortfalls during his reelection campaign. To balance the budget, Green and Goode would have to adopt some combination of tax increases and spending cuts, which Green had promised to inflict largely on Rizzo's patronage hires. Green promised to spend city dollars only on what was both necessary and affordable, ending the Rizzo years of nepotism.³⁰⁵

In early February, Green announced his first layoffs, which included 738 employees from the police department and 256 from the fire department. Together, the departments consumed over 20% of the city's budget. This alone made them prime targets for cuts, but they were also symbolically important. As Rizzo's favored departments, they had seen virtually no layoffs for over a decade. The city estimated that the police cuts alone would save \$19 million—a modest but meaningful step toward the city's goal of making up its shortfall of over \$100 million over the next year and a half. And Wilson Goode assured the citizens of Philadelphia that even after the layoffs, these departments would enjoy high staffing ratios conducive to public safety. After cuts, for instance, the police department would still have 50 police officers for every 10,000 city residents, the third-highest ratio of any city in the nation after Chicago and Washington, D.C.³⁰⁶

³⁰⁵ Jane Shoemaker, "Rizzo will cast a long shadow over Green's job," *Philadelphia Inquirer*, November 11, 1979, 1-H, 2-H. William K. Marimow, "City deficit revised to \$25 million," *Philadelphia Inquirer*, January 16, 1980, 1-A, 6-A. For more on austerity in Baltimore, see Jane Berger, "'There Is Tragedy on Both Sides of the Layoffs: Privatization and the Urban Crisis in Baltimore,'" *International Labor and Working-Class History* 71, no. 1 (2007): 29–49. For the same in New York, see Phillips-Fein, *Fear City*.

³⁰⁶ Dick Cooper, Robert J. Terry, and Steve Twomey, "Police Plan Job Action on Cuts," *Philadelphia Inquirer*, February 6, 1980, 1-A. William K. Marimow, "So long immune, police, firemen feel layoff pain," *Philadelphia Inquirer*, February 10, 1980, 1-L, 8-L. The police and fire departments also faced cuts in the first round of Green's austerity program due to technical reasons related to federal funding. 2800 city employees were funded by the federal Comprehensive Employment and Training Act (CETA), whose rules blocked the city from laying off full-time civil service employees in any unit receiving CETA funds. Almost half of the Streets Department's 2859

Nevertheless, the announcement led FOP President Charles Gallagher to announce a series of job actions to protest the layoffs. Hundreds of officers called in sick in a one-day “blue flu” protest, alongside an ongoing “boycott” of writing vice and traffic tickets. On February 7, about 5000 police and firefighters joined to march on City Hall to protest the layoffs, the first of several street protests over the coming weeks. In the streets, protesters railed against “Ayatollah Green,” a reference to the ongoing hostage crisis in post-revolutionary Iran. Comparing Green to the Ayatollah not only painted him as authoritarian but also, in traditional fashion for police protesters, framed any critic of the FOP as outside civic community, a foreign enemy of the police work that guaranteed the integrity of that community. Privately, however, the union leaders treated Green like any other mayor, meeting with him and pressing him to back off the layoffs and seek funding from higher levels of government. Green, however, held his line. He promised to keep any cuts as minimal as possible but promised he would “not allow Philadelphia to become another Chrysler or New York,” referring not only to New York’s fiscal crisis but also the recent federal bailout of the automaker. As had become common since New York’s crisis, Green committed to financing the city budget and its debt service in particular on the backs of city employees and residents rather than seeking aid from higher levels of government with greater fiscal capacity. This position provoked police and firefighters, who continued in the following days with more slowdowns and sickouts. Member calls for a strike that had echoed in the crowd outside city hall even trickled up to president Charles Gallagher, who for the first time said he could not rule out such an action. The FOP also printed bumper stickers that said, “If you need a cop, call Mayor Green – MU 6-2181,” jamming the mayor’s phone line so thoroughly he

employees were CETA workers, which blocked Green from making layoffs in a department he was otherwise keen to target.

was forced to change his City Hall number. And it circulated newspaper ads and petitions to local businesses and citizens calling on to press the mayor to back down. The ads reiterated the well-worn line that any cuts to police staffing would expose businesses and households to the ever-present threat of “burglary, arson, robbery, the ravages of fire, looting, and the like.” The slowdowns, sick-outs, and strike threats also functioned as more dramatic means of communicating the same message—that withdrawing police labor meant a more dangerous Philadelphia—though the brass insisted to the press that the actions to date had not hampered their ability to police the city.³⁰⁷

The resistance to layoffs also proved a rare moment of unity across demographic divides within the department. Women police officers and the local chapter of NOW spoke up alongside the FOP. Although one of Commissioner Solomon’s first acts had been to remove O’Neill’s restriction on women working outside the Juvenile Aid Division (JAD) in the department, due to lack of seniority, 132 of the 198 women in the department would be swept out with the cuts. Any gains from Solomon’s new policy would be largely offset by the reduction of women in the department overall. Philadelphia NOW president Lillian Ciarocchi and Detective Penelope Brace, who had brought the original sex discrimination case against the department in the 1970s, both suggested they would go to court to win protections for women officers. The GCL expressed similar concerns about layoffs disproportionately affecting Black officers, though they

³⁰⁷ Cooper, Terry, and Twomey, “Police Plan Job Action on Cuts,” 1-A, 10-A. Dick Cooper and William K. Marimow, “Police, Firefighters to March,” *Philadelphia Inquirer*, February 7, 1980, 1-A, 2-A. John F. Clancy, Robert J. Terry, and Ray Holton, “Green Rebuffs March Leaders,” *Philadelphia Inquirer*, February 8, 1980, 1-A, 10-A. “Update: Hello, is this 911? Give me the mayor,” *Philadelphia Inquirer*, February 9, 1980, 2-C. Robert J. Terry and Roger Cohn, “City police get a touch of ‘blue flu,’” *Philadelphia Inquirer*, February 10, 1980, 1-A, 24-A. Dick Cooper, “Police shuffled to fight blue flu,” *Philadelphia Inquirer*, February 11, 1980, 1-A, 4-A. William K. Marimow and Dick Cooper, “Tensions ease as unions and Green confer,” *Philadelphia Inquirer*, February 12, 1980, 1-B, 2-B. Newspaper Advertisement by Fraternal Order of Police Lodge No. 5, February 11, 1980, 3-D. Newspapers Advertisement by Fraternal Order of Police Lodge No. 5 and International Association of Fire Fighters Local 22, *Philadelphia Inquirer*, February 13, 1980, 10-A.

were a slightly more reluctant partner in the FOP-led protest actions. As police and firefighters prepared their city hall protest, GCL leaders approached the FOP executive board out of a concern that job actions would include an absolute moratorium on vice and narcotics arrests and long delays in responding to calls. GCL president Harold James saw such potential actions as particularly threatening to Black neighborhoods in Philadelphia where, he said, drug trafficking was especially prevalent. But, he told the press on February 8, the FOP assured him and his organization that “they would not encourage their members to do anything that would affect the safety of the communities.” James thus authorized the members of his 860-officer organization to join job actions while carrying on an independent lobbying effort with the mayor.³⁰⁸

Despite the flurry of job actions and protests, Green stayed the course. In response to police actions, Mayor Green had Commissioner Solomon discipline sergeants and lieutenants who commanded participating officers and made a series of transfers. And even as the firefighters, police, and women officers specifically escalated to filing lawsuits against the layoffs, in late February Green appeared before the city council to report a softening of the union heads’ position in private negotiations. Despite their strong public stance that any cuts would compromise public safety, Green said that in private the police and fire union presidents had agreed that they could tolerate staffing reductions through attrition rather than layoffs—and this, Green argued, undercut their public safety arguments and was no reason to avoid layoffs.³⁰⁹ Regardless of the truth of the claim, it was enough to ward off investigatory public hearings by

³⁰⁸ Dick Cooper, “Now, women can seek any job,” *Philadelphia Inquirer*, January 10, 1980, 1-A, 2-A. Cooper, Terry, and Twomey, “Police Plan Job Action on Cuts,” 1-A, 10-A. Clancy, Terry, and Holton, “Green Rebuffs March Leaders,” 10-A. Jim Davis, “Guardians seek ways to halt police layoffs,” *Philadelphia Tribune*, February 12, 1980, 1. “Black cops will back job actions,” *Philadelphia Tribune*, February 8, 1980, 1, 16.

³⁰⁹ Cooper and Marimow, “Police, Firefighters to March,” 2-A. Cooper, “Police shuffled to fight blue flu,” 4-A.

Republican Council member Brian O’Neill, even as the courts rejected the police and fire union petitions to reverse layoffs. And so by early March, the layoffs took effect. 386 policemen, 242 cadets, and 110 civilian employees of the department lost their jobs.³¹⁰

With the layoffs accomplished, Green focused on the second stage of his austerity plan: negotiating less expensive contracts with each of the city unions. He began with the FOP and International Association of Firefighters (IAFF) Local 22, hoping to bargain for a wage freeze in exchange for a promise to rehire furloughed workers over the coming months. Negotiations began in February, with union leaders privately offering cost-saving measures even as thousands of their members protested in the streets. But the city soon realized that Local 22 leadership was more sympathetic to Green’s budget forecasts than the FOP, and more willing to break the united front with police and negotiate lean contract. Reaching the first agreement with firefighters would break with the decades-old “parity” bargaining tradition, in which police reached the first agreement and city officials or arbitrators awarded firefighters an identical pay and benefits package. By early March, IAFF Local 22 leadership and the city had agreed to a tentative contract that won some popular work rule changes and guaranteed the rehiring of furloughed workers, but also raised employee pension contributions and locked firefighters into an unprecedented four-year contract with a one-year wage freeze up front. Local membership rejected the contract by a three-to-one margin, triggering the beginning of binding arbitration

³¹⁰ Maida Odom and Robert J. Terry, “FOP to seek layoff injunction,” *Philadelphia Inquirer*, February 13, 1980, 1-E. John F. Clancy, Dick Cooper, and Michael A. Hobbs, “Firefighters, police march and go to court,” *Philadelphia Inquirer*, February 20, 1980, 3-E. Daniel R. Biddle, “Mayor says unions concede layoffs are not dangerous,” *Philadelphia Inquirer*, February 21, 1980, 1-B, 2-B. Tom Masland and Robert J. Terry, “Police layoffs may pose problem with trials,” *Philadelphia Inquirer*, February 23, 1980, 1-B. “Judge denies FOP petition to cancel Friday’s layoffs,” *Philadelphia Inquirer*, March 4, 1980, 2-B.

procedures—which only mandated the wage freeze, followed by a ten percent raise the following year.³¹¹

With the pattern set by the firefighters' arbitration, negotiations continued with the FOP, first under President Gallagher, who was not running for reelection, and then his protégé, 41-year-old Sergeant Thomas Garvey, who succeeded Gallagher in April. The local press called Garvey “more polished and articulate” than his predecessor, but his fundamental priorities remained the same: win the police as large a raise as possible. Garvey compared Philadelphia's starting police pay unfavorably to Los Angeles and noted another year of double-digit inflation, underscoring the need of adequate raises just to keep pace with price increases. As direct negotiations gave way to arbitration proceedings, the also explicitly broke with the pay-parity tradition with firefighters, arguing that the FOP deserved more than the firefighters' award because police supposedly worked more continuously than firefighters during their shifts, and because they worked under “extreme emotional stress...tension...[and] trauma.” Once again, police unionists invoked the unique status of police as civic guardians who deserved special compensation. The arbitration panel appeared only slightly swayed by the argument: in June, it awarded the police a 5% raise in each year of a two-year agreement, in total little different from the firefighters' agreement even as it placed a greater demand on the city's current-year budget. The award also compelled the city to increase its contribution to the FOP's legal fund and to rehire the department's over 700 furloughed employees by the end of 1980. Green claimed that the panel could not bind the city on matters of hiring and firing but that he planned to do so

³¹¹ Marimow and Cooper, “Tensions ease as unions and Green confer,” 1-B, 2-B. William K. Marimow, “Police, firefighters: how deep the solidarity?,” *Philadelphia Inquirer*, February 15, 1980, 1-D, 2-D. William K. Marimow, “Being realistic,” *Philadelphia Inquirer*, February 24, 1980, 1-B, 4-B. Steve Twomey, “Firefighters Reject New Pact,” *Philadelphia Inquirer*, March 7, 1980, 1-A, 2-A.

anyway—and indeed, by the end of April, thanks to retirements the city had already rehired 100 laid off officers, including 35 policewomen. Rehiring continued as the year progressed. At the time of the award, however, the FOP’s lawyer complained to local papers that arbitrators had not awarded a greater raise to cover inflation.³¹²

The mayor, however, welcomed the award. He had good reason to embrace the results: his success in achieving a first-year pay freeze with the firefighters had lowered expectations in bargaining with all unions and set a pattern that would help him further his austerity program. Not only did Green reach a similar agreement with firefighters, he also negotiated contracts with the city’s white- and blue-collar unions that included a pay freeze in the first year followed by a 10% raise in the second. These payroll savings didn’t allow the mayor to escape Philadelphia’s first tax increases since 1976—he worked with City Council to increase the city property tax by ten percent and to raise fares on SEPTA, the regional transit network—but he did manage to talk the Council out of a tax on the city’s two oil refineries, arguing that protracted legal challenges would make the revenue uncollectable in the short term and instead securing a one-time voluntary payment from the refineries instead. The sum total outcome, roughly six months into Green’s mayoralty, was widespread budget cuts balanced on the backs of city employees, homeowners, and commuters rather than corporations. Nevertheless, while Green’s administration represented a huge departure from Rizzo-era payroll patronage, there were beneficiaries besides the city budget, and not just the oil refineries. Local law firm Wolf, Block, Schorr & Solis-Cohen, which handled much of the city’s bond business in this period, was one of

³¹² Robert J. Terry, “The FOP’s new champion sounds a clarion for troops,” *Philadelphia Inquirer*, April 11, 1980, 1-B, 2-B. Robert J. Terry, “75 furloughed officers to be rehired,” *Philadelphia Inquirer*, April 25, 1980, 1-B. William K. Marimow and Steve Twomey, “FOP breaks tradition on firemen’s pay parity,” *Philadelphia Inquirer*, June 4, 1980, 1-B, 3-B. Steve Twomey and William K. Marimow, “Arbitrators award police a 5% pay increase,” *Philadelphia Inquirer*, June 6, 1980, 1-A, 9-A. “City recalls 131 police laid off since last winter,” *Philadelphia Inquirer*, July 25, 1980, 2-B.

Green's largest campaign contributors and had previously employed both Green and City Solicitor Alan J. Davis. "It's a different style of patronage," an anonymous "reform Democrat" told the *Inquirer*.³¹³ Green and Goode's approach treated a balanced city budget and unburdened local businesses as the preconditions of broader social health and concluded that city workers and residents would have to cut back before they could see any putative future benefits of that budget. Crucially, not even the previously privileged police department and FOP could avoid Green's across-the-board cuts. They represented too large a portion of the budget and were the most obvious symbol of the Rizzo-era nepotism that Green aspired to end. The only saving grace for the FOP was the arbitration process itself, which removed some leverage and direct decision-making power from city government. Arbitration all but guaranteed the police some kind of raise at a time when the city was eager to make whatever cuts it could.

Baltimore: Victory at a Cost

Nowhere were the stakes of austerity for the future of the police union movement higher and clearer than in Baltimore, where since the mid-1960s two different groups with two very different models of police organization had vied to organize and represent the city's police officers: that of AFSCME Local 1195, which favored horizontal solidarity, and that of FOP Lodge 3 which stressed vertical solidarity. By 1974, the AFSCME model enjoyed a clear advantage. They had more members; had long controlled the department's Personnel Advisory Board, a non-binding consultative body for the rank-and-file; had secured dues checkoff and a grievance procedure for officers in the department; and successfully pushed lawmakers to pass a statewide Law Enforcement Officers Bill of Rights (LEOBOR). In 1973 and 1974, they pressed

³¹³ Ray Holton and Daniel R. Biddle, "After six months, Green shows he means business," *Philadelphia Inquirer*, July 6, 1980, 1-C, 4-C. "More city workers OK new contract," *Philadelphia Inquirer*, July 15, 1980, 1-B.

their advantage further by winning the department's first union representation election and beginning its first contract negotiations. But the city, led by Mayor William Donald Schaefer, had already committed to austerity budgeting, a move preempted an immediate fiscal crisis. AFSCME's police and non-police unions resisted this plan in their negotiations for higher wages and together struck in the summer of 1974. But while the strikers would win their raise in the end, they did so at the cost of the AFSCME police union itself, which Commissioner Donald David Pomerleau crushed in retaliation for the strike, making space for the FOP to represent the department's officers by the early 1980s. The defeat of AFSCME Local 1195 would be a defeat for an alternative vision of police union politics, which, but for the fiscal crisis of the 1970s, may not have come to pass.

The road to the strike began with the extension of collective bargaining rights to the Baltimore City police in the wake of the city's 1972-1973 corruption scandal. In April 1973, a bill appeared in the Maryland General Assembly that would grant the Baltimore PD a representation election. Union-friendly legislators had unsuccessfully floated such bills since the 1960s, but the politics of the legislation were different now. This bill would permit a police union to directly negotiate pay and terms of work with the mayor, not the police commissioner, and Mayor William Donald Schaefer, who was elected in 1971, was eager to gain an advantage over the commissioner. Throughout the corruption scandals, Pomerleau had conferred and coordinated closely with Governor Mandel but refused to share much information with Schaefer, much to the latter's chagrin. Pomerleau, of course, was furious about the bill, arguing in testimony before the Senate that the bill would "tear up the department." He predicted a sure victory for AFSCME—civilian employees would be able to vote in this election, and the FOP did not include civilian members, hobbling its chances—which would lead to a "closed shop,"

blocking the influence of the other employee organizations like the FOP. This empowering of AFSCME and shifting of many of Pomerleau's management prerogatives to the city would assure that the department would become "neither an agency of the state nor an agency of the city [but] a neuter." Representatives of FOP Lodge 3 and the Vanguard Justice Society, the new department's Black officers association, supported Pomerleau's testimony.³¹⁴

The legislation passed both houses of the Assembly, but Mandel vetoed it in July, citing his support for his appointee Pomerleau. This seemed to be the end of the matter until September when, in a remarkable about-face, Pomerleau issued a general order permitting an exclusive representation election in the department. The order came on the heels of a speech he gave at that year's IACP convention in which he strongly endorsed police unionism, a stance much stronger than his resigned acceptance of it five years earlier. In the speech, he confessed that "the chiefs have failed to win better wages and working conditions" for their employees, so they should "let the unions do it." He accepted a shared responsibility for cultivation of the welfare of the men and women in his command and even told his fellow chiefs and commissioners that if their departments did not already have unions, they should form them themselves. Gaps in the record make it difficult to assess just why Pomerleau gave ground on collective bargaining, but the terms of the deal are suggestive. The winner of the election would be the exclusive representative of officers in the department, negotiating pay and benefits directly with the city. They would *not*, however, negotiate the terms of employment, but rather formulate a non-binding memorandum of understanding on working conditions with the commissioner. In all likelihood, in the face of the strong legislative threat advanced by AFSCME, Pomerleau chose to hand the union a victory

³¹⁴ "Pomerleau assails bargaining bill," *Baltimore Sun*, April 6, 1973, C12. "City senators back Mayor on police," *Baltimore Sun*, April 7, 1973, B13.

that preserved his managerial prerogatives while leaving fiscal negotiations with the city—which had always controlled the police budget in any case.³¹⁵

Though Pomerleau was confident that AFSCME would win this election, the leaders of Police Council 27 and Local 1195 left little to chance. The ballot would list only AFSCME Local 1195, FOP Lodge 3, and “No Union” as options, but AFSCME organizers identified Black officers in general and the members of the Vanguard Justice Society as a possible swing vote and a necessary ally. The Society was relatively new, formed by Officer Lawrence Clark in October 1971 as a dues-funded membership organization for Black employees of police agencies, courts, and prisons. Its founders thought of it simultaneously as a social group, a professional organization, and an advocacy vehicle. In 1973, the same year as the union election, the Vanguard Justice Society had filed a civil suit with the department over hiring practices that discriminated against Black candidates. In virtually all other cases to that point, white-dominated police unions would not actively court the support of Black officers, let alone a Black officers association trying to change hiring and promotion rules. Moreover, before this point, Black officers had little to no engagement with either AFSCME or the FOP in Baltimore, sometimes actively supporting Pomerleau because of his modest commitment to non-discrimination and his police-community relations program. But with a union election on the table, AFSCME organizers reached out to Vanguard. In October 1973, a month before the election, AFSCME organizer P.J. Ciampa wrote to the International about a tentative arrangement they had made with “the Vikings”—to add a member each to the negotiating committees of police Locals 1195 and 1599; to allow Vanguard to elect two additional members to the executive boards of

³¹⁵ Barry Rascover, “Assembly meets today; vetoes at top of agenda,” *Baltimore Sun*, July 30, 1973. Roger Twigg, “Police allowed to choose agent,” *Baltimore Sun*, October 11, 1973, C7. Baker, “Blue Power,” A1, A10. Twigg, “Police choose union,” *Baltimore Sun*, November 15, 1973, C8.

each local; and potentially to facilitate the attendance of a Vanguard member at AFSCME's annual convention. Ciampa was insistent that AFSCME "conclude a formal affiliation agreement immediately," though it remains unclear if they ever did. It is tempting to imagine what might have come of such affiliation, though it would not have lasted long, as AFSCME's police locals in Baltimore would implode after the police strike the following year. But Local 1195's willingness to pursue this alliance once again marked its approach as distinctive, perhaps even unique, in the police union movement.³¹⁶

Local 1195 won the election handily. 85% of eligible voters—2265 civilians and officers below the rank of sergeant—turned out and handed the local 1488 votes to the FOP's 769. Thomas Rapanotti immediately announced a series of ambitious goals, most notably a 22% increase in base pay that the city council balked at. And so in December began 7 months of negotiations that progressed very slowly. They also overlapped with the city's negotiations with other unions as well, including the teachers, who struck in February of 1974 for better pay. The negotiations were all the more difficult both for the massive inflation rates of 1974—significant raises were necessary just to keep pace with the cost of living—and Schaefer's precocious embrace of austerity in the city budget. Rather than continuing to borrow heavily to support city spending, as New York and many other cities did, Schaefer favored a pre-emptive tightening of Baltimore's fiscal belt, cutting outlays and reining in wage growth to minimize leverage and improve the city's credit rating. In this environment, the balance of forces gradually led the unions to a deal modeled on settlement reached by teachers in March: a six percent wage

³¹⁶ "History of Vanguard Justice Society, Inc.," Vanguard Justice Society, https://web.archive.org/web/20080915183635/http://vjsinc.tripod.com/vjs_aboutus.html, September 15, 2008, accessed April 21, 2021. Sheridan Lyons, "Top black officer praises police," *Baltimore Sun*, July 27, 1978, D6. P.J. Ciampa to Tom Fitzpatrick, "Baltimore City Police Election," October 23, 1973, in Office of Field Services Papers (unprocessed), AFSCME Papers, Lot 5, Box 1, Folder 7, Reuther Library.

increase and a half-percent increase in benefits. This offer, however, did not satisfy police union members or thousands of other city workers, and the ensuing discontent would lead to the largest police strike since 1974—and Local 1195’s demise.³¹⁷

The first workers walked off the job on July 1. Sanitation workers at a handful of sites shut them down, as Sewer Department and highway maintenance employees followed suit. These workers were frustrated by the inadequacy of the raise, and the sanitation workers in particular insisted on the abolition of their department’s “point system,” which allowed the city to fire them automatically after eight absences. Day by day, the wildcat strike spread to more and more Local 44 workers from other city departments—more sanitation, sewer, and highway workers, as well as Parks Department employees, school maintenance workers, and guards from the city jail. By July 10, over 3000 workers from Local 44’s roughly 10,000-person bargaining unit were off the job and picketing city yards or, more often, simply at home. The interruption of trash collection hit the city especially hard. The *Sun* reported on hundreds of city residents lining up for up to a half hour at a time to drop their garbage at city landfills, assisted by police and by the city’s non-striking white-collar workers. Downtown trash cans were overturned (Mayor Schaefer blamed the strikers), and accumulating piles of trash through the city generated, in the words of one *Sun* reporter, “a powerful stench and a multiplying population of flies, maggots and rats” on days that ran into 90 degrees Fahrenheit.³¹⁸

³¹⁷ Twigg, “Police choose union,” C24, C8. Richard Ben Cramer, “There’s a Mandel in the city’s fiscal future,” *Baltimore Sun*, February 17, 1974, K1, K3. Berger, ““There Is Tragedy On Both Sides of the Layoffs,”” 36. “Police reject contract,” *Baltimore Sun*, July 1, 1974, C1-C2.

³¹⁸ Tom Fitzpatrick to President Wurf, “Baltimore Sanitation Workers Walkout,” July 1, 1974, in Wurf Collection, Box 137, Folder 20. Stuart Taylor, Jr., “Mayor sees no quick end to strike,” *Baltimore Sun*, July 5, 1974, A1, A9.

In the meantime, Ernest Crofoot, the director of AFSCME DC 67, told the *Sun*, “I’m eating crabs and I’m gonna take them in to the city and put ‘em in a strategic place where certain officials can get the full benefit of their odor.” Crofoot’s comments, published on July 5, exemplified how all of AFSCME—“all three levels of our union [local, state, and international]”—had pivoted in a matter of days to support what started as a wildcat strike. Local 44 was in fact just one of thirty AFSCME affiliates nationwide that struck in July 1974, from California to Texas, Alabama to Tennessee, Michigan to Massachusetts. The breadth and scale of this strike action reflected the incredible reach and tremendous growth it had achieved under ten years of leadership by International President Jerry Wurf: AFSCME now had over 700,000 members and was adding an additional 1000 a week. Most of the 1974 strikes were for higher wages, perhaps the result of pent-up frustration in a year when inflation remained high but when federal wage controls over two years earlier lapsed in 1974. Virtually all were illegal, though AFSCME leadership up to President Wurf stood behind them as an important struggle to maintain workers’ standard of living in a time of economic dysfunction. In Baltimore, too, the AFL-CIO’s Metropolitan Area Council supported the strike and aided AFSCME in negotiations with the city. And after the police themselves went out on strike, even AFL-CIO president George Meany, when asked by reporters, endorsed in abstract the right of any worker to strike regardless of legality, and criticized the use of court injunctions to try to stop them. In short, all of AFSCME and virtually the entire labor movement stood behind Baltimore’s striking employees in the summer of 1974.³¹⁹

³¹⁹ Taylor, “Mayor sees no quick end to strike,” A1, A9. Robert L. Hetzel, *The Monetary Policy of the Federal Reserve* (Cambridge: Cambridge University Press, 2008), 92. Fred Barbash and Charles A. Krause, “Baltimore Strike Is Symbolic Of Strong Union Growth,” *Washington Post*, July 10, 1974, C1. “AFSCME Reports Record Strikes,” *Public Employee* 39, no. 7 (August 1974), 3, in Publications, AFSCME Papers, Box 28, Folder 5. Barry Abel to John Hein, “Tom Bradley of Metro. Area Council AFL-CIO, Baltimore,” July 19, 1974, Wurf Collection,

Police did not join the strike right away, but 500 attendees at a June 30 Local 1195 membership meeting did vote unanimously to reject the wage compact negotiators had brought back from bargaining. Negotiators threatened the possibility of a police strike to the city, but police quickly settled on various job actions for the time being, with the tacit approval of Commissioner Pomerleau. The *Sun* observed that “hundreds of citizens were finding out new ways in which they had been breaking the law, but never being charged.” Officers wrote a huge number of parking tickets, filed missing item reports for pennies left on the sidewalk (complete with extensive lists of witness interviews). Some blocked freeway traffic with their police cars, and others drove to the central police garage and flooded it with complaints about minor auto issues. The officers turned their powers of discretion and the bureaucratic processes that police professionalization had expanded to gum up rather than facilitate the workings of the department. And these actions occasionally touched powerful actors: one officer ticketed Mayor Schaefer’s limousine, and another arrested Maryland Delegate Kenneth Webster for tearing up his own parking ticket and vituperatively scolding the officer who issued it. (Webster was quickly released and charged with littering.) But for twelve days, and in some cases until the citywide strike was resolved, officers remained on the job and occasionally covered work that some of the striking city employees left undone. Some officers helped Baltimoreans deposit trash at landfills. On July 14, others would “storm” the city jail to rescue four supervisory guards held hostage by a handful of young inmates, temporarily filling in for the hundreds of striking guards. Nonetheless, from the beginning Local 1195 took care to coordinate their actions with those of

Box 137, Folder 20. Transcript of George Meany’s Response to the Baltimore Strike, July 15, 1974, 1-2, Wurf Collection, Box 137, Folder 20.

the strikers, their respective locals' leaders convening joint meetings and committing to a united front against Mayor Schaefer's austerity budget.³²⁰

But on the evening of July 11, the dam finally began to break as hundreds of police joined the strike. It began in the Southwestern District and quickly spread to the Western, in both cases draining the districts of so many officers they were effectively "shut down." Some turned in their keys and cars; others left theirs in the street, sirens blaring, or threw away their keys altogether. Officers in the Western District formed a picket, which the *Sun* called "boisterous but orderly." That night alone, hundreds of officers walked off, and at its peak a couple days later, it included anywhere between 600 officers (Pomerleau's estimate) and 1300 (both AFSCME's and the city's estimate)—equivalent to between one third and two thirds of Local 1195's membership, and between a quarter and a half of patrolmen in the department. The police strike was large enough to affect nearly every police district and to compel the department to double or triple staffing levels, institute twelve-hour days and seven-day weeks, and request support from the state police. Striking officers picketed city hall and buildings throughout the city with signs that linked their raise demands to the ostensibly dangerous and vital nature of their jobs. They read, "I Will Not Die for 5.5," referring to the city's raise offer, and "Professional Pay for Professional Service." "They don't treat us right," an officer in the Northwestern District told the *Sun* as he walked off the job. "Why should we kill ourselves for them?" The widow of patrolman Frank Whitby, who was fatally shot by someone he was trying to arrest, told a police picket outside a precinct station, "My husband died for \$130 a week." And AFSCME organizer Thomas

³²⁰ "Police Reject Contract," *Baltimore Sun*, July 1, 1974, C1. "Police talks," *Baltimore Sun*, July 3, 1974, A9. Richard Ben Cramer, "City union defies mayor, fines threat," *Baltimore Sun*, July 8, 1974, A1. "Police slow work pace, mock rules," *Baltimore Sun*, July 8, 1974, A1, A10. Richard Ben Cramer, "Mayor stays firm as city strike grows," *Baltimore Sun*, July 9, 1974, A1. Richard Ben Cramer, "Strike talks lapse as city obtains new injunction," *Baltimore Sun*, July 10, 1974, A1, A8. "Baltimore Police Ruled in Contempt," *Baltimore Sun*, July 14, 1974, A1.

Rapanotti spoke to the media and doubled down on the claim that police felt neglected and taken for granted. “They think everyone turns them down, rejects them,” Rapanotti said. Funerals for slain police officers had to be funded by their own families, he added, and these officers were quickly forgotten by all but their families and other police. “You put your goddamn life on the line,” he said, “[and] you’re nobody.” Altogether, the police walkout dramatically strengthened the city workers’ strike. It was nowhere near a general strike of city workers, with the majority still on the job, including all white-collar workers represented by the Classified Municipal Employees Association (CMEA). Indeed, CMEA leaders were critical of the strike, and the next month its 5000 members would vote 6-1 against affiliating with AFSCME ostensibly because of their opposition to the police strike.³²¹ Nonetheless, at its height, the AFSCME strike was a powerful repudiation of the austerity budget of the Schaefer administration, a multiracial, cross-occupational coalition encompassing thousands, and a rare case of solidarity between police unionists and the rest of the labor movement. It was an impressive if fleeting demonstration of the worker power AFSCME leaders strove to build across a government workforce marked by tremendous diversity and by strains and antagonisms across these lines of difference.

What factors led some police officers to walk off the job, and others to stay? To a large extent, these decisions were predictably shaped by the interlinked factors of organizational membership (AFSCME vs. FOP) and rank (patrolmen and sergeants vs. supervisors and plainclothes officers). Detective Earl Kratsch observed that “bluecoats,” that is, uniformed patrolmen, were much more likely both to be union members and to strike, while detectives

³²¹ Kratsch, discussion. Richard Ben Cramer, “Police strike; west side hit hard; looting erupts, guard at the ready,” *Baltimore Sun*, July 12, 1974, A1, A12. Rachel Scott, “Police call their union chief ‘the Godfather,’ and he fondly refers to them as his family,” *Baltimore Sun*, July 13, 1974, A9. Richard Ben Cramer, “Situation seems calmer,” *Baltimore Sun*, July 13, 1974, A8. “Baltimore Police Ruled in Contempt,” A18. Donald T. Torres to Ernest B. Crofoot, July 13, 1974, Wurf Collection, Box 137, Folder 20. “CMEA-AFSCME split tied to July labor strike,” *Baltimore Sun*, August 17, 1974, B2.

mostly stayed on the job. Kratsch claimed that he and other FOP members also actively organized their fellow officers to stay out of the strike once it had begun. The *Sun* also reported that in the Eastern District, where all officers stayed on the job but one (Francis Hoyt, the son of Local 1195's president), FOP members outnumbered AFSCME members two to one. Kratsch noted the "tight grip" the district's captain had on his officers, the individual relationships and bonds of loyalty he had built with them, which may have explained both the low strike rate as well as the low rate at which his subordinates joined a union hostile to management in the first place. At the same time, though, rank and membership were hardly determinative. If Local 1195 had anywhere near the roughly 1800 members it claimed on the eve of the strike, somewhere between a quarter and two thirds of them did not join the strike. In the Eastern District, 70 Local 1195 members did not strike, ostensibly because Local 1195's bylaws barred it. The local shop steward, a man with fifteen years of experience, also resigned from the position. "It really boiled down to this question, 'What does your oath mean to you?'" he told the *Sun*, and to him, striking would have meant a violation of his commitment to police work, his first and foremost loyalty. Others recalled growing up in coal country and the loss of pay or jobs their families suffered when their fathers participated in long strikes. In this case, a history of belonging to union families actually dissuaded them from withdrawing labor. The choice boiled down to a calculation of risk and cost.³²²

Whatever their respective reasons, the strike fostered a deep antagonism between those who walked off the job and those who stayed on. Western District Captain Walter Jasper told the *Sun* that his officers who remained on duty were suffering from "mixed emotions" and

³²² Richard Ben Cramer, "Police union, Rapanotti fined \$35,000 a day," *Baltimore Sun*, July 15, 1974, A3. Kratsch, discussion. Antero Pietila, "Eastern district men remain on job mainly due to anti-strike clause," *Baltimore Sun*, July 16, 1974, A10.

exhaustion under long hours. Earl Kratsch, who also worked overtime during the strike, recalled strikers kicking his wheels when he drove by a picket outside city hall. The *Sun* observed one police picket in which a striking officer “jeered” at a group of non-striking police and state troopers patrolling the streets. “Don’t trust that guy,” he said of one of the city police. In the Central District, as the strike was breaking out, a tearful rookie torn between Rapanotti asking him to strike and his sergeant ordering him back to his post told the former, “There are policemen out there being beaten and shot at....Sure we’re your brothers, but we can’t just come in and leave these policemen out on the street. They’ll get killed.” The logic of the strike, to leverage the fraternal bonds between police and the perceived danger of the socially valuable labor by withholding it, could backfire, causing officers like this rookie to resent the possible effects of the strike. Earl Kratsch took an even stronger stance, arguing that the divisions deepened by the strike corroded the bonds of “brotherhood” on which he believed police work depended. Fellow officers were the people an officer in a difficult situation called when they needed backup, he noted. On his view, the enmity and suspicion that flourished during the strike thus weakened that trust and left officers more exposed and vulnerable on the job. The strike, in short, was bad for good policing.

Reactions to the strike were equally conflicted. After the strike ended, AFSCME published survey results asserting that a large majority of Baltimoreans supported it. According to the data, 74% of the city felt “the strike was the only way city employees [including police] could get what they deserve,” and a similar proportion believed no rookie officers should be permanently fired for joining it. The *Sun*, by contrast, quickly shared the opinions of skeptical or critical city residents. Many feared looting and arson, of which there seemed to be a modest but short-lived rise in the first day or two of the strike. Fear that disruption on the scale of the 1968

Holy Week riots was widespread, but virtually everyone agreed this did not materialize. The theory of the police strike—that crime and disorder would wash over the city without police holding the thin blue line—seemed only partly confirmed at best. Still, many Baltimoreans took this theory seriously and criticized the strike on these terms. “The city will go crazy,” a woman from East Baltimore said. “Bad as these people are out here,” said another man, “they’ll do anything if there’s no police.” He didn’t specify who “these people were,” leaving the reader to fill in whether he meant criminals, Black people, poor people, or something else. “There are some services that are indispensable,” said a land developer who worked in Baltimore, “—doctors, nurses, police protection, and fire protection—which should not be allowed to walk out.” “The public,” he clarified, “should not be exposed to that kind of risk.”³²³

All these observers restated in their own way the arguments that had justified bans on government workers’ strikes, and police strikes in particular, for nearly a century: that the work they did protect to citizens and to guarantee the integrity of the body politic was simply too important to suspend under any circumstances. The most immediately consequential reactions came from the mayor’s office and from Pomerleau himself. Beginning with the sanitation workers, and again every time new classes of workers joined the strike, the city obtained a court injunction to stop them. Fines on AFSCME and its leaders for ignoring the injunctions piled up day by day as the strike wore on. Pomerleau, who had tacitly supported his employees’ job actions short of a strike, was furious with those who walked off the job. On July 14, as negotiations between AFSCME and the city dragged on, he summarily fired 82 striking patrolmen (rookies on a probationary period not covered by the LEOBOR protections) and

³²³ “What Baltimore Citizens Think,” *Public Employee* 39, no. 7 (August 1974), 4. Cramer, “Police strike,” A12.

demoted another 18 higher-ranking officers. He also categorically ruled out “amnesty” of any kind for officers who had struck.³²⁴

Finally, late on July 15, AFSCME announced tentative agreements for both Local 44 and police Local 1195. In one sense, they marked a great success, as they basically satisfied both groups of workers’ original demands. Both Mayor Schaefer and Governor Marvin Mandel—successor to Spiro Agnew—touted the deals as victories for both the workers and the city. Local 44’s deal included a 19% raise over two years and abolished the point system, and Local 1195’s guaranteed a 22% raise over the same period. The city anticipated funding these raises through attrition of the workforces and possible cuts to other city services. Members of both unions voted to ratify their respective contracts. The police deal did not, however, undo the firings and demotions Pomerleau had undertaken the night before, nor did it provide for any “amnesty” for strikers, and over the coming days Pomerleau stepped up his punishments. By July 18, he had fired 91 probationary employees, reassigned 11 officers, demoted 26, and transferred 58 detectives to patrol. He also identified 600 strikers to be “evaluated individually” by a disciplinary board, as provided by LEOBOR provisions that may have saved them from summary firings. He authorized sergeants to implement punishments of their invention and promised to back them up. He barred Thomas Rapanotti from visiting police headquarters without supervision, suspended Local 1195 president George Hoyt, and several days later suspended 15 Local 1195 “officials.” More fundamentally, he also revoked dues checkoff and collective bargaining agent status from Local 1195, moves that were possible because these rights had been extended only by his managerial discretion, not by statute. Together, the actions

³²⁴ Cramer, “City union defies mayor, fines threat,” A1. Cramer, “Strike talks lapse as city obtains new injunction,” A1. Cramer, “Police strike,” A12. Cramer, “Police union, Rapanotti fined \$35,000 a day,” A1. Richard Ben Cramer, “Pomerleau fires 82 striking police; city, union call trash strike pact close.”

had a devastating effect on the individual officers and on both AFSCME police locals. Some officers immediately revoked their membership and in some cases joined the FOP. The 280 members of Local 1599, the supervisors' union, voted to revoke their AFSCME affiliation and stated their intention to dissolve. Local 1195 continued to exist on paper for months to come, but the hammer of Pomerleau's retaliation functioned destroyed it, and with it AFSCME's experiment in integrating police into the public-sector union movement in a large American city.³²⁵

AFSCME's police affiliates did not go down without a fight, again supported by the International. Even after Pomerleau's crackdown had begun, AFSCME international president Jerry Wurf expressed optimism in a press conference, claiming, "The Governor gave us assurances that there would be no reprisals." But whatever Governor Mandel had promised while negotiations were unfolding, he told the press he was "100 per cent behind" Pomerleau, and that while he himself might not have revoked collective bargaining rights so soon, he would not interfere with the commissioner's decisions. Feeling burned, AFSCME's international leadership unsuccessfully brought suit against Pomerleau and Mandel, arguing that the commissioner's union-busting violated officers' civil rights. AFSCME also promised to withhold its endorsement of Mandel in the next gubernatorial election and managed to get the state AFL-CIO to withhold its own endorsement. This, however, ultimately meant little, both because several large locals in the state endorsed Mandel independently, and because there was no other pro-labor Democrat the labor movement could turn to instead. Here, public-sector unions' reliance on political support

³²⁵ "Trash strike ends with 19% raise; police union urges return to work," *Baltimore Sun*, July 16, 1974, A1, A10. Richard Ben Cramer, "Pomerleau cancels police union right to bargain after officers end walkout," *Baltimore Sun*, July 17, 1974, A1, A8. "Pomerleau sets reprisal guidelines," *Baltimore Sun*, July 19, 1974, C1, C2. "Pomerleau suspends 16 union officials," *Baltimore Sun*, July 24, 1974, C1, C2.

from elected officials became a liability, not an asset.³²⁶ Wurf would also try to bend this loss toward his larger project of building a national government worker movement, and in particular the passage of a federal collective bargaining law for public-sector workers. In an op-ed Wurf published in the *Sun* on July 20, he argued that the material needs that motivated government workers' strikes were real, and that such workers struck because it was the only means available to them. A federal labor law for public-sector workers and a "workable framework for resolving" their problems, could obviate the need for strikes. But the political possibilities of AFSCME's preferred bill, the National Public Employees Relations Act (NPERA), a so-called "Wagner Act for Public Employees," would wane the next two years. One reason was that worker militancy alienated not only anti-labor conservatives, but also Democratic officials like Mandel who heretofore had been reliable allies of labor. Thus, strikes like Baltimore's heightened the antagonisms between government workers and their bosses without ultimately doing much to resolve them in favor of the workers and their unions.³²⁷

The destruction of AFSCME's police unions left a void that FOP Lodge No. 3 happily filled. By the fall of 1976, just two years after the strike, the lodge convinced Pomerleau to extend dues checkoff rights to the FOP specifically, on the understanding that they were not a union but rather a "social group." Re-securing checkoff gave the FOP a fiscal and institutional lifeline in the department until Pomerleau retired in 1981. The following year, the Maryland FOP

³²⁶ Rachel Scott, "Wurf hopeful on police," *Baltimore Sun*, July 20, 1974, B1. "Pomerleau sets reprisal guidelines," C1. Richard Ben Cramer, "Police union sues Mandel, Pomerleau," *Baltimore Sun*, August 23, 1974, C24. Robert Erlandson, "Police dismissals upheld," *Baltimore Sun*, March 6, 1976, B1, B2. "Baltimore," *Public Employee* 39, no. 7 (August 1974), 5. "Mandel fails to get backing from COPE," *Baltimore Sun*, August 3, 1974, B1. "Labor's Feud with Mandel," *Baltimore Sun*, August 4, 1974, K4. "2 AFL-CIO locals endorse Mandel," *Baltimore Sun*, August 6, 1974, C1.

³²⁷ Jerry Wurf, "Do Police Have the Right to Strike?," *Baltimore Sun*, July 20, 1974, A18. McCartin, "'A Wagner Act for Public Employees,'" 131-136.

successfully pushed the state Assembly to pass an updated collective bargaining law granting city police collective bargaining rights, and in late 1983 Lodge No. 3 overwhelmingly won elections, rendering it the exclusive collective bargaining agent for all officers in Baltimore's police department. Less than a decade after the police strike of 1974 and the rapid decline of AFSCME's police locals, the onetime foe of police unionism was representing the department's officers in labor negotiations with the city.³²⁸

Conclusion

The fiscal crises of the 1970s had complex effects on the police union movement. On the one hand, by targeting sworn and civilian city employees alike, they had a tendency to unite police and other city workers in struggles against austerity. Faced with a common threat to their pay, staffing, and funding, police and other workers often overcame the traditional racial, occupational, and political divides that separated them and found moments of unity in the fight against cuts. Those alliances were often still insufficient to defeat austerity; police and other city workers in New York and Philadelphia could not defeat budget cuts in the 1970s and 1980s. On the other hand, those alliances that were strong enough to resist such cuts proved unstable, as their bosses in city and state government acted to break them up and remove the threat they posed to austerity politics. The AFSCME-wide strike of Baltimore's police and civilian employees sufficiently disrupted the city to win raises that matched the record inflation of the 1970s, but created sufficient backlash for Commissioner Donald Pomerleau to destroy the city's police union, with Maryland Governor Marvin Mandel's support. Both men had come to accept the presence of police unionism, but neither would tolerate a police union willing to strike.

³²⁸ Robert Twigg, "FOP dues checkoff is authorized for city police officers," *Baltimore Sun*, October 1, 1976, C1, C4. Ann LoLordo and David Simon, "FOP picked to represent city police," *Baltimore Sun*, December 2, 1983, C1, C9. Ron Davis, "City's police tentatively OK 2-year contract," *Baltimore Sun*, April 24, 1984, D12.

Nonetheless, police unions emerged from the fiscal storms of the 1970s and 1980s defeated, not destroyed. Where they had won statutory collective bargaining rights or law enforcement officer bills of rights, they retained them. The political victories of the 1950s and 1960s, crystallized in state law, gave them the staying power to weather the storm and emerge to fight again. For decades to come, police unionists would continue to advance their fight for compensation, for autonomy on the job, and for a political order in America's cities that positioned them as the guardians of the body politic, empowered to use any means necessary to expunge the poor and non-white deemed criminals and radicals in the name of the safety and security of "law-abiding citizens."

Conclusion

That the economic crisis and fiscal retrenchment of the 1970s and 1980s damaged but did not destroy the police union movement showed how far it had come over the previous century. When last police and organized labor had rallied and struck together for higher wages in the inflationary years after World War I, mayors and governors readily resorted to mass layoffs to break police unions. City police were supposed to surveil and discipline a restive multiethnic, multinational working class, from their daily lives to their workplace organizing. Police that made common cause with those they were supposed to control were intolerable to their bosses in the state. But while Baltimore's AFSCME Local 1195 met a similar fate when its police members struck in 1974, most other police unions did not find the 1970s and 1980s fatal. Some, like the FOP, had since the 1910s learned to carefully and strategically disavow unionism and strikes in principle, marketing themselves to government employers as a safer, non-union alternative. Others, however they presented themselves, had already secured statutory collective bargaining rights or binding arbitration. Several years of difficult bargaining with their city governments, however frustrating or painful to their members, could not undo the legal basis for their existence. Through legal and political victories, police unions had spent over a decade from the mid-1960s through the 1970s institutionalizing themselves in police departments across the country in ways that were difficult to reverse. To an extent, police unionists benefited from path dependency after their earlier victories.

But they could just rely passively on the past to secure continued success. From the 1980s onward, police unionists had to reproduce the conditions allowed them as much power and standing as they had. They did so, as they always had, by cultivating a political constituency among voters and within the state that would protect their gains over the long term. Police

unionists had failed to win recognition and collective bargaining rights in the first half of the twentieth century for fundamentally political reasons: they had virtually no allies, caught between a labor movement uninterested in cooperating with strike-breakers and union-busters and propertied white citizens who stood behind state power and refused to endorse union rights for members of an institution meant to contain and destroy unions. But changes in the demographic composition of cities and the social role of policing at the middle of the twentieth century created new opportunities for police to find new allies. Two shifts were particularly important: the first was the integration of much of the working class into whiteness and citizenship during the New Deal and World War II. The national legalization of union rights, the federal promotion and democratization of suburbanization and homeownership, and military service and ensuing programs and entitlements gave many European-descended workers access to new forms of property and new claims to whiteness and civic belonging. Indeed, many of these people, especially Irish- and Italian-Americans, were the family and neighbors of those who worked in police departments. This evolving complex of factors newly enabled a large segment of Americans to claim the protections to life, property, and civic standing that police offered the American body politic.

At the same time, American cities, especially in the North and West, experienced the Great Migration as millions of African Americans left the Jim Crow South in search of industrial employment and civic inclusion during and after each World War. But as Black neighborhoods grew and expanded in America's cities, a cross-class alliance of white Americans rejected their claims to citizenship and viewed them as inherently criminal, radical and dangerous. Small and large business owners understood the threat of crime and property damage through largely racial terms and relied on police to clear disproportionately Black groups of people out of business

districts and contain them to highly segregated neighborhoods. Working-class white-ethnic Americans, for their part, feared Black competition for jobs and homes and understood the police as a critical bulwark against their Black neighbors and the dangers they supposedly brought with them. By the 1960s, as the Great Migration swelled to its greatest heights, the Black freedom struggle rose to a pitch, and deindustrialization and disinvestment began to leave cities poorer and less safe overall, police unionists were able to find a much more willing audience for their arguments. Only by winning recognition, collective bargaining, and guaranteed civic and political rights could they secure the pay, safe working conditions, and functional autonomy necessary to do the work of keeping “law-abiding citizens” safe from the many threats of a changing country. Those threats often included police professionalizers, working to subordinate the autonomy of the rank and file to the oversight and discipline of management, as well as mass movements to stamp out the harms of racist and brutal policing by making the police more accountable to all citizens. But as police organized protests, job actions, media campaigns, and lawsuits for their cause, many white voters, politicians, prosecutors, and judges were happy to follow police unionists in conflating the political opponents of the police with the simpler, threatening figure of the “criminal” and to reward police officers with the new rights and protections they sought. Even both skeptics and opponents of police unions were at a rhetorical disadvantage when critiquing them, given how thoroughly policing had been identified with crime-fighting and safety-making by the final decades of the twentieth century, and how consistently police unionists defined their cause as the fight to enable the police to carry out these tasks as efficiently and effectively as possible.

Reproducing and reinforcing these political alliances has always been the constant work of police unionists. They have not only negotiated contracts and filed grievances, but also

responded forcefully to police and police union critics in the media and cultivated relationships with both politicians and ordinary voters. And it was their success in doing so and in identifying as the strongest defenders of the role of police in public safety that allowed Philadelphia's FOP Lodge No. 5 in the early 1980s to weather the largest police reform movement the city had seen in decades.

Addressing Police Abuse

After Mayor Green successfully cut police funding and staffing at the beginning of his term, he turned his attention to police abuse. Again, his mandate was to distinguish his approach from Frank Rizzo's vigorous embrace of such abuse. Rizzo's first run for mayor took place at what looked like a low ebb for the anti-police brutality movement. 1969 had seen the death of the Police Advisory Board (PAB), thanks to legal action by the FOP, waning support from Mayor James Tate, and the hostility of then-Commissioner Rizzo. Though a coalition of liberal and radical groups known as the "Citizens for the PAB" worked through the end of Mayor Tate's term in 1972 to pressure him to reinstate the board, he remained implacable. A smattering of city agencies and council members continued to invite the submission of abuse complaints and attempt to resolve them, but their work represented a fraction of what the PAB had done even with its resources.³²⁹ Modest and embattled though its capacities had been, the PAB was the only institution within the machinery of the state that Philadelphians had been able to turn to the dedicated purpose of identifying and rectifying police abuse. As Rizzo assumed the mayoralty in 1972, the PAB seemed definitively a thing of the past. Rizzo refused even to admit that police

³²⁹ Countryman, *Up South*, 284. Citizens for a PAB, Meeting Minutes, May 26, 1970, FC Records, Box 22, Folder 22. "PEJ," *Temple Free Press*, 6-7, PAB Records, Box 2, Folder 41. Floyd H. Patton, "Protection Needed From Police Abuse," *Philadelphia Inquirer*, May 15, 1970, 22.

abuse was anything but incidental and rare, allowing police supervisors to turn a blind eye to or even encourage an extraordinary range of tactics and practices.

With the mayor's office drained of any willingness to acknowledge, let alone tackle, the problem of police brutality and abuse, community groups carried on the fight on their own. Philadelphia's locals papers—especially the *Inquirer*, the *Daily News*, the *Bulletin*, and the *Tribune*—played a key role in raising awareness around police abuse incidents. Just as new ownership of the *Inquirer* and the *Daily News* had shifted coverage of police corruption in a more critical direction in the 1970s, it did the same for coverage of police abuse. And the *Tribune*, the city's leading African-American newspaper, had already been covering such incidents for decades. Together, these papers reported many instances of brutality or discrimination and occasionally ran larger-scale investigative pieces plumbing the department's awareness of and supportive for abusive practices.³³⁰ The term “police abuse” itself, which came into wider usage in the 1970s, included but went beyond the physical violence designated by “police brutality.” It covered a wide range of abuses of power, from lying to obtain a warrant and illegal searches to ignoring or harassing those who submitted abuse complaints to the department. The *Inquirer* in particular ran two large-scale investigative stories on police abuse throughout the decade. The first was a 1975 three-part series on the extent of the problem under Rizzo's and the police department's willingness to protect itself from investigation, the second in 1977 on homicide detectives' use of illegal and brutal interrogation tactics to extract confessions, win convictions, and close cases—regardless of the actual truth of the confession. It also reported in detail on a 1978 panel discussion among leaders of local civil rights and law enforcement

³³⁰ “Second Interview with Spencer Coxe,” May 17, 1979, 23, in Walter Massey Phillips Oral Histories, Box 5, Folder 4. Paolantonio, *Frank Rizzo*, 129-134

groups on the extent to which police violence was tacitly official policy. While this reporting acknowledged that police abuse was not new, it argued that while other U.S. cities were fighting to curb it, in Rizzo's Philadelphia it had exploded in scale and scope. Abuses reported historically in Black neighborhoods, the paper argued, were now spreading into every corner of the city. And the department was willing to go to such extraordinarily lengths—burying and ignoring complaints, harassing or even arresting complainants, and conducting sham internal investigations that rarely led to discipline—that, in cooperation with sympathetic prosecutors and judges, officers virtually never faced consequences for almost any exercise of violence or other abuses. At best, the Rizzo administration had embraced an unprecedented leniency toward individual abuses of power; at worse, it embraced them like none before as effective or necessary tools of law enforcement.³³¹ In terms of labor relations, this meant a tacit and sometimes explicit promise from management to exercise minimal control over the means of police laboring—and sometimes even the ends, allowing individual officers to indulge in personal prejudices or grudges without fear or discipline.

Even the most critical newspaper coverage, however, assumed that the root of police abuse was the use of illegal methods and means to enforce the law. The implied solution to this problem was to have police impartially and inequitably enforce only those statutes on the books. This viewpoint did not, however, entertain the possibility that city police may not have been the

³³¹ Kent Pollock, "Police Abuse: How It Is Ignored," February 16, 1975, 1-A, 6-A. Kent Pollock, "Undisciplined Policemen—Some Cases," *Philadelphia Inquirer*, February 17, 1975, 1-A, 8-A. Kent Pollock, "How City Police Protect Each Other," *Philadelphia Inquirer*, February 18, 1975, 1-A, 4-A. Jonathan Neumann and William K. Marimow, "How Phila. detectives compel murder 'confessions,'" *Philadelphia Inquirer*, April 24, 1977, 1-A, 12-A, 13-A. Jonathan Neumann and William K. Marimow, "How police harassed a family," *Philadelphia Inquirer*, April 25, 1977, 1-A, 6-A. Jonathan Neumann and William K. Marimow, "A police beating...and a decision not to charge detectives," *Philadelphia Inquirer*, April 26, 1977, 1-A, 8-A. Jonathan Neumann and William K. Marimow, "Why detectives are safe from prosecution," *Philadelphia Inquirer*, April 27, 1977, 1-A, 8-A. Martin Steinberg, "Police violence official policy or random average?," *Philadelphia Inquirer*, March 12, 1978, 5-B.

best agents to solve social problems in the city, or that laws themselves might have reflected unjust balances of political and economic power. More radical groups that embraced these views usually went unreported altogether or were treated with scorn. One of the few exceptions came in a piece published alongside the end of the *Inquirer*'s first police abuse series, an analysis piece featuring defense attorney Jack Levine, who frequently represented complainants on police abuse cases. He said that police abuse was "part of a much larger situation which has fundamentally to do with economic and political forces....The police protect those whom the law protects...they are being made the dirty workers of government." The piece also profiled Peter Hearn, another attorney who had brought police abuse cases, who argued that even local judges were hesitant to impose too-strong penalties for fear they would be impossible to enforce, even triggering a police slow-down or strike. "It would be," he said, "a test of strength the court is trying too [sic] avoid."³³² Hearn's comment emphasized the political power of the police, such that not only politicians but also judges often feared they could not control or discipline them.

Newspapers did, however, frequently amplify the work of local groups that continued the painstaking work of gathering abuse reports, conveying them to the city, and compiling statistics and anecdotal evidence. One of the most thorough was the Public Interest Law Center of Philadelphia (PILCOP), founded in the 1960s as a local chapter of the Lawyers' Committee for Civil Rights Under the Law in. This group of law students and young lawyers offered legal aid in a variety of civil rights and discrimination cases in Philadelphia, and over the 1970s it dedicated an increasing quantity of resources to police abuse in particular. In addition to offering legal support in specific cases, PILCOP compiled statistics and released reports on the issue, documenting a problem that only grew in magnitude over Rizzo's two terms as mayor. In late

³³² Kent Pollock, "Police the Real Victims of Police Abuse," *Philadelphia Inquirer*, February 23, 1975, 1-G, 3-G.

1970, before the editorial turn in the local press coverage of the police, the group released a report criticizing local papers' default friendliness to police, which resulted in journalism that downplayed the severity and extent of police abuse. (Years later, an *Inquirer* story observed that because many reporters relied on police tips for leads, they printed stories that relied on police-only testimony to preserve those relationships.) In 1975, PILCOP reported that annual police shootings had increased from 36 to 70 over the previous five years, with the uptick occurring after Rizzo took office. Only about half of those shot were armed. The report emphasized that the department failed to act against officers whose actions violated the department's regulations on firearm use. Over the next two years, PILCOP reported year-to-year increased in abuse reports received of 40% to 50% each year, with the police department failing to act on any specific cases PILCOP brought to it. In 1979, PILCOP compiled a report for the decade, showing that over the period covering 1970-1978, city police shot 469 people—an average of one per week—killing 162 of those. More than half of the 469, the report noted, were not found to be engaged in any “forcible felony” or to be threatening bodily harm to officers or civilians nearby.³³³ By 1974, groups like PILCOP also increasingly banded together to pool their resources. PILCOP was one of the core member organizations of the Coalition Against Police Abuse (CAPA), along with the ACLU, the National Lawyers Guild, and a variety of local labor, religious, and community groups. In addition to coordinating direct legal aid, CAPA also organized anti-abuse demonstrations and led political advocacy efforts, pushing for local and

³³³ Jim Mann, “Edwin D. (Ned) Wolf, 37, lawyer for minority groups and the poor,” *Philadelphia Inquirer*, January 23, 1976, 6-C. Len Lear, “Daily Papers and Police Conspire to Hide Truth, Researchers Find,” *Philadelphia Tribune*, December 5, 1970, 5. Kent Pollock, “Undisciplined Policemen—Some Cases,” 8-A. Larry Eichel, “Shootings by Police Questioned,” *Philadelphia Inquirer*, May 10, 1975, 1-A. “Police Dept. Takes Little Action Against Those Who Abuse Civilians,” *Philadelphia Tribune*, June 28, 1975, 4. Gerald McKelvey, “Law group: Complaints of police abuse double,” *Philadelphia Inquirer*, March 19, 1976, 1-A, 8-A. Linn Washington, “Police Abuse of Citizens is Widespread Study Says,” *Philadelphia Tribune*, June 18, 1977. Timothy Dougherty, “PILCOP Report Reveals 469 Shot by Policemen, One a Week, Since '70,” *Philadelphia Tribune*, April 20, 1979, 1, 16.

state investigations into the police and publishing complaint statistics to support their arguments.³³⁴

To a large extent, FOP Lodge 5 continued to respond as it always had to public criticism of the police department and of individual officers accused of abuse. Officers continued to benefit from the lodge's legal defense fund, which paid for defense attorneys in internal investigations and the rare criminal case. Lodge leadership also continued a decades-long media strategy of quickly and forcefully rebutting any negative press coverage. In 1977, President Thomas McCarey penned a reply to the *Inquirer's* four-part series on homicide detective abuse, arguing that the paper had focused on an unrepresentative minority of cases and failed to acknowledge the crime-fighting mission the police undertook as a whole. In 1975, Both the state and local FOP lodges also vigorously complained to the governor and wrote to the local papers after PILCOP was granted LEAA funds beginning in 1975. State FOP president Thomas Garvey, the Philadelphia police officer who would go on to head the city FOP lodge in the 1980s, argued that a grant to an organization that charged policemen with police brutality was "so far afield" of law enforcement concerns "that it's ridiculous." He argued that the "federal government should concern themselves more with civilian brutality" and claimed that LEAA funds were prohibited from funding lawyers' salaries. This last complaint had little merit, or effect: PILCOP continued to receive LEAA funding from the governor through the rest of the 1970s.³³⁵

³³⁴ Dominic Sama, "Brutality Inquiry On Police Is Asked," *Philadelphia Inquirer*, April 9, 1974, 1-B, 3-B. Laura Foreman, "Police Abuse here 'Severe,' Watchdog Unit Says," *Philadelphia Inquirer*, July 14, 1974, 1-A. "March to mark death of police shooting victim," *Philadelphia Inquirer*, September 13, 1979, 2-B.

³³⁵ Thomas A. McCarey, "FOP reply: Series 'presents an imbalance,'" *Philadelphia Inquirer*, April 27, 1977, 8-A. "U.S. Funding Anti-Police Program FOP Declares; Charge Is Denied," *Philadelphia Inquirer*, August 30, 1975, 2-B. Thomas McCarey, "FOP protests," August 10, 1976, 6-A. Thomas Ferrick, Jr., "PILCOP gets new funding," *Philadelphia Inquirer*, August 12, 1977, 2-B.

But the FOP also developed new strategies to deter police complaints and protect officers accused of abuse. As both vice president and president, Thomas McCarey pioneered the use of slander lawsuits to win damage payments from those who made false statement about the police. FOP lawyers won several cases to this effect beginning in 1976.³³⁶ In one case, the lodge kicked up significant controversy in its decision to pay the salary of an officer whom the department had suspended without pay for five days. In December 1974, two-year veteran Patrolman Joseph Stasnek and another officer stopped a group of Black teenagers, and Stasnek ended up severely beating one of the group, a tenth-grader named Wort Whipple. Though Whipple was afraid to complain, a mixed-race group of witnesses brought the case to the department, and the Police Board of Inquiry (PBI) held a hearing with Stasnek. The patrolman said he and his colleague had stopped Whipple, on his school lunch break, in “a group of four or five Negro males up to no good” and that he had beaten Whipple for moving his feet while being frisked by another officer. In a rare move, in March the PBI found Patrolman Stasnek guilty of misconduct but only recommended he be suspended for five days without pay. Local ACLU director Spencer Coxe bashed the punishment as “a flagrant example of a double standard,” noting that “[w]hen a civilian beats up a policeman, he gets quite a bit more time than five days suspension.” The *Philadelphia Tribune* echoed his observation.³³⁷

The scandal only truly exploded when the FOP stepped in. Once the department accepted the PBI’s recommendation and suspended Patrolman Stasnek for five days, the FOP “voted,” in the words of the *Inquirer*, “to make it a five-day paid vacation”: 500 members voted to dedicate

³³⁶ Mike Leary, “7 officers win suit; were falsely accused,” *Philadelphia Inquirer*, January 22, 1976, 1-A, 4-A. “FOP sues false accuser of officer,” *Philadelphia Inquirer*, November 17, 1977, 2-B.

³³⁷ Acel Moore, “Policeman Guilty in Beating,” *Philadelphia Inquirer*, February 16, 1975, 7-A. “Minimum Penalty for Beating Case Proves Double Standard of Police,” *Philadelphia Tribune*, February 22, 1975, 6.

FOP funds to retroactively covering Stasnek's salary during his suspension—over \$200 in total—to support Stasnek and to protest media coverage of the case. The move earned an immediate rebuke from the *Inquirer* editorial board and from Councilwoman Dr. Ethel Allen, the first Black woman elected to city council and a dues-paying associate member of the FOP, who threatened to “develop an ordinance creating a commission to mediate, investigate, oversee and recommend punishment for the types of violations if the FOP procedure is to become vogue.” The local Urban League chapter, a community group called Women in Action (WIA), CAPA, some local politicians, and even former Police Advisory Board director Mercer Tate joined the chorus of outrage, but the sharpest and most militant criticisms came from the Guardian Civic League and the North Philadelphia NAACP, headed by former GCL president and then-vice president Alphonso Deal.³³⁸ Deal and GCL president Sergeant James Holley denounced the FOP's payment, demanded it rescind the order, called for local and state investigations, and organized a series of pickets with CAPA and other supportive organizations outside FOP offices that lasted through March and April. The severity of the backlash led Patrolman Stasnek to pledge the funds to the American Cancer Society, but the FOP defended its decision, and Deal even faced harassment and threats of violence from other FOP members. He urged other Black officers to participate more regularly in FOP meetings to prevent such actions in the future, as he had in his 1972 run for the lodge presidency. He insisted that the FOP action reflected the opinions of the 500 members who voted, not the 8000-person force, and the department's 1200

³³⁸ Acel Moore, “FOP Pays Officer Who Beat Youth, 16,” March 13, 1975, 1-A. “Police brutality outrage victimizes decent policemen,” *Philadelphia Inquirer*, March 14, 1975, 6-A. Pamala Haynes, “McIntosh Beaten by Anti-Rizzo Tide, Dr. Allen Says,” *Philadelphia Tribune*, November 9, 1971, 5. Paul Bennett, “Payment to Suspended Officer by FOP Draws Attack From Dr. Allen,” *Philadelphia Tribune*, March 15, 1975, 1, 7. Elizabeth Duff, “Black Police Protest FOP Pay Action,” *Philadelphia Inquirer*, March 16, 1975. Harry Amana, “FOP Target of NAACP And WIA Pickets,” *Philadelphia Tribune*, March 18, 1975, 1, 23. “Amana At-Large,” *Philadelphia Tribune*, March 22, 1975, 6. Andrew Freeman, “The Urban League Speaks Out on FOP Brutality Action,” *Philadelphia Tribune*, March 22, 1975, 8. Mercer D. Tate, “FOP's ‘Pay’ Action Criticized,” *Philadelphia Tribune*, April 1, 1975, 6.

Black officers could be better represented if they participated in greater numbers. Ultimately, however, his calls failed to boost participation in any way that affected FOP policy, and the broader situation remained in a stalemate. As *Tribune* commentator Harry Amana, observed, even the conditions that led to the FOP's extraordinary action were rare, and any particular outcome of this case would "not really have set any kind of precedent for the average citizen." "It is not normally the case," he explained, "that such beatings take place before such outstanding witnesses, or that the Philly press will pick up on it, or that the person being abused is not charged with resisting arrest, assault on an officer, etc." In the event, the scandal gradually faded from press coverage with no clear resolution.³³⁹

Amidst these circumstances—with the brass willing to tolerate or even endorse most police abuse and the FOP ready to defend even the few abusers the brass would punish—one community group and one lawsuit shifted the ground on which the struggle over police abuse would take place during the Green administration of the early 1980s. The Council of Organizations on Philadelphia Police Accountability and Responsibility (COPPAR) was formed by Mary Rouse, a Black Philadelphian from the mixed-race neighborhoods of lower Northeast Philadelphia. Engaged in police brutality issues because her son had been beaten by police in 1966, she formed COPPAR in 1967 when the Police Advisory Board temporarily shut down to collect, look into, and raise awareness on brutality and abuse incidents around the city. In March 1971, COPPAR's work triggered public hearings from the U.S. Commission on Civil Rights (USCCR), whose report concluded that "the arrest process in too many instances seems to be

³³⁹ Duff, "Black Police Protest," 1-B. Amana, "FOP Target," 1, 23. "Update," *Philadelphia Inquirer*, March 20, 1975, 2-B. "Amana At-Large," 6. Acel Moore, "...And Dissension Within the Ranks," *Philadelphia Inquirer*, March 23, 1975, 1-F. Photo, "Protesters March In Front," *Philadelphia Tribune*, March 25, 1975, 12. "Deal Draws Fire From FOP," *Philadelphia Tribune*, April 5, 1975, 1, 5. "Demonstration Against FOP Led By Policeman," *Philadelphia Tribune*, April 15, 1975, 4. Photo, "Rev. Albert W. Swift," *Philadelphia Tribune*, April 19, 1975, 24.

used as a means of humiliation, harassment, or an instrument of indiscriminate community control.” The USCCR called for a Justice Department investigation and a re-implementation of some sort of “external” police review or control board—the first of many federal interventions throughout the decade.³⁴⁰

More consequential was COPPAR’s effort to pursue this last goal—a more robust form of civilian accountability—through a lawsuit. Armed with its police brutality data, COPPAR took to the federal courts, seeking action against the police department for systematic violations of the civil rights of Black city residents. Initially the suit met with success. In 1973, Judge John Fullam—the same who presided over cases on the hiring of women and minorities to the police department through the 1970s and ‘80s—ruled that there was a pattern of discrimination and compelled the department to develop a new complaint procedure. Fullam also grouped the case with another class-action suit brought in 1969 by Gerald Goode, a Black graduate student at the University of Pennsylvania who had been beaten by police. But the city appealed the decision all the way to the U.S. Supreme Court, and in a 5-3 decision in 1976 overturned Fullam’s order. While Fullam had found that “violations of constitutional rights by police do occur at an unacceptably high number of instances,” the Supreme Court majority in *Rizzo v. Goode*, led by Justice William Rehnquist, came to just the opposite judgment, and thus concluded that an injunction would be inappropriate. On top of that, Rehnquist wrote that in the absence of an explicit plan or scheme from commanding officers, no court could conclude that a systematic stripping of constitutional rights was taking place. Finally, he added that federal court intervention in a state agency was inappropriate on federalist grounds. This landmark decision had sweeping effects not only for Philadelphia but for police abuse legal strategies across the

³⁴⁰ Countryman, *Up South*, 290-293.

country: it effectively barred the use of class-action federal lawsuits to compel changes in local police practices and procedures, and thus narrowed the scope of legal remedies available to those fighting police abuse. Mayors, commissioners, inspectors, and captains were even further insulated from a category of challenges to and regulation of their managerial discretion. “In my view,” a University of Pennsylvania law professor told the *Inquirer*, “this decision is comparable to the Dred Scott case in its reversion to the narrowest of states’ rights views on restraint of the federal judiciary’s power to safeguard civil rights.”³⁴¹

In Philadelphia, the decision had several immediate effects. First, the city could now abandon any efforts to revise its civilian complaint procedure as instructed by lower-court rulings. Second, in the absence of other legal avenues, anti-brutality and -abuse legal strategy shifted almost entirely to civil suits against individual policemen. Already in 1975, the year before the decision in *Rizzo v. Goode*, the city had paid nearly \$500,000 in damages in such suits. By March 1978, the city had paid \$1.5 million in such suits, and by the early 1990s it was devoting millions of dollars of its budget each year to settlements and payouts.³⁴²

Third and most significant, the *Rizzo* decision forced local groups working to change police practices to shift their emphasis from lawsuits and more firmly to political change, both in electing sympathetic officials and lobbying for legislation. Some organizations had already begun to rethink their strategy along these lines in the early 1970s, years before the Supreme Court ruling, as exemplified by the local ACLU under the leadership of Spencer Coxe. The

³⁴¹ *Ibid.*, 292. L.M.G., “Rizzo v. Goode: Federal Remedies for Police Misconduct,” *Virginia Law Review* 62, no. 7 (November 1976): 1259-1263. Gerald McKelvey, “Brutality complaints: City Police Win Battle,” *Philadelphia Inquirer*, January 22, 1976, 1-A, 2-A. Gerald McKelvey, “Increase seen in civil suits against police,” *Philadelphia Inquirer*, January 26, 1976, 3-B.

³⁴² McKelvey, “Increase seen in civil suits against police,” 1-B. Steinberg, “Police violence official policy or random average?,” 5-B. “Policing the Police,” *Philadelphia Tribune*, February 16, 1993, 6-A.

group and Coxe in particular had been instrumental in proposing and supporting the Police Advisory Board in the 1950s and '60s, and its defeat at the end of the decade caused Coxe to reflect on the best way forward to curb police brutality and abuse. He laid out his thoughts in internal ACLU memos and public testimony before city council, as well as interviews and public appearances throughout the decade. Arguing that litigation and direction negotiation with the mayor's office had not "made much of a dent," Coxe urged his ACLU colleagues and allies throughout the city to adopt on top of these methods a "long-term campaign of political pressure," lobbying city council in particular to investigate police abuses and implement political solutions. In his testimony before city council after the initial District Court ruling in the *COPPAR* and *Goode* cases, he suggested a number of specific forms of redress: a complaint procedure of expanded scope, the relaxation of arbitrary personnel standards in police hiring and retention, a prohibition on off-duty police officers carrying weapons, a stricter and better-enforced use-of-force policy, improved "conditions of custody in stationhouses," and a statutory ban on employers asking about applicants' history of arrests (as opposed to convictions).³⁴³

Coxe rooted this approach in a theory of police accountability. The police, he claimed, "are indeed responsible to the public, but to the public which they believe counts...the public that makes itself heard, and this public perceives the police the same way the police perceive themselves, i.e., as fighting a desperate engagement against the 'criminal element....'" Those with social and political power shaped effective cultural notions of what and who counted as criminal (a war resister, for instance, rather than a negligent slumlord), as well as which laws

³⁴³ Spencer Coxe, "A New Approach to Police Misconduct," January 8, 1973, Defenders Association of Philadelphia Records, Box 4, Folder 2, Special Collections Resource Center, Temple University Libraries. Spencer Coxe, "Proposed Testimony in City Council," January 12, 1973, 5, Defenders Association of Philadelphia Records, Box 4, Folder 2. "Oppressive Police Practices Called One Reason for Sky-High Crime Rate," *Philadelphia Tribune*, February 3, 1973, 4.

were actually enforced, and with what priority. “The point,” he summed up, “is that policemen are not expected to enforce all laws, or laws against all people, and consequently they don’t.”

Coxe clarified that in this scenario “the police themselves are not basically to blame for the oppressive role they play; it is what the dominant community”—the “popular and the wealthy”—“expects of them.”³⁴⁴ The obverse of this situation was that the “other public”—the “black community...prisoners, women, public school students and the homosexual community,” among others, failed to make the police accountable to them as well because they were “inarticulate and ignored,” without a “spokesman” or the ability to “make known their grievances effectively.” In short, the task was to change the balance of political power such that the “other public” could create truly equitable and accountable police practice for the first time. Coxe assured his colleagues he was “under no illusions about the difficulty of this program and the length of time it would take to bear fruit particularly in the present climate.” But he hoped that over the years, it would prove its merit, and he believed that it helped explain the failure of the PAB in the previous decade. Civilian review bodies were powerless, a mere “gimmick,” in the face of the commissioner’s unqualified prerogative to command and discipline the department—a guarantee of the city charter. While civilian review boards might appear robust, they meant virtually nothing without a change in the balance of political power in the city, and a city administration committed to rolling back the “departmental policy” of abuse.³⁴⁵

The ACLU and the other members of CAPA increasingly rolled out this strategy in the second half of the 1970s. In the 1975 Democratic primary for mayor, CAPA polled both Rizzo

³⁴⁴ Coxe, “A New Approach to Police Misconduct.” Coxe, “Proposed Testimony in City Council,” 1-3.

³⁴⁵ Coxe, “A New Approach to Police Misconduct.” Spencer Coxe, “Why Bill 1063 is Better than a ‘Civilian Review Board,’” December 1979, 1-2, in Spencer Coxe Papers, Box 1, Folder 6, Special Collections Research Center, Temple University Libraries.

and his challenger Louis Hill (stepson of the late reform mayor Richardson Dilworth) on how they would handle police abuse complaints. Rizzo ignored the survey and sailed to reelection in any case. But the strategy proved more effective in the race for Philadelphia County District Attorney. This 1977 race saw a faceoff between Republican Michael Lazin and Democrat Ed Rendell. Rendell had served as both an assistant District Attorney and as an assistant special prosecutor under Walter Massey Phillips, who was appointed to prosecute police corruption after the state crime commission's 1974 investigation. Rendell ran as a reformer who promised to use the DA's office to prosecute police abuses against citizens, and the ACLU took substantial credit for making police abuse a key issue in this race. This time, they not only sent a questionnaire to candidates but paired it with a live interviewer, who taped both candidates' responses. They also continued to send tips to the local papers on police brutality and abuse stories. Rendell, who had just barely eked out a win in the May primary against incumbent and Rizzo favorite Emmett Fitzpatrick, sailed to victory in November and immediately enacted one of his signature campaign promises: a dedicated unit to investigate and prosecute police abuse. In its first year, the police abuse unit opened 193 investigations based on 364 civilian complaints, but it quickly ran into difficulties, from an uncooperative police department to judges and juries biased against convicting police officers. Rendell also claimed the unit received fewer abuse complaints after Mayor Green's election and the appointment of Morton Solomon as commissioner. Ultimately, Rendell shut down the dedicated unit at the beginning of his second term as DA in 1982, claiming it didn't have enough work to do to justify the resources, with a total of only 14 prosecutions and 4 convictions to its name. When the *Inquirer* reviewed the unit's work at the end of Rendell's second term, it could only describe the unit as a "symbolic demonstration of his

willingness to attack the problem,” and at most a contributor to a “climate that...led to increased oversight of police tactics.”³⁴⁶

Under pressure from the NAACP, CAPA, the USCCR (which conducted its second investigation of the city of the decade in 1978 and 1979), the Guardian Civic League (GCL), and even the U.S. Department of Justice, (which opened a civil right suit against the Philadelphia Police Department in August 1979), both city council and the mayoral candidates jockeying to succeed Rizzo prioritized police reform as a key political issue.³⁴⁷ The stakes were high, not only in Philadelphia but also nationwide: FOP national president Pat Stark told the Associated Press that a victory in the DOJ suit could mean restrictions for police departments across the country. In December 1977, Philadelphia city councilors Lucien Blackwell and Ethel Allen introduced Bill 1063 to provide for full public disclosure of police complaints and the department’s action in each case. However, Public Safety Committee head James Tayoun, a South Philadelphia councilmember and loyal Rizzo ally, held the bill hostage for years, delaying votes and hearings, frequently flip-flopping on his support for the measure, and dragging out the reform process. By 1979, however, with the DOJ suit looming, the ACLU and the other member organizations of the reform coalition had extracted statements from the record from all three mayoral candidates—

³⁴⁶ Howard S. Shapiro, “70 Panel Charges Hill Obstructs Justice,” *Philadelphia Inquirer*, May 17, 1975, 2-A. Paolantonio, *Frank Rizzo*, 179-181, 192. “Second Interview with Spencer Coxe,” 19-21. Marc Schogol, “Rendell: A triumph of audacity,” *Philadelphia Inquirer*, November 9, 1977, 1-D. Acel Moore, “Police withhold data in abuse cases, Rendell testifies,” *Philadelphia Inquirer*, July 21, 1978, 1-A, 2-A. “System stacks deck against police convictions, D.A. says,” *Philadelphia Inquirer*, August 26, 1979, 1-L, 4-L. Connie Langland, “D.A. may end police abuse unit,” *Philadelphia Inquirer*, January 12, 1980, 1-B. Michael A. Hobbs, “Police abuse unit is finding little work,” *Philadelphia Inquirer*, January 28, 1980, 1-C, 5-C. Joyce Gemperlein, “Rendell disbands unit for police-brutality complaints,” *Philadelphia Inquirer*, March 18, 1982, 1-A, 11-A. Fredric N. Tulsy, “Rendell: After 8 years, a political force in city,” January 7, 1986, 1-B, 4-B.

³⁴⁷ United States Commission on Civil Rights, “Police Practices in Philadelphia, Pennsylvania,” April 16-17, 1979, 3, American Federation of Government Employees (AFGE), Local 2006 (Philadelphia, Pa.) Records, Box 10, Folder 3, Special Collections Resource Center, Temple University Libraries. Murray Dubbin, “U.S. panel told of police laxity,” *Philadelphia Inquirer*, April 17, 1979, 1-A, 4-A. Trace Gibson, “All Charges Against Police Dept. Dismissed By Federal Judge Ditter,” *Philadelphia Tribune*, December 14, 1979, 12.

Bill Green, Republican David Marston, and independent African-American candidate Councilman Lucien Blackwell—that police abuse stemmed from the top command and required the reforms of Bill 1063 and other measures. Some groups, like the recently formed Communities United Against Police Abuse (CUAPA), and candidate Blackwell also supported the even more robust measure of a civilian police control board with the power to investigate abuse complaints and discipline officers—essentially a more robust version of the previous decade’s Police Advisory Board. But it was Green, and with him the promise of Bill 1063, who sailed to victory in November. By the end of the year, a federal judge had dismissed all charges in the DOJ lawsuit against the city for lack of evidence, taking the air out of the broadest and most powerful threat, but Green still faced tremendous local pressure to address the police abuse problem in some form.³⁴⁸

But even as Bill 1063 (renamed Bill 12 when reintroduced in 1980) continued to be the most visible legislative remedy to police abuse, as amendments added provisions for how to conduct complain investigations and even as support for it continued to build (the GCL endorsed it in March 1980), once in office Mayor Green pulled an about-face and opposed the bill. His administration argued that while the “principles” behind the bill were sound, it introduced a number of legal problems, chief among them an ostensible violation of the city charter’s guarantee that the mayor retain exclusive rights to administer the city executive. The council, Green argued, lacked the authority to regulate his management of the police department. Even as

³⁴⁸ “FOP head fears impact,” *Philadelphia Inquirer*, August 14, 1979, 6-A. Timothy Dougherty, “Coalition Picket’s Tayoun’s Restaurant Miffed That He Is Stalling on Bill 1063 Hearings,” *Philadelphia Tribune*, July 25, 1978, 2. Timothy Dougherty, “Police Bills: The Start of James Tayoun’s Bid for Mayor’s Office,” *Philadelphia Tribune*, December 5, 1978, 8. Spencer Coxe, “An election line-up on police bill,” *Philadelphia Inquirer*, October 26, 1979, 13. Communities United Against Police Abuse, “Vote Nov. 6 Like Your Life Depends On It,” November 1, 1979, 1-2, Arlene Tyner Papers, Box 1, Folder 4, Special Collections Resource Center, Temple University Libraries. Gibson, “All Charges Against Police Dept. Dismissed By Federal Judge Ditter,” 12.

legal experts and social movements lodged critiques of this position, Councilman Tayoun once again played with the bill in a series of withdrawals and reintroductions, opaquely and confusingly casting its fate into doubt. In mid-May, Green issued his own executive order amending the complaint procedure, and after a failed committee vote in November the council bill met its final demise. The local press published anonymous claims that Tayoun had ultimately killed the bill in a secret deal with Green, allowing the mayor to reshape the complaint process on his own terms.³⁴⁹

Executive Order 1-80 expanded public access to a complaint's Investigation Report, a measure far short of Bill 12's provision to make the full file accessible. Such reports included a summary and an initial recommendation, but not the disposition of the complaint. The Executive Order also allowed the commissioner to fire officers who refused to cooperate with investigations and nixed a Bill 12 provision that would notify officers under investigation of their Miranda Rights. It also made forwarding complaint information to the DA available on request, rather than automatic.³⁵⁰ Anti-police abuse groups published statements and letters criticizing the measure as far short of the proposed legislation. A May 29 opinion piece by Jayma Abdoo, a leader of the Coalition for a Fair Police Complaint Procedure (or CFPCP, itself an offshoot of the ACLU's anti-abuse coalition), criticized the order for its limited public access and argued that

³⁴⁹ Jim Davis, "Black cops back police complaint bill," *Philadelphia Tribune*, March 25, 1980, 1, 12. Gerald E. Frug, "Police control: A policy issue," *Philadelphia Inquirer*, April 10, 1980, 13-A. Daniel R. Biddle, "On police-abuse bill, opposition from an unlikely corner: The mayor," *Philadelphia Inquirer*, May 4, 1980, 1-M, 2-M. Daniel R. Biddle, "Police bill seems dead after vote," *Philadelphia Inquirer*, May 9, 1980, 1-C. Daniel R. Biddle, "Green revises police-abuse probes," May 15, 1980, 3-B. Murray Dubin, "Police proposal is killed," *Philadelphia Inquirer*, November 27, 1980, 1-B.

³⁵⁰ Suzan Wilcox to W. Wilson Goode, "Executive Order 1-80: Citizens' Complaints of Police Misconduct," 1-3, in Green Papers, Box 5591, Folder "Police Department, 1980," Mayoral Records, City Archives, Philadelphia, Pennsylvania. Biddle, "Green revises police-abuse probes." Jayma Abdoo to Coalition for a Fair Police Complaint Procedure's members and friends, May 26, 1980, Tyner Papers, Box 1, Folder 6.

some of its provisions would make it more difficult to pursue criminal prosecutions of abusive officers. With its members organizations, the CFPCP brought these complaints to city council and the Public Safety Committee in particular, but it was not enough to move the council to override Green's action. Executive Order 1-80 would remain the regulation governing complaints for the remainder of the decade and beyond.³⁵¹ It is possible that this regulation helped tamp down on the worst police abuses at the margins—the official number of civilian complaints declined from 745 in 1979 to 407 in 1985 and continued to drop in the following years. But this phenomenon is difficult to measure, and this drop in official complaints did not track the actual rate of police abuse, the rate at which those subject to abuse reported it, and the rate at which complaints were investigated and resolved.³⁵²

Mayor Green and Commissioner Solomon's other main tool for curbing police abuse was tightening the department's use-of-deadly-force regulations. Prior to Green's election, vaguely worded state law placed few meaningful restrictions on the ability of police in Philadelphia and other Pennsylvania cities to use force to apprehend a suspect or defend themselves. Multiple attempts to narrow this authorization in state law, including one backed by DA Rendell in 1979, had failed, thanks largely to lobbying by police chiefs and the FOP.³⁵³ But Philadelphia city officials faced pressure from local organizations and press to the U.S. Commission on Civil

³⁵¹ Jayma Abdo, "Bill 12 is a better check on police abuse," *Philadelphia Inquirer*, May 29, 1980, 19-A. "A Critical Analysis of Executive Order I-80," Tyner Papers, Box 1, Folder 5. Coalition for a Fair Police Complaint Procedure to City Council Members of the Public Safety Committee, "Executive Order I-80 and City Council Bill 12-A," October 27, 1980, in Coxe Papers, Box 1, Folder 18.

³⁵² Christopher Hepp, "Police violence is down, data show," *Philadelphia Inquirer*, April 27, 1986, 3-B. Christopher Hepp, "Police-abuse complaints at a low, files show," *Philadelphia Inquirer*, January 16, 1987, 1-B, 4-B.

³⁵³ Thomas Ferrick, Jr., "Bill to curb police action is defeated," *Philadelphia Inquirer*, May 25, 1977, 1-A, 12-A. Vernon Loeb, "New bills would limit police power," *Philadelphia Inquirer*, October 17, 1979, 2-B. Jayma Abdo, "Police lack guidelines on 'deadly force,'" *Philadelphia Inquirer*, May 14, 1979, 11-A.

Rights and the Justice Department to address the problem, at a time when police violence and the debate over use-of-force laws were once again frequent national news topics. By the summer of 1980 alone, several such stories broke within just a few months of each other: Representative Maxine Waters asked President Carter for a panel to investigate the issue; the NAACP received an LEAA grant to study it; the National Organization of Black Law Enforcement Executives (NOBLE) issued a report on it; and the USCCR raised the alarm over it after police violence sparked a massive urban uprising in Miami.³⁵⁴ But even before these stories broke, Mayor Green made good on a campaign promise to update firearms training, guidance, and oversight. On April 30, 1980, Commissioner Solomon issued new department regulations that were more specific than state law on scenarios that permitted firearm use—specifically to prevent “death or serious bodily injury” to the officer, to stop a fleeing suspect who is known to wield a deadly weapon, and to prevent the flight of a suspect believed to have committed one of nine named felonies. But officers were required to “exhaust all other reasonable means of apprehension and control before resorting to the use of deadly force.” Finally, the directive updated firearms training and set up a departmental Firearms Review Board, a recommendation of the Coalition Against Police Abuse

³⁵⁴ William Ecenbarger, “Rizzo, O’Neill are blamed for police brutality,” *Philadelphia Inquirer*, November 16, 1978, 1-A, 2-A. Kendall F. Wilson, “Police Abuse II: Often It’s a Spur-of-the-Moment Decision,” *Philadelphia Tribune*, April 17, 1979, 5. Abdo, “Police lack guidelines on ‘deadly force.’” Jan Schaffer, “U.S. charges beating, shooting, coercion,” *Philadelphia Inquirer*, August 14, 1979, 6-A. Coxe, “An election line-up on police bill.” Mercer Tate to William Green, December 20, 1979, and enclosed Fellowship Commission, Task Force on Police Practices, “Recommendations for Improving Police/Citizen Cooperation, Training, Resolution, and Prevention of Grievances, Accountability,” December 19, 1979, 7, in Mayor William J. Green, III, Papers, Box 5591, Folder 5, City Archives, Philadelphia, Pennsylvania. Philadelphia Police Department, Directive 10, Subject: Discharges of Firearms by Police Personnel, April 2, 1980, Tyner Papers, Box 1, Folder 5. Lee Ivory, “Carter asked to set up panel to probe police killings of blacks,” *Philadelphia Tribune*, June 17, 1980, 4. “AFL-CIO chief urges new jobs, not tax cuts,” *Philadelphia Inquirer*, July 2, 1980, 9-A. “Over 50% of police shooting victims are Blacks & Hispanics,” *Philadelphia Tribune*, July 4, 1980, 22. “Police brutality crackdown urged,” *Philadelphia Inquirer*, July 10, 1980, 3-A.

(CAPA), to review all discharges of a department firearm. Previously the homicide unit had conducted such reviews, and only when asked to.³⁵⁵

The order elicited a range of reactions. The *Philadelphia Inquirer* immediately praised the order, and later published findings that it was only moderately strict compared to the regulations of other large cities. PILCOP and the *Tribune* both judged it step forward but believed more was needed—effective enforcement and an even stricter definition of the conditions authorizing the use of force. Jayma Abdo, a National Lawyers Guild leader and member of CAPA, also found the guidelines still too broad and worried that they violated citizens’ rights against “summary punishment without due process.” She also critiqued the inclusion of burglary and robbery as crimes triggering police gunfire. But the consensus among all these groups was that it was a step in the right direction.³⁵⁶ Even the FOP was unusually quiet in its response to the policy change. Lodge 5 reserved any concrete judgment as it spent time to “study” the policy.³⁵⁷

Commissioner Solomon was firm in his implementation of the policy from the start. He first applied it on June 30 to homicide detective Ray Dougherty for shooting into the sidewalk during a dispute with a driver; Dougherty was suspended for 30 days without pay. Just days later, he also suspended and promised to fire Officer John Fox for forcing his way into the home of a

³⁵⁵ William K. Marimow, “When can police shoot? New rules are coming,” *Philadelphia Inquirer*, April 20, 1980, 1-A, 12-A. Jim Davis, “Enforcement seen as key to new police directive on deadly force,” *Philadelphia Tribune*, April 25, 1980, 19. Dick Cooper, “Solomon issues rules on use of deadly force,” *Philadelphia Inquirer*, May 1, 1980, 3-B. Timothy Dougherty, “Solomon’s deadly force order goes beyond guidelines,” *Philadelphia Tribune*, May 2, 1980, 3. Philadelphia Police Department Training Bulletin, “Use of Deadly Force,” April 30, 1980, in Philadelphia Special Investigation Commission (MOVE) Records, Box 62, Folder 4, Special Collections Research Center, Temple University Archives.

³⁵⁶ “New ‘deadly force’ code serves citizens and police,” *Philadelphia Inquirer*, May 2, 1980, 16-A. Davis, “Enforcement seen as key.” “The Deadly Force Police,” *Philadelphia Tribune*, May 6, 1980, 8. Jayma Abdo, “The rule on force could be deadly,” *Philadelphia Inquirer*, May 6, 1980, 14-A. Dick Cooper, “Check finds gun policy is moderate,” *Philadelphia Inquirer*, October 9, 1980, 1-A, 2-A.

³⁵⁷ “Police in Philadelphia Get New Policy on Use of Force,” *New York Times*, May 1, 1980, A22.

confused, 94-year-old Black man and shooting him fatally. He even held firm when Officer John Ziegler pistol-whipped and fatally shot a Black teenage boy suspected of car theft, an act that triggered a days-long rebellion reminiscent of a similar uprising in Miami earlier that year, and of the 1964 Philadelphia rebellion sparked by the murder of Willie Philyaw. As Ziegler was fired and DA Rendell charged him with murder—moves that earned the rebuke of the FOP and praise from the GCL—Green promised the city that “police misconduct will not be tolerated.”³⁵⁸

FOP Lodge 5 provided legal defense to each officer punished under the policy, and each punishment seemed to increase the union’s opposition to Solomon’s disciplinary measures. Lodge 5 president Thomas Garvey frequently told the media that the new rule restricted officers’ options and put them in danger. It “handcuffed” them, he said, suggesting that it inverted the proper relationship between officers and suspects, putting them at the mercy of those they pursued. The opportunity for a full campaign against the rule came in the fall when Officer Garrett Farrell died in a shoot-out “with a purse-snatching suspect, Chester J. Tann,” who also died. Farrell’s death sent ripples of resentment through the department rank and file. Many colleagues who attended his viewing and his funeral told the *Inquirer* they believed the use-of-force rule had led to Farrell’s death. An anonymous officer who called the rule “silly, stupid and idiotic” said, “It’s not Tann who killed him. It’s (Police Commissioner) Morton Solomon and (Mayor) Bill Green.” From here FOP leaders continued to make public statements against the rule, blamed an uptick in the crime rate on low morale under the new rule, and testified before city council, which passed a nonbinding resolution calling on the Green administration to repeal

³⁵⁸ George Murray and Maida Odom, “Officer punished for misusing gun,” *Philadelphia Inquirer*, July 1, 1980, 2-B. Kendall Wilson, “Neighbors want cop arrested for killing man, 94,” *Philadelphia Tribune*, July 4, 1980, 1, 7. Michael Hobbs, Mike Leary, and Jane Eisner, “Police officer charged with murdering youth,” *Philadelphia Inquirer*, August 30, 1980, 1-A, 2-A. Lombardo, *Blue-Collar Conservatism*, 222.

the regulation. (At the same time, some city council members, along with the GCL, continued to call for even stricter regulations.) When the lodge judged insufficient a minor tweak to a related rule on when an officer could “unholster” their gun, they sued the department, leading to a settlement and to another tweak that aligned the language on a pocket-sized summary card with the language of the official policy. But these were minor changes, and most officers, and even FOP leadership at times, admitted that their objection was less to the official policy than to the ways Solomon interpreted and enforced it. Gone were the days of Mayor Rizzo and Commissioner O’Neill when an officer could be indicted for murder and still receive no administrative penalties. Now, in the words of one officer, Solomon discouraged even a little “aggressiveness.” “What this tells the cops on the street,” he told the *Inquirer*, “is ‘Don’t be aggressive, because if you are and you make a mistake, you will lose your job.’” But whatever morale problems the policy created, the FOP campaign wasn’t enough to dislodge Solomon’s and Green’s support for it. While Solomon would admit that he could always improve officer education on the policy, both men defended it as fundamentally just and effective and denied it had anything to do with Officer Farrell’s death.³⁵⁹

The political tussle over the use-of-force rule faded with 1980, leaving Solomon to enforce it as he wished through the rest of his tenure. By the department’s assessment, it

³⁵⁹ Maida Odom, “At viewing for officers, grieving and bitterness,” *Philadelphia Inquirer*, October 1, 1980, 8-C. Robert J. Rosenthal, “Army of grieving lawmen joins slain officer’s family at funeral,” *Philadelphia Inquirer*, October 2, 1980, 1-A, 2-A. Daniel R. Biddle, “Council seeks repeal of police firearms rule,” *Philadelphia Inquirer*, October 3, 1980, 1-A, 4-A. Ray Holton, “Police amend restrictions on use of firearms,” *Philadelphia Inquirer*, October 4, 1980, 1-B. Dwight Ott, “FOP sues to rescind fatal-force directive,” *Philadelphia Inquirer*, October 7, 1980, 1-A. Harold Jamison, “Guardians want stronger deadly force order,” *Philadelphia Tribune*, October 10, 1980, 1, 16. Ray Holton, “Green defends deadly force policy,” *Philadelphia Inquirer*, October 11, 1980, 1-A, 2-A. Harold Jamison, “Police ‘gun rule’ not good enough for Street,” *Philadelphia Tribune*, October 14, 1980, 19. Dick Cooper, “Use-of-force directive is reworded,” *Philadelphia Inquirer*, October 15, 1980, 1-E, 2-E. Robert Terry, “Number of crimes rises in first 6 months of ’80,” *Philadelphia Inquirer*, October 16, 1980, 1-B. Dick Cooper, “It is Solomon, more than the rule, riling police,” *Philadelphia Inquirer*, October 19, 1980, 1-L, 4-L.

achieved its goals. In each of the final few years of Rizzo’s administration, policed wounded about 46 civilians each year and killed 15-20. Under Green, these numbers fell rapidly almost every year, bottoming out at 18 and 4, respectively, in 1982 (see Table 7.1).³⁶⁰ These figures are perhaps some of the most dramatic evidence of the successes of Philadelphia’s first professional-reform commissioner since the early 1960s.

Commissioner	Year	Wounded	Killed	Total
O’Neill	1977	47	15	62
	1978	46	21	67
	1979	47	17	64
Solomon	1980	30	13	43
	1981	25	6	31
	1982	18	4	22
	1983*	21	3	24
<i>* Through September</i>				

Table 7.1: Casualties of Philadelphia Police Department Violence, 1977-1983

Nonetheless, these administrative reforms had their limits. They depended on the support and the enforcement of the commissioner and had no guarantee of persisting from administration to administration. They did not alter the *legal* basis for the use of force—the Pennsylvania statute on the matter remained unchanged—and in fact within the decade that legal basis would only

³⁶⁰ Edwin Guthman, “Solomon helped restore public confidence in the police,” *Philadelphia Inquirer*, December 18, 1983, 7-G.

become more expansive. The U.S. Supreme Court began to take up cases on police use of force for the first time in the 1980s, beginning with *Tennessee v. Garner*, which in 1985 actually restricted the legitimate use of force by banning officers from using deadly force against fleeing, unarmed suspects. But the critical case came in in 1989 with *Graham v. Connor*, in which the Court concluded that the legal standard for the reasonable use of force by law enforcement “must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” This framework, which heavily weighed the interests of officers and failed to account for the context of any given use of force, vastly expanded their legal latitude to use force under federal law. It remains the overarching legal framework for such actions.³⁶¹

Still, the interlinked processes of deindustrialization, white resistance to Black migration, and city revenue shortfalls that had fueled the expansion of police activity for decades did not subside under Green and Solomon, who continued to use the police department to manage crises and conflicts of all sorts. The police footprint on city life remained large, especially as Solomon paired his insistence on police professionalization with a promise to “deliver more service to the Philadelphia community.” The department, he told the *Inquirer* midway through his tenure, was already adept at fighting crime, but needed to “become broader” in dealings with “law-abiding citizens.” Under austerity conditions, Solomon oversaw the expansion of the cost-saving K-9 unit, which exploded in controversy under his successor Sambor. He also experimented with deploying larger patrols during high-crime hours of the night. In short, Solomon’s push for

³⁶¹ Jesus A. Alonso, “How Police Culture Affects the Way Police Departments View and Utilize Deadly Force Policies Under the Fourth Amendment,” *Arizona Law Review* 60, no. 4 (Winter 2018): 993-996.

discipline and efficiency did not mean that police occupied any lesser role in city life—to the contrary.³⁶²

The Evanescence of Reform

While Green and Solomon had managed to enact Philadelphia's most significant police reforms in twenty years, neither would remain to further institutionalize them. Green, ostensibly fatigued by constant battling with an uncooperative city council, declined to run again in 1983, leaving the path open for his managing director Wilson Goode to beat a renascent and FOP-endorsed Frank Rizzo for the Democratic nomination. After rather handily defeating his Republican opponent in November, the city's first Black mayor immediately signaled that he was reluctant to keep on Solomon as commissioner, and by December he announced that he would be replacing Solomon with Chief Inspector Gregore J. Sambor. Goode, who had worked closed with Solomon over the past four years, described the decision as "personal and emotional," but also believed Solomon's "tough assignment" in reforming the department had caused "lower morale." "I think that in order to enhance morale," he told the press, "there was a need for a change in leadership at the top."³⁶³

With no complaints from the FOP and cautious optimism from the press and even the GCL, Sambor assumed his commission with a certain amount of public good will. Press coverage portrayed him as a frank, hard-working man who was "big on his roots" as the son of Ukrainian immigrants and as a Philadelphian. He described himself as "a combination of Frank

³⁶² Ott, "The Moody Blues," 12. Dwight Ott, "A dog's life," *Philadelphia Inquirer*, March 21, 1983, 2-N, 3-N, 4-N. Thomas Gibbons, Jr., "Police: Beefed-up patrols seem to be cutting crime," *Philadelphia Inquirer*, November 13, 1982, 5-B.

³⁶³ Countryman, *Up South*, 323-324. Roger Cohn and Robert J. Terry, "Goode said to be considering replacement of Solomon," *Philadelphia Inquirer*, November 30, 1983, 1-A, 2-A. Roger Cohn, "Goode names police commissioner," *Philadelphia Inquirer*, December 8, 1983, 1-A, 2-A.

Rizzo and Howard Leary”—a “man of action” who would be tough on crime, but also an intelligent and thoughtful “planner” in the mold of ex-commissioner Leary.³⁶⁴ “Operation Cold Turkey,” a March 1985 drug sweep that indiscriminately stopped 1000 people and led to dozens of arrests, exemplified the approach. But Sambor’s good will faded quickly. “Cold Turkey” led to public scandal and a consent agreement with the ACLU that barred such unconstitutional sweeps in the future. During his entire tenure he was dogged by a corruption scandal that had emerged in the last months of Solomon’s commissionership and failed to fade. Investigations and trials implicated more and more officers in the department, including Sambor’s own deputy commissioner James Martin. And though he did not change Solomon’s use-of-force policy, Sambor’s department fell into two police abuse scandals that cut against the grain of the progress Solomon had made. The first was an investigation revealing that officers on the K-9 unit were freely ordering their dogs to attack suspects, and that the department had heretofore vastly under-reported these figures. Sambor immediately issued stricter guidelines on the use of dog bites by the unit, but the scandal remained a stain on his administration’s reputation. And the second was the notorious and murderous bombing of the MOVE compound in West Philadelphia.³⁶⁵

Community and police conflict with MOVE had not ended after their first showdown in 1978. Though several MOVE members were incarcerated following that shoot-out, over a dozen

³⁶⁴ Tommie Hill, “Goode’s police chief passes grade,” *Philadelphia Tribune*, December 9, 1983, 1, 8. Tom Fox, “New commissioner knows his roots,” *Philadelphia Inquirer*, February 12, 1984, 7-F. Robert J. Terry, “Operation Cold Turkey yields 47 drug arrests,” *Philadelphia Inquirer*, March 28, 1985, 22-B.

³⁶⁵ Tim Weiner, “Judge holds third vendor in contempt,” *Philadelphia Inquirer*, December 16, 1983, 6-B. Edward Colimore, “Sambor plans to earn loyalty,” *Philadelphia Inquirer*, January 6, 1984, 4-B. Tim Weiner, William K. Marimow, and George Anastasia, “Deputy police commissioner resigns in probe,” *Philadelphia Inquirer*, April 11, 1984, 1-A, 2-A. William K. Marimow, “City documents show 358 K-9 attacks in 33 months,” *Philadelphia Inquirer*, June 14, 1984, 1-A, 20-A. William K. Marimow, “Goode has one pledge yet to fulfill,” *Philadelphia Inquirer*, June 14, 1984, 20-A. Henry Goldman, “ACLU, city sign agreement on drug raids,” *Philadelphia Inquirer*, April 11, 1985, 3-B.

others took up residence on 6221 Osage Avenue, in the mostly Black and lower-middle-class neighborhood of Cobbs Creek in West Philadelphia. Their neighbors complained for years about MOVE's polemics against modern society, delivered by megaphone, and about a growing population of rats and other animals around the compound with which MOVE took no issue. The city bureaucracy, however, mostly ignored these complaints, and Goode's election as the city's first Black mayor raised residents' hopes that he would finally become responsive to a heretofore neglected group of Black homeowners. He was, to some extent: the police department, which had for years monopolized control of the situation to the exclusion of other city agencies like the Commission on Human Relations, increased surveillance of the MOVE compound. In turn MOVE members bought firearms and retrofitted their building for combat. Events devolved quickly in May, when a MOVE promise to kill neighborhood children generated an arrest warrant for 6 MOVE members, and eventually authorization from Mayor Goode to evict them from the compound—forcibly if necessary. On May 13, police evacuated the rest of the neighborhood and tried to force out the compound's residents by bombarding the house with tear gas and firehose streams. When this action failed, police escalated their tactics. Timothy Lombardo describes how

...with no end in sight, Mayor Goode gave the police permission to take drastic action. Around 5:00 p.m., a police helicopter began circling the 6200 block of Osage Avenue. Half an hour later, Commissioner Sambor gave the order to take out the rooftop bunker. An officer then dropped a satchel filled with three and a half pounds of Tovex and C-4 explosives on a forty-five-second fuse from the helicopter. The bomb exploded with a devastating impact and ignited the drums of gasoline on the roof. Clouds of thick, black smoke darkened all of Cobbs Creek. Police took cover for fear of MOVE gunfire. Commissioner Sambor gave the final order: 'Let the bunker burn.'

And so the fire department held off, only suppressing the flames after they had burned most of the night. In addition to damaging or destroying houses up to two blocks away, the blaze killed

most of the MOVE members inside the compound, including founder John Africa and five children. Only two survived.³⁶⁶

Following this extraordinarily violent fulfillment of the PPD's vendetta against MOVE, Goode established the Philadelphia Special Investigation Commission to investigate the culpability of the police, the commissioner, the mayor, and others in the desolation of the MOVE community and the surrounding blocks, as well as what might have been done to save the MOVE children. The commission laid at the feet of the mayor ultimate responsibility—which he frankly accepted—and faulted Sambor and his subordinates for their own approach. The commissioner and most officers publicly regretted nothing about their actions, but Sambor still resigned on November 13, 1985, after the commission published its findings.³⁶⁷

The FOP assumed its usual defensive stance in moments of crisis for the police department. Lodge No. 5 sued the Goode administration to block the formation of the MOVE Commission, and its lawyers persuaded most officers to refuse to engage meaningfully with investigators. Local press reported high levels of rank-and-file and union support for Sambor. Many officers nursed a deep grudge since the first confrontation with MOVE in 1978 had led to an officer's death, and they believed that Sambor had acted to protect them during the controversy and investigation that followed the 1985 bombing. When Sambor resigned, the FOP promised to organize a primary challenge to Goode if he tried to replace Sambor with someone from outside the department, or even to trigger a recall election if it was found Goode had forced

³⁶⁶ Countryman, *Up South*, 325. Lombardo, *Blue-Collar Conservatism*, 217-218, 226.

³⁶⁷ *Ibid.*, 226-227. Robin Clark and Robert J. Terry, "Sambor out; Armstrong replaces him," *Philadelphia Inquirer*, November 14, 1985, 1-A, 21-A.

him out—even though the recall provision of the city charter had previously been found unconstitutional.³⁶⁸

The MOVE bombing and both Sambor's and the FOP's responses to it signified the limits of Mayor Green's and Commissioner's Solomon's reforms. Green's and Goode's efforts to professionalize the department and curb police abuse required the subordination of the Philadelphia police to civilian control, cutting against the decades of the growing autonomy and authority of the department within city government. Green managed to defeat the FOP in virtually every confrontation, and Solomon was firm in his commitment to discipline officers who exceeded the commissioner's judgments about the use of force. But these reforms were barely institutionalized and depended on the continued commitment of individual mayors and commissioners, and Goode's decision to replace Solomon with Sambor reflected a return to mayoral deference to a tough-on-crime commissioner's judgments of how to run the department. The MOVE bombing was an extraordinary, absurdly horrific return to the use of "excessive force," one that was determined by the particular history between the police and MOVE but also signified the end of the Solomon era of relative restraint and discipline. And Goode testified and has repeatedly claimed that while he accepted responsibility for the events, he had deferred to his commissioner's judgment on how best to proceed.³⁶⁹ This stated respect for professional expertise was another way of saying that the mayor's ability to govern his own police department had its limits, that as a rule of thumb the knowledge and judgment particular to officers was the truest guide on how to proceed in any difficult situation.

³⁶⁸ Countryman, *Up South*, 325. Lombardo, *Blue-Collar Conservatism*, 226-227. Steve Lopez, "In ranks, shocked silence," *Philadelphia Inquirer*, November 14, 1985, 1-A, 21-A.

³⁶⁹ Countryman, *Up South*, 325.

Policing and Democracy

The MOVE bombing and its aftermath show the critical role of rank-and-file mobilization and police unionism in distancing police departments from democratic control. From the 1960s through the 1980s, whenever liberal reformers, civil rights activists, or radicals attempted to claim new authority over the police to reshape the ends and means of their activity, to render them accountable to a larger, more equitable set of citizens or to mitigate the violence they enacted in their daily work, police unionists deployed a combination legal compulsion, political machination, and cultural suasion to sever of oversight and accountability that connected them to these publics. Police were not formalists, serving an abstract citizenry whose members were determined by democratic processes. They were committed to a substantive vision of the body politic, one in which citizenship was structured fundamentally by the social relations of capitalism and white supremacy, and they would always sacrifice democratic control before they capitulated to other visions of the civic order. Because of their substantive commitments, they saw both moderate and transformative police reforms as betrayals of the civic order they were charged to defend and impingements on their ability to do so by any means necessary.

To be clear, however, police unionists were not opposed to democratic procedures on principle, nor did they intend their political activity and self-advocacy to benefit only themselves in a narrow sense. The consistent enemy of most rank-and-file police and their union leaders was never fundamentally a particular institutional form, but rather ostensibly dangerous civic outsiders—“criminals,” systematically conflated with the non-white, the poor, and the radical. Police officers might embrace public oversight or reject it; they might fight with the brass or cooperate with them. The answers to these strategic questions always turned on whether the

decision would protect the raced, classed civic order. While individual police or union officials have often certainly acted for their own benefit, enabled by the near-absence of public oversight, the police union movement as a whole has sustained itself by and depended on its allegiance to the power and standing of propertied white Americans.

By the end of the 1980s, the politics of law and order and the value of political support from a police union had fully suffused the mainstream of both the Republican and Democratic parties. In the 1988 U.S. presidential race, both Republican candidate and Vice President George Bush and Democratic candidate and Massachusetts Governor Michael Dukakis vied for the endorsements of police unions just two months before the election. In September, news reached the Dukakis campaign that Bush had secured the endorsement of the Boston Police Patrolmen's Association, seventy of whom ultimately staged a photo op in uniform with Bush in a Boston Italian restaurant, right under Governor Dukakis's nose. Dukakis pleaded with the police union not to give their endorsement, but they rejected him entirely. So he staged a counter-event, summoning a grab-bag of law enforcement officials including state attorneys general from Connecticut and Maine and police union leaders from the South. "I'm the only damn Texan in town this day representing police officers, not George Bush," said Ron DeLord, president of the Combined Law Enforcement Association of Texas (CLEAT). "We know there's been very little action [in support of police from the Reagan administration] in the last eight years," added David Murrill of the Southern States Police Benevolent Association. Both of their comments framed Bush's BPA endorsement the meaningless act of a single organization, rather than the ostensibly more legitimate support Dukakis could claim from those who joined his publicity event. Whatever the verdict of those watching, the competing endorsements generated major media

event, and it turned on the value both Bush and Dukakis placed on claiming the mantle of law and order—and their belief that police unions were the entities best able to bestow it.³⁷⁰

The past seven years have seen popular uprisings led by Black Lives Matter and other groups that have not only rejected the authority of police unions but challenged the power and necessity of policing as such. They have explicitly tied police practices to white supremacist segregation and lethal violence, and they aim to fundamentally undo that relationship, perhaps through transformative reform, perhaps through the very abolition of policing. Police unionists are not the only obstacle standing between these popular mobilizations and their goal, but they are a formidable one, and certainly the linchpin of the political coalitions that hold together American law enforcement institutions of all kinds. If the new mobilizations are to succeed in their goals of reasserting democratic control over the police and remaking or unmaking them in the name of a more inclusive sovereign community, they will do so only if they can dismantle the law-and-order coalition that has empowered police unionism over the past sixty years and forge a new one premised on a radically different vision of citizenship, democracy, and public welfare.

³⁷⁰ Timothy J. McNulty and Dorothy Collin, “Dukakis Blunts Bush Police Coup,” *Chicago Tribune*, September 23, 1988, <https://www.chicagotribune.com/news/ct-xpm-1988-09-23-8802010598-story.html>, accessed May 26, 2021.

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