



I Fought the Law (Enforcement Unions) and the Law (Enforcement Unions) Won?

Democrats, Police Unions, and the Struggle over Progressive Criminal Justice Policy



Sarah Kliment, sk4241, for Professor Matthew Lacombe's Power and Inequality

The Problem

- Criminal justice reform has become a major issue across local and national elections, and politicians across the ideological spectrum have committed to bringing about change (though most progressives are Democrats)
- But one of the most powerful barriers to reform efforts are law enforcement unions, a term I use to mean police and correctional officer unions
- If Democrats truly want to prioritize criminal justice reform (an issue that is one of the policy planks of their most recent party platform, according to the DNC's website, as well as a subject discussed by every major Democratic candidate for the presidency, including presumptive nominee Joe Biden), will they have to work around these actors?
- This question becomes even more complicated due to the fact that unions, and public sector unions in particular, have been one of the strongest and most influential constituencies of the Democratic Party, and it's been found that when the strength of unions are weakened, Democrats tend to do worse electorally.
- It's in Democrats' interests to pass the progressive policy they run on and believe in, but it's also in Democrats' interests to maintain voting coalitions that will deliver them electoral victories so they can pass any legislation at all.



Pat Lynch, head of the Police Benevolent Association, [source](#)

The Question

- I want to look to history to better understand why unions more broadly are so important politically, why Democrats have tended to ally with unions and how exactly Republicans have sought to weaken the political power of unions over the past century. What is unique about the power of law enforcement unions specifically? Should, or would, Democrats be able to apply those tried and true union-busting tactics to law enforcement unions in pursuit of their criminal justice reform goals. In short: why are Democrats struggling so much to counter law enforcement unions who seek to block criminal justice reform efforts?

What Unions Do



Union protest, [source](#)

- Unions spend money to elect candidates who favor their positions, both through campaign contributions and through media campaigns that reach the public.
- Unions also lobby elected representatives and government officials on issues that are important to their members
- Unions also educate their members on political issues, lowering the traditional knowledge gap between those without a high school degree and those with more formal education
- Finally, unions also mobilize both members and the general public to vote
- All of these factors are important in encouraging engaged, active, and informed citizens-- but the power of union organization is in many ways vulnerable to the whims of policymakers.

Unions and the Two Major Political Parties

- Unions and Democrats have been allied since the election of FDR in 1932, when organized labor saw an opportunity to influence a new government
- Republicans solidified their stance in opposition to labor unions when they, in coalition with southern Democrats, passed the 1947 Taft-Hartley Act, creating barriers to new union organizing, expanded management rights, and allowed states to enact right-to-work provisions.
- Right-to-work laws outlaw labor law contract clauses that say that everyone who benefits from unions (like non-members who still are served by the union) must help pay for it, rather than simply free riding.
- Furthermore, in 2018, a landmark Supreme Court case, Janus v. American Federation of State, County, and Municipal Employees, was decided, ruling that public sector unions throughout the country cannot force non-members to pay fees. That cuts off a major union funding stream
- Given that a majority of union organization and donations go to Democrats, the decision in Janus does not bode well for Democratic politicians or union activism. Since 1947 and the passage of Taft-Hartley, Republicans have waged a rather effective war on union organizing and strength. So what makes law enforcement unions different?

Law Enforcement Unions' Unique Position

- Democrats have struggled to counter the power of law enforcement unions, because it's not in their traditional playbook to oppose strong union activity, while Republicans have been happy to embrace groups like the Police Benevolent Association in ways they rarely do other unions.
- For the past half century, police unions have tried in various ways to block progressive reforms and for decades, Democrats seeking to take and control office chose to strike bargains with police unions rather than take them head on. But times have changed, and Democrats have started to push back on law enforcement unions-- which makes them nervous.
- Democrats are unable to use traditional union-busting techniques that structurally weaken unions, because weaker unions at large lead to worse results for Democrats electorally. Therefore, law enforcement unions are in a somewhat unique position of power
- But what in particular makes them so powerful? Police unions do partake in traditional union strategies, like spending massive amounts of money on ad blitzes and campaign contributions, or suing in court to block legislation they dislike. But what makes them particularly unique is the strong in-group solidarity among their members.
- In other words, police officers' shared identity leads to extremely high rates of political engagement and voting compared to the general public, especially when cops feel culturally threatened-- as they have in recent years. One researcher even found that the work of the Fraternal Order of Police provided crucial vote swings to Donald Trump in battleground states like Michigan and Pennsylvania

Conclusions



Chesa Boudin, the new progressive District Attorney in San Francisco. [Source](#)

- Democrats may just have to out-organize and out-message law enforcement unions instead of seeking to weaken them internally, given the cultural strength and solidarity within such unions
- Despite the fact that law enforcement unions spent \$700,000 to oppose Chesa Boudin, a progressive DA candidate in San Francisco, he was still able to win with dedicated groundwork and smart messaging. Others should seek to follow in his footsteps