

June 15, 2020
NW20-014

TO: NW Council
FROM: SPEEA Council's Legislative & Public Affairs Committee

SUBJECT: **PRESUBMITTED NEW BUSINESS: Condemn Police Violence and Systemic Racism**

Background

The recent killing of George Floyd at the hands of Minneapolis Police shocked the nation and brought the serious issues of police brutality and systemic racism to the forefront of the national conversation.

Why?

Police are rarely held accountable for their abuses: The four Minneapolis police officers responsible for murdering George Floyd were not arrested and charged until after several days of protests in Minneapolis and around the country. The Louisville police officers who murdered Breonna Taylor in her sleep after breaking into her apartment are still at large. The police officer who killed Rayshard Brooks with two shots to his back as he ran from being handcuffed for being drunk and sleeping in his car in a Wendy's drive-thru. Too often, police officers who brutalize and kill our fellow citizens are never held accountable.

Systemic racism hurts our union brothers and sisters: In the days following the murder of George Floyd, African-American Boeing employees, both unionized and not, shared their grief on inSite, an internal company message board. They spoke of fearing for their lives during traffic stops, giving their children "the talk" about how to interact with police, and even being personally assaulted by police officers. It is unacceptable that our coworkers and fellow union members are disproportionately subjected to these injustices.

Police respond to protests against police violence with even more police violence: Widely released footage from recent nationwide protests in response to police violence and systemic racism show heavily militarized police forces suppressing peaceful protesters of all races using wildly disproportionate levels of force, including the indiscriminate use of tear gas. There have also been recordings of police committing atrocities such as ramming protesters with their vehicles, assaulting journalists and news crews, firing rubber bullets directly into the faces of protesters resulting in partial blindness for some, and even using the same knee-on-neck move that was used to murder George Floyd. These protesters are our neighbors, friends, and coworkers, and any level of police violence against them is unacceptable.

Additional Information

Black workers have the highest rates of union membership of any race: According to the Bureau of Labor Statistics, Black workers have the highest rates of union membership of any race. They are also among the most likely to be victims of police violence. By speaking out against police brutality, SPEEA can stand in solidarity with our Black union brothers and sisters.

Banned by the Geneva Convention: Police departments around the nation have used tear gas indiscriminately on peacefully protesting citizens despite its use in warfare being banned by the Geneva Convention. If we have agreed not to subject enemy combatants to this chemical weapon, why is it acceptable to use it against our own citizens exercising their First Amendment rights?

Qualified Immunity Doctrine: In the Civil Rights Act of 1871 (also known as the Ku Klux Klan Act), Congress gave Americans the right to sue public officials who violate their legal rights. In Section 1983 of the U.S. Code (the modern analogue of the 1871 Civil Rights Act), Congress said that if a public official violates your rights—whether via police brutality, an illegal search, or an unlawful arrest—you can file a lawsuit to hold that public official financially accountable for his conduct. In 1962 the Supreme Court justified the need for qualified immunity to protect police from damages in the course of doing their job believing this would have been included in Section 1983. This was refined in *Harlow v. Fitzgerald* (1962) to allow qualified immunity if the government official believed in good faith his conduct was lawful and the conduct was objectionably reasonable. However, this still allowed the government official to go to trial and therefore could deter the official from performing their duties. This led to the Court's definition for current qualified immunity, "Government officials performing discretionary functions generally are shielded from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." However, courts required the plaintiff to cite

Prior to council action (voting) on any proposal for legislative or public affairs, the SPEEA Council's Legislative & Public Affairs Committee shall investigate and produce both pro and con statements and a majority committee recommendation.

Passage or adoption of any legislative or public issues proposal shall be by published ballot and require: Total affirmative vote must be a majority of all Council Representatives including those not present excluding Council Representatives working in excess of 50 statute air miles from the meeting and are unable to attend.

an existing judicial decision to support not applying qualitative immunity. If a similar case has not been established, then the defendant can impose qualitative immunity. This is summed up by 5th Circuit Court of Appeals Judge Don Willett, “No precedent = no clearly established law = no liability.” The case does not go to trial so no precedent is defined and the violation will go unpunished now and in the future. This is why it becomes difficult to hold police officers responsible for their actions. Qualified immunity is a judicial precedent, not a legislative statute.

Other Endorsements of Action against Police Violence: Washington State Labor Council, American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), Office and Professional Employees International Union (OPEIU) 8, Professional and Technical Employees Local 17 (PROTEC17), Service Employees International Union (SEIU) 925, Teamsters 117, United Food and Commercial Workers (UFCW) 21, Washington Federation of State Employees, American Federation of State, County, and Municipal Employees (AFSCME) Council 28, Washington State Nurses Association, Amalgamated Transit Union, American Federation of Government Employees, American Federation of State County and Municipal Employees, International Federation of Professional and Technical Engineers (IFPTE), International Longshore and Warehouse Union, International Longshoremen’s Association, National Nurses United, North America’s Building Trades Unions, Office and Professional Employees International Union, Pride at Work, Screen Actors Guild-American Federation of Television and Radio Artists (SAG-AFTRA), Service Employees International Union (SEIU), Teamsters, Teamsters National Black Caucus, Transport Workers Union

Policy & Procedure

3. Any member of the council or any council committee may submit a legislative or public issue proposal to the council. Prior to passage or adoption, the council’s Legislative & Public Affairs committee shall:
 - a. Define and explain the issue.
 - b. Perform all necessary investigations, contacts, and data acquisition required to:
 - (1) Produce both pro and con statements on the issue.
 - (2) Produce a majority Committee recommendation for SPEEA action.
 - c. Have the information above printed and distributed so as to be in the hands of the Council a minimum of three days prior to the Council meeting at which action on the issue will be requested.
4. Passage or adoption of any legislative or public issues proposal shall be by published ballot and require:
 - a) Total affirmative vote must be a majority of all Council Representatives including those not present or not voting, excluding Council Representatives working in excess of 50 statute air miles from the meeting and are unable to attend.
5. The Executive Board implements the decision of the council.

L&PA Position

Majority Position: Supports passage of this motion and holding everybody accountable.

Minority Position: None.

Pro – SPEEA has called for an end to racism and justice for George Floyd and end to inappropriate use of force by police officers

Con – Conservative SPEEA Members support aggressive police responses to the protests and riots and would prefer SPEEA not take a position.

Motion

It is moved that: **THE SPEEA COUNCIL PUBLICLY CONDEMNS THOSE POLICE DEPARTMENTS AND OFFICERS AROUND THE NATION THAT ENGAGE IN ABUSES, VIOLENCE, SYSTEMIC RACISM, AND OBSTRUCTION OF ACCOUNTABILITY. ADDITIONALLY, SPEEA DEMANDS SWIFT JUSTICE FOR GEORGE FLOYD, BREONNA TAYLOR, AND ALL VICTIMS OF POLICE BRUTALITY.**

Prior to council action (voting) on any proposal for legislative or public affairs, the SPEEA Council’s Legislative & Public Affairs Committee shall investigate and produce both pro and con statements and a majority committee recommendation.

Passage or adoption of any legislative or public issues proposal shall be by published ballot and require: Total affirmative vote must be a majority of all Council Representatives including those not present excluding Council Representatives working in excess of 50 statute air miles from the meeting and are unable to attend.