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### Will Goldwater lawsuit gut police union?

by **E. J. Montini, columnist** - Dec. 15, 2011 12:00 AM  
The Arizona Republic

The folks at the Goldwater Institute say that the purpose of a recently filed lawsuit is *not* to bust the police union in Phoenix.

Although that could happen if they win.

Attorneys from Goldwater claim that it is an unconstitutional "gift" for the city to pay officials from the Phoenix Law Enforcement Association to do union work.

Clint Bolick, director of the Scharf-Norton Center for Constitutional Litigation at Goldwater released a statement saying, "Taxpayer money should be used exclusively for public purposes. The practice of shoveling millions of taxpayer dollars into union coffers must be stopped."

The way you sell a lawsuit like this is to say that taxpayers are being ripped off. I don't think that's a very nice thing to say when you're talking about men and women who risk their lives for us each day.

But, hey, that's just me.

The Goldwater folks correctly point out that the city allows some Phoenix police officers to be excused from regular duty to work for PLEA. They say that doing so is "authorizing an illegal subsidy to a private company," which would violate the Arizona Constitution's so-called gift clause.

"This is our third lawsuit using the gift clause," Bolick told me. "And this is our first that doesn't challenge some form of corporate welfare. But the language of the gift clause and the intent of the gift clause didn't turn on who the beneficiary of the gift is. At the Goldwater Institute we view gifts of public money to be obnoxious regardless of who the beneficiary is."

In other lawsuits, Bolick and his associates took on business

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interests getting sweetheart deals from cities. This isn't the same thing.

The previous deals involved fat cats looking to soak taxpayers with promises of payback. No cops are getting rich here. And it isn't like officials with the city handed a blank check to PLEA and said, "Go ahead. Have fun."

The deal that allows some officers to work full-time for the union was part of a much larger negotiation between the city and PLEA.

That's how negotiations work.

The city comes to the bargaining table with an idea of the amount of money it wants to spend and the type of concessions it is willing to make. Likewise, the union comes to the table with a menu of salary and benefit demands for its officers.

The taxpayer money spent on the union officers is part of that bigger package. It's not simply a gift.

Bolick told me that he isn't sure that the views of union negotiators "reflect the cop on the beat" when it comes to the arrangement that currently exists. He said it's possible that regular officers could make more money if the current practice of paying union officials was discontinued.

"Rational police officers or other unionized workers might find that they don't want to pay for quite that much in terms of union activity," he said.

He's right. They might.

But shouldn't that be up to *them*?

Officers could, for example, elect a slate of officers who would implement such a plan. If they choose not to do so it might be because they believe the union officials who work for them are valuable. Not only do they negotiate contracts, union representatives stand with officers when they run into some difficulties with a member of the public or with their supervisors.

And they lobby at places like the state Legislature, where highly-paid lobbyists from other sectors of the community are working very hard to erode the pension and benefits of public-service employees.

The Goldwater Institute doesn't like public-service unions.

Bolick told me that he hopes this lawsuit will affect such unions everywhere.

"Our understanding is that there are a lot of other situations where these agreements exist. And, there are also a lot of states where corporate subsidies exist," he said. "We hope that this will have widespread impact."

A number of police departments in Arizona have similar arrangements with the cities they serve and protect.

I suppose that in some circles busting up a police union -- or at least weakening it -- would be considered a great victory. Not to me.

I don't believe that the Phoenix police are ripping off taxpayers. I believe that the deal they got is part of a multi-faceted negotiation in which taxpayers gave them some things and in return the cops agreed to wake up each morning, strap on bulletproof vests, place firearms in holsters and go to work.

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