

HISTORY OF THE MICHIGAN STATE POLICE TROOPERS ASSOCIATION

The years 1975-1980 constitute the most significant period in the history of the MSPTA since its inception. During this time, the organization and its membership achieved landmark successes:

- We won the constitutional right of collective bargaining with compulsory, binding arbitration;
- The MSPTA was recognized as the official bargaining representative for both troopers and sergeants;
- And the first contract was successfully negotiated.

However, these successive victories in the collective bargaining arena were not won without bitter struggle. Each major accomplishment was preceded by frustrating political roadblocks and legal challenges which had to be overcome or circumvented.

Concurrent with the struggle to achieve collective bargaining, the MSPTA membership experienced tension and trauma as the State Police reacted to political and budgetary pressures. The establishment of the Detroit Freeway Post and other metro freeway patrols brought increased manpower to the State Police, and the troopers' performance received overwhelmingly favorable publicity in the popular press. Without doubt, the timing and nature of this publicity spurred the success of our petition drive; however, the forced transfer of veteran personnel to these assignments caused many hardships for members and their families.

Also, the political battle over State Police budgets and role definition related to these freeway patrols gave rise to the parasitic system of state funding for Sheriffs' secondary road patrols, and spawned a concerted effort in the legislature to reduce the State Police to highway patrol status. Subsequent State Police budget problems caused the 96th Recruit School to suffer the dubious distinction of being the first troopers laid off since 1933. The tragic deaths of Tpr. Norman Killough, and long-time MSPTA Executive Secretary Doil Brown, exacerbated the pervading sense of gloom.

The news accounts of this period provide a vivid sense of the almost overwhelming frustration and anxiety experienced by the MSPTA. That the MSPTA survived these challenges, and entered into a new phase of positive, effective representation for State Police troopers and sergeants, may be attributed to three factors: the long range vision and perseverance of the MSPTA leadership; the efforts and professionalism of individual MSPTA members; and the mobilization of widespread, vocal, public support. Absent this tremendous public esteem, the MSPTA today might be only a footnote in the history of the Michigan Department of State Police, rather than an organization with a proud history in its own right.

MSPTA president Tpr. Gerald Zielinski outlined several ambitious goals at the outset of 1975: Introduce a collective bargaining bill in the legislature; expand MSPTA executive board representation for detectives and sergeants; survey public opinion regarding the MSP; obtain department issued bulletproof vests and better weapons/ammo; and improve the MSP pension to allow buying of military service time.

Detectives and sergeants had only associate membership in the MSPTA, with limited representation on the executive board. An amendment to the MSPTA constitution expanded the number of detective/sergeant seats on the board, and allowed those ranks to run for top offices in the MSPTA. Many lieutenants also maintained membership in the MSPTA, but without representation.

The safety concern over bulletproof vests, and the perceived need for better weapons and ammo (.357 magnum), had seriously affected morale – especially since the 1974 murder of Tpr. Larry Forreider. The department agreed to purchase and issue the vests, but a variety of studies on weaponry failed to convince the department to change from the traditional .38 revolvers.

The results of the public opinion poll showed the MSP as the most respected law enforcement agency in the state – which the MSPTA used as ammunition in arguing for pay raises and collective bargaining. Before the end of the year, the MSPTA and other groups representing state employees asked the Civil Service Commission to consider granting collective bargaining rights. The commission appointed a committee to study employee representation.

Anticipating failure in this area, the MSPTA convinced Rep. Ted Stopczynski to introduce House Joint Resolution X – which would grant collective bargaining rights with compulsory, binding arbitration (as in P.A. 312) to MSP troopers and sergeants. The MSPTA mounted a publicity and lobbying campaign to support HJR X. Although it was assumed by most that the MSPTA would become the official bargaining representative if this measure passed, a group of dissident Detroit area sergeants and command officers began flirting with Teamsters union affiliation.

Several other important events occurred during 1975 which affected the MSPTA membership. The MSP Training Division moved to the new Academy in the State Secondary Complex, and the 89th Recruit School was the first to be trained in the new facility. This marked a separation in the recruit training experience – between those who had trained in the close and Spartan quarters of the old East Lansing Headquarters gymnasium (since 1937), and those who would now be trained in the modern facility with college-style dormitory rooms. The 89th was also the first recruit school in which State Policewomen received the same training as male recruits.

Fred Gibson filed a reverse discrimination lawsuit in Ingham County circuit court, charging that minority applicants with lower scores than his had been called to the planned 90th Recruit School while he had not been accepted. Judge Kallman issued an injunction delaying the recruit school until the matter could be resolved. At almost the same time, the federal Justice Department filed suit against the MSP charging that it discriminated against women and minority applicants. These actions, combined with budget problems, in effect closed MSP recruiting and training for two years.

Also in 1975, the MSPTA began a long-drawn grievance procedure and legal battle to win reallocation for a number of sergeant 10's. A previous Civil Service reallocation had promoted sergeants at large posts to sergeant 11, while sergeants at small posts (although with the same responsibilities) were left at the lower sergeant 10 classification.

The idea of a Detroit freeway post for the MSP also germinated in 1975. The department had obtained property in Northville to build a new post and district HQ, and planned to transfer the old Detroit Post from Redford Township. Detroit Rep. Richard Young, however, wanted a State Police post in downtown Detroit rather than in Northville – mostly because DPD was reducing its freeway patrols due to budget shortages. The move to Northville went ahead.

1976

In February, the state Civil Service Commission recommended an 8% raise for State Police officers (annual top trooper pay was \$14,282), and a 5% raise for other classified state employees. The MSPTA was not satisfied with this proposal, and asked instead for a 22% salary increase – based on the fact that at least 75 local police agencies paid their patrol officers more.

Realizing that the pay issue was hurting trooper morale, Governor William Milliken urged the Civil Service Commission to reconsider its low recommendation. This tactic was intended to end the ticket slowdown then in progress (in every district but the eighth), and to “take the steam out of” the drive for collective bargaining.

The MSPTA had launched a two-pronged effort to obtain collective bargaining rights: in the legislature, with a proposal in the House to place a constitutional amendment on the ballot which would grant collective bargaining rights with binding arbitration, and with the Civil Service Commission, by asking them to grant collective bargaining rights under their constitutional authority. A similar proposal to grant collective bargaining (but without binding arbitration) to other classified state employees had also been submitted to both bodies.

On February 20, the Civil Service Commission ruled that it did not have the authority to grant collective bargaining rights; only a constitutional amendment

could do so. The House had postponed action on the legislative proposal pending this ruling from the Civil Service Commission.

In March, the Civil Service Commission decided to enact its proposed raise for the State Police two months early. The MSPTA criticized this action as being influenced by Governor Milliken's desire to mollify the troopers and avoid collective bargaining – proof in the eyes of the MSPTA that the Civil Service Commission acted under political pressure, and not in the best interests of state employees.

In April, it was reported that 300 MSP command officers (sergeant and lieutenants) had affiliated with the Teamsters Union. Their leader, Sgt. George Bays, argued that the officers would not engage in strikes, nor let their union affiliation defer them from impartial law enforcement. MSPTA president Jerry Zielinski scoffed at this idea, and said that it would be impossible for these officers to remain neutral during violent labor disputes. He suggested remaining aloof from affiliation with the Teamsters or any similar union.

Also in April, MSPTA executive secretary Doil Brown charged that the "extra" \$1,000 raise for troopers proposed by the Civil Service Commission was "tokenism," and argued for a \$4,000 raise. Although the constitutional amendment proposal had failed to pass the House the first time, the House reconsidered. The proposal failed a second time.

In May, MSPTA president Zielinski reported that the MSPTA would not only introduce the proposal in the House for a third attempt (the limit allowed in the legislature), but would also sue the state and the Civil Service Commission in federal court for discrimination. He argued that other states allowed collective bargaining for classified state employees with no apparent conflict, and that even in Michigan many non-classified public employees (such as local police) had such rights.

During the summer, Doil Brown admitted that the proposed raise of \$1,000 (effective October 1) would boost sagging morale somewhat, but that the raise was no long-term substitute for collective bargaining. The proposal languished in the House, and was not acted on before the legislature left for summer recess. Realizing that it was now too late to put the proposed amendment on the November ballot in 1976 even if the legislature endorsed it when they returned, President Zielinski articulated alternative strategies: continue the law suit in federal court; continue to push for legislative passage of the measure so that it could appear on the November 1978 ballot; and, failing success in the legislature, launch a petition drive directly with the voters to place the amendment on the November 1978 ballot.

In August, following a rash of violent crimes on Detroit's freeways, Governor Milliken ordered the State Police to establish a temporary post downtown for

freeway patrol. The DPD freeway patrol had been reduced due to budget problems, and Mayor Young had requested state help. An initial contingent of 80 troopers was pulled from all parts of the state, and began operations on short notice. During the remaining months on 1976, the troopers made many arrests and showed a significant reduction in crime on the freeways. Editorials in both of Detroit's major papers praised the troops as effective "pro's," and claimed that the psychological security their presence gave made the cost worthwhile. The Detroit News argued that MSP pay and manpower should be upgraded; the department was 200 officers short of its authorized strength, and troopers ranked 88th in pay compared to other Michigan police agencies.

A health and safety issue arose among the troopers assigned "temporarily" to Detroit when several reported headaches and other problems related to inhaling exhaust fumes for 8 hours a day. State Health Department officials rode with the troops and monitored carbon monoxide levels, and concluded there was no health risk. Two troopers were assigned in each car on all shifts.

In December, Governor Milliken decided to make the Detroit Post a permanent assignment for the MSP. Many troopers were unhappy, and several quit. Short of manpower to staff this post, the MSP considered curtailing services at several UP locations to cut costs and shift manpower; however, UP reps in the legislature nipped this proposal in the bud.

The MSPTA made two significant announcements in December. It publicly endorsed the establishment of a death penalty in Michigan, and President Zielinski announced that, having failed the third time to win passage of the collective bargaining amendment in the legislature, the MSPTA would launch a petition drive directly with the voters. \$,000 per month (from January 1977 – November 1978) was budgeted from MSPTA dues to obtain the 300,000 signatures necessary. No outside money would be accepted for this campaign.

Several other important events occurred during 1976 which affected the Department of State Police directly, and the MSPTA as well. Fred Gibson's reverse discrimination lawsuit and the federal discrimination lawsuit were resolved in combination. The department entered into a consent decree with the federal court to increase the number of minority and women troopers. Related to this, it was decided that the classification of "State Policewoman" would be abolished, and women would become full-fledged troopers. Unfortunately, budget shortages precluded the addition of any new recruits. Desperate for manpower, the MSP circumvented this problem partially by assigning 36 service troopers to a Basic School for local police at the Academy. After the graduation of the Basic School, the service troopers remained to graduate as the "89.5" Trooper Recruit School.

Also during 1976, the Achievement Development Inventory (ADI) system of performance appraisal for uniform division troopers was established by then Lt.

Ritchie Davis of the personnel division. The MSPTA finally succeeded in winning the reallocation of all sergeant 10's at small posts to Sgt. 11's. The State Police pension system was finally revised to allow widows to continue receiving pensions even after remarriage (the widows of Tprs. Stark and Rampy were able to remarry as a result). The present deferred compensation system was also signed into law by Governor Milliken during this year, and the law under which the now defunct "Red Squad" had operated was repealed.

1977

In January, Sgt. Gordon Gotts of the Bridgeport Post succeeded Gerald Zielinski as president of the MSPTA. Gotts was much closer to Lansing, and able to devote more time to MSPTA activities. In March, Col. Halverson retired, and Governor Milliken appointed Co. Gerald Hough as director of the MSP in April.

The establishment of the Detroit Freeway Post on a "permanent" basis aroused a variety of groups who saw an unexpected opportunity to promote their own self interests at the expense of the State Police. The Michigan Sheriffs Association and the Metro Detroit AFL-CIO (representing Wayne County deputies and local police) mobilized a major campaign to siphon State Police funding for their own members, who were faced with layoffs due to lack of local funding. They attacked State Police metro freeway patrols as an "empire-building" infringement of local control. Although the popular press vigorously supported the State Police during this long battle, and denounced the motives and lobbying methods of both Wayne County Sheriff William Lucas and the AFL-CIO, the strategic timing of this protracted battle posed genuine dangers for the MSP and MSPTA.

County sheriffs and organized labor have traditionally resented the State Police, and tried to abolish the agency several times in its early years. They view the State Police as a militaristic strike-breaking force, and a usurpation of the authority of local elected officials. Although the animosity of sheriffs and unions for the State Police had been ineffectual for many years, it found potentially fertile ground in the circumstances of 1977.

All through 1977, various legislators and civil libertarians fought to gain the release of the notorious State Police Red Squad files (the Red Squad had been officially disbanded in 1976). The files contained mostly innocuous reports on suspected subversive groups or individuals, but the department fought their release as potentially compromising to legitimate, ongoing criminal investigations. With the recent exposure of Vietnam-era domestic surveillance abuses by the FBI and CIA fresh in the public's mind, newspaper accounts of this controversy played into the hands of those who wished to portray the MSP as a potentially repressive agency.

Organized labor interests feared the permanent presence of large numbers of troopers in the metro Detroit area as a potential strikebreaking force. The

memory of the MSP's 1973 mobilization for the Kalkaska Shell Oil strike was fresh in their minds.

The MSA and POAM publicized an opinion poll which showed strong public support for having local police patrol urban freeways. Troopers were criticized for taking local jobs, and for having no local roots. This issue was exacerbated by Governor Milliken's executive order transferring the enforcement arm of the MPSC to the State Police (which was supported by the MSPTA). Critics charged that the State Police was becoming a "superagency" with too much centralized power. At the same time, legislators from all over Michigan resented the stripping of troopers from their areas to staff the Detroit freeway patrol. Detroit Mayor Coleman Young was placed into an uneasy coalition with Governor Milliken supporting the State Police against the MSA/AFL campaign.

Against this background, intense debate over continued State Police freeway patrols and state funding for sheriffs continued in the legislature. AFL president, Bill Marshall, personally led an unprecedented lobbying campaign to remove the troops from Wayne County and receive state funding for deputies. He was joined by the Michigan Sheriffs Association and the POAM. Governor Milliken, Colonel Hough, Mayor Young, and the MSPTA opposed this effort. Detroit Representative Morris Hood also argued that removing the MSP from Detroit could hurt the new minority recruiting effort.

Gordy Gotts and Doil Brown lashed out at the AFL/MSA coalition in the press. They argued that the troops could provide better and more cost effective service, and that the freeway patrol could lead to full staffing for the MSP. Gotts accused the AFL of trying to exact revenge against the troops from their strike duties at Kalkaska and Midland. Doil Brown noted that supplemental appropriations were required just to fund the present MSP strength and avoid layoffs. At the same time, the concept of extending State Police freeway patrols to other cities was proposed, but Grand Rapids Representative Peter Kok warned that cities should not view state funding as a "pot of gold." The MSA jumped at this opportunity to suggest that county sheriffs across the state should receive state funding for secondary road patrols on a per capita basis, while the State Police should be relegated to freeway patrols.

This issue boiled over in August, when Detroit Senator David Holmes introduced legislation calling for the MSP to be broken up – the first such measure since 1921. He accused the MSP of empire building, and argued that they were a threat to civil liberties and local police agencies. He proposed spreading State Police enforcement duties among a variety of state agencies, and creating a uniformed "Michigan Highway Patrol," with limited authority similar to Ohio's force. The AAA supported this concept, but Governor Milliken quickly shot down the proposal. The legislature did overturn Milliken's executive order transferring the MPSC enforcement arm to the MSP.

In October, the legislature okayed Milliken's proposed MSP budget calling for MSP staffing of the Detroit freeway Post and other metro freeway patrols; however, under intense lobbying from the MSA and AFL, they tacked on additional funding for sheriff's secondary road patrols. Milliken vetoed this line item of the budget, supported by the press. He did agree, however, to appoint a commission to study law enforcement role definition and make recommendations.

During 1977, three recruit schools completed training at the Academy. The 90th (with Fred Gibson attended) was the first to include candidates selected under the new standards agreed between the MSP and Civil Service (e.g. height in proportion to weight, new written test, new physical test). Many women and minority recruits were also added.

Operation CARE for overtime patrols on major holidays was initiated, and the MSPTA won a grievance asking for true time and one-half overtime for troopers with more than three years seniority (the last pay raise had caused a quirk in the Civil Service formula for overtime compensation to troopers above certain pay levels). Also during 1977, unused sick pay was cut from MSP pension calculations.

President Gotts reported that the petition drive was progressing very well, and he was confident enough signatures would be collected in time for the November 1978 ballot.

1978

Please with State Police performance on Detroit freeways, Governor Milliken reported in January that the MSP budget would include \$10 million for additional urban freeway patrols. The transfer and recruit school mills cranked up to staff these posts. Minority recruiting became a major priority.

Far from being dead, the issue of state funding for sheriffs' secondary road patrols revived with the introduction of S.B. 1517. In May, Gotts argued that this measure would open the door to further raids on the MSP budget, and would weaken the department. The AFL countered that they did not want to reduce the State Police force – just keep it from replacing local police. Colonel Hough argued that the bill would reduce the MSP de facto to a highway patrol.

Also in May, Gotts reported that the MSPTA now had collected sufficient signatures to place the collective bargaining amendment on the November ballot. The discrimination lawsuit against the state had been withdrawn.

The battle over secondary road patrol funds for sheriffs intensified in the legislature and the press during late May and early June. The press unanimously condemned the measure as a state-financed expansion of sheriff

departments. The bill passed, but Governor Milliken vetoed it in June. Milliken argued that the bill as written violated local control by giving money directly to sheriffs – thus bypassing control from county boards. The AFL/MSA immediately began lobbying to override the veto. The override passed the Senate, but stalled in the House.

A compromise bill from the House was signed by Milliken, which specified how the funds must be spent, and stated that no money could be taken from the MSP budget. Doil Brown criticized Milliken for having sold out to the AFL/MSA coalition on the compromise during an election year.

During June, the department switched to one-officer patrols during daylight hours at the Detroit Freeway Post, and the MSPTA requested a retraining order from the court. The circuit judge denied this request. Gotts reported in July that the MSPTA now had more than enough signatures for the collective bargaining amendment. There was a battle with the State Board of Canvassers over certifying the petitions, but the proposal was accepted and placed on the ballot as Proposal G.

In October, Tpr. Norman Killough was accidentally shot and killed by a Flint police officer during an undercover operation.

As the Fall election drew near, Governor Milliken and Colonel Hough publicly opposed Proposal G, arguing that collective bargaining would “deprofessionalize” the State Police. A Detroit News editorial urged a “No” vote on Proposal G; while sympathetic with the need for a trooper pay raise, the editors worried that it might lead to “blue flu” and open the door to the costly unionization of all state government.

An analysis of Proposal G in the News just before the election listed the pro’s and con’s:

Pro’s

1. Michigan rates the MSP as top professionals, but pays its troopers less than many local police.
2. Wage parity with other agencies must be achieved to maintain quality of the force.
3. All other police had been allowed collective bargaining since 1965.
4. Civil Service did not consider the unique duties and qualifications of troopers.
5. Troopers had poor vacation and pension systems.
6. Troopers were not adequately paid for the added responsibility of providing support to local agencies.

Con’s

1. Unionization could lessen professionalism and promote “blue flu.”

2. Troopers might organize under the Teamsters Union.
3. It would be a very expensive measure in the long run.
4. It would give more advantages to unequal treatment to troopers relative to command officers and other state employees.
5. Troopers and sergeants would be in the same union.
6. Other state employees would want to unionize.

In the event, Proposal G passed on election day. But the questions and posturing had only begun.

The Detroit News reported that the passage of Proposal G raised many questions: With whom would the troopers bargain? Who would conduct the election for a bargaining representative? Could bargaining begin now, or must troopers wait to coincide with the state's fiscal year? Would troopers and sergeants be in the same bargaining unit? Could the legislature reject any negotiated pay raise? It was clear that the legislature and Civil Service did not want to lose any power.

On December 7, Gotts reported that the MSPTA was prepared to file suit to begin bargaining on G's effective date of December 22. He argued that the Governor was the employer, and the Department of Management and Budget his representative. He further argued that Civil Service now only controlled selection and promotion of State Police officers.

Senator David Plawecki introduced a bill to allow MERC to conduct union elections, but Governor Milliken vetoed the measure. Milliken said Civil Service was the proper agency to conduct elections, and Colonel Hough was his bargaining representative. The MSPTA immediately filed suit to force the Governor to implement Proposal G. In the meantime, the press reported that the worst problem facing troopers while the litigation was pending was that there was no suitable grievance procedure in place during the transition to collective bargaining. Each grievance would have to be filed in circuit court.