President George W. Bush Honors Brave Officers at the Annual National Peace Officers’ Memorial Service

Thank you all. Thank you for the warm welcome. It is an honor and a privilege to join you to pay our respects to our nation’s fallen law enforcement officers. Every year at the National Law Enforcement Officers’ Memorial, we add names of those who have been lost in the line of duty. All of these men and women served the cause of justice. Our nation stands in admiration and gratitude for their service, and we ask God’s blessings for the families and friends they have left behind.

I want to thank Chuck Canterbury for his leadership of the National Fraternal Order of Police. He is a good friend and I value his friendship. I want to thank Aliza Clark for her leadership, as well; Jim Pasco, who is the Executive Director of the National FOP. I want to thank Chaplain Ford for his beautiful blessings. I want to thank members of my Cabinet who are here: Attorney General Al Gonzales; Secretary Elaine Chao; Secretary Mike Chertoff. I thank the FBI Director, Bob Mueller; and the Director of ATF, Carl Truscott, for joining us. I appreciate the Members of Congress who are here. I want to thank Majority Leader Bill Frist; Senator Pat Leahy. Congressman Dave Reichert from Washington is here with us. He served as a law enforcement officer for over 30 years, and received the 2004 National Sheriffs Association Sheriff of the Year Award. Congressman, I appreciate you coming, along with other members of the Congress. I especially want to thank Darryl Worley for his beautiful performance of “I Miss My Friend.”

There are more than 800,000 men and women who serve as law enforcement in this country. When these brave Americans take the oath to serve and protect their fellow citizens, they answer a vital calling and accept a profound responsibility. Since America’s early days, the badge has represented a pledge to protect the innocent—and Americans honor all who wear that badge. The tradition of sacrifice and service runs strong amongst law enforcement. The fallen officers we honor this afternoon honored that tradition of service and sacrifice—and the flag of the United States of America flies at half-staff today in memory of their courage. I thank all the family members who are with us today. Our nation is grateful to you. We pray that you find strength to bear the loss. And you can know that our nation will always remember and honor the ones you loved. I also thank all the law enforcement officers who have come here today to pay tribute to fallen comrades. The bonds between officers are strong—and you look out for each other on sunny mornings and in the shadows of danger. Your loyalty to one another and your service to America do great honor to our system of justice. Thank you for your service.

We’re a nation built on the rule of law, and the men and women who enforce those laws uphold America’s role as a beacon for fairness and peace. And, today, we honor 415 new names added to the memorial wall. Among them are Detroit police officers Matthew Bowens and Jennifer Fettig. These officers were making a routine traffic stop when the suspect opened fire. Though Officer Bowens had already been shot several times himself, his first concern was for his injured partner. Both officers gave their lives in protecting each other and their fellow citizens, and this nation of ours will always honor them.

Danger to law enforcement can come from the outskirts of a community, as it did to Bradford County, Pennsylvania Deputy Chris Burgert. He and his partner, Deputy Mike Van Kuren, were shot last March while trying to serve a bench warrant on a known criminal. Chris had been leading a drug investigation that often brought him face to face with danger on rural back roads. And his bravery had brought a string of successes against a dangerous and volatile set of criminals. His acts took unusual courage, and our nation will be always grateful for his sacrifice. Danger can come even in what one thinks is routine investigation. Last May, Arizona police officer Don Schultz was diving for evidence in a murder case when he lost his life. Officer Schultz had been on the force for 19 years and was one of the department’s master divers. He died in an act of devotion to duty that was common to him, and will always remain extraordinary to us. These are just some of the examples of the brave we honor today.

Every generation of Americans has produced men and women willing to stand watch over the rest of us. Every generation has lived under the protection of law enforcement. We must never take for granted the police officers of America. For each friend or family member here today, the engraving on the wall will always glow brightly around one name. We cannot soothe your grief or repay your loved one’s sacrifice—but their names are inscribed permanently on this memorial. We acknowledge the lasting debt we owe them, and offer the solemn thanks of a grateful nation. May God bless you all and may God continue to bless the United States of America.
Ken Rocks
National Vice President
krocks@fop5.org

Vice President's Message

Health Care Costs

“Are we getting what we are paying for?”

The cost of health care is rising much more quickly than our salaries and there is no sign of relief. Many officers around the country are receiving only 3% salary increases while health care co-pay costs are increasing 7% or more. Are we paying for the increased cost of health care or are we paying for poor administration of benefits and third party administrators? Find out from your employer who administers your health care benefits and what it costs. You have a right to know (it is taxpayer dollars). Third party administrators have to get paid for their services. Is it coming out of your pocket?

Are the health care administrators paying for the proper procedures you and your family received? By paying for double billings and not checking on the proper procedures performed, there may be a more costly procedure that was paid for but not performed on the members of your family. Why is this important? Utilization drives the rate. Higher utilization leads to a higher rate.

This leads to another question. Does your employer require you to use your health care plan for duty-related injuries or illness? If so, this too increases the cost of premium. The employer is responsible for your care when you are injured in the line of duty, not your employee benefit plan. They will tell you it all comes out of the same pocket—nonsense, those costs should be separate and not included in utilization.

Other cost you should look at is the cost of the benefits for other employees vs. law enforcement officers you represent. Separate your unit from the other city, county and state employees and see what your cost for health insurance is alone. In many areas, due to the fact that our units are younger in population, we retire earlier and take better care of ourselves. Look at that for cost reduction.

Employers today are not interested in cost containment; rather, they are interested in cost shifting. When premiums increase, they increase the co-pay or reduce existing benefits.

I have only touched the surface of what you need to know and understand about health care costs in order to represent your members. I will be looking into ways we can try to reduce the costs without reducing the benefit level. I will be following up on this issue over the next year. Hope to see everyone in New Orleans at the Conference. Have a safe summer.

Nelson Cuba Wins Prestigious Award

The League of United Latin American Citizens (LULAC) has announced that Nelson D. Cuba, President of FL Lodge 5-30 and Vice Chair of the Mayor’s Hispanic Advisory Board, is the recipient of the Annual LULAC President’s Law Enforcement Award for Community Service in Law Enforcement. Hector M. Flores, LULAC National President, presented Cuba with the award during a ceremony at the organization’s 76th National Convention and Expo in Little Rock, AR, June 27-July 2. Congratulations, Nelson Cuba!

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Right to Work vs. Employment at Will Defined

The two concepts listed in the title of this article are often used interchangeably and are very confusing for many employees. This article will attempt to define these two very different concepts and give the reader a better understanding of these issues.

Right to Work Defined:
In legal terms, right to work more specifically means that otherwise-qualified employees are entitled to work at unionized workplaces without joining the associated unions or paying regular union dues. But right to work (non-union) employees might have to pay union dues for the portion of dues spent representing them, such as pursuing grievances on their behalf.

Right to work employees who are part of a “bargaining unit” have the right to union representation that is equal to those in the same bargaining unit who’ve joined the union. A bargaining unit is a group of employees who have similar work duties, share a workplace, and presumably have similar interests when it comes to pay, hours and other working conditions.

In other words, under the right to work principle, workers don’t have to join unions or pay regular union dues to land or keep jobs. They may also cancel union membership at any time without losing their jobs. But they are still entitled to fair and equal union representation while working in bargaining units of unionized workplaces. However, they might have to pay union dues for the cost of such representation. (Taken from jobsearchtech.about.com.)

At-Will Employment Defined:
In plain English, the Employment At-Will Doctrine means that employment is presumed to be voluntary and indefinite for both employees and employers. As an at-will employee under the doctrine, you may quit your job whenever and for whatever reason you want, usually without consequence. In turn, at-will employers may terminate you whenever and for whatever reason they want, usually without consequence.

Either party may end the relationship without prior notice. But neither party may breach contracts. Employers cannot violate state or Federal laws, and generally cannot rightfully terminate employees who refuse to do something that is contrary to public policy and sound morality, such as breaking the law. But with these few exceptions aside, it’s pretty much open season on employees year round. (Taken from jobsearchtech.about.com.)

Using these two terms interchangeably is commonplace and the reason it is important to know the difference is that many members make decisions on legislative priorities and strategy based on the wrong definition.

In many states that do not enjoy statewide collective bargaining rights, labor activity is hampered by Right to Work Laws, but this does not prevent working towards the goal of having collective bargaining in your locale.

This legislation is “union discouraging” and designed to slow union growth; it is not a major impediment when “collectively” employees want to be represented by a union. Public Employees obviously have a tougher road to travel because many states have laws that either restrict public employees from forming unions or, more likely, they have laws that do not force public employers to bargain with employees.

There are only four states that have definitive laws that prohibit employees from participating in the bargaining process. The remaining states have either passed statewide laws to allow public employees the right to bargain or they are locally permissive.

At will employment laws are much more “union busting” because of the perception that employees will be fired for “no cause” if they become involved in union activity. In some locations, these types of firings are becoming much less the reality than the norm, but there are still many places where employers will fire for this type of activity.

What FOP leaders need to be aware of in Right to Work and At-Will Employment States:
1) It is vital for FOP leaders to know the local situation and to be in tune with the local feelings and positions of local employers. In states where the lodges have become very politically active, it is much less likely that employers will fire for FOP involvement. This, however, requires a local lobbying program that is well established and thoughtfully done.

2) Training and knowledge of Federal employment laws is essential. Lodges should also have knowledgeable legal counsel that can guide their actions in these areas.

3) Lodges should track all terminations in their agency or agencies because this information is very useful if Federal or State employment laws are consistently violated by your employer.

4) Lodge Leaders need to educate members on the differences in these two concepts and should assist in preparing members on the methods to avoid retribution from employers.

5) Lodges should identify key political figures that support their rights and develop relationships that will assist in changing state and local employment rules.

6) In locations where it is acceptable, lodges should consider forming Political Action Committees.

7) Lodge leaders must be prepared to deal with bargaining rights by educating themselves and becoming versed in the procedures associated with conducting and administering a collective bargaining agreement.

What would you do if you woke up tomorrow and had the right to bargain? This statement should scare you as a lodge leader if you have not prepared yourself and others in your lodge. The Grand Lodge has had as a legislative priority the Employer-Employee Cooperation Act for many years and as our grassroots efforts increase, we come closer to this law passing.

If you are not ready, do not despair—just get moving. Contact our Labor Services Office and find out when and where you can obtain training; and in the words of Francis Bacon, “Knowledge Is Power.”
Secretary’s Message

IT’S ALL ABOUT THE WHITE CHAIRS

In South Dakota, the young widow of a Campbell County Deputy fallen in the line of duty packs her bags for an early morning flight to the Nation’s Capitol to attend a series of memorial services and workshops. Each are carefully designed to not only memorialize her loved one, but to help her cope with her loss and hopefully help find closure in a seemingly endless nightmare that replays in her mind each and every time she closes her eyes at night. She is not alone—the wives and husbands, mothers and fathers, sons and daughters, brothers and sisters, friends and partners of fallen police officers in 2004 pack for the same trip, each for their own healing.

Across the country, some 2,000 miles away, a delivery truck arrives on the West Front of the U.S. Capitol and begins unloading chairs…hundreds of them—some white, some blue, some red. Each placed in rows according to color as sketched out on a diagram; a diagram painstakingly developed by dedicated volunteers—the result of months of countless hours of planning and sleepless nights knowing the significance of their work in the lives of those who have given so much. The next day, as she boards her plane headed for Washington, D.C., work crews begin erecting stages, installing sound systems, railings, and security parameters. Other volunteers begin developing transportation needs for the survivors, printing programs, arranging meals and first aid stations; all the special needs that a crowd of this magnitude brings.

The young widow arrives in Washington, as do those with whom she will share her grief, for their loved ones have fallen, too. It is their nightmare as well, and together, they will find ways to deal with their emptiness. They sit in a room and cry, laugh, talk, and listen. They attend workshops put on by those who understand their pain firsthand. They attend a Candlelight Vigil at a solemn place where their loved ones’ names are forever engraved on granite walls. They are overwhelmed by the support of thousands who share in their remembrance, their healing, and their sorrow.

Across town, the site begins to take shape. Fifteen hundred white chairs are set up directly in front of a stage bearing the presidential seal. An even larger number of blue and red chairs flanks them on each side. To the rear, a large standing area takes shape, tents rise at the entrances as security check points and media stands appear. At the Police Memorial only blocks away, a handful of runners complete their journey from Philadelphia to honor their fallen, as do bicyclists and motorcyclists from their long journeys to do the same.

A small army of volunteers go down their check lists and become tired and frustrated with the last minute changes, last minute calls for VIP seating, and budget constraints. Yet, in the background, the sounds of Taps can faintly be heard from buglers practicing in the shade. Their somber sound is occasionally drowned out by the bel lowing of bag pipes practicing Amazing Grace, determined that every note be perfect. The sites and sounds of so many remind them why their work is so important. Police Honor Guard teams from thousands of agencies, from the largest to the smallest, practice under the sometimes brutal mid-spring sun to ensure that their every step and turn occurs with pinpoint precision.

As the survivors begin to find peace with a series of events of which they had absolutely no control over, they board buses for the Capitol escorted by what seems like miles of motorcycle officers. As they arrive, thousands of uniformed officers stand side by side, creating a cordon of honor leading to the white chairs. Ask any volunteer why they give their all to this service, ask any FOP member why they spend a large portion of their dues for this service, ask any corporate sponsor why they contribute to this solemn service, ask those who travel from near and far to attend this service. They may all articulate their reasons differently, yet every one of their messages is consistent in one aspect—it is all about the “white chairs.” Each one of those “white chairs” represents a hero that has fallen, and equally as important, heroes who must carry on. Their lives have been forever changed and through the efforts of so many, they know they are not alone, for we never forget our fallen and the contribution they and their families have made and will continue to make.

When the days grow long, the temperature rises and the site preparation work seems endless, remember…it’s all about the “white chairs.” When you are running or cycling to the Memorial in honor of our fallen, remember…it’s all about the “white chairs.” When you arrive at the service and can’t get the view of the stage you would like, remember…it’s all about the “white chairs.” When there isn’t enough seating for last minute VIP seating changes, remember…it’s all about the “white chairs.” When the services extend longer than expected because the most powerful man in the world, the President of the United States, takes time to ask survivors how they are doing and ask them to tell him about their loved one, remember…it’s all about the “white chairs.” When you can’t get close enough to shake the President’s hand, remember…it’s all about the “white chairs.” When egos get bruised and tempers flare because the task seems overwhelming and thankless, remember…it’s all about the “white chairs.” When participating in the evening parties and gatherings to celebrate life, remember…it’s all about the “white chairs.”

As long as there is a need for white chairs to be set up on May 15, a date set aside by Congress in remembrance of our fallen, our work is not done. Nor should we lose sight of the reason we do what we must all do—that is to remember. Take pride in your efforts, for the FOP National Peace Officers’ Memorial Service doesn’t just happen, it evolves out of our respect and admiration for those who have given far more than we have.

In memory of Trooper Joseph J. Sepp, the PA Frank J. Kelly Lodge #62 presented two memorial pictures to Troop A. Trooper Sepp made the ultimate sacrifice on November 10, 2002, when he was shot and killed by a fleeing suspect whom officers were attempting to stop for a DUI. A pencil sketch of Trooper Sepp was done by Trooper Matt Higgins and was framed along with an etching of his name from the National Law Enforcement Officers Memorial wall in Washington, D.C. One will be displayed at Ebensburg barracks where Trooper Sepp was stationed and the other at Troop A Headquarters in Greensburg.
This past National Peace Officers’ Memorial Service was, again, a superb tribute to our fallen brothers and sisters in law enforcement. The FOP Auxiliary, the FOP Memorial Committee, and all of the other volunteers worked so selflessly to make sure this service was as meaningful as our fallen officers and their survivors deserved. They should be commended for their incredible work and efforts. The members of DC Lodge 1, again, did an incredible job for the visitors that attended this year’s service and activities. Law Enforcement Officers from all over the country were in attendance to pay their respects. Such a large gathering of officers makes quite an impression on anyone who sees it. But for many within the law enforcement community, some parts of that impression were troubling.

While in attendance that week, it gave me great pride to know that I was part of such a great group of people, as I watched to see the thousands of officers and their families pay tribute to our own who have made the ultimate sacrifice. Law Enforcement is a profession like few others, and the people who do the job are very special. They are also very professional. But, in the midst of all the captivating uniforms, ceremonies, and heartfelt tributes, we saw a segment of law enforcement officers who presented themselves differently. They presented themselves in a manner that emulated outlaw motorcycle gangs (OMGs), not lawmen.

Before I go further, let me clarify that I’m not saying that because they rode motorcycles or wore leathers and bandanas they looked like OMGs. I and everyone else reading this article knows better. My remarks stem from things far deeper than that. I’m speaking of the way they wore their patches and colors on their vests and jackets, just like many OMGs around the country—patches and colors that are very similar to the ones OMGs put such importance on. And the way they made a point to be loud and disruptive, as others paid their respects at the Memorial. And the way they acted like bullies as they cut in line, in front of other law enforcement officers waiting to use the port-a-potty at the vendor expo. I am speaking of the totality of their dress, their conduct, and the images they are trying to portray. We all know officers who are motorcycle enthusiasts; many belong to various motorcycle clubs. The Blue Knights are probably the most recognized law enforcement motorcycle club in the country, and they portray a professional image. I am speaking of the law enforcement motorcycle clubs that have made a point to portray themselves as the “black sheep of law enforcement” and the images they create are more consistent with the outlaws than with the lawmen. Of those law enforcement officers I ask Why?

One afternoon, as I walked the Memorial, I watched a young girl stop to read one of the patches on a vest. So boldly printed on the patch was a phrase that included the word “motherf_ _ _er.” I don’t know what image was left with the young girl, but I was not impressed. We are professionals, and the actions of a few can damage the image that thousands have dedicated themselves to creating. Myself, and thousands of officers around the country, have spent years dressed like “scum bags,” but that was for the job, it had a purpose. Officers throughout the country have dedicated themselves to fighting the evil that OMGs have brought into our communities.

For officers around the country, it is hard to understand how our own would want to emulate those from whom we have sworn to defend our communities. Society in general does not understand the difference, and for most of our citizens, their perception is their reality. These are the things that concern me and others. I am sure that nothing I can write here will cause anyone to change their associations or anything like that. But one thing that I will ask is to think about our profession outside the box. We are the good guys. We are the ones who protect society from evil. Let’s keep that line sharp and clear—don’t make it blurry. Let’s keep in mind the values and traditions this profession so dearly embraces, and not allow our actions to damage the perceptions and image that decades of commitment and sacrifices by those before us have created. Be safe.
National President Chuck Canterbury Addresses the Survivors

Mr. President, Members of Congress, my fellow officers and, especially, the families of those men and women we honor here today. I want to extend to you a solemn welcome to the National Peace Officers’ Memorial Service for 2005. This Service is intended to honor those fellow law enforcement professionals who have given their all for this great country and to let you [the families] know that we will never forget the sacrifice that they have made. Winston Churchill said, “We make a living by what we get. We make a life by what we give.” These words spoken about the sacrifice that so many made during the Second World War are very appropriate for the 154 officers we honor here today.

The life of a police officer is never an easy path for anyone to travel and when the unexplainable occurs, it is an even harder path for those of us left to ask the question Why? Last year, after the Memorial Service I had the pleasure of meeting a young officer who demonstrates the total commitment that our police officers have towards each other, our families and the citizens we protect. Officer Gabe Keithly of the St. Louis Police Department was recovering from gunshot wounds that had been inflicted on him in January 2004 in an incident that took the life of his friend and partner Nick Sloan. Officers Sloan and Keithly were conducting a narcotics operation when, in a struggle with Officer Sloan, the suspect grabbed Nick’s weapon and opened fire on both officers.

Gabe Keithly was shot in the strong arm shoulder and stomach and went to the ground. Officer Sloan was shot and also went down. Officer Keithly struggled to switch his weapon to his weak hand but he was able to stop the attack by shooting the assailant. After hearing his story, I was very touched and very proud to be from the law enforcement family.

It was not just empathy for his loss or injuries, but it was his desire to recover, to be able to return to work and his desire to support the family of his partner, Nick Sloan, that so impressed me about this young man. The spirit of the thin blue line, the spirit of an American hero and the spirit of a member of our family who exhibited what Prime Minister Churchill told the brave soldiers. Nick Sloan gave all he could for us and Gabe Keithly gave all he had that day and every day since to honor his friend’s memory. Gabe told me that he had been through the three worst things that could happen to a police officer: he lost his partner, was seriously wounded and took a human life—all in a few seconds in one day on the job. Gabe Keithly has struggled, worked hard and has been able to return to work. Gabe is here with us today and I want to thank him for making me remember why I so love the law enforcement community. And I will always remember the sacrifice that he has made for us and because I met him I have been enriched as a police officer and he has helped to fuel my already high pride in being a police officer.

Every officer we are here today to honor has provided a reason for us to be proud of our profession and they are the reason that we do what we do. Their sacrifice and yours as their family members provides all of us with grief and pain but it also fuels our hearts with a pride and solace that can only be found in the law enforcement family. We honor our fallen Brothers and Sisters best by our actions—doing our duty as they did their own. We honor them today, not because they died, but because they lived, because they did their duty and upheld their oath. Each and every one is an example to all of us. God bless you all and may God Bless America.

One Hundred and Fifty-Four Officers Honored This Year

Approximately 22,000 survivors, family members and law enforcement officers gathered together in Washington, D.C., on Sunday, May 15, 2005, to pay tribute to the one hundred and fifty-four officers killed in the line of duty in 2004. The keynote address was delivered by the President of the United States, George W. Bush. International Recording Artist Darryl Worley shared his meaningful song, “I Miss My Friend.” Thanks to the United States Capitol Police for hosting. We hope everyone enjoyed all of the activities Police Week had to offer and will forever keep our fallen brothers and sisters in your memories. Thanks to everyone who traveled to attend this year’s service. Special thanks to the Grand Lodge, Fraternal Order of Police Auxiliary, especially President Aliza Clark, the National Memorial Committee, especially Chairman Marcello Muzzatti and Co-chair Sharon Valtierra, and DC Lodge 1 for all of your hard work and dedication to this special FOP-sponsored event. Without all of you, this special service would not be possible.

Thanks also to our corporate sponsors and contributors this year: Mr. Thomas D. Mottola, Chairman and CEO, Casablanca Music; ICMA Retirement Corporation; Mr. Norman Adami, President and CEO, Miller Brewing Company; The Honorable John Malcolm; MBNA; the New York State Fraternal Order of Police; Galls Incorporated, an Aramark Company; Robert and Nancy Bowlin; RCI Sound; Phase One Productions; the New Jersey State Fraternal Order of Police; John Cipolla Insurance Consultants, Inc.; Enterprise Rent-A-Car; The Vanguard Group Foundation; R. Ann Gertsen, In Memory of William P. Davis; and State and Local FOP Lodges nationwide.

The United States Secret Service and its staff were the official photographers of this event and the Bureau of Alcohol, Tobacco and Firearms provided the media services personnel. The Customs and Border Protection Honor Guard also provided their continued assistance. The Grand Lodge, Fraternal Order of Police is very proud to be the sponsoring organization of this great gathering of law enforcement. All photographs used in this edition of the Journal were taken by John Carpenter, Anderson County, SC Lodge 10.
Officers’ Memorial Service

Roll Call of Heroes 2004

ALABAMA
Charles Robert Bennett
Harley Alfred Chisholm III
David Howell Jennings
Michael Brandon Lassiter
Anthony Lee Mims
Carlos Winston Owen
Larry Wayne Russell
Matthew Alan Thompson I
Clinton Earl Walker

ARIZONA
Joseph Allen Goldsmith
Donald Ralph Schultz
Eric James White
Jason Alan Wolfe

ARKANSAS
Jerry Dale Ridgell

CALIFORNIA
Daniel Lee Archuleta
Michael Richard Arruda
Isaac Anthony Espinoza
James Melvin Goodman
David Paul Grant
Stephan Gene Gray
Ronald Wayne Ives
Ricardo Lizarregui
Steven Lynn Phillips

COLORADO
Travis Wayne Sass

CONNECTICUT
Peter J. Lavery

DELA W ARE
Christopher Michael Shea

DISTRICT OF COLUMBIA
John Samuel Ashley
Clifton Rife II

FLORIDA
David Anthony Abella
Joshua Edwin Byler

GEORGIA
Kenneth Raymond Burton
James Curtis Gilbert, Jr.
Eugene Talmadge Groover, Jr.
Wesley Mack
Christopher Lee Ruse

HAWAII
Isaac Veal

IDAHO
William Jay Mann*

ILLINOIS
Michael Patrick Gordon
Dane Ray Johns
Patrick Michael Righi-Barnard
William Rolniak, Jr.
Cristy Sue Tindall
Jonathan Edward Walsh

INDIANA
James E. Baugh
Craig Allen Blann
James L. Davis, Jr.
Timothy Jacob Laird

IOWA
Scott Edward Bryant

KENTUCKY
Steven Lloyd Hutchinson

LOUISIANA
Trey Michael Hutchinson
LaToya Nicole Johnson
Bill Jewell Linder
Alva Ray Simmons
George August Tessier III
Vickie Sallass Wex
Sidney Angelo Zaffuto

MARYLAND
Duke G. Aaron III

GEORGIA
Kenneth Raymond Burton
James Curtis Gilbert, Jr.
Eugene Talmadge Groover, Jr.
Wesley Mack
Christopher Lee Ruse

HAWAII
Isaac Veal

IDAHO
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Trey Michael Hutchinson
LaToya Nicole Johnson
Bill Jewell Linder
Alva Ray Simmons
George August Tessier III
Vickie Sallass Wex
Sidney Angelo Zaffuto

MARYLAND
Duke G. Aaron III

OHIO
Melissa M. Foster
Brandy Lyn Winfield

 PENNSYLVANIA
Christopher Michael Burgert
Sheridan O. Caton
Joseph Eugene LeClaire
James Richard Miller
Douglas A. Shertzer, Sr.
Michael Allen VanKuren
Michael Harry Wise II

SOUTH CAROLINA
Roger Myers

SOUTH DAKOTA
John W. Bechtold, Jr.

TENNESSEE
Andy Thaddeus Bailey
Christy Jo Dedman
Timothy Howard Dunn
Jesse Matthew Rittenhouse
Jason Michael Scott
Marlon Allen Tins
Mark Edward Vance

TEXAS
A. Andrew Barcena
Frank Manuel Cantu, Jr.
Frank Scott Claborn
Amy Lynn Donovan
Robert Duane Haley
Gregory Lee Hunter
Kurt David Knapp
Dirk Ray Knearenn
James Michael Lane
Nathan Ray Laurie
John Edward Logan, Jr.
John Mathew Maki
Darren Glen Medlin
Christopher Jerome Sobieski

WASHINGTON
Bradley William Crawford
James Gordon Lewis
Gary R. Lindell*

*These officers’ supreme sacrifices were not included in last year’s Roll Call of Heroes. Their deaths were determined to meet the Government’s and the Fraternal Order of Police’s criteria for line-of-duty death recognition after last year’s memorial service.
“Never let them walk alone.”

“Well served peace officer.”
Accepting Diversity and Reality

By Det. Harold West, National Diversity Committee Chairperson, and Ben Lando, Freelance Journalist

“We are the human family. Surely what we have in common is more important than what divides us. Surely as a human family we can find ways to build bridges and work together. Celebrate our diversity, yes, but always recognize that we are men and women who are interconnected in our world today, that each of us is more important than the flags and the religions, and somehow we must rise above these things that have kept us so divided.”

—Máiread Corrigan Maguire
1976 Nobel Peace Prize Recipient

I scribbled this quote on a scrap piece of paper not long after an eye-opening and life-changing experience. I was taught as a child that if you are black, you never want to go down south because you would disappear. I am 51 years old and, until recently, I believed that—a fear of the south was my reality. Because of my role as Diversity Chairperson, I had the opportunity to attend the Southern States Coalition conference in Charlotte, North Carolina. I drove, as a black man, into the south. Not only that, but I traveled with my white wife and our children—a stereotypical “no-no” according to my upbringing.

While at the conference I had the opportunity to visit parts of the south and meet “Southerners,” none of which resembled what I was brought up to fear. My reality was created at an early age and sustained by the biases I learned from places like television and other media. These biases I accepted as fact and they became my reality. As I grew older, these biases only grew stronger and my own reality got further and further away from the reality of the rest of society. This is not to say that the southern hospitality I found during my trip down south is true for every black man visiting the south; there are still instances of people of color being treated disrespectfully and made to feel unwelcome by businesses and restaurants. But just as my biases were challenged and my stereotypes began to change, I had faith that others could identify the false realities in their lives and begin to break down the communication barriers that result from these false beliefs.

These false realities play out beyond just black and white. Our stereotypes of women (who make up 52% of the population) have kept them underrepresented in our profession. Our bias against Latinos and Hispanics keep us from welcoming them into our groups. And our fear of our homosexual community members prevented them from realizing their dreams to be cops as well. We must begin to break down the communication barriers that prevent us from understanding our co-workers and even the citizens we are to protect. As members of this society we are inundated by the media’s bias every day. Television often portrays black families as broken, poverty-stricken, drug addicted; Latinos as illegal aliens and gang bangers; women as supermodels or housewives. None of these stereotypes help us understand each other, yet they form our perceptions. What does this image do to us? It reinforces the prejudices that divide our society, making us choose what to label ‘good’ and ‘bad,’ just like I did about the north and the south. If this affects our personal life, it also affects our work life.

As members of law enforcement our job is to protect the public. We took an oath to do that. But if our biases tell us that some people are more worthy of protection than others, can we really do our job? Ask yourself, do you breathe a little easier when the car you pull over is full of white teenagers, not black? Maybe, behind closed doors or even on the street, do you call people names and/or treat them just a little rougher? Our reality in law enforcement is changing, leaving us two options. The first is to simply refuse it. We can deny that prejudice played any role in the heterosexual, white, male-dominated majority of our police stations and act like any change to the color of the institution is a bad thing, or we can accept that our own individual realities will now become more like real life, full of people different than us.
Representative Jim McCrery (R-LA), Chairman of the House Subcommittee on Social Security, invited National President Chuck Canterbury to testify on behalf of the Grand Lodge, Fraternal Order of Police regarding the issues of mandatory inclusion in Social Security, the Windfall Elimination Provision (WEP), and the Government Pension Offset (GPO). The hearing, which took place on June 9, was the fourth held by the Subcommittee in its efforts to “protect and strengthen” Social Security.

The passage of H.R. 147/S. 619, the “Social Security Fairness Act,” which would repeal both the WEP and the GPO, is a top legislative priority of the FOP, as is preventing any proposal that would mandate the inclusion into Social Security of any current or newly hired State and local employees who do not currently participate in the system.

The ostensible purpose of the WEP is to remove a “windfall” for persons who spent some time in jobs not covered by Social Security (like public employees) and also worked other jobs where they paid Social Security taxes long enough to qualify for retirement benefits. The practical effect of the provision on low-paid public employees outside the Social Security system is that they lose up to sixty percent (60%) of the Social Security benefits to which they are entitled—a loss, not an adjustment, for a “windfall.” This creates a very real inequity for many public employees, particularly police officers, who retire earlier than other government employees to begin second careers which require them to pay into the Social Security system.

In his testimony, National President Canterbury argued that these public employees are unfairly penalized under current law. The WEP substantially reduces a benefit that workers had included and counted on when planning their retirement. The arbitrary formula, when applied, does not eliminate “windfalls” because of its regressive nature—the reduction is only applied to the first bracket of the benefit formula and causes a relatively larger reduction in benefits to low-paid workers. It overpenalizes lower paid workers with short careers or, like many retired law enforcement officers, those whose careers are evenly split inside and outside the Social Security system.

Canterbury explained that, like the WEP, the GPO was adopted in part to shore up the finances of the Social Security trust fund. It offsets the Social Security benefit to which a spouse or widow(er) is entitled by two-thirds of the monthly amount of any government pension that they might receive. In nine out of ten cases, the GPO completely eliminates the spousal benefit. According to the Congressional Budget Office, the GPO reduces benefits for some 200,000 individuals by more than $3,600 a year.

In his testimony before the Subcommittee, National President Canterbury explained that both the WEP and GPO:

- Create a tremendous inequity in the distribution of Social Security benefits.
- The standard for this narrow class of individuals—retired public employees who are surviving spouses of retirees covered by Social Security—is inconsistent with the overall provisions of the Social Security Act and does not apply to persons receiving private pension benefits. This imbalance exists even though Congress, through ERISA standards and tax code provisions, has more direct influence over private employers than public employers. Clearly, this is an issue that Congress must address.

National President Canterbury also made clear that the FOP would fight any attempt to mandate participation in the Social Security system for all current or newly hired public safety employees. He explained that, for the FOP, this is an issue of both fairness and cost.

When Social Security was first created in the 1930s, public employees were excluded by design. According to the Social Security Administration (SSA), there are 5.25 million governmental employees not covered by Social Security, and the Public Pension Coordinating Council (PPCC) estimates that seventy-six percent (76%) of this total are public safety personnel. National President Canterbury outlined the negative impact that mandatory inclusion in Social Security would have on employees currently outside the system:

State and local governmental employees designed pension plans and retirement systems to fit the unique needs of law enforcement officers, public safety officials and other public employees. These pension plans better serve State and local governmental employees and deliver a greater benefit than participation in Social Security. For example, State and local plans take into consideration the significantly earlier retirement age of law enforcement officers and other public safety officers as compared to other, more typical government employees. Social Security does not. However, if the Federal government mandates Social Security coverage it will severely compromise the financial solvency of these plans.

The estimated cost to public employers and employees for the first five years of mandatory participation in Social Security is enormous—$26 billion. According to the SSA, requiring newly hired employees to be covered by Social Security will extend the solvency of the Social Security Trust Fund for only two years. This projection, however, does not take into account the effect of increasing Social Security’s unfunded obligations by adding a huge new influx of participants.

The newly hired employee would be required to pay 6.2% of his salary into the Social Security Trust Fund. This amount would be in addition to the contribution already paid by the employee into the State or local retirement system. The employer would have to match the employee’s contribution—an additional 6.2% cost to the employing agency for each employee. And that, too, would be in addition to whatever matching contribution must be made by the employer into the existing State or local retirement system.

National President Canterbury emphasized the impact of the cost on individual officers and departments:

Clearly, the damage that would be done to State and local governments and the families of the employees cannot be overestimated if the Federal government forces them to pay a new combined tax of 12.4%. This means less take home pay for the employee, potential cut backs in services, equipment and other expenditures on the part of State and local governments. Police departments and other law enforcement agencies stretch every dollar to the limit now—these huge new costs will devastate their budgets and certainly impact on their ability to function as first responders at a time when we need to be improving our homeland security.

The FOP understands that reforms in the Social Security system are necessary and that certain steps need to be taken to avoid the expected shortfall in 2042. However, as National President Canterbury told the Subcommittee on June 9, “Sometimes proposals sound good on the surface, but after careful examination are revealed to be unsound policies with damaging consequences.”

Mandating the inclusion of all public sector employees into the Social Security system is just such a proposal. Moreover, National President Canterbury reminded the Subcommittee that the President’s Commission to Strengthen Social Security (CSSS) rejected the mandatory participation scheme in its final report in December 2001. He urged Congress to do likewise.

OTHER LEGISLATIVE INITIATIVES

H.R. 2363, the “Peace Officer Justice Act”

The Fraternal Order of Police has long been active on the issue of cop-killers and other violent criminals who flee the United States. In just the last decade, the FOP has actively lobbied the Federal government to use every legal avenue, including political and diplomatic pressure, to bring fugitives back to the United States to face justice. Fugitives like Joanne Chesimard, who escaped a maximum security prison and fled to Cuba after murdering New Jersey State Trooper Werner Forester and severely wounding his partner, Trooper James Harper in 1973; Ira Einhorn, who murdered Holly Maddux in 1978 and fled to France; Samuel Sheinbein, who decapitated Alfredo Tello, killed and fled to Israel in 1997; and, most recently, Armando Garcia, the chief suspect in the April 2002 slaying of Los Angeles County Deputy Sheriff David March.

The legislation introduced by Representatives David Dreier (R-CA), Adam Schiff (D-CA), Howard L. “Buck” McKeon (R-CA), and Mary Bono (R-CA) would make it a Federal crime punishable by death or life imprisonment to murder a law enforcement officer and flee to a foreign nation. While it is already a Federal crime to flee prosecution, H.R. 2363 extends the concept to impose the most serious penalties on the most heinous of offenses—the killing of a law enforcement officer. The FOP looks forward to working with these Members of Congress to get this law introduced and remind our nation how important it is to ensure that these killers are returned to the United States to face justice for the crimes they committed here.
As National Treasurer, I am fortunate to have visited with FOP members throughout the country. During discussions with these members I have heard about the good work of the FOP and what a great organization we are. I have also heard many discussions about officers that are fired or disciplined without receiving due process. The officers with collective bargaining agreements or a Police Officers’ Bill of Rights can defend themselves much more easily than those that do not. The officers without a collective bargaining agreement or a Police Officers’ Bill of Rights often have no financial redress. I have also heard discussions from members that already have collective bargaining or a Police Officers’ Bill of Rights—that they do not need the National FOP working for something they already have. While many of us have the benefit of collective bargaining statutes and a Police Officers’ Bill of Rights to protect us, many of our members do not.

In the state I come from, we are very fortunate to have collective bargaining with binding arbitration and a Police Officers’ Bill of Rights. I helped pass our Police Officers’ Bill of Rights, so I have lived on both sides of this issue. I know from experience how important these two issues are to police officers. No police officer should be treated with less respect or receive fewer rights than the criminals we deal with every day. All police officers deserve a fair wage for putting their lives on the line every day. The Grand Lodge FOP Legislative Program has these issues as their priority and that is as it should be. The Legislative Committee and Legislative staff have worked very hard for years and are making steady progress to get these bills into law. I commend the Legislative Committee and the Legislative staff for their hard work.

There are two bills that address these issues. The “Public Safety Employer-Employee Cooperation Act” (Collective Bargaining) has eighty-three (83) cosponsors for H.R. 1249 and fifteen (15) cosponsors for S. 513. The Senate version of the bill has passed Committee in the 107th and 108th Congresses. In the 107th Congress, we fell four (4) votes short of cloture on getting the bill as an amendment to the Labor-HHS spending bill. In the 108th Congress, the bill’s sponsor, Senator Judd Gregg (R-NH), then Chairman of the Health, Education, Labor, and Pension (HELP) Committee, attempted twice to amend another legislative vehicle. In both instances, he was blocked by parliamentary maneuvers. But that’s twice we came close. We have pursued the Senate version of this bill because the Chairman of the House committee with jurisdiction, Representative John Boehner (R-OH), opposes the bill. The “State and Local Law Enforcement Officers’ Discipline, Accountability, and Due Process Act” (Bill of Rights) has twenty-two (22) cosponsors for H.R. 354 and eighteen (18) cosponsors for S. 718.

I ask you to remember what a great organization the FOP is and that with your continued support we will get equal rights for all our members. No matter how fortunate some of our members may be, we still must look out for all our brothers and sisters. I, for one, will not be satisfied until all our members enjoy the same protections that I enjoy.

Steve Young Memorial Scholarship Program Celebrates One Year!

On May 3, 2005, the FOP Foundation marked the one-year anniversary of the Steve Young Memorial Scholarship Program. The FOP Foundation has awarded nearly fifty scholarships to the surviving spouses of officers that have died in the line of duty across the nation. “We are thrilled at the success that the program has seen in the past year,” said National President Chuck Canterbury. “The FOP sees the program as important to assisting survivors in bettering both their lives and the lives of their families.” The Steve Young Memorial Scholarship Program is funded by a $3 million grant from the U.S. Department of Labor and is administered by the National FOP Foundation. “There is never an easy way to express the admiration that we have for our fellow police officers,” said Canterbury. “But the achievements of this program enable our surviving families to see that though they will never forget their loved ones, they have the opportunity to pick up the pieces and start a new chapter in their lives.”

From the Courts

ADEA Case/Smith, et al. v. City of Jackson, Mississippi

On March 30, 2005, the U.S. Supreme Court handed down a decision in the above-captioned case. As you recall, on October 1, 1998, the City adopted a pay plan granting raises to all City employees. The stated purpose of the plan was to “attract and retain qualified people, provide incentive for performance, maintain competitive with other public-sector agencies, and ensure equitable compensation to all employees regardless of age, sex, race, and/or disability.” On May 1, 1999, a revision of the plan, which was motivated at least in part by the City’s desire to bring the starting salary of police officers up to the regional average, granted raises to all police officers and police dispatchers. Those who had less than five years of tenure received proportionately greater raises when compared to their former pay than those with more seniority. Although some officers over the age of 40 had less than five years of service, most of the older officers had more.

Plaintiffs were a group of older officers who filed suit under the ADEA, claiming both that the City deliberately discriminated against them because of their age and that they were adversely affected by the plan because of their age. The District Court granted summary judgment to the City on both claims. The Court of Appeals held that the ruling on the former claim was premature because the Plaintiffs were entitled to further discovery on the issue of intent, but it affirmed the dismissal of the disparate impact claim. The U.S. Supreme Court affirmed by ruling in favor of the City, although it ruled that persons bringing a cause of action in this area need not meet the tougher standing of proving that the employer actually intended to discriminate. In short, the Court found that the City’s pay plan was unquestionably reasonable. This is probably the best result because it gives both the Union and the City a bright line test in this area.
Saturday, July 30, 2005
Delegate/Alternate Registration (12 – 6pm)
Workshop Registration (12 – 6pm)
Events Registration (11am – 5pm)

Sunday, July 31, 2005
Delegate/Alternate Registration (11am – 5pm)
Workshop Registration (11am – 5pm)
Events Registration (9am – 5pm)
Pre-Conference Board Meeting
EXPO 2005 (10am – 5pm)
Golf Tournament Registration Noon
(1pm Shotgun start)

A Taste of Louisiana—Hilton Riverside
Meet old friends and make new ones at a welcome reception with lots of Louisiana cookin’ and live entertainment…Cajun style!

Monday, August 1, 2005
Opening Ceremonies (9am)
Business Session
Delegate/Alternate Registration (8am – 3pm)
Workshop Registration (8am – 12 Noon)
Events Registration (8am – 3pm)
EXPO 2005 (11am – 4pm)
FOP Fest (Cruise Ship Terminal #2 behind Convention Center Hall A)

Mardi Gras World
Take a look behind the magic of Mardi Gras during a reception held at Mardi Gras World. This is a seldom seen side of carnival, with thousands of sensational sculptured props and breathtaking giant figures on display. Bring your cameras and picture yourself alongside King Kong, Marilyn Monroe, a giant Bacchusaurus, and thousands of other props and sculptures. Featuring live entertainment and more Louisiana cookin’.

Tuesday, August 2, 2005
Business Session (9am)
Delegate/Alternate Registration (8am – 3pm)
Workshop Registration (8am – 12 Noon)
Events Registration (8am – 3pm)
EXPO 2005 (11am – 4pm)
FOP Fest (Cruise Ship Terminal #2 behind Convention Center Hall A)

Louisiana Superdome
One of America’s most recognizable landmarks, the Louisiana Superdome is the world’s largest steel-constructed room unobstructed by posts. It has played host to six Super Bowls, more than any other stadium, and has been the site of countless other national championships and major events. This August, it will play host to the FOP. With the football artificial turf in place, enjoy live entertainment seated at centerfield while the kids—both young and old—kick field goals on the very field where many greats have played. Lots of fun for everyone in a very unique setting.

Wednesday, August 3, 2005
Business Session (9am)
Delegate/Alternate Registration (8am – 3pm)
Workshop Registration (8am – 12 Noon)
Events Registration (8am – 1pm)
FOP Fest (Cruise Ship Terminal #2 behind Convention Center Hall A)

Irish Night
An FOP tradition, only this time, with a Cajun flare.

Thursday, August 4, 2005
Business Session (9am)
Delegate/Alternate Registration (8am until 30 minutes after the last name is called for elections)

Elections
Conference Cruise Departs

See You There!

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WORKSHOPS
Monday, August 1, 2005
• Critical Incident Stress Management
• Grand Lodge Information System
• How to Represent Your Members
• Flying Armed
• Retirement Health Savings
• Islamic Culture
• H.R. 218
• Legal Defense

Tuesday, August 2, 2005
• Critical Incident Stress Management
• Myth that Right to Work States Can’t Bargain
• National Center for Missing and Exploited Children: Authority Rape
• Flying Armed
• Retirement Health Savings
• Police Vehicle Interior Safety
• Grassroots Advocacy/PAC
• Legal Defense

Wednesday, August 3, 2005
• Critical Incident Stress Management
• Grand Lodge Information System
• How to Represent Your Members
• Flying Armed
• Retirement Health Savings
• National Center for Missing and Exploited Children: Netsmartz/Team Adam
• Dept. of Labor: Overtime/Compensation Issues
• Investments