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UC Graduate Workers and the History of Political Strikes

BY DANA FRANK 📅 MAY 30, 2024 💬 0 COMMENTS

On Wednesday, May 15, 79% of 48,000 graduate student workers at the University of California who cast their ballots voted to authorize a strike. Their demands include UC divestment from weapons manufacturers and contractors who profit from the Israeli war on Gaza, protection of campus free speech in the aftermath of police repression at UCLA and amnesty for those facing discipline for protesting. Members of the United Auto Workers, the graduate students have launched a sequence of selected strikes targeting different campuses. They began on Monday, May 20, with UC Santa Cruz, where 1,500 members have walked out, and where I taught labor history for 27 years. On May 28 graduate workers at UC Davis and UCLA joined them, and other campuses appear to be joining soon. This is a big strike, with big import for both the solidarity movement with Palestinians, and for the labor movement.

For some observers, the graduate workers' objectives can appear far away from what are commonly understood to be the function of labor unions such as addressing concerns about pay, working conditions, or vacations. But what are known as "political strikes" have a long, creative, and often powerful history in the United States. Today's UC strikes, smack in the middle of a national uprising protesting US support for the Israeli government's genocide in Gaza, challenge us to think more flexibly about what a labor movement is, and can be, today—and its relationship to broader demands for social justice.

Members of the International Longshoremen's International Union (ILWU) are famous, for example, for refusing to load cargo in solidarity with resistance movements overseas—to Franco's Spain, to South Africa under Apartheid, to Chile under Pinochet. Most recently, on Juneteenth 2020 they joined Black Lives Matter in a mass national protest against racist police repression and shut down all the ports on the West Coast.

In many political strikes, union members have walked out as part of a broader national protest, as on Juneteenth. Some of these strikes have been officially sanctioned by unions; more often, workers simply walk out *en masse*. On May Day 2006 tens of thousands of Latinx and other workers simply skipped work to attend a national protest against a proposed repressive federal immigration law. Meatpacking plants shut down for the day rather than confront their workers. Port truckers in Long Beach and Los Angeles refused to load cargo. Over a million people came to demonstrations.

In 1963, A. Philip Randolph, president of the Brotherhood of Sleeping Car Porters, made sure that March

on Washington for Civil Rights took place on a *Wednesday*, not on a Saturday. That way, things would be shut down... but not in an obvious way. Government workers just couldn't get to work.

In other cases, unions have launched formally-authorized strikes that included demands about government policy. In 1946 175,000 members of the United Auto Workers at General Motors,, facing rampant inflation, struck to demand not only wage increases but the continuation of the federal Office of Price Controls, for example. Since the 1960s, service-sector and government workers have struck over the quality of services delivered to those they serve. In 1965, unionized workers in the welfare department of New York City struck in part to demand improvements in benefits for and treatment of their clients. They won; but in response, the city passed a law banning political strikes by its employees, that remains in force today.

The legal issues regarding political strikes are indeed thick. At the University of California, management is insisting that the strike is illegal and that it violates the collective bargaining agreement's no-strike clause. But the UAW has countered that UC has committed illegal Unfair Labor Practices, because it risked members' health and safety by allowing violent attacks on protesters at UCLA by counter-protesters and the police, and violated free speech rights.

Legal arguments about political strikes are part of the larger, contested question of what a labor movement is, and what it should be. Today, we're used to defining labor activism within the framework laid out by the 1935 National Labor Relations Act (Wagner Act) which explicitly regulates union and employer activity, including oversight of union elections and prohibition of employer anti-union activity.

After the Taft-Hartley Amendment in 1947, the NLRA also restricts union tools such as the secondary boycott, mass picketing, and sympathy strikes in support of others unions' strikes. Since the 1970s, when the labor movement began to decline in the face of employer aggression, many have argued that the NLRA is no longer empowering for the labor movement, but, rather, a trap, constraining its activities, and its vision of itself and its possibilities, in a narrow, legally-defined box.

In the Nineteenth Century, US workers simply withheld their labor when they chose; usually they didn't even have contracts. But then employers learned to get nasty, and started using the courts to prevent picketing or to make boycotting illegal. The NLRA, under the New Deal, was deliberately designed to tip the balance of power between labor and capital toward labor. Taft-Hartley deliberately tipped it back.

The NLRA, interpreted by rulings of the National Labor Relations Board (NLRB), does allow some political strikes, although it doesn't use that exact phrase. The demands of a given strike have to fall under the control of the employer, though,. Hence the call for UC withdraw from its investment in weapons manufacturers and contracts: UC controls that.

But the National Labor Relations Act doesn't cover government workers (or domestic workers or agricultural field workers). Since 1979 University of California workers have been covered instead by the state-level Higher Education Employee Relations Act (HEERA). Lest we lend too much credence to what UC management is pronouncing right now, it's important to remember that after the law was first passed, UC fought tooth and nail against the graduate students employees, claiming that they weren't actually

workers. It took multiple strikes for the grad students to get UC to concede collective bargaining rights.

There's an important legal distinction between "protected" and "unprotected" strikes. Protected strikes are those that fall under the purview of the HEERA (or other legal framework). The Public Employee Relations Board (PERB) can rule that a strike isn't protected by the HEERA. That doesn't make the strike *illegal*. But it does mean that strikers can be subject to firing, blacklisting, court cases that can lead to fines so big people lose their houses, and other punishments, since they are without legal protection under the HEERA. As with any strike, it's ultimately a question of power: if you have the power, through not just withholding your labor but also political allies, positive media attention, solidarity from other unions, and other forces, you can win. But it's a huge challenge.

In the case of today's UC graduate workers' strike, the politics of the strike are, indeed, about so much more than narrowly-defined workplace-based demands. The strike is also about legitimating and empowering the astonishing movement that has risen up to challenge US support for the genocidal war in Gaza. It's about bringing the power of the labor movement into the struggle. And like the movement in the 1980s demanding divestment from South Africa, what's gained can mean many different things, and not overnight.

Today's strike at the University of California challenges us to think big about what a labor movement is, and what it should do. In Europe, unions routinely walk out in support of national protests about broad issues of social justice—such as in Iceland just last year, where tens of thousands of unionized workers including hospital, transit, and hotel workers, joined a mass strike for gender equality.

Graduate student employees at the University of California, in striking against UC-led police brutality and against their employers' support for the war in Gaza, are not only bravely and powerfully placing themselves in the forefront of protest against US support for genocide in Gaza and in solidarity with the Palestinian people, but also reminding us of the labor's movement's best self, when it links workplace issues at home, with civil liberties, with police repression, and with foreign policy and the fates of other working people abroad. That's what solidarity looks like.



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