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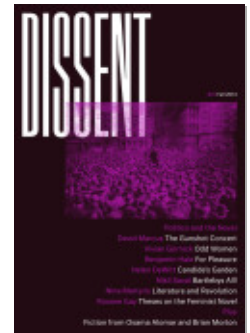
## Decline of the Strike

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Dissent, Volume 61, Number 4, Fall 2014, pp. 142-147 (Review)

Published by University of Pennsylvania Press

DOI: <https://doi.org/10.1353/dss.2014.0077>



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what people are calling “reform conservatism” is that *it is an effort to move the Republican party to the right*. And in particular, it is an effort to move from arguing about how much we should be willing to spend on the liberal welfare state to arguing about how to replace it with a conservative approach to government that advances our vision of a free society. [emphasis added]

He continues:

It seems to me that’s very much in line with what a lot of tea-party activists want too, and it’s not a coincidence that it is a response to the same frustration with Republicans that brought on the Tea Party. And in fact, various people and organizations associated with Tea Party Republicanism have been at the forefront of advancing the kind of approach.

In short, there is little evidence that the new conservative reformers want to meet Lane Kenworthy halfway.

So I hope *Social Democratic America* has a large readership. I love most of Kenworthy’s proposed policies, his intellectual generosity and honesty, and his expansive hope for a better America. I worry, however, that he badly underestimates both the revanchist extremism of the Republican Party today and the collapse of the communitarian underpinnings that made prior advances in social justice possible. Perhaps, at the expense of Kenworthy’s royalties, we might pass *Social Democratic America* around in an effort to build the social solidarity that the next great struggle will require.

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## Decline of the Strike

Alex Gourevitch

*Strike!*

by Jeremy Brecher

PM Press, 2014, 480 pp.

These days, we associate the right to bear arms with right-wing cranks who think they are defending themselves when they bring their assault rifles with them to Chili’s. But consider a few episodes from American labor history. During the Great Strike of 1877, workers beat back hundreds of National Guardsmen with stones, brickbats, and pistols, taking over most of St. Louis for a few days. In 1892, during a running battle with local militias in the town of Coeur d’Alene, Idaho, miners loaded a railroad car with powder and a burning fuse and sent the makeshift bomb down a hill into a mill where strikebreakers and their militia protectors had been staying. In 1922, after armed guards fired machine guns at strikers trying to convince strikebreakers to rejoin the strike, hundreds of miners accompanied by an airplane dropping dynamite bombs attacked the mine personnel. The guards surrendered; the strikers executed the mine superintendent; a mob then massacred nineteen strikebreakers, and a subsequent jury of locals refused to convict anyone of murder. In September 1934, in the midst of a strike that brought out more than 400,000 Southern and Northeastern textile workers, “flying squadrons” of strikers, each numbering in the hundreds, roved from town to town, spreading the word and engaging in battles with police and National Guardsmen. During the Flint sit-down strike of 1936–1937, after a judge issued an injunction authorizing National Guardsmen to arrest picketers and labor leaders, pro-union veterans planned to take up arms, “in defense of the U.S. Constitution, of ‘real Patriotism,’ and the union,” and “take over the city hall, the courthouse and police headquarters, capture and imprison all officials and release union men.” Public officials, however, backed away from enforcing the order.

These are but a few of the many instances in which hundreds, thousands, even tens of thousands of workers took up arms of various sorts against employers and the American state to protect what they

understood as their basic rights.

It is a strange feature of American historical consciousness that we only dimly recall the long period of rebellion, quasi-civil war, and, in a few cases, near social revolution that characterized labor relations before the Second World War. The basic outlines of slavery, Jim Crow, and the civil rights movement are written in indelible ink in our mainstream awareness, but the decades of class conflict are, at most, a faded footnote. Yet between 1865 and 1947, mass strikes were a recurring feature of American labor relations. What's more, they were met with a vast arsenal of law and repression. Sheriffs, mayors, governors, and attorneys general declared martial law, suspended civil liberties, permitted warrantless arrests, authorized mass detention, and generally forbade strike activity, even when peaceful. Private security, local police, state militias, National Guard, even federal troops were called out with unseemly regularity to suppress strikes, often, though not always, under the color of law.

In a 1969 study of the American military, Barton C. Hacker observed that, after the Civil War, "substantially larger numbers of troops were deployed in response to labor disturbances ... than were assembled for any other reason right up to the Spanish-American War." The author concludes that, in those decades, "the U.S. Army came close to being a national police force." And that was just a comment on the regular army. More frequently, workers were subject to direct repression by National Guard and local forces. Labor historians Philip Taft and Philip Ross once observed that "the United States has had the bloodiest and most violent labor history of any industrial nation in the world."

Perhaps no book has done more to bring such facts to popular consciousness than Jeremy Brecher's classic *Strike!*, recently revised and updated. All of the anecdotes mentioned above come from Brecher's lively book. With the exception of Josiah Bartlett Lambert's excellent, "*If the Workers Took a Notion*," there is no other comprehensive study of strikes in American life. Brecher does not try to cover every strike—an impossible task—but rather the major episodes and their context. The book opens with the Great Strike of 1877, while subsequent chapters cover the strike wave of

1892–94, the quasi-revolutionary insurgencies of 1919, the general strikes and sit-down waves of the 1930s, the postwar strike wave, Vietnam-era labor protests, and more recent strikes and related movements.

Brecher's main aim is to remind the reader of the sheer size, violence, and power of labor struggles. Consider the Pullman Strike of 1894. In that year a total of 750,000 Americans went out on strike. The largest of those strikes involved hundreds of thousands of railroad men, and eventually sympathizers, who refused to handle the railroad cars of the Pullman company. The strike soon spread and paralyzed economic activity from Chicago, where it started, all the way to Los Angeles. When local forces could not break the strike, President Grover Cleveland turned to his attorney general, Richard Olney, a former railroad attorney and at the time still a railroad director. Olney carpeted every state from Michigan to California with blanket injunctions. These injunctions forbade any strike activity, suspended basic rights of speech and assembly, and threatened those who disobeyed with contempt of court. Olney effectively transformed the conflict into one between workers and the state by turning workers into federal criminals subject to military repression.

The most famous victim of these injunctions was then president of the American Railway Union, Eugene V. Debs, whose imprisonment was eventually sanctioned by the Supreme Court. But the use of troops, backed by the state, turned a mostly peaceful mass strike into a violent confrontation. Chicago became an occupied city as the military clashed with strikers killing over thirty and wounding many more; regular troops combined with state militias and other special forces to arrest and imprison hundreds of protesting workers across the country, many of them held without a warrant. The suspension of civil liberties was swift and extensive. Armed workers resisted state forces. At the peak of the confrontation on the railroads, hundreds of thousands of non-railroad workers came close to joining in sympathy. However, Samuel Gompers, President of the American Federation of Labor, along with the heads of other trade unions rejected the call for a mass sympathy strike. Brecher is not alone in suggesting that, if Gompers *had* called

out the unions, the United States, already on the verge of nationwide rebellion, could very well have experienced a social revolution. Instead, with workers fragmented by a tentative leadership, over thirty among them dead, hundreds of labor leaders in unconstitutional detention, and tens of thousands of soldiers protecting property and strike-breakers, the strike broke.

The Pullman strike was unusual in its scope and severity, but it was not unique. Emergency measures, martial law, legal injunctions, and other suspensions of civil liberties were a regular feature of American life. This was no golden age of economic or civil liberty. The United States has not only had an exceptionally large number of violent strikes, but strikes remained a feature of the economic landscape far longer than in Europe, where class relations were more institutionalized. One of the few longitudinal studies of work stoppages in America notes that, between 1948 and 1953, “over half the recorded days lost to strikes” *in the entire world* were in the United States. Yet books like Brecher’s remind us how notional and fragmentary our awareness of this history remains. There is, for instance, no full accounting of the various ways in which American workers were subject to—and in some cases are still vulnerable to—the loss of various freedoms the minute they engage in collective action. The egregious and systematic way in which the Jim Crow South deprived black people of their civil and political freedom has sometimes led us to forget the risks that *any* worker—of any race or gender—took with his or her liberties when going on strike. Generations of labor historians have dedicated their lives to unearthing these facts, which makes some of the aporias of our collective historical awareness all the more peculiar.

For instance, after reading Brecher’s book, I collected twenty syllabi on “civil disobedience” from some of the best universities and colleges in the country. Each syllabus focused on classic civil-disobedience tactics, such as boycotts, sit-ins, and mass pickets. In nearly every case, the historical touchstone for these classes was the civil rights movement and Martin Luther King Jr., with a few drawing parallels with Thoreau, Gandhi, and the tradition of political non-violence. How little even the most highly educated members of society

remember these same tactics that were the stock-in-trade of the labor movement for at least a century. Illegal boycotts of struck goods, sit-downs in plants, picketing of workplaces, not to mention the mobilization of whole communities predated the putative golden age of civil disobedience by decades. Even as conservative a labor leader as Samuel Gompers made it the official policy of the American Federation of Labor to resist labor injunctions on the grounds that they were unconstitutional. Extra-legal tactics of resistance to unjust law and policy were not just popularized by workers, but were the natural elements of any strike activity.

Yet we’ve forgotten the significance of the strike for civil disobedience in general. The strike, once the nucleus around which these other activities of resistance revolved, is barely even recognized as a distinctive form of social conflict worthy of reflection. Perhaps this memory loss serves a purpose. It supports a certain liberal common sense to rewrite the 1950s–70s as a period defined by the quest for racial equality, but not overcoming class divisions. More to the point, strikes can easily become violent. They threaten persons and property in a way that other kinds of civil disobedience, when stripped of their association with strikes, rarely do. It is comforting, if unrealistic, to believe that nonviolent resistance to unjust laws and unequal economic relationships is sufficient. After all, when it comes to the strike, civil disobedience is a more unnerving act of self-assertion than a non-violent protest. A strike isn’t just an act of moral suasion by which an oppressed minority appeals to the conscience of the majority. Halting production is a forceful attempt to get what workers want regardless of what employers believe. Refusing to work is not so much a statement of necessary dependence on others but of independence. The strike can therefore be a first step by which workers decide they can run things themselves, or ought to have more control than they have. It is therefore a distinct kind of resistance to injustice. As Brecher’s book constantly reminds us, the coercive, violent, even revolutionary aspects of the strike can be suppressed, but never eliminated.

*Strike!* is a welcome corrective to the current tendency to overlook the role that

strikes have played both in our history and in our thinking about collective action. Unfortunately, at times the book reads like a message in a bottle, washing up on the shores of a society that cannot quite comprehend what it is reading. The book was, after all, written at a very different moment in American politics. When Brecher originally published his book in 1972, he saw it as an opportunity to celebrate mass action against authority. The book's historical chapters ran through the New Deal sit-down strikes and concluded with a postscript on the postwar strike wave of 1947. At the time, the great contribution of the book was not so much original scholarship—since the book mainly weaves together secondary accounts of specific strikes—but rather a heroic narrative. As Brecher put it, “This book is the story of repeated, massive, and often violent revolts by ordinary working people in America. It gives a picture far different from the usual high school or college history course.”

In 1972, American workers were entering their last period of sustained militancy. Over the next three years, the number of strikes involving 1,000 workers or more would double, peaking at 424 strikes in 1974. When placed next to the massive anti-Vietnam protests and continued civil rights activity, the various collective actions of Brecher's moment could look like a continuation of a long tradition of popular agitation against oppression. Brecher wrote:

Increasingly, people today experience the institutions that have been set up to ‘help’ them—the unions, the schools, the welfare agencies, and the like to be—as alien and even hostile forces.... instead, people are forced to begin solving their problems themselves ... instead of trying again to create such a structure, younger workers today use direct action to force immediate solutions to their own problems.

Brecher read into these strikes the New Left belief that authority itself had to be challenged, and that it should be replaced by leaderless organization. As Brecher remarked in 1972, successful striking “still requires solidarity and therefore

organization, but unlike trade unionism it does not require representation by a specialized leadership skilled in determining just what compromise can be made between worker and boss.” Yet the more militant elements of the labor movement failed to find an enduring form, let alone the mass appeal of previous eras. Strikes started their precipitous descent into irrelevance. By 2009, major strikes bottomed out at five. The fifteen strikes reported by the Bureau of Labor Statistics in 2013 register a 96 percent decline in strike activity from forty years earlier.

In the light of such facts, the book communicates quite a different message today. Brecher has attempted to sustain the narrative, with new chapters about recent labor history like end of the millennium labor struggles. But in comparison with the class solidarity of earlier decades, when tens and even hundreds of thousands of workers were spontaneously ready and willing to strike in support of each others' needs, and when St. Louis, Seattle, San Francisco, and Minneapolis were at different times under near total worker management, the newest chapters leave readers feeling as desperate as they are inspired. The least successful chapter, with which the book concludes, tries to squeeze episodes like anti-G8 protests in Seattle and the Occupy movement into the greater narrative of strikes in America. One wonders what these types of activism are doing in a book about mass work stoppages, especially since Occupy did not involve the occupation of a workplace, nor the halting of production, let alone a clear relationship to the labor movement. Though it bore some relation to Brecher's preference for action over leadership, Occupy was born out of a very different tradition of social protest from the mass strike. Replacing Brecher's original, more engaging, foreword with a few words by Occupier Marina Sitrin comes off more as a publisher's trick than a natural pairing.

None of this is to say Brecher's book is of “mere” historical interest. Reminding us of these past episodes is in itself valuable. But there is more to the book than that. One provocative suggestion is that the era of mass solidarity-based strikes began its decline not long after labor won federal recognition of collective bargaining rights in the 1930s. Historians and legal scholars

have long debated the reason for this decline, but at the very least it casts something of a shadow over the persistent liberal nostalgia for the New Deal. The Wagner Act—the signature piece of New Deal labor legislation—was a complex and problematic piece of legislation. It only partially recognized the labor movement’s demand for greater rights of self-organization and collective bargaining, and created an unwieldy, increasingly ossified National Labor Relations Board to adjudicate labor disputes. The Supreme Court intensified these defects through a series of terrible decisions that a legal scholar once characterized as “judicial deradicalization” of labor law. The 1947 Taft–Hartley Act, still in effect today, placed even more legislative constraints on class solidarity, by prohibiting such actions as sympathy strikes.

Given all this, Brecher’s book has surprisingly little to say about labor *law*. His focus is more on labor *politics*. As Brecher observes, the key feature of the New Deal was the incorporation of labor into the state. In exchange for labor rights and a privileged seat at the bargaining table, labor leadership became responsible for administering contracts and imposing discipline on its members. Brecher argues that “far from fomenting strikes and rebellions, unions and labor leaders have most often striven to prevent or contain them.” For instance, in an engaging section on the wildcat, sit-down strikes of the late 1930s, Brecher notes that even the Congress of Industrial Organizations (CIO) tended to approach strikes with caution. Part of the CIO’s appeal both to the Roosevelt administration and some corporations was their ability, or at least their claim, to produce less contentious labor relations. “With the help of the government, which created a rigid institutional structure for collective bargaining through the Wagner Act and its National Labor Relations Board,” concludes Brecher, “the CIO was able to channel the sit-down movement back into forms of organization far less challenging to the power of the corporate managers.” From the 1930s onward, unions themselves became instruments of social control. Brecher’s point is well taken. Though some labor leaders have been more radical than others, the decline of strikes does suggest a slow-burning rot, not to mention a lack of faith in the rank and

file. But Brecher is suspiciously uncritical in his defense of spontaneous worker action and leaderless organization. The policing of strikes did not disappear. And it is difficult to imagine sustained victories by leaderless organizations, especially against the well-organized counter-offensives of capital. Some of Brecher’s own favored historical examples, like the 1919 Seattle General Strike, had appointed strike committees that coordinated action, made decisions, and issued directives.

Questions of leadership aside, it is undoubtedly true that workers’ bargaining power is weaker when they cannot credibly threaten to stop production. Peaceful labor relations are not a goal in and of themselves, especially when we mistake mere pacification for true peace. Dispirited and disorganized workers should not be confused with contented ones. Recent strikes by truck drivers, fast food workers, nurses, teachers, and Walmart employees give us reason to believe that workers still can and want to flex their muscle.

To the degree that Brecher’s book participates in this revival of strike activity, it is too one-dimensional in its cheerleading. We get little feel for just how constraining American labor law is. In many cases, it is legal for employers to hire permanent replacement workers when regular employees are out on strike. Going on strike can often mean losing your job. Sympathy strikes are illegal. Various kinds of picketing and secondary boycotting are illegal, including handing out leaflets in front of a store that is selling struck products. Just consider that for a moment. To go on strike is to lose some First Amendment rights, because you are legally prohibited from engaging in peaceful speech—speech that any non-striking, ordinary citizen remains free to exercise.

Legal scholars like James Gray Pope and Ahmed White have documented a variety of other ways in which labor law criminalizes and constrains strikes, seriously narrowing the horizon of permissible collective action. It is no surprise that labor leaders have said things like “As between present law and no law, I’d prefer no law” (as Lane Kirkland, president of the AFL-CIO noted in 1989), or “the labor laws in this country are formulated for labor to lose. And if you play by every one of those rules, you lose every time” (as was observed by another AFL-CIO

leader, Richard Trumka, in the early 1990s). It is easy to appeal to a heroic but dead past of epic strikes, less easy to ask the living to take on not just the economic, but also the legal risks of repeating that past. After all, there is no way under current law to revive the practices that Brecher's book brings to life without engaging in massive civil disobedience. It is a testament to the courage even of those who have attempted to remain within the bounds of the law that thousands of workers still go on strike. It is hard to imagine a future of mass striking without that also being a future of mass law-breaking.

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