



## How “illegal” teacher strikes rescued the American labor movement

By [Rex Santus](#) Mar 29, 2019

Organized labor in the U.S. is having a moment. Sen. Bernie Sanders recognized a staff union for his campaign, the first presidential candidate ever to do so. Kamala Harris, the California senator running for president, unveiled her first big 2020 policy plan, which is all about taxing America's hyper-rich to give heavily unionized public-school teachers [a \\$13,500 raise](#).

As if confirming Big Labor's new clout, President Trump took time this month to [attack](#) UAW Local 1112 President David Green by name on Twitter, saying he should “get his act together and produce,” a big moment for a guy who represents laid-off auto workers in Lordstown, Ohio. The broadside got Green on Fox News, CNN, and MSNBC, and a visit from another 2020 presidential candidate, Beto O'Rourke.

The nation is paying attention to labor again, and for that America has one profession to thank more than any other: the public school teacher.

In 2018, 485,000 workers participated in what the Bureau of Labor Statistics classifies as a “major work stoppage,” up from just 25,000 in 2017. It was the first major increase in work stoppages in three decades, and it was nearly entirely driven by [379,000](#) teachers and other education workers, who accounted for 78 percent of all those who went out on strike.

But while teachers — with their #RedforEd movement — brought new attention to labor, [healthcare](#), [fast-food service](#), [graduate student](#), and [hotel workers](#) also went on strike. Marriott employees, for example, led a [strike against the nation's largest hotel chain](#) in December and won San Francisco housekeepers a pay bump and some workplace protections.

By their sheer numbers, teachers breathed new life into the stagnating U.S. labor movement — even with nationwide union membership at historic lows. Union membership stood at 10.5 percent in the U.S. in 2018, down 0.2 percent from 2017, and down by nearly 50 percent since 1983, when the Bureau of Labor Statistics started keeping track.

“In recent decades it has become much harder to organize a union in the U.S.,” said Julie Greene, a history professor at the University of Maryland at College Park. “That makes this recent burst of organizing and successful striking particularly significant.”

Despite mostly flat union membership rates, the number of workers participating in labor strikes hasn't hit this high [in a generation](#). To put it another way: There may not be many strikes happening, but their size is huge. More than 24,000 workers participated, on average, in each major work stoppage in 2018. That's tens of thousands more workers than your typical strike.

Polls are also showing a generational attitude shift: 47 percent of 18- to 29-year-olds want a “militant” labor movement rooted in a multi-racial working class, according to a [recent Harvard poll](#). Just 23 percent oppose that.

The flurry of actions among teachers began in February 2018 when 35,000 West Virginia teachers and other school employees went out on strike for the first time since 1990 — and [shut down nearly all 680 schools in all 55 of the state's counties](#) in the process.

"It's the power of example," said Eric Blanc, a former high school teacher and author of the book [Red State Revolt: The Teachers' Strike Wave and Working-Class Politics](#). "The sheer force of inspiration that West Virginia created last year when it won so big in such a public way really kind of caught the imagination of teachers."

Propelled by low pay and dwindling resources for students, teachers in at least seven other states followed West Virginia's lead before the end of 2018 — many of them red states, like Kentucky and Oklahoma, where teacher strikes are outlawed.

Teachers have become so synonymous with the word "strike" that Donald Trump Jr., at a recent rally in El Paso, called them socialists.

"You don't have to be indoctrinated by these loser teachers who are trying to sell you on socialism from birth," he said [in February](#).

## Why the strikes are "illegal"

Teachers are heavily unionized, but unlikely to be on the front lines of the labor movement. The National Labor Relations Act only protects private sector unions — not public sector unions, like the ones teachers belong to. Without that protection, teachers often can't collectively bargain, and legislators in [38 states](#) have passed laws that even make teacher strikes illegal.

Labor unions took their first big hit in 1947 with the passing of the Taft-Hartley Act, which ushered in state "right to work" policies. These policies allow workers in some states to opt out of joining unions, significantly limiting their membership numbers and financial resources. Those laws, which [27 mostly red states and Guam have adopted](#) as recently as 2016, have helped to obliterate union membership.

Just last month, Sen. Rand Paul, a Kentucky Republican, introduced a federal right-to-work bill that could cripple unions even more. (The bill has no foreseeable chance of passing while Democrats control the House.)

"It's the power of example."

In West Virginia, teachers are not allowed to collectively bargain or strike, but they walked out anyway. Their pay [ranked 48th of all 50 states for pay in 2016](#), and they had a slew of other concerns about their benefits and classrooms, which legislators had largely ignored. Despite being "illegal," the strike lasted for about two weeks and gathered nationwide attention.

Ultimately, West Virginia teachers won a [5 percent pay hike and better healthcare options](#).

"One reason we've seen large numbers of teachers involved in strikes is that they occurred in states like West Virginia, Kentucky, or Oklahoma, where teachers lack the right to bargain collectively and could only negotiate with the legislature," said William P. Jones, a labor historian at the University of Minnesota. "Even in places where unions are very weak, strikes can be effective in affecting policy."

Since the 1990s, teacher pay has been [stagnant](#). They make about 20 percent less than most college-educated workers, according to [a 2018 Economic Policy Institute study](#). Public schools are also increasingly competing for funding with charter schools, which teachers argue rob them and their students of crucial resources. Meanwhile, class sizes in [many districts](#) continue to grow.

Once West Virginia walked out, the dominoes started to fall.

"West Virginia teachers walked out — and they make more than us," said a teacher at a school board meeting Feb. 28 in Bartlesville, Oklahoma, according to the [Bartlesville Examiner-Enterprise](#).

That's true: Oklahoma ranked 50th in teacher pay [in 2016](#). Like West Virginia, Oklahoma law also forbids teachers from striking. After a nine-day strike, however, teachers in the state won a raise of about \$6,000, depending on their experience, [although unions said their achievements fell short of the goals](#).

Around the same time, Kentucky educators [caused mass school cancellations](#) by staging a "sick out" to protest legislation that started as an [11-page sewage bill and ultimately became a 291-page pension](#) overhaul.

And [then teachers — a staggering 81,000 of them — in Arizona](#) went on a statewide strike.

## The future of labor

So far in 2019, [Oakland](#), [Los Angeles](#), and [Denver teachers](#) have all gone on strike — and won big gains for pay and benefits. This month, Sacramento [teachers voted to authorize a strike](#) by a 92-percent margin.

Teachers in West Virginia and Kentucky have also staged work actions again in 2019 as direct acts of defiance to the state's lawmakers. Hundreds of schools in Kentucky cancelled classes late last month [after teachers called out sick to protest](#) another pension bill, and West Virginia teachers [went on strike in February to kill a bill](#) that would introduce charter schools into the state. They won.

On top of that, the public perception of unions, crucial to their success, has started to improve. A recent poll found the level of interest in membership at a [four-decade high](#) — even if people haven't joined yet.



In this April 13, 2018 file photo, teachers from across Kentucky gather inside the state Capitol to rally for increased funding and to protest changes to their state funded pension system in Frankfort, Ky. (AP Photo/Bryan Woolston, File)

And the next generation of labor leaders [seem particularly poised to strengthen unions](#). Young people view labor unions more favorably than any other adult generation, according to [a 2018 Pew survey](#), and it's easy to see why. Student-loan debt has more than doubled in the last decade, and the Federal Reserve says it's cutting into millennials' [ability to buy homes](#). On top of that, millennials are half as likely to own a home as adults were in 1975, and 1 in 5 of them are living in poverty, according to the U.S. Census Bureau. If current systems hold, [millennials probably won't be able to retire until well into their 70s](#).

Even Congress seems to be viewing unions more favorably. The House introduced a bipartisan resolution Wednesday to deem the current week "Public Schools Week," and it explicitly celebrates public school teachers: the leaders of a new era of the American strike.

And these strikes aren't being driven by union bureaucrats, who [historically try to prevent strikes](#), but by rank-and-file workers, often cut out of negotiations by the unions who represent them. At the City University of New York, for example, a large faction of grad-student and adjunct workers [is dissenting from \(and angering\) union leaders](#) to push a [bold #7KorStrike movement](#), which calls for a strike unless the university doubles their per-course pay from \$3,500 to \$7,000. Like many of the teacher strikes, theirs would break the law.

But there's an old union saying: ["There is no illegal strike, just an unsuccessful one."](#) The American labor movement, long on the decline, seems to have received a jolt of life.

"You can only stretch the rubber band so far until it breaks," said Sara Nelson, [the president of the Association of Flight Attendants-CWA](#), who publicly called for [a general strike during the U.S. government shutdown](#). "This is absolutely driven from the grassroots. That is what's been going on for a long time, and it's not going to slow down any time soon."

*Cover image: Teachers and school personnel celebrate after the House of Delegates passed a motion to postpone a vote on Senate Bill 451 indefinitely at the West Virginia State Capitol in Charleston, W.Va., during a statewide teachers' strike on Tuesday, Feb. 19, 2019. (Craig Hudson/Charleston Gazette-Mail via AP)*