Wildcat Strikes

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In responding to the UCSC graduate students' strike, the UC Administration has aggressively stressed that this walkout is "unsanctioned" by the UAW leadership and therefore, as a "wildcat" strike, is illegitimate and the University of California has no obligation to bargain.

However, many of the most powerful, successful, and popular strikes in US history have been wildcats. The concept of a "wildcat" strike is in fact a modern one, that grew out of a particular historical context that no longer exists. Before the 1930s, large groups of workers, with or without union approval (or sometimes even unions), commonly just withdrew their labor and made demands of employers, who could then choose to accede to those demands or not. The outcome was not necessarily enshrined in a contract. Only with the rise of the New Deal industrial relations system did the legal structure of the National Labor Relations Act codify a bureaucratic system of federally-managed elections, "collective bargaining," and seemingly binding contracts--in which some unions chose to forgo the right to strike during that contract, in exchange for other gains.

During the years of powerful national unions, from the late 1930s through the 1970s, that system benefited many workers, in a context of countervailing powers and a federal government that generally accepted unions. But when both employers and the government broke out of that model beginning in the 1970s and turned aggressively against labor, contracts worsened dramatically. Gains for workers plummeted and contracts covered fewer and fewer workers within a given firm. Employers, always negotiating on a playing field far from equal, continue to force unions under duress to give up their right to strike. They exalt the sanctity of union contracts while themselves routinely violating agreements, laying off workers by the thousands simply because they chose to, or closing up shop altogether.

A "wildcat" strike means the strike is not "sanctioned," that is, officially endorsed by a national union with which a local group of workers is affiliated. But the national-level unions that control most contracts in the US today are famously undemocratic. They routinely thwart democratic decision-making by rank-and-file members; they negotiate contracts without ever consulting members; they repress union militancy rather than unleash it, in order to defend their own bureaucratic entrenchment. The United Auto Workers, with which the graduate students are affiliated, has long been one of the most famously undemocratic unions in the country. Its current leadership is facing criminal charges for corruption.

In the face of undemocratic, compromised leadership, workers in the US have routinely chosen to engage in "wildcat" strikes without national-level approval. Many of the most famous and crucial strikes in the modern US history have been wildcats, including the 1968 Memphis Sanitation Workers' Strike, the 1970 national postal workers' strike, and the recent 2018 West Virginia teachers' strike. Unsanctioned strikes can mean workers forgo certain vital resources of solidarity, such as the support of Central Labor Councils and of unions whose own contracts give them the right to refuse cross the picket line of another union only if that strike is sanctioned by the local's national leadership. But wildcats also open the door to other forms of solidarity and
creative militancy, and in many cases the previous hostile national leadership is forced to support the strike and, along with it, more militant demands.

The UC administration, then, can choose to assert the sanctity of a contract and stress that the UAW leadership has not approved this strike. But US labor history makes clear that contracts, and national-level systems of bureaucratic control, have always been simply tactics utilized by management or labor or both, as they chose or did not chose. Working people have a long, successful, and celebrated history of improving their lives--and those of others--using a far broader toolkit and a far broader vision of what democracy, and justice, look like.