

Connecticut Debate Association February 4, 2023, New Canaan High School

THW (This House would) allow public sector workers to strike.

Public Sector Unions

Definition Provided by Open Secrets

Public employee unions represent workers at every level of government - federal, state and local. Since contract negotiations for these workers are dependent not on private corporations, but on the size of government budgets, this is the one segment of the labor movement that can actually contribute directly to the people with ultimate responsibility for its livelihood. While their giving pattern matches that of other unions (which overwhelmingly support Democrats), public sector unions also concentrate contributions on members of Congress from both parties who sit on committees that deal with federal budgets and agencies.

This broad category encompasses teachers, firefighters, police officers, postal workers and any other employee of the government at any level. Their legislative demands therefore vary significantly. Like any union, however, public sector unions focus primarily on strengthening workers' rights and working conditions, securing fair wages, buying domestically produced goods, guaranteeing workers' safety and eliminating corporations' abuse of their employees.

Right To Strike Among Teachers Union Priorities

MASSACHUSETTS STATE HOUSE NEWS SERVICE DECEMBER 9, 2022

One of the state's major teachers' unions is gearing up for the next legislative session with their eyes on hot-button topics including restoring public employees' right to strike and ending "the destructive and punitive aspects of the MCAS system."

The Massachusetts Teachers Association rolled out its five top education and labor priorities for the 2023-2024 session at the State House Thursday afternoon, joined by educators and supportive legislators.

In addition to striking and standardized testing, other initiatives the union plans to pursue include providing more resources for prekindergarten-12 public schools beyond the Student Opportunity Act, investing in public higher education and increasing cost-of-living adjustment in payment to retired educators.

"It's time now to achieve the right to strike, return what is a human right back to the public sector workers," said MTA President Max Page.

Deb Gesualdo, president of the Malden Education Association — which went on strike for one day this October after months-long contract negotiations — said going on strike is "not an easy decision" but that it was "an act of love" because "students and educators weren't safe in their school buildings."

Striking is illegal in Massachusetts for public school educators because of a state law that stipulates "no public employee or employee organization shall engage in a strike, and no public employee or employee organization shall induce, encourage or condone any strike, work stoppage, slowdown or withholding of services by such public employees."

This session Reps. Mike Connolly of Cambridge and Erika Uyterhoeven of Somerville joined the ranks of lawmakers who over the years have filed bills to lift the ban on work stoppage for all public employees with a bill (H 1946). The bill accompanied a study order in September for a Committee on Labor and Workforce Development investigation, which was then reported favorably by the committee and most recently discharged to the Committee on House Rules, where it has been since Sept. 6.

Despite state law, educators in Malden, Brookline and Haverhill went on strike this year.

In Malden, workers were asking for a contract that included higher pay, smaller class sizes and safer school environments, according to [WCVB](#).

"We had to take an illegal action because that illegal action is what was right," she said. "The right to strike is a human right and the continued prohibition on the right to strike is a continued prohibition on every single blessed public sector worker's right to free speech, we shouldn't have less rights than any other worker in the Commonwealth."

After six months of negotiations, the union met with the school committee for a total 16 hours over two days after the union said they would strike — and did on the second day of negotiations — before both parties came to a tentative agreement, Gesualdo said.

The union president said she believes restoring a right to strike would cause less strikes in schools, as it would give teachers' unions more leverage in collective bargaining negotiations.

"It's amazing how quickly things get done when a school committee has to take it seriously. Having a right to strike will not impede bargaining, it will actually help it, and bargaining will progress faster," she said.

Educators also spoke out Thursday on a long-held policy goal — eliminating the “destructive and punitive aspects of the MCAS exams” and developing more effective practices for assessing public schools.

The measurement and accountability system is “invalid, undemocratic, inequitable,” UMass Lowell associate professor of education and director of research for the Massachusetts Consortium for Innovative Education Assessment Jack Schneider said, and it “tells us more about student background variables than about what they’re learning in school.”

Some educators have long said the standardized testing exams lead teachers to “teach to the test” instead of educating students on what they believe to be the best curriculum, as well as social emotional skills.

“We don’t teach science, and we don’t teach ELA and we don’t teach math at the elementary level, what we teach is test taking skills,” said MTA vice president and former fifth grade teacher Deb McCarthy.

Schneider also argued Thursday that standardized testing segregates communities and school districts, as wealthier districts tend to do better on the exams. Being rated a “good school” by good MCAS scores drives up property values, he said, and leads already wealthy people to move to places with well-funded school districts and leaves the marginalized behind.

Still, many, including Education Commissioner Jeffrey Riley, say MCAS scores are an important tool to “predict later outcomes in education and earning,” and the state Board of Education voted this summer to raise the minimum score that this year’s incoming freshman class and at least the four classes that follow will have to attain on the English language arts, math, and science and technology/engineering test in order to graduate.

Page said the union is working on turning these priorities into “actionable legislation” in time for the new session which starts in January.

Sen. Pat Jehlen of Somerville, who serves as the chair of the Joint Committee on Labor and Workforce Development, came to the MTA event and said she was moved by educators’ stories of needing a liveable wage and seeing segregation caused by the MCAS assessment.

When asked if she believes if some of the union’s asks could be met by legislators this session she said, “This is a lot, and we don’t have infinite dollars, but I’m hopeful.”

The Argument: Should Massachusetts give public school teachers the right to strike?

Boston Globe, January 20, 2023

YES, Deb Gesualdo

President of the Malden Education Association; Educator in the Malden schools

When our students arrive at school unable to effectively learn because they are too tired, hungry, and worried about where they’re going to live, that’s a problem.

When the educators who work with our most vulnerable students can’t afford to keep doing a job that they love for children who desperately need them, that’s a problem.

When class sizes and special education caseloads are so large that it’s impossible for educators to meet students’ individual needs, that’s a problem.

In Malden, where I’ve been an educator for 19 years, our union brought proposals around these important issues forward to the School Committee during bargaining sessions scheduled for our contract renewal.

After months of facing what we contend was almost complete silence at the bargaining table, Malden educators last October made the difficult decision to go on strike. This decision was made out of care and concern for our students and our community, and it should not have been an illegal activity.

Without the right to strike, the scales are tipped unfairly in management’s favor. Collective bargaining is the best process to achieve the schools educators and students deserve, especially as we confront educational inequities exposed during the pandemic.

In Malden, we knew our proposals could harness the power of our schools to address community issues impacting our students’ ability to succeed. In a district where more than 60 percent of students are economically disadvantaged, we believed our schools should play an active role in addressing housing insecurity.

We also felt we needed to stand up for our paraeducators. In too many districts, paraeducators are no longer able to do what they are passionate about and what our students need because the job doesn’t pay anywhere close to a living wage.

It wasn’t until the Malden Education Association went on strike that the School Committee began to truly engage in collective bargaining.

The strike led to a contract with language that begins to address housing insecurity for Malden students, better pay for paraeducators, and more appropriate special education caseloads. The one-day strike was inconvenient for

families, but they understood why we were on the picket lines.

Denying our students the best possible learning conditions is worse than an inconvenience; it is a tragedy.

NO, Toni Sapienza Donais

Haverhill School Committee member; former teacher and principal in Haverhill schools

I strongly believe teachers should not be permitted to strike. There is no wiggle room for discussion on this issue.

Students are always the most negatively impacted by any teacher strike. Students who have absolutely nothing to do with a labor dispute bear the biggest impact.

As a former public school teacher for 32 years and an administrator for eight years, I am well aware of the issues teachers face each and every day in the classroom, and realize that public school teachers earn less than those in other fields. This often leaves teachers feeling underpaid and undervalued.

A 2022 Gallup poll found K-12 workers have the highest burnout levels of all US industries, and teachers the highest rate among those school workers.

With that being said, the problems with underfunded public education should not and cannot be solved at the expense of our children. Our public school system is designed to provide academic achievement for our students. Academic achievement is not taking place when teachers are not in the classroom and are on the picket line.

Teacher strikes — we had one in Haverhill last October that lasted four days — leave parents scrambling for child care. The result is often parents missing work or worse yet, children being left unattended. Parents need to find alternative care for their children and most of the time this will come at a cost and becomes yet another financial burden.

It is not hard to understand that when teachers strike it causes a complete breakdown of our education system. The fundamental right of an education is taken away from our children. The Washington Post in 2012 cited studies that found teacher strikes hurt student achievement.

Knowing that strikes can lower student test scores, it can be inferred that a teacher strike — particularly if prolonged — could affect our students' lives for years into the future.

Teacher strikes should not be carried on the backs of our students. Teacher unions and school boards need to seek ways to solve tough issues together. Teacher unions as well as school boards need to be trained in labor negotiation strategies in order to achieve an atmosphere where both sides are heard, and to eliminate the combative and destructive atmosphere a strike often creates.

As told to Globe correspondent John Laidler. To suggest a topic, please contact laidler@globe.com.

F.D.R. Warned Us About Public Sector Unions

New York Times, Room for Debate, 07/23/2014 (Abridged)

James Sherk, Bradley Fellow in labor policy at the Center for Data Analysis at the Heritage Foundation

“It is impossible to bargain collectively with the government.”

That wasn't Newt Gingrich, or Ron Paul, or Ronald Reagan talking. That was George Meany -- the former president of the A.F.L.-C.I.O -- in 1955. Government unions are unremarkable today, but the labor movement once thought the idea absurd.

Public sector unions insist on laws that serve their interests -- at the expense of the common good.

The founders of the labor movement viewed unions as a vehicle to get workers more of the profits they help create.

Government workers, however, don't generate profits. They merely negotiate for more tax money. When government unions strike, they strike against taxpayers. F.D.R. considered this “unthinkable and intolerable.”

Government collective bargaining means voters do not have the final say on public policy. Instead their elected representatives must negotiate spending and policy decisions with unions. That is not exactly democratic – a fact that unions once recognized.

George Meany was not alone. Up through the 1950s, unions widely agreed that collective bargaining had no place in government. But starting with Wisconsin in 1959, states began to allow collective bargaining in government. The influx of dues and members quickly changed the union movement's tune, and collective bargaining in government is now widespread. As a result unions can now insist on laws that serve their interests – at the expense of the common good.

Union contracts make it next to impossible to reward excellent teachers or fire failing ones. Union contracts give government employees gold-plated benefits – at the cost of higher taxes and less spending on other priorities.

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Nationwide teacher strikes echo Bridgeport 1978

Connecticut Post, by Linda Conner Lambeck 04/21/2018

BRIDGEPORT — When some 20,000 West Virginia teachers walked off the job in February, some educators were

sympathetic, others inspired.

For Phil Levine, a retired city art teacher, the job action took him back 40 years to when he walked a picket line outside Warren Harding High School before being carted off to jail for two weeks.

“I emailed the West Virginia Education Association and said ‘Go for it,’ said Levine, now 71 years old. “Their pay is pathetic.”

Former Bridgeport Schools Superintendent Jim Connelly said the Bridgeport strike became the catalyst for not only binding arbitration laws but stronger union and teacher rights.

Some class sizes shrunk. Specialists were hired. Teachers walked away with raises of 6 and 7.5 percent over two years.

“It didn’t bankrupt the city and didn’t make salaries terribly higher,” Connelly said. “It was CEA flexing its muscles.”

In those two weeks in September 1978, some 20 percent of the teaching workforce were hauled off in waves to Camp Hartell, a National Guard facility in Windsor Locks. Many in school buses.

Forty years ago, Connecticut’s collective bargaining law did not include a timeline for a contract settlement. Teacher strikes — though illegal — were common. Over that decade, there had been more than 50 teacher strikes across the state. In Shelton, New Haven and Bridgeport it led to jailings.

Bridgeport’s strike was different. It lasted 19 bitter days, attracting worldwide attention. Most say it was what led to the state’s 1979 binding arbitration law which help put teeth into collective bargaining.

Under binding arbitration, when two sides cannot reach a contract settlement within a set time, a panel chooses between the final offer of both parties.

Although the law has been frequently revised, there has not been a teachers strike in Connecticut since then.

“The Bridgeport strike put the teachers’ plight so much in the public eye that we never wanted to see it happen again,” said Sheila Cohen, president of the Connecticut Education Association — the parent bargaining agent for the Bridgeport local. “As we see what is now going on in the country, I just think it is so strange to be occurring around the 40th anniversary of the Bridgeport strike.”

Then Bernice Freeman — then Bernice Jackowski — was hired in 1971 with a starting salary of \$8,100, which she considered comfortable for someone who was 22 and living at home.

Classroom conditions were another matter. There could be as many as 35 kids in her fourth-grade Winthrop School classroom, forcing her to scrounge for desks, chairs and supplies. There were no specialists — art, music and gym teachers — who could enrich the curriculum and provide classroom teachers with much needed planning and bathroom breaks.

The teachers contract had expired and negotiations were ongoing. Pay was one of the major sticking points, with the city offering 5 percent increases. The union had proposed raises of more than twice that.

Things came to a head in 1978. After months of failed talks between teachers and the city, led by then-mayor John Mandanici, the union threatened a walkout and voted to strike.

Freeman had just become part of the local union’s executive board as coresponding secretary. She had been teaching six years and was admittedly naive.

“Other people knew something big was coming down the line,” said Freeman. Not she.

When the new school year started, only 36 — a sliver of the city’s more than 1,200 teachers — showed up for work. The school board was forced to close most of its schools.

City officials secured a Superior Court injunction. It was in defiance of that court order that teachers started being jailed on contempt charges beginning Sept. 12, 1978.

By then, Freeman, who was walking the line, had already received a certified letter, mailed to her parents’ home with a dozen stamps on it, telling her she would be fired and included a summons to appear in court.

Her parents, she said, were shocked that Mandanici, their next door neighbor, was going to put their little Bernice in jail.

Freeman couldn’t believe it either. She was in the first wave of teacher arrests. By the time the strike was settled, 274 teachers would be jailed.

Freeman, sitting in a jury box with 12 other teachers that day, only half listened as a judge belittled them, she recalled.

“They dragged us down the back of the courthouse handcuffed to take us to the van,” Freeman said. “I remember crying and one of the teachers, Jack Curry, saying: ‘Don’t let them see you cry.’”

The five male teachers were sent to New Haven Correctional Center. The females went to Niantic Correctional Institution where they were strip searched and deloused in what one teacher described later as a moldy, spider-infested shower.

At her retirement party in 2004, Freeman would joke that because of the union she never had lice. On that morning

in 1978, she said she felt defiled, scared and humiliated.

“But we all stuck together,” Freeman said. “I think it opened a lot of eyes.”

The next day, the educators were sent to Camp Hartell. They would be joined by busloads of other striking teachers on a daily basis.

At Camp Hartell there were no bars on the windows, but there were bed checks, a regimented schedule and lights out at 10 p.m.

“It had a barbed wire perimeter. If you broke rules or walked out, they said you’d be sent to real prison,” recalls Levine, who chronicled his time in watercolor drawings.

Teachers from other districts descended on Hartell to support the incarcerated educators whose numbers swelled the camp to capacity.

Some say the city finally settled the contract because there was no other place to put the striking teachers. Others speculate it was because Mandanci’s daughter, a teacher, was on the next list of teachers to be imprisoned.

A year after the strike, binding arbitration laws were passed.

Gary Peluchette, now president of the Bridgeport Education Association, said other states striking over low pay, rising health costs and pensions would benefit from the binding arbitration laws established in Connecticut.

“Our schools have been open and running 40 years (without a strike),” Peluchette said.

There are 34 states that have binding arbitration in negotiating teacher contracts but to varying degrees. Some states where teachers have had strikes, like West Virginia and Arizona, have no collective bargaining statutes for public employees.

States like Kentucky are right-to-work states, said Cohen, where states can decide if workers can be required to join a labor union or keep a job.

“Some teachers in those states are juggling six jobs to make ends meet,” said Cohen. It reminds her of her first year in teaching in 1971, when she made more money bartending two nights a week in New Haven than her day job teaching in Orange.

While strong labor laws may curb strikes, some question if they lead to higher salaries.

“Teachers in red states are striking because of their low pay, but that is not because their labor rights are weak,” said Agustina Paglayan, whose studies include labor politics at the Center for Global Development in Washington, D.C.

“It is because those states have historically paid teachers poorly.”

Striking is another matter. Paglayan said a study by Janet Currie of UCLA found that compulsory arbitration leads to a significant reduction in the probability of public-sector strikes.

“I think if you really believe in something, and have people behind you, it’s really worth taking the risk,” Levine said he would tell any teacher striking today.

No West Virginian teachers ended up in jail over their two-week strike which resulted in a 5 percent pay boost and provided the impetus for similar job actions in Oklahoma, Kentucky, Arizona and potentially Colorado.

‘Understaffed and underpaid’ nurses in America’s largest public health system rally after historic strikes

The Independent, by Alex Woodard 01/19/2023

Thousands of [nurses](#) in the nation’s largest public health system are staring down the expiration of a union contract, demanding better wages and contending with staffing levels that are currently overwhelming staff.

After their peers in private hospital systems [reached tentative agreements](#) on new contracts after strike threats and a [historic three-day walkout](#) earlier this month, more than 9,000 nurses in [New York City’s](#) public health system are hoping to make similar gains. They’re arguing that their hospitals have even worse staff-to-patient ratios than private hospitals.

Less than a week after 7,000 private hospital nurses were on strike, dozens of public hospital nurses picketed the system’s lower Manhattan headquarters on 18 January for their own upcoming contract battle.

Their current contract expires on 2 March. But as public employees, they cannot legally go on strike.

“Our nurses in the public sector are under-resourced, understaffed, and underpaid,” New York State Nurses Association president Nancy Hagans said in a statement shared with *The Independent*.

“They do the same life-saving work as nurses in the private sector, yet they are paid so much less – and the disparity in pay is only growing,” she added. “We are all nurses. We demand health equity for our patients and communities, and we demand pay equity for the hardworking [public hospital] nurses.”

New York City Health+Hospitals serves more than 1.4 million New Yorkers each year, including 475,000 uninsured patients, according to the union. The system accounts for 18 per cent of total citywide hospital beds and provides nearly half of all of New York’s level 1 emergency trauma care – the most comprehensive level of care for critically ill or injured patients – as well as in-patient mental health services.

With a contract expiring in mere weeks, nurses are demanding city officials negotiate a contract. The union, which represents 40,000 New York City nurses, notes that thousands of nurses have already reached tentative agreements at 10 private hospital systems, seeing “historic” gains in safe-staffing ratios and wage increases reaching 19 per cent over three years.

With that increase in pay, the widening disparity between private- and public-sector nurses will grow to more than \$19,500 a year. The union says this could dramatically impact retention rates in the city’s already-struggling public health system.

“Nurse retention is the worst I’ve ever seen it,” according to Dr Judith Cutchin, union vice president and president of the union’s New York City Health+Hospitals/Mayorals executive council.

Public health nurses are leaving the system or the profession entirely, she said in a statement shared with *The Independent*, “because it’s just too difficult to know that you cannot provide the level of care every patient deserves when you are always understaffed.”

“Public sector nurses cannot wait months and months to settle a fair contract,” added Sonia Lawrence, a nurse at Lincoln Hospital in The Bronx. “We will bleed too many nurses if the city waits to negotiate with us.”

New York City Council member Crystal Hudson, whose mother was a nurse at Harlem Hospital for more than 30 years, said the city’s nurses have “handled the impossible” through the Covid-19 pandemic and an explosion of flu and respiratory illnesses.

“Fair contracts for our nurses means greater care for our loved ones,” she said in a statement. “It means equity, and it means paying our nurses more than lip service.”

The hospital system “is grateful for the hard work, dedication, and sacrifice our highly-skilled nurses make every day,” according to a statement from spokesperson Christopher Miller to *The City*.

“We look forward to negotiating a new contract with [the union] when the current one expires in March and welcome new opportunities to strengthen our partnership with [the union] and the nurses who are so essential to our mission and our system’s success,” he added.

Boston Police Strike, (1919),

The Editors of Encyclopedia Britannica

strike of about 80 percent of Boston’s police force protesting the opposition to their attempt to organize a union. The Boston police force, which had sought affiliation with the American Federation of Labor after World War I, was denied the right to unionize by the city’s police commissioner. On September 9, 1919, the police went on strike. Without police protection, the city was quickly experiencing robberies and riots. Mayor Andrew J. Peters called in Boston companies of militia, restoring order and breaking the strike. Later, Governor Calvin Coolidge—who had refused to act earlier to prevent the strike—sent in the entire Massachusetts militia even though the situation was then under control. The troops fired on a mob, killing two people.

Coolidge came to be regarded as the hero of the entire episode. Declaring, “There is no right to strike against the public safety by anybody, anywhere, anytime,” Coolidge gained a national reputation as a staunch supporter of law and order. His role in the Boston police strike led largely to his nomination for vice president on the 1920 Republican ticket (he succeeded to the presidency following Warren G. Harding’s death in 1923).

Minn. Board Says Public Defenders Can't 'Abandon' Clients

Law 360 Andrew Strickler · March 21, 2022

Days before Minnesota public defenders were set to strike, an ethics board appointed by the state’s high court said they could not use the action to “abandon” client cases, even if the strike itself is largely about unmanageable caseloads and low pay.

This month, members of Teamsters Local 320 voted overwhelmingly to reject the terms of a two-year contract from the state Board of Public Defense, which employs the public defenders. A strike, which had been set to begin as soon as Tuesday, was averted by a tentative deal struck late Friday night.

In a strike-focused ethics opinion issued on Wednesday, the Minnesota Supreme Court’s Office of Lawyers Professional Responsibility said a walkout by assistant public defenders and staffers could not itself be a basis for ethical withdrawals from assigned, ongoing cases.

The office, made up of lawyers and others chosen by the court, compared a strike by the public defenders to a private-practice attorney leaving a law firm, a scenario in which the firm often agrees to pick up matters and assume the related ethical duties.

“In the case of a strike, this may not be an option for the employer in all cases and the attorney of record — who has formed an attorney-client relationship with the client — will have to ensure that the client is protected,” the office said in the opinion. “In short, an attorney cannot ethically abandon a case just because they are on strike; the

obligations under the rules attach to the individual attorney handling the case, regardless of their employment status."

Over months of negotiations, the union has complained loudly about chronically low pay, caseloads that have increased amid the pandemic, increasing turnover and related risks to clients' interests.

Minnesota was just one of many states mentioned in [recent reports](#) from the [American Bar Association](#) about widespread public defender shortages and accompanying risks to clients and the well-being of the lawyers.

A first-ever strike by the union would have effectively shut down an entire branch of the state judicial system. The group represents some 470 attorneys and 200 staffers who handle more than 80% of the state's criminal defense work.

Brian Aldes, secretary-treasurer for Teamsters Local 320, said the union had been expecting ethical guidance from the state and had hired [Dorsey & Whitney LLP](#) counsel to give an opinion on the ethics of a strike.

A state public employee labor law "tells you who has the right to strike and who doesn't, and public defenders are not listed as essential employees by statute, so they do have the right to strike," he told Law360 Pulse.

"Maybe there is a conflict with attorney ethics rules, but we interpret the statute to say that, actually, cases are assigned to the chief public defender in each judicial district" rather than assistant PDs, he said.

If approved by members, the new contract will include a 3.5% pay increase retroactive to mid-2021, an additional 3% bump after July 1 and cost-of-living adjustments through 2023.

The tentative deal also includes an assurance to reopen salary negotiations if additional funding is provided by the 2022 Legislature. A bill is now pending that would increase the budget of the BPD by nearly 50%.

"While this agreement marks an important win for Minnesota public defenders like me who put our heart and soul into this work, we know there's more work to be done in the state," Ginny Barron, a public defender in the state's Fifth Judicial District, said.

In a prepared statement, State Public Defender Bill Ward said he was pleased with an agreement that he said would mean paycheck increases for most employees of 12% over the term of the contract, along with other benefits. He did not address the ethics opinion.

"Even with these salary increases, I, and the board, continue to share the belief that public defenders statewide are underpaid, and that we are understaffed," he said.

Flashback: Chicago's first firefighters strike created a battle line between brothers

Chicago Tribune, By Ron Grossman Feb 07, 2020 at 5:00 am

Chicago firefighters and paramedics were picketing Engine Co. 85's firehouse on Feb. 22, 1980, when they saw smoke rising nearby. Four grabbed helmets and boots from their cars and ran to a burning building at 648 N.

Ridgeway Ave. John Genova climbed to the roof and fell, climbed there again and rescued Talla Robinson, aided by a cop and a passing truck driver.

"We had just seconds to get that woman before there was an explosion and the flames shot up through the roof and spread to the other buildings," Genova told a Tribune reporter.

Two other strikers were desperately trying to get to Engine Co. 85's pumper truck and the 500 gallons of water it carried, but cops guarding the station wouldn't let them in. "You can't just walk into a firehouse without clearance," a police lieutenant later explained. "You don't give city equipment to striking men."

Chicago's first, and so far only, firefighters strike had begun earlier that month, on Valentine's Day. With Engine Co. 85 unavailable, Engine Co. 68 was dispatched from a firehouse almost 3 miles away.

By the time engines arrived, the fire was out of control. The nonstriking firefighters of Engine Co. 68 demanded the cops arrest the strikers of Engine Co. 85, and an angry crowd of 150 demanded to know why the fire wasn't being extinguished. Several neighbors said they had heard the cries of children trapped in the building.

Amid the chaos, Robinson's niece Santanna Jackson, 2, and nephew Tommie Jackson, 1, perished.

The casualties would have been greater if striking firefighters and a cop hadn't kicked in the back doors and rescued at least four people from houses to which the fire had spread.

The 1980 strike was punctuated by similar episodes: For more than three weeks, beginning on Feb. 14, 1980, strikers and nonstrikers sometimes cursed each other, other times stretched hose lines side by side. The ashes of burned buildings bore equal witness to tragedy and heroism.

The strike led to the city granting its firefighters a contract, the ultimate ancestor of the one currently up for renewal. But the bitterness it kindled lasted long past March 8, 1980, when ambulance, pumper and ladder crews went back to work in Chicago's 120 firehouses.

First responders have a unique psychology, as Dennis Smith wrote in "Report From Engine Co. 82." Firefighters rush into a burning building that others are fleeing, Smith noted in his account of serving in a South Bronx

firehouse.

And life in a firehouse is akin to that in the family homes to which they return at the end of a shift.

“Everyone’s a loser in this one,” Deputy Division Chief Edwin Nelson said about Chicago’s strike. “We do our housework together. We fight fires together. We socialize together. This has ripped the family apart. How are we to overcome this feeling?”

The strike occurred during a change of guard in Chicago’s political establishment. Richard J. Daley, Chicago’s long-serving mayor, insisted upon handshake agreements rather than union contracts for first responders, a stance inherited by his successor, Michael Bilandic. But when Jane Byrne ran against Bilandic in 1979, she promised firefighters a contract. Once elected, she walked that back to “discussions” about collective bargaining.

Discussions quickly devolved into name-calling that escalated into threats. Firefighters had voted to authorize a strike, and Byrne warned: “I would be very angry. There would be firings immediately.”

Asked if city officials would get advance notice of a strike, union President Frank Muscare replied: “I wouldn’t give City Hall the right time of day.”

A Tribune reporter was at Engine Co. 35’s firehouse as the clock clicked down to 5:15 a.m. on Feb. 14, when the strike was scheduled to begin.

“And a couple of other guys get up and then the next guy and the next and everyone is watching to see how many are going,” a firefighter said. “The overhead door opens and you keep walking and then it closes and you’re outside the firehouse. And you think, ‘My God. We’ve done it. We’re on strike.’ ”

At a firehouse on East Illinois Street, Battalion Chief Ben Gariti found a few volunteers to man the rigs. “We’ll go if we have to,” he said. “We’ll sprinkle a little water on the fire. Then, the hell with it.”

The strike strained firefighters’ solidarity to the breaking point. Was their loyalty owed to striking firehouse mates? Or to the oath they took to protect the city?

The majority chose the former, dubbing themselves the Brotherhood of the Barrel. They stood outside firehouses warming themselves over fires in trash barrels. Their shock troops formed a “roving goon squad,” as Mayor Byrne called them. They dubbed themselves “Moon’s Goons,” after the nickname of their union’s president, “Moon” Muscare.

“We go to the firehouses and holler at our friends on the inside,” paramedic Harry Nutter countered. “We want them to come out and be with us. That’s all.”

John Semrau, a firefighter for 21 years, turned in his badge during the strike, having had enough of “the ‘dumb stubbornness’ ” of Muscare and Byrne. Semrau was incensed because a 77-year-old woman died while waiting for a Fire Department ambulance that never showed up.

Lauren Howard, the Fire Department’s first female recruit, who was hired as a relief worker, reported for training at the department gymnasium that then adjoined Navy Pier. The strike arguably is what allowed a woman to break the department’s gender barrier.

Eva Murray, a striking paramedic, took Howard aside. “You’ve got to understand the kind of pressure a woman will be under if you come in the right way, let alone coming in as a strike-breaker,” Murray said.

On the third day of the strike, the Tribune estimated that 350 of Chicago’s 4,350 firefighters had crossed the picket lines. That enabled the Fire Department to staff a few scattered firehouses with skeleton crews of veteran firefighters and newly hired and hastily trained recruits. Battalion chiefs reverted to basic duties they hadn’t performed since being promoted years before.

A veteran firefighter noted that normally 970 firefighters were on duty during each of three shifts. “How long skeleton crews can man all shifts is the crucial question,” he said.

When someone was killed in a fire, grief-stricken relatives and neighbors blamed the strikers or the mayor, and sometimes both.

A paramedic who stayed on the job saw many victims who had died before the thinned ranks of first responders could reach them. Also, an important piece of equipment used to monitor vital signs was taken out of his ambulance because, the Fire Department told him, striking firefighters might damage it. “So I called up and told my captain I was walking out” and joining the strike, the paramedic informed a Tribune reporter. “I was tired of pulling sheets over bodies.”

Getting negotiations restarted wasn’t easy because a judge had found Muscare guilty of contempt of court.

Whenever the city made a proposal, union negotiators had to phone Muscare in Cook County Jail to get his response.

But eventually, both sides inched back from their hard-line positions, and striking firemen returned to work on March 8. Who won and who lost was a matter of debate.

“They’re defeated, and we’ll take them back,” said First Battalion Chief William Meeker.

“There may be some silent treatment,” said a member of Engine Co. 45, a returning striker. “But time heals all

wounds.”

In fact, it took two years to hammer out a contract, and firehouse tensions continued long after that. In 2000, [the Tribune reported](#) that invitations to retirement parties still specified “B.O.B.,” meaning firefighters who hadn’t warmed themselves over trash barrel fires weren’t welcome.

To this day, obituaries note that a firefighter participated in the strike that won the contract enjoyed by those who now ride the rigs.

When retired Capt. Malachy Flisk died in 2016, his death notice described him as “a proud member of the Brotherhood of the Barrel (Moon’s Goons)” and recited a firefighter’s prayer:

“May the roof above us never fall in. And may the friends gathered below it never fall out.”

Liberalism and the Right to Strike

Public Ethics, by Stephen K. McLeod and Attila Tanyi May 12, 2022 (Abridged)

Although trade union membership in the UK went into serious decline in the decades following the Conservative election victory of 1979, [recent years have seen an increase](#). Strikes nowadays are typically lesser in scale and duration than the [big strikes of the twentieth century](#). The law on ballot thresholds under the [Trade Union Act 2016](#) represents a formidable obstacle. Nevertheless, strikes remain common. In the first ten weeks of 2022, [BBC News](#) reported on strikes by [gritters in Carmarthenshire \(GMB\)](#), [stationary manufacturers in Dalkeith \(Unite\)](#), [bin lorry drivers in Coventry \(Unite\)](#), [staff in higher education \(UCU\)](#), [teachers at a private school in Norwich \(NASUWT\)](#), [confectionary makers in York \(GMB\)](#), [workers on the London Underground \(RMT\)](#), and [refuse collectors in Wiltshire \(GMB\)](#). (The European Trade Union Institute [strike map of Europe](#) shows that in the two decades to 2019 strikes generated higher average numbers of lost work days per 1,000 employees in many Mediterranean and Nordic countries than in the UK.)

Within the small body of philosophical work on strikes, to participate in a strike is commonly seen as to refuse to do the job while retaining one’s claim upon it (Locke 1984; Pike 2012; Gourevitch 2016). What is the relationship, though, between liberalism and the right to strike? This is our main question.

Liberalism’s cornerstone is the idea that rights and liberties of individuals are of supreme political importance (Freeman 2011: 19). Rights and liberties, however, are not created equal. The *basic liberties* are those that are so politically important that legal restrictions upon them are unjustified unless to protect other basic liberties within an overall scheme of liberties, such as under a bill of rights (McLeod & Tanyi 2021). The basic liberties are *non-absolute*: a basic liberty may be limited ‘to protect other basic liberties and maintain essential background conditions for their effective exercise’ (Freeman 2011: 19). They are also *inalienable*: a basic liberty may neither be forsaken nor exchanged for another good (Freeman 2011: 19–21).

According to some ‘radical’ critics of liberalism, the effective exercise of the right to strike commonly requires coercive methods, and it can trump the liberal basic liberties (Gourevitch 2016; 2018; Raekstad & Rossi 2021). This view assumes that the right to strike is not a liberal basic liberty: for, if it were, then its effective exercise could (for liberals) justly limit other basic liberties. While the right to strike does not typically feature in liberal lists of the basic liberties, there is little or no work on this issue within avowedly liberal theory. Moreover, liberals of different stripes disagree about which economic liberties qualify as basic (Freeman 2011: 22–30; McLeod & Tanyi 2021). [I]t is not evident that workers must, when they go on strike, *intend* to inflict harm, rather than merely *foreseeing* that they will do so.

Let us approach the relationship between liberalism and the right to strike from two directions. From a negative direction, why might liberalism be considered *inconsistent* with a right to strike? From a positive direction, why might liberalism be thought to *favour*, or to *require*, recognition of such a right?

Here are four reasons (that one of us has encountered while striking) for thinking that liberalism might be inconsistent with the right to strike, and our responses to them.

Reason: Striking is a collective activity; liberalism gives supreme political importance to political rights and liberties of the individual.

Response: It is not a foregone conclusion that the right to strike is a collective right. (MacFarlane 1981 and Pike 2012 think so; Smart 1985 thinks not.) Even if collectivism about the right to strike, or the act of striking, is correct, the view that only individual rights, or actions, are possible is inessential to liberalism.

Reason: Strikes involve intentional harm to third parties that can outweigh the benefits to workers that striking achieves.

Response: If (contrary, we think, to the historical evidence, and to Mill 1871) strikes tended to do more harm than good then they would, from a utilitarian point of view, tend to be morally impermissible. Liberalism, however, obviously need not be of utilitarian stripe. The view that strikes ‘necessarily involve intentional harm’ (Locke 1984: 173; Pike 2012: 250) to third parties is also questionable: it is not evident that workers must, when they go on strike,

intend to inflict harm, rather than merely *foreseeing* that they will do so. Of course, the underlying *doctrine of double effect* here, according to which there is a moral difference between intending and merely foreseeing the bad consequences of an act, can be rejected, and is typically rejected by utilitarians. Still it need not be rejected and, again, liberals need not be utilitarians. Moreover, the view, if intended to apply beyond strikes that threaten life or limb, seems to require a conception of harm as ‘setbacks to interests’ (Feinberg 1987). That conception, while popular among liberals, is not required by liberalism. Liberals can hold that strikes that do not threaten life or limb inconvenience, but need not harm, third parties.

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Reason: Striking involves treating affected third parties as mere means towards the strikers’ ends; this is incompatible with the kind of respect for their autonomy as persons that liberalism would encourage us to extend to them. (The end does not justify the means.)

Response: When life or limb are not at stake, it is difficult to see why the provision of labour as a means to an end (earning a living) would enjoy any moral advantage over the withdrawal of that labour as a means to a similar end (the improvement, maintenance, or protection of terms and conditions of employment). In doing the job one promotes not only one’s own ends but the ends of those that, when exercising one’s labour, one directly or indirectly serves; withdrawal of the labour, however, promotes the workers’ ends but at least inconveniences these others. Unless there is independent reason to think that workers are morally required to promote others’ ends even in the face of threats to workers’ interests, this does not seem to pose a credible threat to the right to strike.

Reason: Strikers breach a contract into which they have freely entered; liberalism takes contractual obligations seriously.

Response: Striking is, or includes, a form of moral protest (Locke 1984; Smart 1985). Acting morally requires balancing moral reasons against each other, and liberalism does not require an absolute prohibition on breaching contracts. The present objection seems to beg the question: what is at stake is exactly whether contracts or the broader legal/regulatory environment in which they are embedded *should* recognize the right to strike. While the appeal to breach of contract directs us to some morally interesting features of strikes, it undermines neither the right to strike nor its liberal credentials. As the great liberal Mill (1871) and the ‘radical’ critic of liberalism Gourevitch (2016) argue, workers’ contracts under capitalism are not fully voluntary, at least not as they would be if selling one’s labour were not, given one’s economic circumstances, a necessary means of attaining a living. When we are working for the money, and not wholly for the love of the job, our contract of employment is, even though not typically *coerced*, not exactly *voluntary* either, but chosen under the force of a social necessity. Moreover, the necessarily incomplete nature of contracts (Gourevitch 2016), the dynamics of the labour market and of the broader economy that change the contract’s real terms, and the vulnerability of workers to the whims of their bosses, undermine the idea that contracts of employment are sacrosanct. When the contract of employment exists under a legal order in which going on strike is within the law, the contract does not usurp that, and it is made with it as a background condition that both parties understand. Moreover, strikes often arise to counteract employers’ attempts unilaterally to change the (real or written) terms and conditions of employment.

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