

# The Boston University Strike of 1979

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(Published as a chapter of the *Encyclopedia of Strikes in America*, ME Sharpe, 2009)

The history of strikes in the United States among tenured and tenure-stream professors at private colleges and universities is exceedingly thin. Faculty unionization in both private and public sector institutions of higher education began only in the late 1960s, and the Supreme Court's *Yeshiva* decision of 1980 effectively put an end to unionization efforts among tenured and tenure-stream professors in the private sector by denying them the protection of the National Labor Relations Act. (Faculty members in public institutions fall under the jurisdiction of state labor relations law and so are not subject to *Yeshiva*). In the decade-long period in which unionization efforts proceeded among tenured and tenure-stream faculty members in the private sector, only one strike took place at a major institution: the Boston University strike of 1979. In addition to being the sole instance of its genus, the BU strike was quite an extraordinary event in two other respects as well. It placed tenured and tenure-stream faculty members in an unusual and ultimately strained alliance with low-paid, largely female librarians and clerical workers, and it involved them in a rancorous public battle with an authoritarian administration, a battle that attracted wide public sympathy from unions, professors, and nonprofessional workers both within and beyond Massachusetts.

On April 5, 1979, the *New York Times* reported that "something like a general strike" had broken out at Boston University. On a campus torn by eight years of controversy and contention, the strike pitted professors, clerical workers, and librarians, each organized by a separate union, against BU's flamboyant right-wing president, John Silber, and his largely hand-picked Board of Trustees. After three weeks on the picket line, the strikers handed Silber one of the few defeats of his long career, each of the unions winning their central demands. The strike and its aftermath, especially by virtue of its connection with the *Yeshiva* decision, had wide significance for the academic labor movement, as well as, more broadly, the organization of work and distribution of power on America's private sector campuses. However, very few, if any, participants in the strike understood this at the time. Silber's polarizing presence at BU in the 1970s had provoked the strike, but it also gave it the apparent character of a highly specific struggle against an especially abusive employer, and so obscured its larger historical significance.

Ironically, Silber's successful bid in 1971 for the presidency of BU had been sponsored by the academic left at that institution. In particular, an influential Marxist member of the search committee, Professor of Physics and Philosophy, Robert Cohen, recruited Silber from the University of Texas at Austin and proved to be an effective advocate of his candidacy. The two men had been graduate students together at Yale University in the 1940s where they were active in progressive politics, though Silber was then a New Deal liberal and Cohen a member of the Communist Party. A native of San Antonio, Silber got

a job teaching philosophy at the University of Texas at Austin in 1955 and became its Dean of Arts and Sciences twelve years later. During his stay at Austin, he became active in the Texas Democratic Party, his reputation as a liberal solidifying when he emerged as an advocate of full racial integration, an opponent of capital punishment, and a member of the Washington committee that created the Head Start Program. As Dean of Arts and Sciences, however, Silber developed a growing antipathy for the New Left as the campus rebellion of the sixties spread to Austin. By 1968, he had come to regard the premier organization of campus radicals, Students for a Democratic Society, as a threat to academic freedom because of its willingness to engage in direct action in an effort to shape administrative policy. He was also appalled when his protégé, Larry Caroline, an African-American assistant professor of philosophy, emerged as a vocal radical and a popular speaker at student rallies. Silber would eventually come to see Caroline, whose contract renewal he vetoed, as an archetypal example of the enemy: a left-wing academic of purportedly slight achievement who curried favor with students by telling outrageous lies at mass rallies, in the process getting his name in the papers.

Apparently neither Cohen nor the other radical faculty members and students who had managed to get on the BU search committee were aware of Silber's shift to the right. Against the background of the recent national student strike in response to the Kent State killings, Silber was invited to BU for a series of interviews, where he quickly gained the support of the left. In a typically self-congratulatory article appearing nearly 30 years later in the neo-conservative magazine, *The New Criterion*, Silber boasted that his knowledge of "Marxist argot" had been mistaken by the radicals on the committee for political advocacy. As "ideologues," so Silber claimed, the Marxists and other leftists were incapable of "listening carefully," expecting him to create a "People's Republic of BU" as president. According to his account, the only member of the search committee able to decipher the latent meaning behind the manifest text of his interview remarks was the wealthy cold-warrior and member of the BU Board of Trustees, Arthur Metcalf, who had been sent by the Board to make sure that Silber was not a communist. Over the next several years, Metcalf was to become Silber's most stalwart supporter, the chairman of his Board of Trustees, and promoter of the stock and real estate deals that were to make Silber a multimillionaire.

Silber had good reason to keep his cards close to his chest when interviewed by the search committee. In retrospect it seems obvious that he came to the BU presidency in 1971 with at least the germ of an agenda involving five principal elements. He planned to 1) purge the campus of its student and faculty left as well as principled moderate opposition, 2) expand administrative power while centralizing it in his own hands, 3) create a privileged layer of "star" faculty cloistered in the elite "University Professors Program," 4) turn BU into an expanding corporate enterprise, and 5) enrich himself and some of his friends in the process. By the time he was finally forced out of BU by a new Board of Trustees in 2003, Silber had accomplished each of these purposes.

In the first year of his appointment, Silber initiated his attack against the campus left. He baited anti-war students by inviting military recruiters back onto campus after an absence of several years. When students tried to block the entrances to recruitment areas with

nonviolent sit-ins, he called in the Boston police. By most accounts, the police used excessive force in clearing the entrances, beating students before arresting them. BU's new president saw this as a "civilizing" use of force on behalf of the right to free expression of the US military, and praised the police accordingly.

Within a couple of years, Silber's relations with many faculty members had also soured, and not only those on the left. There was widespread dissatisfaction with his penchant for pressuring departments to hire his friends at inflated salaries at a time when the average pay for a BU professor was well below the national average. In the fall semester of 1973, Professor of General Education, Richard Newman resigned his faculty appointment in protest over the practice, complaining in addition that any disagreement with the president resulted in placement on his "enemies list." Silber also made a habit of vetoing departmental recommendations for tenure, especially when candidates were guilty of holding left-wing political beliefs. In 1976, the fifth year of his reign, a faculty assembly meeting voted 377 to 117 to demand Silber's resignation. At the same time, eight members of the Board of Trustees called on him to leave BU. He survived the faculty vote of no confidence, and within four years had managed to purge the Board of his opponents. When trustees Peter Fuller and James Pappas resigned in 1980, they criticized the president for his inability to tolerate dissent and expressed regret that the Board had become a rubber stamp for his policies. By this time, there had been a palpable erosion of customary academic free speech protections. In 1979, the Massachusetts branch of the American Civil Liberties Union accused the Silber administration of violating academic freedom as well as fundamental civil liberties, remarking that it had never received such a large and sustained body of complaints about a single institution as in the case of BU under Silber.

Silber's survival of the faculty vote of no confidence and his purge of the Board of Trustees enabled him to consolidate the autocratic power that was to become his trademark. By the second half of the 70s, he was ruling BU as a kind absolute monarch, a chief executive officer without constitutional checks or balances. It is true that he was able to establish a small though powerful base of support outside of the administrative apparatus. In particular, his creation of the prestigious and high-paying University Professors Program provided him with some allies among the most elite layer of the faculty (Nobel Prize winner, Elie Weisel was perhaps the jewel in that crown). More importantly, though, Silber used his inordinate power to transform BU profoundly, a transformation that was economic as well as academic in character.

A combination of steep increases in student tuition, low faculty and staff salaries, and a quarter of billion dollars in borrowing gave Silber considerable operating capital, much of which he invested in real estate deals, high tech ventures, and new campus construction, including the 100 million dollar Science Center, named for Arthur Metcalf and containing a huge marble plaque with an inscription praising Silber. Hardly a major deal was made that did not profit either Silber himself or members of his reconstituted Board of Trustees. In one notorious example, in 1987 Silber convinced the Board to invest \$50 million of the University's money in Seragen, a start-up bio-tech company. It did not require much persuasion for Silber to carry the day since ten members of the Board had hundreds of thousands of dollars of their own money invested in the company.

Two years later, the risky venture had become a continuing drain on University funds; Silber was then spending \$16 million a years in borrowed funds to keep the company afloat, which, of course, protected the Trustees' private investment. Perhaps that was an expression of gratitude for past acts of kindness. Silber lived rent-free in the University's presidential mansion in Brookline. But in 1981, the Board sold Silber a three-story town house for \$139,000, far below market value, lending him the money to pay for it without interest. Nine years later, the town house was worth \$441,000. Silber had also acquired stock in Arthur Metcalf's company, Electronics Corporation of America, which he sold in 1986 for \$2 million. When he retired from the BU Presidency in 2000 (he remained at BU as Chancellor for the next three years), Silber was receiving an annual salary of more than \$800,000, the highest pay of any university president in the United States at the time.

The motives for faculty unionization at Boston University in the 1970s ought to be obvious by now. There were few institutions at the time where presidents ran roughshod so blatantly over rights of faculty governance, where low pay for professors contrasted so obviously with the use of University resources to enrich president and trustees, where an administration so openly employed political criteria in vetoing recommendations for tenure, and where rights of free expression were guaranteed to military recruiters through the "civilizing" use of force, while the ACLU received a historically unprecedented volume of complaints from faculty, students, and staff about the violation of their civil liberties. In addition, all of this had occurred in the liberal city of Boston, following a decade of campus radicalization, and compressed into a period of eight years identified with the ascension to power of a single individual. For all of these reasons, BU was especially well poised in the 1970s to participate in the new wave of faculty unionization that had begun to develop on America's universities and four-year colleges.

That development was stimulated primarily by two historical trends intersecting in the 1960s: an increasing militancy among public school teachers, expressed especially, though, not exclusively, in rising levels of strike activity, and the development of a radical student movement on college and university campuses. The story of unionization among K through 12 public school teachers is far older than that among higher ed faculty, extending all the way back to the early years of the twentieth century. Still, the decisive breakthrough in teacher unionization did not occur until the 1960s, when rising teacher demands for better pay, job protection, and greater autonomy in the workplace compelled the American Federation of Teachers, already an affiliate of the AFL-CIO, to drop its opposition to strike activity, and the National Education Association to abandon its narrow anti-union professionalism and embrace the practice of collective bargaining. At the same time, emergence of Students for a Democratic Society as the largest and most important radical organization of the post-war period, as well as the development of a broad-based movement against the Vietnam War on college and university campuses, helped politicize a segment of existing higher ed faculty, and, even more importantly, of graduate students who would soon begin the long march to tenure. These twin strains of public school teacher activism and college and university student militancy comprised the joint context in which activists among the higher ed faculty began to pursue the methods and spirit of militant union struggle. Initially this occurred on a grassroots level, but

activism at the base eventually forced the national teacher federations, the AFT and NEA, to take notice. In 1967, the first professors' union was recognized as a collective bargaining agent at a bachelor degree-granting institution, the AFT local at Southern Massachusetts University (now UMass Dartmouth). The following year, the NEA followed suit by forming a combined local with the AFT at the City University of New York. By 1975, more than 71 four-year colleges and universities, public and private, had unionized faculties, while more than 240 two-year institutions were also engaged in collective bargaining. Around 80,000 faculty members were unionized at that time, representing 15 percent of the American professoriate.

By the 1970s, the American Association of University Professors was swept into this new unionization maelstrom. The AAUP had been created in 1915 at a meeting called by the philosophers John Dewey and Arthur O. Lovejoy in response to the increasing incidence of repression of controversial beliefs, especially anti-war and socialist opinions, on college and university campuses. The purpose of the meeting was to establish an organization that would work to protect academic freedom in the increasingly intolerant climate that marked America's involvement in the First World War, especially by establishing institutional procedures and standards that would prevent professors from being dismissed or otherwise punished for expressing beliefs contrary to those of the administrators at their institutions. In the ensuing decades, the AAUP became the foremost American organization devoted to protecting academic freedom and to establishing tenure as the primary institutional instrument of such protection. By securing the eventual collaboration of the Association of American Colleges, the AAUP managed to "write the book" on tenure, as its leaders like to say, in the process shaping higher ed policy throughout the United States,

In 1967, the national AAUP was handed a *fait accompli* when its chapter at the two-year institution, Belleville Area College in southern Illinois, announced that it had won collective bargaining rights with its employer. This victory was followed over the next five years by similarly successful unionization drives by AAUP chapters at Adelphi University and Bard College in New York, Ashland College in Ohio, Bloomfield College in New Jersey, and the University of Bridgeport in Connecticut. In 1973, after a rancorous debate that deeply split the national organization, the AAUP finally gave formal approval to its chapters to act as labor unions with its Statement on Collective Bargaining.

Earlier efforts to unionize K through 12 public school teachers had also been marked by sometimes rancorous battles between labor movement advocates and those who feared that unionization would mean a loss of professional status. However consciousness of status and anxiety about its possible loss were even more pronounced among college and university professors, sometimes amounting to a downright horror of proletarianization. As a result of its decision to permit collective bargaining among its chapters, many old-guard members of the AAUP allowed their memberships to lapse. Combined with inroads made by the AFT and NEA on campuses formerly dominated by the AAUP, the loss of the disaffected stratum of the old guard has left the current AAUP with only half the number of members that it boasted prior to its 1973 decision.

The AAUP Chapter at Boston University was one of the first to pursue collective bargaining, winning a representation election supervised by the National Labor Relations Board in May, 1975. The Silber administration, however, refused to accept the election results. Instead it hired, and ultimately paid more than \$1 million to, the notorious anti-union firm, Modern Management Methods, which proceeded to conduct nearly three years of legal challenges to the union's election victory. In April 1978, the First Circuit Court of Appeals of the United States finally ordered BU to begin negotiations with the union. Silber and the trustees filed an appeal with the U.S. Supreme Court, though, under the Circuit Court order, they were forced to start contract talks while the appeal was pending.

The leadership of the BU chapter began to prepare the faculty for the possibility of a strike at a series of membership meetings. Though there was, of course, opposition to a strike among a number of faculty members, a history of humiliating treatment at the hands of Silber made majority agreement on a militant strategy an easier achievement than it might have otherwise been. In early March 1979, the union membership voted to strike for two days – on March 21 and 22 – unless substantial progress was made at the negotiating table. On the morning of March 21, the membership voted at a general meeting to call off the strike when the union's negotiating team reported bargaining progress, though they also voted to begin an indefinite strike on April 4, unless the negotiating team was able to reach agreement with Silber and the trustees on a proposal that could be presented to the membership for a ratification vote before that date.

On March 31, the negotiating teams for the Board of Trustees and the faculty union reached agreement on a three-year contract proposal that included a 32.4% salary increase, tenure protection and faculty governance rights that were essentially in line with national AAUP standards, and an expiration date for the contract that would have left the faculty with the leverage involved in threatening a future strike at the beginning of the academic year. According to their arrangement, each of the teams would immediately report the terms of the proposal to its constituents for a maximum 72-hour period of deliberation, after which the trustees and the faculty would cast up-or-down votes on ratification. It was obvious that the failure of either side to endorse the proposal would result in an immediate strike. At the conclusion of the final negotiating session, Silber and the union negotiators took part in a public handshaking ceremony, the BU President assuring the members of the union team that the agreement would receive his full support.

At a union membership meeting on April 2, the faculty ratified the contract by a 252-to-17 vote. The same night, Silber hosted a dinner for the more prominent members of the Board of Trustees at Boston's elite Algonquin Club. When the Board met the following day, Silber excused himself from the discussion of the contract proposal and the ensuing vote so that, according to him, he would not exercise undue influence on the Board's decision. It was apparent to everyone, though, that the decision had already been made behind the closed doors of the Algonquin Club the previous evening. When the Board concluded its deliberations, it had neither approved nor rejected the contract. Instead it

asked for a series of “clarifications,” which, of course, both reneged on the promise to conduct an up-or-down vote, and represented an attempt to renegotiate key contractual provisions. Two of these were central to the agreement the negotiating teams had reached. First, the Board wanted the expiration date of the contract changed from the beginning of the academic year to its end, thereby leaving the faculty with the weapon of threatening a strike next time around when the campus was empty. Second, the Board wanted committee work to stop counting toward faculty members’ service requirement. Committee work is a traditional aspect of faculty governance, but Silber had been arguing for quite some time that governance rights were incompatible with unionization. In essence, the Board’s objection to the proposed contract language amounted to a refusal to recognize that governance was part of the job description of BU professors. Presumably “service” would henceforth involve subcontracting faculty labor for assembly work to Hong Kong toy manufacturers.

In any event, the Board’s request for “clarifications” was met with outrage by the union’s executive board. On the evening of April 3, Silber was lecturing at BU’s law school. He was defending a Hobbesian conception of power as the authority possessed by a sovereign to force his subjects to conform their wills to his, provided that he gave them his “protection.” The AAUP executive board sent its secretary, sociology professor, George Psathas, to the lecture. Psathas interrupted the question and answer period to announce that the union would begin its strike on the morning of April 5.

Silber and the Board made a fateful error when they reneged on their agreement. The vast majority of BU’s faculty shared the outrage expressed by the AAUP executive board. Many of the professors who had been sitting on the fence up to this point now jumped decisively in the union’s direction. On the morning of April 5, picket lines formed throughout the university. At the end of the day, and by the university’s own estimation, nearly 100% of the faculty in the College of Liberal Arts failed to meet their classes, though the majority of professors continued to teach in the Law School as well as the College of Engineering, a pattern that would continue throughout the strike. According to random sampling by the student newspaper, *The Daily Free Press*, a majority of undergraduates supported the strike, though most did so passively, simply deciding to observe picket lines, while a substantial minority of students also indicated their intent to cross them. Graduate teaching fellows, however, were far more enthusiastic in their support of the strike, the most active among them forming the Graduate Employees Organizing Committee (GEOC) which both coordinated grad student participation on the picket lines, and explored the possibility of a unionization drive among their own ranks. The leadership of GEOC included some of the most seasoned militants involved in the strike, including the former director of the Arkansas Project of the famous civil rights organization, the Student Nonviolent Coordinating Committee (SNCC), an organizer with the New York based hospital workers union, Local 1199, the chairman of the Communist Party of Massachusetts, and several veterans of Third World liberation struggles.

There is no doubt, however, that the development that most firmly strengthened the position of the faculty union in the strike was the decision of the clerical workers and the

librarians to join it. The AAUP's victory in the NLRB-sponsored representation election of 1975 created momentum for unionization drives among secretaries and librarians at BU. A group of clerical workers formed BUSOC (Boston University Staff Organizing Committee), started publishing a newsletter named "Coffee Break," and began attending meetings involving clerical workers at Harvard and MIT as well as organizers from District 65, Distribution Workers of America. District 65, a New York City based warehouse workers union, had a radical grassroots tradition which managed to survive the repression of the McCarthy years. It was also known for the especially comprehensive health plan it offered its members. The health plan though was very costly to District 65, and would eventually drive it, first into a merger with the United Auto Workers, and then into dissolution into the larger union. In part in order to improve its economic condition, District 65 had decided in the mid-1970s to expand its organizing operations, and began to explore unionization drives among clerical workers in the Boston area. In a separate development, in 1973 a group of feminist office workers in Boston had launched the national organization 9 to 5, devoted to raising awareness about the exploitation of low-wage workers in traditionally female jobs. Two years later, 9 to 5 joined with the Service Employees International Union to form the labor union, Local 925, with the purpose of unionizing "women's work." Though they were independent, and to some extent rival unions, District 65 and Local 925 had a generally cooperative relationship. At BU, BUSOC decided to affiliate with District 65 in a drive to unionize the roughly 800-member clerical staff, while an organizing committee that had formed among the 25 librarians decided to affiliate with Local 925. By 1979, each union had won NLRB-sponsored representation elections, though the BU administration refused to negotiate with them, challenging the election results in the courts instead. When the faculty walked off the job on April 5, the clerical workers and librarians voted overwhelmingly to join them both as an act of support and an independent demand for recognition.

It was not clear at that point, however, whether the bond of support would prove reciprocal should the AAUP settle with the university in advance of District 65 and Local 925. History Professor, Fritz Ringer, the president of the AAUP chapter, had indicated in statements to the press that the faculty might refuse to return to work unless the administration met the demands of all three unions. But Ringer, of course, could not decide that unilaterally. There would have to be a discussion among the AAUP executive board and then a vote by the membership. The clerical workers and the librarians were clearly worried that they might be abandoned by the professors. That worry is understandable when we consider the fact that there was not only a status distinction, but also a genuine class divide, especially between professors and secretaries. Not only were there large disparities in salaries between the two groups of employees, but the faculty played an executive and supervisory role with respect to the department secretaries. Governance might involve a kind of democratic self-management on the part of tenured academics, but every faculty decision to propose a Dean or recommend a new hire took the form of an order to the clerical staff to retrieve the appropriate forms, type-up the relevant documents, carry them over to the administrative building, and so on. From the ground-level vantage-point of the department secretaries, the professors were their bosses, or at least their managers, and now they were in a labor alliance with them.



After one week, Silber and the trustees recognized the obvious fact they had been defeated by the faculty, and they agreed to accept the contract as originally negotiated. They did, however, insist on one “clarification,” namely that the provision in the contract against sympathy strikes would bring the faculty back to work even though the demands of the clerical workers and librarians had not been met. The AAUP leadership was in a quandary. It could try to convince the membership to continue to strike in support of District 65 and Local 925. The plain truth was, however, that, once the administration had met their demands, there was little enthusiasm for a continuation of the strike among the faculty rank-and-file. And, in any event, the executive committee was split over continuing the strike, with an influential member, the Marxist philosopher, Marx Wartofsky, urging an immediate return to work. The leadership could simply declare the strike at an end and urge its members to return to their jobs. But that would have involved an outright abandonment of their allies. In the end, the union leadership recommended ratification of the contract, but most argued that the provision against sympathy strikes did not prevent individual members, as a matter of conscience, from refusing to cross clerical and librarian picket lines. In the end, all but a handful of professors returned to work. Fritz Ringer and some other members of the executive board continued to refuse to meet classes. Two famous left-wing faculty activists, Howard Zinn and Francis Fox Piven, offered a compromise proposal that they felt would appeal to moderates as well as radicals, in which faculty members would be able to meet their students off campus. Some professors tried that option, but alternative meeting places were so badly organized that the tactic collapsed. When all was said and done, the membership of District 65 and Local 925 were angry with the AAUP for endorsing the contract; they at least understood that the endorsement meant the effective end of the faculty strike.

Still, there was no way that the university could finish out the semester without the clerical workers. District 65 and Local 925 held fast. Silber sent the unions a series of behind-the-scenes messages. Ultimately he promised to recognize the two unions if they would agree to call off their strike, provided that the unions promised not to make public the fact that Silber had made the offer. On the recommendation of their leadership, the members of the two unions accepted Silber’s terms. They agreed to return to work with the proviso that they would strike again in two days if Silber reneged on his agreement. But BU’s absolute sovereign understood enough about the realities of power to make good on his promise. In the end, the faculty won its contracts, and the clerical workers and librarians won recognition for their unions.

Silber had never abandoned his Supreme Court challenge to the AAUP representation election results, even though he was forced to negotiate a contract. The year following the strike, the Supreme Court rendered its decision in the case of *NLRB vs. Yeshiva University*. It agreed with the administration at Yeshiva and their amicus supporters that faculty members enjoying governance rights at private institutions have managerial authority, and so are not eligible to form unions under the National Labor Relations Act. With the Yeshiva decision, Silber no longer had any need to pursue a separate Supreme Court challenge. BU observed the negotiated contract until its expiration in 1982, and then forced decertification of the faculty union. Though Silber moved to fire Ringer, Zinn, and three others for refusing to cross District 65 and Local 925 picket lines, a

national campaign in support of the “BU 5,” organized by Nobel Laureate, George Wald, forced him to give up the effort.

If it had not been for Silber’s ruthlessness, his unbridled arrogance, and his abusive treatment of all he deemed beneath him, it is highly doubtful that there would have been a faculty strike at BU. But what was at stake in the strike was far more significant than the bullying of a single tyrant. The campus radicalization of the 60s and early 70s was followed by a period of reaction in which administrators moved to regain lost ground, in the process bringing their institutions into closer accord with the interests of the corporate sector. Silber’s countenance was simply one outrageous mask worn by college and university administrators in general and their corporate-dominated boards of trustees. It was the face behind the mask that ultimately transformed the victory of the BU faculty in the strike of 1979 into a Pyrrhic one.