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ON RACE, TEACHER ACTIVISM, AND THE RIGHT TO WORK: HISTORICIZING THE “RED FOR ED” MOVEMENT IN THE AMERICAN SOUTH

Jon N. Hale

I. INTRODUCTION

The wave of teacher strikes in 2018 captured the attention of the nation, but they were nothing new in the field of education. Teachers have employed the means of walking out and going on strike since the turn of the twentieth century, connecting educators to the work and protests common to the labor movement. The teacher strikes that precipitated the founding of teacher unions over 100 years ago occurred in industrialized northern cities including Chicago, Detroit, New York, Philadelphia, Minneapolis, and Toledo. However, the geopolitical

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1 University of South Carolina (The author would like to thank Joshua Weishart and the students of the West Virginia University College of Law for organizing the symposium on Pauley v. Kelly and Derek Black for coordinating an invitation to attend.)

1 See Marjorie Murphy, Blackboard Unions: The AFT and the NEA, 1900–1980, at 61 (1990); Jonna Perrillo, Uncivil Rights: Teachers, Unions, and Race in the Battle for School Equity 3 (2012). Teacher unions also engaged with the most direct and radical forms of Communist protest of the 1930s. David Tyack et al., Public Schools in Hard Times: The
sites of teacher strikes in 2018 are significant. The nearly 400,000 teachers that went on strike or walked out of their jobs as part of carefully coordinated statewide movements in “red” or “purple” states. Defined by right-to-work legislation, budget-cutting austerity measures taken by conservative legislatures, and a privatization movement marked by charter school expansion, the states where teachers organized walkouts and strikes—West Virginia, Arizona, Oklahoma, and North Carolina, among others—have a deeper history of African American teacher activism. Largely divorced from contemporary analysis of the “Red for Ed” phenomenon, the history of southern teacher activism in the context of right-to-work legislation points to a historical continuum where the 2018 teacher strikes are the most recent manifestation of a long history of educational resistance.

A historical intersection of race, teaching, and activism deepens our understanding of modern teacher strikes in the conservative South and Sunbelt. Labor historian Nelson Lichtenstein insightfully claimed that “public-school teachers are the working-class vanguard . . . where the meaning of a new American social democracy is being forged.” Yet the vanguard of organized teachers is not new. The movement among teachers during the Trump presidency is built upon the history of black teacher associations and the embattled struggle for quality public education. This history reveals that the professional organization of educators’ labor constitutes a unique, though overlooked, aspect of labor and civil rights history as it provides a framework to situate a movement that has at times been framed outside the grasp of American history.

The same movement that promises to forge a new American social democracy is built upon the labor, struggle, and protest of black southern teachers who defended a right to an education during the nadir of racialized politics during the era of segregation. Although teacher unions and associations have been the subject of historical analysis, the work of southern black educators


in the American South is often distorted through the lens of urban, northern, and largely white spaces. As historians who have examined teacher strikes have noted, local teacher unions and associations in Chicago, Detroit, New York, Philadelphia, Pittsburgh, Minneapolis, Toledo, and other locations established the foundations of the National Education Association ("NEA") and American Federation of Teachers ("AFT"), and the labor unrest that birthed such organizations has received extensive examination. Though some scholarship has examined the history of southern teacher associations, a predominant emphasis on the NEA, the AFT, and their local affiliates privileges a northern and urban perspective that marginalizes the work of southern educators and dismisses the American South and Sunbelt as regions capable of serious political organizing among teachers.

Historically, southern teachers did not organize unions; they opted instead for professional education associations. Southern educators, black and white, aligned their organizations with the NEA. Founded in 1857, the NEA identified as a professional association and maintained a clear distance from rank-and-file labor unions. Indeed, the NEA adopted an anti-union stance for much of its history until the 1960s. The NEA historically advocated for centralization of school decision-making authority, a more efficient bureaucracy, and increased professionalization that was often measured by credentialing. Calls for higher salaries were couched in rhetoric around professionalization, not unionization, and were most often led by administrative professionals, not rank-and-file teachers. The AFT, on the other hand, sprang from teacher unionists in Chicago who challenged the NEA's commitment to professionalization over issues that union-influenced teachers championed, such as teacher salaries, pay raises, increased school funding, and better working conditions.

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4 See Murphy, supra note 1, at 3–4, 81–84; Perrillo, supra note 1, at 3. For a discussion on the rise of teacher unions in the public sector, see generally Nelson Lichtenstein, State of the Union: A Century of American Labor (2002); Joseph A. McCartin, Turnabout Years: Public Sector Unionism and the Fiscal Crisis, in Rightward Bound: Making America Conservative in the 1970s, at 210, 210–26 (Bruce J. Schulman & Julian E. Zelizer eds., 2008) [hereinafter McCartin, Turnabout Years].


6 Id. at 127.

7 Id. at 1.

8 See generally Urban, Teacher Activism, supra note 1, at 199–200.


10 Murphy, supra note 1, at 61–87, 103; Urban, Teacher Activism, supra note 1, at 194–97.
teacher associations affiliated nearly exclusively with the more conservative NEA and similarly pushed for professionalization at the expense of more aggressive strategies for increased salaries and improved working conditions advanced by the AFT. Southern educators thus distinguished themselves as members of a professional middle class that was distinct from their blue-collar counterparts who organized industrial unions.

This history elucidates how race was operationalized through the organization of professional labor in a region that held deep disdain for any form of labor organization, particularly after the Second World War. Black teacher associations tilled the soil for larger movements. They adopted and shaped a national civil rights agenda, unlike their counterparts in industries across the nation. Segregated from northern and white southern associations, and discouraged from unionization in general, black southern teachers generated a viable means for black professionals to organize, contest segregation, and adopt a civil rights agenda. Race functioned to divide the organization of all teachers, but at the same time, it created a professional space for black teachers to organize autonomously for issues of civil rights that coalesced around an agenda for equal education. Black teacher associations employed the same strategies of their northern counterparts who focused on professionalization and the professional development of teachers. But black southern teachers, paired with the National Association for the Advancement of Colored People (“NAACP”), adopted legal strategies to achieve economic justice through the equalization suits of the 1940s and organized to protect their right to work during the desegregation of the 1970s. In so doing, black educators situated their work in a context of civil rights largely devoid in the work of white and northern teacher associations. As such, black teachers’ associations prioritized a civil rights agenda that constituted a broad democratic social vision in ways that the AFT and its parent association, the American Federation of Labor (“AFL”), did not.

11 See Urban, Teacher Activism, supra note 1, at 194.
13 See generally The Lost Education of Horace Tate, supra note 12; Vanessa Siddle Walker, Their Highest Potential: An African American School Community in the Segregated South (1996) [hereinafter Their Highest Potential].
14 For a discussion on the professionalization and professional development of teachers during the civil rights era in a northern context, see D’Amico, Teachers’ Rights, supra note 9, at 546–54.
The politics of black teachers also brings into focus the role of conservative right-to-work legislation. With the support of state legislators, white educators articulated a right-to-work ideology and supporting legislation to counter the civil rights claims advanced by black teachers.\textsuperscript{16} Whites drew upon the logic inherent to the Taft-Hartley Act in 1947, which predetermined that southern teaching associations would not be unionized during the era of desegregation. The Act banned the closed shop, a binding agreement that mandated union membership as a precondition for employment.\textsuperscript{17} It barred the use of secondary boycotts, which precluded sympathetic unions from striking on behalf of southern workers interested in organizing a union.\textsuperscript{18} Taft-Hartley had its biggest impact in the South, where state legislators used “states’ rights” rhetoric to mobilize anti-union sentiment to legislate restrictions on unions.\textsuperscript{19} Section 14(b) of the Act also permitted states to pass right-to-work legislation that placed further prohibitions on union organization, including a ban on union shop arrangements in order to “protect” employees from having to join a union after securing employment.\textsuperscript{20} The Act’s prohibitive measures all but ensured that southern teacher associations would not unionize much like the private corporate and trade sectors that the legislation targeted. Yet the public sector at the national level experienced precipitous growth in union density that included the meteoric rise of teacher unions in large northern cities during the 1960s.\textsuperscript{21} It was clear to right-to-work advocates that collective bargaining in the public sector was


\textsuperscript{17} \textit{Id.} at 90.


\textsuperscript{19} \textit{Id.; Friedman, supra} note 16, at 91.


presenting a clear and present danger to their right to work in desegregated southern schools without union interference.

Right-to-work legislation and segregationists who oversaw the desegregation of schools stultified the civil rights agenda, reducing both the ideological and physical presence of black teachers. The visible results of this may be a largely white and conservative profession antagonistic to teacher organization and strikes. This prevailing interpretation explains ascribed surprise, if not alarm, about the “Red for Ed” movement that has garnered the attention of even the most conservative state legislatures. Yet it erases the inherently political and racialized history of teacher organization in the South and Sunbelt.

This Article examines the “Red for Ed” movement through this historical lens to challenge how we see and define the movement for educational justice today. Section I explores how black southern educators organized to protect the right to an education by embracing and shaping a larger civil rights agenda. Section II examines the aftermath of *Brown v. Board of Education* and the decision’s effect on teacher organizations. Section III details the right to work and its evolution during and after desegregation. This Article concludes that, as much as the modern movement challenges the sensibilities of right-to-work legislation, the teachers behind “Red for Ed” continue the long struggle for equity carried forth by teachers of color that have since been displaced. Though overlooked, the origins of southern teacher activism in the Civil Rights Movement provide integral historical context to organization of teachers today.

II. THE ORGANIZATION OF BLACK SOUTHERN TEACHERS AS A CIVIL RIGHTS INITIATIVE

Black teacher associations originated during the aftermath of Reconstruction and the development of public education in the American South. In this historic struggle for freedom, newly elected black politicians created a system of education that actualized the aspirations of enslaved communities in the South who equated education and literacy with freedom and citizenship. Schools for formerly enslaved African Americans proliferated across the South and the former Confederate states re-entered the Union with a legislative and financial commitment to construct the region’s first comprehensive public-school system. However, southern legislatures maintained public schools with exacting and discriminatory institutional policies, and the onus to protect the right to an


education, as well as a right to teach in the schools, fell squarely upon the shoulders of the black community, namely black teachers.24

Black educators met this responsibility through professional organization. Educators formally organized at a national level to protect the right to an education through professionalization, which was embodied in the establishment of the National Teachers Association, the organizational predecessor to the NEA, in 1857 in Philadelphia.25 They called for a national and professional association “to promote the educational welfare of our country . . . to advance the dignity, respectability, and usefulness of their calling.”26 The original objectives, in short, were professional in nature, yet race figured prominently in the governance and makeup of the new association. Except for one charter member who was a person of color, Robert Campbell, the organization was exclusively white, and the governing board was predominantly drawn from the Northeast and the Midwest despite an invitation to all “practical teachers in the North, the South, the East, and the West.”27 Moreover, the national


association supported segregation by permitting dual associations divided by race to affiliate at the national level.\textsuperscript{28}

Excluded from the white teachers’ associations, black teachers were left to organize alternative organizations. Black educators in Kentucky were the first to organize a teachers association in 1877.\textsuperscript{29} Educators organized the North Carolina Teachers Association in 1881\textsuperscript{30} and their counterparts in Alabama soon followed in 1882.\textsuperscript{31} Teachers formed the Virginia Teachers Association in 1887.\textsuperscript{32} The first attempts to organize teachers in Mississippi can be traced back to 1893, which resulted in the Mississippi Teachers Association.\textsuperscript{33} In South Carolina, the formal organization of black educators, the Palmetto Education Association, dates back to 1900.\textsuperscript{34} In a similar pattern to the development of the Northern and largely white teacher associations, African Americans organized an alternative national association to coordinate statewide efforts, and educators across the South founded the National Association of Teachers in Colored Schools (NATCS) in 1904.\textsuperscript{35} The early objectives of the teachers’ associations included the general promotion of black education as part of their work to secure the best possible education in a segregated context.\textsuperscript{36} As stated in the constitution of the NATCS, the “objects, aims, and purposes [of the association] shall be to assist in raising the standard and promoting the interests of the teaching

\textsuperscript{28} As indicated by the case of Robert Campbell, individual black educators could attend or join NEA since its inception, but the NEA professionally affiliated with the southern white teacher associations, effectively barring the affiliation of black associations. In 1926, the NEA established the Committee on Educational Problems in Colored Schools. \textit{The NEA and the American Teachers Association}, in NEA Records, Box 1274, Folder 15, Special Collections Research Center, The George Washington University Repository, Washington, D.C. Two years later, it became a joint committee with the ATA. \textit{Id.} From the NEA’s perspective, the committee was invaluable in opening “the door of communication for professional educators of the majority and minority races.” \textit{Id.}

\textsuperscript{29} ADAM FAIRCLOUGH, \textit{A CLASS OF THEIR OWN: BLACK TEACHERS IN THE SEGREGATED SOUTH} 311 (2007) [hereinafter \textit{A CLASS OF THEIR OWN}].


\textsuperscript{34} A CLASS OF THEIR OWN, supra note 29, at 311–14; JOHN F. POTT, SR., \textit{A HISTORY OF THE PALMETTO EDUCATION ASSOCIATION} 33 (1978).

\textsuperscript{35} A CLASS OF THEIR OWN, supra note 29.

\textsuperscript{36} \textit{See Proposed Constitution for the Alabama State Teachers Association}, in ASTA Records, Box 13, Folder 31, Alabama State University Archival Collection, Montgomery, AL.
profession, and in advancing the cause of education.” In Mississippi, the constitution for the state teacher association called upon educators to “elevate the standard of teaching . . . increase efficiency, encourage professional advancement, and promote the educational welfare” of students in Mississippi. South Carolina educators issued a similar call that included objectives to “promote public interest in the cause of education,” and “[t]o elevate the standards of the teaching profession and improve the Negro race educationally.”

Within the larger context of Jim Crow and the strict racial segregation of the American South, defending the right to an education and making professional demands to improve the profession of teachers was in and of itself an act of civil rights. The ongoing battle over the curriculum illustrates how organizing for higher professional standards in the context of Jim Crow intersected with a larger civil rights agenda. Determining the curriculum of black schools was a politically potent weapon in the fight to combat segregation, particularly as many of Jim Crow’s harmful effects were perpetuated through stereotypes, misinformation and a complete dismissal of black history and culture in public schools. Southern teacher associations combatted this curricular exclusion directly. The teachers association in North Carolina formally opposed the use of textbooks written from a pro-Confederacy vantage point. Other black teacher associations actively sought to incorporate the achievement of black history and culture into the curriculum by emulating the work of Carter G. Woodson and integrating into the curriculum the literature published through his organization, the Association

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37 Diana D’Amico, Teachers’ Rights; Constitution and By-Laws, The National Association of Teachers in Colored Schools (June–July 1929), in NEA Records, Box 3044, Folder 10, Special Collections Research Center, The George Washington University Repository, Washington, D.C. The NEA went through organizational battles from 1895 to 1923 and identified as a professional association distinct from a union. The NEA sought to raise salaries and organize local branches into a federation within the NEA, a claim that at times advocated for a greater teacher voice, though it still largely focused on professionalization. Urban, Teacher Activism, supra note 1, at 194–95. This is also reflected in white teacher organizations of New York and the quest for professional rights in the 1930s, particularly in the context of attempting to improve education. See PERILLO, supra note 1, at 31–37. Though different in their relation to social issues, the Teachers Guild and the Teachers Union demanded a change in rights. See id.


39 Potts, supra note 34, at 44.

40 A CLASS OF THEIR OWN, supra note 29, at 311–12.

41 Id.

42 Id.
for the Study of Negro Life and History. A Findings Committee of NATCS released a report in 1925, in which they wrote: "We earnestly recommend the increased study of Negro History in our schools." The teachers association in North Carolina wrote in 1928 to the state department of education "to call again to your attention the rather general desire among the Negro school people of the state that there shall be courses in Negro Life and History." Other Southern states followed a similar pattern. "If the South wishes to avoid amalgamation of the races, to maintain separate races, it can profitably stock the shelves of its public schools with books designed to bring respect to the Negro," the Mississippi Educational Advance published in 1940, "the wealth of contributions from individuals makes rich the society which is democratic." W.A. Walters, faculty in the Department of Social Sciences at Rust College in Mississippi, wrote to his peers, "we educators should start a campaign to have ... a course in Negro History as a partial requirement for graduation." Discourse at the state and local level prompted discussion at a national level in regard to the civil rights of black teachers and their students. The NEA and the American Teachers Association (ATA), formerly the NATCS, engaged in affiliations since 1926 and formed various joint committees to work collaboratively to meet certain goals that defined a progressive outlook for Southern teacher associations. The collaboration called for adequate and accurate treatment of minorities in textbooks, better use of minority staff and personnel, and federal aid that ensured equitable support for students in racially separate schools.

When black teacher organizations sought legal means for economic parity during the Second World War and the postwar period, they directly connected to a larger civil rights agenda. Southern teacher associations buttressed the growing Civil Rights Movement, and they ushered in a new form of teacher activism by joining the NAACP's salary equalization campaign in the

44 PERRY, supra note 31, at 199.
45 Id.
The movement toward salary equalization influenced teacher associations to adopt goals more aligned with industrial and trade-based unionization, namely wages. However, moving toward equalization of salaries in a Southern black context ensured that professional labor included issues of civil rights as it pressured Southern states to live up to the premise of Plessy v. Ferguson's "separate but equal" doctrine. The equalization campaign began with Aline Black, a science teacher in Virginia, who sued the school board of Norfolk to pay equal salaries to black and white educators, which inspired a regional blueprint for activism beginning in 1939. The Alabama State Teachers Association held a special session in Montgomery to discuss equalization. The minutes reflect that, "the fight for Negro teachers' salaries held a foremost place in the discussion." The committee "endorsed the proposal for a salary equalization contest." The Palmetto State Teachers Association in South Carolina supported the ongoing efforts of the NAACP to equalize salaries, much to the chagrin of state officials. The NAACP supported Viola Louise Duvall as she filed for equalization, and the State of South Carolina responded by constructing a discriminatory pay system based on merit. Teachers in Mississippi were the last state to join the struggle to equalize salaries. "A.L. Johnson, president of the Mississippi Association of Teachers in Colored Schools, wrote in January 1948 that 'now is the time for us to begin immediate aggressive action.'" He later penned in a letter to James A. Burns, the lawyer who represented the association in coordination with the NAACP, "The Negro children in this district have three inequalities: shorter school terms, no

50 A Class of Their Own, supra note 29, at 309–10.
51 163 U.S. 537 (1896).
52 Id.
53 A Class of Their Own, supra note 29, at 309.
54 Robert C. Hatch, Minutes of the Meeting of the Executive Committee (August 13, 1938), in Alabama State Teachers Association Papers, Box 13, Folder 40, Alabama State University Archives, Montgomery, AL.
55 Id.
transportation, practically no equipment and poor building facilities.\(^5\) Gladys Noel Bates, a science teacher at Smith Robertson Junior High School and a card-carrying member of the NAACP, stepped forward to initiate the lawsuit that prodded the Mississippi state legislature to at least marginally address the growing need for reform through the equalization campaigns.\(^6\) The Southern campaigns were successful and the Supreme Court supported the \textit{Alston v. School Board}\(^6\) decision in 1940 that maintained black educators were entitled to equal pay.\(^6\)

Higher and equal wages were not an end goal in and of itself, but instead a means to equalize a segregated system of education. As upstanding professionals and recognized community leaders acting within the larger context of teacher organization and progressive pedagogy, black educators fueled the momentum of the Civil Rights Movement and provided the opportunity for a visible and direct affront to social injustices.\(^6\) Building upon the collaborative work with the NEA of the 1920s, black teachers organized through the ATA and created a joint committee to strengthen the equalization campaign.\(^6\) In 1949, for instance, black educators from the joint committee pushed the Research Division of the NEA to study the topic of equalization in the South.\(^6\) The study also

\(^{59}\) Letter from A.L. Johnson to A.J. Noel (Jan. 14, 1948), in Tougaloo College Civil Rights Collection, Box 2, Mississippi Department of Archives and History, Jackson, MS; Letter from A.L. Johnson to James A. Burns (Feb. 23, 1948), in Tougaloo College Civil Rights Collection, Box 2, Mississippi Department of Archives and History, https://cdm17313.contentdm.oclc.org/digital/collection/tougaloo/id/18. Similarly, organized educators in South Carolina within the Palmetto Education Association adopted aggressive stances on equalizing salaries and resources. See Potts, supra note 34, at 61–68.


\(^{61}\) 112 F.2d 992 (4th Cir. 1940).

\(^{62}\) Sch. Bd. of City of Norfolk v. Alston, 311 U.S. 693 (1940).


\(^{64}\) Memorandum from Howard A. Dawson to Dr. Frank W. Hubbard (Feb. 11, 1949), in NEA Records, Box 1273, Folder 1, Special Collections Research Center, The George Washington University Repository, Washington, D.C.

\(^{65}\) Id.
requested information on federal aid to “neglected groups,” made suggestions to aggressively move toward equalization, and demanded an examination of court decisions in regard to the Fourteenth Amendment and educational opportunity. With access to the NEA national headquarters in Washington, black teachers could lobby for legislation that bolstered the NAACP’s push for equalization.

Largely unprotected by the NEA, equalization litigation ultimately weakened teachers’ positions as leaders in the Civil Rights Movement. White school officials made the message clear that open and public endorsement of the Civil Rights Movement would not be tolerated. School district officials did not renew the contracts of educators or principals who publicly demanded an equal salary. Local school districts in South Carolina refused to renew contracts of those involved with the equalization campaign, such as J.T.W. Mims, president of the Palmetto State Teachers Association, and J.T. McCain, a former president of the state’s teacher association. Teacher associations often financially supported educators who served as plaintiffs in the equalization cases, which mitigated the effects of retaliation. But as Southern legislatures began to face the prospects of large-scale desegregation, black educators, regardless of their level of political engagement, faced serious repercussions and the wrath of the defenders of segregation.

III. BROWN V. BOARD OF EDUCATION AND THE SHIFTING POLITICS OF TEACHER ORGANIZATION

A. The Segregationist Response to Brown v. Board of Education

The reactionary politics surrounding the Brown v. Board of Education decision stymied the organizational capacity developed during the equalization campaigns. Court-mandated desegregation threatened the entire profession with demotion, displacement, and dismissal. Meanwhile, the equalization suits sacrificed a finite number of teachers, and, as in the case of Gladys Noel Bates in Mississippi, teacher associations often organized financial support for a finite

66 Id.
67 See MURPHY, supra note 1, at 203–06.
68 POTTS, supra note 34, at 66–67.
69 Id.
70 See Oral History with Gladys Noel Bates, supra note 60, at 12–19; see also Community, supra note 60.
number of educators they knew would be terminated. But Southern legislators targeted a wider population of educators after the Brown decision. They attacked the NAACP as a "subversive organization," a defensive strategy justified by the 1947 Taft-Hartley Act’s prohibition of Communist affiliation. Southern states were free to interpret the law how they saw fit, and they labeled any and all NAACP activity as Communist. By 1956, Southern states began to pass laws requiring educators to declare all affiliations in their applications to teach and consequently dismissed teachers for open affiliation with the NAACP or other "subversive" associations. Moreover, the Brown decision and prospects of desegregation threatened tens of thousands of teachers with unemployment. As school districts were reorganized to meet the demands of desegregation, institutional discrimination endangered black teachers with massive layoffs, prospects that exposed a significant portion of the professional class of the black community. Scholars have estimated that 38,000 teachers lost their jobs in the seventeen Southern and border states during the decade following the Brown decision. In North Carolina, for instance, over 200 black principals led high schools but only eight remained in the leadership position by 1970. In Alabama, the number of principals dropped from 250 to 40. Anxieties hardened after the horrific struggles of the first students to desegregate white schools and the large and unprecedented dismissal and demotion of a black teaching force in the aftermath.

73 Oral History with Gladys Noel Bates, supra note 60, at 12–19; see also Community, supra note 60.
74 CHARRON, supra note 56, at 242–47; see also A Class of Their Own, supra note 29, at 345–49; JEROME A. GRAY ET AL., HISTORY OF THE ALABAMA STATE TEACHERS ASSOCIATION 151–54 (1987); POTTS, supra note 34, at 66–67.
76 D’Amico et al., supra note 72; Fultz, supra note 72, at 14.
78 Fultz, supra note 72, at 28.
79 It is estimated that over 21,000 black teachers lost their jobs between 1984 and 1989. For an introduction to the numbers of displaced and dismissed teachers in the wake of Brown, see Anderson, supra note 77, at 30–32; D’Amico et al., supra note 72.
Teachers were hesitant, to say the least, to embrace desegregation.

**B. Black Educators’ Response and Organization in Response to Brown v. Board of Education**

Yet teachers did not fade into obscurity in spite of the repercussions of civil rights work and the shortsighted criticism that teachers were an impediment to the movement. After the dust settled from the NAACP’s legal campaign and the Supreme Court desegregation mandates, black teacher associations carried the mantle of civil rights into their professions and professional associations. After the Lee v. Macon County Board of Education decision ordered the desegregation of 99 districts across Alabama, the Alabama State Teachers Association publicly supported the judicial decision to desegregate. But they also expanded the call and petitioned the court to protect the rights of its members in the desegregation process and demanded blacks be appointed to positions of influence. Alabama educators demanded courses on black history and questioned the state-supported textbooks’ lack of discussion of black contributions to American history and culture. Educators also called for state oversight that removed education from the local level, comprised of board members “who never have and never will be fair” to all citizens, and “took the burden of desegregation off children and parents” and transferred it to school officials. They called out “freedom of choice” plans that called for volunteers

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82 See generally THE LOST EDUCATION OF HORACE TATE, supra note 12; THEIR HIGHEST POTENTIAL, supra note 13.


84 The Impact of Desegregation on ASTA’s Programs, in ASTA Records, Box 13, Folder 13, Alabama State University Archival Collection, Montgomery, Ala.

85 Id.

86 1967 ASTA Convention, in ASTA Records, Box 13, Folder 13, Alabama State University Archival Collection, Montgomery, Ala.

87 Id.
to desegregate the faculty of white schools. Educators like those in Alabama utilized the moment of desegregation to advance professional interests fashioned during the Civil Rights Movement. Though not remembered as such, educators on the ground frequently identified the all-black association as working in the interest of civil rights. Arthur Benjamin, a student at South Carolina State College who became an elementary teacher and then an assistant principal in the Palmetto State for over 35 years, saw the black association, the Palmetto Education Association (PEA), as the vanguard of civil rights. In his view, the PEA was going to ensure that inequities such as salaries and facilities were “going to change.” By the 1960s, Benjamin and his cohort saw that “integration is coming and you have to be ready.” For the thousands of teachers working through desegregation, the next professional battleground was carrying forth the teacher-based civil rights agenda in desegregated schools.

The network of black teacher associations cultivated leaders who demonstrated the capacity to pick up the mantle of civil rights work. In notable instances, black teachers also sought to protect their right to support the Civil Rights Movement. Herman Harris, a war veteran from Lowndes County, Alabama, who rose through the professional ranks of education, illustrates how educators maintained some level of support for civil rights initiatives and their students who selected to join the frontlines of the movement. As a veteran school principal, Harris took a clear stand in protecting students who walked out of school in protest after the passage of legislation to penalize teachers sympathetic to the movement in 1965 during voter registration drives and the

88 The Impact of Desegregation on ASTA’s Programs, in ASTA Records, Box 13, Folder 13, Alabama State University Archival Collection, Montgomery, Ala.
89 As scholars and others have noted, teachers largely passively or actively resisted desegregation. See DITTMER, supra note 24, at 75; A CLASS OF THEIR OWN, supra note 29, at 357. See generally ADAM FAIRCLOUGH, RACE & DEMOCRACY: THE CIVIL RIGHTS STRUGGLE IN LOUISIANA, 1915–1972 (1995) [hereinafter RACE & DEMOCRACY]. Scholars have tempered such accounts by thoroughly documenting the integral role of black public schools in local communities across the South. See generally BAKER, supra note 57; DAVID S. CECELSKI, ALONG FREEDOM ROAD: HYDE COUNTY, NORTH CAROLINA, AND THE FATE OF BLACK SCHOOLS IN THE SOUTH (1994); THEIR HIGHEST POTENTIAL, supra note 13. For a larger context on the role of pedagogy, including John Dewey and progressive education theory and practice in fostering activism in Burke High School, see Scott Baker, Pedagogies of Protest: African American Teachers and the History of the Civil Rights Movement, 1940–1963, 113 TCHRS. C. REC. 2777, 2777 (2011).
90 Telephone Interview with Arthur Benjamin (Jan. 21, 2015) (transcript on file with author).
91 Id.
92 Id.
93 See Interview with Herman Harris, in Montgomery, Ala. (Feb. 25, 2016) (transcript on file with author).
culminating Selma to Montgomery march.\textsuperscript{94} “I could never feel right showing my face in public again if I didn’t speak my thoughts concerning the blackjack legislation [a proposal that cut teachers’ pay if students left school premises],” he wrote in an editorial in the \textit{Montgomery Advertiser}.	extsuperscript{95} “How much longer do you think you can ‘keep the Negroes in line’ with threats and coercion?” he asked.\textsuperscript{96} In spite of threats of unemployment, Harris vowed as a full-time principal to never “place my body in the schoolhouse door to block traffic in either direction.”\textsuperscript{97} Fully aware of the repercussions of his actions, he wrote sternly that he was prepared to “let the axe come . . . I simply cannot do the strenuous task that is mine to do with a club of some kind forever hanging over my head. Either let the club fall or remove it.”\textsuperscript{98} When Harris joined the leadership ranks of the Alabama State Teachers Association, he ensured that his voice would be heard and that the rights of students and teachers to peacefully protest would at least be considered during desegregation.\textsuperscript{99} Leaders of black teacher associations sometimes assumed positions of national influence during the Civil Rights Movement and desegregation as well. For instance, Dr. J. Rupert Picott, executive director of the Virginia Teachers Association, accepted a position as a national field representative of the NEA.\textsuperscript{100} As a longtime teacher, Picott advocated the desegregation of public schools and served on the Advisory Committee to the U.S. Commission on Civil Rights.\textsuperscript{101} The cohort of educators like J. Rupert Picott and Herman Harris put forth a comprehensive agenda grounded in the black freedom struggle.\textsuperscript{102}

Desegregation situated black educators to engage in grassroots organizing that dealt with the day-to-day issues of desegregation at the local level. As noted by Livingston Scipio, an assistant principal in Darlington, South Carolina, the work of black leaders in leadership positions consisted of work

\textsuperscript{94} See id.

\textsuperscript{95} Herman Harris, \textit{As Our Governor Said . . .}, MONTGOMERY ADVERTISER, May 26, 1965 (on file with ASTA Records, Folder 11, Alabama State University Archival Collection, Montgomery, Ala.).

\textsuperscript{96} Id.

\textsuperscript{97} Id.

\textsuperscript{98} Id.; Interview with Herman Harris, supra note 93.

\textsuperscript{99} See Interview with Herman Harris, \textit{supra} note 93.

\textsuperscript{100} Dave Burton, \textit{Picott to Take NEA Position}, RICH. NEWS LEADER (Nov. 3, 1966), in ASTA Records, Box 13, Folder 27, Alabama State University Archival Collection, Montgomery, AL.

\textsuperscript{101} Id.; Toward Merger—Faculty and Staff [hereinafter Toward Merger], in ASTA Records, Box 13, Folder 19, Alabama State University Archival Collection, Montgomery, AL.

\textsuperscript{102} Jon N. Hale, “\textit{We are not Merging on an Equal Basis}”: The Desegregation of Southern Teacher Associations and the Right to Work, https://www.tandfonline.com/doi.org/10.1080/0023656X.2018.1561103.
varying from visiting parents’ homes to discuss the prospects of desegregation to ensuring that black representation extended to entities beyond the teacher association. As Scipio recalled, he and others worked diligently during desegregation to “increase [the] individuals on the school board so they could have black representation on the school boards for students and teachers alike.” A network of veteran teachers thus institutionalized dissent and questioned absolute power that shaped educational policy since Reconstruction.

Black educators pursued the extension of programs and ideals engendered within all-black associations since the turn of the century. Given the experience of leaders such as Herman Harris and J. Rupert Picott in the freedom struggle, African-American educators viewed their work as part of a larger civil rights struggle and partnered with the NAACP in significant ways. The Alabama State Teachers Association took legal counsel with Fred Gray, a popular civil rights attorney. Daniel Byrd, a NAACP lawyer, consulted in Louisiana to oversee the merger of teacher associations there, served as the Assistant Director of the Department of Teacher Information and Security of the NAACP Legal Defense and Education Fund, a position from which he was able to influence a regional approach toward desegregation. In Alabama, teachers asked that all teachers contribute to the NAACP Legal Defense Fund. In South Carolina, the teachers’ organization contributed annually to the NAACP at a rate of $3,000 per year. Alabama educators also continued the work of earlier generations and demanded the recognition of Black History Week and ongoing professional affiliation with the Association for the Study of Negro Life and History. Working within a context of civil rights, state affiliates approached education during desegregation as an opportunity to shape the new reality of a desegregated society. Mississippi approached desegregation with cautious optimism and articulated a faith that the “day will come . . . when all people will be accorded treatment without prejudice and discrimination.”

103 See Telephone Interview with Livingston Scipio (Jan. 15, 2015).
104 Id.
105 See J. RUPERT PICOTT, HISTORY OF THE VIRGINIA TEACHERS ASSOCIATION 215–28 (1975); Interview with Herman Harris, supra note 93.
107 RACE & DEMOCRACY, supra note 89, 452–56.
108 Toward Merger, supra note 101.
110 The ASTA Proposal to Effect Merger, supra note 88.
111 A Basis for MTA-MEA Merger, in ASTA Records, Box 13, Folder 28, Alabama State University Archival Collection, Montgomery, AL; Toward Merger, supra note 101.
Black teacher associations demanded protection of their rights during desegregation, particularly after they developed the capacity for legal and economic protection during the equalization suits of the 1940s. The black association in South Carolina, for instance, organized the “Commission on Professional Rights and Responsibilities” with the purpose to “defend members of the teaching profession, schools, and the cause of education against unjust attacks [and] to investigate controversies involving teachers and schools justly, fearlessly, and in the public interest.” During desegregation and the threat of dismissal and displacement in Alabama, the former all-black association, the Alabama State Teachers Association (ASTA), established a “grievance committee” to review any and all complaints about rights being violated during desegregation. Teachers in Florida created a Committee on Human Rights, which was a subcommittee of “Professional Rights and Responsibilities” to similarly protect the rights of beleaguered educators throughout the process of desegregation. These committees created the space to publicly defend the professional rights of teachers, which allowed black educators to express concerns connected to desegregation. Educators highlighted anxieties, for instance, over teaching white students and expressed angst over the attitudes of white parents, “particularly the consequences which may result from disciplining white students.” Apprehensions also included a fear of losing professional status during desegregation in addition to a fear of intimidation and physical violence when selected to teach in all-white schools and communities. Though most issues such as these were never resolved, the committee structure provided a voice for professional dissent in an era of uncertainty.

The protection of jobs and the massive unemployment that black educators faced in the wake of desegregation prompted fierce discussion among black educators, who called for the means to protect black employment. By the

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112  POTTS, supra note 34, at 200; Minutes of Meeting of Unification Committee of Palmetto Education Association and South Carolina Education Association (Jan. 5, 1967), in NEA Records, Box 0519, Folder 4, Special Collections Research Center, The George Washington University Repository, Washington, D.C.; Proposals for Amending the Charter and By-Laws of Florida Education Association, Inc. [hereinafter Proposals], in ASTA Records, Box 13, Folder 24, Alabama State University Archival Collection, Montgomery, AL; The ASTA Proposal to Effect Merger, supra note 88.

113  POTTS, supra note 34, at 200; Minutes of Meeting of Unification Committee of Palmetto Education Association and South Carolina Education Association, supra note 112.

114  Proposals, supra note 112; The ASTA Proposal to Effect Merger, supra note 88; Toward Merger, supra note 101.

115  Proposals, supra note 112.

116  Proposals, supra note 112; The ASTA Proposal to Effect Merger, supra note 88; Toward Merger, supra note 101.

117  Toward Merger, supra note 101.
time all states had at least desegregated a handful of schools, it is conservatively estimated that 38,000 black educators lost their jobs across the South.\textsuperscript{118} Black teachers voiced concerns regularly about the prospect of dismissal in the wake of wide scale desegregation. In South Carolina, black teachers noted the "increasing deprivation of the rights of black teachers as school desegregation proceeds."\textsuperscript{119} They went on to note that black educators and other education professionals "will have to go to court in order to refrain or secure positions which are commensurate with their qualifications."\textsuperscript{120} Dr. Horace Tate, executive secretary of the Georgia Teachers and Education Association, called out the Southern states in their practice of "dismissing, demoting, firing, harassing and otherwise harassing and making insecure the Negro teacher."\textsuperscript{121} By not protecting black associations that faithfully followed the principles of integration, black state teachers associations in Georgia, South Carolina, Alabama and others who integrated after 1964 charged that the NEA was "giving silent sanction to the destroying of voice and representation."\textsuperscript{122} The NEA backed the PEA in South Carolina and other associations who made similar calls when they adopted a resolution that called upon "the educational profession, its administrators and other leaders to make certain that high professional ethics and the best professional practice without regard to race, are following in the employment of principals for school in the south."\textsuperscript{123}

The NEA and their black affiliates constructed a legal defense of black employment and professionalism built upon the seminal cases that addressed the hiring, dismissal, and transfer of educators during desegregation. They drew attention to Franklin v. County School Board\textsuperscript{124}, in which the rights of seven dismissed teachers were upheld.\textsuperscript{125} States grappled with the prospects of dismissal or demotion on a district-by-district basis despite statewide and regional policies drafted to defend teachers. In southern districts like those in South Carolina where teachers were not granted tenure and were instead rehired

\textsuperscript{118} Anderson, supra note 77, at 30–32.
\textsuperscript{119} Your Schools, supra note 109.
\textsuperscript{120} Id.
\textsuperscript{121} Dr. Horace Tate, \textit{Job Protection for Merged Professionals}, GTEA Herald (1968), \textit{in} ASTA Records, Box 13, Folder 25, Alabama State University Archival Collection, Montgomery, AL. For more on Dr. Horace Tate, see generally \textit{The Lost Education of Horace Tate}, \textit{supra} note 12.
\textsuperscript{122} Tate, \textit{supra} note 121; GTEA to Frank Hughes (Jan. 29, 1965), \textit{in} ASTA Records, Box 13, Folder 25, Alabama State University Archival Collection, Montgomery, AL; \textit{Position Statement on the Georgia Teachers and Education Association on Merging or Integration}, \textit{in} ASTA Records, Box 13, Folder 25, Alabama State University Archival Collection, Montgomery, AL.
\textsuperscript{123} Perry, \textit{supra} note 31, at 299–300.
\textsuperscript{125} Id.
on an annual basis, prospects for fair treatment were particularly bleak. Local districts were ordered to hire teachers without regard to race; instead, qualified teachers were to be determine by their “ability, temperament, disposition and attitude” as determined by Wall v. Stanly Board of Education.\footnote{259 F. Supp. 238 (M.D.N.C. 1966); YOUR SCHOOLS, supra note 109.} After Lee v. Macon County Board of Education,\footnote{267 F. Supp. 458 (M.D. Ala. 1967).} the court made clear that the state departments of education were to support and assist the desegregation of faculty. It was not to use race in hiring, assignment, reassignment “except that race will be taken into account for the purpose of correcting the effect of the past segregated assignment of teachers in the dual system.”\footnote{Toward Merger, supra note 101.} It also instructed that the school board take “affirmative steps” to achieve desegregation.\footnote{Id.} Discussions about the rehiring, hiring, and transfers of black teachers in a newly and fully desegregated system established the precedent for legal remedies and laid the professional discourse for forthcoming affirmative action policies. Such policies reaffirmed a commitment to desegregation and began to justify the use of race to “correct” the effect of historic institutional discrimination.\footnote{Id.}

Black teacher associations did not conform to the unfolding narrative of white flight or the destruction and gutting of black schools during the era of desegregation. Black educators worked diligently to preserve the integrity of the profession and public education as advocates and to ensure that the profession would not befall the destruction of public education that was already apparent by the late 1960s. Teacher associations were in a strong position to defend their craft and to advance a civil rights agenda. Still, professional educators were in a difficult position when faced with white resistance to desegregation.

IV. THE RIGHT TO WORK DURING AND AFTER DESEGREGATION

A. Hostile Reactions to the NEA’s Decision to Desegregate

Resistant to desegregation, white segregationists and many white educators viewed the work of black teachers and the national education associations that supported them with skepticism, if not hostility. As whites resisted desegregation, they shunned teacher associations that provided any modicum of support for the civil rights movement regardless of how assertive the organizations were in pressing for civil rights.\footnote{Anderson, supra note 77, at 30–32; see generally Fultz, supra note 72.} Reaction to the NEA among

\footnote{268 Toward Merger, supra note 101.}
white educators is illustrative of the uniform dismissal of national teacher organizations. The NEA was far less active in the Civil Rights Movement compared to their counterpart association, the American Federation of Teachers (AFT). Though black educators during desegregation pushed the national organization to be more inclusive of civil rights, the historically conservative NEA fell short of meeting the active work undertaken by their national counterpart, which openly supported civil rights education projects.132 For instance, teachers affiliated with the United Federation of Teachers in New York taught black students locked out of Prince Edward County, Virginia, schools, which the county shut down to avoid desegregation.133 They also taught on the frontlines in the Mississippi Freedom Schools during the summer of 1964 and helped educate over 2,500 students in the principles of the civil rights movement.134 The AFT supported strikes in New York, Boston, Chicago, and Los Angeles that addressed issues of community control, busing, and collective bargaining.135 Teachers also organized strikes in Pittsburgh, PA, Philadelphia, PA, and Newark, NJ.136 The NEA, however, often deemed such strategies as “unprofessional” and embraced lobbying on Capitol Hill over striking.137 The NEA was the more conservative of the two national teacher associations. Yet, white southern educators made no such distinction. From their perspective, the NEA’s support of the Brown decision and the mandate to desegregate associations was no different than the militant activism of the AFT.138

Strong affiliation with the NEA proved too burdensome for many white educators during desegregation. From their perspective, whites who engaged in good-faith efforts to merge suffered indignities at the hands of the NEA.139 After the NEA convention in 1966, L. Roger Kirk, a member of the all-white association in South Carolina, wrote at length of the travesties associated with merging to Richard Batchelder, a past president of the NEA. Kirk was

132 Urban, Gender, supra note 1, at 211–13.
134 Reese, supra note 133.
135 Id.
136 Id.
137 Id.
138 Urban, Gender, supra note 1, at 211–13.
139 L. Roger Kirk to Richard Batchelder (July 8, 1966), in NEA Records, Box 0519, Folder 4, Special Collections Research Center, The George Washington University Repository, Washington, D.C.
“disappointed and disillusioned” after the annual meeting in 1966.140 He wrote that never had he witnessed “a minority group so vilified, insulted, and scorned as the white Southern moderate was at your convention.”141 To Kirk and other white southern educators who sought peaceful desegregation, they were, in fact, the “minority.”142 Though they worked diligently on desegregating their own teachers association, stripped “white-only” language from their constitution, and maintained “quiet, orderly integration of the schools,” he and other whites claimed to be victims of a “vitriolic” and “violent” attack for not moving more quickly.143 The convention reached “a peak where any statement regarding integration would have passed.”144 The support of federal guidelines that “condoned unlawful trespass,” prompted Kirk to state that if he had to make a decision he would “oppose the NEA with all my might.”145 Kirk defined this by stating he would have to disassociate, or effectually secede, from the NEA.146 For Kirk and other white educators, being ordered to merge was tantamount to a loss of rights that made them a new minority, and an oppressed one at that.

The NEA exasperated tensions when it passed a resolution that called for the unification of local, state, and national levels in 1971. If a teacher joined their local association, they were required to pay for membership in the state and national association as well.147 The NEA needed members to stave off the growing threat of the AFT, which was attracting new members at unprecedented rates through its support of civil rights and collective bargaining. The AFT nearly tripled its membership to over 175,000 in only eight years, and claimed major victories to represent teachers in Chicago, IL; New York, NY; Detroit, MI; and Philadelphia, PA.148 The move to require national membership thus hardened an already tense stance among white moderates who were skeptical of the NEA and its affiliation with the civil rights movement in order to keep up with the growing popularity of the AFT.149

140 Id.
141 Id.
142 Id.
143 Id.
144 Id.
145 Id.
146 Id.
147 MURPHY, supra note 1, at 223–24; URBAN, GENDER, supra note 1, at 180–81; A Proposal to Achieve Unification in Alabama, in ASTA Records, Box 13, Folder 14, Alabama State University Archival Collection, Montgomery, AL.
148 MURPHY, supra note 1, at 223–24; URBAN, GENDER, supra note 1, at 180–81.
Aligning with the NEA and the teacher union and collective bargaining movement in northern cities presented a tangible threat to southern economic development and "right to work" advocates. Emboldened by President John F. Kennedy’s Executive Order 10988 in 1962, which gave federal employees the right to organize and bargain collectively, public employees demanded collective bargaining and seven states had laws protecting it and fifteen states had pending legislation considering it by 1966. Teachers in New York tested the boundaries of statewide collective bargaining legislation and went on strike and won in 1961. In the aftermath of the strike, where the city agreed to meet with union representatives, the city of New York observed union participation among teachers grow during the 1960s from five to ninety-seven percent. Other cities such as Detroit, MI; Newark, NJ; and Philadelphia, PA followed suit as enrollments in both the NEA and AFT grew precipitously. The NEA, though initially dismissive of the use of collective bargaining, made active attempts to recruit members because the AFT was gaining popularity by embracing more militant tactics. The NEA thus made overtures to collective bargaining and the use of strikes to achieve it. Even as private sector trade union enrollment plummeted, public sector teacher unions skyrocketed and were on their way to become one of the most unionized sectors in the nation, second only to the postal service. Union density among teachers underwent unprecedented growth that was trending toward its eighty percent high point experienced by the end of the century.

The threat of unionization loomed large across the South and white southern educators were cognizant of the potential for teacher strikes to thwart their right to work. New York, the epicenter of union activity in the 1960s, witnessed a dramatic rise in the use of strikes after 1962, when 20,000 teachers
went on strike for a pay raise and improvement of working conditions.\textsuperscript{158} By 1967, the number of strikes rose to over 100 and the strikes were getting longer, with the number of idle teaching days rising to 2,190,000 across the nation.\textsuperscript{159} During the fall semester of the 1968 school year in New York alone, teachers were on strike for over six weeks.\textsuperscript{160} The national press noted the “teacher revolt” had deep implications for over ten million public employees across the nation who contemplated the success of teacher strikes.\textsuperscript{161} Terry Herndon, then executive director of the NEA, cited a record number of 203 strikes in the 1975-1976 school year and predicted even greater growth.\textsuperscript{162} By the end of the 1960s, southerners only had to look toward Chicago, where nearly one-half of the teaching force was recently unionized, and New York, where after a series of unprecedented strikes, nearly 100 percent of the teaching force was represented by a union.\textsuperscript{163} The NEA, which claimed nearly one million members, was beginning to embrace the more militant tactics of the AFT, whose membership nearly tripled to 175,000 members in less than a decade by promising collective bargaining through strikes.\textsuperscript{164}

The politics of teacher organization that unfolded in South Carolina reflect a regional pattern that affected teacher associations since desegregation.\textsuperscript{165} Concerned teachers and legislators in the Palmetto State observed the influence

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\textsuperscript{158} MURPHY, supra note 1, at 215–16; Leonard Buder, 4,000 Teachers Threaten a Pay Strike in the Fall, N.Y. TIMES, May 27, 1965, at 1, 33; Roy Reed, Teachers Strike in New Orleans: Hundreds Stay Out to Press Bid for Bargaining Agent, N.Y. TIMES, Mar. 12, 1966, at 1, 25.

\textsuperscript{159} MURPHY, supra note 1, at 220.


\textsuperscript{161} David R. Jones, Militancy Sweeps Schools in U.S. as Teachers Turn to Strikes, Sanctions and Mass Resignations, N.Y. TIMES, June 11, 1967, at 85.

\textsuperscript{162} Gene I. Maeroff, N.E.A. Chief Predicts More Strikes by Teachers, N.Y. TIMES, June 30, 1976, at 12.

\textsuperscript{163} BOWEN, supra note 21, at 49–51; HOGLER, supra note 21, at 105–14; LICHTENSTEIN, supra note 4, at 114–18; SCHULMAN, supra note 21, at 80–81; Friedman, supra note 21, at 90–97; Shermer, supra note 21, at 114–36.

\textsuperscript{164} Id.

\textsuperscript{165} Columbia Bureau, Pay Raises, Teachers Plan Statewide Rally, NEWS & COURIER, Apr. 29, 1976, at 2-C; Elsa M. Freeman, Over 300 Participate in Education Rally Here, NEWS & COURIER, Mar. 23, 1976, at 3-A.
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of the northern strikes in their own state by the 1970s.166 Southern teachers began to organize across South Carolina.167 SCEA members across the state feigned strikes and held demonstrations across the state that exacerbated the threat of unionization.168 They organized several rallies, including one with over 300 educators in the city of Charleston, as well as broadcasting a call for statewide rallies, all of which captured headlines across the state.169 Conservative whites were particularly alarmed when SCEA president Edward E. Taylor raised the "possibility" of teachers striking in 1976 if the state legislature did not grant the funding for pay raises.170

The SCEA and its affiliation with the NEA posed a serious threat to the ideology of the New Right when they openly advocated for collective bargaining legislation and higher salaries in South Carolina by the 1970s.171 The SCEA, which claimed to represent 25,000 public school employees across the state, was particularly adamant, as their longevity pay was frozen for the foreseeable future and the NEA released reports showing that South Carolina was nationally ranked 45th in the provision of public teacher salaries.172 In addition to pay raises, the SCEA advocated for paid sick leave, which required districts to give full-time employees twelve days of sick leave for each nine-month school year.173 These bills passed, as did provisions for eight percent pay raises for teachers at an estimated cost of 48 million dollars, one-third of the total increase in spending in the state.174 The SCEA also boasted of helping elect 17 state senators and claimed a series of legislative victories, including the appropriation of over five million dollars in incremental pay wages and two million dollars for free textbook programs in high school.175

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166 Id.
167 Id.
168 Id.
169 Id.
170 Strike Possibility Seen in Teacher Pay Issue, NEWS & COURIER, Jan. 13, 1976, at 1-B.
172 Columbia Bureau, S.C. Drops To 45th In Annual Teacher Pay, NEWS & COURIER, Feb. 6, 1976; Bargaining, supra note 171; Vanuch, supra note 171.
174 The SCEA Turndown, NEWS & COURIER, Nov. 13, 1976 [hereinafter SCEA Turndown].
175 Hugh E. Gibson, Collective Bargaining Bill Seems Unlikely, NEWS & COURIER, Nov. 16, 1976, at 13-A; Hugh E. Gibson, SCEA Gearing Up Lobbying Efforts, NEWS & COURIER, Jan. 21,
B. The Inclusion of New Right Ideology in Teachers' Movements after Brown

Already tense over perceptions of being a maligned minority, distrustful white educators formally defected from the NEA. In response to the growing threat of unionization, educators in South Carolina split from the SCEA and formed an alternative association, the Palmetto State Teachers Association (PSTA) in 1976, eight years after the white and black associations merged to form the SCEA.176 Their secession communicated deep dissatisfaction with the association with unions. White educators in the new association contended that the NEA-imposed order to merge and then join the national association violated their rights as educators.177 Elizabeth Gressette, a teacher in Columbia, South Carolina, and niece to the segregationist state senator Marian Gressette, felt pressured to join the NEA even after she elected not to enroll in the merged association.178 As Gressette recalled, her school principal was the representative for the SCEA and actively sought to increase membership.179 He regularly asked, if not pressured, her to join by pointing out that she was the only one on staff who did not enroll in the SCEA.180 Gressette stated she was interested in joining the state organization, but not the NEA.181 “[T]hat choice was taken away from me,” Gressette recalled, “because . . . if I wanted to join my county’s association or my state association, I had to belong to the NEA, and I did not want to do that.”182 Gressette did not enroll and instead attended a series of meetings called by superintendents from across the state.183 They formed the PSTA in the meetings that followed, which began around the kitchen table of Gressette’s home in Columbia.184

The new association in South Carolina supported “a restoration of the professional status of teachers and putting the public back in control of its

177, at 9-A; Gov. Signs Sick Leave Bill, supra note 173, at 12-A; SCEA Turndown, supra note 174.

176 Teachers’ Professional Code, CHARLESTON EVENING POST, July 7, 1976; Telephone Interview with Elizabeth Gressette, Executive Director, Palmetto State Teachers Association (Dec. 16, 2014) [hereinafter Gressette Interview].

177 Teachers’ Professional Code, supra note 176; Gressette Interview, supra note 176.

178 Gressette Interview, supra note 176.

179 Id.

180 Id.

181 Id.

182 Id.

183 Id.

184 Id.; Teachers Plan Alternative to SCEA Chapters, NEWS & COURIER, Apr. 29, 1976, at 2-C.
schools.” Alluding to the NEA mandate to join the national association, they stood firmly on the ground that “educators should be free from all forms of compulsory membership.” They quoted Thomas Jefferson in a public declaration in which they noted that “to compel a man to furnish contribution of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical,” especially those endorsed by the NEA, “whose actions and ideologies are repugnant to professional educators.” For self-proclaimed moderate educators in the PSTA, the NEA and the larger civil rights movement had gone too far and inhibited their rights in determining what organizations they joined as professionals, not to mention how they were to teach in their own classrooms. 

The rationale behind the origination of the PSTA resonated with a burgeoning New Right ideology that developed into resistance to the Civil Rights Movement. But the dissatisfaction of southern white educators who organized the PSTA dovetailed with the largely white, southern, and anti-union sentiment that sought to protect the advantageous wage differentials and employee relations that attracted industry to the region. Indeed, alternative associations like the PSTA constituted an integral role in the expansion of the New Right. The founding of the PSTA developed alongside and part of other movements, such as white flight and suburbanization, that signified a divestment in spaces desegregated by the civil rights movement. The New Right constituted a significant ideological shift and comprehensive expansion that embraced race-neutral or “colorblind” rhetoric, states’ rights arguments, free market endorsement, evangelical sentiment, and the defense of individual values.

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185 Teachers’ Professional Code, supra note 176.
186 Id.
187 Id.
188 See L. Roger Kirk to Richard Batchelder (July 8, 1966), in NEA Records, Box 0519, Folder 4, Special Collections Research Center, The George Washington University Repository, Washington, D.C.
191 Teachers’ Professional Code, supra note 176; Gressette Interview, supra note 176.
Mandates to join the NEA, affiliate with unions, and support the transformative politics of the civil rights movement were thus anathemas to the ideology of the New Right.

The threat of unionization through the NEA impacted the economic development of a region friendly toward big business, and developing pro-business ideology was a means to maintain control over a burgeoning postwar economy. Federal funding of military development, business-government partnerships, and lax environmental regulations were integral components of southern economic development. "Right to work" legislation passed after the Taft-Hartley Act in 1947 ensured that the closed shop and secondary boycotts, for instance, remained forbidden and ensured a more attractive setting to locate new business. Therefore, southern states fostered a strong climate against unionization and collective bargaining to encourage "capital flight," the shift of industry from the North to the South that would advance economic gains.

Since 1954, the year the historic Brown decision was reached and a decade before Oklahoma enacted right-to-work legislation that strongly discouraged collective bargaining and unionization, local and state governments expanded upon this legislation as school boards in Alabama, Georgia, North Carolina, and South Carolina were forbidden from entering into collective bargaining agreements. As the region's leaders noted at the Southern Governors' Conference in 1959, such legislation was "vital to industrial development."

Though the SCEA positioned itself as a lobbying group and did not claim to be a union, educators in the PSTA and the conservative Charleston-based News and Courier nonetheless declared: "the SCEA acts like a union. It talks like a union. It wants to bargain like a union... The best way to prevent unionism... is to refuse even the slightest concession to unions or would-be unions."

While the South Carolina legislature conceded some financial investment

See generally CRESPI NO, supra note 189; KRUSE, supra note 189; THE MYTH OF SOUTHERN EXCEPTIONALISM, supra note 189.

See THE MYTH OF SOUTHERN EXCEPTIONALISM, supra note 189.
195 Id.
198 MURPHY, supra note 1, at 219; URBAN, GENDER, supra note 1, at 239. For more on the conservative reaction to public sector teacher unionism, see generally Shelton, supra note 137.
199 SCHULMAN, supra note 21, at 164–65; see also Friedman, supra note 21, at 88.
demanded by the SCEA and the association made notable legislative strides by helping elect 17 state senators and pressuring the state to support incremental pay raises, substantive collective bargaining legislation was highly unlikely.\textsuperscript{201} The majority of legislators agreed with B.H. Legge, who opined in 1976 that the collective bargaining bill introduced throughout the mid-1970s was “Big Labor’s stealthy way of getting a foot in the door and then little by little finally forcing it open all of the way for complete unionization of the whole state. Accompanying that will be the disregard for the rights of others, strikes and corrupt practices.”\textsuperscript{202} They viewed this as the use of “graft and strong-arm union methods to gain power.”\textsuperscript{203} Strom Thurmond, the staunch segregationist, Dixiecrat founder, and key organizer behind the shift toward the Republican Party in the South, defended the right to work and took a strong stance against striking.\textsuperscript{204} Thurmond questioned SCEA representative Joseph Grant, who on behalf of the organization urged the state legislature to act and threatened to strike.\textsuperscript{205} Acting upon the premise of right to work legislation based in 1954, Thurmond and the majority of his colleagues agreed that collective bargaining was to be left to the states and, moreover, “public employees who are supported by the taxpayers should not have the right to strike against them.”\textsuperscript{206}

The defection of alternative associations like the PSTA also expanded the work of the New Right by incorporating its ideology in desegregated schools.\textsuperscript{207} Educators in the PSTA argued that the politics inherent to unionization and the use of strikes to achieve it muddied the work of genuine education at the local level.\textsuperscript{208} From their vantage point in South Carolina, Gressette and her colleagues viewed such action as “militant” and “selfish.”\textsuperscript{209} While strikes did not occur with the same frequency or scope in South Carolina, Gressette noted “they were doing it in Ohio, and Wisconsin, and Michigan and a lot of other places and I felt like if I was giving my money to the NEA, then I was just saying I agree with that, and in good conscience I could not do that. I do


\textsuperscript{202} Legge, \textit{supra} note 201.

\textsuperscript{203} \textit{Id.}

\textsuperscript{204} \textit{Bargaining}, \textit{supra} note 171, at 12-A; Vanuch, \textit{supra} note 172, at 1-B. \textit{See generally} JOSEPH CRESPINO, STROM THURMOND’S AMERICA (2012).

\textsuperscript{205} \textit{Bargaining}, \textit{supra} note 171, at 12-A; Vanuch, \textit{supra} note 172, at 1–B. \textit{See generally} JOSEPH CRESPINO, STROM THURMOND’S AMERICA (2012).

\textsuperscript{206} \textit{Id.}

\textsuperscript{207} Teachers’ Professional Code, \textit{supra} note 176; Gressette Interview, \textit{supra} note 176.

\textsuperscript{208} \textit{Id.}

\textsuperscript{209} Gressette Interview, \textit{supra} note 176.
not believe that teachers should go on strike."210 As Gressette elaborated, "[W]e believe that the teacher's first duty is to the child and that every child should have a right in South Carolina to a free, uninterrupted, quality education."211 Anti-union right-to-work sentiment prevailed during the era of desegregation with the advent of alternative associations and successfully incorporated New Right ideology into the reorganization of teachers.212 Though not uncontested, the "right to work" continues to undergird ongoing tensions in the field of education.

V. CONCLUSION

The "Red for Ed" movement is grounded in a history of activism and resistance in the field of education. The tenacity of right-to-work legislation precludes observers and pundits from seeing the South and the Sunbelt as a serious space for teacher mobilization. However, the very existence of such legislation signifies the threat of unionization and teacher strikes in the region. At the same time, the relative absence of race-based considerations, such as the integration of both student populations and teaching faculty, suggests that pundits are not alone in missing the larger history of racialized education resistance in the South and Sunbelt. As a largely white teaching force carries forth a movement for greater funding and investment in education, it clearly stands on the shoulders of teachers of color who tilled the very soil white teachers seek to enrich today.

210 See URBAN, GENDER, supra note 1, at 254–58; Teachers Plan Alternative to SCEA Chapters, supra note 184, at 2-C; Gressette Interview, supra note 176.

211 Gressette Interview, supra note 176; see also Sam M. Lambert to NEA Executive Committee (June 12, 1917), in NEA Records, Box 515, Folder 3, Special Collections Research Center, The George Washington University Repository, Washington, D.C.; Telephone Interview with Lina Pearson (Jan. 15, 2015).

212 See LASSITER, supra note 189, at 132–47; McGIRR, supra note 193, at 239–40; THE SEVENTIES, supra note 190, at 56–58. See generally CRESPINO, supra note 189; KRUSE, supra note 189; THE MYTH OF SOUTHERN EXCEPTIONALISM, supra note 189.