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The New York City school teachers strike of 1968 was the outcome of a conflict which had been growing since the establishment of the Ocean Hill-Brownsville experiment in decentralized school administration. This conflict developed over the Local Governing Board's desire to clearly establish its authority to hire and fire employees of the district, and the United Federation of Teachers' contention that their contract with the New York City Board of Education prohibited arbitrary action of this nature by the Local Governing Board. On May 7, 1968, the Ocean Hill-Brownsville Local Governing Board terminated the services of 19 staff members without causal evidence or formal hearings. This action brought about a teachers strike within the district which was still in effect as the school year ended. Attempts at mediation of the dispute were made throughout the summer, but were unsuccessful. The polarization of positions became particularly evident when a court decision denying the Local Governing Board the power to dismiss any of the teachers was not accepted by that board, and when the UFT disregarded the Taylor Law and elected to begin a city-wide strike of the school system on September 9, 1968. (JH)

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THE TEACHERS STRIKE

NEW YORK, 1968

by Martin Mayer

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DRAMATIS PERSONAE

DR. JAMES E. ALLEN: New York State Commissioner of Education. Reluctant to involve himself or his high office in the catastrophe of the teacher strikes, he was incessantly summoned to the city by a paralyzed Board of Education and a terrified Mayor. After a number of false starts he worked out the settlement that ended the third strike.

DR. KENNETH CLARK: Professor of psychology at City University, only Negro member of the Board of Regents, and president of the Metropolitan Applied Research Center. A voice for Ocean Hill in the ear of Commissioner Allen and for practicality in the ear of Rhody McCoy, he saw his efforts tragically frustrated by a combination of bad information from his friends and brute force from his enemies.

JOHN M. DOAR: Former chief of the civil rights section of the Justice Department, now president of the Bedford-Stuyvesant Development Corporation. A newcomer to the city, innocent of its complexities, he was appointed to the Board of Education during the second teacher strike and elected its president during the third teacher strike. He opposed the settlements which ended both strikes, on the ground that

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neither promoted voluntary compliance and a necessary peace in Ocean Hill.

DR. BERNARD DONOVAN: Superintendent of Schools. More of a politician, perhaps, than anyone else involved in this story, and much more knowledgeable about the school system, he was in the middle of every dispute, surrounded by men of principle who were not informed enough or sophisticated enough to see where their principles were leading them.

REV. MILTON GALAMISON: Minister and leader of the school boycotts of 1963-64. Appointed to the Board of Education in July, he assured its members during August that Ocean Hill was ready to settle with the union—and demonstrated his confidence in the correctness of that opinion by taking credit for the contract which settled the first strike and drove Ocean Hill to paroxysms of rage.

MAYOR JOHN V. LINDSAY: Caught in a tangle of public image, self image, naïveté and past misjudgments, he found himself playing host to a great civic disaster which acted itself out before him while he agonized over his surprising inability to control—or even to influence—the course of events.

RHODY A. MCCOY: New York City schoolman of eighteen years' experience, resident of suburban Roosevelt, and unit administrator of the Ocean Hill-Brownsville Demonstration Project. Committed to a range of educational innovation in the project's classrooms, he made a favorable impression on all visitors. From May through December he was the only person who met regularly with all the disputants—the members of his governing board, the officers of the union and the Board of Education. Confusion followed wherever he went, as the fog follows the tide.

REV. C. HERBERT OLIVER: Minister and chairman of the governing board of the Ocean Hill project. Like Mr. Doar

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he was a newcomer to the city, with a reputation derived from the civil rights movement: he had been part of the Southern Christian Leadership Conference. He always wanted a fight, even when others didn't; and he opposed every suggested compromise.

FATHER JOHN POWIS: Worker priest and author of revolutionary proclamations. As founder of the "People's Board of Education," which preceded the demonstration project, he became one of that body's most influential and aggressive members. The first Ford grants to the project were awarded through his church. His planned indiscretions heralded the confrontation which led to the school strikes.

MAX J. RUBIN: Lawyer, member of the State Board of Regents and former president of the Board of Education. He was sent by his fellow Regents to explore the teachers' union's real demands in the third strike, introduced Commissioner Allen to union president Albert Shanker, and ultimately invented the idea which Allen turned into a viable settlement.

ALBERT SHANKER: Former junior high school math teacher, president of the United Federation of Teachers. A product of the Socialist wing of the teachers' union, and a civil rights activist, he was goaded into violent reaction by an injustice to some of his members working in Ocean Hill and by his utter distrust of the Mayor and the Board of Education. In person and in print, he had long advocated a partnership between union teachers and Negro parents as the only hope for success in the struggle to improve urban education; now he led a series of strikes which destroyed any chance of such a partnership.

ASSEMBLYMAN SAMUEL D. WRIGHT: Lawyer and Ocean Hill resident, who represents that district and its neighbors in the state assembly. Chairman of the original planning

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group which set up the demonstration project and member of the governing board, he broke with Rev. Oliver and McCoy over their refusal to accept arbitration of their original dispute with the teachers' union, and called for new elections for the governing board.

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INTRODUCTION

The New York teachers' strike of 1968 seems to me the worst disaster my native city has experienced in my lifetime—comparable in its economic impact to an earthquake that would destroy Manhattan below Chambers Street, much worse in its social effect than a major race riot. Worst of all, the strike will very probably reduce to the condition of a Boston or an Alabama, or some mixture of the two, a school system that was wretchedly ill-organized and weakly led but relatively alert intellectually and by no means so completely ineffective as it has become fashionable to say—and that was almost the only real hope the city could offer for the future of tens of thousands of Negro and Puerto Rican children.

It is always in the interests of those in authority to say that wars and mine disasters and such are inevitable. The belief underlying this report is that what happened in New York in the fall of 1968 was *not* inevitable, and that those who are saying that it was—especially those in the great foundations, in the universities and in the Mayor's office—are much more to be blamed for what happened than are any of the partici-

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pants. Great wealth, academic position and political leadership carry responsibilities which were not met. At no point in the history that will be described on the succeeding pages did these forces demonstrate any understanding of what was happening in terms other than their own preconceptions, and at no point did they exert the authority, leadership or even influence which their status and social role obliged them to exert.

As an attempt at history, the following narrative concentrates on events and their immediate context; and a certain amount of background should be, as the lawyers say, stipulated from the start:

1. During the course of political reform in the 1930s, control of the New York City school system was narrowly concentrated in a central office. In the 1950s and early 1960s the machinery grew too complicated and too rigid for its purposes, and the system became increasingly unresponsive (in substance if not in public statement) to both the teachers in the classrooms and the parents whose children were in the schools. The teachers through trade-union organization were able to establish countervailing force; the parents were not. From 1961, when the state legislature mandated "revitalization" of the local boards, which had been allowed to atrophy since the 1930s, there has been a political drive toward "decentralization" of the school system, to make the schools accountable to "the community." As chairman of a local school board, incidentally, and as a writer for various publications, I was myself among the leaders of this drive. In the summer and fall of 1967 formal decentralization proposals were developed by an Advisory Committee to the Mayor, chaired by McGeorge Bundy of the Ford Foundation, for consideration by the state legislature in the spring of 1968. No representative of the teachers or the school supervisors,

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the trade-union movement or the organized parent movement, was appointed to the committee.

2. In the middle 1960s the proportion of Negro and Puerto Rican children in the New York schools neared and then passed 50 percent. The proportion of Negro and Puerto Rican population in the city as a whole, however, is only about 27 percent, and the proportion of voters who are Negro or Puerto Rican is considerably less than 20 percent. New York ranks thirteenth among the nation's fifteen largest cities in the proportion of its population which is nonwhite. Within the schools the Negro and Puerto Rican children are doing substantially less well than mainland white children: at age twelve the gap between average white and average nonwhite accomplishment (excluding Orientals, who do fine) is more than two years as measured by standardized tests. It is psychologically very difficult for parents not to blame the schools; and almost equally difficult for people in the schools, who believe they are doing the best they can (and who know that their results are if anything a little better than the results in other cities), not to feel a degree of complacency in the face of failure by most of their students.

3. Most New York City schoolteachers are recruited from the city colleges, which until recently have admitted only students in the higher ranks of the city's high schools. Examinations beyond those required by the state have been imposed for a New York City teaching license, and promotion has been possible only through an elaborate system of internal examinations. Much but not all of this is mandated by state law. The proportion of Negroes and Puerto Ricans among full-time students at the city colleges has been until recently something like 3 percent; the proportion among the city's teachers is under 10 percent (by contrast with figures of 30 percent and more in other large cities, up to 80 percent in Washington, D.C.); and the proportion of Negroes and

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Puerto Ricans among New York school administrators is almost invisible except at the lowest rank, that of assistant principal.

4. Ocean Hill is a border area between the slum districts of Brownsville and Bedford-Stuyvesant, some miles out from downtown Brooklyn. Less than a fifth of its adult population was born in New York City; less than a third completed high school; only two-fifths have lived in the area as long as five years; more than half the households subsist on less than \$5,000 a year; about 70 percent are Negro, about 25 percent are Puerto Rican. Though there are some blocks of pleasant owner-occupied private houses, most people live in deteriorating rooming houses and tenements, and much of the area's housing is simply being abandoned by its owners. All the well-known social problems are present. It is a highly discouraging place in which to live and to bring up one's children.

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PART II

THE CONFRONTATION

ERRATUM

On page 61, through an error, two sets of petitions for elections in Ocean Hill have been dealt with as one. Assemblyman Wright's signatures were prevalidated before their submission, and the teachers' union played no part in gathering them. So much of the paragraph as reads "Some of Wright's signatures turned out to be lists of names all in the same handwriting, and the UFT seemed to have been helping him gather them" should be deleted.

COMPLAINTS AGAINST TEACHERS are endemic to the process of education. Most often they are ill-founded, the result of childish incomprehension or parental disappointment, and to protect teachers against such complaints and against politically motivated discharge, rules of teacher tenure have been adopted throughout the civilized world. Teachers can still be removed for malfeasance, but in most school systems it is bloody difficult—in New York just the nuisance of written charges and hearings and appeals makes any administrator blanch at the notion of actually seeking to dismiss anyone. In fact, only twelve teachers have been formally discharged, from a teaching force of more than 57,000, in the last five years. Sometimes a teacher can be persuaded to resign under threat of disciplinary action. Usually, though, a supervisor with an intolerable teacher rids himself of the offending atom by arranging a voluntary transfer. One of the survival skills of a New York school administrator is the ability to slough off bad staff onto other districts, and there are literally hundreds of incompetent (some of them mentally ill) teachers drifting about the school system.

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Inevitably, Ocean Hill got more than its share of bad teachers. After Mrs. Feldman and Shanker had persuaded the striking teachers to return to the demonstration unit in fall 1967, the UFT got to work on escape hatches for them in case the situation turned nasty. As part of an effort to keep teachers in slum schools, the Board of Education and the union some years before had worked out a contract provision that teachers could not apply for transfer until they had five years' seniority, and that no more than 5 percent of the staff of any school would be permitted to transfer during a school year. When the demonstration projects were announced in spring 1967, the union had staked out a position that these projects would be outside the contractual limitation on transfer, that participation in them would be voluntary. After the 1967 strike the union began meeting with the Board of Education to iron out transfer rules for Ocean Hill and for the IS-201 complex in East Harlem, where the teachers were even more frightened. Obviously, mass transfer out would kill the projects, leaving a huge reservoir of ill will in the neighborhoods. The union agreed to (Shanker says it proposed) a compromise, by which 10 percent of the staff could transfer out of a demonstration district at the end of each semester—20 percent a year. Ocean Hill was never consulted about these arrangements (a true case of colonialism), and deeply resented them. In the event, the contract did no good—nearly 20 percent of the teachers left Ocean Hill when the term broke February 1. The bureau of personnel could not replace them all, and some of the replacements it did find were pretty bad.

Ocean Hill administrators were getting complaints about good teachers, too, because, after all, what's the use of having a home-grown governing board if they can't do anything about the teachers? McCoy and his staff had little time

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to sort out complaints, which was resented, as it always is. (Slums and suburbs are more alike than most commentators think, because people live in both.) Receiving what they considered short shrift from the professionals, some Ocean Hill parents went to their friends on the governing board, to the point where on February 28 the by-laws of the governing board were amended to state that the board would not hear complaints brought by its members against professional personnel.

McCoy, meanwhile, was disturbed about the attitudes of some of the assistant principals, as reported back to him by the principals. Superintendent Donovan transferred out five APs for him on administrative request, but he reported to the governing board that requests to transfer three others had been refused. He may have meant only that he had been told those five were his full quota, because no specific request to move out an AP was ever denied. The governing board met to discuss the reported refusals, and someone suggested that the board should simply exclude the APs from the district. On March 28 this tactic was rejected, mostly on the urging of Assemblyman Wright, who thought there was a chance to get an effective school decentralization bill through the legislature, and felt that any arbitrary action by the governing board would harm its chances. He proposed that the board announce charges against the APs and hold public hearings before taking any action, and his motion carried. The next day Wright went back to Albany, the governing board met again, and the motion passed the previous day was rescinded. At these meetings board members began discussing the possibility of excluding from the district some of the teachers as well as the assistant principals. It occurred to someone that the governing board could make a very big splash in the world by firing a bunch of teachers and adminis-

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trators and proclaiming that now and forevermore Ocean Hill would make its own decisions about who could and who could not teach in its schools.

The Governing Board Dismisses the Wrong Teachers for the Wrong Reasons

Setting up a confrontation by dismissing teachers was more difficult than the casual observer might think, because Donovan was ready to help McCoy quietly transfer out people he didn't want, and had indeed offered to do so. Involuntary transfers are not uncommon in the school system, because the procedure is useful in avoiding discharges and because something of the sort is necessary to staff new buildings with experienced teachers. When McCoy mentioned to Donovan that some people were going to have to go, Donovan told him to send along the names with some notion of the reasons why, all in confidence, and the bureau of personnel would take care of the matter.

The union, too, was ready to help out. McCoy early in the year had moved to restore good relations with the UFT. He went to Manhattan and met at union headquarters with Shanker and Mrs. Feldman and others, to ask what technical assistance the union could give him. A committee was set up, consisting of the chapter chairmen at the schools in the district plus the teacher members of the summer's planning group, and as its first order of work the committee began preparing a proposal by which P-144 in the district could be made more like a More Effective School without substantial additional expenditures. Liaison between the committee and McCoy was provided by Mrs. Feldman, who went to his office several times a month. McCoy complained that the ideas coming out of the union committee were not very good, and Shanker proposed a summer conference, an "Arden

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House meeting," to which the union could bring its full consultative resources. At several meetings in March, McCoy mentioned to Mrs. Feldman that he was under pressure to get rid of some teachers, and Mrs. Feldman said that if he gave the UFT the reasons why he wanted to remove any individual, the union would make no trouble. To say the least, it did not occur to Mrs. Feldman that four members of the committee formed to help McCoy were among those tagged for removal.

At no time did McCoy mention to his governing board any of his renewed contacts with the union. It is interesting to note that relations between the governing board and the union teachers were so remote that no word of these meetings between McCoy and the UFT filtered through to the board members, who learned about them for the first time when Shanker mentioned them on a television show during the strike—at which point the ladies of the governing board got hopping-mad.

Some time in early March Rev. Oliver appointed a personnel committee of the governing board, with Father Powis as its chairman (though Mrs. Clara Marshall later signed its report). Some time in early April the report of the committee was ready. It recommended "the removal from our district" of the one surviving preproject principal, five assistant principals and thirteen teachers. Now came the tricky part. If McCoy had asked Donovan to transfer these people out, most of the confrontation would have been lost. (Considering the names on the list, McCoy would not have been granted all he asked for, but he would certainly have gotten most. John H. Niemeyer of Bank Street has pointed out that during this period the IS-201 complex quietly transferred out, by informal administrative procedure, more people than Ocean Hill tried to move.) At the same time, the parent representatives, and community representatives like Assem-

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blyman Wright and Professor Stephen Lockwood of Brooklyn College (who had been co-opted as the university member of the governing board), had to be convinced that McCoy had asked for the transfers and had been refused.

And the trick was accomplished. To this day, most members of the governing board believe that McCoy asked to be relieved of the people whose names were mentioned in the personnel committee report, and got nowhere. Most outside observers think so, too, either because McCoy told them so (as he did Kenneth Clark) or because it stands to reason. In his ruling on the charges finally brought against ten of the teachers by McCoy, Judge Francis E. Rivers noted in passing that "if the Unit Administrator had sent to the Superintendent of Schools a simple request to transfer the teachers, without assigning any supporting charges, he (the Superintendent) may have been able to do so without a hearing." In its statement of opinion *The Burden of Blame*, the New York Civil Liberties Union comments in outrage, "Which is, of course, precisely what McCoy had done." But the NYCLU does not seek to explain why Judge Rivers would so clearly imply that McCoy had *not* done so if in fact he had.

The statement that McCoy never asked Donovan to transfer out any teachers does not rest on a belief that Bernard Donovan's word is necessarily better than McCoy's. In fact, McCoy has admitted to several university and foundation advisers to the project—and to me—that he never made such requests for transfer. (He says it would have been pointless, because Donovan would have refused them.) He could scarcely claim otherwise to anyone who had been nosing around the situation. There are no documents to support a claim that requests were made ("Where are his carbons?" Donovan asked sourly when told McCoy had said he asked for transfers). There is the fact that in several of the cases which reached him Judge Rivers ruled that the charges

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against the teacher could not stand because nobody had ever notified him of his errors prior to the governing board's action in dismissing him—but surely a request for involuntary transfer would have been brought to the teacher's attention, and such indications of dissatisfaction would have constituted notice.

Despite his apparent cooperation in preparing the confrontation, McCoy seems to have avoided identifying himself with the specific action of the governing board. About a week before the dismissals occurred, Father Powis told a meeting of the Coordinating Committee for Community Control that Ocean Hill was about to "fire" thirteen teachers, and that McCoy opposed the idea. Certainly McCoy had nothing to do with the personnel committee report and recommendations which the governing board approved. Two of the teachers whose dismissal was recommended by the committee were identified only as "Mr. Steinberg" and "Mr. Bergen," and however inefficient an administrator may be he would at least know the first names of the teachers he was seeking to discipline.

In late April, just before the governing board acted, some trial balloons were lofted to see how people favorably inclined to the experiment would react to an attempt to oust teachers. One such balloon, indeed, came in my direction, when Father Powis called to inform me, rather excitedly, of the abandonment of pupils following the I-55 fire, and to say that something was going to have to be done to get those teachers "and some of the old-line UFTers who are sabotaging the project" out of Ocean Hill. It sounded to me like rhetoric, and I probably grunted assent. (I also called principal Percy Jenkins at I-55 to try to get the story straight: he was most distressed that anybody was spreading the story, played it down and defended his teachers.)

A far more important sampling of reactions occurred on

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April 26, when members of the governing board met with members of the Urban Coalition education task force at the offices of the Carnegie Corporation. Most of the meeting was devoted to a discussion of the governing board's grievances against the Board of Education. Then, as people were putting on their coats, Father Powis announced, "Next Monday, we're firing thirteen teachers"; and everybody sat down again for a while, and listened to Father Powis' tale of the I-55 fire and unspecified "sabotage" by union teachers. John Simon, president of the Taconic Foundation and a lawyer, says that he urged Father Powis to prepare charges against anybody the governing board wished to dismiss; and Father Powis said, "No—every time you bring charges, you lose." Simon recalls asking consultant Preston Wilcox to go out to Ocean Hill and persuade the governing board to cool it, at least for the period when the legislature would be considering school decentralization proposals, but the matter cannot have loomed large, for Wilcox does not recall such a mission.

In fairness, there is a limit to how censorious I can be about the failure of the Urban Coalition to react more strongly at the time to Father Powis' announcement, for even after the event I continued to be sympathetic myself to what I thought the governing board had done. I spoke to McCoy on the telephone the day the news became public. "I want the record to show," he said, "that this community behaved very well under severe provocation for eight months. There are no charges against most of these people—they're just hostile, it's something you *sense*. But they're going to make me bring charges, and they're going to try to make the community take them back."

Not listening very carefully, my mind full of Father Powis' stories about the I-55 fire, my heart in the highlands, I said, "How big an army are they going to bring with them to make the community take them back? . . ."

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Then it developed, astonishingly, that the teachers against whom the governing board was acting were not the I-55 teachers who left after the fire, and some were not even among the incompetents whom any visitor to the district might have noted. Two were UFT chapter chairmen, two others were original participants in the planning council, and the majority were from J-271, which was still short of staff and needed everybody it could get. Of the six J-271 teachers on the list (the committee report showed seven, but one had recently transferred into an elementary school, which the committee didn't know), principal William Harris was willing to certify that two were in fact incompetent, but against the other four he had no complaint whatever. The committee assured him that the charges against those four had nothing to do with competence, that the members of the committee had been around Ocean Hill longer than Harris and had reason to know these four were bad men and enemies of the project. The leading figure among the four was Fred Nauman, the UFT chapter chairman, who had organized the letter urging the retention of the Ocean Hill principals while the decision against their legality was appealed.

The fact is that the objection to Nauman was simply a generalized rumor of hostility which had been deliberately fed to a few parents. When the time came to present evidence against Nauman before Judge Rivers, the governing board could produce none. Mrs. Clara Marshall of the governing board said the other day, "Nauman had been beautiful, one of the best teachers in the school. But after Mr. Harris came in he *changed*. The parents said all those awful things were happening and Nauman knew about them, so he must have had something to do with them. . . ." But Nauman has letters of commendation and thanks from Harris for his work in those first weeks of the new regime at J-271, and to this day neither man has been willing to say a word

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against the other. Nauman rubbed McCoy wrong, but at bottom he was being discharged from the district for one reason alone: because he was the UFT district chairman. The union would *have* to fight on his behalf. Nauman's presence on the list guaranteed the confrontation. "Nauman and the others are straight arrows," Shanker said the other day in the courtroom where he was being tried for violation of the Taylor Law, "and that made it easier for us. I probably would have fought anyway, but this way my conscience is clear."

In the months since, a number of supporters of the governing board, especially the New York Civil Liberties Union, have insisted that what the board was doing was simply a routine transfer-out which the union blew up to vast proportions as part of its war against decentralization in the state legislature. There is absolutely no evidence to support this contention in the documents of the time. The report of the personnel committee, after listing the teachers to be removed, continues: "We feel that we will be condemned by many as having to make this unpleasant recommendation." In conversations at the time, Father Powis and others spoke of "firing," and in statements to the newspapers the governing board spoke of "ousting."

The letter approved by the governing board to be sent to the dismissed personnel read, in its entirety:

The Governing Board of the Ocean Hill-Brownsville School District has voted to end your employment in the schools of this district. This action was taken on the recommendation of the Personnel Committee. The termination of employment is to take effect immediately. In the event you wish to question this action, the Governing Board will receive you on Friday, May 10th at 6 P.M. at I-55.

Of course, the governing board could not fire anybody: it didn't employ anybody. Its own headquarters staff were all

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officially employed by the Board of Education. But it is hard to think of any accusation more likely to damage the future career of an urban teacher than a statement that he is hostile to the legitimate aspirations of Negro parents and children, and is thereby "causing serious danger to our students." That accusation was made against Fred Nauman and at least three others, officially, publicly, without evidence, after an investigation so trivial that it failed to turn up the first names of two of the persons accused. Such behavior by a public body can be defended, perhaps, by those who believed in the 1950s that the federal government was right in publicly labeling people "security risks," without evidence and falsely, and transferring them to "nonsensitive" jobs. People who opposed McCarthyism in the 1950s, though, would not seem to have available to them today the luxury of supporting the action the Ocean Hill governing board took on May 7, 1968.

Over the weekend before, Assemblyman Wright had pleaded with the governing board not to take arbitrary action on personnel the week the state legislature was to begin its consideration of decentralization bills. Nevertheless, when the governing board met that Tuesday evening in executive session, the report of the personnel committee was called up for approval. Professor Lockwood opposed the report, and urged that the board at least call the accused staff before it to talk over charges before acting. Especially when complaints relate to behavior rather than to competence, he argued, people must be given a right to some kind of hearing. Moreover, if the teachers refused to appear at the meeting, they would hand the governing board evidence to support a charge of insubordination.

Several of the parent members stirred uneasily while Dr. Lockwood spoke, and Rev. Oliver moved to the attack. The Board of Education, he said, had never recognized the governing board, which was thus not legal, and could not

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maintain charges of insubordination against teachers who refused to appear before it. Presently, as though on signal, the door to the meeting room burst open and fifteen to twenty militants rushed in and ranged themselves against the wall. This was a community board, they said, and they were the community, and they were there to see that the board did what the community wanted. ("At this point," the minutes of the meeting say gallantly and rather glumly, "the community entered the room.") In this atmosphere the report of the personnel committee was approved, and McCoy was ordered to write letters to the nineteen, "terminating their services" in the district.

On the poisoned ground of educational failure on Ocean Hill, the governing board had sown the dragon's teeth of personal injustice. And the armed men sprang up.

The Union Strikes the Project

The next weeks saw a succession of premieres of events that were destined to have long runs. Teachers were blocked trying to enter school, police escorted teachers into buildings, parents boycotted schools, residents of the area were arrested, lights burned until three in the morning at Gracie Mansion while Mayor Lindsay met with members of the Board of Education (on the night of May 14; the issue, believe it or not, was whether it would be the Board of Education or the Mayor who issued the order to the police to escort the teachers).

Both the governing board and the union began what would be a dreary round of clevernesses. McCoy would admit the dismissed teachers to their classes, then order them to his office, and when they did not come, he dismissed them anew for insubordination. The union would arrange to have

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its other members wait outside the schools for the appearance of the dismissed teachers, and when their entrance was blocked, the others would all declare themselves locked out. About 350 of the district's 500-odd teachers supported the strike.

The UFT took the position that however one defined the action of the governing board it was certainly punitive, and that teachers could not be punished except on charges backed by evidence. The Board of Education agreed, and on May 14 appointed Judge Francis E. Rivers, who had recently retired from civil court after a long career as one of the city's few Negro judges, to be the trial examiner on whatever charges McCoy might bring. The governing board responded by calling for mediation by state authorities, which Superintendent Donovan accepted; but when McCoy turned up to meet with the mediators, it turned out that what the governing board meant was mediation of its claim to authority to exclude anybody without giving reasons, not mediation of the cases of the individual teachers and administrators.

Donovan brought McCoy and Shanker together, and McCoy assured both men that there were charges aplenty against the six administrators and twelve teachers (the thirteenth, the one Negro, had been reinstated almost immediately by the governing board). Not all the charges, though, were going to be publishable. For example, one of the men at J-271, a man with a family, was shacked up with one of the girls across the street, which was damaging to the morale of the school. McCoy couldn't put that in the public charges (indeed not, Donovan murmured), but if the matter came to a hearing, it would have to come out, which would ruin the man's life. Shanker agreed that was a problem, and spoke with the teacher McCoy had accused, who roared with laughter and said there was nothing to it and he would happily take his chances at a hearing. In the end, Shanker

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continued his demand that McCoy state the governing board's reasons for compelling the transfers, and permit the accused teachers to require the presentation of evidence at a hearing. And McCoy insisted that the community had the right to decide who would and who would not teach in its schools, and that the governing board had forbidden him to present formal charges.

Meanwhile, Donovan was under pressure from Mayor Lindsay (who spoke to him directly almost daily) to get the Ocean Hill staff to accept their removal from the project. He succeeded with the administrators, all of whom eventually accepted reassignment elsewhere, but ten of the teachers were made of stronger stuff—and their union was striking to support them.

In Albany the UFT was riding the gift horse from Ocean Hill to trample the strong decentralization legislation recommended by Mayor Lindsay and by the Board of Regents. The Urban Coalition, the Ford Foundation and even the Mayor's office put pressure on the governing board to prefer charges against the teachers and to present evidence before Judge Rivers. McCoy went to Dr. Kenneth Clark, state Regent and professor of psychology at City University, and asked him to persuade the State Commissioner of Education to intervene. He assured Clark that he had gone through all normal procedures seeking the removal of the teachers, and that the governing board had finally acted the way it had because all legitimate avenues had been blocked. It never occurred to Clark that McCoy was not telling him the truth. It never occurred to the Urban Coalition groups or to the Mayor's office, until some time in November, that in fact there never had been any charges against several of the dismissed teachers. Some of the crusaders, of course, never cared whether there were any real charges against the teachers.

On May 25 Donovan put McCoy under orders: either he

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would mandate on his principals the return of the teachers or he would be fired himself for insubordination. On that pledge, Shanker urged his teachers to return, and they did. McCoy promptly suspended six of them on formal charges submitted to headquarters. Donovan ordered the teachers to report to headquarters, and the union struck again. By then the state legislature had passed the Marchi Bill on decentralization, a weaker though (as the summer would demonstrate) potentially significant measure supported by the union; and the strike could no longer be considered by anyone as a political gesture to affect what happened in Albany. The union was going to see to it that the teachers kept their jobs.

The Board of Education and Ted Kheel Try to Settle the Strike Against the District

The filing of charges made this situation look like a relatively familiar kind of dispute, and the Board of Education was now confident it could be resolved in relatively familiar ways. All parties were summoned to a meeting at the Board on Friday, May 31. (That morning Rivers began hearing the charges McCoy had brought.) The Board had met twice with the whole governing board in February and April, and felt that such overpopulated conferences were no use for reaching agreements, so the instructions to Ocean Hill were to send no more than three people. The idea of delegating authority—particularly in relations with the outside world—has never been accepted in the governing board, and these instructions aroused hostility to the forthcoming meeting. The Ocean Hill delegation consisted of Vice Chairman Mrs. Clara Marshall, Father Powis and McCoy. Mrs. Rose Shapiro, acting president of the Board of Education, opened the

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meeting with a statement that nobody was going to leave the building until a settlement had been reached.

And, apparently, a settlement was reached. If the governing board did not wish to go through the usual Board of Education trial examiner's procedure, Mrs. Shapiro suggested, outside arbitration could be invoked and made binding on all parties. The American Arbitration Association had been set up to move expeditiously on just this sort of case. An arbitrator acceptable to both sides could be assigned on Monday, June 3, evidence could be presented to him through the week, and he could hand down his decision on Friday. Meanwhile, the teachers would go back to work, except for those dismissed by the district, who would be needed at the arbitration hearings anyway.

A one-page agreement was drawn up and typed, by which Mrs. Marshall and the Board of Education and the union all agreed to arbitration. Just before it was to be signed, Father Powis objected that Mrs. Marshall could not bind the governing board, and that the language should be changed. The document actually signed, therefore, includes a penciled insertion of the word "consider" before the word "arbitration." Nevertheless, the Board of Education and the UFT left the May 31 meeting with the feeling that the fight was over. Mrs. Marshall made an optimistic statement to the television cameras.

That Sunday Mrs. Shapiro received a call at her Westport house, from David Seeley, Mayor Lindsay's educational liaison man. Seeley said that Mrs. Marshall wanted to speak with her. Mrs. Marshall did speak with Mrs. Shapiro, and told her that the governing board had indeed considered arbitration, and had rejected it. The strike against the district went on.

Through Clark, the Ocean Hill governing board now appealed to Commissioner Allen to intervene personally. Allen

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replied that he couldn't, because as chief state school officer he had to remain available for any possible appeal process. (The union probably would have rejected Allen anyway, because of his close identification with the decentralization plan Shanker had fought.) Allen recommended Theodore Kheel, the city's best-established and most famous labor mediator, who is also chairman of the board of Clark's Metropolitan Applied Research Center.

A meeting was set up by Clark for Kheel's law office in midtown Manhattan at two-thirty on Friday afternoon, June 7. At two-thirty delegations from the Board of Education and from the UFT appeared at Kheel's office, but the governing board did not. Kheel called Clark, who apologized, said he would find out, then called back and said something unspecified had gone wrong and the governing board would be there at five. In fact, the governing board showed up, about a dozen strong, at seven-thirty in the evening.

The meeting in Kheel's offices lasted several hours, and, again, appeared to be productive. Kheel's position was that all parties should look to the future more than to the past. There was a need to establish fair procedures for involuntary transfer. There was assistance the union could give the governing board, especially in hiring for next fall. And there was the special problem of the dismissed teachers, and of the 350 or so who had struck. With reference to the individual cases, Kheel would look into the charges and make recommendations (not binding in form, but understood to be so in substance). This would take a while, especially as Kheel himself was due in London for a meeting on how to settle labor disputes, and would have to leave that weekend. Two of his associates—one white, one Negro—would meanwhile look into the situation.

As to what would happen in the interim, Kheel would follow the labor arbitrator's standard procedure. His aides

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would look at the charges against the individuals. Where the charges seemed serious on their face, they would order that the teachers be kept off the job pending a resolution of the matter. Where the charges seemed relatively minor, they would order the teachers on the job pending resolution. Both the governing board and the union were given to understand that a bare majority would be kept out of the district, while a minority would be returned, at least for the time being.

All this Kheel developed in a five-point proposal, of which point four was payment for the teachers who had struck or been locked out, depending on your point of view, for the last four weeks. The UFT accepted the proposals, though Shanker was concerned about the loss of city-wide uniformity in disciplinary procedures, disliked the inclusion in the proposal of those who had not yet been charged with anything, and was less than happy about the apparent sacrifice of six or seven of his people.

The union, the Board of Education, Kheel and Clark all say that the dispute came closer to a solution at this moment than it ever did before or since. In fact, it came closer than they knew. On Monday, June 10, the governing board met and Assemblyman Wright delivered a furious statement. He had not seen the charges against the teachers before the evening at Kheel's office, and he was shocked at the insubstantiality of some of them. Decentralization had been wrecked in Albany by these damned discharges, and the children's school year was being ruined by the resulting strike. Kheel's proposal was an honorable and fair way out of the dispute, and he moved the acceptance of all of it except point four, the payment for the teachers who had struck, which in any event was the business of the Board of Education and not of the governing board. McCoy, who rarely expressed opinions at governing board meetings, and whose image to the outside world was that of a man intent on a fair

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solution, undertook the reply to Wright. He denounced the Kheel proposal as an establishment trick, compulsory arbitration under a thin disguise, and he urged the members of the board to stick to their resolve that these teachers would never again teach in Ocean Hill. The meeting lasted five hours, and at its end the governing board voted 7-4 (Rev. Oliver in the minority), with four abstentions and four absences (among them, Father Powis), to accept the Kheel proposals.

The next morning a small committee of the governing board met with the Board of Education, Donovan and the UFT. Rev. Oliver led the group, and at no time did he mention the vote of the afternoon before. Instead, he presented a statement that Kheel was acceptable as mediator, that the transferred teachers would never be permitted back in the schools, and that the governing board would not be committed to abide by Kheel's findings. Nobody remembers any details of this crucial meeting, except that Father Powis and Board member Morris Iushewitz got into a slanging match, as they usually did wherever they met. At the end of the meeting at the Board, Rev. Oliver announced to the press, in direct contradiction of the vote the night before, that the governing board had rejected the Kheel proposals. That evening Rev. Oliver made an emotional appeal that the governing board could not negotiate away a community's right to determine who taught its children (bad history, incidentally: what Rev. Oliver was opposing is the definition of public schooling by the state); and with McCoy's help, Wright being absent, he turned the governing board around. On the evening of June 11 the previous day's acceptance of the Kheel proposals was revoked. The strike against the district went on, and Donovan returned the matter to Rivers.

On June 17 a neighborhood group called the Committee for Democratic Education began soliciting signatures on petitions calling for the removal of the governing board and

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new elections. (Rev. Oliver seemed to doubt their good faith: "Our children," he wrote in a public statement, "have now been stabbed in the back by this belated clamor of those who wish to take our children back to the good old days of educational genocide.") On June 18 the board approved a letter to all striking teachers, informing them that if they did not report to work on Thursday, McCoy as unit administrator would rate them "Unsatisfactory" on grounds of excessive absence and would demand their removal from the district. On June 23 Rev. Oliver called on Donovan to invoke the Taylor Law against the striking teachers. Kheel returned from England on June 24, found nothing to do, and withdrew; and the strike went on. The same day Kheel returned, Roy Wilkins of NAACP denounced the governing board for violating teachers' rights.

In the last weeks of the school year, college and graduate students supervised by experts from the Lou Harris office interviewed 212 parents in the Ocean Hill area, and found them in a state of utter disgust. Some 61 percent thought the schools were worse than they had been before (only 3 percent thought they were better); 38 percent thought they would get still worse (only 20 percent thought they would get better). Negative opinions outweighed positive opinions on the Board of Education (69-24 percent), the unit administrator (44-29 percent), the governing board (47-31 percent), the principals (49-40 percent) and the teachers (58-38 percent). On the specific dispute, 29 percent supported McCoy and the governing board in their effort to oust the teachers, while 24 percent supported the teachers, and the other 47 percent were not sure.

The district was still on strike as the academic year ended. Especially at J-271, where a large part of the eighth grade as well as the ninth grade was to be sent to high school, the one-third of the teachers who continued to work performed

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prodigies of clerical labors, well into the night. They were somewhat helped by the fact that nearly two-thirds of the parents in the district had stopped sending their children to school at all.

The Lindsay Appointees to the Board of Education Take Charge of the Problem

As the school year ended, in June 1968, Donovan and his staff took the position that the dispute had passed into the hands of Judge Rivers as trial examiner, McCoy was presenting evidence, and it should be assumed that the governing board would abide by any decision reached on the basis of Rivers' report. Rev. Oliver and McCoy met with Deputy Superintendent Theodore Lang of the bureau of personnel and asked special help in recruiting new teachers for the fall, and the help was given. McCoy, alone among the city's district superintendents (which was, functionally, his status), received invitations to visit the universities where a summer Intensive Teacher Training Program was in progress, to solicit for his district. A special licensing exam was set up for seventy-five teachers McCoy claimed to have recruited in the South, but nobody showed up. Another special exam for substitute teachers was given just for Ocean Hill, at Prospect Heights High School, and the governing board asked that 190 places be made ready; but only 19 showed up. As the summer wore on, the Board stopped giving walk-in exams for substitute teacher licenses—higher salaries, rising idealism, bigger college graduating classes and the special reward of draft exemption for teachers had put an end to the shortage of personnel. But it was still possible for principals who needed someone with a special skill to arrange—on Donovan's countersigning their application—an individual

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walk-in exam. Thirty such were given in August, nearly all for McCoy.

Members of the Board of Education were even less concerned than the staff about the situation on Ocean Hill, because they had reason to know there wasn't going to be any trouble. As part of the decentralization law finally signed by Governor Rockefeller in mid-June, Mayor Lindsay had been authorized to appoint four new members of the Board of Education, to bring its complement temporarily to thirteen. (As others were about to resign, the Mayor in fact would have a chance to appoint a majority of the thirteen over the next few months.) Among his first choices in mid-July were William Haddad, a former newspaperman and Reform Democrat who was building himself a new career in the poverty program, and Rev. Milton Galamison, an independent, easygoing minister of a Brooklyn Negro church, who had sporadically made himself the center of specific civil rights drives, including two school boycotts in 1963-64 and the People's Board of Education in early 1967. (He had also announced a one-day boycott at seven schools, to support Ocean Hill in May 1968.) In different ways, Haddad and Rev. Galamison could claim Ocean Hill as their constituency, and both told the Board that their sources said the people out there were ready for compromise and the whole dispute was going to work itself out peacefully. "I've been meeting with McCoy and Shanker," Haddad told one meeting of the Board, "and we're right on the edge of an agreement." This being what the Board of Education wanted to hear, everyone believed it.

The reason Haddad and Rev. Galamison thought there was going to be an easy way out was, simply, that McCoy, at least by indirection, had told them so. (McCoy denies their interpretation of what he was saying. "If I'd been an outsider listening to me at those meetings," he commented recently,

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"and the subject had been the weather, I'd have bought an umbrella and galoshes.") In July, however, McCoy and the governing board had excellent reason to wish to play down the prospects of future conflict. Assemblyman Wright had broken with the governing board over the rejection of the Kheel proposals, and was supporting the group that called for new elections. (Indeed, the Niemeyer Committee in its report to the Board, dated July 30, recommended a new election for one-third of the slots on the governing board "as soon as possible," with the rest to stand for election "in time . . . to participate in the budget-making process for the 1969-70 school year," which would mean early fall.) In the last week of July, Wright presented to the Board a petition for a new election which he claimed had three thousand signatures on it from the district.

On July 31 Rev. Galamison, new Board member Hector Vasquez and John H. Lotz, a former telephone union official and executive of the Health Insurance Plan who was a hold-over from the old Board, were appointed a committee to look into Wright's case. McCoy showed them petitions supporting the governing board which he said contained five thousand signatures (later some of these petitions were thrown, suitably boxed, at members of the Board of Education, during a public meeting). Some of Wright's signatures turned out to be lists of names all in the same handwriting, and the UFT seemed to have been helping him gather them. Lotz, who is highly sensitive to political arguments, decided that Wright was looking for union support for some future election to the state senate or to Congress, and that his petition should be brushed off. At its August 14 meeting the Board of Education voted to reject the Wright petitions and not to hold new Ocean Hill elections until June 1969.

From late July on, Rev. Galamison met regularly with McCoy and Shanker, often at convivial lunches at which the

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long-range prospects of the unit were discussed. Rev. Galamison's idea was to remove the issue from the narrow focus of ten teachers to the more general question of what the union could do to make Ocean Hill a model; then the teachers could slip back in (or some would not slip back in) fairly easily, as part of a larger agreement. All the meetings were amicable. Though a majority of the governing board had voted that it would never never never take back any of the teachers who struck the district, or any of the teachers who had been dismissed May 7, McCoy did not warn anyone of the danger of total intransigence on his board. And he never told the governing board about his meetings with Rev. Galamison and Shanker.

Throughout these summer months, when the tragedies of the fall were being determined, McCoy alone was in contact with all parties to the dispute.

Out in the great world beyond Ocean Hill, the Board of Education was wrestling to prepare lists of powers which would be handed over to the city's thirty local school boards under the provisions of the new Marchi Law, and on August 14 the Board announced a plan which looked more grandiose than it was, but did proclaim an apparent shift of the power to hire and fire from the central to the local boards. The UFT was, to say the least, concerned about how teachers' working conditions and security might be affected, especially in the light of the Ocean Hill experience.

Again, the work horses for the Board of Education were Lotz and Rev. Galamison. Shanker had a long list of grievance procedures he wanted spelled out in the decentralization plan, and one by one Lotz and Rev. Galamison worked out provisions satisfactory to the union. On the Ocean Hill question, Lotz suggested a compromise on numbers—the Board of Education would order the return to the district of four of the surviving ten who were challenging their transfer,

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which Shanker had accepted from Kheel, and maybe thirty-five of those who had struck the district. Then on August 26 Judge Rivers handed down his findings, and denied McCoy the right to transfer out *any* of the ten teachers.

Even the union was a little embarrassed at the unfairness of the decision ("I could have won cases against at least three of the ten," says one of them. "The problem is that McCoy and his people don't know how to present evidence"). But now the force of law was behind the reinstatement of all, and Shanker could not yield on any and survive as a union leader. Rev. Galamison accepted the need to put all the teachers back in Ocean Hill; the matter was no longer an issue between the Board of Education and the union. It was still, however, very much an issue in Ocean Hill, where the governing board voted not to accept the Rivers findings—thereby drawing the condemnation not only of the *New York Times*, but also of *El Tiempo* and the *Amsterdam News*.

The Storm Gathers over the City

In the last week of August and the first week of September, the new college graduates who had passed walk-in exams as substitute teachers returned to the city and looked for their teaching assignments, and found they had none. At the bureau of personnel, sympathetic junior assistants told them that although there was a city-wide surplus of beginning subs, Ocean Hill still had vacancies. When McCoy and the governing board came to the Hotel Commodore in Manhattan to meet with the Board of Education on Friday, September 6, they were prepared to operate their schools without any of the union teachers. Meanwhile, the delegate assembly of the UFT had voted a city-wide strike for the opening of school on Monday unless an agreement was reached covering

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the status of union teachers in all decentralized districts, especially Ocean Hill.

The negotiating committee of the Board of Education had been working hard all day on the details of the contract with the union, and everyone had relaxed with a few drinks at dinner. The members of the governing board were shocked to find some of the Board of Education representatives gently liquored; and the Board members were shocked to find that the governing board, far from listening patiently to explanations of why they would have to take the teachers back, remained bitterly adamant that neither the ten involuntarily transferred teachers nor the hundred-odd (the governing board thought two hundred) strikers who wanted to return would ever again be permitted to darken the door of a school on Ocean Hill.

The totally unproductive Friday night session was followed by a totally unproductive Saturday meeting with the UFT (to which several members of the governing board refused to come). Finally Lotz told the governing board that if they didn't take back the teachers, the Board of Education would simply close down their schools until they had agreed to comply, and might dissolve the district as a separate entity.

Sunday all the clans assembled, each in its own room, at City Hall, and Mayor Lindsay met for the first time with the Ocean Hill governing board. They greeted him with a prepared statement, of which the operative sentences were: "Since the legal machinery of this sick society are forcing these teachers on us under threat of closing our schools and dissolving this district, the Board of Education should return to our district any of the teachers who wish to return. Our original decision remains as before. We refuse to sell out. If the Board of Education and the Superintendent of Schools forces them to return to a community who does not want

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them, so be it." Members of the governing board remember that the Mayor seemed insulted by this statement, and said it should not be presented to him. He volunteered the help of his assistants in rewriting it, and they went off to edit it into something the Mayor could accept. One member of the governing board says scornfully, "He made it say something that was in his mind, not in ours."

What emerged was a statement to the effect that the governing board would not consent to take the teachers back but would consent to being forced to take the teachers back. As the Mayor phrased it, in reporting to the Board of Education the results of his meeting with the governing board, "They will not seek to prevent their return." When the Mayor was asked whether the teachers would be assigned to classrooms, he brushed the question aside, leading members of the Board to believe that this crucial matter had not been discussed. In fact, Lewis Feldstein of the Mayor's office had asked McCoy to pledge that the returning teachers would receive normal assignments, and McCoy had done so, not only to Feldstein but also (Feldstein says) to Vincent McDonnell of the State Mediation Service. McCoy said he could not make such a statement publicly, however, without wrecking himself in the district; and he never told the governing board that he had given such a pledge.

The union was waiting in the Board of Estimate room at City Hall, and Mayor Lindsay let them wait a while. Shanker learned that the Mayor had left the Board of Education without coming to the union's room, and began to lead his people out the door; and the Mayor arrived. "We've settled it," he said. Shanker asked him how he had settled it, and the Mayor said, "They agreed to take the teachers back." Then the Mayor went downstairs to a televised news conference to announce that schools would be open as scheduled on Monday. Rev. Oliver told the cameras that the Mayor was mis-

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interpreting the governing board's position. Shanker told the cameras that there was no contract, that he would recommend a strike to the membership, which would vote that night, and that he did not expect the schools to open as scheduled. The vote to call the strike was 12,021-1,716.

The fact that the strike was illegal under the Taylor Law, which Mayor Lindsay was sure to invoke, was apparently never discussed.