

VIEWPOINTS

The Freedom to Teach /
AD HOC COMMITTEE TO DEFEND THE
RIGHT TO TEACH

The terrible conflict in the New York City public school system is a matter of grave concern to us all. The turmoil and tensions generated in recent days threaten severe damage to the education of children. Moreover, they endanger the very fabric of community in New York City.

If catastrophe is to be averted, we believe that the real issues of this dispute must be clearly understood.

Decentralization is *not* the issue. Decentralization of the city schools is under way. The United Federation of Teachers has pledged its full cooperation to make the reorganization succeed and to make whatever modifications it deems necessary through the democratic legislative process.

The real issue now is job security. It is the right not to be fired arbitrarily by your employer because he doesn't like the color of your skin, or the way you wear your hair, or the political opinion you hold.

It is the right to a contract that protects the interests of both the employer and the employee—not a contract that can be violated or torn up by the employer whenever he feels like it.

It is the right to due process on the job. If an employee is to be fired, he is entitled to a list of specific reasons, and he is entitled to answer the charges against him. If those charges are dismissed by a court of law, he has the right to be reinstated.

It is the right of freedom from harassment, intimidation, and violent assault on the job. Which of us goes to work every day expecting anything less?

These are not subtle or disputable rights. They are elementary.

THIS ADVERTISEMENT appeared in *The New York Times* and the *Daily News* on September 20, 1968. Co-chairmen of the Ad Hoc Committee were Michael Harrington and Tom Kahn, and the address given was 112 East 19th Street, New York City.

They are enjoyed as a matter of course by every worker who belongs to a union. Incalculable sacrifice has gone into securing these rights, and the struggle continues to extend them to every citizen regardless of race, color, or creed.

These rights were to be protected under decentralization. But then, on May 9, 1968, ten teachers in the Ocean Hill—Brownsville district were fired by the local governing board. The vague charges against them were subsequently dismissed by Judge Francis E. Rivers. The local governing board refused to abide by this decision, and a city-wide teachers' strike was the result.

The strike was seemingly ended after two days when Mayor Lindsay promised that the teachers would be allowed to return to their duties. When school opened the following day, however, the teachers, including more than 100 others who had supported them, were barred from entering the schools by groups of shouting, shouting "community representatives" with the obvious support of the local board. Because of these incredible events, the union had to call the teachers out again.

There is good reason to doubt that these "community representatives" are in fact representatives of the Ocean Hill—Brownsville community. Their core appears to be a group of 50 to 100 individuals who turn up at one school after another throughout the city to harass and intimidate teachers.

Some people have urged the UFT, in the interest of peace, to yield on this issue. We believe that they fail to understand that more than a matter of abstract principle is at stake. The future of teacher unionism is at stake and so is the very governability of New York City.

We believe that the UFT is correct in perceiving that if the ten teachers of Ocean Hill—Brownsville can be fired without cause, teachers' rights and union membership will be eroded in one decentralized school district after another. It happens, for various reasons, that this problem has arisen first in the ghettos, but it can spread to predominately white areas, where local reactionary forces will attack black and white teachers who hold liberal political and racial views. We notice that these forces have not spoken out against the Ocean Hill—Brownsville events. They are eagerly waiting in the wings for their turn.

This danger is understood by black and white teachers alike—which explains their strong solidarity in the most effective strike in teacher union history.

The destruction of the UFT would mean placing teachers at the mercy of local groups throughout the city. It would mean liquidation of the most effective organized force for improved quality education.

It is precisely this concern for quality education—the absence of which in the ghettos and *barrios* of New York has been scandalously documented again and again—that motivates our strong support for both parent participation and teacher unionism. We know that genuine parent participation and teacher unionism will both collapse if the freedom to teach and the freedom to learn are snuffed out by mob rule.

If this happens, it would mean that in New York City relatively small groups of demagogues and self-appointed community vigilantes can make and break people, institutions and laws—and do so with the frightened or politically calculated acquiescence of the city administration.

We urge Mayor Lindsay not to allow this to happen. And we support the United Federation of Teachers in its determination that it shall not happen.

Ad Hoc Committee on Confusion / NAT HENTOFF

It's all perfectly clear. There's only one reason the UFT has been on strike—"The Freedom to Teach." That's the title of a nearly full-page ad in the September 20 *Times* sponsored by the Ad Hoc Committee to Defend the Right to Teach, 112 East 19th Street. Co-chairmen of this instantaneous committee are Michael Harrington and Tom Kahn. It's a rather awkward title they chose for the committee. Why not call it the League for Industrial Democracy? That used to be a grand old name. Anyway, there are twenty-five signatories of the ad. Most are prominent intellectuals, men of independent judgment. How they are able to support the remarkably simplistic language of this document is inexplicable to me. And that language is worth examining.

"The real issue now is job security," we are instructed. This

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strike is all about due process. Nothing more. Let me say again, as one who spends some time on the affairs of the New York Civil Liberties Union, that there is no question in my mind that the ten teachers were not given due process. But to claim that this is the sole reason for the strike and to sign a document that makes the UFT appear to be virtuous innocents in this battle puts the signatories in a strange position. It is as if they have all just returned from a five-year space flight.

This is what they signed: "Decentralization is not the issue. Decentralization of the city schools is under way. The United Federation of Teachers has pledged its full cooperation to make the reorganization succeed and to make whatever modifications it deems necessary through the democratic legislative process."

As if the UFT has not been trying to kill real decentralization in each of the three experimental districts. As if the UFT has evidenced the slightest comprehension of what real decentralization consists of. In an interview in the September 20 *Times*, Albert Shanker states once more that the hiring and firing of teachers should be done by the central Board of Education under any reorganization of the school system. Would anyone of the signatories tell us how decentralization is possible under that condition?

This strike was called because a blunder by the Ocean Hill-Brownsville governing board gave the UFT a chance, it thought, to fully discredit community control not only in Brooklyn but in the IS 201 and Two Bridges districts.

Again, it is one thing to sign a statement affirming the right to due process, but to ignore the total context of the dispute is an extraordinary action.

They also back this statement: "There is good reason to doubt that these 'community representatives' are in fact representatives of the Ocean Hill-Brownsville community. Their core appears to be a group of 50 to 100 individuals who turn up at one school after another throughout the city to harass and intimidate teachers. A serious charge. How many of the twenty-five signatories checked out the facts, or do they simply support on faith this incredible misreading of the feeling in ghetto communities?"

The signatories tell us, in addition, that there is "strong solidarity" between black and white teachers "in the most effective strike in teacher union history."

How do they explain the organization of the Black Caucus within the UFT, a caucus which has accused Shanker of "calling a

strike against the community"? An organizer of that caucus is Richard Parrish, assistant treasurer of UFT, whose labor credentials are impeccable. How do they explain the opposition to the strike by most of the young white teachers in the Ocean Hill-Brownsville and IS 201 districts? Not only the entirely new teachers, but those at 201 who have now had some experience in working within an actually decentralized situation? Intimidation is Shanker's explanation. Since they have already put themselves on the line in this ad, why don't the signatories go up to 201 and talk to the white teachers there who have been working throughout the strike?

Nor is there any mention in the "Freedom to Teach" ad of the need to define the criteria of teachers' performance so that due process does not mean the continued retention of teachers who have failed in the classroom. This is going to be an essential issue in the battles to come, and I would hope these signatories, having come into the battle, will address themselves to *that* problem. Because it is crucial. A teacher may be perfectly decent and not a racist but unable to reach black and Puerto Rican kids. How do you transfer him under due process? I suggest the signatories consider this report by Fred Hechinger in the September 9 *Times*: "Quite apart from the current dispute, the fact is that in a recent five-year period only twelve teachers with tenure were removed for reasons other than retirement or resignation. In a system of 60,000 teachers, this indicates a low degree of quality control, especially since there is no effective system of probationary weeding out."

Has the UFT ever expressed concern with this problem of quality control for those of its members who have achieved tenure, for those of its members who have failed to educate black and Puerto Rican children year after year and cannot be removed in due process under present regulations?

Shanker himself continues to talk as if there were no Harlem street academies, as if Herbert Kohl (36 *Children*) and Larry Cole of LEAP had never existed. He keeps quoting the Coleman Report (*Times*, September 20) to underline his own self-fulfilling prophecies about who can be educated: "The influencing factors on children's achievements," he said, "appear to be the socio-economic class of the parents' and 'the amount of integration in a classroom.'" What about the quality of the teachers? They're "inadequately trained," Shanker says. As if attitude and expectation were not central to performance. Let me emphasize again what time spent in most ghetto schools will tell any of the signatories—there

are many teachers in those schools who are trained but wrong, harmfully wrong, for the children in those schools. Is the Ad Hoc Committee to Defend the Right to Teach going to continue to be involved in school affairs and work on setting up criteria of performance, or was this just a one-shot to help the cause of trade unionism?

In a letter (*New York Post*, September 17), John E. Traube, UFT chapter chairman and UFT chairman, District 5, writes of community activists: "It is further distressing to us to see these same people join in an effort to break the union by crossing picket lines and attempt to keep the schools open in spite of the knowledge that no real education can go on in a school without the presence of licensed teachers." How much "real knowledge" is absorbed in New York schools when all the members of the UFT, including the fully licensed ones, are at work? A recent report by the Lincoln Hospital/Albert Einstein College of Medicine Mental Health Services discloses that a survey of fifty-three public schools in the South Bronx ghetto shows that 83.5 per cent or 26,624 of 31,871 students scored below their grade level in reading. The schools have an enrollment of 59 per cent Puerto Rican and 37 per cent black. Furthermore, "a far greater ratio of ghetto students are further behind in number of years than non-ghetto students. For example, of those tested in the eighth and ninth grades, six ghetto students were found four or more years behind for every one student in the non-ghetto schools."

Is it the license he has or the nature of the teacher that helps explain those scores? Of course, there are other factors—overcrowding, inadequate budget, et cetera. But Shanker and his distillation of the Coleman Report notwithstanding, ghetto children *can* learn if teachers are convinced they can learn. In the unlikely event the Ocean Hill-Brownsville experimental district is at peace for the next two years, I would expect a substantial rise in achievement in those schools because of the staff that has been there from the beginning of this school year. I have no idea how many of them are fully licensed, and I don't think it matters in view of their attitude toward the children.

By the way, the twenty-five signatories attack in the ad what they term "relatively small groups of demagogues." Have they anything to say about Shanker's public statements of the past two years, in particular his deliberate use of the specter of anti-Semitism? Yes, there is some, but anti-Semitism is not a substantive

issue. Even Arnold Forster of the Anti-Defamation League, otherwise unaware of the total context of the strike, admitted that on Channel 13's "Newsfront" last week. And as Nancy Hicks of the *New York Post* (September 19) and others have pointed out, 70 per cent of the teachers who have been working in the Ocean Hill-Brownsville district during the strike are white, and of them 50 per cent are Jewish.

Now let's get back to due process. The twenty-five signatories have signed an ad which asserts the UFT's high, consistent concern with due process. There is no indication of their awareness that the UFT's concern with this fundamental principle is rather late in its manifestation. There have been many cases in the city schools in which due process has been denied students—the handling of "disruptive" children, political and other demonstrations, the right to leaflet. Where has the UFT been?

A reader writes: "In the white neighborhood where I live, the junior high school teachers—all white—picketed boldly. Last year when my daughters sought to organize a peace march they were forbidden and threatened by administration and teachers and told 'They had no right to do this on school time.' So my daughter rode over on her bike and faced one of the picketing teachers with this. He said, 'Well I was wrong last year.' There are civil libertarians on that list of signatories. Mike Harrington is one of them. Perhaps they might discuss the entire issue of due process for students with the UFT and stimulate the UFT to support due process for everybody. In the months ahead, the issue of civil liberties for students in the public schools is going to be unprecedented in scope and degree. Where will the UFT be?"

Another element in the due process issue is the whole question—which is currently being researched—of the degree and consistency of concern the UFT has shown in certain principals' transfers of teachers, and due process in the transfer procedure in general. Do the twenty-five signatories have the knowledge to state so surely that this intense effort now by the UFT to focus on due process in Ocean Hill-Brownsville can be considered without reference to decentralization? ("Decentralization is not the issue," says the ad.) Again, I consider it impossible to deny that due process is indeed an issue here, but I am astonished that these twenty-five men permitted their names to be used for a statement which does not present the entire context and thereby distorts rather than clarifies. I asked one of the signers about this. He answered: "It's proper

to take one issue at a time." I don't know what he means by "proper," but it is unreal to approach the battle of the schools without discussing all the pertinent issues simultaneously.

Let's go back to last May when this particular stage of the battle became so intensified in the Ocean Hill-Brownsville district. A statement was issued at the time by the Brooklyn chapter of the American Civil Liberties Union, and I would hope the twenty-five signatories will read that statement and then contrast it with what they signed:

Due process under law is the bulwark of the rights of individuals in a free society. Just laws and the capacity of the people to change laws which no longer serve them well are the foundations upon which a popular respect for due process is built. The protection of the rights of employees of the Board of Education under existing laws may be the first line of defense of the rights of future employees which may vest under new laws. But it is abundantly clear that the existing laws under which present rights have accrued do not achieve the educational conditions which best serve the people of the communities in Ocean Hill and Brownsville in Brooklyn.

"Having agreed to experimental efforts in behalf of the decentralization of the schools in these communities," the Brooklyn chapter of the ACLU continued,

it is an obligation of the Board of Education and the United Federation of Teachers to honor the spirit as well as the letter of that to which they have agreed. Where present law must be changed to achieve the experimental goals, the enactment of new laws promptly is the soundest way to insure due process for and the protection of the vested rights of the employees of the board and the members of the UFT.

It is unfortunate that effective steps have yet to be taken to terminate the ambiguous and confused administrative conditions fostered by the Board of Education in the school districts designated "experimental" in the pursuit of decentralization. We urge that such steps be taken now.

Nothing changed from May to September to make the Ocean Hill-Brownsville governing board feel any less besieged or in a less ambiguous position. There has been much talk of trust. I ask

the twenty-five signatories: If you can project yourselves into being members of that governing board, would you trust the UFT? Would you believe that all the UFT is concerned about is due process?

While you're role playing, I also call to your attention this statement by a group of UFT members who have refused to support the strike:

Although the UFT claims to fight for improved education—for smaller class sizes, remedial and psychological services, et cetera—it has consistently compromised on the basic educational issues as it has not consistently compromised on the issue of salaries. The union poses as the defender of minority rights, but it refused to support the integration boycott. While the union claims to be fighting for quality education for all, it has neither recognized nor defended the civil liberties of students. Although the union claims that it favors decentralization, it sent a contingent to Albany to kill any measures that supported local control. . . . The UFT leadership has not provided intelligent and responsible leadership that might have drained the color out of the school issue. When the union inflames racial tensions and places teachers in opposition to community aspirations, when it denies parents recourse against its pose of infallibility, and when Shanker calls community members diseased and criminal elements, the union drives the community to desperate acts and makes a climate for due process impossible.

I don't feel due process can ever be abandoned, no matter what the climate, but to sign a statement which ignores the climate—and the role of the UFT in creating that climate—is to be of no use at all to anybody. Except perhaps the UFT. And I ask the twenty-five signatories that if they are not wholly uncritical of the UFT, this is the time for them to say so and to work on ways in which due process can apply to everybody involved in the schools. And to recognize that the corollary of the freedom to teach is that schools have to be accountable to the communities in which they exist.

If the UFT remains resistant to real decentralization, I see only three eventual likelihoods. The UFT will become a nearly all-white union in constant battle with community boards. Or, as more young whites and more black people become teachers, they will gather the strength to end city-wide bargaining and have each

local bargain with each board. Or they will gather the strength to create another union which will win bargaining rights away from the UFT.

The twenty-five who signed that ad are correct, in my view, that the ten teachers did not get due process; but when they go on to say that "the UFT is the most effective organized force for improved quality education," the burden of proof is on them. And it's a huge burden, getting huger all the time. There are many more than "50 to 100 individuals" who believe quite the opposite. Not only black people and Puerto Ricans, but whites, including many of the new young white teachers entering the system. They believe the Board of Education is changing; the level of expectation of new teachers is changing; and that leaves the UFT and its new allies, the Council of Supervisory Associations, as the primary organized obstacles to improved quality education in this city.

That is also an issue. And the twenty-five signers didn't say one word about it.

The Freedom to Teach: Beyond the Panaceas / MICHAEL HARRINGTON

In the ghetto schools of New York there are poor children whose very desire to learn is subverted by the school system. That would have been a tragedy at any point in this country's history, but it has become even more unconscionable in this age of advancing technology. For since economic opportunity increasingly is a function of education, these innocents are effectively being sentenced in childhood to adult lives of poverty and despair.

That is the huge intolerable fact, the reality which confronts the twenty-five signatories of the "Freedom to Teach" ad, which I helped initiate, and Nat Hentoff, who criticized us in the last issue of *The Voice*. In replying to Hentoff it will be necessary to take up some specific charges he made. However, my main purpose is not to make debater's points but to illuminate some heartbreaking,

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impossible problems which must be solved at once. In the process I assume the *bona fides* of Nat and the twenty-five signatories and assume that we share a common concern—the lives and minds of impoverished children whom the society grievously wrongs—but have significant differences on how to proceed.

I shall not, therefore, attempt an item-by-item refutation of Hentoff's critique. And I shall certainly not attack the idea of decentralization, for I am for it. I am, however, against the decentralization panaceas; the various "radical" plans which would formally institutionalize segregation and inferior schooling; the theories which charge that it is the callous, unconsciously racist teacher who is responsible for the systematic economic, social, and political iniquities which a slum visits upon its children. And yet I honestly hope that I—and though I cannot speak for them, the other signatories of the "Freedom to Teach ad"—will be able to work with Hentoff, with parents in the community, and with others who seek a really workable, democratic transformation of education in New York.

But first, a technical matter which must be set straight for the record. Why, Nat asks, did we not sign the ad in the name of the League for Industrial Democracy? ("That used to be a grand old name," he adds, in an unworthy ironic aside which suggests that we were hiding something.) The reason is simple: the LIID did not sponsor, nor endorse, the statement. The initiators and some of the signatories are associated with the League; quite a few of the signers are not. We took the honorable, straightforward tack of an ad hoc committee precisely because we did not want to limit ourselves to, or commit, a particular organization.

I am sure that Nat has been on an ad hoc committee or two; I am puzzled that he makes this an issue. Moreover, I should make it clear that, in what follows, I speak for myself, not for the LIID or the signatories to the ad. Now let me turn to the substantive issues.

Hentoff chides us for saying that "the real issue is job security" and that decentralization is not basic to the strike. He holds that we have no right to pick on the isolated question of due process—that teachers were arbitrarily fired—and affirms that we had a positive responsibility to deal with the total context of the conflict.

There is a strike at this writing (Sunday). It has closed the schools and exacerbated racial tension in New York City to a terrifying degree. It has turned unionists and some black and

Puerto Rican parents into antagonists when the only real hope for educational reform lies in a united front of organized teachers and parents. It is in the interests of practically everyone that the strike be resolved. There is one issue which prevents this resolution. It is not the question of decentralization in any way, shape, or form. The strike will end when, and only when, the due process guarantees provided for teachers under the Bundy Plan, the Regents' proposed law, the existing law, and affirmed by the mayor's office are observed.

A bit of chronology might make this point even more clear. The teachers whom the local board in Brooklyn did not want could have been quietly transferred. The Board of Education, as Jason Epstein, an enthusiastic champion of decentralization, recounted the incident in the *New York Review of Books*,

would get the teachers out of the neighborhood if the local board did not also insist that it was within the right of any community to fire and hire teachers at its own discretion, a right which clearly conflicted with the principles of collective bargaining and job security on which not only the UFT but unionism itself depend. The decision by the local board to elevate the conflict to the point where the UFT was left with no choice but to intervene on behalf of its general membership was anything but whimsical [emphasis added].

The basic purpose of the local board, then, was not to free children from the alleged incompetence of certain teachers, but to assert a right to fire without statutorily mandated due process. It was thus Mr. McCoy and company, not the signatories to the ad, who abstracted this problem from the over-all context.

When school was to begin, the union struck on this, and other issues. That dispute was resolved, and the teachers went back to work. Demonstrators in Ocean Hill-Brownsville used physical force and threats to veto the agreement and did so with the tact, moral support of the local board. It was at this point that the second strike began and there was one, and only one, matter in bitter contention: the question of job security and due process. To quote Epstein again: "the Brooklyn group had obviously decided not to await the orderly transfer of power which the new board promised" (the central board of education with Lindsay's new majority). In citing Epstein, I should make it clear that he does not share my interpretation of the facts.

Now under these circumstances, where there is a single unresolved dispute which keeps schools closed, I think it proper and quite responsible for twenty-five individuals with a long record of concern for the problems of ghetto education to make a clear statement on the decisive issue. None of us were, I am sure, unaware of the complicated chain of causation which led up to the impasse, but the local board itself had made the question of due process overriding. And Nat's insinuation that we were involved in "a one-shot to help the cause of trade unionism" is hardly fair to people who have been picketing, speaking, and writing to get decent education for all for years.

So due process is the issue, and Nat agrees with us at least on the rights and wrongs on that count.

But then, why don't we have a heart? Why doesn't the union, whose members are after all more privileged than the children of the ghetto, magnanimously concede on this point? There are two relevant answers. First, as Epstein rightly observed, the conflict is over "principles of collective bargaining and job security on which not only the UFT but unionism itself depend." A union which cannot defend the job rights of its members, particularly when they are theoretically protected both by law and a binding contract with the employer, will simply cease to exist.

Second, and more important, the right of an organized minority to annul public, democratic agreements by the threat or use of physical force is inimical to democracy itself and particularly to those in the society who have the least *force majeure* in the long run: the poor, whether black or white. If vigilantism can triumph in Ocean Hill-Brownsville today for organized black powerites, it can win for reactionaries or fascists on Staten Island or in Queens tomorrow. This is particularly important in a year when there is a fascist leader who coyly advocates violence by deploring it (that is what George Wallace was doing when he said that, unless the police contain and control "anarchy and violence," "you are going to have a movement that's not going to be on the left. It's going to be on the other side and it's going to stop all of this").

Hentoff is disturbed that the ad mentioned the professional militancy of some of the people involved in the unilateral, forceful abrogation of the collective-bargaining agreement. He asks if we checked out the charge. I did. I am convinced that there are many minority group parents sincerely, honestly concerned; I am sure that many more have come to support the local board since the

strike began because of the general racial polarization which has taken place. I am also convinced that there are demagogues, confrontationalists, and street pols involved who care less for the children and more for the issue. But beyond my own impressions, there are some elements of hard data. In June, the Board of Education released a poll of the Center for Urban Education showing that a majority of parents in Bedford-Stuyvesant were not for the community right to hire teachers and principals; there have been petitions in the Ocean Hill-Brownsville area calling for new elections and challenging the representative character of the old; and there have been PTAs at variance with local board leaders.

But even if the board represented the community 100 per cent, even if there were no questions, that would not provide an excuse for the violent veto of public policy. Indeed, it is a paradox that, unless the UFT prevails on the due process point, there will be no decentralization. For if the destruction of the union and the affirmation of the sovereign power of an organized group in a given neighborhood are the pre-condition of decentralization, it will never take place. As Fred Hechinger wrote in the September 29 *Times*, the Ocean Hill-Brownsville tactic has already threatened the entire future of decentralization. It is the local board, not the union, which endangers reform.

In short, the due process issue is not simply a matter of union self-interest (it certainly is that) but of the profound common interest of a democratic society committed to nonviolent change. And if there is a general breakdown and disputes are settled by superior force in the streets, the repressive forces of this society—including the police—are much better prepared for the moment than the poor, the Black Panthers included.

Finally, I would like to make a few comments on the more basic point of the decentralization panacea.

The union has a long history of fighting for quality education, as in its struggle for More Effective Schools. It has also defended the civil liberties of its own critics, as when it fought for the job rights of Ralph Poynter, a black separatist. It has not been perfect—I think it overemphasized its criticisms of decentralization to the detriment of its advocacy of it when the issue was first raised—but I believe that its actions on this issue have been basically motivated by a concern for children. For it is not, to my mind, a proved fact that centralization is the fundamental cause of, and decentralization the decisive remedy for, the fantastic inadequacies

of schooling in the slums. That proposition has reactionary implications which the union rightly challenged.

The most effective advocates of decentralization were originally upper-class Republicans like Bundy and Lindsay. (More generally, Epstein refers to a coalition between well-off New Yorkers who send their children to private schools and the racial minorities.) At times, I think that the social class origins of the extreme panacea versions of the idea are not without significance.

From the day he took office to this very moment, John Lindsay has not once given the slightest hint that he has any sympathy for, or understanding of, unionism. He has botched every negotiation he has handled, in part because he is so obviously contemptuous of organized workers. He is capable of a charismatic relationship to the underorganized ghetto, but not of any on-going participation in collective bargaining. Indeed, when he confronts blacks and Puerto Ricans as union members, his compassion relaxes.

I am not, therefore, surprised that Lindsay would like a program which threatens the very existence of the union. More broadly, and less on an individual level, it is not a shock to me that some sophisticated Republicans esteem an analysis of the problem of slum education which requires changing administrative structures. That approach avoids the uncomfortable point that there must be a social investment of billions of dollars in physical plant, in upgrading facilities, and, above all, in replacing the tenements with decent housing, both in New York and in new towns around the country. WASPdom, I am suggesting, does not mind being radical (a) so long as it does not involve a massive expenditure of dollars in a democratic fashion, and (b) if the program is carried out through *noblesse oblige* rather than collective bargaining.

I think Nat Hentoff is, in part at least, taken in by this ploy. Talking of the incredibly low levels of education in the ghetto, Nat asks, "Is it the license he has or the nature of the teacher that helps to explain those scores? Of course, there are other factors—overcrowding, inadequate budget, et cetera. But Shanker and his distillation of the Coleman Report notwithstanding, ghetto children can learn if teachers are convinced they can learn." The "other factors" are the massive social and economic determinants which impinge upon the daily life of the slum. And, in essence, the insensitive teacher is made the scapegoat for the organized system of injustice which the society imposes upon the poor.

Now I think there are such inadequate teachers—and some time

ago the union proposed an independent civilian review board with power to remove them—but they are only a part, and not the most important part, of an outrage built into the very structures of our late capitalist society (I tried to document this statement in *Toward a Democratic Left*). I am sorry to see Nat, and others on the left, adopt this conservative angle of vision because of their sincere, genuine passion to change the schools.

A case in point is Jason Epstein. In his *New York Review* article, Epstein essentially accepts a Milton Friedman "free market" solution in which, in essence, vouchers are given to school districts to bid competitively for teachers and education (that is Epstein's Friedmanesque interpretation of the current decentralization scheme). But, without going into the dreary economic documentation, doesn't everyone know that this pretended equality of sovereign consumers—or school districts—in a supposedly "free" market is, and always has been, a rationalization for the actual inequality of the real world? But more specifically, in the long run, public schools in middle-class and wealthy areas would, under such a system, purchase better segregated education with public funds because they are economically, politically, and socially stronger than poor schools. That trend might be initially offset, or even somewhat modified, by the tendency of idealistic middle-class youth to go to the poorest districts precisely because of their poverty, but, given the absence of the massive social investments and changes which are required, money would eventually, as it always does, out.

But in saying this, I am not arguing against decentralization. I am for decentralization because I indeed believe that there is a sclerotic bureaucracy which bears at least part of the responsibility for the present crisis, and I am for opening up new channels of innovation and popular participation. But there can be no decentralization in New York City based on breaking the union; there can be no effective decentralization apart from a long-range program to end the slums.

Most of the decentralization panaceas are, like Nat Hentoff, devoted partisans of social justice. But it should give them pause that a George Wallace has similar ideas about local control in order to build white power, or that the economics of their scheme can be so easily reconciled with the theories of Barry Goldwater's old adviser Milton Friedman. For I do not think that segregation and "free" market competition are the answers to our educational

crisis. And I believe that both principles are unwittingly, and for the best of reasons, implicit in the more extreme versions of community control of the schools.

When the strike is over, there is going to be an enormous task of reconciliation and reconstruction. I believe that the decentralization which I advocate—and, as I understand the matter, it roughly corresponds to what the union has in mind—is not that distant from Hentoff's position. Democratic community participation through due process in districts large enough to be integrated and politically diverse is a positive good, and I hope that many of the men and women of good will who are on different sides in this bitter conflict—organized teachers, community, and public as a whole—will be able to work together to that end.

It would indeed be sad if, as Hechinger wrote in the September 29 *Times*, the actions of the local board drove their honest critics into the reactionary camp of "law and order." All of us, in this fearful year, must fight that.

The Unschooling of New York's Children / MAURICE R. BERUBE

New York City's teacher strike may prove to be a watershed in the black struggle over control of urban schools. The strike reflected the fear of leaders of the UFT, the most vigorous opponent of community control, that school decentralization is inevitable.

Last spring, few would have thought so. New York's state legislature, under UFT pressure, discarded the Bundy and Regents plans for decentralization. Instead, the legislature empowered a hostile city school board to try its hand at devising a decentralization scheme for consideration at the spring session. Careful not to humiliate fellow Republican Mayor John Lindsay, sponsor of the strong plans, the legislature permitted the mayor to increase the city board from nine to thirteen members. Despite this token gesture, the odds were heavily against a repeat performance of last spring's bitter school decentralization battle.

REPRINTED FROM *Commonweal*, October 25, 1968, by permission of the author and Commonweal Publishing Co., Inc.

But by summer's end all had changed. After Miami, Mayor Lindsay was no longer worried over jeopardizing a national reputation for keeping the racial peace. The mayor let it be known through an exclusive interview on the front page of *The New York Times* that he considered community control of the schools to be the "Number 1 tension in our poor neighborhoods" and the first order of business this year.

It took the unexpected to give the mayor his chance to make good on his new determination. Two key resignations tipped the balance of control of the city school board to the Lindsay forces. When Board of Education President Alfred Giardino, an implacable foe of decentralization, quit in despair and disgust, the anti-decentralization forces of the "old" board were left with a mere one vote advantage (one "old" board member had joined the Lindsay camp). The turning point came when Clarence Senior, finding it difficult to honor his board commitments, surprised everyone by resigning. The Lindsay people were now in command.

They wasted little time in giving a preview of what may come. Early in September, the "new" board transferred sweeping powers, in an "interim" plan, to the thirty existent local school boards and to the three experimental "decentralized" boards. Each local board would possess powers over personnel, budget, and curriculum—pending approval of the interim plan by the state Regents. Except for the fact that the thirty local boards had been previously appointed (in the three experiments, however, parents had elected governing boards), New York City's schools were decentralized and under community control. No doubt this interim plan will furnish the basis for the draft to be submitted in mid-December. School decentralization emerges once again as a live option for improving the education of the urban black poor.

And once again the teacher's union, reading the handwriting on the wall, took drastic action. The UFT struck all city schools over the transfer of ten teachers (originally nineteen, but one case was dropped and the other eight decided not to press the matter) from the experimental Ocean Hill-Brownsville district last May and the replacement of some 300 sympathetic strikers. It was a bold gamble that stood the teacher's union the chance of making major contract gains in a nonbargaining year, while thwarting school decentralization.

Technically, the union had no clear-cut case of due process. Under Board of Education bylaws, administrative involuntary

transfers are proper and are commonplace; nor did the UFT contract cover involuntary transfers. However, one could overlook the letter of the law in the spirit of giving the teachers the benefit of the doubt. Certainly, if there was no protective clause *there should have been*. And the UFT, mindful of its past negligence in this respect, was anxious to obtain such a clause, now that the prospects for school decentralization were improved.

The union nearly gained all its objectives. After a short two days, the UFT negotiated a settlement, without the Ocean Hill-Brownsville governing board, that returned the teachers, and gave the union the contract guarantee it lacked. All case of involuntary transfers were to be submitted to arbitration; furthermore, the union was to have an agency shop (a condition whereby nonunion members pay a service charge to the bargaining unit whose benefits it enjoys but does not support through membership fees).

The Ocean Hill-Brownsville governing board, having raised the issue of the self-determination of the experimental boards, stood fast, but did not "prevent" the return of the teachers. However, after community activists bitterly protested the teacher's return, the UFT went back on strike and frittered away its hard won gains. Three weeks later the teachers returned, still officially resisted by the local governing board, which felt its integrity violated should it rescind its order transferring the teachers.

The union strategy backfired. Not only did the union fail to extend job protection but the UFT inadvertently provided the three experimental districts with an opportunity to prove themselves. While the rest of the schools were shut down, the ghetto schools in the three districts functioned smoothly for the first time. It is doubtful whether the teachers' union can long maintain its unrivalled power in school affairs. The black ghettos that kept open its public schools successfully challenged that power.

The strike raises some hard questions. Can the gulf separating teachers and parents, whites and blacks, be bridged? If the strike was any indication, the answer may not be hopeful. Clearly, the strike accelerated and crystallized problems to be anticipated later under a decentralized system. How can black parents remove teachers who are detrimental to their children's well-being? How can teachers be assured of job security?

Recent research, along with the firsthand testimony of such former teachers as Jonathan Kozol and Herbert Kohl, attests to the widespread and deleterious effects of self-fulfilling prophecies

of middle-class teachers. Too many teachers expect poor, black students to fail, and their expectations influence the performance of the children so that they do fail. It is this low opinion teachers have of black children that infuriates ghetto parents. They feel that bad teaching can be corrected much easier than the more nebulous effects of poverty. And when one considers that only twelve teachers out of a staff of 60,000 were dismissed in the last five years in New York schools, one can understand the anxiety of ghetto parents for community control.

The conflict in New York has national implication. Already, urban school decentralization movements have begun in various states, notably New Jersey and Michigan. And the parent body of the UFT, the American Federation of Teachers, finds itself racially split over school decentralization. In pitting itself against the desires of the black community for self-determination the UFT alienated all of its black leaders who supported the Ocean Hill governing board rather than their union. In contrast, the Washington teacher's union, predominantly black, endorses community control.

But the AFT, at last summer's convention, elected a former UFT organizer, David Selden, as its president, on a platform disavowing community control and merely advocating "increased parent participation" in the schools. Selden's opponent was a black caucus candidate for strong school decentralization. This is a precarious policy for a union whose strength is in the heavily black urban areas of the nation.

The teacher's union is fighting a desperate, last ditch battle that may destroy it.

An Exchange of Views: Challenge and Reply

Sandra Feldman for the UFT

To the Editors: We were surprised and chagrined to read the report by Maurice Berube on the current school crisis in New

REPRINTED FROM *Commonweal*, December 6, 1968, by permission of the author and Commonweal Publishing Co., Inc.

York. Several points he makes are simply contrary to fact and ought to be corrected.

1. Speaking of the United Federation of Teachers strike, Mr. Berube says: "It was a bold gamble that stood the teachers' union the chance of making major contract gains in a nonbargaining year, while thwarting school decentralization. Technically, the union had no clear-cut case of due process."

First of all, the only demand made regarding the contract was that it be upheld and maintained in a decentralized system. The one extra-contractual demand made was that all dismissals of tenured teachers be subject to outside impartial arbitration, and that was part and parcel of the major issue, which indeed was due process. Why did Mr. Berube neglect to mention the decision regarding the ten teachers which had been made by the distinguished Judge Francis Rivers? In a sweeping decision indicting the inept administration of the district, Judge Rivers completely exonerated all ten of the accused teachers.

Some of the teachers had been charged with "expressed opposition" to decentralization. Even if this were true, surely teachers in this day and age have a right to opinions and to the expression of them. But in fact that opposition was never established. Those who made the charges brought forth no witnesses and no evidence to substantiate them.

One teacher was accused of having no control over his class. The children, a letter from an assistant principal asserted, were observed to be throwing chairs around the classroom. But investigation revealed that the chairs and desks in that particular classroom on the date of the alleged observance of the incident were of the stationary sort, fastened to the floor. . . .

One could go on and on with a recitation of the Rivers' decision. But anyone can read it. Mr. Berube should. Mr. Berube certainly knows that the union had always fought the involuntary punitive transfers of teachers, and that, in fact, the arbitrary "termination of services"—as the governing board stated it in the identical letters sent to nineteen people in the middle of a working day, without warning or reason—was completely unprecedented.

Certainly the Board of Education, the mayor of New York, and the New York state commissioner of education agree that there was an issue of due process involved, for all have stated that the disputed teachers belong back in their jobs. Even the New

York Civil Liberties Union said the governing board's action could not be condoned.

2. Mr. Berube states that the union won an "agency shop" as a result of the first strike. This is simply not true. The Board of Education offered the union an agency shop in exchange for the transfer of all of its teachers out of Ocean Hill-Brownsville. The UFT turned that "offer" down.

3. "After community activists bitterly protested the teachers' return, the UFT went back on strike and," says Mr. Berube, "frittered away its hard-won gains." This is a rather simplistic statement of the event which triggered the second strike. On the day that the teachers returned, they entered their schools without difficulty. Only Sonny Carson, chairman of Independent Brooklyn CORE, and a few of his followers were on the steps of JHS 271, and they stepped aside at the request of the police. But Mr. McCoy and the governing board had laid careful plans. The principals made no attempts to assign teaching duties. They waited instead for a call, which came, from Mr. McCoy, summoning the returned teachers to an "orientation" session in the auditorium of IS 55. They were kept there for more than two hours, while Mr. Carson, members of Brooklyn CORE, some governing board members, and a number of young adults filed into the room. They were then subjected to taunts, vilification, verbal abuse (especially the returning black teachers in the group), and threats upon their lives and the lives of the children. The lights in the windowless room were turned off and on while people screamed at them, "You're going out of here in pine boxes." When they returned to their schools after that session, many of them were subjected to the same treatment again. The Board of Education did nothing. The mayor did nothing. And so the union was forced to act again. No union decides to strike easily. The implication that accompanies the words "frittered away" is that what the union did was in some way whimsical. Faced with this kind of threat not only to the job security and dignity but to the very lives of its members on the one hand and the inaction of the Board of Education and Mayor Lindsay on the other hand, the 50,000 teachers of New York City had no other choice.

4. "While the rest of the schools were shut down, the ghetto schools in the three districts functioned smoothly for the first time." First, the district in Ocean Hill-Brownsville was fully staffed with scab teachers who had been hired over the summer to

replace boycotting union teachers. Second, attendance in the district since the firing of the nineteen had been and continues to be down to somewhere between one-third and one-half, and so classes are unusually small. Third, on the first day of the second return, UFT teachers found more often than not their "buddy" teacher was floundering and anxious for help. The more experienced returning teachers began preparing lessons and classroom aids—until non-UFT teachers were called to a separate meeting with the principal. When they emerged, they had stopped talking, stopped fraternizing, stopped asking for help. What does "running smoothly" mean? Schools reduced to half their pupil population because parents are filled with fear and mistrust? Teachers who toe the anti-union line despite their need and desire for advice from more experienced union teachers? Why is it that despite the fact that IS 201 hired its own staff of eighty teachers last September only sixteen returned this September? Could it have something to do with the fact that teachers—"chosen" by the community—are kept so tightly reined they may not dissent under community control? Could it have something to do with the fact that teachers in IS 201 and in the Two Bridges district who are committed to the project but supported the union and struck were "fired" by their local boards?

5. "How can black parents remove teachers who are detrimental to their children's well-being?" So far, none of the decentralization plans gave either this right or very much voice at all to parents. It is the UFT which came up with the only idea that would enable parents to have their complaints against teachers effectively heard. Last spring, our delegate assembly overwhelmingly endorsed the establishment of a "Teacher Review Board" similar to the Civilian Complaint Review Board which had been proposed for the Police Department and which the UFT also supported.

6. Mr. Berube completely mistakes what happened at last summer's AFT convention. It is true that David Selden's opponent was a black caucus candidate who was for, as he puts it, "strong school decentralization." But it is also true that the decentralization position the AFT adopted was carried *unanimously* by the convention after having been amended by Ed Simpkins, the leader of the opposition caucus and supported on the floor of the convention by Albert Shanker.

The actual language, which endorsed "effective community responsibility and involvement through elected representation in the

operation of schools in the black, Puerto Rican and other minority communities . . ." was in fact written by Simpkins and supported by his caucus.

The UFT is not opposed to decentralization; the AFT is not split on this issue, and every teacher union in the country is solidly behind the teachers of New York in their present struggle for due process and job security.

Maurice Berube Replies

What has been at stake in the teachers' strike? Nothing less than the future of public education in the nation's cities and race relations in New York City.

I am convinced that Albert Shanker and the United Federation of Teachers are intent on impairing both. Despite the casuistry of union spokesmen, the UFT is determined to put an end to the concept of community-controlled schools. And the outcome of the strike will determine what happens in cities throughout the nation who normally follow the New York lead.

Mrs. Feldman, the UFT and its defenders, would have us believe otherwise. According to them, the strike is merely one of insuring due process for teachers. The UFT does not oppose decentralization, just "extremism" and "union-busting." The cry for community control, reactionary in thrust, echoes George Wallace's demand for local state control. In short, the UFT is saving the schools, preserving civil liberties, and steering a moderate racial course.

This is newspeak. The due process issue is a ploy, designed to undermine what the UFT most fears: limiting its power and transferring power to the public—and a black public at that.

The UFT is "for decentralization" in much the same fashion as the backlash Parents and Taxpayers said they were for integration a few years back. The union has ardently campaigned against strong decentralization plans, while "for decentralization," just as PAT opposed busing, school pairings, and education parks, while "for integration." Only recently have school activists discarded the ambiguous term. They now speak of community control to signify the Bundy idea of public power over budget, curriculum, and personnel. And make no mistake about it, the UFT is dead set against community control.

As I thought I made clear in my earlier piece, the union's due

process argument developed as an afterthought. No, Mrs. Feldman, read your contract again; no clause provides for involuntary transfers. The UFT gained that in the strike through revising state bylaws. And UFT practice had never been to defend individual teachers on involuntary transfer. As a former UFT staff member, I recall no such defenses (although the union opposed massive transfers of experienced teachers to ghetto schools, another racial matter), and in one instance where I interceded in behalf of an involuntarily transferred teacher I was told that nothing could be done.

The union case rests on establishing a clear-cut violation of due process. They claim that the contract was violated. Not true. They claim that the teachers were fired. Not true. The teachers did not lose their licenses or job rights but were transferred for reassignment elsewhere.

And that was the standard operating procedure. The Ocean Hill-Brownsville board did not do anything out of the ordinary. I wrote my piece before the New York Civil Liberties Union issued its report "condemning the UFT for using due process as a smoke screen to obscure its real goal," to "sabotage community control."

Both the NYCLU and Judge Rivers acknowledged that involuntary transfers were the normal procedure. Rivers: "Perhaps if the unit administrator had sent to the superintendent of schools a simple request to transfer the teachers, without assigning supporting charges, he (the superintendent), may have been able to do so without a hearing by virtue of Article II 101.1 of the bylaws of the Board of Education." Precisely what Rhody McCoy, Ocean Hill-Brownsville administrator, was preparing to do until the UFT and the superintendent requested hearings.

Does that procedure violate due process? I believe so. And I have written to that effect in these pages. So does the NYCLU. Until a predominantly black governing board used this ordinary procedure, however, the UFT had never challenged it. The NYCLU report is emphatic on that point: "Why then did the UFT make such a fuss in this case and insist on due process when it knew that due process was not required under existing procedure? The answer is clear: the UFT demanded due process because it wished to create the impression that the teachers had been fired and because it wished to discredit the local governing board."

It is the familiar white man's tactic of changing the rules of the game when they no longer suit his purpose. As long as white educators transferred teachers, there was no complaint. But let a black governing board try, then, it's time to revise the rules.

Mrs. Feldman is correct in saying that the union did not gain an agency shop (point 2), although it was a bargaining issue. But, the idea for a teacher review board (point 5) came from the American Civil Liberties Union a year and a half ago, and was opposed by Albert Shanker. The plan would siphon off some parental discontent but more far-reaching provisions would still have to be made in state education law.

From all accounts (such as Fred Hechinger of the *Times*, state and national educational leaders), the demonstration school districts displayed an uncommonly enthusiastic educational climate (point 4). Last year the programs were hampered by teacher dissent and the inexperience of the governing boards. In Ocean Hill-Brownsville, at least a half dozen exciting educational programs have been started, including the only use of the Bereiter-Englemann method in the city and the teaching of Puerto Rican pupils to read first in Spanish.

Although Mrs. Feldman admits of the black caucus opposition in the AFT for strong school decentralization, she fudges over the divisions within the national union (point 6). The unanimous plank adopted at the convention was preceded by an intense racial caucus infight.

However Mrs. Feldman may wish it differently, racial tensions in the AFT exist. In recent conversations with black AFT leaders outside New York, they have privately condemned the strike as a "disaster" and the UFT's role in it. Bill Simons, the black president of the Washington Teachers' Union and an AFT vice president, told me, for public consumption, that the WFTU "doesn't look upon community control as a threat, but as a sound approach to benefit children" and that they preferred to say that they "did something right in supporting community control than say that somebody did it wrong." I'm sorry, Mrs. Feldman; there is a difference of opinion in AFT councils.

Did any of the occurrences in Ocean Hill-Brownsville justify a strike? On the matter of involuntary transfers couldn't the union have initiated court action? And did they have to close the schools a third time for alleged browbeating, curses, and threats made by other teachers in one school? Mr. Shanker and Mrs. Feldman

would have us believe that an entire school system was struck to protect the safety of teachers although, as Jimmy Breslin reported, "when the supposed death threat was made, there were enough police inside the school to calm Chicago" and yet, "no threat was reported."

At this writing the UFT has rejected all peace formulas, including the Ocean Hill governing board's final concession to willingly readmit all teachers, rescinding their previous stand. It appears that Mr. Shanker hopes that a special session of the state legislature, hostile to community control, will settle the matter finally in his favor.

He refuses to accept any proposal to end the strike save the dismissal of McCoy and the governing board. As Murray Kempton pointed out, it is cruel irony that the man who raised the issue of "firings" should request that others be "fired." I'm especially disturbed by the removal of a friend and former colleague, UFT Vice President John O'Neill, from his paid staff position, through a reorganization, because he has consistently opposed the UFT's recent confrontations with black ghettos. John O'Neill many times helped stay the union leadership from rash actions. The assault by Shanker on O'Neill's character is reprehensible; the least that he deserved was due process. But Mrs. Feldman knows this as well as I.

Clearly the union is promoting racial strife. It has reprinted and distributed anti-Semitic and anti-white literature throughout the city, (some of it a year old), written by warped individuals. Mr. Shanker refers to black opponents as "black gangsters," "Nazi types"; to moderates like board president John Doar, formerly in charge of federal efforts to integrate in the South, as an "extremist"; and to Mayor John Lindsay as a "racist."

The UFT's actions have precipitated an unimaginable racial polarization. Even blacks who once criticized the Ocean Hill-Brownsville governing board (excepting Bayard Rustin who moved from his uptown Harlem offices into UFT quarters) rallied to their support. As for whites, Shanker boasted that, "All of New York is against the blacks."

Who are the militants for community control that so worry the UFT? An old integrationist activist core, (Rev. Milton Galamison, Annie Stein, Rev. Herbert Oliver, Ellen Lurie, Preston Wilcox, to name a few) is joined with younger black and white activists.

True, some black anti-Semites have latched onto community control, but they are not representative and have been disowned.

Who supports the UFT? A few prominent social democrats and liberals like Michael Harrington, Jewish groups who are rightfully anxious over black anti-Semitism, others who are plainly anxious about blacks, and that anti-Semitic, anti-black white constituency (many Catholic) who supported PAT. Quite a coalition. Certainly the larger segment would most probably support local control in the white South, but not the urban black North. This is the audience Shanker addresses himself to, in a tone, Jimmy Breslin observes, that is but "an accent away from George Wallace."

There are not many alternatives to improve the schools. Community control constitutes the most relevant. Coleman, in his study, found that the most important factor in a black student's achievement was the extent to which he felt he had some control over his destiny. That feeling of powerlessness would, to a large extent, be dispelled under community-controlled schools. Furthermore, Greeley and Rossi, in their study of Catholic school achievement, inferred that Catholic students did well because of the security generated by the ghetto atmosphere of Catholic schools. In short, that is the black-power thesis in educational terms.

Much of the educational debate revolves around the deep and abiding belief that children can learn, white and black, rich and poor. In recent years, Albert Shanker has privately and publicly questioned that belief.

He is not alone. Consider, for example, Bayard Rustin's statement: "Every year there has been a new gimmick (in New York schools). First it was buses, the next year it was the Allen plan. Now these are forgotten. The following year it was talk about education parks. Last year it was the More Effective Schools policy. This year it's decentralization. Next year it will be still another gimmick. The fundamental reasons educators have become involved in this gimmickery is that they do not seem to understand that unless there is a *master plan* to cover housing, jobs, and health, every plan for the schools will fall on its face. No piecemeal strategy can work."

I can't believe that the Irish poor, the Jewish poor, or even my own French-Canadian poor, had to wait until better houses were built and more jobs created before they could learn in the schools. And, of course, no one questioned whether they were "educable."

Certainly, the black (and white) activists advocating community control do not take such a defeatist view. They hold that schools can make a difference and share educational psychologist Jerome Bruner's conviction: "We begin with the hypothesis that any subject can be taught *effectively* in some intellectually honest form to any child at any stage of development . . . No evidence exists to contradict it; considerable evidence is being amassed that supports it [emphasis added]."

I concur. The tragedy is that the Shankers and the Rustins do not.

Due Process, Civil Liberties, and the Public Schools / AD HOC COMMITTEE FOR JUSTICE IN THE SCHOOLS

The following statement was prepared before the teachers' strike was settled. Nonetheless, the issues it discusses are of long-range significance. They must be understood by all New Yorkers if we are to avert a recurrence of turmoil in our schools and pave the way for a creative reconciliation of all citizens who are striving to build a better school system.

As the teachers' strike enters its fourth week, charges and counter-charges fill the air. In the crossfire, the real issues may be confused in the public mind. If that happens, the strike will be prolonged, demagogues will have a field day, and an atmosphere of hate and fear will flourish in our city.

To avert such a disaster and to lay the groundwork for ultimate reconciliation, the citizens of New York must understand the obstacles to a settlement of the strike.

Unfortunately this understanding has not been advanced by recent advertisements in *The New York Times* attacking the United Federation of Teachers or by the "Report on the Ocean Hill-Brownsville School Controversy" issued by the New York Civil Liberties Union.

What are the real issues?

THIS ADVERTISEMENT appeared in *The New York Times*, November 24, 1968.

Due Process

The NYCLU insists that due process is not an issue because the Ocean Hill-Brownsville teachers were only transferred, not fired. But here are the facts:

The letter received by the teachers said: "The governing board of Ocean Hill-Brownsville demonstration school district has voted to end your employment in the schools of this district . . . This termination of employment is to take effect immediately."

Rhody McCoy, unit administrator of the district, said: "Not one of these teachers will be allowed to teach anywhere in this city. The black community will see to that." (The New York Times, May 16, 1968)

An anti-UFT ad cites, as a source of its facts, an article by Richard Karp in Interplay magazine. But here is what Mr. Karp wrote: "On May 10 the governing board formally dismissed nineteen teachers and supervisors in Ocean Hill-Brownsville, charging them with having attempted to 'sabotage' the demonstration project."

The argument that the teachers were merely transferred rests flimsily upon this sentence in the letter of dismissal: "You will report Friday morning to Personnel, 110 Livingston Street, Brooklyn, for reassignment."

By any accepted definition, "transfer" means movement from one job to another by prearrangement. Yet the Personnel Bureau knew nothing of these alleged transfers and had no jobs waiting for the "transferred" teachers. Nor had the teachers been forewarned of this action.

Nonetheless, the NYCLU insists not only that the teachers were transferred but that Rhody McCoy, the unit administrator, had the power to transfer them without due process. Here is what the NYCLU says: "The superintendent of schools has the power to transfer teachers without due process. If the superintendent's powers are transferred to unit administrators under decentralization, as they should have been under the experimental districts, then the unit administrator would have the power to transfer teachers without due process."

But here are the facts:

The superintendent can transfer teachers without due process only in cases of voluntary transfer. (Obviously the Ocean Hill-

Confrontation at Ocean Hill- Brownsville

THE NEW YORK SCHOOL STRIKES
OF 1968

EDITED BY
Maurice R. Berrube
AND
Marilyn Gittell

1969

PRAEGER PUBLISHERS
New York • Washington • London