

A CASE STUDY OF CAPITOL CITY'S  
TEACHER ASSOCIATIONS  
BARGAINING HISTORY  
1968-1982

BY

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## TABLE OF CONTENTS

Chapter	Page
I. INTRODUCTION.....	1
History of the Problem.....	4
National Education Association.....	8
Growth and Change of the NEA.....	12
American Federation of Teachers.....	13
1938-1960.....	17
Megal's Leadership of the AFT.....	18
Significance of the Study.....	21
Limitations of the Study.....	22
Research Questions.....	23
Chapter I Endnotes.....	24
II. REVIEW OF THE LITERATURE.....	27
Introduction.....	27
Impacts on School Policy.....	32
Why Teachers Organize.....	41
The First Generation:	
Rise of the Teacher Voice.....	47
The Second Generation:	
The Era of Good Faith Bargaining.....	49
The Second Intergenerational Crisis:	
Unexpected Revolution.....	51
Chapter II Endnotes.....	53
III. THE BEGINNING.....	59
Statehood and Education.....	62
Capitol City Classroom	
Teachers Association.....	64
Professionalizing the Organization.....	65
Evolution of CCCTA.....	72
State Presidency DCT.....	77
Wage and Salary Struggles.....	78
Professional Negotiations.....	83
Chapter III Endnotes.....	85
IV. PROFESSIONAL NEGOTIATIONS.....	91
Teacher Strike!.....	117
Stable Labor Relations.....	124

Chapter IV Endnotes.....	126
V. SUMMARY, CONCLUSIONS AND RECOMMENDATIONS.....	133
Study Summary and Findings.....	133
Capitol City Teacher Labor Leaders.....	135
School District Administrators.....	136
Why Teachers Organize.....	137
Summary and Discussion .....	141
Conclusions.....	149
Suggestions for Further Research.....	153
Epilogue.....	154
BIBLIOGRAPHY.....	155

## CHAPTER I

### INTRODUCTION

Collective bargaining has brought many changes to public education in the United States. From what has been largely a female profession of teachers have come the rumblings of organized labor and a noteworthy attitude shift from relative passiveness to open assertiveness on the part of many teachers.

Collective bargaining has introduced a new way of life to public school districts. New challenges have arisen from the clash between the traditional, unilateral style of management and teachers organizations demanding a voice through collective bargaining. Educators on both sides of the table are confronting new roles and expectations in their profession.

Although some comparison of teacher and labor unions can be made with organized labor unions, there are few elements of traditional unionism that apply to teacher organizations. First, the National Labor Relations Act does not apply to public employees on the federal, state or local level.<sup>1</sup> Many laws have been passed on various levels that allow for public employee negotiations. Some teachers

would like to remain separated from the term "union," preferring to be recognized as professionals rather than laborers.

Economic differences between the private sector and the public sector provide further discrepancies. Public education services are provided to citizens at little or no additional cost.

In addition, public education operates as a monopoly in most instances. As a result, public education holds forth with little or no competition. The consumer cannot shop around for a cheaper product. The public school is generally the only market available.

In the case of a teachers' strike, schools would not lose business to a competitor. State funds would be lost to the school district in this state unless the missed school days are made up by the students.<sup>2</sup> Another difference between public school bargaining and private sector bargaining is that schools generally do not have productivity measures (profit vs. loss) as the private sector would have.

Bargaining units are structured differently in public school units as opposed to private sector units. In the private sector, job classifications are usually divided into separate bargaining units. Teachers are not classified into separate units for bargaining purposes. State law does provide for building principals and assistant principals to form a bargaining unit.<sup>3</sup>

Generally, principals and assistant principals are considered part of management's team.

The chief negotiator for a school system lacks the authority to reach a final and binding agreement with the bargaining unit. In Oklahoma, the Board of Education may give wide latitude to the chief negotiator but the approval of the agreement is an exclusive board responsibility.

Negotiable items may differ between private sector and public sector bargaining. Laws limit or exclude certain items from the bargaining table in the public sector. For example, in Oklahoma, retirement eligibility is determined by state law, not by negotiations.<sup>4</sup> Bargaining tactics may differ in the public sector from tactics used by the private sector. These tactics may include political maneuvering by both sides, election of sympathetic candidates to the school board, and attempts to influence the public through the media.<sup>5</sup>

The right to strike, considered by many to be vital for successful collective bargaining, is usually prohibited for public school teachers. State law expressly forbids organizations to strike or threaten to strike as a means of resolving differences with the board of education.<sup>6</sup> The rationale given for legislative prohibition of strikes is that services provided by public organizations are essential to the general welfare of citizens. Work stoppages or refusals to work would adversely affect the delivery of these vital services and create disorder in the

community.

The form of negotiations in the private sector and public sectors are often similar. Both situations have each team trying to increase its bargaining power relative to its adversary's by increasing the cost of disagreement with the team's position or reducing the cost by reaching agreement with its team.

Another similarity would be the influence of the personalities of the team members on each side and the impact of those personalities upon the process. For example, a negotiator's developed, personal animosities and his actions might be based on his relationship rather than on what is best for the organizations.

#### History of the Problem

Organized labor has played an important role throughout American history. Organizations of craftspeople and workers originated about the same time as the American Revolution.

Prior to this time period there were employee guilds, based on the English pattern, and comprised of joint associations of employers and crafts people who were either independent or directly employed. In 1648, the Boston Coopers and Shoemakers formed a joint employer and employee guild to enforce manufacturing standards to stem the competition from newly arrived immigrants.<sup>7</sup>

In New York and Philadelphia, trades were licensed occupations that were considered essential to the public welfare. Like the guilds, the trades were concerned with standards of performance and outside competition.<sup>8</sup>

Although there was not a formal labor theory or movement in the United States during this time period, occasionally work stoppages did occur. In 1794, the New York City printers struck, while cabinetmakers did so in 1796 and shoemakers, in Philadelphia (1799) and Pittsburgh (1809). The issues in these strikes involved wages, hours, regulation of the apprenticeship, and the pros and cons of employers hiring only members of the respective associations.<sup>9</sup>

The period of 1800-1850 saw continued efforts of the associations and occasional work stoppages. Employers sought to counter the strikes as illegal conspiracies under common law. Most decisions went against labor until 1842 when the Massachusetts Supreme Court ruled in *Commonwealth v. Hunt* that trade unions were lawful and that strikes for a closed shop were legal.<sup>10</sup>

The 1850's and 1860's saw the emergence of National Trade Unions. Turmoil, because of economic cycles of boom and bust, saw radical activity entered into the labor movement. The violence culminated in the 1886 Chicago Hay Market Square incident in which a bomb, killing 7 and wounding 70 others, was thrown at police.<sup>11</sup> Following this incident a public outcry against labor agitation and

strikes developed. The movement lost its steam and the labor movement retrenched.

The American Federation of Labor was formed after the Hay Market Square incident. Samuel Gompers, a cigar maker by trade, was elected President; he served in that capacity for 37 of the next 38 years. Gompers built the basic foundation of unionism in the United States. He established the AFL as non-political (unaligned with a party but making itself heard at the polls). The AFL opposed socialism. It favored organization by trade, the supremacy of the national organization, and better wages and working conditions.<sup>12</sup>

The next several years saw employers use tactics of violence and repression towards the labor movement. The union response was to move away from moderation, as espoused by the AFL, to a radical and violent posture.

The 1920's saw economic decline and a general weakening of the labor movement. The Great Depression began in 1929 with the stock market crash. Union membership rapidly declined during this period and into the 1930's. This era saw the election of Franklin Delano Roosevelt as President of the United States. Roosevelt's presidency brought many far reaching changes in the nation's social and economic fabric. Labor was especially affected by the policies of Roosevelt's New Deal administration.

First, the government began to sponsor collective



bargaining as part of the economic recovery measures. The U.S. Supreme Court, however, soon ruled this measure unconstitutional.<sup>13</sup> Congress passed the National Labor Relations Act to establish a mechanism by which workers could form unions, pick their own representatives, and engage in collective bargaining.

The act set up the National Labor Relations Board to function as the administrative agency and to act in a quasi-judicial capacity.<sup>14</sup> The two main functions of the board were to oversee the employee-union selection process, and to act on unfair labor practices by both management and labor. Originally, unions were not included in the unfair practices provision, but the Taft-Hartley Act in 1947 added unions to unfair practices law.

The 1930's also saw the emergence of the Committee for Industrial Organization (CIO) headed by John L. Lewis. Lewis, the leader of the United Mine Workers, felt the AFL should organize mass production industries on an industry basis instead of a National Union. The result was that Lewis and his associates began organizing steel and auto workers in 1936.<sup>15</sup> Success followed Lewis' efforts. The AFL formed its own CIO (Congress of Industrial Organizations) in 1938 as rival to Lewis' CIO.

The war years, (1941-1945), saw full employment and membership gains for all labor unions. The post-war period saw a conservative mood sweeping the country along with the cold war. In addition to amending the National Labor

Relations Act, Taft-Hartley required a non-communist affidavit, a signed declaration that the individual was not a communist, from union officers. The nation's conservative political mood brought a national purge of radicals and communists from all walks of life. The CIO was particularly vulnerable because they had welcomed the help of the communists during their past organizational campaigns. In 1949 the CIO expelled 11 national unions and over 900,000 members because of perceived communist control.

Both leaders of the AFL (William Green) and CIO (Phillip Murray) died in 1952. The new leadership of each organization began in earnest to merge the two giant labor organizations. In 1955 the AFL-CIO merger was complete with a new constitution. The new organization adopted the concept of industrial unions, respected established bargaining units, and provided for oversight of the affairs of the national union affiliates. Provisions against communists and corruption in the leadership of national unions were also adopted.<sup>16</sup>

#### National Education Association

While craft and trade unions have histories dating back hundreds of years, teachers unions or associations are relatively new creations. Prior to 1857 there was not a national organization for teachers. Forty-three educators

from a dozen states and the District of Columbia met in the summer of 1857 and formed the National Teachers Association in Philadelphia.<sup>17</sup>

Teachers were called upon "to evaluate the character and advance the interests of the profession of teaching, and to promote the cause of popular education in the United States."<sup>18</sup> These words, written by Daniel B. Hogan, were in the original charter of the NTA and are still included with the National Education Association (NEA).

Two significant events occurred during the first decade of the organization's existence. First, women were admitted to the association in 1866. Prior to this event, the NTA was a male-only group. The second major event was the creation of the Federal Office of Education in 1867. This agency would gather facts and data from the states, thus making state by state comparison possible in educational matters.

The NTA organization was a creature of the state associations during its early years. For all practical purposes the association served as a forum for debates on educational topics such as learning theory and psychology. It was not until the association merged, in 1870, with the National Association of School Superintendents and the American Normal School Association to form the NEA that the impetus for reform and administrative control began.<sup>19</sup>

The main focus of the association was improving instruction. There was not any employed national staff and

no permanent home existed. The following subjects were frequently discussed at conventions between the years 1858 and 1890: Education theory and psychology (16%), high schools and colleges (15%), normal schools (11%), manual training and technical schools (9%), courses of study (6%), kindergartens (5%), primary grades (5%), music education (5%), moral and religious instruction (5%), philosophy of methods (4%), federal aid to education (3%), graded and ungraded schools (2%), supervision (2%), foreign education systems (2%), textbooks (2%), education of minorities (2%), and other topics (6%).<sup>20</sup> Improving salaries and other conditions of employment were left to the state and local affiliates.

The first full-time executive secretary of the NEA, Dr. Irwin Shepherd, was appointed in 1898. Dr. Shepherd served during the period of upheaval and change.

In control of the NEA at this time were a group of college presidents and large city school superintendents. Together they formed what one author has called an "interlocking directorate of urban elites."<sup>21</sup> These so-called elites sought to reform the government and administration of public education. They sought to eliminate or minimize political control of public education and to place a business model of administration as the controlling apparatus for schools. Further goals were to professionalize the administration of schools and to control the NEA. This group's efforts were largely

successful as administrators dominated the NEA until the 1960's. Some NEA members wanted to take control of the organization from the small group of officers who were responsible for planning, assigning studies, and controlling funds. The dissatisfied members felt that control of finances should not be concentrated in the hands of a few but should be controlled by the members.<sup>22</sup>

The challenge to the elites came from a group of teachers out of Chicago. This group, the Chicago Teacher's Federation, was the forerunner of the American Federation of Teachers. Led by Margaret Hailey, this group was successful in electing five presidents of the NEA during the early years of the nineteen-hundreds. Attention was focused on issues such as higher pay, equality of work and pay, women's suffrage, and advising teacher councils.<sup>23</sup>

Eventually, the officers were able to regain control of the organization. In 1910 the membership elected the first woman as president of the association. Charges of mismanagement were leveled at the officers. These charges were proven to be unfounded. The controversy did serve to lessen the influence of higher education in the NEA. In 1924, the Department of Higher Education officially withdrew from the NEA.<sup>24</sup>

The various committees of the NEA served as the guiding direction of the association for the next few years. Committees were organized to deal with topics ranging in areas from high schools to race relations.

In 1920, a new committee on legislation was formed. The committee had a profound impact on education in the United States. The task of the legislation committee was to secure passage of the bill that embodied the findings of the commission over the emergency in education.<sup>25</sup> The emergency consisted of inadequate funding, poor facilities, inadequate teacher training and related issues. Not all of the proposals were immediately accepted, but the public became educated about the plight of education.

#### Growth and Change of the NEA

Membership in the NEA grew from its humble beginnings in 1867 of 43 members to 1.7 million members by 1978.<sup>26</sup> The general direction of the NEA remained the same until the early 1960's. Strong challenges for new members came from the American Federation of Teachers. Urban areas mainly brought about the change. Prior to the AFT signing the first major collective bargaining agreement with the New York City Board of Education in 1962, the NEA had sought to exert its influence or pressure through educational and promotional campaigns. The success of the AFT in winning New York's 40,000 teachers had a resounding effect on teacher association-school board relations. At the summer convention in 1962, held at Denver, the NEA delegates voted for the first time to approve what they termed professional negotiations and professional sanctions

for locals to use with local boards of education to further teacher welfare.<sup>27</sup>

Another NEA reaction to the challenge from the AFT was to create the Urban Project in 1962. The Urban Project was created to strengthen locals in urban areas. Substantial amounts of money and resources were poured into this project. The aim was, of course, to challenge the AFT in the cities.<sup>28</sup>

During the 1960's, several work stoppages (strikes) by teachers were held around the country. Some of these strikes were called by NEA affiliates. Most of the work stoppages were fulfilled by AFT affiliates. The NEA preferred a soft pedal approach involving sanctions against school districts. Radical action through the use of strikes was advocated by the AFT. Methods of the two associations turned around in the 1970's. Each organization adopted some of its opponent's positions on issues.

#### American Federation of Teachers

The beginnings of the AFT are found in the Chicago Teachers Federation (CTF) which began in 1897. Chicago had experienced rapid growth during its short history. The city found it difficult to keep up with the increasing demand for services from its citizens. Added to this problem, Chicago, as many big cities during this time

period, was controlled by a boss who had a formidable machine to help him run his city. The school system was controlled by the machine. The result of this machine rule was that the Chicago school system was a victim of political domination.

Pressure was brought to bear upon the teacher organization. The teachers began looking for support and found labor in Chicago willing to help. In 1902, the teacher's local affiliated with the local labor union and became the Chicago Teacher's Federation (CTF). The national (AFL) welcomed the teacher's group but teacher unionism was limited to Chicago at this time. Similar problems and experiences faced teachers in cities around the country. Shortly after the Chicago local acquired their charter from the AFT, teachers in San Antonio applied for and received the second charter from the AFL.<sup>29</sup>

The CTF began a series of campaigns to right the inequities they felt the teachers suffered under the system in Chicago. The efforts of the CTF included supporting passage of a child labor law and other social issues. The union discovered many businesses and utilities had underpaid their taxes. The CTF filed suit and the companies had to pay \$600,000 in back taxes.<sup>30</sup> The school district benefited financially from this windfall. The school board, instead of showing gratitude, continued to oppose the CTF. In 1915 the school board under the leadership of Joseph Toeb, passed the Toeb rule.<sup>31</sup> The



Toeb rule was a yellow dog contract. The yellow dog contract prohibited teachers from joining a union. The effect was devastating on the CTF. Although the local fought the Toeb rule in court, the Illinois Supreme Court eventually ruled in favor of the school board in 1917.

In April of 1916, three of the Chicago Teacher's Unions and a local from Gary, Indiana, met and formed a national union. By May of the same year four more locals joined the fledgling national union, including the Oklahoma City chapter of the Oklahoma Teacher's Federation. Samuel Gompers received the eight locals into the American Federation of Labor (AFL) as the American Federation of Teachers (AFT) in the same year.<sup>32</sup>

The early years were marked by anti-union and anti-AFT drives intent upon stopping AFT growth. In 1920, AFT had 10,000 members. Administrative and school board pressure were brought upon teachers through the use of the yellow dog contract. AFT was labeled as unprofessional through its affiliation with labor. Known union teachers were fired.<sup>33</sup>

Faced with many pressures, the first 20 years of the AFT were years of struggle for survival. The Great Depression brought much social and political upheaval in the 1930's. As millions were thrown out of work, the mood of the nation changed from conservative to liberal. Franklin Roosevelt and the New Deal helped labor organize and flourish. The AFT benefited from this mood of pro-labor and grew to a membership of 35,000 by 1936.<sup>34</sup>

The AFT developed their platform and guiding principles by 1930. Listed below are the eleven items the AFT still adheres to:

1. The right of teachers to organize and affiliate with labor must be recognized.
2. If our children, during their most impressionable years, are to have the benefit of daily contact with examples of upstanding American manhood and womanhood, and not to be exposed to an atmosphere of servility in the schoolroom, teachers must be given warning and a hearing before being separated from the service.
3. The teacher must be guaranteed the opportunity to make his due influence felt in the community, working through the school chiefly, but free to work through all the avenues of citizenship.
4. The control of the teaching staff should be removed from the Board of Education, and placed in the hands of the professional expert, the Superintendent of Schools.
5. If our democracy is not to be crippled at its source, democratic school administration must be secured by insuring to the teacher an effective voice in that administration.
6. The schools must be removed from politics by the application of the merit principle of civil service to the employment, advancement, and dismissal of teachers, thus securing tenure during efficiency.
7. The work of the teacher, now notoriously ill-paid, determines the quality of our future citizenship, and should receive financial recognition more clearly commensurate with its importance to the community.
8. Vocational education should be encouraged, but only under a 'unit system.'
9. The people should directly control educational policies through the popular election of boards of education.
10. A system of free textbooks is an essential of genuinely free and democratic public schools.
11. Enlightened public policy demands adequate

pension provisions for public school teachers.<sup>35</sup>

#### 1938-1960

The late 1930's comprised a period of growth for labor because of a sympathetic national government.

Internationally, social and political pressures of the era were bringing the world closer to war. On the home front the AFL was growing politically conservative and was beginning an aggressive campaign to purge communists out of the fold and to expel communist-dominated unions. The AFT at this time had become liberal in its announced agenda for social policy. Many AFT leaders were socialists or had socialist leanings. Some were avowed communists. The development of the Congress of Industrial Organization (CIO), a considerably more liberal labor group attracted a sizeable following within the AFT. These two factors led to a "cooling off" period between the parent AFL and the AFT. Some AFT locals were expelled during this time and financial support from the AFT was cut back for a time.<sup>36</sup>

The Cold War and McCarthyism after the war brought back efforts to get rid of the communist element. Three AFT locals had their charters revoked, purging the AFT of communists. By focusing on bread and butter issues and purging the radicals, the AFT was back in the mainstream of the AFL.

The outbreak of World War II saw full employment in

the United States, but teachers salaries were frozen and in some cases cut back. At the end of the war teachers continued to lose ground in a country with a full economy. There were teacher strikes in Pontiac and Flint, Michigan by AFT organizations in 1944.<sup>37</sup> The strikes were not because of conflicts with management but were launched as a protest against the cap on local tax support levies. The first collective bargaining contract was signed by the AFT local in Cicero, Illinois with their school board. The first major strike by teachers involving a dispute with management occurred at Norwalk, Connecticut, in 1946.<sup>38</sup> The strike was settled with management when a negotiated agreement was signed. Although the Norwalk teacher association was unaffiliated with any national organization, the vast majority of major teacher strikes and job actions from 1940-1962 were carried out by AFT\* affiliated locals.<sup>39</sup>

\*AFT had a long standing no strike policy until the early 1960's.

#### Megal's Leadership of the AFT

In 1952 the AFT selected Carl Megel as its national president. Megel's background and experience provided the AFT with its most dynamic, forward looking president. Carl Megel began as a classroom teacher and athletic coach in

the Chicago Public Schools. At that time Chicago's schools were covered by three unions. Megel felt the unions at that time were ineffective because of the three way division of power. Initially, Megel did not get involved with the union movement. After several years went by, Megel became active with the CTF, and in 1938 began working with the AFT on a national level.

Upon his election in 1952 Megel began his three point push that would have a profound influence upon teachers and education in America. First, Megel announced an organizational campaign to have 100,000 AFT members nationwide. The second emphasis was service to locals. Prior to this time there had been some help from the parent organization AFL but only sporadic help from the AFT to locals. The third part of Megel's plan was to promote a publicity campaign to attract public attention to the AFT.<sup>40</sup>

In 1953 Megel shocked educators by stating that "If teacher's wanted to gain in economics and benefits, then they must adopt the trade unions' philosophy of collective bargaining."<sup>41</sup> The push for different tactics was clearly on. In 1957 a small AFT local in East St. Louis, Illinois, pushed for and had the first representation election with the school board. Shortly after the election the East St. Louis local successfully negotiated a collective bargaining agreement with the school board.<sup>42</sup>

In 1960 two local unions in New York City merged to

form the United Teachers Federation (UTF), local #2 of the AFT, AFL-CIO. Threatened with a strike, the Board of Education forestalled the strike by promising three things:

1. A collective bargaining election.
2. Dues check off for the UTF.
3. Paid sick leave for substitutes.

The board chose to take its time in making good on its promises. In November, 1960, the UTF struck for one day with 5,000 teachers staying out. The board, under pressure from the mayor and organized labor, moved towards having the representation election. In December, 1961, three groups, UTF, Teachers Union, and the Teachers Bargaining Organization (NEA), appeared on the ballot. The UTF polled 10,045 out of 33,119 total votes cast.<sup>43</sup>

Negotiations with the board began in earnest but in April, 1962, salary negotiations broke down. On April 11, a controversial one day strike was held with over 22,000 teacher's out picketing schools.<sup>44</sup> The strike did accomplish a settlement getting the teachers substantial raises in salary and improved working conditions. The effect was dramatic as the New York action electrified the nation's teachers and prompted the NEA to alter its policy and practice.

Behind the New York situation stood the AFT and behind the AFT stood the AFL-CIO. In 1960, seeking support for the UTF, Megel met with Walter Reuther, the President of the Industrial Union Department of the AFL-CIO. The meeting produced a solid financial commitment to the UTF

and AFT.<sup>45</sup> The money enabled the AFT to mount a successful campaign in the New York election and to organize other locals in urban areas around the country.

Since the New York election in 1962, the AFT has experienced rapid growth, mainly in urban industrial centers. The most notable success came about through mergers with AFT locals and NEA locals into single organizations such as those in Los Angeles and Pontiac, Michigan. In 1972, the New York State Organizations of the AFT and NEA merged into one state association, the New York State United Teacher's, due largely to the efforts of Albert Shanker, current president of AFT.<sup>46</sup> In 1976, the New York State United Teacher's voted to drop their NEA affiliation and go strictly with the AFT. Efforts to gain on the national level continue to the present.

#### Significance of the Study

If History teaches us anything, it is that man, in his quest for knowledge and progress, is determined and cannot be deterred.

John F. Kennedy

The study of the Capitol City Independent Schools Collective Bargaining history is a fascinating subject for a number of reasons:

1. The Capitol City Independent School District is located in the state's largest city and state capitol.

2. The only strike ever held by teachers in the state occurred in the Capitol City School District.

3. The local bargaining agent AFT was the first state affiliate of the AFT.

4. The representational battle between AFT and the NEA locals began in 1973.

5. The court cases of AFT to be recognized as bargaining agent of the teachers are examples.

With the development of collective bargaining in public schools, it is important that educators, school board members, and the public come to understand the impact these new relationships are having on education.

Perhaps our value of history and experience is that we can learn from others mistakes. Our own experience should benefit when we can see the problems experiences and how to avoid those similar difficulties.

This study will assist universities in the preparation of educators for the field.

This study will assist educators, education agencies, teacher associations/unions, Boards of Education, interested parties, and school districts involved in or contemplating collective bargaining.

#### Limitations of the Study

The following limitations are placed upon this study:

1. This study will be limited to the experience of



one urban school district.

2. This study will be limited to interviews of a few key actors who participated in the events.

3. This study will not go beyond the end of the 1982 school year.

4. Further limitations:

The school district and individuals in this study have been disguised. They felt the district had progressed to a more harmonious period of labor relations and did not want to take a chance on disturbing the status quo. To secure their cooperation, the researcher agreed to this restriction. This study was originally intended to be a historical study. Because of the confidentiality restriction it was turned into a case study. Because of this restriction the researcher cannot give credence to the data as a historical work. However, educators, school board members, and legislators may be able to learn from the mistakes that were made. It is hoped better labor relations will result from this study.

#### Research Questions

The overall question of the study was: What is the extent and evolution of teacher's collective bargaining efforts in the state capitol and how did they evolve?

1. How and why did teachers come to organize in Capitol City?

2. Why did the teachers switch bargaining agents from the ACT (NEA) to the AFT?

3. What maturation stages have the school district and union gone through as a result of collective bargaining?

Additional questions are to be asked of key officials of the AFT, ACT-NEA, and school district as to the role each played in the history of collective bargaining in the Capitol City Schools. As this study is conducted with historical methods, there were different questions asked as key individuals and positions changed over time.

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## CHAPTER II

### REVIEW OF LITERATURE

Although this is a case study of a teacher's union, a review of the professional literature on teacher unions is essential to understanding the forces that shaped the events in Capitol City.

Chapter Two has been divided into three parts. Part one is the introduction to labor relations research. Part two examines motives and forces that influence teachers to organize and join unions. The final part studies the concept of "generational stages" in school districts' and related districts' bargaining histories.

#### Introduction

Social contracts exist at all levels of society. These contracts are formal and informal. Systems of authority are put into place. Authority may be legally established by mutual consent or obtained through despotic measures. Once established, these systems specify:

- (1) who has the authority and why they have it; and
- (2) how the parties enter into the arrangement.<sup>1</sup>

Once the contract is accepted, the parties each have an implied moral obligation to carry out certain tasks as their implicit social contract. Either party's failure to perform the obligations constitutes grounds for the other party to refuse executing it's tasks. School boards and teachers have replaced the informal paternalistic contracts of the past with formalized collective bargaining. Modern public education complexities has created a bureaucratic control system. The bureaucracy attempts to control or manage the problems.

Gouldner recognizes two types of bureaucratic authority.<sup>2</sup> Some rules are established by agreement, based on expertise, while others are established by imposition, based on discipline. The first concept use agreement as a means to an end. The second concept, obedience is an ends to itself. Gouldner concludes there are two types of bureaucracy which he terms "representative" based on technically justified rules established by mutual consent and the "punishment-centered" which uses obedience to rules as the criteria of performance.

Bendix also distinguishes between authoritarian and democratic administration.<sup>3</sup> In an authoritarian administration the employee's obedience is exclusively to his superiors. With his obligation to prevailing authority, the employee develops a feeling of solidarity against the public which he confronts as a higher authority representative rather than as a public servant. Under a

democratic administration the employee has more authority and his discretion rests on a public service belief system.

Collective bargaining has three major functions in the United States' system:

- (1) It is a procedure to establish, revise, and administer many of the rules of the workplace.
- (2) It is a process by which to determine the amount of compensation of employees.
- (3) It is a method for the settlement of disputes during the lifetime of agreements and on their expiration or reopening.<sup>4</sup>

These are basic processes that must be carried out. If labor is not organized or represented in talks with management, then the process is a management task.

Labor relations involve four types of bargaining, according to Walton and McKersie.<sup>5</sup> The first of these types is distributive bargaining. This type of bargaining assumes collective bargaining is a struggle between labor and management over the control of economics and rights of workers. Hence, distribution of financial and authority over workers is the focus (I win, you lose).

Sometimes bargaining does not involve losses for one side or the other side. Both parties benefit from the transaction. Conflict is minimal during the process. Integrative bargaining refers to the system of activities which is instrumental to the attainment of objectives which are not in fundamental conflict with those of the other party.<sup>6</sup> Integrative and distributive bargaining are joint

decision-making processes. These processes are dissimilar, yet they are rational solutions to different situations.

Either type of bargaining may include cooperation or conflict. In practice, labor and management negotiations blend the various types of bargaining and tactics to fit the circumstances they confront.<sup>7</sup>

Walton and McKersie distinguish two subsystems of the general process of negotiations in addition to integrative and distributive.<sup>8</sup> One of these processes is attitudinal structuring. This refers to the activities and efforts of the management team or union officials to influence the attitudes of the other. It is directed at the basic relationships between the people involved in bargaining.

The final subprocess of negotiations is intraorganizational bargaining.<sup>9</sup> Schools and their unions are often large organizations where there is a need to work out a consensus internally. Both organizations must agree with each other on the contract and then agree internally in the contract. Negotiators say internal approval is often as difficult as bargaining with the other team.<sup>10</sup>

Another view of collective bargaining involves the structure, environment, and interaction of labor relations. In Dunlop's open-system model, labor relations are carried out in context of market economy, work technology, social, and political influences.<sup>11</sup> Labor relations itself is portrayed as a "web or rules" in which the formation and application of rules are influenced by contextual factors.



System linkages operate, in labor relations, two different ways. First, the legal structuralist perspective holds that it is possible to identify clear linkages between bargainable subjects, such as wages, hours, conditions for employment, and nonbargainable items.<sup>12</sup> Many states have attempted to control the scope of what is allowable at the bargaining table. Frequently, what is allowable "spills over" into issues not allowed at the bargaining table.<sup>13</sup>

Political pressure is the second perspective of systems theory. The view is that public sector bargaining units hold an impressive political force.<sup>14</sup> Public sector unions hold advantages over management because of the unique nature of government jobs. They bargain, lobby for favorable laws, have civil service protection and statutory protection (tenure), electioneer, and, in some cases, may strike. The political pressure is directed at the elected officials who are blamed for interruptions in public services. As a result decisions are being made at places other than the bargaining table. For example, school board elections, courts, legislatures, and state administrative agencies.

Exchange theory proceeds from the effect of social exchange in which behavioral compliance from one group is exchanged for something contingent upon the other group's behavior. Blau contends the resource valued by one group can be obtainable only through another group.<sup>15</sup> The other

group must in turn value or need something from the other group.

### Impacts on School Policy

Collective Bargaining is changing the ways school districts are managed and governed. According to Charles Kerchner, school decision making is becoming both centralized and balkinized at the same time because of the effects of collective bargaining.<sup>16</sup>

Schools are in a process of deciding which decision making methods will be coupled with what issues and participants. Where conflict is taking place it is usually over which methods rather than the substantive outcomes of negotiations.<sup>17</sup> This suggests that labor and management are dependent upon one another and on third parties to find acceptable solutions to their disputes.

When tension is continuous and prolonged, the result is usually a loose decision making structure subject to intervention or external influence at various points.<sup>18</sup> Who then participates in decisions becomes crucial and creates an element of uncertainty. Curriculum, for example, is an area that can be influenced from four areas. First, the legislature mandates certain subjects and the sequence. Ordinarily the administration would then implement the curriculum on the local level. However, with bargaining on curriculum content and offerings, teachers

are having increased input into this area through the contract. Added to this procedure is an increasing movement to include parents into the process. The result is curricular decisions are being made on political grounds rather than sound educational reasons.

Kerchner has determined five areas of impact upon the districts ability to govern:<sup>19</sup>

(1) The breakdown of the unitary command structure and its replacement by a multilateral bargaining system or in some cases a bilateral system.

(2) The introduction of new participants in school decision making, including labor professionals, both advocates and neutral third parties, organized and unorganized citizen groups, and elected officials outside of education.

(3) The movement of the local of decision making to the central office within school districts and to locations outside the district such as legislatures, courts, and public administrative offices.

(4) The broadening scope of issues that fall into the labor relations arena--both issues raised during formal negotiations and those joined to the collective bargaining process during administration of the contract.

(5) The changing nature of managerial work. There is evidence that school administrators face different types of issues, new constituents, different managerial roles, and new criteria for success in their jobs.

Just as schools were accepting the Weberian structure of authority of the superintendent, collective bargaining has disrupted the chain of command. Collective bargaining imposes a bilateral model for decision making on the governing of schools. In most cases outside parties have joined in because of to the political nature of schools giving a multilateral dimension to decision making. The

result or effect upon the superintendent and other school administrators is that they have moved towards a managerial role as opposed to an educational leadership role.

New participants have joined the bandwagon in educational decision making. Labor professional include the hired negotiators who teach the participants about the process and "how to." As a result of their inclusion the process has become more formal and legalistic. Citizen groups have increased the politicization of decision making along with the inclusion of outside elected officials.

Decision making has become centralized within school districts. Principals must now treat teachers collectively instead of as individuals because of the contract. Another result is that much of the principal's flexibility in staffing has been taken away. Some issues cannot be decided locally. The decisions have been decided in the legislature or in the court system.

The scope of bargaining is expanding to include not only working conditions and salary but also decisions that previously were the exclusive domain of administrators, e.g., teacher evaluation, curriculum, discipline and assignment. Issues also arise during the administration of the agreement. Administrators must be careful in dealing with teachers; otherwise, the treatment one individual receives might be written into the agreement for all teachers.

Finally, managerial work is changing. As mentioned

earlier, the administrator's role is changing from instructional leader to a role as school managers. Because of the collective bargaining agreement, administrators must now operate in a formalized manner with teachers. Labor problems now occupy the front burner replacing instruction. Criteria for success formerly included such things as discipline, learning outcomes, and ability to innovate. Today, the criteria involves political skill, number of grievances, and public relations. Once viewed as colleagues, principals are now identified by teachers as part of the management team. Often principals have trouble identifying their new roles and dealing with the pressures and stresses associated with collective bargaining.

Bargaining is a bilateral arrangement carried out between representatives of labor and management. Labor theory recognizes this relationship. Practitioners are trained in this bargaining concept. The "web of rules" governs the behavior of the parties involved.<sup>20</sup>

Authority is expected to maintain the governed's three basic concerns:

- (1) sense of security,
- (2) peace and order, and
- (3) contribute to material security and prosperity.<sup>21</sup>

In their turn, subjects are expected to contribute to all community levels. Each side will continually probe the other to see where the obedience and disobedience levels are.

Rapid social change and increasing industrialization have developed societal and individual strains.<sup>22</sup> As teachers have felt less secure with their position, they have organized. A new authority source, the union, replaced the previous authority. Unions have become a buffer to give teachers professional autonomy and power in organizations. Professional autonomy has been limited by non-professional's decision making power.<sup>23</sup>

Strains in a changing workplace have led to increased conflict. Gouldner's series of organizational tensions recognized a dual set of authority characteristic of most organizations.<sup>24</sup> Authority in these organizations is of two types: authority based on technical competence and authority based on office incumbency. These competing authorities create staff line conflicts. Tensions develop between trained specialists and supervisors who are not trained well enough to evaluate the specialists and their work. Another conflict between the two authorities comes from compromises between efficiency and expertise. Supervisor's exert pressure for results contrasting with professional emphasis on quality and technical procedures. Administrators ask for higher test scores. Teachers balk because of their recognition of test scores as an incomplete teacher success measure.

Gouldner's third conflict is a generational conflict. Old guard staff competing with new members and their ideas. Examples are the veteran teachers ignoring the new

teachers' ideas. "We have always done things this way"; and "I've been teaching for twenty years" are examples of old guard thinking. New staff members resent these attitudes and often do not have the patience or expertise to fight for their ideas.

Dual loyalty is demanded from personnel to the organization and to lay and professional groups. Autonomy is developed by some individuals and departments within the organization. Cleavages are created between "locals" and "cosmopolitans."<sup>25</sup> Teachers are expected to be loyal to the district and school board. Unions expect support as well. Teacher's professional loyalty is often to their students. Conflicts develop because the best interest of each group is not always the same. Some departments may develop autonomy within the weakening organization or not recognize the necessity of interdependence. An example would be extra-curricular activities often develop support from outside the organization. This support often translates into political power which allows the sponsors or groups to work independently from school board authority. Conflict between the teachers and sponsors heightened when this occurs.

Homans' method of analyzing social interaction is similar to Gouldner's model.<sup>26</sup> It has three categories for description: activity, interaction, and sentiment. Activity describes the task or function. Interaction is the amount of interplay between groups. Sentiment refers

to feelings or overt behavior.

Thompson's model for viewing staff conflict includes three sources of antagonism.<sup>27</sup> First, technology requires specialization and resource allocation. Differences in funding and materials create inequalities for some personnel and departments. Efficiency demands this allocation delivery type. Within our egalitarian system we expect equal treatment. As the organization grows larger, so does the allocation problem.

Second, according to Thompson, latent roles develop within the labor force arise from differences in training, age, sex, and ethnicity. These differences create conflict. An organizations success in this area depends upon its heterogeneity. There is also a danger from too much heterogeneity creating conflict as well.<sup>28</sup>

Thompson proposes a community's heterogeneity is directly associated with internal conflict. Heterogeneous communities will make conflicting demands upon the organization's members. The larger the community and the broader its economic base the more variable the role expectations will be.

March and Simon define conflict as a "breakdown in the standard mechanisms of decision-making so that an individual or group exercise difficulty in selecting an action alternative."<sup>29</sup> They identify three conflict types:

- (1) individual conflict
- (2) organizational conflict



(3) intra-organizational conflict.

Most significant conflicts involve groups although conflict between two individuals can influence groups. Personality clashes may account for some conflict. Other conflict arises from organizational features. March and Simon hypothesize the more past experience with a decision situation, the less probable conflict will occur. For example, a recent turnover in experienced personnel would likely create a potential conflict when inexperienced personnel are hired as replacements. Another scenario would be upheavals in the economic or social fabric in a community would likely create conditions of conflict.

March and Simon state that the less complex the decision situation is, the less probable intra-individual conflict will arise.<sup>30</sup> School teaching transfers are less likely to be a source of conflict than forced bussing was in the early 1970's. Experience with the situation is a possible effect on potential conflict.

Available alternatives may influence conflict within an organization. Extremely ambitious recruits can create conflict when their aspiration levels do not meet achievement.<sup>31</sup> Thus, the choices available may not set well with the groups members. For example, teachers trained in the 1960's were likely influenced by the public spiritedness John Kennedy impressed upon our country. Facing the social realities and economic problems in education, teachers from this era may likely have been

upset and frustrated with the options available to them for problem solving.

Three conditions for conflict which are necessary for conflict within groups or organizations, according to March and Simon, are

- (1) interdependence (the existence of a need for joint-decision making);
- (2) differences in group goals; and
- (3) differences in group expectations or definitions of reality.<sup>32</sup>

Interdependence must have two essential features. First, personnel must share certain resources. Second, their work must be coordinated. March and Simon hypothesize that the need for joint decision making is highest when the entire organization depends upon a single, limited resource.<sup>33</sup> Schools are dependent upon funding for operating. Basic operation as well as teacher salaries are relying on the tax dollar. When the dollar is scarce, basic operating expenses will take precedence over teacher salaries. Other conflicts may arise from elementary v. secondary school resources allocations. The greater the number of units that are; involved the greater the potential for conflict that exists.

Conflict between elementary and secondary teachers is the focus of Stephen Cole's case study of New York City's school system in the first years of teacher unions.<sup>34</sup> The antagonisms between the two levels is rooted in the history of education. Secondary teachers were seen as being the "top" of the public school teacher pecking order. Elementary and middle level teachers looked forward to

their promotion to high school. High school teachers had more prestige. They received higher wages. Acclaim and recognition were directed at the secondary programs. Elementary teachers were resentful of these differences.

Divisions of labor create tensions. Landsberger believes the overlooked horizontal authority dimension is responsible for conflict as well as the hierarchical model.<sup>35</sup> He suggests the conflict rate is a result of interdependent activities. Departments not typically connected are less likely to clash since they are not dependent upon one another. Conflicts are not due to personalities involved. Competing positions are responsible for antagonisms.

Perrow makes a distinction between personnel engaged in the intrinsic and the extrinsic functions of schools.<sup>36</sup> Line and staff positions are a potential clashing point. For example, the classroom teacher and the coach are frequently at odds.

#### Why Teachers Organize

Considering the image of teachers in the past, one has to wonder what factors could account for their organization into bargaining units and the militant behavior that has accompanied the subsequent negotiations. Previously, teachers were viewed as compliant, submissive, and resigned to the desires of their superiors. Teaching was viewed as

an occupation for women or for men who could not do anything else. Those men who were capable were either involved in coaching for a time and then moved on to a new profession or moved into administrative positions. The overriding concern of teachers is the welfare of their students. Today, teachers are still concerned with a student's welfare but they are equally concerned with their own economic and job well-being. What has brought about the change?

Selig Perlman suggests how change has evolved through his job consciousness theory.<sup>37</sup> According to Perlman, workers have little chance to control the means of production. The only avenue they have for order in their life is through controlling their jobs. Individually it would be next to impossible to acquire these rights. For this change to happen, the workers organize and bargain collectively. Recent events through the legislative process involving access to the teaching field and job tenure and protections seem to lend support for Perlman's theory.

Coffinberger suggests public employees join unions for psychological reasons.<sup>38</sup> Employee organizations offer psychological protection from management's arbitrary decisions. Often there is anger and frustration without a release valve or remedy for their frustrations. The union can act as a buffer between employees and management.

Other authors (Imundo <sup>39</sup>, Christup <sup>40</sup>, Heisel and

Halliham<sup>41</sup>,) offered similar reasons.

Unions are established to provide a system of equitable treatment for all involved in the workplace, according to Sidney and Beatrice Webb.<sup>42</sup> The Webbs saw unions as essential to introducing democracy to the workplace, a common theme now running through the literature in educational administration.

Frank Tannenbaum, a labor historian, focuses on what he terms "social dislocation."<sup>43</sup> Today's complex urban industrial society has brought about change at such a rate as to disrupt the once simple life-style of the worker. The present industrial system has caused workers to protect themselves from hazards and uncertainties that threaten their survival. Along with the growing complexity of industry, schools have developed from one-teacher-one-room schools into huge and complicated institutions with the same problems and pressures facing teachers as those that the industrial worker faces.<sup>44</sup>

In a similar thesis Robert Nisbet offers that public employee unions have filled the void left by the demise of the old style political machines. In their day the machine offered a sense of security to the public employee. Today's unions replace the machines in offering the members a sense of security in our complex society. With the breakdown of the old style machines and the subsequent replacement with unions, today's public employee has lost faith in government to provide justice to employees

according to some contemporary theorists.<sup>45</sup>

In the literature in education administration, Reed and Conners found<sup>46</sup> that the one issue that faces all teachers and binds them together by necessity is salary. Union organization is needed to continually press for economic gains. Trade offs leading to larger salaries then reduces the intrinsic job satisfaction teachers may previously have had. This creates a cycle of more money, less job satisfaction with the end result student achievement is negatively affected.

White collar workers are more likely to join a union when "bread and butter" issues are the factor, according to Warner, et al.<sup>47</sup> Economic necessity will motivate these workers to action that ordinarily they would not consider. Other researchers have found that policemen joined unions to reverse economic decline.<sup>48</sup> Increases in teacher unionism have been linked to rising prices<sup>49</sup> and low salaries.<sup>50,51</sup>

In a 1977 study Jessup determined that feeling of powerlessness in educational decision making were important motivating factors for supporting unions.<sup>52</sup> In line with this, Greer and Brown found that teachers perceive unions as mechanism for alleviating problems with the school board and the administration.<sup>53</sup> Ronald Corwin found similar reasons in a 1970 study.<sup>54</sup> Corwin discovered that teachers believe they should have greater authority in educational decision making. Further, Corwin found a conflict between

bureaucratic and professional principles leading to a conclusion that the work structure can induce employees to join a union.

Union member attitudes are best explained by the work situation, according to Smith and Hopkins.<sup>55</sup> Unions tend to heighten awareness of the work situation then strive to keep employees aroused with events thus assuring their survival as an organization. Public employees also tend to join unions for much the same reasons that private sector employees do.

Persons who are satisfied with their place in society and in the conditions of their employment are not likely to participate in a movement or organization aimed at changing their environment. Attitudes of teachers influence the success or failure of a union movement. Teachers who are dissatisfied with their jobs are more likely to seek out collective bargaining.<sup>56</sup> Several factors seem to be prevalent among those teachers who are dissatisfied. According to Fox and Wince, young male teachers were more likely to engage in militant activities.<sup>57</sup> Class identification was another factor they discovered that influenced a degree of militancy.

Zuelke and Willerman explored other dimensions of militancy among public school teachers.<sup>58</sup> Level of education, number of children in the family, and the teacher's religious affiliation influenced militant attitudes. The closer the belief systems of management and

teachers the less likely, one would expect, militant behavior would occur.

Historical conditions contributing to the appeal of teacher unions were identified in a historical study by Stinnett.<sup>59</sup> According to Stinnett, autocratic management coupled with a paternalistic school board lead to teacher unrest. Teachers expect to be involved with decision making when participation is denied or limited their militancy increases.<sup>60</sup> They want the school board to accept their input on control of their professions. Poor communication between teachers and school boards is another source of turmoil.

When the teacher association is perceived as ineffective, teachers are likely to be attracted to unions.<sup>61</sup> The feeling among teachers is that the union will exclusively represent their interest. They also believe that unions can do more for teacher welfare. Vocational teachers often are the "true believers" with unions. Close association with trades lead technical teachers to put more faith in unions.

Stinnett listed two other historical conditions: crisis in nearby districts and unbalanced staffs. The impression is labor unrest, if close to your district, it will impact your teachers sooner or later. Considering the growth of teacher unrest over the past three decades, this assumption may have merit. The final condition proposed by Stinnett is an imbalance in the number of male teachers on



staff. Too many men or too few create the imbalance. As mentioned earlier, males tend to be more militant.

Political conditions in the city and state may influence the degree of unionization, according to Moore and Newman.<sup>62</sup> Urban areas tend to have more union membership. If many governmental units are unionized, the legislature tends to vote favorably for mandatory bargaining laws. President Kennedy's executive order 10988, granting federal government recognition to unions of government employees, created the atmosphere necessary for unionization.<sup>63</sup> In the 1930's Roosevelt's recognition of private sector unions created a growth in labor unions. Kennedy's action did the same for governmental employee unions.

#### The First Generation:

##### Rise of the Teacher Voice

This rise is the stage where the angry teacher started, and when teachers are converted to the concept of teacher union. Typically, the adoption of collective bargaining as a method of teacher representation came about because of three catalysts, individual or collective.<sup>64</sup> First, the passage of statute and acquiescence in its wake; second, an issue, such as little or no salary increase; and third, a person, usually an administrator, around which teachers organized in protest.<sup>65</sup>

During this stage there is still a perception of the commonality of goals. Often the means to the ends remain the administration's and school board discretion on policy and decisions. There is much rhetoric, and attempts to galvanize the teachers into a cohesive unit are tried; for example, singling out an issue or an individual such as the superintendent, as the cause of all the problems. Teachers still behave in ways thought to be "typical of teachers." Many of them still believe it is "unprofessional" to behave like a union.

When there is an apparent separation of goals, the first intergenerational conflict is reached.<sup>66</sup> During this stage there is marked increases in teacher militancy. Demands are made with threats and usually with some sort of job action such as a strike. The district and the teacher's union remain in this generation until some single dramatic event occurs that galvanizes the school.

Each side engages in practices to discredit each other. School boards and administrators consider the behavior of the teachers group improper. Often the perception "is dedicated professionals do not stoop to such activities." The agitation comes from radicals or outsiders. The teachers' leadership questions the administration's ability to lead and manage the district. Abrasive remarks and hostile attitudes replace cooperation and teamwork. This phase usually begins with the onset of collective bargaining.

Some districts stay in the first crisis period for a prolonged period, because one party or the other cannot terminate the legitimacy issue.<sup>67</sup> The board and administration perceive the teachers as behaving in inappropriate ways. Conflict continues to escalate until a single dramatic event occurs.

Strikes, demonstrations, or the settlement of a contract are often the turning point. Another event might be personnel changes for either side. The key ingredient involved in all second generation districts was the crisis event in the intergenerational period. Teachers enlarge the scope of the conflict by taking their story to the community, in particular the parents. As the conflict continues, the reasonableness of the administration becomes an issue. If the struggle is not resolved, the administration tends to look arbitrary or not very skilled.

#### The Second Generation: The Era of Good Faith Bargaining

Changes in the behavior and attitudes of school superintendents signal the willingness to end the generational crisis. The recriminations stop, and the era of good faith begins. Teachers have won the battle for recognition. Politically and psychologically they have a rightful place as representing the teachers' interest. Two processes take place in the second generation. First, the

relationship between the two parties is established.<sup>68</sup> Routines are set. Communication patterns are developed. Behavior norms and expertise are the second part of the process.<sup>69</sup> Experience develops at a fast pace. As expertise grows strong feelings about what constitutes "good labor relations" develop. Skills develop in each team to determine what the emotional or symbolic content particular offers demand.

When the structure of bargaining is accepted, procedures for interacting and communicating with the labor organization are established.<sup>70</sup> Each hierarchy level has a mechanism for this. The grievance procedure is among the most important devices, especially at individual school sites. Teachers are socialized into using the union through grievances. At the school site a new authority and communication system develops. This system often bypasses the principal.

Bargaining scope becomes a primary concern for management when they adopt the attitude of "the shortest contract is the best."<sup>71</sup> Management discretion in decision making often collides with teacher autonomy. Labor seeks to broaden the scope of issues at the table. Teacher organizations must prove their success to their members. Success is often measured against neighboring districts. Management attempts to manage around the contract. Informal consultation becomes an informal mode of interaction.

Conventional wisdom develops between the two sides concerning the number of participants involved.<sup>72</sup> The number of participants is limited. Outsiders are actively discouraged from getting involved in the process. The fewer involved in the process the better, according to belief. Collaboration and accommodation are the atmosphere of the district.

When the district enters the final stages of the second generation, the pattern of the labor relationship is between the leaders. The superintendent and the union president are recognized as legitimate in their roles.<sup>73</sup> Connections between the two leaders become close based on three concepts:

- (1) recognition of mutual advantages in labor relations
- (2) mutual socialization and a sense of mutual obligation
- (3) high trust levels that make informal agreements possible.<sup>74</sup>

#### The Second Intergenerational Crisis:

##### Unexpected Revolution

The second intergenerational crisis is a conflict cycle involving outsiders, their organization, and a reordering of the ruling coalition.<sup>75</sup> School board members and citizens who are dissatisfied with the schools are usually antagonistic toward the union. They feel excluded

from the process. Propriety and efficiency are the symbols in the new conflict. there is also a feeling the teachers "got too much."

School boards abandon the philosophy of the "shortest contract is the best contract." Activation and conflict are the result. Politics have initiated the trouble rather than the bargaining table. Management control is the new philosophy in labor relations. The conflict becomes intense and manifests in school board elections and other situations. Hostilities cease when both parties come to believe management will take an active and frequent role in labor relations.

The new resulting social order established by the second intergenerational crisis could be termed "negotiated policy."<sup>76</sup> Management works through the contract rather than around it. Recognition of bargainings' political nature is made. Bargaining takes place on a multi-lateral level as opposed to industries' bilateral model. Impacts on other parties are recognized. Closer monitoring of teacher performance and work outcomes are likely to take place. Teacher insight into the process will be accepted.

The preceding review of literature leads the writer to state the following generalizations which will be examined by means of the following case study:

- (1) Capitol City's School District labor relations follow a pattern of maturation stages
- (2) Capitol City teachers organized for economic and

control of job reasons

- (3) Capitol City's teacher union has had similar experiences to other teacher unions.

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Study the past if you would divine the future.

- Confucius

## CHAPTER III

### THE BEGINNING

Monday, April 22, 1889 was a beautiful day in the countryside near Capitol City. Skies were clear. Winds were a slight whisper on the countryside. The land was an unbroken prairie.<sup>1</sup> When night time fell, the scene had changed forever. Ten thousand people pitched camp in the area now known as Capitol City. Horses hooves and wagon wheels left an indelible print upon the landscape. People were bustling with settlement activity. Civilization came to the prairie. Capitol City began on this date, and it became the commerce and government center for the newly formed county.

Capitol City territory was created by a Congressional Act. Prior to this act, the land was unassigned and supposed to be unoccupied. Settlers eager for "free" government land clamored for the opening. For the first thirteen months the newly established territory did not have an established government in the new area.<sup>2</sup>

Territorial citizens organized their local governments. Most included provision for free public education. Several town sites opened schools within a few

weeks or months of settlement. Capitol City, however, started with subscription schools.<sup>3</sup>

Subscription schools charged tuition for each student attending. Parents paid the one dollar fee per child each month or seventy five cents per child if two or more children from the same family attended school. Capitol City had several such schools open in different locations throughout the city.

Capitol City's first "free" public schools opened March 1, 1891. Organized through the Organic Act, the first school had fifteen teachers, eight hundred sixty-five students, and a four month school term.<sup>4</sup> The district did not have any facilities but rented or borrowed space where available. Teachers often had to compete with noises from the street or nearby businesses for students' attention.

School personnel had opposition from the local media. From the start the local paper complained of the "exorbitant" salaries paid to teachers.<sup>5</sup> Salaries ranged from sixty-five dollars per month for the Superintendent to forty-five dollars for primary teachers. Payment was made in script. The script was usually worth eighty-five to ninety cents on the dollar. Teachers were working for less in old dollars than their "exorbitant" salaries would indicate!

Problems with the local press continued when citizens passed the first building bond issue in 1893.<sup>6</sup> The previous June, the local School Board released a report

listing the district's growth rate and noting that needs for facilities were pressing the district. Opposition leaders filed a court suit challenging the \$70,000 voter approved bond issue. They were successful in reducing the bond issue to \$45,000. Four ward schools were opened in 1895. The growing district had outgrown the buildings from the reduced bond funds. Another bond issue to add to the buildings was necessary until the federal government donated land and a four room cottage to the city for school purposes. High school classes were added with the cottage serving as Capitol City's first high school.

Territorial progress moved swiftly. The first territorial legislature convened in 1890. First priority was to establish a capitol city for the territory. Guthrie, a nearby rival to Capitol City, was chosen as the capitol site. Higher education received attention with the Legislature. Four sections of land in each township were set aside for supporting public education, elementary through college levels.<sup>7</sup>

George Steele, the first territorial governor, appointed a committee to draft a code of school law.<sup>8</sup> Capitol City's F. H. Ulmholtz was named committee chairman. The territorial school system, tax support, and school law code came from this group's work.

Educators organized a territorial organization for teachers in October, 1889. Concerns for education's future and school organization was the primary focus during the



group's first decade. Congress was petitioned to provide \$100,000 for the common schools of the territory. Rough economic times hurt the group's success over the decade, but they continued to ask for reforms such as assessing tax levies, establishing county high schools, certification requirements, and a non-partisan County Superintendent.<sup>9</sup>

The Teacher's Association continued to press for reforms as the territory grew and progressed. Involvement in political issues involving education drew fresh attacks from the media and opponents for "meddling in politics."<sup>10</sup> Education continued to progress and flourish despite the hardships of poor facilities, inadequate funding, and low salaries. Cassius Barnes, fourth territorial governor, felt great pride when he reported "The public schools of the territory are the equal of those in any state in the Union."<sup>11</sup> Barnes' report was exaggerated. Still, schools had made great strides during their first decade of existence. Capitol City schools had doubled the number of students enrolled by 1900. This trend would continue for Capitol City schools over the next thirty years.

#### Statehood and Education

Statehood for the territory became a reality in 1907 when adjoining Indian Territory was added to form the new state. Teachers in Indian Territory had been active on school issues. The two education groups joined to form a

new State Teachers' Association.<sup>12</sup> Capitol City was designated as the new state's capitol. Capitol City teachers continued to play a leading role in the state association. Issues of adequate school funding continued to be a constant focus of educators.

Capitol City's school population grew tremendously over the next decades, not slowing until the Great Depression of the 1930's.<sup>13</sup> Building facilities and programs dominated the school district throughout this period. In 1920 voters approved a building plan to add three junior high schools to the district. Junior high schools were a new concept in United States education. Capitol City schools soon developed junior highs that were comprehensive and nationally recognized.<sup>14</sup>

Educators did not develop a district Teacher Association until 1919. In 1916 a group attempted to organize a chapter of the American Federation of Teachers.<sup>15</sup> The local did receive a charter as one of AFT's charter members. Local political pressure ended the short history of Capitol City's first teacher union.

Administrators, teachers, and supervisors formed the Capitol City Teachers Mutual Association. Instructional personnel felt a need for a group to speak out for its members.<sup>16</sup> The "Mutual" served its members' needs until 1931.

The all-inclusive organization was revamped in 1932. The professional interests of teachers and administrators

changed over the decade. Common consent changed the organization into two distinct groups: Capitol City Administrators Council and the Capitol City Classroom Teachers Association. Though the two groups were distinct they still shared a common bond through the Oklahoma Education Association. In 1937 the two groups' growth led to a separate categorization with the state association. Because of the district's size, a separate district of Capitol City educators was formed from the state association.

Capitol City Classroom  
Teachers Association

During its first twenty years, the Capitol City Classroom Teachers Association (CCCTA) served largely as a social organization. Formed during the depression, CCCTA members struggled to keep their jobs during declining school financing. Teachers were paid with warrants that were not cashable at face value. Similar to the situation during the 1890's, educators salaries were less than face value.

CCCTA members continued to be active at the state level. In 1927 a committee of lay and professional members was formed by the legislature to develop recommendations for more school financing.<sup>17</sup> Efforts brought a sales tax for "Common Schools." Soon however, the revenue from this

tax was diverted to other needs of the state. When World War II began in 1941, the depression ended for the nation. The depleted economic status for schools proceeded as before. In 1942, teachers gained a state retirement plan, state managed but funded by teachers.

Disunity among the state's educators erupted in 1944 when small schools and large schools developed a rift. Arguments over the needs of the two levels fueled the controversy. Compromise settled the division temporarily. Educators worked for state wide passage of the "Better Schools Amendment." <sup>18</sup> Reforms and improvements were the proponents' goal. Strong opposition came from the State Chamber of Commerce. Challenged at the polls and before the State Supreme Court, the backers of the measure achieved passage.

#### Professionalizing the Organization

Leadership training was developed in 1948 through the Oklahoma Education Association (OEA); it comprised the first state wide training program for educators. CCCTA members became active in these efforts; and, as a result their organization began to change. Teachers previously involved in their own welfare issues became involved in other education issues.

CCCTA spent a busy 1954 summer vacation planning and training their leaders. Traditional vacation time was

filled with three national conferences plus one state conference. In June, several CCCTA officers attended the Albany (New York) Conference "Competent Teachers for America's Schools."<sup>19</sup> The meeting was co-sponsored by laymen and professional educators to discuss methods of securing and retaining qualified teachers. Considerable numbers of experienced teachers left the profession due to America's failure to provide adequate financing for its schools. Colleges did not graduate enough teacher trainees to meet the demand. Education critics suggested that lower standards for teachers would solve the problem.<sup>20</sup> City teachers attended the panel discussion session "Can Superior Teaching Be Recognized and Rewarded in Ways Which Will Improve Staff Morale?"<sup>21</sup> Two methods discussed were salary and merit pay. One of the panel members was a CIO leader who spoke against merit pay.

Capitol City schools did not have a teacher shortage. They did lose experienced teachers to other careers that paid better salaries. Neighboring states recruited actively in Capitol City, attracting many top teachers and teaching prospects with better pay, fringe benefits, and working conditions.<sup>22</sup>

New York City hosted the National Education Association's (NEA) National Convention. Teaching standards were announced as the theme of the conference. The NEA proposed raising teaching standards nationwide. Members were urged to "fight against the lowering of

teaching standards certification."<sup>23</sup>

Following the NEA's National Convention, the Department of Classroom Teachers-National Education Association (DCT-NEA), held its July convention in Newark, Delaware, on the campus of the University of Delaware. CCCTA had two representatives at this conference. Topics included teaching methodology, public relations, juvenile delinquency, state problems, and local association problems.<sup>24</sup>

Personnel policy development was a key issue. DCT leaders believed personnel policies were needed for several reasons. Controversial issues could be solved more easily if standard policies existed. Teacher morale would improve if schools had policies to guarantee equal treatment for all faculty members. Cincinnati delegates added that teachers had to "keep an eye on administrative and school board action. Personnel policies can help in this area."<sup>25</sup> California delegates stated "personnel policies take problems off the superintendent's back."<sup>26</sup>

DCT workshop leaders envisioned the teachers in a supportive role in developing personnel policies. The deference was given to administrators on this issue. Teachers would work with administration and school board in developing policies. One recommendation for teacher action was to establish advisory councils in each building to help the administration in "common cause problems."<sup>27</sup>

At the Delaware conference CCCTA delegates attended

workshop sessions on strengthening the local association. Several methods of developing local leadership through training workshops were discussed. Essential to the organization's development were planning and communication.<sup>28</sup> CCCTA's President would remember the lessons from this conference. Events in the next two months placed her in a position to practice some of the suggestions learned at this conference.

The Department of Classroom Teachers-Oklahoma Education Association (DCT-OEA), the state affiliate of DCT-NEA, met at Lake Murray Lodge for its annual fall planning workshop. CCCTA delegates had an important part at this meeting. In May, 1954, the United States Supreme Court ruled in *Brown vs Board of Education of Topeka* that separate but equal school facilities violated the 14th Amendment. Desegregation's impact on schools was a major topic at the Lake Murray Conference. Teachers discussed financial ramifications of this decision upon schools. The consensus opinion at the conference was that schools would gain financially from the high court's decision.<sup>29</sup>

Segregation existed in OEA and CCCTA as well. Article IV of the Revised 1949 Constitution of the Capitol City District Education Association (CCDEA) limited membership to "any white person engaged in educational work in the Capitol City District."<sup>30</sup> In February, 1956, the assembly of CCDEA proposed a change in the constitution membership article. The change dropped the word "white" from the

requirements. When the proposal passed, blacks were eligible to become members of CCCTA, CCDEA, and OEA.<sup>31</sup>

Other concerns which educators discussed at the conference included their status within the power structure. Concern was expressed on the need to strengthen local associations. Teachers felt they needed a stronger voice with OEA and NEA.<sup>32</sup> Classroom instructors were aware of problems confronting them in their efforts to professionalize. In addition to wanting some control of their employment destiny, teachers worked on issues such as ethics, certification, recruitment, and responsibility of the professional regarding "unfit teachers."<sup>33</sup>

Professionalism was a constant theme in CCCTA meetings. To improve professional practice each executive committee member was given an instruction from the NEA.<sup>34</sup> Members were encouraged to attend Chamber of Commerce luncheons to promote education. Ethical responsibilities were important enough to warrant a special committee assignment.<sup>35</sup> Aware of their status, teachers sought other ways to improve their profession.

Organization changes were made to improve communication. The president was given one-half day of release time per week from the Board of Education to work on CCCTA business. Once this request was granted, the Executive Committee meeting minutes reflected a deference to the Board and Administration.<sup>36</sup> Instead of taking credit for their accomplishment, teachers gave credit to



the Board and the Administration.

Other changes also reflected the teachers' desire to gain control over working conditions. Two members of the Executive Council were chosen to attend the Board of Education meetings.<sup>37</sup> These delegates kept the Board advised about the needs of teachers. Most importantly, the representatives kept the CCCTA leadership informed about Board action. CCCTA asked teachers to list their problems in a January survey.<sup>38</sup> The answers revealed teachers were primarily concerned with economic and working conditions.

Capitol City's Superintendent of Schools frequently met with CCCTA to discuss issues confronting the district. In December, 1954, the superintendent spoke about school financing sources for Capitol City Schools.<sup>39</sup> He explained the SEA and district legislative goals for 1955. He reported on his appearance before the Education Committee of the State Legislature, in which he compared the growth of the Capitol City District to that of Dallas and Denver. Per pupil expenditures averaged less than those two cities.<sup>40</sup> Teacher salaries were lower in Capitol City.

The Superintendent promised teachers a four hundred dollar raise plus their annual increment if the Better Schools Amendment and the millage levy were approved.<sup>41</sup> The amendment passed, giving school districts additional revenue. Teachers received their raises plus some insurance benefits.<sup>42</sup> The Superintendent invited CCCTA to work with him on an extensive salary study of the Capitol

City District.<sup>43</sup> Five years later, seventeen hundred Capitol City teachers unanimously endorsed the salary committee's work.<sup>44</sup> The Superintendent had left Capitol City by that time, but the initial project started in 1955 came to fruition in March of 1960.

CCCTA sought other ways to increase teachers' influence in the school district. Input into the school calendar was one area. Teachers asked for a record work day for all grade levels.<sup>45</sup> Elementary teachers did not get a record day "unless their building principal could work something out."<sup>46</sup> As far as continued input into the calendar, the Superintendent believed teachers did not have enough understanding of school problems to help develop the school calendar.<sup>47</sup>

Despite turning down teacher requests in some areas, the Superintendent remained on good terms with the teachers' association. The Representative Council passed a motion thanking him for his legislative efforts.<sup>48</sup> The President's report stated, "We are grateful to the Board of Education, the Superintendent, and his entire staff for their help, their counseling, and their cooperation."<sup>49</sup> CCCTA members generally held the Superintendent in high esteem. They believed he was working for their interest.<sup>50</sup>

Legislative work of CCCTA was limited in its methods. Efforts of the teachers consisted mainly of dinner meetings, guest speakers, occasional letters to the Governor, and each other being kept informed. CCCTA did

have a legislative committee, but the work was mainly informational.

In February, 1955, the Representative Council invited the local State Representative to visit. He spoke about the Better School Amendment. He urged teachers to become active and "keep pressure on the Legislature."<sup>51</sup> Still, teachers were political neophytes. As they hoped to educate the board about their problems, so, too, could they educate the Legislature. CCCTA still had to learn political lessons.

#### Evolution of CCCTA

The President involved more members in the Association's work through committee assignments. Five new committees were added in 1955 bringing the total to fifteen.<sup>52</sup> Work was delegated according to topics. With more people involved, the Association strengthened its position.

CCCTA goals for 1955-56 reflected its impetus to grow stronger. With results of the teacher survey from the spring of 1955, one would have expected the Association to focus on economic issues. Perhaps the salary increase allowed the leadership to focus on the organization. Four aims listed, emphasized communication, professionalism, public relations, and membership.<sup>53</sup>

Keeping membership informed about the Association's

accomplishments occupied the publicity and public relations committees. A pamphlet issued in November, 1955, detailed local successes.<sup>54</sup> General information such as economic benefits were discussed. The Executive Board voted to spend money on NEA public relations material.<sup>55</sup> One expenditure for public relations was letters to parents during National Education Week.<sup>56</sup> Waurine Walker, NEA President, told teachers at the National DCT meeting to "Encourage good public relations. Hold your head high. Never say, 'I'm just a teacher', your profession is as important as the medical profession."<sup>57</sup>

Segregation of schools was ending in Capitol City. CCCTA and DCT-OEA approached the issue as DCT-NEA suggested in its resolutions adopted at Chicago, July 4, 1955:

Article No. 29: Segregation and Integration in the Public Schools.

The Department believes that the principle embodied in the decision of the Supreme Court of the United States with regard to racial segregation is reflected in long established provisions of the platform of the National Education Association. The Department recognizes that integration of all groups in our public schools is more than an idea; it is a process which concerns every state and territory in our nation.

The Department urges that all citizens approach this matter of integration in the public schools with the spirit of fair play and good will which has always been an outstanding characteristic of the American people. It is the conviction of the Department that all problems of integration in our schools are capable of solution by citizens of intelligence, saneness and reasonableness working together in the interests of national unity for the common good of all.<sup>58</sup>

September's Conference at Lake Murray Lodge included a discussion section entitled "How Can We Lessen The Problems

of Integration?"<sup>59</sup> In October, the Executive Board of CCCTA passed a motion "that colored teachers be allowed to join the classroom teachers."<sup>60</sup> Arrangements for hosting 1957's South Central Regional Conference indicated CCCTA's sensitivity to the race issue. The Biltmore Hotel was chosen as the meeting site because of their willingness to accept Negroes.<sup>61</sup> Planners cleared any obstacles with the Chamber of Commerce as well.<sup>62</sup>

"Teachers Set to Battle for Pensions," said the Oklahoma City Times headline of August 19, 1956.<sup>63</sup> OEA was working on behalf of the profession to obtain social security as a supplement to teacher retirement. Social Security served as a second pension because the teacher retirement fund was not actuarially sound. The State Legislature had not provided sufficient funds to stabilize the pension fund, according to the Executive Secretary of the State Teacher Retirement System.<sup>64</sup>

Efforts to gain the federal pension created opposition. In a December editorial, the state newspaper argued against giving teachers two government pensions.<sup>65</sup> Even the profession was divided on this issue. Educators opposed to Social Security had two complaints. First, teachers in Capitol City were not paid well. Social Security contributions would mean a smaller amount of take home pay. The second argument was that it would mean less school district money as the employer also had to contribute to the Social Security System.<sup>66</sup> Teachers would

be hurt both ways.

CCCTA leaders authored a report on the issue that created controversy. Many teachers felt the information slanted against Social Security.<sup>67</sup> Questions were resolved when teachers voted to become part of the Federal government's retirement system. Problems with the issue did not end with voting. Two hundred school employees scheduled to retire in the Spring, 1956 would be ineligible or would receive lower payments.<sup>68</sup> This unfortunate circumstance happened as a result of the bill which Congress passed. Date of the bill's passage created difficulties for the Board of Education to appropriate money before ending the fiscal year.<sup>69</sup>

State teachers, through many efforts, sought relief from the problem. First, OEA asked a U.S. Senator to give the state six quarters to qualify for Social Security.<sup>70</sup> The Executive Board passed a motion asking the superintendent to review the compulsory retirement policy.<sup>71</sup> Retiring teachers wished to work an additional five years in order to become eligible for Social Security coverage. Retiring teachers organized their own group and approached the School Board at the April meeting.<sup>72</sup> Although CCCTA had asked the Superintendent to consider a policy change, this group did not yet have CCCTA sanction. At the April meeting the Representative Council reiterated that the retirees were not a CCCTA group.<sup>73</sup>

The Superintendent reported the decision to CCCTA

leaders after the School Board met in May.<sup>74</sup> The policy remained unchanged. Those who wanted to were allowed to work as substitute teachers the maximum number of days. The rationale was the Social Security income would be boosted in this manner.<sup>75</sup>

CCCTA had few victories in terms of teacher welfare items in 1955-56. Social Security for teachers was the single notable success. Other issues did not fare as well. Five members of the Welfare Committee and the President met with the Superintendent in March to discuss problems teachers were having.<sup>76</sup> He agreed with the committee on most issues. His solution was to let principals and teachers work together to solve building problems. Formal personnel policies would be ready for the fall term. Adequate planning time and smaller class sizes would continue to be a problem for CCCTA members.

Political Action of CCCTA increased in the 1955-56 term. Letters were sent to district teachers giving them instructions.<sup>77</sup> Teachers were asked to contact elected officials. Emphasis on individual activity replaced past practices. CCCTA's top two goals for the next year were legislative.<sup>78</sup> Teachers hoped to gain additional funding for instruction and salary increases.

OEA-DCT announced new political practices for the coming school year. Interviews with candidates for office were held. Teachers were interested in how the candidates supported education.<sup>79</sup> The office seekers' views were

distributed to state educators. Teachers would "influence friends, patrons, and relatives to vote for those who were friendly toward better educational facilities for boys and girls."<sup>80</sup>

#### State Presidency DCT

CCCTA's President was elected to lead DCT-OEA for 1957-58 at the October meeting of OEA.<sup>81</sup> Her impact on the state organization was immediate. Emphasis shifted from OEA to strengthening locals and improving professional responsibilities. To help new locals organize, the OEA added a unit director.<sup>82</sup> Teachers were encouraged to "sit up and do their own thinking."<sup>83</sup> Specific goals and action for locals were recommended.<sup>84</sup>

Under her leadership, state teachers rallied to similar actions as CCCTA. In many states, teachers had the majority of seats on the executive committees and Board of Directors.<sup>85</sup> This was not true in the state. Although she worked for stronger classroom teacher leadership in the OEA, it would be many years before teachers replaced administrators as the OEA leadership.

CCCTA activism continued to increase. Teachers stayed informed about SEA legislative goals. Individuals continued writing letters to legislators.<sup>86</sup> The association's public relations efforts convinced people to support education. OEA goals for 1959 centered on helping



pupil programs. Additional funds were requested for textbooks, gifted students, and kindergarten. Teacher benefits included lowering the retirement age to sixty-two and a six-hundred-dollar raise to be given over a two year period.<sup>87</sup>

### Wage and Salary Struggles

Low salaries continued to be a problem in Capitol City Schools. CCCTA leaders met with the President of Tulsa Classroom Teachers Association (TCTA), in December, 1958, to study the situation.<sup>88</sup> After the meeting, CCCTA's leaders approached the new Superintendent about establishing a new salary committee and he agreed. An initial steering committee was set up to begin the report.<sup>89</sup> Later that year, Robert McClain, NEA Salary Specialist, consulted with school representatives.<sup>90</sup> McClain recommended an intensive survey of Capitol City's conditions.<sup>91</sup> Similar studies from other large communities served as a guide. The model chosen furnished a thorough examination of district conditions. Eight data categories were established.<sup>92</sup> Additional information was gathered from related data bases. Approximately seventeen hundred teachers approved the committee's report in March, 1960.<sup>93</sup>

Even with such support, teachers did not receive permission to present results to the Board of Education. In the fall, Board representatives agreed to meet with

CCCTA's group to "work on" the report.<sup>94</sup> The two sides met in September. School Board representatives heard the committee's report.<sup>95</sup> The two groups scheduled a follow-up meeting for February.

Between September and February, CCCTA's committee worked on a regular basis. Conferences were held with central office personnel on numerous aspects of the research.<sup>96</sup> The committee met with the Superintendent again early in February. NEA research revealed Capitol City's salary schedule ranked 91st out of 124 comparable school district's nationwide.<sup>97</sup> Teachers were upset because it took twenty-nine years to reach the top of Capitol City's schedule. The vast majority (92 percent) of districts included in the survey required sixteen years to reach maximum salary.<sup>98</sup>

Teachers expressed their feelings to Board representatives at the next scheduled meeting. CCCTA wanted to reduce the number of steps needed to reach top salary levels. They felt the schedule needed to be broader to encourage professional growth.<sup>99</sup> If additional degrees and graduate hours were rewarded with salary increases, teachers would improve their professional preparation. The meeting was pleasant and helpful.<sup>100</sup> Board representatives asked teachers to report further study results at the next month's meeting.<sup>101</sup>

The new schedule provided many changes in the district's salary structure. For three years, the proposed salary schedule would cost an estimated one million, four

hundred thousand per year.<sup>102</sup> Teachers presented an index schedule with larger increments that would enable a teacher to reach the maximum step in the following:

- (A) Twelve years with a Bachelor's Degree
- (B) Fifteen years with a Master's Degree
- (C) Eighteen years with a Doctorate<sup>103</sup>

Despite CCCTA's efforts, the new schedule stalled. School Board leadership would not make any promises to teachers regarding salary increases. The meeting with the full Board of Education regarding salary schedules never occurred. Frustration with the process developed within CCCTA's membership. Contributing to the Association's dilemma was the uncertain status of teacher-school board relationships.

Nationally teacher-school board relations were changing. New York City educators asked for a certification election. The election established teacher collective bargaining in the nation's largest city.<sup>104</sup> Capitol City teachers began talking publicly about negotiations. This represented a significant move from the subservient role of teachers in past years.

CCCTA sent a salary committee member to the "salary school" in San Antonio.<sup>105</sup> The school was part of DCT's Regional Conference held in February. His report detailed national trends in school salary schedules. CCCTA used NEA's model which reflected those trends. Significant to the mood of teachers was the final portion of the report.

"Our most serious problems are the right to negotiate with the board, the right to call upon a third party to help look at the problems, and the right of either party to appeal to an organization or agency to mediate both parties."<sup>106</sup>

Teachers knew their association would have to change in order to have an influence in the work place. The issue stalled due to the national leadership. DCT-OEA was still a part of the NEA. The NEA remained opposed to collective bargaining until their rival American Federation of Teachers stunned the nation with their recognition election victory in New York City.<sup>107</sup> Capitol City did provide teachers with raises. The collective bargaining issue temporarily stalled.

Education funding woes returned to the state. In 1962, the state's first elected Republican Governor vetoed a bill that would have given teachers a one thousand dollar raise over six years.<sup>108</sup> The Legislature failed to override the Governor's veto, thus denying teachers any state raise for at least two years. Two separate groups of county teachers asked for a special legislative session to provide additional funds for schools.<sup>109</sup> OEA joined the effort for a special session. Their efforts were rebuffed by the Governor.<sup>110</sup>

Despite the failures and resistance from the Governor, state teachers sought legislative help. An initiative petition began in April, 1964, to place four school

proposals before voters in a special election.<sup>111</sup> The governor placed the proposals on November's general election ballot. State questions had to receive a majority vote to pass. With heavy opposition from taxpayer groups, retail merchants, and the state's major newspapers, all proposals failed to pass.<sup>112</sup>

Local and state teacher organizations kept the pressure on the Governor. CCCTA members held a professional day to protest the proposals' defeat.<sup>113</sup> The professional day was a one day meeting held on a school day. The missed day would have to be made up at a later date. Teachers then voted for a one thousand dollar across-the-board salary increase. Further action included approval of sanctions if their requests were not granted before March 1, 1965.<sup>114</sup> OEA invoked sanctions against all state school districts in March, 1965.<sup>115</sup> NEA followed with national sanctions in May, 1965.<sup>116</sup> Sanctions were imposed because of elected officials' failure to provide funding for state schools.

OEA asked to call a special session of the Legislature in November, 1965, but was turned down. The Governor presented teachers with his "Operation Giant Stride" program.<sup>117</sup> His plan was based on a five-hundred million dollar highway bond issue. Teachers considered the plan as a "house of cards based on too many if's and it was rejected."<sup>118</sup>

The Legislature approved salary increases of five-

hundred-fifty dollars for the 1965-66 school year and other benefits in July, 1965.<sup>119</sup> At the same time a special election was called that would allow local districts to raise taxes for school improvements. The Governor and the Capitol City Chamber of Commerce warned OEA that voters would defeat the levy if sanctions were not immediately withdrawn.<sup>120</sup> Voters approved the proposal by a two-to-one margin. OEA recommended state and national sanctions be lifted the day after the special election.<sup>121</sup> Teachers gained valuable political experience during the period of sanctions in the state. One insight gained was how the system worked. Strength from unity was the most important lesson learned.

#### Professional Negotiations

Professional negotiations were approved at the 100th Annual NEA Convention in 1962.<sup>122</sup> AFT's victory in New York influenced delegates to vote for aggressive action. Under NEA's style of bargaining, professional associations could "participate with boards of education in the determination of salaries and working conditions."<sup>123</sup>

Differences arising between the groups would be settled "through designated educational channels."<sup>124</sup> NEA made the distinction clear; they were different from industrial unions. The differences were in their philosophy and their activities. Professional sanctions

would provide a back-up to negotiations.<sup>125</sup> Sanctions included local, state, and national association's boycotts. NEA and its affiliates advised members not to accept positions if districts offered substandard employment conditions.<sup>126</sup>

CCCTA was slower in asking for professional negotiations. The emergence election of a rival organization to CCCTA provided a catalyst for the action. In February, 1968, CCCTA leadership presented the superintendent a Professional Negotiations Recognition Agreement.<sup>127</sup> The agreement asked him to recognize CCCTA in the event a negotiation group were selected.<sup>128</sup> This request was brought about by the emergence of a rival group, Capitol City Education Association (CCEA). CCEA was seeking acceptance as a bargaining agent for the district's teachers.<sup>129</sup> CCEA members had adopted a militant stance toward bargaining.<sup>130</sup>

A compromise was reached with both groups working together on the procedural agreement to present to the Board of Education.<sup>131</sup> CCEA would assist CCCTA in obtaining signed designation cards from district teachers.<sup>132</sup> In their drive to be recognized as negotiating agent, the Association would obtain over two thousand signature cards.<sup>133</sup> The next step was to begin negotiations.

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## CHAPTER IV

### PROFESSIONAL NEGOTIATIONS

Capitol City teachers were ready to change their relationship with the school board in 1969. The membership voted to seek recognition for the organization to represent them in professional negotiations. How far the teachers were willing to go was unclear. The "Meet and Confer" statute would not be passed by the legislature until 1971. Capitol City teachers had an informal recognition procedure with the Board prior to this.<sup>1</sup> Teachers were confident in the concept of professional negotiations.

Earlier in the nineteen-sixties decade New York City teachers stunned the nation through striking and obtaining the right to bargain collectively with the Board of Education.<sup>2</sup> The American Federation of Teachers led the dramatic strike. NEA felt it had to respond to the AFT's challenge for membership. First, NEA explained why the union was victorious. They felt New York was a unique case and not representative of other cities because it had a lengthy tradition of trade unionism history. Their teachers came from trade union families, so it was natural for them to become affiliated with organized labor.<sup>3</sup>

Attacks on the AFT continued NEA did understand the significance of AFT's victory William Carr, NEA Executive Secretary, addressed the NEA national convention on changing the organization <sup>4</sup> According to Carr, teachers should hold onto their principles but should modify procedures He outlined the areas that separate a professional association from a union Differences between the two included the focus of professionals on students above all else, independence from other associations (unions), democracy of practice, and the regarding of administrators as colleagues <sup>5</sup> Unions were interested only in advancing teacher welfare issues, according to Carr

Pressure continued on NEA to accomplish something for teachers AFT advanced a strong case for what they could do for teachers The concept of "professional negotiations" was developed as the professional's (NEA) answer to labor's collective bargaining Strikes were still regarded as unprofessional <sup>6</sup>

Professional negotiation that involved school boards, were to recognize teachers' associations for collective bargaining purposes Although they were involved in collective bargaining, many teachers abhorred the idea Somehow professional negotiations were a legitimate enterprise The major difference was that the NEA would not condone strike activity Their response, when a strike might be called, was to issue "sanctions" against the offending entity, e g , school board or state legislature <sup>7</sup>

Conditions in the teaching profession did not seem to improve. Throughout the decade schools cut back on programs and staff. Teaching supplies were often paid for by teachers. On the national level, teachers were developing a militant mindset.<sup>8</sup> Lacking national unity, teachers were hampered in efforts to negotiate. On the state level, teachers faced the same problems. Capitol City teachers were influenced by these events and helped shape state issues.

State schools faced a funding crisis in the sixties. The OEA began pushing for state teachers to organize for professional negotiations.<sup>9</sup> Most state and local associations traditionally had administrators as their leaders, but the concept of teachers and administrators as colleagues was fading. The belief, for some, was that only teachers should lead teachers.<sup>10</sup> Militant classroom teacher associations were discouraged by administrators. Teacher gains would not happen if OEA and local classroom teacher associations were "company unions," "according to the OEA's magazine." <sup>11</sup>

Charles Rogers, President of the Oklahoma Classroom Teachers Association, urged teachers to organize. He felt they were doing nothing to "correct the injustices" in education.<sup>12</sup> Teachers were encouraged to establish local Association of Classroom Teacher units for professional negotiations. Negotiation workshops were regular features in the state association's program. Capitol City Classroom



Teachers Association, one of the leading state locals, felt the pressure to begin negotiations. NEA and the state association felt Capitol City should develop as a model for the process.

CCCTA leaders believed the informal meet and confer arrangement worked best for the teachers and school district. Administrators sought their views on issues facing the district. Teacher plans were often implemented. Still the organized negotiations process gained momentum from the state and NEA. Local members brought pressure to get the association involved. The CCCTA Executive Board considered many possible methods to effect change. Among the suggestions were a public relations campaign, sanctions, and the withholding of services.<sup>13</sup> CCCTA was split over the teacher's professional image and practices. They feared involvement with union tactics. Still negotiating was inevitable and the leadership acceded to change.

CCCTA sought designation cards from its members in order to be recognized as the sole teacher's representative at the bargaining table. The first meeting between teacher representatives and school board representatives took place on December 10, 1968. Though the school board had not formally authorized the proceedings, the meetings between bargaining teams of the two sides continued. Talks stalled early in February, 1969. CCCTA released a statement to the local media regarding the lack of progress. CCCTA's

statement covered two main points.<sup>15</sup> One, though over two-thousand three-hundred teachers had designated CCCTA as their representative, the board's team still did not give them formal recognition. The second point covered the board team's failure to propose any concrete procedure for further negotiations.

Professional negotiations reached a temporary block. There was no existing statute that required school boards to meet and negotiate with teachers. Though a meet and confer law would pass in 1971, there was not a clear process in 1969. Teachers could not force the board to negotiate or ratify any agreements. The law was unclear as to what comprised a meet and confer process. CCCTA recognized the legal shortcoming. Building representatives received a first hand account of what would be necessary for them to succeed in negotiations.<sup>16</sup> The Association would have to generate pressure through its membership, public relations campaign, and political clout. Negotiations would require support from members. Explanations from the negotiation committee chairman reflected the need for some secrecy. All members would not be fully informed because of the closed door nature of the process. The committee would need their faith and trust.<sup>17</sup>

CCCTA's negotiation committee continued preparation and training for the time when negotiations would become a reality. Consultants from the NEA came to prepare the bargaining team for their task. Teachers were surveyed to

determine what issues or concerns they wanted to be discussed at the bargaining table. Leaders exhorted teachers to support CCCTA's bargaining efforts. NEA's Associate Executive Secretary, Allen West, issued a statement concerning the purpose of NEA's Commission on Professional Rights and Responsibilities. According to West, "teachers are seeking a new organization to assist them in asserting their views, provide economic benefits, and protection of their democratic rights."<sup>18</sup>

Two issues CCCTA confronted during 1969 included bussing students for integrating schools and a challenge from a more militant rival, Capitol City Education Association (CCEA). Bussing was facing a court challenge in Capitol City. Teachers opposed it for impacts it would have on their positions and students.<sup>19</sup> CCEA gained recognition among teachers with its militant posture towards bargaining. Administrators belonged to the rival group as well. CCCTA asked the rival group to support their bargaining efforts.<sup>20</sup> Merger discussions between the two groups began. The talks would eventually lead to a short lived combination.

Capitol City's school board gave formal recognition to CCCTA as the district's teacher representative at all bargaining sessions.<sup>21</sup> Once this task was completed, CCCTA needed a procedural agreement to set up the ground rules for bargaining. On May 21, 1969, CCCTA reached agreement with the school board's team on the procedures.<sup>22</sup> Though

it would take several years for agreement on a "Master Contract" many of the teacher items were adopted as school policy.

Negotiations continued throughout the school year. Progress was very slow for the teachers' team. The difficulty stemmed from the lack of any formal mechanism to bring agreement or closure. Bargaining was not mandatory in the state. Adding to CCCTA's problem was support lagging from rank and file teachers.<sup>23</sup> June 30, 1970, loomed as an important date to the teachers. On this date the procedural agreement would expire setting the teachers' efforts back to the previous year's starting point. The expiration date came and went. The school board denied CCCTA's request to extend the deadline.<sup>24</sup>

Teachers grew frustrated with their bargaining failure. Due to the procedural agreement, CCCTA could not discuss publicly the progress in negotiations. When questioned by members, their report was usually, "things are going fine." Teachers felt they had been misled when things did not turn out the way they believed they should.<sup>25</sup> Members were beginning to lose confidence in CCCTA's ability to negotiate a contract successfully. CCEA began attracting attention with militant statements regarding the negotiations. CCCTA leaders felt the need to bring the smaller rival group into the effort. Leaders on both sides agreed to merge.

Teachers Association of Capitol City (TACC) was the

name given to the merged associations. Initially TACC assumed the same posture CCCTA had taken. TACC leaders had moved into their positions from CCCTA offices. Members from CCEA, expecting a bolder, more militant approach at the negotiating table, were soon disgruntled. In January, 1971, differences between the two factions led to the resignation of the TACC's Executive Board and the President. The disgruntled faction elected new officers who tried to hold the merger together. At the end of the school year, TACC disappeared.<sup>26</sup> The militant faction from TACC was instrumental in organizing and chartering the American Federation of Teachers (AFT) local in 1972.

Classroom teachers were upset with TACC for other reasons as well. One primary reason for the merger was the unification of professional memberships. Prior to TACC, teachers could hold memberships in local or state or national associations or some combination of all of these. Many in leadership positions within the associations felt if teachers were required to belong to all three organizations, then teachers would be strengthened through the increased membership. Many teachers opposed the merger for several reasons. First, many had philosophical differences with membership in the NEA. They felt the NEA was too liberal for their social, political, and educational beliefs.<sup>27</sup> Other opposition came from the perception teachers had of local leadership. Several felt the merger had been pushed off on them without an adequate explanation or chance for input. Teachers felt the

leadership was dictatorial but were unwilling to provide leadership.<sup>28</sup>

When TACC, ACT, and AFT collapsed, teachers formed a new group to represent them with the school board. The Association of Classroom Teachers (ACT) was the name given to the group. ACT was still affiliated with the Oklahoma Education Association and NEA. ACT started with a more militant posture than CCCTA but still was not as radical as the militant faction wanted. Administrators were excluded from the new organization.

ACT resumed negotiations with the School Board but the militant faction still was not satisfied with their accomplishments. Twenty teachers chartered the Capitol City Federation of Teachers (AFT) in September, 1972. These teachers believed AFT would do more for teacher welfare issues. All felt ACT had not done enough for them.<sup>29</sup> AFT had tried to start locals in Capitol City on two earlier occasions. In 1916, Capitol City was one of the original charter members. The attempt was short lived as political and social conditions prevented the union's development.<sup>30</sup> In the mid-sixties there was an attempt to bring AFT to town. The effort failed for similar reasons.

Negotiations with the School Board's team did not go well for ACT in negotiating a new contract in 1972-1973. Impasse was reached on salary and budget items.<sup>31</sup> Fact finding was the next step for the two sides, but U.S. President Nixon ordered wage and price controls established

to stem inflation. This order stalled the talks and eliminated any chance for an early settlement. The procedural agreement was approved by the school board and ACT in March, 1973. Negotiations began proceeding.

AFT presented a letter to the School Board in May, 1973, asking for a recognition election to decide between AFT and ACT.<sup>32</sup> The Board's attorney gave an opinion on such an election. He felt that under current state law the only procedure would be to count signed validation cards.<sup>33</sup> The matter was placed on hold until the August meeting.

During the summer ACT and the Board's negotiating team continued their sessions. Early in July it appeared an agreement was near. The deadline for the procedural agreement was nearly up. ACT asked for an extension to the agreement. Initially no action was taken. ACT filed a court suit to force the School Board to grant the extension. The courts refused to intervene. The School Board did agree to extend the deadline.<sup>34</sup>

When impasse was reached in mid-July, the Board called a special meeting to discuss the status of negotiations. The Superintendent recommended not to extend the procedural agreement deadline.<sup>35</sup> The School Board's advisory group reported federal regulations governing wage and price controls. Their report recommended a five and one-half percent raise for teachers. The Board accepted their report. ACT was asking for a seven and four-tenths percent raise. Eventually both sides compromised and agreement was

reached.<sup>36</sup> The School Board was able to give the teachers a better raise than the federal government would normally have allowed because of a regulation clause that allowed for adjustment of "gross inequities."<sup>37</sup>

With the ACT contract settled the School Board faced their next labor problem. AFT asked earlier for a special election to determine which group would represent teachers at the bargaining table. In late July the School Board President proposed the "33 Point Plan" for recognizing a professional organization to represent professional educators.<sup>38</sup> The policy was adopted. The School Board's attorney believed no organization could be recognized unless they adhered to the adopted plan.

ACT opposed the 33 point plan from the beginning. ACT believed the plan came from AFT's staunch supporters on the School Board.<sup>39</sup> They claimed the law did not provide for such a procedure. Most educators felt the policy was fair and equitable in determining which group would represent teachers in Capitol City. On September 20, ACT filed a restraining order barring the School Board from implementing the recognition plan. In October, the OEA joined the court battle on ACT's behalf.

The School Board held a meeting to try to settle the dispute with the two opposing groups. Teachers from both groups as well as their attorneys testified before the board. AFT's President accused the ACT of being anti-teacher. She urged the ACT to allow teachers to decide who



would represent them.<sup>40</sup> The School Board could not settle the dispute though one member tried to get a motion on the floor to drop the 33 point plan. Lacking a second, the motion died. AFT filed a court petition to intervene in the case.

The court ruled against the School Board's 33 point plan on November 2. In his opinion the judge stated the question of who would represent the teachers is a teacher problem. The School Board has no business intervening in the process.<sup>41</sup> ACT asked the School Board to recognize them at their next meeting. The Board did not recognize either group but did pass a motion to accept all authorization cards submitted from both organizations. Once the cards were accepted, the Board would verify which cards were legal and determine which organization represented the teachers.<sup>42</sup>

Three days later the School Board held a special meeting to verify authorization cards and determine a winner. The Superintendent discussed the confusion and problems surrounding the shortened process. After deliberating several hours the Board voted to accept all cards presented and declared ACT the winner.<sup>43</sup>

Negotiations between the School Board and ACT soon began. In July, 1974, the School Board and ACT signed the first formal contract in the history of Capitol City school district.<sup>44</sup> To teachers the contract's distinction was that teachers were now being taken seriously. Prior to

this, teachers felt the Board's team did not respect their team or association.<sup>45</sup> With the AFT pressuring both ACT and the School Board, the agreement marked a turning point in the district's professional labor relations.<sup>46</sup>

AFT again challenged ACT for teacher representational rights. Presidents from the two competitors presented the School Board with their organization's authorization cards.<sup>47</sup> Controversy soon erupted over the process. The School Board held three special meetings during the next three weeks to resolve the dispute. An eleven point plan for Board recognition of authorization cards was adopted. The accounting firm Peat, Marwick, Mitchell, and Company certified ACT as the winner.<sup>48</sup> AFT's President spoke against the procedure. Her organization was not satisfied with several problems.

Capitol City's School Board was facing tremendous problems with the new year of 1975. First, their long time Superintendent announced his resignation. Though liked by teachers, administrators, patrons, and Board members, he was characterized as a "benevolent dictator."<sup>49</sup> Regardless, losing this man at such a critical time hurt the district. The building principals asked for bargaining recognition with the School Board.<sup>50</sup> Their request was denied because the law did not make provisions for such recognition. The School Board itself was divided. Members spoke openly of the divisiveness of the Board.<sup>51</sup> Some were single issue candidates who ran for the Board based on

their opposition to bussing for integration.

The Board selected an in-house candidate to be the next Superintendent.<sup>53</sup> The man had proven himself over his tenure with the district. He had successfully completed several tough tasks. He now faced enormous problems. Among the problems the new Superintendent inherited were declining enrollment, loss of revenue, integration problems associated with bussing, teacher unrest, and a divided School Board. The immediate problem was settling teacher discontent.

Questions about the recognition procedure continued. The state's Superintendent of Public Instruction asked for an Attorney General's opinion to help settle the matter. Responding to the request, the Attorney General stated, "Procedure for selection of a bargaining agent for professional educators would be for the organization to secure the requisite number of authorization cards."<sup>54</sup> Left to the local boards was how to set up the methods for accepting and counting the cards.

ACT and the School Board settled the new procedural agreement in February, 1975.<sup>55</sup> One startling provision provided that ACT would be the recognized bargaining agent for teachers until it could be proven they no longer held the designation card majority. AFT protested this agreement as a "sweetheart" deal between ACT and the Board. To settle questions about the cards, the Board would look only at ACT's cards to make their determination.

Public debating between the rival organizations occurred at School Board meetings and with the media. Each group used any issue they could find to attack the other group. AFT attempted to generate as much news about its group as possible. Charges and counter charges came from each group. AFT was trying to push ACT and the Board into a secret ballot recognition election. ACT had to prove to its members it was tough in negotiations. They believed they were not a company union and the contract was not a sweetheart deal.<sup>56</sup>

Caught between the warring factions was the School Board. Board members expressed negative opinions towards the organization's dragging them into the fight.<sup>57</sup> Each organization tried to picture the other organization as the offending party. The School Board seemed bad because they allowed the conditions to exist.<sup>58</sup> The real problem was the recognition law. Wording was vague and ambiguous. Many areas and questions were unclear. Legislative attempts to change the law were going on but OEA and the Board's state association blocked passage.<sup>59</sup>

Pressure from the intense fueling resulted in slow negotiations progress between ACT and the Board. ACT had to prove they were hard-nosed negotiators. AFT turned the situation to their advantage. They criticized their rivals for not settling the contract. Given the chance, they could do much better. The Board issued a statement warning teachers not to "paint the Board into a corner."<sup>60</sup> If

necessary, the Board would take a hard-line stance.

Close to another impasse, the teams went to the fact-finding stage. The neutral fact-finding committee gathered information from both teams, then issued their report. Recommendations suggested compromise on pay raise issues and victory for teachers on remaining issues.<sup>61</sup> Contract settlement stalled because the Board did not have to accept the fact-finding report. They were under no obligation to settle. The Board's attitude was to reject the report. Board members felt it was arbitration and not a "split the difference procedure."<sup>62</sup> Eventually, the Board did ratify the agreement for the 1975-1976 school year on May 3, 1976.

Teachers were having a difficult time accepting the contract presented to them. They felt the pay raise issue had been a victory for the School Board.<sup>63</sup> ACT was considering filing a bad-faith lawsuit against the School Board until their attorney gave them his opinion which proposed that they did not have grounds for such a lawsuit. The "Bad Faith" charges were considered because ACT believed the Board was not working towards a settlement. Uniserv leaders, who were NEA and state OEA district staff members, advised ACT to accept the settlement. The Board would not negotiate a new contract until the current one was settled. As conditions were, AFT was gaining attention by attacking ACT for failing to settle the contract. OEA felt the conditions in Capitol City were hurting state locals trying to settle their contract. ACT agreed to the

terms and ratified the contract.

Complicating negotiation efforts for the 1975-1976 school year was the on-going battle for recognition as the teachers' bargaining representative in 1976-1977. AFT challenged the recognition procedure in court. The original court decision denied AFT's claim because ACT had complied with the contract as it was written. Stung by criticism and previous court challenges, the School Board moved cautiously in recognizing either organization. The School Board's attorney gave them a report based on his judgment of court cases and Attorney General's opinions. He felt the board could ask the organizations for their designation cards, could set a deadline, could set a cut-off date, and establish procedures governing these items.<sup>64</sup>

Acting to settle the dispute once again, the School Board appointed an administrator to act as liaison between the two factions.<sup>65</sup> ACT filed suit with the state Supreme Court, asking them to take original jurisdiction in the case.<sup>66</sup> The Supreme Court refused to hear the case and remanded it back to District Court. ACT won a victory in January when the District Court ordered the Board to recognize ACT based on designation cards turned in at the November Board Meeting.<sup>67</sup> Immediately the Board's attorney filed an appeal. ACT's attorney accused the Board of deliberately attempting to dissipate ACT's majority. AFT claimed the ACT would not go along with a secret ballot election, which was the established democratic way.<sup>68</sup> They

also attacked the Board accusing them of being unfair.<sup>69</sup> Board members accused AFT's President and "his kind of being unprofessional in their attacks on the School Board."<sup>70</sup>

ACT's recognition suit filed in November, 1975, contained twenty-four separate points for the trial court to consider. The main point was the exclusivity agreement to which the Board had agreed. In September, the Board asked ACT to present their cards because AFT challenged them. The Board accepted ACT's cards on October 7, 1975. ACT believed they held the majority based on the number they submitted and the amount of teachers employed by the district. AFT submitted cards until October 30, 1975. The Board's representatives refused to count cards from anyone until after the deadline was passed.

When the deadline was reached and the cards were counted, a discrepancy of three hundred seventy-eight cards existed.<sup>71</sup> These card signers designated AFT as their choice. The problem was that these same people had earlier signed cards designating ACT as their choice. The Board's representatives, believing the second card invalidated the first, disallowed the ACT's cards and established AFT with a majority. The School Board, recognizing the dilemma, refused to recognize either party until judicial proceedings made the decision. ACT provided more designation cards to the Board's clerk after the deadline. The clerk refused to accept the additional cards based on

the School Board's prior instructions to him. The judge ruled in ACT's favor, stating the ACT was the valid bargaining agent of the teachers based on the cards submitted by October 7.<sup>72</sup>

ACT's court victory did little to resolve the continuing controversy. Both organizations continued to address the board keeping the issue before the public. ACT accused the Board of dual negotiations by allowing AFT the use of the school mailing system, meeting rooms, and other services.<sup>73</sup> ACT's President reminded the Board about the exclusive privilege agreement. AFT's President presented the Board with their designation cards on September 10, 1976.<sup>74</sup> ACT filed another court action to block the Board from recognizing AFT. The Board voted to ask ACT for their cards and not accept any more cards from AFT until the current validation procedure was completed.<sup>75</sup> They also established the procedure for validating the cards.

At the September 10, 1976, Board meeting, it was announced AFT had a total of one thousand three hundred and three designation cards. Their President asked for immediate recognition based on the totals. The Board members expressed a great deal of disgust and confusion with the current law and procedure. Legal ramifications were discussed with the Board's attorney. The decision ultimately reached, was not to recognize any group until ACT turned in their cards.<sup>76</sup>

AFT filed a separate action with the District Court,



seeking a Writ of Mandamus to require the Board to recognize AFT as the exclusive bargaining agent for all the district's professional educators.<sup>77</sup> Each organization was allowed to intervene in the other's case. The cases were then consolidated for trial purposes. The original trial court, ruled ACT's agreement with the board granting ACT exclusive rights, was unenforceable and against public policy.<sup>78</sup>

The court then addressed the recognition procedure law and the confusing events surrounding selecting a bargaining agent for Capitol City. The court established a procedure whereby designation cards would be presented to the Board in a manner similar to an election. Each professional educator, at a designated time and place, would be presented with an authorization card. Teachers would fill out and sign the authorization card, in secret, and then present the card to the School Board.

When the voting was finished, the board was ordered to count the designation cards, determine the winner, and recognize them as official bargaining agent.<sup>79</sup> The court further ordered this procedure to be followed every year. The court reviewed the existing law and weaknesses it contained for situations, such as existed in Capitol City.

All parties to the court order, AFT, ACT, and the school board agreed to the court's order and participated in the designation card election in September, 1976. ACT won the election with one thousand two hundred eleven cards

to one thousand sixty seven for AFT. ACT was declared the bargaining agent for Capitol City teachers for 1977-1978.<sup>80</sup>

Contract negotiations for the next school year began as soon as the 1975-1976 contract was settled. ACT maintained a hard-line stance with Board. Tensions were high between the parties involved. The two parties had just settled a long protracted agreement. Court cases decided the recognition questions. AFT was applying pressure to both groups. In July, impasse was declared on eleven items, separating the two parties from agreement.<sup>81</sup> The mediator was successful and on August 27, 1976, ACT and the Board reached an agreement for the 1976-1977 contract.<sup>82</sup>

Determined to have secret ballot elections and to bring some stability to the process, AFT sponsored recognition legislation in 1977. The bill passed the House and Senate. It arrived on the Governor's desk June 3, 1977. The Governor promptly vetoed the bill. The Senate did vote to override the veto, but House members failed to garner sufficient votes. The veto was sustained.<sup>83</sup> OEA lobbied hard against the bill claiming to have a more comprehensive bill.

Negotiations for the third straight year were not uneventful. In July, 1977, impasse was declared. Federal mediation was requested to help settle the dispute. This time ACT was considering some action to pressure the Board. Informational picketing was the considered action.

Mediation efforts began to produce results. Talks were resumed between the two parties and on August 29, 1977, the Board and ACT agreed to contract terms for the 1977-1978 school year.<sup>84</sup>

AFT began the campaign for the next certification election as soon as they lost the election in the fall of 1977. They developed a systematic organization plan that would carry them to victory. Within the district AFT tried to get building representatives in every school. This was crucial for two reasons. First, they needed a recruiter who would work with teachers every day. Second, their message would be delivered first hand from their own spokesman. Some schools, especially at the elementary level were solid ACT supporters. It was believed they remained this way because of leadership from the building principals. Smaller faculties and paternalistic attitudes made it easier to keep these teachers as ACT members.<sup>85</sup> Administrators held membership and actually led the ACT local until a few years before. AFT believed there was an anti-union movement within the state. Pressure was placed upon Capitol City schools to keep the union out.<sup>86</sup>

AFT's President used the media to keep AFT's message before teachers.<sup>87</sup> When the Board met, he would address teacher concerns. Media representatives often portrayed these statements as controversial. Wide spread coverage accompanied his statements. AFT's message went out to teachers. ACT often did not attend the School Board's

meetings. AFT capitalized on their opponent's absences. They represented themselves as looking out for teacher's welfare. The inference was ACT was not there, so they must not have cared. If a television station editorialized against AFT, they were given the chance to respond because of the equal time provision. Press conferences were held on Sunday afternoons. Usually a slow day for news, reporters would give AFT wider coverage.

AFT's President was good at public relations and political strategy. These efforts garnered sympathy and support for AFT. Attending a mass meeting, which ACT called for all teachers, AFT's President asked to be allowed to make a motion for discussion purposes. ACT's chair refused to allow the motion claiming he was not an ACT member. He then asked the ACT teachers if anyone would make the motion for him. Finally, an ACT member agreed to do so, but before she could, the meeting was adjourned.<sup>88</sup> ACT's methods in this incident cost them support among their own members as well as non-members.

Political, public relations, and negotiation training helped AFT mount their challenge to ACT.<sup>89</sup> Leaders were sent to national training institutes and workshops. Exposure from the national AFT helped with valuable training. National advisors came to Capitol City to help the local with advice. The national organization helped with financial resources. AFT was ready to challenge ACT.

The Board adopted recognition election procedures

consistent with the court's last ruling.<sup>90</sup> AFT presented its designation cards to the Board in September. The date for the election was October 11, 1977. The results had AFT a winner by two hundred ninety-nine votes.<sup>91</sup> The Board recognized AFT as the teacher's bargaining agent for the 1978-1979 school year. There was one Board member voting against recognizing AFT. Later, this same member would oppose recognizing AFT after the strike. AFT's President promised that they would come to the table in good faith.

ACT's Executive Board was split over its next move. AFT offered a merger two days after the election but was rebuffed.<sup>92</sup> Many within the ACT organization supported the merger. These people eventually left ACT and joined AFT. ACT leadership opposed a merger based on NEA's refusal to merge on the national level. Other members still felt the AFL/CIO affiliation did not present the professional image teachers wanted. Conservative teachers believed AFT was too radical for their beliefs.<sup>93</sup> ACT decided to challenge the election procedure in court, and they filed suit. The Executive Board voted narrowly to support this action.<sup>94</sup>

On November 15, 1977, the state Supreme Court ruled that the Board's decision to abide by the results of the lower court's ordered election was in error.<sup>95</sup> The Court's reasoning was based on the fact that ACT's cards had never been properly revoked. Signing a new authorization card designating AFT was not sufficient revocation. The Court ruled that ACT still held a majority of authorization

cards. ACT's court victory came after they had participated in two elections (one the previous year). The second election ACT lost.

ACT's court success did not last long. Appealing once again to the state Supreme Court to set aside the election results, ACT asked for a Writ of Mandamus. The court denied their appeal for two reasons. First, ACT had voluntarily participated in two separate elections held in two separate years. Second, their contract was no longer in force, so they had no recognition rights.<sup>96</sup> Within a month after the court's ruling, the State Legislature passed a recognition procedure law.<sup>97</sup> The new law provided for secret ballot elections. It did not specify how long the recognition would last. Stability was slowly being added to the process.

AFT negotiators began meeting with School Board representatives to bargain a new contract. The union now had to make good on their promises to Capitol City teachers. Among the goals which AFT sought, was acceptance from the Administration and Board that teachers were serious about having a voice in terms and conditions of employment.<sup>98</sup> Within the contract, AFT sought to clear up any ambiguous language concerning teacher rights and responsibilities. Financially, AFT obtained a sizeable raise for teachers. Part of the raise would come in the form of district-paid teacher retirement. Previously, fringe benefits came from the individual teacher's salary.

Sexual equality was important to AFT. Many members were strong advocates of this issue. The agreement contains a preamble statement concerning nondiscrimination based on sex.

Claiming they negotiated the greatest teacher contract ever in Capitol City, AFT received credit from the teachers. From the Board's perspective, their team had been out-maneuvered. Privately, there was talk of taking back some items that were "lost." AFT aggressively pushed the Administration and Board to enforce the contract. More grievances were filed than in any other previous year.<sup>99</sup> AFT told the Board that the grievances must be upheld; otherwise, principals might come to believe they did not have to follow the contract.

While contract negotiations were underway, ACT took a strong position on the progress AFT was making. AFT called a mass teacher meeting before going to the bargaining table. Teachers essentially gave AFT a strike declaration with their "No Contract-No Work" vote.<sup>100</sup> ACT felt AFT should not strike unless all possible alternatives are exhausted.<sup>101</sup> They mailed a letter to ACT members outlining their position. ACT did not want their efforts construed as dividing teachers. They felt a strike was unnecessary because the old contract was still in force until the new one was signed. Operation "Take-Back" plans were discussed. It was decided they would not challenge AFT this fall for recognition rights.<sup>102</sup> This decision was

made because Executive Board members felt it was too early to challenge AFT. They believed AFT needed time to build a track record. Obviously, it would be hard to challenge an organization that had just successfully negotiated a "good" contract.

### Teacher Strike!

Capitol City schools began 1979 with another new Superintendent of Schools assuming his post. Speculation surrounded the new administrator from the media and local teachers. Many believed that he came to town with a mandate to "bust the union." Though several believed this characterization, local teacher union officials did not characterize him in this way.<sup>103</sup> When he first arrived, there was much distrust and uneasiness. Some School Board members admitted privately that their intention was to break the union.<sup>104</sup> The Superintendent eventually won teachers over.

Negotiations did not go well between the union and the Board's team. Acrimonious charges went between the opposing sides. Each side was taking a hard-line approach. Pressure was on the Board's team from the previous year's contract. AFT had to maintain its gains and push for more. Throughout the spring, negotiations progress inched along.

Three items kept the teams apart. Those items were binding arbitration, elementary planning periods, and



coaching salaries. AFT wanted binding arbitration. State law did not require school districts to follow this procedure. Without this provision districts did not have any formal mechanism for settling disputes. School Boards did not want an outside party deciding their settlement with unions. Elementary teachers did not have much planning time during the work day. The union proposed giving each teacher a full planning period. Additional staff at elementary schools would be needed to implement this improvement. Coaches felt they were underpaid in their extra-duty assignment contracts.

As August began, pre-school week was getting closer for teachers. Still there was not a contract. The Board's team believed they were making progress. Their feeling was that a settlement would be reached soon.<sup>105</sup> The Superintendent received the optimistic news and left for a planned family vacation. AFT set up informational picketing at selected sites. Football coaches would have to report soon for pre-season practice. On the morning of August 20th, AFT's Executive Board voted unanimously to recommend at a planned teacher mass meeting that they return to the bargaining table.<sup>106</sup> Teacher emotions were running strong against the Board and Administration. At the mass meeting, fifteen hundred of Capitol City's teachers met at Civic Center Music Hall. After many strong speeches, an AFT member made the strike motion.<sup>107</sup> Seconding the motion were two leaders from the rival ACT

organization.<sup>108</sup> When teachers were asked to stand up to vote, all but one hundred teachers present voted for the first strike in state history.

Responding to the strike possibility, the School Board passed measures to be implemented if the strike should happen. First, a policy statement defining the Administrator's role and procedures were adopted.<sup>109</sup> Next, the Board voted to file court action if the strike occurred. Existing statutes were unclear on several points. The Board would seek answers to four questions: Could the board cease to recognize AFT?. Is the board relieved of its duty to negotiate?. Are strikers denied full wages during a strike?. Is striking willful neglect of duty? (legal grounds for termination).<sup>110</sup>

Two days later the strike began with one thousand three hundred sixty-seven teachers walking the picket line.<sup>111</sup> ACT announced its support for the strike. Three days after the start, ACT released a statement demanding AFT and the Board return to the bargaining table. ACT criticized both sides in its statement. Each was accused of posturing rather than resolving the issues. AFT accused ACT of undermining its efforts with striking teachers. On the picket lines, ACT representatives were spreading rumors that encouraged strikers to go back to work.<sup>112</sup> Individual schools experienced problems among split faculties. Bad feelings developed when some teachers chose to cross the picket lines.

District Court issued a temporary restraining order barring the Board from negotiating with AFT on September 1. AFT filed an appeal with the state Supreme Court. The next day, ACT announced it would seek recognition as the bargaining agent for teachers since they were now unrepresented in the "eyes of the court." <sup>113</sup> They began seeking designation cards for their election. Still, with the court problems and their rivals undercutting them, AFT managed to keep the strike going.

AFT petitioned the Supreme Court to stay the temporary restraining order and take immediate jurisdiction in the case. The court refused, asserting that it had no jurisdiction to overturn the temporary restraining order. They did issue an order to the District Court moving up the date when it would hear the Board's request for a permanent injunction.<sup>114</sup> AFT was arguing it should not be barred from recognition since the strike was a spontaneous reaction from the members. The union did not call for the strike.<sup>115</sup>

On September 10, ACT withdrew its support from the strike and the strike was broken. Teachers returned to work without a contract. ACT made a critical blunder when it pulled out of the strike. The Board did not have to bargain with AFT. District Court had ruled in their favor. AFT was in a tough position. They could not bargain nor could they afford to lose face with the teachers by going back to work without a contract. ACT took them off "the

hook" when they made the decision to go back in. Now they were the villains who caused the strike to fail. Their own members accused them of letting teachers down.<sup>116</sup>

One week later the District Court handed down its decision. AFT had engaged in an illegal strike.<sup>117</sup> According to the Court it had forfeited its recognition rights. The Court set October 22 as the date for the permanent injunction hearing against AFT. The court's ruling did not intend to reach any future teacher bargaining agent elections.<sup>118</sup> Both AFT and ACT filed petitions asking for a certification election since teachers were not currently represented. The Board asked the court for a ruling on AFT's participation.<sup>119</sup> The court did not take any action regarding AFT's participation in the upcoming representation election.

Capitol City teachers re-elected AFT as its bargaining agent on October 30, 1979. The majority of the Board favored recognizing AFT.<sup>120</sup> Strong objections were raised by the Board's President. After much discussion the Board voted four to three in favor of asking the court to determine how long AFT is barred.<sup>121</sup> AFT claimed the board is obligated to recognize it as the rightful bargaining agent. Less than two weeks later, the District Court ruled that it no longer held jurisdiction since AFT had appealed the temporary restraining order to the state Supreme Court.<sup>122</sup>

At the next Board meeting the school's Attorney gave a

report on the legality of recognizing AFT as a bargaining agent. According to the Attorney, the school system would be liable for contempt of the District Court's ruling if it did recognize AFT.<sup>123</sup> After hearing this report, the Board decided to wait on the court system to make a ruling before recognizing AFT. AFT then requested a Writ of Mandamus to compel the Board to recognize it as the teacher's bargaining agent.<sup>124</sup> When the Board met next, it decided to hold a third representation election between ACT and "no representation" if AFT were to be barred.<sup>125</sup>

ACT was campaigning to win back the rights to represent the teachers. In a letter to teachers, ACT's President criticized the situation teachers were in but did not mention AFT. She spoke about the punitive atmosphere teachers were working under without a contract.<sup>126</sup> All were being penalized because a few went on strike. She announced plans to rebuild the ACT into a stronger organization. The objective was to strengthen the association in a bid to defeat AFT in 1981.<sup>127</sup>

AFT's Writ of Mandamus was denied by the Supreme Court. The court then directed the District Court to clarify the length of time AFT would be barred from representing teachers.<sup>128</sup> Stating that the AFT was not contrite for its actions, the District Judge ordered AFT barred from representing Capitol City teachers for two years.<sup>129</sup> When the Board met, it announced they would hold another election, "at the earliest practicable time," to

select another bargaining agent.<sup>130</sup> ACT asked the Board to delay the election until the Supreme Court made a ruling on AFT's appeal.

ACT urged the Superintendent to request another representation election between ACT and no representation.<sup>131</sup> The Board voted three to two with one abstention to proceed with the election. AFT's President chided the Board for not following the judicial process now after following it throughout the strike and the resulting aftermath.<sup>132</sup> AFT filed suit to block the election. District Court refused its request. The date for the election was set for March 18, 1980. In the days leading up to the election, AFT campaigned vigorously against the election. Charges of "sweetheart" deal were leveled at ACT and the Board.

Voter turnout for the election was very light. When the ballots were totaled only forty-seven percent of the teachers cast their votes. The final tally gave ACT a one hundred ninety-nine vote margin over "no representation."<sup>133</sup> ACT represented Capitol City teachers with twenty-seven percent supporting them. Their President stated publicly her hopes for a quick settlement. Bargaining began two days later.

The state Supreme Court issued their decision on June 9, 1980. The high court ruled that the District Court erred when it banned AFT for two years. AFT should have been decertified for the strikes duration.<sup>134</sup> ACT then

voluntarily ceded bargaining rights to AFT. Immediately AFT's team began negotiations. The contract was settled on September 8 for the 1980-1981 school year.<sup>135</sup>

#### Stable Labor Relations

Stability returned to the Capitol City school district in the 1980-1981 school year. Court cases surrounding the labor organizations had been settled. Board elections unseated some incumbents who had been considered disruptive to the process.<sup>136</sup> The only negative issue was declining revenue. Enrollment numbers continued to decline. It was necessary to reduce spending. Two options the school board and administration focused on were reduction in force (rif) and school closings. Both issues were highly emotional for teachers and patrons.

Budget cutbacks created publicity for the district. The local daily paper printed articles critical of the district's proposals for meeting the financial crisis. Media coverage tended to heighten the tension surrounding the issue. At times the media tried to stage coverage of union talks with the Administration.<sup>137</sup> Negative publicity surrounded negotiation efforts between the two sides. Editorials criticized AFT and the Board's negotiating team.<sup>138</sup> At one point the newspaper's editorial suggested replacing striking teachers as President Reagan did the air traffic controllers. Both sides refused to get drawn into

a publicity battle. AFT and the Board criticized the media for hurting the negotiations process.<sup>139</sup> Despite the negative coverage, the contract was settled on August 20. Each side was pleased with the settlement.

ACT announced a name change for its organization at the next School Board meeting.<sup>140</sup> From this point they would be the United Teaching Profession (UTP). This name change was part of its campaign to be more aggressive and action oriented. UTP challenged AFT for representation rights. Despite an aggressive campaign UTP lost the bargaining election. AFT's President proposed a merger between the two rivals. Though some within UTP favored the possibility, the UTP leadership turned down the offer.

Despite declining revenue, Capitol City's Superintendent introduced a thirty two point six million dollar building proposal.<sup>141</sup> The bond issue would renovate one hundred buildings plus build three new schools. Thirteen old buildings would be closed. Community leaders along with teacher leaders supported the measure. Though the measure was needed to maintain current structures and replace old buildings, voters failed to pass the issue.

In April, 1982, the Board hired the former President of AFT as an administrator. He had led the AFT to power and through the strike in 1979. The local newspaper strongly criticized the School Board for its action.<sup>142</sup> The new administrative position did not involve negotiations. His hiring indicated a new era in labor



relations for the district. At the date of this writing, there have not been any further work stoppages. Though the relationship has not been perfect, the district has stabilized relations with the union.

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## CHAPTER V

### SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

This final chapter is divided into three parts. The first part is a summary of the methodology utilized for the study and of the findings. Presented in part two are conclusions and discussion. Suggestions for further research are in part three.

#### Study Summary and Findings

This study focused on the extent and evolution of the teacher's associations collective bargaining efforts in the state's capitol city school district. Specifically, the study was designed around three questions. How and why teachers in Capitol City organized? Why did teachers shift bargaining agents from the Association of Classroom Teachers (ACT), affiliated with the National Education Association (NEA), to the American Federation of Teachers (AFT)? What maturation stages has the school district gone through as a result of collective bargaining? To answer the first two questions historical research methods were used. This included interviewing key "players," examining



school district records, teacher association records, and media accounts. Determining maturation stages involved the use of Mitchell and Kerchner's collective bargaining maturation models. Descriptions of each stage were matched against the historical record to assess stage levels the district progressed through.

This particular school district was chosen for a variety of reasons. Capitol City Independent School District is located in the state's largest city and state capitol. Teacher there staged the only strike in state history. Leading the strike was the first AFT chapter in the state. AFT staged a representational battle that unseated the long time NEA affiliate. Court cases involved the district and the representational battles during the decade of the seventies.

The historical procedure followed a traditional pattern. First documentation was researched from the following sources:

- Teacher organization records
- School board minutes
- Court records
- Newspapers
- State laws and documents
- Correspondence, and
- Audio-visual records.

By using these sources, a chronological order was established. Key individuals were identified from the

research, and interviews were held with most of them.

Bargaining maturation stages were checked by establishing categories of each stage and subsequent behavior of the teachers, administration, and school board. Behaviors were then analyzed and compared with the descriptive information. Conclusions were then drawn from the available data.

The persons selected for interviews were drawn from two sources. Leaders of each teacher organization were asked to participate along with certain key administrators from the district. One former labor leader declined to be interviewed. One administrator's input was taken from various public documents and media interviews because he is now out of state and unavailable. Additional personal interviews were conducted at the recommendation of teacher leaders. The information from these secondary supporting figures was used to corroborate or clarify events and decisions. Each interview was taped, recorded, transcribed, and compared against the spoken and written records. Additional sources were historical documents from the local, state, and national levels. The people interviewed are described below and their current positions are listed.\*

#### Capitol City Teacher Labor Leaders

CCCTA President: 1967-1969. Retired.

CCCTA President 1969-1970 Retired

CCCTA President and TACC President 1970-1971

Retired

ACT President 1971-1974 Teaching in another district

ACT President 1974-1975 Private Business

ACT President 1975-1977 Retired

ACT President 1977-1980 Uniserv Director in  
another state

ACT President and UTP President 1980-1983  
Teaching in the district

AFT President 1975-1980 Private Business

AFT President 1980-1983  
Teamsters representative in Capitol City

#### School District Administrators

Superintendent of Schools, 1975-1978, Assistant  
Superintendent, Assistant Business Manager, Director of  
Purchasing, Classroom Teacher 1955-1975 Retired

Personnel Director, 1982-Present, Director of Middle  
Schools, District Negotiating Team, Building Administrator,  
Classroom Teacher 1971-Present Administrator with the  
district

Superintendent of Schools 1979-1982 Employed with  
another district, (secondary sources provided interview  
material)

The agreement between the researcher and the school district was to disguise the individuals and school district. In order to do this the researcher avoided using names of persons, organizations, city, state, certain publications, and state court names. It was necessary to disguise some footnotes in this study. The researcher has

maintained a record of all sources. This record will remain private in regards to this study. Historical records will be given to the State Historical Society at some future point.

### Why Teachers Organize

The first question to be addressed is how and why teachers in Capitol City organized. Historically, work associations, guilds, and unions can be traced back to the sixteen-hundreds. The first worker organizations were organized around crafts or trades. Educators organized the NEA in 1857. The association was started to improve the quality of instruction and the teaching profession. Vocational teachers organized the AFT in 1916. AFT was associated with trade and industrial labor unions, (AFL-CIO).

Capitol City teachers were early members of the Oklahoma Education Association. They were instrumental in organizing the group. Their local organization included administrators. In 1930 the teachers and administrators split their group because of divergent interests but did retain ties through the umbrella state association. The local teachers association came to be known as Capitol City Classroom Teachers Association (CCCTA) in the late nineteen forties. The organization began changing from a fraternal

organization into a pro active teachers group CCCTA got involved in developing leadership skills among its members, improving instruction, organizing staff development, and presenting teacher welfare issues

In the nineteen sixties, teacher organizations began to develop militant attitudes regarding their involvement in educational decision making and in terms and conditions of employment AFT's strike in New York City in 1960 was the catalyst for teacher activism Responding to AFT's victory over its local New York affiliate, NEA began moving towards a collective bargaining mode State teachers experienced rough economic times because of declining revenues They became politically active Pressure from the state association and NEA led CCCTA to ask for recognition and professional negotiations CCCTA faced an early rival in the Teacher's Association of Capitol City (TACC) TACC had a more militant philosophy about professional negotiations The two groups merged for another reason, unification of local, state, and national memberships The merger was short lived Teachers were angry because unification was forced on them, TACC leadership was weak, and they were not forceful enough in negotiations After the split, the Association of Classroom Teachers (ACT) emerged as the dominant teacher association It retained its affiliation with NEA AFT was started by a militant splinter group from TACC Within one year, AFT challenged ACT for recognition rights before

the school board

State law did not provide a procedure when two competing groups requested recognition. The school board attempted to establish a procedure for a secret ballot type election. ACT and the OEA went to court and succeeded in stopping the policy. School officials and teachers wrangled with the problem for the next three years before the district court ordered a secret ballot type election. Both organizations willingly participated. ACT won representation rights the first year. AFT defeated them the second year. Though their leadership was split on the issue, ACT filed suit to overturn the verdict. The state Supreme Court ruled that although the district court judge erred in requiring such an election procedure, ACT willingly participated in it twice. Its contract had expired, so it had no status to file suit. AFT kept its bargaining status and negotiated the "best contract ever" for Capitol City teachers.

Teachers, the community, and the school board believed that AFT had out negotiated the board's team. Determined to win back its tarnished prestige, the board's team took a harder line in the next contract talks. When negotiations stalled in August, 1979, teachers gave AFT a strike vote. The first teacher's strike, illegal under state law, commenced two days later. Approximately fourteen hundred teachers did not report to work the first strike day. ACT's leadership voted to support the strike. The

administration did not take court action to end the strike. It did ask the court to rule on its obligation to negotiate with a striking union. The court ruled against AFT. Pressure began to mount on AFT to end the strike. ACT worked behind the strike to undermine AFT's position with teachers. ACT then pulled a strategic blunder by withdrawing its support for the strike. This allowed AFT "out of the corner" and ended the strike. The administration took no punitive action against the strikers. ACT bore the brunt of criticism for pulling out of the strike.

ACT challenged AFT to another representation election. AFT defeated ACT once again. The board was unsure of its legal status if it recognized AFT. The Board asked the Court to clarify the issue. AFT filed suit to force the Board to recognize it as the rightful bargaining agent. The District Court eventually ruled, AFT was barred two years for disrupting the schooling process. The judge believed that AFT needed to be punished. AFT appealed to the Supreme Court.

ACT asked the Board for another representational election between ACT and "no representation." Less than fifty percent of the teachers voted in this election. ACT won with only twenty-seven percent of teachers supporting it. The Board began bargaining with ACT immediately. In June, 1980, the state Supreme Court ruled AFT was barred only while the strike lasted. ACT ceded bargaining rights

to AFT immediately. AFT settled the contract.

Labor relations stabilized during the next two years. Both teams cooperated within the framework. They criticized the media for interfering with the process. ACT changed its name and announced a new image for itself. ACT became the United Teaching Profession (UTP). Despite declining revenues and cutbacks, AFT successfully negotiated the largest raise ever given to Capitol City teachers. AFT defeated the UTP's attempt to replace it as bargaining agent.

#### Summary and Discussion

The first generalization to be addressed is the question why Capitol City teachers organized. Research disclosed five reasons.

1. Social and Fraternal:

Teachers wanted an outlet for social activities. Fellowship with colleagues, social activities, and support networks developed.

2. Professional Interests:

Educators sought to advance pedagogy. The basic school structure and improving schools was a major concern. Local and national conditions influenced the evolving interests.

3. Control of the Work Place:

Teachers wanted to have input into educational



decision making. They believed administrators had too much power and were not close enough to the classroom for effective decision making.

4. Economics:

The district's teachers consistently were behind in salary and other fringe benefits when compared to other districts in the region. Declining revenues and inflation cut into teacher's wages, creating more economic pressure.

5. National Teacher Movements:

Capitol City teachers were influenced by events in other cities around the nation. Teachers were organizing, bargaining, and, in some cases, striking for their perceived rights. Publicity was widespread on the teacher labor movement. NEA needed to stop AFT's gains in attracting urban teachers; these teachers began pressuring their locals into bargaining with school boards. National NEA and AFT leaders came to town to influence teachers.

Teacher militancy increased when ACT decided to negotiate with the school board. ACT's relationship changed with the three groups that held power over its profession.

- (A) Teacher v. administration
- (B) Teacher v. school board
- (C) Teacher v. legislature

Teacher's behavior changed as teachers sought to increase their influence and organizational power. They became involved in the political process. Campaigns to elect "friends for education" were held in local, state, and national elections. Efforts to elect their candidates in school board elections mounted. Political Action Committees were formed to help financially to support candidates sympathetic to their cause.

Committees attempted to sway public opinion through the media. Through the media they hoped to pressure the school board into decisions teachers wanted. When ACT and AFT fought their representation battles, they used the media to reach teachers. Court battles were waged between the two competing organizations and the school board. The controversy revolved around recognition procedures that the board had implemented.

The second question to be addressed is why Capitol City teachers shifted bargaining agents from the NEA affiliate to the AFT. Their experiences are discussed as well.

#### 1. Bread and Butter Issues:

Research indicated teachers initially became interested in AFT for much the same reasons teachers in other urban areas joined. They believed in a basic approach to negotiate over salaries, benefits, and working conditions. They were less interested in "professional images."

## 2. ACT Soft on Bargaining:

Many teachers felt the NEA association were less aggressive and too soft in their approach to bargaining. Frustration on contract gains and a perception that the administration did not respect them angered teachers. ACT leaders made critical strategic errors and public relation gaffes. Teachers were changing. Veteran conservative teachers were retiring as younger, more militant teachers came into the profession. The nation went through a cultural upheaval with many areas experiencing change.

## 3. ACT Company Union:

Capitol City teachers perceived ACT as a company union. Administrators had controlled the association just a few years before. Agreements between ACT and the board had the reputation of "sweetheart deals." ACT's team negotiated for several years without signing a formal contract with the board. Their contracts did not precisely specify teacher rights. Language was often ambiguous and left judgment up to administrator discretion.

## 4. AFT Organized Effort:

AFT was better organized in the recognition campaign. National leaders advised AFT throughout its battles and subsequent contract negotiations. Its experiences drew from organized labor as well as other AFT chapters. Additional training was given to its leadership. When negotiations began, it was better prepared than the board's team. The board's team did not have the training or

experience to bargain with AFT initially.

5. State and Local Conditions:

State and local conditions hurt ACT. Teacher anger grew from state and local issues that impacted them. Among these were the financial problems stemming from declining enrollments and poor state funding. Court ordered desegregation changed teacher working conditions and threw the district into upheaval.

Long term school board members retired at the time teacher militancy and other problems developed. Newer board members came into service as one-issue candidates opposed to bussing or teacher unions. The inexperience and type of member may well have contributed to the instability. State political and educational leaders did not work to solve the problems. The decisions concerning representation were decided entirely by the courts.

6. ACT Conservative Leadership:

ACT's decision to begin bargaining was hampered by the leadership's conservative philosophy. In many ways the membership had changed but the leaders had not. Failure to give total commitment to the union concept hurt ACT's efforts at the bargaining table. Its failure to progress cost it credibility with many teachers. AFT used ACT's timid approach against the rivals in the recognition battles.

AFT's strength came from its ability to communicate its philosophy with teachers. Simple and to the point, its

approach was for teacher welfare and power in the decision making process. Its leadership was strong. The President had charisma that attracted many teachers. Within its ranks were many social activists. This element attracted many others to the union's side. The social activism coincided with the nation's mood.

The third question to be discussed is through what maturation stages did the district progress in labor relations? The model to identify these stages was developed by Mitchell, Kerchner, Erck, and Pryor. These generations in labor relations follow a predictable pattern.

1. Stage One Rise of the Teacher's Voice:

The first is called "Rise of the Teacher's Voice." Capitol City teachers began asking for professional negotiations in 1968. Leaders had ambivalent feelings about negotiating. The Superintendent was the old style autocrat and was paternalistic. The School Board followed his leadership. Teachers asked for recognition based on issues such as financial conditions and job control. The Superintendent and Board were disappointed when teachers asked for negotiations. School district leaders felt conditions were fine within the district and many teachers agreed with them. Outside pressure from the state association and NEA contributed to the move towards bargaining. Internal pressure came from teachers who were dissatisfied with conditions.

2. Intergenerational Conflict:

Labor relations stayed at the meet and confer stage until AFT formed a chapter and began to challenge ACT, charging it with being a company union, soft on negotiations, and incompetence. ACT escalated its demands upon the Board. Threats and charges between the three parties ACT, AFT, and the School Board were hurled about. AFT's emergence hastened the first intergenerational conflict.

This stage is characterized by marked increases in teacher militancy. Disputes between the competitors involved the Board. The situation grew progressively more tense with the atmosphere developed by court challenges and the recognition fight. AFT eventually won the recognition battle. AFT now had to deliver on promises it made to teachers during the representational battles. AFT approached the negotiations well prepared. Community perceptions had AFT out-maneuvering the Board's team. The Board was determined to take back its lost prestige. AFT was just as determined to keep and further its gains. Negotiations became heated. The media was used to discredit the opposition. The situation boiled over into the single dramatic event: A strike brought a decade of frustration out into the open. The strike's aftermath was a series of court cases and confusion. When the court battles had been resolved, the district moved into the second generation. This generation is called the "Era of Good Faith Bargaining." AFT won its political and

psychological battle to represent teachers.

### 3. Stage Two Good Faith Bargaining:

The processes between the two sides began to develop and mature. First, the relationship was established. Routines and communication patterns were developed. Secondly, behavior norms and expertise were developed. Because of its negotiation experience, AFT began with more expertise than the Board's team. The gap was closed within two years. Negotiation expertise came to be on equal footing. Perceptions about what constituted good labor relations developed between the teams. Public statements from both parties praised each side for their willingness to communicate and work together.

The grievance procedure was developed to enforce the contract. The result was a new communication system between the top administration and teachers. Working through the union, teachers would file grievances against building principals. When this study concluded, the district remained in this particular stage of bargaining generation.

During the writing of this paper, Oklahoma experienced its second teacher strike in state history. This strike was not confined to a single district but included several school districts state-wide. Teacher frustration against the legislature led to the walk-out. OEA had not targeted any single district or school board for action. Rather, the action was directed at elected officials. Capitol City

teachers did participate in this strike with reluctant school board and administrative approval.

Mitchell, Kerchner, Pryor, and Erck's model would see changes in the school district's labor relations stage good faith bargaining. With the political and social controversy surrounding the recent teacher strike, it may be that changes will occur in Capitol City's political balance. New and different groups dissatisfied with events could become involved, changing the equilibrium that has been established these past few years. These new groups would cause a redistribution of power in the district resulting in a change of roles for the participants.

#### Conclusions

Capitol City teachers organized for reasons that teachers elsewhere did. They wanted a professional organization to fraternize with their colleagues. Teachers wanted control over their employment. Many felt they needed protection from arbitrary administrators. Others wanted a democratic work place. Economic benefits brought many into the organization. Younger teachers tended to be more militant.

ACT followed a conservative philosophy. Its early leaders did not want to bargain. The direction the association took these early years cost it support when AFT challenged it. The early ACT leaders disdained union



tactics. They were content to accept the paternalistic system that existed. The teaching force was changing. Younger, more militant teachers were coming into the profession. Women were no longer entering teaching merely for extra money. Often they were single parents who needed extra wages for living expenses. New teachers were interested in bread and butter issues.

Other teachers wanted to help control the work place or at least have input into their work. The women's movement had many followers. These teachers wanted to end sexism that existed. Society's structure was changing. Some changes brought uncertainty into teachers' lives. The union gave them a sense of belonging. The union represented their interests exclusively. ACT and NEA had a divergent mission and philosophy.

ACT suffered from an identity crisis. The organization struggled with philosophy and goals from the first time it asked for recognition. During the seventies decade ACT changed its philosophy, moving closer to a militant posture. Teachers were frustrated with conditions that existed. They perceived ACT as weak and lacking leadership. AFT offered teachers a clear choice. It was a union. Its platform was strictly teacher welfare and working conditions.

AFT's growth was a result of a well-planned systematic approach. Its representatives campaigned extensively recruiting new members. Training was an on-going process

locally and nationally. Leaders were training local building representatives. Daily meetings were held to discuss recruiting goals. National training was provided for the leadership. AFT's public relations efforts were effective. The union used every opportunity to get its message to teachers and the public.

State conditions did not promote union growth. Teachers did not have collective bargaining rights in the late sixties. Meet and confer legislation was passed. This law did nothing to compel school boards to recognize teacher unions. Negotiations did not go well for teachers. The law did not provide any mechanism to bring contract talks to closure. Teachers resorted to political pressure to gain settlements. Capitol City teachers staged the only strike the state has ever had. The recognition battle between ACT and AFT exposed another weakness in the law. There was not any provision when two groups opposed each other. Court cases throughout the decade followed the Capitol City school district's experience.

Political and education leaders did not use foresight in this area. The state's history has been to apply the temporary fix to problems. Long-term solutions have been set aside for political expediency. The media have contributed with an anti-education bias. Evidence shows schools have been attacked by the print media since territorial days. Specifically, revenue programs designed to keep instructional programs and facilities on a par with

neighboring states have been drastically curtailed. The state has been influenced to a great extent by a large neighboring state, which has suffered similar problems.

Bargaining maturation stages progressed through stages similar to other districts around the nation. Teachers began timidly asking the board for recognition. The board and administration felt betrayed by teachers. There was a strong paternalistic system in place that had worked well for many years. Conditions and teachers changed. They expected the system to change with them. Complicating the district's maturation process were the recognition fights between opposing teacher associations. Court cases decided the issues. Often the court stopped short in its decisions resulting in another round of judicial proceedings. Court ordered bussing added to teacher unrest. The plan and administrative response caused upheaval. Teacher dissatisfaction grew from the change.

School board members retired and were replaced by inexperienced candidates. Often these members had an "axe to grind." The district's stability was adversely influenced by changing board membership. Eventually the district passed through their conflict stages and stability returned to the district. State two, the "era of good feelings" was underway when the study concluded.

### Suggestions for Further Research

This study's purpose was to establish the history of the teacher's associations in Capitol City. It is hoped that by learning where the associations have been they may avoid the same mistakes in the future. The study was organized around three basic areas: Why teachers organized, why they switched bargaining agents, and what maturation stages did the district pass through.

The historical record raised some interesting possibilities for future studies, which might be examined:

- (1) The print media's relationship with education/schools in the state
- (2) The attitude towards organized labor in the state
- (3) Administrator attitudes about AFT and NEA
- (4) The impact which court ordered bussing and integration had on Capitol City Schools
- (5) Analysis of the state legislatures school funding measures
- (6) Further research into maturation stages as defined by Kerchner and Mitchell
- (7) Impact the teacher's unionizing has had on the school districts unity
- (8) A comparison with other metropolitan school districts in Oklahoma.

## Epilogue

Changes from the evolving social and political fabric have impacted all segments of society. Teachers organizing for the purpose of collective bargaining is an example. Fundamental differences in philosophy reached a collision point. Teachers wanted change but how far were they willing to go? Some teachers wanted immediate changes. Other teachers did not want any. Values clashed resulting in the events described in this study. Capitol City's decade of unrest disrupted the schooling process. Teacher unrest, representational fighting between ACT and AFT, Administrative turnover, School Board disunity, and the strike are examples of the problems suffered.

The value of this study is that perhaps it will help other teachers, administrators, board members, and communities avoid the pitfalls as befell Capitol City. Knowing where educators have been should serve as a guide to the present. Historical scholars should gain an appreciation for the social and political mood of this time. Hopefully educators can work together to establish a system that will benefit all parties without hurting the best interests of students.

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Thesis: A CASE STUDY OF CAPITOL CITY'S TEACHER  
ASSOCIATIONS BARGAINING HISTORY 1968-1982

Major Field: Educational Administration

Biographical:

Personal Data: Born in Oklahoma City, Oklahoma, July  
10, 1952, the son of Mr. and Mrs. William R.  
Green; married to Jill A. Green.

Education: Attended elementary school in Seminole,  
Oklahoma and Campbellsburg, Indiana; graduated  
from West Washington High School, Campbellsburg,  
Indiana in 1970; attended Vincennes University,  
Vincennes, Indiana 1970-71; Indiana State  
University, Terre Haute, Indiana, 1971; received  
the Bachelor of Science degree in Social Studies  
Education from Indiana University, Bloomington,  
Indiana, 1976; received the Master of Science  
degree in Educational Administration from  
Oklahoma State University, Stillwater,  
Oklahoma, 1982; completed requirements for  
the Doctor of Education degree in July, 1990.

Professional Experience: Teacher of Social Studies  
in Bedford-North Lawrence High School, Bedford,  
Indiana, 1976-77; teacher of geography in East  
Junior High, Ponca City, Oklahoma, 1977-80; sixth  
grade teacher in Hennessey Middle School,  
Hennessey, Oklahoma, 1980-81; Graduate  
Research Associate for the Oklahoma Public Schools  
Research Council, Oklahoma State University,  
Stillwater, Oklahoma, 1982-83; Assistant Principal  
of Miami High School, Miami, Oklahoma, 1983-86;  
Principal of Sulphur High School, Sulphur,  
Oklahoma, 1986-1989; Principal of Enid High  
School, Enid, Oklahoma, 1989-present.