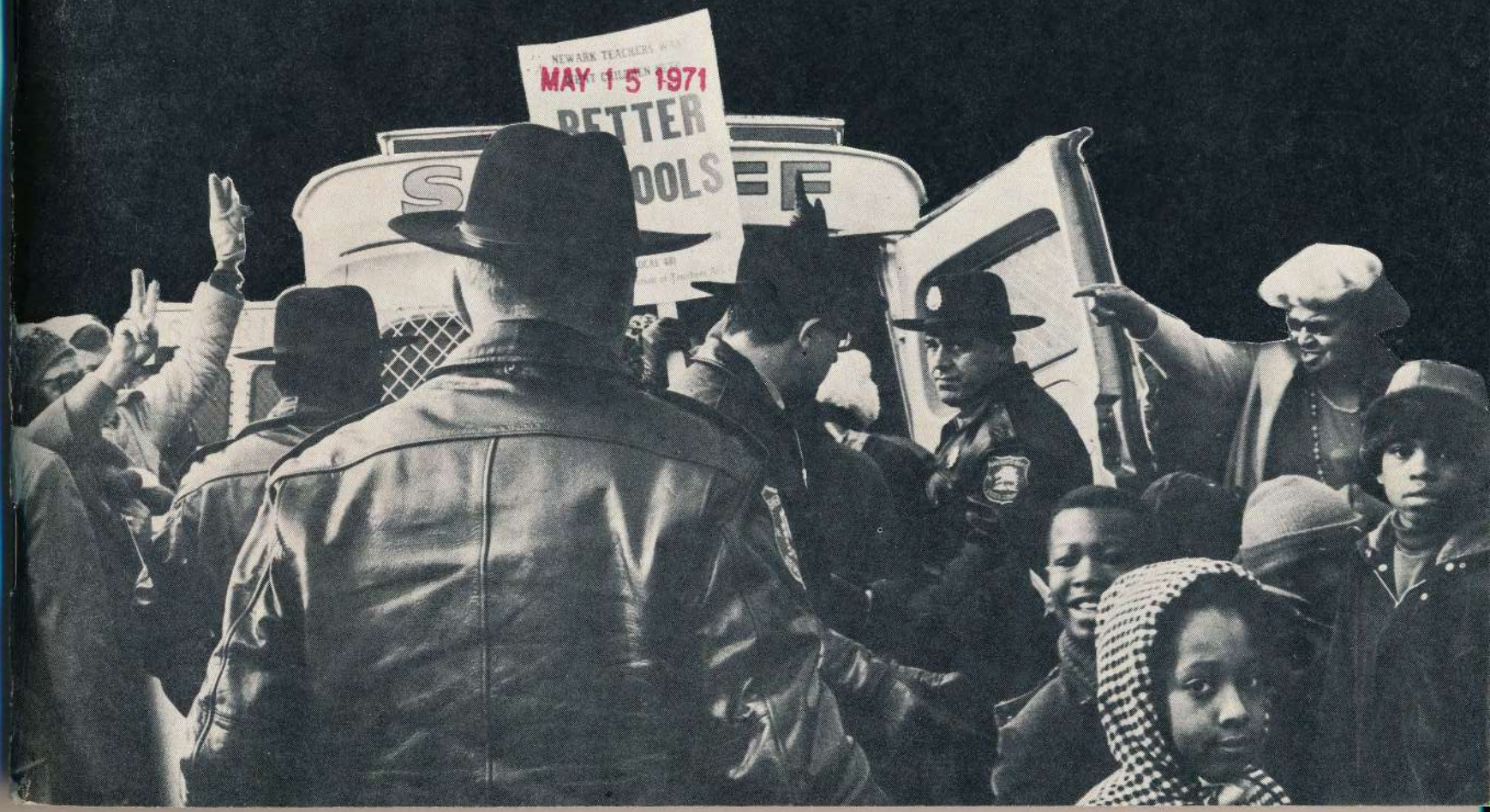


# ***THE ANATOMY OF A STRIKE***

THE NEWARK TEACHERS UNION/FEBRUARY 1, 1970 TO FEBRUARY 25, 1970





*Photography and Graphic Design*  
by  
EDWARD KOPLIN, Vice-President, NTU

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by  
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*Additional Photographs*  
by  
JULIUS FEINSOD, JULIUS BENEVENTO,  
New Jersey News Photo

Newark, Municipal Employees  
(Teacher's Strike)

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# *A Message From The President*

Brothers and Sisters:

We have told the story of the Newark strike in the following pages not only for those who lived it, but for all educational employees and for all public employees in this country who must fight the same battle.

The indifference of the public, and the hostility of boards of education and the courts and public officials that support them, must be revealed in all of their ugliness.

This book is a tribute to the courage of the educational employees of Newark who stood firm against every form of harassment and intimidation that the Board and the Courts could bring against them.

I hope that the story of what happened in Newark will encourage all educational employees and all public employees to fight for the right to strike and the right to walk in dignity.

Together in Union Solidarity,

*Carole A. Graves*

(Mrs.) Carole A. Graves

President

Newark Teachers Union









# *F O R E W O R D*

The Strike of the Newark Teachers Union against the Newark Board of Education that took place February 2, 1970, through February 25, 1970, was a classic example of the use of all the coercive powers of the State against a union.

The mounting frustration of decades of neglect and mis-management came to a climax in this strike. The Board of Education of the City of Newark, the administration of the City of Newark, the Essex County courts, and the administration and the courts of the State of New Jersey joined forces to repress the strike and to punish the strikers beyond all reason.

All educational employees, all public employees, all private employees, all citizens of this nation the least bit interested in the ultimate educational welfare of its children, would do well to witness the unfolding of this Anatomy of a Strike.



### *III. Newark's Schools*

*The plight of public employees in New Jersey reveals only part of the problems confronting Newark's teachers. The system in which Newark's teachers must function has gone from paragon to pariah.*

*In 1967, there was a shortage of close to 10,000 pupil places in Newark's elementary schools alone. Split-sessions are a natural by-product. Newark's children attended school in 72 buildings, 52 of which were more than 50 years old. Of these 52, 25 are more than 70 years old and 4 are over 100 years old. Building maintenance is sporadic. Shortages of textbooks, library services, and basic equipment of all sorts are frequent. In short, in the unpleasant environment offered in most schools, it is difficult at best for education to take place. Under these circumstances, the student, the teacher and the community suffer. The much discussed shortage of funds is only part of the problem. Much of the blame lies at the doorstep of an inept and apathetic administration.*

From "Report on the Newark Teachers Strike, by the American Civil Liberties Union of New Jersey"









# THE STORY OF THE STRIKE

On November 18, 1969, the Newark Teachers Union won an overwhelming collective bargaining victory over its two rivals: The Newark Teachers Association and the Organization of Negro Educators.

Negotiations for the new contract started in December, 1969, for a contract that was to be negotiated by February 1, 1970.

From the very start of negotiations the temper and flavor of these negotiations were evident—there would be no give and take, only paternalism and dictation from the Board of Education.

To this end the Board hired its former

counsel, Jacob Fox, now retired but eminently serviceable, to conduct its negotiations. The venerable counselor did his job well. From December to the very end of January there were negotiations, but *nothing* was negotiated.

When it became evident that there was no movement, the President of the NTU, Mrs. Carole A. Graves, informed the membership of the situation, whereupon the membership voted a policy of "No Contract—No Work" to be instituted when the present contract expired.

Some days before the expiration date of the contract, the Board of Education obtained from Essex County Judge, J. Ward





February 1—At February 1st strike vote rally—members of community attempting to get to the microphone at the podium.



February 2—Bernard Zimmer, a Newark teacher, unloading picket signs he and his committee made in preparation for the strike.

February 3 — Teachers from South Side High School at the rally.

February 4—Robert Seymour, a Newark teacher, enthusiastically endorses the strike motion.





Herbert, a preliminary restraining order enjoining the NTU from striking or encouraging in the minutest way any kind of a work stoppage. The officers of the NTU were named in the injunction, but its provisions were so wide that anyone, Union member or not, who aided a strike in any way, was subject to penalty.

In the State of New Jersey there is no statute which prohibits a strike by public employees. The force of this injunction stemmed from an interpretation made by the New Jersey State Supreme Court of a section of the N. J. State Constitution, Article I, Section 19, relating to the organization of public employees.

At a mass rally at the Military Park Hotel

on Sunday, February 1, 1970, three thousand and educational employees, Union members and others, voted overwhelmingly to strike, starting Monday, February 2, 1970, until a fair contract had been written.

The first day of the strike hit with overpowering force. Over three thousand teachers, of the thirty-eight hundred in the system, were out. These teachers were accompanied by large numbers of aides and clerks. Ninety-five percent of the schools were effectively closed. Pickets marched before every school in the city. The answer to decades of arrogant neglect and mismanagement had finally come.

The Board of Education moved quickly through the Essex County Courts. Seven sheriff's deputies invaded the NTU office



388

*McLambert Kane  
to Cg.*

A true copy  
*Victor A. DeFilippo*  
Attorney for Plaintiff

VICTOR A. De FILIPPO  
31 Green Street  
Newark, New Jersey  
Attorney for Plaintiff

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION- ESSEX COUNTY  
DOCKET NO.

THE BOARD OF EDUCATION OF NEWARK  
IN THE COUNTY OF ESSEX, a corpo-  
ration and governmental agency  
of the State of New Jersey,

Plaintiff.

vs

Civil Action

ORDER

NEWARK TEACHERS UNION, LOCAL 481,  
AMERICAN FEDERATION OF TEACHERS,  
A.F.L.-C.I.O., an unincorporated  
association; NEW JERSEY STATE  
FEDERATION OF TEACHERS, an un-  
incorporated association; CAROL GRAVES,  
FRANK FIORITO, DONALD NICHOLAS,  
BERNIE NISENHOLZ, JOHN PALMIERI,  
BETTY RUFALO, DURECIA WATLEY, EDWARD  
GADSON, FRANK VOLPE, WILLIAM PUZAK,  
EDWARD TUMIN, MONROE KURTZ, AARON  
POLONSKY, AUDREY BELMEAR, EDWARD  
MICHELSON, ANDREW THORNBURN, JAMES  
LERNER, MONA ABRAMOWITZ, ROBERT  
CELIANO, ROBERT CLARK, CLARA DASHER,  
EDWARD KOPLIN, WILLIAM TROUBLEFIELD,  
MYRON BORDEN, ADRIAN DAVIS, ANTHONY  
PICCIO, RALPH FAVILLA and ROBERT  
BATES,

Defendants.

This matter being opened to the Court by Victor A. DeFilippo,  
attorney for the plaintiff, application being made, and good cause  
appearing, it is on this *3rd* day of February, Nineteen Hundred  
and Seventy,

ORDERED that the Order to Show Cause herein dated

January 31, 1970 is hereby amended and supplemented to provide  
that the Complaint herein (as amended) and said Order to Show  
Cause dated January 31, 1970, as well as this Order, be served  
by plaintiff's attorney, any agent for such service designated  
by plaintiff's attorney, or by the Sheriff of Essex County or  
any one serving as deputy for the making of such service. And  
it is further

ORDERED that each and every defendant named in the  
Complaint (as amended) shall serve his answer within 20 days after  
service of a copy of the Complaint (as amended) and a copy of  
this Order upon him by serving plaintiff's attorney, Victor A.  
DeFilippo, 31 Green Street, Newark, New Jersey, and by filing the  
same with the Clerk of this Court. And it is further

ORDERED that except as supplemented and modified  
by this Order, all provisions of said Order to Show Cause dated  
January 31, 1970 shall remain in full force and effect.

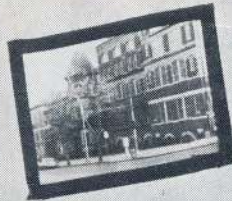
*Ward H. Hubert*  
J.S.C.







TEACHERS WANT  
BETTER SCHOOLS



NEWARK TEACHERS UNION LOCAL 401  
AMERICAN FEDERATION OF TEACHERS

BETTER  
SCHOOLS

NEWARK TEACHERS UNION  
LOCAL 401  
American Federation of Teachers AFT-CIO







at 804 Clinton Avenue, Newark, N. J. with warrants of arrest for President Mrs. Carole A. Graves; Executive Vice-President, Frank A. Fiorito; and Executive Board Member, Donald Nicholas. None of these officers were present and the deputies left after one of the Union's attorneys, Seymour Cohen, assured the deputies that the three officers would be surrendered the following day, February 4, 1970, at the Essex County Courthouse.

The next day when the three officers, accompanied by Larry Birchette, AFT Staff Representative and strike leader, and Seymour Cohen, attorney, arrived at the Essex County Courthouse, an attempt was made to arrest the three in the halls of the courthouse. Mr. Cohen informed the sheriffs that the three would be surrendered after he had

pleaded before Judge J. Ward Herbert on the validity of the service of the injunction made upon them.

Mr. Cohen was allowed to plead, but to no avail — and the three were arrested, booked, fingerprinted, "mugged" and released on one thousand dollars bail to stand trial at a later date.

On February 6, 1970, four more officers were arrested: Betty Rufalo, Vice-President; Edward Tumin, Vice-President and Acting Treasurer; James Lerman, Editor of the NTU Bulletin; William Troublefield, Executive Board Member. They too, were booked, fingerprinted, "mugged" and released on one thousand dollars bail.

The arrests of the officers, far from daunt-





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ing the membership, only strengthened their will to fight. The strike went on through the rain, the cold and the snow, and the pickets faithfully did their job oblivious of the rain, the cold and the snow.

On Sunday, February 8, 1970, Bayard Rustin was guest of honor at a mass rally of three thousand held at the Military Park Hotel in Newark. As he entered he was served with an injunction. When he rose to speak he said, "Actually, I just came here to say I'm with you, but when I came in, a big, burly fellow from the sheriff's office made me mad. Now I am going to talk.

"I now counsel you to picket, to congregate about, to strike . . . every school owned and operated by the Board of Education."

On Wednesday, February 11, 1970, the first

mass arrest of pickets was accomplished. Sixteen pickets were arrested and booked to stand trial later. The Board of Education, through its willing allies, the Essex County Courts and the County Sheriff's Office, embarked upon its program of mounting intimidation. On the same day Larry Birchette was subpoenaed to appear before the Grand Jury.

On Friday, February 13, 1970, forty-three pickets and other Union supporters were arrested during a peaceful demonstration before the Board of Education and the Newark City Hall.

On Tuesday, February 17, 1970, twenty-nine pickets were arrested while picketing the schools; On Wednesday, February 18, 1970, thirty-six pickets were arrested, among them



# 16 Newark Teachers Arrested

By MICHAEL J. HAYES

Evening News Staff Writer

Sixteen Newark schoolteachers were arrested today for picketing after an order was read to them stating that they were violating a Superior Court injunction against the teachers' strike.

Sixty uniformed sheriff's officers visited more than a dozen of the city's 94 schools, where the charge that the picketing was illegal was read over bullhorns. Those pickets who failed to disperse were arrested.

The order for the arrest of the pickets was obtained last night by Assistant Prosecutor Hugh Francis and was based on affidavits by Deputy Superintendent of Schools Edward Pfeffer and Carmen J. Attanasio, director of adult education, that the picketing was organized so as to hinder "proper identification of individual violators" of the restraint.

The order was signed by Superior Court Judge Ward J. Herbert, who also signed the original restraint on Jan. 30, two days before the strike began.

The walkout by the Newark Teachers Union has crippled education of the city's 77,000 pupils. About 2,700 of the city's

3,700 teachers have not reported for work since the strike began.

Before today's arrest, seven union leaders had been arrested for violating the order.

The 16 arrested today were taken to the Essex Courthouse for processing before being arraigned. Four other teachers who claimed that they had not realized what was going on when they were arrested were released by Sheriff Ralph D'Amboia.

The pickets were arrested at East Side High, Broadway Junior High, Girls Trade School, Ann Street School, Mt. Vernon

School and Quitman Street School.

Sheriff's officers later went to the Holiday Inn, where 1,000 teachers attended a mass meeting, reportedly to determine whether strike leaders were still violating the court order. No arrests were made at the meeting.

Larry Birchette, a spokesman for the teachers, said that negotiations with the city would not be resumed while teachers "were being arrested, harassed and intimidated."

Birchette said that teachers threatened with arrest should

insist that the entire injunction be read to them, "then tell the sheriff you intend to cease and desist, so move on to the next school and set up picket lines again."

It was announced that Albert Shanker, president of the United Federation of Teachers, the New York City branch of the American Federation of Teachers, will speak at a meeting of Newark teachers at 2 p.m. Sunday at the Robert Treat Hotel.

Teachers will hold a "funeral, because justice is dead" tomorrow at 10 a.m. in front of the courthouse. Teachers also plan

a protest parade at 11 a.m. Friday beginning at 31 Green St., headquarters of the Board of Education.

The union also announced that it is joining community representatives in a plan to set up tutoring sessions from 5 p.m. to 6 p.m. each night. A meeting of teachers to plan the tutoring will be held at 1 p.m. Friday at Temple B'nai B'rith, 11 Waverly Ave.

The striking teachers, due to be paid Friday, will not receive their paychecks.

The decision not to pay the striking teachers was approved by the Newark Board of Educa-

tion at a special meeting last night. The board also voted to rescind the leave of absences of teachers on the union negotiating team until negotiations resume.

Lewis Kaden, a mediator in the dispute, yesterday sent both groups copies of suggestions he and Theodore Kheel, had prepared concerning 10 basic issues which are a partial cause of the stymied talks.

Dr. Michael Pett, chairman of the school board's negotiating committee, said that Kaden may have exceeded his assign-

Continued P. 17, Col. 3



Evening News Photo

Striking teacher leaves sheriff's van after arrest for picketing.

A typical headline of the day.



A parent speaks at one of many daily rallies held in support of arrested teachers.









Sheriff's deputy reads injunctions requesting the pickets to cease and desist.



David Selden, President of the American Federation of Teachers—the first International president to be arrested in a generation; on Thursday, February 19, forty-six pickets were arrested; on Friday, February 20, 1970, twenty pickets.

In total one hundred and ninety pickets and supporters from other unions were arrested, along with the seven officers of the Union. The arrests did not accomplish their aim; the strike was *not* broken.

On Thursday, February 12, 1970, the educational employees of Newark determined that Justice had died in Newark with the arrests of the officers and the first segment of sixteen pickets.

A decent funeral service was arranged on the steps of the County Courthouse. The

mourning family followed the bier after fitting eulogies were made.

On Friday, February 13, 1970, during a peaceful demonstration of three thousand educational employees before the Newark City Hall an order was given to arrest everyone carrying a poster. The Newark Police and the County Sheriffs fanned out and arrested forty-three people in all, among them Richard Lynch, Executive Vice-President of the State AFL-CIO; John Proto, Secretary-Treasurer of the Industrial Union Council; Irving Rosenberg, Vice-President of the State AFL-CIO and President of the Retail Clerks. Some Union members were pushed to the ground and arrested—among them Robert Russo. Newsmen upon the scene were vocal in their disgust with the minions of the City of Newark.















On Sunday, February 15, 1970, another mass rally was held at the Robert Treat Hotel. As guest of honor, Al Shanker, President of the United Federation of Teachers in New York City, urged the NTU to hold firm and said that the UFT would give financial aid to the NTU.

On Wednesday, February 18, 1970, David Selden, President of the American Federation of Teachers, came to Newark to support the strike with his presence. While picketing in front of the McKinley School he was arrested, along with Andrew Thorburn, Legislative Representative of the NTU. Mr. Selden was subsequently convicted of contempt, and served two months in the Essex County Penitentiary.

On Thursday, February 19, 1970, after a

two-day trial, Frank A. Fiorito, Executive Vice-President of the NTU was convicted of contempt and sentenced to six months in the Essex County Penitentiary with three months suspended. He was fined five hundred dollars and given, in addition, one year's probation. He was the first officer convicted and, one by one, the other arrested officers were to receive identical sentences.

On Monday, February 23, 1970, representatives from unions from all over the country came to Newark to express their support of their brothers and sisters. There was a mass gathering at the Military Park Hotel from which all marched down Broad Street past City Hall, around the Board of Education and back on Broad Street to the Military Park Hotel. There were no arrests.

Back at the Military Park Hotel, a rally was







held where President Graves indicated that there might be some significant movement in the negotiations that had again resumed.

On Wednesday, February 25, 1970, the NTU negotiating team, after four and one-half days and nights of marathon bargaining reached an agreement with the Board of Education after the strike had lasted almost four weeks.

Three thousand educational employees came to the ratification meeting held at 8:00 p.m. that evening at the Robert Treat Hotel. The highlights of the contract were read by Robert Bates, AFT Staff Representative and

spokesman for the NTU negotiating team. The contract was ratified by all the educational employees of Newark and the strike was ended.

On Thursday, February 26, 1970 the educational employees returned to their duties, but it could not be a day of total jubilation: Betty Rufalo, Vice-President; James Lerman, Editor of the NTU Bulletin; William Troublefield, Executive Board Member were convicted of contempt and sentenced on that very day to six months in the Essex County Penetentiary, with three months suspended. They were fined five hundred dollars and given a years probation in addition.



February 1, 1970—Sunday—Three thousand educational employees gathered at the Military Park Hotel in Newark to decide what course of action the Union would take. The Newark Board of Education and the Union had begun negotiations in December.

The board had refused to bargain in good faith. January 31, 1970 was the termination date of the previous contract. The membership had voted a policy of "No Contract—No Work" at a previous meeting.

The facts were placed before the membership and all the educational employees of Newark. The teachers, aides and clerks responded. The motion was made and carried overwhelmingly—Strike!—beginning Monday, February 2, 1970 until victory was assured.

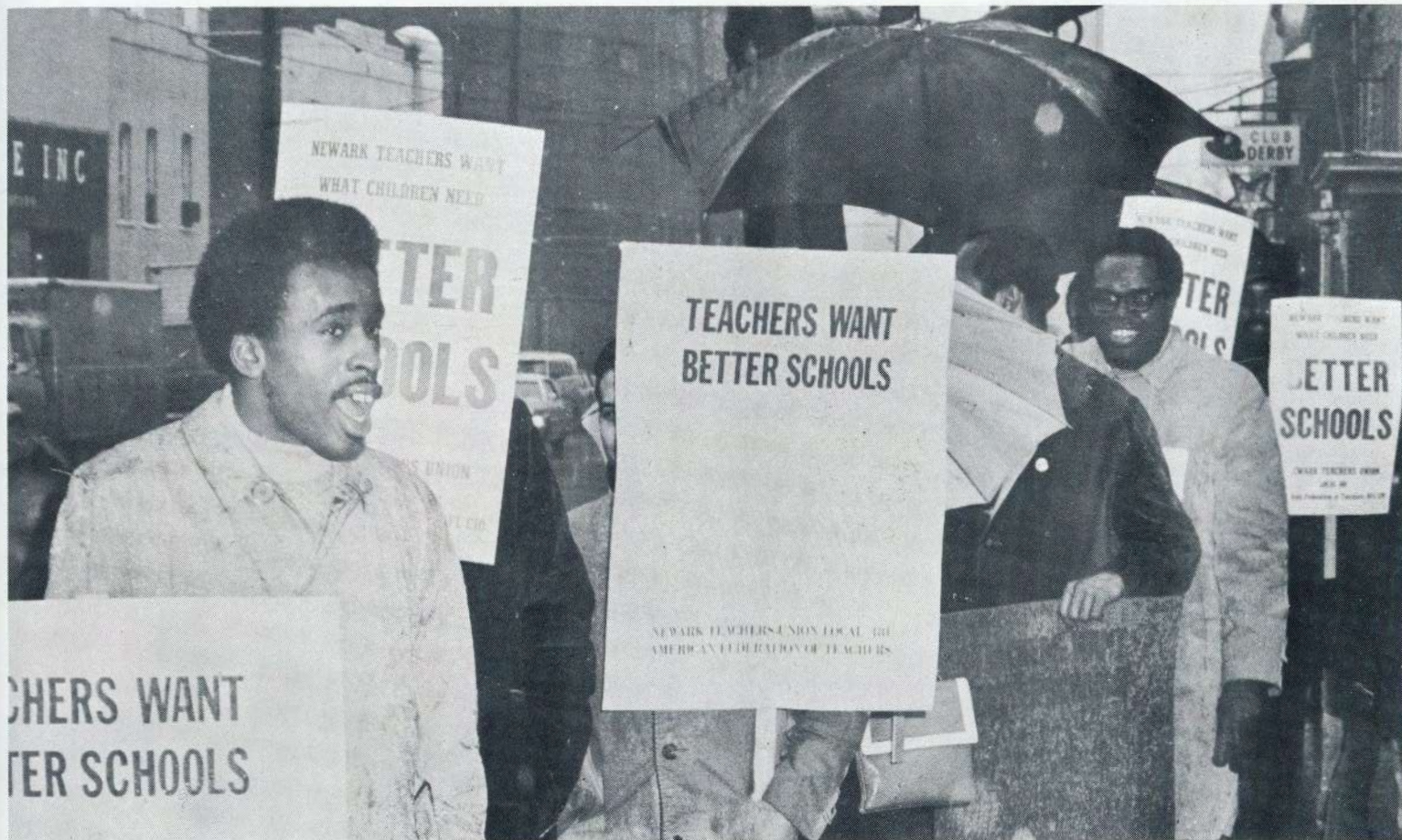




February 2, 1970—Monday—The first day of the strike hit with crushing force. Three thousand teachers of the 3800 in Newark were out of the classroom; 95% of the schools were effectively closed. Pickets blanketed every school in the city. At the end of the days' picketing all pickets met at headquarters to report and to enjoy some coffee and doughnuts and to plan for tomorrow.

It was decided to picket, en masse, before the Board of Education.

The pickets ringed the Board of Education carrying posters and singing in the rain, "We Shall Overcome".

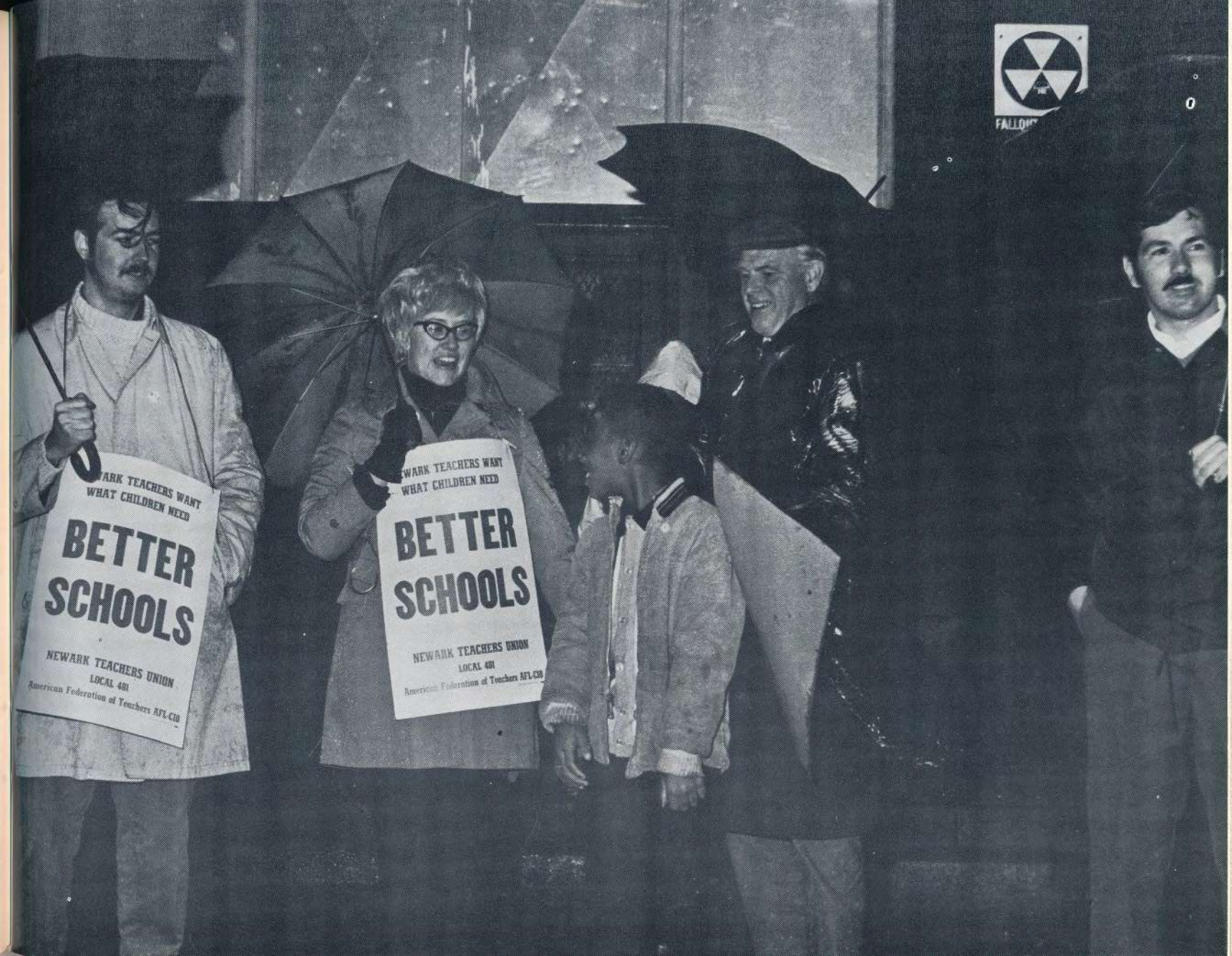






Tempers flared during the strike. T.V. newsman Milton Lewis demanded to choose who he would interview. Union policy was to have one spokesman. AFT's Larry Birchette handled all interviews. Therefore, following a heated debate, Mr. Lewis and his crew walked out—without an interview. These photographs illustrate the drama between concerned Union members, leadership and the newsmen.





NEWARK TEACHERS WANT  
WHAT CHILDREN NEED  
**BETTER  
SCHOOLS**  
NEWARK TEACHERS UNION  
LOCAL 401  
American Federation of Teachers AFL-CIO

NEWARK TEACHERS WANT  
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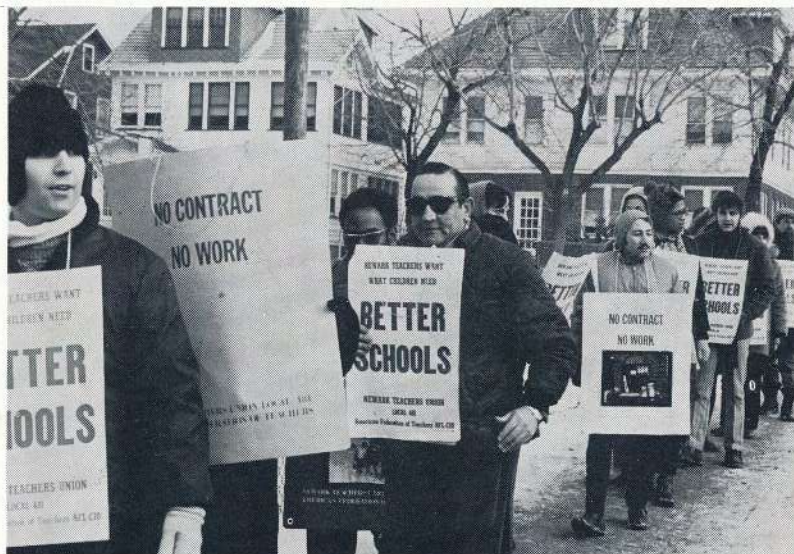




Wednesday, February 4—School nurse and teacher remain cheerful while picketing in below-freezing weather.







High school student representatives meet with teachers to hear their side of the dispute.

## Why are the Public School employees of Newark on Strike?

Newark's educational employees are on strike. They are striking to improve the educational system in this city. The following are some of the essential demands that the Board of Education has not agreed to:

- Smaller classes so that the teachers can give students more individual attention.
- A More Effective Schools program for schools that need a more intensive educational effort; The MES concept has worked in other cities and is long overdue in Newark.
- Job security for aides who now do not know in June whether they will have a job in September.
- A decent salary for three and six hour aides who now earn \$2200 or \$1100 a year.
- A program to bring justice to the 600 permanent substitutes who receive \$1000-\$2000 less than other teachers but are expected to do the same amount of work.
- A competitive salary schedule for teachers so that qualified teachers will apply, and experienced teachers will remain in Newark.
- More specialists such as speech therapists, reading specialists and social workers to provide full services to Newark's students.
- Adequate supplies and text books every student is entitled to.

**THESE ARE THE ISSUES THAT WE ARE STRIKING FOR.  
JOIN THE FIGHT FOR BETTER SCHOOLS.**

Let the Board of Education and the City Government know you are behind the teachers in their fight for quality education

**NEWARK TEACHERS UNION**  
804 Clinton Avenue, Newark, N.J.

The Union attempts to inform the public through a newspaper ad.





Community representatives meet AFT's chief negotiator, Robert Bates, at the Holiday Inn in an attempt at resolving differences.



An unusual way of overcoming the weather and preventing identification while picketing.





Richard Parish, a UFT Vice President from New York City, was one of many who demonstrated support for the Newark teachers. Here he is picketing at Miller Street School.





**SURRENDER TO SHERIFF**—Mrs. Betty Rufalo, executive board member of teachers' union, left, walks with sheriff's officer, as does Edward Tumin, union



Evening News Photos

treasurer, at left in photo above. Both union officials surrendered this morning, after arrest orders had been issued at request of Newark Board of Education.

## Will Seek More Arrests As Teachers Shun Talks

On February 6, 1970, four more officers were arrested: Betty Rufalo, Vice-President; Edward Tumin, Vice-President and Acting Treasurer; James Lerman, Editor of the NTU Bulletin; William Troublefield, Executive Board Member.



One of the methods used by the Board of Education to identify picketers in court was to hire photographers. Here teachers at South Side High School try to hide from the camera.

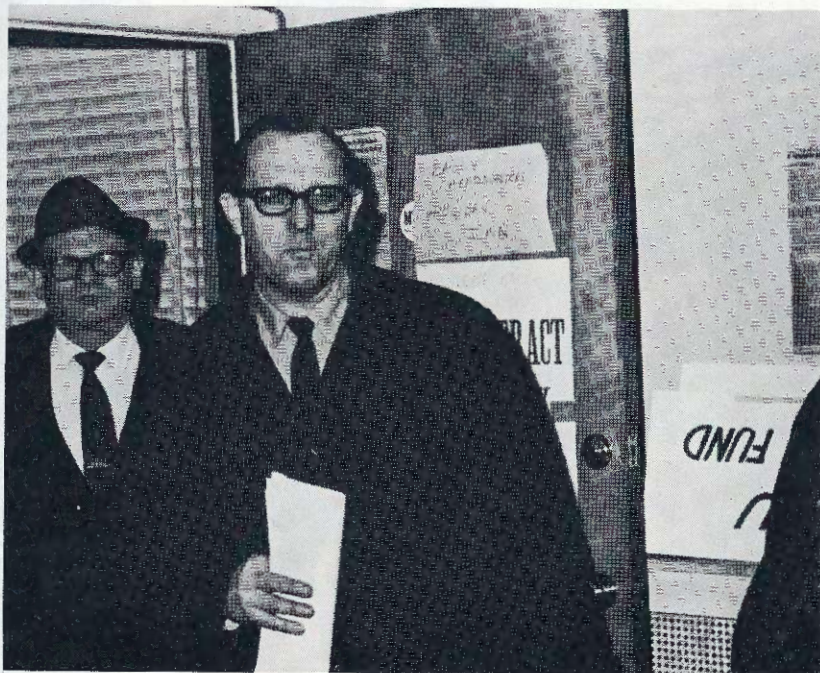




Sunday, February 8—Bayard Rustin shows court restraining order to Larry Birchette. Refusing to be intimidated, Mr. Rustin spoke to the thunderous crowd and encouraged them to continue the fight.







February 9—Two plainclothes sheriff's men forced their way into the NTU office armed with a court order impounding all and any monies collected from the militancy fund rally on Sunday the 8th.

*Confidential to be in  
two copies  
Hogel-Adams*

JOSEPH P. LORDI  
COUNTY PROSECUTOR OF ESSEX COUNTY  
ESSEX COUNTY COURT HOUSE  
NEWARK, NEW JERSEY 07102  
(201) 624-1515

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION - ESSEX COUNTY  
DOCKET NO. 1487-69

IN THE MATTER OF	:	<u>AMENDED</u>
NEWARK TEACHERS UNION, LOCAL 1481,	:	<u>ORDER</u>
AMERICAN FEDERATION OF TEACHERS,	:	<u>TO SHOW CAUSE</u>
AFL-CIO, an unincorporated associa-	:	
tion, DEFENDANT CHARGED WITH CONTEMPT	:	
OF COURT.	:	

It appearing to the Court that on the 9th day of February 1970, the defendant, Newark Teachers Union, Local 1481, was ordered to show cause why it should not be adjudged in contempt for ordering, instituting and participating in a strike of its member teachers against the Newark Board of Education the 2d, 3d, 4th, 5th and 6th days of February, 1970, in willful violation of and in defiance of the restraint against such strike entered by this Court on the 31st day of January, 1970; and it further

Above is another of the many legal attempts at stopping the strike.





NEWARK TEACHERS WANT  
WHAT CHILDREN NEED

TEACHERS WANT  
CHILDREN NEED  
**BETTER  
SCHOOLS**

NEWARK TEACHERS UNION  
481  
AFL-CIO





Striking teachers give "V" for victory sign at Essex sheriff's office.

## 16 Newark School Teachers Arrested

Wednesday, February 11—More of the arrested teachers. News of the strike continued to make national headlines.



Wednesday rally at the Holiday Inn—Guest speaker and supporter, President of the Washington, D. C. Teacher's Union.





February 12, 1970—Thursday—Justice died in Newark with the arrest of the officers and the first contingent of sixteen pickets on Wednesday, February 11, 1970. The Newark Teachers Union decided to give Justice a decent funeral. On the steps of the County Court House where Justice was murdered, the mourning family carried the coffin of poor, departed Justice.

Eulogies were made over the coffin. The arresting of the Union officers and pickets was deplored. Vows of final victory were made.





# POLICE-STATE TACTICS HIT N.J. TEACHERS

NEWARK, N. J.

City, county, and state authorities have joined the school board here to open what the Newark Star-Ledger called in a Feb. 12 front-page story "an apparently relentless legal attack against the striking teachers and officers of the Newark Teachers Union."

Up to the weekend of Feb. 14:

- Sixty-three teachers and other unionists had been arrested on charges of criminal contempt, and some of them threatened with re-arrest warrants for continuing the strike;
- Civil-rights leader Bayard Rustin was served with an injunction prohibiting him from "aiding and abetting" the strike by speaking at a teachers' rally, but spoke anyway, defiantly holding a copy of the injunction in hand;
- New Jersey Gov. William T. Cahill threatened decertification of all teachers on strike;
- The state attorney general launched an official "investigation" of the Newark Teachers Union, AFT Local 481;
- County authorities threatened to impose the money collected at a rally to help the strikers and all membership records of the NTU, and AFT National Representative Larry Birchette was summoned to appear before a county grand jury on Feb. 15.

All of this, declared the American Civil Liberties Union of New Jersey in a Feb. 12 statement, "amounts to a pattern of repression involving denials of fundamental due process of law, freedom of speech, freedom of assembly, equal protection of the laws, and restrictions against involuntary servitude."

## UNION BUSTING

"Collectively," the ACLU added, "this pattern also amounts to the boldest form of union busting seen in this area since the days of Frank Hague in the 1930s. It highlights the fact that the state's treatment of public employees generally is as primitive, repressive, and atavistic as in days of old."

## 3,000 ON STRIKE

The strike of about 3,000 of Newark's 3,500 teachers began Monday, Feb. 2, the day after the union's chief negotiator, Robert Bates, an AFT national representative, told a crowded union rally that the board was refusing to negotiate in good faith.

Talks on a new contract, Bates recounted, had started Dec. 15, the month after the Union replaced the NEA's Newark Teachers Association as bargaining agent in a representation election. Two sessions were held in De-



Sheriff's deputies lead army of Newark teacher after they broke up a demonstration at the County Courthouse Feb. 13. Twenty-two others were also arrested. (Photos by New Jersey Newspapers)

cember, and from Jan. 5, there were negotiations every day, aimed at getting a new contract by Feb. 1.

Bates, a veteran of contract talks in scores of cities throughout the U.S., said he had never witnessed anything as "fraudulent" as the Newark school board's behavior at the bargaining table. He gleefully recounted to an American Teacher reporter how "day after day, the board would put on the face of sweet reasonableness and say how they were willing to negotiate around the clock with us, and how they wanted to reach an early settlement. This," Bates added, "was so much hogwash."

"Whenever it was time for them to come up with a counterproposal or to participate in give-and-take bargain-

## Sheriff's deputies use clubs to break up rally

Armed sheriff's deputies broke up a demonstration of 1,500 teachers and other trade unionists in front of the County Courthouse Friday morning, Feb. 15, shoving and clubbing scores of demonstrators, and wounding 23 adults. "It was Chicago all over again," James Lerman, editor of the NTU Bulletin, reported.

Earlier, 18 more teachers were arrested while picketing in front of their schools.

The demonstration climaxed a parade through downtown Newark. An estimated 180 deputies formed two lines across the top and bottom runs of steps at the courthouse, then moved into the crowd. Among those arrested were Johnny Prods, president of a Steelworkers local, and Dick Lynch, executive vice-president of the New Jersey AFL-CIO.

ing, they set on their hands and kept quiet. It was their version of Nonviolence—take it or leave it."

Bates and Mrs. Carole A. Graves, NTU president, put much of the blame for the board's intransigence on its chief negotiator, 75-year-old Jacob Fox, a retired school-board counsel who has been given carte blanche at the table. Fox refuses to write firm contract language on anything but economic issues, they said.

"We were, and are, not far apart on salaries," Mrs. Graves said, "but Fox adamantly says he won't permit any substantive noneconomic agreements into the contract. He has told us, at the bargaining table, that 'These are my schools and you've not going to tell me how to run them.'"

Bates characterizes the board's attitude as one of "1880 (Continued on Page 8)

Friday, February 13, 1970 — The NTU planned a peaceful demonstration before the Board of Education and the Newark City Hall. Three thousand educational employees marched down Broad Street past City Hall. Newark policemen and County sheriffs were upon the scene.

Brothers and sisters from other Unions joined in the peaceful demonstration. Suddenly the police and the sheriffs were given the order to arrest everyone carrying a poster. They fanned out and pulled into their net Irving Rosenberg, vice president of the State AFL-CIO and president of the Retail Clerks; John Proto of the Steelworkers, and Secretary-Treasurer of the Industrial Union Council; Richard Lynch, executive-vice president of the State AFL-CIO. In all 43 officers and members were arrested, booked, fingerprinted, mugged—then released on bail to stand trial for defying the injunction.



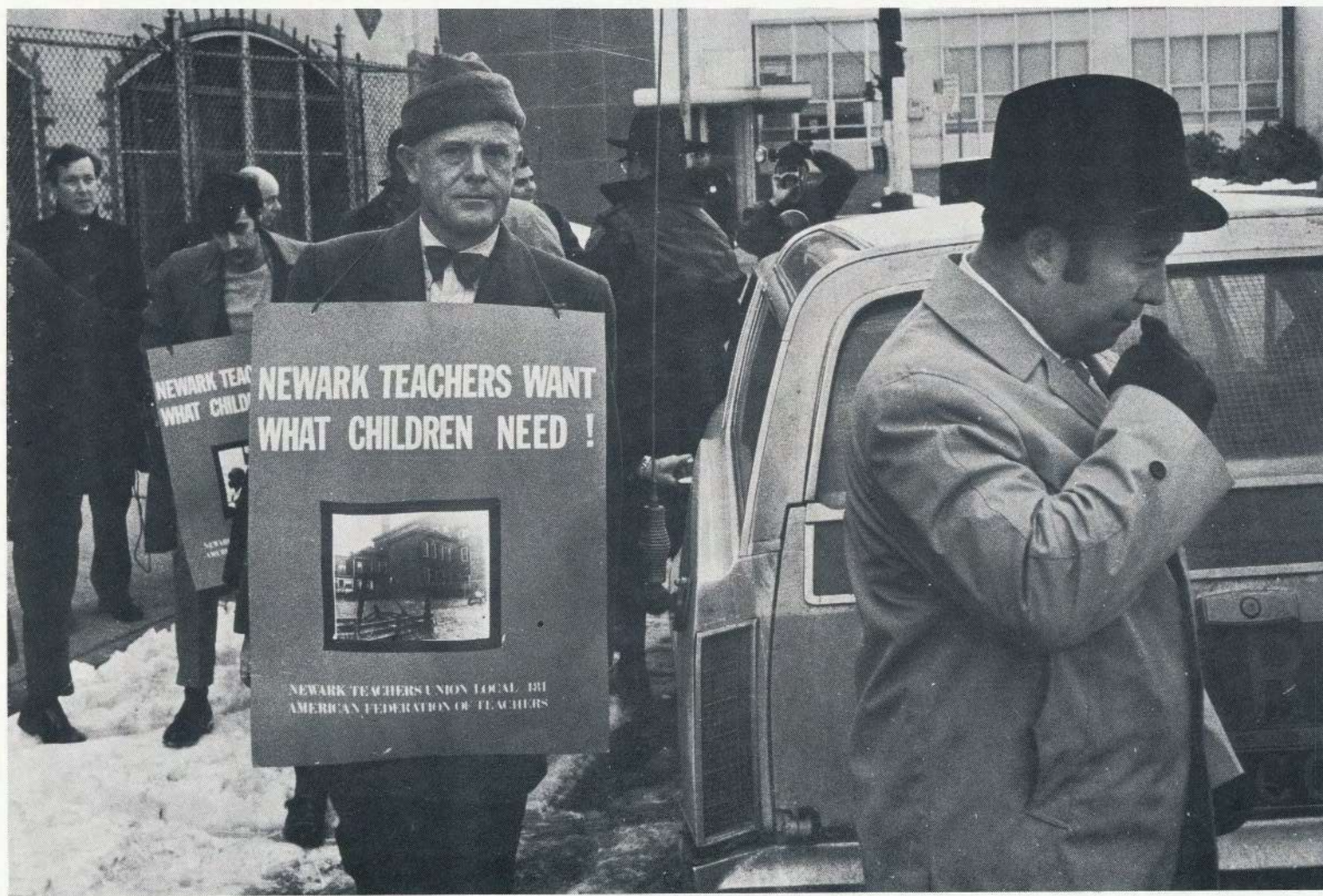






Sunday, February 15—Angered by the arrests, a determined representation of labor leaders participate at another mass rally. Left to right: Irving Rosenberg, Local 108, Retail Department Store Workers Union, Archer Cole, I.U.E., District 3, Richard Lynch, AFL-CIO, John Proto, I.U.C.





February 18, 1970—Wednesday—David Selden, President of the American Federation of Teachers, came to Newark where he picketed in front of McKinley School. He was arrested for defying the court injunction and was subsequently convicted and served two months in the Essex County Penitentiary.





Wednesday, February 18—(top left): David Selden is greeted by arrested Newark teachers during their arraignment at the County Court House. (bottom left): Members of the Board of Education and the Superintendent of Newark Schools outside the courtroom, waiting to testify against the arrested teachers. (top right): Former Sheriff Ralph D'Ambola personally escorting David Selden to the police van which will take him to the Newark Street Jail. Mr. Selden refused bail, and went to jail to dramatize the Newark teacher's plight.









Thursday, February 19—Miller Street School. Arrest of teachers in front of angry parents and children. Undaunted, the teachers flash V signs.





Thursday, February 19—A busy day. Miller Street School arrests. Note the angry parent demanding that the photographer be arrested, as well.



The original mug shot of one of the arrested teachers.



Teachers demonstrate outside of the Board of Education to protest intimidations and harassments.





Thursday, February 19—Students, with their own counter-demonstration against the strike, in front of the Board of Education.









Students disrupt and take over a teacher rally, causing most teachers to walk out.



Friday, February 20—Another busy day for the sheriff's deputies. Shown here are arrests made at Vailsburg High School. Teacher morale remains high, even among those arrested.







Friday, February 20—Following the arrests, another daily meeting was held at a downtown hotel. Teachers were met by students demanding to be heard. Tempers flared and emotions ran high as the pictures on the following pages clearly indicate.













Sunday, February 22—A quiet day. Out of state visitors from several teacher unions visit David Selden at the Newark Street Jail. With them is AFT's strike leader, Larry Birchette.

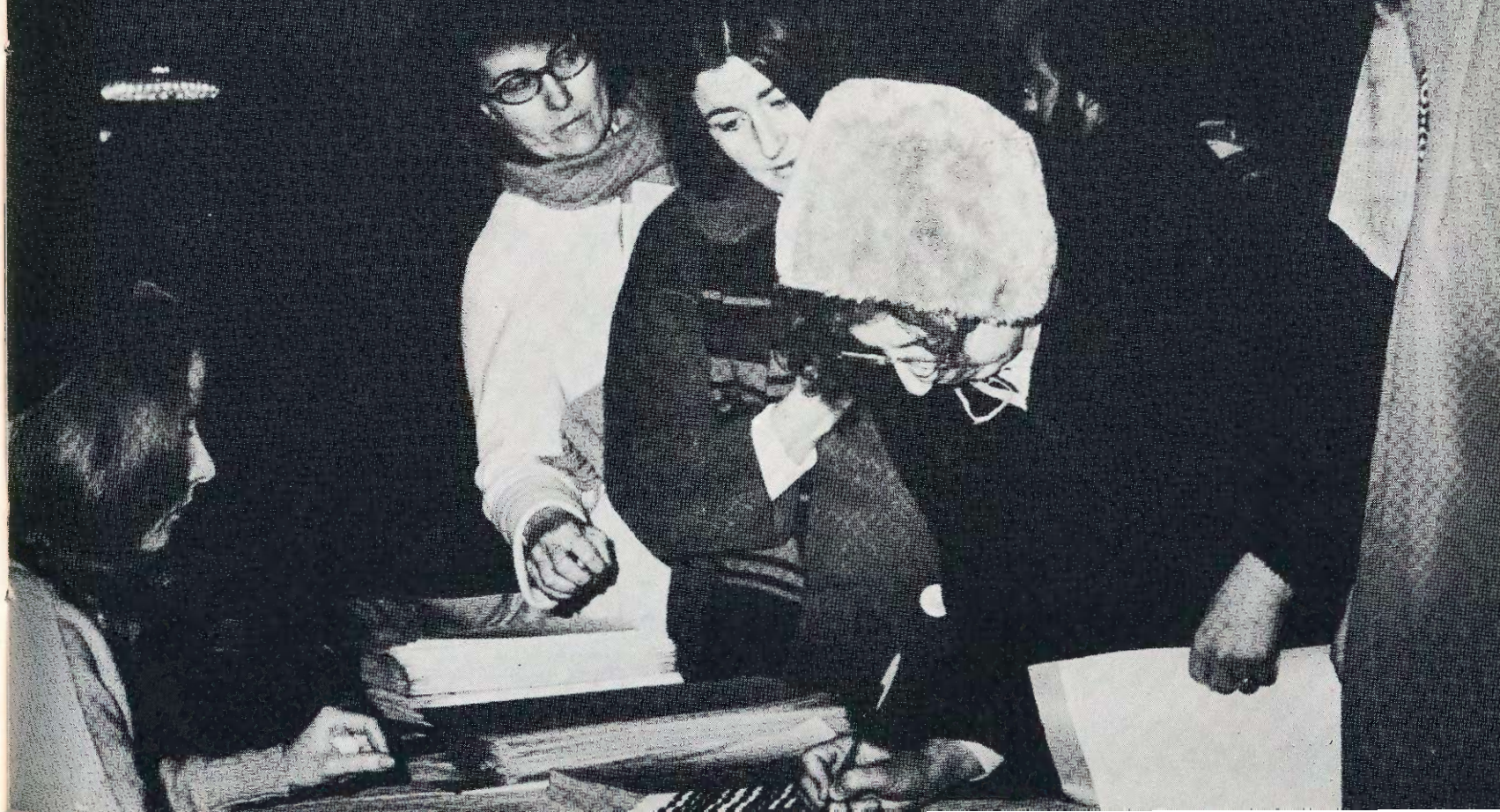


February 23, 1970—Monday—Representatives from Unions all over the country gathered at the Military Park Hotel from which they marched down Broad Street, around City Hall and the Board of Education and back to the Military Park Hotel for a mass rally. There were no arrests.





TOWN  
"REPS"















Monday, February 23—Key heads of labor gather at teacher rally to support Newark teachers. Among them are: Albert Shanker, President of New York City's UFT, Charles Marciante, now President of New Jersey State AFL-CIO, Bill Simons, President of the Washington, D. C. Teacher's Union.













Monday, February 23—Former President of the AFT, Charles Cogen, marches for Newark teachers.



Leaders of the Pressman's Union.



Representing Hartford, Connecticut Federation of Teachers, Local 1018.



Local 6, Washington, D. C. and Boston, Local 66.









Tuesday, February 24—(left): David Selden is greeted by jubilant Newark teachers following his release from the Newark Street Jail. (above): Teachers waiting to greet David Selden at the Holiday Inn.





Tuesday, February 24—Mayor's Press Conference. Then Mayor Hugh J. Addonizio of Newark at the microphone announcing the settlement. Seated next to him are Chief Negotiator Robert Bates and NTU President Carole Graves.













February 25, 1970—Wednesday—The NTU negotiating team, in four and one-half days and nights of bargaining, reached an agreement with the Board of Education after three and one-half weeks of strike.

Three thousand educational employees came to the ratification meeting at the Robert Treat Hotel. The highlights of the contract were read by Robert Bates, AFT Staff Representative and spokesman of the negotiating team.

The contract was ratified overwhelmingly by the membership and the strike ended.





Wednesday, February 25—Members of the NTU Executive Board meet to recommend acceptance of the settlement, while downstairs a crowd of over 3,000 teachers wait to ratify the contract.













Thursday, February 26—At the Robert Treat Hotel. Eager to see the few hastily printed contracts, teachers battle for copies.













Thursday, February 26—(Top left): NTU lawyer Seymour Cohen attempts to catch some sleep while sitting before teachers at the ratification meeting. (Top right): Following ratification, teachers, in a festive mood, crowding the bar for refreshments. Our photographer captured this ironic shot of a teacher and a sheriff's deputy sharing a drink! (Bottom): Mayor Addonizio, several members of the Board of Education, and sheriff's men looking for the missing strike organizer, Larry Birchette.















Friday, February 27—Mrs. Carole Graves, President of NTU, at the stormy Board of Education ratification meeting. Mrs. Graves was subjected to harassment and booing by members of the community.



## *THE STRIKE, THE COURTS, AND THE PEOPLE*

*The following editorial, written by James Lerman, Editor of the NTU Bulletin, was cited as the Best Original Editorial at the Fourteenth Annual Local Union Newspaper Evaluation conducted by the New Jersey Labor Press Council and the Labor Education Center at Rutgers, New Brunswick.*

Our recent struggle has brought to light certain facts of life that we as educators may not have been completely willing to acknowledge as facts previously. If the spirit of the strike is to continue as a force which will serve in further improving our working conditions and the state of education in

Newark, we must identify these facts and begin to deal with them effectively.

Most important is the fact that the public schools have emerged as one of the hottest political issues of the day. Unfortunate as this may be, we must view our strike and the resulting response from all parties, from within a political framework. Ideally, of course, education should be as divorced from politics as possible, but the Board, the courts, and certain elements of the citizenry of Newark have acted in a decidedly political manner. It would certainly be frivolous to suggest that the union has not engaged in political activity either, but our actions



have been interpreted primarily by the Boards, the courts, and community and their only response has been political.

### *THE COURTS*

Perhaps even more regrettable than the politicization of education is the apparent movement of the courts into the political arena. Judges, in New Jersey, are appointed for life and are therefore accountable to no one but the individual judge's conceptions of Justice. Nonetheless, the legal system is committed to upholding the established political order, of which the Newark Board of Education is decidedly a part.

When a threat is posed to the political order, it must react. We have witnessed that reaction in the trials of civil rights leaders,

student activists, Dr. Spock et al., the Chicago 7, the Panther 21 in New York and have generally taken the attitude that these trials simply have little to do with us. Going back in history a scant thirty-five years, we can see that labor was similarly viewed and treated in the 1930's.

Whether we, as professional educators, like it or not, the courts (with the apparent cooperation and direction of their superior members) have chosen to place us in this general group of "enemies to the political order." Injunctions and contempt proceedings are the best weapons our courts have yet developed for keeping in line those who dissent from establishment line. It is by such an interpretation that we must view the trials of Newark teachers as political trials. They are reprisals against American citizens



who have taken the only means available to them for an expression of their constitutional rights.

### *THE PEOPLE*

Facts concerning our relationship with the community are perhaps not as clear, but without a doubt are more important than our short-range intercourse with the courts. One fact, however, is crystal-clear: Although our recent efforts at improving community relations were inadequate, we must be deeply appreciative of the restraint, and indeed cooperativeness, demonstrated by the vast majority of Newark's residents.

We were indeed fortunate that confrontations between community and teachers were few and relatively uneventful, regardless of

what the press attempted to manufacture. It must be recognized that the political opposition we did encounter was mobilized by only a few, and that support for them was not terribly extensive. And despite this opposition, quiet overtures to the leaders of this hastily organized group were not unproductive.

However, an error must be clearly acknowledged here. The greatest effect is not produced by the union leadership clandestinely meeting with the factionalized community leadership, although open meetings between these groups certainly have an important place in developing good community relations. Individual classroom teachers cannot honestly expect others to do a job that is in large measure, but by no means entirely, their own. Effective community relations be-



gin with good teaching and direct communication between teacher and parent. The union leadership will continue to pursue every means available for improving relations with the community, but teachers have a vitally important role to play in this area as well. It simply cannot be neglected. Good community relations are not made between those at the top, but are developed among those on a rank-and-file and grassroots level.

Only when parents frequently see and work with teachers on a programmatic basis will they fully recognize the teachers as allies

against a common enemy—namely a governmental structure that is unresponsive to the needs of the people and which exists mainly for its own benefit.

When teachers and community residents recognize that the establishment will do anything in its power (including provoking a strike and jailing its leaders) to divide us and respectively keep us in our places, we will have the basis for a solid alliance. And when this alliance does come together, we will have a force which will undoubtedly provide the highest possible quality educational opportunities for Newark's children.



**REPORT ON THE NEWARK TEACHERS  
STRIKE, BY THE AMERICAN CIVIL  
LIBERTIES UNION OF NEW JERSEY**

The Newark Teachers strike poses a number of civil liberties problems of major importance. First and foremost is the right of school children to an effective and meaningful education. City schools are in a state of chaos and ineffectiveness. As the following report discloses, the primary reason for this tragic situation is the failure of the Newark Board of Education and the State Legislature over many years to come to grips realistically with the problems of modern urban education. Over-crowded classes, firetrap school buildings, inadequate facili-

*The American Civil Liberties Union was appalled by the actions of the Newark Board of Education. At the height of the strike, the following eloquent and powerful statement was issued by the ACLU.*

ties, including a lack of textbooks, equipment, playground facilities and irrelevant curricula are the by-product of years of neglect.

On a par with these are the absence of respect, fair treatment and professional salaries required to recruit and retain competent and dedicated teachers.

One of the forces that has fought most consistently for better education has been the teachers themselves. The present strike is not



only a strike for better wages for the teachers but a fight to obtain minimally decent conditions for providing an effective education for the children of the city. Growing community concern joined with the efforts of dedicated professionals can salvage Newark's schools. Repression has never brought about the solution of educational problems.

The Newark Teachers strike occurs in a setting of growing conflict, between public employees and the state. It occurs, in a city burdened with problems in virtually every area of urban life. As the following report details, the repression of public employees as typified in the teacher strike, promises only chaos and serves no purpose beyond the vindictive vindication of a mindless public policy.

### *1. Public Employees—The Right to Strike*

At common law, governmental employees were deemed to have no rights as against the crown. The king as sovereign and the source of all authority could never be the object of a strike. Residual restrictions on the rights of public employees in a democratic society are as anachronistic as the court of star chamber and almost as repressive. Some say that restrictions upon public employees may be justified in that their strikes create "inconvenience", but this overlooks the fact that nearly all strikes create "inconvenience" and to single out public employees for special treatment, is irrational. It may be that strikes in certain occupations create special problems for society. Among these are some classes of public employees such as policeman and firemen. But these can not be mentioned without



including certain types of private employees such as telephone and other public utility workers. Again the distinction between public and private fails. Indeed in the present context, if the teachers were the employees of private rather than public schools, their right to strike would be unrestricted. Today in New Jersey, no effective legal mechanism exists to protect the rights of public employees as a group, whether or not their occupations are critical.

## *II. Public Employees in New Jersey.*

Article I, Section 19 of the Constitution of the State of New Jersey provides:

"Persons in private employment shall have the right to organize and bargain collectively. Persons in public employment shall

have the right to organize, present and to make known to the state, or any of its political subdivisions or agencies, their grievances and proposals through a representative of their own choosing."

In 1968 the State of New Jersey established the Public Employment Relations Commission. The Commission was empowered to mediate, conduct fact finding, arbitrate (if both sides consented), and exercise various other duties involving the choice of bargaining units, representatives, etc. Nowhere in the statute establishing the Commission, is there any substantial power for dealing with employer intransigence in labor disputes, or for protecting the ability of public employees to enforce their rights under the law to bargain collectively. Without such powers the P.E.R.C. is a sterile hoax. Con-



trary to the beliefs of its legislative parents, the P.E.R.C. has in no way diminished the frequency of aggravated labor disputes. Rather the period since the establishment of the P.E.R.C. has seen a higher incidence of strikes by public employees.

By a series of decisions, the New Jersey Supreme Court has unequivocally deprived public employees of what has traditionally been the only effective tool of trade unionists in enforcing the right to negotiate to wit, the right to strike.

Deprived of the basic right to strike, however just their cause, or unjust their employers, and lacking other legal tools to compel fair treatment, public employees are subject to the whims of politicians or too frequently hostile courts.

### *III. Newark's Schools*

The plight of public employees in New Jersey reveals only part of the problems confronting Newark's teachers. The system in which Newark's teachers must function has gone from paragon to pariah.

In 1967, there was a shortage of close to 10,000 pupil places in Newark's elementary schools alone. Split-sessions are a natural by-product. Newark's children attended school in 72 buildings, 52 of which were more than 50 years old. Of these 52, 25 are more than 70 years old and 4 are over 100 years old. Building maintenance is sporadic. Shortages of textbooks, library services, and basic equipment of all sorts are frequent. In short, in the unpleasant environment offered in most schools, it is difficult at best for education to take place. Under these



circumstances, the student, the teacher and the community suffer. The much discussed shortage of funds is only part of the problem. Much of the blame lies at the doorstep of an inept and apathetic administration.

#### *IV. The Strike*

It is against this background of public employees powerlessness and frustration with teaching in a deteriorated school system, that the 1970 Newark teachers strike is set.

Salary differences between the Board of Education and the Newark Teachers Union are relatively insignificant. It is noteworthy that many of the issues raised go to improving the quality of education.

Important too is the desire expressed by the teachers for facilitating increased parent

participation in the educational process. In fact, in many respects the community and the teachers are natural allies which the Board of Education has strenuously sought to divide.

A short history of the events of the strike is as follows:

On January 31st the Board approved a budget for the school year 1970 and 1971, and thereafter refused to continue negotiations. The Board obtained an *ex parte* restraining order against a strike which had not yet been voted.

On February 1st the Newark Teachers Union met at the Military Park Hotel and after hearing a report on the progress of negotiations, voted to strike on February 2nd. Fur-



ther negotiations resumed briefly in the evening.

On February 2nd, the strike started, with 90% of teaching personnel out of school. The Board obtained a second *ex parte* restraining order broadening the number of defendants' names.

On Wednesday, February 4th, arrest warrants for contempt were served on union leaders. Neither the union, nor anyone connected with it had as yet been given the opportunity to argue the legal merits before the court. Nonetheless, the court chose to use the extraordinary procedure of ordering arrests rather than the more frequent procedure of issuing order to show cause. The latter would have given the teachers the opportunity for a hearing prior to an imprisonment order.

On the following morning three of the union leaders appeared before the court for the first time. The Court denied their objection to the arrest order and ordered that they be held on bail of \$1,000. The three union officials protested that they had never been properly served with the injunction, but the Court ruled in effect that "notice by news media" was sufficient. Two additional arrest orders were issued against officers of the Teachers Union on this day.

On Friday, February 6th, yet another two orders for arrests were issued without an additional hearing having been held.

On Sunday, February 8th, the Newark Teachers Union held a rally at the Military Park Hotel. A deputy sheriff present served Bayard Rustin and other speakers with restraining orders. The orders sought to bar them



from speaking at the rally. Mr. Rustin who is not an official of the union was nonetheless made the subject of an order of silence.

On Monday, February 9th, a sheriff's deputy served an order requiring the Teachers Union to turn over to the sheriff any funds collected at the Sunday rally and further to turn over to the prosecutor all books and records of union affairs subsequent to January 31st.

On Wednesday, February 11th, sheriff's deputies preemptorially arrested 16 teachers who were picketing peacefully. The Sheriff read a restraining order directing the pickets to disperse. Before the pickets had a chance to respond, examine the orders or disperse, they were placed under arrest. None of those arrested had been named in

previous restraining orders. A representative from the American Federation of Teachers was subpoenaed to appear before the Essex County Grand Jury on the same day. Indications were that the prosecutor was attempting to escalate matters by seeking contempt indictments. Much higher penalties and a criminal record would be the by-products of convictions of the indictment.

The above amounts to a pattern of repression involving denials of fundamental due process of law, freedom of speech, freedom of assembly, equal protection of the laws and restrictions against involuntary servitude. Collectively this pattern also amounts to the boldest form of union busting seen in this area since the days of Frank Hague in the 1930's. It highlights the fact that the state's treatment of public employees gen-



erally is as primitive, repressive and atavistic as in the days of old.

### *V. The Future*

Now is the time for a broad re-evaluation by the Legislature of the rights of public employees. To start with, irrational distinctions between the right to strike of private and public employees must be erased. Measures must be taken to insure that recalcitrant governmental employees are brought to book. The present reliance on their paternalistic benevolence has been effectively demonstrated in the Newark context to be

little more than a reliance on a form of not-so-benevolent despotism.

As to Newark; local officials seem to have forgotten that whenever and however the strike ends, the Board of Education needs teachers more than the teachers need the Board. The education of children must go on, and the arrest and jailing of teachers in no way facilitates that process.

The community and the teachers can rebuild Newark's schools. A mutual respect for the role that each must play in this process and an alliance of their efforts is a necessary by-product of this controversy.



## FROM THE DOCK

*Many of the teachers did not stand mute when being sentenced for contempt. Following are statements made by those teachers—from the dock.*

*William Milling*

The teachers before you stand not in contumacious defiance of this court. They respect the law and recognize that it must remain firm—a bulwark against anarchy.

Plato tells us that Socrates chose to accept the hemlock—to die rather than break the law by escaping. In Robert Bolt's play, *A Man For All Seasons*, Sir Thomas More speaks to Roper, a young man with great

disrespect for authority: "And Roper, when all the laws of England were knocked flat who would stand upright in the winds which then would blow."

Yes, your honor, the law is a necessary, indeed, a sacred thing, and it will find few defenders more staunch than these men and women in whose company I gladly stand today.

Yet must the law—honored though it is—always be obeyed in each and every circumstance? History gives us pause. In the middle of this century men were prosecuted at Nuremberg for hiding their heinous crimes behind the mantle of obedience to the law.



Your honor, at this very moment another trial is in progress—an investigation into the events at My Lai which may well disclose similar crises of conflict between conscience and the letter of the law.

It would seem that flagrant disrespect and slavish adherence to law are equally to be avoided. Indeed a rational man with a sense of moral conviction must reject both the road to anarchy and the road to Nuremberg and hew a harder path—the path of conscience.

Your honor, never before have I been more proud to call myself a teacher — to stand with these embattled men and women who have watched and suffered in silence while that precious flame, the lamp of edu-

cation in Newark, has flickered and begun to grow dim.

I would not burden you further this day with a litany of afflictions that beset our schools. But let me just add this. It is these very people who stand before you who hold the hope of the future. These are the motivated, the non-apathetic, the concerned. I submit, your honor, that these are the very people who will rekindle that sacred flame.

*Rowaine Schultz*

I have always believed that laws, as the embodiment of justice, are made to protect individuals. Now we face a situation in which the law has become a thing unto itself, whose dignity and integrity must be protected against individuals. This is a curious and terrifying turn of events: the law has become



autonomous; and I ask us all to stop for a moment to look at the consequences.

When the law seeks only to protect itself, it need no longer be mindful of the human dimension in society, of the ills and intolerable conditions that might prompt individuals to redress their grievances and to seek constructive change. It need no longer engage in a dialogue involving individuals in the pursuit of a just society. It can insulate itself within its very own byzantine edifice, and become a self-justifying, self-perpetrating sovereignty. But sovereign over whom? And, in that case, of what is the law custodian? Certainly not of justice; certainly not of the rights of individuals. For if the law, finding sanctions within its own structure, can find a way to deny the very constitutional rights it purports to protect (as it

did in the case of issuing an injunction against a strike by the teachers of Newark), where is the spirit of justice?

This nation was born, in a sense, extralegally, but who would deny that it was born, nevertheless, in the spirit of "justice for all", not to mention "liberty for all." Let us recall that the men responsible for the American Revolution were not vandals, mischievous youths, hippies, panthers, communist infiltrators, mad bombers, or irresponsible, anti-social children, testing to see "how far they could go." They were mature, professional, committed men, and serious to death. Shall we now compare the framers of the Constitution of the United States to robbers who rob banks? Shall we revile the purpose of the American Revolution of 1776 because it was illegal?



The court would find it ludicrous to contemplate the suggestion that by sealing itself off from evidence of a just cause, it was thereby also protecting social atrocities like murder and rape, yet it feels no apparent pang of conscience in implicitly protecting a social atrocity like public education in the City of Newark—because people must understand that they cannot assail the law.

The question that nags in my mind, and that I would like to leave in yours, is this: are the people really tyrannizing the law, or is the law tyrannizing the people? And which, after all, is the greater perversion of justice? When nearly 200 responsible, professional individuals, among them some of the most venerable teachers Newark has known, who are custodians themselves of a very precious charge, act on what they believe is right, in

the hopes of bettering a bad system, surely they are saying something much more than: "I hold the court in contempt."

*Andrew Thorburn*

Your Honor, as you sentence us, I am reminded of your remarks this morning when you sentenced the previous group of pickets. You admonished them as I suppose you will admonish us, that when we are in disagreement with a law, we have an obligation to seek a lawful and orderly change in that law, rather than engage in wholesale disregard of the law.

As public employees, we are faced with a difficult dilemma if we attempt to follow the course of action you outlined. How does one seek orderly change of a non-



existant law? How does one seek orderly change in a law that exists only in the mind of the Supreme Court?

United States history provides the answer. Unjust judicial decisions must be challenged in order to be over-turned. The defendants before you today had no other course to take. There was no law whose repeal they could seek, and legislative remedy they might seek would be subject to unfavorable review.

So you see, your honor, that we are not engaging in wanton disregard of the law, but we are following your advice of this morning and seeking an orderly change in the status quo.

*Betty Jo McEachin*

My students deserve teachers like those in

this room. They do not deserve court officials and boards of education personnel such as those who seek to exert destructive power over our ideals.

I prefer to be in contempt of this court rather than face the contempt of my students.

*Esther Tumin*

I would like to call the attention of the court to an article which appeared in yesterday's papers, concerning a decision in which this court was directly involved.

For one whole year, despite stern and oft-repeated warnings from the State Board of Health, an industrial enterprise, for reasons of profit and greed, continued to spew its toxic wastes and poisons into a tributary of



the Passaic River. Finally, and only after a year had passed, the court fined this company "the largest fine ever levied in this state."

For poisoning the waters of our state, for depriving the citizens of New Jersey of a source of beauty, pleasure and recreation, Judge J. Ward Herbert levied the "enormous" fine of \$12,000.

I invite the court to compare this sum with the fines so far levied, and still to be levied, against the teachers of Newark—a dedicated group of public servants who, after years of frustration and neglect in the face of a decaying and dying school system finally, and in desperation, chose the only method left to them in their plea to save the children of the city from an educational system facing utter destruction.

*Pasquale Piegari*

Before I decided to strike I was faced with an important decision.

This decision was for me, to continue to be concerned about the false education which many of our children are receiving or to close my eyes and tune myself off to these children who are educationally dying.

*Esther Schechter*

Who has contempt for whom? The question keeps arising in my mind. Since my major association with the law has been through the drama, I know myself not to be an expert. I suspect "motive" to be at least half as important as the dramatist indicates. And so, why do teachers strike? Why do they persist



in the face of possible arrest? Not out of contempt, for in the past, I have not been inclined to be contemptuous of the judicial system. I have, nevertheless been on the receiving end of contempt, along with my fellow educators, for quite some time now. First, contempt from boards of education, and then, from other professionals who would never have accepted such undignified treatment. In my thirty-five years of service,

I have seen contempt grow to encompass attitudes which turned top students away from education as a career, embarrassed parents whose children were admitted only to teachers colleges. Finally, now, the courts have made me an object lesson for other teachers, when I attempt to exercise the right of a voice in my own working conditions—a right guaranteed to every other

working man and woman, a right limited by an ambiguous piece of legislation which the court has defined to discriminate against me. Perhaps it was the responsibility of the submissive teachers of our current crop of judges and prosecutors, that the latter see the teacher's role in such limited perspective that they further degrade the professionals to whom they entrust the intellectual development of children.

It is I who charge contempt. For myself, I am sufficiently secure in the correctness of my motives, not to be disturbed. But for the future of education and for the dignity of all the young people who are to carry on with the problem of educating the young in our changing, and, we hope improving society, I am indignant.



*Anita Tur*

No worker, no public employee, no teacher least of all—*wants* to strike. A strike is a difficult, taxing, expensive, exhausting, last-ditch, no-alternative action.

When employers procrastinate, delay, harass, threaten, renege, refuse to negotiate, ignore the rulings of arbitrators — what is our alternative?

*Hannah Litzky*

Since January 31, 1970, the New Jersey courts have taught teachers several vital lessons. First, contrary to the claims of most practitioners in the law, legality and justice are *not* synonymous; they may, in fact, be violent opposites. According to the courts, the injunction against the Newark teachers'

strike was legal, but it was *not* an act of justice. According to the courts, striking and picketing by the teachers was therefore illegal, but they were acts of justice.

Another lesson the courts have taught us, again contrary to a legal cliché, is that we suffer a government of *men*, *not* of laws. Legislators who pass the laws are men, and they are men who are often ignorant of—or indifferent to—the conditions about which they legislate. Judges who interpret the laws are men, and they are sometimes men who deliberately close their eyes to the very circumstances which could deeply affect their interpretation.

The *men* who are the legislators and the judges of New Jersey, *not* the laws, have deprived teachers of their Constitutional



rights. In the New Jersey Constitution are these words: "The people have the right freely to assemble together, to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances." In another article of the New Jersey Constitution is this provision: " . . . cruel and unusual punishment shall not be inflicted." The United States Constitution declares: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens." I ask the court to judge its own actions in the light of these guarantees. Many of us who participated in the Newark teachers' strike are close to retirement;

some are even grandmothers, I for one. We had expected to end our careers as we had begun them—in quiet submission. But decades of frustration had taught us that, if we cared about the future of education in Newark, if we wanted to save it from *total* decay, we had to demonstrate our concern now, NOW or never. So, in the cause of justice, we supported the strike which the courts had declared illegal.

On Lincoln's Birthday, outside this courthouse, teachers staged a mock funeral for the death of Justice. The courts have taught us how tragic and how fitting was our little spectacle.





(Left to right): James Fetten, David Lieberfarb, Raymond Kirschbaum, Asa Watkins, James Lowenstein, Sheila Gerber, Julius Feinsod, Vincent Addesa, John Taylor, Robert Hirschfield, Bernard Zimmer, Roy Miller, Sidney Friedenberg, Neil Rothstein, Martin Lasus, Alba Cordasco, Seymour Brody, Stanley Ference, William McGuinn.



(Left to right): Esther Schechter, Betty J. McEachin, Anne O. Horowitz, Terance Elman, Lucille Goff, Betty Rice, Edith Shadowitz, Anthony Capasso, Joseph Carangelo, Larry Giordano, Henry Aratow, Myron Borden, Fred Klock, Jerome Shapiro, Robert McIntyre.



(Left to right): Lucy Bell, Joseph Ingaro, Harvey Oliver, Durecia Watley, Joseph Scelfo, Kathleen Malone, Joseph Iannuzzi, Harry Fidlow, Dianne Davis, Pasquale Piegari, Vincent Finch.



(Left to right): Carol Karman, Bobbie Gerstl, Robert Russo, Maxine Patterson, Judy Goldman, Maria Mirabella, Marilyn Lago, Gerald Meyer, Harold J. McNamara, Philip Gonnella.



## *THE AFTERMATH OF THE STRIKE*

The Newark Teachers Union won a superb contract. —An MES School—to be a functioning reality in September, 1970. —A contract-mandated class size of thirty. —The best grievance procedure in the country. —An average wage increase of two thousand dollars. —A pay schedule for extracurricular activities. —A contract for the aides that gave them job security through the grievance procedure and a 25% increase in salary. —The highest raise the clerks had ever received. —A reduction of one step on the salary guide.

However, the price of the contract was extremely high. During March and April, 1970, the arrested teachers were brought to trial

in large segments. Three judges: Judge Larner, Judge Alcorn and Judge Mintz heard the trials and meted out sentences.

The vast majority of the arrestees received ten-day sentences and two-hundred dollar fines, but there were some interesting exceptions.

Martin Lasus received a twenty-day sentence because a sheriff asserted that 6'4" "Marty" pushed him when he made the arrest.

Robert Russo, who was pushed to the ground when arrested, received a fifteen-day sentence because of some alleged remarks he made to the arresting officer.



William Danielle received a fifteen-day sentence, allegedly because of a questionable gesture he directed to the arresting officer.

The President of the NTU, Mrs. Carole A. Graves, was brought to trial after the conclusion of the strike. She had actually been arrested twice. The second time a bench warrant had been served on her at the ratification meeting. However, the second arrest was dropped and on the basis of the first charges she was sentenced to six months in the Essex County Penitentiary with three months suspended. She was fined \$500 and given a year's probation.

Edward Tumin, Vice-President and Acting Treasurer was given an identical sentence.

Monroe Kurtz, Vice-President of the NTU,

who was originally arrested for loitering in the Essex County Courthouse when he went there to give moral support to the arrested teachers, received a one-month sentence and a \$300 fine.

Andrew Thorburn, Legislative Representative of the NTU received a one-month sentence and a \$300 fine.

Audrey Belmear, Recording Secretary of the NTU, received a fifteen-day sentence because she said her name was "Jane Doe" when she was asked who she was by the arresting officer.

Durecia Watley, Corresponding Secretary of the NTU, received a ten-day sentence.

Myron Borden, Executive Board Member received a ten-day sentence.



The Union itself was brought to trial and fined \$40,000. The Union's monthly dues check-off funds now go directly to the Essex County Court to pay the fine. The Union will not begin to receive any money until—at the earliest—January, 1971.

The estimates of the aggregate personal fines levied on individual strikers amounts to \$40,000. That, in addition to the \$40,000 fine levied against the Union, amounts to fines of at least \$80,000 levied on the Union.

One of the officers, Betty Rufalo, Vice-President, decided to waive her right of appeal and serve her sentence. She served less than one-third of her sentence.

During the course of the strike, the courts sent their sheriffs to confiscate all of the

funds of the Union and all of its records. The sheriffs were unsuccessful in accomplishing this because they could find no funds, and all of the records happened to be at the AFT offices in Washington, D. C. at the time for an audit.

Many of those arrested did not take their sentencing in silence; they delivered compelling, forceful and eloquent statements to the judges. Some of these statements appear in another section of this book.

All of the cases are at present being appealed before the New Jersey Appellate Court. From there they will be appealed to the New Jersey State Supreme Court.

A parallel appeal on the constitutional issues, has been filed in the U.S. Federal Court sitting in Newark, New Jersey.





(Top): David Selden, President of AFT, waving goodbye as he enters the Essex County Penitentiary to serve his two month jail sentence for his participation in the Newark teacher's strike. (Bottom): Mrs. Betty Rufalo, Vice-President of the NTU is taken away to serve her sentence at the Essex County Penitentiary.

BUT 200 NEWARK TEACHERS FACE JAIL

## Strike ends, contract signed

NEWARK, N. J.

Impassions, blows, and jailings are scarcely new to striking teachers, but the intensity with which all three were used against members of the Newark Teachers Union last month was a chilling reminder that teachers are no less immune to governmental repression than any other group.

For most of February close to 1,000 Newark teachers withstood a pattern of arrests that left 200 of their number facing six-month jail terms. They saw their national union president jailed for seven days, they faced up to threats of de-certification from the governor, and they risked attempts to impound their union's funds and records.

There was little, if any, wavering among the teachers in the face of the attacks. And when the school board—in a final act of injustice to the ranks of teachers—voted the strike settlement only by a shaky 3-3-1 vote, after a five-hour meeting riddled with threats, Newark teachers had not only won a sweeping new contract that will help rebuild the city's crumbling school system, but they had demonstrated that mass arrests and jailings couldn't crush their will.

The \$15-million settlement will raise salaries, provide a More Effective Schools program, reduce class sizes throughout the district, provide duty-free lunch periods and preparation periods for substitute teachers, and establish a teacher-welfare fund.

The contract will solidify the teacher-community alliance in Newark by establishing parent-consultant provisions. It mandates teacher participation in individual school human-relations seminars, and declares that criteria for promotions to administrative positions shall include the "integration of staff, and the welfare of children and the community."

"The contract," said chief negotiator Robert Banes, an AFT national representative, "gives teachers in Newark the kind of comprehensive agreement that teachers in most other big cities already have."

"At the same time," added Mrs. Carole Graves, NTU president, "it breaks new ground with many of its provisions, and during the coming year, it is going to build a teacher-parent-student coalition that will enhance the quality of education in Newark schools."

### PAY SCALES

Under the old NEA-negotiated contract, teachers currently get paid on a 12-step \$6,700-\$11,000 bachelor's-degree schedule, and a 12-step \$7,200-\$11,700 master's-degree schedule.

The new salary, effective four months from now, boosts the bachelor's-degree scale to \$8,000-\$13,000 in 11 steps, and the master's-degree scale to \$8,600-\$13,700 in 11 steps.

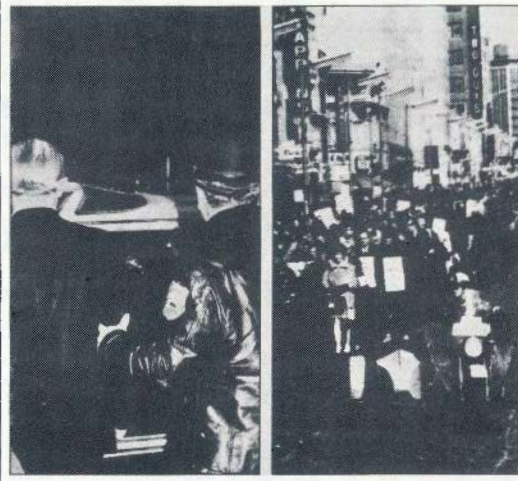
A maximum of \$14,000 for teachers with a master's plus 12 hours is provided.

A two-step increment next July and February gives teachers now in their first year a \$1,900 raise during the next 12 months. (The secondary goes to \$8,400 in July and \$8,600 in February.)

The largest bulk of teachers—those at maximum (about 750 teachers)—will receive raises of \$2,000 effective in July. Longevity increments will be maintained at the 20th-and 24th-year levels.

### CLASS SIZES LIMITED

Class sizes are limited in the contract, to 25 pupils in kindergarten, 30 in elementary, and 30 in basic-subject classes in junior and senior-high schools. The limits are first, except in those buildings where additional classroom space is not



They AFT President Dave Selden, above left, being taken away to jail for "aiding and abetting" striking Newark teachers. At right, part of the 2,000 teachers and other volunteers from all over the country who rallied in Newark on Feb. 23, the George Washington's Birthday holiday, to protest the repression which led to the arrest of 200 teachers, the jailing of President Selden, and a potential \$200,000 in fines for disobeying a court injunction. Below, members of the local community, along the line of march on Feb. 23. (Photos by Ed Kaplan)



[Continued on Page 4]



## *THE HONOR ROLL*

*The educational employees of Newark made great personal sacrifices. Listed on these pages are the names and the sentences meted out to those whose sacrifices were among the greatest.*

*The following officers of the NTU received six-month sentences with three months suspended:*

Carole A. Graves, President

Frank A. Fiorito, Executive Vice-President

Betty Rufalo, Vice-President

Edward Tumin, Vice-President

James Lerman, Editor

Donald Nicholas, Executive Board Member

William Troublefield, Executive Board Member

*The following officers of the NTU received one-month sentences:*

Monroe Kurtz, Vice-President

Andrew Thorburn, Legislative Representative

*The following officer received a fifteen-day sentence:*

Audrey Belmear, Recording Secretary

*The following officers received ten-day sentences:*

Durecia Watley, Corresponding Secretary

Myron Borden, Executive Board Member

David Selden, President of the American Federation of Teachers, served a two-month sentence.



*The following educational employees received ten-day sentences with a few exceptions; noted in another section of this book, in which fifteen-day sentences were imposed:*

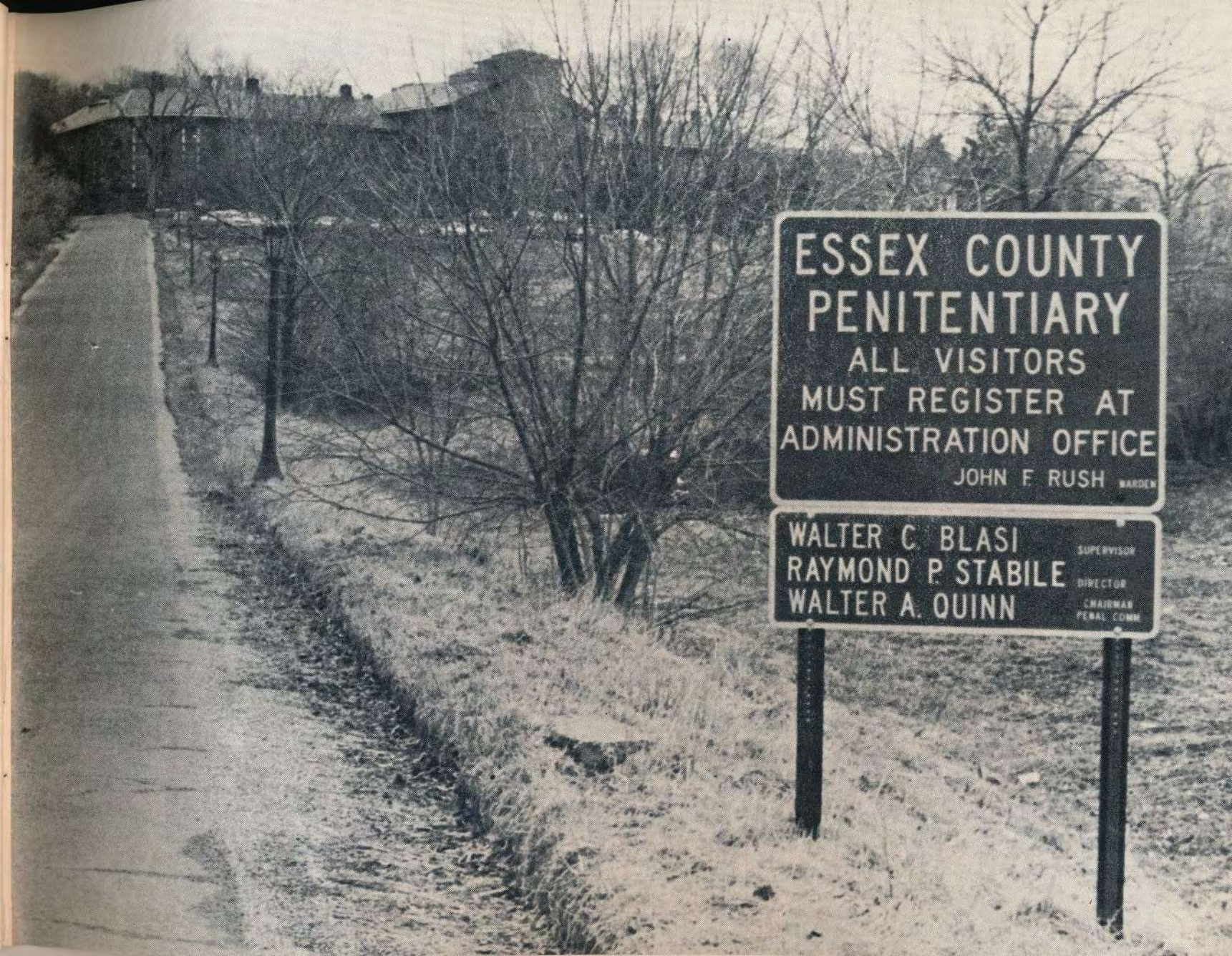
Joan Adamczyk	Terry Elman	Evelyn Johnson	Joseph McHugh	Mark Schaeffer
Carole Ades	Harry Fidlow	Nancy Johnson	Robert McIntyre	Esther Schechter
Vincent Adessa	Julius Feinsod	Candy Joyce	Philip Melito	Frieda Schwartz
Joseph Alves	Stanley Ference	Lillian Kaplan	Norman Mellk	George Schwartz
Robert Adubato	James Fetten	Carol Karman	Larry Mendelsberg	Steven Schulte
John Anello	Vincent Finch	Ben Karpinski	Vic Mercogliano	Rowaine Schultz
Henry Aratow	Larry Fincke	Raymond Kirschbaum	Jerry Mayer	Edith Shadowitz
Ellen Asselmeyer	Sidney Friedenberg	Mae Kirwan	Ed Michaelson	Steven Shaffer
Kenneth Bandomer	Charles Gaines	Helen Klayman	William Milling	Jerome Shapiro
Robert Basch	Sheila Gerber	Rhoda Klayman	Roy D. Miller	Ed Shaughnessy
Marlene Bash	Jan Gerber	Fred Kleins	Maria Mirabella	Paula Silidker
Phil Basile	Barbara Gerstl	Anita Kramer	Michae! Mirabella	Virginia Sisbarro
Ruth Bayus	Larry Giordano	Donna Kropwinicki	Donna Mitzmacher	Harry Snyder
Lucy Bell	Renee Glanzer	Anita LaConte	John Nichols	Karen Gladstone
Dorothy Bergman	Sol Gleicher	Marilyn Lago	Harvey Oliver	Joan Stevens
Prentiss Best	Howard Goeringer	Jeanette Lappe	Maxine Patterson	Theodore Strauss
Allan Bevere	Lucille Goff	Martin Lasus	Mark Paul	George Studnick
Mary Ellen Biebler	Judith Goldman	Kevin Lennon	Consuelo Perkins	Robert Sylvia
Catherine Boardman	Philip Gonnella	James Lennon	Pietro Petino	John P. Taylor
Gary Borer	Jean Gonnelli	Sarah Levitt	Jim Peluso	LaVerne Toler
Seymour Brody	Beverly Goodall	David Lieberfarb	Pasquale Piegari	Esther Tumin
Marion Buchner	Beth Green	Michael Lipp	Edward Posner	Anita Tur
Cathy Buchan	Anne Hargrove	Charlotte Longman	Anagenette Ray	Jacqueline Turner
Anthony Capasso	William Hewson	Nat London	Margaret Roberts	Gilda Van Tuno
Joe Carangelo	Marie Harvey	Hannah Litzky	Neil Rothstein	Esther Washington
Cynthia Chambers	Robert Hirschfield	Erma Lowe	Betty Rice	Arthur Watkins
Orrie Chambers	Anne Owens Horowitz	James Lowenstein	Joseph Rocco	Nelson White
Kenneth Clark	Thomas Hunt	Hal MacNamara	Ann Rodrigues	Leon Williams
Alba Cordasco	Joseph Ianuzzi	Lester Mailman	Lillian Roth	Edwina Wiss
John Cullen	Joseph Ingaro	Kathleen Malone	Robert Russo	Alan Yablonsky
Terri Dangel	Manuel Insua	Robert McGee	Doris Sager	Gerry Yablonsky
William Danielle	Maureen Insua	Betty McEachin	Philip Salewe	Joseph Zarrelli
Dianne Davis	Louise Jalnik	Maureen McCudden	Joseph Scelfo	Gary Zenga
Vincent Ditta	Anderson Johnson	William McGuinn	Anthony Savoca	Bernie Zimmer





Arrested teachers outside of the Essex County Sheriff's office, after booking and fingerprinting.





ESSEX COUNTY  
PENITENTIARY  
ALL VISITORS  
MUST REGISTER AT  
ADMINISTRATION OFFICE  
JOHN F. RUSH WARDEN

WALTER C. BLASI SUPERVISOR  
RAYMOND P. STABILE DIRECTOR  
WALTER A. QUINN CHAIRMAN  
PENAL COMM.





NEWARK TEACHERS UNION LOCAL 481  
American Federation of Teachers  
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