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Pennsylvania's Teachers and the Tenure Law of 1937

Abstract: While the American teachers' unions are commonly understood to be guarantors of public school teachers' job security through their backing of teacher tenure laws, the relationship between tenure and teachers' organizations is historically contingent. This article shows how in 1937 Pennsylvania teachers pushed their state legislature to pass what was at the time the most empowering teacher tenure law in existence. Using primary documents, the article examines how nonunionized teachers politicized tenure in the early 1930s, before the New Deal reshaped the political environment. Women activists from Philadelphia's AFT Local 192 successfully lobbied the legislature in Harrisburg in 1937 to pass a far-reaching tenure law that not only guaranteed due-process rights for teachers, but did so without allowing for a probationary period and without exception for married women teachers. Pennsylvania's teacher unionists fought against efforts to reform the law in the years that followed.

Keywords: Teachers' unions, Pennsylvania schools, tenure laws, AFT Local 192, women teachers

INTRODUCTION

This article is about the relationship between teacher tenure and the political power of organized teachers in the United States. Tenure refers to the due-process rights guaranteed to public employees to protect them from

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arbitrary administrative sanctions.¹ Today, the American teachers' unions are commonly understood to be guarantors of public school teachers' job security through their backing of teacher tenure laws. At a time when battles over education policy are framed in terms of accountability and standards, not only is the influence of teachers' unions in education policy circles the object of intense scrutiny, but teacher tenure itself has become a target of the education reform community. Critics of the teachers' unions today charge that tenure essentially guarantees teachers jobs for life. The unions' defense of tenure looks to critics like an indication that unions are more interested in defending their members than in promoting students' well-being. Tenure's defenders argue for the persistent relevance of due-process guarantees for teachers, in light of the intensification of high-stakes testing in public schools and the use of student test scores as a mechanism to evaluate teachers.

The relationship between tenure and teachers' organizations, however, is historically contingent. The National Education Association (NEA) and American Federation of Teachers (AFT) are strong backers of teacher tenure today, but that was not always the case. Teachers' unions were scarce when New Jersey enacted the first statewide teacher tenure law in 1909. The national AFT was not founded until 1916, which left the conservative, patriarchal, stridently antilabor NEA as the only national organization of educators in the country. It was a state NEA affiliate that advocated for the New Jersey tenure law in 1909 although, as I show later, not all state NEA affiliates backed strong civil service protections for teachers.² And while the AFT became a stalwart backer of teacher tenure, the precariousness of unionism for women teachers in most of the country during the first half of the twentieth century constituted one of the impediments to teachers' involvement in public politics that motivated many teachers to advocate for tenure laws in the first place.

This article takes up this relationship by examining the politicking behind and the aftermath of the Pennsylvania tenure law of 1937. Two aspects of this law make it worthy of close consideration. First, it was the most empowering tenure law then in existence. Its job protections generated a space for teachers' political autonomy that had not previously existed.³ As I show later, teachers' job insecurity was such that flirtations with collective politics could be grounds for dismissal, as could transgressions against prevailing social mores. In 1937, seventeen states lacked statewide regulation of teachers' employment. Tenure laws in other states varied across several dimensions, including whether a single regulation existed for the entire state, whether multiyear contracts could exist, and whether a probationary period was necessary before tenure

accrual. Pennsylvania stood alone with its statewide tenure law that granted permanent tenure without any probationary period, and its refusal to grant school districts any independent authority to fire women teachers who married while under contract.⁴ As I show below, these two matters were major points of contention in the politicking behind the law.

The other important aspect of the 1937 Pennsylvania tenure law—the one that constitutes the central focus of this article—was the role of unionized teachers in designing the law, pushing for its passage in the state legislature, and defending teachers when local authorities tried to subvert it. While the state's teachers' organizations successfully politicized the issue of tenure during the early 1930s, their efforts at securing a tenure law proved fruitless at first. The teachers' organizations did not agree about what kind of tenure law would be best, and the state school directors' association moved to block their efforts. But on April 6, 1937, Governor Earle signed a tenure law into existence. The leaders of AFT Local 192, later known as the Philadelphia Teachers Union, wrote the law with an eye to protect teachers from arbitrary dismissal, and most efforts at amending it during the lawmaking process failed. While the state legislature formally dealt with the newly founded Pennsylvania State Federation of Teachers (PSFT), delegates from Local 192 led the state organization. In what follows, I reconstruct the history of the tenure law using documentation from union archives, newspaper accounts, relevant court cases, and articles from the journals of the teachers' organizations that were active in the conflict. I also show how Boards of Education across the state sought to subvert the law, how the state legislature sought to amend it, and how when the newly empowered teachers fought back against local school boards, it was the AFT, not the NEA, that backed them when their struggles led to litigation.

I do not argue that no tenure law would have been passed without the teachers' union. Other states had implemented statewide tenure laws without AFT pressure, and the NEA had, by 1915, come out in favor of teacher tenure. Furthermore, teacher tenure had been a live issue in the Pennsylvania state legislature since the 1920s, so Pennsylvania's teachers did not politicize an issue that had lain dormant. But in the context of the burgeoning New Deal, the AFT pulled organized labor into a tenure-backing coalition that supported many of the Democrats that had just recently won massive victories in the state legislature. Before the Great Depression, Pennsylvania's Democrats had shown little interest in teacher tenure. But the social dislocations of the 1930s, the shifting priorities of the two major parties, and the enormous (albeit short-lived) ascendance of the Democratic Party together created the circumstances under which the state government was willing to override

the objections of the state's powerful school directors' association. In this respect, the New Deal was catalytic, as it reshaped and enlarged the political coalition that backed tenure. Beyond that, I argue, the AFT's influence was felt in two other ways: the extensiveness of the tenure protections, which went beyond those in existence in other states, and the defense of teachers after the law's passage. Of special interest to the PSFT and Local 192 was the vulnerability of women teachers, who were often dismissed from their positions as soon as they got married. The most prominent objections to the law in the state legislature, as well as the efforts to subvert it by local boards of education, pertained to the elimination of local choice on the matter of married women teachers. And when teachers sought to use their newfound tenure protections, it was the AFT affiliate that defended them, not only through public politics but also through litigation.

TEACHERS AND POLITICS DURING THE 1920S

During this period, it was the NEA, not the AFT, that formed the locus of teachers' organizational life. It was the most prestigious education-oriented organization in the country from the end of World War I until the 1960s.⁵ Although the organization had certainly changed over time, by the 1920s it consistently upheld an ideal of professional competence that promoted the superiority of male administrators over classroom teachers. Administrators were educational experts, according to this notion of professionalism, and classroom teachers and principals ought to carry out administrative dictates to the best of their abilities. Through its network of administrators, college presidents, normal school instructors, and teachers' college professors, the NEA disseminated this ideology to classroom teachers.⁶

Teachers, according to this way of thinking, ought to remain free from politics. Teachers' involvement in politics was "unprofessional," whether that involvement took the form of lobbying local and state legislators or involvement in the union movement. The expectation was that the interests of classroom teachers would be advanced by administrators, who maintained collegial relationships with elected politicians. By this time, most grammar school teachers were women. At a time when women teachers were dismissed from their positions for such infractions as marriage and pregnancy—to say nothing of smoking, drinking alcohol, criticizing school administrators, and even failure to buy victory bonds during the war—affiliating with the trade union movement was risky to say the least. The NEA, however, was a marker of competence, legitimacy, and commitment to occupational responsibility.

“Joining the NEA,” writes historian Marjorie Murphy, “became simply legitimate professional conduct.”⁷ The battle for teacher tenure that I detail below should be understood as a break from the political orthodoxy of the era, which understood classroom teachers as essentially apolitical instruments of the public will in their respective locales. While many of the individual teachers involved in Pennsylvania’s tenure struggle would have felt right at home with the antiracist crusaders discussed in Clarence Taylor’s *Reds at the Blackboard*, most of the state’s teachers would have shied away from overt political struggle.⁸ As social historians have extensively documented, teachers during the early decades of the twentieth century were largely creatures of their communities, dependent on relationships with local politicians and influential members of ethnic and religious communities for their livelihoods.⁹

Since professionalism meant classroom teachers’ subservience to administrative authority, the AFT had to fight for the very right to exist during these years. The NEA viewed it with hostility, since it was connected to the labor movement. Between the AFT’s founding in 1916 and the end of 1919, the organization grew more than the NEA had in the prior half-century. The NEA’s membership was about 53,000 in 1920, while the AFT’s was about 9,800.¹⁰ The NEA’s superior organizational apparatus swung into high gear during the 1920s, as the AFT’s swift growth intensified competition between the two organizations. State NEA affiliates urged principals and administrators to enroll as many school personnel as they could, and the national association occasionally published “honor rolls” of school districts with 100 percent enrollment. The AFT by comparison worked to project an image of professional dignity and competence while nurturing relationships with organized labor and defending the interests of classroom teachers, which it viewed as distinct from those of other education personnel. Such a mission rendered its members vulnerable to administrative sanction.

The case of the Lancaster, Pennsylvania school system demonstrates the dangers of teachers’ involvement with the union movement. In April 1920, around one hundred teachers formed an AFT affiliate in Lancaster. During the school year, these same teachers had sought to persuade the Board of Education to grant salary increases. Not only did the board refuse, but it dismissed all these teachers at the end of the school year. It was the standard practice of school districts like Lancaster to reappoint teachers on a yearly basis without formal application, unless charges of incompetency had been filed. This time, teachers filed a complaint to the Pennsylvania State Department of Public Instruction, believing that their dismissal was a consequence of their AFT affiliation. Superintendent Thomas E. Finegan dismissed the teachers’ petition

on the grounds that the school district did not violate the law by not renewing the teachers' contracts, but also because the teachers' AFT affiliation made them unfit to teach. Since the AFT was affiliated with the AFL, that made the unionized teachers part of the labor movement "for the sole purpose of using the influence of such labor organization to coerce the board of school directors into granting the salary increases which such teachers had demanded."¹¹ Superintendent Finegan ruled this activity "improper and unprofessional." The AFL affiliation indicated that the AFT represented a special interest, not the general interest, and, as such, was at odds with the principle of public service. "Any such association of a body of teachers with an organization representative of a special group in society would tend to distort the teacher's view of her obligation to the whole social order and to destroy her efficiency as a public servant."¹² In order to requalify for their positions, the superintendent concluded, the Lancaster teachers should "place themselves in a position to render that impartial service to the entire community which the office of teacher demands they shall render," which, in practice, meant "properly disbanding the local branch or union of the American Federation of Teachers established by the teacher-petitioners."¹³ The state, then, explicitly endorsed the position that public schoolteachers should not be part of the labor movement, in a decision said at the time "to be the most drastic issued by a public school official in any State, against teachers' unions."¹⁴

PUSHING FOR TENURE IN PENNSYLVANIA, 1930–1931

Beginning in 1929, the principle of continuing contracts was the standard way of negotiating teachers' employment in Pennsylvania. According to this principle, school boards would keep on successful teachers from previous school terms "without the necessity of annual applications, elections, and contracts."¹⁵ In December 1928, the state's NEA affiliate, the Pennsylvania State Education Association (PSEA), recommended that the newly elected state legislature codify this practice.¹⁶ On May 8, 1929, the state made continuing contracts the law of the state.¹⁷ School boards across Pennsylvania would, as of June 30, be legally required to keep on teachers, unless written notice was given or there was evidence of misconduct. Written notice could be served whenever school boards saw fit, at any time before schools closed on the final day of the academic year. In practice, school boards could and did subvert these rules by issuing blanket dismissals of teachers at the end of the school year and then rehiring those whom the school district wanted. The school boards' calculations were clear: blanket dismissals, followed by rehiring of desirable teachers, were a

way of avoiding the demands of the state salary schedule. This maneuver allowed school districts to keep the teachers it wanted without giving them the raises that the salary schedule guaranteed to them. When the PSEA met in December 1928 to consider their demands for the 1929 legislature, a small minority of women classroom teachers advocated civil service protections.¹⁸ Most others either supported continuing contracts or feared speaking up for anything more than that.

The politics of teacher tenure shifted decisively in March 1930, when a group of Pennsylvania teachers publicly violated the norm against political involvement. At their twenty-first annual convention in Philadelphia, the Pennsylvania State Teachers' League (PSTL) passed a resolution to transform itself into a "political organization."¹⁹ Prior to 1930, the PSTL was an organization wherein classroom teachers could voice their views before transmitting them to the PSEA or, sometimes, to politicians and bureaucrats. Until that year, the organization sought to balance a commitment to professional competence with political stridence, without embracing a political identity or any affiliation with organized labor.²⁰ More than one hundred delegates of the PSTL were in attendance at the March 1930 meeting, most of whom were women classroom teachers. Convention speakers focused on Harrisburg's reluctance to pass legislation to protect teachers as a justification for this maneuver. "Teachers denied re-election in Pennsylvania are not given a chance to defend themselves, while the worst criminal is granted a hearing and even counsel by the State," said Michael Davitt, the league's field secretary. While other professional groups, such as policemen and firemen, had such rights, Davitt emphasized, teachers did not. "Our only hope," he said, "is to weld together a powerful organization to help put over this issue." Elizabeth Baker, a former president of the PSTL, was similarly assertive, declaring that "we must become a political body and make the people sit up." For the first time in the state of Pennsylvania, representatives of a statewide teachers' association explicitly validated the idea that teachers could avail themselves of the right to participate in public politics. Although some towns in Pennsylvania had AFT affiliates in 1930,²¹ a state AFT unit did not yet exist, and teacher unionists operated in fear of suppression, in the shadow of the Lancaster decision mentioned earlier.

The following year, the PSTL put its energies behind a teacher tenure bill. On March 31, state senator William D. Mansfield of Allegheny introduced an omnibus education bill that provided a series of minor, uncontroversial changes to the state's school code (mostly having to do with school cafeterias), but with a teacher tenure provision attached. The provision would have prohibited discharging teachers who had completed five years in the same

district unless there was evidence of immorality, incompetency, or violation of some law. On April 21, the Senate held open hearings on the bill in Harrisburg. The PSTL's legislative committee chairwoman, Arabelle Clark, argued that the tenure rules would provide secure employment for competent teachers, thus rendering teaching the profession that so many claimed it to be. Elizabeth Baker, the PSTL president, noted that many states already had teacher tenure laws, but that the probationary period was two or three years in those states, whereas Pennsylvania teachers sought a more respectable five years. Barbara McGlynn, a representative of the recently founded AFT Local 211 of Wilkes-Barre and future PSTL president, outlined the unfairness of the current system of hiring and firing teachers. She noted that "school directors in her district issued blanket cancellations of contracts to teachers annually before the end of each term and failed to notify them of their reappointment until a few days prior to the start of the next term."²²

But when the Senate committee on education met on the evening of April 28, the tenure provision was cut from the bill, with "few dissenting votes."²³ House representatives George Wade and Charles Staudenmeier, both Republicans, tried to restore the tenure provision several weeks later, but they were defeated, 86–43. The House passed the Mansfield bill—without teacher tenure—unanimously on May 26. Governor Gifford Pinchot signed the bill into law two days later.

Why did the Senate back down? Partisanship does not appear to have been a factor. The Republican Party was Pennsylvania's dominant political force, controlling both chambers of the state legislature. During the 1930 Republican Party primary, Pinchot had met with a PSTL delegation, after which he added support for teachers' tenure to his platform.²⁴ The Pennsylvania Council of Republican Women supported the tenure bill, with the governor's wife telling a conference of six hundred teachers in Luzerne County that "the principle of Democracy demands a guarantee for the able members of the teaching profession."²⁵ The only organized force that opposed the tenure rules were school directors, and their concerns were apparently more widely held than the teachers' associations had realized. They saw the tenure provisions as a judgment on their professionalism and a threat to their authority. The president of the Harrisburg School Board, R. E. Boswell, pronounced the bill "vicious legislation," "a reflection upon all the school directors of the State."²⁶ School directors complained that the tenure rules would force them to devote too much time to hearing charges made against teachers who would surely avail themselves of the new rules to demand such hearings. "Some of the directors," one newspaper noted, "would be satisfied if the word insubordination

were included among the cases for dismissal,²⁷ suggesting the fear of subverting traditional hierarchies. As was the case in much of the United States, state legislatures followed the lead of state branches of the NEA, like the PSEA.

TEACHERS' UNIONS AND THE PENNSYLVANIA TENURE LAW

During the Great Depression, Philadelphia teachers reactivated their long-dormant union. After having received an AFT charter in 1925, Philadelphia teachers' participation in their local was fairly modest. But the economic hardships of the early 1930s, including a salary cut, led a group of ten public school teachers to meet in a restaurant in downtown Philadelphia in 1933 to discuss rejuvenating the union.²⁸ In the fall of 1934, the reorganized Local 192 put out the first issue of *The Philadelphia Teacher*, its official periodical. The union developed an ambitious program, going far beyond increased wages and teacher tenure, extending to the promotion of equal treatment of black and white teachers, increased state aid for city schools, and a bill to provide affordable milk for school-attending children in Philadelphia. It sought to build alliances with organized labor and was a strong advocate for Roosevelt's New Deal. Unlike the AFL and many AFT locals, Local 192 was stridently antiracist. It was an early ally of the National Negro Congress (NNC), in no small part because an early NNC leader was also an executive board member of the union: Arthur Huff Fauset, whose wife, Crystal Bird, was the first African American woman to serve in a state legislature, and whose sister, Jessie Redmond Fauset, was a celebrated writer during Harlem's Black Renaissance.²⁹ And it was also the voice for the city's leftist radicals in the education community, attracting socialists and communists among other left-leaning classroom personnel.

In January 1935, the Pennsylvania state legislature reopened the matter of teacher tenure. By the end of March, the state General Assembly was considering three separate tenure bills. The Yourishin bill, written and backed by Philadelphia's Local 192, was the most rigorous tenure bill yet to appear in the state legislature. It stipulated that teachers could only be dismissed due to "incompetency, physical unfitness, immorality, [or] persistent violation of school laws."³⁰ It further specified that "political or religious views, race, color, place of residence, or marital status, shall never be considered a cause for dismissal." It also provided for a series of tenure boards to be established throughout the state to hear the cases of teachers who appealed their dismissals. The Harkins bill, championed by the PSTL, provided that no teacher could be dismissed without written reason "and, if demanded, a public hearing with

the right of appeal to the State Superintendent of Public Instruction.”³¹ Finally, there was the Diehl bill, backed by the PSEA. The Diehl bill was barely a tenure bill at all. All it did was add to the continuing contracts principle the provision that all changes made to a teacher's salary must happen at least sixty days prior to the end of the previous school term and must be included in the teacher's contract.

As was the case in the previous showdown over teacher tenure, the influence of the state NEA steered the debate. Representative Harkins admitted as much to a columnist from the *Reading Times*, who wrote that “when the P.S.E.A . . . sent out letters to each of its members urging support of the Diehl bill, the chances of the Harkins bill's passing even the house went glimmering.”³² In practice that meant that any tenure legislation worthy of the name was unworkable. “The Yourishin bill, sponsored by the American Federation of Teachers,” affirmed the same columnist, “is as dead as a doornail.” And yet, after emerging from the House committee on education, a less ambitious version of the Harkins bill, containing amendments to guarantee teachers' right to a hearing in the event of dismissal, went to the House floor for a vote. It passed, but the Senate rejected the amended bill 38–9 in a floor vote on June 21, the final day of the legislative session.

The politics of teacher tenure between 1929 and 1935, then, were characterized by three factors: the overwhelming influence of the NEA-affiliated PSEA, which was opposed to teacher tenure; the relatively weak efforts of more liberal teachers to influence politics through either the PSTL or local AFT affiliates; and the lack of ideological partisanship, given that teacher tenure had been in the Republican platform since 1931.

Between June 1935 and the beginning of the 1937 legislative session, two developments emerged to create a more hospitable environment for a tenure bill. First, as it would for so many other policy matters across the United States, the New Deal and its impact on the Democratic Party transformed the political scenery. Table 1, below, depicts the changing composition of the state legislature. After a long period of overwhelming Republican rule, party politics changed in the 1930s. The 1936 elections were pivotal, as the Democrats increased the majority that they won in the Pennsylvania House in 1932 and won the state Senate for the first time in sixty-five years. Backed by a solidly Democratic legislature, Governor George Earle, a strong backer of President Roosevelt, signed off on a “little New Deal” of state programs unprecedented in Pennsylvania history, including minimum-wage laws, enhanced workmen's compensation, the creation of a Department of Public Assistance to replace local “poor boards,” and so forth.³³ This shift was not unambiguous when it

Table 1. Partisan Composition of the Pennsylvania State Legislature, 1927–1942

Congressional years	House Democrats	House Republicans	Senate Democrats	Senate Republicans
1927–28	17	191	5	45
1929–30	16	192	6	44
1931–32	22	184	4	46
1933–34	65	140	7	43
1935–36	117	89	19	31
1937–38	154	54	34	16
1939–40	79	129	23	26
1941–42	126	82	18	32

Source: “Pennsylvania State Legislature: Members, Districts, and Party Affiliations by Session, 1790–2004,” <http://staffweb.wilkes.edu/harold.cox/legis/indexlegis.html>.

came to the question of teacher tenure; while the Republicans had a long history of public commitment to it, the Democrats did not. But the politicking around the law happened just as realignment in state politics had begun. The president’s labor-friendly measures had begun to impact Pennsylvania politics, bringing workers from the coal mines and steel mills into the Democratic Party. Several politicians bolted from the Republicans to join the Democrats, including John Yourishin, who had sponsored the union’s first tenure bill in 1935 and was a longtime United Mine Workers (UMW) secretary-treasurer, and Charles Margiotti, an attorney who Governor Earle appointed state Attorney General. Governor Earle himself was a former Republican, who had joined the Democrats just in time to support Roosevelt in the 1932 presidential election. Yourishin became a leading member of the state legislature’s “anthracite bloc,” a fourteen-member association of Luzerne and Lackawana County lawmakers who pledged to back the governor’s unemployment insurance legislation and civil service regulations, along with teacher tenure.³⁴ Senator Leo Mundy attended the inaugural meeting of the “bloc” in November 1936, where he announced that he would introduce teacher tenure legislation in the upcoming legislature.

Second, in the spring of 1936, a dozen local AFT affiliates from across the state established a Pennsylvania state Federation of Teachers (PSFT). This was the work primarily of Philadelphia’s Local 192, which first floated the idea in March 1935 at a meeting of the month-old Joint Legislative Committee of the Pennsylvania Locals of the American Federation of Teachers.

While teachers from all over Pennsylvania contributed money to Local 192 in support of this effort, it was the national AFT's backing that enabled the project to take off. Between 1936 and 1937, a representative from the Pittsburgh AFT local, I. Edwin Adler, and the chairman of the new PSFT's organizing committee, Martin Rugg, traveled back and forth across the state to organize new AFT locals, rejuvenate defunct affiliates, and induce those that were in arrears to pay their dues. When Local 192 sponsored a meeting of teachers' associations in Philadelphia on April 25, 1935, to discuss the pending tenure legislation, about five hundred teachers attended.³⁵ When the PSFT sponsored a similar meeting a week after passage of the law, more than two thousand teachers attended.³⁶

Two Local 192 leaders spearheaded the drive for teacher tenure. First, there was Mary Foley Grossman. A librarian and English teacher at Vare Junior High School in South Philadelphia, Grossman served as the union's legislative representative until 1937, when she was elected president. She also became a vice-president of the national AFT and worked with Adler and Rugg to organize Pennsylvania's teachers. Her commitment to equal education for African Americans—not yet a popular position with the AFT—became well known beyond Philadelphia. She wrote about the democratic imperatives of equal education for blacks and whites,³⁷ she worked on President Roosevelt's committee on education,³⁸ and she spoke at meetings of civil rights groups as an expert on educational policy in Philadelphia and beyond. Second, there was Sara T. Walsh. Walsh was an English teacher who, after a few years at an elementary school, worked for seventeen years at Penn Treaty Junior High School in the Fishtown neighborhood of eastern Philadelphia. She succeeded Grossman as Local 192's legislative representative in 1937 and later succeeded her as union president. From the mid-1930s until 1945, she spent much of her time outside the classroom traveling between Philadelphia and Harrisburg, pressing the agenda of Local 192 and, starting in 1937, the Pennsylvania Federation of Teachers before the state legislature and the city Board of Education. She was also an active union organizer during the 1930s, becoming one of the contacts for the state federation's organizer. She would later serve as a national director of the CIO's Federal United Public Workers (UPW) National Teachers' Division from 1945 to 1947 after she left classroom teaching, as she transitioned to becoming a fulltime housewife. Like Grossman, she combined advocacy for public schoolteachers with a commitment to civil rights for African Americans.³⁹

Under the pressure of organized teachers, the Pennsylvania legislature reconsidered the matter of teacher tenure early in the 1937 legislative session.

This time, a bill sponsored by Senator Mundy and written by the union passed the House 177–21 on April 5, 1937,⁴⁰ was overwhelmingly concurred by the Senate on April 6, and was signed into law by Governor Earle that afternoon.

The bill the governor signed was the most extensive tenure law then in existence. It pertained to “professional employees,”⁴¹ a term that, according to the new statute, would include “teachers, supervisors, supervising principals, principals, directors of vocational education, dental hygienists, visiting teachers, school secretaries . . . school nurses who are certified as teachers, and any regular full-time employee of a school district who is duly certified as a teacher.” The new law stipulated that these personnel must now be under contract. Written contracts had to be drawn up within thirty days of the bill being signed into law. The new law specified the contract language and mandated that “none of the provisions of this act may be waived, either orally or in writing.” Contracts would remain in force unless terminated by the employee within sixty days of the end of the school term or written notice specifying cause be provided to the teacher. Causes for contract termination included “immorality, incompetency, intemperance, cruelty, willful and persistent negligence, mental derangement, persistent and willful violation of the school laws of this Commonwealth on the part of the professional employee, or substantial decrease in the number of pupils or students due to natural causes.” In the event of this last eventuality, seniority rules would apply to suspensions, with school districts being bound to rehire suspended teachers before others. During these suspension periods, teachers would have the right to seek other employment. Whatever the reason for dismissal, Boards of Education would have to provide written notification to teachers. Teachers would have a right to a public hearing, to transpire between ten and fifteen days from the date of the written notice, and a right to appeal board decisions within thirty days to the Court of Common Pleas in the county where the school is located.

Opponents of the bill in the House, all Republicans, recognized that they could not prevent the bill’s passage, but they tried to amend it. They proposed including a probationary period, excluding aliens from protection of the bill, listing “seditious teaching” as a cause for dismissal, making retirement of teachers at the age of sixty-two optional on the part of education boards, permitting a “local option” in the employment of women teachers, and extending the bill’s provisions only to those who hold proper certificates. The House, acting as a committee of the whole, voted down each of the amendments.⁴² A Democrat, Reuben Cohen from York County, introduced three amendments, each of which the House approved: unpermitted absences from duty as a reason for salary reduction, permission for dismissal procedures to take place at any time

of the year (rather than sixty days before the close of the school term), and “willful and persistent insubordination” as reason for dismissal. Throughout the House proceedings, Democratic state chairman (and future governor) David Lawrence was on hand to orchestrate the party’s positions on each amendment and the final vote.⁴³

Given that previous efforts at introducing teacher-tenure legislation were backed by the Republicans and that Democrats had not demonstrated particular interest in the matter before 1936, why did the Democrats take up the cause of teacher tenure? The New Deal’s impact on state politics is certainly part of the answer, particularly in regard to the flight of organized labor to the Democratic Party. As already mentioned, John Yourishin was a UMW stalwart who abandoned the Republicans for the Democrats in 1935 and took a lot of labor support with him. While Governor Pinchot had taken a softer line on organized labor than had his predecessors, the state’s anthracite-dominated labor movement did not forget the years of brutally repressed miners’ strikes or forgive the failure of the Republicans to address economic hardship and rising unemployment. In 1934, the Democrats introduced labor-friendly legislation into their platform, attracting John L. Lewis of the UMW and John Phillips of the Pennsylvania State Federation of Labor. When the Luzerne County branch of the AFT sponsored meetings to promote teacher tenure in 1931, not only did Governor Gifford Pinchot and his wife, Cornelia Bryce, attend, but the AFL and the UMW sent representatives to support the teachers. And, as mentioned above, former Republican John Yourishin’s anthracite bloc in the state assembly had the backing of Leo Mundy, who committed to teacher tenure shortly after his 1936 election to the Senate.

The Republicans’ strong commitment to tenure did not change after the Democrats’ legislative victories. They owned the issue and did not see it as a New Deal policy. Statements from the twelve House members who chose to submit reasons for their votes for the Mundy bill into the public record signaled the direction that teacher-tenure politics would take in the years to come. Eight of the twelve members mentioned the lack of a probationary period in their statements, either as a reason for having voted no or as a flaw that was not important enough to deter them from voting yes. Each of the Republicans who submitted statements justified their “no” votes by noting the bill’s withdrawal of school board authority over the contracts of women who married while under contract. Two Democrats also mentioned this quality as a flaw in the bill that they wanted to correct.⁴⁴ But the balance of legislators followed the spirit of Democrat Herbert B. Cohen, who, in the midst of an earlier floor debate on an amendment that would have yielded authority to

dismiss married classroom teachers to the school districts, made the essential point: "Why the marriage of a woman should make her incompetent to serve in a school district while marriage by a man will not make the man incompetent to serve as a teacher, I cannot see."⁴⁵

The influence of the state teachers' union in the tenure bill's passage is particularly clear in light of the other teachers' associations that fought for the attention of the Pennsylvania state legislature. The PSEA did not have a long history of supporting teacher tenure. As discussed earlier, it backed the continuing contracts legislation in 1929 rather than push for a tenure law. When a group of classroom teachers at the PSEA's annual convention tried to start a movement within the organization to back a strong tenure law the following year, the response was lukewarm. Instead, the organization continued to back continuing contracts, a principle that certainly did not protect teachers from arbitrary dismissal in the way that a tenure law could. Only after the PSFT began lobbying in 1935 did the PSEA submit its own bill, which was only a small step removed from the continuing contracts principle. The PSEA committed itself to a stronger tenure bill in preparation for the winter 1937 session in Harrisburg, and its proposal was more strident than its 1935 version. Congressman Harkins, who had sponsored the 1935 tenure bill that the PSTL favored, wrote to Mary Foley Grossman to inform her that the PSEA had sent its new tenure bill to him and to ask her what she thought of it.⁴⁶ Grossman was not impressed. She noted that "there are still a great many things lacking . . . in their plan," including provisions for appealing tenure decisions in court and holding open trials. "We have tried to get the P.S.E.A. to a tenure conference so that a single Tenure Bill might be presented for all teacher organizations," she wrote. "They insist, however, they will not come to a conference unless it is called by Superintendent Ade and Superintendent Ade seems deaf to telegrams urging the conference."⁴⁷

The PSTL, as we have seen, was the first teachers' organization in Pennsylvania to challenge the PSEA monopoly of political power over schooling policy in Harrisburg. The League's interest in teacher tenure, patterned after the New Jersey model, dated back to 1910, when it was founded.⁴⁸ But, while it was clearly more politically assertive than its NEA-backed competitor, the PSTL was still relatively conservative. It approvingly quoted Robert D. Dripps, executive secretary of the Pennsylvania Economic Council, who cautioned teachers that, in their efforts to secure higher salaries and benefits, they did not neglect savings and efficiency.⁴⁹ Classroom teachers deserved no special status. In 1930, the president of Harrisburg's PSTL affiliate, Miles Albright, went out of his way to deny

that the organization, by setting up a special salary-investigating committee, was agitating for higher salaries for teachers.⁵⁰ Another telling moment came in October 1932, when John Yourishin hosted PSTL representatives in his Lower Luzerne County office.⁵¹ After telling his guests that “our democracy would be endangered” without high-quality teachers and that he would “gladly handle any legislation the teachers would draft and present to him,” the league enumerated its goals, which included things such as defending the teachers’ retirement fund and preventing salary reduction, but it did not include tenure. And when PSTL stalwart Arabella Clark spoke up in favor of the Harkins tenure bill in March 1935, she did so in a speech that also rejected the restoration of teachers’ salaries, which had been cut the previous year. “The public,” she said, “resents the fact that the teachers seem unwilling to make any sacrifice when thousands who are anxious to work are unable to find jobs.”⁵²

THE BACKLASH

Teachers took advantage of the new tenure law immediately, particularly the law’s provisions for appeal and litigation. “One teacher after twenty-two years of service, and although popular with students and parents, was ousted because of a personal clash with her supervising principal,” while a “high school librarian lost her job when her board learned she had become engaged to be married.”⁵³ The PSFT represented both teachers in their respective local common pleas court, and both teachers were reinstated. When Pennsylvania’s attorney general, Charles Margiotti, ruled that teachers who had been dismissed under the previous school law and given notice less than sixty days prior to enactment of the law were not legally discharged, many teachers who had been dismissed on February 6 or later requested new contracts, discovering that the new law protected them from being dismissed without cause (and not simply given sixty days notice).⁵⁴ By the end of 1938, eight Pennsylvania teachers had appealed their employment dismissals on the grounds that the new law protected them. In each of the eight cases, the school board appealed and the Pennsylvania State Supreme Court upheld common pleas courts’ rulings against the school boards.⁵⁵

All over the state, town councils and school boards tried to subvert the tenure law in various ways. Town councils passed laws enabling school boards to exempt themselves from tenure rules in the case of married women, forced women to swear oaths that they were not married before signing their teaching contracts, or renewed existing contracts as dictated by the new law but with a marriage clause inserted.⁵⁶ In Fayette County, the tenure law was attacked as

unconstitutional on the grounds that it abrogated the school board's power of contract, that it was unconstitutional to grant a permanent position to public official, and that the state constitution does not define or delineate good behavior while in office. The Common Pleas court upheld the tenure law, claiming that school boards are agencies of the state and thus can have their power of contract modified by the state, that teachers are not public officials, and that the act did not confer permanent position, but "only tenure on good behavior."⁵⁷ In the town of Bloomsburg, a judge ousted an entire school board and appointed a new one, because it refused to abide by the tenure law in denying contracts to ten teachers at the end of the 1936–37 academic term.⁵⁸ In the state legislature, Republican Gilbert Wolfenden submitted a bill that would have criminalized "seditious" teaching in all state schools. "Since the enemies of tenure were unsuccessful in their efforts to write this unnecessary clause into the tenure law," Local 192 remarked in its newsletter, "they have now introduced it as a separate bill."⁵⁹

Just as the ascension of New Deal Democrats in the state legislature paved the way for an empowering tenure law, so too did their defeat in the 1938 state elections clear a path for the tenure law's amendment. As Table 1 shows, the Republicans won back the House and Senate. Republican Arthur James also won the gubernatorial race. But just as the 1936 elections had determined that there be a tenure bill without determining its extensiveness, so too did the 1938 elections empower the state legislature to amend the law while leaving its members to figure out how.

The "how" became clear on the evening of January 30, 1939, when Republican Senator Spencer Edmonds submitted a tenure-reform bill. Spurred on by the state's Association of School Directors, the bill struck at every principle that the PSFT had fought for.⁶⁰ The bill would create a two-year probationary period prior to teachers' receipt of tenure-granting contracts, during which time local superintendents would have the responsibility of reviewing teachers' progress every six months. Several additional causes for dismissal were added, of which the final one was pivotal: additional employment without a school director's written approval, "including the marriage of any woman teacher who shall thereby become responsible in whole or in part for the maintenance of a home."⁶¹

Over the course of the next five months, Local 192 led the state's teachers in opposition to the reform bill. The union called for public hearings, staged protests, and organized postcard- and telegram-writing campaigns. To push its case before the legislature, the PSFT prepared a "Brief on Tenure" for the legislators that outlined the teachers' case. Grossman chaired the committee

that prepared the brief, and Walsh advanced the union's case in Harrisburg. The two most important principles in a good tenure law, the PSFT argued, were, first, "the general improvement of the school system by selecting and assuring in service the most competent teachers" and, second, "security of professional workers in positions obtained by merited qualification."⁶² From these two principles, the brief offered justifications for written contracts, causes for dismissal, probationary periods, the right to a court hearing, and the right to appeal the court's decision.

Two of these matters attest to the particular efforts of Grossman and Walsh. First, the PSFT argued that there should be no probationary period; tenure should accrue from the moment that the employment contract is signed. The union offered three reasons.⁶³ First, such a period is superfluous from the perspective of pedagogical practice, since teacher certification required proper training. Second, a probationary period provides directors with a way of evading tenure laws. The union's brief cited then-recent studies of extant tenure laws to show that school boards commonly dismissed teachers after one year and promptly rehired competent ones as a way of avoiding tenure provisions, since rehiring teachers would mean restarting the "tenure clock," as it were.⁶⁴ Finally, it would be used to undermine the salary schedule, since districts could dismiss teachers and then either hire new ones or rehire old ones at the lowest level of the pay ladder.

The second issue of particular concern to the PSFT was the matter of married women. It was common practice across the country for school districts to dismiss women teachers who got married while under contract. As of 1930, "nearly one-third of large cities had laws prohibiting marriage for women teachers."⁶⁵ The union prepared a special brief on the status of married women teachers. Drawing from court cases, legal opinions, scholarly articles, and statements made by administrators and interest groups, the brief argued forcefully against the notion that women should be dismissed from their teaching positions solely on the basis of marriage. It outlined arguments against granting tenure to married women teachers—dismissing such teachers would save districts money, married women could not devote their full attention to their jobs, more recent graduates should be privileged over married women, the place of women was in the home anyway, and so forth—and responding to them. Above all, the union argued, denying women the same rights and benefits that are due men is unconstitutional.⁶⁶

On June 21, 1939, Governor James signed an amendment to the teacher tenure law into power. The amendment created a two-year probationary period for teachers, as well as a rating-card system to determine teachers'

qualifications for tenure. During teachers' first two years in the classroom, they would be classified as "temporary professional employees" and rated according to "personality, preparation, technique, and pupil reaction." Only teachers rated as "satisfactory" would be granted tenure after these two years. It also gradually lowered the retirement age from seventy to sixty-two by 1947, granted school boards the option of dismissing teachers of retirement age, and added three causes for dismissal to those listed in the 1937 law: substantial decrease in student enrollment, curtailment of the educational program, or school consolidation. Finally, it forced teachers who appealed their dismissals to go before the superintendent of public instruction before going to court. While the union's lobbying did not stop the legislature from bringing a probationary period into existence for new teachers, the tenure law would continue to protect women teachers' freedom to marry.

Boards of Education across the state immediately took advantage of the new rules. In September 1939, Philadelphia's Board of Education hired seventy-five teachers on short-term contracts set to expire January 31. Following contract expiration, the Board dismissed forty-four of these teachers. This was clearly an effort to circumvent the principle of tenure through the creation of an employee classification not covered by the law.

The PSFT's activists in Local 192 requested a hearing on the dismissed teachers, which it received. The union argued that the legal category of "temporary professional employee" pertained only to those teachers hired for the two-year probationary period, bound for an up-or-down tenure decision. The Philadelphia board's creation of one-semester contracts for women like Victoria Dunn and Ruth Steinberg, the two teachers named in the case the union made to the school superintendent, essentially created a different legal category of teacher entirely; neither a "temporary professional" nor a tenured teacher, but a "temporary teacher." The board argued that nothing in the amended tenure law prevented it from hiring teachers for shorter time periods. In July 1940, state Superintendent of Education Francis B. Haas refused to rule on the question of whether the Philadelphia Board violated the tenure act, declaring that he did not have jurisdiction.⁶⁷ The union moved the case to common pleas court in October. The court upheld the superintendent's decision, but it also labeled the amended tenure law "faulty legislation" before spelling out the key dilemma. "To sustain the contention of the School Board," Judge Alessandrone asserted, "would cause the acquisition of tenure rights to become elusive, since the Board could prevent a temporary professional employee from fulfilling the two year period of service merely by restricting the length on the contract of employment."⁶⁸ With that, the court returned the matter to the legislature.

The PSFT had by this time become the Pennsylvania teachers' chief advocate. Months before the Steinberg litigation, the union formerly requested that the Philadelphia board "grant [the dismissed] teachers the status of Temporary Professional Employees" in keeping with the tenure law.⁶⁹ A week after Superintendent Haas refused to hear the case, Sara Walsh wrote to Steinberg and Dunn to encourage them to allow the union to proceed in common pleas court; only Steinberg agreed.⁷⁰ Walsh was also named to a separate lawsuit, claiming that a state law allowing for the reduction of salary for certain classes of school personnel violated the tenure act.⁷¹ Meanwhile, the union's lawyer, Abraham Koppelman, handled the tenure litigation. His brief claimed that the board had not followed the procedural requirements on the dismissal of these teachers "on the theory that these employees had no rights under tenure or otherwise."⁷² Finally, the union pushed back against the new rating card, arguing that it was a way for administrators to subvert tenure by creating a set of ambiguous criteria by which teachers would be judged in the classroom. The state federation met with Pennsylvania's state director of Teachers Education and Certification and demanded safeguards to be written into the law, so as to prevent its abuse: the immediate notification of a teacher for whom an unsatisfactory rating on any item on the rating card is given, the requirement that any unsatisfactory rating be based on multiple observations of a teacher in the classroom, that multiple supervisors do the rating whenever an unsatisfactory rating could jeopardize a teacher's position, that all items on the rating card be clearly defined, and so forth.⁷³

While the PSEA's membership spanned most of the state's education personnel, and the PSTL joined the union in the tenure struggle, only the PSFT consistently advocated classroom teachers' interests in all the pertinent settings: the state legislature, the courtroom, and the classroom.

CONCLUSION

This article demonstrates the complicated role that unionized teachers played in securing and defending what was, at the time, the most empowering teacher-tenure law in the United States. Both the ill-fated 1935 bill and the successful 1937 bill were the products of AFT-affiliated teachers, led by women activists from Philadelphia. The protection of public school teachers through such empowering provisions—granting tenure without a probationary period; providing equal protection to men and women, blacks and whites; creating an expansive definition of "professional employees"; specifying so narrow an understanding of just causes for termination that excluded marriage or

pregnancy—was not a forgone conclusion, as the 1939 revisions to the law would demonstrate. The law's exclusion of marriage as a just cause for termination—a protection that the union, and no other teachers' association, fought for—ensured that women teachers would be protected from some of the oldest forms of sexual discrimination that have existed in professional affairs. While subsequent changes returned some power to boards of education, the teachers' union was on the front line of the battle over tenure reform and the litigation that followed. The Democratic Party was a newcomer to the battle for teacher tenure in the mid-1930s, but the size of its majority, the newly crafted alliance between the party and the state labor movement, and the push of the organized teachers' movement induced the party to back tenure in the state legislature and the governor's office. The New Deal transformed the political context for the tenure battle, as the Democratic Party took up the cause without alienating the many Republican legislators who had backed tenure in years past.

This project suggests two areas for further study. First, it calls for more nuanced research into the historically contingent politics of teacher tenure. Under what circumstances have teachers' unions been important actors in tenure politics during the pre-collective bargaining era? And what dictates the terms of debate over teacher tenure? As we have seen, the matter of married women teachers was politically salient in Pennsylvania, and most of the teacher activists who lobbied Harrisburg politicians and administrators were women. And while school directors were the principal interest group to fight against tenure, their influence was not enough to prevent the New Deal-era realignment of state politics from creating a labor-based coalition of interest groups and politicians to push the bill into law. The friction between the patriarchal professional ethos of the era and the labor movement's embrace of conflict between workers and employers does not, as we have seen, preclude a common concern with teacher tenure. And while today's opponents of tenure depict it as a guarantee of permanent employment, school directors were the only powerful collective actor who saw tenure that way during the 1930s.

Finally, this article also elicits the complexity of public-sector workers' relationship to the New Deal. The Wagner Act famously excluded public-sector workers from its protections, given the prevailing understanding that unionism advanced private interests while government workers served the public interest. And even after the Great Depression triggered a massive partisan realignment in much of the country, government workers often mobilized against Democratic state officials. Meanwhile, as Pennsylvania teachers struggled to obtain and defend their tenure law, municipal workers in Philadelphia formed District Council 33, which was “half a civil service organization dedicated to . . . the

overthrow of the spoils system, half a product of America's most notorious urban political machine."⁷⁴ Indeed, tenure was, in many places, not an outcome of union pressure but of urban reformers' efforts to root out patronage. But unionized teachers in Pennsylvania transformed the logic of tenure in the 1930s, welding the antipatronage rationale to organized labor's demand for worker empowerment and women teachers' even more radical concern with the freedom to marry. The New Deal's transformation of the politics of government-worker professionalization across the states is a fruitful research agenda for scholars concerned with the history of organized labor in the public sector.

The College of New Jersey

NOTES

1. For a reasonable overview, see Richard D. Kahlenberg, "Tenure: How Due Process Protects Teachers and Students" *American Educator* 39, no. 2 (Summer 2015): 4–11, 43.

2. While the NEA had discussed teacher tenure at its national conventions as far back as 1887, only in 1915 did it start to openly advocate for it, and only in 1923 did it begin an active campaign to introduce tenure legislation around the country. New Jersey's NEA affiliate backed tenure only after Elizabeth Almira Allen had become vice-president of the organization and taken up the cause. Allen's efforts also led to the establishment of the first statewide teachers' old-age disability and retirement fund. See Margaret Smith Crocco, "The Price of an Activist Life: Elizabeth Almira Allen and Marian Thompson Wright," in *Pedagogies of Resistance: Women Educator Activists, 1880–1960*, ed. Margaret Crocco, Petra Munro, and Kathleen Weiler (New York, 1999), 47–80.

3. Elsewhere, I frame the concerns of Local 192, an important collective actor in the fight for teacher tenure, in terms of academic freedom and antiracism. With tenure, teachers now had legal recourse if local authorities persecuted them for their political beliefs and activities outside the classroom. See Nicholas Toloudis, "How Local 192 Fought for Academic Freedom and Civil Rights in Philadelphia, 1934–1941," *Journal of Urban History* (forthcoming).

4. Temple University Urban Archives (TUUA hereafter), Philadelphia Teachers Union papers (TU hereafter) Box 5, folder 73 (5/73 hereafter), "The Status of Teacher Tenure," report prepared by the NEA "for limited distribution among consultants," 9.

5. Wayne J. Urban, *Gender, Race, and the National Education Association: Professionalism and Its Limitations* (New York, 2000).

6. For useful overviews of Progressive educational philosophy, see David Tyack, *The One Best System: A History of American Urban Education* (Cambridge, Mass., 1974), 182–98; Charles Taylor Kerchner, David Menefee-Libey, and Laura Steen Mulfinger, "Comparing the Progressive Model and Contemporary Formative Ideas and Trends," in *The Transformation of Great American School Districts: How Big Cities are Reshaping Public Education*, ed. William Lowe Boyd, Charles Taylor Kerchner, and Mark Blyth, 11–32 (Cambridge, Mass., 2008).

7. Marjorie Murphy, *Blackboard Unions: The AFT and the NEA, 1900–1980* (Ithaca, 1990), 99–100.

8. Indeed, some of the Philadelphia teachers *literally* knew the New York teachers whose radical politics Taylor describes so provocatively. See Clarence Taylor, *Reds at the Blackboard: Communism, Civil Rights, and the New York City Teachers Union* (New York, 2013).

9. Along with Murphy's *Blackboard Unions*, Urban's *Gender, Race, and the National Education Association*, and portions of Tyack's *One Best System*, see, in particular, David Tyack, Robert Lowe, and Elisabeth Hansot, *Public Schools in Hard Times: The Great Depression and Recent Years* (Cambridge, Mass., 1984), and Richard Altenbaugh, ed., *The Teacher's Voice: A Social History of Teaching in Twentieth-Century America* (Bristol, Pa., 1992).

10. Murphy, *Blackboard Unions*.

11. TUUA TU 4/69, "In Re: Refusal of School Board to Renew Contracts with Teachers Who Are Members of the American Federation of Teachers, Affiliated with American Federation of Labor," *Department Reports*, Harrisburg, Pa., 30 July 1920, 6.

12. *Ibid.*, 7.

13. *Ibid.*, 9–10.

14. "Teachers Forbidden to Affiliate with Labor Federation" *Philadelphia Inquirer*, 29 July 1920.

15. "The Status of Teacher Tenure," 9.

16. "Penna. Teachers Seek Tenure Law," *Philadelphia Inquirer*, 28 December 1928.

17. "Teachers Benefit Through Measure," *Scranton Republican*, 26 June 1929.

18. "Penna. Teachers Seek Tenure Law."

19. "Educators Decide to Enter Politics," *Philadelphia Inquirer*, 2 March 1930. All other quotations in the paragraph are from this article.

20. TUUA Mary Foley Grossman papers (MFG hereafter) 2/26, "Origins of the Pennsylvania State Teachers' League," *Pennsylvania Teacher* 8, no. 6 (Spring 1933): 11.

21. John F. Lyons, "Regional Variation in Union Activism of American Public Schoolteachers," in *Education and the Great Depression: Lessons from a Global History*, ed. E. Thomas Ewing and David Hicks, 19–40 (New York, 2006).

22. "Senate Group Defers Action on Tenure Bill," *Wilkes-Barre Record*, 22 April 1931; "Teachers' Bill Given Hearing," *Bradford Evening Star and Bradford Daily Record*, 21 April 1931. McGlynn later came to own the pen that Governor Earle used to sign the 1937 tenure law. See "Death Claimed Advocate of Teacher Tenure," *Jim Thorpe Times News*, 5 January 1965.

23. "Remove Teachers Tenure Provision," *Harrisburg Telegraph*, 28 April 1931.

24. "Teachers Tenure Law for Pennsylvania Has Been Proposed by League," *Lebanon Semi-Weekly News*, 9 March 1931; "G.O.P. Women Vote to Aid Tenure Bill," *Wilkes-Barre Times Leader*, 10 April 1931.

25. "G.O.P. Women to Plead School Teachers' Cause," *Philadelphia Inquirer*, 22 March 1931.

26. "Directors Strike at Teacher Tenure Law," *Mount Carmel Item*, 21 April 1931.

27. "Lively Row over Teachers' Tenure Bill Continues," *Harrisburg Telegraph*, 22 April 1931.

28. James Sanzare, *A History of the Philadelphia Federation of Teachers, 1941–1973* (Philadelphia, 1977), 4.

29. Carole H. Carpenter, "Arthur Huff Fauset, Campaigner for Social Justice: A Symphony of Diversity" in *African-American Pioneers in Anthropology*, ed. Ira E. Harrison and Faye V. Harrison (Urbana, 1998), 213–42.

30. The complete text of the Yourishin bill can be found in TUUA Benjamin Barkas Papers, 34/116.
31. "Legislation Discussed by Teachers' League," *Philadelphia Inquirer*, 16 March 1935.
32. "Capital Carousel," *Reading Times*, 5 June 1935.
33. Richard C. Keller, "Pennsylvania's Little New Deal" *Pennsylvania History* 29, no. 4 (1962): 391–406.
34. "Anthracite Bloc Is Organized in State Assembly," *Evening News*, 26 November 1936.
35. TUUA MFG 2/27, "Let's Fight for Real Tenure!" *Philadelphia Teacher* 1, no. 7 (May 1935): 4.
36. TUUA MFG, 4/8, Mary Foley Grossman, "Annual Report for District Comprising Pennsylvania, New Jersey, and Maryland," 15 July 1938, 2. See also "Local Teachers Join Tenure Bill Backers," *Wilkes-Barre Times Leader*, 24 March 1937.
37. Mary Foley Grossman, "Redefining the Relationship of the Federal Government to the Education of Racial and Other Minority Groups" *Journal of Negro Education* 7, no. 3 (1938): 450–53.
38. "Mary Grossman, English Teacher" *Philadelphia Inquirer*, 9 May 1972.
39. After her death in 1968, some of her friends worked with the York County school district to establish the Sarah Walsh Wepman Fund to provide scholarships for African American youth. See "Three Get Wepman Fund Scholarships," *Gazette and Daily*, 9 September 1969.
40. While the creation of such legislation was surely a collaborative affair, the obituary of Nathan Shrager, the union's financial secretary during this time, cites him as "author of the state's Teacher Tenure Law, which was written to protect teachers from dubious hiring and firing practices." See "Nathan Shrager, 88, A Retired Educator," *Philadelphia Inquirer*, 26 November 1999.
41. The full text of the law can be found in TUUA TU 5/75.
42. TUUA MFG 2/8, "Administration Tenure Proposal Scheduled for Final Passage," *Education Bulletin* 5, no. 24 (1937): 94.
43. "Politics in Pennsylvania," *Harrisburg Telegraph*, 2 April 1937; "Teachers' Tenure Bill Passes Assembly: Earle Will Sign It," *Pittsburgh Press*, 6 April 1937.
44. Legislative Journal of Pennsylvania, House 1937 (5 April 1937), 2146–47.
45. *Ibid.*, 2072.
46. TUUA MFG 1/29, letter from Harkins to Grossman, 20 November 1936. Harkins also took this opportunity to inform Grossman that he had just been reelected and that "we will have overwhelming Democratic majority in both the House and the Senate."
47. TUUA MFG 1/29, letter from Grossman to Harkins, 30 November 1936.
48. "Functions of School Boards," *Wilkes-Barre Semi-Weekly Record*, 2 January 1911.
49. TUUA MFG 2/26, "Education and the Mounting Cost of Government," *Pennsylvania Teacher* 8, no. 6 (Spring 1933): 7–8. The Economic Council had recently produced a report on the Harrisburg school system that accused Harrisburg of "overexpansion" of public school expenditures. See "Politics Score by Council in School Survey," *Harrisburg Telegraph*, 24 July 1933.
50. "Denies Teachers' League Agitating for Higher Pay" *Harrisburg Telegraph*, 29 December 1930.
51. TUUA MFG 2/26, John J. Riesing, "A Friend Indeed," *Pennsylvania Teacher* 8, no. 6 (Spring 1933): 6.
52. "Legislation Discussed by Teachers' League," *Philadelphia Inquirer*, 16 March 1935.

53. TUUA MFG 2/5, "Clip-Sheet Bulletin from the National Office of the American Federation of Teachers" 1, no. 1 (8 December 1937).
54. "Tenure Act Voids Usual Dismissals," *News-Chronicle*, 4 May 1937; "New Contracts Will Be Given to Teachers" *Mount Carmel Item*, 4 May 1937.
55. TUUA TU 5/71, Tenure cases.
56. "Hanover Board to Ban Married Women Teachers," *Evening News*, 3 May 1937; "Teachers Swear Still Are Single," *Indiana Gazette*, 5 May 1937; "Board Hits Tenure Act," *Wilkes-Barre Record*, 7 May 1937.
57. "Clip-Sheet Bulletin."
58. "Bloomsburg School Board Ousted: Fails to Obey Tenure Act," *Daily Courier*, 29 October 1937.
59. TUUA MFG 2/15, *Union News-Flash* 1, no. 25 (26 April 1937).
60. One of the state's new Republican congressmen was Chester Gross, the president of this association.
61. "Teacher Tenure Act Changes Would Take 'Teeth' Out of Law," *News Herald*, 31 January 1939.
62. TUUA TU 5/72, "A Brief on Tenure," prepared by a special committee for the national legislative committee, Mary Foley Grossman, chairman.
63. *Ibid.*
64. Raleigh Warren Holmstedt, *A Study of the Effects of the Teachers Tenure Law in New Jersey*, No. 526, Teachers College, Columbia University, 1932; Cecil Winfield Scott, *Indefinite Teacher Tenure: A Critical Study of the Historical, Legal, Operative, and Comparative Aspects*, No. 613, Teachers College, Columbia University, 1934. The union's brief does not mention the fact that the Scott study also recommends a probationary period.
65. Murphy, *Blackboard Unions*, 177.
66. TUUA TU 5/77, "Tenure and the Married Woman Teacher," issued by the Pennsylvania Federation of Teachers, 21–23.
67. See "Appeals of Victoria E. Dunn and Ruth Steinberg, Temporary Professional Employees, from a decision of the Board of Public Education of the School District of Philadelphia, Pennsylvania" *Bulletin of the Department of Education* 20 (1952): 74–77.
68. Quoted in TUUA TU 5/82, letter from the AFT Legislative Committee to All Temporary Professional Employees, 7 December 1940.
69. TUUA TU 5/82, letter from Local 192 to the President and Members of the Board of Education, School District of Philadelphia, 9 January 1940.
70. TUUA TU 5/82, letters from Walsh to Dunn and Steinberg, 18 July 1940.
71. Walsh lost the case in state superior court. See *Walsh v. School District of Philadelphia*, 343 Pa. 178 (1941); TUUA TU 5/86, "The Philadelphia 1940 Salary Cut Case," statement prepared by Legislative Research Committee, American Federation of Teachers, Local 192, Philadelphia.
72. TUUA TU 5/82, "Digest of Briefs written by Abraham Kopelman, hearing at Harrisburg," 3 May 1940.
73. TUUA MFG 2/5, "Clip-Sheet Bulletin from the National Office of the American Federation of Teachers" 3, no. 7 (1 February 1940).
74. Francis Ryan, *Philadelphia's AFSCME Story: Municipal Workers and Urban Power in the Twentieth Century* (Philadelphia, 2011), 96.