

A Campaign for Salary Equality

By

Dr. Anthony Arciero,
Katie Knipmeyer, and Sofia Conway

With racial discrimination firmly implanted as the law of the land in the early 20th century, African Americans were faced with a horrible dilemma – fight the organized system of racial injustice and be labelled a criminal and possibly even be killed, or live a life of second class status. Most chose to live within the system, some chose to fight. A small group took a strategic approach and built a campaign to fight a battle both for survival and for equality under the law. This is the story of one small part of that campaign.

In early 20th century Virginia, Black teachers earned approximately half the salaries of White teachers. There were separate schools for Black and white children, with separate teachers and separate books. A strong case can be made that the learning environments and opportunities were clearly not equal. The books were in inferior condition – they were given to Black children after White children had used them for years. The facilities were also quite unequal, with Black schools often falling down or inadequately supplied with coal during the winter. However, the documentation of those inequities was not as clear, nor were the obviously systemic differences as clearly documented as the teachers' salary schedule. Teacher salaries were different for men and for women – a vestige of the early days of public schooling when funds were more difficult to secure. Salaries were also different for Black and white teachers, for no reason other than skin color. This was obviously a deliberately designed, systemic form of discrimination. It was also the most clearly-

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documented example of systemic racism because the teachers' salary schedule was a public record.

The legal basis for the existing system of discrimination was a U.S. Supreme Court decision from 1896 titled *Plessy v. Ferguson*, considered one of the worst decisions in the history of the Court¹. That decision gave the separation of the races a constitutional backing, essentially creating a state of apartheid in the U.S. However, in order to be consistent with the 14th amendment, the decision created a "separate but equal" doctrine stating that as long as there was equality, then separation was acceptable. The 14th Amendment said all people were equal under the law. It is interesting to note that the Court had to ensure there was at least a nod to equality under the law, which is why they included "but equal" in the doctrine, and it was that add-on phrase the spelled its ultimate doom. The teacher salary system was not just separate, it was clearly not equal, and therefore it was the clearest and most well-documented violation of the 14th Amendment. If a "separate" system could be shown to be unequal, then the foundation of *Plessy* would begin to crumble.

In 1909 The NAACP was formed, and their most immediate objective was to get White people to stop killing Black people. As we reflect on that immediate and urgent priority more than one hundred years later, we must solemnly acknowledge that priority is still relevant and urgent. The NAACP was determined to use the law itself to change the law.

The early leaders of the NAACP knew that the fight would be a long one, and the existing power structures would fight back hard. So, they did what a good general does before going into battle – they built a campaign plan. They envisioned the long fight, imagined the battles, and planned for both wins and losses. They knew there were multiple fronts in the battle, and they studied where the weakest points were in their opponent's defenses. It is sad

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to consider, in hindsight, that these were citizens of the United States, being killed by other citizens, who were also in many cases members of the government itself. It is also important to remember that the 'enemy' against which the NAACP designed their campaign plan was the U.S. government and its power structures.

As the fight for life commenced, a campaign for equality before the law, i.e., the end to legal segregation, was formulated as well. Even formulating such a plan was an act of great optimism and vision. Those early leaders had to believe they would prevail in the most urgent battle – to live. They assumed they would continue to survive as a starting point to begin planning for equality. As so often happens, the fight for grand ideals came down to the messy day-to-day business of small, very personal fights. In this case, the fight for equality between the races became a battle for equal salaries for Black teachers in Loudoun county, Virginia.

That fight began in 1926 when a few Loudoun County Public School teachers asked for a pay increase – not equal pay – to cover the increasing cost of living. Their request was ignored. Around the same time, a few forces converged. Charles Houston took over at Howard University's Law School. He was also an attorney for the NAACP. Soon, one of his students, Thurgood Marshall began litigating cases of unequal teacher salaries as a matter of equality before the law, winning most of those.

In the late 1930s and early 1940s, through a combination of legal cases, grassroots campaigns, and discussions with local school board officials, Black teachers were eventually able to move their districts toward a single salary schedule for both Black and white teachers. The organization of teachers and parents and their joint efforts were the main influences on this civil rights development.

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One of the major contributing factors to the rise and progress of this movement was the series of court cases in which Black teachers, principals, and supervisors challenged the local school board on the differences in pay between employees of different races with similar qualifications and tasks. The two most notable cases, which took place in 1939 and 1940 (respectively), were *Mills v. Board of Education of Anne Arundel County* and *Alston v. School Board of the City of Norfolk*.

In *Mills v. Board of Education*, Mills, a Black principal, challenged the school board on the grounds that the salary scale was biased unconstitutionally towards white teachers and principals. The plaintiffs noted that, in addition to unjust discrepancies in pay between teachers of different races, there was also a great deal of bias built into the scale itself. The minimum salaries for white teachers and principals were much higher than those of Black teachers and principals, even though the required qualifications were the same. Although the different salary minimums did not *guarantee* discrimination on the basis of race, it did allow for such discrimination to be made, as was made evident by the “nearly two to one [pay ratio] in favor of the white teachers” in Anne Arundel County. The defendants made the case that the lower pay for Black teachers was not based solely on race and was therefore not in violation of the 14th Amendment to the Constitution. Instead, they argued, the white teachers’ salaries were determined based on their “superior professional attainments and efficiency.” Ultimately, though, it was decided that this factor was not enough to explain the massive differences in salary between white and Black teachers. The court ruled in favor of Mills.

The second case, *Alston v. School Board of the City of Norfolk*, was similar in content to Mills case. The plaintiff, a schoolteacher named Melvin Alston, presented essentially the same case as Walter Mills to the school board of the City of Norfolk. The circuit court ruled that the salary scale, which distributed pay on the basis of race, was in violation

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of the equal protection clauses of the Fourteenth Amendment. Cutting to the heart of the weak link holding Plessy in conformity with the constitution.

Following these cases, several groups of Loudoun County Black teachers and other school employees joined in opposition to the unjust salary system. They proposed the implementation of a single salary schedule on the grounds that deciding salary based solely on race was deemed unconstitutional. Specifically, they cited the ruling of the *Alston v. School Board* case, pointing out that the board would not want to “maintain a practice which is not only in contravention of [the petitioners’] democratic ideals, but which is also unconstitutional.” Identical copies of this petition were sent to the school board by four separate organizations: the Leesburg P.T.A, the Loudoun County-Wide League, the Loudoun County Teachers’ Association, and the local branch of the NAACP.

The teachers noted that local superintendents and school boards were designed to prescribe and regulate salaries based upon the “laws and regulations of the State of Virginia and of the United States”. In the midst of this debate, the public school system leadership searched for ways to keep the system as it was. They suggested that the reason for the salary differential was that white teachers were better credentialed, or had higher test scores, or more experience in the classroom. Their excuses were clearly fabricated to maintain the status quo.

The teachers and the County-Wide League, a consortium of Black PTAs, compared the specific salaries for teachers of equal qualifications and experience, noting that the uniform bias towards white teachers could not reasonably be based on anything *besides* race. In addition, they mentioned that teachers of all races were required to take the same test and earn the same certificate, so the claim that Black teachers were somehow less capable than white teachers did not withstand scrutiny. On top of all this, they

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argued that the perceived difference in pay “is even greater than is indicated on the face of the schedule because [white teachers] are paid for 12 months of the year, while the Negro teachers are paid for 10 months.” The teachers concluded by stating that the intention behind their proposal for the equalization of salaries was not to reduce the salaries of the white teachers, but instead to use the same pay scale for all groups of teachers.

In case after case, the NAACP presented clear evidence, from the government’s own documents, that the school system was separate and very unequal. With Thurgood Marshall arguing the cases, they won - case after case. They built a record of winning that showed an undeniable fact - that separate was never meant to be equal. It was meant to institutionalize a second-class status to an entire race of people, precisely because of race.

Finally, a plan to equalize salaries, and a small victory in a long fight. Yet within that apparent victory, there were continuing inequities. It would take three years to implement the new salary schedule and it involved the gradual shift of Black teachers’ salaries towards the same pay-scale as white teachers. In 1941-1942, Black teachers would be paid on an 11-month basis. In 1942-1943, Black teachers would be paid on a 12-month basis and on the same schedule as white teachers, minus 10 percent. In 1943-1944, teachers of both races would be on the same salary schedule and paid for the same amount of time.

Another element of inequity was obvious in the new schedule - salaries would be decided based on the results from a series of intelligence tests: the I.Q. test, the Iowa High School Content Examination, the Otis Group Intelligence Higher Examination, and a “special Test on Practice of teaching.” The results were used to determine the pay scale for teachers with varying races and years of experience. The results of the tests were aggregated into a

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single pay scale ranging from \$63 to \$92 (the “present salary range for white teachers”) per month. Based on the teachers’ scores on the exams, they would receive different amounts. The average monthly salary of Black and white teachers differed by about \$7, which means that this system allowed for an annual pay difference of about \$80. Despite the single salary schedule, white teachers were (on average) receiving significantly more than their Black counterparts. The tests used were likely biased and Intelligence tests have long since been shown to be culturally biased.

While the small victory regarding teacher salaries was important, it represented only one battle in the larger campaign against inequality. Like any good campaign plan, this one used the accumulated successes as building blocks upon which to base future battles. Eventually the ‘war’ was won in 1954 with *Brown v. Board of Education of Topeka*. Fittingly, the case was argued by Marshall, and the campaign that sought equality culminated in a victory over inequality – in the context of education.

History is filled with lessons, often presented to us as analogies and metaphors that we have to figure out how they apply to our times. It is a continuing challenge to glean those lessons without committing the sin that historians called presentism – where we impose today’s values, ideals, and cultural and societal norms on past events, thereby missing the lessons to our clouded judgement. On rare occasions, the message from the past is very clear, interpretable, and directly relevant to our current lives. We find ourselves in such a situation today. America, like most nations, has struggled with discrimination and tribalism; we band together in groups and view everyone who is not in our group as an ‘other.’ Society as a whole suffers from this tendency. We are living in a time when those forces of tribalism continue to threaten innocent people’s lives.

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Like other great battles and campaigns, even the winning of the right to equality before the law was just the beginning of yet another battle. The civil rights movement of the 1950s and 1960s was a continuation of the long campaign to achieve actual equality, both before the law, and in actuality. The struggle continues today. Once again, we see on the streets of this nation, African American citizens being killed by White people who represent the systems of power and authority. Once again, the cry goes out for the right to “life” as an unalienable right. Once again, people must choose to comply or fight. For those who choose to fight, will they clench a fist, or will they learn history’s lessons and build a campaign plan?

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