



PARAMOUNT DUTY OF THE STATE:

A Brief History of Educational Equity and Inequality in Washington State

Abstract

This paper analyzes the basic infrastructure of schooling, school funding, and state responsibility that developed in Washington historically, highlighting sources of inequity built into the system, in contradiction to the State's distinctive constitutional commitments to educational quality and non-discrimination. It further examines historical attempts to address those inequities, with attention to the historical role of teachers and teacher professional organizations (including the WEA and the NEA) in those struggles. It closes with a few recommendations for confronting that history and assuming responsibility for educational justice.

Professor Nancy Beadie, University of Washington
nbeadie@uw.edu

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Professor Nancy Beadie, University of Washington

Washington State's constitutional commitment to education is distinctive in two major ways. The first is the principle litigated in *McCleary v. Washington*.¹ That is the high level of responsibility the constitution assigns to the state for providing public education. In comparison with the constitutions of other states, such as North Carolina, Montana, or Texas, which simply assert that "the general assembly shall provide" or that "it is the duty of the legislature to provide" a system of education, the constitution of Washington establishes the provision of education as the number one, or "paramount" duty of the state. More than that, the constitution establishes a principle of generosity with which the state should fulfill that duty. As compared with other constitutions, which use the language of "adequate" or "efficient" to describe the level at which the state should support its system of education, the Washington constitution specifies the level of support for which the state is responsible as "ample."²

These two words, "paramount" and "ample," already distinguish Washington as exceptional in its constitutional commitment to education. We could conceptualize this as a "vertical" commitment, representing a high level of state responsibility for a generous amount of support for education. At the same time, Washington State's constitutional commitment to education is distinctive in a second major way, which we could conceptualize as "horizontal". That is the extent of its commitment to educational equity, or non-discrimination. Other constitutions, such as those of Minnesota, Wisconsin, and South Dakota specify that the state should provide a "general and uniform" system of education, or a system "as nearly uniform as practicable" that is "free and open to all." Washington State's constitution, by comparison, goes further, specifying that it is the paramount duty of the state "to make ample provision for education of all without distinction or preference on account of race, color, caste or sex."³

These two elements of Washington State's constitutional provisions for education currently distinguish it among other states nationally. However, those provisions did not emerge out of the blue. In fact, they were very deliberately borrowed from prior precedent when Washington became a state in 1889 in order to reinforce a specific set of principles and ideas about education, equity, and republican government in a very particular historical moment. Specifically, Washington's education provisions represented a deliberate and explicit response to issues of power, racial injustice, and equality during a period of intense political conflict over corporate power and financial corruption on the one hand, and the demise of Reconstruction and re-institutionalization of white supremacy, on the other hand. They were also linked to a particular theory of federal constitutional law and responsibility for education.

¹ *McCleary v. State of Washington*, 173 Wash. 2d 477, 269 P.3d 227 (2012).

² All quotations from, and references to the texts of state constitutions drawn from Francis Newton Thorpe, ed. *Constitutions, Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies now or heretofore forming the United States* (Washington D.C.: Government Printing Office, 1909), 7 Volumes. The education provision of the Washington State constitution (Article IX) appears in Vol. 7 of Thorpe, pp. 3991-2.

³ *Ibid.*

Even as Washington State institutionalized these ideas and principles in its constitution, however, its very first legislative acts as a state embodied fundamental tensions and contradictions between the vertical and horizontal commitments they embodied. First and foremost, the basic place-based infrastructure of schooling and school-funding in Washington (like that of other states), depended upon the expropriation of land from Native Americans, its conversion into property, and its colonization by Anglo-American law and western missionary, military, and political institutions. This role of schooling in the process of settler colonialism also built fundamental cultural, economic, and political inequalities into the system. Second, within the settler system, early legislation in Washington (like that in other states), made certain special allowances for school funding in some districts that facilitated inequities by locality and reflected patterns of social stratification. As a result, some districts enjoyed support that might be considered generous, while others suffered funding levels that were clearly inadequate. Those structural inequities in turn contradicted the state's vertical commitment to high levels of support for education and its horizontal commitment to equity and non-discrimination.

Educators and political leaders recognized these contradictions and inequities. From the beginning, they proposed and promoted measures intending to address them. At the same time, other tensions, such as differences between rural and urban educational needs, conflicting educational goals, and the gender politics of education as a profession, made success difficult to achieve. Meanwhile, other forces of inequity, such as a surge in white supremacist and anti-immigration politics in the early decades of the 20th century, put education at the center of efforts to establish racially and culturally exclusive policies at local, state, and federal levels. Individual educators and teacher professional organizations, including the Washington Education Association (WEA), participated in these efforts and, in a few cases, in resistance to them. Understanding this longer and broader history of struggle over equity and justice in education, and the role of teachers and teacher professional organizations in those struggles, can make us better able to assume responsibility for educational equity and justice in the future.

This paper is organized in four main sections. The first section explains the historical origins and significance of Washington State's distinctive constitutional commitments to education and educational equity. The second section outlines the basic infrastructure of schooling, school funding, and state responsibility that developed in Washington historically, highlighting some of the early policy tensions and sources of inequity built into the system, including legacies of settler colonialism. The third section examines two historical attempts to address those inequities, with an analysis of factors contributing to the limits of the results. The fourth section highlights the role of teachers and teacher professional organizations, including the WEA and the NEA, in struggles for (and against) educational equity and justice in Washington State and the nation. It closes with a few recommendations for confronting that history and assuming responsibility in ongoing struggles for education equity and justice.

I. Where did Washington's distinctive constitutional commitments to education and educational equity come from?

When Washington became a state in 1889, the establishment of a tax-supported system of public schooling was a foregone conclusion. The battles over state intervention and authority in education waged within individual states before the Civil War were largely settled. Meanwhile,

the significance of public education as a matter of federal policy had substantially increased. The particularly strong provisions for education that appeared in the Washington State Constitution resulted from the peculiar intersection of federal policy and state and territorial politics after the Civil War. But they also represented a new statism in politics both nationally and internationally. The notion that education was a legitimate and important instrument of national policy achieved something of an apogee in the 1880s. In the United States, Congress came very close to creating a *national* system of education in that decade--closer than it has ever come before or since. Meanwhile in western European countries such as France and Germany, and in other industrializing countries such as Japan, levels of financial, legal, and rhetorical support for national systems of mass education also significantly increased in this period. The education provisions of Washington State's constitution were part of that larger historical development.⁴

One could say that in the United States, the establishment of education as an important domain of national policy was the product of an intraregional dialogue between the West and the South mediated by the federal government. The fact that certain western states--such as Colorado (1876), Washington (1889), North Dakota (1889), and Wyoming (1890)—incorporated strong educational provisions into their new constitutions was a direct product of the federal government's two-decade-long effort—and its essential failure--to achieve similar strength and permanency of educational provisions nationally, particularly in states of the Reconstruction South. But federal involvement in education in the West had also preceded southern reconstruction and even the Civil War as a colonial policy that promoted white settlement of newly acquired western territories and appropriation of Native American lands, as well as mostly failed attempts at political integration of Native American peoples. Beginning as early as the Northwest Ordinances of 1785 and 1787, and continuing through the 19th and early 20th centuries, the federal government regularly dedicated portions of federal lands to support schools in newly acquired territories.⁵ Those “schools lands” effectively promoted white settlement and development of such territories, becoming a foundation of support for education when they became states. In these and other ways, the peculiar politics of race and education in the South and the West at the time of (reconstructed) statehood, from 1865-1890, conspired to increase the significance of schooling both as a civil right and as an instrument of policy.⁶

Although the significance of education as national policy had its start in the West, that significance was considerably leavened by southern Reconstruction. In 1867, the U.S.

⁴ For a survey account of the creation of state systems of education in the northern United States before the Civil War, see Carl Kaestle, *Pillars of the Republic: Common Schools and American Society, 1780-1860* (NY: Hill and Wang, 1983). On the increased significance of education as a national policy domain in the late 19th century United States, see Nancy Beadie, "The Federal Role in Education and the Rise of Social Science Research: Historical and Comparative Perspectives," *Review of Research in Education, Centennial Volume 40* (March 2016): 1-37. On the simultaneous rise of education as a domain of national policy internationally, see Peter H. Lindert, *Growing Public: Social Spending and Economic Growth Since the Eighteenth Century* (Cambridge: Cambridge University Press, 2004) and Johannes Westberg, Lukas Boser, Ingrid Brühwiler, eds., *School Acts, the Rise of Mass Schooling and the Emerging Nation States in the Long 19th Century* (NY Palgrave MacMillan, 2019).

⁵ David Tyack, Thomas James, and Aaron Benavot, *Law and the Shaping of Public Education, 1785-1954* (Madison: University of Wisconsin, 1987).

⁶ Nancy Beadie, "War, Education, and State Formation: Problems of Territorial and Political Integration in the United States, 1848-1912," *Paedagogica Historica: International Journal of the History of Education* 52, nos. 1-2 (February-April, 2016): 58-75.

Congress laid out the terms upon which it would readmit southern confederate states defeated in the Civil War. Among the requirements were that former confederate states adopt new constitutions that acknowledged the abolishment of slavery, extended suffrage to freedmen, and established universal state education systems. Previously, southern states had relied primarily on local initiative and funds for schools. Moreover, beginning in the 1830s, southern states had adopted state laws explicitly forbidding literacy instruction for African Americans, enslaved or free. Although certain southern cities and counties provided a range of school options for white children of varying conditions and ambitions, and though some of those schools received allocations from state permanent funds, such provisions were generally permissive and elective rather than systematic. Unlike northern states, which began instituting state taxes to fund state education systems in the 1820s and 30s, making the systems fully tax-supported in the 1840s and 1850s, southern states generally lacked systematic, compulsory legal and financial structures for ensuring school availability state-wide. Meanwhile, new states established in the “old northwest” during this period—Michigan (1836), Iowa (1846), Wisconsin (1848), Minnesota (1858)—established increasingly strong state education provisions from the start, as part of their founding constitutions. During southern Reconstruction, Congress essentially applied the policies and principles developed in the constitutional conventions of these new (mid)western states before the Civil War to the situation in the South after the Civil War, requiring that southern states make similar constitutional provisions before being readmitted to the Union.⁷

Due to the combined influence of this federal Reconstruction policy and extraordinary African American initiative, southern states during the period from 1867 to 1870 adopted some of the strongest constitutional provisions for education of any states in the country at the time.⁸ With regard to the vertical commitment to state responsibility for education, the Texas constitution of 1868, for example, as revised in 1869 and approved by Congress in 1870 stated, “It is made the imperative duty of the legislature to see to it that all the children in the State,

within the scholastic age, are, without delay, provided with ample means of education.”⁹ Other southern states--specifically those with especially large populations of newly-enfranchised African Americans represented in their Reconstruction-era constitutional conventions and state legislatures--included strong horizontal commitments to equality and non-discrimination in their education provisions. The South Carolina constitution of 1868, for example, stated that “All the public schools, colleges, and universities of this State, supported in whole or in part by the public funds, shall be free and open to all the children of the state, without regard to race or color.”¹⁰ Louisiana’s 1868 constitution took the apparent commitment to school integration a step further, emphasizing that “All children of this State between the years of six and twenty-one shall be admitted to the public schools or other institutions of learning sustained or established by the

⁷ Ibid.

⁸ W.E.B. DuBois, “Reconstruction and Its Benefits,” *American Historical Review* (1910); James Anderson, *Education of Blacks in the South, 1865-1935* (Chapel Hill: University of North Carolina Press, 1988).

⁹ Article IX, Section 9, Texas Constitution of 1868, as revised in 1869 and approved by Congress in 1870, Thorpe, Vol. 6, p. 3610. The 1868 Constitution was originally rejected by Congress, which required that the education provisions be strengthened. See Franklin B. Hough, *Constitutional Provisions in Regard to Education in the Several States of the American Union*, Bureau of Education Circular 7-1875 (Washington D.C.: Government Printing Office, 1875): 631.

¹⁰ Article X, Section 10, South Carolina Constitution of 1868, Thorpe, Vol. 6, p. 3301.

State in common, without distinction of race, color, or previous condition. There shall be no separate schools or institutions of learning established exclusively for any race by the State of Louisiana.”¹¹ These “advanced” statements of constitutional principle regarding state guarantees of universal, equal education in turn influenced later developments in new states west of the Mississippi, including Washington.

Beyond the enactment of such provisions state-by-state, education policy became the subject of a national convergence of interest in the 1870s and 80s. Partly in response to the demand for schooling among ordinary black and white citizens in the South, as well as the arguments of many academics, businessmen, and philanthropists, Congressional and administrative leaders at the federal level set about crafting legislation and mobilizing political support for federal funding for education nationally. This legislation was particularly designed to shore up school funding systems in the South by allocating federal funds in relation to rates of illiteracy in the respective states and territories. In support of this legislation, a strong national coalition of educators and professionals, political leaders, and professional and lobbying organizations—chief among them the National Education Association (NEA), but also many state-level teacher organizations, north and south—together with national women’s organizations, farmer alliances, labor organizations, academic, social science, and social welfare organizations worked for passage of the legislation. In the process, they and their leaders articulated a powerful logic and a distinctive political theory for how and why federal funding for common education was both practically necessary and constitutionally compelling.¹²

A central tenet of the argument was that such federal support was essential “to ensure Republican government” in the states. This language deliberately invoked Article IV, Section 4 of the federal constitution, which stated that “The United States shall guarantee to every State in this Union a Republican Form of Government.” Given the long-standing and widely shared enlightenment idea that the survival of republican government depended on the intelligence and virtue of its people, as well as the more current formulation of the principle that at a minimum, universal suffrage required universal literacy, this article of the constitution seemed to justify, and perhaps even to require federal intervention to ensure universal basic education and thereby republican government. By the logic of its advocates, the first responsibility for providing such education lay with state governments, but ultimately it was the joint responsibility of the federal and state governments to ensure the existence and efficacy of such universal education systems.¹³

Between 1870 and 1890, Congress considered at least 20 different bills aimed at establishing such a federal system of support for education, with the most nearly successful of the bills passing in one house of Congress but not the other on three occasions: in 1884, 1886 and 1888. In the effort to mobilize support for the bills, Congressional leaders and their allies expanded their appeal to address issues beyond the South, including English literacy and linguistic and cultural diversity among Spanish-speaking populations in the Southwest and immigrant populations in Northeastern and Midwestern cities, as well as among laborers in

¹¹Title VII, Article 135, Louisiana State Constitution of 1868, Thorpe, Vol. 3, p. 1465.

¹²Gordon C. Lee, *The Struggle for Federal Aid for Education* (Teachers College, Columbia University, 1949) and Beadie, “Federal Role.”

¹³Beadie, “Federal Role,” and Derek W. Black, “The Constitutional Compromise to Guarantee Education,” 70 *Stanford Law Review* (2018): 735-837.

mining and other extractive industrial regions of the West. The census category of “illiteracy” proved to be a statistically-salient category that could usefully encompass the various circumstances presented by these diverse populations. By 1886, Congressional leaders made explicit how federal support for education could be a powerful means of integrating diverse regional societies into one strengthened nation, much as other consolidating nations such as Germany and Japan, were doing at the time. An integrated system of support for education could also, some leaders argued, be a means of competing globally with other imperial nations like Great Britain, then extending its influence into colonial territories around the world.¹⁴

Concurrently, the 1880s were a period of great educational experiment, development and debate throughout the country. In the South this experimentation included a number of institutions focused on developing the intellectual and strategic infrastructure of black schooling and community betterment. Situated in core southern cities such as Mobile, Richmond, Charleston, Atlanta, Raleigh, and Jackson, as well as in more agricultural areas such as the Sea Islands, Hampton Roads, and Tuskegee, these institutions encompassed a variety of sometimes competing educational models, from traditional liberal education aimed at cultivating intellectual leadership to industrial education aimed at training teachers who would collaborate in the project of maintaining a subordinated laboring class.¹⁵ At the same time, in the West--from Indian Territory to New Mexico, from Oregon and Washington to Alaska and Hawaii--this experimentation included a wide range of missionary, military, and tribal nation schools under a variety of sponsorships, often with some federal funds and/or tribal annuities, including Native-run schools in Indian territory, a variety of denominational boarding schools, including Catholic institutions among Spanish-speaking populations in the Southwest and among some tribes of the Northwest, and a few new federal boarding schools.¹⁶ Nationally, meanwhile, the

¹⁴ Nancy Beadie, “Annexing the World: Education as Nationalist and Imperial Policy in a Competitive Global Economy, 1876-1907,” in David Mitch and Gabriele Cappelli, eds. *Globalization and the Rise of Mass Education*. (NY: PalgraveMacmillan, 2019): 253-278.

¹⁵ James Anderson, *Education of Blacks in the South*; Hilary Green, *Educational Reconstruction: African American Schools in the Urban South, 1865-1890* (NY: Fordham University Press, 2016); Jelani Favors, *Shelter in a Time of Storm: How Black Colleges Fostered Generations of Leadership and Activism* (Chapel Hill: University of North Carolina, 2019); Ronald E. Butchart, *Schooling the Freed People* (Chapel Hill: University of North Carolina, 2010); Heather Andrea Williams, *Self-Taught: African American Education in Slavery and Freedom* (Chapel Hill: University of North Carolina Press, 2005).

¹⁶ See for example: Meredith L. McCoy and Matthew Villeneuve, “Reconceiving Schooling: Centering Indigenous Experimentation in Indian Education History,” *History of Education Quarterly* 60:4 (November, 2020): 487-519; Devon Miheusuah, *Cultivating the Rosebuds: The Education Women at the Cherokee Female Seminary, 1851-1909* (Urbana: University of Illinois, 1993); Murray R. Wickett, *Contested Territory: Whites, Native Americans and African Americans in Oklahoma, 1865-1907* (Baton Rouge: Louisiana State University Press, 2000); Clif Stratton, *Education for Empire: American Schools, Race, and the Paths of Good Citizenship* (Berkeley, CA: University of California, 2016); Kim Cary Warren, *The Quest for Citizenship: African American and Native American Education in Kansas, 1880-1935* (Chapel Hill: University of North Carolina Press, 2010); Jonathan Kay Kamakawiwo’ole Osorio, *Dismembering Lahui: A History of the Hawaiian Nation to 1887* (Honolulu: University of Hawai’i, 2002); David Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875-1925* (Lawrence: University Press of Kansas, 1995); Donald W. Meinig, *The Great Columbia Plain: A Historical Geography, 1805-1910* (Seattle: University of Washington, 1968, 1995); ; SuAnn M. Reddick, “The Evolution of Chemawa Indian School, 1825-1885” *Oregon Historical Quarterly* 101:4 (2000): 444-465; Sarah Manekin, “Spreading the Empire of Free Education, 1865-1905” (unpublished PhD Dissertation, University of Pennsylvania, 2009); Lynn Marie Getz, *Schools of Their Own: The Education of Hispanos in New Mexico, 1850-1940* (Albuquerque: University of New Mexico Press, 1997); Victoria-Maria McDonald, ed. *Latino Education in the United States: A Narrated History from 1513-2000* (NY:

Catholic Church undertook a massive systemization of schooling among European Catholic immigrant populations, especially in industrializing areas of the Northeast and Midwest, directing the establishment of parish elementary schools, urban high schools, and various convent schools and academies for the training of Catholic teachers throughout the country.¹⁷

Until the mid-1880s, the long-term viability and eventual dominance of particular systemic models of education for African Americans, Native Americans, and certain immigrant and non-English speaking populations remained very much open to experiment and debate. By 1889, however, when Washington secured statehood, the federal government had settled certain terms of education and reconstruction in the West. To appreciate this point, it is essential to view Washington statehood in relation to the Dawes Act of 1887. The Dawes Act, otherwise known as the General Allotment Act, aimed at forcing Native American assimilation and dissolving Native American reservations and communal land claims by opening such lands to survey and individual allotment. Under the terms of the Act, the President of the United States could initiate the allotment process, “whenever in his opinion any reservation or any part thereof of such Indians is advantageous for agricultural and grazing purposes.”¹⁸ Land would be allotted to individual Indians and their heirs as homesteads, with any remaining lands opened to non-Native occupation and settlement on the model of the prior Homestead Act of 1862. The Dawes Act responded in part to the concerns of social reformers who decried the considerable corruption of the Bureau of Indian Affairs and the exploitation of Native people by railroads and other corporate interests, often in league with federal Indian agents. But it also obviously responded to white settler demands for access to additional homestead lands and land-based natural resources.¹⁹ In the 1880s, this included demands by settlers in eastern Washington for access to additional agriculturally-rich lands in the Great Columbian basin in the Spokane and Walla Walla regions of the State. At the same time, many settlers themselves opposed the inordinate corporate power exercised by the railroads and various extractive industries in the contest over

PalgraveMcMillan, 2004); Carlos Blanton, *The Strange Career of Bilingual Education in Texas, 1836-1981* (College Station: Texas A & M University, 2004); Rosina Lozano, *An American Language: The History of Spanish in the United States* (Berkeley: University of California Press, 2018).

¹⁷ JoEllen McNergney Vinyard, *For Faith and Fortune: The Education of Catholic Immigrants in Detroit, 1805-1925* (University of Illinois Press, 1998); James M. Sanders, *The Education of an Urban Minority: Catholics in Chicago, 1833-1965* (NY: Oxford University Press, 1977); David W. Galenson, “Ethnicity, Neighborhood, and the School Attendance of Boys in Antebellum Boston,” *Journal of Urban History* 24: 5 (1998): 603-626; idem, “Ethnic Differences in Neighborhood Effects on the School Attendance of Boys in Early Chicago,” *History of Education Quarterly* 38:1 (1998): 17-35; Jay P. Dolan, *The Immigrant Church: New York’s Irish and German Catholics, 1815-1865* (Baltimore: Johns Hopkins University Press, 1975).

¹⁸ Section 1, “An Act to Provide for the Allotment of Lands in Severalty to Indians on the Various Reservations, and to Extend the Protection of the Laws of the United States and the Territories over the Indians, and for Other Purposes,” 1887. Hereafter referred to as the “Dawes Act,” 1887.

¹⁹For a brief description of the terms and significance of the Dawes Act, see David Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875-1925* (Lawrence: University Press of Kansas, 1995), pp. 17-21. Regarding the land dispossession effects, see D.S. Otis, *The Dawes Act and the Allotment of Indian Lands*, ed. Francis P. Prucha (Norman: University of Oklahoma Press, 1973); Janet A. McDonnell, *The Dispossession of the American Indian, 1887-1934* (Bloomington: Indiana University Press, 1991); Wilcom E. Washburn, *The Assault on Indian Tribalism: The General Allotment Law (Dawes Act) of 1887* (Philadelphia: J.B. Lipincott, 1975).

acquisition and use of land and resources and the terms of economic development.²⁰ The writing of a state constitution and the granting of statehood would establish the terms of authority for deciding some of those issues.

Education played a largely unstated, but nonetheless important role in this settlement process, through both the Dawes Act and the state constitution itself. The Dawes Act specified a trust period of 25 years between the time of allotment and the award of full title to Indian allottees, during which the government would retain ownership in trust on behalf of the allottee and make any associated land-use decisions. At the end of the trust period, according to the terms of the act, the allottee would gain full title to the land, citizenship in the United States, and “equal protection” of its laws.²¹ These terms ostensibly allowed time for the homestead to become productive and/or the allottee to reach maturity before becoming liable for taxes. But they also institutionalized a role for education in Native disempowerment. By imagining, however misguided, a structured 25-year trajectory of individual land allotment and citizenship for Native Americans, the 1887 Dawes Act strategically and paradoxically both *required* and *delayed* the dissolution of tribal membership and authority and the political integration of Native peoples as individual Americanized citizens. Education both as a general idea and a specific institutional instrument--in the form of the newly developing federal boarding school system--filled in this 25-year temporal gap. During this 25-year period, the Act assumed, many old tribal members would die, while newly educated, Americanized and individuated inheritors would take up their places and allotments.²² Meanwhile, and importantly, this 25-year “civilization” period effectively excluded Native peoples from meaningful political participation until that trajectory was complete. The Dawes Act, in this way both paved the way and impelled the rapid enactment and fulfillment of the raft of Enabling Acts that shortly followed, putting several territories on suddenly expedited paths to statehood. Simultaneously, the provisions of the Act effectively excluded Native peoples from the decision-making that defined the political futures—and the disposition of public lands—of the territories in which they resided, thus ensuring complete Anglo dominance of the statehood process.²³

²⁰Donald W. Meinig, *The Great Columbia Plain: A Historical Geography, 1805-1910* (Seattle: University of Washington, 1968, 1995), esp. pp. 125-200.

²¹ This language of “equal protection” referred specifically to the 14th amendment of the U.S. Constitution and, more precisely, to the deliberate exclusion of most Native Americans from the provisions of the amendment at the time it was written, in 1868. For discussion of that exclusion, see James D. Anderson, “Race Conscious Education Policies Versus a “Color-Blind” Constitution: A Historical Perspective,” *Educational Researcher* 36:5 (2007): 249-257. The Dawes Act in this respect ostensibly described the terms upon which Native Americans could be included under the rights provisions of the Constitution from which they had previously been excluded.

²² For a summary discussion of the educational assumptions and ideas embedded in the Dawes Act, see Adams, *Education for Extinction*, 17-21. On the Boarding School System and the experiences of Native Americans the large and growing body of literature includes Adams, *Education for Extinction*, passim; K. Tsianina Lomawaima, *They Called it Prairie Light: The Story of Chilocco Indian School* (Lincoln: University of Nebraska, 1994); Kim Cary Warren, *The Quest for Citizenship: African American and Native American Education in Kansas, 1880-1935* (Chapel Hill: University of North Carolina Press, 2010); John R. Gram, *Education at the Edge of Empire: Negotiating Pueblo Identity in New Mexico’s Indian Boarding Schools* (Seattle: University of Washington Press, 2015); Stratton, *Education for Empire*; Brenda Child, *Boarding School Seasons: American Indian Families, 1900-1940* (Lincoln: University of Nebraska, 1998); Matthew Sakiestewa Gilbert, *Education beyond the Mesas: Hopi Students at Sherman Institute, 1902-1929* (Lincoln: University of Nebraska, 2010):

²³ For a more extended analysis of the historical role education played in these political dimensions of colonization and state formation, see Beadie, “War, Education, and State Formation,” 2016.

In all these ways, then, the intersecting dynamics of southern and western reconstruction, combined with the impetus for national consolidation presented by competition with other nations, reinforced the importance of schools and school systems as instruments of (nation) state policy in the 1880s. Delegates to Washington's constitutional convention captured this convergence of interest by deliberately invoking the language of *southern* reconstruction in the new *western* constitution they drafted in the summer of 1889. Specifically, the education provision of Washington State's constitution echoed the language of comparable provisions of Florida's Reconstruction constitution of 1868: "It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference."²⁴ By adopting this language, Washington's convention delegates affirmed a vertical commitment to the essential importance of education for republican government that Congress had promoted for southern reconstruction. Paradoxically, however, they did so precisely at the moment of demise of those principles in the South. Four years prior to Washington's successful constitutional convention in 1889, Florida held a convention of its own to replace its Reconstruction constitution. The 1885 Florida constitution dropped the once strong language of its education provision. Gone was the idea of "paramount duty" and "ample provision." Instead, the comparable Article of the new constitution stated more modestly: "The Legislature shall provide for a uniform system of public free schools and shall provide for liberal maintenance of the same."²⁵ Also gone was an emphasis on non-discrimination as a framing ideal of the state education system. Instead, Section 12 of the education article of the new Florida constitution required that schools be racially segregated.²⁶ When Washington's delegates crafted the education provision of the new constitution, in other words, they deliberately picked up principles and language that Florida had discarded four years before.

The moment of Washington statehood thus occurred during a profound turning point in American history that is difficult to overstate. In 1889 Congress granted statehood to five new western states: North Dakota, South Dakota, Montana, Idaho, and Washington. Two more soon followed—Wyoming in 1890 and Utah in 1896. Three of those states—North Dakota, Washington, and Wyoming—incorporated particularly strong education provisions in their new constitutions. At the very same time, by tacit if not explicit agreement, Congress abandoned any pretense of enforcing constitutional protections of black suffrage and equal rights for African Americans in states of the South. Although federal troops had withdrawn from the South in 1877, allowing disfranchisement by fraud, violence, and other extralegal means to proceed apace, it was not until 1890 that the re-subjugation of African Americans began being institutionalized in constitutional law. Beginning in 1890 with Mississippi and continuing with South Carolina in 1896, Louisiana, in 1898, and Virginia in 1902, southern states adopted new constitutions explicitly designed to promote white supremacy. These new constitutions purposively suppressed black political power through multiple Jim Crow provisions that instituted extra hurdles for African American males to exercise suffrage rights, such as poll taxes and arcane literacy qualifications, while simultaneously establishing exceptions to such

²⁴ Article IX, Section 1, Florida Constitution of 1868, Thorpe, vol. 2, p. 716.

²⁵ Article XII, Section 1, Florida Constitution of 1885, Thorpe vol. 2, p. 753.

²⁶ Article XII, Section 12, Florida Constitution of 1885, Thorpe vol. 2, p. 754. The segregation provision stated: "White and colored children shall not be taught in the same school, but impartial provision shall be made for both."

requirements for white males and their descendants who voted prior to the Civil War, fought for the confederacy, or enjoyed the sympathy of local election officials.²⁷

In this context, the decision of Washington's delegates to not only borrow the language of Florida's reconstruction constitution but further elaborate its non-discrimination clause stands out as a pointed act. Instead of leaving vague and unspecified the types of distinction or preference that it disallowed, the Washington provision concluded by stating that "ample provision" should be made for education of all children "without distinction by race, color, caste, or sex." It thus explicitly affirmed a horizontal commitment to principles of racial justice with respect to education that the strongest advocates of Reconstruction had promoted as national policy since the late 1860s and early 1870s.

Even as it affirmed principles of non-discrimination with respect to race, however, the Washington State constitution also affirmed the policy of forced assimilation and dissolution of reservation land claims that characterized federal reconstruction policy toward Native Americans in the West under the Dawes Act. Specifically, Article VI of the Washington Constitution, titled "Elections and Elective rights," directed that "Indians not taxed shall never be allowed elective franchise."²⁸ In effect, then, the Washington State constitution reinforced federal conceptualizations of Native American citizenship and political participation as dependent on complete political and cultural assimilation, dissolution of reservation land claims, and adoption of individual property-ownership and taxpaying status.

Two other constitutional provisions meanwhile, similarly enlisted education in larger projects of cultural and political assimilation. Like other new U.S. states established since the eve of the Civil War, Washington State adopted a strong anti-sectarian provision as part of its education article: "All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence."²⁹ This provision responded to two main dynamics. On the one hand it reflected a general shift in ideas of religious freedom and the secular state both nationally and internationally. As nation states around the world consolidated their authority over diverse regional cultures, populations, and territories, a strong secular state seemed to offer the prospect of a culturally-neutral central authority. On the other hand, anti-sectarian education provisions also had roots in the politics of anti-Catholicism. As the number and proportion of Catholic immigrants in the U.S. grew and as the Catholic Church itself became more deliberate and systematic about organizing a Catholic system of schooling, Anglo Protestant leaders became concerned about growing Catholic influence in U.S. politics and education. In the West, Mormon influence was also a concern. Anti-sectarian provisions in the education articles of state constitutions aimed at ensuring that the growing Catholic system would not receive public support, and that growing Catholic and Mormon populations would be limited in their organized political influence.³⁰

²⁷ Michael Perman, *The Struggle for Mastery: Disfranchisement in the South, 1888-1908* (Chapel Hill: University of North Carolina Press, 2001); Beadie, "War, Education, and State Formation."

²⁸ Article VI, Section 1, Washington State Constitution, 1889, Thorpe vol. 7, p. 3988.

²⁹ Article IX, Section 4, Washington State Constitution, 1889, Thorpe vol. 7, p. 3992.

³⁰ On the broad role of Anti-Catholicism and pan-Protestantism in American politics in the post-Civil War period, see Ward D. McAfee, *Religion, Race and Reconstruction: The Public School in the Politics of the 1870s* (Albany, NY: State University of New York, 1998) and Edward J. Blum, *Reforging the White Republic: Race, Religion, and American Nationalism, 1865-1898* (Baton Rouge: Louisiana State University, 2005). On the interaction of anti-Catholic politics

Finally, an additional constitutional provision addressed immigrant and language minority populations. In 1896, Washington amended its constitution to introduce a language restriction on political influence. Like the earlier provision excluding “Indians not taxed” from the elective franchise, this provision appeared in the Section of the Constitution devoted to regulating “Elections and Elective Rights.” Not an education provision per se, this clause nonetheless indirectly enlisted education in an assimilative project by establishing what amounted to an educational qualification for suffrage. Embedded in the same Section 1, Article VI of the Constitution defining the “qualifications of voters” as the Indian exclusion, this 1896 amendment specified that voters “shall be able to read and speak the English language.”³¹

Although clearly aimed at immigrant populations, the fact that this constitutional amendment occurred at the same time that southern states revised their constitutions to establish a variety of restrictions on black suffrage, including literacy tests, was not incidental. In the decades immediately following the Civil War, many educators, social reformers, and political leaders had promoted the idea that ensuring republican government required robust support of universal public education. To mobilize political support behind this idea, political leaders explicitly extended it to the education of immigrants and other non-English speakers. In this formulation, the educational imperative promoted maximum inclusion. Beginning in the 1890s, however, this logic effectively inverted itself, such that education (or lack thereof) became a tool of exclusion. In ensuing decades, moreover, this inverted logic became part of federal law as well, as the U.S. established systematic restrictions on immigration that included literacy tests.³²

Washington State’s constitution of 1889 thus marked a significant divide in the nation’s view of itself. For 25 years, since the end of the Civil War, Congress and the American people had experimented with education as national policy. They had pursued the idea that ensuring republican government in U.S. states and territories required a vertical commitment to ample federal and state support of education, substantively, financially and legislatively. They had even entertained a horizontal commitment to the idea of ensuring that such education provisions should be equitable by race. Organized educators throughout the nation, including members and leaders of the National Education Association and of many state educational organizations, had played important roles in promoting this idea in the 1870s and 1880s, and in lobbying for its legal and financial support in the Congress and in the legislatures of many states. Washington

with public school law in specific state and local contexts, a set of conflicts that came to a head in the 1920s, see of Tyack, James & Benavot *Law and the Shaping of Public Education*, ch. 7, pp. 177-192 (Oregon); Vinyard, *For Faith and Fortune*, ch. 8, pp. 220-250 (Michigan); and David Reynolds, *There Goes the Neighborhood: Rural School Consolidation at the Grass Roots in Early Twentieth-Century Iowa* (Iowa City, IA: University of Iowa Press, 1999), ch. 7-9, 106-224 (Iowa); Ruben Donato, *Mexicans and Hispanos in Colorado Schools and Communities* (Albany: State University of New York Press, 2007), ch. 3, 49-64. For international parallels, see multiple chapters in Westberg, *School Acts*.

³¹ “Amendment 2,” Article 6, Section 1, Washington State Constitution, approved November 1896, Thorpe, Vol. 7, pp. 4009-10.

³² For an account of how language and literacy tests figured in the longer history restrictions on immigration, see Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, NJ: Princeton University Press, 2004); for an account of how literacy restrictions on suffrage developed as a co-creation of colonialism and state and federal policy in the last decades of the 20th century, see Beadie, “War, Education, and State Formation, *Paedagogica Historica* (2014).

State's constitution of 1889 and its education provisions expressed those ideas and reaffirmed those principles. At the very same moment of that affirmation, however, the politics of those commitments fundamentally changed. The federal government and the American people abandoned the prospect of enforcing any such commitments to African Americans, effectively announcing that responsibility for ensuring republican government should be left entirely to the politics of white supremacy within individual states. Meanwhile, with respect to Native Americans and immigrants, the federal government and state governments cooperated in a logic of simultaneous assimilation and exclusion, while largely reverting to a policy of allowing states to make their own decisions with respect to education and voter qualifications. How did these contradictory forces work out in education policy and practice in Washington State?

II. How did inequities in Washington State's school funding system develop?

A. Education, School Lands, and Settler Colonial Systems

Washington of course did not start from scratch in organizing a system of schools when it became a state in 1889. At that point, it had been an organized U.S. territory with its own territorial legislature, governor, and administration for 35 years, since 1854. For that matter, schools established by a variety of missionary, company, military and community organizations dated back to the organization of Oregon Territory in 1846, and before that to British and U.S. exploration and white settler occupation of the region in the 1820s and 30s. Although these early schools tended to be more episodic than permanent, they were an important part of white settler colonialism, alliance-building, and place-making. Through the organization of schools, European trading companies, militaries, missionaries, and settlers laid claim to territory, grafted western cultural traditions onto place, came into conflict and/or relationship with indigenous peoples, and began institutionalizing western forms of place-based power. Many long-term legacies of this role of early schooling in the process of settler colonialism and place-making endure to this day, including the locations of cities like Spokane, Walla Walla, and Vancouver. These institutions of power and place were then effectively absorbed into the more formal territorial education and governance systems of Washington Territory and State that followed. The remainder of this section illustrates the legacies of this historical process with reference to one region of Washington in particular—the Walla Walla region of southeastern Washington.

Although school data for the Territorial period are limited, surviving information from the 1860s and 70s indicate that the most robust school development in the Territory during this early period occurred in Walla Walla County, in southeastern Washington. This region, located just south of the confluence of the Snake and Columbia Rivers and just east of a large bend in the Columbia where it turns West toward the Pacific, illustrates the role of schools in the process of settler colonialism and the long-term legacies of early colonial institutions in the structuring of inequality. The institutionalized European identity of the Walla Walla region developed first through British commercial and military enterprise, with the establishment of Ft. Nez Perce in 1818 as the interior headquarters for the Columbia department of the Hudson Bay Company's fur trade in the Pacific Northwest. Although Americans made various failed attempts to seize a portion of the fur business in the region during the 1820s, the first settled American presence in the Walla Walla region developed under missionary auspices in the mid-1830s—that is, three

decades after the Lewis and Clark expedition and a decade before US jurisdiction over the Oregon Territory would be established by treaty with Great Britain in 1846.³³

This early American settlement in the Walla Walla region was part of a broader Protestant mission system undertaken by Americans in competition with British military and commercial interests, as well as with Catholic missionary efforts. The American aim was to open up trade, communication, right of ways—and eventual land claims and negotiations—with tribes east of the Cascades, including the Cayuse, the Nez Perce, and the Walla Walla. Specifically in the Walla Walla region, Marcus and Narcissa Whitman established in 1836 what became known as the Whitman mission at Waiilatpu, just east of the bend of the Columbia at Fort Nez Perce (later known as Fort Walla Walla), where the Walla Walla River emptied into the Columbia. Besides establishing a farmstead and the headquarters for small-scale trade, the Whitmans conducted typical missionary educational efforts primarily with the Cayuse, including instruction in European agricultural tools and techniques, cultures of gender and family formation, language and literacy, and religion. At the same time, in the 1840s the Whitman farmstead and trading site also became increasingly important as a way station on the Oregon Trail, as settlers who successfully made it through the treacherous Rocky Mountain crossing re-grouped for their final push into Oregon country. Besides introducing increased rates of disease, this invasion of settlers into the Walla Walla region through the Waiilatpu mission site fomented conflict with and among area tribes. In 1847, a band of Cayuse attacked and killed the Whitmans and several other white settlers, an event that led to the immediate cessation of missionary efforts by both Protestants and Catholics in the region and a withdrawal of virtually all white settlers for most of the next decade.³⁴ It did not end, however, incursions by other agents of settler colonialism or the ultimate significance of the Walla Walla region as a place in a Europeanized system of colonial occupation and settlement. Even as mission agents and institutions temporarily retreated, new colonial agents grafted new institutions onto many of the same places, including the political and legal infrastructure for systematic schooling.

In Anglo-American legal tradition, the formal organization of a territory by federal law established the administrative capacities necessary for systematic school organization and funding. Specifically, territorial organization initiated the process of land surveys, treaty negotiations, and the drawing of boundaries that turned land into property and political jurisdictions for the purposes of representation, taxation, and court adjudication.³⁵ Congress passed the federal organic law establishing Oregon Territory in 1848, two years after the boundary settlement with Great Britain. Unlike a number of other such acts, the act establishing Oregon Territory made no specific mention of education or of the portion of federal lands within the territory traditionally reserved within new territories to support schools. Nonetheless, within weeks of its first convening in the summer of 1849, the newly formed territorial legislature passed its first school law. This first “common school law” established the legal, political, and financial infrastructure for a system of schools in the territory, including the organization of a

³³ D. W. Meinig, *The Great Columbia Plain: A Historical Geography, 1805-1910* (Seattle, WA: University of Washington Press, 1968, 1995), 48-151.

³⁴ *Ibid.*, 125-151.

³⁵ For a more detailed account of the institutional logic behind this jurisdictional system and the place of education within it see Nancy Beadie, "War, Education, and State Formation: Problems of Territorial and Political Integration in the United States, 1848-1912," *Paedagogica Historica: International Journal of the History of Education* 52, nos. 1-2 (February-April, 2016): 58-75.

state “common-school fund” to be capitalized primarily through the sale of the federal public lands when they became available. Although many of the details of the law would be modified in 1852 and 1853 for Oregon Territory and superseded entirely for the territory north of the Columbia River that separated from Oregon to become Washington Territory in 1853, the basic structure remained much the same and looked similar under the first common school law of Washington, passed by its territorial legislature in 1854.³⁶

It’s important to recognize that the starting point for all such early school legislation was land. Since its very first acts organizing new territories in the Ohio region in the 1780s, Congress had reserved certain sections of the land to be surveyed in newly organized territories for the support of schools. The first school law in every new territory was thus fundamentally about establishing the terms upon which the capital eventually realized from the sale or lease of those lands would be preserved for schools and the resulting funds administered. This long-standing federal commitment to the public good and value of education has traditionally been celebrated in U.S. history. And yet, it is also important to note that at the time Washington became a territory and passed its first common school law in 1854, no treaties had yet been negotiated with tribes in the territory or ratified by Congress. That land all remained un-ceded territory.³⁷ Indeed, back in 1846, when the U.S. and Great Britain negotiated territorial claims and boundaries with each other they did so over lands to which, even according to the terms of their own legal tradition, they owned no title. Once we recognize this fact we can begin to see that however well the allocation of public lands for support of schools served the interests of settlers, it also simultaneously helped promote and legitimate the expropriation of Native American homelands. This is one of the roles that schooling played in the process of settler colonialism.³⁸

Specifically, in the Walla Walla region, the Cayuse, Nez Perce, Palouse, Spokane, and Snake Indians, remained very much in control of their territories in 1854, having driven white settlers out of the region in 1847. In 1855, the newly appointed territorial governor of Washington, Isaac Stevens, undertook the project of surveying eastern Washington, scouting possible railroad routes, negotiating with Native American tribes, establishing Indian reservations, drafting Indian treaties, and promoting white colonization. The treaties he negotiated at this time remained unratified by Congress for four years. In the meantime, however, gold discoveries in the northeastern Colville region of the territory brought aspiring miners through the Walla Walla region. This renewed migration in turn fomented new rounds of

³⁶ All references to organic law for Oregon and Washington Territories based on Francis Newton Thorpe, ed. *Constitutions, Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies now or heretofore forming the United States* (Washington D.C.: Government Printing Office, 1909), 7 Volumes. On the early educational laws and school provisions of the territories see Frederick E. Bolton and Thomas W. Bibb, *History of Education in Washington*, Bulletin, 1934, No. 9, United States Department of the Interior, Office of Education (Washington, D. C.: U.S. Government Printing Office, 1935):33--60.

³⁷ D. W. Meinig, *The Shaping of America: A Geographical Perspective on 500 Years of History*, Vol. 2, *Continental America, 1800-1867* (New Haven: Yale University Press, 1993): 78-120.

³⁸ For a synthetic account of the origins and development of the concept of settler colonialism and its use in understanding U.S history, with a focused example from the Pacific Northwest, see Mikal Brotnov Eckstrom and Margaret Jacobs, “American History as Settler Colonialism,” *Why You Can’t Teach United States History without American Indians* (Chapel Hill: University of North Carolina Press, 2015), 259-272. The specific roles that schooling has played in settler colonial systems merits more focused and also more comprehensive treatment.

conflict between settlers and tribes, leading to expansion and reinforcement by the U.S. military of the fort system in several locations in the Walla Walla. At first the army tried to maintain peace by enforcing a separation between settlers and tribes which excluded white settlers from Walla Walla, a federal policy that conflicted with Governor Stevens' insistence that all lands not specifically included in reservations were open for colonization. Eventually, however, the provocations by settlers, retaliations by tribes, and losses by white settlers and the army itself, led the army in late 1858 to take decisive military action, inflicting extensive death and destruction on Native American peoples, communities, stores, and livestock. This action was followed in 1859 by Congressional ratification of the Stevens' treaties.³⁹ Thus in the five-year period following formal organization of Washington Territory, federal military and political agents forcefully expropriated land from Native Americans and asserted control over territory to which it previously had no legal claim. Those actions made possible implementation of the place-based legal, political, and financial infrastructure of settler schooling that had been outlined in the 1854 territorial school law.

B. Structures of Settler Schooling

Under the terms of the 1854 territorial school law, much of the early administrative and financing authority for schooling lay at the county level.⁴⁰ Although, as explained earlier, the primary impetus for the law came from the territorial government's need to respond to the federal government's promise of school lands, any actual sale or income from such lands was a phenomenon projected far into the future, as the reserved lands were not to be released to the market unless or until the territory was granted statehood. In the meantime, any schools organized under the 1854 law would be funded almost entirely by tax. This in turn required the drawing of jurisdictional boundaries by which both the beneficiaries and the liabilities for any such school support would be defined. During the territorial period, the primary jurisdictional unit designated as responsible for those definitions in Washington was the county.

Specifically, the 1854 act empowered counties to organize school districts and to levy an annual 2 mill tax on the taxable property of the county for the purpose of paying teacher salaries. To direct this work, the Territory commissioned the residents of each county to elect a county school superintendent who in turn would draw district boundaries, apportion school funds, and examine and certify teachers. The funds raised by county tax would be apportioned to the duly organized districts on the basis of a school census. The districts, meanwhile, were themselves directed to levy a tax for salaries and operations adequate to match the amount of the county apportionment. Additional local supplementary district taxes could be raised to cover capital costs and incidental expenses generally associated with the provisions and maintenance of facilities at the individual school level.⁴¹ Thus, the 1854 territorial school law established a 4-tiered structure of school support: 1) county property tax for teacher salaries; 2) district property tax for salaries and operations; 3) district supplemental tax for incidentals" such as libraries, apparatus, and schoolhouse repairs; and 4) apportionment of income from a permanent school fund at the central (state) level, when and if the capital for such fund became available.

³⁹ Meinig, *The Great Columbia Plain*, 152-200.

⁴⁰ Bolton and Bibb, *History of Education in Washington State*, 85-95.

⁴¹ *Ibid.*

This basic 4-tiered structure of school support in Washington essentially continued the example of Oregon Territory before it and would endure into Washington statehood as well.

The Walla Walla region became the site of the earliest and most robust development of schooling on these terms during the territorial period. This development in turn reflected the broader pattern of Europeanized settlement, institutionalization, family formation, and conversion of land into taxable property in Washington. In the 1850s, the Walla Walla region served Europeanized settlement primarily as a supply source for the several military posts located there. During the 1860s, Walla Walla built on its prior history with western migrants and the military to serve as a provisioning station for seekers in the Colville and Idaho gold mines. By the end of the 1860s, however, and increasingly in the 1870s, Walla Walla became the locus of a settled agricultural region of thriving wheat farms in the Palouse hills and of expansive grazing lands in the Columbian Plain, with a world market in grain that the region continues to supply to this day. It was this settled Europeanized agricultural development that fostered systematic development of settler schools and school attendance. In 1872, Walla Walla County reported by far the largest number of school age children, school districts, school houses, and the largest school attendance of any of the 22 counties then organized in the territory (Table 1). Its 37 schoolhouse, 2479 school-age children, and 1035 attendees numbered more than half again as many as the 2nd ranked Clark County (encompassing the city of Vancouver, across the Columbia from Portland) and more than twice that of the 3rd ranked Thurston County (site of the territorial Capital at Olympia).⁴² This relative standing continued through the 1870s, but shifted in the mid-1880s as completion of the Northern Pacific Railroad stimulated significant commerce and population increases in the Puget Sound region and in the eastern Washington hub of Spokane.

County	Schlhouses	Districts	Schools Taught	Number Attending	Persons School age	\$ paid teachers	
Chehalis	5	9	3	90	150	\$500.00	
Clallam	1	4	3	57	114	509.00	
Clark	26	31	31	641	1390	2226.91	
Cowlitz	5	8	6	132	261	800.00	
Island	6	6	2	80	150	1048.00	
Jefferson	3	4	3	134	259	2788.82	
King	8	12	8	213	556	1952.00	
Kitsap	5	5	5	92	180	2690.90	
Klickitat	2	4	3	66	114	500.00	
Lewis	7	13	10	166	414	840.00	
Mason	1	4	1	16	47	336.71	
Pacific	3	11	4	115	239	1020.00	
Pierce	5	12	13	157	320	1300.00	
Snohomish	2	2	9	40	75	240.00	
Skamania	2	3	2	28	45	225.00	

⁴² Ibid. Data drawn from Table 7, p. 75.

Stevens	0	4	2	48	90	540.00	
Thurston	17	22	21	500	970	3,300.00	
Wahkiakum	1	1	1	13	25	60.00	
Walla Walla	37	48	48	1035	2479	7,250.00	
Whatcom	3	5	5	90	183	369.00	
Whitman	--	--	--	--	--	--	
Yakima	5	14	2	115	229	700.00	
TOTAL	144	222	157	3828	8290	29,318.64	

Data drawn from Table 7, “Statistics of Washington Schools in 1872,” in Frederick E. Bolton and Thomas W. Bibb, *History of Education in Washington* (Washington, D. C.: U.S. Government Printing Office, 1935), 75.

At the end of the territorial period, then, a place-based system of schooling and school support *for settlers* had been thoroughly institutionalized in certain regions of Washington Territory, much as it had been in Oregon Territory and State, as well as other states of the nation. This system tied schooling closely to locality under the jurisdiction of local school districts geographically defined and drawn upon the land by county school superintendents. It also tied the funding of teacher salaries, facilities, and operations to county and local district wealth, reflecting larger and *uneven* patterns of settlement and settler colonial development within the territory. Although funds were distributed on a per child basis, the amount of funds available for distribution depended entirely on the amount of taxable wealth and the political will of county and local district jurisdictions. During the territorial period, which in Washington continued for 35 years, virtually no central school funds existed for distribution to territorial schools at large. Instead, localities mobilized school support on a decentralized basis. Thus the infrastructure that Washington effectively assumed and inherited at statehood in 1889 was uneven from the start.

Meanwhile, the institutionalization of this system had very different and opposite effects *for indigenous* people. Fundamentally, the settler system of schooling both promoted and depended upon the violent expropriation of land from indigenous peoples and its conversion into private property for settler society. Thus, even as schooling became property-based and place-based for settlers it was tied to land *loss* and the destruction of place-based culture and education for Native Americans.⁴³ Also significant was the radical division in the political jurisdictions through which school funds and systems came to be administered for settlers and federally-recognized tribes. Even as settler education developed as localized institutions through the jurisdiction of counties and school districts, administration of educational annuities and services for Native Americans as promised in the Stevens’ treaties (and others) remained under federal authority.⁴⁴ That system included an array of schools operated under federal contract with missionary organizations as well as the federal boarding school system just being developed

⁴³ For a survey history of indigenous education and Native American education, see K. Tsianina Lomawaima and Teresa L. McCarty, *To Remain an Indian: Lessons in Democracy from a Century of Native American Education* (NY: Teachers College Press, 2006).

⁴⁴ For an incisive analysis of the jurisdictional and sovereignty issues of state, federal, and tribal governments in this period see K. Tsianina Lomawaima, “Federalism: Native, federal and state sovereignty,” in S. Sleeper-Smith, J. Barr, J. M. O’Brien, N. Shoemaker, & S. M. Stevens (Eds.), *Why you can’t teach United States history without American Indians* (Chapel Hill: University of North Carolina Press, 2015), 273–286.

in the 1880s, starting in the Northwest with Chemawa Indian School in Oregon (1881).⁴⁵ Through these schools the process of settler colonialism continued and the loss of land, place-based culture, autonomy, and educational resources for indigenous people in many ways began again. Legacies of this divided and oppressive institutional infrastructure continue to this day.

C. Education, State Formation, and Systemic Inequality

When Washington became a state in 1889, much of the existing infrastructure of schooling from the territorial period continued unaltered. Statehood did initiate two major changes, however, both of which resulted in additional layers of funding and system administration for schools. First and foremost, the Washington State Constitution established the terms upon which the federal school lands reserved during the territorial period would be managed and/or sold, and the revenue distributed to counties and districts. Over the ensuing decades, the implementation of this process yielded millions of dollars of annual state-level apportionments for distribution to schools. Second, and related, the capitalization and management of this central state school fund in turn defined a role for state government in the regulation of schools, as it provided impetus for specifying the terms of eligibility for schools to receive shares of the state-level permanent school fund. Some basic principles of eligibility were defined in the constitution (organic law), but many would be defined by the state legislature (statute law). From the start, these state schools laws made distinctions between types of schools and districts that effectively systematized inequality.

The basic terms upon which the state would manage federal school lands and distribute the proceeds to schools were specified in Article IX (Education) and Article XVI (School and Granted Lands) of the Washington State Constitution. Together, these two articles exhibited two overriding concerns, both of which reflected “lessons learned” from prior experience in other states. The first of these can be understood as a concern for equity, and the second as a concern about the potential for corruption and mismanagement. For both of these, the term “common,” as in “common school” and “common school fund,” was an important language of expression.

As discussed in Part I of this policy paper, the Education Article of the Washington State Constitution begins with a very strong commitment to equal education in Section I. That commitment is expressed as a principle of non-discrimination with respect to the provision of education for *all*: “It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.”⁴⁶ In other words, the state’s provision of education should be equal with respect to children of different identities and backgrounds. This statement reflected lessons learned from a long history in other states, going back to the Revolutionary era and even before, of allocating state funds for the education of *white* children or to schools that benefited males

⁴⁵ For an account of the origins of Chemawa Indian School, see SuAnn Reddick, “The Evolution of Chemawa Indian School: From Red River to Salem,” *Oregon Historical Quarterly* 101:4 (Winter 2000), 444-465. For a survey history of the Indian Boarding School system, see David Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928* (Lawrence, KS: University Press of Kansas, 1995).

⁴⁶ The education provision of the Washington State constitution (Article IX) appears in Vol. 7 of Thorpe, *Constitutions*, 3991-2.

more than females. It also reflected the history of Reconstruction, in which Congress had effectively required former confederate states to establish state systems of education for both blacks and whites in the immediate aftermath of the Civil War, from 1867 to 1870; and of the recent backlash to Reconstruction, in which many southern states revised their constitutions again to remove the strongest education provisions and civil rights protections.

Section II of Article IX of the Washington State Constitution, meanwhile, expressed the idea of equal education in a somewhat different way, as the principle that state funds should be reserved for the support of *common* schools, i.e. schools open to all. The legislature should provide for a system of public schools that was “general and uniform,” Section II explained, and that system might eventually include “high schools, normal schools, and technical schools” in some way supported by public funds. However, “...the entire revenue derived from the common school fund, and the state tax for common schools, shall be exclusively applied to the support of the common schools.”⁴⁷ This statement reflected lessons learned from a long history, going back to the Revolutionary era and even before, of allocating the proceeds of central state funds primarily to *higher* schools, rather than “common” or elementary schools, thus often benefiting boys more than girls and the children of the middling and upper classes more than those of laboring classes, as only families of relatively comfortable condition could afford the opportunity costs of extending their children’s education past the age where they became able to work. More recently, in the context of the Populist movement, the statement reflected a concern that taxes raised for supporting higher schools serving only a small percentage of the population came at the expense of adequate support for universal basic education. At the same time, this statement also effectively precluded the use of “common school” funds for other kinds of “special,” or non-universal schooling, such as technical or vocational education for certain trades or professions, caste-based education for certain races or classes of people, or sectarian education sponsored by certain religious denominations. This last point was clarified further in a separate section of the article, Section 4, which stated simply that “All schools supported wholly or in part by public funds shall be entirely free of sectarian influence or control.”⁴⁸

The point of these sections was clearly to delineate a primary or “paramount” state duty for universal basic education and to direct the state legislature to concentrate its taxing authority, power, and financial resources on achieving that end. Even as the Education Article delineated that responsibility, however, it also introduced a distinction among types of schools that had the effect of promoting and legitimating inequalities among districts. To some extent those differences among districts already existed at statehood in 1889, but they would be exacerbated in decades that followed as the result of state legislation. These were the differences among districts that offered “graded” schools and/or separate “high” schools, both of which were expensive and required additional sources of funding beyond those required to ensure universal basic education. Separate high schools in particular were expensive institutions that during the 1880s enrolled only a small proportion of a given age-cohort—between 2-4% of the age-relevant population nationally. The figures varied considerably by region and by sex, race, and class. Some of the highest rates occurred among young women in the West (5.4% in 1880), but

⁴⁷ Ibid.

⁴⁸ Ibid.

generally high school enrollment rates did not reach 10% until 1900.⁴⁹ Conflict existed in local districts across the nation over raising taxes and expending public funds to support “public” schools that served such a small proportion of the population. This was the context to which the language of “common schools” in the Washington State Constitution spoke. Nonetheless, demand for higher schools existed. As the Constitution directed that state funds and taxes should be exclusively applied to “common” schools, the only way to maintain higher schools was by levying additional local taxes, a practice facilitated by the legislature by **allowing certain districts extra taxing power.**

The extent to which local districts should be allowed to levy extra taxes for instructional operations as well as for capital costs was a contested issue from the start. Throughout the territorial period, the law reflected struggles within the legislature and among different districts over the amount of taxation for schools the state should permit. Initial school legislation in the 1850s specified an annual 2 mil county tax for teacher salaries on the property of the county, with additional district taxes permitted for buildings and maintenance. Repeatedly thereafter, however, the territorial legislature modified the basic school law on these points, alternately raising and lowering the minimum and maximum tax rates at the county level and/or limiting the purposes for which local taxes could be raised. In 1863 and 1866, for example, the state liberalized taxing authority, allowing local districts to raise additional taxes for whatever purposes they deemed necessary. In 1868, the state clamped down on this potential, limiting any additional taxes to 2 mils for school buildings only. Just three years later, in 1871 and again in 1873, the territorial legislature opened up local taxing authority again, allowing additional local taxes of up to 10 mils, for any school purpose. In 1877, the territorial government retained the 10 mill limit but seemed to limit the purpose to school building. Then, importantly, in 1881, the territorial legislature made a distinction between types of districts, allowing districts in “incorporated cities and towns” to levy taxes up to 10 mills for school building and an additional 5 mill tax for “tuition,” i.e. teacher salaries.⁵⁰ By this means, the legislature acknowledged that the graded schools and high schools demanded by the larger commerce-oriented and professional populations in towns and cities, required additional funds.

This practice of distinguishing among types of school districts in order to grant urban districts extra taxing authority had ample precedent in states across the country going back to the 1820s. In New York State, for example, early common school laws regularly delineated the infrastructure of school funding and organization for the state as a whole first, then followed those provisions with special sections of the law that applied solely to named municipalities such as Buffalo, Rochester, Brooklyn, and New York City. Those sections typically permitted urban jurisdictions to raise taxes at 3 or 4 times the rate of ordinary towns and localities. Increasingly in the mid-to-late 19th century, a portion of the extra tax funds raised by municipalities went to support public high schools, though never without controversy.⁵¹ The urban public high school of the late 19th century was a highly competitive institution accessible only by extensive and elaborate examination, often heavily resourced, and often housed in an expensive, regal building.

⁴⁹ John Rury, *Education and Women's Work: Female Schooling and the Division of Labor in Urban America, 1870-1930* (Albany: State University of New York, 1991): 63.

⁵⁰ Bolton and Bibb, *History of Education in Washington*, 91.

⁵¹ Nancy Beadie, “Tuition-Funding in Common Schools: Education Markets and Market Regulation in Nineteenth-Century New York, 1815-1850,” *Social Science History* 32:1 (2008), 107-33.

From a certain perspective it embodied principles of equity based on merit, in that all children in the system ostensibly had the opportunity to test into the public high school, which then provided advanced instruction at public expense rather than through private tuition. However, the fact that urban public high schools served only a small proportion of the school-age population at high cost made them controversial well into the 20th century.⁵² In the 1880s, when Washington approached and gained statehood, the idea of the selective urban public high school was at its height. It was in this context, then, that the first Washington State schools laws developed a paradoxical model of school support, embodying somewhat competing, even conflicting, visions of equity: on the one hand, a state-level commitment to ensuring equal universal basic education for all without discrimination on the basis of race, color, caste, or sex; on the other hand, a decentralized infrastructure that facilitated local elaboration of a more hierarchical, merit-based notion of equity and educational advancement, supported by highly unequal school provisions by locality, which in turn depended on the wealth capacity and political influence of local commercial and professional classes.

The first school law under statehood in 1889-90 institutionalized this paradox by explicitly exempting districts of more than 10,000 inhabitants from the standard structure for school organization and funding operational in the remainder of the state. Instead of funding schools primarily through county-level taxation and apportionment, large districts effectively operated their own independent tax systems with the authority to assess taxes at a higher rate than the county and to keep the proceeds within the district. In the 1889-90 version of the law, county commissioners were required to levy an annual tax of 6 mills per dollar. Meanwhile, urban districts were exempt from county tax, but authorized to levy their own taxes at levels up to 10 mills per dollar.⁵³ These provisions promoted inequality of school provisions across the state in two ways: first by facilitating the generation of higher levels of funding for schools in large towns and cities through higher rates on generally more valuable property; and second, even more significantly, by withholding the distribution of such funds from the rest of the county. By this means the state effectively protected corporate and agricultural entities with relatively large land holdings from being taxed at the same high rate as urban landholders with smaller but more valuable holdings. At the same time, however, they also prevented less affluent areas of a county from receiving the benefit of funds generated by the county's most valuable property. Effects of this distinction between types of districts were compounded in some ways by the simultaneous commitment of the state to amply fund universal basic education for all. As interpreted by state school officials, this commitment required counties to tax at whatever rate was necessary to achieve it, and yet they often had to meet that standard without recourse to taxing their most valuable assets.

From the beginning, then, multiple sources of inequity structured the state system of public schooling established in Washington State. Fundamental to all those dimensions of inequality was the fact that the settler system of schooling relied on the conversion of land into property and the taxation of that property for school support. That basic fact itself perpetrated an

⁵² William J. Reese, *The Origins of the American High School* (New Haven: Yale University Press, 1995); Nancy Beadie, "The Significance of the American High School," *American Journal of Education* 104:2 (1996), 218-230; and Nancy Beadie, From Student Markets to Credential Markets: The Creation of the Regents Examination System in New York State, 1864-1890. *History of Education Quarterly* 39:1 (1999),1-30.

⁵³ Bolton and Bibb, *History of Education in Washington*, 134.

enduring injustice and educational inequity between settlers and indigenous peoples. At the same time, it also created structural inequities within settler schooling based on unequal land values, as determined by the market. In addition, different and somewhat competing ideas of equity and equality informed the principles upon which the settler system of education operated. On the one hand, the state committed itself to providing basic, common education for all without discrimination. On the other hand, the state built structural exceptions into the system that allowed certain jurisdictions to mobilize extra resources for “special” and “higher” education to meet the differential demands of its clientele and constituencies. In the process, the state also established preferential differences among jurisdictions in the resources they could draw upon for such differential school support. As will be discussed below, tensions and contradictions between those different ideas of equity and equality and the structures established to achieve them were recognized by many educators and policy-makers at the time and repeatedly surfaced as problems to be addressed by state legislators and various educational and political leaders in ensuing decades. A close look at two efforts to address those tensions and contradictions with respect to funding follows. The section concludes with an account of how gender politics shaped the second of those efforts in particular, with a discussion of the long-term impact of that history for issues of equity in Washington State and the structure of education policy-making nationally.

III. How have educators and policy-makers addressed system inequities?

A. Addressing Inequality, Part 1: Institutionalizing a Central State Tax, 1895-1919

State school officials immediately recognized the structural inequities in school funding promoted and institutionalized by the new state system and actively sought to address them. The first state superintendent of schools, Robert Bruce Bryan, explicated the problems quite clearly in the first biennial report of the department of public instruction to be issued after statehood, in 1892. As the first superintendent elected under statehood, Bryan played a central role in implementing the initial infrastructure for managing school lands and exhibited a comprehension of the big picture issues confronting the system that exceeded that of several of his successors. Bryan’s concise analysis provides interesting insights into the dynamics and assumptions of officials with respect to school funding, along with data illuminating the issues at the time (Table 2). Of particular note is Bryan’s expectation, made explicit at the outset of his remarks about the support of common schools, that the proceeds from the school lands bequeathed to the state by the federal government could, “if judiciously managed,” eventually “provide ample funds for the current expenses of all schools.”⁵⁴ Later in his comments Bryan identified a number of specific concerns with the provisions for realizing the value of the lands; nonetheless, the tenor of his comments suggests that he thoroughly expected those problems to be fixed. In Bryan’s account then, the purpose of existing school law was to establish a taxation system adequate to fund schools in the interim decades, until the full capital value of the lands endowing the permanent school fund had been realized. Bryan proceeded, then, to highlight several problems with the system established under the first school laws, with the aim of recommending the changes necessary to fix them.

⁵⁴ State of Washington, Office of Education, *Eleventh Biennial Report of the Superintendent of Public Instruction of the State of Washington*, (Olympia, WA: O.C. White, State Printer, 1892), 55-61.

The first problem identified by Bryan was the lack of a common standard of what current school finance experts might call “adequacy” for the state’s schools. As explained by Bryan, the system required the county commissioners of the several counties of the state to levy an annual tax that would raise “a sufficient fund for the support of the common schools of their respective counties,” provided that the levy did not exceed the legislature’s imposed cap of 6 mills per dollar. However, the law left the question of what constituted “sufficiency” totally up to the county commissioners, “and from their decision there is no appeal whatsoever.” Opinions as to “what constitutes a ‘sufficient amount of funds’” differed materially from county to county, and even in the same county in different years.⁵⁵ Some commissioners provided liberally for the support of their schools. Others, however, provided very little. Meanwhile, cities were exempted from such tax and authorized to establish their own rates.

County/city	Total Value Property	Levy, 1891	Total \$ amount levy raised	# school-age children	Amount per capita levy raised	
Adams	\$2,028,136	5.	\$10,140.68	848	\$11.96	
Asotin	675,764	5.	3,378.82	629	5.37	
Chehalis	11,700,118	2.5	29,250.29	2,917	10.00	
Clallam	3,853,511	4.	15,414.04	992	15.54	
Clarke	6,550,613	3.	19,651.84	4,270	4.36	
Columbia	3,765,335	5.	18,826.67	2,474	7.65	
Cowlitz	4,659,613	3.	13,979.99	2,105	6.64	
Douglas	1,733,475	4.	6,933.90	972	7.15	
Franklin	997,247	1.5	1,446.87	96	15.17	
Garfield	1,804,451	6.	10,826.70	1,707	6.34	
Island	1,534,400	2.	3,008.80	443	6.92	
Jefferson	5,960,140	3.	17,880.42	1,356	13.44	
King*	18,362,958	3.	55,088.87	6,297	8.74	
Kitsap	3,667,658	2.5	9,169.14	1,403	6.53	
Kittitas	4,874,674	6.	29,248.04	2,419	12.08	
Klickitat	1,863,235	5.5	10,247.79	2,141	4.78	
Lewis	8,855,420	2.5	22,138.55	4,719	4.69	
Lincoln	5,808,859	3.5	20,331.00	2,918	6.95	
Mason	1,925,925	4.	7,703.70	789	9.76	
Okanogan	797,853	4.	3,191.41	400	7.97	
Pacific	4,332,070	2.5	10,830.17	1,422	7.61	
Pierce+	19,477,459	3.	58,432.38	4,698	12.43	
San Juan	955,154	3.5	3,343.03	679	4.80	
Skagit	10,947,958	2.	21,895.91	2,672	8.19	

⁵⁵ Ibid., 56.

Skamania	257,981	4.	1,031.92	294	3.50
Snohomish	8,922,862	2.	17,845.72	2,828	6.31
Spokane++	9,024,690	3.2	28,879.00	5,179	6.91
Stevens	2,624,316	4.	10,497.26	1,565	6.70
Thurston	11,723,008	2.	23,446.01	3,344	7.03
Wahkiakum	933,176	5.	3,732.70	725	5.14
Walla Walla	9,285,057	3.5	32,497.70	3,797	8.55
Whatcom	17,653,942	2.5	44,134.85	5,006	8.81
Whitman	17,312,569	3.	51,937.70	7,195	7.21
Yakima	4,019,678	4.	16,078.71	1,605	10.01
City Seattle	45,373,017	5.1	231,462.08	9,231	25.06
City Tacoma	43,000,000	4.5	193,500.00	6,340	29.51
City Spokane	31,197,264	3.2	99,831.24	3,721	26.82
TOTALS	\$331,031,049	-----	1,157,233.90	100,396	Av. 11.52

*Exclusive of the City of Seattle; +Exclusive of the city of Tacoma; ++Exclusive of city of Spokane
 Data drawn from un-titled table provided on p. 57 of the *Eleventh Biennial Report of the Superintendent of Public Instruction of the State of Washington*, (Olympia, WA: O.C. White, State Printer, 1892).

A second problem was the wide variation in the ratio of wealth to school population in the several counties. Those differences combined with the variation in rates assessed by commissioners meant that the amount of funds available for apportionment to districts and schools differed considerably from county to county. The results were wildly inequitable with respect to both the children and the taxpayer. Thus, in 1891, the amounts provided by county commissioners ranged “from \$15.54 per child of school age in Clallam county, down to \$3.50 per child of school age in Skamania county,” even though the rate of levy in the two counties was identical. At the same time, taxpayers in Chehalis county paid a tax of 2.5 mills and received \$10 per child, while in Franklin county they paid just 1.5 mills and received \$15.17 per child. If Franklin had levied a tax at the maximum rate, it would have yielded over \$60 per child, while the same rate in Skamania would produce a wholly inadequate \$5.25 per child. Those figures did not include proceeds from any special taxes levied by districts for capital or maintenance costs, a source of variation that likely introduced additional inequalities.

Bryan regarded such results as clearly unacceptable.

“...I ask the law-making authorities of the state...to answer candidly for themselves whether a law which makes this vast discrimination possible, is right or wrong. Is the possession of wealth the only just and equitable title to an education? Are the best interests of the state subserved by this policy?”⁵⁶

Although Bryan did not directly comment on the funds assessed in the largest urban districts, which in accordance with the exemptions provided in the law, controlled their own assessments and apportionments, his published data clearly showed the skewed results. The three cities of Seattle, Tacoma, and Spokane each had per capita funding rates nearly twice that of the most richly apportioned counties. Taxed at rates of 5.1, 4.5, and 3.2, respectively, their annual

⁵⁶ Ibid., 58.

appropriations per census child were \$25.06, \$29.51, and \$26.82. Meanwhile, as noted above, some districts allocated less than \$5 per child (See Table 2).⁵⁷

Bryan's proposed solution to the problem was to change the law to administer a central state tax for the support of common schools, the proceeds of which could be distributed equally across the state. As a precedent he pointed to the State of California which, according to his account, "had very largely surmounted the comparable inequities in its system by the enactment of a law requiring state taxation for support of her schools." The law had passed only after an intense political struggle, Bryan acknowledged, but its operation had been "so salutary" as to survive. The policy was admittedly unpopular among the wealthy localities, "but the question to be settled is, is it right?"

"...is it not right that the burden of educating the children—the future citizens of the state—should be equitably apportioned among the property owners of the entire state? Should the children of a county that chances to be poor be deprived of an education simply by reason of their poverty?"⁵⁸

By Bryan's accounting, the total assessed value of all the property in the State of Washington could, if assessed at 4 mills per dollar, yield an amount that, distributed over the existing school-age population would provide an average apportionment of \$10.86, "which would be ample for current expenses in most localities," especially if limited to use for payment of teachers' wages alone.⁵⁹ Local jurisdictions could then assess additional taxes as needed for capital costs, maintenance, and incidental expenses.

In 1892, Bryan himself was on his way out of office due to a legislative change in the definition of the office of state superintendent, but three years later in 1895 the Washington State Legislature did institute a state-wide school tax intended to provide minimum basic education support for its inhabitants.⁶⁰ In the push and pull of legislative politics and in the wake of the Depression of 1893, the law was not as generous as Bryan had hoped. In its first year the law set the target apportionment at just \$6 per census child, a figure nearly half that of the average apportionment in 1892 and well below what Bryan considered sufficient, let alone ample. The legislature did gradually raise the target apportionment in subsequent years, to \$8 per child in 1899, \$10 in 1901. In 1909 this apportionment was supplemented by a mandatory county apportionment of an additional \$10 and in 1920, the state raised its apportionment to \$20.00 with the explicit aim of raising teacher salaries.⁶¹ The impact of these increases on equity issues among districts were not as great as might be expected, however. (See Table 3)

To appreciate the results of these laws it is important to understand the interaction between the state permanent school fund and the state tax. Proceeds from the sale and investment of Washington State's federal school lands began becoming available in 1895, in accordance with the terms of sale established in the state constitution. Somewhat paradoxically,

⁵⁷ Ibid. Data drawn from un-titled table provided on p. 57. Bryan himself remarked on the wide disparities between city and county apportionments, though he also noted that the figures for cities may have included some capital costs not included in the county numbers.

⁵⁸ Ibid., 59.

⁵⁹ Ibid., 60.

⁶⁰ Frederick E. Bolton and Thomas W. Bibb, *History of Education in Washington*, 138.

⁶¹ Ibid., 131-9.

this initial yield and distribution also provided the impetus for the legislature to set the first minimum per child school apportionment and pass the first state-level school tax.

Section 3 of Article XVI (School and Granted Lands), specified that “No more than one-fourth of the lands granted to the state for educational purposes shall be sold prior to January 1, 1895, and no more than one-half before January 1, 1905.” This provision reflected the prior experience of other states, which found that putting too much public land on the market at once depressed prices. Other sections of Article XVI also aimed at ensuring that the state received full market value for any lands it sold. Section 1, for example, explicitly stated that no public lands could be disposed of unless and until full market value had been secured, and in no case at less than \$10 an acre, the price established by the federal government in the enabling act initiating the path to statehood. Section 2 of Article XVI prescribed a system of appraisal for determining the market value of public lands, while Section 4 specified the size of the parcels to be put up for sale, again in an attempt to ensure maximum sales value. According to this provision, parcels should in no case be larger than 160-acres, and in the case of urban lands with an appraised value of \$100 per acre or more, the lands should be surveyed as block-size parcels no larger than five acres.⁶² As it turned out, Washington actually disposed of its public lands at a much slower pace than that allowed by the Constitution, pursuing a policy instead of leasing a significant portion of its lands for resource extraction, especially for timber rights, thereby generating regular income while retaining title to the land itself. As late as 1934, according to Frederick Bolton, the state schools system’s chief chronicler, Washington still held title to more than three-quarters of its original 2,000,000 acres of granted educational lands.⁶³ Indeed, to this day, Washington and many other states in the West retain ownership of large portions of their original school lands, earning income in the form of mining, livestock, timber, and a variety of energy rights, including petroleum, gas, and more recently, renewable energy sources.

Whether and to what extent the historical management of school lands in Washington and other states has in fact realized their full or maximum value either on their own terms, or in comparison with other states, is an entirely open question warranting future study. It is certainly true, as many observed at the time of statehood and as the first superintendent of public instruction advised in his first report, that a number of prior states had unfortunately lost much of the value of their original land grants through ill-advised land sales and management policies.⁶⁴ Whether in Washington’s case the annual income earned on land leases actually exceeded what might have been earned through investment of the capital if the land had been sold is another question and would require extensive economic analysis to determine. How far the value of remaining lands have appreciated or depreciated, and whether indeed there is (still) a market for land where old growth has long been cut and where access is difficult, is another.

What can be gleaned from surviving data, however, are some of the limits of the permanent school fund’s effects on overall school funding levels and issues of equity across districts. These limits are in many ways a long-term legacy of how the first state-level school tax

⁶² The education provision of the Washington State constitution (Article IX) appears in Vol. 7 of Thorpe, *Constitutions*, 3991-2.

⁶³ Bolton and Bibb, *History of Education in Washington*, 131-3.

⁶⁴ Fletcher Harper Swift, *A History of Public Permanent Common School Funds in the United States, 1795-1905* (NY: Henry Holt & Co., 1911).

law was conceived in 1895. Often celebrated in the record by state leaders and educators who coined the phrase “Barefoot boy school law” to refer to it and who framed the purpose of the law as that of ensuring a minimum level of school support to each child in the state regardless of their place of domicile, the 1895 law seemingly embodied the state’s constitutional duty to make “ample” provision for universal basic education. It did so by explicitly committing in law to an explicit per child apportionment of \$6 per census child. On the one hand, this commitment would seem to honor the idea of equity represented by the non-discrimination clause requiring that the state provide for all students “with distinction or preference.” In fact, however, as noted above, this figure was rather low, far from the “ample” provision promised in the constitution. More importantly, it operated more as a ceiling rather than as a floor of state commitment. This ceiling function can be seen in how the law stated the relationship of the state tax to income on the permanent school fund, a formulation that endured over decades of subsequent legislation. According to the law, the state board of equalization was authorized to levy a tax to raise a sum, which “when added to the current State fund derived from the permanent school fund, would amount to \$6 for each census child in the state.”⁶⁵ In other words, the state tax was supplemental to the permanent school fund. No matter how much capital and income on investment the state realized from its school lands, in other words, the per-child apportionment from the state would never exceed the minimum established in the law. In this way, any increased income from state lands effectively had the impact of decreasing the amount of the state tax.

Just as importantly, the data suggest that the targeted apportionment operated as a ceiling for county-level taxation as well. As shown in Table 3 below, as income on the permanent school fund became available and the first state tax went into effect in 1895, the state’s contribution to overall school funding level increased significantly, from just 7% in 1895 to 43% in 1900 and 46% in 1905. At the same time, however, county contributions to overall school funding levels decreased almost as dramatically, from 38% in 1895 to just 5% in 1900 and 3% in 1905. In 1909, the state effectively increased overall funding levels for schools in the state by requiring counties to levy a tax sufficient to produce an additional per child apportionment of \$10 per child. This policy change had the effect of evening out somewhat the state and county contributions. Throughout this period, however, the local district contribution to overall funding levels remained in the vicinity of 50%, at times dipping as far as 46%, but at times going as high as 64%.⁶⁶ As the fact of this reliance on local taxation suggests, per capita and overall funding levels continued to vary significantly by locality.

Table 3
Sources of Washington State School Funds, 1890-1910:
Amount and Proportion of Total

Year	State		County		District		Special		Total
1890	---				187,933	100%			187,933
1891	---		593,693	55%	494,068	45%			1,087,761
1892	46,509	3%	558,343	40%	753,132	54%	31,808.85	2%	1,389,792

⁶⁵ Bolton and Bibb, *History of Education in Washington*, 138.

⁶⁶ Data drawn from “Table 10—Sources of Revenue for Public Schools,” Bolton and Bibb, *A History of Education in Washington*, 120-1.

1893	84,475	5%	624,836	37%	921,476	55%	39,114.21	2%	1,669,901
1894	95,904	7%	456,323	35%	723,294	56%	10,131.44	1%	1,285,652
1895	70,278	7%	379,803	38%	544,913	54%	12,192.75	1%	1,007,187
1896	99,303	11%	256,531	27%	571,660	61%	14,496.63	2%	941,990
1897	571,119	44%	61,587	5%	667,512	51%	12,252.43	1%	1,312,470
1898	918,465	44%	150,090	7%	978,458	47%	47,089.80	2%	2,094,103
1899	758,824	46%	94,805	6%	767,520	46%	29,872.97	2%	1,651,022
1900	1,050,206	43%	127,973	5%	1,216,123	50%	40,410.33	2%	2,434,712
1901	926,753	40%	177,223	8%	1,153,652	50%	54,296.12	2%	2,311,924
1902	1,265,266	47%	120,105	4%	1,246,484	47%	39,630.46	1%	2,671,485
1903	1,681,926	51%	116,809	4%	1,407,058	43%	69,000.07	2%	3,274,793
1904	1,632,210	46%	111,113	3%	1,648,140	46%	183,417.22	5%	3,574,880
1905	1,797,866	46%	106,679	3%	1,906,247	49%	118,108.92	3%	3,928,901
1906	1,921,263	42%	118,201	3%	2,276,936	50%	217,502.55	5%	4,533,903
1907	1,982,858	37%	120,833	2%	3,051,115	57%	241,915.69	4%	5,396,721
1908	2,271,069	35%	195,575	3%	3,555,524	55%	423,365.23	7%	6,445,533
1909	2,216,463	29%	141,308	2%	4,928,371	64%	444,253.17	6%	7,730,396
1910	2,625,823	28%	1,695,145	18%	4,284,624	46%	636,495.25	7%	9,242,087

Data drawn from "Table 10—Sources of Revenue for Public Schools, 1890-1933," Frederick E. Bolton and Thomas W. Bibb, *History of Education in Washington*, Bulletin, 1934, No. 9, United States Department of the Interior, Office of Education (Washington, D. C.: U.S. Government Printing Office, 1935), 120-1.

To conclude, this first era of effort at equalizing school funding through establishment of a central school tax illuminates some of the paradoxical—even counterproductive—effects of such an approach in the absence of other regulatory parameters. Specifically, unless central state apportionment is truly ample or at least adequate, its effect can be to aggravate rather than alleviate inequality. This is because inadequate central funding leaves it up to localities to define and achieve adequacy, a necessity to which they bring very different standards and capacities. Thus, the vertical and horizontal commitments to education in the Washington State system are fundamentally connected. Given a reliance on local property tax to provide a significant share of school funding, the failure to meet the vertical commitment to ample school funding necessarily produces a failure to meet the horizontal commitment to equity and non-discrimination.

B. Addressing Inequality, Part 2: Equalization Policy, 1919-1934

New and renewed efforts to address well-recognized issues of systematic school and funding inequality took shape in Washington State immediately following the end of WWI in 1919. A number of factors propelled this renewed focus on taxation and equalization issues. Among them was a broad increase in the number and types of programs and functions assumed by public schools—especially well-funded schools—over the first decades of the 20th century under the influence of progressive social and educational reforms, many of which required capital funds for special facilities as well as operation funds for specially trained personnel. Expanded school functions included public health programs and school nurses, Americanization and adult education, special education, many forms of diagnostic achievement testing, physical education, school lunches and school gardens, vocational education, the general expansion of the high school, and the enforcement of compulsory attendance laws, not to mention the expansion

of administrative staff to keep track of it all.⁶⁷ The number and size of such demands, combined with great variation in local capacity to meet them, accelerated inequalities across districts, a phenomenon illustrated by data to be discussed further below. This long-term increase in the functions, costs, inequities of schooling was punctuated in 1919 by a nationwide crisis in teacher salaries, itself a product in part of the prodigious inflation of the World War I period and a concomitant taxpayer backlash against government spending. A particularly acute version of this crisis occurred in regions like western Washington, where war-time industry had expanded considerably during the War only to collapse immediately following the War, with significant wage and job cuts that led to the famous Seattle General Strike of 1919.⁶⁸

The fact that the State Superintendent of Public Instruction at the time, Josephine Corliss Preston, who would win the state elective office four times and serve for a total of 16 years from 1913-1929, simultaneously served as president of the National Education Association (NEA) from 1919-1921, also heightened political attention to school funding issues in Washington, as did the concurrent influence of Henry Suzzallo, then President of the University of Washington (1915-1926).⁶⁹ Suzzallo himself was a nationally-recognized progressive educational leader, an influential member of the NEA, and a former Stanford University professor of educational administration.⁷⁰ Other significant players in this episode of school equalization efforts include Noah Showalter, a long-time influential lobbyist on state educational issues and principal of one of the states' normal schools, at Cheyney, Washington; and Ellwood P. Cubberley, the nationally influential professor of educational administration at Stanford University and the then most widely recognized "expert" on school funding issues nationally.⁷¹ Of course not all parties favored the same approach to addressing the issues.

⁶⁷ For general accounts of progressive education policies adopted by states and local districts throughout the country during this time period, the concomitant growth in school enrollments, and the consequences for school budgets see Tracy L. Steffes, *School, Society, and State: A New Education to Govern Modern America, 1890-1940* (Chicago: University of Chicago, 2014); John G. Richardson, *Common, delinquent, and special: The institutional shape special education* (NY: Falmer Press, 1999); David Tyack, *The One Best System: A History of American Urban Education* (Cambridge, MA: Harvard University Press, 1974); William J. Reese, *Power and the Promise of School Reform : Grassroots Movements during the Progressive Era* (Boston: Routledge & Kegan Paul, 1986); Jeffrey Mirel, "Progressive School Reform in Comparative Perspective," in David N. Plank and Rick Ginsberg, *Southern Cities, Southern Schools* (Westport, CT: Greenwood Press, 1990), 151-174.

⁶⁸ On progressive education in Seattle specifically, see Bryce Nelson, *Good Schools: The Seattle Public School System, 1901-1930* (Seattle: University of Washington Press, 1988).

⁶⁹ A brief summary of Preston's reign as state superintendent is provided along with that of other occupants of the office to 1934 in Frederick E. Bolton and Thomas W. Bibb, *History of Education in Washington*, Bulletin, 1934, No. 9, United States Department of the Interior, Office of Education (Washington, D. C.: U.S. Government Printing Office, 1935), 116-117. For a fuller account of Preston's significance see Kathryn Nicholas, "Female Leadership, Rural School Constituencies, and the Failure of Administrative Progressives to Centralize Public Schools," (University of Washington, unpublished M.Ed. thesis, 2012).

⁷⁰ Wayne Urban features Henry Suzzallo as a leader in the reform of the National Education Association to professionalize teaching and more fully represent teachers as a professional force, based in larger part on a speech Suzzallo made to the NEA in 1913, two years before he became president of the University of Washington, partly through the influence of NEA and progressive era educational networks. See Wayne J. Urban, *Gender, Race, and the National Education Association: Professionalism and Its Limitations* (NY: RoutledgeFalmer, 2000), 1-41.

⁷¹ For an incisive account of Cubberley's agenda and influence see David B. Tyack and Elisabeth Hansot, *Managers of virtue : public school leadership in America, 1820-1980* (New York: Basic Books, Inc., 1982). A full roster of commission members and their backgrounds appears in Nicholas, "Female Leadership," 61.

To address the issues of school funding and equalization identified by these and many other education leaders, politicians, and policymakers at the time, the Washington State Legislature established the School Code Commission in 1920 to study the matter. Commissioned to investigate school tax and equalization issues state-wide, it completed its study in January, 1921, providing extensive analysis of the problems contributing to inequities in the system as well as specific proposals to address them.⁷² Those proposals were then submitted to the Washington State legislature in the form of a huge omnibus bill known as Senate Bill 10, which if fully adopted, would have substantially overhauled the educational system in the State, involving revision and/or repeal of more than 150 different codes and statutes, as well as passage of a constitutional amendment.⁷³ Over the next decade and a half, the Washington legislature considered a series of legislative measures aimed at addressing issues discussed in the Commission report, most of which failed. A review of some of the report’s initial analysis as well as of its political fate provides further insight into the historical dynamics that have shaped and sustained systemic inequities in public education in Washington.

The final report of the Code Commission, published in 1921, defined two main issues in the state’s school funding system which, as we have seen, reinforced each other.⁷⁴ The first of these was the *inadequacy* of existing state law and tax authorization for generating the revenues necessary to fund schools. This problem was exemplified in the commissioners’ account by the fact that even with a recent 1920 increase in the amount of the state appropriation from \$10 to \$20 per child of school age, “few of the districts in the State are enabled to operate without recourse to special elections. . . asking the voters to permit levies beyond the 10 mills authorized by statute.”⁷⁵ Historical data for the system bear out this observation. Since U.S. entry into WWI in 1917, the total amount of school revenues and the proportion contributed through local taxation had both increased substantially, from the 45-48% of total revenues maintained through most of the 1910s to 58% of total revenues in 1920 (see Table 4).⁷⁶

Table 4
Sources of Washington State School Funds, 1910-1933:
Amount and Proportion of Total

Year	State		County		District		Special		Total
1910	2,625,823	28%	1,695,145	18%	4,284,624	46%	636,495.25	7%	9,242,087
1911	2,622,184	26%	2,479,588	24%	4,582,240	45%	516,011.81	5%	10,200,024
1912	2,939,767	28%	2,751,465	26%	4,473,356	43%	321,719.24	3%	10,486,307
1913	2,613,948	27%	2,654,678	27%	4,433,067	45%	121,770.79	1%	9,823,464
1914	2,794,806	26%	2,739,107	26%	4,853,986	46%	166,677.29	2%	10,554,577

⁷²A brief summary of the school code commission recommendations appears in Bolton and Bibb, *History of Education in Washington State*, 139-141. For more extended discussion see Nicholas, “Female Leadership,” 55-96.

⁷³ “An act related to public education,” Washington State Senate Bill 10, Introduced January 11, 1921, *Senate Journal, 1921*, pp. 41, 265, 301-3; 309-313.

⁷⁴ Washington State Code Commission, *Report of the Public School Administrative Code Commission of the State of Washington*. Olympia, WA: F. M. Lamborn, public printer, 1921.

⁷⁵ Quoted in Bolton and Bibb, *History of Education in Washington*, 140.

⁷⁶ Data drawn from “Table 10—Sources of Revenue for Public Schools,” Bolton and Bibb, *A History of Education in Washington*, 120-1.

1915	2,843,180	26%	2,730,075	25%	5,043,826	47%	152,138.39	1%	10,769,219
1916	2,939,223	25%	2,876,101	25%	5,641,414	49%	167,744.67	1%	11,624,483
1917	3,179,637	26%	3,041,960	25%	5,941,532	48%	188,126.98	2%	12,351,256
1918	3,131,423	25%	3,015,614	24%	6,405,636	50%	222,554.58	2%	12,775,227
1919	3,142,270	23%	2,965,500	21%	7,434,532	54%	331,885.92	2%	13,874,188
1920	3,634,977	20%	3,593,565	20%	10,567,687	58%	452,651.98	2%	18,248,881
1921	5,227,164	25%	3,140,210	15%	11,858,881	57%	703,441.82	3%	20,929,697
1922	7,038,511	30%	3,591,510	15%	12,563,148	53%	521,889.22	2%	23,715,057
1923	7,291,501	31%	3,640,333	16%	11,783,258	51%	573,269.00	2%	23,288,361
1924	7,563,577	31%	3,762,778	15%	12,460,693	51%	680,699.43	3%	24,467,748
1925	7,709,144	31%	3,840,608	16%	12,551,642	51%	673,194.64	3%	24,774,589
1926	7,938,350	31%	3,902,529	15%	12,559,861	50%	810,969.67	3%	25,211,710
1927	8,196,534	31%	4,001,656	15%	13,366,148	50%	1,073,117.9 2	4%	26,637,456
1928	8,212,476	31%	4,112,939	15%	13,265,692	50%	969,762.62	4%	26,560,870
1929	8,284,130	30%	4,059,660	15%	13,784,896	50%	1,191,633.3 9	4%	27,320,319
1930	8,318,658	29%	4,091,338	14%	14,657,262	52%	1,192,928.3 0	4%	28,260,186
1931	7,620,331	29%	3,790,366	14%	13,610,524	52%	1,251,592.3 6	5%	26,272,813
1932	6,945,186	29%	3,312,220	14%	11,614,786	48%	2,310,419.7 8	10%	24,182,612
1933	6,836,743	30%	3,202,962	14%	10,266,381	45%	2,329,961.3 0	10%	22,636,047

Data drawn from "Table 10—Sources of Revenue for Public Schools, 1890-1933," Frederick E. Bolton and Thomas W. Bibb, *History of Education in Washington*, Bulletin, 1934, No. 9, United States Department of the Interior, Office of Education (Washington, D. C.: U.S. Government Printing Office, 1935), 120-1.

Meanwhile, according to State Superintendent Preston, teacher salaries had fallen so low compared to the rate of inflation that it proved impossible for many districts to hire sufficient teachers, leading to unprecedented numbers of temporary teacher certificates and significant compromises of school quality.⁷⁷ This was the sense of crisis to which the state legislature responded in special session by establishing the School Code Commission and doubling the authorized state appropriation from \$10 to \$20 per child. However, the effects of the latter act proved surprisingly limited. Although the total revenues generated through state appropriation in the year following the 1920 change in authorization increased by an impressive 43%, local tax revenues during this same 12-month period increased at any even higher rate—55%, while revenues generated by county tax actually declined somewhat. Thus in 1921, the proportion of total school funds generated by local tax had decreased only slightly, from 58% to 57% even as the proportion covered by state contributions increase from 20% to 25%.⁷⁸

These conditions of course only reinforced the second main problem identified by the Commission, the "Inequality of the Present System." The commissioners framed this problem

⁷⁷ Nicholas, "Female Leadership," 43-54.

⁷⁸ Table 10—Sources of Revenue for Public Schools," Bolton and Bibb, *A History of Education in Washington*, 120-1.

forthrightly as a matter of unequal opportunity: “While there is a demand for more money for education, there is no doubt that the present methods of raising and apportioning the funds have much to do with the unequal opportunities afforded the children of the State to gain that education.” Elaborating this observation, the commissioners explained,

“Under the present system of taxation there are school districts which, either because of a larger amount of wealth and a greater extent of territory within their boundaries, or because of small school population, are enabled to provide modern buildings, pay good salaries, and maintain efficient schools and yet escape with little or no local tax levy, while adjoining districts without this wealth and property must tax themselves to the utmost limit and then can only inadequately provide for the children in their districts.”⁷⁹

Comparative data across districts also bear this out (Table 5). In 1920, the per capita school funding ranged from a low of \$35.70 per census child in Kitsap County, to a high of \$131.29 in Grant County, both generally sparsely populated rural areas. Meanwhile, the major urban counties of King and Pierce on the west side of the state and Spokane in the East, had relatively modest per capita school funding levels of approximately \$50-\$60 per census child.⁸⁰

Table 5						
School Funding per Child by County in Washington State, 1919-1920						
County	# census children	Total Shl Funds (incl. other srces)	per capita census child	average attendance	per capita attendance	
Adams	3,003	314,407.88	104.70	1911	\$164.53	
Asotin	2,283	107,248.17	46.98	1396	\$76.83	
Benton	3,524	320,191.78	90.86	2078	\$154.09	
Chelan	5,872	328,101.99	55.88	3613	\$90.81	
Clallam	2,761	190,522.92	69.01	1677	\$113.61	
Clark	9,238	434,044.49	46.98	5369	\$80.84	
Columbia	1,789	121,021.64	67.65	1079	\$112.16	
Cowlitz	3,928	234,824.59	59.78	2298	\$102.19	
Douglas	3,041	238,980.45	78.59	1756	\$136.09	
Ferry	1,661	72,274.03	43.51	841	\$85.94	
Franklin	1,569	192,193.57	122.49	933	\$206.00	
Garfield	1,239	82,312.44	66.43	698	\$117.93	
Grant	2,475	324,931.82	131.29	1442	\$225.33	
Grays Harbor	12,016	691,817.90	57.57	6925	\$99.90	
Island	1,676	63,109.62	37.65	1003	\$62.92	
Jefferson	1,435	132,950.80	92.65	909	\$146.26	

⁷⁹ Quoted in Bolton and Bibb, *History of Education in Washington*, 140.

⁸⁰ Data compiled from “Table 5, General School Fund, Cash Receipts, 1919-20,” State of Washington, Office of Education, *25th Biennial Report of the Office of State Public Instruction, for the Biennium ending June 10, 1920, submitted November 1, 1920* (Olympia, WA: Frank M. Lamborn, Public Printer, 1921), 339.

King	86,515	5,309,630.48	61.37	50879	\$104.36
Kitsap	7,962	284,258.97	35.70	4704	\$60.43
Kittitas	5,548	371,373.92	66.94	3437	\$108.05
Klickitat	2,843	221,709.92	77.98	1664	\$133.24
Lewis	11,693	508,542.60	43.49	7016	\$72.48
Lincoln	5,062	447,390.08	88.38	3120	\$143.39
Mason	1,325	110,677.73	83.53	793	\$139.57
Okanogan	5,551	287,427.00	51.78	3065	\$93.78
Pacific	4,316	313,197.88	72.57	2778	\$112.74
Pend Oreille	1,664	124,109.45	74.59	1044	\$118.88
Pierce	38,128	1,906,044.55	49.99	21398	\$89.08
San Juan	993	37,641.83	37.91	561	\$67.10
Skagit	9,838	556,836.54	56.60	6189	\$89.97
Skamania	771	79,056.57	102.54	437	\$180.91
Snohomish	19,701	1,086,083.54	55.13	11476	\$94.64
Spokane	37,406	2,420,244.31	64.70	21931	\$110.36
Stevens	6,227	328,396.54	52.74	3752	\$87.53
Thurston	6,656	362,874.65	54.52	3754	\$96.66
Wahkiskum	986	49,744.96	50.45	580	\$85.77
Walla Walla	8,391	566,281.38	67.49	4773	\$118.64
Whatcom	16,784	783,383.34	46.67	8744	\$89.59
Whitman	9,952	748,394.91	75.20	6127	\$122.15
Yakima	17,929	856,430.22	47.77	10403	\$82.33
TOTAL	363,746	\$21,618,665.46	59.43	212534	\$101.72

Data compiled from "Table 5, General School Fund, Cash Receipts, 1919-20," State of Washington, Office of Education, 25th Biennial Report of the Office of State Public Instruction, for the Biennium ending June 10, 1920, submitted November 1, 1920 (Olympia, WA: Frank M. Lamborn, Public Printer, 1921), 339.

Although the commissioners did not explicitly make the connection, it would seem that the conditions they described directly violated the principles of "paramount duty," "ample" provision, and non-discrimination laid out in the state constitution. To address the two major issues of inadequacy and inequality that they had identified, the commissioners made two major sets of recommendations, one primarily financial and the other primarily administrative. The first set of recommendations focused on taxation and funding systems. Two of the recommendations essentially built on the existing taxation structure, suggesting that taxing levels and authority be increased. Specifically, the commissioners addressed the issue of inequality by recommending that a larger portion of the total revenues for education be raised through state (rather than local) tax. Here they explicitly referred to state constitutional provisions and identified the ways the current taxation system prevented the state from fulfilling its duties: "By constitutional enactment the State guarantees to all the children of the State an equal opportunity for education," the commissioners reminded the legislature and the public. However, "because of the difference in value of property, this is impossible when funds are raised in the several school districts." At the time, the law specified the state appropriation should be \$20 per census child, yielding approximately \$34.20 per actual pupil (based on attendance). Yet the actual cost of schooling was closer to \$100 per census child. Thus, state appropriation covered only about

34% of total costs. To get the state portion even as high as 50% would, by the commission's calculations, require a 50% increase in the state appropriation to \$30 per census child.⁸¹

Even as they proposed this ultimately rather moderate improvement in the equalization portion of school revenues, the commissioners undercut its effectiveness with a second recommendation aimed more squarely at the "adequacy" problem. Again building on the existing tax structure by fiddling with the level of taxing authority, the commissioners recommended that the authorized tax rate for local school districts be raised from 10 mills on assessed value to 15 mills. Because local districts could already tax at rates above 10 mills through special election, the impact of this increase was not necessarily as great as it may at first seem. Nonetheless, by facilitating increased local taxation this recommendation had the potential to undercut any equalizing effects of increasing the state appropriation.

The School Code Commission did make one recommendation that involved a more fundamental change in the tax structure and could have had a significant impact on both the issues of adequacy and that of equality. Reflecting a broader trend or concern among analysts and reformers who thought about such issues, such as Ellwood P. Cubberley, who in fact served as consultant to the Commission, the report recommended that the state broaden the *types* of property subject to tax to include other "forms of wealth" than those currently on the assessment rolls.⁸² In other words, they proposed that the state expand its taxing authority beyond *real property*, to include forms of financial capital. Even as they made this more "radical" recommendation, however, the commissioners quickly acknowledged the limits of their expectations regarding its adoption, saying that figuring out how such a change in tax base might work was not a problem they regarded as in their purview, but they hoped the legislature would consider such a measure.

These, then, were the Commission's recommendations regarding the details of school finance legislation. If it had stopped there, adoption of the proposed changes in state appropriation and local tax rates would probably have occurred quickly and without controversy. In addition to recommending these tax code changes, though, the Commission also recommended some major changes in school administration. Those recommendations fundamentally challenged the political structure and accountability of the existing system and were strongly and effectively resisted to the point of endangering even the more modest Commissioner recommendations. A look at the conflict around those proposals and at the sources and effectiveness of the resistance is revealing about both the specific dynamics of this historical period and about the longer-term legacies and enduring issues of equity in the system.

For historians of education the overarching dynamics of this conflict will be somewhat familiar but the specifics perhaps surprising. The part of the story that may seem familiar to those who know something about administrative progressivism and Ellwood P. Cubberley are the types of recommendations the Commission made. For summary purposes, these recommendations can be grouped in three categories: changes in administrative roles, changes in administrative units, and changes in administrative powers. First, in keeping with Cubberley's known rhetorical emphasis on the value of "expertise" over "politics," the Commission

⁸¹ Bolton and Bibb, *History of Education in Washington*, 140-1.

⁸² *Ibid.*

recommended the elimination of many or most “elective” school offices in the state and their replacement with appointed officials.⁸³ This included the state superintendent’s office as well as that of all county superintendents. Second, with regard to administrative units, the Commission recommended that the county become the fundamental administrative unit for all schools except those of the largest urban districts. This would mean the elimination of local school boards and their replacement by county-wide boards. Third, and correspondingly, the Commission recommended that the county become the chief taxing unit rather than existing local districts. That way the county could tax all the property in its jurisdiction, addressing at least some of the inequalities resulting from variations in property value from district to district within a county.⁸⁴

That these proposals proved controversial is not surprising. Although the third set of recommendations regarding taxation probably would have increased funding for many smaller districts, the loss of local power and representation in school decision-making implied by the second set of recommendations predictably triggered extensive resistance. School district consolidation, as anyone with passing acquaintance with it past or present knows, is consistently one of the most controversial issues in school policy and politics, even when engaged on a case-by-case basis.⁸⁵ Attempting to legislate such a move state-wide certainly stimulated significant opposition, especially from the smaller, rural districts it most threatened. Nor would the equity implications of such a move have been clear-cut. The question of who stands to gain and who to lose influence in a more centralized system is very particular to context. Whoever the losers were, however, they would be sure to protest.

What is perhaps less familiar about this story, even for many historians of progressive education reform, is the significance of the recommendations regarding elective school offices, particularly those of county superintendents. In Washington State in 1920, as in other western states, many of the people elected to these offices were women. Indeed, this was arguably the single most important domain of female political and policy influence in the country at the time.⁸⁶ Moreover, in Washington State in particular, this office had become highly developed. In terms of delineating standards of rural school operation, providing training, support, and supervision to rural teachers, and achieving improvements in school quality and accountability, the office of county superintendent in Washington State in 1920 had been considerably professionalized. Moreover, the success of this system in Washington State had been recognized nationally by organizations such as the Russell Sage Foundation and the Rural School Commission of the NEA as one of the best, perhaps “the” best in the nation, having “solved,” by one assessment, the “rural school problem.” That national reputation and systematic success in rural school support and supervision were closely associated with Josephine Corliss Preston, who herself had served as a county superintendent and had subsequently led the professionalization of the role. Together, Preston’s reputation among rural school reformers nationally, her grounding in rural politics in Washington, and her networks among rural female educators explain her long

⁸³ See for example, Ellwood P. Cubberley, *Public School Administration* (NY: Houghton Mifflin, 1916), 325-339.

⁸⁴ Nicholas, “Female School Leadership,” 70-86.

⁸⁵ On the issues of school consolidation and examples of resistance to it see, for example, David Reynolds, *There goes the neighborhood : rural school consolidation at the grass roots in early twentieth-century Iowa* (Iowa City: University of Iowa Press, 1999).

⁸⁶ Kathryn A. Nicholas, “Reexamining Women’s Political Agency in the 19th Century: School Suffrage and Office Holding,” *Journal of Policy History* 30:3 (2018), 452-489.

tenure State Superintendent of Public Instruction in Washington (1913-1928) and her elevation to the position of President of the National Education Association in 1919-1921.⁸⁷

To take aim at elective school offices in Washington State in 1920, in other words, particularly those of state superintendent and county superintendent, was to take aim at women's leadership and influence in education generally, and at Josephine Preston's leadership specifically. Promoters of the proposed change made their sexist intent more or less explicit, drawing on a rising ideology of expertise as residing in university-trained administrators schooled in business and accounting principles, all presumably male, rather than in the experience of career educators who had served as teachers, principals, teacher supervisors, and county (and a few city) superintendents, the vast majority of whom, at that time, were women. As Noah Showalter, one of the chief authors of the School Code Commission's recommendations explained in a newspaper account, "I am very much in favor of selecting the county superintendent in the manner prescribed by the commission. It removes the office from politics and *makes it attractive for men* of exceptional ability. A county superintendency should be considered as responsible a position as a college presidency, and only men of college presidential caliber should be selected to fill such positions. Under the plan proposed by the commission, a longer tenure of office is assured" (emphasis added).⁸⁸ In this comment, Showalter echoed similar statements made by Ellwood P. Cubberley, also associated with the Commission recommendations as consultant, who in his textbooks on school administration consistently referred to the qualities required of the "men" who should serve as school administrators, while simultaneously referring to the presumed incapacity of teachers, consistently gendered as female, for making the same kinds of data-based assessments and decisions. (Ironically, Showalter and Cubberley often misrepresented the data as they did so, as evidence shows that the predominantly female county superintendents in Washington enjoyed as long or longer tenures than their mostly male counterparts in city superintendencies.)⁸⁹

Besides being blatantly sexist, however, the Code Commission proved to be politically and strategically naïve. Whether out of arrogance or ignorance, the members vastly underestimated both the breadth and the depth of opposition among rural constituencies to its proposed recommendations for school and administrative consolidation. Even more importantly, they underestimated Josephine Preston's skill at mobilizing that opposition. As she had demonstrated previously, when she succeeded in winning a significant increase in state funds for teacher salaries by suddenly calling a convention of state teachers in Olympia to coincide with a special session of the legislature called by the Governor, Preston was a master politician, quick to recognize and act on opportunity, with a well-organized professional and political network.⁹⁰ Even before the Commission had officially finalized its report, Preston took aim at each of its chief recommendations and justifications in her Superintendent's Annual Report, devoting a whole section to naming and refuting each recommendation, point by point, emphasizing the disruption in existing schools, districts, and school governance that would result and highlighting the violation of democratic principles that would be effected by removing chief school officers

⁸⁷ Nicholas, "Female Leadership," 23-42.

⁸⁸ "Leading Educators Approve Report of Code Commission," *The Seattle Daily Times*, December 17, 1920, 2, as cited in Nicholas, "Female Leadership," 81.

⁸⁹ Nicholas, "Female Leadership," 8-32.

⁹⁰ Nicholas, "Female Leadership," 43-54.

from accountability to the electorate. In addition, she devoted another section of the Report to “The Program of Rural Education,” including extensive reporting from each county and county superintendent, thereby exhibiting various kinds of “success” achieved in rural schools under the existing finance and administrative system.⁹¹ Having thus clearly identified the threats posed by the School Code Commission and assembled the ammunition for its defeat, she published that section of her Report as a separate pamphlet, had 7,000 copies printed, and distributed it widely throughout the state, convening a meeting of educators to discuss the recommendations a full month before the Report was finalized.⁹² By the time the Commission’s recommendations reached the legislature in January 1921, then, organized opposition had solidified.

In the end, the effort to equalize education in the State through the Commission’s recommendations was defeated. Even after sponsors of the Bill accepted numerous amendments, including one that would have reduced the central state appropriation by one-third, Senate Bill 10 failed to achieve a constitutional majority. It lost by one vote. As always in politics, sources of support and opposition were not completely clear-cut. Especially with an omnibus bill, reasons for opposition as well as support can be numerous. Although strong opposition certainly came from rural areas, some leaders from Seattle joined the rural opposition, apparently concerned that the new Code would curtail some of their own independent taxing and administrative powers along with those of small districts. No doubt, some portion of opposition also came from general concern about increased taxes. Meanwhile, despite Preston’s apparently strong support among rural educators and constituencies, the Washington Education Association as a whole, which at the time was as much an organization of administrators as of teachers, strongly endorsed the Commission’s recommendations, in time becoming publically antagonistic to Preston over her efforts to prevent the Bill’s passage.⁹³

It is clear, however, that the key issue galvanizing opposition to Senate Bill 10 was the restructuring of local school governance, including the elimination of county superintendents and the consolidation of local districts under an unelected county school board. Leading proponents as well as opponents of the Bill focused on this issue in formal statements recorded during a call for reconsideration of the vote. Senator Hutchinson from Spokane explained,

“I vote No on Senate Bill 10 for the reason that the Senate refused to permit the bill to be referred to the people and as the bill takes the management of the schools out of the hands of the people, who are most interested, and placed them in the hands of five salaried persons in each county who cannot be in touch with the conditions in the various school districts, and as the bill provides for a larger number of salaried employees, thereby increasing the costs of the schools, and on account of those employees not having the

⁹¹ State of Washington, Office of Education, *25th Biennial Report of the Office of State Public Instruction, for the Biennium ending June 10, 1920, submitted November 1, 1920* (Olympia, WA: Frank M. Lamborn, Public Printer, 1921), 13-53.

⁹² Nicholas, “Female School Leadership,” 90.

⁹³ *Senate Journal of the Seventeenth Legislature of the State of Washington, begun and held at Olympia, the State Capital, January 10, 1921* (Olympia, WA: Frank M. Lamborn, Public Printer, 1921), 312.

interests of the various districts at heart as the resident director has.
I vote No.”⁹⁴

The lead Senator called upon to explain his “yes” vote, Senator Karshner from Puyallup in Pierce County, also signaled his discomfort with certain provisions of the Bill, making clear that the grounds of his support rested with its funding equalization measures, not with administrative consolidation: “I believe the school code is correct in theory but premature in installation. I concur in its main provisions. I believe in a blanket county tax and in an enlarged uniform state tax which make for an equal distribution of school funds. “ With respect to the administrative provisions of the Bill, by contrast, Karshner expressed explicit reservations, explaining that his support was qualified, and somewhat reluctant as a consequence:

“I believe in the centralization of school authority to secure efficiency and economy in school government. Furthermore, I believe in the subtraction of all water from school attendance. I cannot concur, however, with its radical method of taking out of the local school board the question of local self-government, without a referendum. Failing to secure the passage of this amendment, I then vote for the bill in the belief that more good than harm can come to the child in the rural school.”⁹⁵

The proximate cause of the Bill’s failure, then, was resistance to the loss of local school control. At another level, however, one could say that a chief cause of the Bill’s demise was the arrogance of male prerogative. Provoked or incensed by the considerable success and influence that female educators and leadership had lately achieved in the State and also nationally, and tempted by the apparent opportunity the School Code Commission offered to curtail such influence through massive restructuring of the system, architects and sponsors of the Bill took a significant step beyond what was politically viable and chose to attack the whole structure of elective school politics that had made women’s political leadership in education possible. Responding to this existential threat, Preston and her largely rural constituency and professional network defeated the administrative changes proposed by the School Code Commission.⁹⁶

In the process, however, Preston and her constituencies also defeated a set of measures aimed at promoting funding equalization by county. Whether, in the case of Washington State, a different configuration of Code Commission recommendations and (and its membership?) could have put the state on a different path with respect to equalization of school funding is an open question. Other bills aimed at reforming school funding were introduced in the legislature at that time and through the remainder of the 1920s. One bill, framed in part by Preston and her allies and introduced at the same time as Senate Bill 10, would have adopted a county unit plan for funding purposes, but without making county and state superintendents appointed positions, and without fundamentally changing the school governance structure at the local level. That Bill was never brought to a vote.⁹⁷ Although it is impossible to prove a counter-factual proposition,

⁹⁴ Ibid., 313.

⁹⁵ Ibid.

⁹⁶ Nicholas, “Female School Leadership,” 87-102.

⁹⁷ Preston’s position with respect to county-based school funding seems to have been somewhat inconsistent over time, however. Even in without the administrative changes represented in the original Senate Bill 10, later proposed

especially in politics, and although Preston's motives and actions were hardly free from their own conflicting interests and contradictions, it is worth wondering what might have happened if the proponents of the state equalization plan had treated Preston as the expert in rural education and master of rural politics she clearly was and consulted with her about the best way to achieve a county-based funding system rather than seeking to negate and eliminate the entire structural basis of her own and other female educators' legitimacy and authority as leaders.

This episode in the history of school equalization in Washington illuminates a number of important dynamics, with legacies that continue to present enduring challenges to equalization efforts today. It may seem that the politics of gender and female leadership in education have changed over the last 100 years and that the peculiar dynamics that confounded gender with matters of school funding in 1921 could be easily transcended in the present. To read the implications of the episode in that way, however, is to misunderstand the legacy of history. In this particularly ripe moment and context of tension and conflict over business and labor influence in education, and male and female leadership, members of the school code commission were tempted by their own presumptive male arrogance and prerogative to overstep the bounds of what was politically viable, thereby undermining the potential success of other goals. In the short term, the consequence was that they lost this particular round in the contest over the structure of school funding and administration. In the long-term, however, the lines of battle were more enduring than the specific outcome.

What endured from this episode and the larger context of which it was a part was the way that administrative expertise came to be constructed, and the claim that such expertise made on policy-making. Members of the school code commission specifically, and of the then nascent field of school administration more generally, re-constructed the necessary "expertise" for such a role as necessarily male, university-based, grounded in business accounting, and outside elective politics. That they managed to do so, and do so at that particular moment in history, is nothing short of astounding. Significantly, for at least the previous century, it was *women's* influence in education that had been understood as grounded in moral rather than political authority, as operating fundamentally outside of politics, and as thereby less vulnerable to political corruption than men's. Indeed, it was by deploying this presumed fundamentally moral and politically disinterested authority, that female educators had steadily built a regime of female-dominated teacher workforces over the course of the 19th century, eventually also assuming dominant majorities among normal school faculty, school principals, county superintendents, and urban teacher-leaders, and even a few school board positions in certain regions. Contrary to popular stereotypes, moreover, many of those women were long-term career educators who moved up the ladder of experience and scale of responsibility, from local rural or neighborhood schools to county or city positions, assuming the roles of teacher leaders and supervisors, exemplars as well as administrators.⁹⁸ Their authority, in other words, was not only moral but professional, based

legislation that forged a similar compromise to that of Senate Bill 128 but under different sponsorship, such as that of the National Congress of Mothers and Teachers (later the PTA) and/or the WEA, did not win the support of Preston or succeed in the legislature.

⁹⁸ Kim Tolley and Nancy Beadie, "Socio-Economic Incentives to Teach in New York and North Carolina: Toward a More Complex Model of Teacher Labor Markets, 1800-1850," *History of Education Quarterly* 46: 1 (Feb.): 36-72; Victoria-Maria McDonald, "The Paradox of Bureaucratization: New Views on Progressive Era Teachers and the Development of a Woman's Profession," *History of Education Quarterly* 39:4 (November, 1999), 427-453; Jackie Blount, *Destined to Rule the Schools: Women and the Superintendency, 1873-1995* (Albany: State University of New

on experience and expertise, and apparently recognized as such by many rural—and some urban--constituencies.

The eclipse of this long-established professional expertise and authority among professional teachers and educators is the real historical legacy of the contest over the Washington State School Code Commission and of the larger trends of which it was a part. That this reconstruction of professional expertise and authority occurred precisely at the time that women finally gained access to formal politics through equal suffrage is noteworthy. It is a shift that somewhat distinguishes the U.S. from other countries and that continues to reverberate in the politics of education in the U.S. to this day. As compared with many other countries, including Canada, which have a more representative model of education policy-making, teachers and educators with formal responsibility for schools and classroom teaching have no direct line of influence on education policy in the U.S. Instead, policy is forged largely by politicians, industry and business representatives, philanthropic foundations, and lobbying organizations operating outside any formal responsibility for schools. Teachers, meanwhile, such as those represented by the WEA, are treated as just another organized pressure group in their own professional domain.⁹⁹ Thus, although some of the specific barriers to women's involvement in policy and politics have changed, the structural eclipse of teachers' professional authority and expertise that occurred in the context of 1920s gender and labor politics have in many ways endured.

IV. What role(s) have organized teachers played in advancing or contesting white supremacy in education policy and practice?

A. The Washington Education Association, the English-Only Campaign, and Racialized Immigration Policy, 1919-1965

The challenges to educational equity in Washington State in 1920s were not only ones of school funding. Concurrent with the convergence of post-war inflation and expanding school costs, schools were challenged by a surge in organized white supremacy and anti-immigrant vigilantism in the era immediately surrounding WWI. Seeded on the eve of the War by certain versions of Americanization programming and by red-scare measures promulgated by the newly formed Federal Bureau of Investigation (FBI), this surge gained momentum and federal sanction during the War under the influence of groups like the Minute Men and the American Legion, as well as by more explicitly white supremacist groups like the Ku Klux Klan (KKK). Educators, schools, and educational organizations, including the Washington Education Association (WEA) also played significant roles in this history, in some cases actively promoting white supremacist legislation, while in others actively resisting such policies.¹⁰⁰

York Press, 1998); Kathryn A. Nicholas, "Women's Political Agency and Public Education in the 19th Century (unpublished Ph.D. dissertation, University of Washington, 2018); and Kathryn A. Nicholas, "Reexamining Women's Political Agency in the 19th Century: School Suffrage and Office Holding," *Journal of Policy History* 30:3 (2018), 452-489.

⁹⁹ For a more extended analysis of the structure of education in policy-making in the U.S. as compared with other countries see Nancy Beadie, "The history of national education systems: North America," in J. Rury & E. Tamura (Eds.), *Oxford handbook of the history of education* (NY: Oxford University Press, 2019), 164–198.

¹⁰⁰ For an account of federal, state, and local Americanization policies and implementation that considers the contested roles of educators in the particular racialized context of the West, see Frank Van Nuys, *Americanizing the West: Race Immigrants, and Citizenship, 1890-1930* (Lawrence, KS: University Press of Kansas, 2002). For accounts

The fact that the anti-immigration dimensions of the white supremacist movement of the 1910s and 20s developed when anti-black racism had become thoroughly institutionalized in the laws and political systems of the Jim Crow South, was not incidental. Grafting onto some of the same organizations and sharing some of the same strategies, this particular wave of the movement peaked in the 1920s with the resurgence of the KKK and a number of other less well-known white supremacist organizations. On the East Coast and in the Midwest and western interior, the anti-immigration dimensions of the movement focused primarily on suppressing immigration from eastern and southern Europe, drawing much of its momentum from currents of anti-Catholicism and anti-Semitism that reached deeply into the nation's history. On the West Coast, by comparison, the movement focused first and foremost on Asian exclusion, building on a long tradition of highly racialized West Coast pressure on the federal government to clamp down on Asian immigration. That pressure had previously resulted in provisions of the 1870 Naturalization Act that excluded Asian immigrants from rights of naturalized citizenship and in wording of the 14th amendment that circumscribed its application to Asian inhabitants of the U.S.¹⁰¹ Subsequent political pressure led to Chinese Exclusion Act of 1882, which singled out Chinese as the only group explicitly proscribed from immigration to the U.S. at that time. That restriction in turn stimulated wide-spread anti-Chinese violence on the West Coast during the 1880s which aimed at expelling existing Chinese settlers from the country. A similar pattern of escalating legal restrictions coupled with vigilantism characterized white supremacist agitation against Japanese and South Asian immigrants in the 1900s, 1910s, and 1920s.¹⁰²

Washington State played key political roles in this history. Although early versions of anti-Chinese agitation took form first in California and Oregon, Washington's territorial status effectively put it on the front-lines of organized anti-Chinese vigilantism in the 1880s. As a territory rather than a state, Washington operated under immediate federal authority, with a governor appointed by the president who could call directly on federal forces for support. This meant that issues local to the territory escalated quickly to federal matters, a recognized leverage point for agitators whose goal was to pressure the federal government into ever-more exclusionary policies. Under territorial status federally appointed governors and locally-elected officials both called upon federal authorities and troops during multiple vigilante actions against Chinese residents that occurred in the cities of Tacoma, Seattle, and Port Townsend and in interior mining areas of the territories of Washington, Montana, and Idaho in the 1880s.¹⁰³ Later,

of Americanization that emphasize somewhat different geographical contexts and dynamics see Jeffrey E. Mirel, *Americanization Education and European Immigrants* (Cambridge, MA: Harvard University Press, 2010) and Diana Selig, *Americans All: The Cultural Gifts Movement* (Cambridge, MA: Harvard University Press, 2008).

¹⁰¹ James D. Anderson, "Race-conscious educational policies versus a "color-blind constitution": A historical perspective," *Educational Researcher*, 36:5 (2007), 249–257.

¹⁰² For a general account of Asian immigration, white supremacist anti-Asian violence, and countervailing Asian resistance in the Pacific Northwest during this period, see Kornel Chang, *Pacific Connections: The Making of the U.S.-Canadian Borderlands* (Berkeley: University of California, 2012). For an account of the resurgence of the KKK nationally in this period see Linda Gordon, *The Second Coming of the KKK: The Klu Klux Klan of the 1920s and the American Political Tradition* (NY: W. W. Norton & Co., 2017).

¹⁰³ Jules Alexander Karlin, "The Anti-Chinese Outbreaks in Seattle, 1885-1886," *Pacific Northwest Quarterly* 34 (April, 1948): 103-29; Jules Alexander Karlin, "The Anti-Chinese Outbreaks in Tacoma, 1885," *Pacific Historical Review* 23 (1954); Chang, *Pacific Connections*, 44-53; and James A. Halseth and Bruce A. Glasrud, "Anti-Chinese Movement in Washington, 1885-1886: A Reconsideration," in *The Northwest Mosaic: Minority Conflicts in Pacific Northwest History*, ed. James A. Halseth and Bruce A. Glasrud (Boulder: Pruett Publishing Co., 1977).

in the 1910s and 20s, the territory of Hawaii assumed this front-line influence with the federal government during anti-Japanese agitation. Hawaii and California also pioneered certain forms of territorial and state legislation restricting Japanese rights. At the federal level, however, Washington State again played a key role in the 1910s and 20s, this time in Congress. Ultimately the combined thrusts of eastern and western version of anti-immigration politics resulted in passage of the infamous Johnson-Reed Immigration Act of 1924, with its arcane quota-system deliberately designed to advantage northern European immigrants and suppress immigration from eastern and southern Europe, while simultaneously excluding all immigrants from Asia.¹⁰⁴ Although often discussed in mainstream histories as concerned primarily with European immigration, it is important to recognize that the Act's lead sponsor was Representative Albert Johnson from Washington State, whose entire political career had been animated by anti-Asian activism.

Among other consequential results of the white supremacy movement of the 1920s was the widespread adoption of racial covenants in property deeds for suburban and new urban housing throughout the country. Designed to exclude non-whites from property ownership in newly developed residential areas and thereby create market value from whiteness, the covenants focused primarily on African Americans and Jews or "Hebrews" in the South and East. In the West, by comparison, such provisions focused first and foremost on Asian exclusion, perhaps also extending the terms to exclude Jews, Mexicans, Indians, and Blacks. Ruled unconstitutional by the Supreme Court in 1948, the influence of such covenants nonetheless continued and indeed became further institutionalized in the redlining maps developed in the 1930s to administer federally-backed home mortgages. Those maps shaped official federal policy through the 1960s, with legacies in urban renewal policies and in the real estate and insurance industries that still structure housing markets in the present.¹⁰⁵

Schools and school boards played important roles in these housing patterns and policies. The siting of new schools in urban neighborhoods and in new suburban developments that were classified "white" effectively reinforced racialized structures of the real estate industry. They served as incentives for white suburbanization and fomented residential segregation. Over time, the combined influence of racialized real estate markets, policies, and practices also had profound consequences for property values, property taxes, tax units, and tax appropriations for schools. As detailed, historical GIS analysis has repeatedly shown, current real estate values and

¹⁰⁴ For an account of the arcane implementation of the Johnson-Reed Act of 1924, see Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2004), 15-90.

¹⁰⁵ For a short general history of restrictive racial covenants as part of the larger history of legal segregation in the U.S. see Richard Rothstein, *The Color of Law: A forgotten History of How our Government Segregated America* (NY: W. W. Norton, 2017), 78-91. For a comprehensive compilation, mapping, and analysis of the history of restrictive racial covenants in Seattle see the "Segregated Seattle" section of the Seattle Civil Rights and Labor History Project web-site: <http://depts.washington.edu/civilr/segregated.htm>. For the interaction between school segregation and the adoption of restrictive racial covenants see Davison Douglas, *Jim Crow Moves North: The Battle over Northern School Segregation, 1865-1954* (Cambridge: Cambridge University Press, 2005), 123-166 and Karen Benjamin, "Suburbanizing Jim Crow: The Impact of School Policy on Residential Segregation," *Journal of Urban History* 38:2 (2012): 225-246. For a detailed analysis of the redlining system and practices that the FHA and the real estate industry developed to extend and elaborate the norms established by restrictive racial covenants see Jennifer Light, "Nationality and Neighborhood Risk at the Origins of FHA Underwriting," *Journal of Urban History* 36: 5 (2010): 634-671. For detailed, interactive mapping of such practices for cities nation-wide see Mapping Inequality: Redlining in New Deal America: <https://dsl.richmond.edu/panorama/redlining/#loc=5/39.1/-94.58>

school funding patterns continue to match closely the deliberately racialized maps and market structures established in the 1910s, 20s, and 30s. At the same time, the anti-immigration and white supremacy movements of the 1910s and 20s had substantive impacts on the content and character of education within schools. The broadly racist, linguistically-biased, and often eugenicist dynamics of the movement influenced, for example, the design and district-level implementation of group IQ testing as a means of placing and tracking students, efforts in some states to pass legislation intended to shut down Catholic schools, and English-only campaigns for state legislation restricting foreign language instruction in both public and private schools.¹⁰⁶ This last proposition became a particular issue in Washington State in 1919-21.

On the West Coast, efforts to pass English-only legislation at the state and territorial levels were rooted in the same racialized anti-Japanese agitation that fueled western promotion of the federal Johnson-Reed Immigration Act in 1924. Indeed, it is fair to say that a focus on Japanese language schools was one tactic in that larger campaign. The campaign was coordinated across states and territories by leading agents of the anti-Asian movement such as Albert Johnson of Washington, but it also varied from place to place according to the different histories and conditions of Japanese communities and the particular concerns of Asian exclusionists in that locality. In Hawaii, for example, where the Nikkei population presented 42.7 percent of the total territorial population and nearly 50 percent of public school enrollment, anti-Japanese agitators feared the influence of Nikkei as organized laborers and as a potential future voting-block, a particular concern for anticipated campaigns for statehood. They thus focused on controlling as far as possible the education of Nisei and on limiting group solidarity and influence. In California, by comparison, where Nikkei constituted a much smaller proportion of the population but had succeeded in gaining a foothold as landowners, anti-Japanese agitators aimed to suppress and perhaps even reverse Nikkei competition and economic influence in a growing, industrializing, agricultural economy by securing ever-more restrictive alien land laws.¹⁰⁷ In both places, fomenting opposition to Japanese language schools was tactically useful as a way of raising questions about Nikkei loyalty and foreign influence in the U.S., thereby simultaneously alarming the public and increasing political pressure for federally enforced restrictions on immigration, settlement, and citizenship.

In Hawaii, as early as the 1890s, Japanese language schools had received direct encouragement and financial support from sugar plantation owners and companies who saw the schools as valuable for the recruitment and retention of Japanese laborers and their families (who often also worked as laborers). In some cases in the early 1900s, the leaders of such schools had

¹⁰⁶ Stephen Jay Gould, *The Mismeasure of Man* (NY: W.W. Norton, 1996 [1981]), 176-263; Carlos Blanton, "From Intellectual Deficiency to Cultural Deficiency: Mexican Americans, Testing, and Public School Policy in the American Southwest, 1920-1940," *Pacific Historical Review* 72: 1 (2003): 39-62; David Tyack, Thomas James, and Aaron Benavot, *Law and the Shaping of Public Education, 1785-1954* (Madison, WI: University of Wisconsin Press, 1987), 177-92; JoEllen Vinyard, *For Faith and Fortune: Education of Catholic immigrants in Detroit, 1805-1925*. (Urbana, Ill: University of Illinois Press, 1998): 220-249; Carlos Blanton, *The Strange Career of Bilingual Education in Texas, 1835-1901* (College Station: Texas A&M, 2004); Lynn Getz, *Schools of their Own: The education of Hispanics in New Mexico, 1850-1940*. University of New Mexico Press, 1997).

¹⁰⁷This summary and much of the following discussion of the multi-state anti-Japanese language school campaign of the 1920s and its significance in the formulation of U.S. immigration policy is drawn primarily from Noriko Asato, *Teaching Mikadoism: The Attack on Japanese Language Schools in Hawaii, California, and Washington, 1919-1927* (Honolulu: University of Hawai'i Press, 2006).

also proved useful to planters as mediators and mollifiers of Japanese laborers in strikes and disputes. The success of this strategy and the reliance of planters on Japanese and other Asian laborers eventually presented a political problem to White settlers, however. As the Japanese settler population and the numbers of their Hawaii-born children grew, Anglo political leaders became concerned about the potential influence of their citizen-children as voters, especially in anticipated future efforts to apply for statehood. Agitators in Hawaii by this means succeeded in pressuring the U.S. commissioner of education to launch a federal survey of education in the territory of Hawaii in 1919 which garnered considerable public attention. In June, 1920 the survey commissioners concluded their study by recommending a number of draconian measures, including the immediate abolishment of all Japanese language schools and the forcible appropriation of facilities for the use of public schools. Territorial legislators duly proposed legislation embodying such draconian measures, but Japanese residents succeeded in mobilizing forces for a compromise bill instead, which passed in November, 1920. The alternative legislation put Japanese language schools under supervision of the Department of Public Instruction rather than eliminating them entirely, required that the curricula of such schools include an approved version of Americanization, and directed that teachers at such schools be certified by the DPI as competent in such subjects as well as in the English language.¹⁰⁸

Operating simultaneously and in tandem with the Hawaii campaign, agitators in California focused first on their number-one priority of increasing restrictions on Nikkei land ownership. Having already adopted an alien land law in 1913 that prevented Issei themselves from owning land in the state, California agitators sought to close the “loopholes” that allowed Issei to operate as guardians for land owned by their citizen-children or to participate in corporate land-ownership. Promoters introduced such legislation in the form of a California ballot initiative in the summer of 1920 and it passed in November of 1920, concurrent with the Japanese language school legislation in Hawaii. With that victory achieved, anti-Japanese agitators sought to build on that win and push toward further restrictions on the citizenship and land-owning rights of Nisei (citizens born in the U.S.). Seeing a campaign against Japanese language schools as a means of raising doubts about Nisei loyalty they thus followed the Hawaii example and introduced a word-for-word version of the Hawaii legislation into the California legislature in early 1921. In June of 1921 the California version of the law passed.¹⁰⁹

While California agitators fomented opposition to Japanese language schools as part of their effort to restrict Nisei land ownership, Washington State’s anti-Japanese forces made Japanese language schools an issue as part of the longer and larger campaign to pressure the federal government to institute more extensive immigration restrictions. In the summer of 1919, the aforementioned chair of the House Immigration and Naturalization Committee, Congressman Albert Johnson of Washington, began conducting hearings on Japanese immigration in Washington D.C., with a plan of conducting local investigations in West Coast cities such as Seattle. As part of those hearings, proponents of Japanese language school restrictions in Hawaii, just then becoming the subject of federal attention, testified and stimulated debate. Also invited to speak at the D.C. hearings was the already notorious anti-Japanese publicist and land speculator from Washington State, Miller Freeman. Meanwhile, local anti-Japanese agitators in Washington State, including the Washington chapter of the American Legion and the Mutual

¹⁰⁸ *Ibid.*, 21-41.

¹⁰⁹ *Ibid.*, 42-79.

Business Club, convened a “mass meeting” in conjunction with the D.C. hearings to mobilize support for anti-Japanese restrictions on immigration, naturalization, and citizenship. Ten days after the meeting, the president of the Washington State American Legion joined others to organize the self-proclaimed Seattle Anti-Japanese Club.¹¹⁰

Washington educators participated in this movement. It was at this inaugural moment of the concerted anti-Japanese campaign in Congress, the territory of Hawaii, and Washington State, in the summer and early fall of 1919, that Washington educators became involved in fomenting opposition to Japanese language schools locally, thereby participating in the larger mobilization of white supremacist support for anti-Asian, anti-immigrant legislation nationally. Within two weeks of the formation of the Seattle anti-Japanese League, the newly-elected Pierce County school superintendent, Minnie Bean, published a letter in the most vociferously anti-Japanese newspaper, the *Seattle Star*, detailing her efforts to find some legal basis for prohibiting Japanese language schools in her county. Bean at that time also became chair of the Americanization Committee of the state convention of superintendents, thereby increasing her influence. She used her position to demand that the State Board of Education take up the investigation of Japanese language schools on a state-wide basis. This effort in turn contributed to fostering an anti-Japanese environment for the local hearings on Japanese immigration that Congressman Albert Johnson convened in Seattle and Tacoma in the summer of 1920. During those hearings Johnson specifically invited testimony about Japanese language schools. At its annual meeting in October, 1920 the Washington Education Association called for such a bill. That attention in turn led to the introduction of Language School Control legislation in the Washington State legislature in early 1921. It also propelled Minnie Bean to election as President of the Washington Education Association in 1921.¹¹¹

The Washington Education Association remained engaged with the anti-Japanese campaign throughout the fall and winter of 1920-1921. Following the 1920 Immigration hearings in Seattle and Tacoma in late July and early August, the WEA took up the subject of legislation to control or eliminate Japanese language schools. At its annual meeting in October, 1920 the Washington Education Association called for a Japanese Language School Control bill to be introduced and passed by the Washington State legislature. At that point, legislation in Hawaii had yet to be voted upon. The simultaneity of the WEA’s action with Hawaii’s consideration of such a bill indicates close coordination with anti-Japanese agitation across the western states and with Congressional leadership. A month later, in late November, the territorial legislature of Hawaii passed its compromise version of such a bill, followed almost immediately by introduction of comparable legislation in California.¹¹²

Meanwhile, as detailed in the previous section of this paper, the Washington State Legislature was in the midst of contemplating a major overhaul of the entire state school system’s funding and administration. Presumably, concern about the complex provisions of that legislation took precedence over Japanese language schools as a matter of debate among most professional educators. Nonetheless, or perhaps because of that larger systemic concern, a version of the Japanese Language School Control Bill passed first by Hawaii and eventually by

¹¹⁰ *Ibid.*, 80-101.

¹¹¹ *Ibid.*, 85-90.

¹¹² *Ibid.*, 96-99 and *passim*.

California became part of the very same omnibus bill introduced in the Washington State legislature on January 11, 1921 that aimed at equalization of school funding and reorganization of school administration in Washington: Senate Bill 10.¹¹³ At first it may have seemed opportune to bury Japanese language school control provisions in the details of an omnibus bill. On February 14, more than a month after Senate Bill 10 was first introduced, State Senator William Bishop, of San Juan County, introduced Senate Bill 140, “An Act prohibiting aliens and disloyal person from teaching in the schools of the state, and providing penalties for violation thereof.” The provisions of Senate Bill 140 would have put the operation of Japanese Language Schools and the certification of its teachers under direct supervision of the State Office of Public Instruction, with specific proscriptions against the certification of teachers lacking fluency in English, competency in Americanization curriculum, or eligibility for citizenship. The newly-introduced Senate Bill 140 was then referred to the Senate Education Committee, already a month into the process of debating the provisions of Senate Bill 10. Split over support of Senate Bill 10, with 3 of its members recommending passage and 3 members opposing passage on February 19, the Committee undertook to amend the Bill, returning to report to the Senate on February 24. With the Committee still split, the Bill’s sponsor asked for a closed door session, during which further amendments were made, including the addition of provisions from Senate Bill 140, the language school control bill. Still, when the vote on Senate Bill 10 was taken the following day, on February 25, it failed by one vote to achieve a constitutional majority.¹¹⁴

It appears, however, that the Committee and the State Senate as a whole were much less conflicted over the Japanese language school provisions than they were over the overhaul of school funding and administration. Three days after the failure of Senate Bill 10, on February 28, the Education Committee recommended passage of Senate Bill 140. Passage of the Bill in the Senate occurred on March 3 with a vote of 37 to 2. This more visible and explicit action against the Japanese Language Schools triggered a response from the Nikkei community, which rallied to express opposition to the Bill after its passage in the Senate. Perhaps partly as a consequence, equivalent legislation never made it out of the House Committee on Education. An attempt to revive the Bill two years later in 1923, during the run-up to passage of federal immigration legislation, also failed. Unlike the Territory of Hawaii and the State of California, and Oregon, then, Washington State never passed a Japanese Language School control bill. That did not spell the end of anti-Japanese legislation in Washington State altogether however. While failing to pass a Japanese Language School Bill, the legislature did pass a new alien land law in 1921. Two years later in 1923--again timed to foment anti-Japanese agitation in the run-up to consideration of the federal immigration bill--the State Legislature further amended the 1921 alien land law to further constrain land ownership by Nissei.¹¹⁵

¹¹³ “An act related to public education,” Washington State Senate Bill 10, Introduced January 11, 1921, *Senate Journal, 1921*, pp. 41, 265, 301-3; 309-313.

¹¹⁴ “An Act prohibiting aliens and disloyal person from teaching in the schools of the state, and providing penalties for violation thereof,” Washington State Senate Bill 140, introduced February 14, 1921, *Senate Journal*, (Olympia, WA: Frank M. Lamborn, Public Printer, 1921), 200, 328, 396-7.

¹¹⁵ Asato, *Teaching Mikadoism*, 98. Also, House Bill 79, “An Act relating to the rights and disabilities of aliens with respect to lands,” House Bill 79, introduced January 27, 1921, *House Journal of the Seventeenth Session of the State of Washington, 1920-1921* (Olympia, WA: Frank M. Lamborn, Public Printer, 1921), 93.

Considered in relation to this larger campaign for federal immigration restrictions, the language school control bills, like the alien land laws, may well have served their purpose, whether passed by the State legislature or not. The strategy in both cases was to stimulate the kind of racialized anti-immigrant fear and xenophobia that would promote passage of first comprehensive set of immigration restrictions ever adopted by the United States, otherwise known as the Johnson-Reed Immigration Act of 1924. Those immigration restrictions, sponsored by Albert Johnson of Washington State and infused with broadly white supremacist and eugenicist thinking, as well as with specifically anti-Asian and anti-Japanese racism, would continue to be the law of the land for the next 40 years. Among the many long-term, historically significant effects of this legislation can be counted the exclusion of Jewish refugees from Nazi Europe in the 1930s and 40s and the internment of Japanese Americans during World War II.¹¹⁶

The role of Washington State educators in general and of the WEA specifically in promoting this surge of anti-immigrant, anti-Japanese, and white supremacist culture and legislation should be acknowledged. That history should also be investigated as part of the broader history of the WEA as an organization with significant influence on state politics and policy. At the same time, it should be recognized that the actions and thinking of Washington State educators were never monolithic, that schools themselves were often sites of contestation over such ideas and actions, and that schools sometimes became sites of active resistance to white supremacist culture and legislation.

In Seattle, for example, teachers and principals of a few schools with large Japanese and Asian student populations attempted to provide a counter-narrative. In 1924, the principal and teachers of one elementary school in Seattle with a historically diverse population deliberately chose to cast a Japanese American boy in the role of George Washington in the annual President's Day school play. The school staff also actively and publicly defended their choice in the face of the considerable White backlash that followed.¹¹⁷ Interestingly, this casting decision occurred in 1924, the year that the highly restrictive Johnson-Reed Immigration Act passed, with Washington State's Albert Johnson its lead sponsor. It is clear that educators acted to address that context. As conceived by those educators and leaders, civic education was not merely a matter of socializing newcomers to existing norms. It was about challenging students, parents, and dominant society to re-examine exclusionary assumptions and practices, thereby educating the public at large. Examples of such civic leadership by educators should be acknowledged.

Two decades later, some educators who worked closely with Nikkei and other immigrant communities again tried to counteract the influence of white supremacist thinking in Seattle. In 1941–1942, after the bombing of Pearl Harbor and on the eve of Japanese American internment, several school principals chose to hold school assemblies on the subjects of interethnic friendship and tolerance. In doing so, they drew upon the curricula of civic education to try to

¹¹⁶ For a full history of the origins, significance, and long-term consequences of the Johnson-Reed Act of 1924 for immigration and naturalization policy, see Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2004). For an analysis of the underlying “racial scripts” that have historically connected the immigration policies and their implementation with respect to both Asian and Latinx immigrants, see Natalia Molina, *How Race is Made in America: Immigration, Citizenship, and the Historical Power of Racial Scripts* (Berkeley: University of California Press, 2014).

¹¹⁷ Shelly Sang-Hee Lee, *Claiming the Oriental Gateway: Prewar Seattle and Japanese America* (Philadelphia, PA: Temple University Press, 2011), 105–141.

help students resist the surge of anti-Japanese white supremacist behavior they knew would occur.¹¹⁸ It should be noted, however, that those examples of resistance to nativism and affirmation of civil rights seem to have been most explicitly taught at schools with large non-White or ethnically diverse populations. Evidence suggests little comparable programming at the vast majority of schools in the city that were predominantly White. In other words, lessons of civic equality and of resistance to white supremacy seem were *least taught where they were most needed*, that is, in the segregated schools of white middle class students. This failure of educators to confront white supremacy in such segregated white spaces also needs to be acknowledged and addressed. The legacy of that failure is also with us today.

B. The Role of Organized Teachers in Shaping Educational Equity and Inequality

Educators and educational organizations have played important roles in the shaping of educational equity and inequality in Washington State and also more broadly in U.S. history. From the early decades of the 19th century, national and state associations of teachers helped build the commitment to public education that came to be embodied in the educational systems established in states throughout the country, including that of Washington State in 1889. Well before the Civil War such organizations, including the National Teachers Association (NTA), founded in 1857, lobbied for a national level commitment to education in the form of a federal department of education, a goal which--when achieved in the immediate aftermath of the War in 1867--also resulted in a merger of the NTA with other educational organizations to form the re-named National Education Association (NEA) 1870. The NEA worked closely with the newly established department of education and strongly promoted the educational work of the freedmen's bureau and subsequent proposals for federal funding for education to promote literacy among newly emancipated slaves and other people throughout the country. Many state education organizations in the South as well as the North, and in the West as well as the East, joined the campaign for more universal, ample, and equitable education throughout the country.¹¹⁹ Educators in Washington Territory took up the mantle of this work when they formed the Washington State Teachers Association in 1889, which became the Washington Education Association (WEA) in 1904, reorganizing again 1920.¹²⁰ In effect those educators helped build both the vertical and horizontal commitments to education in Washington State.

It is important for teachers generally and the WEA in particular to know their role in this history. Such knowledge is important in itself but also as a means of assuming ongoing responsibility for promoting equity and justice and addressing educational inequality in Washington State. At their best, organized teachers have the capacity to advance commitments to educational equity and justice that are rooted are in their own long traditions of education advocacy. Of course, the fact that teachers and their professional organizations have played important historical roles in forging the principles and structures of public education systems

¹¹⁸Yoon K. Pak, *Wherever I Go, I will Always Be a Loyal American: Schooling Seattle's Japanese Americans during World War II* (NY: RoutledgeFalmer, 2002). On the longer tradition of "progressive" civic education and teacher leadership in Seattle, see Bryce Nelson, *Good Schools: The Seattle Public School System, 1901-1930* (Seattle: University of Washington Press, 1988); and Doris Hinson Pieroth, *Seattle's Women Teachers of the Interwar Years: Shapers of a Livable City* (Seattle: University of Washington Press, 2004).

¹¹⁹ Nancy Beadie, "The Federal Role in Education and the Rise of Social Science Research: Historical and Comparative Perspectives," *Review of Research in Education, Centennial Volume 40* (2016): 1-37.

¹²⁰ Bolton and Bibb, *History of Education in Washington*, 423-34.

means that they have also participated in constructing many of the system's tensions and contradictions. Some of those contradictions, such as the funding of settler schools through the appropriation of Native American lands, or the radically unequal levels of school funding generated in different localities, derive from the underlying concepts of land-based property that form the foundation of Anglo systems of law and taxation. Those structural and conceptual underpinnings of U.S. systems of public education are difficult to imagine educators fundamentally changing. But that does not mean that the inequities they have produced cannot be addressed. For example, the expropriation of Native lands and their conversion into property for support of settler schooling is a history that can be acknowledged and taught by educators through curriculum and their work as teachers. Beyond such knowledge and acknowledgement, organized professional educators can also begin asking questions about the ongoing use of school lands and the potential for future care-taking that serves the shared human interests of Native and non-Native peoples in a world challenged by climate change.

With respect to the radically unequal school and per capita funding levels generated in different localities, organized professional educators can and should be as attentive to the state's horizontal commitment to educational equity and non-discrimination as they have been to the state's vertical commitment to "ample" funding. Historically, both the National Education Association and the Washington Education Association have promoted more and greater amounts of central school funding as a means of equalization, whether at the county, state, or federal levels. Many of those efforts failed or achieved only qualified or compromised success. Among the challenges to success were long-standing tensions between the goal of achieving a high standard of universal common education at the elementary level for all students, on the hand, and on the other hand, that of providing a much more expensive and differentiated education at the secondary level that aimed at both collegiate and vocational preparation. And yet, the Elementary and Secondary Education Act of 1965 and much of the anti-poverty legislation of the late 1960s and early 1970s--which enjoyed strong support from organized educators as well as civil rights groups--did have some short-term equalizing effects on school resources and education opportunity.¹²¹ During this same period, as many districts throughout the country experienced levy failures and anti-tax measures, Seattle Public Schools successfully sued Washington State for failing to fulfill its constitutional duties to amply and equitably fund public education.¹²² Working within the long historical tradition of organized educator activism around increasing educational access and equity, with careful investigation of successes and

¹²¹The literature assessing the impact of the Elementary and Secondary Education Act is vast. For an overview of the literature from a policy history perspective, see the set of essays by Crystal Sanders, Douglas Reed, and Susan Moffitt presented and published as part of a special policy forum commissioned by Adam Nelson and sponsored by the History of Education Society in 2015-2016 under the title "The Elementary and Secondary Education Act at Fifty: A Changing Federal Role in American Education," *History of Education Quarterly* 56: 2 (May 2016): 358-381. Also, separately, David Casalaspi, "The Making of a 'Legislative Miracle': The Elementary and Secondary Education Act of 1965," *History of Education Quarterly* 57:2 (May 2017), 247-277.

¹²² Often referred to as "the Doran decision," the official title of the original decision is: *Seattle School District v. State*, No. 53950, Memorandum Opinion (Thurston County Superior Court, January 14, 1977. The decision was upheld by the Washington State Supreme Court in: *Seattle School District No. 1 v. State*, 90 W.2d 476, 585 P.2d 71 (1978). For a discussion of the significance of the Doran decision, see Neil Theobald and Faith Hanna, "Ample for Whom? The Evolution of State Control over School Finance in Washington," *Journal of Education Finance* 17:1 (Summer 1991), 7-32.

pitfalls of past efforts, professional organizations can play a role in making increased equity a priority of school funding in Washington.

At other times, however, teachers and organized professional educators have used their power in ways that reinforced white supremacist thinking and advanced racialized policies at both the state and federal levels. How did organized educators in Washington State and the nation go from being among the most articulate spokespeople for Reconstruction principles in the 1870s, to promoting explicitly racist English-only and anti-immigration legislation in the 1920s? This question is important for the nation to wrestle with as a whole, but it is also a question with specific relevance to the Washington Education Association and its members. In a 2005 study, the historian Edward J. Blum addressed a version of this question for the nation as a whole, tracking the language used by moral, religious, and political leaders--including national women's groups like the Women's Christian Temperance Union as well as church denominations--to reconcile North and South in the decades following the Civil War. Titled *Reforging the White Republic*, Blum's study showed how northern leaders "shifted the North's moral imperative away from racial liberation and toward sectional reunion," at the expense of African American people, civil rights law, and the constitution.¹²³ At the same time, as a number of political economists have shown, northern financiers shifted their capital interests from southern economic development to western resource extraction and overseas expansion.¹²⁴ Together, these shifts toward white political consolidation and overseas colonialist enterprise produced a racially exclusive nationalist ideology at the turn of the 20th century that had both domestic and international implications. Although Blum focused almost exclusively on North and South in his analysis, other scholars have illuminated the distinctive contributions of the West in the forging of this white supremacist nationalism.¹²⁵

What role(s) have Washington educators in particular played in advancing or challenging the (re-) forging of a white Republic? This question merits further investigation and analysis by the WEA. More specifically, how have the organizational and decision-making structures of the WEA and NEA shaped their historical influence on issues of educational equity and inequality? The history of the NEA and WEA presents two prior examples of internal organizational change that bear examination in these terms.

¹²³ Edward J. Blum, *Reforging the White Republic: Race, Religion, and American Nationalism, 1865-1898* (Baton Rouge: Louisiana State University, 2005).

¹²⁴ See especially Richard Franklin Bense, *American Leviathan: The Origins of Central State Authority in America, 1859-1877* (Cambridge: Cambridge University Press, 1990); Richard Franklin Bense, *The Political Economy of American Industrialization, 1877-1900* (Cambridge: Cambridge University Press, 2000); Nicholas Barreyre, *Gold and Freedom: The Political Economy of Reconstruction* (Charlottesville, VA: The University of Virginia, 2015); and Noam Maggor, *Brahmin Capitalism: Frontiers of Wealth and Populism in America's First Gilded Age* (Cambridge, MA: Harvard University Press, 2017); William G. Robbins, *Colony and Empire: The Capitalist Transformation of the American West* (Lawrence, KS: University Press of Kansas, 1994).

¹²⁵ Elliott West, "Race and Reconstruction," *Western Historical Quarterly* 34:1 (2003), 6-26; Chang, *Pacific Connections*; Molina, *How Race is Made in America*; Clif Stratton, *Education for Empire: American Schools, Race and the Paths of Good Citizenship* (Oakland, CA: University of California Press, 2016); Nancy Beadie, et. al. "Gateways to the West, Part I: Education in the Shaping of the West," *History of Education Quarterly* 56: 3 (August 2016): 418-444; and Nancy Beadie, et. al. "Gateways to the West, Part II: Education and the Making of Race, Place and Culture in the West," *History of Education Quarterly* 57: 1 (February 2017): 94-126.

Interestingly, the role of the WEA in the anti-Japanese, anti-immigrant campaign of 1919-1921 intersected rather precisely with a major reorganization of the National Education Association (NEA) that changed its decision-making structures during the same years. In particular the 1920 reorganization changed the relationship of state organizations to the national body and to local associations as well. Prior to 1920, the WEA and its predecessor organization, known until 1904 as the Washington State Teachers Association, had no clear structural relationship to the NEA. Instead, autonomous local and state teachers associations served loosely as hosts, promoters, and attendees of annual meetings of the NEA, which held its annual conventions in different places around the country. At those conventions, all attending members exercised voting privileges on any measure presented to the body, but no formal terms of eligibility, voting, or decision-making structure regulated the organization's actions. Beginning in 1919, however, the NEA undertook a major reorganization that required a more formal selection of voting delegates from each state, a change that in turn required state organizations to determine systems within their states for selection of delegates. According to Henry Suzzallo, who first proposed the plan in 1913 and had since become president of the University of Washington, aims of the new system were two-fold: first, to more systematically focus the organization's power on influencing federal policy and administration, including the effort to elevate the Department of Education to a cabinet-level position; and second, to wed the increasingly large membership of ordinary teachers in the organization to the policy and agendas of the NEA's largely administrative leadership.¹²⁶

The implications of this major reorganization for issues of educational equity were several. First, gender politics very much shaped the reorganization. According to historian Wayne Urban, many of the strongest female leaders within the organization as well as rank and file member teachers understood the reorganization as an effort by systems-level administrators and university-men who had historically dominated the NEA to reduce the growing numbers and control the increased organizational influence of female teachers within the NEA itself and also in many school districts. Because of this increased influence, in fact, the NEA's mostly male leadership delayed a vote on the plan for some years, so that it would not occur at a convention with a large and well-organized population of local teachers such as Chicago or Milwaukee, but in a more conservative locale with a less powerful local membership. It was at Salt Lake City in 1919—ironically, under Josephine Corliss Preston's presidency of the NEA--that attending NEA members approved the plan, against the objections of the organization's strongest women leaders. That plan, which deliberately sought to reduce and suppress the influence of women and rank and file teachers demanding equal pay, employment benefits, and professional autonomy, continued to structure NEA representation and decision-making for more than half a century.¹²⁷

Importantly, the model of representation the NEA chose to follow in determining the structure and allocations of delegates across the organization was that of Congress.¹²⁸ The logic of this choice again was that of influencing national policy-making by matching the federated structure of the organization to that of the nation's chief legislative body. Congress, however, in addition to being a totally male organization, institutionalized several layers of malapportionment both within and across states. Historically, those patterns advantaged white,

¹²⁶ Urban, *Gender, Race, and the National Education Association*, 1-41.

¹²⁷ *Ibid.*

¹²⁸ *Ibid.*, 7.

non-urban populations, and they continue to do so. Even more profoundly, in 1920, the policy-making that issued from both Congress and the Executive Branch was completely distorted by the systematic disfranchisement of the vast majority of black voters throughout the South, as well as the systematic exclusion of Asian immigrants and Native Americans from citizenship. Thus, when the Pierce County Superintendent, Minnie Bean, of Tacoma, became president of the Washington Education Association in 1922, she assumed leadership of a newly reconstituted state organization under a structure that reduced and suppressed the influence and interests of major sectors of the teacher workforce while simultaneously increasing the WEA/NEA's influence on national policy. Again, that structure and pattern of exclusion and representation within the NEA and in the country at large continued for the next half century.

In 1973, the NEA and state affiliates again undertook a major reorganization to address a range of issues around the capacity of local affiliates to serve as collective bargaining units. At the same time, the organization undertook the integration of previously racially segregated affiliate organizations in the South. Historical assessments of what was lost and what was gained in that merger and reorganization are still being made. Again, the reorganization was shaped in part by gender politics. Forged in a highly conflictual context of competition with the more militant—and more male--AFT for local collective bargaining status, the 1973 plan strengthened teacher-dominated local affiliates against administrator-dominated state organizations, at the same time as it weakened some of the female-dominated structures within the national NEA.¹²⁹ Moreover, the language of the reorganization often carried a masculinist--even misogynist, emphasis. Meanwhile, the racial integration of the NEA's white southern state affiliates with their African American counterparts in the American Teachers' Association (ATA), involved protracted processes of state-by-state negotiation over the period from 1963 to 1978. Shaped by presumptions of continued dominance by white organizational leadership, as well as by intense black resistance and insistence on retaining positions of leadership and black teacher priorities in the new NEA, the mergers clearly had mixed consequences. On the hand, as Urban recounts, they did substantially increase allocations of resources and attention to black teacher issues and black education within and by the NEA.¹³⁰ On the other hand, as Vanessa Siddle Walker has highlighted, they also substantially weakened the capacity for concentrated strategic cohesiveness and autonomous intervention by black education professionals, even as they experienced massive job losses as a result of unjust and vengeful terms of local school district desegregation plans. Walker further notes the loss of black professional knowledge and history that resulted from the mergers.¹³¹

The fact of these two prior structural reorganizations of the NEA and their state and local affiliates presents ongoing opportunities for investigation, assessment and analysis. It also suggests important implications for the present. Are there ways in which current representation and decision-making structures of the WEA and NEA similarly control and suppress the influence of sectors of the teacher workforce with equity concerns? What would it look like for the WEA and the NEA to reorganize now in ways that put the support, interests, and concerns of

¹²⁹ *Ibid.*, 171-209.

¹³⁰ *Ibid.*, 211-244.

¹³¹ Vanessa Siddle Walker, "African American Teaching in the South: 1940-1960," *American Educational Research Journal* 38:4 (Winter 2001), 751-779.

non-dominant teachers and communities at the top of its agenda for the future? The history of organized teacher participation in the struggle for educational equity and justice continues.

