

The W.Va. Teachers' Strike as Counter-Conduct: The Fight Against Neoliberalism from a Feminist Perspective

General Session

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INTRODUCTION

The first time the West Virginia teachers went on strike was in 1990. Out of fifty-five counties in the state, forty-eight went on strike for two days against low teacher pay and no plans in sight to fix it. While teachers were successful then, the gains fizzled out over the course of the next few decades, prompting West Virginia teachers to strike yet again, with more teamwork and power, in 2018, this time for thirteen days. The strike rippled into 2019, when teachers went on strike successfully yet again for two days at the beginning of the year.

In analyzing the West Virginia teachers' strikes, particularly that of 2018, I examine two factors that elicit overarching problems in the public education system: 1) the struggle of public educators against neoliberalism, privatization, and the control of biopolitics; and 2) the gendered expectation for teachers, mainly women, to care about their students, even at the cost of a personal sacrifice to their own wages, healthcare, or wellbeing. Yet against these struggles, the teacher protest movement as a form of counter-conduct carries hope for a long-term victory. To examine this movement, I rely on Foucault's *Birth of Biopolitics*, as well as two recently published books that chronicle the 2018 West Virginia teachers' strike: *Red State Revolt* and *55 Strong*. The latter is comprised of first-person accounts from teacher protestors.

WHY THE STRIKE HAPPENED

THE INCENDIARY

Months before red-bandanaed teachers infiltrated the gold-domed state capital chanting “A freeze is not a fix!” and singing “Country Roads,” unease first grew palpable among educators on December 7, 2017, when the school board announced a new health program called Go365. Starting July 1, 2018, teachers would be required to wear a step-tracking device (such as a FitBit) that would calculate their daily step count, in addition to any other health information teachers wanted to input.¹ A minimum number of steps would be required of teachers each month—those who made the count would receive gift cards to retail stores; those who didn’t would be penalized \$25.00 a month. A year’s worth of missing the minimum step-count would bump the fine to \$500.00. After immediate pushback from educators across the state, Governor Justice killed this idea, yet unrest lingered.²

Although this proposal never went into effect, the very idea demonstrates an extreme neoliberal attempt to control teacher conduct.³ The app would purportedly improve health by providing incentives to teachers to move more, but the act of controlling such movement shows a clear depiction of what Foucault calls *biopolitics*: “the attempt . . . to rationalize the problems posed to governmental practice by phenomena characteristic of a set of living beings forming a population: health, hygiene, birth rate, life expectancy, race. . . .”⁴ Go365 was a prime example of a state government trying to control the conduct of educators while rationalizing their efforts through the “improved health” counting steps would elicit. Yet with this proposal, the West Virginia government overstepped how much they could get away with in the realm of biopolitics without receiving pushback.

Although the ideal citizen within a neoliberal system does not fight how they are governed, there is a limit to this acceptance. Foucault describes the ideal neoliberal *homo oeconomicus* as “someone who responds systematically to systematic modifications artificially introduced into the environment. Homo oeconomicus is someone who is eminently governable.”⁵ To nurture the unquestioning neoliberal mentality, then, the government must heighten control of conduct while maintaining citizen governmentability—yet the delicate balance between the two can be disrupted. With the proposal of Go365, the balance tipped, and West Virginia educators were no longer willing to silently acquiesce into

unquestioned governmentability—a term I am using to mean governability, or a people’s ability to be governed. If “being in the dark and the blindness of all the economic agents are absolutely necessary” for citizens in a neoliberal system, then Go365 ignited the fire that began to dissolve that blindness.⁶

THE STRIKE

The strike itself lasted for thirteen days, from February 22 to March 6, 2018. All fifty-five counties remained united the entire time, even after the strike went wildcat (i.e., without union leadership approval) on March 2. An important factor in the success of the strike was that not only teachers were involved; rather, it was a united effort among all school employees, including bus drivers, cooks, secretaries, and administrators. West Virginia public employees and educators had three main reasons for striking: 1) healthcare, 2) salaries, and 3) proposed educational privatization bills. While the first two comprised the main concerns for West Virginia teachers, the third in particular demonstrates the struggle against neoliberalism and the construction of homo oeconomicus.

Privatization

The strike fought against a proposal to bring charter schools and education vouchers to West Virginia. Teachers were against charter schools for several reasons: they would divert resources from their already strapped schools, employ teachers without qualifications, potentially garner money for corporations, and contribute to an educational divide between city and rural districts.

The lead insurgent for school privatization was and continues to be Senate President Mitch Carmichael. Carmichael, more than Governor Justice or any other government official, was the chief villain of both the 2018 and 2019 West Virginia teacher strikes. He is a fantastic image of a neoliberal homo oeconomicus, one that has not only made “an entrepreneur of himself,” but that also seeks to make entrepreneurs of others. In his proposed education reforms, he demonstrates a desire to construct a “policy of society” that adopts neoliberalism into its “whole way of being and thinking.”⁷ For example, on February 19, 2019, Carmichael tweeted: “Our families deserve competition, choice, and flexibility.”⁸ While “competition, choice, and flexibility” seem good by name, these three words epitomize in many ways the marketization of education. Specifically, Foucault describes neoliberal ideology as “a matter

of making the market, competition, and so the enterprise, into what could be called the formative power of society.”⁹ Carmichael explicitly calls for making competition one of the formative powers in West Virginia public education, thus pushing forward a neoliberal agenda.

Carmichael also calls for school choice, yet Eric Blanc explains the issue hidden within this term: “First, you starve public schools; then, you insist that the only solution to the artificially created education crisis is ‘school choice’—meaning privately run (but publicly funded) charters, as well as vouchers for private schools.”¹⁰ “Choice” itself seems good, but when “choice” means privatizing education and diverting resources from public schools in order to fabricate that choice, all while potentially feeding into the pockets of corporations or individuals, choice is less about freedom and more about control of conduct. Not only that, this “choice” forces students and parents into the roles of economic agents by creating a market that they have no choice but to participate in. The same is true for the “flexibility” Carmichael touts. With public school privatization, a select group of students (those who live close to a charter school) will have more flexibility, but that flexibility will come at the cost of hindering the educational resources for rural students and teachers, thus widening the divide between city and rural students and providing rural teachers more incentive to leave the profession or the state.

Perhaps most alarming, Carmichael not only champions the push toward public school privatization but also makes it an issue of morality. Alongside tweets fighting for charter schools and vouchers, Carmichael wrote: “We need to reform our education process in West Virginia. This is a moral imperative for the people of our state to provide a world-class education to our students,” and, “It is a moral imperative to provide a highly functioning education system for our children, parents, and teachers. We must pass comprehensive education reform NOW.”¹¹ By positioning school privatization as a moral issue, Carmichael employs a manipulative strategy to control the conduct of West Virginians. If people are persuaded that school choice *is* the moral thing to do, they will monitor their own behavior to conform, lest they act immorally.

STRIKE AS COUNTER-CONDUCT

The West Virginia teachers strike can be considered a form of what

Foucault calls *counter-conduct*. To Foucault, counter-conducts are “movements whose objective is a different form of conduct, that is to say: wanting to be conducted differently, by other leaders and other shepherds, towards other objectives and forms of salvation, and through other procedures and methods.”¹² In other words, a counter-conduct demonstrates the desire to not be governed like this, by these people, for this purpose, and at this price. It is “the sense of struggle against the processes implemented for conducting others.”¹³ Counter-conducts are internal struggles against a form of governance where an individual or a group opposes the control of conduct and their own governmentability, while still situating themselves within the system. As political theorist Carl Death describes it, “Rather than . . . looking ‘beyond government,’ a counter-conducts approach looks *within* government to see how forms of resistance rely upon, and are even implicated within, the strategies, techniques, and power relationships they oppose.”¹⁴ Counter-conducts thus position agents within the system of government while simultaneously disrupting their governmentability.

The West Virginia teacher strike was a form of counter-conduct for this reason: while it fought against a particular control of conduct and governmentability of education as neoliberal product, it did so while working within the very government system it attempted to disrupt. In other words, educators worked within a recognizable form of government protest while still resisting governmentability.

The strike was illegal. State legislature could have fined or penalized unions and strikers, but they chose not to. Blanc posits the reasons for this were primarily political, as doing so would risk “further alienating politicians from the public.”¹⁵ On top of that, West Virginia has a long history of labor union strikes, starting with the Battle of Matewan in 1920, “one of the bloodiest mine war battles in US history” and a source of pride for many striking teachers from Southern West Virginia, where the battle took place.¹⁶ Therefore, even though the strike was illegal, West Virginia’s long history with labor action and politicians’ desire to stay in good public opinion made the teacher strike an action that fit into the system while resisting it.

Further, the West Virginia teacher strike as a form of counter-conduct aimed to not only disrupt educational governmentability, but also to create a new

subjectivity, or mindset, around teacher rights and public education. Foucault states, “Those who resist or rebel against a form of power cannot merely be content to denounce violence or criticize an institution.”¹⁷ Rather, they must also create a new subjectivity to replace the one previously instilled by that institution. By fighting against neoliberalism, in the form of school privatization; biopolitics, in the form of healthcare and intrusive health tracking apps; and lack of teacher dignity, in the form of low wages, educators fought against ideology that would be dangerous not only to themselves, but to their students and public education at large. Teacher strikers not only had to oppose the legislature; they also had to propose a new subjectivity to counter the opposing neoliberal ideology. This subjectivity valued teachers’ voices in helping shape the future of public education in the state and valued teachers as employees worthy of fair compensation and healthcare benefits.

Thus, in striking, West Virginia teachers created a new identity and subjectivity for public employees. Death asserts that before a protest, there are forms of persons, selves, and identities “presupposed by different forms of counter-conduct,” and protests bring into being new identities and subjectivities.¹⁸ Going even further, Death states about counter-conduct: “The tactics and techniques mobilized are not merely instrumental. Through the act of protest and demonstrating, new identities and subjectivities are performatively constituted.”¹⁹ Thus in the very act of protesting, strikers are doing more than just fighting against unfair wages and benefits; they are introducing a new way of being into society.

In West Virginia, one of the most significant “new identities” to emerge was that of state educators and public employees as a unified whole. The state remained #55Strong the entirety of its thirteen-day strike, even after going wildcat. In the weeks leading up to the strike, teachers wore red shirts every Wednesday as a sign of solidarity, and thousands joined a Facebook group started by strike leader Jay O’Neal. Using the hashtags #55United and #55Strong to symbolize the unity of all fifty-five counties in the state, school public employees posted consistently on social media, garnering support from colleagues and members of the community. To construct this new identity of educator solidarity, it was vital to not only have active participation from all counties in West Virginia,

but also to have participation from other public employees vital to the school's operation besides teachers: bus drivers, cooks, secretaries, paraprofessionals, and administrators. As teacher and strike co-leader Emily Comer described it, "The most amazing part of the struggle has been the real sense of community across West Virginia."²⁰

The strike also proposed a new subjectivity with a reformed value system. Instead of valuing big corporations, value us, teachers said. As Shepherdstown middle school teacher Mark Salfia put it, "This work stoppage was about standing up as a state and telling our leadership what we value. We value ourselves. We value the blue collar, gritty West Virginia worker. We value the coal miner, the truck driver, the teacher."²¹ The strike aimed to give greater value and respect to teachers, both from their own perspectives and from those of state leadership and society in general. Thus, by striking and enacting this counter-conduct, educators were able to shift West Virginia's collective subjectivity concerning public employee valuation.

GENDER AND THE DYNAMICS OF RESPECT

In addition to the three main demands teachers were striking for—better wages, better healthcare, and prohibiting privatization of public schools—protestor after protestor stated that they fought for something greater yet: respect. The strike was "about winning respect as much as anything else"; the "movement was about being valued"; and it was "not about teacher pay but teacher voice."²² According to protestor testimonies, West Virginia teachers did not feel respected or that their opinions on state education were valued. Dominant discourses in the state "positioned teachers as more akin to babysitters than as educated professionals."²³ And one of the reasons for all of this is that, in West Virginia as in the rest of the country, an overwhelming majority of teachers are women.

There is a significant gender dimension to the West Virginia teacher strike, particularly when analyzing the tension between teachers and state legislators. This tension moves within the undercurrent of implicit and subtle oppression in the country at large. Namely, because women are expected to be more naturally caring, they have historically been undercompensated or taken advantage of in service-oriented roles, including teaching. Women have been

so conditioned to accept their role as caregivers, however, that even in the face of disrespect and devaluation, systemic mistreatment is often overlooked or not consciously understood by women, or by society at large.²⁴

Low wages and general disrespect are much easier to dole upon a profession that so many, particularly women, view as a calling. Blanc notes the proliferation of such an orientation, saying, “teaching is much more than a job for many educators. They see their work as a calling.”²⁵ Yet systems of power can so easily take advantage of a “vocation,” for if a job is considered a calling, people, particularly women, will assume this role even at the expense of low compensation, disrespect, and mistreatment, even mistreatment aligned with the control of biopolitics. For instance, we can imagine how many women teachers, in order to fulfill their care-oriented calling, would have accepted the proposed step-tracking device—a device which becomes all the more diabolical when we consider it not only as a tactic of biopolitical control, but as a tactic to govern women’s bodies specifically.

Clearly, teachers can fight against these methods of control and demand better wages and healthcare while viewing their career as a calling and still deeply caring about the well-being of their students. Yet state legislators, most prominently Carmichael, often employed tactics of shame to persuade teachers that by striking, they were harming their students and disrespecting their calling. This tactic is particularly salient for women teachers, for whom caring is viewed as a natural inclination. By shaming teachers for not caring about their students, legislators attacked a characteristic that many women view as fundamental to their womanhood.

Carmichael was the most prominent employer of tactics of shame, targeting specific details that typically appeal to women. For instance, Carmichael accused teachers of “depriving students of the one hot meal they receive each day,” even though teachers worked hard to provide meals for all free and reduced lunch students every day of the strike, including weekends.²⁶ In addition, Carmichael stated that he thought teachers should not have left their schools. “I am disappointed someone would leave [the] incredible responsibility [of educating our children] to come to the Legislature to lobby . . .” he said. “That disappoints me and I hope that disappoints those counties and schools

affected by that.”²⁷ Carmichael also said he thought the protesting teachers were “being disrespectful to our students, to our parents—all those associated with providing an education to our students,” and during the 2019 strike, he tweeted that “locking our students out of schools” was an “embarrassment for our state.”²⁸ On top of his acidic rhetoric, Carmichael enacted a non-verbal tactic of shame that affected teachers deeply; Berkeley country high school teacher Jessica Salfia says she will “never forget the way Senate Majority Leader Mitch Carmichael strolled out of the Senate chamber to look down on the chanting teachers waiting in the chamber hall and sneer, his lip actually curling in disgust.”²⁹

Carmichael consistently used language of shame (e.g., *depriving students*, *disappointed*, *disrespectful*, *embarrassment*) to make teachers feel ashamed by their own actions. In pitting student well-being against teacher well-being, Carmichael implicitly claimed that teachers should act on behalf of the former and abandon the latter, lest they be an embarrassment or disrespect their communities. And by situating tactics of shame within an ethics of care, Carmichael employed strategies particularly salient to women teachers to keep them in systemically disrespected and underpaid roles. These tactics of shame relate to Foucault’s panopticon. Shame keeps people in check; it causes them to control their own conduct at the behest of the powers in command. Carmichael appealed to a panopticon of shame specifically oriented toward characteristics associated with womanhood in order to sway teachers to back down.

In addition to tactics of shame, the state legislature also demonstrated a failure to validate the voices of teachers. Protestors, the majority of whom were women, consistently felt unheard by the government, the majority of whom were men. Jessica Salfia says she was “dismissed, laughed at, and avoided altogether” by members of the West Virginia House and Senate.³⁰ Salfia notes how gender played a role in this silencing: “I believe that some of the stubbornness of the West Virginia Senate was because there were several men in those offices who didn’t like being told what they should be doing by a bunch of women. I thought about this when a few Senators refused to talk to me.”³¹ Salfia felt the gender divide between the protestors and the legislatures, and she points to a greater problem with the state educa-

tion system at large: legislators have not been willing to listen to teachers on issues of state public education, meaning the bills they have been trying to pass have been entirely divorced from educator advisement. Unfortunately, this trend did not end after the 2018 strike; the 2019 strike was against a bill that Carmichael and other senators wanted to pass without having consulted any educators. As Salfia points out, this is a gendered power dynamic with most protestors and teachers in the state being women, and most government officials, men. Invalidating women's voices in this situation also means invalidating the voices of the teacher movement, even though these are the voices that should be the most important in public education reform. Teachers rightly felt as if "they were spectators in shaping education policy, rather than experts to be consulted."³² Legislators retained power by refusing to talk to teachers, dismissing their requests, and sneering at them with disgust.

When Governor Justice finally agreed to settle some of the teachers' demands, he did so in a way that gives further evidence to the invalidation of teacher voices. Protestors rallied at the capitol for thirteen days; they chanted and sang until they were exhausted and hoarse; they clearly stated their demands. Yet in addressing what made him acquiesce to these demands, Governor Justice didn't attribute his decision to the teachers who had tirelessly rallied. Instead, he attributed his decision to a sixth-grade boy named Gideon.³³ Governor Justice said he had finally decided to give West Virginia teachers a 5 percent pay increase after having a conversation with Gideon where the child spoke on behalf of the teachers. While this may seem like a kind and caring end to the strike, by not crediting the teachers with his decision, Governor Justice invalidated the voices and efforts of thousands of teachers from all fifty-five counties who had been shouting their demands for thirteen days. Even in his acquiescence, Governor Justice maintained power over the mostly women teachers by refusing to credit their voices and hard work.

CONCLUSION

The 2018 West Virginia teacher strike ended on Thursday, March 6. The wins were as follows: teachers would receive a 5 percent pay increase based on starting teacher salary (about \$2,000.00 each year), and other public

employees would receive a 3 percent pay increase; insurance premiums would freeze for seventeen months; Governor Justice would create a task force to determine a long-term solution to insurance; and the removal of all privatization bills.³⁴

The legislator's push for neoliberal educational reform resurfaced again shortly after this victory. In February 2019, Carmichael proposed a new bill that introduced even greater privatization demands, including proposing an unlimited number of charter schools (later that number decreased to two) as well as private vouchers. Carmichael tried to "wrap this poison pill in a sugar coating" by adding another 5 percent raise for public employees into the bill.³⁵ "This is not reform; this is retaliation," said Mingo County teacher Brandon Wolford.³⁶ Teachers went on strike for two days, and the bill was postponed, with Carmichael again scowling at the outcome.

The rapidity with which the West Virginia teachers were able to organize and with which the legislature agreed to back down during this two-day affair demonstrates the lasting effects of the new identities and subjectivities formed by the 2018 counter-conduct. With all fifty-five counties again striking for two days, and with bus drivers and cooks again joining the efforts, public employees again represented a unified whole. Communities again supported the teachers' efforts, and legislature understood how protestors could sustain efforts for an extended time. Blanc wrote, "Like the events of one year ago, Carmichael's reactionary agenda was defeated by the power of mass workplace action."³⁷ This "power of mass workplace action" gives greater value to the collective voices of teachers, which over time may continue to coalesce into a greater respect for a profession that is predominately associated with women.

Although these victories were promising, Carmichael was ultimately able to pass the Student Success Act, a version of the previous bill teachers had fought so hard against, two days after summer break commenced. The bill includes a pay raise for teachers and more resources for school nurses and counselors, but also invites charter schools into the state. By introducing the bill in the summer, Carmichael dodged the obstacle that had been blocking him before: teacher strikes and school closings. In fact, the bill included

new elements that actively punish teachers for going on strike. According to the bill, “pay is withheld until work stoppage ends,” “county superintendents may not close schools to help facilitate a work stoppage,” and “no extracurricular activities during a work stoppage.”²³⁸

Despite this loss, the West Virginia teacher strike movement has demonstrated the power protests as counter-conducts can play in fighting neoliberalism within the public education system. Protests can achieve not only improved financial compensation, but also a new subjectivity that generates greater value and respect for the protesting party. In the case of teaching, this can particularly empower the voices of women teachers who have long been willing to sacrifice their own rights in order to fulfill their vocations or to actualize the believed natural instinct to care for children. Asked Mingo County high school teacher Robin Ellis, “Will the lesson be that those in powerful positions ultimately have all the power or that the power of the people is stronger than a flawed system?”²³⁹ While the legislature overpowered the strikers this time, the new subjectivity formed during the West Virginia teachers’ strike provides hope that the people, and the teachers, will one day be stronger.

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2 Elizabeth Catte, Emily Hilliard, and Jessica Salfia, *55 Strong: Inside the West Virginia Teachers’ Strike* (Cleveland: Belt Publishing, 2018), 50.

3 Here, as throughout this paper, I am assuming Foucault’s definition of neoliberalism, or when “the exercise of political power [is] modeled on the principles of a market economy.” Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France 1978–1979* (New York: Palgrave Macmillan,

2004), 131.

4 Foucault, *The Birth of Biopolitics*, 317.

5 Foucault, 270.

6 Foucault, 279.

7 Foucault, 226; 146; and 218.

8 Mitch Carmichael, Twitter post, February 19, 2019, 2:18 p.m., <https://twitter.com/SenCarmichaelWV>.

9 Foucault, *The Birth of Biopolitics*, 148.

10 Eric Blanc, *Red State Revolt* (Brooklyn: Verso, 2019), 28.

11 Mitch Carmichael, Twitter post, February 14, 2019, 10:31 a.m., <https://twitter.com/SenCarmichaelWV>; January 31, 2019, 11:19 a.m., <https://twitter.com/SenCarmichaelWV>.

12 Michel Foucault, "Lecture, 1 March 1978," *The Birth of Biopolitics: Lectures at the Collège de France 1978–1979* (London: Palgrave Macmillan, 1978), 259, <http://www.azioni.nl/platform/wp-content/uploads/2013/04/Foucault-Security-Territory-Population.pdf>.

13 Foucault, "Lecture, 1 March 1978," 268.

14 Carl Death, "Counter-Conducts: A Foucauldian Analytics of Protest," *Social Movement Studies* 9, no. 5 (2010): 240.

15 Blanc, *Red State Revolt*, 54.

16 Catte et al., *55 Strong*, 24.

17 Foucault as quoted by Death, "Counter-Conducts," 324.

18 Death, "Counter-Conducts," 241.

19 Death, 245.

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21 Catte et al., *55 Strong*, 43.

22 Blanc, *Red State Revolt*, 24; Catte et al., *55 Strong*, 43, 81.

23 Audra Slocum, Rosemary Hathaway, and Malayna Bernstein, "Striking Signs: The Diverse Discourse of the 2018 West Virginia Teachers' Strike," *English Education* 50, no. 4 (2018): 368, <http://legacy.ncte.org/library/NCTEFiles/Resources/Journals/EE/0504-jul18/EE0504Jul18Striking.pdf>.

24 See, for example, Regina Cortina and Sonsoles San Román, *Women and Teaching: Global Perspectives on the Feminization of a Profession* (New York: Palgrave Macmillan, 2006).

25 Blanc, *Red State Revolt*, 24.

26 Catte et al., *55 Strong*, 58; John Bacon, "WV Teachers Packed Lunches for Their Needy Students Before Going on Strike," *USA Today*, February 27, 2018, <https://www.usatoday.com/story/news/nation/2018/02/27/west-virginia-teachers-packed-lunches-their-needy-students-before-going-strike/377591002/>.

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30 Catte et al., 12.

31 Catte et al., 13.

32 Catte et al., 96.

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37 Eric Blanc, “West Virginia’s Political Strike Wins Big,” *Jacobin*, February, 2019a, <https://jacobinmag.com/2019/02/west-virginia-teachers-political-strike-omnibus-bill-education-privatization>.

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