

## Resegregation of American Public Schools: A Case Study of Charlotte-Mecklenburg Schools, North Carolina

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In her thesis on school desegregation Christine H. Rossell notes that “black Americans are no longer a subject of public debate,”<sup>1</sup> however, policies designed to help them that remain under the spot light. Rossell argues that school integration should be voluntary and neighborhood-school systems should be maintained since America came close to solving the race problem. Moreover, reflecting on the recent situations in which advocates of “color-blindness” continue to challenge race-conscious methods such as affirmative action, she argues that “disagreements over the desirability of busing or affirmative action do not have to be covert racism; they can be rational and realistic assessments of the efficiency, effectiveness, and equity of alternative strategies in achieving the principle of just and color blind society.”<sup>2</sup> By contrast, other scholars such as Eduardo Bonilla-Silva argue that the “color-blind” discourse is a “new racism” in America.<sup>3</sup> Bonilla-Silva claims in his book that “color-blind” approaches serve to maintain the racial stratification and that “white privilege without fanfare, without naming those who it subjects and those who it rewards”.<sup>4</sup> In addition, Leslie G. Carr argues that color blindness denies the existence of black people.<sup>5</sup>

Since the 1990s, a backward movement for desegregation in American public

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1. Christine H. Rossell, “The Convergence of Black and White Attitudes on School Desegregation Issues during the Four Decade Evolution of the Plans,” *Wm. & Mary L. Rev.* 36 (1995): 613, <http://scholarship.law.wm.edu/wmlr/vol36/iss2/7> (accessed January 1, 2013): 659.

2. *Ibid.*, 658.

3. Eduardo Bonilla-Silva, *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in the United States*, 4<sup>th</sup> ed. (Lanham: Rowman & Littlefield, 2013).

4. *Ibid.*, 3-4.

5. Leslie G. Carr “*Colorblind*” *Racism* (New York: Sega Publications, 1997), 108.

schools has been seen. My study focuses on the recent trend of American public schools, that is, “resegregation”. This study of the “resegregation” phenomenon currently happening in America will provide an important insight into the methodology and impact of racism in an increasingly “multiethnic” or “multiracial” world. This thesis sheds lights on the Charlotte-Mecklenburg Schools District in North Carolina. The reason for choosing this topic in this place is its unique history. In the 1970s and 80s, Charlotte was one of the most integrated school districts in the nation. However, in the 1990s, efforts to continue desegregation were disbanded, and the district became racially segregated again.

This study aims to analyze racial discourse in education through talks on the following two court cases in Charlotte in the 1990s and the early 2000s, *Capacchione v. Charlotte-Mecklenburg Board of Education* (1999) and *Belk v. Charlotte-Mecklenburg Board of Education* (2001). This thesis also aims to analyze what effected the race relations in the Post-Civil Rights era to shift back to segregation by revealing how the concepts of “color-blind” and “beyond race” affected a resegregation phenomenon.

### **I: Resegregation of Public Schools in the US**

The number of public schools nationwide practicing *de facto* segregation black students, which had continually decreased until the 1980s, has been reported to have increased slightly from 1990 to 2000.<sup>6</sup> Additionally, the percentage of black students attending white-majority schools has decreased since 1986, and at the same time, nationwide percentage of black students attending black-majority schools and schools where more than 90 percent of the students are black has increased. In 1986, 62.9 percent of black students attended schools that were 50 to 100 percent non-white; by 1998–99, this number had increased to 70.2 percent.<sup>7</sup>

The peak of school desegregation came in the late 1960s to 1970s, thanks to the *Brown* ruling in 1954 and several other efforts to desegregate schools. Since that time, it has widely been imagined that school segregation is no longer a problem in the U.S. However, Harvard’s Civil Rights Project found in 2001 that the desegregation of U.S. public schools peaked in 1988. Since then, schools have become more segregated, particularly in the 1990s. This phenomenon is called “resegregation”. Shedding light on this phenomenon, Gary Orfield

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6. Gary Orfield, “Schools More Separate: Consequences of a Decade of Resegregation,” (July 2001): 2, from <http://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/schools-more-separate-consequences-of-a-decade-of-resegregation/orfield-schools-more-separate-2001.pdf> (accessed October 15, 2011).

7. *Ibid.*, 31.

showed in his study (2001) that America's public schools have become more segregated, especially in the South. He wrote that, "from 1988 to 1998, most of the progress of the previous two decades in increasing integration in the region was lost. The South is still more integrated than it was before the civil rights revolution, but it is moving backward at an accelerating rate".<sup>8</sup>

One significant cause of resegregation can be attributed to the following three major U.S. Supreme Court decisions in the 1990s: *Board of Education of Oklahoma City Public Schools v. Dowell* (1991), *Freeman v. Pitts* (1992), *Missouri v. Jenkins* (1995) and to a lesser extent a number of lower court decisions. These court rulings concluded that the school system had achieved a "unitary system" which means that the school system offers "equal opportunities" to students of all races and they stated that desegregation efforts were no longer necessary. The Supreme Court ordered to release school boards from the federal court's earlier desegregation orders. Many lower courts were perhaps influenced by the Supreme Court decisions and, as a result, it became easier for public schools to escape earlier court-ordered desegregation plans. Thus, the above-mentioned three Supreme Court decisions authorized a return to segregated neighborhood schools and limiting of the desegregation orders, which caused resegregation of public schools.

Residential segregation between whites and non-whites also makes up an important component in creating a clear understanding of the resegregation trend. Reardon and Yun argue that residential segregation saw a decline in the 1990s.<sup>9</sup> This decline might indicate that the recent increase of school segregation is not a result of residential segregation. The problem of residential segregation, however, is related to the problem of school segregation. Residential segregation largely determines the pattern of school segregation because neighborhood-school systems reflect neighborhood racial composition patterns in the absence of active school desegregation efforts.<sup>10</sup> Erica Frankenburg also argues that resegregation of public schools will lead to residential segregation again.<sup>11</sup> Moreover, "gentrification" has resulted in residential segregation.

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8. *Ibid.*, 2.

9. Sean F. Reardon and John T. Yun, "Integrating Neighborhoods, Segregating Schools: The Retreat from School Desegregation in the South," *School Resegregation*, ed. John C. Boger and Gary Orfield (Chapel Hill: University of North Carolina Press, 2005): 58.

10. *Ibid.*, 67.

11. Erica Frankenburg, "The Impact of School Segregation on Residential Housing Patterns," *ibid.*: 165.

## II: Desegregation of Charlotte-Mecklenburg School District, North Carolina

After *Brown v. Board of Education*, North Carolina had not taken an active approach to race relations and education until *Swann v. Charlotte-Mecklenburg Board of Education* ruled in the Federal District Court in 1969. According to Howard Maniloff, the meaning of the term “desegregation” had changed. Immediately after *Brown*, it meant “the presence of one black student in a school which had formerly been all-white”.<sup>12</sup> David J. Armor and Christine H. Rossell argue that at *Swann* desegregated school was defined as a school that racial composition is the same as the racial composition of the entire school system and desegregation meant to achieve “racial balance”.<sup>13</sup> In *Alexander v. Holmes County Board of Education* of 1969, the Supreme Court ordered to abandon school desegregation procedure “with all deliberate speed” and introduce immediate progress to end segregation. The phrase was used in the *Brown II* in 1955 which allowed to delay desegregation. Under the influence of the ruling, the Judge of the *Swann*, James McMillan, concluded that the Charlotte’s school system was still segregated due to the residential segregation and ordered to introduce a strategy called “busing” to desegregate the Charlotte schools until they were racially-balanced.<sup>14</sup> It was a practice of transferring students by bus, in order to achieve desegregation as a remedy of residential segregation by race. The belief that race should be taken into account in order to promote racial diversity was introduced. In 1971, the US Supreme Court unanimously issued the Federal Court’s ruling.

Right after the order of the *Swann* to introduce the mandatory busing plan, there was massive resistance to this desegregation plan by Charlotte citizens. Maniloff argues, however, that people in Charlotte-Mecklenburg Schools changed their attitudes towards busing and desegregation and showed a positive feeling soon after their children had good experiences at desegregated schools.<sup>15</sup> Stephen Samuel Smith explains that under a superintendent, Jay Robinson, Charlotte schools committed to the busing plan to maintain racially balanced schools from 1976 to 1986. As the mandatory desegregation succeeded, academic improvement was seen for black students.<sup>16</sup>

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12. Howard Maniloff, “Community Attitude toward a Desegregated School System, A Study of Charlotte, North Carolina” (PhD diss., Columbia University, 1979): 41.

13. David J. Armor and Christine H. Rossell, “Desegregation and Resegregation in the Public Schools,” *Beyond the Color Line*, ed., Abigail Thernstrom and Stephen Thernstrom (Stanford: Hoover Institution Press, 2008): 232.

14. “*Swann v. Charlotte-Mecklenburg Board of Education*,” 300 F Supp. 1358, (1969).

15. Maniloff, “Community Attitudes toward a Desegregated School System.”

16. Stephen Samuel Smith, *Boom for Whom?* (Albany: State University of New York Press, 2004), 71–80.

The mandatory busing plans were implemented also all over the nation. However, they gradually failed in many places, because it took so much time to commute to school. For some students, their new school was many miles away from their home. To make the matters worse, a large number of white families started moving into suburbs to escape busing. This was termed “white flight”. Beginning with President Nixon’s criticism of the mandatory busing plan in 1972, there continued a trend of strong denigration of school desegregation by national leaders of the Reagan Administration. These criticisms argued that busing was not only unnecessary, but also ineffective and disruptive.<sup>17</sup> Therefore, the busing plan was abolished by the 1990s in many places such as Boston and California.

In 1984, President Reagan made a speech to stop the busing plan in Charlotte. Reagan stated that, “busing takes innocent children out of the neighborhood school and makes them pawns in a social experiment that nobody wants”.<sup>18</sup> The next day in response to Reagan’s remarks on busing, an editorial in Charlotte’s local newspaper, the *Charlotte Observer* was published upholding that Charlotte’s proudest achievement of the past 20 years is its fully integrated public school system, not its strong and growing economy. In spite of Reagan’s criticism or the ending of mandatory busing in many places, Charlotte citizens continued their commitment to integrated schools through busing and believed that integration resulted in a harmony between black and white people, and in the community in general. Charlotte’s integrated school system became a major part of the community’s prosperity as Richard Kluger and other articles noted.<sup>19</sup>

### III: Resegregation of Public Schools in Charlotte

In 1992, under a new superintendent, the school board introduced a new type of school plan, magnet-school plan. Magnet schools are public schools with special programs or curricula focusing on the arts, science, or technology. Each school improved its curriculum to attract students beyond its respective school district, county and even city. In addition, the magnet-school system introduced racial quotas to ensure minority representation. The magnet program enrolled students by lottery with a goal of forty percent black, sixty percent non-black racial balance. The magnet-school system was very popular because of its high academic achievement and more integrated school settings. However, much

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17. Gary Orfield, “Public Opinion and School Desegregation,” *Teachers College Record* 96, no. 4 (Summer 1995): 654–670.

18. M. C. Poertner, “Busing Still a driving force in Charlotte, N. C.,” *The Orlando Sentinel* (April 8, 1986): folder 12, Frye Gaillard papers (#4698), Southern Historical Collection, The Wilson Library, University of North Carolina at Chapel Hill.

19. Richard Kluger, *Simple Justice: The History of Brown v. Board of Education and Black America’s Struggle for Equality* (New York: Vintage Books, 2004).

previous literature points out that resegregation of public schools in Charlotte was observed after the implementation of the magnet-school plan.

In September of 1997, a white father, William Capacchione filed a lawsuit against Charlotte-Mecklenburg School District. He claimed that his daughter Christina, who was half white and half Hispanic, was denied admission to a magnet school of the family's choice because she is not black. In October 1997, Charlotte-Mecklenburg Schools moved for dismissal, declaring that race-based assignment policies of the magnet schools were required under the Court's desegregation order in *Swann*. At this point, attorneys for the original African American plaintiffs in *Swann* reentered the scene and they reactivated *Swann*. They insisted that Charlotte had not eliminated all vestiges of its former racial dual system, and that further race-conscious assignments were permissible.

In 1998, the discussion turned to whether the Charlotte-Mecklenburg Schools have achieved a "unitary status". In March of 1998, Capacchione filed another claim stating that the desegregation plan laid out in *Swann* did not justify the discrimination in question since the school system had already achieved unitary status. In May of 1998, a group of white parents of students in the Charlotte-Mecklenburg Schools also claimed that their children could not attend the magnet school of their choice because of the school board's continuing commitment to racial balance. They argued, as Capacchione had argued, that the school system had achieved unitary status as required by the Court's orders in *Swann* and claimed that there should be an end to the race-based policies.

On the contrary to the white plaintiffs, a civil rights lawyer, James Ferguson and a group of black plaintiffs including Terry Belk and Dwayne Collins started discussing reopening *Swann* in the summer of 1997. They were concerned about the problems seen in the schools which are the sign of resegregation and an academic gap between black and white students which is getting wider in the 1990s.

In September of 1999, in *Capacchione v. Charlotte-Mecklenburg Board of Education*, the judge Robert Potter found that little racial imbalance of the dual system could be observed after Swan's order and Charlotte-Mecklenburg Schools had eliminated the past discrimination. The Federal District Court ruled to prohibit the school district from using race when assigning students to schools. The black plaintiffs and the school board upheld this ruling to the Appeals Court in Richmond, Virginia in 2001. However, the Fourth Circuit Federal Court of Appeals once again ruled that the Charlotte-Mecklenburg School district has achieved unitary status. In *Belk v. Charlotte-Mecklenburg Board of Education*, the U.S. Court of Appeals for the Fourth Circuit ended federal oversight of school desegregation and busing of the Charlotte-Mecklenburg school system. The court ordered an end to desegregation efforts. In Charlotte, even though the school district fought to maintain the desegregation policy, local control of initiatives which considered race in student assignment was taken away by the court's order.

They tried to petition to the US Supreme Court. However, the Court declined to hear their argument.

The magnet-school plan was abandoned and instead the “School Choice Plan” was introduced in 2002. This new plan divided the city into four large attendance zones based on neighborhoods, effectively resulting in de facto racial segregation. Since then, public schools in Charlotte’s county school district have been segregated at a quickening pace. It has been said that in terms of the racial composition of the schools, the district has reverted back to where it was prior to the initial *Swann* ruling. After the race neutral policy was implemented, segregation has been seen in the school district, academic achievement, and class room levels.<sup>20</sup> Four predominantly white schools in the Charlotte-Mecklenburg district were ranked as some of the top schools in the U.S. according to a list in a 2003 issue of Newsweek Magazine.<sup>21</sup> However in that same year, the number of high-poverty schools<sup>22</sup>, predominantly black students, increased.<sup>23</sup>

#### IV: Analysis of Racial Discourse in Education of the 1990s

Previous literature notes opinions of American citizens towards school desegregation plans. Orfield argues that American people who saw desegregation as a negative and serious problem declined in the late 1970s and 1980s. He also notes that in the 1970s, busing and race issues were placed near the top of the list of the issues concerning schools. However, in the 1980s, people who did not consider desegregation a significant problem affecting American schools increased. The decline in attention paid to school desegregation seems to reflect an erasure of racial issues from political discussion in the 1980s. Rossell notes that both black and white parents are in agreement that the most desirable desegregation policy alternative for their district is neighborhood schools with choice. Also, she argues that it’s not only whites who oppose busing, but many blacks also do not perceive busing to be in their self-interest.<sup>24</sup> YANAKA Hisako

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20. Charles T. Clotfelter, Helen F. Ladd, and Jacob L. Vigdor, “Classroom-Level Segregation and Resegregation in North Carolina,” *School Resegregation*, ed. Boger and Orfield, 70–86.

21. Charlotte-Mecklenburg Schools’ home page, from <http://www.cms.k12.nc.us/mediaroom/aboutus/Pages/History.aspx> (accessed January 1, 2013).

22. High-poverty schools are defined as those whose student body population eligible for free or reduced-price lunch exceeds 76 percent of student population. See 2010 Spotlight, *High-Poverty Public Schools*, National Center For Education Statistics, from <http://nces.ed.gov/programs/coe/analysis/2010-index.asp>, (accessed August 22, 2013).

23. Kim Genardo, “Neighborhood Schools In Charlotte — 10 Years Later,” NBC 17, (February 7, 2011), from <http://www2.nbc17.com/news/2011/feb/07/neighborhood-schools-charlotte-10-years-later-ar-763038/>, (accessed December 25, 2011).

24. Rossell, “The Convergence of Black and White Attitudes”.

also argues in her case study of public schools in Atlanta, Georgia that both black and white communities oppose to operate the busing. By analyzing opinions in the black community towards school desegregation, Yanaka notes that many black intellectuals stated the purpose of education is for black students awaken their black identity, and they believe that this is achieved by conducting black studies at neighborhood schools rooted in the black community. They see public schools as not only the place for education, but also as a symbol of black community.<sup>25</sup>

In September of 1999, the federal court declared that Charlotte-Mecklenburg Schools had achieved unitary status and ordered a stop to policies which were using race to assign students to schools, thus putting an end to practices such as busing for integration and race-based lotteries for magnet schools. Additionally in 2001, new school assignment programs promoting neighborhood-school system was introduced resulting in an observance of resegregation. What can be attributed to the changes in these school conditions in Charlotte? Is it, as Rossell and Yanaka argue, that larger truth behind the court decisions or is there more to the story? I use documents in the Frye Gaillard papers and also, articles appearing the *Charlotte Observer* from 1985 to 2002 related to the *Capachione* and *Belk* cases which are located at Wilson Library in University of North Carolina, Chapel Hill to analyze discussions by Charlotte citizens towards the two court cases in Charlotte. In analyzing these documents I focus on the racial discourse of the plaintiffs and Charlotte citizens.

## V: Analysis of the *Capachione* and *Belk* cases

What made Charlotte's experience exceptional was that it was new citizens who were responsible for the change in the school system's approach to desegregation. In 1980, Frye Gaillard, who was an editor at the *Charlotte Observer*, already predicted it in an article appearing of the *Charlotte Observer* with two key components. First, he mentions that thousands of new citizens in Charlotte came from areas outside of the South where the issues of race were never a major priority.<sup>26</sup> The new citizens who filed the Charlotte-Mecklenburg Schools all claimed that the schools paid too much attention on race.

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25. Yanaka Hisako. "Gerogia-shu Atlanta Kouritsugakkou ni okeru Jinshu Kyougaku wo megutte" ジョージア州アトランタ公立学校における人種共学をめぐる [Public Education after the Brown Decision in Atlanta: From Desegregation to Resegregation], "Kyoritsukokusaibunka" 共立国際文化 [The journal of Kyoritsu area studies], 7 (1995): 147-167.

26. Frye Gaillard, "Desegregation will it Survive in Charlotte? Blacks Could Hold the Key?" *The Charlotte Observer* (April 19, 1986): folder 16, Frye Gaillard papers (#4698), Southern Historical Collection, The Wilson Library, University of North Carolina at Chapel Hill.



Capacchione spoke in an interview with the *Observer* in 1997 and argued that the school system placed too much emphasis on racial balance and not enough on improving the quality of schools.<sup>27</sup> The second thing Gaillard predicted was that many of the new immigrants settled in overwhelmingly white areas of southeast Charlotte. This contributed to create housing patterns and neighborhoods separated by race. Therefore, Gaillard concludes in his article that achieving school desegregation is logistically difficult.<sup>28</sup>

What the findings in Rossell's and Yanaka's studies could not account for in Charlotte was the additional factor that the debates over the student assignment policy in Charlotte in the late 1990s were largely between new citizens and native Charlotte citizens. In this case, it seems that native Charlotte citizens who had experienced the value of school integration and busing argued in favor of race based school assignments, whereas the new residents argued against it. In this study, the arguments from both sides are compared and how they conduct their movements and construct their racial discourse will be examined.

William Capacchione, who filed a case in 1997, moved from California to Charlotte in 1994. Additionally, five out of the six white plaintiffs including Larry Gauvreau who joined later the *Capacchione* case were recent implants of Charlotte. As the value of neighborhood-school system became more and more emphasized nationally, the call for neighborhood-school system especially among new citizens also grew louder in Charlotte, particularly after the school board reassigned more than 3000 high school students, some to schools farther from home in 1996.<sup>29</sup> In the year, hundreds of parents in Charlotte joined CFANSS (Citizens For A Neighborhood School System) a group organized in support of neighborhood-school system. Capacchione, who joined the Knight of the Ku Klux Klan during the 1970s, also himself was a member of CFANSS. In contrast, however, perhaps even in response to this, black plaintiffs who reactivated the *Swann* case and their supporters, both black and white, including Terry Belk and Dwayne Collins who had experienced the positive effects of Charlotte's integrated school system formed an organization, "The Swann Fellowship" which advocated for continued effort and commitment to integrated schools.

Advocates of the neighborhood-school system argued that returning children to schools closest to home should take priority, regardless of whether the outcome might lead to schools resegregating.<sup>30</sup> They additionally argued that the

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27. Celeste Smith, "Man behind School-Bias Lawsuit Moving out of N. C., Attorney Says," *The Charlotte Observer* (NewsBank, August 20, 1998), (accessed August 14, 2012).

28. Gaillard, "Desegregation will it Survive in Charlotte? Blacks Could Hold the Key?"

29. Celeste Smith and Debbie Cenziper, "Concerns Arise about Integration- Advocates Say They're Still in Control," *The Charlotte Observer* (NewsBank, December 10, 1997), (accessed August 14, 2012).

Charlotte's school system had already achieved 'unitary' status, meaning that the school system could be understood to offer equal opportunities to students of all races. The *Capacchione* plaintiffs claimed that past discrimination in the Charlotte-Mecklenburg Schools did not remain a significant problem and that the schools had successfully eliminated the dual system in which inequality was maintained by separate spaces based on race. They argued that racial unbalance already seen at that time was caused by the demographic patterns of black people, not caused by the school system's lack of effort to achieve integration.

Meanwhile the original *Swann* plaintiffs stood up together to fight against *Capacchione's* claim. They argued that if the school system is allowed to return to neighborhood-school districting systems in deciding its student body makeup then it would undeniably and immediately return to being racially segregated because demographically the neighborhood patterns in Charlotte remain racially separated. In addition, they also argued that the Charlotte-Mecklenburg Schools system was not providing adequate measures to ensure educational opportunity for black children. Following this argument, the *Swann* plaintiffs asserted that the school system should therefore continue desegregation until the racial disparities cease to exist. Lastly, they reaffirmed their belief that the vestiges of the dual school system had not been eliminated. Thus, the use of race in the magnet admissions policy was necessary for the school district to comply with the prior desegregation orders.

## **VI: Analysis of Racial Discourse of the *Capacchione* case and the *Belk* case**

The above-mentioned two cases resulted in a ruling in favor of the *Capacchione* plaintiffs. The white plaintiffs in the case used a "color-blind" discourse in order to argue against desegregation. It is interesting to note that the interpretation of color-blindness shifted dramatically over the course of the history. How did the idea of color-blindness, which once served as a main counterargument against segregation, come to re-interpret and contribute to the perpetuation of segregation? *Capacchione* filed a petition claiming that his daughter was discriminated against based on her race. As previous literature argues, people who are influenced by the "color-blind" discourse criticize remedies for racial inequalities for minorities and they argue that race should not be considered because they feel disadvantaged by any "racial preference" towards those with minority status. Whites who employ a "color-blind" racism argue that whites are discriminated against because of race conscious methods, and they also argue that they are victims of "reverse discrimination". *Capacchione* states in an article of the *Charlotte Observer*,

"I feel that to limit a child's educational opportunity solely based on race is

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30. Smith and Cenziper, "Concerns Arise about Integration."

wrong.”<sup>31</sup>

His argument seems to refer to the following part of the *Brown* decision, “Segregation of children in public schools solely on the basis of race deprives children of the minority group of equal educational opportunities, even though the physical facilities and other “tangible” factors may be equal.”<sup>32</sup>

The *Brown* decision declared that segregation of public schools is unconstitutional and ensured equal educational opportunities in public schools for every child regardless of race. Although his daughter’s historical position in terms of discrimination was vastly different from that of any black child during the *Brown* case, or even at the time of the *Capacchione* case, Capacchione deliberately referred to the *Brown* ruling to use the point brought up, referring to equality “regardless of race”.

Moreover, Capacchione and the other six parents also claimed the *Brown* and the *Swann* decisions resulted in unfair burdens to non-black children. Historically *Brown* is thought of as a remedy for minority children who had inferior educational opportunities in the segregated schools compared to white students. Additionally, *Swann* can be considered that the order was made to ensure equal educational opportunities for all of the students in Charlotte-Mecklenburg Schools regardless of race or color. Capacchione and other white plaintiffs, however, opposed these remedies to eliminate racial inequality arguing that due to the race conscious plans, their children were disadvantaged because they are white. Capacchione says,

“If CMS had not used race, sought to racially balance its magnet schools..., Cristina would have competed equally with all students without regard to their races...However, because race was used, Cristina was placed at an enormous statistical disadvantage compared to her black counterparts.”<sup>33</sup>

Another parent, Larry Gauvreau who was a school board candidate, made a similar complaint stating that since the school system is obsessed with racial-balance policies, it keeps children from getting a good quality education. His son also did not get in a magnet school which he wanted to because of the racial quota. He says,

“A school system should provide an educational venue for kids consistent with what they need. My kid didn't get any of that because of his skin color.”<sup>34</sup>

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31. Debbie Cenziper, “Magnet Admissions Challenged,” *The Charlotte Observer* (NewsBank, September 6, 1997), (accessed August 14, 2012).

32. *Brown vs. Board of Education* (1954), 486-496.

33. Celeste Smith, “Capacchione Argues Right to Continue with School Case” *The Charlotte Observer* (NewsBank, December 9, 1998), (accessed August 14, 2012).

34. *Ibid.*

He raises the additional complain that this desegregation policy was inconvenient because his son did not enjoy bus riding.

“I believe my child would be allowed to go to school in the community where he lives as opposed to having the fear of going to a 10-mile bus ride, and I believe that if we weren’t using race in our policy decisions that we would focus on education. This school district is obsessed - obsessed - with a child's skin color.”<sup>35</sup>

One of the six parents in the *Capacchione* case, Richard Easterling, complained that his daughter could not get into the magnet school of her choice because of the racial quota system. He expressed his anger over not receiving what he believed he was entitled to because his tax money was used to build a school that his daughter was not permitted access to. He says,

“I think that every decision that this school board makes uses race as a predominant factor ... And I find that very offensive, particularly when ... my tax dollars were spent to build and open up a new school in my community, and my child was kept out of that school, in my opinion, because she’s a nonblack and that they needed the students in our community to racially balance another school.”<sup>36</sup>

One of the attorneys in the *Capacchione* case, William Helfand also used a color-blind narrative in his argument. He manipulated the idea of the Civil Rights Act of 1964, and states that his clients’ goals are similar, he argued that

“without any form of discrimination based upon race, sex, national origin, disability, age ... We’re looking for a system that does not discriminate against people - any people.”<sup>37</sup>

The Civil Rights Act of 1964 outlawed discrimination based on race, ethnic background, national origin, religious belief, sexual preferences and gender. The law was created to protect undermined human rights for social or historical minorities. By referring to the Civil Rights Act, Helfand tried to infer that the plaintiffs’ human rights were deprived because of the race conscious plan. It is clear how people who were influenced by the national trend towards a “color-blind” thinking came to Charlotte and challenged the mandatory desegregation plans.

What was the reaction from supporters of integrated schools? What were they seeking? Supporters of integrated schools knew that shifting to a neighborhood school system would cause a loss in a racial balance of the schools and result in

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35. Smith, “Capacchione Argues Right to Continue with School Case.”

36. Debbie Cenziper and Celeste Smith, “Parents Clash on School Policies” *The Charlotte Observer* (NewsBank, April 11, 1999), (accessed August 14, 2012).

37. Debbie Cenziper and Celeste Smith, “Schools’ Mediation Offer Wins Support — 2 Parties Interested in Desegregation Talks,” *the Charlotte Observer* (NewsBank, November 20, 1998), (accessed August 14, 2012).

resegregation. The attorneys knew about the segregation era, they were aware of the struggles against racial inequalities and all the efforts that went into to overcome it. James Ferguson II who was an attorney in the *Swann* case, reflecting back to the pre *Swann* era says,

“We know from the past that separate cannot be equal.”<sup>38</sup>

Terry Belk who was one of the black parents who reactivated the *Swann* case claimed that actually in his belief the Charlotte’s schools system needed more desegregation. He said that school integration could be the only way to ensure that some black children receive a quality education, therefore he kept pushing to keep the *Swann* decision intact. He said,

“I think if we return to neighborhood schools, all poor kids will be going to school together. There are not many schools in the Charlotte-Mecklenburg school system, particularly in the African American and poor communities, that can support a neighborhood school and give a kid a quality education.”<sup>39</sup>

Belk’s daughter, Raquel also responded, she said,

“I know if I go to another school with all blacks, I know it’s not going to be as good equipment and stuff. As my daddy has told me, in the ’60s, the books and stuff they had (were) way behind what the white people had. ... I don’t want that to happen.”<sup>40</sup>

Dwayne Collins, who was black and a president of the Charlotte-Mecklenburg NAACP, joined Belk and argues that equity and diversity were not being a reality in the Charlotte-Mecklenburg school system at that time. He mentions in an article of the Charlotte Observer, that he explained the case to his children this way:

“I told them we want blacks, reds, whites and yellows to be under one school.”<sup>41</sup>

Based on these statements and others, it seems fair to say that Charlotte’s black citizens believed that black students would get better education if they went to integrated schools. Another resident, Brenda Hickeln, a black woman, in support of integration says,

“The level of education of students in integrated schools is better than if we kept them separate. Money follows white students.”<sup>42</sup>

From their talks, what is apparent is that integration advocates believed that

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38. Debbie Cenziper and Celeste Smith, “Charlotte Busing Case Rolls Back into Court,” *The Charlotte Observer* (NewsBank, October 10, 1997), (accessed August 14, 2012).

39. Celeste Smith, “3 Black Families Ask to Join School Suit,” *the Charlotte Observer* (NewsBank, August 14, 1998), (accessed August 14, 2012).

40. Cenziper and Smith, “Parents Clash on School Policies.”

41. Ibid.

42. Debbie Cenziper, “Town Forum on Busing,” *The Charlotte Observer* (NewsBank, April 17, 1997), (accessed August 14, 2012).

whether children were given opportunities for a good education depends on their race.

## VII: Racial Discourse of Charlotte's Citizens

Through an analysis of articles found in the *Charlotte Observer*, it could be inferred that Charlotte's citizens' opinions about mandatory desegregation plans such as busing or magnet plans or the white plaintiffs who support neighborhood schools are heavily influenced by "color-blind" discourse. An article describes the above-mentioned atmosphere in a meeting of Charlotte citizens in 1997. The meeting was held for citizens to talk about neighborhood schools, busing and integration. Religious leaders and politicians, school board members and professors were all in attendance at this meeting, but mostly regular citizens took part in it. Capacchione spoke for the necessity of neighborhood schools. Other advocate of neighborhood-school system said "keeping kids close to home will revive community pride and foster parent involvement."<sup>43</sup>

On the other hand, majority of those citizens gathered to urge the community to protect school integration. They talked about "the need for diversity among children, about Charlotte's long history of peaceful desegregation."<sup>44</sup> The article notes that people who graduated from public schools in Charlotte strongly supported for integration. The sentiments expressed in this meeting offer evidence that Charlotte residents found it a success of desegregation through busing was a source of their community pride. Thomas Blue, who graduated from West Charlotte High School, says,

"It makes me so angry that people say, 'Oh, busing was such a waste.' We've got a lot of civic pride in Charlotte because we went through hell making this work."<sup>45</sup>

Also, Don Robinson, who graduated from West Mecklenburg High School say: "Busing is an accepted way of life for longtime residents of Charlotte-Mecklenburg. We are very proud of that."<sup>46</sup>

In another article, "Charlotte Busing Case Rolls Back into Court," Justin Perry, a junior at West Charlotte High, student said

"You can teach students about racial harmony, but they will never understand it until they experience it."<sup>47</sup>

On the contrary to those people who experience the desegregated schools, the new citizen Capacchione says,

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43. Cenziper, "Town Forum on Busing, Integration Draws Crowd."

44. Ibid.

45. Ibid.

46. Ibid.

47. Cenziper and Smith, "Charlotte Busing Case Rolls Back into Court."

“Those people that insist their children need to sit next to people of different races, I don’t believe that. If you educate children properly, they’ll accept you for what you are.”<sup>48</sup>

Larry Gauvreau, who was one of the white parents who supported neighborhood-school system, regarded the decision to eliminate race-conscious method as an “important achievement for Charlotte-Mecklenburg”.<sup>49</sup> An article reports that after the federal court of 1999, there are some people who praised the white plaintiffs for taking a stand to change the school mandatory desegregation plans of Charlotte. One of the white plaintiffs, Charles “Skip” Thompson understood how Charlotte’s history devoted to desegregation. However, he believed Charlotte needed new systems for the future. He says,

“What was done 30 years ago was a great thing for Charlotte-Mecklenburg schools. It needed to be done. Yesterday, the court recognized another change needed to be made. We need to keep moving.”<sup>50</sup>

In addition, another neighborhood school supporter influenced by this new “color-blind” discourse, notes after the federal court’s decision,

“It is clear that Mecklenburg County is a highly integrated area - a solid community on the rise. So, using race in school district policy is not only illegal, but also un-American, and it undermines a child’s values and education.”<sup>51</sup>

When the school board in Charlotte adopted a “race neutral” approach in its school assignment policies, one of the school board members, Wilhelmenia Rembert, called the new school assignment plan a chance “to right some of the wrongs in our community”.<sup>52</sup> He was opposed to the former race-conscious student assignment policy. Those people who were influenced by the “color-blind” discourse triggered the resegregation phenomenon in the Charlotte-Mecklenburg Schools.

The evidence shows that those cases in the 1990s in Charlotte were more complicated than just a change in attitudes about desegregation and busing. They were more than arguments between white people and black people about equality. The arguments were really between new citizens who supported a neighborhood-school system which eliminated the desegregation measures in place, and original

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48. Jennifer Wing Rothacker, “Justice Prevails in Eyes of Plaintiffs,” *The Charlotte Observer* (NewsBank, September 11, 1999), (accessed August 9, 2012).

49. Celeste Smith, “Ruling Only First Step toward School Success, Parents Say,” *The Charlotte Observer* (NewsBank, September 12, 1999), (accesses August 9, 2012).

50. Smith, “Ruling Only First Step toward School Success.”

51. Paul Nowell, “Parents Feel Vindicated by Judge’s Decision,” *The Herald-Sun* (NewsBank, September 11, 1999), (accessed August 14, 2012).

52. Celeste Smith, “Board Approves School-Choice Plan — Race Would be Dropped as Factor in Assignments,” *The Charlotte Observer* (NewsBank, April 1, 1999), (accessed August 14, 2012).

Charlotte citizens who continued to call for integrated schools. The above-cited articles present interesting evidence to make this point. Within the articles original Charlotte citizens refer to those white plaintiffs such as Gauvreau as: “racists, white plaintiffs, segregationists,”<sup>53</sup> and “outsiders.”<sup>54</sup>

### **VIII: Analysis of Racial Discourse from Archived Interviews**

There are, however, a lot of local citizens who support integrated school system. I would like to introduce some of the voices of the citizens which I found in the Southern Oral Historical Program’s Archived interviews at Wilson library at the University of North Carolina, Chapel Hill. One white woman, Carrie Abramson, points out that as for the issue of Charlotte’s school system’s going back to neighborhood-school system she states that they are not very integrated. Contrary to the belief that people who support the system are focused on the quality of education than racial balance, she argues that public schools must be ensured the integrated environment as well as good quality of education. Reflecting on her experiences, she feels that experiencing integration is a part of education. She says,

“... the fact that we had racial integration has really, really shaped sort of my belief in the possibility of public schools and what public schools can do are capable of .... I’m very supportive of anything that improves the quality of education ... But I also have a really strong belief that they need to be integrated and that you need to have diverse cultural backgrounds as well as diverse racial backgrounds in order to have a truly broad educational experience.”<sup>55</sup>

A black man, Arthur Griffin, who was a member of the school board, stated that desegregation in Charlotte brings benefits not only to the Charlotte community but also to America as a nation. School desegregation helps people not only to understand other races better, but also gives people access to better education. School desegregation gave black children opportunities for better education, something which black people in the segregation era could not imagine. In reflecting on the racial or ethnic diversity issues within society, he criticizes the recent resegregation phenomenon as “racial avoidance”. He denied the possibility that a racially separated neighborhood-school system might be able to enrich the community even if majority-black and majority-white schools are given equal funding. Griffin believes that only integrated school settings could

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53. Ibid.

54. Ibid.

55. Interview with Carrie Abramson by Pamela Grundy, March 26, 1999, K-0275, in the Southern Oral History Program Collection (#4007), Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill, 29.



serve all of the children in America regardless of race. He further stated a belief that the integrated environment makes all children better able to understand people who are of different cultural or racial backgrounds. And he asserted that white people have to work to create harmonious society with minorities if people want Charlotte to flourish as a city, as well as make America prosper as a country.

“If you look at the purpose of education as being one where you prepare youngsters for the future, then we see the future. This is a part of our obligation, is to prepare youngsters. If their future’s going to be diverse .. let’s prepare youngsters to live and work in a diverse society...what’s the value of desegregation. It’s more than just resources...If the world is going to continue to be as diverse as we say it’s going to be, racial avoidance is not going to bode very well for a successful economy or a successful democracy...We have to maintain a strong country in order to provide quality of life experiences for all citizens. Whether green, purple, white, or black...We have to work together as a people in order for this country to survive.”<sup>56</sup>

What is impressive about Griffin’s interview is that his words well reflect the multiracial and multiethnic American society of both today and tomorrow. He did not only consider the benefits for Black people, but also of all of the citizens in Charlotte regardless of race. Furthermore, he did not just consider the benefits for the community of Charlotte, but his vision extended to the whole nation. I believe that these voices which value integrated school provide important insights when we think about multiracial and multiethnic society.

The US Census states that minorities, making up about one third of for the US population now, are expected to be majority by 2042.<sup>57</sup> It could have already made a huge difference. Obama’s re-election in 2012 could be a showcase for that, as a great majority of minorities supported Obama. Exit polls on CNN. com show that 93 percent of African Americans, 71 percent of Latinos and 73 percent of Asians voted for Obama.<sup>58</sup> Also, exit polls on NBC news reveal that 81 percent of Obama’s supporters express the quality matters most in deciding to vote for him whether he “cares about people like me”.<sup>59</sup> They are the evidences that more people today admire leaders with possibly more understanding of

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56. Interview with Arthur Griffin by Pamela Grundy, May 7, 1999, K-0168, in the Southern Oral History Program Collection (#4007), Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill, 36-38.

57. The U.S. Census Bureau, “An Older and More Diverse Nation by Midcentury,” (August 14, 2008), from <http://www.census.gov/newsroom/releases/archives/population/cb08-123.html> (accessed August 22, 2013).

58. Election 2012: Results, *CNN*, from <http://edition.cnn.com/election/2012/results/race/president#> (accessed August 22, 2013).

59. Presidential Election Results, *NBCNEWS*, from <http://elections.nbcnews.com/ns/politics/2012/all/president/#.UjFxlSCjIU> (accessed August 22, 2013).

diversity and probably more experienced with the issue of races. In the near future, the quest for understanding of a racially diverse society will be growing in the socio-political life. As Griffin notes, policies that make public schools segregated are inappropriate for the multiethnic/multiracial society of the 21<sup>st</sup> century.

### **Conclusion**

This study has explored the ways in which race relations in the field of education education in the Post-Civil Rights era have shifted back to segregation. It looked at the ways in which the national racial discourse impacted the systems of education on both national and local levels, particularly in regards to segregation. Perhaps the most important thing this study was able to reveal was the impact the national discourse towards racial equality within the schools had on the local discourse. Race relations surrounding school desegregation and integration in the Charlotte-Mecklenburg Board of Education in North Carolina was chosen as the subject of this study for its historical significance. The Charlotte-Mecklenburg district had been one of the most segregated school districts in the United States before the desegregation mandate in 1971. It then grew to have what could be considered the strongest commitment to desegregation in the nation. A rapid return towards segregation in the Charlotte schools has been then observed. In addition to examining this history including many useful examples to desegregation in the nation, a rapid return and its recent trend towards resegregation provided many informative examples to observe current race relations and racial discourse in the U.S. society.

Beginning in the early 1990s, debates about race came back to the spotlights. Two main arguments stood out amongst the different voices, those who took a race conscious approach and those that sought a race neutral approach. This time, however, the racial discourses seemed to shift playing fields with those wishing to protect civil rights and desegregation measures emphasizing the importance of a race conscious framework and whites seeking to disband busing and the desegregation measures employing a race neutral argument. The collapse of the desegregated schools in Charlotte began in 1992, when a magnet-school program was introduced and the mandatory busing plan began to be phased out. During this initial transitional period, however, racial consideration in school assignment remained in place in order to keep racial integration. The 1990s brought an end to mandatory desegregation laws and neighborhoods schools became the norm around the nation. Also in Charlotte, there were debates over the students assigning plans. What was different about these debates from those in the past regarding the desegregation plans was that these debates seemed to take place between new citizens who had not experienced how Charlotte struggled over school desegregation in the past or how the community benefited from a more

racially harmonized society, and original Charlotte citizens, who believed in the positive aspects of and fight for school integration.

U.S. Court of Appeals for the Fourth Circuit as well as the Federal District Court declared that the Charlotte-Mecklenburg Board of Education had already achieved a unitary status. In other words, the schools within its jurisdiction were found to be providing a quality of education for all of students regardless of their race. Because of this, the courts ordered that race based school assignment policies should be given away. After the Federal Court decision, the school board in Charlotte adopted a race neutral approach in its school assignment policies and since then a rapid resurgence in segregation, also referred to as resegregation, was observed in the Charlotte-Mecklenburg school system.

This study has shown that a “color-blind” approach to race triggered the resegregation of public schools in Charlotte. The problem with color-blind discourse is that people influenced by it believe that historical racial disparities have already been eliminated. Socially, however, there are still huge economic gaps between black and white people. Within school settings there remains a growing academic achievement gap. The “color-blind” discourse not only fails to address or overcome those gaps but it in fact tries to deny the existence of them altogether. This lack of critical consideration of racial inequality has led to increasing racial disparities and a widening inequality. The Charlotte-Mecklenburg School district was no exception.

“Color-blind” discourse is a “new racism” in America as Bonilla-Silva and other scholars note.<sup>60</sup> As this study shows, the agenda of people who are influenced by “color-blind” discourse is to employ twisted versions of arguments used in the past civil rights struggles while claiming to not be racist. Furthermore, they call people who continue to be critical of the ways that race functions in the world racists. The “color-blind” approach on the surface claims to advocate for equality, however, in reality, it gives benefit only to some people, predominantly whites. People who are influenced by this “color-blind” discourse can be called separationists or, as Bonilla-Silva’s words, new-version of racists in that they attempt to profit while justifying their arguments.

Because this is a relatively new phenomenon, more research will be needed in the future to examine the extent of resegregation and its impacts on individual student achievement as well as the wellbeing of the community. A broader nationwide survey will also likely shed light on the extent of the resegregation phenomenon and its effects on national prosperity. It is my hope that this study will be useful in the future, not only to combat a “color-blind” discourse employed by the new racists, but also to show the possibilities when people commit themselves to taking critical action to correct historical wrongs or address historical/social injustice.

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