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## Expert Report of Dr. David Cecelski

David S. Cecelski

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# EXPERT REPORT OF DR. DAVID CECELSKI

DAVID S. CECELSKI\*

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[...]

## IV. UNC-CH’S HISTORY OF WHITE SUPREMACY AND RACIST EXCLUSION

The University of North Carolina at Chapel Hill has been a strong and active promoter of white supremacy and racist exclusion for most of its history. Current policies and practices aside, the power of that historical legacy persists and is grounded deeply in generations of racial exclusion, hostility to employees and students of color, and a commemorative landscape<sup>2</sup> that continues to honor white supremacists from the State’s past. Over the centuries, the University’s leaders have included the State’s largest slaveholders, the leaders of the Ku Klux Klan, the central figures in the white supremacy campaigns of 1898 and 1900, and many of the State’s most ardent defenders of Jim Crow and race-based Social Darwinism in the twentieth century. In recent decades, the University’s faculty, administrators and trustees have made important strides to reform the institution’s racial outlook and policies, but those

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2. For a description of the slavery-related history underlying many of UNC-CH’s monuments and commemorative plaques, see Daniel Lockwood, *Daily Tarheel*, “Evidence of Institutional Racism at UNC,” February 20, 2015, accessed December 19, 2017, <http://www.dailytarheel.com/article/2015/02/evidence-of-institutional-racism-at-unc/>; UNC-CH, “Virtual Black and Blue Tour: UNC’s Historical Landmarks in Context of UNC’s Racial History,” accessed December 19, 2017, <http://blackandblue.web.unc.edu/stops-on-the-tour/>.

efforts have fallen short of repairing a deep-seated legacy of racial hostility and disrespect for people of color. To an important degree, the impact of that history is beyond measurement and statistics: after proudly bearing the mantle of white supremacy for many generations, History is not easily cast aside.

A brief review of the University's history as a potent symbol of white supremacy and racist oppression offers important lessons. Founded in 1789, the University was established primarily as an institution of higher learning for the slaveholding class. Thirty of the original forty UNC-CH trustees were slaveholders, at a time when 69 percent of North Carolina's white families held no slaves at all.<sup>3</sup> Their mission "was to make young men into masters."<sup>4</sup> The University's trustees and largest donors were generally large slaveholders, as were the students' families, and the University often employed enslaved laborers, as did many of the students.<sup>5</sup>

While some American universities had progressive policies with respect to race and slavery in the 19th century, that was not the case at UNC-CH or in Chapel Hill. The whipping of slaves by University professors and townspeople was an established norm of white supremacy in Chapel Hill.<sup>6</sup> The University excluded all people of color from its faculty and student body, and the University's administration and student leaders nourished a revised vision of the State's history that glorified slavery and the Confederate cause in the Civil War, while putting forward

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3. See Susan Ballinger, Bari Helms, and Janis Holder, *Slavery and the Making of the University* (Chapel Hill: The University of North Carolina Press, 2005), 23 (numbers of trustees who owned slaves and number of slaves owned by individual trustees); Guion Griffis Johnson, *Ante-Bellum North Carolina: A Social History* (Chapel Hill: The University of North Carolina Press, 1937), 56 (percentage of slave holding families in North Carolina in 1790).

4. James L. Leloudis, *Schooling the New South: Pedagogy, Self, and Society in North Carolina, 1880-1920* (Chapel Hill: The University of North Carolina Press, 1996), 38.

5. Ballinger, Helms, and Holder, *Slavery and the Making of the University*, 23; Paul D. Escott, *Many Excellent People: Power and Privilege in North Carolina, 1850-1900* (Chapel Hill: The University of North Carolina Press, 1985), 15; Catherine W. Bishir, "Black Builders in Antebellum North Carolina," *North Carolina Historical Review*, 61, no. 4 (Oct. 1984), 439; Kemp P. Battle, *History of the University of North Carolina, Volume I: From its Beginning to the Death of President Swain, 1789-1868* (Raleigh: Edwards & Broughton Printing Co., 1907), 10, 15, 138-40, 150-53, 622.

6. Battle, *History*, 1: 270, 534.

arguments in defense of white supremacy and the oppression of people of color.<sup>7</sup>

The University's leaders and study body punished any dissent from racial orthodoxy. For example, in 1856, when Professor Benjamin Hedrick stated that he opposed the extension of slavery into the western territories, the University's trustees fired him and students burned him in effigy.<sup>8</sup> A few years later, in 1865, UNC-CH students attacked an African-American political meeting in Chapel Hill.<sup>9</sup>

In the late nineteenth century, UNC-CH grew into an even more powerful promoter of white supremacy in North Carolina. During the Reconstruction Era, the University's trustees and graduates played leading roles in the Ku Klux Klan's violent campaign against African-American voting and civil rights.<sup>10</sup> One such trustee, B.F. Moore, played a key role in enacting the infamous "Black Codes" in North Carolina, greatly restricting the civil rights of the newly freed African-American slaves.<sup>11</sup> Later in the century, the University gave an honorary degree to Alfred Moore Waddell, an alumnus who later led the racial massacre known as the "Wilmington race riot of 1898."<sup>12</sup> A president of the UNC-CH board of trustees, Charles Aycock, was also one of the central figures in the white supremacy campaigns of 1898 and 1900 (which included the Wilmington race riot). The *New York Times* summarized Aycock on the three parts of the successful white supremacy campaign:

7. Kemp P. Battle, *History of the University of North Carolina, Volume II: From 1868-1912* (Raleigh: Edwards & Broughton Printing Co., 1912), 8, 10, 115-16, 194, 234, 242-43, 284, 315-20, 402, 415-18, 428, 571, 666, 685.

8. Battle, *History*, 1: 654-55; see also Battle, *History*, 2: 4, 10.

9. Bobby Frank Jones, "An Opportunity Lost: North Carolina Race Relations During Presidential Reconstruction," (M.A. thesis, UNC-CH, 1961), 47-48. For local commentary on this incident, see Phillip Russell, *The Woman Who Rang the Bell: The Story of Cornelia Phillips Spencer* (Chapel Hill: The University of North Carolina Press, 1949), 76.

10. See, e.g., Battle, *History*, 2: 88, 787, 790 (identifying David Schenk as a graduate and John Kerr and James E. Boyd as trustees); Jim D. Brisson, "The Kirk-Holden War of 1870 and the Failure of Reconstruction in North Carolina" (M.A. thesis, UNC-Wilmington, 2010), accessed December 19, 2017, available at <http://dl.uncw.edu/etd/2010-3/brissonj/jimbrisson.pdf>, 15, 37 (tying all three men to the Klan).

11. Roberta Sue Alexander, *North Carolina Faces the Freedmen: Race Relations During Presidential Reconstruction* (Durham: Duke University Press, 1985), 45 (noting B.F. Moore's role in drafting the Black Codes).

12. Wilmington Morning Post, October 25, 1898, quoted in David S. Cecelski and Timothy B. Tyson, eds., *Democracy Betrayed: The Wilmington Race Riot of 1898 and its Legacy* (Chapel Hill: The University of North Carolina Press, 1998), 4; Alfred Moore Waddell, a Confederate veteran and U.S. Congressman, is quoted by John Hope Franklin in his Forward to Cecelski and Tyson, eds., *Democracy Betrayed*, xi.

“Disfranchisement as far as possible, the essential superiority of the white man, and recognition by the negro of his own inferiority.”<sup>13</sup> That outlook was deeply embedded in UNC-CH’s institutional culture, and to this day more than a half dozen buildings on the campus still bear the names of the white supremacy campaign’s leaders.<sup>14</sup>

In the early 20th century, the University continued to keep white supremacy at the core of its admission policies, hiring practices, moral vision and pedagogy. The University enforced its own Jim Crow regulations.<sup>15</sup> At University sports events, the campus band routinely played “Dixie.”<sup>16</sup>

African-Americans and other people of color began to challenge UNC-CH’s all-white enrollment policy as early as the 1930s, but the University’s leadership resisted desegregation for decades. Few, if any, of the steps toward racial integration came voluntarily. In 1951, the federal courts finally mandated that UNC-CH desegregate its law school and other graduate programs.<sup>17</sup> In that year, the UNC-CH administration also admitted the University’s first Lumbee Indian student. Up to that time, the University had applied the same policies and practice of racist exclusion against North Carolina’s Lumbee Indian community as it had

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13. The quote summarizing Aycock is reported in “Negro Problem Solved: North Carolina’s Governor So Asserts at Banquet: Partial Disfranchisement a Reason, He Says, for Lack of Trouble in His State,” *New York Times*, December 19, 1903, p. 5. See also Escott, *Many Excellent People*, 260; J. Morgan Kousser, *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-party South, 1880-1910* (New Haven: Yale University Press, 1974), 188-89; Battle, *History*, 2: 791; Helen Grey Edmonds, *The Negro and Fusion Politics in North Carolina, 1894-1901* (Chapel Hill: The University of North Carolina Press, 1951), 141-2 (describing the broader context of the campaign).

14. For a list of honorary degrees awarded by UNC-CH, see [http://library.unc.edu/wilson/ncc/honorary\\_degrees/](http://library.unc.edu/wilson/ncc/honorary_degrees/). See also Battle, *History*, 2: 524, 786, 789, 791, 807; Edmonds, *Fusion Politics*, 141-42 (describing alumnus Francis Winston and recipient Josephus Daniels’ roles in white supremacist campaigns); Leloudis, *Schooling the New South*, 136-7; Kousser, *Shaping Southern Politics*, 188-89, 191-92. In addition to naming buildings after the white supremacist leaders of 1898-1900, the University also named buildings after a leading Klansman and Confederate war heroes. See also Fn. 2, *supra*.

15. Neal King Cheek, “An Historical Study Of The Administrative Actions In The Racial Desegregation Of The University Of North Carolina At Chapel Hill, 1930-1955,” (M.A. thesis, UNC-CH, 1973), 172-77.

16. See, e.g., Art Chansky, *Game Changers: Dean Smith, Charlie Scott, And The Era That Transformed A Southern College Town* (Chapel Hill: University of North Carolina Press 2016), 108-109.

17. *McKissick v. Carmichael*, 187 F.2d 949 (4th Cir. 1951), *cert. denied*, 341 U.S. 951 (1951). See also Lynne Thomson, *Daily Tar Heel*, “First Black UNC-CH Student Recalls ‘51,” August 5, 1982 (interviewing student J. Kenneth Lee).

African-Americans.<sup>18</sup> Simply put, at every stage, the University fought racial integration.<sup>19</sup>

The UNC-CH trustees sought to take off pressure for racial integration of the Chapel Hill campus by improving and starting new academic programs at North Carolina College for Negroes (now North Carolina Central University), and the University even went to court to block racial integration of its undergraduate student body *after* the U.S. Supreme Court had ruled in *Brown v. Board of Education* in 1954.<sup>20</sup>

Pursuant to court orders, the University admitted its first African-American undergraduates in 1955.<sup>21</sup> By admitting only a handful of African-American students and by creating a climate of racial hostility for admitted African-American students, the University succeeded in fighting meaningful racial integration well after the federal courts required that it occur. “The African-American pioneers suffered constant harassment and humiliations at the law school and on campus.”<sup>22</sup>

Much of the UNC-CH and Chapel Hill community in which new African-American students arrived remained segregated. Chapel Hill businesses were segregated without complaint from UNC-CH leaders

18. See Walker Elliott, “I Told Him I’d Never Been to His Back Door for Nothing: The Lumbee Indian Struggle for Higher Education under Jim Crow,” *The North Carolina Historical Review*, Vol. 90, No. 1, January 2013, 49-87. The University, although applying its racist admissions policy to exclude Lumbee Indian students, does not seem to have applied that same practice of exclusion to Cherokee students. See, e.g., UNC-CH, *The Carolina Story: A Virtual Museum of Carolina History*, “First Indian at UNC, Henry Owl,” accessed December 19, 2017, <https://museum.unc.edu/exhibits/show/american-indians-and-chapel-hi/henry-owl>.

19. University of North Carolina, Resolution Adopted by Board of Trustees, May 23, 1955, accessed December 19, 2017, available at <https://soh.omeka.chass.ncsu.edu/files/original/065707dd1ca959fce82d0bf9e63f188a.jpg>; Letter from N.C. Attorney General William Rodman, Jr. to Chancellor Carey Bostian, March 29, 1956, *The State of History*, accessed December 19, 2017, available at <https://soh.omeka.chass.ncsu.edu/items/show/267> (lauding “the tremendous effort which the Governor and the North Carolina Advisory Committee are making to preserve public education in North Carolina. We must always remember that what has been done has been accomplished under a racially segregated school system”).

20. Cheek, “Desegregation Of The University,” 134, 139, 153, 167; see also Russell Brantley, *Durham Morning Herald*, “Former Solon Would Bar Negroes From University,” March 27, 1951.

21. *Frasier v. Bd. Of Trustees of Univ. of N.C.*, 134 F.Supp. 589 (M.D.N.C. 1955).

22. Richard A. Rosen and Joseph Mosnier, *Julius Chambers: A Life In The Legal Struggle For Civil Rights* (Chapel Hill: The University of North Carolina Press, 2016), 29; see also “Cobb Dormitory,” in “Virtual Black and Blue Tour,” accessed December 19, 2017, <http://blackandblue.web.unc.edu/stops-on-the-tour/>.

until challenged by community activists or the passage of the Civil Rights Act of 1964.<sup>23</sup>

Because of threats and harassment, state highway patrolmen escorted the students at all times. “University officials were unwelcoming,” Chambers’ biographers continued, “forbidding the black students’ participation in most campus social events.”<sup>24</sup> African-American students were barred from the swimming pool and housed on an all-African-American floor of a dormitory, where they often heard the white students on other floors yelling racial epithets at them. They “suffered frequent humiliation and enjoyed few kindnesses. Few white students would talk to them.”<sup>25</sup> Law school professors largely ignored their few African-American students. They often refused to call on them in class or address them at all, and UNC-CH administrators organized social events at whites-only venues off campus so that African American students could not attend them.<sup>26</sup>

The University’s continuing refusal to desegregate any aspect of its operations or student body without being forced to do so reinforced the barriers to the attendance and success of students of color. The impact and legacy of this history on students of color cannot be overestimated. The University’s treatment of its students of color sent a powerful message to the State’s African-American citizenry that they were not welcome at UNC-CH and that their children would not be treated with respect or dignity.

From the mid-1950s through the mid-1960s, the University’s leaders, under court order, finally implemented a “color-blind” admissions policy. However, UNC-CH officials refused to take any steps to recruit qualified African-American students or other people of color to apply or even encourage them to consider attending the University. That

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23. See Fn. 15, supra; June 6, 1963 letter from UNC-CH School of Law professors to President William Friday, regarding UNC-CH’s inaction in combatting local segregation, accessed December 19, 2017, available at <https://exhibits.lib.unc.edu/files/original/45d4be8487861c2619579655b9a9daf9.jpg>; see also Daniel H. Pollitt, *Legal Problems in Southern Desegregation: The Chapel Hill Story*, 43 N.C. L. Rev. 689, 690 (1965) (noting that University’s administrators “shut their eyes to the problem with a position of neutrality”).

24. Rosen and Mosnier, *Julius Chambers*, 29-30.

25. Id.

26. Id. at 30.

practice contrasted starkly with UNC-CH's expanded and targeted recruitment of students at all-white high schools.<sup>27</sup>

Starting in the late 1960s, as a result of constant pressure and protest from the Black Student Movement and other African-American students (together with their white student and faculty allies), the UNC-CH administration agreed to demands to take a more active position regarding recruitment of African-American high school students. The University also agreed to African-American student demands to revise its Eurocentric undergraduate curriculum to include some courses addressing the African-American experience.<sup>28</sup> Nonetheless, in 1968, the percentage of African-American undergraduates did not quite reach 1%.<sup>29</sup>

*De facto* segregation persisted. In 1976 the Department of Health Education and Welfare cited North Carolina for maintaining a segregated system of postsecondary education.<sup>30</sup> The Governor publicly attacked HEW's action "as nothing more than integration for integration's sake . . . a course which appears to me to lead to the destruction of North Carolina's public higher education facilities."<sup>31</sup> The ensuing conflict would last for two decades.<sup>32</sup>

By 1978, little progress had been made by the University towards integrating its student body; only 6.7 percent of enrolling undergraduates were African-American.<sup>33</sup> A professor and former President of Shaw, a

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27. Sarah D. Manekin, "Black Student Protest and the Moral Crisis of the University of North Carolina at Chapel Hill, 1967-1969" (Honors thesis, Dept. of History, Spring, 1998), 13-14.

28. Manekin, "Black Student Protest," 13-14, 20-32, 47.

29. Manekin, "Black Student Protest," 8. According to Manekin, there were 107 African-American undergraduates out of a total of 11,010 undergraduate students.

30. Mark Warren Schafer, "The Desegregation of a Public University System: Conflict Between the Consolidated University of North Carolina and the Department of Health, Education, and Welfare, 1969-79" (Ph.D. diss., UNC-CH, 1980), 51.

31. Statement by Governor Bob Scott, February 19, 1970, General Administration: Legal Affairs Division, UNC-HEW Negotiation on Desegregation, General, January-June 1970, Wilson Library Archives, University of North Carolina, Chapel Hill, NC.

32. HEW began seriously enforcing integration in systems of higher education in part due to a lawsuit filed by the National Association for the Advancement of Colored People Legal Defense and Education Fund ("LDF"). See *Adams v. Richardson*, 351 F. Supp. 636, 637 (D.D.C. 1972); *Adams v. Richardson*, 480 F.2d 1159, 1166 (D.C. Cir. 1973); *Adams v. Califano*, 430 F. Supp. 118, 119-20 (D.D.C. 1977) (finding the desegregation plan submitted by UNC-CH to be deficient).

33. Schafer, *Desegregation*, 35. For comparison, the 1980 census measured the African-American population in North Carolina at 22.4 percent. U.S. Dep't of Commerce,



historically African-American college, noted the “open defiance” of the UNC administration to the desegregation efforts.<sup>34</sup> Eventually, Julius Chambers resigned from the Board of Governors in protest over its failure to take meaningful action to end segregation.<sup>35</sup> In the face of increasing federal scrutiny of the administration’s resistance, Senator Jesse Helms introduced a bill to block federal desegregation enforcement, for which he was praised by UNC-CH.<sup>36</sup>

When HEW finally revoked UNC’s federal funding for its continued noncompliance, North Carolina responded with a lawsuit lambasting enforcement efforts as “directed solely toward states of the ‘Old Confederacy.’”<sup>37</sup> Meanwhile, UNC-CH students named Secretary Joseph Califano—the man in charge of “HEW’s efforts to desegregate the 16-campus UNC system”—“the hands-down winner” of the “ugliest man on campus” contest.<sup>38</sup> The contentious litigation was resolved abruptly when the new Reagan administration announced a settlement, credited in part to the efforts of Senator Helms.<sup>39</sup> The LDF unsuccessfully opposed this consent decree—which placed no concrete obligations on

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Bureau of the Census, 1980 Census of Population, Volume 1: Characteristics of the Population, Chapter B: General Population Characteristics, Part 35, North Carolina, June 1982, accessed December 19, 2017, available at <https://www.census.gov/prod/www/decennial.html>.

34. Rob Christensen and Joye Brown, *Raleigh News and Observer*, “Officials Say Schools ‘Clearly Unequal,’” February 23, 1979, p.6.

35. Interview with Julius Chambers by Judith Van Wyk, March 6, 2007. L-0266, in the Southern Oral History Program Collection #4007, Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill, accessed December 19, 2017, transcript available at <http://dc.lib.unc.edu/cdm/compoundobject/collection/sohp/id/16515/rec/3>.

36. S.519, Academic Freedom Act of 1979, March 1, 1979, summary available at <https://www.congress.gov/bill/96th-congress/senate-bill/519>; S.1361, Academic Freedom Act, April 22, 1977, summary available at <https://www.congress.gov/bill/95th-congress/senatebill/1361?r=2834>; Howard Troxler, *Daily Tar Heel*, “Friday Backs Helms on Measure to Limit Federal ‘Nitpicking,’” June 9, 1977; see also Schafer, *Desegregation*, 207 (describing further opposition by legislators).

37. Rob Christensen, *Raleigh News and Observer*, “State Files Lawsuit to Block Cutoff of Federal Funds to UNC System,” April 25, 1979, pp.1, 6.

38. *Id.* at 6.

39. *New York Times*, “Carolina settles integration suit on universities,” June 21, 1981, accessed December 19, 2017, available at <http://www.nytimes.com/1981/06/21/us/carolina-settlesintegration-suit-on-universities.html>; Consent Decree, *North Carolina v. Dep’t of Educ.*, No. 79-217-CIV 5 (E.D.N.C. April 24, 1979).

UNC—as abandoning any attempt at true enforcement.<sup>40</sup> Their criticism proved prescient.

Instead of making progress towards the consent decree’s nonbinding goal of ten percent enrollment, African-American enrollment at UNC-CH in 1985 dropped slightly below the enrollment numbers at the time of settlement.<sup>41</sup> During this period, African-American students continued to experience isolation and discrimination.<sup>42</sup> Students were subjected to racial slurs and stereotypes.<sup>43</sup> One 1983 graduate recalls being asked to do the laundry by her white classmates, who let her know that the only African-Americans they had previously encountered were their maids.<sup>44</sup> In 1988, the last year the University reported under the consent decree, undergraduate African-American enrollment had only reached 8.6 percent.<sup>45</sup> A two-decade-long struggle to eliminate continued segregation ended with a whimper, integration goals unmet.

#### V.      THE STATE OF NORTH CAROLINA’S HISTORY OF RACIAL DISCRIMINATION IN PUBLIC EDUCATION

North Carolina’s history of racism at UNC-CH did not occur in isolation and must be viewed within the State’s broader history of racially discriminatory policies and practices in its system of public (K-12) education. Through its discriminatory public education policies and practices, the State created and perpetuated racial disparities and further

40. Jim Hummel, *Daily Tar Heel*, “NAACP to Fight Consent Decree,” August 24, 1981; William Friday, Memorandum on the Settlement of the Litigation Between the University of North Carolina and the United States Department of Education, July 20, 1981, “UNC Collection of North Caroliniana,” Wilson Library, University of North Carolina, Chapel Hill, NC; Mem. Op., *North Carolina v. Dep’t of Educ.*, No. 79-217-CIV 5 (E.D.N.C. July 17, 1981).

41. Dawn Brazell, *Daily Tar Heel*, “Minority enrollment drops despite goals,” March 26, 1985.

42. Id.; Lynne Thomson, *Daily Tar Heel*, “Segregation at UNC: A call for affirmative action in University housing,” August 6, 1981; Declaration of Dr. Gwenevere Charlene Parker at ¶ 8.

43. See, e.g., Declaration of Pamela Phifer White at ¶¶ 8-10; Declaration of Kenneth Ward at ¶¶ 7-8; Declaration of Dr. Parker at ¶¶ 9-11; Declaration of Valerie Newsome Hayes at ¶ 7.

44. Declaration of Patsy B. Zeigler at ¶¶ 9-10, 12-14.

45. UNC-CH Affirmative Action Office, “Minority and Female Presence Report—1988,” November 1988, Office of Chancellor of the University of North Carolina at Chapel Hill: Christopher C. Fordham Records, 1969-1995, University Archives at the Louis Round Wilson Special Collections Library, University of North Carolina, Chapel Hill, NC, p. i (acknowledging that “the University has not reached the ten percent enrollment goal that has been a target throughout this decade”).

prevented and then substantially undermined African-American student enrollment at UNC-CH. It did this in part by restricting funding and other resources necessary for otherwise eligible African-American high school students to obtain the academic skills essential for admission.

During the period of slavery in North Carolina through the Civil War, North Carolina's elected leaders enacted laws restricting the education of African-American slaves as well as free persons of color.<sup>46</sup> From the end of the Civil War through the 1950s, North Carolina systemically favored whites and discriminated against African-Americans in the provision of public education, even as it kept them in segregated public schools. Even after legally enforced segregation was ended by the Supreme Court, North Carolina sought to maintain a system of *de facto* segregation. As the legislatively-created North Carolina Advisory Committee on Education proclaimed in response to *Brown*: "The educational system of North Carolina has been built on the foundation stone of separation of the races in the schools . . . . Every particle of progress which has been made in education since 1900 has rested squarely on the principle of separation of the races compelled by State law . . . . The Supreme Court of the United States destroyed the school system we had developed—a segregated-by-law system."<sup>47</sup> The Committee advised that "[d]efiance of the Supreme Court would be foolhardy."<sup>48</sup> It instead advocated the State "rebuild" the school system so as to maintain segregation but comply with the law, counseling: "When the fires have subsided, when sanity returns . . . when the North Carolina Negro finds that his outside advisors are not his best or most reliable friends, then we can achieve the voluntary separation which our Governor and other State leaders have so wisely advocated."<sup>49</sup>

North Carolina Assistant Attorney General R. Beverly Lake "advised North Carolina communities to be prepared to operate private schools to avoid integration" as a necessary backstop to the plan.<sup>50</sup> And

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46. Johnson, *Ante-Bellum North Carolina*, 543, 601.

47. The April 5th Report of the North Carolina Advisory Committee on Education to the Governor, the General Assembly, the State Board of Education, and the County and Local School Boards of North Carolina, 1956, 4-5, accessed December 19, 2017, available at [https://archive.org/stream/reportofnorthcar00nort\\_0#page/n3/mode/2up](https://archive.org/stream/reportofnorthcar00nort_0#page/n3/mode/2up).

48. *Id.* at 6.

49. *Id.* at 7-8.

50. *Durham Sun*, "Assistant Attorney General Sees Need—Private Schools Asked to Avoid Integration," July 14, 1955, accessed December 19, 2017, available at <http://digital.ncdcr.gov/cdm/compoundobject/collection/p16062coll17/id/169/rec/2> (p.7).

on July 9, 1956, the State Superintendent of Public Instruction (along with the head of the white supremacist organization “the Patriots of North Carolina”) announced his support of Governor Luther Hodges’ implementation of the plan to prevent *de facto* integration in public schools—the infamous Pearsall Plan.<sup>51</sup>

Unsurprisingly, therefore, systematic racial discrimination, both pre and post *Brown v Board of Education*, is well documented. As set forth below, such discrimination included, among other things, racial disparities in teacher pay, per-pupil expenditures, the value of white and African-American public school property, the quality and extent of the school curriculum, and the provision of school supplies.

As shown by the State’s per capita expenditures for teachers’ salaries by race during the period from Reconstruction through the Depression, North Carolina discriminated in its funding of public education.<sup>52</sup> During the period of time examined (ending in 1933, the last year noted in the study) spending on teacher salaries per capita for white schools far exceeded that expended for African-American schools. For example, the per capita educational funding in 1873 for teacher salaries was \$0.48 for white schools and \$0.40 for African-American schools.<sup>53</sup>

The disparity in teacher pay grew even greater after the white supremacy campaigns of 1898 and 1900. From 1901 through the end of the study in 1933, per capita spending by North Carolina for teachers at white schools exceeded that expended for African-American schools anywhere from 38% up to triple the expenditures for African-American schools.<sup>54</sup>

The State also provided disparate funding for African-American schools for decades. In 1900, North Carolina’s school population was

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51. *Durham Sun*, “Carroll, George Back Hodges’ School Plan,” July 9, 1956, accessed December 19, 2017, available at <http://digital.ncdcr.gov/cdm/compoundobject/collection/p16062coll17/id/169/rec/2> (p.6). Enacted by the General Assembly in 1956, the Pearsall Plan’s goal was to impede racial integration of North Carolina’s public schools, as recently mandated by the Supreme Court in *Brown v. Board*. See North Carolina Advisory Committee on Education, “The Pearsall Plan to Save Our Schools,” published in University of North Carolina at Charlotte, “The Pearsall Plan,” J. Murrey Atkins Library, Special Collections Unit, Exhibit: Race and Education in Charlotte, accessed December 19, 2017, available at <https://speccollexhibit.omeka.net/exhibits/show/resistance-and-reform/resistance-to-change/thepearsall-plan>.

52. Horace Mann Bond, *The Education of the Negro in the American Social Order*, (New York: Prentice-Hall, Inc., 1934), 155-56.

53. Bond, *Education*, Table X, pp. 155-56.

54. *Id.*

34.7% African-American, but the segregated schools for the African-American population received 28.3% of state expenditures designated by race; by 1915, the percentage of African-Americans in the public school population was 32.6%, but African-American schools received only 13.0% of state expenditures designated by race.<sup>55</sup> Such funding disparities for public education were more extreme in those eastern North Carolina counties where African-Americans comprised a greater percentage of the population.<sup>56</sup> The average level of North Carolina spending on instruction by race over a sixty (60) year period from 1890 through 1950 is shown in Table A below. Although progress towards funding parity certainly occurred, racial disparities continued.

**Table A: Per-Pupil Expenditure on Instruction in North Carolina (1950 Dollars)<sup>57</sup>**

	c. 1890	c. 1910	c. 1935	c. 1950
African-American	7.75	9.28	32.92	92.84
White	7.67	17.25	51.43	100.37
Ratio	1.01	0.54	0.64	0.93

A comparison of the appraised value of school property of segregated public schools for white students and African-American students, shown in Table B, is one more example of North Carolina's racial disparities in state and local investment in public school education.

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55. Louis R. Harlan, *Separate and Unequal: Public School Comparison and Racism in the Southern Seaboard States 1901-1915* (New York: Atheneum, 1968), 131.

56. Bond, *Education*, Table XIII, p. 161.

57. Robert A. Margo, *Race and Schooling in the South, 1880-1950: An Economic History* (Chicago: University of Chicago Press, 1990), Table 2.5, pp. 21-22.

**Table B: Appraised Value of School Property per Pupil Enrolled, by Race, 1919-1964<sup>58</sup>**

Year	White Schools	African-American Schools	Ratio of White to African-American Values
1919-20	\$45.32	\$11.20	4.0
1924-25	113.40	29.03	3.9
1929-30	162.92	44.20	3.7
1934-35	152.99	44.55	3.4
1939-40	167.36	55.93	3.0
1944-45	203.80	73.08	2.8
1949-50	314.29	127.38	2.5
1954-55	539.70	336.65	1.6
1959-1960	709.54	487.10	1.5
1963-1964	826.24	656.55	1.5

North Carolina's racial discrimination in its provision of public education is also shown in the difference in resources provided to African-American and white students. Table C consists of a 1950 comparison of chemistry equipment available at two high schools in Durham, North Carolina. The white Durham High School maintained much better classroom equipment than the African-American high school, Hillside High. Similar differences in physics and biology supplies between the white and African-American high school also existed.<sup>59</sup>

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58. Sources: Biennial Reports, 1962-63/1963-64, pt. 1, 37, cited in Sarah Carolina Thuesen, *Greater Than Equal: African American Struggles for Schools and Citizenship in North Carolina, 1919-1965* (Chapel Hill: The University of North Carolina Press, 2013), Table 5.2, p. 164. School property values include the estimated value of school sites, buildings, furniture, equipment, and library books.

59. J. Rupert Picott, Stephen J. Wright and Ellis O. Knox, "A Survey of the Public Schools in Durham, North Carolina," June 1950, Durham, North Carolina, 107, 110-111. Thuesen's review of a report regarding Hillside High states that "[t]he school had no cafeteria and only one drinking fountain. In the school's two restrooms, the faucets lacked sinks and emptied into tin cans on the floor." *Greater Than Equal*, 63.

**Table C: Comparison of Chemical Equipment and Supplies,  
Durham and Hillside High Schools, Durham, NC<sup>60</sup>**

Equipment and supplies, relatively permanent apparatus	Durham High School	Hillside High School
Crucible tongs	71	**
Wing tops	72	**
Triangular files	42	**
Pipe stem triangles	94	**
Clamps, Mohr's	60	**
Test tube brushes	75	**
Test tube clamps	70	**
Forceps	98	**
Wire gauze, asbestos center	39	**
Rings, iron	109	**
Tripods	6	**
Ring stands	27	**
Deflagrating spoons	18	**
Pneumatic troughs	25	0
Balances, triple beam	4	1
Balances, analytical	3	0
Brunson burners with hose	12	0

One of North Carolina's Biennial Reports, noted in Table D, shows racially discriminatory differences in the curriculum provided to white and African-American students as part of their public school education. According to the Report, advanced academic courses, in addition to courses offering more "white collar" vocational skills, were more regularly provided in white schools than African-American schools.

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60. Picott et al., "Survey," at 108. \*\* indicates rows with the notation "Miscellaneous ill-assorted supplies insufficient to run any experiment for the entire class."

**Table D: Select Curricular Offerings at African-American and White High Schools in North Carolina, 1963-1964<sup>61</sup>**

Course	Percentage of White Schools Offering (%)	Percentage of African-American Schools Offering (%)
Advanced algebra	54	13
Trigonometry	46	31
Sociology	57	79
Geography	66	38
Industrial arts	66	50
Trades and industries	29	42
Distributive education I	17	3
Spanish I	35	14
Latin I	38	4
French II	80	92
French III	16	11
Chorus and choir	53	68
Basic business	45	52
Typewriting II	87	69
Shorthand I	74	46
Shorthand II	28	6
Bookkeeping I	84	38
Business arithmetic	45	21
Office practice and management	35	15
Agriculture III	73	57
Agriculture IV	65	42
Home economics IV	13	22

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61. Biennial Report, 1962-63/1963-64, pt. 1, 33, 57-58, cited in Thuesen, *Greater Than Equal*, Table 2.1. The number of schools offering these electives was compared to the total number of schools for each race that offered them through grade twelve. In 1963-64, there were 499 such schools for whites and 226 for African-Americans.



## VI. CONCLUSIONS

As much as we might wish it otherwise, the sins of our past, as Shakespeare said, truly do live after us. For nearly 175 years the University of North Carolina was an outspoken, defiant symbol of white supremacy. Its leaders reinforced that message in many ways, including its admission policy, the treatment of African-American employees, and its support for a University culture that continually looked at African-Americans as inferior. The University walked arm-in arm with the great political movements of white supremacy that swept North Carolina in the 19<sup>th</sup> and 20<sup>th</sup> centuries, and the University's white leaders, faculty and student body embraced Jim Crow and ardently fought meaningful forms of racial integration through the 1960s. UNC-CH's leadership carried the fight against integration into the early 1980s. Most recently, the University's leadership has made great improvements in its policies and practices and now is committed to improving and expanding student and faculty diversity on its campus. Regrettably, the past does not fade so quickly: old wounds are remembered, past injustices still felt and the effects of segregation still linger. Institutional cultures change slowly. The message sent by buildings and monuments that honor the white supremacist past remains.<sup>62</sup>

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62. See, e.g., Michael Muhammad Knight, Vice Online, "Facing the Legacy of Racism on UNC's Campus," January 29, 2015, accessed December 19, 2017, [https://www.vice.com/en\\_us/article/xd5\\_jbz/facing-the-legacy-of-racism-on-unccs-campus-456](https://www.vice.com/en_us/article/xd5_jbz/facing-the-legacy-of-racism-on-unccs-campus-456).