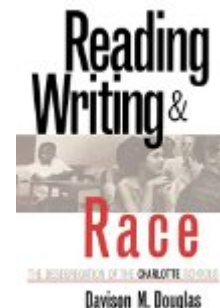


**Davison M. Douglas.** *Reading, Writing & Race: The Desegregation of the Charlotte Schools.* Chapel Hill: University of North Carolina Press, 1995. xii + 357 pp. \$55.00, cloth, ISBN 978-0-8078-2216-6.



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The year 1994 marked the fortieth anniversary of the *Brown v. Board of Education of Topeka* (347 U.S. 483, [1954]) Supreme Court decision which mandated the end of legal segregation by race in the South's public schools. Of course, if the end of segregation had come through prompt action in response to *Brown*, the spate of books that marked its fortieth anniversary would likely not have resulted. The point is that segregation did not end—in fact it still has not ended, and policy makers, educators, and lay people are largely at a loss as to what to do about the situation.

This is the climate in which books like Davison Douglas's account of the desegregation of the public schools in Charlotte, North Carolina are published. Given that climate, and the reality of mixed success, at best, in school desegregation, I feel compelled to look at this volume in terms of what it tells us about the phenomenon of school desegregation writ large, as well as what it tells us about the desegregation of the Charlotte schools. Having stated this twofold major objective, the reader might feel that I will not treat Douglas's book fairly. After all, it is a study of one city and I

am looking for larger implications. Yet Douglas himself is not immune to the search for larger implications. He is a lawyer and a legal educator, as well as a historian, and he couches his study of Charlotte in terms of some larger issues; of particular concern to him is the relative effectiveness of legal efforts to achieve desegregation, as opposed to efforts through non-legal, mainly political means. Thus, he himself is quite aware of some larger contextual issues that lurk beneath the surface of his study of Charlotte, and he seeks to bring at least a few of them to light through his study. Before considering the larger issues raised by the desegregation experience, it is appropriate to look closely at Douglas's account of the Charlotte experience.

Douglas provides an in depth look at the phenomenon of school desegregation in the city (and surrounding county) of Charlotte, North Carolina. To accomplish this, he first pays substantial attention to the pre-*Brown* era in the state of North Carolina and then considers the immediate response to *Brown* at the statewide level. These accounts are necessary to establish the point that

North Carolina, as an "upper South" state without as significant a slave holding tradition as the deep South states, reacted less inflexibly to *Brown* than did those deep South states that mounted the "massive resistance" movement. Further, Charlotte's relatively moderate response to *Brown*, in terms of its fairly rapid move to at least a "token" level of desegregation, was undertaken in tandem with action in two other large North Carolina cities, Winston-Salem and Greensboro. Thus, there was a context external to Charlotte that set the stage for the city's initial positive response to the desegregation decision.

Douglas's multi-faceted explanation of Charlotte's relatively enlightened initial response to desegregation attributes it to some strategic social and political action on the part of the black community, and a pragmatic, and somewhat principled, response from the white community. His account of actions in both communities is both complex and convincing. Here, as in his earlier state-based discussion, Douglas acknowledges a diversity of views on the part of both blacks and whites yet also understands and explains the position of the desegregation faction that became influential in the black community and the business-controlled white power structure that responded, mostly positively, to the pressure from that black faction. In this era, litigation was an ineffective lever for the black community to use, while political agitation of various kinds--demonstrations, boycotts, and threats of demonstrations and boycotts--yielded positive results. The successful "token" desegregation in Charlotte, the enrollment of a few black students in formerly all-white schools, occurred at roughly the same time that the nation's television viewers were transfixed with images of the intransigent segregationist response to similar token desegregation efforts in Little Rock, Arkansas. This contrast was not lost on the business boosters who held considerable influence in Charlotte. It helped convince them that a flat-footed negativism was not the proper response to desegregation and that a more flexible response

would enhance their city's image as a town on the move and facilitate its never ending recruitment of new businesses and economic growth.

Given Douglas's legal background, one is not surprised that he goes into some detail in charting the legal and political moves, nationally and regionally, that resulted in the end of the era of token desegregation. He provides a largely coherent and convincing account of the legal road from *Brown* to *Swann v. Charlotte Mecklenburg Board of Education* (402 U.S. 1 [1971]), the desegregation suit that was filed in Charlotte in an effort to move beyond token desegregation into an era of more extensive and meaningful desegregation. The stops along that road are generally familiar to students of school desegregation--the Civil Rights Act of 1964 which empowered the federal educational agency to withhold federal funds from school districts that refused to desegregate, the political pressure on the federal educational agency, and its positive response to that pressure in establishing compliance standards for desegregation to be met by districts, the *Green v. County School Board of New Kent County* (391 U.S. 430, [1968]) case from the state of Virginia which signaled the end of freedom of choice plans and thereby opened the road to mandatory plans, the *Alexander v. Holmes County Board of Education* (396 U.S. 19, [1969]) case from the state of Mississippi which ended the successful delaying tactics that had been used throughout the South as a response to desegregation. What the reader gets from Douglas's account, of these events and other legal cases, is, as in his other discussions, a sense of complexity and variety as well as a realization of the trend that was established. Only in hindsight was there a linear progression from *Brown* to *Swann*. Douglas's account shows that different judges saw things differently, that the situations in different judicial circuits were often at odds with each other, that the political push for the Civil Rights Act was eventually countered by a political backlash against desegregation led by George

Wallace of Alabama and astutely used by Richard Nixon in his campaign and during his presidency.

That backlash was felt in Charlotte, particularly as the city grappled with the issues involved in the *Swann* case. The eventual outcome, a relatively successful fifteen years of extensive busing of students to achieve a racial balance in the city's schools, was in doubt for several years.

Douglas's discussion of James McMillan, the federal judge in Charlotte who mandated and then enforced the busing, is convincing in its attention to detail and nuance. For example, he illustrates the relevance of seemingly irrelevant circumstances in explaining the situation. He shows that Judge McMillan's own bus ride of twenty-six miles one way in his school days in rural Robeson County, North Carolina was a small but significant factor in explaining his willingness to require substantial busing in the city's schools. He also illustrates well McMillan's tendency to defer to the local school board at the same time he forced it to take actions that it found difficult, if not impossible, to take. In short, James McMillan, the judge who imposed a massive busing plan on a city and its schools, was not the judicial activist who busing opponents believed was intent on forcing his ruling down the throats of the city and its citizens. Rather, he was a conscientious federal judge with a commitment to the Constitution that he sought to enforce without humiliating school authorities or needlessly antagonizing white or black citizens. In spite of the reputation he earned during this case as a single-minded federal enforcer of desegregation, Douglas also shows that, on more than one occasion, McMillan would sacrifice the rights of black children to achieve a result that he thought would eventually ensure those rights. Thus Davison's account of McMillan (and of Charlotte) is less heroic than that of the journalist Frye Gaillard in *The Dream Long Deferred* (Chapel Hill: University of North Carolina Press, 1988), and Douglas's search for fullness and complexity in description and explanation stand

in mild contrast to Gaillard's preference for morality and sometime flirtation with moralizing.

On balance, Douglas presents a compelling and convincing account of the desegregation of the schools in this one southern city and the individuals who played the leading parts in the drama. He shows that Charlotte ultimately responded positively to the desegregation mandate of *Swann*, after several years of temporizing, and even continued to bus its students to achieve biracial education after it was released from the jurisdiction of the federal courts. I want to devote the rest of this review to the issue of what Douglas does and does not tell us in this study about the phenomenon of school desegregation writ large--that is, the resolution, or lack of same, of the issue in other localities, as well as in other states and the nation.

The first point to be made in this regard is that Douglas tells us much about these larger issues, though what he says sometimes needs to be put in other, and larger, contexts. For example, he often compares Charlotte to other cities, such as my own city of Atlanta, in an effort to explain completely the situation in Charlotte. Thus, Charlotte's initial success in token desegregation equaled what was taking place in Atlanta, and the two experiences are explained by roughly the same set of factors. Business boosterism, combined with a sophisticated black community that exercised some political clout, yielded a positive result.

Of course, the later developments in the two cities diverged substantially, as Douglas acknowledges. It is here, however, that he might have made more of a factor that he does mention in explaining the Charlotte situation. Crucial to the successful response to *Swann* in Charlotte was the consolidation of the city's schools with those of the surrounding county (Mecklenburg), an event that took place six years after the *Brown* ruling in the midst of the "token" era. What Douglas describes as "a seemingly innocuous action at the time" (p. 76) provided both the scarcity of subur-

ban havens for whites and sufficient numbers of blacks and whites to implement a busing plan that sought, and achieved, a relatively stable racial balance in most of Charlotte's schools. Atlanta, on the other hand, had a city school district hemmed in by a suburban district in its own county as well as several other county and city school systems that surrounded the city schools. This situation, in contrast, provided a substantial number of places to accommodate the "white flight" that occurred and meant that the ratios of white to black students available in Charlotte were nowhere to be found in Atlanta unless several autonomous school districts were combined. Davis is aware of all of these circumstances and acknowledges them in his account. He also notes elsewhere that in 1977, after Charlotte's compliance with *Swann*, only one other city—Tampa, Florida—had "as much pupil mixing as Charlotte had with less white flight" (p. 246). What Douglas does not tell his readers is that Tampa, like all Florida cities, had a school system that was county-wide. Because of a political decision taken in the Progressive Era, public education in the state of Florida took place in sixty-seven districts, one for each county of the state, with no independent city districts where black students could be concentrated once desegregation was mandated. The point here is that Charlotte shares with Florida the administrative arrangement that facilitated substantial desegregation. This, I think, makes the successful Charlotte experience a bit less remarkable and distinctive than Douglas does.

The second issue I would like to consider is the relationship of city to state that Douglas identifies as important in the Charlotte situation. North Carolina has a reputation for enlightenment and liberalism that is, in a sense, well earned. The presence of the university in Chapel Hill and of Duke University, and the surrounding Research Triangle area, as well as the appeal of enlightened politicians such as Terry Sanford, all contributes to a positive image for the state among many intellectuals and scholars. Douglas,

though he acknowledges his own role as a participant in the drama he describes (he was a student in the public schools during most of the years that desegregation was an issue) does not allude to any city or statewide liberalism as free standing factors in regard to the desegregation, or any other, controversy. Instead, as already mentioned, he places North Carolina, properly, in the upper South and distinguishes the state, and by inference its attitudes, from its sisters in the deep South. There are at least two difficulties with this line of analysis. One is the presence of Virginia in the upper South, a state that had an experience with desegregation every bit as contentious and contested as that in most deep South states. The second problem is the relatively acrimonious and controversial experience of the state of North Carolina when confronted with the mandate to desegregate its colleges and universities conferred by the *Adams v. Richardson* (480 F. 2d [1973]) and subsequent *Adams* desegregation cases. Briefly, while most other of the ten states that had to respond to *Adams*, including my own deep South state of Georgia, eventually filed acceptable desegregation plans, North Carolina did not comply for almost fifteen years, and did not settle its dispute with the federal government on this issue until the time when the Reagan administration was in office and took a much different attitude to desegregation mandates than had been characteristic in the Carter administration.

I do not mean by all of this to demean North Carolina or to denigrate Davison Douglas's scholarship. Nor do I even intend to suggest that his analysis is misguided or incorrect. What I do mean to do is to complicate, in a variety of ways, the picture he presents of a relatively enlightened city and state responding in a generally positive fashion to desegregation mandates.

Next, I would like to show the ways in which Douglas's work anticipates, if only indirectly, much of the criticism of the desegregation phenomenon that has been leveled at it. Scholars.

such as David Cecelski in *Along Freedom Road* (Chapel Hill: University of North Carolina Press, 1994) have recently begun to call attention to the negative aspects for blacks of the desegregation experience, including the loss of jobs for teachers and principals, the closing of perfectly adequate black schools because of the fear that whites would not want to enroll their children in those facilities, the one-way busing that meant a larger burden imposed on blacks than whites to achieve desegregation. But perhaps the largest negative of the desegregation experience was, and is, that it implies that black children cannot be well educated in a totally black environment. All of these points of view are present and acknowledged in Douglas's account, though they are not assembled into a coherent questioning of the value of school desegregation. Other scholars such as Ronald Formisano in *Boston Against Busing* (Chapel Hill: University of North Carolina Press, 1990) have shown the class bias that often operates in desegregation plans, with working and lower class whites being called upon to provide the white bodies to desegregate schools while upper class whites successfully manipulate the system, in a variety of ways, to avoid the experience for their children. Douglas, again, documents how this phenomenon was present in the Charlotte desegregation experience before being addressed by a white upper class-dominated school board that had to be pressured into action by other whites.

Still another contemporary issue that seems inextricably involved with desegregation efforts is educational quality. Douglas acknowledges that Judge McMillan on several occasions invoked improved educational quality for blacks as a rationale for his actions, even though the legal issues involved in the case required no such invocation. No doubt it is the lawyer in Douglas that sees the issues in this way, though the legal principles involved have not managed to stay detached from issues of educational quality and achievement. In fact, in contemporary social science treatises on school desegregation such as David Armor's

*Forced Busing* (New York: Oxford University Press, 1995) and Gary Orfield's (with Susan Eaton and others) *Dismantling Desegregation* (New York: New Press, 1996), authors argue passionately that desegregation does not improve minority achievement (Armor) and that it does (Orfield) as part of their larger arguments that desegregation is legally impractical (Armor) or still legally required (Orfield). What I think this means for Douglas's analysis is that the autonomy of the legal realm, at least insofar as it relates to this issue, cannot be preserved. The argument of Stephen Halpern in *On the Limits of the Law* (Baltimore: Johns Hopkins University Press, 1995) is one that I think Douglas needs to confront to complete his own argument. Halpern claims, through a study of the response to the 1964 Civil Rights Act, and more particularly through an account of the *Adams* suit that was filed in response to that act, that the law is a poor tool to address a social problem such as race relations and to implement a solution to the problem such as desegregation.

Until Douglas deals with arguments such as those of Orfield and Armor that link legal to educational issues, and of Halpern that call into question the viability of the law in the social arena, I think it is safe to conclude two things about his book. First, he has written the definitive account of school desegregation in Charlotte, North Carolina, one that fully and fairly accounts for more of the factors involved in that process than any other study of Charlotte, or any other city, has done. Yet I also think it fair to say that Douglas's book has not advanced us very far on the road to evaluating school desegregation in districts other than Charlotte, or as a national phenomenon. Of course, given that he did not set out to achieve this latter objective, I repeat my earlier caveat that this is, in a real sense, an unfair criticism--but perhaps, still, one that is warranted.

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