

Swann v. Board goes before courts again

Chronology of desegregation of Charlotte-Mecklenburg Schools

• 1954: The Supreme Court ruled in *Brown v Board of Education of Topeka, Kansas* that separate schools are not equal.

• 1957: Four black students enter all-white schools in Charlotte. Dorothy Counts attends Harding High School, but leaves after constant harassment by white students. Seventh-grader Delores Huntley attends Alexander Graham Junior High School, then transferred to all-black Second Ward High. Gus Roberts attends Central High School for two years, graduating in 1959. Roberts' sister, Girvaud Roberts, attends Piedmont Junior High School two years before transferring to a black private school.

• 1965: Swann v. Charlotte-Mecklenburg Board of Education opens. School officials close some all-black schools in the county and bused the black students to all-white schools. Swann plaintiffs appealed court-approval of school desegregation plan.

• April 1969: Swann plaintiffs file motion for further relief and court orders immediate faculty desegregation and active pupil desegregation plan in fall of 1969. School officials secure approval of a temporary plan which desegregate faculties, closes seven black schools and buses 1,300 black students from those schools to suburban white schools.

• February 1970: School board replaces court-rejected desegregation plan with one devised by court-appointed consultant James Finger. Finger's plan desegregates elementary schools by pairing and clustering, so that black students are bused across town most of early school years, but white students are only bused out of neighborhoods in later school years.

• April 20, 1971: Supreme Court unanimously upholds District Court Judge James McMillan in *Swann v. Board of Education*. The school board appealed this ruling. The petition was denied.

• June 17, 1971: The school board submits a proposed "feeder plan" which would have closed more black schools, made black elementary schools six-grade only and left the one remaining formerly black high school, West Charlotte, under capacity. The court ruled the plan incomplete and the board withdrew it from consideration.

• June 29, 1971: Court conditionally approves a revised feeder plan and notes that it was discriminatory because it placed burden of busing on inner city black children and left several affluent white areas with neighborhood schools.

• Oct. 4, 1976: Supreme Court denies petition by white students in *Louella Cuthbertson, et al, v. Board of Education*. The Supreme Court (affirming lower court rulings) held individuals are not denied any constitutional rights by being assigned to various schools in accordance with a court imposed desegregation plan.

• April 6, 1981: Supreme Court, in *Martin, et al, v. Board of Education*, upholds Judge McMillan's ruling. That lawsuit was brought by 44 white families claiming constitutional rights violations based on school reassignments in 1978-79.

McMillan had ruled on Aug. 10, 1979, that the school board acted properly.

Chronology excerpted from one prepared by the League of Women Voters from material supplied by Chris Folk, former Charlotte-Mecklenburg Schools associate superintendent.

Continued from page 1A

is 'we don't want kids from the projects or trailer parks sitting next to my child.'

"It is not a black and white issue. There are the black nationalists and also the disgusted parents who say 'white folks have done a lousy job of educating our children.'

"It is not necessarily bad people, but scared people."

Nickelson said some white anti-busing advocates are guilty of symbolic racism, because they say their opposition is based on principle, but the result maintains privileges for their own race.

The Capachione lawsuit is being handled by the law firm which defended the school system against the original Swann lawsuit and a high-powered Houston law firm which has represented social conservatives in legal battles, including the attacks on minority congressional districts in Virginia and South Carolina.

Capachione is believed to have ties to an anti-busing group formed after last year's pupil reassignments angered Matthews area parents by not assigning their children to the new Butler High School on N.C. 51.

The Matthews students are assigned to East Mecklenburg High, on Monroe Road, east of Idlewild Road.

The birth of Citizens For A Neighborhood/Community-based School System spawned the creation of the Swann Fellowship, which supports an integrated

Busing's role is at heart of school desegregation debate

school system. Fellowship member Araminta Johnson said the group wants to educate the community about the value of racial diversity in the school system.

"We are trying to change the climate in this community about the value of integrated schools," said Johnston, who is white. "A lot of us have grown up having contact with people of a different race and our children have, and we value that. My children were bused for 12 years and we didn't see any harm in it."

The Swann Fellowship, League of Women Voters, longtime supporters of integrated schools, and the Black Political Caucus were on hand for last week's announcement of the Swann motion.

"We are here because we have to be, not because we want to be," said Anita Hodgkiss, the Ferguson, Stein law firm partner, who will handle the Swann case.

Hodgkiss said the Swann attor-

neys feel a Capachione court victory will end desegregation in Charlotte-Mecklenburg schools.

Though integration supporters say there is broad-based support for desegregated education, efforts to end busing orders continue. In many cases, such as in Denver, Colo., those efforts come with the blessing, if not instigation, of African American parents. National studies show that a growing number of African American parents have given up on public education, and its sagging reputation for poor achievement and undisciplined behavior.

More African American are turning to private schools, including some all-black institutions and government-funded charter schools. Others are pushing for a return to neighborhood schools, such as the Denver plan. They say the performance of students is more important than who they go to school with.

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