

UNC, HEW battle over desegregation plan

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The courts entered the picture when, on Oct. 19, 1970, a group of students represented by attorneys for the National Association for the Advancement of Colored People (NAACP) Legal Defense and Educational Fund, Inc., brought suit against the secretary of HEW and the director of OCR.

"HEW has refused to undertake action to secure compliance with Title VI by segregating public institutions of higher education," the students complained to U.S. District Judge John H. Pratt.

Pratt ruled in favor of the students on Feb. 16, 1973, and ordered OCR to begin enforcement proceedings against the ten states that had dual systems. After HEW appealed, a higher court modified Pratt's order. Instead of immediate enforcement, the U.S. Court of Appeals said, HEW must require states to file plans for eliminating all remaining traces of racial duality in public colleges and universities.

As ordered by the appellate court, the UNC Board of Governors filed a plan on June 8, 1973. Five months later, OCR said North Carolina's document did not comply with HEW guidelines. UNC's plan lacked specific numerical goals, OCR said.

The UNC board then prepared the "Revised North Carolina State Plan for the Further Elimination of Racial Duality in the Public Post-Secondary Education System."

The 242-page plan was submitted May 31, 1974, and approved by OCR a month later. The document was to be revised after four years.

Among other items, the revised plan called for further desegregation of all 16 UNC campuses and the establishment of enrollment goals. A minority presence scholarship program was begun, and a study of the five predominantly black institutions was made. A study of remedial programs is near completion.

UNC officials made semiannual reports to OCR. In conversations with the director of OCR, the University was given frequent oral assurances that North Carolina was performing well under the plan. In fact, the OCR director pointed to the North Carolina plan as a model for other states to follow.

But on Aug. 1, 1975, attorneys for the plaintiffs in the original case asked the court to instruct HEW to revoke its 1974 approval of desegregation plans for North Carolina and seven other states. (Louisiana failed to file a plan. Mississippi's plan was never approved.) The attorneys asked Judge Pratt to set forth new plans for requirements and the orders of the two federal courts.

The plaintiffs also asked that the court tell HEW to give each of the states uniform requirements for drafting the desegregation plan.



Staff photo by L. C. Barbour

UNC's desegregation plan must be presented to HEW for approval by Sept. 5.

Six months later, Judge Pratt directed the plaintiffs' attorneys and HEW to submit to the court a timetable and format for new desegregation plans for university systems in six states. By this time, Maryland had been dropped from the list of eight states due to that state's pending litigation against HEW and Pennsylvania officials had already begun settlement negotiations with HEW. The two parties filed separate motions with Judge Pratt during the next few months.

On April 1, Judge Pratt found the desegregation plans submitted by the state systems inadequate and not in compliance with Title VI. He directed HEW to prepare within 90 days criteria specifying ingredients of an acceptable plan. Sixty days after that,

each state was to submit a revised desegregation plan. HEW was to accept or reject the plan within 120 days.

HEW issued the guidelines on July 5 which were later amended. UNC is now directed to:

- Define the mission of each institution within the university and community college system.
- Specify ways to strengthen the role of traditionally black institutions.
- Take steps to abolish useless duplication among traditionally white and black institutions in the same service area.
- Give top priority to traditionally black schools when deciding where to put new programs, whether at undergraduate, graduate or professional programs.
- Refuse any change that would tend to thwart desegregation goals, and advise OCR of proposed major changes in the character of any institution which would affect desegregation goals.
- Adopt a goal of equalizing the proportions of black and white high school graduates entering the state institutions.
- Work toward greater proportion of blacks enrolled in the traditionally white

schools and greater proportion of whites enrolled in traditionally black schools.

- Reduce disparity between the proportion of blacks and whites completing two-year, four-year and graduate programs.
- Make the ratio of blacks to whites on the faculty at least equal to the ratio of blacks to whites graduating with degrees.
- Make the ratio of blacks to whites holding nonacademic jobs reflect the ratio of blacks to whites in the labor market where the institution is situated.

Similar guidelines were issued to Florida, Georgia, Oklahoma, Arkansas and Virginia.

The University has accelerated its revision of the 1974 plan. The plan agrees to step up efforts to recruit minority students, but it rejects the HEW proposal that the number of entering black freshmen and transfer students be increased by 150 per cent in the next five years.

The plan must be submitted to HEW by Sept. 5.

The Future

But what if HEW rejects the plan? "They have options that are statistically provided," Friday says. "They can go either to an administrative remedy, which is cutting off funding levels; or they can go to the judicial route by turning the whole thing over to the justice department."

The 16-campus UNC system receives approximately \$100 million in federal assistance each year.

If HEW tries to stop funding, Friday points out, "they must show that they have made every effort to work out an accommodation with us."

Friday does not see this prospect coming up anytime soon, though. "I believe that there's just a lot of conversation that's got to take place first."

Friday strongly defends the new plan. The fundamental decisions in the plan are not negotiable, he says. "On the principles, we have no intentions of backing down."

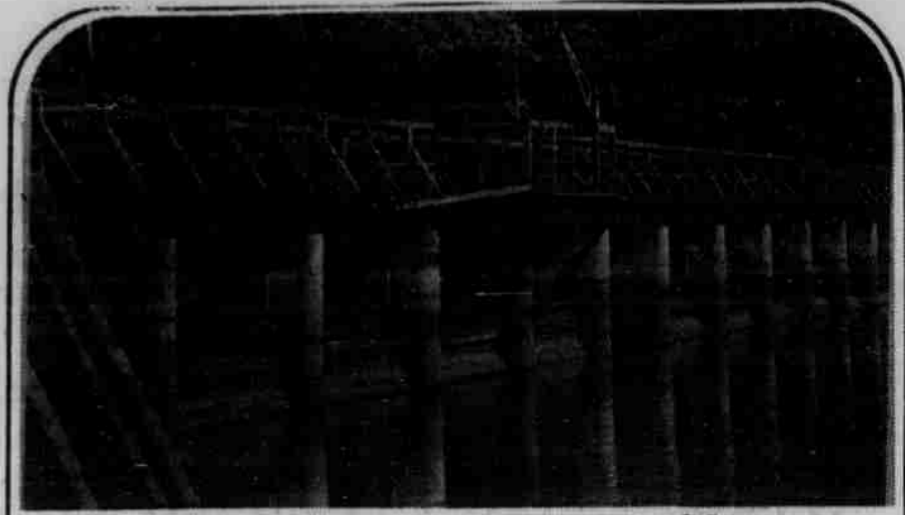
To cut off funding, HEW would first have to hold a hearing, and a congressional appropriations committee would have to approve any action.

If this does occur, precedents can give Friday some hope. HEW tried to axe federal money going to the Maryland system. But Maryland filed suit to stop the action, and a federal appeals court ruled that HEW could cut off federal money only for the specific program in which the alleged discrimination took place.

HEW is not omnipotent. But it is having trouble understanding that university systems are complex organizations with qualities of education to maintain.

The millions of students, faculty members and staff cannot be rearranged every time Washington feels like it.

If the University is allowed to continue with its 1974 plan and its updated version, racial duality someday will be eliminated. Students will decide to attend an institution not on the basis of whether it has been traditionally black or traditionally white but because of what they can contribute to a school and what the school can give them. Unlike some of HEW's goals, this one is not unattainable.



Staff photo by L. C. Barbour

The water shortage

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A eutrophic lake is one containing an excess of nutrients, which leads to an overgrowth of algae.

Presently, OWASA is considering a rock quarry located about four miles from town on Highway 54 as a secondary water source, according to recent reports.

The site is owned by American Stone Company and President R. P. Badham has said the company is willing to cooperate with Chapel Hill and Carrboro over the use of the quarry as a water site.

Estimates of how much water the empty quarry would hold range from 200 to 350 million gallons of water pumped in from Phil's Creek.

In the meantime, OWASA is seeking an increase in water from Durham and is meeting with Hillsborough city officials on the possibility of constructing a pipeline to that town's water supply for emergency assistance.

"At the time the University lake was created, the statement was made that it would provide enough water for Chapel Hill's growth for the next 100 years. Of course at that time they couldn't imagine how fast Chapel Hill would grow, but they still weren't far off."

That statement, made by UNC's Director of Operations during a 1954 drought in this area, would strike Chapel Hillians as funny today were it not such a clear foreshadowing of the inadequate planning that has consistently characterized UNC's "progress" oriented policies.

Since 1954, UNC enrollment has multiplied enormously; University staff and personnel growth has kept pace.

Community growth surged once more when, in 1961, the concept of a Research Triangle Park was conceived, bringing even more people to Orange County.

Surely the administration is not blind to the fact that with growth comes the responsibility to accommodate and provide for the needs of a larger community. But UNC has a poor record when the concerns of the average citizen or student are at stake.

The water shortages are the best examples of the administration's shortsightedness.

The 1968 drought was, or should have been, a clear indication that Chapel Hill should be concerned about its inadequate water storage facilities. Indeed, the University was concerned enough that year to spend money, hiring an engineering firm and subsequently finding a likely prospect, Cane Creek, as a secondary water supply.

Instead of following through on the Cane Creek reservoir however, the administration suddenly realized that, after all, it really was rather silly for a bunch of educators to try to operate such a complicated thing as a water utility and that maybe at that particular time it would be best to sell all of the utilities—lock, stock and headaches.

The problems surrounding local transportation also underscore the genuine lack of serious planning. Such a bunch of educators to try to operate such a complicated thing as a water utility and that maybe at that particular time it would be best to sell all of the utilities—lock, stock and headaches.

Friday interview

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All legal barriers to desegregation have been removed, he says. And by creating recruiting practices, raising substantial sums of money, going into high schools and aggressively seeking young black students and acquainting them with the opportunities available in the state's institutions, the system has sought to integrate the schools.

"We can show now that 25 per cent of blacks entering college are now in predominantly white institutions," Friday says. "Until somebody else has a definition that is different, and until the court says 'No, that isn't,' I can only assume that that is a desegregation pattern of action. At least I believe it."

HEW, Friday points out, has not carefully defined a desegregated system. "And what do they mean when they say eliminate racial duality, but at the same time preserve the uniqueness of the predominantly black institutions?"

"I don't have an answer to that yet, and I don't think I'll ever get an answer to it."

Friday notes that the University has not changed its position about integration. "It's always been like that since I've been here for 25 years. I've spent most of my life working toward those objectives."

Education and the quality of it comes first, Friday says. "I don't believe that in achieving those objectives you must throw all standards out and not apply what we've taken ages to build, that is the quality of the institutions."

Race standing alone should not be the dominant factor in the decisions the University makes, he says. The decisions must be educationally based.

"What we're doing now is what we believe is a matter of conviction, conscience, moral judgment. We don't wait on the law to tell us what has to be done."

"We want to do what people who have a sense of conscience about this want—to see the historic effects of segregation dissipated. We're going to do these things."

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