

Dr. William C. Self—for Defendant—Direct

A. Approximately \$5,000.00.

Q. Will you describe for the Court the procedure followed in the employment of personnel?

Court: I expect we better deploy for about a ten minute break before we get to that.

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[372] Q. Dr. Self, I believe I just completed asking you about the employment policies of your office. A. The employment of personnel, the responsibility, is vested with the Assistant Superintendent for Personnel, Mr. William Anderson. The first stages of the employment are handled by his offices. There is a recruitment stage which involves a team of people from the school system, usually made up of directors and coordinators from the central office staff, principals from the schools, visiting on college campuses. We visit the college campuses of this state and surrounding states. The attempt here, of course, is to induce as many people as possible to submit an application to the Charlotte-Mecklenburg School System. Upon receiving the application the central office's responsibility is to reference each applicant, get a record of the student teaching of the candidate and make an assessment as to the potential of the person for employment in the Charlotte-Mecklenburg schools. The applications are reviewed again generally by the principal, sub-area director, if one is available, and a judgment is made as to whether or not the person will be employed. Generally speaking the person is employed on an unassigned basis. This is quite important to our employment process because we must employ people before we know whether vacancies occur. We will have the majority of our employment completed by the end of the school year.

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Assignments are made later on [373] as principals review the assigned contracts of the teachers and make a judgment as to whether or not they would fit into a vacancy at their particular school.

Q. Does your office direct a principal to accept a particular teacher? A. Direct a principal to accept a particular teacher?

Q. Yes. A. No, we do not.

Q. What are the considerations on employing a teacher . . . with reference to race being a factor. A. We are instructed by Board of Education policy to disregard race as factor in employment.

Q. What is the primary factor of employment? A. Qualifications of the candidate as best they can be determined.

Q. Are there teachers in the system who are required to have several skills or several areas of proficiency? A. Yes.

Q. Could you give us an example? A. The first example that comes to my mind are the teachers at the secondary level who would certified to teach, perhaps, in two areas, English and history, or who might teach a full teaching load and accept responsibilities in extracurricular assignments such as directing the work of the drama or newspaper activities, school annual or perhaps even coach an athletic team.

[374] Q. Do these specialties of teachers sometimes lead to problems in filling a vacancy at a particular school? A. Yes, they do. In employment of a coach, for example, you are required to fill a teaching position first and to assess his coaching competency second and he must fit into both categories.

Q. We have seen some mention of learning academies in the answers to interrogatories. Could you tell the Court

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what the learning academies are? A. I can in general. If detailed information is desired, I think Dr. Hanes can testify in detail. Learning academy is an innovative educational program supported by Title 3 funds of ESEA. It was referred to in previous testimony as a PACE project.

Court: What does PACE mean?

A. I'm sorry, I do not know.

Court: Does anybody know what those letters mean?

A. The program at the learning academy is designed to help underachieving boys at the junior high school level. The program is a resident school. By that we mean that youngsters are taken out of their home environment and stay for varying periods of time at the school. The staff there uses all of their skill in trying to reinforce the youngster, get him ready to re-enter the regular academic program.

Q. What determines eligibility for a student as a member of the [375] learning academy? A. The fact that he is underachieving. By that we mean that he has ability to achieve and yet all evidence seems to indicate that he is not working up to his potential.

Court: Is that a 24-hour thing?

A. Yes, sir.

Court: Where is it conducted?

A. It's at the Huntersville community in the facility known

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originally as Torrence Lytle School, one of the closed schools.

Q. With reference to the teaching personnel, how is compensation for a teacher determined? A. On the basis of teaching experience, measured in numbers of years, and the certificate held. The A certificate is awarded for the Bachelor's Degree work and the G certificate for the graduate credit based on a Masters Degree.

Q. What is the source of funds for paying teachers? A. Well, the prime source is the state. Teachers are supplemented in the Charlotte-Mecklenburg community through the aid of a local supplement.

Q. Since 1965 have any schools been closed in the system? A. You mean closed, not closed to transfer.

Q. Right. The doors are closed to students. A. Yes, sir. There have been schools closed.

Q. How many schools have been involved? A. Well, it depends on how you count them. Can I explain?

【376】 Q. Yes, if you will. A. Ada Jenkins School in the far north, Torrence Lytle School referred to a moment ago, Crestdale in the Matthews community, Sterling in the extreme southern section, Plato Price which is near the airport, Woodland is in the northwestern section, the Moores Chapel community; and J. H. Gunn, the present location of the education center headquarters. They were 7 schools that were closed. In addition to that there were some school closings like the York Road Senior High School relocated at Olympic, Second Ward Junior High School, Bain Junior High School, Matthews Junior High School. The reason it's confusing to count is that Bain still exists, for example, as an elementary school, as does Matthews. York Road still exists as a junior high school and Second Ward continues to exist as a senior high school although

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the junior high school grades were closed out. But in terms of total schools there were 7 schools closed in that round of school closings. The most recent one was last year and at this time Morgan and Seversville, Biddleville, Wesley Heights and Woodlawn. There is one other, Myers Street Elementary School.

Q. Has the closing of these schools had any effect on integration, Dr. Self? A. Yes.

Q. In what way? A. The children were reassigned to other schools.

[377] Q. With reference to the schools they were assigned to, were they roughly put into schools in their former attendance area within the new school? Perhaps that question is not clear. A. I think the answer is yes. For example, the Ada Jenkins students are going either to Cornelius or Davidson; Torrence Lytle students by and large are at North Mecklenburg and the junior high students are at Alexander Junior High and the elementary youngsters would be located for the most part at Huntersville, and I think similar circumstances prevail with the other school closings.

Q. Were the ones that you just mentioned integrated schools? A. The schools to which the children were transferred would be integrated. The schools that were closed would be classified all black.

Q. Now, with reference to the athletic facilities at the schools, what criteria are used in determining athletic facilities at the junior high level? A. The criteria for the program are set forth in what the educator calls an educational program which is a document setting forth the square foot requirements and that sort of thing, which is given to the architect who uses it in drawing up plans for the building.

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Q. With reference to equipment at junior high schools, do you have equivalent or similar equipment at each of the schools? A. Yes. The athletic equipment is provided by a Board of [378] Education fund.

Q. With reference to high schools, are they similarly set up from an athletic program standpoint? A. Yes, with the exception of Second Ward. I couldn't say that about Second Ward facilities. I think they must be upgraded in terms of the completion of the Metropolitan High School. In terms of the equipment, a new school for example which is just formed is provided with an outlay of money to purchase the equipment but the athletic program is supported through gate receipts and it is anticipated that the school will repay the Board of Education fund in terms of equipment allotted.

Q. Are the inter-school athletic programs arranged on a non-racial basis? A. You mean the competition of games?

Q. Yes. A. Yes.

Q. Any school in the system can play any other one, is that correct? A. In terms of football they are divided into two leagues and they play within the two leagues.

Q. These are biracial groupings in the school? A. Yes, they are.

Mr. Waggoner: If the Court please, we have four exhibits we would like to have this witness identify. The first is Defendant's Exhibit #2 for identification, [379] Summation of Integration 1965 (March) and 1968-69 (Oct. 1, 1968); Defendant's Exhibit 3 for identification entitled payroll by Schools; Defendant's Exhibit 4 is captioned Table 3, Library Department, Books per child; Defendant's Exhibit 5

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for identification is entitled 1968 Per Pupil Value of Facilities.

Q. Dr. Self, I hand you Defendant's Exhibit # 2. Do you have a document similar to this? A. Yes, I do.

Q. With reference to Defendant's Exhibit 2, Dr. Self, I direct your attention to Page 3. This is the page with a heading Pupils and Professional Staff by Race March 6, 1965, and 1968-69. Would you tell the Court what appears upon this page with reference to the writing thereon? A. There are statistics here. The statistics are grouped together under four major columns. The first two columns are statistics dealing with numbers of pupils. The last two columns deal with professional staff. Each of these is sub-headed the pupils, for example, into two years, 1965 and the second column 1968-69, and a similar pattern prevails in terms of professional staff. The next sub-head is a Negro and white column under each of these years. The far left column lists the names of all of the schools in the school system and the statistics reflect the number of Negro and white pupils in a particular school in 1965 and, if the school were **【380】** not one of the closed ones, the number of Negro and white pupils in 1968-69. The same sort of analysis holds true as far as the professional staff is concerned.

Q. For instance, looking at the school called Bain, what information is disclosed for that school? A. The statistics reflect here that in 1965 Bain had 674 children and all of them were white; that in 68-69 Bain had 25 Negro pupils and 699 white. As far as staff is concerned, Bain had 28 2/10 white teachers and '68-'69 they had one Negro and 28 white.

Court: How do you get 2/10 of a teacher?

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A. It's a statistical way of dealing with a traveling teacher who will spend two days a week in a particular school or one day per week or something of that nature.

Q. Dr. Self, with reference to 1968-69 I do not note any fractional teachers. Is there an explanation for this? A. Yes. I think that's attributable to a different technique for computing the statistics. The figures, of course, are made to comply with HEW reports and in the 1965 school year it was permissible to note these itinerant teachers, who are logged in terms of tenths. It was suggested that it would give a better picture of the degree of staff integration if these people were eliminated from the count in '68-'69. They were and therefore the statistics in '68-'69 do not reflect itinerant teacher assignment.

【381】 Q. Did the '67-'68 school year reflect the itinerant teachers? A. I'm sorry, I do not know.

Court: How many floating teachers did you have in the system that you know of?

A. There would be quite a few. I don't know the exact number, but to give some idea as to the size it would be 35 elementary music teachers, a comparable number of physical education teachers, and that would be up to 70. There would be 20 corrective reading teachers. That's the bulk of them.

Court: Something less than an average of one per school.

A. Yes, sir.

Q. Dr. Self, the information appearing on Defendant's Exhibit 2, was this prepared under your direction and supervision? A. Yes, sir, it was prepared by the Research

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Department. The actual information was contained in the interrogatories, the first column, of course, coming from the interrogatories of the court case of 1965, Table 1, and the statistics for the 68-69 column came from the Table 1 of this year's response to interrogatories.

Q. Does this exhibit correctly reflect the changes within the schools with reference to numbers of students and professional staff by race?

Mr. Chambers: Objection.

Court: What is the basis of the objection?

Mr. Chambers: The witness did not prepare this matter [382] and he is asking a witness to give, as one might say, hearsay evidence.

Court: These statistics were prepared in your office under your supervision?

A. Not in my direct office but in an office which is a part of the central office administration.

Court: Prepared by the people who prepare statistics for the school system?

A. Yes, sir.

Court: Objection is overruled. Do you reckon you could get them to prepare some more statistics for the Court?

A. Yes, sir.

Court: That is, just take every other one of these columns, either N or W, whichever is easiest, and run a percentage on that to show what those abso-

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lute numbers are in terms of percentage of the totals. For example, Albemarle Road 68-69, you've got 4 out of 489. That would be roughly 1%.

A. Yes, sir, we could do that.

Court: I'd appreciate it.

Mr. Waggoner: Would you like that for the professional staff also?

Court: Yes. Since this is all here together this can be done with one run of the calculator, can't it?

[383] A. Yes, sir.

Q. Let's refer to Page 2 of Defendant's Exhibit #2 for identification, will you tell the Court what this sheet indicates? A. This sheet is headed Racial Distribution of Pupils and Professional Staff for 1965 and for 68-69.

Q. I'll ask you if this isn't similar information as that contained on Pages 3, 4, 5, 6, 7 of Defendant's Exhibit #2 except it relates to elementary schools, junior high schools and high schools by category. A. Yes. I think in reality, as the document is stapled together, the top sheet is a summary sheet and the attached sheets offer details in support of the summary sheet.

Q. Now, for instance, on Page 2 I notice that in 1968 there are listed 23,601 Negro students. A. That is correct.

Q. And 58,599 white students. A. That is correct.

Q. And then there are other students within the system. A. Yes, sir. Those other students, I believe, are special education.

Q. And those totals are added down on the bottom lines, is that correct? A. Yes.

Q. Now, with reference to Page 1 of the Defendant's Ex-

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hibit #2, would you explain the meaning of the information contained [384] thereon? A. I'll do my best. When you try to determine the degree of integration or the incident of integration you must determine are you trying to speak from the standpoint of the schools in which there is integration or from the number of pupils who are involved in the integration or the number of teachers and this sheet attempts to do that. At the top of the sheet the section headed Schools Having Integration is an attempt to see the integration, incident of integration from the standpoint of the number of schools involved. and again we have the two year comparison. For example, in 1965 there was one Negro and 22 white schools in which there was integration. I think it must be pointed out that we termed the presence of one member of a minority race in the school to classify a school in this manner. That meant that 23 out of the 109 existing schools were experiencing integration, or 21%. Comparable figures in 1968, 84 out of 112 or 75% are experiencing integration in terms of pupils. As far as staff people are concerned, 3% of the schools, 3 out of 109, were experiencing some degree of staff integration in 1965. The comparable figure in 1968 is 98 out of 112. The reason that that 112 does not agree with the total we have used frequently in our testimony is that it includes the child development centers and the learning academy. The central section of the page picks up the number of students and faculty members involved [385] for both of these years. You have to read the page actually horizontally from top to bottom; that one Negro school back in 1965 had 9 white youngsters, 343 Negro youngsters, making a total of 352 pupils experiencing some degree of integration. That, of course, was Bethune school. The 22 white schools had 469 Negro youngsters, 16,446 whites, or a total

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of 16,922 youngsters. Adding the total number of Negro pupils to the total number of white pupils gives us the total found at the bottom of the page, 17,274 or 24% of our student body. Without going through the whole process for 1968, comparable percentage is 77.

Q. 77%? A. 77% of the student body. In like manner you can come up with two comparable percentages for staff. 5% of our staff were experiencing some degrees of integration in 1965; 91% are experiencing some degree of integration in 1968.

Q. Dr. Self, I next direct your attention to Defendant's Exhibit #3 headed Payrolls and ask if this was prepared under your direction and supervision. A. Prepared by the same Research Department, yes, sir.

Q. Would you describe for the Court the information contained on Defendant's Exhibit #3? A. Again we have a listing of the schools and in the columns the payrolls of the third school month and the fourth school month for each of these schools. Actual payroll data includes [386] the salary of the Principal, assistant principal, the teacher, secretary and teacher aides for all of the schools. The total salary for each school for both months is listed. That total salary is divided by the number of persons served by that total salary and an average salary is computed. I feel compelled to point out to the Court that in examining this document I found what is an obvious error which should be pointed out. It's on the second page and it pertains to East Mecklenburg High School where in the third school month you see 112 teachers listed, and the fourth school month 102. It's obvious that we didn't dismiss ten teachers. In looking for the error I think I found it at Eastway Junior High School, two schools down, where the number in the third month is listed as 61 and the fourth month as 71.

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I believe somehow we got the names Eastway and East Mecklenburg confused.

Court: What would you do to straighten it out?

A. Given a bit of time. I didn't find it until I got here today.

Q. Now, with reference to Defendant's Exhibit #3, taking at random Albemarle Elementary School. This is a new school, as I understand it, is that correct? A. Yes.

Q. What is the average salary per teacher for the fourth month? A. \$610.98.

Q. Would you tell us what the similar figure for Alexander Street would be? [387] A. Alexander Street is \$711.19.

Q. Would you give us Barringer? A. Barringer is \$669.30.

Q. Would you give us Devonshire? A. Devonshire is \$584.86.

Q. Would you give us Double Oaks? A. \$717.54.

Q. Druid Hills. A. \$703.57.

Q. Huntingtowne Farms. A. \$638.08.

Q. Erwin Avenue Junior High.

Court: I can read the rest of this, Mr. Waggoner.

Mr. Waggoner: If the Court please, I wanted to touch on some of these. Some of these schools are predominantly white, some are predominantly colored.

Court: I am familiar with the widely known fact that your colored teachers as a group have higher salaries than the white because they stay at it longer and have more graduate education. Is this the point you're making?

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Mr. Waggoner: Yes, sir.

Q. Dr. Self, I next direct your attention to Defendant's Exhibit #4 for identification entitled Table 3 and ask if this was prepared under your direction and supervision. **【388】** A. Yes, it was. It was prepared in the Library Department.

Q. Would you explain to the Court the information appearing thereon? A. It's a tabulation of the number of books per child in the libraries of the schools listed.

Mr. Waggoner: If the Court please, I would like to ask Dr. Self if you are able to detect that predominantly Negro schools have less library books per student.

A. I don't think I could make that generalization.

Q. All right, sir, would you look at Albemarle Road?

Court: It looks like the poor people at Quail Hollow are in bad shape—7½ books per student.

Q. Dr. Self, do you detect a pattern of discrimination in favor of either of the races with reference to library books?

Mr. Chambers: I object to that, Your Honor.

Court: Objection is overruled.

A. No.

Court: Let me ask about this thing. Is it generally true that the older the school the more books they've got regardless of the race of the students? This would appear to be a pattern looking at this.

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A. I think that would be generally true, Your Honor.

Court: Zeb Vance, for example, with 15.8 and Quail Hollow with 7.6. Do they illustrate that proposition?

[389] A. Probably would. I think the only thing that might cause it to vary from that pattern is the vigor with which the librarian purges the shelves . . . of old books.

Court: West Charlotte 10½; West Mecklenburg 7½.

Would that be illustration of the same proposition?

A. Yes, sir. Also it would account for the fact that Albemarle Elementary is 6.6. It's a new school just getting started.

Court: OK, you want to get to something else? Had you finished with that?

Mr. Waggoner: Yes, sir, I had finished with it. There has been an allegation that inferior facilities have been furnished and I was seeking to establish there has been something in the nature of equality subject to the problems of a big School Board.

Q. Dr. Self, I direct your attention to Defendant's Exhibit #5 for identification and ask if you can identify it.

A. I believe you are referring to the one headed 1968 Per Pupil Value of Facilities.

Q. That is correct. A. This is a tabulation of the amount of money, the per pupil amount of money that the facility is worth. It was obtained by taking the value of the facility

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from the principal's final report, which is a part of the interrogatories, and dividing that by the number of pupils housed in the facility. Again, there are wide disparities in terms of the dollar amount. [390] Generally speaking the average is a more valid figure than is an individual figure. The average shows that the per pupil facility value for elementary schools is \$861.00; the per pupil value of facilities in the junior high school is \$1,229.00; and the per pupil value in the senior high schools is \$1,567.00.

Q. Dr. Self, these values, as I understand it, are probably cost values of that particular school plant? A. Yes, sir.

Court: Are they in fact cost figures or are they in fact current appraisals?

A. I think they would reflect the insurance values of the building.

Court: This is not land value but simply buildings and equipment, or can you tell about that?

Mr. Chambers: That is one reason we objected to these documents. As I understand it, the principal sits down and says a building and land is worth X-number of dollars and he files his report and sends it to Raleigh.

There is, I submit, no real expertise at all on the part of the principal to determine what the building is actually worth and this is the way they get the figure to make the contention here that the per pupil value of, for instance, Fairview is \$1,000.00. The value of Myers Park Elementary School is \$830.00.

[391] A. May I explain?

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Mr. Waggoner: If the Court please, this does include the site evaluation.

Court: What comment do you have on that?

A. The distortion in the case Mr. Chambers mentioned would be produced by the enrollment. Fairview is a community in which the pupil population is decreasing. The quotient, then, in this arithmetic problem is rather small. It would produce a higher per pupil value. Myers Park Elementary is relatively filled so your quotient here divided into the value of the building would produce less value per pupil.

Court: Mr. Chambers, I believe I'll admit this as nothing but the opinion of the principals as to the value of the facility without any feeling that it has any material bearing on the case.

Mr. Chambers: We didn't object, really, because we thought it might be admissable for whatever it's worth but we think these matters should be brought to the attention of the Court.

Court: If you find, Dr. Self, that this does not include the value of the land, which I assumed it did from the size of the figures, let me know. I assume this includes an estimate as to the value of everything that's there.

A. All right, sir.

【392】 Q. Dr. Self, could you give us the senior high average evaluation? A. Reading from the list, East Mecklenburg \$1,249.00. . . .

Court: I can read the rest of the figures.

Mr. Waggoner: I want to get the average.

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A. \$1,567.00.

Q. Dr. Self, there has been a great deal said in the past three days with reference to Metropolitan High School to be located on Second Ward. When was the plan formulated to commit for this location of this type of school? A. I believe the plans have been underway since prior to Dr. Philips departure which would mean it's at least two years.

Q. Would you describe to the Court the type of curriculum that would be offered at this school? A. It's anticipated that the school would offer the courses usually found in a comprehensive high school and that the vocational offerings of the school system would be heavily supplemented, that we would have here what we call one of a kind courses, meaning by that that they would not be offered in any other school in the system—this sort of thing.

Q. I've heard this school described as a magnet type sort of school. Is that proper terminology? A. I would class it as a magnet type school. That certainly is our hope.

Q. This means that it would attract students from all over the school district, is that correct? [393] A. That is our anticipation.

Q. What were the considerations that led to deciding on this particular location for this type school? A. There is certainly a need for offering a secondary program in this area. The program itself needs to be unique in terms of the ultimate goal of the pupils served. It is housed in close proximity to what will be the educational center headquarters for the whole school system. We will have in that educational center some of the outstanding curriculum people in the whole southeast who will be most anxious to work in this Metropolitan High School, offering support and reinforcement for the types of programs undertaken there.

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Q. Was there any community participation in developing this type school? A. Yes, sir. The Second Ward School Committee, I recall, met with Dr. Philips at which time they talked the whole thing through and came to some conclusions in terms of the type of school that would be offered there and the fact that it would be located there.

Q. Do you have an opinion satisfactory to yourself as to whether or not this is a good location for this type of school?

Mr. Chambers: Objection.

A. Yes.

Q. What is your opinion? 【394】 A. I think it's a good location.

Court: Dr. Self, from the corner of Independence Blvd. to McDowell Street how far is it to the nearest high school, which I would believe would be Myers Park High School? Do you know?

A. No, sir, I do not.

Court: Is it between four and five miles, about four miles?

A. I was going to guess between three and a half and four.

Court: How far is it to East High School?

A. A good bit further.

Court: About seven or eight miles?

A. Seven would be a good guess.

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Court: And to Garringer what is it?

A. Garringer would be closer.

Court: Around four, maybe more?

A. Three, three and a half.

Court: How far to West Charlotte?

A. About the same distance as to Garringer, about three and a half.

Court: Is there any high school in Charlotte now closer to the center of town than the four that I have just asked you about?

A. The only question would be Harding and I'd say Harding falls in that three or four mile category.

[395] Court: So you have at present, then, a city of over a quarter of million with a hole about eight miles square in the middle without a high school in it.

A. We do have the Second Ward High School there now.

Court: That's not slated to remain, is it?

A. This school will replace the Second Ward High School.

Court: If you don't maintain or build a school there, you will have a space about eight miles square without a high school?

A. That's true.

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Q. Dr. Self, with reference to the Greenville area of Charlotte, I understand the residents of that area have asked the School Board to construct a school in that particular area, is this correct? A. That's true.

Q. Would you tell the Court the facts and circumstances surrounding the possible location of a school in the Greenville area? A. The Board of Education in its thirty-five million dollar bond program allocated the thirty-five million dollars by sections. In the section that we are speaking of here there was \$750,000.00 set aside for the construction of an elementary school. The community was in a state of transition, urban development moving in the area, Model Cities planning for the area, and the Board simply held the money in abeyance until such time as they could plan more definitely. The thing first [396] was brought to the attention of the Board of Education when the representatives of Urban Redevelopment presented a plan for land use in the area. Their plan assumed that you would set aside a certain portion of the redevelopment land for the construction of a school and it was at that time that interested groups petitioned the Board of Education to make the decision to build a school in that area. The Board has delayed its decision in this matter.

Q. Does the Board give any reason for the delay? A. No. I think that they simply indicated that they wanted to delay it.

Court: How long do you want to delay it?

A. The Board hasn't indicated that, Your Honor.

Q. Does the Board have any concern as to the possible racial composition of this school? A. Yes, they do. I think that concern was voiced by Mr. Burch, it being that the

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community itself would be housed as an all Negro neighborhood and then that the school population would be all Negro.

Court: Do you know how many folks live in the area that school would serve if it were built?

A. No, sir, I do not and I believe that the more relevant matter would be how many homes it's planned in Urban Redevelopment to put back in the area and the figures we've gotten there is 700 to 1,000.

[397] Court: How do you describe the Greenville area?

A. Graham Street north of the cemetery that's behind Erwin Avenue Junior High School, that sector in there.

Court: Between Graham and Beatties Ford Road?

A. No, sir, between Graham and actually north of Highway 16.

Court: That's Rozzels Ferry Road?

A. Yes, sir.

Court: Aren't there several schools in there now?

A. Fairview is the only school that's in the section under consideration here.

Court: Bethune School is south of there, isn't it, south of that area?

A. It's on the fringe of it, yes, sir.

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Mr. Waggoner: We have the plaintiff's experts' proposal and we would like to go into this. This may be a convenient time for all to stop. It probably would take a while.

Court: All right. If there is no objection we'll quit until 9:30 in the morning.

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Q. Dr. Self, I understand there is a point pertaining to the athletic equipment at junior high schools that you would like to clear up at this time based on your testimony of yesterday. A. Yes, sir, Mr. Waggoner. Dr. Hanes spoke to me after court [398] was recessed yesterday afternoon and called my attention to the fact that I had made an error in testimony pertaining to the athletic equipment, the purchase of athletic equipment for the junior high schools. I had stated that the Board of Education provided a fund for the junior high schools with which they purchased their athletic equipment, football uniforms, baseball uniforms, etc. What I failed to add is that this fund is extended as a loan and the school is expected to repay that over a period of years.

Court: That's from the Board of Education?

A. That's right.

Q. You used the term athletic equipment, does this have to do with the entire physical education program at the school? A. No. Mr. Waggoner. In education circles we distinguish between the physical education program in which all pupils are involved and the athletic program which, in effect, involves team sports.

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Q. These would be the interschool sports you're talking about? A. That's true.

Q. Dr. Self, have you had occasion to review the analysis and recommendations of Drs. Larsen, Finger and Passey that have been referred to in this case? A. I have, not as thoroughly as I would wish but to a degree.

Q. Dr. Self, is there any educational basis for classifying a school as integrated when it has 10% of one race or more? **【300】** A. I don't believe there would be an educational basis for it.

Court: What does that question and answer mean? What does that mean to me?

Mr. Waggoner: If the Court please, that means to me—I'm not sure it would mean this to you—from an educator's standpoint there is no arbitrary level of mixing races which creates an integrated situation, no educational basis for this. Any basis would be a legal basis which the Court would have to draw.

Q. Dr. Self, with reference to the recommendations of Dr. Larsen, which I understand to be Alternative I Phase 1, have you had an occasion to review this plan, Page 11 of the report? A. Yes, I have.

Q. Would you give the Court your observations, please, sir? A. The plan itself has some prerequisites, as I understand it, and these are that an additional six elementary schools would be closed that are located in the central section of the city. Erwin Avenue Junior High School would eventually be closed. I don't believe that the plan calls that the school be abandoned immediately; that construction at Northwest Junior High School would be stopped; that the Metropolitan High School would be located on the

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Hawthorne Junior High site, which would necessitate the relocation of Hawthorne Junior High School. They suggested but didn't hold firm to the suggestion that that location might be Shamrock Gardens [400] Elementary School; that the district lines be redrawn, respecting the fact these schools were closed, and no freedom of choice be allowed. Basically I think the plan is one of transport out of the central city section, an attempt to design a new elementary building program on sites which are not in what was termed the Negro downtown area, then pair or link together elementary schools in such a way as to achieve integration, and then assure the maintenance of this integration as the youngsters progress through the grades through the use of a feeder system which would move the integrated elementary pupils into integrated junior high schools and subsequently to senior high schools. I think that the plan has some weaknesses as any plan would. One that appears to me is that it would assume the ability of the school system to house the youngsters who are moved out of the closed schools. This would be a severe housing problem as far as the school system is concerned. I think another questionable point, at least it's debatable, is that it would almost abandon the center city as far as education is concerned. It would impose the problems of transportation. I am not familiar enough with this technique of pairing to know what account is taken for the growth problems of the schools in such a plan and I think philosophically the plan itself is not a very good respecter of elementary education principles.

Q. Does this particular plan square with Dr. Passey's statement [401] that he favors neighborhood schools for grades 1 through 4? A. I believe that it would conflict in this particular instance.

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Q. Dr. Self, beginning on Page 14 there are various clusterings or pairing of schools. Could you come down to the map and point out the schools that are involved in these particular groupings? (The witness does so.) A. The three schools of the first cluster are these three, Marie Davis, Collingswood and Sedgfield. Group B is Dilworth and Myers Park and Wilmore.

Q. Dr. Self, do you have an opinion as to the distance between Wilmore and the Myers Park Schools? A. We can get a rough approximation by using our blocks.

Court: Are these blocks a mile square?

A. This block right here is a mile square. This is a two mile section, Your Honor. Using a rough technique, slightly over two miles between Myers Park and Wilmore and slightly less than two miles between Dilworth and Myers Park.

Q. The next grouping, please, sir. A. Group E-1, Bruns Avenue. . . .

Court: I don't know that it matters but I'm curious about the distances. Where is Wilmore? The distance between Wilmore and Myers Park . . . you're talking about Myers Park Elementary?

A. Yes, sir.

Court: That's just under three miles as the crow flies, [402] two and a half miles.

A. Yes, sir. Group E-1 is Bruns Avenue which is here.

Court: What artery is that nearest, Highway 16?

A. Off Highway 16. This is the bypass for Johnson C. Smith and Bruns Avenue branches off of there.

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Q. While you are on Bruns Avenue, what schools does it replace? A. Bruns Avenue replaced Wesley Heights and Seversville and Biddleville.

Q. Dr. Self, what was the racial composition of these schools in 1965, if you know? A. Biddleville I feel certain was black. I think that Wesley Heights and Seversville were totally white at the time. I am not sure.

Q. Did Bruns Avenue roughly take on the same school boundaries covered by the other two schools? A. Yes . . . the other three.

Q. If you will, continue with E-1. A. Ashley Park is here; Enderly Park is here; and Westerly Hills is a new school which I do not believe is on the map. It's right behind the Harding High School. They are clustered right here.

Q. The next grouping? A. Group E-2 is Lakeview, which is here, and Thomasboro, which is here.

Court: Lakeview and Thomasboro are on the south and **[403]** north side of Interstate 85, are they?

A. Interstate 85 will divide them right here.

Q. The next group. A. Group E-3 is Hoskins and University Park, right here.

Q. Are those two schools again separated by Interstate 85? A. They are.

Q. Let's go to the final grouping, Group H. A. Group H is Alexander Street, which is one of the schools which was recommended for closing, and it's right here; Highland is here; Merry Oaks . . .

Court: On Central.

A. Yes, up here. Midwood, again off Central. I believe

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that's this. Plaza Road is here; Shamrock Gardens is here and Villa Heights is here.

Q. Dr. Self, do you have an opinion satisfactory to yourself as to the distance between Alexander Street and Merry Oaks? A. If we use the same technique of applying the blocks, it would be in the neighborhood of two and a half miles.

Court: Three miles in a straight line.

Q. Would you go to the next grouping? A. Group K-1 is Hidden Valley and Tryon Hills.

Q. Group M-1. A. Chantilly and Elizabeth.

Q. And the final grouping? A. Billingsville, Cotswald and Eastover, these three.

[404] Court: Mr. Chambers, you feel free to go whenever you wish.

Mr. Chambers: I promised to leave this afternoon at 2:00.

Q. Dr. Self, I direct your attention to Page 16 of the report and as I understand the listing on this page, these schools would not be affected in any way by the recommendations of Dr. Larsen, is that correct? A. I interpret in the same manner, yes.

Q. How many schools are listed on that page, if you know? A. I do not know. Are they to be counted?

Q. Yes, sir. A. At the top of the page there is a grouping which the authors state are already desegregated and they will remain as they are. There are 13 schools in that category. At the bottom of the page there is a grouping of schools that the author states would remain segregated and they categorized into two sections, predominantly

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black—and in this section there are 12 schools—and another section labeled predominantly white 24, if my counting is correct.

Q. As I understand, out of the 76 elementary schools this plan would not affect 49 of the schools, is that correct?

A. I believe that's correct.

Court: Those have a school population of roughly what? It looks like about 8000 in that top pair, 6500, that's [405] 14,500—29 or 30,000.

A. That's correct.

Q. Dr. Self, do you know approximately how many students you have in your elementary school system? I direct your attention to Defendant's Exhibit 2 which contains—this is a sheet with a summation of integration, the second page. A. The elementary population is 13,290 Negro, 31,545 white, and to this you would need to add probably several hundred youngsters in special education who appear in that other figure down at the bottom.

Q. Mr. Self, does the Charlotte-Mecklenburg School System employ a feeder system? A. Not a pure feeder system.

Q. Would you explain what is meant by a feeder system? A. As I understand the rigid concept of the feeder system it is determined that all of the pupils in a particular elementary school will feed into a single junior high school and that all of the students in this junior high school will feed into a single senior high school. Our system is not pure in that we have circumstances in which two-thirds of an elementary school will feed into one junior high school and the other one-third will feed into another junior high school and then the junior high school population might be similarly divided.

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Q. Dr. Self, referring to Page 17 of the analysis and recommendations, did you have occasion to review the assignment [406] areas for the junior and senior high schools under Dr. Larsen's recommendations? A. I have not studied this in any detail.

Q. Turning to Page 25, Alternative 1, Phase 2, Desegregation Plan based on Districts and Transportation, have you had occasion to review these recommendations? A. Yes, I have.

Q. Would you tell us what you find? A. As I understand the recommendation again this proposal would divide the county into four racially balanced districts. The best I can understand, Highway 74 and 77 are used to pretty much determine what these districts would be. Within those racially balanced districts desegregated elementary schools are established, again by pairing or linking or clustering, and by drawing attendance zones around these schools in such a way as to achieve desegregated elementary schools. Again I believe that a feeder pattern is established which would assure the continuance of the integration to the junior high school and the senior high school level. The plan again assumes that no freedom of choice would be allowed and I believe differs from the first phase in that it calls for extensive bussing.

Q. Dr. Self, do you furnish bus service for the Charlotte City schools or the schools located primarily within the City? A. No, we do not, with one exception. The law which was passed, [407] I believe, in 1957 said that county residents who had been provided transportation and who were annexed into the City may not be deprived of their transportation. In effect, with annexation or with extension of City limit lines, we do have some children in the City limits who are furnished transportation.

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Court: How big a group of students is in that fringe area now?

A. I do not know. I assume it would be a fairly small group.

Q. Dr. Self, is it true that roughly one-fourth of the student population is furnished bus service, some 23,000?

A. I believe that that's a pretty accurate figure.

Mr. Chambers: I object to that and move to strike. There is the transportation officer who has the information and the question, first of all, was leading and, secondly, Dr. Self has not stated he knows definitely or approximately that that is the figure.

Court: You have a copy of the dope sheet, don't you, that Dr. Self handed in when he first started to testify? This says that 23,000 students were furnished busses this year at a cost of \$19.00 per student. That's on Page 4 near the bottom. 271 busses, 23,000 children, cost per year per child \$19.00.

Mr. Chambers: I have a copy here.

Court: Motion denied. Go ahead.

[408] Q. Dr. Self, with reference to Alternative 1, Phase 2, have you had occasion to consider this plan from an educator's standpoint? A. I have.

Q. Is this proposed plan a feasible plan for operating the school system in this county?

Mr. Chambers: I object. That calls for a conclusion of law on the part of the witness. I think the witness can state whether or not he has some objection, some specific defects.

Court: I think that's correct.

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Mr. Waggoner: If the Court please, this question related to his opinion as an educator.

Court: Give your comments on it from the standpoint of educational advantages or disadvantages. I believe that would be a competent question.

A. I think that the same problems posed by the first Alternative 1, Phase 1, would be posed by Alternative 1, Phase 2, and I listed those as the fact that it requires that the schools in the central city be closed and the students be transported out, thereby imposing a housing problem on the school system. I stated that it would mean the virtual abandonment of education in the central part of the city; that transportation problems would be imposed and that it again does not respect to a degree the principles of elementary education.

[409] Court: As far as the theory of education is concerned, you say the two plans have substantially the same objections as you see them.

A. Yes, sir.

Q. Dr. Self, if you will, referring to Page 42 of the report, captioned Alternative 2, a Desegregation Plan Based on Districts and Transportation, have you had occasion to examine these recommendations? A. Yes, I have.

Q. Give the Court the benefit of your observations.

Court: Is this the plan that Dr. Passey described?

Mr. Waggoner: Yes, sir, as I understand it, it is.

Dr. Passey: No, it's a combination of two.

Mr. Chambers: Are you talking about Alternative

2?

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Mr. Waggoner: Alternative 2, beginning Page 42.

Dr. Passey: This second one is a combination of the four sectors that Dr. Finger delineated.

Court: A plan was described by Dr. Larsen, a plan was described by Dr. Finger, a plan was described by Dr. Passey. My question is is this the one that Dr. Passey described?

Dr. Passey: No.

Mr. Waggoner: I believe Dr. Passey's begins on Page 46, which is Alternative 3. There are four plans really that they presented.

[410] A. As I understand Alternative #2, this is a desegregation plan which is based on districts and transportation. The uniqueness of this plan is that it asked for a reorganization of the school system itself from a 6-3-3 pattern to a primary, middle grade and senior high school pattern.

Q. Would you explain the 6-3-3? A. This means that six elementary grades are housed together, three junior high school grades are housed together and three senior high school grades are housed together. The other organizational plan calls for the first four grades, or kindergartens, if kindergartens are there, to be housed in the primary school; for grades 5 through 8 to be housed in the middle school—this is the usual pattern of operation—and for grades 9 to 12 to be housed in the senior high school building. As I understand Alternative #2, it calls for no abandonment of schools in the central section of the city and I believe it assumes that they would continue to be used. I believe that the basic difference between that and Alternative #3, as I was able to detect it, was that Alternative #2 is geographically based and Alterna-

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tive #3 is not geographically based, if I understand it correctly.

Q. With reference to Alternative 3 beginning on Page 46, you stated that it is not geographically based. By what means would students be assigned under this? A. Again, as I understand it, the primary school would be **[411]** neighborhood oriented. I understand Dr. Passey was attempting to respect these principles of elementary education that we alluded to earlier and this sort of an organization; that a feeder system would be established that would assure the continuation of integration in the junior and senior high schools.

Q. Would there be substantial transportation under Alternative 3? A. Yes, there would.

Court: Does anyone of these plans contain any proposals about changes in the county schools as such, or what we used to call the county schools?

A. Yes, I believe that the outlying schools are incorporated in the plans, on Page 47, for example. The schools that would be contained in learning complex A are identified as being East Mecklenburg. . . .

Court: That's in the city.

A. Well, it was formerly a Mecklenburg County School. The community has grown up around it. If you look at Page 48, learning complex B, you can see a mixture of former city, former county, South Mecklenburg being county oriented, Smith Junior High School county oriented, Erwin Junior High School central city, Collingswood and Pinewood are right on the periphery, Shamrock Gardens is in the inner limits of the city; Bethune is central city.

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So there is a mixture of what would be termed former city and former county in this plan.

【412】 Q. Dr. Self, on Page 47 dealing with learning complex A, I notice that the students at Williams Junior High School would be going to high school at East Mecklenburg High. Where is the Williams Junior High School located? A. Williams Junior High School is near the intersection of I-85 and Statesville Road.

Q. Where is East Mecklenburg High School? A. Eastern section of the city off of Old Monroe Road, just beyond the point where Old Monroe Road intersects Rama Road.

Q. Do you have an opinion as to the distance between these two schools? A. It would be in excess of five miles.

Court: Does the area served by Williams Junior High School extend north of I-85?

A. I'm not certain, Your Honor, we could look at the map to determine it, if we had a junior high school map.

Mr. Waggoner: Are the junior highs located on this map?

Mr. Chambers: There is a junior high school map.

Q. Come down to the map, Dr. Self. (The witness does so.)

(Conference out of the hearing of the Court Reporter.)

Court: Dr. Self, in this dope sheet that you gave me yesterday you indicated that transportation cost per pupil is \$19.00 a year. Does that include the cost of the busses, maintenance? What does that \$19.00 include?

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A. I think that would include the operating costs, the gas, oil, [413] tires, upkeep and probably the salary of the driver. It would not include the capital outlay expenditure for buying the bus.

Court: Are there some figures on the total cost of bus transportation?

A. Yes, sir. If they are not available in the deposition, we can make them available.

Court: How many of the first three or four grades in the county ride busses to school?

A. Again I could only approximate. There are 42,000 elementary youngsters. Of that 23,000, 22,000 will be primary—10,000 would be a very rough guess.

Court: Is the school bus operation in the county, generally speaking do they haul as many of the first four grades on busses as they do the other grades?

A. I wouldn't think that would be true because of our attempt to locate the elementary schools in closer proximity to the youngsters than we do the secondary schools.

Court: Is there any information on that subject?

A. I'm sure there is.

Q. Dr. Self, with reference to establishing boundaries of an elementary school, is there any rough guide that you attempt to use insofar as establishing distance of the school boundary to the school itself? A. A very rough guide is a mile but, of course, you will vary [414] that radius that

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you would use to draw circles around the elementary school depending on the section in which you were locating it. In the central section of the city or in densely populated areas you may have a radius much less than that and in the sparsely populated sections a radius in excess of that mile.

Q. In the city section how far will a school ordinarily be located at a maximum from the boundary of the school district? A. It's an approximation—I'd say $\frac{3}{4}$ of a mile to a mile, and again you will have exceptions to that.

Q. Dr. Self, with reference to these four recommendations, or do you have an opinion as to whether or not any one of these or any two or any three or any four of them could be applied to Mecklenburg County on an educationally sound basis?

Mr. Chambers: We object to that.

Mr. Waggoner: I'll withdraw the question.

Court: That's a fairly pertinent inquiry.

Mr. Chambers: I would think that the witness ought to say what objections he might have to the plans rather than to say definitely they cannot be worked. I understood when he started off that he hasn't had a chance to study the plans in detail.

Mr. Waggoner: If the Court please, I will take each plan separately.

Q. Dr. Self, referring to Page 11, Alternative 1, Phase 1, a **【415】** Desegregation plan based on Elementary School Pairing and Elementary-Secondary Feeder Systems. Do you have an opinion satisfactory to yourself as to whether or not this plan from an educational standpoint could be feasibly implemented in this school district?

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Mr. Chambers: Objection.

Court: Well, I believe I'll overrule the objection.

Q. Do you have an opinion? A. Yes.

Q. What is your opinion? A. I think the plan would cause considerable problems for the school system in terms of housing. It would impose rather sizeable burdens of transportation upon the school system.

Q. Would it have any effect on the neighborhood concept of schools?

Mr. Chambers: Objection, leading.

Court: Overruled.

A. Yes.

Q. In what way?

Mr. Chambers: Your Honor, my objection now, the question is would it have any effect on the neighborhood school concept, what neighborhood school concept?

Mr. Waggoner: The one that Dr. Self has testified to.

Mr. Chambers: I haven't heard any testimony about a neighborhood school concept.

[416] Court: I heard Dr. Passey talking about it and another witness talked about it a day or two ago.

Mr. Chambers: I understand but we have different ideas of what neighborhood schools are.

Court: Let's go at it the quickest way. You go ahead and answer the question and I'll overrule the leading element in it.

A. When you asked the question I was thinking about the youngsters from the central city area that would be bussed

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out to surrounding schools. If the youngsters are taken out of their home community in this way, in my thinking it does violate the neighborhood school concept.

Court: How far would you say children in the county travel the first three or four grades to get to school? I know this is like asking how far is it to a star, but can you give me some idea how far the average county child has to go to get to his first, second, third grade school.

A. As I recall in one response to a question in a deposition Mr. Harrison indicated that the average round trip mile for school bus was 30. I don't know whether he has any breakdown between elementary and secondary youngsters from that general figure or not, Your Honor.

Court: Is there any limit on how short a trip you'll haul folks on a bus?

[417] A. The rules and regulations state that we transport children who live beyond a mile and a half radius of that school.

Court: So everybody who rides the bus is supposed to ride at least a mile and a half.

A. Yes, sir.

Q. Dr. Self, could Alternative 1, Phase 1, be accomplished by the Charlotte-Mecklenburg School System on your present budget?

Mr. Chambers: Objection.

Court: Overruled.

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A. No. I believe that Plan 1 would impose additional demands in terms of transportation expenses. It might also cause some financial problems in terms of housing the youngsters.

Mr. Chambers: Your Honor, I hate to keep objecting but the witness still hasn't gotten to anything, I submit, that is relevant or competent here. He said would the plan pose some problem within the present budget. How can he state that? The witness doesn't even know what it's going to cost in terms of transportation and the budget, as I understand it, is submitted for 1968-69. Now, how would a 68-69 budget apply to 69-70 in terms of this plan?

Court: I just hear him saying that he thinks it would cost more money, that's all it means. Do you get any more than that out of his answer, Mr. Waggoner?

Mr. Waggoner: No, sir, we haven't had a chance to cost [418] this out. It is more expensive is what he testified to.

A. If I might explain, Your Honor. I certainly know that I can come up with no concrete figure. I make my deduction on the basis of the fact that I feel that transportation would be required for youngsters who are not now getting transportation. So you're led to believe that this would be an additional expense.

Court: I am aware of all the infirmities which your objection suggests. Go ahead with the next question.

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Q. With reference to Alternative 1, Phase 2, beginning on Page 23, do you have an opinion from an educational standpoint as to whether or not this particular recommendation could be feasibly initiated in the Charlotte-Mecklenburg School System?

Court: Where does that start?

Mr. Waggoner: Page 23, Your Honor.

Court: Hasn't he already answered that question about all of these things?

Mr. Waggoner: If the Court please, it may very well be.

Court: This is the one Dr. Finger proposed, is it?

Mr. Waggoner: Yes, sir, as I understand it.

Court: And as I remember what he said, he said this does violence to his view of the community school system and abandons the center of the city and raises questions of capacity to house the students, raises questions of transportation, doesn't allow for growth [419] and doesn't comply with the elementary educational principles. Are you just asking for a repeat of that?

Mr. Waggoner: No, sir, I'll withdraw the question.

Court: Ask another question.

Q. Dr. Self, with reference to the Alexander Street School, do you know approximately how far the school is located from the school boundary of the most distant point? A. No, I don't.

Court: Has the boundary got some black lines around it up here?

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A. Yes, sir.

Q. Would you come over to the map and take a look, if you would.

Court: I'll make a guess of half to three-quarters of a mile, but I'd like to hear what he says.

Mr. Waggoner: We'll accept the Court's guess.

A. The school is within a block of the attendance line at one point.

Court: Which street is that?

A. 11th Street.

Court: So that district extends north from 11th Street.

A. Yes, sir.

Court: What is the western boundary of it?

A. North Tryon and 16th Street.

Court: What about on the east? Is it Seigle Avenue?

A. McAden Street I believe is that boundary.

[420] Court: That particular district is about five blocks deep and ten blocks wide, isn't it?

A. That's about right, yes, sir.

Q. Dr. Self, do you have an opinion how far a student residing in that school district would have to travel if he

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were assigned to Plaza Road? A. As the crow flies distance again is approximately two miles.

Court: Dr. Self, are the buses supplied by the State or County?

A. The buses are purchased by the local school system initially. The operating costs are paid by State funds. Then that bus is replaced by State funds when it is traded in.

Court: That's the way the transportation in what used to be the county schools is now provided.

A. That's true.

Court: And the local unit buys the equipment.

A. Initially.

Court: And they replace it from time to time by State funds.

A. Yes, sir.

Court: And the gas and oil and maintenance are provided by. . . ?

A. The State.

Court: And the drivers are hired by. . . ?

A. By the State.

[421] Court: So the expense to the local unit of transportation is the initial purchase of the equipment?

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A. That's correct.

Court: What do school buses cost now?

A. Approximately \$4,500.00, depending upon the size.

Cross Examination by Mr. Chambers:

Q. Dr. Self, you're reasonably familiar with the racial housing pattern in the City of Charlotte, aren't you? A. Reasonably so.

Q. In your opinion would that map there with the purple, green and orange reasonably depict where the minorities are residing in the City of Charlotte? A. I believe so.

Q. I believe within that cluster of schools in what we refer to as the inner city you have several elementary schools, do you not? A. Yes.

Q. I count something there of approximately 17 elementary schools. How would you integrate those schools, Dr. Self? A. I don't know.

Q. Some of those schools are relatively new, aren't they? A. Yes.

Q. I call your attention to your exhibit in answers to **[422]** interrogatories, Table #4, which gives you the dates that the schools were constructed and additions made to the schools. I think University Park is in this section, this area right here.

Court: Is that between Beatties Ford Road and I-85?

Mr. Chambers: I-85 is north of it and Beatties Ford on the eastern boundary.

Q. I believe that school was built about 1957. A. That's correct.

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Q. And you made additions in 1958 and 1968. A. 1964, yes, sir.

Q. All of this took place subsequent to the Supreme Court's decision in 1954. A. That's correct.

Q. The school is all black. A. Yes, it is.

Q. I think also in this district is Lincoln Heights.

Court: Locate that for me, if you will.

Mr. Chambers: Lincoln Heights is off Lasalle and Newcastle.

Court: It's also west of Beatties Ford Road and below 85.

Mr. Chambers: East of Beatties Ford Road and below 85, between Beatties Ford and Newland Road.

Q. That school was built in 1956. [423] A. That's correct.

Q. Addition in 1958. A. That's right.

Q. Also subsequent to the Supreme Court decision in 1954. A. That's right.

Q. It's all black. A. Right.

Q. I believe also in this district is Oaklawn, is that correct? A. Yes.

Q. That school was built in 1964. A. Correct.

Q. All black. A. Yes.

Q. Also in this district is Bruns Avenue. A. Yes.

Q. That school was built in 1968. A. That's correct.

Q. All black. A. I'm not absolutely certain about that. There were one or two children at one time.

Q. I call your attention to Table #1, also in the answers to interrogatories. Bruns Avenue shows a population of 740 Negro and 4 white. A. That's right.

Q. Now, I think you were testifying a moment ago that in 1955 or [424] sometime that two of those schools in the

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Bruns Avenue district were all white, is that correct? A. I believe I said either all white or nearly all white.

Q. I believe that Seversville formerly covered students on Summitt Avenue? A. I think that's true.

Q. I believe that when you started constructing Bruns Avenue that that was a racially transitional area. A. Yes.

Q. In fact, before Bruns Avenue was actually constructed Seversville and Westerly Heights had become almost all Negro. A. That's true.

Q. Didn't you know, Dr. Self, that when you opened Bruns Avenue that it was going to be all black? A. We could have deduced that.

Q. I believe also in this district is Fairview Elementary School, is that correct? A. That's true.

Court: Fairview, I saw it on the map a while ago but I've forgotten.

Mr. Chambers: In the Greenville area we were talking about. I think it's on or somewhere near Oliver Street—near on Oliver Street.

Mr. Barkley: In the Model Cities area.

Mr. Chambers: It's one block north of Oliver Street.

[425] That school was built in what year, Dr. Self? A. Fairview?

Q. Fairview. A. Built in 1925.

Q. And you had one addition in 1937. A. That's correct.

Q. I think you now plan to close that school, or that's what is proposed in your five year plan. A. That's true.

Q. I think also in that district is Bethune. A. That's right.

Q. That school was built in 1912. A. That's right.

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- Q. No additions since that date. A. No.
- Q. I think also in your five year plan you plan to phase out that school. A. That's correct.
- Q. I believe also in that district is Zeb Vance. A. That's true.
- Q. That school was built in 19 A. 18.
- Q. 1918, no additions since that date. A. That's right.
- Q. I believe that in your five year plan you plan to phase that [426] out also. A. Yes.
- Q. Does it have a cafeteria? A. No.
- Q. Is it the only school in the system without a cafeteria? A. I believe it is.
- Q. How do you feed the children? A. Transport the food in.
- Q. Where do they eat? A. They eat in the open space. I assume it's part of an auditorium.
- Q. I believe also in that district is First Ward. A. Yes, First Ward is in the district.
- Q. And I take it it was replaced in 1968. A. Yes.
- Q. All black. A. Yes.
- Q. Dr. Self, couldn't you reasonably surmise hereto that when you opened that school it would be all black? A. Yes.
- Q. I believe in 1964 you also built Devonshire. A. Yes.

Court: Devonshire is one I don't have in mind. Where is it? Is it pretty far south?

A. No, sir, it's in the northeastern section.

[427] Court: I see Devonshire. It's out off Hickory Grove Road. Is that on the same lot with Cochran at the end of the Plaza?

A. Yes, sir, on the back side of that lot.

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Q. That's all white, isn't it, Dr. Self? A. Yes, it is.

Q. Didn't you reasonably believe when you opened that school that it would be all white? A. I don't know that you could reasonably believe that that school would be totally white.

Q. Did you reasonably believe it would be predominantly white? A. Yes.

Q. I believe you had a few Negroes assigned there, didn't you? A. I believe at one time there were.

Q. And under the freedom of choice they transferred out. A. I do not know the circumstances.

Q. I call your attention to Table 7 in your second answers to interrogatories. Devonshire shows that for the three years under the freedom of choice you had no Negroes to transfer out of Devonshire. A. That's right.

Q. And Table 1 in your first answers to interrogatories shows that you had 889 white and no Negroes in Devonshire. A. That's correct.

Q. And for 67-68 you didn't have any Negroes in the school. [428] A. That's true.

Q. You apparently didn't have any Negroes in the district. A. Evidently.

Q. I believe you also built Albemarle Road in 1968. A. That's right.

Q. Didn't you reasonably believe, Dr. Self, that when you opened that school it would be predominantly or all white? A. Predominantly white, yes.

Q. I believe its enrollment right now is 499 white and 4 Negroes. A. That's true.

Q. In 1969 you built Beverly Woods. A. That's correct.

Q. Did you reasonably believe when you opened that school it would be predominantly white? A. Yes.

Court: Where is Beverly Woods?

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A. Southern section, near the Huntingtowne Farms section, below Sharon School, off of Sharon Road.

Court: I see it now. It's right at the tip end of the city limits off Sharon Road.

A. Yes, sir.

Q. Your Table 1 figures show that Beverly Woods has 286 white and no Negroes in 1968-69. A. That's correct.

Q. Now, Dr. Self, despite your change in the construction plans [429] for Olympic and Independence you have built several all white schools and several all black schools since 1954, have you not? A. As it has turned out, yes.

Q. And I think that on your drawing board right now are plans to build more schools that are going to be all white and some that will be all black. A. I'm sure that the enrollment in the schools will be affected by the neighborhood served.

Q. You know, Dr. Self, that if you use geographic boundaries and build another school in this area now colored pink that you're going to end up with an all black school, is that correct? A. I think that's the apprehension that the Board of Education was expressing when they held up on the Greenville School.

Q. You know also, Dr. Self, that if you build Second Ward right here in the green it's going to end up all black. A. I do not know that.

Q. How would you change it, Dr. Self? A. By offering a program at that school that would induce enrollment from outside the area.

Q. I believe you testified in deposition that in your opinion it would probably end up all black even with those programs. A. I admit there is an element of risk in the location of the school there.

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【430】 Q. I think, Dr. Self, that you are talking about building a magnet school that would draw people from all over the area because of the special programs you're going to have? A. Yes.

Q. Would you tell the Court, Dr. Self, approximately what it would cost to build such a school? A. An estimate in the neighborhood of three and a half million dollars.

Q. In your opinion you can build a school that would serve as a magnet for the whole county for three and a half million dollars? A. I think that a more relevant fact is not how much you're going to put in the building but how much you're going to put in terms of current expense to continue to operate the school year after year.

Q. I meant to include that in the question. In your opinion what would it cost to build and equip such a school? A. That would be the three and a half million.

Q. To build and equip? A. Yes, sir.

Q. How about to institute an operating program for one year? A. I think that the only way I can give you an opinion on that is to assume that a number of the course offerings would require a more favorable pupil-teacher ratio than we now know. That is, instead of having 1 to 30, you're talking about 1 to 15 【 431】 or 20 in terms of some of the vocational programs. This would mean a higher per pupil expenditure. The present level of expenditure is \$536.00 so a horseback guess would be that the per pupil expenditure would rise to \$700.00, \$750.00.

Q. Overall how much are we talking about? A. It depends upon the number of students you had there then.

Q. Let's estimate that we have the projection that you have projected for that school. A. Let's say that we have 800 pupils there and assume it would cost \$150.00 more per pupil to provide the type of program. If you could

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multiply these—and I doubt my own ability to do it—you'd come out with an approximation.

Q. Would it be approximately a million dollars or two million dollars?

Court: I'm not following this question. Are you asking questions about the annual operating cost?

Mr. Chambers: I'm trying to show, Your Honor, that they don't even have the money to build what they're talking about putting there.

Court: As I have heard his testimony he says that the estimated cost of construction is about three and a half million dollars and for 800 pupils the possible additional cost of tuition and operation would be about \$200.00 per pupil which would be 150 or \$200,000.00 a year extra for that school. Is that a **[432]** correct interpretation of what you said?

A. That is a correct interpretation.

Mr. Chambers: He says \$150.00 over and above the regular rate.

Court: This is what I'm saying. This is what I thought he said.

Mr. Chambers: I thought he was saying that if you got \$650.00 average per teacher, you now need \$800.00 per teacher.

A. That's true. If you would offer at this school the type of program that would attract youngsters there, you would have to do something above what we're presently doing.

Q. Dr. Self, just taking the construction cost itself, I think you estimated three and a half million dollars. A. That's correct.

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Q. How much money have you allocated for that school?

A. If my memory serves me right, it's about 2.2 million.

Q. When do you plan to allocate the other? A. The rest of it would have to come in a subsequent bond issue.

Q. Right now you don't even have the money to build the school you're talking about. A. Not the total school. However, we are accustomed to building our schools a piece at a time. Practically every school we build goes through this period.

Q. Dr. Self, when you built schools since 1954, what efforts did [433] you make, other than what you have testified to yesterday, to locate the schools in an area that would effect the greatest maximum integration of students in the system? A. The schools were located in such a way as to house the youngsters, Mr. Chambers, not to effect a maximum amount of integration.

Q. You did not attempt to do it. A. We made an attempt to house the youngsters in the neighborhood.

Court: Have you had any expression of opinion which you can recognize as representative from the people in these communities that you have been talking about, that is, Greenville and Second Ward, as to what they think about building schools in those places, the people who live there?

A. Your Honor, I think the presentation which the Board of Education received from a delegation in the Greenville community, petitioning the Board to locate the school there, could be regarded as such an example.

Q. Several Negroes in the area have approached the Board and asked them to build schools in the Greenville and Second Ward areas. A. I believe it's more than several,

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Mr. Chambers. It seems to be a pretty well organized effort. I do believe there is difference of opinion within the community whether the school should be located there or not.

【434】 Q. Is that any different, though, Dr. Self, from some of the white groups who have appeared before the Board and asked for schools in their community? I call your attention to Old Providence. A. I didn't get the first part of your question.

Q. Is that any different from some of the white groups that have appeared before the Board and asked for schools to be located in their communities? A. Oh, no.

Q. Now, Dr. Self, I think you indicated yesterday that the Board had instructed you to employ and assign teachers without consideration of race. A. That's correct.

Q. First of all, in 1965 when you closed the seven schools you indicated yesterday, how many of the black principals were assigned to schools as principals? A. None of the seven.

Q. I think they were all assigned as Assistant Principals with the same salary. A. That is correct.

Q. And I think that at Villa Heights right now you have continued with the Negro assistant principal at the same salary. A. That's true.

Q. This isn't in line with your regular pay scale, is it? A. No, it isn't.

【435】 Q. I think that the only assignment of a person of the opposite race to a school where the race is in the minority are two cases that were effected this year, one at Albemarle Road and one at another elementary school.

Court: Will you be going on for a little while longer with Dr. Self?

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Mr. Chambers: Yes, sir.

Court: Maybe we better take a recess until 11:15.

SHORT RECESS

Q. Dr. Self, do you have today any white principal assigned to a predominantly or all Negro school? A. No. I beg your pardon, hold on just a second. I believe Barringer would fall in that category .

Q. Would Tryon Hills be another example? A. Yes, it would.

Q. Would Hawthorne be another example? A. Yes.

Q. Would Piedmont be another example? A. No.

Q. Those three schools we just named, I believe, are all in transitional areas, Negroes moving in and whites are moving out. A. They are transitional.

Q. I believe that when these white principals were assigned there the schools were predominantly or all white. **[436]** A. Yes.

Q. I believe that Piedmont was another example of a transitional area that started off with a white principal and a white student body that became all Negro in student body and you assigned a Negro principal. A. The school has a Negro principal but it's not all Negro.

Q. It's predominantly Negro. A. It's predominantly Negro.

Q. He was assigned there after the student body became predominantly Negro, was he? A. He was assigned there during the transitional period.

Q. Have you really changed your policy, Dr. Self, of assigning white principals to white schools and Negro principals to Negro schools? A. I don't believe that we had a policy of assigning principals according to race related to the composition of the school, Mr. Chambers.

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Q. I believe, Dr. Self, that before 1954 you had such a policy, didn't you? A. I would call it custom rather than policy. Policy, to my way of thinking, is the word that we have in a policy notebook, which is direction by the Board of Education.

Q. I believe it was constitutionally required then? A. I'm sorry, I don't understand that.

Q. Well, we'll use your word custom. Have you really changed **[437]** your custom of assigning Negro principals to Negro schools or white principals to white schools? A. I believe we have altered the pattern, yes, sir.

Q. Your statistics don't quite show that, do they? A. If you're talking about overwhelming numbers in terms of statistics, they may not, but there is still a white principal at Hawthorne Junior High School. It's been transitional for a number of years.

Q. I believe this year it just became predominantly Negro, didn't it? A. I believe this year was the turning point in terms of percentage ratio.

Q. That's about the same as the other three schools that we talked about, isn't it? A. We do have a white principal at Cornelius and the ratio is about 50-50 there.

Q. Now, you hired several new teachers in 1966-67, 67-68 and 68-69, did you not? A. I'm sure we did.

Q. I call your attention to Table #10 contained in your first answers to interrogatories, which is Plaintiff's Exhibit #1. Do you have that? A. Yes, I do.

Q. Would you look at Page 5 of that table 10? A. Yes.

[438] Q. I believe for the 1966-67 school year you hired 34 Negro teachers and 279 white teachers new to the system in the elementary schools? A. That's correct.

Q. And I believe you hired 64 Negro teachers and 304

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white teachers new to the system in 1967-68. A. That's right.

Q. And 39 Negro and 291 white teachers for 1968-69. A. That's true.

Q. What accounts for the disparity of the number of Negro and white teachers hired? A. I think that one of the conditions behind the circumstance is the fact that this is new teacher only, that there have been increased opportunities for employment by young Negro graduates during this period of years. I know specifically that northern school systems have recruited our campuses very heavily. This means, of course, that ultimately the number of teachers that are available for employment are reduced. I think that opportunities other than teaching are beginning to open up for young Negro graduates as well, so that he might have some choice in terms of his employment. We are beginning to see for the first time that we are beginning to lose good candidates in terms of employment to fields other than the teaching field and to other school systems.

Q. Are you saying that you don't have any Negro applications? **[439]** A. I am saying that the number of Negro applications is decreasing.

Q. I believe, Dr. Self, that you indicated your policy for employing teachers that you had an interview with the teacher after you received the application? A. Well, we will interview if we possibly can even prior to receiving the application. The purpose of the interview here is more to disseminate information about the school system in an effort to interest the prospective applicant in coming to Charlotte-Mecklenburg.

Q. Does the principal of the school play a part in the selection of the applicant? A. Yes, they do.

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Q. And would the principal of the school know whether the applicant was white or Negro? A. In terms of the interview or the application blank?

Q. At any stage in the process? A. He would not deduce this from the application blank unless he looked at the experience of the person or the training college attended and made such a deduction.

Q. He could do that relatively easily from the college that the applicant had attended, could he not? A. He could, yes, sir.

Q. I believe you have a policy of requiring teachers to have a score of 500 on the National Teachers Exam. [440] A. That's a State policy I believe, yes, sir.

Q. Is it the State policy or the local Board policy? Isn't the State policy 450? A. Yes, that's right.

Q. Is the City Board policy 500? A. I believe that's true.

Q. When did you institute that policy? A. I don't know.

Q. Dr. Self, does every teacher in this system have a 500 score in the National Teachers Exam? A. I would assume so. I do not know for sure.

Q. Does every teacher in this school system have a Class A certificate or above? A. I am fairly certain that we would have a handful, probably less than five, without a Class A certificate.

Q. Would they be Negro or white, Dr. Self? A. I don't know.

Q. How does the Board justify its policy of 500 or above on the National Teachers Exam with some teachers with less than a Class A certificate? A. I don't know.

Court: Does this relate to anything pertinent to the case?

Colloquy

Mr. Chambers: We think so, Your Honor, we think it relates to the matter of discrimination in the employment [441] and assignment of teachers.

The Court: The requirement that the teacher have a certain proficiency?

Mr. Chambers: Our contention is that, although we haven't given you all the evidence you probably want in order to find a fact of employment less Negro teachers than white, we were bringing that out only to show the next thing we're getting to and that's how the teachers are assigned after they are employed.

Court: Have you got some figures on the number of black and white teachers in the school system?

Mr. Chambers: Yes. That's included in Tables 9 and 10 and in Table 1.

Court: It's not in 10.

Mr. Chambers: Also in the defendant's exhibit that was introduced yesterday. I think it's Defendant's Exhibit #2. Table 1 also has the number of teachers in the system. I think it's by school rather than total.

Court: Is there a total on hand?

Mr. Chambers: Defendant's Exhibit 2.

Mr. Waggoner: Page 2.

Court: Let me see what that is so I'll know where we're starting here.

Mr. Chambers: 907 Negroes, 2706 white.

Court: 25% of the teachers are Negro and the other is [442] white. What does this prove?

Mr. Chambers: I'm talking about the way the teachers are assigned after they get in the system and that's why I was going to Table #9.

Colloquy

Court: Is that the one you had out a while ago or is that another one?

Mr. Chambers: We had out Table 10. Table 9 is what we have now.

Court: Mr. Chambers, as you probably know, I haven't read all the law on this subject. Has the Fourth Circuit Court or the Supreme Court said anything definitive on the subject you are pursuing now?

Mr. Chambers: The Fourth Circuit said something and the Supreme Court rather definitively in *Bradley vs. the City of Richmond* which was the first Supreme Court decision with respect to teachers. It said that teacher desegregation was one of the requirements of the Supreme Court decision in *Brown*.

Court: The *Charles City* case, is that the latest one the Fourth Circuit actually wrote an opinion in?

Mr. Chambers: The latest Fourth Circuit opinion was *Brewer*.

Court: That's not an opinion.

Mr. Chambers: It says something on teachers and that's the thing we were getting into here. *Brewer* says [443] and *Bowman* also says something on teachers.

Court: *Brewer* and *Bowman* are both one or two paragraph per curiam opinions, aren't they?

Mr. Chambers: No. *Bowman* sets out the requirement that the School Board present to the Court a time table for desegregation of teachers.

Court: In the context where you had all black teachers in black schools and all white teachers in white schools.

Colloquy

Mr. Chambers: I'm not certain whether there had been some integration or not.

Court: I'm asking this question as purely practical matter. If you've got between 25 and 30% of the student body Negro and between 24 and 25% of the teachers Negro and some assignment of both races to both types of schools, I just wonder as a practical matter if the teacher problem isn't something that we could just spin our wheels over from now on without getting to anything worth having spent the time on.

Mr. Chambers: I think it's relatively clear now that the school system has to take some steps to completely desegregate teachers in the school system.

Court: You think the Charles City case did not reflect the law in what Judge Haynsworth said?

Mr. Chambers: I think it did. I think the Charles [444] City case requires that this School Board present a plan for complete desegregation of teachers. I think that Bowman required it. I think that Brewer required it.

Court: You've got a different factual situation here than you had in those cases.

Mr. Chambers: I submit not, Your Honor.

Court: Where there had been no pretense at breaking down the line.

Mr. Chambers: What about Brewer. Brewer is Norfolk City and Norfolk City had taken steps to desegregate teachers. The court said that it simply had not done enough.

Court: I don't know the cases well enough to stand you down on it but I'm puzzled about the state of the law and I'm also puzzled about the practicalities of

Colloquy

it in Charlotte for us to worry about this subject when we've got more fundamental things to worry about.

Mr. Chambers: Your Honor, I think this is very fundamental and really we hadn't pursued it that much because we felt the statistics here were clear enough to show something had to be done. The Table 1 sets out the amount of integration of teachers in the system and, although I am sure Mr. Barkley would probably disagree, I submit that they haven't done what the court [445] required. I submit further that contrary to their table, their Exhibit #2, that rather than have the increase in teacher desegregation here, they have had decrease in teacher desegregation and the courts have clearly pointed out and this was required in 1965. The HEW requirements said in 1966 specifically that you should have two teachers of the opposite race in each school.

Court: You're not citing HEW requirements, whoever they help, as being the law in the case, are you?

Mr. Chambers: This has been one of the standards that the courts have required and there have been several cases where the courts in 1966-67 were requiring at least two teachers of the opposite race to each school. Now the courts are requiring complete desegregation of teachers for 1969-70 and that certainly means more than one or two teachers of the opposite race to each school.

Court: What's a case where I could look and read some law on that point?

Mr. Chambers: Again, Bowman is one case. United States vs. Jefferson is another case and I think that Bradley vs. City of Richmond is another

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case. I think that two cases out of Arkansas are other cases. I was just trying to think of the names of them offhand. Kemp vs. Beasley and Kelley vs. Altheimer.

【446】 Court: The Fourth Circuit cases were Charles City and Brewer and Bowman.

Mr. Chambers: The Fourth Circuit cases are Brewer vs. Norfolk City, Bowman versus New Kent County. These are the more recent cases.

Court: Where in this file is the motion or pleading in which you cited several of these cases? I've forgotten. Was this in the motion filed last fall?

Mr. Chambers: We filed a motion but I don't know what paragraph it is.

Mr. Waggoner: If the Court please, the motion for further relief, in Paragraph 2 are a list of the cases.

Court: I found them. Go ahead.

Q. Dr. Self, would you look at Table 9 containing Plaintiff's Exhibit 1? A. Yes.

Q. I note that in 1965-66, for example, you hired 12 new teachers all Negro and assigned them to the Alexander Street Elementary School. A. Mr. Chambers, I believe this table reflects all of the staff people assigned to Alexander Street Elementary School and other schools. They would not necessarily be newly employed.

Q. Well, all staff assigned for 1965-66 would be 12 Negroes? A. That's correct.

Q. And 13 for 66-67? **【447】** A. That's correct.

Q. And looking at Table 10 for Alexander Street I think for 67-68 you hired two new teachers, all Negro. A. That's true.

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Q. This pattern seems to follow throughout for 67-68 and 68-69. A. Yes.

Q. Would you explain to the Court, Dr. Self, why the substantial majority of the new Negro teachers hired would be assigned to Negro or predominantly Negro schools? A. I'll say that it's probably because of the role of the principal in the employment of staff.

Q. Would that same thing be true for the white teachers hired for 67-68 and 68-69? A. It's probably true.

Q. And your present teacher compositions in the school are set out in Table 1 in answers to interrogatories. A. That's correct.

Q. And I think also, Dr. Self, you have testified at one time that you have had and allowed for 1967-68 and 68-69 freedom of choice among teachers. A. I don't believe it could quite be called freedom of choice. There are three parties to a transfer of a teacher in the school system, the sending principal, the receiving principal and the teacher herself and there must be concurrence along the way on the part of all three for a transfer to be effected.

[448] Q. Do you give some consideration to the choice expressed by the teachers? A. Yes.

Q. In most instances the white teachers have preferred white schools and the Negro teachers Negro schools. A. Yes.

Q. I think also, Dr. Self, that after '65 and the court order where you were required to assign some Negro teachers across racial lines and white teachers across racial lines that some teachers so assigned have gone back to schools of their race. A. I did not know of the circumstances but I would suspect that's true.

Q. Finally with respect to teachers, how much integration of coaching staff do you have in the City? A. Very

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little of that at the present time. I think there was some integration at Quail Hollow but I don't believe that that's true this year.

Q. You don't have a Negro on the coaching staff of Myers Park, do you? A. I don't believe so.

Q. You don't have a white coach on the coaching staff at West Charlotte, do you? A. No.

Q. I believe this is about true of the other high schools in the system, isn't it? **【449】** A. Yes.

Q. It's also true of your junior high schools, too, isn't it? A. Yes.

Q. Why, Dr. Self, would you not have any integration of coaching staff? A. I would say because of the role again of the principal and the athletic director that they play in the selection of coaches and because of the fact that there is very little change in these positions from one year to the next.

Q. Dr. Self, if you have assigned teachers in the past on the basis of race and if this has been reflected in your statistics, what have you done to disestablish the old effect of past racial discrimination? A. We have attempted to influence the principal's judgment in selection of his staff. When the schools that were referred to in previous testimony were closed we insisted these teachers be reassigned to existing vacancies before a newly employed teacher could be assigned.

Q. Is that the extent of it? A. Our work with the principals has been to use what I would term serious persuasion.

Q. The success of your work thus far is reflected now in Table 1 in answers to interrogatories? A. That's correct.

Q. Do you have, Dr. Self, any plans now for complete desegregation **【450】** of teachers in the school system? A.

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We plan to continue to attempt to desegregate staff in the way we have in the past.

Q. Do you have any time schedule for when you will complete it? A. No, sir.

Court: What do you call complete desegregation, Mr. Chambers?

Mr. Chambers: Now pending before the United States Supreme Court is a case that challenges the requirement that the percentage of teachers at each school reflect the percentage of the race of the teachers in the system as a whole. Since the record here indicates that there are 25% Negro teachers in the system, we contend that the complete desegregation of teachers in the system would require 25% of the Negro teachers in each school in the system. There are several decisions now so holding and have said that there should be no greater variation than 10% either way.

Court: What is the closest to this that the Supreme Court has ever come?

Mr. Chambers: The Supreme Court itself has not, as I understand it, yet defined exactly what complete desegregation would mean in terms of teachers. That decision won't even be argued until the fall term, but there are decisions in the Fourth Circuit, decisions **[451]** in the Fifth Circuit and there are decisions in the Sixth Circuit that set out what they hold to be complete desegregation and that is that the percentage of Negro teachers in each school reflect the percentage of teachers in the whole system. It has been held in this circuit.

Mr. Barkley: What case?

Colloquy

Mr. Chambers: Brewer vs. Norfolk School System. Check the citation in the case of Kier.

Court: I didn't read anything like that in Brewer.

Mr. Chambers: Brewer cites the case of Kier. Kier holds specifically that that is the standard that is required. That's in the Fourth Circuit out of Virginia. It is a District Court case. The Fourth Circuit cited it with approval.

Court: Well, you've answered my question as to what you mean when you're talking about complete desegregation. For convenience of description you just take the mathematical approach towards the racial composition of the community.

Mr. Chambers: Your Honor, I think there has to be some beginning point.

Court: I'm not fussing about the approach you're taking, I'm trying to get in my head what you're saying. Now I understand what you mean when you use the words. [452] This makes it a purely accidental figure which is dependent on where the school lines happen to lie at the particular time.

Mr. Chambers: Not with respect to teachers, Your Honor. Teachers are assigned by the Superintendent and they can be assigned by contract to any school in the system.

Court: It means, for example, that if the county north of Interstate 85 were one district and if First Ward were another, each of those would have a totally different kind of constitutional obligation.

Mr. Chambers: No, Your Honor, we are talking about the school system as a whole and not a district within a school system.

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Court: You say the Constitution requires that we apply a mathematical rule to the ratio of the people who live in the particular political subdivision that constitutes the school system.

Mr. Chambers: I'm saying this, Your Honor, the school system could have 50% Negro teachers in the system. If it did, each school in the system should have 50% Negro teachers. It could have 10% Negro teachers in the system. If so, each school should have 10% Negro teachers. The approach of the courts has been that once they reach this situation, it then proceeds to [453] employ and assign teachers without any consideration of race and then in one year, two years you might have a situation where a system has 10 or 15%.

Court: Go ahead.

Q. Dr. Self, yesterday you indicated that you had approximately 5800 professional and non-professional staff in the system. A. That's correct.

Q. I assume this non-professional staff would also include janitors. A. Yes.

Q. Excluding janitors in the system, approximately how many of your total professional and non-professional staff would be Negroes? A. I think the 25% figure you find in the professional staff would probably be true in the non-professional.

Q. That's your best approximation? A. It's an approximation only.

Q. Now, I think you indicated that you have approximately 25 new students per year in the system. A. 2500, yes.

Q. Which means that you are building approximately

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how many schools a year, Dr. Self? A. Well, I think at one time we reduced that to a classroom figure of about 80 or 90 and that, I think, represents the amount of building that you'd need to house the additional [454] enrollment. But at the same time you need to try to catch up in terms of the older buildings, replace some of the outmoded facilities, that sort of thing, so that the amount of building will exceed the number of classrooms that you need to house your new pupils. Last year, for example, we opened 256 classrooms.

Q. Do you average approximately 250 classrooms a year? A. No, sir, that was an unusual year.

Q. What would your average be, approximately 200? A. No. I'd say a probable average would be maybe 130 for the past three or four years.

Q. 130 new classrooms a year? A. I believe so.

Q. Now, how many, classrooms do you average per school, Dr. Self? . . . or try to average for elementary schools. A. Elementary schools I think would be around 24.

Q. For high schools it would be what? A. We go by housing capacity here. Usually you think in terms of an optimum size of 750 for junior high schools and somewhere around 1250 and up for senior high schools.

Q. What is your preferable land acreage for junior and senior high schools? A. We have a rule of thumb figure of 15 acres for elementary, about 25 for junior high and around 40 for senior high.

Q. How many do you project for Second Ward? [455] A. I believe that with the acquisition of surrounding land from urban redevelopment we will have somewhere around 10 to 12 acres.

Q. Now, Dr. Self, you introduced several exhibits yes-

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terday. #2 was a summation of integration. Do you have that exhibit before you? A. Yes, I do.

Q. Now, you give a figure in your total down here that pupils in 1965 you had approximately 24% attending integrated schools. A. That's correct.

Q. And in 1968 you have approximately 77%? A. That's correct.

Q. How do you figure this, Dr. Self? A. I believe I stated in my testimony, Mr. Chambers, that where there was any incident of integration we counted the school. For example, at Bethune in 1965 there were 9 white pupils and 343 Negro pupils, producing a total of 352 pupils who were encountering integration in one form or another. That 352 was contained in the ultimate total of 17,274 and counted in the percentage of 24%.

Q. So that if your school has just one student of the opposite race you count that as an integrated school. A. That's right.

Q. And I think you were doing the same thing with respect to teachers. [456] A. That's right.

Q. So in the situation where you have one Negro teacher and 32 white teachers you count this as an integrated school. A. As an integrated staff, yes.

Q. And you say that 33 teachers are in an integrated situation. A. Yes.

Q. Dr. Self, you said the other day that you stopped counting percentages of teachers like 32.2 or 32.3 pursuant to the regulations of HEW for 1968-69. A. That's right.

Q. Did HEW have a regulation relative to how you count an integrated school situation? A. I don't believe that they did initially but I believe that the forms now require, you are now instructed not to count the floating teacher or the teacher who serves more than one school.

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Q. What about students? A. There are no regulations in regard to the students as I know of.

Q. Dr. Self, isn't it true that HEW itself says that if you have just one Negro student in a school with three hundred and some white students that you do not have an integrated school?

Mr. Waggoner: If the Court please, we object to that, what HEW has to say about this. These are matters that will speak from the record if they are competent in any **[457]** way.

Mr. Chambers: He certainly testified what HEW required about teachers.

Court: Objection overruled.

A. I do not know the answer to your question.

Q. You are now required, are you not, Dr. Self, to submit a report to HEW on the racial composition of students in the school system? A. Yes.

Q. Did you file such a report? A. Yes.

Q. In your computation are you required to indicate those schools that are integrated and those that are not? A. We are required to list the number of pupils in the student body according to race but I do not know that you are required by the form to indicate whether the school is thereby integrated.

Q. Now, Pages 3 and following on your Exhibit 1 would indicate the racial breakdown by schools. A. Yes.

Q. Dr. Self, would you call Second Ward integrated with 1139 Negro and 3 white students? A. I wasn't attempting to define, Mr. Chambers, whether the school was integrated. I would say, though, that those pupils were experiencing some degree of integration.

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[458] Q. Would Second Ward be racially identifiable?

A. I'm sure that it would be.

Q. Now, looking at your Exhibit #3, this shows all the money paid to each school for salaries. A. That's correct.

Q. And you get your average by dividing the total number of employees into the amount paid. A. That's right.

Q. Would you say that the average student at Bethune was receiving \$671.05 per pupil? A. Yes, in terms of payroll.

Q. What about in terms of the actual amount paid per pupil?

Court: What exhibit are you looking at now?

Mr. Chambers: Defendant's Exhibit #3.

Q. Dr. Self, what I'm getting at, you have to show more than the total salary paid to the school, don't you? A. In terms of coming up with a per pupil expenditure, yes.

Q. This doesn't reflect very much, does it? A. It reflects only the salary.

Q. Now, going back to Exhibit #3, I believe this also includes the Federal moneys that are appropriated to each school to be included in salaries. A. You would find some Federal moneys in this, I'm sure. For example, Bruns Avenue has a teacher employed to implement the IPI, Individually Prescribed Instruction Program, so that her **[459]** salary would be reflected there.

Court: These averages are per month payments to teachers?

A. Yes, Your Honor.

Court: Is that twelve months or eight?

A. Nine and a quarter months for teachers.

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Q. Looking at your Table 3, this shows the total or average number of books per pupil at each school in the system A. Yes.

Q. It doesn't show how many of these books were purchased by Federal funds. A. It does not. It would show the number of books purchased with all funds.

Q. This document also doesn't show very much either, does it, Dr. Self? A. It shows the number of books per child in each of the libraries in the school system.

Q. This estimate was made by the Director of Library Services? A. That's correct.

Q. Does it include magazines? A. No, it does not.

Q. Does it include supplementary reading material? A. No, sir.

Q. It doesn't indicate the kind of books that are there. A. No.

[460] It doesn't indicate whether all the books are encyclopedias or some other texts. A. Encyclopedias I don't believe would be counted in this.

Q. It doesn't include textbooks. A. No.

Q. Now, going to your Exhibit 5, which shows the per pupil value of facilities. A. Yes.

Q. This doesn't show very much either, does it? A. It shows just what it claims to, Mr. Chambers, the facilities value per pupil.

Q. Based on the estimate given by the principal of each school. A. And I don't think there is a great deal of fault in that figure. We did admit yesterday, however, that the number of pupils in the school might influence the assessed valuation per pupil since that was used in the computation.

Q. Would you think, Dr. Self, would you state for the

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record that the average per pupil value of the facilities at Fairview is \$61,000.00? A. Yes, at the present circumstance, but it's because of the diminishing enrollment at Fairview Elementary School.

Q. While the average per pupil value at Myers Park is \$650.00? A. That's correct.

Q. Now, are you saying that the pupil at Billingsville has a much better facility than the pupil at Myers Park Elementary? **[461]** A. The table simply shows the per pupil value.

Q. Would you say, Dr. Self, that the pupil at Fairview has that much better school than the pupil at Myers Park Elementary? A. I don't make that claim.

Q. Dr. Self, do you charge fees in the school system? A. Yes.

Q. What are they for? A. For instructional supplies at the elementary level; for the rental of textbooks at the secondary level.

Q. How much are the fees for elementary students? A. I believe it's \$1.50 . . . \$1.00, Mr. Philips corrected me on that.

Q. \$1.00 for the elementary students? A. That's correct.

Q. How much for the high school students? A. These will vary. I'm sorry, I can't recall that figure.

Q. Are they \$5.00, \$20.00? A. It's \$7.50, if I'm not mistaken.

Q. Does anyone know the facts? A. Dr. Hanes would know, I believe.

Q. Dr. Self, what is the percentage of the collection of these fees of the schools in the inner city? A. I would estimate 50%.

Q. What is the percentage of the collection of these fees of the schools in the outer city? **[462]** A. Near 100%.

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Q. So your white or predominantly white schools would collect nearly 100% of the fees and your Negro schools or predominantly Negro schools would collect 50%? A. That's correct.

Q. Does that reduce, Dr. Self, the instructional supplies for the Negro schools? A. It does.

Q. Does it reduce it rather substantially, Dr. Self? A. It would in terms of those schools that have that 50% collection factor.

Q. Have you seen this document over here, Dr. Self, that gives the income percentage by census tract for 1960? A. Not close. From a distance, yes.

Q. If the white would represent income from 2,000 to 399 or zero to 399 would your opinion be that the residents would be concentrated in this area? A. Yes.

Q. And this area here, 37, would be Marie G. Davis? A. Yes.

Q. And this area here, 23, would be Billingsville. A. Yes.

Q. So the schools in these areas would collect about one-half of the fee? A. As an estimate, yes.

[463] Q. Does the School Board supplement the programs, Dr. Self, in order that they may get the instructional supplies? A. No, they do not.

Court: What are we talking about in instructional supplies?

A. We're talking about art materials, paints. We're talking about papers of all sorts. We're talking about work books, if these are used, the expendable supplies.

Court: Are these items which the State supplies to the School System or which it does not supply?

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A. They do not supply them.

Q. I believe you would consider these instructional supplies necessary or helpful in an educational program, wouldn't you? A. Yes.

Q. Dr. Self, we have received some test results in answer to interrogatories showing that students in grades 3 in some schools are reading at a level or achieving at a level of a student in grade 1 or grade 2. That situation exists in the system, does it? A. Yes, it does.

Q. I believe, Dr. Self, that the State of North Carolina supplies the basic curriculum textbook. A. That's true.

Q. What happens when a student in grade 3, or take other examples, a student in grade 6 is reading at a level of grade 3 and gets [464] a 6th grade textbook, can he read it? A. He cannot. You try to put in his hands a book that he can read.

Q. Now, how does he get it? A. From the supplementary reader collection. Hopefully in the future, with our move from a single adoption at the State level to a multiple adoption, through one of the basic reading programs which does take into account this variance in grade level, the program is to be implemented next year.

Q. Who supplies the supplementary material? A. The school purchases its supplementary material.

Q. The individual school? A. Yes.

Q. The individual school would have to take some of the money which it could do something else with and buy supplementary material for the students in these schools? A. That's true.

Q. And thereby reduces its average per pupil expenditure even more, does it not? A. It reduces it, the amount of money available, yes.

Q. So not only would the schools in the more affluent

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areas collect their fees 100%, they would also have students reading at a higher level and could use the textbooks actually furnished free by the State, could they not? A. Would you mind repeating that?

[465]Q. The schools in the more affluent areas would collect the school fees? A. Yes.

Q. They would also have, according to your test results, students reading at the grade level and would therefore be able to read the textbooks furnished free by the State. A. Yes.

Q. Your schools in the inner city collect only 50% of the school fees. A. Yes.

Q. And their students read lower than the grade in which they are enrolled. A. Yes.

Q. And they cannot use the free textbooks furnished by the State. A. To a lesser degree, yes.

Q. And they have to use what funds they do have to purchase supplementary material. A. That's right. The only thing that your analogy overlooks is that the privileged school may have a problem of supplying books for the children above the grade level.

Q. So your student in the inner city gets on an average, do they not, Dr. Self, less per pupil expenditure than the student in the more affluent areas. A. There would be less money behind the pupil for the provision of these supplies, yes.

[466] Court: When you put it altogether is there less State money expended for the children in the inner city area?

A. No, sir.

Court: Is there less local money expended for them?

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A. No, sir.

Court: Is there more money expended for them?

A. Under certain circumstances, yes.

Court: The difference is the amount of the fees that aren't collected.

A. That's one of the differences, yes.

Court: Are there other differences?

A. This matter explored in other testimony about the participation of PTA's in terms of financial support.

Q. Would there also be the difference, Dr. Self, of the inability of these students to use the free textbooks and having to use the money to buy supplementary material?

A. That is a problem but it is not a problem that is confined to the center city schools.

Court: I may not have been listening too well, but if the textbooks are free, they can't use them because they are too advanced for them, is this the point?

A. This would be the point, yes. The textbook is meant to accommodate a child at a particular level. You seldom will find a classroom where there are not variations from that particular level. These youngsters must be accommodated [467] through provision of other material.

Q. Dr. Self, in your opinion should the school system attempt to supplement the moneys available for the schools in the inner city or lower economic areas to compensate the schools for the loss of funds to be collected from the fees and the inability to use the free State textbooks? A. I would answer that yes and I think the school system has

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attempted to do something about it. It falls under the heading of elimination of school fees. We have had this item inserted in our budget in the past and have had it taken out of the budget.

Q. Do you presently require school fees? A. Yes, we do.

Q. And you don't know when, if ever, you'll be able to eliminate them. A. I don't know when but I would hope to be a little more optimistic than the last part of your statement.

Q. Now, I believe that a substantial portion of the money appropriated to the schools is also based on a per pupil basis. A. Yes.

Q. In other words, you appropriate \$500.00 per pupil in each school, as an example. A. As an example, yes.

Q. Dr. Self, what is the average daily attendance of the students in the inner city schools? [468] A. I don't know.

Q. Is it lower, Dr. Self, than the average daily attendance of the students in the outer city? A. I'm sure that it would be.

Q. Isn't it more substantially lower than the students in the more affluent areas?

Court: Are there some figures on this subject?

Mr. Chambers: They are in the principals' final reports contained in our Exhibit 1 and in the principal's preliminary reports.

Court: Show me what you're talking about.

Mr. Chambers: This is Exhibit 8.

Court: You pick out an example of what you're talking about so I'll know what it is.

Mr. Chambers: All right. Look at Alexander Junior High School. The total enrollment is 1115,

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total withdrawal 79, total membership 1036. This shows, as I understand it, the basic average daily attendance.

Q. Is that correct, Dr. Self? A. Yes.

Court: What, the total membership?

A. No, the membership is different from the attendance. The membership, in layman's terms, is a figure which reflects the true enrollment of the school. When you are talking about total enrollment, that figure is confused by immigration and [469] outmigration.

Q. What is the average daily attendance here? A. Which sheet were you on, please?

Q. Alexander Junior High School. A. I can't detect from this which is the figure. I can offer this statement which might clarify it. If you're talking about per capita distribution, do you base the per capita on the attendance figure or the membership figure. The answer is membership and October 1 of the year is the day on which the membership is taken for each school. This allows the schools time to get all of their pupils in and it is the official day for logging that membership figure.

Q. That's the membership. A. That's correct.

Q. That's shown in the principals' preliminary reports. A. It would be, yes.

Court: Mr. Chambers, that sheet, if I read it right, shows an almost incredibly high attendance.

Mr. Chambers: That's Alexander Junior High School.

Court: This is the one you were calling my attention to. This shows that out of 1030 membership

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the average—well, I won't try to interpolate it now, but it looks like pretty high attendance.

Mr. Chambers: I know, but look at Elizabeth.

Court: Do you continue to make the point that average [470] daily attendance is used in a discriminatory fashion?

Mr. Chambers: I'm saying it's used in a way that deprives the Negro student, the student in the lower income areas of equal distribution of funds.

Court: I thought I heard Dr. Self's answer to be that the figures on the distribution per capita of funds are based upon the membership in the school rather than upon the average daily attendance. If that's an admitted fact, I'll forget about this and go to something else. Is that something that you take as a fact?

Q. Are you saying that the schools on the 10th day of October would indicate the membership and that was the basis you use for the per capita distribution? A. That is. Let's take, for example, library allocations. The library allocation which comes from the State will come to this school system in terms of last year's figures. It will not be enough, you see, to give the required amount on a per capita basis. We will take local funds and add to that amount of money that comes from the State and then on October 1st we check our membership and we will allocate, on a per pupil basis, to every school, on the basis of membership figure, not attendance. The money allocated at the beginning of the year is spent and presumably the supplies, whatever it is that is bought, is available to the youngsters for the entire school year.

[471] Q. That's for your capital outlay. Are all your

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expenditures based on per pupil determined that way?

A. Anything that's on a per capita basis.

Q. What about State aid, Dr. Self, is it based on the same? A. It is based on average daily membership as well. It always lags behind because the figure that is available to the State authority is last year's figure. In the meanwhile we grow by our 2500 pupils and we must take care of the 2500 pupils through the use of local funds.

Q. State aid, really, is based on average daily attendance, isn't it? Your teachers are allotted on that basis, aren't they? A. The teacher allotment formula is extremely complicated. I can't explain it.

Q. Dr. Self, you talked about some of the weaknesses in the plans that were presented by Drs. Larsen and Finger and Passey. I think you also indicated that you didn't know how you would integrate the Charlotte-Mecklenburg School System. A. That's true.

Q. Would you anticipate any plan that desegregated this system to be easy? A. No, I would not.

Q. Would you anticipate that it would have some difficulty for the School Board? A. I would.

[472] Q. Would you anticipate that it would require some busing of students, Dr. Self? A. In all probability.

Q. Dr. Self, you talk about the mileage from one school to another. How far does the student in Northwood Estates have to travel to go to senior high school? A. Northwood Estates to senior high school?

Q. Going to North Mecklenburg. A. A good five miles, more probably.

Q. Could it be 13 miles, Dr. Self? A. I'm sorry, I don't know, but it certainly would be a good distance.

Court: Where is Northwood?

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A. Just across I-85.

Court: Out Highway 16?

Mr. Chambers: No, Beatties Ford Road.

Q. Where is your high school, on up here a bit, isn't it?

A. On the other side of the map.

Mr. Chambers: Do they go to North High School?

Mr. Chambers: North Mecklenburg.

Q. Dr. Self, how far do the students living in this district have to travel to get to Independence High School? A. Again, that's a considerable distance. It's, I'd say, 7 miles.

Q. How far do the students living in the southern part of the county have to travel to South? **[473]** A. A long distance.

Q. In fact, Dr. Self, wouldn't your average mileage in your districts for high schools be between 7 and 10 miles? A. Well, in that area, yes.

Q. Now, coming into the city, what is the average mileage for the student in the Garringer district? A. I don't know.

Q. Would it be about 5 miles, Dr. Self? A. The preponderance of Garringer students live in close proximity to it. However, the Garringer area does run out to the county line so there would be some students that would travel a considerable distance.

Q. I believe, Dr. Self, it runs from the inner city, the Second Ward boundary, out to the county line, doesn't it?

A. Yes, I just stated that.

Q. That's about how far? A. That's a good 7 miles.

Q. Could it be about 20, Dr. Self, from the inner city to the line? A. I don't know about the inner city.

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Q. Now, if Second Ward were not located here and the students in this area were assigned to other schools, would they be going any further than the student out here going to Garringer? A. No.

Q. Would they be going any further than the student out here [474] going to Independence? A. No.

Q. Would they be going any further than the student living up here in Northwood going to North Mecklenburg? A. No.

Q. We talked, Dr. Self, about the schools of Lakeview and Hoskins being separated by Interstate 85. I believe that the boundary line for the student in the elementary district of Tuckaseegee Road crosses 85, doesn't it? A. Yes.

Q. I believe the boundary line for the students in the Newell District crosses 85, doesn't it? A. I believe so.

Q. It isn't unusual, then, for the boundary lines to cross 85, I mean it happens. A. It happens, yes. We don't like it but it does happen.

Q. I believe that the boundary line for the school district of Myers Park Elementary School crosses Morehead Street, doesn't it? A. I believe so.

Q. We have several examples, don't we, in this district of boundary lines going across major highways? A. Yes. Where we find evidence of these, it's evidence of the fact that we must get our children to fill the classrooms irrespective of the highway arteries.

[475] Q. Now, do you know of any studies that differ with you on the elementary principles that you were referring to a moment ago, that is, that the student ought to attend school near his home? A. I know of no studies.

Q. Do you know of any authorities that would differ with you on that? A. I'm sure there are plenty of authorities that would differ.

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Q. You indicated, I think, that your elementary schools are located approximately three-fourths of a mile of the outer boundaries of the district line? A. I did but I also indicated that density of population would effect changes in this.

Q. What is your opinion, Dr. Self, about students in junior high and senior high schools being transported to school? A. Transportation at that level is more acceptable in my own opinion than is transportation of elementary youngsters.

Q. Dr. Self, are several of your students in the inner city being transported by city bus line to high school? A. I don't know. I'm sure that some of them do use the city transportation.

Q. I think that several buses go out to several of the high schools to pick up and carry students, don't they? A. I'm sure they do.

Q. It's not unusual, then, in the district for the students to [476] ride city buses to school as distinguished from State buses? A. It's not unusual.

Q. I think that the Head-Start students are also bused, are they not? A. Yes, they are.

Q. They are elementary or below elementary students? A. Yes.

Q. They are sent quite a few miles to school? A. Yes.

Q. You project about six schools for this summer for Head-Start? A. Five or six.

Q. To service the whole county system? A. That's true.

Q. They are going to be bused several miles to school, aren't they? Yes, they are.

Q. These are young children? A. Yes, they are.

Q. Dr. Self, one specific, would it violate your elementary principles to pair Billingsville with one or two of those

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adjacent schools? A. It wouldn't violate my principles. It would cause a lot of problems that I would be most anxious to try to deal with.

Q. Would it violate your elementary principles to pair Marie Davis with one of the adjacent white schools? **[477]**

A. If you could do it in such a way as to allow the ungradedness within the school it would not.

Q. You said ungradedness. A. I object to the Princeton plan. As I understand the Princeton plan it is more or less an arbitrary determination that this school will house grades 1 and 2 and another school will house 3 and 4. The present thought in elementary education is to move away from gradedness and the Princeton plan binds you to it.

Q. Would you talk about extending the boundary line of Marie Davis to cover the white school and then assign the students to it? A. If they were paired, I would prefer that technique.

Court: Do you want to play that over again so I'll know what you're saying? You say you don't like gradedness as the Princeton plan suggests. Is the Princeton plan the idea of taking an entire grade from one location and moving it bodily to another?

A. As I understand it, the Princeton plan is used for bringing together schools that are far apart geographically and the idea is to transpose grade sections with school A housing grades 1 and 2 and school B housing grades 3 and 4 and school C housing grades 5 and 6, that sort of thing.

Court: And you would prefer, if that had to be done, to do it how?

[478] A. To locate your school in such a way that you have grades 1 through 4 or 1 through 6.

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Mr. Chambers: I have nothing further.

Court: Any more questions?

Mr. Waggoner: Yes, sir.

Court: Let me see the lawyers for just a minute.

(Conference out of the hearing of the Court Reporter.)

Court: I guess it's late enough to eat so let's eat.
Take a recess until 2:00 o'clock.

RECESS FOR LUNCH

Court: Defendant's Exhibit 6 received in evidence is a five-page double-spaced typewritten writing entitled Facts about Charlotte-Mecklenburg schools.

Mr. Waggoner: If the Court please, Exhibit 7 is the same as Exhibit 2 except it contains percentages as you requested yesterday.

Court: Good. I thank you for preparing that.

Mr. Waggoner: If the Court please, we have one additional tabulation which we will offer as Exhibit #8 and it is entitled Tabulation of Percent Negro of Total for Schools Enrolling Predominantly White Pupils March 1965 and October 1968. This is a percentage of schools having varying degrees of integration. I'll have Dr. Self explain this.

Court: Have you got a copy of that that I can look at?

【479】 Mr. Waggoner: Yes, sir.

Redirect Examination by Mr. Waggoner:

Q. Dr. Self, have you had an opportunity to review the Defendant's Exhibit #8 dealing with the tabulation of per-

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cent of total for schools enrolling various numbers of pupils percentagewise? A. Yes, I have.

Q. Could you explain to the Court the information contained on this exhibit? A. This statistic presentation shows the percent of the pupil population and the professional staff which are Negro in terms of various percentage categories ranging from zero % up to 100%. It's actually a summation of the percentages that Your Honor asked us to do on Exhibit #2, pulling them out for easier understanding.

Q. Is this based on 5% gradations? A. Yes, it is.

Mr. Waggoner: If the Court please, I believe the statement is self-explanatory unless you want to go further into this.

Court: I don't want to put you to a lot of further unnecessary work but if you have or could develop without a lot of trouble the absolute figures that would fit each one of these lines, it might have some useful purpose now or later. This is very helpful and I [480] appreciate it.

Mr. Waggoner: We would like to substitute a typed copy, this is rough draft.

Q. Dr. Self, will you take the columns entitled Pupils 1965 and 1968 and explain the meaning of the figures in those columns? A. Well, at the top of the lefthand column is the 100% Negro figure. Going down from that column you go to zero % at the bottom of the page. The first entry in the column that you referred to is 30, indicating that in 1965 there were 30 schools that were 100% Negro. If you move over to your right the comparable figure for 1968 is 17. In the 95 to 99% there was one such school in

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'65 and there are 5 in '68, and so on down through that column to right at the bottom where you have zero % Negro. That, of course, is an all white school, and in 1965 there were 63 such schools and in 1968 there are 22 such schools.

Q. So this indicates that the number of all white schools decreased from 63 to 22.

Mr. Lanning: Objection, the table is quite clear on what it reflects.

Court: Objection overruled.

A. Yes.

Q. Would you take the two columns under Professional Staff and explain the meaning of those figures? A. Comparable data is given here, comparison between 1965 and '68 [481] except that the statistics are based on the number of teachers rather than numbers of pupils. It indicates that in 1965 there were 28 all Negro schools as measured by faculty. In 1968 the comparable figure is 14. Then going to the other extreme end of the chart zero % Negro or all white, in 1965 there were 78, in 1968 there are none.

Q. Dr. Self, I direct your attention to Page 16 of the recommendations and analysis of the plaintiff's experts. As I recall, Mr. Chambers in his cross examination inquired of you as to how you might desegregate the schools located in what is called central city and listed the number of schools which indicated being nearly all black or all black. A. I recall.

Q. I'll ask you if University Park School is listed as one of the schools that the plaintiff's experts would permit to remain segregated. A. Yes.

Q. I'll ask you if Lincoln Heights is such a school. A. Yes.

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Q. I'll ask you if Oaklawn is such a school. A. Yes.

Q. I'll ask you if Fairview is such a school. A. Yes.

Q. I'll ask you if Bethune is such a school. A. Yes.

[482] Q. I'll ask you if Zeb Vance is such a school. A. Yes.

Q. I'll ask you if First Ward is such a school. A. Yes.

Q. Now, referring to the schools to remain segregated predominantly white I'll ask you if Devonshire school is listed. A. Yes.

Q. Albemarle Road? A. Yes.

Q. And Beverly Woods. A. Yes.

Q. As I recall, the only other school he mentioned was Bruns Ave. and I believe you previously testified that this school encompassed an area that would have had an integrated pupil population as of 1965. A. Yes.

Q. Dr. Self, there was some discussion about the custom with reference to employment of teachers. What has been the custom with reference to once a teacher identifies in a particular school faculty with reference to moving to another school? How would that be initiated? A. Generally the move is a request to transfer on the part of the faculty member and the request, as I indicated earlier, is subject to approval by the principal of the school the teacher would be leaving and subject to the approval of the principal **[483]** to whom the transfer is requested.

Q. So then it is your custom if a teacher does not request moving she is normally reassigned to that same school. A. Yes, it is.

Q. With reference to principals, how does a principal ordinarily or how would a principal be transferred from one school to another? A. He would usually be transferred upon the recommendation of the Assistant Superintendent of Elementary Education if he were elementary

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or the Assistant Superintendent of Secondary Education if he were secondary. In general he would probably initiate the request for a change of assignment although it is quite possible for an Assistant Superintendent who is opening a new school to cast about for a person that he feels is competent to do the job and make the initiation himself.

Q. Is it the custom in this school system to employ a person just out of school as a principal of one of your schools? A. No, it is not.

Q. Where do you ordinarily find new principals? A. They ordinarily come from within the system although we are not absolutely prohibited from doing so and we have on occasion employed some principals from outside the school system.

Q. Would they be principals with teaching experience? A. Yes.

Q. Dr. Self, is the teaching assignment or principal assignment [484] normally one of long tenure barring resignation at the same location year after year? A. I'd say yes it is but it's becoming less so. I think more and more teachers are beginning to think in terms of teaching assignments that are different, recognizing the value of some change in terms of their own professional growth and development. We do encourage some change in principalships, thinking again that a new assignment, a new role, different people to deal with, brings personal and professional renewal to the person.

Q. Dr. Self, you previously mentioned that there was integration on the staff at Quail Hollow Junior High last year, is this correct? A. Yes. I think that had to do with the coaching staff.

Q. Now as I understand there were two assistant Negro

Dr. William C. Self—for Defendant—Redirect

coaches assigned to the school, is that correct? A. That's correct.

Q. Are they still at this school? A. No, they are not.

Q. Do you know the reasons for their leaving the school?

A. One of the gentlemen is deceased and the other gentleman requested a change of transfer.

Q. Did he request transfer to some other school in the system? A. Yes, I believe so.

Q. Did he request assignment to a predominantly Negro staff school? [485] A. I do not know.

Q. Dr. Self, with reference to the high school attendance areas do you attempt to achieve a neighborhood attendance area for your high schools? A. I don't think it could be called a strict neighborhood in the concept that a neighborhood is a small, closely knit community. It is a section of the county very definitely, however.

Q. It would be referred to more as a geographic area, is that correct? A. Yes.

Q. With reference to collection of half of the school fees and absence of PTA contributions for the central schools, do you know approximately how much money is involved per pupil in losses that the center city may have as against the so-called affluent schools? A. At the elementary school it would be that \$1.00 fee, \$1.00 per pupil. When you get up to the junior high school your loss would be the amount of the fee that was called out by Dr. Hanes this morning.

Court: You're talking about the losses from not receiving the full fees from the students?

A. From non-collection, yes, sir.

Court: How far up do you get before you exceed the dollar?

Dr. William C. Self—for Defendant—Recross

A. At the 7th grade level.

【486】 Q. In the elementary schools how much loss are you talking about? A. Well, a 600 pupil elementary school would have collected \$600 and with 50% collection they would have \$300.

Q. So that would amount to 50 cents per pupil per year, is that correct? A. In terms of funds available, yes.

Q. In funds not available. A. It would be true equally either way you approach it.

Q. There was some mention of busing Head-Start students during the summertime. How many students have been involved in this program? A. I believe it's 1500.

Q. Were your school busses being then utilized in the other operations of the school system? A. Not in terms of a regular school program. Where child development centers were in operation some busses would be in operation.

Q. So this was not a time when your busses were ordinarily in other use, is that correct? A. That's correct.

Mr. Waggoner: You may examine.

Recross Examination by Mr. Lanning:

Q. Dr. Self, do you recall the age range of the children served by Head-Start? 【487】 A. These youngsters would have been entering the first grade in the regular school session following the summer program. So they would have been about five years old.

Q. Subsequent to 1965 the Board disestablished and closed several schools, did it not? A. Yes.

Q. And do you recall how many of these schools were at that time either all Negro or predominantly Negro? A. The 7 schools that were closed in the outer periphery of the county were all Negro. The 6 schools that were closed this

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past school year, five were either Negro or predominantly Negro and one was predominantly white.

Q. So you since 1965 you have closed approximately 12 all black or predominantly black schools? A. Yes.

Mr. Lanning: No further questions.

Mr. Waggoner: You may come down.

* * * * *

[544] Monday, March 17, 1969—

Court: I suppose the best thing for us to do is to go ahead with the witness you had left to put on today and then let's talk a little among the lawyers and find out whether I've asked all the questions I should have asked.

Mr. Chambers: Your Honor, we'd like to call Mr. Yale Rabin.

Court: Would you tell me what exhibits he's going to be talking about, if any.

Mr. Chambers: He's going to be talking about Exhibits 10, 11, 16, 6, 7, 14, 8, 17, 13, 12, 15, 9 and 18. In addition we have two maps that he has prepared and some data.

Court: I believe you've got all those exhibits.

Mr. Chambers: I do and I can pass them up to the Court now.

Court: If I was going to have to find them I wanted to start looking.

Mr. Chambers: I'd like to state preliminarily that what we propose to establish by this witness is the effect of city action or activity on the racial housing pattern in the City of Charlotte.

Court: Are you going to let me know what the

Yale Rabin—for Plaintiff—Direct

effect [545] the Federal Government action on that score is?

Mr. Chambers: We hope to show what Federal programs have been implemented here in the City of Charlotte and how the implementation of those programs has effected the racial housing pattern. We think that all of the activity we're considering here would involve both local action and local action taken in conjunction with Federally funded programs.

Court: Can you separate them?

Mr. Chambers: I don't know how much separation we can do because we're talking about urban renewal and redevelopment under the Federal program.

Mr. Chambers: We would hold that the City, in its practices, has contributed to the creation of the racial housing pattern that exists here and that because of that that the School Board would have to go further than merely establish its boundary lines because the result otherwise would be the making of segregation in the school system. We are not asking for an injunction against the Federal Government.

Court: I just wanted to know what to be on the lookout for.

YALE RABIN, a witness for the plaintiff, having first been duly sworn, was examined and testified as follows:

[546] *Direct Examination by Mr. Chambers:*

Q. Will you state your name, please? A. Yale Rabin.

Q. What is your address, Mr. Rabin? A. 21 W. Tulpehocken Street, Philadelphia, Pennsylvania.

Yale Rabin—for Plaintiff—Direct

Q. What is your occupation? A. I am an urban planning consultant.

Q. Would you explain for the record what that consists of? A. Yes. I work on a private basis for clients, either public or private clients, in activity such as housing, urban renewal, community development, transportation planning and so on. I assist in the preparation of plans or in the evaluation of plans or in the development of alternative plans on behalf of people who are affected by planning programs.

Q. Would you give the Court your educational background? A. Yes. I have a Bachelor of Fine Arts and Bachelor of Science Degree in education. I have a graduate degree in architecture and studied City Planning at the graduate level at the University of Pennsylvania. I have taught both in the public schools following my graduation as a teacher and I have also taught in colleges and universities both here and in England on city planning and urban problems and guest lectured at various colleges both here and abroad.

Q. Do you belong to any professional organizations? **[547]** A. Yes. I am an associate member of the American Institute of Planners; member of the American Society of Planning Officials; Urban and America; Planners for Equal Opportunity; the Society for College and University Planning; Philadelphia Citizens Council for City Planning; Delaware Valley Regional Housing Association. I think that's about it.

Q. Would you give the Court your work experience? A. Yes. As I indicated at present and since early 1967 I have been engaged in private practice as a planning consultant, and prior to that I was on the staff of the University of Pennsylvania from 1963 to 1967. Prior to that. . . .

Yale Rabin—for Plaintiff—Direct

Court: Have you got this written down anywhere?

Mr. Chambers: No, we don't have, Your Honor.

A. From 1961 to 1963 I was a planning officer for the London County Council in England where I was responsible for the civic design planning of four of London's twenty-eight burroughs and in addition I taught town planning in the graduate school at the Polytechnique there. Prior to that, from 1959 to 1961, I was the senior planner for the City of Camden, New Jersey, where I was responsible for the preparation of the municipal facilities portion of their comprehensive plan, that portion of the plan including schools and libraries and facilities such as that. Prior to that I was a student, graduate, for three years and before that a public school teacher.

【548】 Do you have any publications? A. Yes, an article called Development Control in Great Britain, published in 1966, I believe, Municipal Facilities Portion of the Comprehensive Plan for Camden, New Jersey, and a report entitled the Eviction of Negro Families in the South which was a report of the agenda planning committee of the 1966 White House Conference.

Q. Mr. Rabin, were you requested to come to Charlotte to look at the city activities as they relate to the racial housing pattern in Charlotte? A. Yes, I was.

Q. Were you requested by me to come and make this study? A. Yes, I was.

Q. Did you make this study? A. Yes.

Q. Would you tell the Court how you proceeded in your study? A. Well, I first attempted as well as. . . .

Court: When was it?

A. This was over a period of time.

Yale Rabin—for Plaintiff—Direct

Court: When was it? When did this take place?

A. The initial request back in the fall of this year.

Court: You started to say what you did. When did you come here first?

A. I first came here in the fall, September, October. The second visit. . . .

[549] Court: Of what year?

A. 1968. My second visit to Charlotte was in February of this year and my most recent visit this one, two days ago. I attempted on these visits to familiarize myself—

Court: How long did you stay the first visit?

A. One day, and on the second visit three days and on this visit three days. I spent a considerable amount of time driving around and familiarizing myself with the city and, in addition, I have assembled quite a bit of documentary material relating to development in Charlotte, both from an historical point of view and from the point of view of demographic data which is produced by the census, the Planning Commission, by the analysis studies which have been done here, and various other materials which I have accumulated. I guess I ought to go through and list all of these data sources. I have gone through the summary of the Model Cities application. I have reviewed the census data for 1940, 1950, 1960. I have reviewed the Greater Charlotte Plan, that is, the document entitled *The Next Twenty Years*; I have reviewed the Central Area Plan

Yale Rabin—for Plaintiff—Direct

which is the plan for the downtown business district; I have reviewed the Blight Study prepared by the Planning Commission; I had had a study done under my direction by staff people at the University of North Carolina; I have obtained material from the Housing Authority, from the Relocation Officer; I have reviewed the documents on Urban Renewal, including the [550] Workable Program, and the reports of the Housing Authority to the Department of Housing and Urban Development on occupancy. I have reviewed the reports of the Relocation and highway construction over the entire period of years which that office has been in existence. Quite obviously these studies were not carried out during my visits to Charlotte. These comprised a considerable amount of time in my own office and with people working for me back in Philadelphia. So that I was able to spend as much time as I could during my visits here learning about the visual aspects of the city itself.

Q. From your study, Mr. Rabin, did you have any impressions of the effect of city activities on the racial housing pattern? A. Yes. I think there are some general observations that can be made. I think that I should first note that the activities that I looked at were certainly not all the activities. They were what we call comprehensive planning.

Mr. Waggoner: We'd like to object at this time and establish some of these documents that they are relying on as being reliable or worthy of consideration. Some we haven't seen. We really don't know what he's going to be testifying from. Can he be more specific as to the pages of these documents so that we can get to the nut of it and know what we're talking about.

Colloquy

Court: The testimony is incompetent as offered unless [551] its got some justification which doesn't appear yet, Mr. Chambers. What you're doing is asking him to review a history of migration and say that it was done for foul purposes and the history of the migration, I take it, is fairly clear. Does a man who never came to Charlotte before October, 1968, have any special way of telling us the motives by which people were moved from 1860 to 1969?

Mr. Chambers: I think he is perfectly competent to testify as an expert in this case about the effect of city planning, city zoning, city activity on the housing patterns in the City of Charlotte. Of course, it is the Court's prerogative to decide whether the city has actually created the housing patterns. We are not attempting to displace the Court's opinion with respect to that. We do think, however, that his testimony as an expert on this would be competent and relevant in this proceeding.

Court: What I'm asking you to do is tell me what kind of questions you aim to put. Are you going to ask him simply to describe the physical results of what these things did?

Mr. Chambers: Basically that's correct.

Court: Because I don't see how he could do anything but say the records I have examined show the relocation of [552] people in the following ways and here's where the statistics show they live now.

Mr. Chambers: That's true, and how they zoned various areas of the city and where the proposed streets are to be placed and where public housing are located, all of this data is taken from material furnished us by the appropriate officials of the City of Charlotte.

Colloquy

Court: Well, the reason I interrupted is this, if we go by any standard of evidentiary competence Mr. Rabin will have to testify not as an expert on the points you are seeking to make but simply making a consensus of a lot of statistical material.

Mr. Chambers: We expect to go further, Your Honor, and ask his opinion on the effect of the zoning on the racial housing pattern, the effect of the city planning on the racial housing pattern, the effect of the relocation on the racial housing pattern, the effect of the location of public housing, the effect of the streets on the racial housing pattern and we think that he is competent to testify to that. This is true although he came here for the first time in October, 1968. That is the purpose for calling Mr. Rabin in rather than calling an ordinary layman in the City of Charlotte.

Court: It may be a play on words, talking about effect and result.

[553] Mr. Chambers: Since the Court is sitting without a jury, would the Court hear us and then decide subsequently whether it wants to consider some of the evidence relevant?

Court: I think that's what I've got to do. Are you seeking to show that the effect of all the money the Federal Government spent on relocating people has been one of racial discrimination?

Mr. Chambers: We are seeking to show that in relocating people the City of Charlotte has further segregated the people in housing and, if necessary, with Federal money.

Court: You jumped the track if that's the case.