

# Systemic Racism in Mecklenburg County Government

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## INTRODUCTION

In May 2021, Commissioners Mark Jerrell and Laura Meier of the Mecklenburg County Board of County Commissioners reached out to the Robinson-Spangler Carolina Room at Charlotte-Mecklenburg Library about their aims for restorative justice in the county. As a public resource, the Robinson-Spangler Carolina Room houses historical works and original materials that document the history of North Carolina, Mecklenburg County, and the greater Charlotte area. Therefore, Commissioners Jerrell and Meier have enlisted the help of the Carolina Room to produce an evidence-based report on the historical actions and inactions of the government of Mecklenburg County that resulted in the perpetuation of systemic racism. Active discrimination and apathy on the part of public and private institutions have sustained the racial inequities that exist in the region today. The Library supports the County in the quest to understand the scope of the problem in order to address it constructively.

The Robinson-Spangler Carolina Room has used the information at its disposal to create a general overview of the county government's history concerning race. This is by no means a comprehensive enumeration of every historical instance of racism in the county; it is a narrative designed to provide a beginning for a broader conversation about racial inequity in Mecklenburg County. The report focuses exclusively on county-level government. Municipal-, state-, or federal-level policies and decisions are referenced only insofar as they affected County-level governance. Because of that focus, relatively little is explored related to injustices that tend to be at the forefront of other conversations (historic Brooklyn, urban renewal, public transit, etc.). Carolina Room staff will add more research to the report as questions arise and as the need for further research reveals itself.

This report contains conclusions about racial injustices throughout the course of Mecklenburg County history which are supported by substantial historical evidence. Such evidence is presented by the works of dozens of historians, journalists, and authors who have dedicated their lives' work to researching and writing about race in Mecklenburg County and the greater Charlotte area. While the Carolina Room leaves others to determine specific actions that can mitigate the lasting effects of systemic racism in the county, we present this report as a means of rooting the committee's work in historical evidence. Our report also recognizes previous and ongoing efforts by many individuals in Mecklenburg County to address restorative, and we hope that this information, alongside further research, will help inform the county's efforts to restore the victims of race-based discrimination to full participation in the rights of citizenship and equal access to opportunity.

### Themes

The report addresses systemic wrongdoings in four themes where evidence of racially biased decision-making occurs. These themes are inspired by issues addressed in the county's Equity Action Plan.<sup>1</sup>

- Politics,
- Law Enforcement and Justice,
- Education, and
- Infrastructure and Service Provision

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<sup>1</sup> County Manager's Office, Mecklenburg County, North Carolina. "[Mecklenburg County Equity Action Plan FY20-22](#)," (2019).

## POLITICS

In the decades following the Civil War, the political climate in Mecklenburg County shifted substantially as formerly enslaved people exercised their new rights to civic participation. During the Antebellum era, justices of the peace – appointed by the North Carolina state legislative assembly – governed the county. This power was transferred to the people of Mecklenburg County – who would then popularly elect the Board of County Commissioners (BOCC) – upon its conception with the new North Carolina constitution in 1868.<sup>2</sup> In the early years of Reconstruction, the county government was dominated by antebellum conservatives, who appointed like-minded candidates to influential positions in Mecklenburg County. When the Mecklenburg state senator, J.W. Osborne, died in the middle of his term in 1869, the county government appointed the Grand Dragon of the North Carolina Ku Klux Klan, H.C. Jones, to become the county's new representative in the state assembly.<sup>3</sup>

Jones's appointment was indicative of the uninterrupted influence of antebellum leadership on postbellum Mecklenburg County. Historian Carolyn Frances Hoffman writes, "Those in power before and during the war continued to control local politics. Indeed, local leaders lost little during reconstruction in terms of their economic and social status."<sup>4</sup> The determination of county officials to maintain a system that restricted the movement and rights of formerly enslaved people in a way reminiscent of slavery set the stage for the years to come. Throughout the course of county history post-1868, legislators, white supremacists, and other influential figures have leveraged power in two main categories to disenfranchise Mecklenburg's Black residents: voting rights and the drawing of districts. Black citizens were also affected by the ways in which discriminatory legislation at the state and federal levels applied at the county level.

### Voting Rights

Following the news of their freedom, a large number of formerly-enslaved people gathered in Charlotte, where they felt protected in numbers and by the Union troops' presence.<sup>5</sup> This congregation frightened white onlookers, and from that point, fear and speculation – throughout both calm and violent periods – characterized race relations in Charlotte during the late 1800s.

The Mecklenburg Justices of the Peace, and after 1868, the Board of County Commissioners (BOCC), were immediately dominated by the Democratic Party following the Civil War. The Conservative Democratic platform during Reconstruction was one that opposed populism and Black participation in politics; therefore, the Board made it difficult for Black or pro-Black candidates to find success in local elections. Historian Helen G. Edmonds writes, "Effective Democratic control from the center to the periphery [...] offered little opportunity for political opponents to get a hand in election procedure. [...] There was positively no guarantee of party representation at the polls except Democratic representation."<sup>6</sup> The Democratic BOCC subsequently chose Democratic registrars for the county, and

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<sup>2</sup> Gail W. O'Brien, "[Power and Influence in Mecklenburg County, 1850-1880](#)," *The North Carolina Historical Review* 54, no. 4 (April 1977), pp. 120-144.

<sup>3</sup> Carolyn Frances Hoffman. [The Development of Town and Country: Charlotte and Mecklenburg County, North Carolina, 1850-1880](#). College Park: University of Maryland, 1988, p. 128.

<sup>4</sup> Hoffman, [The Development of Town and Country](#), p. 130.

<sup>5</sup> "[Background: Reconstruction in Charlotte-Mecklenburg, 1865-1867](#)." Charlotte-Mecklenburg Historic Landmarks Commission.

<sup>6</sup> Helen G. Edmonds, [The Negro and Fusion Politics in North Carolina, 1894-1901](#) (Chapel Hill, NC: The University of North Carolina Press, 1951), p. 68.

during the years of Reconstruction, the registrars purged county voter registration books. They eliminated names of voters who had recently migrated to the state or could not provide their specific age, place of residence, or place of birth. Many formerly enslaved residents did not know where or when they were born and had no definitive address. Black workers commonly moved from place to place after the end of the Civil War and, therefore, had not lived in Mecklenburg County long enough to register to vote under Democratic rule. These were some of the early ways in which Black voters were severely disenfranchised at the polls.<sup>7</sup>

The Union troops withdrew from the South in 1877, and Democrats took to the state legislature to resist the possibility of “negro domination.” Facing the prospect of Black officeholding and Republican popularity, the Democratic assembly ended the general election of county commissioners and returned the power of appointing local officials to the state.<sup>8</sup> This initiative was met with widespread support from white Democrats in Mecklenburg County. *The Charlotte Daily Chronicle*, a white supremacist newspaper at the time, warned readers of Black political participation:

The vote on the county government question in the House showed the danger in which the State is at present. It indicates the possibility of a return to Radical [i.e. Black or Republican] rule to eastern counties, and nothing more calamitous could befall that fair section. [...] The cause of the east is the cause of the whole State in this matter. It is the cause of the white man. What will injure the east will injure all North Carolina, and negro domination would be injury beyond estimation.<sup>9</sup>

Mecklenburg County remained dominated by the Democratic Party through the end of the nineteenth century. Fused together in a coalition, the liberal Republican Party and Populist Party won a majority at the state-level elections in 1894 and 1896 – a total which included a few new Black legislators.<sup>10</sup> Although there were no Black officeholders in prominent position in the Mecklenburg County government at the time, the Democratic Party and white supremacists waged a propaganda war throughout the region, spreading fear that – as mentioned in *The Charlotte Daily Chronicle* – Black politicians were taking over the counties in the east.<sup>11</sup>

The White Supremacy Campaign of 1898 was propelled with panic induced by Democratic propaganda and general speculation about “negro domination.” The Democratic election platform that year was entirely focused on white supremacy, and to reach their voter base and discourage their opponents, the Democrats held intimidation rallies and parades throughout Mecklenburg County.<sup>12</sup> Prominent county figures, such as Mecklenburg state representative Heriot Clarkson, declared that they were “strongly in favor of the elimination of the negro in politics.”<sup>13</sup> Clarkson’s disposition reflected the opinions of many throughout the county to whom white supremacy appealed. The popular idea was that white

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<sup>7</sup> Edmonds, *The Negro and Fusion Politics*, pp. 68-69.

<sup>8</sup> Jack Claiborne, “[County Voices: Voters Once Couldn’t Elect Any County Commissioners](#),” *The Charlotte Observer*, November 6, 1982.

<sup>9</sup> “The County Government Bill,” *The Charlotte Daily Chronicle*, February 2, 1887.

<sup>10</sup> Jeffrey J. Crow, “[Fusion, Confusion, and Negroism’: Schisms among Negro Republicans in the North Carolina Election of 1896](#),” *The North Carolina Historical Review* 53, no. 4 (October 1976), pp. 364-384.

<sup>11</sup> Edmonds, *The Negro and Fusion Politics*, pp. 122-123.

<sup>12</sup> Janette Thomas Greenwood, *Bittersweet Legacy* (Chapel Hill, NC: The University of North Carolina Press, 1994), pp. 195-196.

<sup>13</sup> “Important Events of My Life,” undated, biographical data, folder 12, [Clarkson Papers](#), UNC Chapel Hill.

supremacists did not hate their Black neighbors; rather, they believed that Black people were not fit to lead or be involved in public affairs, as explained by an 1898 staff editorial in *The Charlotte Observer*:

It is well known that the Observer is kindly disposed to the colored race. It has never blamed the negro for getting all he can out of the Republican party, which is almost entirely composed in the south of his tribe. But he is not fit to rule and the party that is responsible for his being placed in power must be defeated. The negro, like fire and water, is a good servant but an awful master.<sup>14</sup>

During the late 1890s, Social Darwinism became a prominent ideology in the county's white middle class because it gave a scientific basis to white nostalgia for the Old South and collective resistance to a changing social landscape.<sup>15</sup> As white supremacy grew in popularity, Black leaders were discouraged from running for office in Mecklenburg County, and they often obliged, in order to avoid feeding into Democrat claims that Republicans and Populists were determined to expedite "negro domination" of North Carolina.<sup>16</sup> At the turn of the century, *The Charlotte Observer* claimed that white supremacy had sufficiently captured the hearts and minds of most Mecklenburg voters in another editorial:

The issues of the election have already had the consideration of Mecklenburg's citizens, and the shouts of red shirts, the riding, and otherwise joyful celebration merely signified that they were standing Democrat to Democrat, white man and white man alike – committed, by preponderant sentiment, to the passage of the constitutional amendment and the election of decent men to the State, legislative, and county offices.<sup>17</sup>

The prevalence of mass demonstrations in favor of white supremacy set the scene for the introduction of Jim Crow Laws during this era. In 1900, the North Carolina General Assembly passed a suffrage amendment to the state constitution – an act specifically aimed to minimize Black political participation – which was approved by the white residents of Mecklenburg County in a referendum vote.

The Suffrage Amendment of 1900 included three main tenants of voter disenfranchisement: a literacy test, a poll tax, and a Grandfather Clause, which was also applied based on literacy. Historian Janette Thomas Greenwood notes the deliberate effect that this clause had on Black voters, writing, "[North Carolina's specific Grandfather Clause] eliminated black illiterate voters while incorporating white illiterate voters. No blacks could claim an ancestor voting before January 1867, since even free blacks were disfranchised by 1835."<sup>18</sup> The emphasis on literacy in the amendment was rooted in the high numbers of illiterate Black citizens at the end of the nineteenth century; in 1900, adult literacy in Mecklenburg County was heavily split by race. Out of 7,340 white Mecklenburg adults, 6,687 were literate (91%), and 653 were illiterate. In comparison, out of 5,060 Black adults in the county, 2,475 were literate (49%), and 2,585 were illiterate.<sup>19</sup>

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<sup>14</sup> "[A Trio of Fusion Evils](#)," *The Charlotte Observer*, September 16, 1898.

<sup>15</sup> Greenwood, [Bittersweet Legacy](#), p. 190.

<sup>16</sup> Greenwood, [Bittersweet Legacy](#), p. 188.

<sup>17</sup> "[The Rally of the Democrats. Mecklenburg County is Ready](#)," *The Charlotte Observer*, August 1, 1900.

<sup>18</sup> Janette Thomas Greenwood. [The Black Experience in Charlotte-Mecklenburg, 1850-1920](#) (Charlotte: Charlotte-Mecklenburg Historic Properties Commission, 1984), pp. 23-41.

<sup>19</sup> Edmonds, [The Negro and Fusion Politics](#), p. 229.

Mecklenburg County boasted tightly-knit Black communities throughout all municipalities – a factor that kept many Black residents in the region despite voter disenfranchisement and the introduction of Jim Crow laws. At the same time, the climate of white supremacy caused a significant number of Black citizens to move north in search of an environment better suited for their societal involvement. Between the years 1890-1900, the Black population in Mecklenburg County increased 22 percent, as railroads and industrialization of the once-agrarian South brought Black migrants to the region in search of work. By contrast, in the following decade, the Black population in the county only increased by 7 percent. In those same years, the whole population of Mecklenburg County grew by 20 percent.<sup>20</sup>

White citizens of Mecklenburg County began to take notice of the Black population stagnation in the form of a labor shortage. *The Daily Charlotte Observer* noted in 1903 that the emigration of Black laborers from the county was “beginning to effect the people in the city.”<sup>21</sup> After their loss of stature in the political sphere, many Black workers began to ask \$1.50 for a day’s wages, which prompted outcry amongst the county’s white employers. Further editorials emerged in *The Daily Charlotte Observer* reminiscing about the days when they could pay Black laborers 75 cents per day. These articles ridiculed the new generation who was not born into slavery and desired dignity in their work, legitimizing the white supremacist notion that a Black person’s only good purpose was manual labor.<sup>22</sup> As such white employers shamed participants in this minor collective bargaining movement, many failed to trace the labor shortage to the effects of voter disenfranchisement and white supremacy.

While *The Charlotte Daily Observer* published weekly criticism of Black workers’ fights for better working and living conditions, writer W.C. Smith came to his people’s defense in one of Charlotte’s early Black publications, *The Star of Zion*, noting that the White Supremacy Campaigns of 1898 and 1900 had stripped “[the Black man] of his suffrage, thrust upon him Jim Crow cars and lynch him without giving him a chance to face a judge and jury to disprove guilt.” While Smith wrote of his desire to remain in his ancestral homeland, the American South, he sympathized with Black emigrants, writing: “The world is wide; trains are running in every direction, and there are places where the honest and industrious Negro can and will go to be a man and not a beast of burden.”<sup>23</sup> Thus, Smith begins to unpack the effects of white supremacy in Mecklenburg County. The persistent and intimidating efforts to end Black political participation led to the paralysis of the region’s population growth and industrial progress. As Black citizens sought basic dignity in their work and lives, white residents spun the consequences of oppression into further propaganda about Black people’s personal irresponsibility and selfishness.<sup>24</sup>

Although the vast majority of legislation that resulted in voter suppression stemmed from state and federal initiatives, Mecklenburg County adapted these laws and sanctioned them in its own particular way. The effects of the White Supremacy Campaign of 1898 and the Suffrage Amendment of 1900 continue to reverberate through history to today’s elections. While Mecklenburg County no longer requires poll taxes or literacy tests, methods of voter suppression have evolved. Voter intimidation has transformed from parades through town to poll watching.<sup>25</sup> The Voting Rights Act of 1965 outlawed discriminatory practices in elections; however, the elimination of certain provisions from this act

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<sup>20</sup> Greenwood, *Bittersweet Legacy*, pp. 216-217.

<sup>21</sup> “Negros Still Leaving,” *Daily Charlotte Observer*. June 23, 1903.

<sup>22</sup> “Negroes Refuse to Work. Want \$1.80 A Day for Services,” *Daily Charlotte Observer*. October 23, 1903.

<sup>23</sup> W.C. Smith, “A Negro Exodus” and “Negro Exodus – The Causes,” *Star of Zion*. March 13, 1903.

<sup>24</sup> “A Crisis for the Negro,” *Daily Charlotte Observer*. January 11, 1910.

<sup>25</sup> Rob Urban, “County GOP Plans Black-Precinct Security,” *Charlotte Observer*. November 4, 1990.

through a 2013 Supreme Court case were felt in Mecklenburg County. The county became limited in the number of trained observers that could be at a polling place to watch for voter intimidation.<sup>26</sup>

A further bar to Black voting came in the form of the Poll Tax. North Carolina counties had employed the poll tax since colonial times. It was a yearly levy, requiring an equal payment from each adult male. Despite its name, the poll tax had nothing to do with voting, at least initially. It served to raise revenue for local government.<sup>27</sup>

The amendments to the North Carolina constitution approved by the voters in 1900 included a provision requiring voters who had registered to vote and passed the literacy test to show that they had paid their county poll tax in order to be eligible to vote.

The poll tax, though small, was a regressive tax because it required payment of a certain amount rather than payment of a percentage of income or of property value. As such, its burden fell disproportionately on the poor, especially farm families, whose cash resources dipped between harvests. The *People's Paper*, a Republican publication, predicted its use not only against Black voters, but against poor whites as well. "This clause . . . will disfranchise . . . hundreds of good citizens . . . who do not pay their poll tax promptly."<sup>28</sup> In the first decade of the twentieth century, White voting rates did indeed decline while Black voting rates shrank to near zero.<sup>29</sup> This new requirement struck at poor farmers and African Americans, the two groups who had made the "fusion" coalition of the 1890s, and who had briefly challenged Democratic dominance. "Pay your poll tax," said an editorial in the *Star of Zion*, a newspaper of the African Methodist Episcopal Church. "To be disfranchized [sic] by legal enactment is bad enough, but to disfranchise yourself . . . is worse."<sup>30</sup>

The poll tax as a prerequisite for voting lasted until 1920, when another wave of state Constitutional amendments was approved by voters. By removing the payment of poll taxes as a qualification for voting and by other changes, these amendments won support as Progressive measures restoring political power to working men.<sup>31</sup> The 19<sup>th</sup> Amendment to the US Constitution, ratified in August of 1920, had already given women the right to vote, and the language of the poll tax specified that it fell on "males" only, so decoupling it from the eligibility to vote allowed men and women to vote at the same rate.

Debates preceding the 1920 election expressed neither hope nor fear that that the state constitutional amendment on the poll tax would open the door to more participation by African Americans. The exclusion of Black voters seemed such a settled question that the Republican candidate for governor that year, that is, the leader of the party historically linked to the support of Black interests, said, "There was never any danger of the Negroes registering in this state. They have not, either."<sup>32</sup>

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<sup>26</sup> Michael Gordon, "[Election rules - What poll watchers can and can't do at N.C. voting precincts](#)," *The Charlotte Observer*. October 25, 2016.

<sup>27</sup> John V. Orth, "Poll Tax," in [Encyclopedia of North Carolina](#), ed. William S. Powell (Chapel Hill, NC: The University of North Carolina Press, 2006).

<sup>28</sup> "The Constitutional Amendment," [The People's Paper](#). February 2, 1900.

<sup>29</sup> James L. Hunt, "Disfranchisement." [Encyclopedia of North Carolina](#).

<sup>30</sup> "[Pay Your Poll Tax](#)," *Star of Zion*. March 30, 1916.

<sup>31</sup> "[Moody Urges An Income Tax](#)," *Charlotte Observer*. October 26, 1920.

<sup>32</sup> "[John J. Parker in Rutherford County](#)," *Charlotte Observer*. October 28, 1920.

Limiting access to the ballot box as a tactic for traditional powers to stay in role lives on today. While the audacity of the tactics and the words we use to describe them may have changed, the effect is the same and no less obvious to those that wish to limit voting to a small slice of the population. Continued assurance of that access is a fundamental tenet of our democracy and of equal representation under the law.

### Drawing Districts

Lack of representation in Mecklenburg County has mostly stemmed from the lack defined districts rather than the drawing of discriminatory district lines. At-large representation on Boards of County Commissioners throughout the country has historically watered down the power of minority voting blocs. Such systems have functioned to infringe upon minority rights without opposition and keep representation from Black communities out of local government entirely.<sup>33</sup> For example, a federal court in Fayette County, Georgia struck down the at-large voting system used to elect county commissioners in 2013, citing that the system had ensured no Black candidate was ever voted into public office at the county level. In 2013, Fayette County was 20 percent Black, and the Black community's candidates had consistently been defeated by the county's white majority.<sup>34</sup> Other counties, such as Charleston County, South Carolina; Georgetown County, South Carolina; and Palm Beach County, Florida have faced similar claims in court.<sup>35</sup> Numerous counties in North Carolina have also been subject to lawsuits over the inherent racial discrimination in at-large systems. The *Charlotte Observer* reported on this trend in 1982, setting the stage for the debate to come to Mecklenburg: "In North Carolina, four counties have district representation. The other 96 have at-large representation, or a form of it in which the candidates represent a district but run at-large."<sup>36</sup> While Mecklenburg County has never faced a lawsuit for inequitable systems of representation, it did protect its at-large elections for the Board of County Commissioners from the conception of the board in 1868 until 1984. The idea to introduce district representation to the Mecklenburg BOCC first emerged in the 1960s, mixed in with the debate about whether or not to merge county and city governments.

During the 1960s and 1970s, the BOCC convened a series of committees to investigate the possibility of a combined Charlotte-Mecklenburg government. At this time, both local governing bodies were dominated by wealthy, white residents from the southeastern Charlotte neighborhoods. The county had minimal representation from Black officeholders at all levels, and the "Joint Consolidation Study Committee" considering both the merger and district system was comprised mostly of delegates from southeast Charlotte. When the first general referendum to combine city and county governments under a district system failed in 1971, the BOCC continued to investigate the idea. In 1974, the *Charlotte Observer* noted the benefits such a system would bring for the county's minority communities, saying, "The district system would also guarantee more than the current one Black elected official in the county, whose population is about 30 percent Black and is scattered in a variety of neighborhoods."<sup>37</sup> As the

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<sup>33</sup> Mark Packer, "[Tracking the Court Through a Political Thicket: At Large Election Systems and Minority Vote Dilution](#)," *Urban Law Journal | Journal of Urban and Contemporary Law* 23 (1982), pp. 227-259.

<sup>34</sup> Associated Press, "[Fayette County at-large elections illegal, federal judge rules](#)," *The Florida Times Union*. May 22, 2013.

<sup>35</sup> Sue Sturgis, "[Challenging the Racism of At-Large Elections](#)," *Facing South: The Online Magazine for the Institute for Southern Studies*, February 2017.

<sup>36</sup> Ken Allen, "[At-Large Elections Contested. Lawsuits Allege Race Discrimination](#)," *Charlotte Observer*. July 4, 1982.

<sup>37</sup> Susan Jetton, "[Merger Vote Snags on Officials' Jobs](#)," *Charlotte Observer*. September 4, 1974.



calls for more proportional representation at the county level increased, so did some incumbent politicians' defense for the at-large system. County Commissioner Pete Foley voiced his belief that at-large representation was not inherently inequitable; rather, he argued that local government was so frugal that it was not fit for those who could not finance themselves. Foley told the *Charlotte Observer*: "The cold, hard practicalities of political life make it drastically clear that local government does not pay enough that the average Joe can afford to serve."<sup>38</sup> Although the dialogue about combining the city and county has continued into present-day, the concrete committee-driven efforts of the 1960s and 1970s were considered unsuccessful. Similar initiatives failed in the 1990s too, after the county's Black community united behind concerns that consolidation of the governments would severely water down Black representation in local government.<sup>39</sup>

In 1982, the County Commissioners responded to calls for district representation by presenting an idea from the BOCC Chairman, Tom Ray, and the Mecklenburg County Elections Supervisor at the time. They came up with a "4-3 system" that would change the number of Commissioners from five to seven, in total – 4 district representatives and 3 at-large. The plan encountered brutal opposition. The detail that drew the most criticism was that, under this "4-3 system" from 1982, the district representatives would still be elected at-large. The only Black commissioner at the time, Bob Walton, called the proposed system "a whitewash and a sham."<sup>40</sup> Walton was an original proponent for district representation on the BOCC, having called for a public vote on the system in 1979.<sup>41</sup> Later that year, Walton and Ray presented their map of the four districts; District 1 was the six towns of Mecklenburg County, District 2 was the Black neighborhoods in northwest Charlotte, and Districts 3 and 4 were the county's southeast white, upper-middle class sections.<sup>42</sup> After internal debate, the BOCC voted to bring this version of the district map to the public. The *Charlotte Observer* reported on the division within the Board, which some Commissioners deemed a poor attempt at proportional representation, noting, "On the map, which creates a rural district, a mostly black district and two middle-to-upper class white districts, commissioners voted 3-1-1. Marilyn Bissell, Fountain Odom and Tom Ray voted for approval. Susan Green voted no, and Bob Walton refused to vote."<sup>43</sup> The 1982 referendum on district representation failed at the polls, with voters rejecting a system in which candidates from their districts would still have to be elected by the county at-large. The *Observer* wrote that this "4-3 system" was "overwhelming[ly] opposed in Black precincts."<sup>44</sup>

In 1984, the BOCC brought another proposal for a district system to the public. The 4-3 balance remained in this proposal, along with the district map; however, the new system included the provision that the district representatives would be voted in by their own communities rather than the county at-

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<sup>38</sup> Jetton, "[Merger Vote](#)".

<sup>39</sup> Timothy D. Mead, "[Governing Charlotte-Mecklenburg](#)," *State and Local Government Review* 32, no. 3 (2000), pp. 192-197.

<sup>40</sup> Mae Israel, "[District System Supporters Assail '4-3' Recommendation](#)," *Charlotte Observer*. March 23, 1982.

<sup>41</sup> Bill Arthur, "[Walton Asks County Vote on Districts](#)," *Charlotte Observer*. September 12, 1979.

<sup>42</sup> Kathleen Galligher, "[Commissioners Comment on Plan: Disfavor Greets County Districts](#)," *Charlotte Observer*. September 2, 1982.

<sup>43</sup> Kathleen Galligher, "[Voters To Get County Plan For District](#)," *Charlotte Observer*. September 7, 1982.

<sup>44</sup> Mae Israel, "[Voters Reject District/At-Large System: County Representation Proposal Falls By 53%-47% Margin](#)." *Charlotte Observer*. November 3, 1982.

large. Mecklenburg County voters approved this plan in May 1984, and the county commissioner elections officially adopted a mixed district/at-large system.<sup>45</sup>

Although the Mecklenburg BOCC has had district representation since 1984, the map has been disputed over and redrawn several times in the past decades. Towns in northern Mecklenburg County have voiced grievances about being grouped in the same district as the southern suburbs of Charlotte; the map with District 1 grouping towns into a ring around Charlotte was referred to as “the doughnut” for some time.<sup>46</sup> In 1992, voters rejected a BOCC plan to expand from seven members to nine, with a new map that would “break up the doughnut” and open the door for more minority representation.<sup>47</sup> Voters later approved the increase to nine commissioners, with six members elected from districts, in 1993.<sup>48</sup>

In recent decades, changes in the BOCC districts have been considered after the arrival of census data. For example, in 2001, the commissioners adopted a district plan that matched the Charlotte-Mecklenburg School Board’s election districts.<sup>49</sup> In 2011, the BOCC re-examined the map specifically with the intent to ensure minority representation from at least two districts.<sup>50</sup> Contemporary changes to districts in Mecklenburg County have often been made with the intention to pursue proportional representation for the different political parties and minority communities. After more than one hundred years of at-large elections that disadvantaged Black candidates and voters, the consistent evaluation of districts and subsequent expansion of the Board of County Commissioners has allowed for more equitable representation of the county’s population.

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<sup>45</sup> Kathy Doherty, “[Mecklenburg OKs County Government With District System](#),” *Charlotte Observer*. May 10, 1984.

<sup>46</sup> Lisa Pullen and Regina L. Clark, “[N.\[orth\] Mecklenburg May Seek District Changes](#),” *Charlotte Observer*. January 7, 1988.

<sup>47</sup> Ricki Morrell, “[Voters Say No To Board-Expansion Plan, OK Longer Terms](#),” *Charlotte Observer*. November 4, 1992.

<sup>48</sup> “[Mecklenburg County Adopted Budget Fiscal Year 2020](#).” Charlotte: Mecklenburg County Manager's Office, 2019.

<sup>49</sup> Jen Pilla, “[County to Use Same Map Adopted by School Board – Democrats Back Off Alternate That Favored Them in District 1](#),” *Charlotte Observer*. November 8, 2001.

<sup>50</sup> April Bethea, “[Panel considers redistricting criteria Mecklenburg commissioners want to ensure that racial minorities are in the majority in at least 2 districts](#),” *Charlotte Observer*. March 23, 2011.

## LAW ENFORCEMENT AND JUSTICE

In 2016, a Charlotte-Mecklenburg Police officer fatally shot a Black man named Keith Lamont Scott in a parking lot near the UNC Charlotte campus. Days of non-violent and violent protests followed. The Mecklenburg County District Attorney, R. Andrew Murray, argued that Scott had been armed and refused to drop his gun when the officers surrounding him told him to do so.<sup>51</sup> After videos of Scott's killing went viral on social media, protesters took to the streets with signs and chants. Marchers eventually blocked the interstates; some protests turned violent when demonstrators threw rocks and lit fires while police fired canisters of tear gas into the crowd.<sup>52</sup>

While these demonstrations were a reaction to the most recent police-involved shooting, the protests represented decades of frustration with law enforcement in Mecklenburg County. Onlookers from Charlotte's more suburban districts were shocked by the unrest, but to residents of the county's over-policed, predominantly Black neighborhoods, the marches and riots amplified calls for justice that had existed since the dawn of modern policing. These communities understand first-hand that the criminal justice system in Mecklenburg County has unequally targeted Black citizens from its conception. Racism was built into the operations of the county courts and police force at their founding, and Black residents of the greater Charlotte area disproportionately experience the ramifications today.

### The Early Years of the Police Force

Many local historians, such as Ryan Sumner and Dan L. Morrill, have written about the connections between southern police forces and pre-Civil War slave patrols.<sup>53</sup> Formal police departments did not exist in the Antebellum South. Instead, the region was policed by bands of "Town Guards" who existed solely to enforce laws that restricted the movement of enslaved people. In his book, *Charlotte and Mecklenburg County Police*, Sumner notes that newly formed police forces struggled to find their mission during Reconstruction and therefore often fell back on the practices they had known during the pre-Civil War era.<sup>54</sup> In order to maintain some sort of order that was familiar to them, the new Mecklenburg County law enforcement turned to a variety of institutions. The budding justice system often used imprisonment, convict labor, and the bias of county courts to target Black citizens who were also finding their place in the new society where they were suddenly free.

After the Civil War, the US Army stationed troops throughout the South in hopes to restore order and properly reincorporate regions like Mecklenburg County back into the Union. These troops appointed Mecklenburg's first temporary police forces. Most of the new county magistrates and police officers were former Confederate politicians and soldiers who had actively defended secession. In order to reclaim power, the Union government required former Confederate sympathizers to take an "oath of allegiance to the United States government."<sup>55</sup> Under the supervision of Union military leadership, this variety of stakeholders constructed the new Mecklenburg County government, which – until the troops

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<sup>51</sup> Richard Fausset and Alan Blinder. "[Charlotte Officer 'Justified' in Fatal Shooting of Keith Scott.](#)" *The New York Times*. 30 November 2016.

<sup>52</sup> Camila Domonoske. "[After Fatal Police Shooting, Protest Erupts in Charlotte, N.C.](#)" *NPR America*. 21 September 2016.

<sup>53</sup> Dan L. Morrill, "[A History Of Charlotte and Mecklenburg County](#)," Charlotte-Mecklenburg Historic Landmarks Commission, November 2016, pp. 58 and 174.

<sup>54</sup> Ryan L. Sumner. *Charlotte and Mecklenburg County Police*. Charleston: Arcadia Publishing, 2010. p. 9.

<sup>55</sup> Hoffman, *The Development of Town and Country*, p. 109.

withdrew from Charlotte in 1868 – was done under the watchful eye of their occupiers from the United States Army.

The county established a more formal police force and law enforcement mission once they were better organized to do so. Historian Carolyn Frances Hoffman writes,

“The county court established military companies for police duty. The companies had three principal duties: 1) to stop thievery; 2) to put an end to vagrancy ‘by arresting all persons who may be found sauntering about having no apparent means of subsistence or neglecting to apply to some honest calling for support;’ and 3) to prevent the violation of any state laws. [...] The military companies were in some ways reminiscent of the old slave patrols.”<sup>56</sup>

The criminalization of vagrancy was most reminiscent of slave patrolling.<sup>57</sup> These military companies had the full authority to arrest citizens who appeared to be wandering about a public space with no purpose, and after the abolition of slavery, the description applied most often to formerly enslaved Black people. Such laws – that restricted Black movement throughout the county – ensured that the attitudes of the Antebellum age persevered in the foundation of the “new south.”

After the Union troops withdrew from the South altogether in the late 1870s, regional governments were left to figure out the new order, oftentimes with Antebellum attitudes informing new practices. Police hostility towards formerly enslaved people was typical, since officers’ previous jobs had often required them to restrict the freedoms of Black laborers on behalf of powerful white citizens. Violent run-ins with the police became commonplace in Black neighborhoods in the years following Reconstruction. Black newspapers, such as *The Charlotte Messenger*, frequently drew attention to aggressive arrests in the community and called for change in the ways that police interacted with Black citizens. In one issue of the *Messenger*, writers described the brutal arrest of a citizen named Wm. Pennington and his wife who were being investigated for their part in a minor non-violent incident. The officers clubbed Pennington’s wife over the head with several white and Black witnesses nearby. The following quote is a direct criticism of an *Observer* article that called the officers “brave”: “Shame on such bravery. This clubbing and bruising up the heads of citizens by policemen is becoming of too common occurrence. If our police force is not sufficient, let it be increased, let officers summon assistance, and let them learn to go to the people like officers of the law should.” The writer sarcastically added, “An officer does himself no credit if he makes an arrest without bruising a head.”<sup>58</sup> The article indicates that aggressive behavior towards citizens by the police was a frequent occurrence in the Charlotte area in the late 1800s. Such concerns that local law enforcement did not truly represent the people they vowed to serve eventually became calls for more Black police officers on the force in the 1920s and 1930s.<sup>59</sup>

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<sup>56</sup> Hoffman, [The Development of Town and Country](#), p. 123.

<sup>57</sup> Free Black persons had been objects of legal repression in the antebellum period, because they were seen as corrupting influences on their brethren in slavery. In the aftermath of Nat Turner’s 1831 uprising in Virginia, the Town Commissioners of Charlotte agreed on a new set of ordinances prohibiting free persons of color from congregating or going out at night. ([Minutes, Charlotte, NC Council](#), May 1, 1832, Ordinances #8 (Vol.1, p.65) and #15 (Vol.1, pp.67-69))

<sup>58</sup> “[Brave \(?\) Policemen.](#)” *The Charlotte Messenger*. 29 July 1882.

<sup>59</sup> Sumner. [Charlotte and Mecklenburg County Police](#). p. 57.

According to Sumner's history of the Charlotte and Mecklenburg police, Black officers made up about 20 to 40 percent of Charlotte's law enforcement during the Reconstruction era. They were, however, effectively pushed out of the police force after the Union troops withdrew from the South and during the White Supremacy campaign.<sup>60</sup> There were no visible Black officials at the county level during the postwar era, although the specific makeup of the Mecklenburg County Police at this time is not specifically known outside of the fact that the county government had no Black public figures at the time.<sup>61</sup>

### Early Years of the County Courts and Prisons

In the late 1860s, there was much debate among Union officials concerning the eventual end of their presence in North Carolina. The main question surrounded the stability and loyalty of the newly established state and local governments to the Union. Towards the end of the decade, one agent of the Freedman's Bureau voiced his worries about leaving the new institutions to govern a post-slavery society too soon. He wrote, "I sincerely believe [...] if the U.S. troops should be withdrawn from this State [...] leaving the great body of magistrates unchanged and the County Courts not reconstructed, the future of the Freedmen would be dark indeed."<sup>62</sup> While this note indicated concern for all counties in the state of North Carolina, the prominence of racially motivated aggression in Mecklenburg County specifically disturbed Union officials.

Several histories of the county assert that this region avoided the worst racial violence of the Reconstruction; however, violence against formerly enslaved people took a different shape in Mecklenburg – often the shape of abuse and physical assault of Black workers and citizens in a way reminiscent of plantation subjugation.<sup>63</sup> From 1868-1872, Mecklenburg County saw a high volume of Ku Klux Klan (KKK) recruitment, primarily targeting poor whites, who – according to conservative press – had the most to lose after the end of slavery.<sup>64</sup> In this climate, whippings and beatings of Black people were frequent occurrences by white men who continued to take punishment of crime into their own hands, as they had during the time of slavery. In his book, *Many Excellent People: Power and Privilege in North Carolina*, Paul Escott writes, "In Charlotte, a [county] magistrate clubbed a Negro in public on the street, and the Freedman's Bureau was convinced that hostility to any change in the black man's status was strong in the county courts."<sup>65</sup> Escott's argument is supported by an evident pattern in the county courts during the Reconstruction years. While slavery as a formal institution had been abolished, the Freedman's Bureau pointedly observed that the Mecklenburg County Court upheld the same values of the justice system present during the Antebellum era.

The courts rigidly enforced laws intended to maintain the order of the Old South, notably the aforementioned vagrancy laws. The magistrates often sided with white citizens who committed violence against Black neighbors in the name of enforcing such laws. In 1871, a Mecklenburg farmer named

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<sup>60</sup> Sumner. [Charlotte and Mecklenburg County Police](#). p. 57.

<sup>61</sup> "The County Government Bill." [The Charlotte Daily Chronicle](#). 2 February 1887.

<sup>62</sup> Paul D. Escott. [Many Excellent People: Power and Privilege in North Carolina](#). Chapel Hill: University of North Carolina Press, 1985. p. 130.

<sup>63</sup> "[Background: Reconstruction in Charlotte Mecklenburg, 1865-67.](#)" *Charlotte-Mecklenburg Historic Landmarks Commission*.

<sup>64</sup> Escott. [Many Excellent People](#). p. 154.

<sup>65</sup> Escott. [Many Excellent People](#). p. 129.

Joseph Boyles murdered a Black railroad employee for cutting across his land on the way to work. The county courts tried Boyles for murder and acquitted him.<sup>66</sup>

Mecklenburg County even saw instances of angry whites circumventing interaction with the justice system altogether, taking criminal punishment into their hands in particularly abhorrent ways. In the twentieth century two instances of lynching in the county (discussed below) put an abrupt end to Charlotte's narrative as a progressive southern city that had avoided the mobs.<sup>67</sup>

### Imprisonment and Chain Gangs

Formal police forces and prisons did not exist during the Antebellum era. Mecklenburg County's prison system was constructed after the Civil War; and soon after the abolition of slavery, the county began to use convict labor for projects that would have required slave labor a decade earlier. "Convict leasing" became a common practice, when the county lent free prison labor to corporations. This labor lending, known colloquially as "chain gangs", ended up building the road and railroad systems in Mecklenburg County.<sup>68</sup> Eventually, the county was recognized throughout the nation as the prototype for modern roads and railroads, and the "reform programs" for convict labor were framed to outsiders as "Southern Progressivism."<sup>69</sup>

In the early twentieth century, approximately 90 percent of the convicts at the Mecklenburg prison camp were Black.<sup>70</sup> To explain this, historian J. Michael Moore writes, "This probably reflects both a bias in the arrest and prosecution of black men and an increased likelihood that black defendants were too poor to pay small fines or costs in the case of petty offenses."<sup>71</sup> Black newspapers took notice of this trend at the time and voiced their critiques of the system. In 1886, journalist W.R. Ragman wrote for *The Charlotte Messenger*:

There is a big crowd of convicts on the chain gang here and nearly every one is colored. Something must be wrong; either we have a great class of criminals among the colored people or law is too stringent. Here in Charlotte, it is an everyday scene to see the convicts marching through the streets, chained like so many wild animals... [...] Yet these men are tried, convicted and sentenced by a jury on which there was not a single colored man to say whether they were guilty or not.<sup>72</sup>

Ragman's observations allude to the lack of Black representation in county affairs. The absence of Black officials in Mecklenburg County directly led to the selections of all-white juries to decide the fates of Black prisoners passing through the county courts. The first non-White juror in Mecklenburg County was not sworn in until January 4, 1937. In 1935, the Supreme Court in *Norris v. Alabama* had invalidated the

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<sup>66</sup> [The Southern Home Newspaper](#). March 28 and December 5, 1871.

<sup>67</sup> "[Majesty of the Law Trampled Upon by Mecklenburg Mob](#)." *Charlotte Daily Observer*. 27 August 1913.

<sup>68</sup> Tom Hanchett and Ryan Sumner. [Charlotte and the Carolina Piedmont](#). Charleston: Arcadia Publishing, 2003. p. 30.

<sup>69</sup> Alex Lichtenstein. "[Good Roads and Chain Gangs in the Progressive South: 'The Negro Convict Is a Slave'](#)." *The Journal of Southern History* 59, no. 1 (1993): 85-110.

<sup>70</sup> Jesse Steiner and Roy M. Brown. [The North Carolina Chain Gang: A Study of County Convict Road Work](#). Chapel Hill: The University of North Carolina Press, 1926.

<sup>71</sup> JM Moore. "Joe McNeely Lynching." 20 July 2019.

<sup>72</sup> W.R. Ragman. "[Women on the Chain Gang](#)." *The Charlotte Messenger*. 14 August 1886.

conviction of a Black defendant, because Blacks had been excluded from the jury pool. This decision forced changes in the county.<sup>73</sup>

All-white juries were almost guaranteed to sentence Black suspects to time in prison labor camps and forced labor on chain gangs. By applying the loophole in the Thirteenth Amendment, which allowed for the use of involuntary servitude “as a punishment for a crime,” the county was able to legally maintain an almost all-Black, unpaid labor force to construct roads and lay railroad tracks in the name of county improvement.

The Mecklenburg BOCC began the campaign to improve roads across the region in the early 1880s, and securing labor for no cost was a priority in the process.<sup>74</sup> The political dominance of conservative Democrats at the time ensured very little opposition to the initiative, with special praise reserved for the means through which it would be accomplished. By the 1890s, other North Carolina counties followed suit and began improving their roads with the help of a new state law named after the county that pioneered the use of convict labor. The Mecklenburg Road of 1885 codified the use of inmates for free labor in the construction of roads across North Carolina.<sup>75</sup>

In 1901, the *Charlotte Observer* published the words of D.A. Tompkins from his pamphlet, “Road Building and Broad Tires.” Tompkins writes, “As has already been said, the working of convicts on the roads is regarded with great favor. The reports of the road authorities show that the cost of feeding, clothing and guarding convicts amounts to something like 25 cents a day for each convict.”<sup>76</sup> In this piece, Tompkins boasts of the county’s decision to adopt free labor and encourages the practice as a key tenet of good road building in other regions. In his conclusion, Tompkins notes that the county commissioners contributed a total of \$13,000 to the road construction and convict labor programs in 1901.<sup>77</sup>

From the origin of the practice, many Mecklenburg County newspapers, particularly Black publications, circulated harrowing accounts of the convict leasing system. In 1893, one editorial in the *Star of Zion* noted:

We read almost daily of the inhumane cruelties to which the convicts are subjected, especially those who are leased and placed under the charge of a set of irresponsible and frequently low type of white men who take pleasure in maltreating these unfortunates. The person and lives of convicts are not regarded of enough consequence to receive that care which will insure to them ordinary safety in many places.<sup>78</sup>

The Mecklenburg County Highway Commission was founded in 1921 as an arm of the county government, and this body continued the forced servitude of convicts for the building of the region’s highway system. In 1926, Edgar T. Thompson recorded that inmate labor cost \$0.711 or \$0.762 per day,

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<sup>73</sup> [“Negro Listed For Jury”](#) *Charlotte Observer*, October 18, 1936; [“Negro Juror Helps Convict White Defendant,”](#) *Charlotte Observer*, January 5, 1937, p.10.

<sup>74</sup> David A. Norris and Robert E. Ireland. “Roads.” [Encyclopedia of North Carolina](#).

<sup>75</sup> Norris and Ireland. “Roads.” [Encyclopedia of North Carolina](#).

<sup>76</sup> [“Mecklenburg Good Roads: New York Tribune Gives History.”](#) *Charlotte Observer*. April 28, 1901.

<sup>77</sup> [“Mecklenburg Good Roads.”](#)

<sup>78</sup> [“The Inconsistency of Southern Justice.”](#) *The Star of Zion*. April 6, 1893.

which maintained minimal cost for the county.<sup>79</sup> In his economic history of Mecklenburg, Thompson reported on the harsh conditions of the chain gangs in those years. He wrote that inmates were forced to live in filthy barracks, shackled to their beds on Sundays, and worked under especially heavy chains throughout the week.<sup>80</sup>

Despite widespread activism to end convict leasing – as well as high-profile lawsuits against the Mecklenburg County convict camps in the 1920s and 30s for “brutal and inhumane treatment” and even torture – the use of chain gangs for public works projects endured in the region.<sup>81</sup> The leasing of convict labor at the county level ended in 1933, when the state of North Carolina assumed full responsibility for the allocation of prisoners for various projects in need of free laborers.<sup>82</sup> Only two years later, under state supervision, two Black prisoners in Mecklenburg County suffered such neglect in solitary confinement that their feet froze and had to be amputated; the camp officials were found not guilty on charges of neglect of official duty and assault with a deadly weapon.<sup>83</sup>

### Lynching in Mecklenburg County

In his essay on the lynching of Joe McNeely, J. Michael Moore asserts that the prison camps in Mecklenburg County were among the worst in North Carolina, in terms of treatment of inmates. In the early 1900s, two of the most notable inmates were a pair of brothers, James and Joe McNeely. James “Chicken Jim” McNeely was shot four times by a prison guard in 1908, after he allegedly tried to run from chain gang duty. James died of his wounds at the Good Samaritan Hospital. His brother, Joe, had served time in a labor camp for fighting in 1907; therefore, he had experienced the very worst of the convict leasing system both through brutal treatment for a minor crime and the murder of his brother.

On 22 August 1913, Joe McNeely engaged in a shootout with Charlotte police officer L.L. Wilson, who was responding to a report of men brandishing guns on South Tyron Street. While the *Charlotte Daily Observer* indicated that McNeely began the shooting, his motives for firing at Officer Wilson are unknown. One could speculate that McNeely feared returning to the prison camps after his experiences with the brutality of the system. Both parties were rushed to the hospital – Wilson to the Presbyterian Hospital in Charlotte and McNeely to the Good Samaritan Hospital, the only Black medical center in Mecklenburg County.

Four days later, a mob broke into the Good Samaritan Hospital and dragged McNeely outside. The group of masked men shot him multiple times and left him for dead. This lynching was believed to be the first in Mecklenburg County, shattering any perception of the region’s “progress” in race relations. The subsequent handling of Joe McNeely’s murder highlights the structural racism in Mecklenburg County’s criminal justice system in the 1900s.

In the weeks following the lynching, the *Charlotte Observer* made several speculations about the Mecklenburg County Sheriff’s role in the incident. Not only had the Sheriff refused to give McNeely protection from angry whites after the shootout, his office had ignored all warnings of mob activity in

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<sup>79</sup> Edgar T. Thompson. [Agricultural Mecklenburg and Industrial Charlotte: Social and Economic](#). Charlotte: The Charlotte Chamber of Commerce, 1926. p. 212.

<sup>80</sup> Edgar Thompson. [Agricultural Mecklenburg and Industrial Charlotte](#). p. 314.

<sup>81</sup> “[Convict Camp Probe Opened by Carpenter](#).” *Charlotte Observer*. August 4, 1927.

<sup>82</sup> Norris and Ireland. “Roads.” [Encyclopedia of North Carolina](#).

<sup>83</sup> “[Prison Camp Officials Found Not Guilty](#),” *Charlotte Observer*. July 22, 1935.



the hours before the lynching.<sup>84</sup> The *Observer* also voiced disbelief that no policemen had been able to identify members of the mob as the crime took place. The paper even raised concern that the officers on duty that night had been sympathetic to the mob, stating that “the mob represented a sentiment well known by it to exist also among some members of the police.”<sup>85</sup>

Mere days later, the Grand Jury assembled to investigate the lynching was disbanded. The county courts claimed that the body could find no substantial evidence or names of mob members, and as a result, no person was ever charged for the murder of Joe McNeely.<sup>86</sup> A similar Grand Jury also failed to charge any assailants in the 1929 lynching case of a Mecklenburg sharecropping farmer named Willie McDaniel. Although McDaniel’s body was found hanging from a tree on his landlord’s property, and despite hearing numerous testimonies from community members, this Grand Jury was also shortly dissolved.<sup>87</sup> Thus, the courts and law enforcement in Mecklenburg County quickly put an end to the justice process for lynching victims.

### Criminal Justice into the Present Day

The common narrative about Mecklenburg County persists to this day – that the region has avoided the worst abuses of Black people at the hands of police and the race riots that plagued the South during the post-Civil War decades. There is some merit to these beliefs. The Civil Rights movements of the 1960s saw numerous peaceful protests, especially in Charlotte, organized by a wide array of organizations, from the NAACP to students at Johnson C. Smith University. When lunch counter sit-ins became commonplace, Mayor James Smith established a group called “The Mayor’s Friendly Relations Committee” to address racial issues with the specific aim to prevent hostility. At the committee’s conception, Smith noted, “It is a permanent workable organization, designed to remedy and prevent tension situations of every kind.” Very little in the mayor’s announcement indicated the desire to achieve racial equity.<sup>88</sup> The group encountered a protest after reporting its membership, because every officer appointed to lead the Friendly Relations Committee was white.<sup>89</sup>

The greater Charlotte area avoided the levels of police brutality seen in cities like Birmingham and Philadelphia. However, the lack of violence that drew national attention is not an accurate measure of institutional racism in Mecklenburg County’s justice system during the 20<sup>th</sup> century.

Although Black journalists had been writing about racism in policing since the formation of police forces, the calls for police reform were greatly amplified during the Civil Rights Era. Requests for the establishment of a civil review board of the Charlotte Police Department (now CMPD) began in the mid-1960s. One group called the Black Solidarity Committee (BSC) was instrumental in making police brutality and the handling of disciplinary action against police a widespread public issue. In 1969, the BSC attended a meeting of City Council to call for Black representation in the accountability process. Police leadership mostly dismissed the concerns from the BSC that too many police brutality cases had been thrown out altogether; the department insisted that they had already made changes by assigning

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<sup>84</sup> [“This Outraged Community’s Demand.”](#) *Charlotte Observer*. August 27, 1913.

<sup>85</sup> [“This Outraged Community’s Demand.”](#)

<sup>86</sup> [“Grand Jury Could Discover Nothing.”](#) *Charlotte Observer*. August 30, 1913.

<sup>87</sup> [“Jury Approves County’s Work.”](#) *Charlotte Observer*. October 5, 1929.

<sup>88</sup> [“Local Group to Help Ease Racial Issues.”](#) *Charlotte Observer*. March 15, 1960.

<sup>89</sup> [“Committee Protested.”](#) *Charlotte Observer*. April 5, 1960.

Black and white officers to the same cars.<sup>90</sup> At the time, the city of Charlotte had a Community Relations Committee – which had been appointed around the same time as the Friendly Relations Committee – and this group’s job, according to then-Mayor Stan Brookshire, was “to give primary concern and study to areas of decent housing, adequate health facilities, education, economic opportunities and recreation for all our citizenship.”<sup>91</sup> The City Council recommended new appointments to this committee as a means of addressing the BSC’s concerns about law enforcement. In this way, the city of Charlotte – whose police force patrolled the majority of Mecklenburg County’s Black neighborhoods – gave ear to Black citizens’ testimony of encounters with police and brought Black persons onto the force and into committees charged with reviewing charges against individual officers. These actions came only after protest and did not solve any problems overnight. Even so, they established enough hope for achieving change through civil processes that the city avoided the worst of police brutality and civil disorder in the 1960s.<sup>92</sup>

Patterns of police brutality spiked in Mecklenburg County in the 1980s and 1990s, as they did in almost all other American cities, with the arrival of national law enforcement initiatives such as Reagan’s “War on Drugs” and Clinton’s “Tough on Crime” policies. In 1990, the *Charlotte Observer* published a survey of Mecklenburg residents’ opinions on drugs in their communities. This poll specifically pointed the finger at Commissioner Bob Walton’s district, an overwhelmingly Black district, as an area in need of “community resources to attack a variety of social problems, including drugs.” The article then noted that, while most Mecklenburg County residents opposed the idea of taking random drug tests, many believed that more police presence was needed “for protection.”<sup>93</sup>

The perception of the War on Drugs was, and still is, very different in Mecklenburg County’s Black community, where data supports the claim that the increase in aggressive policing only resulted in increased targeting of Black neighborhoods that had already been targeted for decades. In 1976, journalist and later City Council Member Hoyle H. Martin wrote a call to action in *The Charlotte Post*, detailing the consistency of negative police encounters in Black neighborhoods. He wrote:

Hard evidence [...] shows that approximately 80 percent of all the people in our nation’s prisons are black and blacks are still twice as likely to be arrested as whites. Given such depressing data, and there is more, policemen should understand the sensitive feelings blacks have when any incident occurs involving a black.<sup>94</sup>

Such concerns from the late 1970s, before the most violent years of the War on Drugs, are validated by contemporary data. In the United States, the incarcerated population grew from around 500,000 inmates in the 1970s to more than 2 million inmates today; approximately 75 percent of those imprisoned for drug crimes are minorities.<sup>95</sup>

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<sup>90</sup> Paul Clancy. “[Negro Officers Will Be Consulted in Future Police Reviews.](#)” *Charlotte Observer*. July 8, 1969.

<sup>91</sup> Joe Doster. “[Race Relations Group Appointed.](#)” *Charlotte Observer*. July 9, 1961.

<sup>92</sup> Clancy. “[Negro Officers...](#)”

<sup>93</sup> “[Editorial: Mecklenburg vs. Drugs, Serious Problem Requires Vigorous, Sensible Response.](#)” *Charlotte Observer*. April 23, 1990.

<sup>94</sup> Hoyle H. Martin. “Editorials and Comments: Policy for Dealing.” *The Charlotte Post*. March 18, 1976.

<sup>95</sup> Fred Clasen-Kelly. “[Race gap seen in justice system - Charlotte School of Law forum discusses why the city and the U.S. still have a disproportionate number of blacks and Latinos in jail or prison.](#)” *Charlotte Observer*. March 5, 2011.

Public figures in the Black community warned of rising antagonism towards law enforcement in the 1980s. Black newspapers published further appeals for the creation of a local Civilian Review Board, arguing that civilian oversight of policing could help better relations. *The Charlotte Post* explained that the purpose of a Civilian Review Board would be to “hear complaints against police and analyze crime reports, expand the neighborhood watch program, and offer sensitivity and awareness training in the area of human relations with some of the instruction provided by blacks.” The writers expressed their desire to avoid heightened tensions, a view aligned with the city and county’s interests, stating: “Waiting until a riot is at the city’s doorstep does little for effective community relationships.”<sup>96</sup> Predictions that unrest would boil over proved accurate within the next few decades.

In 1993, the Charlotte City Police Department and the Mecklenburg County Rural Police Department merged to form the Charlotte-Mecklenburg Police Department (CMPD). After several years of pressure, the city of Charlotte formed a Civilian Review Board for the CMPD in 1997 following an officer-involved shooting of an unarmed Black motorist.<sup>97</sup> The Civilian Review Board continues to hear numerous allegations of police brutality today, as the Black community’s disproportionately negative experience with law enforcement in Mecklenburg County becomes common knowledge.<sup>98</sup> Press reports, however, indicate the vast majority of complaints heard by the Review Board against CMPD officers have been dismissed.<sup>99</sup>

This history of race-based discrimination and violence has fed the Black community’s vast mistrust of police through several generations. Incarceration as a tool to disenfranchise Black people began after the Civil War, and data reveals that the method persists in a different form today. In 2011, one Mecklenburg County judge observed a county courtroom full of Black defendants accused of drug-related crimes, and he noted: “These drug laws are doing more to disenfranchise a whole people than Jim Crow ever did.”<sup>100</sup> The officer-involved shootings of Black men, such as Jonathan Ferrell in 2013 and Keith Lamont Scott in 2016, elicited reactions from the public that had been decades in the making.

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<sup>96</sup> “Editorials and Comments: Police-Black Citizens Relations.” *The Charlotte Post*. June 12, 1980.

<sup>97</sup> John Vaughan. “[Segregation: The Legacy Endures.](#)” *Charlotte Observer*. September 14, 1997.

<sup>98</sup> Fred Clasen-Kelly. “[Chief says CMPD has changed. Critics say reforms didn't happen.](#)” *Charlotte Observer*. September 17, 2017.

<sup>99</sup> Fred Clasen-Kelly. “[Woman 'felt dismissed' after filing complaint against CMPD.](#)” *Charlotte Observer*. February 16, 2013.

<sup>100</sup> Clasen-Kelly. “[Race gap seen in justice system.](#)”

## EDUCATION

### *Before Brown v. Board*

Racial inequity in schooling has been present in Mecklenburg County's school system since the institutionalization of education began in the region. The county began to receive funds from the state of North Carolina in 1840, and the school system developed its first preliminary structure when the county government began consolidating smaller one or two-room schools into larger public schools.<sup>101</sup> Mecklenburg County voters frequently voted against levies that would benefit the public school system, and as a result, the quality of the schools suffered, with Black institutions bearing a particular weight. On top of the general struggle for funding, Mecklenburg County consistently invested less money in its Black students during the nineteenth century. In their book, *Hornets' Nest: The Story of Charlotte and Mecklenburg County*, LeGette Blythe and Charles Brockmann demonstrate the disparity using exact numbers, writing, "By 1874, there were 46 white schools in the county with 1,702 children, operated at a cost of \$4,346 [\$3.14/student, 37 students per school], and 34 Negro schools with 1,814 children, costing \$2,948" [\$1.62/student, 53 students per school].<sup>102</sup> In 1902, county schools for Black children were still 43% more crowded than those for whites, exactly as they had been in 1874.<sup>103</sup>

Educational facilities for Black students in Charlotte and Mecklenburg County received substandard attention, in comparison to the white schools. While announcing the opening of more public schools in 1900, superintendent Dr. Alexander Graham said: "The white school opened for the reception of pupils on September 11, 1882, and thus was organized the school for whites in the barracks of the Carolina Military Institution.... The colored school opened September 25... first conducted in an old tobacco barn in Ward 1".<sup>104</sup> Harry P. Harding describes the facilities in his report, "A Partial Review of the Expansion and Development of the Charlotte City Schools." He notes the money invested into the first white school in Charlotte, saying, "The City Aldermen, or Council, bargained with the owners of the property to buy [the military barracks] for about \$15,000.00".<sup>105</sup> Harding gives a more detailed description of the second white school, writing, "The Gray property was secured for \$6,000.00; the building was erected at a cost of \$27,000.00, the Architects' fees and furniture made the entire cost about \$35,000.00 [...] with a space of an office, nurses' rooms and teachers' rest rooms on every floor, wardrobes in every room, playrooms in the basement with modern heating and toilet facilities".<sup>106</sup> Harding describes the Myers Street School for Black students: "The Board of Aldermen purchased from Colonel W.R. Myers a lot in the Second Ward, on Myers St., with 200 foot frontage at \$200.00 per acre. On this site was built a wooden building with two stories and eight rooms at a cost of \$2,800.00".<sup>107</sup> As a point of comparison, the less expensive single school building housed approximately the same number of students and teachers as the two white schools in 1904.<sup>108</sup> While the white schools taught high school courses at their conception, the

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<sup>101</sup> LeGette Blythe and Charles R. Brockman, [Hornets' Nest: The Story of Charlotte and Mecklenburg County](#) (Charlotte, NC: Public Library of Charlotte and Mecklenburg County, 1961), p. 220.

<sup>102</sup> Blythe and Brockmann. [Hornets' Nest](#), pp. 219-220.

<sup>103</sup> Daniel Augustus Tompkins, [History of Mecklenburg county and the city of Charlotte: from 1740 to 1903](#), vol. 1 (Charlotte, NC: Observer Printing House, 1903), p. 168.

<sup>104</sup> Blythe and Brockmann, [Hornets' Nest](#), p. 222.

<sup>105</sup> Harry P. Harding, [The Charlotte City Schools](#) (Charlotte, NC: Public Library of Charlotte and Mecklenburg County, 1966), p. 3.

<sup>106</sup> Harding, [The Charlotte City Schools](#), pp. 4-5.

<sup>107</sup> Harding, [The Charlotte City Schools](#), p. 12.

<sup>108</sup> Harding, [The Charlotte City Schools](#), p. 5.

first Black secondary school in the Charlotte area – Second Ward High School – was not constructed until 1923.<sup>109</sup>

### *Brown v. Board and Token Integration*

The year 1954 dropped a bombshell on the school system in Mecklenburg County, North Carolina, and the American South at large. The U.S. Supreme Court's landmark decision in *Brown v. Board of Education* found that "separate but equal" public services for Blacks and Whites were unconstitutional. The "Brown II" decision of 1956 ordered school systems to desegregate "with all deliberate speed," which ultimately forced the reevaluation of public education across southern states. North Carolina was no exception. Shortly after the *Brown* decision was announced, Governor William Umstead declared his intentions for North Carolina to pursue a "moderate" approach – not directly rejecting desegregation, but rather convening a slew of committees to study ways in which the state could comply with *Brown* while avoiding the civil unrest seen in other parts of the country.

From these efforts stemmed the "Pearsall Plan to Save Our Schools." While North Carolina segregationists fought to create a system of state-supported private schools in open defiance of the Supreme Court, the Pearsall Plan – named for committee chair Thomas J. Pearsall – devised a package of recommendations that would allow the public school system to conduct most business as usual while making a few bureaucratic changes to achieve minimum compliance with *Brown*. The Pearsall Plan gave rise to a practice that would later be referred to as "token integration," the act of letting a few "token" Black students into white schools as to not get in trouble with the federal courts. This was a way for the state to defer desegregation responsibilities to local authorities and avoid sweeping reforms. Pearsall's committee recommended giving local school boards the power to deny requests for school assignment based on a plethora of vague criteria, e.g., "student ability, school capacity, and geographic location."<sup>110</sup> A later version of the Pearsall Plan introduced in 1956 subsidized private school tuition for families with children who had been assigned to desegregated schools. It also allowed for local school boards to hold referendums on the question of closing certain schools to avoid desegregation.

About a year after the *Brown* decision, North Carolina codified its response to the landmark mandate. In his book, *Reading, Writing, and Race: The Desegregation of the Charlotte Schools*, Davison Douglas writes, "On March 30, 1955, the North Carolina General Assembly enacted legislation that vested local school boards with exclusive authority over pupil assignments. The statute expressly directed local school boards not to consider race as an assignment criteria".<sup>111</sup> Instead of taking radical actions in the wake of other southern states denouncing *Brown v. Board of Education* altogether, the North Carolina state legislature granted local entities vast amounts of nuanced power in the process of desegregating schools. Many of these powers allowed for local school boards to perpetuate school segregation in less overt ways. Many historians have since interpreted the Pearsall Plan and the legislation that followed as a North Carolinian effort to delay court-mandated desegregation.

In the context of North Carolina's reaction to *Brown*, Mecklenburg County inherited vast powers from the state in regards to school desegregation or lack thereof. In the 1950s, the Charlotte-Mecklenburg Schools were still two separate entities – Charlotte City Schools and Mecklenburg County Schools. The

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<sup>109</sup> Christopher Polzer, "[A Brief History of Second Ward High School](#)." (Charlotte, NC: Charlotte-Mecklenburg Coalition of African American Research Associates, 1993).

<sup>110</sup> Davison M. Douglas, [Reading, Writing, and Race: The Desegregation of the Charlotte Schools](#) (Chapel Hill, NC: University of North Carolina Press, 1995).

<sup>111</sup> Douglas, [Reading, Writing, and Race](#), p. 31.

latter school system was no stranger to wide-sweeping changes; in the 1920s, as one of the most rural regions in North Carolina, Mecklenburg County implemented busing as a way to increase rural student attendance to match modern standards.<sup>112</sup> In the 1950s and 1960s, however, Mecklenburg County resorted to Pearsall's recommendations as way of answering the calls for change demanded by *Brown*. Black students were permitted to ask to attend predominantly white schools; however, Mecklenburg County did not approve a single transfer request. In his book, *Race and Education in North Carolina: From Segregation to Desegregation*, John E. Batchelor cites reports by local newspapers, writing:

Raleigh City and Mecklenburg County also considered a series of transfer requests but either deferred or denied all of them. The boards did not release specific reasons for the decisions, other than stating that each application for transfer had been considered on its individual merits and that the decisions had been made so as to promote orderly administration and effective instruction in the schools, as well as the health, safety, and welfare of students.<sup>113</sup>

Challenging school assignment was made additionally difficult by school boards putting in place a wall of administrative intricacies that students had to follow perfectly in order to appeal the decision made by the Mecklenburg County school board.<sup>114</sup> In 1961, the North Carolina Supreme Court heard *Morrow v. Mecklenburg County Board of Education*, a case in which the parents of eight Black students argued that the county had denied their children's transfer requests based on their race. In response, the Mecklenburg County School Board took the official stance that they did not deliberately segregate schools, but rather that "by custom and choice, students of different races attended different schools."<sup>115</sup> Public education at the county level, not including the city of Charlotte, did not last long into the post-*Brown* era; however, in its existing years, the Mecklenburg County School Board's notable reluctance to desegregate drew attention from national civil rights groups and legal giants, including Thurgood Marshall, who assisted the litigation process in *Morrow v. Mecklenburg County*.<sup>116</sup>

In 1959, Charlotte City Schools and Mecklenburg County Schools merged to form Charlotte-Mecklenburg Schools, one of the largest school systems in the country. The addition of the city of Charlotte changed the landscape for the question of desegregation in Mecklenburg County. To set the scene, Douglas writes, "When the Supreme Court decided the *Brown* case in 1954, Charlotte was a city of two very different worlds: one black and one white. The city's rapid growth and development during the half century before *Brown* had proceeded along well-defined racial lines, producing one of the most residentially segregated cities in the United States".<sup>117</sup> As city government and businesses had encouraged the division of neighborhoods by race all throughout the late 1800s and early 1900s, the placement of children in Charlotte's schools reflected the segregated population. While many Black neighborhoods emerged as strong communities, based off of shared heritage and common goals, forcing young pupils to take initiative for their own educational futures took a toll of the very dignity of Charlotte's Black families. Batchelor notes these effects as well, noting, "Black children bore the burden of reassignment in school desegregation through the mid- to late 1960s. Black professionals paid the

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<sup>112</sup> Blythe and Brockmann, *Hornets' Nest*, p. 220.

<sup>113</sup> John E. Batchelor, *Race and Education in North Carolina: From Segregation to Desegregation* (Baton Rouge, LA: Louisiana State University Press, 2015), p. 60.

<sup>114</sup> Douglas, *Reading, Writing, and Race*, p. 31.

<sup>115</sup> Batchelor, *Race and Education in North Carolina*, p. 91.

<sup>116</sup> Batchelor, *Race and Education in North Carolina*, p. 91.

<sup>117</sup> Douglas, *Reading, Writing, and Race*, p. 51.

price in loss of status and in [some] cases loss of livelihood.”<sup>118</sup> Charlotte-Mecklenburg Schools (CMS) continued to practice “token integration” into the 1960s. Furthermore, in 1969, the monumental case, *Swann v. Charlotte-Mecklenburg*, sent waves throughout the entire county and revealed details about CMS School Board practices that had actively generated segregation and unequal educational access in the 1960s.

### *Swann v. Charlotte-Mecklenburg Board of Education*

This 1969 landmark case revealed much of the deliberate avoidance of desegregation on the part of the Charlotte-Mecklenburg Schools throughout the 1960s. The lawsuits against CMS were first filed by Black parents and students in 1964, with Black teachers in the system joining the efforts shortly after. The lead plaintiffs, Darius and Vera Swann, had direct quarrel with the Pearsall Plan, after their son James had been forbidden from transferring to a desegregated elementary school.<sup>119</sup> Douglas writes of the cohort’s various grievances: “The plaintiffs’ lawsuit complained of the continuation of race-based pupil assignment for half of the systems’ black students, the configuration of school attendance lines gerrymandered to minimize integration, the allowance of pupil transfers away from desegregated schools, and the assignment of teachers on a racial basis”.<sup>120</sup> In the face of litigation, CMS continued to produce “desegregation plans” that left a significant number of Black students in all-Black schools. These plans established further logistical barriers for Black pupils seeking to attend desegregated or majority white schools, such as the lack of transportation for students moving to a new school on the other side of town. To add to such barriers, during these years, white students were able to transfer schools en masse, ultimately self-segregating as a means of resisting the loophole-filled desegregation plans that CMS produced in the mid-1960s. Meanwhile, the School Board Chair David Harris declared that the *Swann* lawsuit was a “waste of time.”<sup>121</sup>

In 1968, approximately 28 percent of the Black students in the Charlotte-Mecklenburg Schools were enrolled in a predominantly white school. While many progressives considered Charlotte a model city in for school desegregation, the plaintiffs in the *Swann* case continued litigation, presenting arguments that the prevalent “school choice” methodology still resulted in segregated schools and that the problem was rooted in Charlotte’s ever-pervasive residential segregation.<sup>122</sup> On January 11, 1969, The Charlotte Observer published an exposé on the arguments presented in the *Swann* case, as they related to residential segregation:

In the answers filed by [Charlotte attorney Julius] Chambers, eight high schools, 17 junior high schools and 46 elementary schools are named as having boundary lines that ‘have had the effect of perpetuating segregation...’ [...] ‘It is the plaintiff’s contention that the racially discriminatory housing pattern which has developed in Charlotte – Mecklenburg County has resulted from both public and private discrimination and that school location and attendance areas have been based on the racially segregated housing pattern’ that have been created.<sup>123</sup>

This argument served to dismantle the idea, perpetuated by *Morrow v. Mecklenburg*, that students and communities were segregating themselves. The evidence presented by the plaintiffs gave the courts an

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<sup>118</sup> Batchelor, *Race and Education in North Carolina*, p. 113.

<sup>119</sup> Douglas, *Reading, Writing, and Race*, p. 111.

<sup>120</sup> Douglas, *Reading, Writing, and Race*, pp. 112-113.

<sup>121</sup> Douglas, *Reading, Writing, and Race*, pp. 114.

<sup>122</sup> Douglas, *Reading, Writing, and Race*, p. 136.

<sup>123</sup> Kay Reimler, “Black Schools Here Called ‘Inferior,’” *The Charlotte News*, January 11, 1969.

active perpetrator in the existence of segregated schools after the *Brown* decision; their assertions proved that discriminatory housing practices from the early 1900s were the original agitator of school segregation.

On April 23<sup>rd</sup>, 1969, U.S. District Court Judge James McMillan wrote his “Opinion and Order Regarding Desegregation of Schools of Charlotte and Mecklenburg County, North Carolina.” In his decision, McMillan stated that Charlotte’s segregated neighborhoods prevented CMS’s previous plans from desegregating the school system to the level required by *Brown v. Board of Education*. He noted, “The income of many black families is so low they are not able to pay for the cost of transportation out of segregated schools to other schools of their choice.” In making such a statement, Judge McMillan condemned the “school choice” philosophy under which CMS had operated and acknowledged the way in which this system allowed mostly wealthy white students to attend their school of choice, often – as previously shown – a primarily white school.<sup>124</sup> McMillan also expressed concern over Charlotte-Mecklenburg’s deliberate drawing of attendance zones in relation to the city’s neighborhoods, saying:

The Board accurately predicted that black pupils would be moved out of their midtown shotgun housing and that white residents would continue to move generally south and east. Schools were built to meet both groups. Black or nearly black schools resulted in the northwest and white or nearly all white schools resulted in the east and southeast. Freedom of students of both races to transfer freely to schools of their own choices has resulted in resegregation of some schools which were temporarily desegregated. The effect of closing the black inner-city schools and allowing free choices has in overall result tended to perpetuate and promote segregation.<sup>125</sup>

Judge McMillan determined that CMS needed to use more disruptive methods of desegregation in order to comply with federal laws, namely the Civil Rights Act of 1964.<sup>126</sup> In particular, he determined that busing should be used in order to properly and truly desegregate the Charlotte-Mecklenburg Schools. Appealing to the frugal nature of the CMS Board and Mecklenburg County voters, as well as their concerns over moving children away from their neighborhoods, McMillan declared:

The Board has the power to use school busses for all legitimate school purposes. Busses for many years were used to operate segregated schools. There is no reason except emotion (and I confess to having felt my own share of emotion on this subject in all the years before I studied the facts) why school busses cannot be used by the Board to provide the flexibility and economy necessary to desegregate the schools.<sup>127</sup>

Because he believed that the local school board knew their own circumstances best, Judge McMillan decided that the CMS Board must draw up their own desegregation plan for his consideration. He urged the board to “consider all known ways of desegregation, including busing.” The judge rooted his decision in an interpretation of previous cases that had moved beyond *Brown* to extinguish remnants of compulsory school segregation. McMillan wrote: “The duty now appears as not simply a negative duty to refrain from active legal racial discrimination, but a duty to act positively to fashion affirmatively a

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<sup>124</sup> [Swann v. Charlotte-Mecklenburg Board of Education](#), 300 F. Supp. 1358 (W.D.N.C. 1969), April 23, 1969.

<sup>125</sup> [Swann](#). 300 F. Supp. 1358.

<sup>126</sup> Douglas, [Reading, Writing, and Race](#), p. 113.

<sup>127</sup> [Swann](#). 300 F. Supp. 1358.



school system as free as possible from the lasting effects of such historical apartheid.”<sup>128</sup> In this landmark decision, Judge McMillan forever influenced the course of the Charlotte-Mecklenburg Schools. By rooting his opinion in the evidence that CMS had spent the late 1950s and 1960s enacting policies to maintain vastly segregated schools, he challenged the idea that the Charlotte-Mecklenburg region had a model urban school system – and dually challenged the county’s perception as a tolerant and liberal corner of America.

### The County Resists *Swann*

Mere days after the federal court issued the *Swann* decision, the chairman of the CMS Board of Education, William Poe, applied light pressure in a phone call to Judge McMillan, saying, “Jim, I have read your opinion and I really have trouble believing that you’ve done this. You are new to the bench, and I just wonder if you want to start your career this way.” Poe knew that a decision meant to bring about drastic change in the region would soon be met with all the resistance the county and its residents could muster.<sup>129</sup> He himself was originally opposed to implementing busing in Mecklenburg County, because the initiative would require a massive amount of change for so many people. As Chair of the Board, Poe officially stated, “I am not committed to the proposition that we are going to move people – by force of law – to provide what some sociologists feel is the ideal social climate”.<sup>130</sup> As they faced the mandatory conception of a desegregation plan, the CMS Board encountered a formidable resistance in the Concerned Parents’ Association (CPA), an organization that had materialized in the weeks after the *Swann* decision and had already built up a large following. The CPA circulated a petition for the CMS Board to openly defy McMillan’s orders, which collected 10,738 signatures, and held rallies against busing all over Mecklenburg County. These parents framed their argument as a concern that a U.S. District Judge was controlling their children’s lives, rather than as a prejudice against Black people. Members of CPA also claimed that they were not bigoted; they just didn’t believe that busing children far away from their neighborhoods was the solution that would improve their education. Such arguments became the standard talking points of elected officials and county residents against busing. Several members of the CPA eventually won seats on the CMS Board, beginning with the 1970 election.<sup>131</sup>

The Board submitted a plan to the court on May 28, 1969, and McMillan unequivocally rejected it, noting that it suggested nothing close to what the law considered every possible effort towards desegregation. In his book, *The Dream Long Deferred*, journalist Frye Gaillard writes, that this first report “redrew the boundaries of a few school zones, promised free bus transportation for majority to minority pupil transfers, asked for volunteers to desegregate the faculties, and promised generally to employ other measures if enough volunteers did not step forward. The plan also called for the closing of formerly black Second Ward High School, which was located squarely in the heart of downtown, and was therefore, in McMillan’s view, the easiest high school in the system to desegregate. Meanwhile, the board proposal left the majority of black students in all-black schools.”<sup>132</sup> The numbers were not satisfactory for Judge McMillan; in their proposed plan, CMS had not assigned enough students to schools with a large presence of the opposite race. The Charlotte Observer reported on the judge’s rejection, explaining, “The judge ruled that the plan presented by the board was nearly the same as the

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<sup>128</sup> [Swann](#). 300 F. Supp. 1358.

<sup>129</sup> Frye Gaillard, [The Dream Long Deferred](#) (Chapel Hill, NC: The University of North Carolina Press, 1988), p. 57.

<sup>130</sup> Gaillard, [The Dream Long Deferred](#), p. 57.

<sup>131</sup> Gaillard, [The Dream Long Deferred](#), p. 64.

<sup>132</sup> Gaillard, [The Dream Long Deferred](#), p. 70.

one he found racially discriminatory on April 23.”<sup>133</sup> The *Swann* plaintiffs soon released a public statement that reprimanded the Charlotte-Mecklenburg Schools for their active resistance, contending that the Board had outright rebuked its “constitutional responsibilities.”<sup>134</sup> By the end of the 1969-1970 school year, the Board had still failed to create a compliant desegregation plan; therefore, Judge McMillan resolved that CMS must adopt Dr. John Finger’s plan for wide scale busing of Charlotte-Mecklenburg students. In his opinion, the resistance from CMS had been so great that the courts had no other choice. On September 9, 1970, 525 school buses began transporting students across the county to attend fully desegregated schools with integrated faculty. This became the standard for the Charlotte-Mecklenburg Schools of the 1970s and 1980s, as the U.S. Supreme Court affirmed McMillan’s decision on April 20, 1971.<sup>135,136</sup>

### Resegregation in the 1990s and Onward

A culture of resistance against court-mandated desegregation continued well into the 1970s, but this tide was stemmed by new leadership in the Charlotte-Mecklenburg Schools, such as Superintendent Jay Robinson, who were committed to full integration as defined by *Swann*. Robinson and the CMS Board focused on building a strong teaching staff and instituting tough disciplinary measures.<sup>137</sup> Robinson’s leadership saw improvement of test scores and overall public-school performance in the late 1970s; however, his progress was greatly affected by Reagan anti-busing politics of the 1980s. The failure of busing policies in some cities, such as Boston, empowered the Reagan administration to broadly categorize busing practices as ineffective.<sup>138</sup> Charlotte’s court-ordered busing system, for which generations of Black Charlotteans had struggled, was now considered by many leaders, scholars, and community members to be a success. The *Charlotte Observer* featured the opinions of desegregation expert, Prof. Gary Orfield of the University of Chicago, in its reporting in 1988: “Orfield found that Charlotte-Mecklenburg was among 13 districts that had successfully used cross-town busing to create a desegregated, metropolitan school system. ‘Places like Charlotte... have had a lot more success,’ Orfield says. ‘There are a lot of advantages to a mandatory plan.’”<sup>139</sup> In his 1985 article for the *Charlotte Observer*, entitled “Busing in Charlotte: Why It Worked Out Differently,” Frye Gaillard notes that busing was successful in Mecklenburg County in large part because the city and county schools were already merged, resulting in pre-existing racial and socioeconomic diversity within the district before integration was made mandatory. Gaillard wrote, “Whatever the future holds, Charlotte’s leaders, black and white, largely agree about the past: This city has built one of the nation’s most respected school systems, and busing was a crucial ingredient in the process.”<sup>140</sup> Other activists agreed with Gaillard in concluding that busing was still necessary in order to combat the ever-present residential segregation in Charlotte. Pro-busing members of the CMS Board feared that the growing population of non-native Mecklenburg County families would soon turn the tide against mandatory desegregation methods.<sup>141</sup>

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<sup>133</sup> Nancy Brachey, “[Judge Rejects Board’s Plan For School Desegregation. He Says Draft New Proposal.](#)” *The Charlotte Observer*. 21 June 1969.

<sup>134</sup> Gaillard, [The Dream Long Deferred](#), p. 74.

<sup>135</sup> Gaillard, [The Dream Long Deferred](#), p. 76.

<sup>136</sup> [Swann v. Charlotte-Mecklenburg Board of Education](#). 402 U.S. 1, April 20, 1971.

<sup>137</sup> Gaillard, [The Dream Long Deferred](#), pp. 167-168.

<sup>138</sup> Drew S. Days, “[Turning Back the Clock: The Reagan Administration and Civil Rights.](#),” *Harvard Civil Rights-Civil Liberties Law Review* 19, no. 2 (1984): pp. 309-348.

<sup>139</sup> Ricki Morrell, “[Mecklenburg Resists Rising Anti-Busing Sentiment.](#)” *The Charlotte Observer*, July 2, 1988.

<sup>140</sup> Frye Gaillard, “[Busing in Charlotte: Why It Worked Out Differently.](#)” *The Charlotte Observer*, October 13, 1985.

<sup>141</sup> Morrell, “[Mecklenburg Resists...](#)”

During the 1980s and 1990s, Mecklenburg County experienced a large influx of mostly white, upper-middle class residents from outside of North Carolina. These new CMS parents, who were immediately apprehensive about busing, were not familiar with the history of the county's struggle towards desegregation, and most of them simply wanted their children to attend a "neighborhood school". When the proportions of Black and white students in certain schools bent towards resegregation, the CMS Board would reassign hundreds of students, and these instances upset parents who were not used to such change.<sup>142</sup>

In the early 1990s, a new wave of school leadership, namely the post-1991 administration of Superintendent John Murphy, implemented an extensive public-school reform program focused on academic excellence. Sociologists, such as UNC Charlotte's Roslyn Arlin Mickelson, question whether the shift in attention from maintaining integrated schools to performing well on standardized tests was a good metric for measuring the success of the Charlotte-Mecklenburg Schools.<sup>143</sup> In their article, Smith and Mickelson present evidence that Black student achievement was damaged by the school reform policies of the 1990s and shows that CMS was resegregated by the emergence of "magnet schools" as an alternative to busing. As Charlotte-Mecklenburg created magnet schools in inner-city neighborhoods, hoping to attract voluntary white enrollment, school demographics began to indicate reversion to token integration, which characterized the earlier "school choice" plans of the 1950s and 1960s. Because the desegregation of CMS was so successful, however, anti-busing opposition argued against school assignment and in favor of "school choice" programs by maintaining that their strategies would be better desegregation methods.<sup>144</sup> A new era of resistance to busing began under the guise of building a new "color-blind" school system, which anti-busing activists claimed would be the indicator of a truly progressive city and county. Although magnet schools had been introduced to quell the concerns that new parents had about Charlotte-Mecklenburg's desegregation practices, they soon became the target of a calculated campaign from primarily white, wealthy anti-busing community members who sought to return CMS to a neighborhood school structure, while Charlotte housing patterns were still visibly segregated.

When William Capacchione filed suit against the Charlotte-Mecklenburg Schools in 1997, claiming that his six-year-old daughter had been denied admission to a magnet school because the school could only accept a limited number of white students, he cited the Civil Rights Act of 1964 and the 14<sup>th</sup> amendment to the Constitution.<sup>145</sup> His case soon reopened *Swann v. Charlotte-Mecklenburg*, as the white plaintiffs, none of whom had grown up in Mecklenburg County or graduated from its public schools, pursued the declaration of unitary status – or the full achievement of desegregation – in CMS. At this time, the judge for the United States Court of Appeals, Fourth Circuit was Robert Potter, a former Mecklenburg County Commissioner. Potter had been a well-known anti-busing advocate in the initial wave of *Brown* resistance in the 1960s, which instantly gave CMS the disadvantage.<sup>146</sup>

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<sup>142</sup> Gaillard, *The Dream Long Deferred*, pp. 168-169.

<sup>143</sup> Stephen Samuel Smith and Roslyn Arlin Mickelson, "[All That Glitters Is Not Gold: School Reform in Charlotte-Mecklenburg](#)," *Educational Evaluation and Policy Analysis* 22, no. 2 (June 1, 2000): pp. 101-121.

<sup>144</sup> Ricki Morrell, "[Conference Addresses Approaches To School Desegregation](#)," *The Charlotte Observer*, June 25, 1988.

<sup>145</sup> Stephen Samuel Smith, *Boom for Whom? Education, Desegregation, and Development in Charlotte* (Albany, NY: State University of New York Press, 2004), p. 159.

<sup>146</sup> Smith, *Boom for Whom?*, p. 162.

While the Board of Education and its attorneys presented evidence that racially identifiable Black schools still had inferior facilities and academic achievement – that needed to be remedied with the continuity of present desegregation tactics – Judge Potter ruled that CMS had in fact achieved unitary status and that busing was no longer needed. He argued in his opinion that the little segregation existing the 1990s stemmed from “factors outside CMS’ control, such as the shortage of teachers and the impact of residential demographics.”<sup>147</sup> Ultimately, the notion that neighborhood segregation was the underlying problem in the case of school segregation was used by white parents to undo the main policy keeping resegregation at bay: mandatory busing. Although *Swann* plaintiffs planned to appeal Judge Potter’s decision, the school board elections of the late 1990s and early 2000s worked directly against them, as the CMS Board faced pressure from the community, business elites, and elected officials to exhibit “unity” and not raise any doubts about the quality of Mecklenburg County’s school system. In one interview, County Commissioner Bill James remarked, “You can’t have unity if they’re appealing... Even though it was unstated, clearly, I think the intent of all this unity talk is that there will not be any appeal, and we will return to allowing people to return to schools closer to home.”<sup>148</sup> This unity campaign, combined with challenges from non-native, predominantly white residents, sufficiently convinced Charlotte-Mecklenburg Schools to move forward with Judge Potter’s ruling and abandon the fight for its desegregation efforts that were once considered the most successful in the country.

Tracing the county’s resistance to desegregation in the 1950s and 60s, the successes in desegregation and student achievement in the 1970s and 80s, and the subsequent resegregation of the 1990s and 2000s that have led us to our current moment. The legacy of school segregation lives on today, and is increasingly visible in the Charlotte-Mecklenburg school system, which was the most segregated district in North Carolina as of 2019.<sup>149,150</sup>

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<sup>147</sup> Smith, [Boom for Whom?](#), p. 169.

<sup>148</sup> Jennifer Wing Rothacker and Celeste Smith. [“Busing As We Know It Today Will End.”](#) *The Charlotte Observer*, August 24, 1999.

<sup>149</sup> Ann Doss Helms, [“‘Some Unpleasant Truths’ on Race, Poverty and Opportunity Revealed in CMS Report,”](#) *The Charlotte Observer*, February 24, 2018.

<sup>150</sup> Emma Way, [“Together. Separate. Together Again.”](#) *Charlotte Magazine*, September 16, 2019.

## INFRASTRUCTURE AND SERVICE PROVISION

In 1967, the *Charlotte Observer* ran an article by Louis Cassels that was primarily geared towards the newspaper's white audience. From an outsider's perspective, the article detailed the many areas in which Black citizens experienced discriminatory services in comparison to their white counterparts. Cassels wrote, "It is [...] widely believed [...] – with what justice it is difficult to tell – that Negro residential areas are discriminated against in other municipal services, including garbage collection, welfare programs, recreational facilities, and fire protection." In his piece, Cassels interviewed members of Black communities nationwide, not just in Charlotte. While he makes the concerns of Black communities known to non-Black people in this article, Cassels presented the concerns of his interviewees as suspicions rather than actual lived experiences. Historical evidence, however, demonstrates that Black communities in the United States have often been subject to substandard social services from their local governments. In Mecklenburg County, historical disparities in services can be seen in the areas of healthcare, social welfare, sanitation, and parks and recreation.

Racial bias affected the provision of county services from the start. Public welfare first became a government concern during the Civil War, when suffering and poverty were widespread across all demographics. Poor white citizens began receiving social aid from the state of North Carolina, while formerly enslaved, poor Black people received no government support. In his book *Many Excellent People: Power and Privilege in North Carolina*, historian Paul D. Escott explains:

The local gentry and county courts were aware of this phenomenon [widespread poverty], and under the prodding of wartime circumstances they made unprecedented efforts to extend government aid to the poor. There is no evidence that the counties included free black people in their programs, but they responded in a steadily increasing way to the plight of ordinary whites.<sup>151</sup>

These efforts effectively set the tone for the subsequent development of modern social safety nets in the South. State and local government consistently attended to the struggles of poor whites and largely left poor, recently freed Black citizens to fend for themselves.

### Health and Healthcare

Prior to the Civil War public health was not considered a county responsibility. In his 1902 *History of Mecklenburg County*, J.B. Alexander, a well-known doctor in the region, documented some early health disparities between white citizens and then-enslaved Black patients. Alexander observed the ways in which diseases disparately affected white and Black people, noting that many sicknesses became particularly deadly when the afflicted person was Black. The doctor wrote of an erysipelas outbreak in 1845, "In this epidemic, the whites were the principal sufferers, although the blacks had the disease, not one-fourth the number of them were affected by it, yet it proved fatal to a considerable extent." Alexander also recorded the divergent infection patterns of malaria, asserting, "In antebellum days, the negro was specially liable to the disease."<sup>152</sup>

Official public health responsibilities first fell to the BOCC in the 1880s.<sup>153</sup> During early days of health infrastructure in Mecklenburg County, building hospitals and caring for the sick was still viewed as more of a private charity initiative, rather than a government responsibility. The persistence of such attitudes allowed the county to leave its Black population without a hospital for a decade after the first hospital

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<sup>151</sup> Escott. *Many Excellent People*, p. 55.

<sup>152</sup> J.B. Alexander. *History of Mecklenburg County, North Carolina, 1740-1900*. Charlotte: Observer Printing House, 1902. p. 312.

<sup>153</sup> Blythe and Brockmann, *Hornets' Nest*, p. 166.

was established for white patients. Because the health facilities in Mecklenburg county only admitted white patients at the time, Black citizens were much more likely to die from everyday occurrences and illnesses with no place to go for treatment. One Black newspaper, *The Charlotte Messenger*, called attention to the severity of the problem in 1886. The unnamed reporter wrote: “There are many cases of accidents; a [Black] person is shot, injured in railroad accidents, a stranger is taken sick in our city, and we have no place for them to go for treatment, except for the county poor house in the country.”<sup>154</sup> The article does not mention the quality of attention that a seriously injured Black patient might have received at the county poor house; however, the complete absence of any medical facility for Black people in Mecklenburg County contributed to the culture of mistrust surrounding Black citizens and public health initiatives.

The Good Samaritan Hospital of Charlotte was among the first Black hospitals in the country, opening in 1891.<sup>155</sup> The project did not originate from county efforts; the hospital was instead paid for and built with private funds raised by Jane Wilkes, who drew on her family and friends in New York.<sup>156</sup> Once established, the Good Samaritan Hospital was responsible for raising its own operating funds, which was largely done through church philanthropy in the Black community.<sup>157</sup> Medical treatment was still met with much skepticism from Black communities in the late 19<sup>th</sup> century. In his *History of Mecklenburg County Medicine*, Dr. C.M. Strong wrote, “The colored people were not favorable toward it and were almost forced to enter for treatment. This prejudice and fear gradually disappeared when they saw its necessity, and they have increasingly given it their patronage and financial support.”<sup>158</sup> The Good Samaritan Hospital eventually became an important part of Charlotte-Mecklenburg’s Black community and was later viewed as a sign of the region’s progressive policies, until the challenges to segregation began.

The Charlotte Memorial Hospital – now operated by Atrium Health as Carolinas Medical Center (CMC Main) – has been the largest hospital in the Charlotte-Mecklenburg area since its inception. Hospital desegregation and oversight became an issue in the 1961 mayoral race through the candidacy of Martha Evans. In his history of Charlotte Memorial Hospital, Jerry Shinn emphasizes the way in which local government avoided the question of integration:

Evans charged that the hospital authority was a self-perpetuating board that received public money but was not accountable to public or to the public’s elected representatives. [...] Because the authority by most accounts and by most measures had done a good job managing Charlotte Memorial Hospital and the other facilities under its direction, no one before Evans had seriously challenged the process. Most city and county officials weren’t interested in interfering with what was generally viewed as a successful operation.<sup>159</sup>

Protests, beginning in 1962, kicked off a public battle to integrate healthcare in Mecklenburg County.<sup>160</sup> The Charlotte Memorial Hospital officially desegregated in 1963, although it took several years for the facility to expand to a size where it could freely admit patients from all backgrounds. Other regional hospitals, like the Presbyterian Hospital, were forced to desegregate in 1964, when desegregation of

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<sup>154</sup> “[Need of a Hospital.](#)” *The Charlotte Messenger*. 11 December 1886.

<sup>155</sup> Blythe and Brockmann, [Hornets’ Nest](#), p. 315.

<sup>156</sup> Greenwood, [Bittersweet Legacy](#), p. 111.

<sup>157</sup> Greenwood, [Bittersweet Legacy](#), p. 112.

<sup>158</sup> C.M. Strong. [History of Mecklenburg County Medicine](#). Charlotte: News Printing House, 1929. p. 101.

<sup>159</sup> Jerry Shinn. [A Great, Public Compassion: The Story of Charlotte Memorial Hospital and Carolinas Medical Center](#). Charlotte: Charlotte-Mecklenburg Hospital Authority, 2002. p. 190.

<sup>160</sup> Hanchett and Sumner, [Charlotte and the Carolina Piedmont](#), p. 108.

public accommodations became the law of the land through the passage of the Civil Rights Act and persistent segregation was a matter of embarrassment.<sup>161</sup> In neither instance did the local governments step in to enforce desegregation, although it was within their domain to do so.

Serious health disparities along racial and ethnic lines exist in Mecklenburg County today for a variety of reasons, such as access to good food, quality of life, and proximity to pollution. The *Observer* documented this reality in a 2006 article:

Mecklenburg County's minority residents are more likely to die prematurely from conditions such as asthma or heart disease than white residents, and income also influences health, a new county report says. The report shows that people in six Mecklenburg ZIP codes are more likely to be hospitalized or die from diabetes, heart disease, strokes or asthma than the county as a whole.<sup>162</sup>

In this article, the county health director commented on the variety of influences on different populations' health dispositions. Among these factors, the legacy of segregation, which is not as often mentioned, continues to affect health in the county today.

The county government's efforts to address racial disparities in health and healthcare largely began in 2000 and have continued, with local collaboratives focused on this issue producing reports every few years.<sup>163</sup> Because segregated healthcare is still a living memory in present-day Mecklenburg county, the persistent attitudes and experiences surrounding the health of Black communities are influenced by a not-so-distant time when Black individuals were not allowed to receive the same treatment as whites. In one national report on health equity, Dr. Yele Aluko, a Charlotte cardiologist, wrote specifically about Mecklenburg County:

This culture of segregation in healthcare albeit no longer legally present, has undoubtedly played a role in the overall development of healthcare disparities in the community, inasmuch as perceptions of the healthcare system by minority patients might be instrumental in big or small ways in the choices they make.<sup>164</sup>

Segregation, of course, existed in the distribution of all services in the county, which then negatively affected the health and wellbeing of the region's Black citizenry.

## Public Welfare

In the allocation of social welfare, Black residents of Mecklenburg were immediately at a disadvantage following the Civil War, when – as previously mentioned – the county government distributed aid to its poor white citizens and neglected the hardships of recently-freed Black people. This initial distribution of social services was mostly an anomaly at the time. It was not until the early 1900s, with the arrival of a more progressive era following industrialization, that social aid became more of a government responsibility, rather than a private charitable effort.

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<sup>161</sup> Shinn. [A Great, Public Compassion](#). p. 199.

<sup>162</sup> Carrie Levine. "[Minority Health Woes Shown – County Report Details Disparities for Black, White, Affluent, Poor.](#)" *Charlotte Observer*. 7 September 2006.

<sup>163</sup> Yele Aluko. "[Carolinas Association for Community Health Equity-CACHE: A Community Coalition to Address Health Disparities in Racial and Ethnic Minorities in Mecklenburg County, North Carolina.](#)" In *Eliminating Healthcare Disparities in America: Beyond the IOM Report*, edited by Richard Allen Williams. New Jersey: Humana Press, 2007. p. 367.

<sup>164</sup> Aluko. "[Carolinas Association for Community Health Equity – CACHE.](#)" p. 366.

In the post-Reconstruction years, Mecklenburg County operated a county poor house where both white and Black citizens received help. It was operated directly under the purview of the Mecklenburg County Commissioners, and it exemplified an early government-operated welfare institution. In 1887, there were a few buildings for white “inmates” – as they were called – at the poor house. These buildings were overall in poor condition. There was, however, only one wooden house where the Black “inmates” were all crowded together in a way that prompted reporters to refer to them as “creatures.” The county constructed a few more buildings in 1889, but Black and white residents were still kept in separate facilities, with white men and women in brick houses, and Black men and women in wooden houses.<sup>165</sup>

In 1917, the North Carolina General Assembly required that all counties create a Department of Public Welfare.<sup>166</sup> It was a Mecklenburg grand jury, however, that carried out quality of life inspections at the County Home (as the poor house had been renamed) during the 1920s. The *Charlotte Observer* closely followed this series of inspections at the time, summarizing the jury’s findings: “In the colored department there is room for much improvement.” The inspectors reported good, clean conditions in the buildings for white men and women – which greatly contrasted with the conditions for Black men and women. The state of the buildings for Black inmates was compared to the cells for white asylum patients.<sup>167</sup>

The County Home moved away from its nineteenth-century origins as a catch-all for all of society’s unfortunates. Federal and state institutions arose over the course of the twentieth century to take more of the burden of care for persons who were poor or facing mental health challenges. The changing demographics skewed the resident population of the County Home towards the elderly. A bond referendum in 1954 passed by a wide margin and allowed for the construction of a new facility, which opened in 1956 as the “Green Acres Rest Home for the Aged.” In 1962, a new building for Black residents was constructed. When, a few years later, the county mandated that Green Acres desegregate, the facility director at the time, John S. Miller, Jr., did not relocate any current patients. Instead he admitted new ones to the opposite building from which they would have gone under the old system. In a 1996 interview, Miller affirmed that the staff were able to gradually carry out the order and patients accepted it.<sup>168</sup>

The county poor house was not the only government-operated facility established under the authority of the Board of County Commissioners in the early 20<sup>th</sup> century. The Mecklenburg Industrial Home for Women, which operated from 1923 to 1953, was a rehabilitation center for “wayward” women and girls. It was funded in a joint city-county effort, while the land was donated by the county. The women served short sentences there and worked at the laundry, which cleaned uniforms and bedding for all county facilities. In a 1944 study, penologist Louis Newton Robinson, found that the offenses for which White women were sentenced to a home more often led to hefty fines or jail time for Black women.<sup>169</sup>

The policy of eugenic sterilization, established by the state and carried out by the counties, represented another case of county services that exacerbated racial disadvantage and sowed distrust. In 1933 the State of North Carolina established a Eugenics Board. Its members considered petitions from the

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<sup>165</sup> “The County Poor House: An Institution That is an Honor to Mecklenburg.” *The Charlotte Daily Chronicle*. April 11, 1889.

<sup>166</sup> Blythe and Brockmann, *Hornets’ Nest*, p. 321.

<sup>167</sup> M. R. Dunnagan. “[What are the Conditions at Mecklenburg’s County Home.](#)” *Charlotte Observer*. July 5, 1921.

<sup>168</sup> NCR Staff. “[Interview of John S. Miller, Jr. about Mecklenburg County Home 1930-1970.](#)” Track 17, “Integration to the County Home”. July 17, 1996.

<sup>169</sup> Louis Newton Robinson. *Jails: Care and Treatment of Misdemeanant Prisoners in the United States*. United States: John C. Winston Company, 1944. p. 223.



Welfare Departments of the various counties to sterilize certain individuals in their custody. Those deemed “deficient” – that is, likely to produce offspring who would become charges to the state, were approved for the procedure. “In Mecklenburg County,” reported Welfare Superintendent Wallace Kuralt in 1958, “10 to 12 persons per month are sterilized because they are feeble-minded.” The same newspaper article that quoted these numbers summed up the attitude of “some case workers” in the words, “There are some [people] [...] who need decisions made for them.”<sup>170</sup>

The most active years for sterilizations were 1946-1968, but the policy was in place until 1974. In that time period “females accounted for 85 percent of sterilizations, and nonwhites, composed predominantly of blacks, accounted for 40 percent” statewide.<sup>171</sup> During the same time, Black people comprised 25-30% of the population. The percentage of Black patients who underwent involuntary sterilization by county Welfare Departments approximated their proportion of the state population up to the 1950s. The pressure for recognition of civil rights from the federal government and from a mobilized Black population in the 1950s brought changes to the provision of welfare services in North Carolina, but with an unintended consequence: “When welfare benefits became available to minorities, the number of sterilizations performed on minorities increased.”<sup>172</sup>

In 2002, the *Winston-Salem Journal* published a series of articles based on a trove of documents from the Eugenics Board. They revealed that the Board had authorized sterilizations of minors, that doctors at the county level had proceeded without authorization or consent in some cases, and that the project focused disproportionately on non-whites in its later years. Interviews with persons who had been sterilized under the authority of the Eugenics Board showed that they carried a lifelong sense of violation and deprivation.<sup>173</sup> In 2011, the state set up a task force to determine how to compensate surviving subjects of this process. The whole episode showed that a practice supposedly based in science (a “science” now roundly rejected by medical and scientific authorities) could be additionally infected by prejudice against the poor and racial minorities.

### Sanitation

As rural Mecklenburg County developed into a more densely settled area, the provision of services by county government became more important. The modernization of the county exposed a racially based disparity of public service, especially sewer service, between communities in Mecklenburg County. The boundary line between a town and its surroundings separated those with full access to utilities and those without. Black communities had formed in the underserved areas outside the town boundaries. These pockets of poverty, substandard housing, and inadequate utilities had been tolerated for decades. From the 1960s to the 1980s, the question of what to do with them periodically occupied public attention. The people in these communities faced a common crisis. Leaders from within arose to make their case to town governments that were pondering the extent of their responsibility and the means at their disposal to address it.

On December 14, 1967, the *Charlotte News* ran a front-page story headlined “Germtown USA.” It described the conditions in Smithville, an African American community just west of Cornelius. Reporter Pat Stith documented that the impervious clay soil could not accommodate the number of septic tanks in it, that some houses in the dense settlement had only outdoor privies, and that a few lacked either.

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<sup>170</sup> John York, “[Sterilization Is Vital Social Problem](#),” *Charlotte Observer*, April 1, 1958.

<sup>171</sup> Sommer Brokaw, “[Fallout from NC Eugenics](#),” *Charlotte Post*, August 18, 2011.

<sup>172</sup> Tom Belton, “Eugenics Board” in *Encyclopedia of North Carolina*.

<sup>173</sup> “[N.C.’s eugenics record revealed - report: state program ranked 3rd in number of sterilizations](#),” (Associated Press) *Charlotte Observer*, December 10, 2002, p.1B

The article went on to cite the Mecklenburg Health Department's own statistics on the inadequacy of the facilities and concluded that the Department "chooses not to enforce the law."<sup>174</sup>

A flurry of attention followed. The difficulty of implementing a long-term solution – a community sewer system – soon became apparent to all. The residents had already pursued grants from the Federal Housing Administration, only to be offered a package that included loans that the 100 families of Smithville could not afford to repay. The town of Cornelius balked at the idea of annexing the "colored town." "We are not interested in going up in taxes," said the mayor, foreseeing large initial expenditures to bring the area up to town standards. County Commission Chair James Martin conferred with the Mayor and the Health Director. They considered funding options for a community sewer system, and in the short term decided to charge six residents with failing to use appropriate sanitary sewage disposal.<sup>175</sup>

"We find it difficult to believe," an editorial in the *News* said, "that if there is one Smithville in Mecklenburg County, there cannot be more."<sup>176</sup> Indeed the predicaments of Pottstown, outside Huntersville, Crestdale (formerly "Tank Town"), outside Matthews, and Sterling, between Pineville and Charlotte, all resembled Smithville:

[R]esidents who live in those communities must walk to their neighbor's houses to get water. They use unsanitary outdoor toilets or septic tanks that health officials have condemned. They don't have street lights, much less hot lunch programs or recreational facilities. They travel on mostly narrow, dirt roads.<sup>177</sup>

Segregation had kept these communities out of sight and out of mind for most white Mecklenburgers. As the rest of the county grew along paved roads and sewer lines, the contrast became stark between it and the communities within it whose conditions had not changed since the 1920s. The accumulation of disparities made the reintegration of the peripheral settlements into Mecklenburg County costly. Journalists highlighted the problem and the residents of the communities spoke up for annexation.

The residents of Pottstown exemplify an active community taking action for itself. They organized a community association in the 1950s and even dug their own water line so that they could pay to be supplied from Huntersville. In 1975, Levera Wynn of Pottstown garnered 1,600 signatures on a petition to have her community annexed to Huntersville. As the *Observer* reported,

Mrs. Wynn's efforts failed because Pottstown doesn't directly border Huntersville and to be annexed, she needed the signatures of the white residents who lived between Pottstown and Huntersville. Those residents refused to sign the petition, citing higher taxes.<sup>178</sup>

The residents of Crestdale also encountered frustration in seeking to improve their town through annexation. In 1974 at a meeting of the Matthews Town Board, Mrs. Elmira Lawrence accused the town of "dodging" her community of Crestdale. She had seen Matthews annex land in all directions but hers

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<sup>174</sup> Pat Stith, "Germtown, U.S.A.," *The Charlotte News*, December 14, 1967.

<sup>175</sup> Pat Stith, "Germtown, U.S.A.," *The Charlotte News*, December 14, 1967, p.10A; Joe Flanders, "Helps On Way for Smithville," *The Charlotte News*, December 15, 1967; Pat Stith, "James: We Don't Want Smithville," *The Charlotte News*, December 19, 1967; Pat Stith, "Martin Hopeful of Easing Smithville Health Problem," *The Charlotte News*, January 3, 1968; Ernie Stallworth, "Smithville Residents Charged," *The Charlotte News*, February 7, 1968.

<sup>176</sup> "Clean Up Smithville" *The Charlotte News*, December 19, 1967.

<sup>177</sup> Charles C. Hardy, "[Mecklenburg's Annexation Boom Leaves Out 3 Poor Communities](#)," *Charlotte Observer*, March 9, 1980.

<sup>178</sup> Hardy. "[Mecklenburg's Annexation Boom...](#)".

and would see it happen again that year as the town added to itself only areas that already received water and sewer service.<sup>179</sup>

The county-wide dilemma was resolved by federal grants in support of local improvements. In the late 1970s and early 1980s, the County of Mecklenburg obtained federal grants to support the extension of sewer and water lines to the underserved communities. Gerald Potts of Smithville noted, "Some people resent the fact they [the town of Cornelius] wouldn't take us when we needed them."<sup>180</sup> With this investment accomplished, the towns faced light expenses in annexing the Black communities, and these could be recouped by additional property tax revenue.<sup>181</sup>

Smithville was annexed to Cornelius in 1980. Pottstown was annexed to Huntersville in 1987, and Crestdale was annexed by the Matthews Town Board in 1988. "I've been living here all my life, and Matthews has given us a lot of dirty deeds - not by this board," said Sam Boyd, president of the Crestdale Community Association.<sup>182</sup> "Today I have the opportunity of righting a wrong," Mayor Shawn Lemmond said. "The residents of Crestdale are now citizens of Matthews."<sup>183</sup>

### Parks and Recreation

The laws and customs of the Jim Crow era limited political power and economic opportunity by regulating public space and public accommodations. In day-to-day life, people experienced Jim Crow as imaginary boundaries separating one neighborhood from another, the front of the bus from the back of the bus, and one public park from another.

In Mecklenburg County and elsewhere, protests against the discriminatory basis of society took the form of breaking those imaginary boundaries. The boundaries could last only so long as people believed in them. Black Charlotteans chose public parks as places to assert their right of access to spaces that belonged to all residents. An early example came in the early 1950s, when a small group of Black golfers played on a public course. A decade later, a few youths challenged the segregation of swimming pools at Revolution Park. Unlike school desegregation or registration to vote, these acts did not require the cooperation of an agency of government. Groups or individuals could pursue them on their own.<sup>184</sup>

A UNC Charlotte Master's Thesis by Michael Worth Ervin examined the history of "race and recreation" in Charlotte.<sup>185</sup> Ervin found that the Parks Commission, founded in 1927, seemed to pursue the enhancement of property values in white neighborhoods as its primary mission. It maintained only one five-acre park for the use of Black citizens and one "colored" pool, which had to close due to lack of maintenance. The influx of money from the Works Progress Administration as part of the New Deal only exacerbated the disparity. WPA Projects enhanced the quality of life and leisure in White neighborhoods and barred Black Charlotteans from participating.<sup>186</sup>

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<sup>179</sup> Mark Brock, "Matthews Weighs Annexation Issue," *The Charlotte News*, May 23, 1974; Mark Brock, "Matthews to Annex 3 Areas," *The Charlotte News*, May 30, 1974.

<sup>180</sup> Hardy, "[Mecklenburg's Annexation Boom...](#)"

<sup>181</sup> Regina Clark, "[Pottsville community now part of Huntersville](#)," *Charlotte Observer*, July 15, 1987.

<sup>182</sup> Pat Borden Gubbins, "[Few voices raised against upcoming Matthews annexation](#)," *Charlotte Observer*, June 19, 1988.

<sup>183</sup> Pat Borden Gubbins, "[Matthews Welcomes Newest Citizens](#)," *Charlotte Observer*, September 7, 1988.

<sup>184</sup> Michael Worth Ervin, "[Public Order is Even More Important than the Rights of Negroes: Race and Recreation in Charlotte, North Carolina, 1927-1973](#)," MA Thesis, Department of History, UNC Charlotte, 2015, pp.1-11

<sup>185</sup> Ervin, "[Race and Recreation](#)"

<sup>186</sup> Ervin, "[Race and Recreation](#)," pp.35-42

Policy began to change during and after the second World War. The opening of Pearle Street Park between Second Ward and Cherry (1943) and of Alexander Street Park in First Ward (1946) “represented the beginning of a conscious effort by the Commission to provide a more equitable distribution of leisure space in the city.”<sup>187</sup> For the next twenty years, the Parks Department put a sympathetic face on a segregated system.

In 1964, for instance, the Department drew up a “Survey of Proposed Land Acquisition, Property Development, and Improvement for Modernization of Charlotte Park and Recreation Systems.” The document called for \$324,400 for colored parks and \$674,600 for white parks. The two-to-one disparity in funding, however, did approximate the ratio of white people to Black people in the population of Charlotte. African-Americans made up 28% of Charlotte's population in 1960 and 16% of the population of Mecklenburg County outside of Charlotte. On paper, it looked like an equitable distribution of funds. Even if the funds had been sufficient to develop parks for all communities, however, the plan for “white” and “colored” parks would have kept the Black population dependent on white decision makers for the number and quality of their parks.<sup>188</sup> The Black community, especially the youth, objected. They voiced demands, not for more “Negro parks,” but for equal access to all parks.<sup>189</sup>

Once this goal was achieved, deeper problems emerged. For one thing, white visitors and park employees did not always accept the new order. Ervin highlights numerous examples to show that old attitudes about caste proved more durable than segregation as a matter of law.<sup>190,191</sup>

In addition to the obstacle of overcoming old attitudes, Black families wishing to enjoy the benefits of recreation were limited by residential segregation that had been decades in the making. They could not easily visit Independence Park, Revolution Park, or Freedom Park. These green oases were designed to enhance the quality of life of the White neighborhoods in which they were set in the first half of the twentieth century. Furthermore, the parks that were more easily accessible to Black families remained small and underdeveloped. The protests of the late 1960s and 70s included demands for new parks in Black neighborhoods.<sup>192</sup> Not “Negro parks” in the old sense, but a recognition of the rights of Black communities as well as Black individuals.

The county's subsequent success in bringing the benefits of public recreation to all residents may be judged by a map. The Charlotte/Mecklenburg Quality of Life Explorer shows, as of 2018, the percentage by neighborhood of County residents who live within half of a mile of a public recreation area.<sup>193</sup> When compared with the map of areas of highest Black population, it shows a commitment to using this county service to counteract the long-lasting, harmful effects of residential segregation.<sup>194</sup>

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<sup>187</sup> Ervin, “[Race and Recreation](#),” pp.64-65

<sup>188</sup> “Survey of Proposed Land Acquisition, Property Development, and Improvement for Modernization of Charlotte Park and Recreation Systems.” (Vertical file, “[M. – Parks](#),” Robinson-Spangler Carolina Room, Charlotte Mecklenburg Library)

<sup>189</sup> Ervin, “[Race and Recreation](#)” p.23, pp.70-71

<sup>190</sup> Ervin, “[Race and Recreation](#),” pp.1-2, pp.114-115

<sup>191</sup> For more on the American caste system, see [Caste: The Origins of Our Discontents](#) by Isabel Wilkerson.

<sup>192</sup> Ervin, “[Race and Recreation](#),” p.152

<sup>193</sup> “[Proximity to Public Outdoor Recreation, 2018](#),” Charlotte/Mecklenburg Quality of Life Explorer (Mecklenburg County).

<sup>194</sup> “[Race/Ethnicity - Black or African American, 2017](#),” Charlotte/Mecklenburg Quality of Life Explorer (Mecklenburg County).

## Library

The first publicly supported free library service in Charlotte opened in 1903. Andrew Carnegie funded new buildings all over the country beginning in the 1890s, just as Jim Crow was solidifying its dominance of Southern society.<sup>195</sup> He did not attempt to disturb segregation where it was already in place, but he did take seriously the idea that libraries were institutions for all. As Charlotte Mecklenburg Librarian Pat Ryckman, put it in her history of the Charlotte Mecklenburg Library system:

The Carnegie Library's charter, granted in 1903, had also required the city to provide a public library to serve blacks. In early 1904, the city aldermen bought a lot at the corner of Brevard and East 2nd streets for a separate library for blacks. Although only six blocks from the Carnegie Library, it was in the heart of the Brooklyn neighborhood, the black city within the city of Charlotte where all the black churches and most black-owned businesses and professional offices were located.<sup>196</sup>

The Brevard Street Library had its own all-Black board and staff and, like Good Samaritan Hospital, had to rely on donations from the community for a share of its operating budget. It carried on, separate and unequal, reflecting City leaders' ideas of the urgency of educating Black residents. Mayor T.L. Kirkpatrick, speaking of public libraries in 1916, notes "These institutions [are] of such paramount importance [...] I recommend the appropriation of \$4,500 for the maintenance and upkeep of the Carnegie Library and \$1,000 for the support of the colored library."<sup>197</sup>

In the stately old Carnegie Library, an all-white staff served white customers only. Library service for Black residents of Mecklenburg County in the twentieth century would follow a trajectory similar to that of hospital service. It began as a separate institution and merged with the white system. Whereas Black and white hospitals did not merge until state-mandated segregation was already crumbling, the separate library systems merged in 1929.

A grant from the Julius Rosenwald Foundation in 1929 changed the organization and potential of the Brevard Street Library. Rosenwald had begun his philanthropic career with the idea of helping Blacks in the south, and had consulted with Booker T. Washington as to the most effective way to do it.<sup>198</sup> Fiscally conservative Charlotte found a way to match the Foundation's grant for the first two years of a four-year grant. Even though Depression halted the program, the grant still made one big change possible. To make it eligible for Rosenwald funds, the Carnegie Library took in the Brevard St. Library in as a branch library within its system. The Brevard St. Library lost its own board, but gained financial security. It was "the main agency for service to the Negro population of Charlotte and Mecklenburg County."<sup>199</sup> It became the hub of services to schools for Black children and of the bookmobile service to parts of county with predominantly Black populations.

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<sup>195</sup> Cheryl Knott, [Not Free, Not for All: Public Libraries in the Age of Jim Crow](#) (University of Massachusetts Press, 2015), pp.49-50

<sup>196</sup> Pat Ryckman, [Public Library of Charlotte and Mecklenburg County: A Century of Service](#) (Charlotte, NC: Public Library of Charlotte and Mecklenburg County, 1989) Ch. 3, "1905 Brevard Street Library".

<sup>197</sup> "City in Splendid Shape Says Mayor Kirkpatrick," *Charlotte Observer*, May 2, 1916.

<sup>198</sup> Thomas Hanchett, "[The Rosenwald Schools and Black Education in North Carolina](#)," *The North Carolina Historical Review*, Vol. 65, No. 4 (October 1988), pp.416-427

<sup>199</sup> Martha Watkins Flournoy, [A Short History of the Public Library of Charlotte and Mecklenburg County](#), (1952).

In 1940, the Charlotte Public Library, as the system was then known, acquired a visionary new leader: Iowa native Hoyt Galvin. In 1947, Galvin hired Allegra Westbrooks, an African American librarian. "Her recommendations were good," he recalled on the eve of his retirement, "but I didn't realize I was giving the Library and the community a jewel."<sup>200</sup> Allegra Westbrooks re-energized the collection, outreach, and community standing of the Library. Her work earned her a glowing profile in the *Charlotte Observer*.<sup>201</sup> Her role in the Black community was to empower young people by encouraging them to read and, most importantly, showing them that she believed in their potential. "It is gratifying," Ms. Westbrooks recalled, "when I'll be on the street and see somebody, and they say, 'I used the bookmobile. I want you to meet my four children. I insist that they read.'"<sup>202</sup>

Westbrooks' extraordinary energy and devotion could realize their potential because she served under a leader who not only believed in her, but supported her commitment to "uplifting the race," in Booker T. Washington's words. Westbrooks' name appeared in the paper as a member, indeed an officer of the local chapter of the NAACP. She could have been dismissed from the Library for such work without repercussion, but Galvin not only kept her, he promoted her to Head of Acquisitions at Main Library. When the second Main Library opened in 1956, it did so as a desegregated institution.<sup>203</sup> The next year, Allegra Westbrooks became Supervisor of Branches, a position that put her in authority over white librarians. In an oral history interview, she recalled the suspicious reception she got from the heads of some branches.<sup>204</sup>

Westbrooks' career represented the beginning of Black leadership in the Charlotte Mecklenburg Library. Galvin went on to build a diverse staff. "When integration began to take hold in Mecklenburg County," opined the *Charlotte Observer*, "the example of the biracial staff at the library had been of no small effect."<sup>205</sup>

Another example of Galvin's priorities can be seen in the siting of library branches. In the first twenty years of his service, the Library opened seven new libraries, all but two of them in neighborhoods that had been redlined as undesirable in the 1930s.

Library	Year Opened	Address	Grade based on 1937 "Residential Security Map"
Piedmont Courts	1941	831 Seigle Ave.	D-2
Fairview	1941	1020 Oaklawn Ave.	D-6
East	1956	2001 Commonwealth Ave.	B-2
South	1956	1361 Queens Rd.	A-2
North	1957	2324 LaSalle St.	D-6 adjacent
West	1962	1800 Ledwell St.	n/a

Robert Cannon carried on this tradition in 1996 when, with the aid of a grant from the Gates Foundation, he oversaw the opening of the most technologically advanced branch in the system on

<sup>200</sup> Dorothy Osborne, "[Top Career Woman is 'Giant For Good'](#)", *Charlotte Observer*, October 17, 1969.

<sup>201</sup> "[Negro Library Unit Has Made Giant Strides In Recent Years](#)", *Charlotte Observer*, March 3, 1950.

<sup>202</sup> "[Allegra Westbrooks, 1921-2017](#)". Engage 2020, Charlotte Mecklenburg Library.

<sup>203</sup> Ryckman, *Century of Service*, Chapter 9.

<sup>204</sup> "[Allegra Westbrooks oral history interview, March 12, 2007](#)". Student Project on Second Ward, UNCC.

<sup>205</sup> Dick Banks, "[Thousands of Books Line the Life of Hoyt Galuin](#)[sic]", *Charlotte Observer*. October 31, 1970.

West Boulevard. About the community leaders with whom he met, Cannon said, “They want community services, a strong children’s program and room for homework assistance. They talked about services, quality of life and their fair share.” Having focused on opening branches where the population was growing fastest in the 1980s, the Library changed course and opened a branch where the people needed it most.<sup>206</sup>

Today, the Library enjoys the leadership of its first Black CEO and Chief Librarian, Marcellus “MT” Turner, and continues to focus on reaching populations with the greatest need.<sup>207</sup> Ongoing work includes a nearly \$500,000 grant to bridge the digital divide in Charlotte’s West Boulevard corridor, the pending launch of a modern mobile library, an increasing investment in digital services to meet county users where they are, and strong partnerships with Charlotte Mecklenburg Schools.<sup>208,209,210</sup>

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<sup>206</sup> [“West Side Libraries,”](#) The Charlotte Mecklenburg Story (1989).

<sup>207</sup> [“Outreach Services”](#) (Charlotte Mecklenburg Library).

<sup>208</sup> [“Press Release: Charlotte Mecklenburg Library Awarded \\$492,000 Federal Grant to Reduce the Digital Divide”](#) (Charlotte Mecklenburg Library, June 30, 2021).

<sup>209</sup> [“Digital Resources”](#) (Charlotte Mecklenburg Library).

<sup>210</sup> [“ONE Access”](#) (Charlotte Mecklenburg Library).

## CLOSING AND THANKS

This full report is the culmination of four individual section reports delivered to Commissioners Jerrell and Meier over the course of 2021. The Robinson-Spangler Carolina Room is incredibly grateful for their trust in our collection and research to compile these narratives. As was noted in the introduction, we do not view this report as a full accounting of the racism experienced by individual members of the Mecklenburg County community over the nearly 130 years that this report covers. It is, hopefully, a valuable starting point for additional questions to be asked of how we have arrived at our current situation and how we can move forward in more inclusive and equitable ways.

We are especially grateful to our summer Research Intern, Kathleen (Kate) Greer, for her hundreds of hours of work on this report over the course of only a few months. Without her excellent research and writing skills, this report would not have been possible. We are also indebted to Dr. Tom Cole for his outstanding mentorship of Kate during her time with Charlotte Mecklenburg Library.

We look forward to the seeing fruits of the work undertaken by the Commissioners and their colleagues around Mecklenburg County using this report and wish them the best of luck in their endeavors.