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All Divergence is Local: A Historical Reconceptualization of Interest Convergence as a National Phenomenon Tempered by The Realities of Local Racial Politics

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In his seminal work on interest convergence, Derek Bell, the noted critical race theory scholar defined the concept in the terms that follow. He noted that throughout American history “the most significant political advances for blacks resulted from policies which were intended and had the effect of serving the interests and convenience of whites rather than remedying racial injustices against blacks[.]”  

Further, Bell also noted a class dimension to interest convergence whereby these political advances for African Americans have only been secured through judicial remedies where it is determined that those remedies will “not harm societal interests deemed important by middle and upper class whites.”

In supporting his broad thesis, Bell surveys American history identifying four pivotal moments where interest convergence provided an opening for African Americans to receive greater political and civil rights: the abolition of slavery in the north shortly after the Revolutionary War; the Emancipation Proclamation of 1863, which freed the slaves in the southern states that had seceded from the federal union; the post-civil war amendments that sought to ensure the civil rights of the newly freedmen and women after the war; and the

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1 Derek Bell, Racial Remediation: An Historical Perspective on Current Conditions, 52 Notre Dame L. Rev. 5, 6 (1976).
school desegregation cases of the mid-twentieth century, which sought to dismantle the de jure racial segregation endemic to the American south.\(^3\)

In each of these historical moments matters of national import were at stake. Perhaps this was least obvious with the school desegregation cases, which could be considered an issue of regional significance with no greater ramifications for the nation as a whole. Nevertheless, Bell is able to credibly establish that a national imperative indeed existed as an impetus to bring to an end to de jure segregation of the southern United States. He noted the ”Brown decision . . . strengthened America’s position during the cold war . . . [and assisted its] efforts abroad to convince emerging third-world nations to opt for democratic rather than communist forms of government. . . .”\(^4\)

This Article does not seek to challenge Bell’s overall premise regarding interest convergence nor his historical interpretation of American history as he uses it to explain his theoretical position and agrees generally with Bell that historical gains in civil rights for African Americans have come only when granting such rights served some national imperative critical to the interests of elite whites. Nor does this Article challenge Bell’s corollary theory that once

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\(^3\) See Bell, supra note 1 at 6-13.

\(^4\) Id. at 12. See also id. at 12 n.31 (quoting the coverage of Time and Newsweek magazines after the announcement of Brown and commenting respectively that ”[t]he international effect [of Brown] may be scarcely less important . . . [and i]n many countries, where U.S. prestige and leadership have been damaged by the fact of U.S. segregation, it will come as a timely reassertion of the basic American principle that ‘all men are created equal[,]’” and that “the psychological effect [of Brown] will be tremendous . . . [as] segregation in the public schools has become a symbol of inequality, not only to Negroes in the United States but to colored peoples elsewhere in the world.” Newsweek continued with its point asserting that segregation had “also been a weapon of world Communism[, but with Brown] that symbol lies shattered.”
such gains are attained there are concerted efforts to nullify or strip back those rights just recently given—a process Bell terms “resubordination.” This Article, however, does seek to complicate and expand on Bell’s original thesis by taking a more local view of interest convergence.

What one finds when the perspective is shifted from the national to the local is that those broad federal imperatives require implementation that takes place on the state, county, and municipal levels. Taking a local perspective also reveals fissures that go unnoticed in a broader analysis that are grounded in the political and class realities of the respective locales at issue. Towns like Durham, North Carolina, Macon, Georgia, and Tupelo, Mississippi are well inoculated against the national concerns of white elites. There are no communists to fight in those communities and little need to sway international opinion. The interests that converge at the national level in fact run counter to the needs of local elites who must implement those policies.

This is not to say that the interests of whites and African Americans cannot converge on the local level. They in fact do so in ways that would seem to support Bell’s general theory of interest convergence. However, in those historical moments where both the interests of whites and African Americans seemingly converge to provide an opportunity to advance the social and civil rights of the latter, there is inaction and entrenchment on both sides of the racial divide in maintaining the status quo.

At first glance this would appear to call Bell’s theory of interest convergence into question or to repudiate it altogether. It at the very least reveals a dissonance, which is not easily reconcilable. It seems logical that there might be some tension between the interests of national elites and their local
counterparts charged with implementing a federal civil rights initiative. However, one would not expect the same tension where the local interests of whites coincide with the interests of African Americans to promote greater protection of the latter’s civil rights. Nevertheless, a tension existed for both whites and African Americans grounded in the realities of the relative security in social status that members of each group were able to establish within a segregated system.

Durham, North Carolina provides one example of these competing and complex tensions. The history of the merger of its two segregated school districts—the overwhelmingly African American city schools and the nearly all-white county schools—highlight the complex nature of these racial and class based tensions. To wit, in the years following Brown and the subsequent mandate to desegregate, segregation persisted due to white flight to the county. The result of these forces was the ostensible creation of two separate school systems administered separately but often producing redundancies in personnel and facilities.

The effect of these redundancies was inefficiency—primarily economic. What became clear to the residents of Durham was that racial segregation was expensive. It increased the cost of education by permitting replicative administration and allowing some facilities to be underutilized or to remain open where students could be more efficiently placed in other buildings. The children of both school districts suffered in that resources that could be allocated to improve the quality of their education were being wasted to maintain two largely segregated school systems.
This fact was not lost on the parents of the affected students, however. The parents of students, white and black, understood the inherent inefficiencies of their dual school system. The educational and economic interests of white and black parents converged in that ending the dual and segregated school systems through a merger would result in greater efficiency and increased per pupil resources for all students.

In spite of this knowledge, white and black Durhamites lacked the political will to merge its school systems through referendum votes held periodically in the decades after Brown. This political stalemate could not be broken until the North Carolina state legislature stepped in to force such a merger in 1992.

Even a brief overview of this history raises significant questions regarding Bell’s theory of interest convergence. As noted earlier, interest convergence is premised on the idea that social gains for African Americans will only be achieved when their interests in securing those rights coincide with the interests of white elites. However, it is clear that the distant and national imperatives of white elites resonate little in the local communities where these national initiatives must be implemented. Furthermore, and perhaps even more perplexing is that even where the local interests of whites and African Americans coincide, it is not sufficient to spur action towards greater civil rights for the latter. Again, this would seem to repudiate Bell’s thesis.

This Article ultimately concludes that Bell’s thesis remains valid and our understanding of its purpose and function can deepened through a close examination of the history of places like Durham. This historical insight rather than calling Bell’s thesis into doubt actually strengthens his position. What
follows is a detailed history of the Durham city and county school merger and an exploration of those racial, social, and class forces that inoculated that community against the forces of interest convergence—both national and local. What that history demonstrates is that while interest convergence may not resonate within such municipalities, it still remains vitally important as a lever by which national elites can force change at the local level. Indeed, without a national imperative whereby the interests of national elites and African Americans converge, there might be little impetus to challenge the racial status quo in places like Durham. Thus, Bell’s theory of interest convergence remains vital, but perhaps not in the manner we have come to expect.

I. Setting the Stage—The Historical Background of Durham, North Carolina

Any discussion of Durham’s attempts to merge its school districts first warrants a brief overview of the development of the city and its school systems shortly after they were ordered to desegregate in accordance to Supreme Court’s Brown v. Topeka, Kansas Board of Education decision of 1954. This short survey of Durham’s development will also demonstrate how racial resentments had grown and persisted in the city for generations preceding the move to merge.

Further, to understand the racial and social politics that conspired to defeat the Durham city/county merger one must look at the city’s early history. What one sees upon close examination is twofold. First, one sees the city’s sense of racial progressivism was predicated on the illusion of the relative economic success of the elites of the segregated white and African American communities. Secondly, we see the seeds of the discord being sown that would
make it difficult for each group to act in the common interest of both in merging their dual school systems. These divisions would insulate the city from the national imperative to desegregate and prove to be an impediment as it attempted to implement that mandate in the following century.

In many respects Durham was characteristic of most other southern towns and cities during the early to mid-twentieth century. In these towns racial segregation was not only a rule of tradition but dictated by law. Lines were drawn that separated blacks and whites in housing, employment, public accommodations, and education. Durham shared in the South’s legacy of education and economic inequity by withholding funds from black schools and reserving the most menial and lowest paying jobs for this less educated labor force. Racial tensions were tended and stoked among the black and white working classes, who competed for scarce jobs and public resources. Durham contained an active chapter of the Ku Klux Klan along with various black organizations that were ideologically opposed to the message and tactics of the Klan.

Despite the potentially contentious nature of Durham’s race relations, much of this tension was obscured by a myth of the city born from the meteoric success enjoyed by the city’s enterprising businessmen, both black and white. Osha Gray Davidson describes the Durham of 1864 as a “scruffy cluster of shacks with under a hundred residents [that was] surrounded by impoverished farms and linked by rutted dirt lanes that kicked up plumes of choking dust in the summer and became nearly impassable with mud in the winter.”

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Regardless of its humble beginnings, by the turn of the twentieth century Durham grew and prospered to such an extent that it would prompt its citizens to proclaim the city “The Jewel of the New South.” Visitors to the city’s downtown in the late nineteenth century would not encounter the dirt roads and dilapidated shacks of a few decades earlier, but would find a “bustling, modern city [where] electric trolley cars clattered down broad tree lined avenues [and] newly successful businessmen erected mansions, filling them with imported objets d’art and encircling their properties with groves of graceful maple trees and fragrant magnolias.”

Initially, it was the fortunes acquired from the manufacture and sale of tobacco products that fueled Durham’s rapid growth in the late eighteenth century. Two families in Durham led this“ tobacco revolution”. Their influence has helped to shape the life of the city and surrounding area for proceeding generations and still effect the community to this day, although tobacco has lost its sway. The first of the tobacco millionaires was John Ruffin Green, who amassed his fortune shortly after the end of the Civil War.

Through a measure of circumstance, Green, the owner of a small tobacco factory outside of Durham saw orders for his product dramatically increase after Union troops raided his warehouse shortly after Confederate General Joseph Johnston surrendered to union General William Tecumseh Sherman just outside the small town. Word quickly spread among northerners regarding Green’s mild tobacco with the help of soldiers returning home after the surrender and Green soon became overwhelmed with orders that were coming in from all parts of the country. As the company grew, Green adopted the now famous Bull as its

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6 Ibid.
symbol and sold 60,000 pounds of his “Genuine Bull Durham Tobacco” four years after the end of the war. His sales burgeoned to over five million pounds in 1883. Another Durham entrepreneurial family that would give the city a monopoly of the nation’s tobacco industry would soon eclipse Green’s remarkable success, nevertheless.

The Duke family assured Durham’s preeminence as a tobacco producing capital. It began with the family’s patriarch Washington Duke, who after serving in the Confederate Army came home to Durham and slowly nurtured his small tobacco company with the help of his three sons, Brodie, Benjamin, and James. It was the youngest son, James that ambitiously and creatively turned his father’s modest company into a monolith in the tobacco industry. His first innovation was to introduce the cigarette to American consumers in 1881. Under his “Duke of Durham” brand he struggled to supplant the market dominance of the larger and longer established competition at Bull Durham.

It was this preoccupation to outsell Bull Durham that characterized James Buchanan Duke and influenced the grand risks he would take to achieve a dominant position in the tobacco industry. The biggest and most lucrative gamble James Duke made was when he introduced he mechanical cigarette roller in 1884. An untried and unreliable machine, Duke eventually worked out the machine’s problems and replaced all of his human hand rollers, which dramatically increased efficiency and cut manufacturing costs. This move

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9 Anderson, pg. 175.
allowed Duke to outsell his competition through lower prices, and in 1889 he moved to combine his company with his four largest competitors creating the American Tobacco Company, to which he was named president. In 1898 he acquired the Blackwell Durham Tobacco Company, the makers of Bull Durham and at last felt as if he had beaten his most hated rival. This move also gave Duke a virtual monopoly of American tobacco manufacturing.\textsuperscript{10}

With the tobacco industry conquered, the Dukes then turned their attention to textiles and electricity, gaining large holdings in each. The emergence tobacco factories and textile mills meant jobs for Durham’s working classes, white and black. Although the work was segregated (mill work was exclusively white) and blacks received the most arduous of it, jobs were plentiful and migrants came from neighboring towns and states to share in the city’s prosperity. In 1906 the Durham Negro Observer expressed the mood best:

When you shout Durham! the gloomy befogged financial atmosphere becomes clear and there is a mad rush and scramble for her bonds. When you say Durham! the wheels begin to turn, the smoke rolls in massive clouds from every stack and the sweet assuring music of busy machinery is heard. Durham! and is if by magic, everything springs into new life, the veins and arteries of business throw off their stagnation and the bright sun of prosperity sends its radiant beams upon the world.\textsuperscript{11}

Thus, although Durham had become a bustling city with the growth of its tobacco and textile industries, it also sowed the seeds of racial resentment through inequities of pay and segregating the races in housing, education and public accommodations that would later be reaped in the form of racial protest.

\textsuperscript{10} Davidson, pg. 21.
\textsuperscript{11} Ibid, 23.
and mistrust. In the midst of the phenomenal success of white tobacco magnates, black entrepreneurs also moved to create fortunes for themselves.

The myth of a racially progressive Durham was directly attributable to the small but wealthy group of blacks that achieved financial success in Durham during the early twentieth century. The city’s reputation as a hospitable southern oasis to enterprising blacks blossomed because Durham’s white elite offered cooperation and respect, and not hostility to their efforts to build black businesses in the city. So powerful was the myth’s allure that it moved black sociologist E. Franklin Frazier to declare in an 1925 article that Durham had become the “Capital of the Black Middle Class.”¹² He attributed its ascendancy to both black enterprise having taken shape in the city and the ability of white elites to accept blacks in positions of influence. He affirmed his belief in the amicable race relations in Durham by asking, “Have the men of the white South recognized these brothers under the skin?”¹³ He answers yes to that question and adds that this is evident because “[white men] show respect to the achievements [of blacks] and have been friendly to their enterprises.”¹⁴

Black business in Durham has primarily been associated with the North Carolina Mutual Insurance Company. The company, which was established in 1898 by John Merrick, a former slave, became the first black owned company to amass over a million dollars in assets. The Mutual performed a wide array of functions within the community. Along with offering life and fire insurance policies, it operated its own bank that provided mortgages to many black

¹³ Ibid, 339.
¹⁴ Ibid.
families and its leaders helped to found North Carolina College that became the first publicly supported liberal arts institution for blacks in the United States.\(^{15}\)
The company grew rapidly under the leadership of Charles Clinton Spaulding, who aggressively advertised to blacks appealing to racial loyalty and fears of expensive funeral expenses to expand the company’s client base and national influence.\(^{16}\) As the mutual grew Spaulding was hailed as the undisputed leader of the black business world.\(^{17}\) He became secretary-treasurer of Booker T. Washington’s National Negro Business League and served on the boards of many black companies and colleges.\(^{18}\)

Durham’s white elite heralded men like Spaulding and his associates as proof of the city’s racial progressivism. Davidson asserts that this myth was also valuable to national elites eager to dispel claims of America’s racial intolerance. He cites occasions where U.S. State Department officials took African diplomats on tours of the North Carolina Mutual offices, where they witnessed scores of black workers in white collars in order to prove the accusations of American oppression of its African American population false.\(^{19}\)

For the most part this ruse was effective. It helped to obscure the extreme poverty felt by struggling black and white families that worked in Durham’s industry. It also kept racial enmity between class and racial groups well hidden from public view. It created an idyllic scene of prosperity and

\(^{15}\) Davidson, pg. 25.

\(^{16}\) Ibid.


\(^{18}\) Ibid.

\(^{19}\) Davidson, pg. 29.
tranquility that lured migrants to share in the city’s success that in reality was only enjoyed by a small and select few. Local law and custom that maintained the status quo and kept the races largely separated with blacks in subservient roles only bolstered the myth. As those customs were challenged cracks would begin to appear in Durham’s well-constructed façade.

Nonetheless, while whites and African Americans clung to this veneer, it was clear below that thin surface that a divide existed between the two groups beyond the obvious racial subordination of the period. African Americans had achieved a modicum of economic success within the Jim Crow restrictions of the time. This success would translate to power and influence within the scope of a segregated community—including its schools.

The advent of Brown threatened the status quo not only for whites who wished to remain racially ascendant within the American race hierarchy, but threatened the tenuous positions of many African Americans who had risen to positions of influence and power within that structure. Thus, on one level it seems easy to understand why in the years directly following Brown why local elites on both sides of this racial divide might not be particularly moved to expeditiously implement the national imperative to integrate the country’s schools. In the years that followed Brown we see that the interests of local elites not only diverged with those of national policy makers, but also diverged locally on the bases of race and class.

II. 1954—The Flashpoint—Where National and Local Interests Diverge
Durham was a city that had grown from an area of one square mile in 1890 to a municipality of more than 30 square miles by 1954. Such growth prompted the development of two school administrations to oversee its expanding area; one for the rural county and another for the urban city. Durham’s children were taught in racially segregated schools by tradition and law with the overwhelming majority of black children attending the city schools. Children attended schools nearest their homes and each school system was supported through public funds. The city commanded a larger portion of these funds due to its larger school population and the greater number of schools it maintained. With this segregated system Durham had been able to achieve a semblance of balance where students were not faced with overpopulation and cramped school space.

Durham’s seeming racial tranquility was abruptly tested as the Supreme Court declared in May 1954 that “separate but equal” schools were unconstitutional. The court in effect ruled it unlawful to separate school children solely on the basis of race, which had been the practice throughout the South for decades. In one broad and sweeping judgment the court overturned over eighty years of southern law and custom. Although the court’s subsequent order to desegregate the schools with “all deliberate speed,” was vague and allowed Southern states to stall integration for years, it set in motion a series of events in Durham that not only began to reveal the racial hostilities of the community but all precipitated a need for a merged school system.

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Beyond threatening the illusory racial tranquility that existed between white and African American Durhamites, the Court’s Brown decision almost immediately revealed the latent racial and class fissures that had been concealed by the myth of racial progressivism. Brown ripped from the city the shroud of this mythology laying bare the competing agendas of local elites—white and black.

Most immediately it became clear that the national imperative to integrate southern schools and end de jure segregation in no way coincided with the interests of local whites seeking to maintain their inherited social order and the privilege that came along with it. A class divide soon emerged between those who could avoid desegregation through private schools and moving farther from African Americans and those who did not have the financial means of escape. For African Americans a similar class divide revealed itself as the fight to integrate was waged largely by those in the middle class who could afford the expensive lawsuits it would take to secure at least for themselves the social equality promised under Brown.

Almost predictably white reactions to the Brown decision in North Carolina were largely reactionary and came swiftly. The state’s governor William B. Umstead quickly released a statement on May 18, 1954 calling the Supreme Court decision a “clear and serious invasion of the rights of sovereign states.” The state’s Attorney General Harry McMillan went as far as to state that “an

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attempt to compel the intermixture of the races in the public schools of North Carolina would result in such violent opposition as to endanger to continued existence of the schools.”22 Durham’s citizens also reacted strongly to the possibility of integrated schools. Steven Niven reports in his dissertation entitled “Shades of Whiteness: Whites Confront the Second Reconstruction,” that the governor’s office received anti-integration petitions from all across North Carolina, but the highest concentration of letters came from Durham.

He notes “nearly 1,500 residents of Durham city and county were represented by anti-integration correspondence with the governor [and] the majority of those individuals were of the white working class.”23 The prospect of integration in the public schools was particularly troubling to working class whites because they lacked the financial means to send their children to segregated private schools. Mrs. Phillip Duncan, a Durham housewife attested to this sense of frustration in a letter to Governor Umstead in June 1954 when she reminded him that “all of us won’t be able to send our children to private schools.”24

The quickest solution to impending integration for middle and upper class white Durhamites was to send their children to expensive private schools or to move into the predominantly white county where their children would be less

likely to encounter blacks. Initially after the Brown decision this ‘white flight’ to the county and private schools was not significant, but would increase yearly as the state and later Durham City Schools itself gradually lost its battle to maintain racially segregated schools. The results of this slow shift of population would have serious repercussions for the community’s schools that will be explored further in later sections. Most apparent and immediate is that white flight begins to reveal the racial tension and discomfort stirring in Durham and foreshadows an impending conflict between working class blacks and whites left in the city schools and expected to desegregate with ‘all deliberate speed.’

North Carolina State and local officials worked tirelessly to make the desegregation process as slow as possible. Initially it was the state’s governor and legislature that took the lead in stalling school integration. Officials were aided in this task by the Supreme Court’s 1955 enforcement edict that gave states considerable latitude in implementing steps to achieve integration. The first act of the legislature to “desegregate” was simply to remove racially biased phrasing from state laws, which brought on real change to the status quo. Segregation remained and the legislature unanimously passed a somewhat hyperbolic resolution stating “the mixing of the races in the public schools within the state cannot be accomplished and if attempted would alienate public support of the schools to such and extent that they could not be operated successfully.”

Their final act of delay after the 1955 implementation edict from the Supreme Court was to pass the Pupil Assignment Act that forced the

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25 Jeffrey Crow, Paul Escott and Flora Hatley, A History of African Americans in North Carolina (Raleigh: Division of Archives and History, Department of North Carolina Cultural resources, 1992), pg. 162.
NAACP and other groups to file each school desegregation suit separately in the hopes of exhausting their resolve and resources.\textsuperscript{26}

In the fall of 1954 Luther Hodges became North Carolina’s governor after the death of William Umstead. Once in office, he too, took steps to maintain segregated schools and ensure his popularity among white voters. Shortly after the 1955 court order Hodges appointed a State Advisory committee of Education, led by Thomas Pearsall and directed him to formulate a legal course of action that the state might take to further impede desegregation. In July 1956, the “Pearsall Plan” was unveiled at a special session of the state legislature. It would prove to be a circuitous obstacle to school integration. The plan called for control and responsibility for implementing desegregation to fall to local school districts, absolving the state of any role. Pearsall’s also allowed school boards the option of closing rather than comply with integration and, furthermore, offered state money to send white children to private segregated schools in the case of closures.\textsuperscript{27} Hodges also issued a warning to blacks through the Pearsall plan. His hope was that blacks would submit to a “voluntary segregation” and cautioned that should they not he would be compelled to shut down the state’s schools.\textsuperscript{28} Finally the plan proposed instituting system for school reassignment by application only with a lengthy review process attached to it to dissuade blacks to transfer to white schools.\textsuperscript{29} A referendum went to the voters in September 1956 to adopt the Pearsall plan

\textsuperscript{26} Karpinos, pg. 8.
\textsuperscript{27} Davidson, pp. 84-85.
\textsuperscript{28} Ibid.
\textsuperscript{29} S. Vander Zanden, Race Relations in Transition (New York: Random House, 1965) pg. 102.
and was carried easily by overwhelming white support. The plan and its immediate aftermath dealt a heavy blow to integration efforts.

For African Americans, the Pearsall plan represented a huge roadblock to their struggle to desegregate Durham’s schools. Groups like the NAACP would be forced to file suits against each separate school system to fight segregation. Coupled with the earlier stipulation against class action suits this meant that legal efforts would be constrained by financial considerations and a short supply of advocates to argue these cases. White bureaucrats controlled the application process and were unwilling to allow black transfers to white schools under any circumstances. School boards utilized deceptive tactics to discourage transfer applications. According to a suit filed by the McKissick family against Durham’s city board of education they alleged the board often claimed to have “run out” of transfer forms and refused to accept identical forms reprinted by the NAACP. The suit also claimed that the board would delay assigning students until late August making it “difficult if not impossible for blacks to exercise administrative remedies [to alter assignments] until after the opening of school” By 1958 it had become clear as no black students had received transfers to white schools, that neither the city nor county school boards had any intention of integrating.

The African American reaction to these state and local countermeasures to Brown came largely from the middle-class in the form of lawsuits and persistent agitation of the city school board and the state. The impetus for legal

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30 Davidson, pg. 85.
32 Ibid.
action in Durham took place in September 1957 as nine African American students requested reassignment to white schools and were all rejected. For the eight students attempting to enter all-white Carr Junior High they were told the school was simply too crowded. For Jocelyn McKissick hoping to attend Durham High School, which was nearest her home, she was told “it would be unwise psychologically and otherwise to reassign one applicant from Hillside High School to attempt [the] adjustment to more than 1,200 [white] pupils at Durham High.”

Each of the nine appealed their rejections to the Superintendent of Public Instruction for the State of North Carolina and again denied reassignment. They then filed suit separately in May 1958. The case was dismissed by the district court in September 1959 and ruled that the plaintiffs had not exhausted all administrative resources prior to filing suit. Despite this defeat 225 more students requested reassignment to white schools the following year. They too, were uniformly rejected by the board, however, the nine original applicants received reassignments to prevent the courts from directing integration at a faster pace.

This initial victory was soon followed by a breakthrough case that would force Durham to face integration squarely. In 1960 the NAACP brought a suit on behalf of Warren H. Wheeler and C.C. Spaulding charging the city school board with unilaterally rejecting the applications of black students. The North

33 Ibid.
34 Ibid.
Carolina Middle District Court agreed and ordered the Durham City School Board to “give all Negro Children’s applications individual consideration.”\textsuperscript{36} Despite this small victory the NAACP pressed ahead and again sued the board in 1962 charging the city board of continuing its discriminative policies.\textsuperscript{37} In an attempt to stall integration further the city school board presented the court with a redrawn attendance map as a good faith measure towards integration that would not significantly affect its segregation policies. The plaintiffs lost this case yet appealed to the Fourth Circuit Court in October 1962. In a complete reversal of the lower court the Fourth Circuit ordered the school board to develop a system of school assignment that was not based on race that allowed students the ‘freedom of choice’ to transfer to whatever school they desired.\textsuperscript{38}

The effect of the court’s decision was immediate and far-reaching. What had begun as a slow trickle of whites to the county schools after the Brown decision became a flood in the 1960s and 70s with the advent of freedom of choice. In 1961 the county’s student population numbered 9,509. By the end of the decade there were 13,946 students that had crowded into the county system.\textsuperscript{39} Inversely, the student population in the city began a sharp decline at the same time. In 1961 there were 7,839 white children and 7,107 black children in the city schools. By 1971 only 4,613 white children remained along

\textsuperscript{39} Fluke Brief. ***
with 7,708 black children.\textsuperscript{40} Whites in large numbers were simply abandoning the city schools for the predominantly white county.

During this same time period whites in Durham found other means to escape the city’s schools. A legal loophole existed that many took advantage of to keep their children out of the city school system. As Durham grew and annexed surrounding areas into its corporate limits it did not force these newly acquired communities to have its schools administered by the city. The city allowed each new area to vote and decide for itself to be administered by the county or the city, with the latter facing eminent integration. Most chose to be administered by the county and these new “city out” regions became an additional outlet for city whites hoping to escape integration.\textsuperscript{41} Middle-class blacks also moved to county and “city out” schools, but their presence was marginal in comparison to the city schools.\textsuperscript{42}

Freedom of choice and the prospect of increased school integration created an imbalance in the community’s schools. City schools experienced underenrollment with empty classrooms. The county schools became

\textsuperscript{40} Ibid.
\textsuperscript{41} Hamilton, pg. 115.
\textsuperscript{42} “The city-out enclaves preclude racially balanced schools within the city of Durham and establish built-in racial discrimination within the city itself. Even were the city school board now to attempt to establish a unitary school it could not do so under current conditions that prevent it from including the tight legal islands of the city out enclaves. In October of 1961 there were 7,839 white children and 7,107 black children in the city schools; in October of 1971, there were 4,613 white children and 7,708 black children in the city schools. The board in the early sixties was working with a school population that was less than 50 percent black; now it must attempt to provide an a unitary system for a school population that is 65 percent black.” William Van Alysne on behalf of the Duke University Academic Council, Legal Remedies to De Jure Racial Segregation of Durham, North Carolina Schools, 1971. Presented to Chancellor John Blackburn by Donald Fluke October 5, 1971: from Blackburn papers 1970-75 Education Folder at Duke University Archives, pg. 13.
overpopulated and unable to house all of its students. Funds were being shifted to build more county schools while city schools sat with empty classrooms. Racially the city system became racially imbalanced as well with a seventy-one percent black majority present in 1972.43 As white flight continued city schools became increasingly black and negated all of the measures that had been intended to increase integration.

Durham now had two school systems that separated its students largely on the basis of race and class—this time not on the basis of de jure segregation but in reaction to the federal mandate to integrate. Clear lines had been drawn between the mostly working class city schools with a large black majority and the more middle class county schools with a strong white majority. It was becoming clear that white Durhamites were not interested in desegregation in principle or in implementation. It had also become clear to many by 1970 that desegregation in Durham’s schools had taken a step backwards. The community had become entrenched in a struggle over integration that would soon complicate attempts to merge the separate school districts.

What this initial resistance to desegregation helps to highlight is that the interests of white national and local elites were not consonant. On both the state level and individually, whites erected legal and administrative obstacles to integration or simply fled to white enclaves as the federal courts required the barriers that had been erected to forestall integration be removed.

Further, as the interests of national and local elites continued to diverge it would become increasingly necessary for the federal government to press the

initiative. The result of this federal effort in Durham would uncover yet another, albeit surprising, source of resistance to integration within the African American community that would make any further desegregation unlikely without federal or state intervention.

Ultimately, integration and merger would become increasingly linked in the years to come, although merger would symbolically allude to integration as well. Just as Durham seemed to be mired in its integration struggle a new federal program initiated by President Nixon to study the issue would give Durham the opportunity to determine why desegregation had ground to a halt and would offer another chance to integrate its schools. It would also usher in a more vociferous debate on whether or not to merge the two school systems.

III. The Local Interests Meet—And Then Diverge

In 1970 as Durham continued to wrestle with desegregation, President Nixon gave Durhamites an added incentive to find a solution to this persistent problem. After a White House meeting on school desegregation that year between a contingency from North Carolina and members of Nixon’s cabinet committee on education the president decided to offer federal dollars to states that took voluntary measures to achieve more racial balance in its schools.

Having grown weary of forceful integration tactics such as busing, the president offered “seventy-five million dollars in federal funds to be used by school districts to help with desegregation efforts, with ten percent of that money going to public and private nonprofit groups willing to help schools in
the process.”44 The Department of Health, Education and Welfare evaluated numerous proposals and awarded an $80,000 grant to the North Carolina AFL-CIO to help Durham find a clear path to integrated schools. The state union’s head, announced at the press conference where the grant was awarded that the money would be used to conduct “Charrettes,” a French word for extended forums that he hoped would “open the lines of communication in order that all people might understand each other’s role as it relates to desegregation problems.”45

The charrettes in Durham would come to represent an abject failure of interest convergence at the local level. The charrettes would unmask deep and emotional divisions within the community along the fault lines of race and class. The charrettes, however, also helped to point out the areas of common ground that existed between these groups. All interested parties wanted to secure the best possible educations for their children and recognized that the de facto dual school systems that had evolved after Brown were not optimal nor in anyone’s best interest.

Nevertheless, even these acknowledged common interests were not sufficient to overcome the racial and class antagonisms that split the community. At the conclusion of the charrette process it would become clear that it would take outside pressure from either the federal or state government to merge and thereby further integrate Durham’s schools. Neither interest convergence on the national or local level could spur Durhamites to act.

44 Davidson, pg. 247.
45 Ibid.
The AFL-CIO chose Bill Riddick to organize the Durham Charrette. Riddick, a graduate of North Carolina A&T State University in Greensboro with a master’s degree from the University of North Carolina at Chapel Hill, who had previously led charrettes in Raleigh, at Shaw University and York, Pennsylvania after racial violence had erupted. According Davidson, Riddick’s method was to “draw out people’s deepest longings and fears, their frustrations and their dreams while preventing these raw emotions once exposed fromcombusting into violence.” Riddick thrived in situations where he could help build contentious situations and use that energy to resolve conflict. His choice of charrette chairs assured he would achieve the high level of racial tension he hoped to create.

Hoping to foster a more open and emotional dialogue, Riddick ignored the black and white middle classes as he chose his two charrette chairs. His choice could not have been more polemic. His first chairperson was C.P. Ellis, the leader of the local chapter of the Ku Klux Klan. He paired C.P. with Ann Atwater, a local black advocate who worked with community organizations like Operation Breakthrough and United Organizations for Community Improvement. Both had clashed with one another in the past and both had children in the Durham City Schools.

Riddick chose the two knowing that the pairing would be controversial and represented the most effected portions of the community—working class blacks and whites. Riddick hoped his choice would galvanize these communities to attend the meetings to confront their issues. He also wanted to let the

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46 Ibid.
people of Durham work to resolve their racial problems themselves without much interference on his part.

The two primary concerns Riddick wanted the charrette to address was to ensure “that black and white children attend the same schools while maintaining a quality learning environment.” Secondly he wanted the forum to create an open dialogue among as diverse a representation of the community as possible. With these goals in mind Riddick left Ellis and Atwater with the task of bringing the charrette together and formulating topics of discussion. Beginning at the end of May 1971, C.P. and Ann met with other members of the charrette steering committee to devise the structure and strategy of the charrette, while fending off criticism from the black and white communities.

Weeks before the charrette could even begin the people of Durham once again moved to express their discomfort and hostility towards working in interracial coalitions despite the benefit that might me gained from it. As C.P. and Ann canvassed the black and white communities distributing flyers and giving speeches outlining the purpose of the upcoming charrette and imploring people they were met with disbelief and anger. Both were harassed over the phone, but C.P. met the most violent opposition at the hands of his Klan associates and other civic leaders who could not understand him working with blacks. He was accused of selling out to black and liberal concerns and accepting money to further the integrationist agenda. After repeated death threats C.P. finally went public and revealed the death threats he had received while reaffirming his commitment to his position as charrette co-chair stating that if he resigned working class whites “ would have no voice and no part in the

47 Davidson, pg. 265.
decisions and solutions mad during the charrette.” 48 Bill Riddick had certainly created the contentious environment he desired through his choice of C.P. and Ann as chairs and had clearly demonstrated how inextricably race and class were interwoven with issues concerning public school reform. The charrette began July 19, 1971 amidst this welling emotional atmosphere.

For the next ten days students, parents, teachers, administrators and concerned citizens convened at R.N. Harris School to discuss the problems and future of Durham’s schools. Students complained of overcrowding, old and dilapidated books, censorship of their school press, poor relations among blacks and whites as well as teachers and students. 49 Sessions were held on violence and discipline in the schools, the curriculum, expanding music and art instruction, busing and establishing stronger institutional ties with Duke University and the University of North Carolina at Chapel Hill. Nevertheless, the two topics that generated the most vocal and polemical discussion were regarding integration and the school merger debate, which split many of the participants upon lines of race and class.

As charrette sessions moved towards the topic of integration it would also invariably turn to discussions of merger. The two were often discussed concurrently primarily for two reasons. The first was that on July 7, 1971 the Durham County Commissioners scheduled a referendum on November 2 of the same year to decide whether or not the community’s school systems would merge making it a timely and pressing matter. Secondly the merger issue was closely tied to integration because for many black and white moderates a

merged system would be a logical step to meeting their goals of creating an integrated system that would provide equal educational opportunities for Durham’s children according to *Durham Morning Herald* staff writer David McKnight.\(^{50}\) Despite support from black and white moderates, the merger and the resultant greater integration of Durham’s schools faced strong opposition from conservatives and radicals in both racial groups.

McKnight observed that conservative whites felt that integration was something they would most likely be forced to accept and were generally opposed to the merger. Conservatives in the county also opposed merger but would accept the $17 million bond proposal attached to it only because they would receive $12 million to build more classrooms and schools to relieve overcrowding.\(^{51}\) A more radical segment of the white conservatives “held that desegregation was unnecessary and not desirable in education.”\(^{52}\) This group also opposed merger and the bond proposal tied to it. In a move that would become the hallmark of future opposition to merger and increased integration this group of conservatives also cited increased busing as a factor in their opposition to either measure. Hoping to obscure race-based arguments that were beginning to become unpopular, political arguments like opposition to busing would increasingly be utilized as a defense of anti-integration sentiments.

For example on July 14, 1971 the Durham Morning Herald ran a staff editorial crediting the growth of all-white southern private schools to federal

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\(^{50}\) *Durham Morning Herald*. “Ideological Stands Emerging from SOS Charrette Sessions,” July 25, 1971.

\(^{51}\) *Durham Morning Herald*. “School Merger-Bond Vote is Approved,” July 16, 1971.

\(^{52}\) *Durham Morning Herald*, July 25, 1971.
mandates forcing school districts to bus in order to achieve integration. The writer contended that many white “parents would have continued to send their children to desegregated schools although they may have been opposed to it to a degree, but the step-up in busing, meaning the transfer of their children from neighborhood schools to public schools perhaps on the other side of the city,” pushed parents to enroll their children in private schools.\textsuperscript{53} The writer concludes that private school growth represents more than a protest to desegregation, but is a reaction to “the manner in which desegregation has been imposed on the South by the Department of Health Education and Welfare.”\textsuperscript{54} Echoing the states’ rights rhetoric of their contemporaries the author essentially concludes that although opposition to desegregation does exist it is actually the implementation of busing measures that fuels opposition to integration with realizing that the former most assuredly influences the latter.

A response to his editorial by M. Richard Cramer argued succinctly against the original author’s claim exhorting community members “to recognize the growth private schooling for what it is; a reflection of prejudice against blacks on the part of many whites.”\textsuperscript{55} He further cited data from a Southern Regional Council survey that established the fallacy of the original author’s claim that public school busing caused longer commutes for children attending racially mixed schools. Mr. Cramer noted that private schools draw from a wider area and on average their students must travel 17.7 miles to school while public school children travel an average of 10.1 miles.\textsuperscript{56} Despite Mr. Cramer’s logic

\textsuperscript{54} Ibid.
\textsuperscript{56} Ibid.
these types of defenses would only increase as efforts to integrate progressed and will be revisited further in subsequent chapters.

Blacks also displayed a measure of hesitancy to accept the proposed merger. For many black teachers and administrators a merger represented a loss of jobs for instructors and a lessening of influence in higher posts. Many teachers in the city district also feared that in a merged system black instructors would be dispersed and assigned to schools in the county. Others were concerned primarily with the small portion of the bond funds that had been proposed for the city schools should the bond-merger referendum pass. Both blacks and whites despite these realistic concerns voiced by a great many would nonetheless give their support to the idea of merger in principle, however. Thus, even though the charrettes laid bare the resentments and antagonisms within the community, they also provided a path towards finding common ground for the antagonists.

In a set of proposals given to both the city and county school boards and based on survey responses given by charrette participants, a majority of the respondents favored the merger as a matter of principle. Students, Teachers, parents and interested citizens were asked a series of questions regarding their positions of the merger and integration. When asked to state their position on integration and given five choices ranging from total opposition to complete acceptance of the principle on the grounds of moral correctness the majority of all groups favored integration (see figure 1). When asked their opinion of the possible merge, again those that favored some form of merger outnumbered its opponents (see figure 2). It appeared from the unscientific data collected by the

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Figure 1: Opinion Survey Results on Integration

<table>
<thead>
<tr>
<th>Check one or more statements which describe your opinion about school desegregation and integration:</th>
<th>Students</th>
<th>Teachers</th>
<th>Parents</th>
<th>Interested Citizens</th>
</tr>
</thead>
<tbody>
<tr>
<td>I am totally opposed to integration</td>
<td>10</td>
<td>12</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>I am opposed to school integration because the quality of education is reduced</td>
<td>13</td>
<td>15</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>I am personally opposed to school integration, but I accept it as the law of the land</td>
<td>11</td>
<td>19</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>I personally favor school integration because most children must learn to live in an integrated society</td>
<td>58</td>
<td>43</td>
<td>83</td>
<td>70</td>
</tr>
<tr>
<td>I support school integration because it is morally right</td>
<td>34</td>
<td>22</td>
<td>47</td>
<td>75</td>
</tr>
<tr>
<td>I accept school integration, but I am opposed to busing</td>
<td>29</td>
<td>30</td>
<td>29</td>
<td>25</td>
</tr>
<tr>
<td>I am not opposed to busing</td>
<td>14</td>
<td>20</td>
<td>29</td>
<td>50</td>
</tr>
<tr>
<td>Other</td>
<td>13</td>
<td>11</td>
<td>21</td>
<td>25</td>
</tr>
</tbody>
</table>

Source: Durham charrette recommendations and survey data presented to Chancellor Jack Blackburn: Duke University Archives
Figure 2: Opinion Survey Results on Merger and Bonds

<table>
<thead>
<tr>
<th></th>
<th>Students</th>
<th>Teachers</th>
<th>Parents</th>
<th>Interested Citizens</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>City N= 311% Co. N=149%</td>
<td>City N= 38% Co. N=12%</td>
<td>City N= 337% Co. N=226%</td>
<td>City N= 234% Co. N=74%</td>
</tr>
<tr>
<td><strong>What is your opinion concerning the proposed merger of the Durham City and Durham County School Systems:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I fully support the proposal to merge the two systems</td>
<td>25 15</td>
<td>34 58</td>
<td>53 31</td>
<td>39 16</td>
</tr>
<tr>
<td>I would support the merger proposal only under certain conditions</td>
<td>10 15</td>
<td>16 8</td>
<td>9 15</td>
<td>9 9</td>
</tr>
<tr>
<td>I am totally opposed to the merger of the two systems</td>
<td>10 21</td>
<td>0 17</td>
<td>4 2</td>
<td>8 15</td>
</tr>
<tr>
<td>I am still undecided</td>
<td>23 34</td>
<td>45 25</td>
<td>20 25</td>
<td>24 39</td>
</tr>
<tr>
<td><strong>What is your opinion concerning the proposed bond issue for the Durham City and Durham County Schools:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I support the bond issue</td>
<td>26 30</td>
<td>32 83</td>
<td>33 46</td>
<td>37 23</td>
</tr>
<tr>
<td>I am opposed to the bond issue</td>
<td>11 7</td>
<td>3 17</td>
<td>13 11</td>
<td>12 14</td>
</tr>
<tr>
<td>I am undecided</td>
<td>26 38</td>
<td>26 8</td>
<td>33 30</td>
<td>28 34</td>
</tr>
</tbody>
</table>

Source: Durham charrette recommendations and survey data presented to Chancellor Jack Blackburn: Duke University Archives
charrette that merger had a legitimate chance to pass the November referendum. However, the reservations of both blacks and whites defeated the merger in November with only 4,698 in favor of the measure and 14,710 people standing in opposition.58

The charrette marked the closing of one chapter and the opening of a new one in Durham’s struggle with race and equality in education. Beginning with the 1954 Brown decision Durham had come to recognize that it was not the racially progressive city that black and white elites had portrayed it to be. The charrette became Durham’s public confession of guilt on this accord as black and white Durhamites came together to voice their distrust and frustration with one another. In this sense the charrette succeeded in opening up a community wide dialogue about race and education.

The charrette was unfortunately unable to solve the problems that plagued the community’s schools. In the end it did shed light on the possible solution of a merged system that could provide a racially balanced school system without split funding, but racial antagonisms and mistrust upended any hopes of this taking shape in 1971. The common interests of blacks and whites had been sacrificed to satisfy their own separate agendas and out the fear of change. Though the charrette failed in this most important goal it does provide us some insight into the efficacy of interest convergence at the local level.

From this episode we can glean a few things. First it becomes evident that municipalities like Durham are well insulated from national imperatives like the mandate to desegregate. The interests of white national elites are simply

dissonant with those of their local counterparts. Local politics and rivalries create a divergence militating against adopting and implementing these national policies, which we see routinely in Durham in the years following Brown.

Further, these local political divisions and antagonisms also negate any local interest convergence that may exist. Even when all sides can agree that their economic interests are aligned in putting an end to a duplicative and costly dual school system, neither side can put aside their parochial interests to act for the common good.

Although this would seemingly call Bell’s theory of interest convergence into doubt, it instead demonstrates how critical interest convergence is at the national level in forcing cities like Durham to comply and finally dismantle its dual school systems. The final chapter of Durham’s struggle to merge its schools systems exemplifies these dynamics.

IV. Applying the National Lever—Forcing Merger From the Top Down

In the preceding sections we have seen how competing rivalries and class and race divisions conspired to defeat school merger and integration, even though a national imperative mandated it and it was in the economic best interest of all parties. After its defeat by referendum in 1972 merger became a largely dormant issue in Durham until the late 1980s.

As the issue was revived it was not clear whether the political will would exist among the electorate to pass such a measure, even with historical hindsight to draw upon. Perhaps in recognition of that preceding history, the question of merger was ultimately taken form local voters who could not be
trusted to see beyond their insular concerns and was left to the state legislature, which could approach the issue with greater emotional distance and pragmatism. In the end, integration would need to be imposed on Durham.

The merger struggle recommenced in the summer of 1990. This effort was initiated by the county school system that contracted the merger consultants Stanton Legget and Associates, Inc. of Larchmont, New York, “to carry out a study of the requirements for a merger of the Durham City and Durham County School Districts.” The move was prompted by the county system’s desire to utilize more efficiently the community’s resources in educating its children. Stanton Legget and Associates issued their report in January 1992.

After canvassing the community for six months conducting meetings with teachers, parents, and students they concluded “that a merger of the two districts would be good for Durham,” for the following four reasons. First they felt that “a merger would improve the education of Durham’s children.” While they noted the merger by itself would not create this improvement they “[believed] it would create the opportunity for improvement.” Merger would also be a means to desegregate the city school system. They felt confident that “the merger could end the de facto segregation of the children of the city school system.” They also presented pupil projections in each district should the merger fail, or if implemented noting that a merged system would be 52%

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61 Ibid.
62 Ibid, pg. 4.
63 Ibid.
black and 48% white, while the city schools would remain 90% black without a merger (see figure 3).

**Figure 3 Analysis of Projected Change in Merged and Separate School Systems-Durham, NC**

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
<th>Merged Schools</th>
<th>City Schools</th>
<th>County Schools</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Black %Black</td>
<td>Total</td>
<td>Black %Black</td>
</tr>
<tr>
<td>1990</td>
<td>26546</td>
<td>13434 50.6%</td>
<td>8065 90.2%</td>
<td>6161 33.3%</td>
</tr>
<tr>
<td>1991</td>
<td>27235</td>
<td>13608 50.0%</td>
<td>8101 89.1%</td>
<td>6391 33.4%</td>
</tr>
<tr>
<td>1992</td>
<td>28182</td>
<td>14139 50.2%</td>
<td>8140 88.4%</td>
<td>20042 34.7%</td>
</tr>
<tr>
<td>1993</td>
<td>29158</td>
<td>14670 50.3%</td>
<td>8154 88.7%</td>
<td>21004 35.4%</td>
</tr>
<tr>
<td>1994</td>
<td>30527</td>
<td>15557 51.0%</td>
<td>8260 89.3%</td>
<td>22267 36.7%</td>
</tr>
<tr>
<td>1995</td>
<td>31903</td>
<td>16312 51.1%</td>
<td>8312 89.4%</td>
<td>23591 37.7%</td>
</tr>
<tr>
<td>1996</td>
<td>33331</td>
<td>17163 51.5%</td>
<td>8354 89.5%</td>
<td>24977 38.8%</td>
</tr>
<tr>
<td>1997</td>
<td>34917</td>
<td>18045 51.7%</td>
<td>8385 89.6%</td>
<td>26532 39.7%</td>
</tr>
<tr>
<td>1998</td>
<td>36644</td>
<td>19066 52.0%</td>
<td>8416 89.7%</td>
<td>28228 40.8%</td>
</tr>
<tr>
<td>1999</td>
<td>38527</td>
<td>20149 52.3%</td>
<td>8453 89.9%</td>
<td>30074 41.7%</td>
</tr>
<tr>
<td>2000</td>
<td>40557</td>
<td>21426 52.8%</td>
<td>8453 90.4%</td>
<td>32104 43.0%</td>
</tr>
</tbody>
</table>


A merger would also save a significant amount of money according to the consultants. Duplication of jobs and salaries could be eliminated with that money being put to better use in other areas.\(^64\) To conclude, they felt that a merger would improve the business and real estate climate of Durham by producing well-educated individuals able to contribute to the needs of the

\(^{64}\) Ibid.
area’s economy.\textsuperscript{65} The consultants warned though that these advantages did not ensure the community’s acceptance of a merger.

Many obstacles still remained in the path to a merger in 1991. Most prominent among them to the consultants were those “that revolved about current attitudes towards race and class, held mostly by whites, and a distinct lack of trust in the real motives of the white establishment held by most blacks.”\textsuperscript{66} Additionally, these sentiments were “followed closely by what were perceived as the existing feelings towards merger held by the school boards [concerned] about the manner in which money/taxes would be redistributed.”\textsuperscript{67} Other major concerns were often split along lines of race where “the ultimate fear among the more bigoted [whites] was that of a stereotypical fear of ‘violent black children bringing drugs and guns to school to prey upon white children,’”\textsuperscript{68} and a fear that “white teachers cannot effectively teach underprivileged black youths because they (the white teachers) do not know the black experience.”\textsuperscript{69} Blacks more often feared potential “inequality in the selection of administrators, teachers and other jobs they now have working for the city.”\textsuperscript{70}

Still the possibility for merger existed according to the consultants in spite of the fact that “most county parents hoped it would take place after their children graduated.”\textsuperscript{71} In principle many supported the merger just as they had

\begin{itemize}
\item[65] Ibid.
\item[66] Ibid, Appendix D pg. 6.
\item[67] Ibid.
\item[68] Ibid.
\item[69] Ibid.
\item[70] Ibid.
\item[71] Ibid, pg. 19.
\end{itemize}
in the 1970s, but the consultants warned that the community might still reject such a proposal if given the opportunity to decide in yet another referendum. They concluded that a vote would lead to “a divisive and bitter battle that the county might do well to avoid.”

They instead suggested that:

despite the current expression of desire to leave the issue to a vote, the importance of the issue, the damage that having two districts is doing to Durham as a whole, and the importance of preserving Durham’s greatest natural resource, its children, may create a situation in which the community’s leaders may choose to merge the school districts without a potentially bitter and divisive vote.

The county board with the support of the city board, nevertheless, decided in February 1991 to call a countywide referendum to decide the merger question. They proposed the merger to be implemented on July 1, 1992 should the measure pass in the proposed referendum. However, the County Commissioners intervened and petitioned the state legislature in June 1991 for the power to merge the two systems without a vote fearing that it could not be accomplished by the July 1 deadline through a referendum. The County Commissioners also wanted the power to direct the merger process and impose its decision upon the two separate school boards. Although granted the power to direct the merger by the state legislature, the County Commissioners’ efforts stalled when disagreement among them prevented the group from submitting a plan by January 1992.

72 Ibid, pg. 18.
73 Ibid.
74 Durham County Board of Education. Minutes of Regular Meeting, January 22, 1992.
75 Ibid.
76 Ibid.
What ensued was a series of political maneuvers that culminated in the county board’s request on January 22, 1992 that its State “Senator Kenneth Royal, take a leadership role in introducing in the short session of the North Carolina legislature commencing May 26, 1992 a bill to merge the city schools and the county schools administrative units effective July 1, 1992.” The state legislature voted on the measure on June 16, 1992 and approved it with a 92-7 vote. It was signed into law the next day by House Speaker Dan Blue and Lieutenant Governor Jim Gardner and went into effect July 1. Some in Durham called the merger a scam because it bypassed the voters. Others were simply nervous about the possibility of “sending county kids downtown.” So even after the merger’s passage opposition persisted. Despite this controversy and remaining opposition Durham had finally secured the merger of its schools.

V. Conclusion

Throughout the history of the merger race and class had conspired to forestall it. Blacks and whites had been driven by their own separate self-interests that would not allow them to do what was in the common interest of their children. The evidence presented makes clear that interest convergence at neither the national or local levels was sufficient to accomplish merger and school integration in Durham, North Carolina.

Nevertheless, the national imperative and the interest convergence that created it were of critical importance in forcing change within Durham. In what

77 Ibid.
at first glance appears to be a contradiction can in fact be reconciled with a historical analysis. While it is true that interest convergence is not enough to impel reform in places like Durham whether those interests implicate broad federal concerns or more local ones, seemingly paradoxically, the national interest convergence that is unable to voluntary nudge action can force it if necessary. Thus, we find that Bell’s theory of interest convergence can carry a strong compulsive effect on cities like Durham rather than a persuasive one.

This history also stands as a portent of what happens when the federal government does not serve the role of guarantor of social and racial equality. It is painfully clear that local municipalities have great difficulty seeing beyond their race and class divisions to act politically in ways that benefit the entire community rather than discrete groups or interests. With that in mind it becomes all the more important that the federal government press the states and local governments to implement these kinds of reforms or we are likely to see situations where the status quo of social and racial inequality is permitted to persist.