

# Neighborhood Schools On Trial This Week

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WASHINGTON — On Feb. 5, James B. McMillan, a federal district judge from North Carolina, ordered the integration of all schools in Charlotte and Mecklenburg county with about the same proportion of black and white students.

Although McMillan said he was not requiring racial balance, the plan finally ordered for this September did just

that for most of the 84,000 students in the system, the 43d largest in the nation.

After being partially knocked down by an appeals court which termed it "unreasonable," after being sent back for new hearings and finally reinstated, the order in the case of James E. Swann Vs. the Charlotte-Mecklenburg Board of Education comes up for arguments this week before the Supreme Court.

When the court rules on this and other cases joined to it, the decision could be the most important one for school desegregation in 16 years.

The court has agreed to consider the questions of whether neighborhood schools in urban areas can remain segregated or whether busing is required to obtain racial balance for all schools.

Chief Justice Warren E. Burger has let it be known that when the court rules it will speak for the nation and not just the South.

Attorneys for the school board, for black parents in Charlotte, and the U.S. Justice Department will argue what are essentially three different positions.

The school board does not believe that each black and white child has an individually guaranteed right to attend a racially balanced school. Such balance, the board said, violates the constitutional rights of those children "who may not wish to be assigned and moved out of their neighborhood attendance zones for the sole purpose of promoting the constitutional rights of other children."

On the other hand, the plain-



The Supreme Court Will Start Hearings On Charlotte-Mecklenburg Case On Monday

... John Harlan, Thurgood Marshall, Hugo Black, Peter Stewart, Warren Burger, Byron White, Wm. Douglas, Harry Blackmun, Wm. Brennan

## CHICAGO

### U.S. Takes Swing At Vote 'Machine'

United Press International

CHICAGO — Illinois Republicans Saturday cheered the federal government's unprecedented entry into Chicago's election thicket and hoped the action will be a blow against the nation's strongest Democratic machine.

The Republicans, in an almost traditional complaint have charged the Democrats are getting ready to steal the election.

Kennedy was awarded Illinois' electoral votes by a margin of 8,858 ballots.

The Republicans poured thousands of dollars into that recount and this was their reward: 24 more votes for Nixon; 44 more for Kennedy.

After the election a total of 677 persons were charged with vote fraud. All were found innocent.

tiffs argue that "every black child is to be free from assignment to a racially identifiable 'black' school at every grade of his education." This may not be possible for every system, they said, but the plan ordered by McMillan "accomplishes the goal which we urge. And it works."

The Nixon administration's position is somewhere between these two. It disagrees with the "near-absolute standard" urged by the plaintiffs but believes that the school board

did not use all "reasonable" means to end segregation.

The government believes the court should rule in favor of a "neighborhood school policy" which at the same time reduces segregation.

The administration urges the court to set the standards for urban school districts and send the cases back to the lower courts so that changes can be made for the 1971-72 school year.

In the eyes of the Charlotte board and most of the parties that have intervened on its side, the law must apply to residential segregation in all sections of the country rather than the pre-1954 legal discrimination in the South.

The school board said that if separation of the races is unequal, it is "purely of historical interest how the practice originated, whether by law, custom or ghetto economics."

Segregation which results from residential patterns is

"clearly innocent and constitutionally permissible", and must be allowed in the South as well as the North, said N.C. Sen. Sam Ervin, who filed a written brief in the case.

The issue of de facto vs. de jure segregation is clearly the central issue.

If the court does not resolve the difference, Southerners feel, a "double standard," in which the South integrates and the North does not, will be hanging around their necks.

As the law now stands, civil rights officials must now prove that local governments in the North have deliberately acted to segregate and they would like to have clearer authority to act.

The Supreme Court must either knock down or let stand the Fourth Circuit Court of Appeals view that some cities "have black ghettos so large that integration of every school is an improbable, if not unattainable, goal."