

## **THE COMMERCIAL APPEAL**

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### VIEWPOINT

#### **Sundquist orders: 'End segregation on my watch'**

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How did a Cuban-American lawyer get a federal official and the governor of Tennessee to come to an agreement that will save this state about a half-billion dollars?

All three insisted that the future, not the past, was the right way to resolve a lawsuit that had spanned four decades, spent thousands of hours in court, and involved some of the most bitterly contested issues in our nation's history.

Thirty-three years ago, the University of Tennessee planned to convert its Nashville campus to a full-time undergraduate facility. Rita Sanders, then a faculty member at Tennessee State University, sued Gov. Buford Ellington, charging that this move would continue racial segregation at TSU. A federal judge ordered the state to file a desegregation plan.

Ellington left office. Governors Winfield Dunn, Ray Blanton, Lamar Alexander and Ned McWherter came and went. Sanders went to law school and became a government official in Baltimore; after a series of promotions she became the associate commissioner of the Social Security Administration.

New plaintiffs intervened in the higher education desegregation lawsuit. Distrust and suspicion ran rampant. The litigation lived on.

Gov. Don Sundquist sought a just end to the battle. I remember his instruction: "End segregation on my watch. Don't pass it on to the next governor." The state's new attorney general, Paul Summers, suggested mediation. Surprisingly, everyone agreed.

After a nationwide search, the parties chose Carlos González, who left his native Cuba as an infant when Fidel Castro came to power, as mediator. González quickly saw that the lawsuit was dysfunctional: The parties were still speaking the language of the 1960s, when what they wanted was 21st Century higher education opportunities.

González identified the common thread: All parties wanted to build up Tennessee's higher education system, not tear each other down. Discussions moved to opportunities and incentives. The governor insisted on letting educators make decisions based on academic standards, rather than having judges impose duties.

Hurdles remained. Sundquist would not ask the General Assembly for appropriations, only to have additional demands placed on the state. The plaintiffs were not about to approve the agreement without full state funding.

The governor insisted on "finality" if the state met its obligations in a timely manner. The plaintiffs got an "all bets are off" provision if it did not. The General Assembly would not have to fear future demands, and the plaintiffs would know they could return to court if the state failed to meet its obligations.

The final settlement costs about \$70 million - a lot of money in a time of budget shortages. Yet the General Assembly would be irresponsible not to fund the settlement. Mississippi, with a smaller population than Tennessee, just settled a similar lawsuit at a cost of more than \$500 million.

The Tennessee agreement forthrightly addresses one of the great conflicts of our time, not by living in the past with remedies such as quotas, damages and lawyers, but rather by looking to the future through an emphasis on opportunity, quality and educational standards.

It makes sense financially. It will end segregation in higher education in Tennessee. It is, quite simply, the right thing to do.

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