

# Segregation Now

In Tuscaloosa today, nearly one in three black students attends a school that looks as if *Brown v. Board of Education* never happened.

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In the four decades since the Fair Housing Act, U.S. officials have failed to enforce the law and integrate housing.

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Though James Dent could watch Central High School's homecoming parade from the porch of his faded white bungalow, it had been years since he'd bothered. But last fall, Dent's oldest granddaughter, D'Leisha, was vying for homecoming queen, and he knew she'd be poking up through the sunroof of her mother's car, hand cupped in a beauty-pageant wave, looking for him.

So, at about 4:30 in the afternoon on October 18, Dent, age 64, made his way off the porch and to the curb along Martin Luther King Jr. Boulevard in the West End of Tuscaloosa, Alabama. Soon he could hear the first rumblings of the band.

There was a time, little more than a decade ago, when the Central High School homecoming parade brought out the city. The parade started in the former state capital's lively downtown and seemed to go on for miles. The horns of one of the state's largest marching bands, some 150 members strong, would bounce off the antebellum mansions along the streets. Revelers—young and old, black and white, old money and no money—crowded the sidewalks to watch the elaborate floats and cheer a football team feared across the region.

Central was not just a renowned local high school. It was one of the South's signature integration success stories. In 1979, a federal judge had ordered the merger of the city's two largely segregated high schools into one. The move was clumsy and unpopular, but its consequences were profound. Within a few years, Central emerged as a powerhouse that snatched up National Merit Scholarships and math-competition victories just as readily as it won trophies in football, track, golf. James Dent's daughter Melissa graduated from Central in 1988, during its heyday, and went on to become the first in her family to graduate from college.

But on that sunlit day last October, as Dent searched for Melissa's daughter in the procession coming into view, he saw little to remind him of that era. More caravan than parade, Central's homecoming pageant consisted of a wobbly group of about 30 band members, some marching children from the nearby black elementary schools, and a dozen or so cars with handwritten signs attached to their sides. The route began in the predominantly black West End and ended a few blocks later, just short of the railroad tracks that divide that community from the rest of the city.

The reason for the decline of Central's homecoming parade is no secret. In 2000, another federal judge released Tuscaloosa City Schools from the court-ordered desegregation mandate that had governed it for a single generation. Central had successfully achieved integration, the district had argued—it could be trusted to manage that success going forward.

Freed from court oversight, Tuscaloosa's schools have seemed to move backwards in time. The citywide integrated high school is gone, replaced by three smaller schools. Central retains the name of the old powerhouse, but nothing more. A struggling school serving the city's poorest part of town, it is 99 percent black. D'Leisha, an honors student since middle school, has only marginal college prospects. Predominantly white neighborhoods adjacent to Central have been gerrymandered into the attendance zones of other, whiter schools.

Tuscaloosa's schools today are not as starkly segregated as they were in 1954, the year the Supreme Court declared an end to separate and unequal education in America. No all-white schools exist anymore—the city's white students generally attend schools with significant numbers of black students. But while segregation as it is practiced today may be different than it was 60 years ago, it is no less pernicious: in Tuscaloosa and elsewhere, it involves the removal and isolation of poor black and Latino students, in particular, from everyone else. In Tuscaloosa today, nearly one in three black students attends a school that looks as if *Brown v. Board of Education* never happened.

Tuscaloosa's school resegregation—among the most extensive in the country—is a story of city financial interests, secret meetings, and angry public votes. It is a story shaped by racial politics and a consuming fear of white flight. It was facilitated, to some extent, by the city's black elites. And it was blessed by a U.S. Department of Justice no longer committed to fighting for the civil-rights aims it had once championed.

Certainly what happened in Tuscaloosa was no accident. Nor was it isolated. Schools in the South, once the most segregated in the country, had by the 1970s become the most integrated, largely as a result of federal court orders. But since 2000, judges have released hundreds of school districts, from Mississippi to Virginia, from court-enforced integration, and many of these districts have followed the same path as Tuscaloosa's—back toward segregation. Black children across the South now attend majority-black schools at levels not seen in four decades. Nationally, the achievement gap between black and white students, which greatly narrowed during the era in which schools grew more integrated, widened as they became less so.

In recent years, a new term, apartheid schools—meaning schools whose white population is 1 percent or less, schools like Central—has entered the scholarly lexicon. While most of these schools are in the Northeast and Midwest, some 12 percent of black students in the South and nearly a quarter in Alabama now attend such schools—a figure likely to rise as court oversight continues to wane. In 1972, due to strong federal enforcement, only about 25 percent of black students in the South attended intensely segregated schools in which at least nine out of 10 students were racial minorities. In districts released from desegregation orders between 1990 and 2011, 53 percent of black students now attend such schools, according to an analysis by ProPublica.

The Dent family, from grandfather to granddaughter, has lived out integration's fleeting wonder, a fact that hardened James Dent's face as he stood on that Tuscaloosa curb last October. The parade—just 15 minutes old, and yet almost over—quickly brought D'Leisha before him. Nene, as her family calls her, beamed and waved. Dent waved back and looked around to share the moment. But besides his wife and his stepson, no one else was there.

In the hours after the parade, James Dent sat back in a worn wingback chair in the cramped but tidy house he and his wife rent in the West End. As dusk brought out the whirring of cicadas, he quietly flipped through a photo album devoted to D'Leisha's many accomplishments. She's the class president, a member of the mayor's youth council, a state champion in track and field. Later that night, she would be named homecoming queen as well.

Dent never went to college. One of 13 children born into the waning days of Jim Crow, he took his place in the earliest of integrated American institutions: the military. He served four years in the Air Force, including a year in

Vietnam, before returning to the West End to spend the next 40 mixing cement for a living. The work was steady, but the pay meager.

Thin, with chestnut skin, and seldom seen without a Vietnam-vet cap, Dent is a reserved man, not prone to soapboxes. But after a long silence, he gently suggested that maybe his granddaughter deserved a little more than a 12-car salute at a brief and sparsely attended parade. When D'Leisha graduates this spring, she will have spent her entire public education in segregated schools. Just like he had.

“I think about it all the time, and ain't nothing I can do about it,” he said. “It ain't going to get no better.” He said he just hoped she was learning as much as the city's white students were, then grew quiet again. If integration was going to prove so brief, what, he wondered, had all the fighting been for?

## JAMES

Tucked along the Black Warrior River some 60 miles southwest of Birmingham, Tuscaloosa has a racial history marked by contradictions. The city is home to three colleges, the University of Alabama among them, and a pioneering psychiatric hospital. Its civic leaders have, at times, been called progressive. A New York Times reporter covering civil rights in the 1950s described Tuscaloosa as a “clean, prosperous city that has long been proud of its good race relations.”

And yet, of course, the phrase good race relations was misleading: the city operated under the dictates of Jim Crow until the passage of the Civil Rights Act of 1964. Black people took their first breaths in segregated hospital rooms, worshipped in segregated churches, and, when they died, were buried in segregated graveyards. The imperial wizard of the United Klans of America, responsible for the Birmingham church bombing that killed four little girls, called Tuscaloosa home during the civil-rights era. Historians and older black residents say the city avoided the ugliest violence of that time because black people mostly stayed in their place.

Unlike many other southern cities, Tuscaloosa has a long tradition of educating black children. When the city founded its public-school system in 1885, it opened both white and black schools. That year, the new school board provided maps, tables, blackboards, and crayons for 274 white children and 173 black children.

But that does not mean that Tuscaloosa's schools were equal before their integration, or that the city would accommodate integration willingly (as the infamous riots foiling the attempted integration of the University of Alabama in 1956 attested).

James Dent entered first grade at the “colored” Central Elementary not long after the Supreme Court issued its landmark *Brown v. Board of Education* decision in 1954. “We conclude that, in the field of public education, the doctrine of ‘separate but equal’ has no place,” Chief Justice Earl Warren wrote. “Separate educational facilities are inherently unequal.” And yet—so ferocious and effective was the southern pushback against desegregation—Dent would never attend school with a white classmate.

The *Brown* ruling did not hinge on the inferior resources allotted black students under many segregated educational systems. As Warren pointed out in his decision, many southern officials, in an effort to forestall integration, had been investing heavily in bringing black schools up to white standards, so that by the time the Court agreed to hear *Brown*, school facilities and teacher salaries in many black public schools had “been equalized, or [were] being equalized.”

“We must look instead,” Warren wrote, “to the effect of segregation itself.” He wrote that to separate black children “from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their

status in the community that may affect their hearts and minds in a way unlikely ever to be undone.” The justices noted that education was “perhaps the most important function of state and local governments” and that the integration of schools was essential to the integration of black citizens into society as a whole.

The ruling came with a heavy compromise. Warren understood the storm of resistance likely to confront the decision. He believed only a united Court could contain southern rage, but some of the justices wanted to go slow. So, instead of laying out an explicit framework for desegregation, the Court acknowledged that the “variety of local conditions” made dismantling Jim Crow schools a complicated matter, and ultimately placed the burden of enforcing its ruling on district courts. It gave the lower courts no guidance other than to say that desegregation should proceed “with all deliberate speed.”

In some ways, the Court’s hesitancy to mandate immediate desegregation is understandable. The racial caste system the Court suddenly deemed illegal not only predated the nation itself but had been sanctioned by that very judicial body for six decades.

Yet while the Court dragged its feet on what to do, southern officials were moving quickly. Virginia Governor Thomas B. Stanley vowed to use “every legal means” to “continue segregated schools.” Alabama joined other southern states in passing laws allowing or requiring school boards to shut schools to avoid having even a handful of black children sit in classrooms with white ones. Some states helped fund the all-white academies popping up across the South. State officials encouraged white parents to remove their children from public schools, helping to set off the white flight that continues to plague school systems today. Two years after the Brown ruling, not a single black child attended school with white children in eight of the 11 former Confederate states, including Alabama.

Dent doesn’t recall hearing his parents ever discuss his new right to an integrated education. His mother, a domestic who cleaned white people’s houses, provided the family with its only stable income; his father worked odd jobs as he could find them. Dent and his parents and 12 siblings were often on the move, sometimes crashing with relatives.

School did not come easily to Dent, an athletic boy with a serious face, nor did he particularly like it. Mostly, it reminded him of how poor his family was. “I remember going to school barefoot” as a young child, Dent said. “I’d be so embarrassed, I’d try to play hooky.”

By the time he started his freshman year in high school, in 1964, a full decade after Brown, just 2.3 percent of the nearly 3 million school-aged black children in the old Confederate South attended school alongside white children. None of those children lived in Tuscaloosa. At Dent’s school, Druid High, students learned from hand-me-down textbooks and lagged behind their white counterparts on achievement tests. The curriculum pushed students toward learning a trade instead of preparing for college.

Even so, Dent’s experience at Druid reveals a truth often lost in the history of school integration. Though its resources were not as rich as those of the all-white Tuscaloosa High, Druid was a source of pride within the city’s black community. Its students soaked up lessons from a committed staff of all-black teachers, many of whom were exceptionally talented, in part because teaching was among the only professional careers open to black southerners at the time. What the school lacked in racial diversity, it made up for in economic variety: the children of domestic workers walked the halls with the children of college professors. Condoleezza Rice was one of Dent’s schoolmates.

McDonald Hughes, Druid’s tall, stern principal, instilled a sense of discipline and of possibility in his students. “He’d grab you by the shoulders,” Dent recalled with a laugh. “He wanted you to succeed.”

Just before Dent’s freshman year, Congress had passed the Civil Rights Act of 1964. The law barred school districts that discriminated against black students from receiving federal education funding, which would soon be increased by more than \$1 billion. Under the law, the feds for the first time could sue defiant districts. The sweeping

legislation brought about the rarest of moments in American history: all three branches of government were aligned on civil rights. Backed by the courts and Congress, the Johnson administration set the Justice Department to aggressively pursuing desegregation.

James Dent would never feel the impact of these changes: Druid High remained untouched until well after his graduation. Throughout the South, school officials, realizing they could not avoid integration altogether, sought “race neutral” means to control it. Some adopted plans for “neighborhood schools,” with attendance zones carefully drawn around racially distinct parts of town. As a result, token integration replaced absolute segregation in many places. All-white schools started disappearing, but all-black schools remained common.

Still, by 1968, one out of three southern black kids was going to school with white children. That same year, the Supreme Court revealed its growing impatience when it ordered school officials to produce plans that promised “realistically to work, and realistically to work now,” eliminating segregation “root and branch.” Three years later, the Court emphasized that desegregation plans should be judged by their effectiveness in eliminating racially identifiable schools.

The dominoes, at last, had begun to fall.

## **MELISSA**

Melissa Dent, James’s first child, was born in 1969, around the time the National Education Association and the Department of Justice persuaded a federal court to force Tuscaloosa to comply with a statewide desegregation order. As she began to toddle and then run around, revealing herself to be an athlete, like her father, the South was quickly changing: by the early ’70s, more than 90 percent of black children were attending desegregated schools.

Even so, Melissa Dent began her education at the same all-black elementary school that her father had attended. In 1975, the Department of Justice and the NAACP Legal Defense Fund hauled the district back into court, not long before a federal agency placed the Tuscaloosa system on its list of the nation’s worst civil-rights offenders. The case landed on the docket of Judge Frank McFadden, a Yale Law-educated former Wall Street attorney born in Oxford, Mississippi.

McFadden, now 88, with a shock of white hair, still practices law in Montgomery, and he recently described the predicament he found himself in some 40 years ago. The Supreme Court had been right in striking down legal segregation, McFadden said. The details of the Jim Crow era—how the words white supremacy were written on Alabama’s Democratic Party ballot, or how even which line you stood in at the liquor store depended on your race—remained vivid for the former judge. “Separate but equal was a joke, a horrible joke,” he said.

But by the time the Tuscaloosa case hit his desk, McFadden said, Brown had stood as the law of the land for two decades and the legal barriers to integration had been eliminated. “The plaintiffs were contending that the absence of integration equals the presence of segregation, and they are not necessarily the same.” The Justice Department and the Legal Defense Fund were asserting that “if there was a racial imbalance in the student body, then that in and of itself established segregation, and some remedy had to happen.”

McFadden disagreed. “What was being sought in the Tuscaloosa case when it came to me was a forced integration,” he said. “If you read my orders in the Tuscaloosa case and what I said in the courtroom, it was simply this: *Brown v. Board of Education* said you cannot send a child to a specific school because of his or her race, and that is precisely what affirmative action was requiring to be done.”

McFadden admitted that much of the segregation once required by law remained, even though the laws no longer did. He noted that segregation had its roots in slavery, and that white attitudes toward black Americans had hardened over the centuries.

But when asked how the country could have addressed the resistance to integration if the courts hadn't forced it, he turned philosophical. "You would have sunk the first slave ship, cut that all out, and not brought them in here," he said, his honeyed Oxford drawl softening the bite in his words. "How one would accomplish desegregation in an ideal world, I don't have that answer." He raised his age-speckled hands, palms up. "But before you have that ideal, human beings have to change attitudes."

The Tuscaloosa case and others like it were hard, McFadden said. He ultimately decided that Tuscaloosa's efforts, centered on the creation of neighborhood-based schools, were sufficient, because he believed the school segregation that remained resulted from housing patterns. But the Supreme Court had already made clear that disproportionately black schools in districts with a history of legal segregation were highly suspicious, and that housing-based segregation could not justify all-black schools in these districts. In overruling McFadden, the federal appeals court noted that the virtually all-black Druid High was not even two miles from the mostly white Tuscaloosa High. McFadden eventually presided over a series of changes, including the creation of Central as the city's sole public high school.

In the fall of 1979, Central High School opened to serve all public-high-school students in the district—no matter their race, no matter whether they lived in the city's public-housing projects or in one of the mansions along the meandering Black Warrior River. The mega-school, a creative solution to a complex problem, resulted from many hours of argument and negotiation in McFadden's chambers. It was spread across two campuses—ninth- and 10th-graders at the former black high school, now called Central West; 11th- and 12th-graders at the old white high school, called Central East. (The judge's order also created three single-grade middle schools.)

All traces of the segregated system, from the mascots to the school colors of the two former schools, were discarded. All of Tuscaloosa's public-high-school students would now unite under the red-and-white banner of the Falcons. As one of the biggest schools in the state, Central would offer classes in subjects ranging from Latin to forensics.

Over the years, Central racked up debate-team championships. Its math team dominated at state competitions. The cheerleaders tumbled their way to nationals, and the Falcons football team trounced local competitors so badly, some refused to play against it. Central students were regularly named National Merit Scholars. In 2001, the state found Central's projected dropout rate to be less than half Alabama's average.

"Central and its resources could reach any child," said Robert Coates, a former principal of the school.

The school was hardly perfect. Black students were disproportionately funneled into vocational classes, and white students into honors classes. Some parents complained that competitive opportunities were limited to just the very best students and athletes because the school, at 2,300 students, was so large. And the white flight that had begun when the courts first ordered the district to desegregate continued, slowly, after the formation of the mega-school. But despite these challenges, large numbers of black students studied the same robust curriculum as white students, and students of both races mixed peacefully and thrived.

Desegregation had been wrenching and complicated, but in Tuscaloosa and across the country, it achieved undeniable results. During the 1970s and '80s, the achievement gap between black and white 13-year-olds was cut roughly in half nationwide. Some scholars argue that desegregation had a negligible effect on overall academic achievement. But the overwhelming body of research shows that once black children were given access to advanced courses, well-trained teachers, and all the other resources that tend to follow white, middle-income children, they began to catch up.

A 2014 study conducted by Rucker Johnson, a public-policy professor at the University of California at Berkeley, published by the National Bureau of Economic Research, found desegregation's impact on racial equality to be deep, wide, and long-lasting. Johnson examined data on a representative sample of 8,258 American adults born

between 1945 and 1968, whom he followed through 2011. He found that black Americans who attended schools integrated by court order were more likely to graduate, go on to college, and earn a degree than black Americans who attended segregated schools. They made more money: five years of integrated schooling increased the earnings of black adults by 15 percent. They were significantly less likely to spend time in jail. They were healthier.

Notably, Rucker also found that black progress did not come at the expense of white Americans—white students in integrated schools did just as well academically as those in segregated schools. Other studies have found that attending integrated schools made white students more likely to later live in integrated neighborhoods and send their own children to racially diverse schools.

Melissa Dent attended her first integrated class as a middle-schooler, in 1980, as a result of the court order. But by the time she graduated from Central eight years later, integration in the South had already reached its high-water mark. The percentage of black and white students attending school together would never be greater.

At Central, Dent quickly made a name for herself as a premier athlete. Her track team took the state title twice, and she was named Alabama's top female high-school track performer in 1987. More important, the school introduced her to people from different backgrounds. Neither her mother nor her father had gone to college, yet her classmates—some of whose fathers were attorneys or business owners—planted that seed. "All my friends were talking about college and wanting to do better," she said. "I've always been ambitious, and I wanted to do better too."

As part of the first generation born outside the constraints of Jim Crow, Dent has not lived out a Horatio Alger Jr. fable. Much like the story of integration, her story is one of fits and starts, of grinding progress and battles to hang on to the gains. In her sophomore year of college, she got pregnant. She came back home and had her baby. But she then returned to school, walking onto the track team at the University of Alabama and graduating in 1995.

Now 45 and a single mother of four, she works on the assembly line at the Mercedes-Benz plant just outside of town. Her work is physically taxing, but she fought to get the factory gig, a coveted job in the area, because it paid more than she'd ever earned as a teaching assistant, the job she had after college. Unlike her father, she owns her West End home, a brick fixer-upper she bought eight years ago, after falling in love with its den and big backyard.

Dent called herself "average, very average," as a student, but like her own parents, she hopes that education will take her children further than it has taken her.

Her children's academic medals and certificates clutter the living-room walls in her house. It is clear in conversation that Melissa never expected to count the opportunity for a quality education among the things she would be unable to provide for her children. She said she'd assumed that she'd be the bridge between her father's Jim Crow generation and a new generation for whom integration was natural.

Dent said her high-school class had formed a lasting bond. Even now, she said, if she called on any of her white fellow alums, like the prominent lawyer she'd reconnected with during a recent class reunion, they would remember her. She believes D'Leisha, a child every bit as outgoing as her mother is reserved, would have formed a rainbow coalition of friends if she'd attended the old Central, and made connections that could have helped her in the future.

She glanced at D'Leisha. "My girls are not experiencing that."

## **D'LEISHA**

A few minutes before first period on a Wednesday last October, D'Leisha Dent, a 17-year-old senior, waded through Central High's halls, toes with chipped blue polish peeking out from her sandals, orange jeans hugging solid legs that had helped make her the three-time state indoor shot-put champion.

She eventually broke free from a tangle of girls to enter Tyrone Jones's Advanced Placement English class and take her seat at the front. She dropped two black bags taut with notebooks and binders beside her desk.

Jones didn't waste time setting the boisterous class to task. The AP exam was approaching. Students who didn't score high enough wouldn't get college credit for the class. Even though the 17 girls and boys gathered in front of him made up Central's brightest, their practice essay about a poem hadn't gone so well.

D'Leisha raised her hand, her dimples vanquished by a furrowed brow. Coach Jones, she asked, how many kids had made the cutoff last year? Only two students had, but the teacher dodged the question. "I really do believe all of you can make those scores," he said.

He passed out an essay question about D. H. Lawrence's novel *The Rainbow*. As the students began to write, a girl sitting to his left scrunched up her nose and raised her hand. She couldn't spell a word she wanted to use in her essay. Jones told her to look it up in one of the heavy red dictionaries in the baskets below their desks.

"You know what I don't understand?" the girl said, a pen poised at her lips. "You always tell us to look up the word. How are we supposed to look a word up if we don't know to spell it?"

Jones stopped. His eyes scanned each of the 17 brown faces looking expectantly back at him. Then he gave an answer that seemed to sum up their educational experience. "What do we say about struggling?" he asked. "You have to work through the struggle."

After Melissa Dent graduated, in 1988, Central continued as one of the state's standout high schools. But over time, local leaders grew more concerned about the students who didn't attend the school than those who did.

White students once accounted for a majority of the Tuscaloosa school district's students. But by the mid-1990s, they made up less than a third. Total enrollment had dropped from 13,500 in 1969 to 10,300 in 1995. Many white parents had decided to send their children to nearly all-white private schools or to move across the city line to access the heavily white Tuscaloosa County Schools.

Tuscaloosa's business leaders and elected officials had witnessed the transformation of other southern cities after their school districts had reached a tipping point—the point at which white parents become unsettled by the rising share of black students in a school, and pull their children from the school en masse. School districts in cities such as Birmingham and Richmond had seen their integration efforts largely mooted: just about all the white students had left. As white families had moved out to the suburbs, eroding the tax base, both the schools and the cities themselves had suffered. Many officials in Tuscaloosa obsessed about the rippling consequences of continued white flight. "Money follows kids, and the loss of white students was very, very critical," said Shelley Jones, who is white and served as a school-board member in the 1990s, and later as the chair.

Tuscaloosa's residential population stagnated during the '90s, and the school situation took on special urgency in 1993: Tuscaloosa was vying for the Mercedes-Benz plant where Melissa Dent now works, which officials hoped would draw people to the city. Just a few years earlier, Tuscaloosa had lost out on a bid for a Saturn plant. In an interview early this year, Johnnie Aycock, who at the time headed the Chamber of Commerce of West Alabama, suggested the schools had scared Saturn away. "We learned that lesson. We learned that lesson completely."

Publicly, the city's movers and shakers said the lack of neighborhood schools made the district unattractive and that schools languished in disrepair because the district had to await court approval for every little decision. Behind closed doors, they argued that if they did not create some schools where white students made up the majority—or near it—they'd lose the white parents still remaining.



Districts under desegregation orders aren't supposed to take actions that increase racial separation. And so the city's leadership decided the desegregation order needed to go, and they believed the time was ripe for a court to agree.

In the early 1990s, an increasingly conservative Supreme Court had issued several crucial rulings that made it much easier for school systems to get out from under court supervision. The Court ruled that desegregation orders were never meant to be permanent, but rather were a "temporary measure to remedy past discrimination," and that school decisions should return to local control once a district had shown a "good faith" effort to eliminate segregation. Because of changing racial demographics and housing patterns, the Court also ruled that districts no longer had to prove that they'd eliminated segregation "root and branch," just that they'd done so to the "extent practicable." Once released, a school board could assign students however it chose, as long as no proof existed that it did so for discriminatory reasons.

In 1993, Tuscaloosa's school board fired a test shot. It filed papers in federal court seeking to build a new elementary school called Rock Quarry, deep in a nearly all-white part of town separated from the rest of the city by the Black Warrior River. If a judge accepted the school, that might signal a willingness to end the order altogether.

"You could see what the city and the school district were doing. They were going to have a racially and economically segregated school system," said Janell Byrd, one of the NAACP Legal Defense Fund attorneys who represented the plaintiffs at the time.

The case landed in the courtroom of Judge Sharon Blackburn, a recent George H. W. Bush appointee who had gone to college in Tuscaloosa. In 1995, Blackburn held a five-day hearing to decide the question of Rock Quarry. School officials promised that the new school's student body, though whiter than the district's overall school population, would be half black.

The roster of witnesses lined up behind the school board shocked many in the black community. It included some of the city's most influential black leaders, including a city councilman, a state senator, and Judge John England Jr., whose credentials carried force. England had been a member of the first integrated class at the University of Alabama Law School, and he'd fought discrimination his whole career as a litigator, before taking on roles as a city council member and then as a county judge.

England testified as to how the city's racial views had changed over the years. Building a school "across the river," England told the court, was "the best thing for the community as a whole."

Rumors spread within the community that England's and others' support had been part of a secret arrangement with white leaders. Dennis Parker, another Legal Defense Fund attorney, asked England during his testimony whether he'd said at a public meeting that a deal had been struck to improve a West End school in exchange for support for a new school in the whitest part of town. England denied that any such deal had been made, and Blackburn gave the nod to the new school. Soon thereafter, the school board voted to go back to court to seek release from federal oversight.

The Legal Defense Fund had by that time started supporting the release of districts from federal court orders, settling cases in return for promises that the districts would voluntarily continue some desegregation efforts. It had seen the writing on the wall: "There seemed almost a fatigue with the cases" on the part of judges, "and a desire to get them finished," Parker said. And beginning in the Reagan administration, which cut off federal desegregation funding, the Justice Department had started to walk away from the court orders.

A negotiated agreement, supported by the Legal Defense Fund and the Justice Department, to end Tuscaloosa's federal desegregation order was brought before Judge Blackburn in 1998. School leaders publicly pledged to continue desegregation efforts, and Superintendent Bob Winter said that no new schools, which might lead to less integration, were planned.

Still, Blackburn, before making what she called the most significant ruling of her time on the bench, ordered a hearing. About 50 people showed up, and many urged her to reject the settlement. Emotions were raw. “I wouldn’t be up here if I didn’t think someone was trying to harm my children,” Chykeitha Roshell told the local paper.

Before granting the request to free the district, Blackburn seemed to speak to Tuscaloosa’s black community. “I don’t know any of you all, and you don’t know me,” she said. “I grew up in Alabama in the ’60s, in a small town in south Alabama . . . You can’t know my views about segregation and how strongly I feel about our state and our history of racial injustice.” She acknowledged the crowd’s sentiment, saying, “You don’t understand why I’m doing this, and you think I’m wrong. But I’m doing what I believe the law requires me to do.” And with that, Blackburn announced that the 30-year-old desegregation order had come to an end.

In an interview last fall in his chambers at the Tuscaloosa County Courthouse, Judge England said on the record for the first time that he had privately agreed to support the Rock Quarry school during the trial—which would ultimately lead to the district’s release from federal oversight—only with the assurance of investment in West End schools, though he denied having made a quid pro quo deal. (Several others confirmed that white business, school, and city officials met privately with select black leaders to gain support for the district’s efforts to end the court order and free it to return to neighborhood schools, in exchange for new black schools and development in the West End.) The day of the interview, the story had broken nationally that England’s step-granddaughter had been snubbed by the white sororities at the University of Alabama—among the nation’s last remaining segregated Greek systems. The judge, a university trustee, was in a foul mood.

His retelling of the events leading up to the dismissal revealed none of the optimism he’d displayed on the stand all those years ago, but rather a steely pragmatism and no small measure of disillusionment. Under the court order, England said, black students had ridden buses all over the city chasing an ever-receding white population. Desegregation had not ended the stigmatization of black children, England said. It had reinforced it.

England had believed that if the school system continued to grow more black, financial support for schools within the white community would fall off and the city would struggle to attract commerce. Further, he’d thought that the school district would eventually free itself of federal oversight with or without the support of black leaders.

“There was a desire to have a school built across the river, where a number of white students were in private school,” he said. “The business community wanted to be able to say Tuscaloosa City Schools would not be an inner-city school system.”

At least the prospect of his cooperation, along with that of other black elites, offered leverage. So England and a handful of others made a Faustian bargain. In exchange for their support for building new schools in the whitest part of town, he said, white leaders promised to build some state-of-the-art schools in Tuscaloosa’s West End, providing local development to a part of town with little more than factories and dollar stores. “They kept their word to build schools on this side, we kept ours,” England said. “White folks got your schools. Black folks, you got yours.”

In an interview last fall, Byrd said evidence of a secret agreement would have been “significant” during the trial, and had she had proof, “I certainly would have tried to get it into evidence.”

For his part, England knew this arrangement meant consigning hundreds of black students to segregated schools. And he never disputed that integration had brought real academic benefits. But he saw few options and had also grown nostalgic about his own years in Jim Crow schools. “I would put the education I got against anyone’s,” he said. “The answer cannot be ‘The only way to get good schools is to have white people in them.’”

The hearings opened a rift in Tuscaloosa’s black community, dividing longtime friends. Many still accuse the judge and others of selling out, a charge that snapped the judge upright in his chair.

“Those people had their right to their viewpoint as I had mine,” he said, his voice rising. “I thought I saw the whole picture.” England said he still stands behind the decision he made to support Rock Quarry. But as far as segregation was concerned, he added, “I don’t know what happened the last 13 years.”

What happened was rapid and continual re-segregation, in particular the sequestration of poor black students in nearly hopeless schools – something that didn’t surprise Parker from the LDF.

“We said that it was planned and the judge just did not want to hear it.” (Blackburn did not respond to numerous interview requests.)

It is no small irony that efforts to woo the very plant that allows Melissa Dent to earn enough to support her family also played a part in ensuring that her children would attend nearly all-black schools.

In 1999, less than a year after Blackburn’s public hearing, the school board voted to abandon its three single-grade, citywide middle schools in favor of more-traditional middle schools. It carved out two integrated schools to serve sixth- through-eighth-graders in the northern, central, and eastern parts of the city, and returned Westlawn Middle, in the West End, to its familiar historic state: virtually all black.

The school board commissioned a biracial committee to figure out what to do about the high school. White parents, the commission suggested in its May 2000 report, would not want their children to attend schools once they turned 70 percent black. By its reasoning, the district had already reached the tipping point. The only way to create the necessary school ratios in a district where black students outnumbered white students almost three to one was to cluster a large number of black children in schools without white students.

The commission pointed to a handful of studies showing that smaller schools benefited low-income students. It did not note that Westlawn Middle School was floundering: the state’s Department of Education had already placed the school under a warning for low achievement.

After the commission issued its report, the district created a plan for two large integrated high schools—Northridge, in the whitest and most affluent part of town, and Paul W. Bryant, along the city’s eastern edge—as well as a much smaller high school that would retain the name Central. School officials drew Central’s proposed attendance zone compactly around the West End, saying that an all-black high school couldn’t be avoided, because the district couldn’t help where people lived.

While a vocal group of white parents and community leaders supported the high-school breakup, large numbers of black and white residents fought against it. A poll of a few dozen parents who’d pulled their kids from the schools showed that most of them supported a shift to neighborhood high schools. But in a wider poll of more than 200 parents in the district, and another of Central’s teachers and other staff, most respondents wanted the mega-school to remain intact. Robert Coates had just been named principal of the Central East campus, and he warned the board that if it went forward with the plan to split the schools, the new Central would be “relegated as a low-performing school from day one.”

Nonetheless, in August 2000, the seven-member board ordered Central’s dismantling, 21 years after its creation. One black member joined the board’s four white ones in voting in favor. Under the plan, some black students would continue to be bused north of the river, though many of them were from black neighborhoods filled with two-parent, two-garage homes, as Ernestine Tucker, a current school-board member, puts it. Overall, the vote ensured that nearly a third of the district’s black students would spend their entire 13 years of public education in completely segregated schools.

And so the district built its new high schools—but white parents did not flock to them. By 2007, white enrollment had fallen to 22 percent, and school leaders once again insisted something had to be done. The superintendent

presented a plan that would send hundreds of black children who were still being bused to high-performing, integrated schools back to failing schools closer to their homes. The idea was that this latest plan would do what the breaking apart of Central hadn't: draw back white parents.

The redistricting plan roiled the community, still raw over the breakup of the integrated middle and high schools less than a decade earlier. A racially mixed group of local academics and parents fired off searing editorials and showed up at meetings to protest.

But some parents were unhappy with the plan for a different set of reasons. The historic district around the University of Alabama, a predominantly white and middle-class area that's home to college professors and other professionals, lies south of the river. The district's plan would reassign children in this neighborhood to their closest schools, which were heavily black.

The day before the school board voted, the president of the historic district association sent an e-mail to his fellow association members assuring them that after "lengthy negotiations with the school board attorney" and "discussions with school board members and the superintendent," students in the district would be able to continue to attend the north-of-the-river schools. The school board's final proposal did indeed reflect that change. The final plan also allowed children from a tiny triangle conspicuously carved from the West End—encompassing a country club and its surrounding neighborhood—to attend school north of the river.

On May 3, 2007, as the school board prepared to vote on the new plan, a few members said they had been unaware of the negotiations, and fought unsuccessfully to delay the decision. The plan passed in a bitterly divided vote, 5–3. One white school-board member, Virginia Powell, who represented the historic district around the university, joined the board's two black members in voting no. Powell said that the appeasement of white parents had trumped doing what was best educationally for the district. "It was totally orchestrated. It was awful, I felt powerless," Powell said recently. "I remember sitting in church after one of the votes. It was a Wednesday-night supper and no one would sit with me, because I voted with the black members. It made me realize where people stood."

Since the vote, the black population at Rock Quarry, one of the district's highest-performing elementary schools—the one that school officials had promised would be 50-50 in its racial composition—has fallen from 24 percent to 9 percent. The U.S. Department of Education's Office for Civil Rights has opened an investigation into allegations of racial discrimination in how the district assigns students, including the 2007 redistricting plan.

When President George W. Bush came into office, approximately 595 school districts nationwide—including dozens of non-southern districts—remained under court-ordered desegregation, according to a ProPublica analysis of data on school desegregation orders compiled by Stanford University education professor Sean Reardon. By the end of Bush's second term, that number had plummeted to 380. Nearly 60 percent of all the districts that have been released from their desegregation orders since 1967 were released under Bush, whose administration pressed the Justice Department to close those cases wherever possible. The trend has slowed under the Obama administration, but it has continued. Today, about 340 districts remain under court order.

ProPublica examined 24 years of demographic data compiled by the National Center for Education Statistics and found that districts grew steadily more segregated after their desegregation orders ended. A separate 2011 study in the *American Economic Journal* found that within 10 years of being released, school districts unwound about 60 percent of the integration they had achieved under court order.

One troubling truth is that, as witnessed in Tuscaloosa, backing away from integration doesn't arrest or reverse the outflow of white students from diverse school districts. The Stanford researchers found that school systems' white populations slightly declined after court orders ended. Many districts nonetheless continue to embrace the type of gerrymandering at play in Tuscaloosa. After comprehensively examining attendance zones across the country,

Meredith Richards at the University of Pennsylvania's Institute of Education Sciences found in a recent study that they are nearly as irregular as legislative districts.

Some districts, of course, have gerrymandered to increase integration. Kentucky's Jefferson County Public Schools, serving Louisville, are often held up as an example. The battle for desegregation had been violent there, but eventually the community came to value its integrated schools. When the superintendent began pressing to end the district's elementary-school busing program, Jefferson County's business leaders met with residents but came to a very different conclusion from the one reached in Tuscaloosa. They decided to support continued integration efforts, because they deemed integrated schools good for business. Even though its court supervision ended in 2000, and the Supreme Court knocked down its voluntary desegregation plan in 2007, Jefferson County has continued its efforts and remains one of the most integrated urban districts in the country.

But Jefferson County is the rarest of cases. Few communities seem able to summon the political will to continue integration efforts. And the Obama administration, while saying integration is important, offers almost no incentives that would entice school districts to increase it. Instead, Richards says, districts have typically gerrymandered "to segregate, particularly whites from blacks," and that gerrymandering is "getting worse over time" as federal oversight diminishes. According to an analysis by ProPublica, the number of apartheid schools nationwide has mushroomed from 2,762 in 1988—the peak of school integration—to 6,727 in 2011.

When school officials make decisions that funnel poor children of color into their own schools, they promise to make those separate schools equal. But that promise is as false today as it was in 1954. Indeed, in some ways all-black schools today are worse than Druid High was back in the 1950s, when poor black students mixed with affluent and middle-class ones, and when many of the most talented black residents of Tuscaloosa taught there.

High-poverty, segregated black and Latino schools account for the majority of the roughly 1,400 high schools nationwide labeled "dropout factories"—meaning fewer than 60 percent of the students graduate. School officials often blame poor performance on the poverty these kids grow up in. But most studies conclude that it's the concentration of poor students in the same school that hurts them the most. Low-income students placed in middle-income schools show marked academic progress.

As a school's black population increases, the odds that any given teacher there will have significant experience, full licensure, or a master's degree all decline. Teacher turnover at segregated schools is typically high. And black students, overall, are less likely than any other group of students to attend schools with Advanced Placement courses and high-level classes like calculus.

The achievement gap for black students grows the longer they spend in segregated schools. When they start 8<sup>th</sup> grade, black students are already three years behind their white counterparts in math and reading.

"You go into these places rapidly resegregating districts ...and they say, 'We are going to focus on raising test scores at every school. We are really committed to standards,'" said Gary Orfield, co-director of UCLA's Civil Rights Project. "It doesn't work. They don't know how to raise the test scores in segregated schools." Orfield warned the Tuscaloosa school board in 2000 as it prepared to vote that its plan wouldn't stem white flight.

The night the Tuscaloosa school board voted to split up the old Central, board member Bryan Chandler pledged that there would be no winners and losers. Yet while Northridge offered students a dozen Advanced Placement classes, the new Central went at least five years without a single one. Journalism awards stretch wall to wall in Northridge's newspaper classroom, but for the better part of a decade, Central students didn't have a school newspaper or a yearbook. Until last year, Central didn't even offer physics.

The same superintendent who oversaw the 2007 redistricting reportedly called Tuscaloosa's all-black schools a "dumping ground" for bad teachers who'd been let go from other district schools. Teachers hired from outside Tuscaloosa were, for many years, allowed to apply to specific schools, and some would not apply to black schools.

By the time students get to Central, most have spent nine years in low-performing, virtually all-black schools. More than 80 percent of them come from families with incomes low enough to qualify them for free or reduced-price school lunches. Earlier this year, the state of Alabama designated Central and Westlawn Middle School as failing, because they'd performed in the lowest 6 percent of the state's schools for at least three of the previous six years.

D'Leisha arrived at Central in 2010, the same year as its new principal, Clarence Sutton Jr., who'd attended the integrated version of the school as Melissa Dent's classmate. A year later, the district hired a new superintendent, Paul McKendrick. Central, they all agree, was a mess.

Sitting in his office, at a desk six inches deep in papers and reports, McKendrick, a bespectacled man, quiet but forceful, said the black, mostly poor kids of the West End had been separated and written off. A recent audit of Central had found that 80 percent of students were not on the college track. The low test scores that have plagued the school don't stem from "a child problem," he said. "You may have some children that have special needs or cognitive issues, but you are not going to say a whole group of kids" has "lost intelligence in some way."

Though its students may arrive bearing more burdens, in many ways Central is like any other high school. It's got its jocks, its nerds, its mean girls and band geeks. D'Leisha herself is the all-American girl—the homecoming queen dating a football player. But students and staff say most people see only one thing about Central: it's all black. And that still bears a stigma. The school is housed in a lovely modern brick building outside of the West End on the very spot of the old white high school, within view of the towering University of Alabama football stadium. Much of the neighborhood surrounding it is middle-class and predominantly white. Too many times, Sutton said, his students have asked why the kids who live across the street don't attend their school. Most have never had a white classmate or neighbor, he said, leaving them unprepared to navigate a country where those in charge are usually white.

The principal struggles to explain to students how the segregation they experience is any different from the old version simply because no law requires it. "It is hard, it is a tough conversation, and it is a conversation I don't think we as adults want to have."

Standing one day last fall outside the counselor's office at Central, D'Leisha looked up at the college bulletin board. It was dominated by National Guard and Army flyers, with some brochures for small Alabama colleges tucked among them. Students with D'Leisha's grades and tough honors coursework often come home to mailboxes stuffed with glossy college brochures. But most days, nothing showed up in the mail for her, and no colleges had come calling. She had taken the ACT college-entrance exam twice already. The first time she scored a 16, the second time a 17. Her mother's alma mater, the University of Alabama, expects a 21, the national average. Many four-year colleges will not even consider students who score below an 18.

"My biggest fear right now is the ACT," D'Leisha said. "I don't have a good score. It's been on my mind a lot." She described an ACT study session she'd attended last summer at a community college. "We were with kids from Northridge, and they knew things we didn't know," she said. "They had done things we hadn't done." D'Leisha wound a lock of hair around and around her index finger as she mulled what she just said. "I guess I'll just have to catch on fast, study, all that."

Because D'Leisha excels in school and everything else she's involved in, her teachers and counselors don't worry about whether she's on the right track. They're stretched thin trying to keep in class the seniors—roughly 35 percent of them—who fail to graduate each year. But in December, at home texting with her boyfriend, D'Leisha admitted that she'd filled out only one college application. Lately, she said, she'd been looking more closely at those military brochures, just as her grandfather had, something that angers her mother. "I am kind of

clueless how to get stuff done for college,” D’Leisha said, looking down and fidgeting with her phone. “They are supposed to be helping us, but they think because I am the class president I know what to do. Sometimes I don’t speak up, because I know people have expectations of me.”

For black students like D’Leisha—the grandchildren of the historic Brown decision—having to play catch-up with their white counterparts is supposed to be a thing of the past. The promise was that students of all colors would be educated side by side, and would advance together into a more integrated, equitable American society. Polls show Americans embracing this promise in the abstract, but that rarely translates into on-the-ground support for integration efforts.

At no point in the history of our country have half of black children attended majority white schools. Even now in Tuscaloosa, a secret deal to give the district land to build a new school, which would require another redistricting, recently came to light. Proponents say it’s necessary to ease overcrowding in the only majority-white schools, though 1,500 seats sit unfilled across the district.

Late last year, D’Leisha took the ACT for the third time, but her score dropped back to 16. So early on a Saturday in February, she got up quietly, forced a few bites of a muffin into her nervous stomach, and drove once again to the community college where the test is administered. A few weeks later, she got her score: 16 again. She contemplated a fifth attempt, but discouraged, could see little point.

A few months earlier, D’Leisha had talked about how much she looked forward to meeting people from different cultures at college and sitting in a racially mixed classroom for the first time. But her college hopes are thinner now than she’d expected then. They largely hinge on the tenuous promise of a coach at a small, historically black college outside of Birmingham, who has told her that the school will have a place for her despite her score. No official offer of admission has yet arrived.

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### [Nikole Hannah-Jones](#)

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