

BECOMING LESS SEPARATE?

SCHOOL DESEGREGATION,
JUSTICE DEPARTMENT ENFORCEMENT,
AND THE PURSUIT OF UNITARY STATUS



UNITED STATES COMMISSION ON CIVIL RIGHTS

SEPTEMBER 2007

APPENDIX B: ALABAMA PUBLIC SCHOOLS' DESEGREGATION STATUS**Table B.1**
Alabama Districts With Unitary Status

District Name	Case Name	Year Case Initiated	Intent regarding unitary status	Year Unitary Status attained
ALEXANDER CITY	Lee & U.S. & NEA v. Alexander City Bd. of Educ.	1963	N/A	2004
ANDALUSIA CITY	Lee & NEA & U.S. v. Andalusia City Bd. of Educ.	1963	N/A	2002
ATTALLA CITY	Lee & U.S. v. Macon County Bd. of Educ.	1966	N/A	2006
AUBURN CITY	Lee & U.S. & NEA v. Auburn City Bd. of Educ.	1966	N/A	2002
AUTAUGA COUNTY	Lee & U.S. & NEA v. Autauga County Bd. of Educ.	1963	N/A	2005
BALDWIN COUNTY	Lee & U.S. & NEA v. Baldwin County Bd. of Educ.	1966	N/A	1977
BESSEMER CITY	Brown & U.S. v. Bd. of Educ. of City of Bessemer	1965	N/A	2006
BIBB COUNTY	Lee, U.S. & Nat'l Educ. Ass'n, Inc. v. Macon County Bd. of Educ. (Bibb County Sch. Dist.)	1966	N/A	2006
BIRMINGHAM CITY	Armstrong & U.S. v. Bd. of Educ. of City of Birmingham	1960	N/A	1983
BLOUNT COUNTY	Lee & U.S. v. Macon County Bd. of Educ., et al.	1963	N/A	2005
BREWTON CITY	Lee & U.S. & NEA v. Brewton City Sch. Sys.	1966	N/A	1977
BULLOCK COUNTY	Harris & NEA & U.S. v. Bullock County Bd. of Educ.	1964	N/A	1999
BUTLER COUNTY	Lee & U.S. & NEA v. Butler County Bd. of Educ.	1966	N/A	2002
CHEROKEE COUNTY	Lee & U.S. v. Macon County Bd. of Educ., et al.	1963	N/A	2005
CHILTON COUNTY	Lee & U.S. & NEA v. Chilton County Bd. of Educ.	1963	N/A	2002
CLARKE COUNTY	Lee & U.S. & NEA v. Clarke County Bd. of Educ.	1966	N/A	1977
COFFEE COUNTY	Lee & NEA & U.S. v. Coffee County Bd. of Educ.	1963	N/A	2004
CONECUH COUNTY	Lee & U.S. v. Macon County Bd. of Educ.	1966	N/A	1979
COOSA COUNTY	Lee & National Education Association, Inc. v. Coosa County Bd. of Educ.	1963	N/A	2006
COVINGTON COUNTY	Lee & U.S. & NEA v. Covington County Bd. of Educ.	1963	N/A	2006
CRENSHAW COUNTY	Harris & U.S. & NEA v. Crenshaw County Bd. of Educ.	1966	N/A	2006
CULLMAN CITY	Lee & U.S. & NEA v. Macon County Bd. of Educ.	1966	N/A	2004
DALE COUNTY	Lee & NEA & U.S. v. Dale County Bd. of Educ.	1963	N/A	2005
DALEVILLE CITY	Lee & NEA & U.S. v. Daleville City Bd. of Educ.	1963	N/A	2002
DALLAS COUNTY	Lee & U.S. v. Dallas County Bd. of Educ.	1966	N/A	1977
DEKALB COUNTY	Lee & U.S. v. Macon County Bd. of Educ. (DeKalb County)	1966	N/A	2006

Continued

Table B.1 (continued)
Alabama Districts With Unitary Status

District Name	Case Name	Year Case Initiated	Intent regarding unitary status	Year Unitary Status attained
DEMOPOLIS CITY	Lee & U.S. v. Demopolis City School Sys.	1966	N/A	1979
ELBA CITY	Lee & NEA & U.S. v. Elba City Bd. of Educ.	1963	N/A	2004
ELMORE COUNTY	Lee & NEA & U.S. v. Elmore County Bd. of Educ.	1963	N/A	2004
ENTERPRISE CITY	Lee & NEA & U.S. v. Enterprise City Bd. of Educ.	1963	N/A	2003
ESCAMBIA COUNTY	Lee & U.S. & NEA v. Escambia County Bd. of Educ.	1966	N/A	1977
EUFULA CITY	Lee & NEA & U.S. v. Eufaula City Bd. of Educ.	1963	N/A	2003
GADSDEN CITY	Miller & U.S. & NEA v. Bd. of Educ. of Gadsden	1963	N/A	2005
GENEVA COUNTY	Lee & U.S. & NEA v. Geneva County Bd. of Educ.	1963	N/A	2002
GREENE COUNTY	Lee & U.S. & NEA v. Macon County Bd. of Educ.	1966	N/A	2003
HALE COUNTY	U.S. v. Hale County Bd. of Educ.	1966	N/A	1982
HENRY COUNTY	Lee & NEA & U.S. v. Henry County Bd. of Educ.	1966	N/A	2006
JASPER CITY	Lee & U.S. & NEA v. Walker Co. & Jasper City Sch. Sys.	1966	N/A	1977
LEE COUNTY	Lee & U.S. & NEA v. Lee County BOE	1963	N/A	2005
LINDEN CITY	Lee & U.S. & NEA v. Linden City Sch. Sys.	1966	N/A	1977
LOWNDES COUNTY	U.S. v. Lowndes County Bd. of Educ.	1966	N/A	1991
MACON COUNTY	Lee & U.S. & NEA v. Macon County Bd. of Educ.	1963	N/A	2006
MARENGO COUNTY	Lee & U.S. v. Macon Co. Bd. of Educ.	1966	N/A	1983
MIDFIELD CITY	Stout & U.S. v. Bd. of Educ. of City of Midfield	1965	N/A	2006
MOBILE COUNTY	Davis & Gant & U.S. v. Bd. of Sch. Comm'nrs of Mobile Co.	1963	N/A	1997
MONROE COUNTY	Lee & U.S. & NEA v. Monroe County Bd. of Educ.	1966	N/A	1982
MONTGOMERY COUNTY	Carr & U.S. v. Montgomery County Bd. of Educ.	1964	N/A	1993
MT BROOK CITY ¹	Lee, U.S. & Nat'l Educ. Ass'n v. Macon County Bd. of Educ. (Mountain Brook Sch. Dist.)	1963	N/A	2005
ONEONTA CITY	Lee & U.S. v. Macon Co. Bd. of Educ.	1963	N/A	2005
OPELIKA CITY	Lee & U.S. & NEA v. Opelika City Bd. of Educ.	1963	N/A	2002
OPP CITY	Lee & U.S. & NEA v. Opp City Bd. of Educ.	1963	N/A	2002
OZARK CITY	Lee & U.S. & NEA v. Ozark City Bd. of Educ.	1963	N/A	2002
PERRY COUNTY	U.S. v. Perry County Bd. of Educ.	1966	N/A	1982
PHENIX CITY	Lee & U.S. & NEA v. Phoenix City Bd. of Educ.	1966	N/A	2005

Continued

Appendix B: Alabama Public Schools' Desegregation Status**113****Table B.1 (continued)
Alabama Districts With Unitary Status**

District Name	Case Name	Year Case Initiated	Intent regarding unitary status	Year Unitary Status attained
PIKE COUNTY	Lee, U.S. & Nat'l Educ. Ass'n, Inc. v. Pike County Bd. of Educ.	1963	N/A	2007
ROANOKE CITY	Lee & U.S. v. Roanoke City Bd. of Educ.	1963	N/A	2007
RUSSELL COUNTY	Lee & U.S. & NEA v. Russell County Bd. of Educ.	1963	N/A	2002
SELMA CITY	Lee & U.S. & NEA v. Selma City Sch. Sys.	1966	N/A	1977
ST CLAIR COUNTY ²	Lee & U.S. & NEA v. Macon County Bd. of Educ.	1963	N/A	2000
SYLACAUGA CITY	Lee & U.S. & NEA v. Sylacauga City Bd. of Educ.	1963	N/A	1995
TALLADEGA CITY	Lee & U.S. & NEA v. Talladega City Bd. of Educ.	1966	N/A	1993
TALLADEGA COUNTY	Lee & U.S. & NEA v. Talladega County Sch. Sys.	1966	N/A	1985
TALLAPOOSA COUNTY	Lee & U.S. & NEA v. Tallapoosa County Bd. of Educ.	1966	N/A	2004
TALLASSEE CITY	Lee & U.S. & NEA v. Tallassee City Bd. of Educ.	1963	N/A	2003
THOMASVILLE CITY	Lee & U.S. & NEA v. Thomasville City Bd. of Educ.	1966	N/A	1977
TROY CITY	Lee & U.S. & NEA v. Troy City Bd. of Educ.	1963	N/A	2005
TUSCALOOSA CITY	Lee & U.S. & NEA v. Macon County Bd. of Educ.	1963	N/A	2000
WALKER COUNTY	Lee & U.S. & NEA v. Walker Co. & Jasper City Sch. Sys.	1966	N/A	1977
WASHINGTON COUNTY	Lee & U.S. & NEA v. Washington County Bd. of Educ.	1966	N/A	1977
WILCOX COUNTY	U.S. v. Wilcox County Bd. of Educ.	1965	N/A	1979
WINSTON COUNTY	Lee & U.S. v. Winston County Bd. of Educ.	1963	N/A	2004

¹ Legal counsel for this school district maintains that "Mountain Brook has not been under the jurisdiction of the federal court in Alabama with regard to desegregation." Donald B. Sweeney, Jr., attorney, Mountain Brook City Board of Education, letter to David P. Blackwood, General Counsel, U.S. Commission on Civil Rights, July 6, 2007. The Commission could not independently confirm the district's claims, which are not reflected in U.S. Department of Justice (DOJ) records. See U.S. Department of Justice, Civil Rights Division (DOJ/CRD), Response to U.S. Commission on Civil Rights' (USCCR) Interrogatories and Document Requests, Exhibit 2, May 17, 2007.

² Commission records differ from U.S. Department of Justice, Civil Rights Division's Educational Opportunities Section (EOS) records for this district. EOS indicates that this case is still on their open case list, but the Commission's review of applicable court records indicates that this district was granted unitary status in 2000. Asheesh Agarwal, Deputy Assistant Attorney General, U.S. Department of Justice, letter to David Blackwood, General Counsel, U.S. Commission on Civil Rights, July 19, 2007, p. 1 (hereafter cited as "DOJ correspondence, July 19, 2007").

Source: Compiled by U.S. Commission on Civil Rights.

Table B.2
Alabama Districts Remaining Under Court Order

District Name	Case Name	Year Case Initiated	Intent regarding unitary status	Year Unitary Status attained
ANNISTON CITY	Lee & U.S. v. Macon County Bd. of Educ. (Anniston City Bd. of Educ.)	1963	District is working with DOJ towards a grant of unitary status	N/A
ATHENS CITY	Lee & U.S. v. Athens City Sch. Dist. (Limestone County)	1965	District is working with DOJ towards a grant of unitary status	N/A
BARBOUR COUNTY	Franklin & U.S. v. Barbour County Bd. of Educ.	1969	District is seeking unitary status	N/A
CALHOUN COUNTY	U.S. & Lee v. Macon County Bd. of Educ. (Calhoun County)	1966	District does not plan to seek unitary status	N/A
CHAMBERS COUNTY	U.S. & Lee v. Macon County Bd. of Educ. (Chambers County)	1966	District does not plan to seek unitary status	N/A
CHOCTAW COUNTY	U.S. v. Choctaw County Bd. of Educ.	1966	District does not plan to seek unitary status	N/A
CLAY COUNTY	U.S. & Lee v. Macon County Bd. of Educ. (Clay County)	1966	District is seeking unitary status	N/A
CLEBURNE COUNTY	U.S. & Lee v. Macon County Bd. of Educ. (Cleburne County)	1966	District has not made a decision about its intent	N/A
COLBERT COUNTY	U.S. & Lee v. Macon County Bd. of Educ. (Colbert County)	1966	District is working with DOJ towards a grant of unitary status	N/A
CULLMAN COUNTY	U.S. & Lee v. Macon County Bd. of Educ. (Cullman County)	1966	District did not reply to the Commission's inquiries	N/A

Continued

Appendix B: Alabama Public Schools' Desegregation Status**115****Table B.2 (continued)
Alabama Districts Remaining Under Court Order**

District Name	Case Name	Year Case Initiated	Intent regarding unitary status	Year Unitary Status attained
DECATUR CITY	U.S. & Lee v. Macon County BOE (Decatur City)	1966	District is seeking unitary status	N/A
DOTHAN CITY	Lee & U.S. v. Dothan City Board of Education	1963	District is seeking unitary status	N/A
ETOWAH COUNTY ¹	U.S. & Lee v. Macon County Bd. of Educ. (Etowah County)	1966	District has not made a decision about its intent	N/A
FAIRFIELD CITY	U.S. & Boykins v. Bd. of Educ. of the City of Fairfield	1965	District does not plan to seek unitary status	N/A
FAYETTE COUNTY	U.S. & Lee v. Macon County Bd. of Educ. (Fayette County)	1966	District has not made a decision about its intent	N/A
FLORENCE CITY ²	U.S. & Lee v. Macon County Bd. of Educ. (Florence City)	1966	District does not plan to seek unitary status	N/A
FORT PAYNE CITY	U.S. & Lee v. Macon County Bd. of Educ. (Fort Payne City)	1966	District is working with DOJ towards a grant of unitary status	N/A
FRANKLIN COUNTY	U.S. & Lee v. Macon Bd. of Educ. (Franklin County)	1966	District is working with DOJ towards a grant of unitary status	N/A
GUNTERSVILLE CITY	U.S. & Lee v. Macon Bd. of Educ. (Guntersville City)	1966	District is working with DOJ towards a grant of unitary status	N/A
HOMEWOOD CITY ³	U.S. & Stout v. Homewood City Sch. Sys.	1966	District does not plan to seek unitary status	N/A
HOOVER CITY ⁴	U.S. & Stout v. Hoover City Sch. Sys.	1966	District does not plan to seek unitary status	N/A
HOUSTON COUNTY	Lee & U.S. v. Houston County Bd. of Educ.	1963	District is seeking unitary status	N/A

Continued

Table B.2 (continued)
Alabama Districts Remaining Under Court Order

District Name	Case Name	Year Case Initiated	Intent regarding unitary status	Year Unitary Status attained
HUNTSVILLE CITY	U.S. & Hereford v. Huntsville City Sch. Dist.	1965	District plans to seek unitary status	N/A
JACKSON COUNTY	U.S. & Lee v. Macon County Bd. of Educ. (Jackson County)	1966	District is seeking unitary status	N/A
JACKSONVILLE CITY	U.S. & Lee v. Macon County Bd. of Educ. (Jacksonville City)	1966	District has not made a decision about its intent	N/A
JEFFERSON COUNTY	Stout & U.S. v. Jefferson County Bd. of Educ.	1965	District plans to seek unitary status	N/A
LAMAR COUNTY	U.S. & Lee v. Macon County Bd. of Educ. (Lamar County)	1966	District does not plan to seek unitary status	N/A
LANETT CITY	Lee & U.S. v. Lanett City Bd. of Educ.	1963	District does not plan to seek unitary status	N/A
LAUDERDALE COUNTY	U.S. & Lee v. Macon County Bd. of Educ. (Lauderdale County)	1966	District does not plan to seek unitary status	N/A
LAWRENCE COUNTY	U.S. & Horton v. Lawrence County Bd. of Educ.	1977	District is working with DOJ towards a grant of unitary status	N/A
LEEDS CITY ⁵	U.S. & Stout v. City of Leeds Bd. of Educ.	1966	District does not plan to seek unitary status	N/A
LIMESTONE COUNTY	U.S. & Lee v. Macon County Bd. of Educ. (Limestone County)	1966	District is working with DOJ towards a grant of unitary status	N/A
MADISON COUNTY	Bennett & U.S. v. Madison County Bd. of Educ.	1965	District is seeking unitary status, case on appeal	N/A
MARION COUNTY	U.S. & Lee v. Macon County Bd. of Educ. (Marion County)	1966	District does not plan to seek unitary status	N/A

Continued

Appendix B: Alabama Public Schools' Desegregation Status**117****Table B.2 (continued)
Alabama Districts Remaining Under Court Order**

District Name	Case Name	Year Case Initiated	Intent regarding unitary status	Year Unitary Status attained
MARSHALL COUNTY	U.S. & Lee v. Macon County Bd. of Educ. (Marshall County)	1966	District disputes status	N/A
MORGAN COUNTY	Lee & U.S. v. Macon County Bd. of Educ. (Morgan County School District)	1963	District is seeking unitary status	N/A
MUSCLE SHOALS CITY	Lee & U.S. v. Macon County Bd. of Educ. (Muscle Shoals School District)	1963	District disputes status	N/A
OXFORD CITY	Lee & U.S. v. Macon County Bd. of Educ. (Oxford City Board of Education)	1963	District plans to seek unitary status	N/A
PELL CITY	Lee & U.S. v. Macon County Bd. of Educ. (Pell City Board of Education)	1965	District is seeking unitary status	N/A
PICKENS COUNTY	Lee & U.S. v. Macon County Bd. of Educ. (Pickens County School System)	1963	District is working with DOJ towards a grant of unitary status	N/A
PIEDMONT CITY	Lee & U.S. v. Macon County Bd. of Educ. (Piedmont City School District)	1963	District has not made a decision about its intent	N/A
RANDOLPH COUNTY	Lee & U.S. v. Randolph County Bd. of Educ.	1963	District has not made a decision about its intent	N/A
RUSSELLVILLE CITY	U.S. & Lee v. Russellville Bd. of Educ.	1963	District is working with DOJ towards a grant of unitary status	N/A
SCOTTSBORO CITY	Lee & U.S. v. Macon County Bd. of Educ. (Scottsboro City School District)	1963	District does not plan to seek unitary status	N/A
SHEFFIELD CITY ⁶	Lee & U.S. v. Colbert County Sch. Sys. (Sheffield City Bd. of Educ.)	1963	District is waiting for DOJ initiative	N/A
SHELBY COUNTY	U.S. & Lee v. Macon County Bd. of Educ. (Shelby County Sch. Dist.)	1963	District disputes status	N/A
SUMTER COUNTY	Lee & U.S. v. Macon County Bd. of Educ. (Sumter County Sch. Sys.)	1963	District did not reply to the Commission's inquiries	N/A

Continued

Table B.2 (continued)
Alabama Districts Remaining Under Court Order

District Name	Case Name	Year Case Initiated	Intent regarding unitary status	Year Unitary Status attained
TARRANT CITY	Lee & U.S. v. Macon County Bd. of Educ. (Tarrant City Bd. of Educ.)	1963	District has not made a decision about its intent	N/A
TRUSSVILLE CITY	Stout & United States v. Trussville City (Jefferson County Bd. of Educ.)	1965	Uncertain	N/A
TUSCALOOSA COUNTY	U.S. & Lee v. Macon County Bd. of Educ. (Tuscaloosa County)	1966	District disputes status	N/A
TUSCUMBIA CITY	Lee & U.S. v. Macon County Bd. of Educ. (City of Tuscumbia)	1963	District disputes status	N/A
VESTAVIA HILLS BOARD OF EDUCATION ⁷	U.S. & Stout v. Vestavia Hills Bd. of Educ.	1965	District is seeking unitary status	N/A
WINFIELD CITY	Lee & U.S. v. Macon County Bd. of Educ. (Winfield City School District)	1963	District does not plan to seek unitary status	N/A

¹ The Etowah County School District received unitary status on July 16, 2007. See *Lee & U.S. v. Etowah County Board of Education, C.A. No. 70-251-S* (N.D. Ga. July 16, 2007) (order granting unitary status). The Commission received this information after the final analyses were run, and thus the district's revised status is not reflected in the analyses.

² Legal counsel for this school district maintains that "The school district has been declared unitary and has been released from the court mandated desegregation order." J.R. Brooks, attorney, Florence City Board of Education, letter to David P. Blackwood, General Counsel, U.S. Commission on Civil Rights, July 10, 2007. The Commission could not independently confirm the district's claims, which are not reflected in DOJ records. See DOJ/CRD, Response to USSCR Interrogatories, Exhibit 1.

³ Commission records differ from EOS records for this district. This district is one of several that were partitioned from the Jefferson County School District. EOS indicates that the initial court action date for such districts "is the date that the court approved the formation of the separate school districts." DOJ correspondence, July 19, 2007. The Commission traces the initial court action date to the original order affecting Jefferson County School District.

⁴ Ibid.

⁵ Ibid.

⁶ Legal counsel for this school district maintains that "Sheffield School District was determined to be a unitary school system in 1979." Vincent McAlister, attorney, Sheffield City School District, letter to David P. Blackwood, General Counsel, U.S. Commission on Civil Rights, July 16, 2007. The Commission could not independently confirm the district's claims, which are not reflected in DOJ records. See U.S. DOJ/CRD, Response to USSCR Interrogatories, Exhibit 1.

⁷ Commission records differ from EOS records for this district. This district is one of several that were partitioned from the Jefferson County School District. EOS indicates that the initial court action date for such districts "is the date that the court approved the formation of the separate school districts." DOJ correspondence, July 19, 2007. The Commission traces the initial court action date to the original order affecting Jefferson County School District.

Source: Compiled by U.S. Commission on Civil Rights.

Appendix B: Alabama Public Schools' Desegregation Status**119****Table B.3****Alabama Districts Not Subject to School Desegregation Litigation**

District Name	Case Name	Year Case Initiated	Intent regarding unitary status	Year Unitary Status attained
ALBERTVILLE CITY	N/A	N/A	N/A	N/A
ARAB CITY	N/A	N/A	N/A	N/A
BOAZ CITY	N/A	N/A	N/A	N/A
GENEVA CITY	N/A	N/A	N/A	N/A
HALEYVILLE CITY	N/A	N/A	N/A	N/A
HARTSELLE CITY	N/A	N/A	N/A	N/A
MADISON CITY	N/A	N/A	N/A	N/A

Source: Compiled by U.S. Commission on Civil Rights.