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**FIFTY YEARS OF CHALLENGES TO THE COLORLINE
MONTGOMERY, ALABAMA**

by

ALISON L. MURPHY

Under the Direction of Timothy Crimmins

ABSTRACT

After fifty years of challenges to the color line in Montgomery, Alabama, the Metropolitan Statistical Area is more integrated now than it was in 1950. Through exploring the effects of *Brown v. Board of Education*, the bus boycott, school integration court cases, re-segregation of schools in city and suburban districts, and federal open-housing policies, the volatile transformation appears to show how, after fifty years, Montgomery has moved from a segregated dual society to a partially integrated society in spite of the massive resistance to integration.

INDEX WORDS: **Montgomery, Alabama, Integration, Desegregation, Federal Housing Policy, Fair Housing Act, Central Alabama Fair Housing Center, School integration, Dual school system, Unitary school system**

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MONTGOMERY, ALABAMA**

by

ALISON L. MURPHY

A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of

Master of Arts

in the College of Arts and Sciences

Georgia State University

2009

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Alison Lynn Murphy
2009**

**FIFTY YEARS OF CHALLENGES TO THE COLORLINE
MONTGOMERY, ALABAMA**

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December 2009

Dedication

To Grandma

May 20, 1927-August 14, 2009

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INTRODUCTION

During the first half of the twentieth century, Montgomery, the capital of Alabama, was a modest sized southern city whose population grew from 30,346 to 106,525. The city, whose population was 60% white and 40% black, was divided racially into strictly segregated neighborhoods. Jim Crow laws, enacted by all-white legislatures, relegated the African-American population to separate and unequal schools within their neighborhoods, restricted their access to public libraries, parks, and recreational facilities in white areas, and separated them in separate sections in the back of buses. The U.S. Supreme Court's 1954 *Brown v. Board of Education* decision required an end to segregated public schools. This decision unleashed a powerful movement by African-Americans against Jim Crow laws and segregation. The following year Rosa Parks and the local National Association for the Advancement of Colored People (NAACP) initiated the bus boycott in Montgomery that propelled to national leadership the Reverend Martin Luther King, Jr. and led to the eventual desegregation of the city's buses. Before *Brown* and the Boycott, most whites openly denounced integration and vowed to do whatever it took to prevent integration from affecting their lives. After civil rights pressures, rhetoric of white leaders changed to that denouncing economic integration instead. The assault on the color line in Montgomery proceeded throughout the second half of the twentieth century as the city grew into a metropolitan region with its population sprawling into the surrounding counties. By 2000, the Metropolitan Statistical Area numbered 346,528, still roughly divided 60% white and 40% black.

This study will analyze the growth of Montgomery during the second half of the twentieth century, focusing on the efforts to desegregate public schools and open white neighborhoods in city and suburb for African-American settlement. The results of this analysis show that federal policies and other victories, such as *Brown* and *Carr*, allowed activist to successfully challenge Jim Crow and also provided recourse to those who were affected by discriminatory tactics. Recent studies in this field, specifically,

by David M.P. Freund's *Colored Property: State Policy and White Racial Politics in Suburban America*, Matthew Lassiter's *The Silent Majority: Suburban Politics in the Sunbelt South*, Kevin Kruse's *White Flight: Atlanta and the Making of Modern Conservatism*, and Charles Lamb's *Housing Segregation in Suburban America since 1960: Presidential and Judicial Politics* examine the governmental policies that have helped to create the segregated landscape of American cities as they developed into sprawling metropolises in the late 20th century. Specifically, Charles Lamb's work focuses on the failure of the 1968 Fair Housing Act as well as the influence of presidential rhetoric on suburban integration that failed to bring public housing projects into American suburbs. Additionally, Andrew Wiese's *Places of Their Own: African American Suburbanization in the Twentieth Century* examines how the black suburbs built exclusively for African Americans helped to create the segregated suburban landscape in the post-war era. J. Mills Thornton III's *Dividing Lines: Municipal Politics and the Struggle for Civil Rights in Montgomery, Birmingham, and Selma* provides insight into local politics during the Civil Rights struggle. John A. Powell, Gavin Kearney, and Vina Kay's study, *In Pursuit of a Dream Deferred: Linking Housing and Education Policy*, explains that housing and educational segregation are interrelated. These studies also discuss rhetoric and the desire of the American Dream and will frame this examination of the racial landscape of the 21st century metropolis that emerged from key Civil Rights battles to integrate the public schools and open urban and suburban neighborhoods for African Americans.¹

¹ David M.P. Freund, *Colored Property: State Policy and White Racial Politics in Suburban America*, (Chicago: University Of Chicago Press, 2007).

Kevin Kruse, *White Flight: Atlanta and the Making of Modern Conservatism*, (Princeton: Princeton University Press, 2005).

Charles M. Lamb, *Housing Segregation in Suburban America since 1960: Presidential and Judicial Politics*, (Cambridge: Cambridge University Press, 2005).

Matthew Lassiter, *The Silent Majority: Suburban Politics in the Sunbelt South*, (Princeton: Princeton University Press, 2005).

John A. Powell, Gavin Kearney, and Vina Kay, eds. *In Pursuit of a Dream Deferred: Linking Housing and Education Policy*, (New York: Peter Lang, 2001).

J. Mills Thornton III, *Dividing Lines: Municipal Politics and the Struggle for Civil Rights in Montgomery, Birmingham, and Selma*, (Birmingham: University Alabama Press, 2002).

Andrew Weise, *Places of Their Own: African American Suburbanization in the Twentieth Century*, (Chicago: University of Chicago Press, 2005).

CHAPTER 1: 1954-1967

At the halfway mark of the twentieth century, race and class rigidly segregated southern cities. Class separation was a function of economics, while racial segregation was the result of a political and legal system that excluded black political participation and relegated black Americans to an inferior second-class status. There were signs that the legal challenges of the National Association for the Advancement of Colored People (NAACP) were opening political avenues for African Americans, most notably the case of *Smith v. Allwright* (1944) in Texas when the Supreme Court declared unconstitutional the exclusion of blacks from the Democratic primary. Two years later, after the white Democratic primary was outlawed in Georgia by *King v. Chapman* (1946), black voters in Atlanta and Savannah began to influence elections and gain concessions such as the hiring of black policemen. Montgomery, Alabama, on the other hand, did not see a significant increase in black registered voters so it appeared that the city would remain rigidly segregated longer than other southern cities. Montgomery activists focused on voter registration drives in the 1950s, which then increased black participation in elections.

While an increase in black political participation in Montgomery did not lead to concessions by the white elite who ruled the city, the seminal 1955 bus boycott resulted in the desegregation of seating on buses in the city and the elevation of Martin Luther King, Jr. to the leadership of the Southern Christian Leadership Conference in 1957, which spearheaded the non-violent resistance demonstrations against segregation throughout the South. The success of the bus boycott was more important in leading to the desegregation of the region than in bringing about speedy desegregation in Montgomery. Other massive demonstrations were held in Montgomery in the 1960s, which, along with challenges in the federal courts, led to the slow

desegregation of the city in the second half of the twentieth century as it increased in size from 169,210² to 346,528³ and sprawled out into suburban enclaves in its surrounding counties.

Prior to later Civil Rights victories, upper class white businessmen completely dominated urbanized Montgomery. Jim Crow laws maintained this structure until the Civil Rights activists gradually broke it down. Blacks were completely removed from power within society with almost no rights to participate in city governance. City codes maintained discriminatory practices that enforced segregation of the races in many public spaces, including parks, swimming pools, doctor's offices, and even the city zoo. In addition to racial discrimination, lower class whites were also kept from power. Mayors, such as William A. Gunter, Jr., perpetuated this dominance and stocked city council and other governmental positions of influence with his closest allies who were also upper-class whites. These types of businessmen led the city in all aspects of city life. They not only owned the businesses but also led the churches, municipal organizations, and clubs.

The old dynamic changed dramatically throughout the second half of the twentieth century. However, this did not without great struggle, impressive victories, and passionate activists who fought to create change in Montgomery. The opportunity to remove the restrictions of the former era began in 1954 with the victory of *Brown v. Board of Education of Topeka, Kansas*. *Brown* challenged the multi-decade old ruling of separate but equal from the 1898 *Plessey v. Ferguson* case. The *Brown* victory restored some confidence in the fairness of the legal system and provided hope that other victories for equal rights could be won. Within a few months of the *Brown* victory, in December 1955, Rosa Parks was arrested for refusing to

² US Bureau of the Census, 1960 General Social and Economic Characteristics, *Table 72. Social Characteristics of the Population for Standard Metropolitan Statistical Areas, Urbanized Areas, and Urban Places of 10,000 or more: 1960*, 1960.

³ Market Street Services, Inc., *Economic & Demographic Profile of Montgomery, Alabama, Chart Population 1990-2004* (8 February 2006), 14.

give up her seat to a white rider. This action spawned the creation of the Montgomery Improvement Association (MIA), which organized the bus boycott that ultimately ended segregation on Montgomery's bus system.

Success in desegregating Montgomery buses did not translate into success in enforcing other desegregation orders, specifically the Supreme Court's school-desegregation order. Ten years after the *Brown* decision and the bus desegregation victory, Johnnie Carr, filed suit against the Montgomery Board of Education for failure to adequately abide by the rulings in the *Brown* case and desegregate the city's schools. Her challenge to the status quo ultimately dismantled the dual school system in Montgomery by forcing the city to comply with the directions in the *Brown* case and to set out guidelines for desegregating Montgomery's schools. Montgomery's slow transformation during this period reflected changes in the region and the nation as a whole as centuries of restrictive racial barriers were torn down.

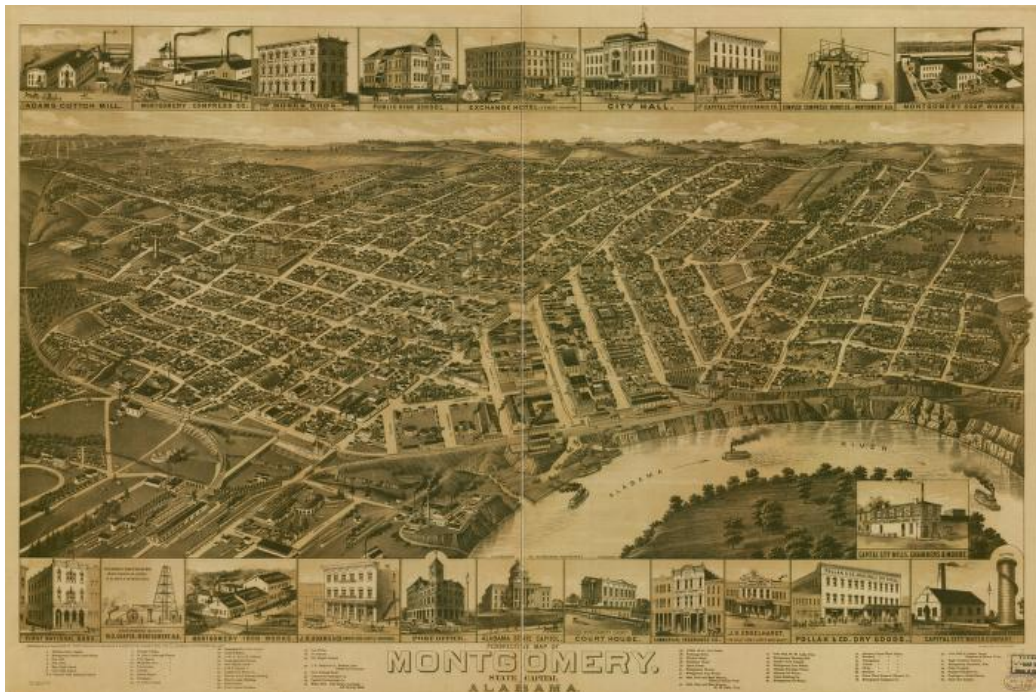


Figure 1: Bird's Eye View⁴

⁴ *Perspective Map of Montgomery, State Capital of Alabama (Birds Eye View)*. Map. Washington, D.C.: H. Wellge, sk. Beck & Pauli Lith. Company, 1887.

Patterns of Segregation in Montgomery in the 1950s

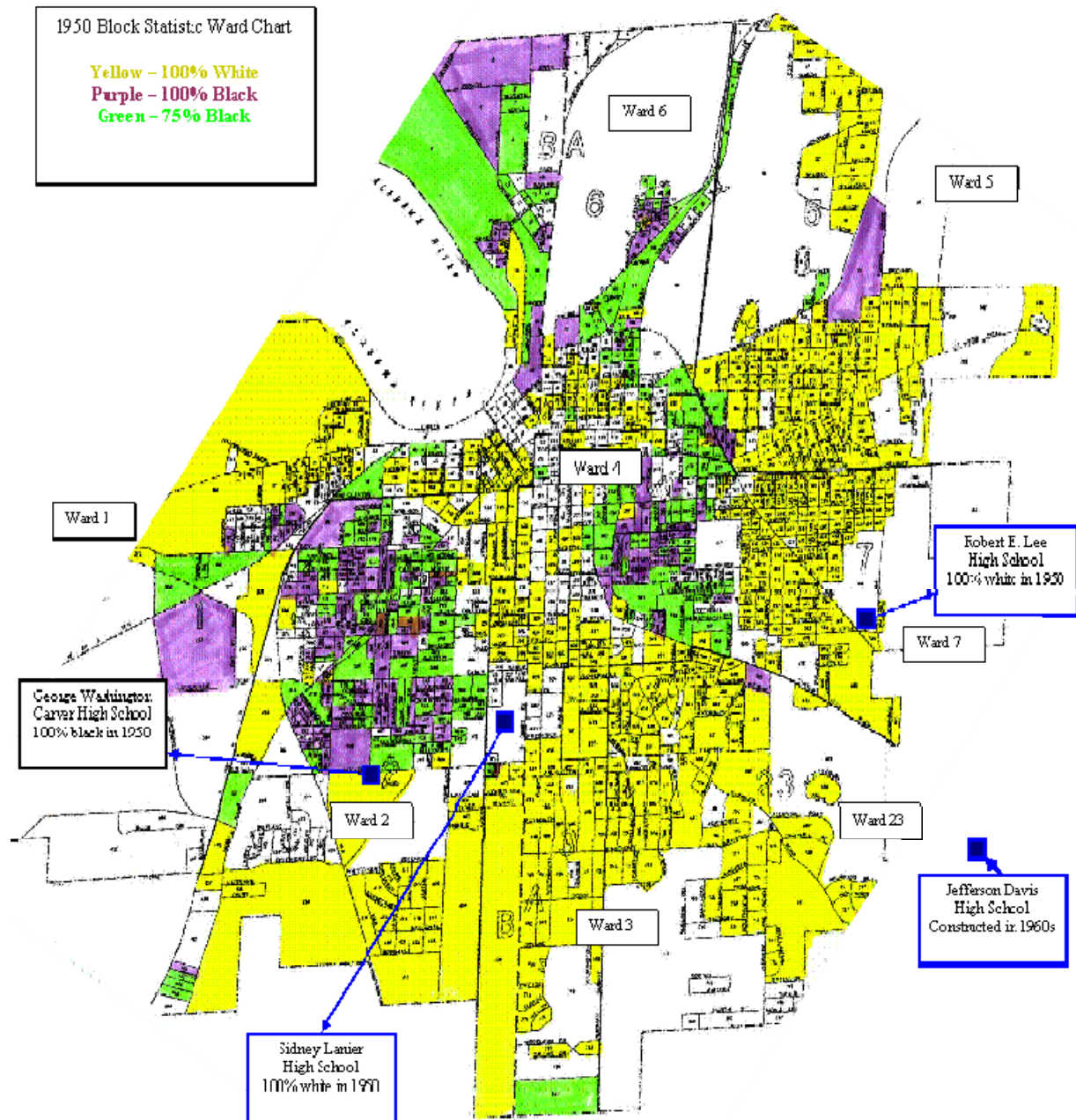


Figure 2: 1950 Block Statistic Chart

Montgomery was at the heart of challenges to Jim Crow. The hotbed of activities that occurred directly within the city limits caused great strain between the races. Nation changing events like the 1955 bus boycott drew national attention to this Alabama city. In 1950,

Montgomery's urbanized area stretched approximately seven miles wide by approximately six and a half miles in length. The city hugged the jetted curve of the Alabama River, ran east along Crouson Street, south along Turner Street (with a few minor inclusions of some neighboring areas) to Beverly Road. Then from Beverly Road the city creped up in an east-west diagonal fashion past Mobile Highway to Foshee Road. Then from Foshee Road's intersection with West Boulevard, the outline went north to just above Washington Ferry Road where it once again hugged the Alabama River. The land area totaled approximately 46.4 square miles.⁵ The population of this urbanized area totaled 106,525; 63,755 (60%) were white and 42,445 (40%) were non-white.⁶

The Figure 2—the Block Statistics Chart, compiled from 1950 Census data, identifies each ward and lists all of the residential blocks within the ward. Each block listed noted the total amount of occupied dwelling units in the block as well as how many dwelling units in the block were inhabited by non-whites. This allowed for blocks that were 100% black to be easily marked as well as those that were 100% white. For the remaining blocks, a percentage of non-whites versus total dwelling units' occupancy was taken. Each block between 75% and 95% non-white was also marked. The map created from an analysis of each block shows the segregated makeup of the city with the two dominant races living separate from each other.

In 1950, wards 1, 2, 3, 4, 5, 6, 7, and 23 made up the city of Montgomery. White residential areas dominated the land of eastern and southern Montgomery. Most of the city's African-Americans lived in two compact areas just south and east of the downtown.⁷ The largest

⁵ US Bureau of the Census, 1950 US Census of Population, *Table 34. General Characteristics of the population for Standard Metropolitan Areas, Urbanized Areas, and Urban Places of 11,000 or More: 1950*, 1950.

⁶ US Bureau of the Census, 1950 US Census of Population, *Table 55. Citizenship by Age, Color, and Sex, for the State and for Cities of 100,000 or More: 1950*, 1950.

⁷ US Bureau of the Census, 1950 US Census of Housing, *Block Statistics, Table 2. Characteristics of Housing by Wards*, 1950.

black section was west of the downtown area in Ward 2. Clayton Road made the boundary of the north side, Fairview ran along the south side, Cleveland along the east, and the ACL Railroad created the West boundary. This area was over 65% non-white as 5,240 blacks made up this Ward.⁸ In a small area in the northeast section of the downtown area, Ward 4, 2,885 nonwhites lived.⁹ Civil Rights leaders such as E.D. Nixon, Rosa Parks, and Martin Luther King, Jr. lived in this area. Ward 4 stretched from Carter Hill Road to Decatur, bordered in the north by Highland, and bordered in the east by Hall Street. The majority of this second black area lay in Ward 4 but some did spread into Ward 7. Ward 6 stretched along the northern portion of the Alabama River bank and was over 70% non-white. Crouson Road boxed in this area from the north, N. Court Street from the east, and Tallapoosa Street to the south. This area housed 2,235 nonwhites.¹⁰

The poorest blacks lived in Ward 6 in the northern portion of the city near the Alabama River. The average home value was \$2,353.00 (half of the value of dwellings in the middle-class black neighborhood) and there were 3,137 total occupied dwelling units located in the Ward. Nonwhites occupied 72% (or 2,247) of these units. More than 70% (2,166) of these homes did not have running water. Middle-income blacks lived in Wards 2 and 4. Ward 2 was less affluent than Ward 4. Ward 2 had an average home value of \$4,520 and Ward 4 had a slightly higher average home value of \$4,941.00. Ward 2 had 45% (3,438) units without running water compared to only 39% (852) without water in Ward 4. Additionally, Ward 2 had 65% (5,021) black residents and Ward 4 had 50% (1,087) black residents. Ward 7 housed 37% (1,799) of blacks with an average home value of \$7,050.00. The high home value can be attributed to the great number of middle-income whites living in the east side of the ward. At this time, most of

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

the blacks in Ward 7 lived on the west side of the ward nearest to Ward 4. The remaining Wards, 1, 3, 5, and 23, held insignificant numbers of non-whites. All of these four wards combined only held 1,290 non-whites.

The richest white people lived in Ward 23 and Ward 3 in the southeast portion of the urbanized area. The average home value of \$16,675.00 in Ward 23 was seven times that of the poorest blacks. Less than one percent of the homes in Ward 23 did not have running water and less than one percent of the population was nonwhite. Middle-income whites lived in Ward 5 and in Ward 7. Ward 5 and Ward 7 are both located in the northeastern portion of the urbanized area. In Ward 5, only 13% (541) of the 4,106 inhabitants are nonwhite and only 15% (615) of the ward's inhabitants did not have running water. Ward 7 was approximately 63% (3,060) white. This ward housed the building boom immediately following the end of World War II.

The poorest whites lived in the most western ward of the city, Ward 1. The average home value was \$3,683.00 and 2,946 housing units occupied this space. Only 16% (482) of these housing units were occupied by nonwhites and 22% (653) of the total housing units did not have running water. A comparison of Ward 1 and Ward 6 shows that socioeconomically equal poor whites and poor blacks resided in separate areas. The housing values were very close and both were in the northeastern part of the city surrounding the Alabama River.

Table 1: State of Housing Units by Wards in 1950¹¹

1950							
Ward	Average Home Value	Total Occupied Dwelling Units	Units Occupied by Nonwhite	Units w/No Running Water	% of Dwelling Units w/out Water	% of Nonwhite Dwellers	Notes
6	\$2,353	3137	2247	2199	70%	72%	poor black
1	\$3,683	2946	482	653	22%	16%	poor white
2	\$4,520	7682	5021	3438	45%	65%	middle income black
4	\$4,941	2172	1087	852	39%	50%	middle income blk & wht
7	\$7,050	4860	1799	995	20%	37%	middle income white
5	\$8,411	4106	541	615	15%	13%	middle income white
3	\$12,608	3530	184	214	6%	5%	rich white
23	\$16,675	2040	14	12	0.6%	0.7%	richest white

This data shows that very few nonwhites lived in middle income and above white neighborhoods. In some instances a few blacks would live in an uncusomary enclave in a majority white area; however, these were usually service workers such as housekeepers and nannies who would need close access to their employers – upper-class whites. The wards are for the most part racially segregated even when the ward itself had a mixed population as a whole.

Within the two black neighborhoods inside the urbanized area's core, one to the east and one to the west, housing reflected the class differences within the African American community. Whites lived in big beautiful tree and sidewalk lined streets while blacks lived in smaller, run down homes, many of which did not have running water at this time. The photographs below show the disparity between dwellings. The first photo shows a black person's residence around 1936 in Montgomery. The second photo shows a white owned home in Montgomery's wealthy section of the city around 1934. The third and fourth photos below show the homes of Civil Rights leaders Martin Luther King, Jr. and Johnnie Carr. These two homes are located in the western section of the urbanized city core.

¹¹ All data in this chart obtained from: US Bureau of the Census, 1950 US Census of Housing, *Block Statistics, Table 2. Characteristics of Housing by Wards, 1950.*



Figure 3: Circa 1936-Black Home in Rural Area¹²



Figure 4: Circa 1934 - White Owned Home in Montgomery¹³



Figure 5: 309 S. Jackson St., Martin Luther King, Jr.'s Parsonage¹⁴

¹² "Abraham Jones' House: Born in Slavery: Slave Narratives from the Federal Writers' Project, 1936-1938," Photograph. Washington, D.C.: Unknown Publisher, c1936. From Library of Congress: *Slave Narratives*.

¹³ W.N. Manning, photographer. "Figh-Pickett House, 14 Clayton Street, Montgomery, Alabama." Photograph. Washington, D.C.: Unknown Publisher, c1936. From Library of Congress: *Historic American Buildings Survey*.



Figure 6: 720 S. Hall Street, Johnnie Carr's Home¹⁵

Segregation in Montgomery

Many public spaces in Montgomery required segregation of the races. Schools and neighborhoods were not the only areas divided by race, but also public transportation (before the boycott victory), motels, restaurants, and parks, for example. Before the boycott victory, Montgomery's public transit systems required "separation of races" in Section 10 of the Montgomery City Code. The Code required bus operators to provide equal but separate spaces on the bus for whites and blacks. Blacks were to fill the buses from the back forward and often had to stand above empty seats for whites when the black section had filled. Although many whites and blacks rode the bus during together during this period, blacks made up the majority of Montgomery riders. After a year of the boycott, Civil Rights activists overturned the segregated bus ordinance in the 1956 victory in *Browder v. Gayle*. Five years later in 1961, the Interstate Commerce Commission ordered the desegregation of all bus terminals throughout the United States; however, in the South, however, without federal enforcement, many terminals did not follow this policy.

¹⁴ Ann Alto, photographer. "Martin Luther King Jr.'s Parsonage 19 January 2009." Photograph. (Montgomery: Civil Rights in Montgomery Collection). From <<http://www.flickr.com/photos/ann-alto/sets/72157612628677888/>> (accessed 6 March 2009).

¹⁵ Ann Alto, photographer. "Johnnie & Arlam Carr's Home 19 January 2009." Photograph. (Montgomery: Civil Rights in Montgomery Collection). From <<http://www.flickr.com/photos/ann-alto/3212193710/in/set-72157612628677888/>> (accessed 6 March 2009).

After public transportation in Montgomery had been desegregated, the city commission added a new code to limit interaction of the races that stated:

It shall be unlawful for white and colored persons to play together or, in company with each other, in the City of Montgomery and within its police jurisdiction, in any game of cards, dice, dominos, checkers, pool, billiards, softball, basketball, baseball, golf, track, and at swimming pools, beaches, lakes, or ponds, or any other game or games or athletic contest or contests, either indoors or outdoors.¹⁶

The code is an indication of the white backlash against the victory of desegregating public transportation. If Montgomery officials had lost the battle to maintain segregated public transportation in *Browder v. Gayle*, they could add this new code that would add restrictions on blacks to make up for the restrictions they lost in court.

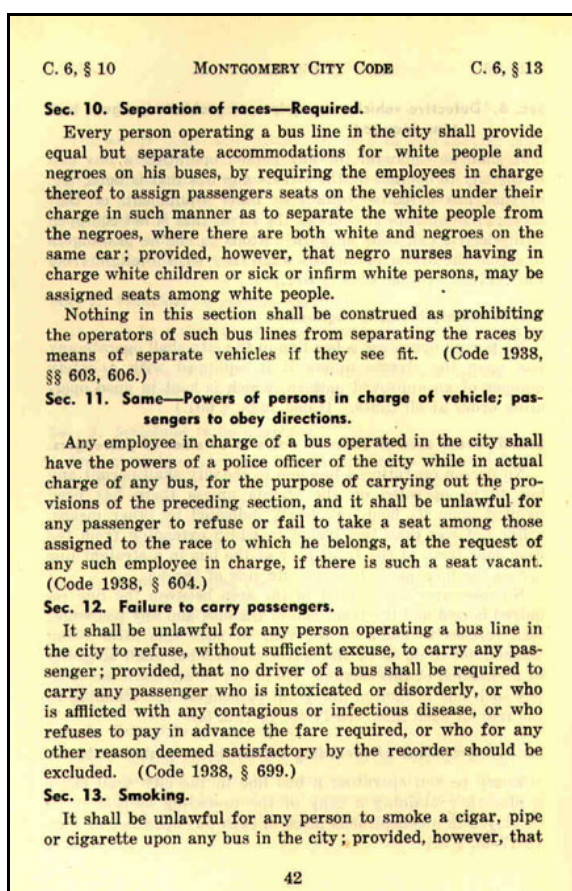


Figure 7: Montgomery City Code 1950¹⁷

¹⁶ “Black and White Dominos,” *The New Republic*, 8 April 1957.

¹⁷ *Code of the City of Montgomery, Alabama*, “Section 10. Separation of the Races – Required.” Charlottesville: Michie City Publishing Co., 1952. Alabama Department of Archives and History, Montgomery, Alabama.

Before *Brown*, motels and other accommodations sometimes allowed blacks to rent rooms for the night. However, after *Brown*, many minimally integrated properties would not allow blacks to stay there as they had previously. One example of this is from the account of the first black dancer with the Serge Denham's Ballet Russe de Monte Carlo, Raven Wilkinson. She explained in an interview with *Dance Magazine* that before the *Brown* ruling she experienced limited racism when performing in Montgomery but, after *Brown*, the dance company would not allow her to perform once they arrived and felt the racist hostility. In fact, the hotel she had stayed in on previous tours, refused to rent her a room and suggested that she leave the city.¹⁸ These tactics continued until the Atlanta case, *Heart of Atlanta Motel v. United States*, upheld the provision of the 1964 Civil Rights Act guaranteeing access to public accommodations. This case challenged the interstate commerce clause as it pertained to public accommodations. The courts ruled that by refusing to rent rooms to blacks, the hotel was in violation of the Civil Rights Act of 1964. This opened public accommodations to all races although discriminatory practices did still prevent some properties from integrating.¹⁹

White churches were also completely segregated by race. If a black person tried to enter a white church during services, a group of men would usually get up and ask them to leave. They would escort them out with all force necessary needed to remove them. Black churches were generally only attended by blacks; however, white supporters of civil rights would attend meetings and services at the church to support the cause, although this was limited. In the 1960s, interracial groups of students made attempts to attend all white churches to force integration. These attempts were known as pray-ins. Many churches asked them to leave or forcibly

¹⁸ Heather Wisner, "Grace under Fire," *Dance Magazine*, February 2001, 66.

¹⁹ Many properties could discriminate against black patrons by telling them the hotel did not have availability or by not providing them with all of the services they would for white customers. This type of discrimination was much more difficult to prove and to stop.

removed them if necessary. Only a few churches were minimally tolerant of the students. Some would allow them to watch the sermon from a video in the basement. Blacks saw their churches as havens from racial prejudice and used the space to organize challenges to Jim Crow.

Public parks and the city zoo were not immune from segregatory restrictions. Even the Oak Park Zoo discriminated on the basis of race. The Montgomery City Code did not allow blacks to enter the zoo with the exception of black nannies taking white children there at the request of the children's parents. In 1958, Civil Rights activists pressured the zoo to desegregate. Attorney Solomon Seay, Jr. filed a request with the parks and recreation board to desegregate the city's parks. The board claimed they did not have the authority to change the segregation codes. Seay then petitioned the city commission and asked that they hold a public hearing on the matter. The commission refused and warned that if further challenge was made, the commission would shut down the parks including the zoo. In December of 1958, Seay filed a suit on behalf of Mark Gilmore and his mother that challenged segregation in all public spaces in the *Gilmore, v. City of Montgomery* matter. Gilmore was a black hospital worker who was arrested for walking through a city park on his way to work at the hospital next to the park. With the *Gilmore* case's filing, the commission immediately ordered all thirteen public parks and the Oak Park Zoo closed permanently.²⁰ The case came before Judge Frank Johnson who would later handle the *Carr* matter. After hearing the case in September of 1959, Judge Johnson ruled that the city's policies segregating public parks were unconstitutional; however, he said that he could not order the parks to reopen. He could only order that if the parks and zoo were reopened that they must be reopened for all, regardless of their race.²¹

²⁰ Thornton III 102.

²¹ *Montgomery's Oak Park: A Rich Past*, 25 November 2007, <www.sidneylanier.org/index.php?aid=211> (accessed 09 May 2009).

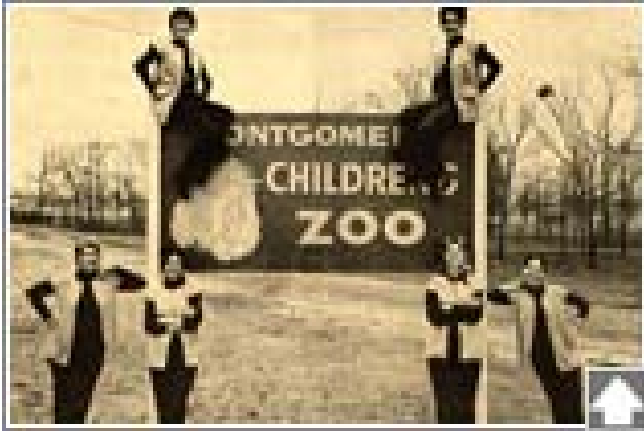


Figure 8: Montgomery Children's Zoo Re-opened in 1972²²

Segregation also extended to government positions. All city governmental offices were white run, including the school boards, city council, mayor's office, and the police force. The Montgomery Police force was not integrated until 1954 when the police department hired four black police officers. Later that year, they hired three black female officers. Dave Birmingham won the city commissioner position that year because he promised black business owners that he would work for the hiring of black officers on the force. The integrated force was short lived. By 1959, all of these officers resigned because of the anti-desegregation policies of their new police chief L.B. Sullivan.

Blacks had a great distrust of police officers since the police used fear, intimidation, and unnecessary force to control blacks whether they had committed a crime or not. There were countless incidents of police brutality. A Montgomery child at age 7, Paul Delaney recounts his notion of the police in his article "Something That Had to be Done: Black Cops in the South":

Their faces were always white; their reputation, bad. It was meant to be that way. In those days that kind of knowledge just sort of came to you. I learned that two Montgomery plainclothes men were known to slap blacks around for no apparent reason other than to put the fear of God in all of us. And if a few slaps didn't do the job, those two men were ready to kill blacks. That pair, and all policemen, were to be avoided at any cost.²³

²² *Montgomery Zoo*, <<http://www.encyclopediaofalabama.org/face/Article.jsp?id=h-1853>> (accessed 09 May 2009).

²³ Paul Delaney, "Something had to be done: Black Cops in the South," *The Nation*, 31 July 1976.

Very few blacks had positions on southern police forces. Those who did had practically no power and were not allowed to patrol in white neighborhoods, nor could they arrest whites.

Many public spaces were completely segregated by race. Doctor's offices, churches, public parks, and government officers were no exception to this rule. Challenges to the color line antagonized race relations and often resulted in violent backlashes. J. Edgar Hoover explained this racial tension in his report given to the Cabinet on March 1, 1956: "racial tension has been mounting almost daily since the Supreme Court banned segregation in public schools." "This mounting tension has manifested itself in overt acts on the part of individuals, organized resistance in legislative bodies, and the creation of organizations on a widespread basis in the South to resist integration."²⁴ This account explains the mentality of anti-desegregationists during this period and explains how the volatile race situation escalated as activists strived to break down barriers. The nation had operated a dual society for decades. Some of the nation's cities had gradually changed over the years to be more tolerable and overtime more compliant with federal orders that outlawed more and more discriminatory practices. Montgomery was not as the forefront of this change. Much of the national changes stemmed from events and movements that originated in Montgomery and nearby cities also in Alabama. Montgomery's refusal to comply with federal orders created a volatile tug of war of resistance and persistence to change the status quo. This struggle between two opposing sides explains the slow evolution of integration in Montgomery.

With so much tension occurring in public spaces, whites wanted to keep their private spaces removed from the boiling pressures that were challenging life as whites had always

²⁴ J. Edgar Hoover, "Federal Bureau of Investigation's Investigation into Racial Tension." *Federal Bureau of Investigation, Briefing to the Cabinet*, 1 March 1956.

known it. Homes in white-only neighborhoods provided one escape from the city's changes. At the turn of the last half of the twentieth century many private homes were built to accommodate the thousands of soldiers returning home from war. By 1951, construction on an unbelievable 15.8 million homes was underway in the United States. Within this housing boom, the Veterans Administration and the Federal Housing Administration insured \$65 billion in home value. This boom created tremendous amounts of middle class housing. Very little was done for low-cost housing.²⁵ This also happened in Montgomery.

On the eastern side of the city in Ward 7, lower middle-income housing was being built and lower middle-income whites were moving into these new homes. Access to equal housing for blacks, as it was for whites, was not available at this time. Housing anti-discrimination laws were rare at the state and local levels.²⁶ Federal programs provided services to whites, which were denied to blacks, who wanted to buy a home. Blacks continued to live in two sections of Montgomery's central urbanized area, one on the western side of the city and one to the east of downtown where many Civil Rights leaders resided.

As the new homes were built in majority-white Ward 7, schools, churches, clubs, shopping centers, and entertainment venues were constructed to satisfy the need of the area's new population of middle-class citizens. Now that churches, for example, did not have a mixed socioeconomic class, lower middle-income members had the opportunity to rise to power within the church as they had not had before in the downtown city churches that only promoted to power the well-to-do. The same held true for the school system. Jefferson Davis High School was opened in 1968 in the booming eastside of Montgomery. Middle-income mothers now were able to hold positions within the Parent Teachers Association (PTA) and make decisions about

²⁵ Jane Snow McCune, "NHC's First 75 Years," *National Housing Conference*, (May 2006), 15.

²⁶ Lamb 32.

their children's education that they would have never been able to do because of their middle-class status in a church with rich members.²⁷ Middle-income white people in Montgomery came to see that their schools and neighborhoods were havens that would be challenged by the breaking of the color line because integration would bring lower-class blacks to their middle-class schools.

Before World War II, African Americans in Montgomery had anything but a "separate-and-equal" school system. Not until the construction of Booker T. Washington High School in 1946 did blacks have a publicly funded high school. School bus facilities accompanied the opening of the high school providing an unprecedented number of blacks the opportunity to attend high school. There were a number of institutions and schools that opened for blacks that gave needed opportunities, but also strengthened the white argument that there were equal facilities for blacks in the city. In 1946, Saint Jude's, a private Catholic high school, opened for blacks. Three years later, in 1949, George Washington Carver High School opened. In 1951 and Saint Jude's Hospital opened providing the first legitimate black hospital in the city.

In contrast, white schools had been around for decades. Sidney Lanier High School moved to its current location in 1929 along South Court Street slightly south of Montgomery's downtown. This school was referred to as the "million dollar school" because of its cost to construct.²⁸ In 1950, the north, east, and south neighborhoods around the school were 100% white. The area just to the west of the school was 75%-100% black. This school educated only white students until 1967 when Arlam Carr, Jr., as a result of his parent's victory against the Montgomery Board of Education, became one of its first black graduates.

The development of a strong white middle-class helped to take down the city's old guard

²⁷ Thornton 20-24.

²⁸ *Sidney Lanier High School*, <http://en.wikipedia.org/wiki/Sidney_Lanier_High_School> (accessed 25 October 2007).

leadership that held ultimate control over all matters within the city for decades. City elections provide evidence of the changes the city that the class separation brought. Earl D. James, a schoolteacher from the lower middle-income eastside, ran against General Screws, a sixteen-year veteran of the city commission. Although Screws won areas in the expensive white southern urbanized area of Montgomery, like Cloverdale, James won the support of the eastside and of other non-upper class areas in urbanized Montgomery. This type of victory continued over the next several decades. These victories aligned people more along class lines than along race lines. Montgomery's expansion east and population growth decentralized Montgomery's governmental power as these new families gained their own power and agency.²⁹

Blacks of all socioeconomic levels faced a similar growth in agency here in spite of different problems. As of 1950, only 813 blacks (3.7% of the total registered population) were registered to vote. Voter registration drives by E.D. Nixon and others doubled this number to 1,678 by 1955. Although 7.5% of all registered voters was a small number compared to the roughly 40% of the urbanized population that blacks made up, this 7.5% could give blacks some agency in close elections and was considered the reason that Dave Birmingham won election to the city commissioner position in 1953 by also gaining the black vote.³⁰ Birmingham assured black business owners that he would lobby for the hiring of black police officers, and he did. Once Birmingham won the election, he discussed his plans with the city's business owners and set up a campaign to recruit black officers. Twenty-nine blacks took the civil service exam for police positions, only ten passed, and eight became trainees. On May 3, 1954, four black police officers began work with the Montgomery Police Department. In September, Montgomery hired three black female officers making them the most diverse police force in the entire state.

²⁹ Thornton 25.

³⁰ Thornton 27-29.

Although a huge advance, this gain was short lived. When L.B. Sullivan took over the police force as chief, all of the seven police officers originally hired resigned. All were gone from the force by 1959. Sullivan had a history of being a segregationist and would not extend police protection to the Montgomery Freedom Riders when they arrived in Montgomery on May 20, 1961.

As blacks vied for social equality within the old guard dominated society, violence often erupted as peaceful protests turned into angry mobs when segregationists gathered in response to the Civil Rights protests. The Montgomery Bus Boycott, sit-ins at area shopping facilities, the March from Selma to Montgomery, and the Freedom Riders, began as peaceful attempts to create change but often met with such massive resistance that violence often followed. Legal victories that arose from challenges to the color line such as *Brown v. Board of Education*, *Browder v. Gayle*, *Boynton vs. Virginia*, and *Carr v. Montgomery Board of Education* furthered massive resistance. These rulings brought an end to racial segregation, but also facilitated a gradual change that made the rhetoric of overt racism unsophisticated, replaced by socioeconomic classism rhetoric, although this took years to occur.

The victory for civil rights in *Brown v. Board of Education* showed the nation a change in segregationist attitudes at the U.S. Supreme Court level. The significance of *Brown* is not just in its call to desegregate the schools, which took more than a decade to actually accomplish in Montgomery, but its significance lays in that it:

inspired black protest by legitimizing the civil rights cause or by improving the prospects for its success. [It] stimulated black hope, served as a catalyst for blacks, awoke a new activism within the black community, provided both a rallying cry and focus for black men and women working for social change, and gave a great boost to black expectations, even a sense that equality was now inevitable.³¹

³¹ Michael J. Klarman, "How Brown Changed Race Relations: The Backlash Thesis," *American Historians* 81, no. 1 (1994): 81-119.

Initially *Brown* had little effect on Montgomery's school system and dual-system as a whole. However, the ruling's inspirational powers strengthened the passion for change and gave real hope to leaders like Martin Luther King, Jr., Johnnie Carr, and Rosa Parks that their efforts might produce legitimate results.

In essence, the *Brown* victory made the desegregation of the city buses possible in that the victory gave agency to challenges to segregation and gave hope in the fairness of the judicial system to those involved in the Montgomery Improvement Association. Until the courts found Montgomery's city codes requiring segregation of the races on city buses unconstitutional, blacks did not have the same rights on the buses as whites. Montgomery's segregated-streetcar ordinance was more stringent than in other southern cities. In other cities such as Atlanta and Mobile, the divide between black and white in buses was moveable. Once the back seats were filled, blacks could sit further toward the front, if no whites were there. In Montgomery, blacks could not board the bus from the front. They had to pay their fare from the front door, then get off the bus, go to the back door, and board the bus there. In some cases, the bus driver would pull off after the black rider had paid his fare without giving him time to board through the back door. Additional discriminatory practices included the absence of black bus drivers. All bus drivers were white. The bus routes were not very direct or user-friendly. Routes often looped around each other and did not take into consideration the needs of the majority of its riders. The *Brown* victory outlawing segregation in public schools made a challenge to the unequal bus codes seem worth pursuing.



Figure 9: Claudette Colvin at age 15³²



Figure 10: Claudette Colvin 2009³³



Figure 11: Segregated Bus before 1955³⁴

³² Alean Bowser, photographer. "Claudette Colvin at Age 15." Photograph. *Before Rosa Parks, there was Claudette Colvin*. (15 March 2009). Photograph courtesy of the Birmingham Public Library Department of Archives and Manuscripts. <<http://www.npr.org/templates/story/story.php?storyId=101719889>> (accessed 23 April 2009).

³³ Margot Adler, photographer. "Claudette Colvin in 2009." Photograph. *Before Rosa Parks, there was Claudette Colvin*. (15 March 2009). Photograph courtesy of the Birmingham Public Library Department of Archives and Manuscripts. <<http://www.npr.org/templates/story/story.php?storyId=101719889>> (accessed 23 April 2009).

³⁴ "Segregated Bus," Photograph. *Before Rosa Parks, there was Claudette Colvin*. (19 March 2009). Photograph courtesy of the Birmingham Public Library Department of Archives and Manuscripts, <<http://www.npr.org/templates/story/story.php?storyId=101719889>> (accessed 23 April 2009). Caption from Website: When the driver of the segregated bus, like the one shown above, ordered Colvin to get up, she refused, saying she'd paid her fare and it was her constitutional right. Two police officers handcuffed and arrested her.

In early 1955, Before Rosa Parks, Claudette Colvin challenged Montgomery's bus code by failing to obey a bus driver and give up her seat to a white rider. Even though she was only 15 years old, she was arrested for violating the code. Civil rights leaders approached her to allow them to use her case to launch a boycott and press lawmakers on the legitimacy of the bus code. She and her mother opted not to pursue the issues since Claudette was only fifteen and the violence surrounding challenges to the color line had been so fierce. Martin Luther King, Jr. and others began organizing a plan for another challenge with someone who would be able to fight the bus system in court. In December of that year, Rosa Parks took the same stand as Colvin and refused to give up her seat on a Montgomery bus. She was arrested and charged with violating the city code.

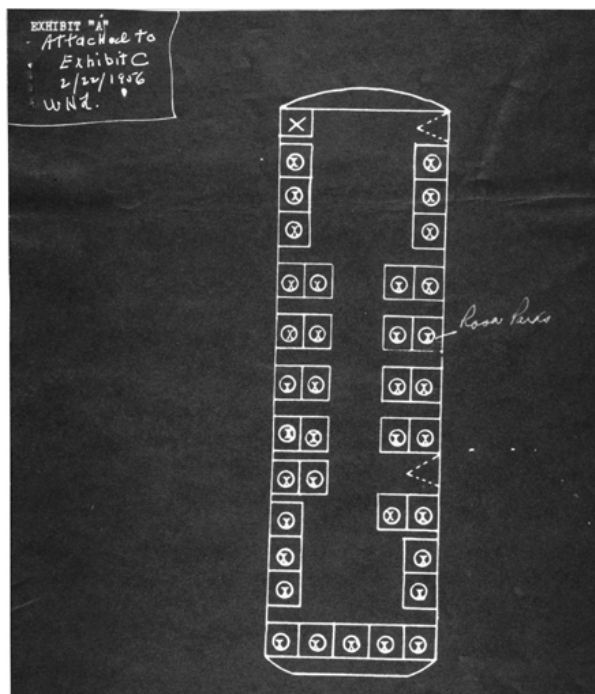


Figure 12: Bus Diagram Showing Rosa Parks' Seat³⁵

³⁵ *Bus Diagram Showing Rosa Parks' Seat*, Alabama Department of Archives and History, Montgomery, Alabama.



Figure 13: Rosa Parks being fingerprinted after violating bus segregation laws, December 1955.³⁶

Name	Parks	Rosa	L.	Classification	28 MO 72
Alias					
Nickname					
No.	79521	Color	C.	Sex	Female
79521 RIGHT HAND					
1. Thumb	2. Index finger	3. Middle finger	4. Ring finger	5. Little finger	
LEFT HAND					
6. Thumb	7. Index finger	8. Middle finger	9. Ring finger	10. Little finger	
Impression taken by		Impressions		Simultaneous impressions fingerprinted	
		Rosa L. Parks x		Rosa L. Parks	
Files searched by		Four fingers taken simultaneously			
		Left Hand		Right Hand	

Figure 14: Rosa Parks' Fingerprint Card From Day of Arrest³⁷

³⁶ "Mrs. Rosa Parks Being Fingerprinted in Montgomery, Alabama, 1956." Photograph. *Brown v. Board at Fifty*. New York World-Telegram & Sun Collection: Library of Congress. From <http://www.loc.gov/exhibits/brown/brown-aftermath.html> (accessed 08 May 2009).

³⁷ *Rosa Parks' Fingerprint Card From Day of Arrest*, Alabama Department of Archives and History, Montgomery, Alabama.

Unlike Colvin, Parks allowed Civil Rights leaders to use her arrest as a catalyst to launch a boycott of the city's buses. When arrested, police took her photograph, fingerprints, and logged her name into an arrest log. Her police report read: "we received a call upon arrival the bus operator said he had a colored female sitting in the white section of the bus, and would not move back. We (Day & Mixon) also saw her. The bus operator signed a warrant for her. Rosa Parks, (cf) 634 Cleveland Court. Rosa Parks (cf) was charged with chapter 6 section 11 of the Montgomery City Code." The Montgomery City Code required the separation of races and required that passengers obey the orders of the bus driver.³⁸ The word quickly spread. Community leaders, including Martin Luther King, Jr. and E.D. Nixon, organized the Montgomery Improvement Association (MIA) to coordinate a bus boycott by blacks in the city. They sent out thousands of telegrams telling everyone not to ride the buses the next day. They then organized meetings at Dexter Avenue Baptist Church to rally a full boycott of the city's bus system in order to gain equal rights on the bus. During the boycott, blacks organized alternative means for transportation to their jobs and for errands. A hotline for carpools was established, many walked, and many split cab fares to get around without riding the buses. Approximately 115 blacks were arrested for violating Montgomery's anti-boycott law.³⁹

³⁸ *Police Report, Rosa Parks, Civil Case 1147*, U.S. District Court for Middle District of Alabama, Northern (Montgomery) Division, Alabama Department of Archives and History, Montgomery, Alabama.

Code of the City of Montgomery, Alabama, "Section 10. Separation of the Races – Required." Charlottesville: Michie City Publishing Co., 1952. Alabama Department of Archives and History, Montgomery, Alabama.

"Negroes' Most Urgent Needs," *Inez Jessie Baskin Papers*, Alabama Department of Archives and History, Montgomery, Alabama.

Browder, et al v. Gayle, et. al, National Archives and Records Administration-Southeast Region, East Point, GA: Record Group 21 of the Records of the District Court of the United States, ARC Identifier 596074, (1 December 1955).

"Integrated Bus Suggestions," *Inez Jessie Baskin Papers*, Alabama Department of Archives and History, Montgomery, Alabama.

³⁹ Joe Azbell and Tom Johnson, "Boycotters Plan 'Passive' Battle: Negro Throngs Jam Rally on Eve of Arraignment for Defendants," *Montgomery Advertiser*, no. 47, 24 February 1956, Front Page.

The MIA made numerous attempts to negotiate with the city commission to end the boycott by granting blacks the same riding privileges as whites. In January of 1956, the City Commission took a stronger approach against the boycott. They stated they would make no more attempts to end the bus boycott that had lasted seven weeks by that time. Commissioner Frank Parks reported that he had received many calls from businessmen who planned to lay off black workers who participated in the boycott. The commission reported as a whole that they had received many approving messages regarding their decision to abandon talks with boycotters. Mayor W.A. Gayle also reported he had received many messages from supporters of the commission's new stance. Commissioner Clyde Sellers said "There is no need for us to straddle the fence any longer, I am taking a stand and so are the other commissioners." The Mayor supported this position and said "we have pussyfooted around on this boycott long enough. The vast majority of whites in Montgomery don't care whether a Negro ever rides a bus again." A record from the meeting showed that Mayor Gayle and two city commissioners had joined just recently the Montgomery Citizens Council, a white segregationist organization, which strived to maintain segregation.⁴⁰



Figure 15: Carpooling During the Bus Boycott⁴¹

⁴⁰ Joe Jones, "City Commission Lauded for Bus Boycott Stand," *Montgomery Advertiser*, 24 January 1956.

⁴¹ Don Cravens, photographer. "Carpooling During the Bus Boycott." Photograph. From Time Life Pictures: *Getty Images* <<http://www.encyclopediaofalabama.org/face/SearchResult.jsp>> (accessed 08 May 2009).

The Montgomery Improvement Association knew that filing an appeal to Rosa Parks' arrest would only get bogged down in the Alabama court system. To pursue this matter quicker, attorney Fred Gray approached Aurelia Browder, Claudette Colvin, Susie McDonald, and Mary Louise Smith to identify their interest in filing a class-action lawsuit. The Montgomery bus system had discriminated against each of these women. They agreed to be part of the suit against Mayor Gayle. Gray filed his suit, *Browder, et al v. Gayle* in the United States District Court to challenge the Montgomery City Code in February 1956. By June, the court ordered that "the enforced segregation of negro and white passengers on motor buses operating in the City of Montgomery violates the Constitution and laws of the United States" and ordered Montgomery immediately desist these practices.⁴² Montgomery officials had no choice but to change their code. Rosa Parks' arrest allowed the Montgomery Improvement Association to launch the bus boycott that then prompted the *Browder v. Gayle* challenge and resulted in a mandatory injunction to desegregate Montgomery's public transit system. This ultimately opened public transportation benefits to all without separate seating for blacks and whites. With the battle for equal rights on public transportation won, fears of integration only strengthened among whites. Like the affects of *Brown*, the boycott victory inspired Civil Rights activists and gave them hope that equality was possible; however, the ruling also inspired violent attacks from those who did not favor integration.

Each victory for civil rights spawned more challenges to segregation. After *Brown* in 1954 and *Browder* in 1956, came *Boynton* in 1960. The U. S. Supreme Court decision in *Boynton v. Virginia* gave travelers the legal right to disregard local segregationist ordinances regarding interstate transportation facilities. After the court decision, a Freedom Ride was

⁴² *Browder, et al v. Gayle*.

organized in 1961 for black and white students to ride on Greyhound busses together from Washington, D.C. to New Orleans. The Freedom Riders attempted to exercise their rights of completely integrated public transportation terminals to test the strength of *Boynton*. They met with extreme violence along the way. Angry mobs of segregationists attacked the Freedom Riders and beat them severely with bats and lead pipes as they made their way through southeastern cities towards Montgomery. Bus drivers, who feared attacks from angry white mobs, had to be forced by the President of the United States to carry the passengers. The Ku Klux Klan rallied violent attacks against the riders and anyone who supported them. Violence often broke out beyond the initial scene at the terminal when the integrated bus arrived in town. In Montgomery, rioters spread to nearby streets after attacking the freedom riders when they arrived on May 20th. They threw bricks into windows, overturned cars, and firebombed the homes of supporters of integration. Violence erupted throughout the city. In one instance, a woman was seen holding a young black girl so that her son could punch her in the face. Ambulances would not come to take the wounded and dying to the hospital. Marshals were called in to restore order but did not quell the violence. Police often stood by and did nothing. Finally, after the violence had lasted long enough, police and marshals worked together to restore decorum. White officials in the city condemned the Freedom Riders' actions for intentionally causing the riots. They accused the riders of coming to town to disrupt the long standing laws that had maintained city peace and in doing so provoked the riots.⁴³ Even though legal victories had been won, actually exercising those rights was not easy. Events such as the Freedom Riders and the Selma to Montgomery March were needed to exercise the rights granted and to encourage more equal rights in other areas.

⁴³ Thornton 118-129.



Figure 16: Marchers enter downtown Montgomery. Visible in picture are Bayard Rustin and Ralph Abernathy 03/21/1965⁴⁴



Figure 17: Marchers enter Montgomery amid a sea of American flags. White bystander waves Confederate flag to demonstrate his opposition, 03/21/1965⁴⁵

⁴⁴ Matt Herron, photographer. "Selma to Montgomery March for Voting Rights: 1965." Photograph. From Take Stock. <[http://www.takestockphotos.com/imagepages/imagedetail.php?RECORD_INDEX\(Pages\)=21&FolioID=6#](http://www.takestockphotos.com/imagepages/imagedetail.php?RECORD_INDEX(Pages)=21&FolioID=6#)> (accessed 08 May 2009).

⁴⁵ Matt Herron, photographer. "Selma to Montgomery March for Voting Rights: 1965." Photograph. From Take Stock. <[http://www.takestockphotos.com/imagepages/imagedetail.php?RECORD_INDEX\(Pages\)=21&FolioID=6#](http://www.takestockphotos.com/imagepages/imagedetail.php?RECORD_INDEX(Pages)=21&FolioID=6#)> (accessed 08 May 2009).

The March from Selma to Montgomery in 1965 met with some of the greatest massive resistance seen. Riots broke out along the way. In one instance, known as Bloody Sunday, over 600 Civil Rights marchers were beaten severely at the Edmund Pettus Bridge in Selma. The participants marched for equal voting rights that they ultimately received in the Voting Rights Act of 1965. Racial tension had increased since the *Brown* verdict. Verdicts in favor of desegregation intensified the massive resistance to integration as a whole.⁴⁶ Fears of further attacks on the color line and the turmoil that these attacks caused provided reason for those who had the means or could secure help from the Federal Housing Administration to move out of the city's core where the bulk of violence

School Desegregation



Figure 18: Dark laughter. Now I aint so sure I wanna get educated, 1963.⁴⁷

⁴⁶ Hoover.

⁴⁷ Oliver W. Harrington, artist. "Dark laughter. Now I aint so sure I wanna get educated." Cartoon. 21 September 1963. Pittsburgh: Pittsburgh Courier. From <<http://www.loc.gov/exhibits/brown/brown-aftermath.html>> (accessed 08 May 2009).

Nationally, in 1950, twenty-three states practiced a dual school system either by law or by permissive legislation. The black population in these states topped 4.5 million. Desegregation in southern schools since *Brown* resulted in token integration at best. Alabama was one of six states that did nothing as a result of the *Brown* verdict. As of 1963, only one per cent of black students in the southern states attended a school with white children.⁴⁸ Massive resistance and subversive methods to circumvent the law prevented real integration in schools. White men ran the Montgomery School Board. No women and no minorities held a position on the board. The Montgomery Board used the Alabama Placement Law, neighborhood zoning plans, and other ineffective plans to avoid compliance with federal mandates. Montgomery continued to operate a dual school system from its creation until forced to change in 1964 as a result of the *Carr vs. Montgomery Board of Education* case – ten years after the *Brown* verdict.

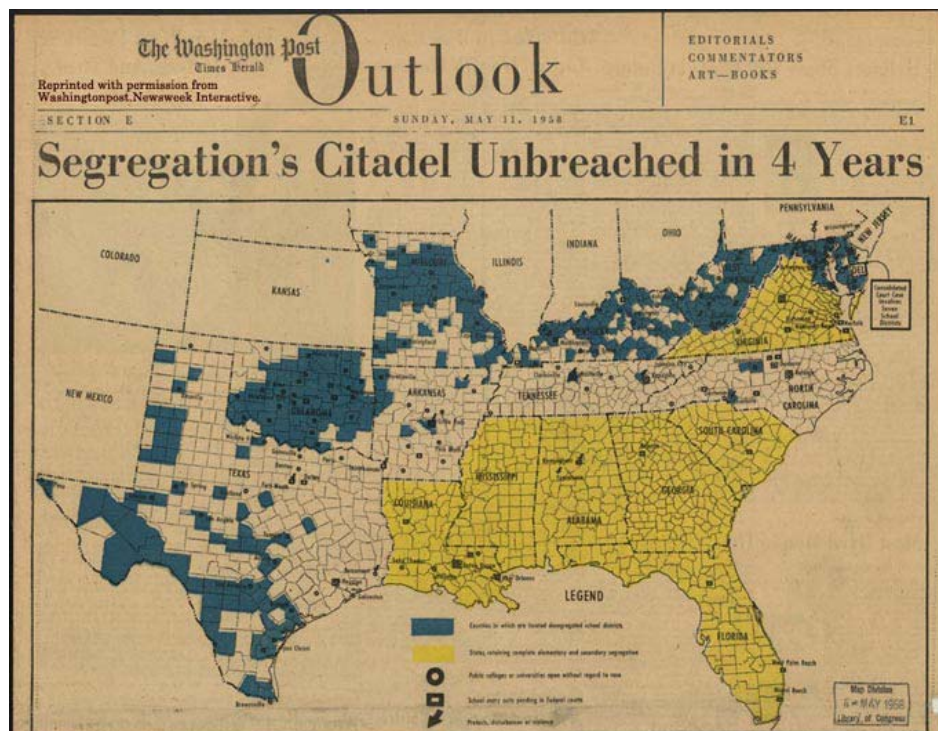


Figure 19: School Segregation the 1958⁴⁹

⁴⁸ Leon Jones, "Desegregation and Social Reform Since 1954," *The Journal of Negro Education* 42, no. 2, (1974): 156.

⁴⁹ "Segregation's Citadel Unbreached," *Washington Observer*, 11 May 1958. At the time of the May 1954 *Brown v. Board of Education*, decision seventeen states and the District of Columbia had laws enforcing school segregation.

Montgomery had operated a segregated system until it was challenged in the courts for so long that attacks on its structure met with strong resistance. The ruling in *Brown v. Board of Education* emboldened blacks to resist segregation and set off a white campaign of total resistance to forced integration. Montgomery was one of these areas. The fear among whites of sending their children to school with black children prompted individual and governmental initiatives to avoid integration. City officials in Montgomery managed to resist integrating schools for ten years after the *Brown* ruling. They used subversive tactics and redrew attendance zones to maintain a dual school system as best as possible. The school board set up Attendance Areas that designated colored areas versus white areas to determine which neighborhoods would attend specific county schools. In many cases, black children lived near a white school but had to travel much farther to attend an all black school due to these Attendance Areas. Because of the “feeder system” students that the school board assigned to black schools would always attend black schools as they graduated from one level to the next. For example, students who the board zoned into black elementary schools would also then later attend black middle and black high schools. They used other faux solutions to “abide” by *Brown* while satisfying a white electorate that opposed integration. The Board used as a cover the Alabama School Placement Law set up in 1956 that did nothing to actually desegregate Montgomery’s public schools. The Alabama School Placement Law allowed students to apply for a transfer to any school, regardless of race, upon approval by the board. By 1964 when Johnnie Carr brought suit against the Montgomery County Board of Education on behalf of her son Arlam Carr, Jr. not one black student had been transferred to a white school and no white students to a black school since the Alabama School Placement Law’s implementation. Not until the *Carr v. Montgomery County Board of*

By 1958, only seven states—Virginia, South Carolina, Georgia, Alabama, Florida, Mississippi, and Louisiana—maintained public school segregation.

Education victory in 1966 did schools in Montgomery initiate token integration. The *Carr* case forced a “real” desegregation plan with strict deadlines for compliance. With no options left, the Montgomery Board of Education implemented a desegregation plan and began new practices to desegregate the city’s schools.

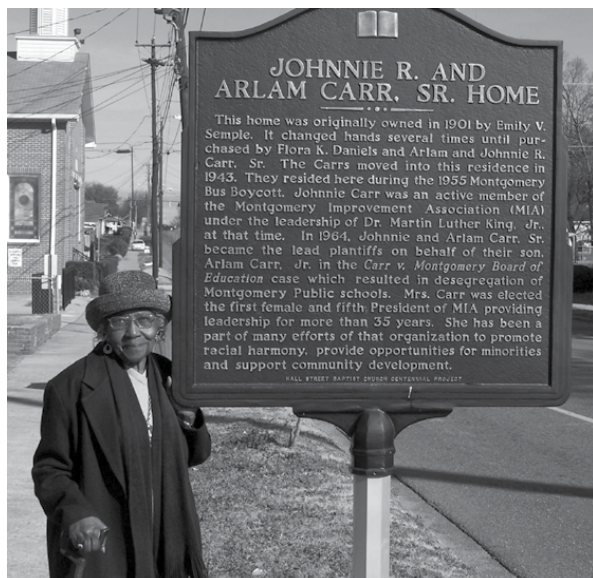


Figure 20: Johnnie Carr outside her Hall Street home in 2008⁵⁰

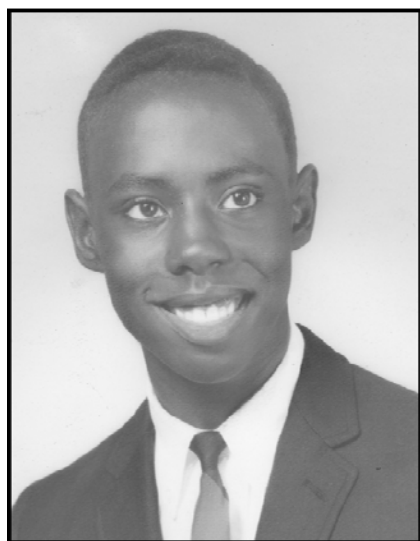


Figure 21: Arlam Carr⁵¹

⁵⁰ Captain Deanna Goudeau, photographer. “My Meeting with History (Mrs. Johnnie R. Carr).” Photograph. From *Southern Flyer* (accessed 4 April 2009).

⁵¹ Captain Deanna Goudeau, photographer. “Arlam Carr.” Photograph. From *Southern Flyer* (accessed 4 April 2009).

Johnnie Carr was a major player in the Civil Rights movement. She replaced Martin Luther King, Jr. as president of the Montgomery Improvement Association when he moved to Atlanta in 1960. Her 1964 challenge to Montgomery's dual school system forced school desegregation in Montgomery. Her suit alleged that Montgomery continued to operate a dual educational system in spite of the rulings of *Brown I* and *II* and that by doing this, the school board continued to keep schools segregated. Additionally, the suit claimed that the board assigned teachers, administrators, and faculty to schools based entirely on race and designed school bus routes so that the buses picked up black children to take them to black schools and picked up white children to take them to white schools separately. Judge Frank Johnson presided over this case for the United States District Court of the Middle District of Alabama. He ruled in favor of Carr stating that the Montgomery County Board of Education violated United States law as apparent through the abundance of evidence that existed showing Montgomery County had not sufficiently moved towards a unitary educational school system and had totally ignored the *Brown* verdicts. In fact, the court specifically stated that the county continued to operate a dual system based entirely on race.

Johnson ordered that Montgomery County desegregate its school system prior to the beginning of the next school year, September 1964, and ordered that the system meet at least the minimum requirements set out by the Fifth Circuit Court of Appeals in the *Armstrong v. Board of Education of the City of Birmingham* case. He further ordered the board to accept all applications for transfer under the Alabama School Placement Law received before August 14, 1964. He also ordered the board to file reports with the court outlining their plans to desegregate Montgomery's schools so that he could monitor and insure the school system's progress.⁵²

⁵² Arlam Carr, Jr., a minor, by Arlam Carr and Johnnie Carr, his parents and next friends, et al., Plaintiffs, v. Montgomery County Board Of Education et al., Defendants, Civ. A. No. 2072-N, United States District Court For The Middle District Of Alabama, Northern Division, 232 F. Supp. 705; 1964 U.S. Dist. LEXIS 6561, July 31, 1964.

The *Armstrong v. Board of Education of the City of Birmingham* ruling in May 1963 brought forward many of the same allegations and same types of evidence as the *Carr* case in Montgomery. Judge Lynne set forth requirements in this matter that the school board and Superintendent were to follow. These nine requirements were:

1. the City Superintendent of Schools must direct the Board of Education of the City of Birmingham to use its authority to transfer students to public schools as they applied through the Alabama School Placement Law;
2. the Superintendent has the authority to determine the public school to which each child who applies for transfer will attend. And, no child can enroll in a public school until the Superintendent has assigned the child to such school;
3. applications for student transfer will be reviewed by the Superintendent with a copy given to the school principal. Application forms will be located in the offices of the board;
4. each child must fill out a separate application;
5. applications must be filled in completely and signed by both parents or legal guardian. If a student is denied transfer, a notice must be sent to the child's guardian;
6. Superintendent may require interviews with the child and guardians or others as desired. Should the respected party the Superintendent request not show up for the interview, then the application for transfer will be withdrawn;
7. submission of the application forms is not a request for a hearing by the board. If the child's guardians request a hearing, the parents must be given at least five days notice of the hearing;
8. hearings can be held before the board or before a committee of at least three board

- members. The hearings will be held according to the times the hearing examiner determines. They may also be adjourned or delayed as long as this act does not prohibit the approval of the application; and,
9. the board must notify the guardians within twenty days following the hearing of its decision unless the guardians request a postponement.⁵³

As required by Judge Johnson's initial ruling in the *Carr* matter, in March 1966, the Montgomery Board of Education filed its Plan for Desegregation of the Montgomery Public School System. This plan covered eight major areas of concern by the court; 1. Grades Covered, 2. Nondiscriminatory Operating of Newly Constructed Schools and Newly Expanded Schools, 3. Operation of the Freedom of Choice Plan, 4. Services, Facilities, Activities, and Programs, 5. New Students, 6. Non-Covered Grades, 7. Faculty and Staff, and 8. Closing of Inadequate Facilities. The Board stated it would implement this plan at the beginning of the 1966 school year.

The Montgomery Board of Education's school desegregation plan covered grades one through twelve with the exception of the fifth and sixth grades. The two grades remaining would be desegregated at the beginning of the 1967 school year. These fifth and sixth grade students would not be eligible for the freedom of choice plan but could apply for a transfer through the Alabama School Placement Law.

The section on Nondiscriminatory Operating of Newly Constructed Schools and Newly Expanded Schools area of concern mandated that any of these schools, newly constructed or newly expanded, would be opened and operated on an entirely non-segregated basis. This pertained to the student body as well as the faculty, administration, and principals.

⁵³ Dwight Armstrong et al., Plaintiffs, v. The Board of Education of the City of Birmingham, Jefferson County, Alabama, et al., Defendants. Agnes Nelson and Oswald Nelson, Minors, etc., Plaintiffs v. The Board Of Education Of The City Of Birmingham, Alabama, et al., Defendants, Civ. A. Nos. 9678, 10188, United States District Court For The Northern District Of Alabama, Southern Division, 220 *F. Supp.* 217; 1963 *U.S. Dist. LEXIS* 7370, May 28, 1963.

The Operation of the Freedom of Choice Plan is the most complex area of concern that the desegregation plan covered. This Freedom of Choice Plan allowed the student's guardian or the student over the age of fifteen if not opposed by its parent to choose which school they wanted to attend. All students, both black and white, had to select their school of choice each year. The choice period occurred from April 1 to April 30 for the following school year. Students who did not make a choice during this period could still select a school up until the first week after the new school year had already begun but would be in line for their choice behind students who selected a school during the choice period. If a student did not select a school at all, the student would be assigned to the school nearest the student's home based on space available. The Choice Plan specified that the applications would be distributed on the first school day of the choice period and additional copies would be available in each school's office and at the office of the Superintendent. These forms could be returned by mail, in person, or by messenger to the Superintendent's office.

Once the student's choice has been selected, the students would not be allowed to make a change to their choices until the next choice period. Further, the plan did not give preference to students who had previously enrolled in specific schools. Additionally, no one was to be denied a school preference except in the instance of overcrowding. If overcrowding were to occur, students who lived the closest to the preferred school would gain preference over students living further away. If a child's choice was denied, the child must be notified of the reason and given the choice to enroll in whichever school in the area desired as long as the school was not already overcrowded.

Students who possessed special needs could apply for transfer to a specific school that had programs that fit their needs. For example, if a student was physically handicapped or

needed a specific course for their line of study, the student could ask to be transferred to the school that had the programs that best suited their needs. The Freedom of Choice plan also specifically stated that no official should attempt to influence the school choice of a student. The plan further explained that no official should penalize a student because of that student's school choice. This plan was to be published in the Montgomery daily newspaper and distributed to other media outlets so the public would understand and have knowledge of the choice plan.

One of the most important changes this plan made dealt with the implementation of a nondiscriminatory busing system. The plan called for busing routes for students that were not based on race – an entirely different concept from the busing systems of years passed. All students who lived far enough away from home to be eligible for busing would be bused to their school of choice in which they were assigned. This change was significantly different from the previous system when buses only picked up black students to take them only to black schools and different buses picked up white children to take them only to white schools. The plan also abolished all Attendance Areas as had been previously established. These parts of the plan made up some of the most significant changes to the old system and had a huge impact on the integration of the county's schools.

The desegregation plan also mandated regulations allowing all students to have access to the school's services, facilities, activities, and programs without delay. In the past, schools could make transfer students wait a period of time before they would allow them to participate in the schools activities, like the football team or drama club. The board included this stipulation to enforce integration in all ways, not just in school attendance but also in school participation.

In answer to one of the initial complaints in the *Carr* matter, this plan made specific guidelines for the integration of the faculty and staff. The plan stated that teachers and staff

would be encouraged by the Superintendent to accept positions at schools where the majority of other faculty was a different race from them. Recruitment and employments of school administrators would be on a qualifications basis and no longer on a race basis.

In further response to the allegations in the Carr case, twenty elementary schools were deemed inadequate facilities and closed. Seven of these inadequate facilities were to be shut down by the beginning of the 1966-1967 school year (Abraham's Vineyard, Phillips, Cecil, Arthur Cook, Battle, McCant, and Katie Browen). The remaining inadequate schools, Arrington, Big Zion, Tankersely, Chappell Gray, G.W. Trenholm, Lillian Dabney, Lillian Dungee, Waugh, Woodley, Zion Hill, McLean, McLemore, Mt. Zion Road, were to be shut down prior to the 1967-1968 school year. Teachers and administrators from these facilities were to be transferred into open facilities according to need and would not be let go simply because their school was to be closed. In addition to closing inadequate facilities, the Carr ruling required that the Montgomery County School Board designed and implemented remedial programs to help students who had not received the best education in the past so they could catch up to the other students who had received a quality education.⁵⁴ The victory in the *Carr* case finally spawned change within the city's racial makeup by eliminating legally segregated schools.

White fear that resulted from the victory in the *Carr* ruling, coupled with other desegregation rulings, encouraged whites to move to the suburbs to avoid racial mixing. The patterns of neighborhood choice that occurred as a result of these rulings to desegregate schools show a direct correlation between housing and education. Further, a study edited by John A. Powell, Gavin Kearney, and Vina Kay entitled *In Pursuit of a Dream Deferred: Linking Housing and Education Policy*, explains this relationship between school and housing segregation:

⁵⁴ Arlam Carr et al., Plaintiffs, United States of America, Amicus Curiae, v. Montgomery County Board Of Education et al., Defendants, Civ. A. No. 2072-N, United States District Court For The Middle District Of Alabama, Northern Division, 253 F. Supp. 306; 1966 U.S. Dist. LEXIS 7721, March 22, 1966.

Housing and education have played central roles in the segregation of our society. Given the relationship between where we live and where our children go to school, the quality of local education is one of the most important factors behind a parent's choice of neighborhood. More often than not, the public schools considered best are in middle-class and upper-middle-class neighborhoods. This link between housing and schools maintains residential and educational segregation. For example, the return to neighborhood schools, for which many policy makers are now calling, may maintain or increase the racial and economic segregation of communities.⁵⁵

In most cases, school districts are drawn according to neighborhood boundaries, further maintaining segregated schools based on segregated neighborhoods.

Before *Brown v. Board of Education*, policy makers blatantly mandated segregated schools and dictated that blacks would attend black schools and whites would attend white schools. As the ideals in *Brown* became more infused into society, policy makers altered their rhetoric from mandated segregation in school district assignment to that based on a neighborhood plan. Neighborhood plans kept like socioeconomic classes together and by default, generally, kept races separate since blacks, because of economic discrimination, were disproportionately in lower socioeconomic classes. Black schools like black neighborhoods were significantly inferior to white schools. A typical black school located in Montgomery's Metropolitan area, appears in the photograph *Alabama's Rural Schools of Yesterday and Today*. This school had one teacher charged with educating all of the children pictured. In comparison, Montgomery officials constructed Sidney Lanier High School in its current location in 1929 and paid one million dollars for its construction.

⁵⁵ Powell, Kearney, and Kay 19.



Figure 22: Sidney Lanier High School, Constructed in 1929 and known as the "Million Dollar School" for its cost to construct.⁵⁶



Figure 23: Colored School in Montgomery, Alabama in 1939. (Before construction of Public High Schools for Blacks.)⁵⁷

⁵⁶ *Sidney Lanier High School*, <http://en.wikipedia.org/wiki/Sidney_Lanier_High_School> (accessed 25 October 2007).

⁵⁷ Marion Post Wolcott, photographer, "Primary class in new school, Prairie Farms, Montgomery, Alabama," (Washington, D.C.: National Archives and History). Photograph retrieved from Eric Margolis, *Class Pictures: Representations of Race, Gender and Ability in a Century of School Photography*, Phoenix: Arizona State University, 2000.

<http://images.google.com/imgres?imgurl=http://epaa.asu.edu/epaa/v8n31/figure7.jpg&imgrefurl=http://epaa.asu.edu/epaa/v8n31/&usg=__vQydTOzfT7HvuyCB4xbMhOFgkns=&h=355&w=542&sz=46&hl=en&start=16&tbnid=49SRnp83KP3EgM:&tbnh=86&tbnw=132&prev=/images%3Fq%3Dblack%2B%2522elementary%2Bschool%2522%2Bin%2Bmontgomery%2Balabama%26gbv%3D2%26hl%3Den> (accessed 4 December 2009).

These photographs show the great disparity in educational facilities. Each built in a neighborhood that reflected the color of its students – showing a direct correlation between neighborhoods and schools.

The *Dream Deferred* study argues that policy makers continually failed to appropriately if at all discuss both housing and education as directly related and generally view them as separate entities when trying to combat segregation in each. This prevented real answers from forming that would successfully desegregate society. In order to find a legitimate remedy to housing and school desegregation, housing and education must be analyzed together. The original logic behind a neighborhood system is to keep children close to home in case of emergency and to protect the children from having to travel long distances away from their parents; however, although that was originally the case, once school segregation was outlawed, support for a neighborhood system was generally based on a desire of parents to keep children racially segregated. Since neighborhoods were still racially segregated by choice and by means a neighborhood structured school would be segregated by default. Since over racist attitudes were becoming less acceptable, parents argued that they wanted their kids nearby in case of an emergency and they did not want them bused around town instead of saying they did not want their children attending school with blacks. Until this time, the neighborhood system only applied to white students. Of course they missed the irony of their city's past when black students were bused to black schools often by passing nearer white schools along the way.

Many scholars discuss how the neighborhood system perpetuates segregation from the common link between housing and schools. Supporters for the continued use of this plan argued that residential patterns were not the responsibility of the school system and were out of their

control.⁵⁸ Challengers to the neighborhood plan argued that when neighborhoods were so highly segregated on the basis of race, schools would never be integrated as ordered by *Brown*. In Montgomery, as visible in the Block Statistic Chart map, white areas existed and black areas existed exclusively on their own, generally, without significant infiltration of the other race. With this type of residential segregation the norm, neighborhood school systems would only perpetuate the already existing school segregation and by default violate *Brown*.

The effects of integration on city development are clear. White rhetoric changed from overtly racist to indirectly segregationist supporting neighborhood schools. Those whites who faced sending their children to integrated schools looked for alternatives of moving to the expanding suburbs in white subdivisions in surrounding counties. Their decisions shaped the present day metropolitan landscape. Initially, individuals spoke of a desire for segregation forever. As court orders demonstrated a change in laws on a national level, overt racism became less sophisticated. The new rhetoric called for segregation along socioeconomic class lines as opposed to racial lines. This change in tone as significant even if it did not produce immediate results. Changing the ingrained ideology of white superiority is a major challenge explored by Lassiter in his work *The Silent Majority*.⁵⁹ Discussions about the segregation of the races were replaced with advocacy of economic clustering. By the late 1960s, for example, upper middle class whites had fewer objections to living near an economic equal like a black doctor or attorney than they had in years past. David Freund's *Colored Property*, discounts this change in rhetoric as insignificant since so many blacks were disproportionately poorer than whites and were often unable to afford their own home, much less one in a white area that was for the most part off

⁵⁸ Lassiter 135.

Freund 339-340.

⁵⁹ Lassiter 254. Lassiter explains that intense figures, like George Wallace, who admittedly argued for segregation, became an embarrassment to many white suburbanites.

limits to blacks. Freund explains that what now distinguished white commentary was “the frequency with which they linked familiar themes—property owners’ rights and the importance of suburban political autonomy—to a narrative about the national politics of race and rights.”⁶⁰ Freund too quickly discounts this change in ideology. Yes, the ideology may have been based on a desire to “appear” modern and progressive but the rhetoric still changed and progress was beginning. In the 1950s and early 1960s, white neighborhoods and white schools were off limits to all blacks regardless of societal ideology. With rulings in *Brown* and on the bus boycott favoring desegregation in schools and public spaces, housing was also affected because, for those white who could afford to relocate, housing choice was one of the last spheres individuals could control in spite of court rulings.

The American Dream

For whites, the American dream “meant pull yourself up by your bootstraps, buy a nice home and two cars, live in a nice neighborhood and go to a nice church, [and] send your kids to the appropriate school.”⁶¹ For blacks, the American dream was similar. They wanted “detached single-family homes on spacious lawns and a quiet street, middle-class neighbors, a place to raise children, a private refuge from the public world.”⁶² The one difference between the “two” American Dreams is that whites, especially in the early part of this fifty year period generally see this in a segregated sense. The American Dream offered an escape from the city’s ills, including low-income peoples, racial demonstrations, and school integration. The suburbs offered an alternative to the societal upheaval happening in the city’s core. School integration and court-mandated busing did not affect the suburbs. Generally, Civil Rights demonstrators did not

⁶⁰ Freund 375.

⁶¹ Lassiter 2.

⁶² Weise 1.

demonstrate in the suburbs; they demonstrated in the heavily urbanized areas, held mass meetings at central city churches, boycotted city buses, and held sit-ins at downtown lunch counters. Church-going whites who had benefited from the FHA, a long history of good education, and ability to get good jobs could afford to live in the suburbs. The all-white suburb was replaced in the American Dream for whites by the all middle-class suburb. They wanted to be surrounded by others in their same socioeconomic level, including education, occupation, and class. Race was less important in their rhetoric; as long as whites still made up a very large majority in their middle-class subdivisions. For blacks, the American Dream consisted of an integrated society that offered them the same opportunities as whites. They too wanted their children to have a safe place to play, a quality education, and a nice home in a safe neighborhood.

After enduring so much massive resistance, blacks were very skeptical of whites and whites were skeptical of blacks. In many cases, blacks did not want to live in a white neighborhood because of the ill will they would have experienced. Whites feared that their property values would decline if even one black moved into the neighborhood and, in truth, property values would decline when there were high rates of turnover during racial transitions of neighborhoods. City officials in Montgomery poured funding into the development of all black neighborhoods that facilitated a move into a suburban environment but, by default, kept black children going to black schools under the neighborhood plans.⁶³ This benefited blacks by creating single family homes away from city slums and it satisfied whites by providing blacks with desirable places to live other than lily-white suburbs near lily-white schools. However, as public schools in the city became more integrated, many whites began enrolling their children in

⁶³ Ibid. 173.

private schools that were not forced to accept black students. Private schools offered a way for whites to maintain their acquisition of the American Dream while blacks fought to attend equal public schools to acquire their piece of the American Dream.

At the end of this period tremendous changes had happened with in Montgomery's urbanized area. The city's buses were desegregated. Blacks had equal access to city parks when reopened. Blacks had equal voting rights and access to motels. Transportation terminals were integrated. The police force had seen some short-lived integration. And, Arlam Carr, Jr., Johnnie Carr's son, graduated in 1967 from Sidney Lanier High School as the school's first black graduate.⁶⁴ However, integration in the city in the 1960s shaped metropolitan growth in the 1970s and 1980s. Christian academies proliferated as places where whites in Montgomery could send their children to all-white schools. On the housing front, neighborhoods continued to be segregated by race and class and the expanding suburbs outside of the city were attracting whites who were relocating after African Americans began moving into the older white areas of the city. The imprint of segregation remained in Montgomery in the early 1970s, requiring additional demonstrations and federal court suits to continue the process of the integration of the races, and to bring the struggle to Montgomery's expanding suburbs.

⁶⁴ *Sidney Lanier High School*, <http://en.wikipedia.org/wiki/Sidney_Lanier_High_School> (accessed 25 October 2007).

CHAPTER 2: 1967-1980

From 1965 to 1980 Civil Rights activists in Montgomery exercised their new rights as a way of changing past practices. White Montgomery began to take initial steps toward integration. Their rhetoric changed from that of overt support of segregation to toleration of integration on some levels. Slowly beginning with the *Carr* case, followed by the approval of the Fair Housing Act in 1968, and proceeding into the 1980s, Montgomery began to become less segregated, in spite of white flight, and made significant progress integrating some schools and neighborhoods in the metropolitan area.

Numerous federal policies and court rulings in the 1960s prohibited discrimination on the basis of race. The Civil Rights Act of 1964 forbade segregation in public facilities, leading to the integration of theaters, restaurants, and hotels in the South. The Voting Rights Act of 1965 opened the door for blacks to register to vote. In 1966, Montgomery's Board of Education filed its desegregation plan in accordance with the ruling in the *Carr* case. In 1967, Alarm Carr, Jr., Johnnie Carr's son, became the first black student to graduate from formerly all white Sidney Lanier High School. On April 4, 1968, Martin Luther King, Jr. was killed. On April 11, 1968, President Lyndon B. Johnson signed the Fair Housing Act into law. Blacks began to exercise the new rights they had won and the city changed.

Earl James was mayor of Montgomery from 1959 to 1971. In February 1965, the city commission unanimously approved the reopening of Montgomery's city parks and the Oak Park Zoo for use by all, regardless of race. The commission had received pressure from many middle and low-income whites who could not afford private clubs, which remained segregated. Jim Robinson who was mayor from 1971 until 1977 succeeded him. The zoo was reopened during Robinson's tenure in 1972, in a new location in northern Montgomery and renamed the

Montgomery Children's Zoo. After being closed to avoid desegregation, the zoo's original animals had been sold or transferred to other zoos and the swimming pool had been filled in and grassed over.⁶⁵

Emory Folmar took the mayorship after Robinson's pressured resignation in 1977. Robinson was forced to resign over a police cover up involving white police brutality on innocent black victims. Folmar was not sympathetic to integration efforts and won support of whites who still bristled over integration. His leadership often exacerbated the volatile environment in the city as blacks and whites vied for power.

The historic makeup of Montgomery's urbanized area was dramatically transformed in the 1960s and 70s. With new highway construction, large housing tracks were opened in the expanding suburbs, one consequence of which was white flight. Counties that would make up Montgomery's Metropolitan Statistical Area saw population growth of 30% per decade. Autauga County showed a population increase of over 70% from 1960 to 1980. In the ten years between 1970 and 1980, Montgomery saw the greatest migration from city to suburb in its history. This migration can be directly linked to the flight of whites from increasingly integrated schools and public facilities in the city.

Fair Housing

The Federal Housing Administration (FHA) facilitated the mass exodus from city to suburbs through their services designed to make home ownership in greater numbers possible. The FHA revolutionized the home ownership industry. Their services allowed more people than ever before the opportunity to buy homes. New homes were being built where land was available. Land was not available in overcrowded cities. It was available in less developed areas

⁶⁵ *Montgomery Zoo*, <<http://www.encyclopediaofalabama.org/face/Article.jsp?id=h-1853>> (accessed 09 May 2009).

outside of the central city in what grew to be the suburbs. The services the FHS provided, allowed more people, overwhelmingly white to move from the city's central core to peripheral areas where new home construction was abundant. Through this process, the FHA facilitated the creation of the suburbs. Prior to the FHA's creation, home owners had to save at least thirty percent of a home's purchase price to use towards a down payment on a home. Mortgage repayment periods averaged five to seven years. These onerous requirements left most individuals without the possibility of home ownership. The FHA pressed lenders to accept much lower down payments and to extend mortgage repayment periods. They agreed to insure mortgage loans so that lenders would be willing to offer these riskier deals. These new guidelines encouraged homeownership and made homeownership available in mass numbers. This opened the door for many to own a home. In the process, however, the program facilitated segregation in housing.

The FHA heavily discriminated against blacks almost entirely for its first several decades in existence. By 1940, pressure from Civil Rights activists limited some of the overt discrimination that had occurred previously; however, blacks received only 2% of loans provided by the FHA between 1945 and 1960.⁶⁶ In 1953, the FHA appointed five black men to identify and secure property for minority development to provide suburban housing in segregated neighborhoods. Before 1960, the FHA did not attempt housing integration.⁶⁷ Not until the 1960s did the FHA promote fair housing in the private sector finally giving some help to black home buyers. A major flaw in the FHA's insurance approval process was in the underwriting guidelines. These guidelines were based on a neighborhood's risk to decrease in value, one factor of which was racial composition. Black neighborhoods or those integrated were

⁶⁶ Lamb 13.

⁶⁷ Ibid. 199.

considered bad investments and therefore were rated as uninsurable. The FHA believed that the property value of these homes would only diminish and they would lose their investment. Additionally, blacks were considered more unlikely to be able to afford to repay these loans to begin with and therefore an immediate bad investment. This alone kept most qualified blacks from moving to the suburbs. With the implementation of the Fair Housing Act in 1968, Congress made housing discrimination illegal. This Act provided more legal support for blacks to move into neighborhoods once off limits and began to break down past practices used to discriminate against blacks in the housing industry.

In *Housing Segregation in Suburban American Since 1960*, Charles Lamb discusses federal policies that affected suburban America from 1960 to the Clinton Administration. Lamb argues that the FHA did little to diminish neighborhood segregation and to help the plight of the African-American city dweller. He argues that President Richard Nixon's suburban policy accentuated neighborhood segregation. Nixon believed that the federal government had no control in integrating the suburbs and that the government could not force suburbs to build low-income housing. Nixon used the argument of economic segregation instead of racial segregation. This new shift in rhetoric had become the norm and was considered more acceptable than racist attitudes. For example, if someone said they did not want to live with poor people that statement was more acceptable than if they said they did not want to live with blacks, when in reality, since blacks disproportionately made up a lower socioeconomic class, generally they still meant the same thing.⁶⁸

The early FHA received harsh criticism for not trying to prevent neighborhood segregation. David Freund takes issue with the FHA in his work *Colored Property: State Policy*

⁶⁸ Ibid. 9.

& *White Racial Politics in Suburban America* when he notes: “most critics describe federal mortgage insurance as a well-intended stimulus program sidetracked, in the final analysis, by the racial preferences of white homeowners, realtors, policymakers, and bureaucrats. Yet when viewed in the context of the era’s housing politics, FHA appraisal guidelines emerge as more than a racist atavism that undermined an otherwise fair-minded economic intervention.”⁶⁹ This flaw based on a neighborhood’s racial composition instituted, facilitated, and promoted white-flight. The services provided by the FHA gave whites the opportunity to move out of the city center to the suburbs while blacks, who generally were seen as a bad financial risk, were almost always denied this opportunity. As a result, whites could leave and blacks had to stay. Homeownership for whites “became a potent symbol of their battle to protect a new middle-class lifestyle, the nuclear family, and white privilege itself.”⁷⁰ Whites felt that protecting this idea was something of an unalienable right of sorts that if the status quo were not maintained, the idea of the “American Dream” would somehow disappear for them.

Not until President Jimmy Carter appointed Patricia Roberts Harris as HUD Secretary were any real attempts at integrating the suburbs made. At first, Carter mimicked the Nixon philosophy. Although, once elected he supported Harris’s ideology. Harris argued for a system that traded federal funding to suburbs in exchange for low income housing developments in the area. Suburbs often applied for federal funding to aid road development, the creation or beautification of parks, and the construction and maintenance of sewers, for example. Harris implemented her “package deal plan” policy in April of 1977. Many cities changed their funding requests to include blueprints for low-income housing developments in order to receive federal funding. HUD funded these requests at first. After pressure from interest groups and the

⁶⁹ Freund 155.

⁷⁰ Ibid. 340.

suburbs themselves, the federal government began to reexamine their right to require suburbs to provide low-income housing in exchange for needed federal funding. By the end of 1977, Harris had to abandon her package deal plan in exchange for the old Nixon / Ford plan. The old plan did not tie suburban funding to the acceptance of low-income housing. Now the only way a suburb could obtain federal funding assistance to provide low-income housing developments was by applying for it and, of course, none did.⁷¹

Segregation in Montgomery

As legal segregation began to end, whites migrated out of the city to the suburbs to escape city ills. Civil Rights protests met with such massive resistance that going downtown during a contested protest was unsafe. Schools were being integrated and fears that crime rates would rise and education would falter as a result of integration provided encouragement to move to the suburbs. Suburban housing was affordable and available to whites. The interstate highway system made commuting to work easy and the abundance of automobiles facilitated the suburbanite's commute to the city for work. A move to the suburbs solved so many problems for the individual white person and their family and quelled fears any had with the changes in the current landscape. In 1950, 44% (14,379) whites and 56% (18,061) blacks lives in Montgomery's surrounding and heavily rural counties. Between 1960 and 1980, these numbers grew much further apart. With opportunities provided by the FHA and tensions growing in the cities, whites moved to the nearby countryside in great numbers. By 1960, 16% more whites than blacks lived in the suburbs. The number of white suburbanites continued to increase and the population disparity between whites and blacks in these areas also increased. In 1970, whites made up 62% of the suburban population. By 1980, whites made up an overwhelming 73% of

⁷¹ Lamb 172-179.

the suburban population compared to only 26% black. This data shows that a large number of whites left the central city for the suburbs.

Counties that would become Montgomery Metropolitan Area by 2000 showed great increases in their white population between the 1960's Census data and the 1970's data. Autauga County's population increase 72% from 18,739 to 32,259 between 1960 and 1980. White people made up over 70% of Autauga's population. Autauga County had three urban centers, Prattville, Milbrook, and Coosa. These centers provided jobs for its growing population. Elmore County also experienced a white flight boom. Wetumpka provided Elmore's urban center and jobs. Its population increased 42% from 30,524 to 43,390 from 1960 to 1980. Like Autauga, over 70% of these inhabitants were white persons. Montgomery County's population increased 17% over this twenty year period; however, the percentages of its black / white population stayed almost exactly the same in 1980 as it was in 1960. Montgomery primarily grew towards the north and northeast of the city in Autauga and Elmore. Lowndes County, located in the southwestern quadrant of the MSA, had an overwhelmingly black population whose population actually declined 14% during this period. This data shows that white flight households moved from Montgomery County to Autauga and Elmore Counties.

Table 2: Population Increase in the City of Montgomery and Montgomery's Metropolitan Area Counties from 1960-1990

Population Increase in MSA Counties from 1960—1990							
Subject	1960	Pop Increase from 60-70	1970	Pop Increase from 70-80	1980	Pop Increase from 60-80	1990
Montgomery City	133,546 ⁷²		133,386 ⁷³		177,857 ⁷⁴	33%	187,106 ⁷⁵
White People	(64.7%) 86,404	-4.8%	(66.4%) 88,012	21%	(60%) 106,041	23%	104,966 (56%)
Black People	(35%) 46,874	1.9%	(33.4%) 44,611	55%	(39%) 68,982	47%	78,855 (44%)
Montgomery County	169,210 ⁷⁶	-0.8%	167,790 ⁷⁷	17%	197,038 ⁷⁸	16%	209,083 ⁷⁹
White People	(62%) 104,528	2.2%	(64%) 106,803	11%	(60%) 118,042	13%	(57%) 119,420
Black People	(38%) 64,682	-5.7%	(36%) 60,987	28%	(39%) 77,775	20%	(42%) 87,312
Autauga County	18,739	30%	24,460	32%	32,259	72%	34,222
White People	(60%) 10,860	61%	(72%) 17,489				(79%) 27,144
Black People	(40%) 7,879	-12%	(28%) 6,971	3.6%	(22%) 7,224	-8%	(20%) 6,845
Elmore County	30,524	10%	33,661	29%	43,390	42%	49,210
White People	(66%) 20,214	20%	(72%) 24,157				(77%) 37,850
Black People	(34%) 10,310	-7.8%	(28%) 9,504	1.6%	(22%) 9,655	-6.4%	(22%) 11,039
Lowndes County	15,417	-16%	12,897	2.8%	13,253	-14%	12,658
White People	(19%) 2,992	-2%	(23%) 2,934				(25%) 3,185
Black People	(80%) 12,425	-20%	(77%) 9,963	-2.6%	(75%) 9,937	-20%	(75%) 9,456

167,790-169,210= -1420 1420 / 169210= 0.008 or 0.8%

1970 data-1960 data = x x / 1960 data = percent increase

⁷² US Bureau of Census, 1960 US Census of Population, *Table 1. Population Inside and Outside Central Cities by Race: 1970 and 1960*, 1960.

⁷³ US Bureau of Census, 1970 Census of Population & Housing, *General Demographic Trends of Metropolitan Areas 1960-1970*, July 1971.

⁷⁴ US Bureau of Census, 1980 US Census of Population, *Table 2. Land Area and Population: 1930 to 1980, Characteristics of the Population, Number of Inhabitants, Alabama, 1980*, 1980.

⁷⁵ State of the Cities Data Systems (SOCDS), *Population by Race/Ethnicity 1980—2000*, HudUser, <http://socds.huduser.org/socds_home.html> (accessed 25 April 2007). This source used for all 1980 demographic data in this chart for Montgomery City.

⁷⁶ US Bureau of Census, 1960 US Census of General Social and Economic Characteristics, *Table 82. Social Characteristics of the Population for Counties: 1960*, 1960. This source was used to obtain data for white and blacks specifically in all of the counties in this chart for 1960.

⁷⁷ Geospatial & Statistical Data Center, *County & City Data Book Historic Editions 1960--2000*, <<http://fisher.lib.virginia.edu/collections/stats/ccdb/php/historic5.php>> (05 May 2007). This source was used to obtain data for the total population and blacks specifically in all of the counties in this chart for 1970 and 1980.

⁷⁸ Ibid.

⁷⁹ US Department of Housing & Urban Development, *Analysis of the Montgomery, Alabama Housing Market as of January 01, 2003*, <http://www.huduser.org/Publications/PDF/CMAR_Montgomery.pdf>. This source was used to obtain data for the total population of blacks and whites specifically in all of the counties in this chart for 1990.

Once the federal government enforced desegregation laws, citizens who did not desire to integrate and who wanted to maintain their class segregation found ways to escape. Instead of continuing to reside in the city, they fled to the suburbs where mandatory school busing would not affect them; they enrolled their children in private schools; they purchased cars in greater numbers to avoid integrated public transportation; they joined private country clubs with dues so high that low-income people could not afford entry; they joined “private” golf courses that regulated membership – even when tax payer dollars maintained the courses. At first, desegregation efforts did little to integrate public facilities for those who chose and had the means to ignore it.

Many Montgomery’s elected leaders won their seats by touting a segregationist ideology. In actuality though, once elected, many often made important changes that gave blacks more agency within the city government and more access to public arenas. Earl D. James was Montgomery’s mayor from 1959-1971. For his first years, he promoted his segregationist agenda; yet, with federal pressure, pressure from “white business progressives,” and negotiations with black activists, he became much more tolerant of integration and abandoned much of his earlier agenda. He was responsible for reopening the parks and seeing that the public accommodations, such as restaurants and theaters, were integrated as the Civil Rights Act of 1964 mandated. He also re-integrated the police force. His new tolerance towards integration riled opposition from the white supremacists that had put him into power. The power of the electorate began to shift too. With more people moving to the outer part of the city, class structures changed. Instead of an upper-middle versus regular middle-class power schematic, each class had a hierarchy within itself. Middle-class people now had more agency in school PTAs, their churches, and communities because they were not competing with the upper-class

but instead within their own class. This allowed for a new group of people to challenge the city's old power structures and, in this case, elect a new mayor from their eastern side of town. In 1971, Jim Robinson successfully challenged James and won the mayorship. Robinson was able to pull votes from both the southern and eastern portions of Montgomery. He also pulled in black votes from those who still held James' initial segregationist agenda against him in spite of his recent efforts to change.⁸⁰

Robinson won reelection in 1975 with 70% of the vote. He fought relentlessly to change the commission form of government to a mayor-council form and even had to sue the Justice Department in federal court for approval of the plan. He wanted to limit the number of blacks on the council to appease segregationists but also insisted that blacks be on the council. After the proposal went to a city vote, Robinson won by only 52%. His challenge allowed black representation in Montgomery's city government for the first time since Reconstruction. In the first election under this new system in 1975, four whites and five blacks were chosen for the city council. This was a huge victory for Civil Rights activists. Robinson's opponents strengthened their attacks on him as a result of his victory here. They fought against him on almost every issue.

Robinson's opponents were even more relentless in attacking his reputation when there was a case of police corruption, known as the Whitehurst matter. When police shot and killed a black man, Bernard Whitehurst, in response to a burglary, the police claimed that Whitehurst exchanged gunfire with a police officer, and only then did the police officer shoot him in self defense. In actuality, Whitehurst did not have a gun and was just an innocent bystander who the police shot in the back. The police adjusted the crime scene to frame Whitehurst and protect the

⁸⁰ Thornton III 502-503.

department. The emergency system's tape recordings of the incident had on them the voices of witnesses shouting "the police shot the wrong man." These tapes were erased. The police arrested the real burglar a few weeks later. The new black representation on the city council forced a thorough investigation into the matter. Robinson's opponents alleged that he knew the wrong man had been shot and that Robinson had told the police to plant a gun from a drug related shooting near Whitehurst's body to frame him.⁸¹ Robinson took a lie detector test to clear his name and then immediately resigned in 1977. City Council President, Emory Folmar, assumed his position, which he maintained through successful reelection campaigns until 1999.

Folmar campaigned for elections on the basis of racial segregation. His opponents criticized his anti-black platform but he still managed to win elections. Even as late as 1983, racial tension often still made up the campaign battle ground in Alabama elections even as the rhetoric of most had changed. Black leaders accused Folmar of discriminating practices in black communities. Whites still held a majority of the population in 1980 with 118,042 of the 197,038 total population being white and 77,775 being black.⁸²

In the 1983 election, Franklin James, a conservative Democrat, opposed Folmar for the seat in the mayoral race. A rash of bitter words transpired between the two candidates. Folmar accused James as being a "puppet of some black leaders," while James noted he had not requested the support of black-led groups.⁸³ Racial allegiances could win or lose the election for candidates. James had tried to build a coalition of blacks and blue-collar white workers to oust Folmar. This battled intensified after the Todd Road incident occurred right as the election was coming to an end. The Todd Road incident involved two plain clothed police officers in an

⁸¹ Ibid. 506-507.

⁸² US Census Bureau, 1980 US Census of General Characteristics of the Population, *Table 14. Summary of General Characteristics: 1980*, 1980.

⁸³ "Racial Issues take back seat in campaign," *The Daily Intelligencer*, 6 Oct 1983, 23.

unmarked car who one night came to the home of Annie Bell Taylor who had just died. Her funeral was that morning and relatives were still gathered at her home when one black male relative went outside to move one of the cars. The white police officers stopped at the house, drew their guns, and ordered the male relative to let them search him. They did not identify themselves as police officers. The man was frightened and ran back inside. The women in the house called the police. The officers burst through the door and accosted the man who had tried to move the cars. After a struggle, the man was able to get control over the officers. He and some other men in the house tied up the unidentified officers until more police arrived. Several of the men were charged with kidnapping, attempted murder, and assault. When taken into custody, the police severely beat them until they agreed to sign confessions. Their case came to trial the week of the James and Folmar election. By default, the bitter hostility between the races that this incident insight, squashed James' hope for a united coalition as people voted overwhelmingly along racial lines – the blacks for James but the whites for Folmar.

Under the new city-council commission Mayor Robinson developed in 1975, Joe Reed, an employee of the Alabama Education Association, became one of the first black elected to Montgomery's city council since reconstruction.⁸⁴ He and Emory Folmar won election to the council at the same time. His election took place over ten years after the Civil Rights Act and the Voting Rights Act of 1965. Reed was a long time participant in protests for civil rights. He was suspended from Alabama State University for participating in a sit-in at the courthouse snack counter while at ASU.⁸⁵ Reed later led the Alabama Democratic Conference (ADC) that prescreened candidates before endorsing them publicly. He noted that by 1982, the ADC had been a driving force "in the election of thirteen black state representatives, three black state

⁸⁴ "Montgomery Mayor Wins," *The Anniston Star*, 3 September 1975, 6D.

⁸⁵ Thornton 508.

senators, twenty black mayors, six black sheriffs, four black probate judges, a black justice of the state supreme court and the presidential appointment of two black federal judges.”⁸⁶ Reed won the support of blacks city-wide. His contingency of 45% blacks versus Folmar’s 55% whites and the suspicion each group had for each other kept both leaders at odds. Reed’s strident opposition to Folmar helped him to maintain his city council seat, while Folmar needed criticism from Reed to maintain his base of white support.⁸⁷

Even though Montgomery voted strictly along racial lines, when the real facts of both the Whitehurst and Todd Road incidents emerged, the situation was embarrassing, to the city government. Even the once popular, George Wallace who had taken such an overtly harsh stance against integration had become an embarrassment to Alabama.⁸⁸ These events, and others like them, began to undermine the standing of white supremacists. Instead of harshly cracking down on blacks who were “not staying in their place,” these situations showed that the old ways were unpopular and unwelcomed, and many involved in these incidents were disgraced and removed from their positions. As the police force became more integrated and blacks in elected positions, like Joe Reed, wielded more power, a greater system of checks and balances was in place to ward off many egregious acts of unwarranted racial police brutality. This period represents a shift from a white-dominated Montgomery to a black and white shared Montgomery. Officials had to redefine themselves and their positions within this new construct. Both sides pushed the other side to see what limits could be broken. The tensions caused great numbers of people to flee the city for the sanctity of the suburbs. Yet, in spite of that, every aspect of city life became more integrated.

⁸⁶ Vernon Jarrett, “Black caucus makes numbers count,” *Chronicle-Telegram*, 5 September 1982, E-3.

⁸⁷ Thornton 506-512.

⁸⁸ Lassiter 254.

This tumultuous political climate encouraged fears of integration. Whites feared that integration threatened their families and neighborhoods. They saw their cities in violent conflict, their police force ripped apart by scandal, and their government taking awkward stances on issues that made security unclear. People wanted an escape from this upheaval and the peace and calmness that their lives used to have. This appears most evident in the school system. White parents did not want their children to experience the turmoil happening around them and sought safe haven of in segregated schools in the suburbs.

School Integration

As of 1967, Alabama lagged behind all other states in integration with only 12.5 percent of all black students attending white-majority schools. But, it represents a period of rapid integration, since the 1965-1966 school year only had an integration average of seven percent in Southern states and the 1964-1965 school year only had an integration average of 2.2 percent. In May of 1967, a federal court ordered Governor Lurleen Wallace to integrate all of Alabama's schools within the year. The court wrote in their opinion that the Alabama school boards had "flouted every effort to make the 14th amendment a meaningful reality to Negro school children in Alabama." The court expressed concern that one-fourth of Alabama's black high schools did not have accreditation. This compared to only three percent of white schools that lacked accreditation. Courts accused Governor Wallace of using her "authority as a threat and as a means of punishment to prevent local school officials from fulfilling their constitutional obligations to desegregate schools and, second they have performed their functions in such a way as to maintain and preserve the racial characteristics of the system."⁸⁹ The governmental figures charged with implementing the first court orders to integrate the school systems provided little

⁸⁹ Drew Pearson, "Fight Could Puncture a White House Balloon, The Washington Merry-Go-Round," *The Chillicothe Constitution-Tribune*, vol. LVIII, no. 77, 1 April 1967.

help and delayed the orders as much as possible. They received pressure from their white electorate to maintain the status quo.

Although the school desegregation plan outlined in the *Carr v. Montgomery Board of Education* case set out directives to totally integrate all aspects of the school system, the actual implementation of this 1964 plan fell short. The case came back to Judge Frank Johnson, Jr. again in February 1968. Data provided in the 1968 case showed that the desegregation plan had not fully integrated both school systems as intended and the county continued to operate a dual school system that looked almost identical to the one present in 1964 when the court issued its order in the original *Carr* case. In 1964, the county school system had 15,000 (38%) black students and 25,000 (62%) white students. This number remained practically the same in the 1967-1968 school year. Only 550 black students had utilized their rights under the freedom of choice plan and enrolled in once all white schools. Not one white student had requested placement into an all black school. Most all of the desegregation had occurred in the high schools in the city of Montgomery. Elementary and middle schools had mostly been unaffected by the original *Carr* desegregation plan. The county system employed 550 black teachers and 815 white teachers. Only 32 teachers of the 1365 (approximately 2%) in the system taught in schools where their race was not the majority.

Not only had little progress been made in the student and faculty ratios, but also in the schools' athletic programs as well. There were two associations (one for black schools and one for white schools) that governed school athletics. The white association penalized schools who played against teams who were not of the same race. Therefore, schools who were all black continued to play black schools, and schools that were all white, continued to play white schools. No real integration had occurred here because of the association's rules.

In further violation of the desegregation plan's policies, there were some instances where new schools were constructed and established schools were expanded on the basis of race as opposed to need. For example, Jefferson Davis High School was constructed in a small size in a white neighborhood that would just cover the number of white students living in the neighborhood. This would make the school susceptible to overcrowding quickly and would eliminate the ability for black children to enroll under the freedom of choice plan in any substantial number. This was also the case for the Peter Crump Elementary School and the Southlawn Elementary School.

Carver High School was located in a black neighborhood and only enrolled black students. Expansion was done on this school so that more black children could attend this school when smaller schools, like Jefferson Davis, became overcrowded. Carver would almost never be overcrowded and would be able to accept black students. This is also true of the Hayneville Road Elementary School. This expansion of schools in black neighborhoods and construction of smaller new schools in white neighborhoods perpetuated the nonintegrated system and legally circumvented the rules set forth in the initial desegregation plan presented in 1966.

Judge Johnson's opinion shows disgust at this blatant violation of the desegregation plan's intent and he found the construction specifications of Jefferson Davis High School specifically ridiculous. He noted that the school adopted a name and school crest that represent an all white facility, that it hired white football coaches, a white principal, and other white administrators, and built the school to the exact size to accommodate only the neighborhood's white children. Johnson ordered three supplemental stipulations to the original *Carr* desegregation plan: 1. no further delay in real desegregation attempts in the public school system; 2. the schools must integrate faculty and staff and no longer use the excuse that faculty and staff are hesitant to work in schools where they

are not the majority; and, 3. if the freedom of choice plan did not make more progress than it had in the last few years, then another plan must be implemented. The Judge quoted from a former case when he said “affirmative action means more than telling those who have long been deprived of freedom of education opportunity, “you now have a choice.”⁹⁰

Judge Johnson clarified his ordered stating that faculty and staff ratios at each school, regardless of the race of the majority of students, would have the same ratio of white faculty to black faculty as the entire school system (15,000 black to 25,000 white students or a 1.0 black to 1.67 whites ratio). If this ratio could not be obtained by faculty voluntarily changing schools, then the school board would be obligated to transfer faculty against their will. This ratio was also to apply to substitute teachers. The number of days that substitute teachers taught at each school should be equivalent to the ratio.

Johnson further ordered that the State Superintendent of Education must approve any new construction or expansion of existing schools before the construction or expansion commenced. This would prevent instances like Jefferson Davis where this subversive tactic had been used to circumvent the law. He also ordered the immediate abolishment of the overlapping and duplicative bus routes and stated that the school board could not assign bus routes based on race. By June 1, 1968, the school board had to file its proposed busing maps and analysis report with the Court to receive approval of the plan.

The Judge required the school board to take drastic measures to end all impressions that Jefferson Davis High School was built strictly for the use of white students. In doing this, the

⁹⁰ Arlam Carr et al., Plaintiffs, v. Montgomery County Board Of Education; James W. Rutland, Jr., Fred Bear, George A. Dozier, Dr. J. Edward Walker, Isabelle B. Thomason and Dr. Robert Parker, Members of the Montgomery County Board of Education; and Walter McKee, Superintendent of Education of Montgomery County, Alabama, Defendants, United States of America, Amicus Curiae, Civ. A. No. 2072-N, United States District Court For The Middle District Of Alabama, Northern Division, 289 *F. Supp.* 647; 1968 *U.S. Dist. LEXIS* 11528, February 24, 1968.

school board had to send letters to eligible students notifying them of the activities, sports, and programs the school offered, host visits to the school by the coach or principal that showed youth and parents around and answer questions they asked regarding the school, activities, and sports programs, provide transportation to and from Jefferson Davis High School, and each black student who elected to attend Jefferson Davis High School had to be permitted entrance.

To monitor the school board's actions, the Judge demanded the school board file reports every three months documenting their progress in desegregating the schools. The reports had to include updates on the faculty, substitute teacher, student teacher, and night schools' ratios and a detailed description of each bus, the number and race of the students on the bus, the school the bus transported kids to, and the miles it traveled each way. All of these items went into affect immediately except for the ordering of public transportation to Jefferson Davis High School, allowing all blacks who elected Jefferson Davis High School to attend the school, and allowing faculty the right to refuse transfer. These items would only be stayed for a minimal time until heard on an appeal in the Fifth Circuit, which was to be heard in an expedited fashion.⁹¹ Upon appeal to the Fifth Circuit and to the Supreme Court, both Courts affirmed Judge Johnson's complete order.⁹²

In 1974, this matter again came before the courts to conclude whether the desegregation plan in place had done enough to integrate the Montgomery County school system and end the dual-school system of the past. Plaintiff's argued that although white schools had been integrated, black schools were still almost entirely black. After great review of the data and the significant attempts by the school board to take integration seriously, the Judge ordered that:

⁹¹ Ibid.

⁹² Arlam Carr, Jr., et al., Plaintiffs, National Education Association, Inc., and Penelope Anne Jenkins, et al., Plaintiff-Interveners. *United States of America, Amicus Curiae, v. Montgomery County Board Of Education, et al., Defendants*, Civ. A. No. 2072-N, United States District Court For The Middle District Of Alabama, Northern Division, 377 F. Supp. 1123; 1974 U.S. Dist. LEXIS 8404, May 22, 1974.

the schools that will remain predominantly black in the Montgomery school system are the result of the concentrations of blacks in the western area of Montgomery. As the Supreme Court observed in *Swann v. Charlotte-Mecklenburg*, *supra*, the existence of a small number of predominantly black schools in such areas is not in and of itself a sign that a dual school system exists. The school authorities in the Montgomery school system have taken affirmative action to the extent required by the law and have achieved the greatest possible degree of actual desegregation, taking into account the “practicalities of the situation.”⁹³

Judge Johnson noted that from the evidence, a dual system had been replaced with a unitary school system as best as was possible at the time. Some schools, such as Montgomery County High School, could not be desegregated fully because of its isolation and distance from other schools or other races. The Judge referenced the United States’ brief saying that with regard to Montgomery’s high schools, the desegregation plan “appears to be fully acceptable.”⁹⁴

For elementary schools the court approved a neighborhood system. The Judge insisted that by adopting this system the county would not be operating a segregated school system. This option appeared to be the best option available as the public voiced their concern over young children being transported long distances to schools not nearby their homes and their parents. Judge Johnson referred to numerous other cases in his conclusion that this neighborhood system for the County’s elementary schools would not result in a dual school system as blacks and whites were allowed to attend elementary schools in the neighborhood where they lived regardless of their color and if this was not suitable to a child, the child could be transferred to another school through the freedom of choice program.⁹⁵

In 1975, the court again reviewed the effectiveness of the school board’s desegregation plan. The court showed that the neighborhood plan for the elementary schools did not

⁹³ Ibid.

⁹⁴ Ibid.

⁹⁵ Ibid.

satisfactorily integrate the elementary schools. By 1974, fifteen elementary schools continued to have an 87% black student body. The court approved the previous year's plan in part but sent the case back for further review to create a plan that offered a more integrated elementary school system.⁹⁶ In the appeal, the Fifth Circuit denied another hearing on the elementary schools' neighborhood system and held the plan to be in effect.⁹⁷

Until 1964, schools in Montgomery, Alabama were completely segregated: Sidney Lanier High School and Robert E. Lee were all white; Booker T. Washington, which opened in 1946, and George Washington Carver, which opened in 1949, were both black. Jefferson Davis was opened in 1968 and, although the creators intended for it to be an all white school, it actually was opened as an integrated school as laid out in the *Carr* orders. These court rulings ordered a transition in the schools' student body demographics from the 1960s dual system to the unitary system in place today. Montgomery's landscape changed completely as a result of these rulings.

By 1960, there were 1,206,476 people in the state of Alabama between the ages of five and 24 years old. Only 69% of the five to 24 aged population attended school. This percentage is up roughly seven percent from 1950 when only 694,920 (62%) of school-aged people of the 1,129,065 school aged population were enrolled in school.⁹⁸ Students enrolled in Alabama's schools in 1960 totaled 852,219; 564,046 (66%) were white, 288,173 (34%) were black. White urban students totaled 298,557. Black urban students totaled 154,553. White rural non-farm and

⁹⁶ *Arlam CARR, Jr., a minor by Arlam Carr and Johnnie Carr, etc., et al., Plaintiffs-Appellants, National Education Association, Inc., Intervener, Penelope Anne Jenkins et al., Interveners-Appellants, v. Montgomery County Board Of Education et al., etc., Defendants-Appellees, United States of America, Amicus Curiae*, No. 74-2633, United States Court Of Appeals For The Fifth Circuit, *511 F.2d 1374; 1975 U.S. App. LEXIS 15196*, April 11, 1975.

⁹⁷ *Arlam CARR, Jr., a minor by Arlam Carr and Johnnie Carr, etc., et al., Plaintiffs-Appellants, National Education Association, Inc., Intervener, Penelope Anne Jenkins et al., Interveners-Appellants, v. Montgomery County Board Of Education et al., etc., Defendants-Appellees, United States of America, Amicus Curiae*, No. 74-2633, United States Court Of Appeals For The Fifth Circuit, *511 F.2d 1374; 1975 U.S. App. LEXIS 13973*, June 27, 1975.

⁹⁸ US Census Bureau, 1960 US Census of General Social and Economic Characteristics, *Table 45. School Enrollment, By Age, For the State: 1930 to 1960*, 1960.

rural farm students totaled 264,489. Black rural non-farm and rural farm students totaled 133,620.⁹⁹ In 1960, 310,175 people 25 years old and over had completed all four years of high school; 276,526 of these students were white and only 33,649 were black. Until the late 1940s, blacks did not have a government-funded high school so many blacks of this age had no opportunity to attend or graduate from a high school in these early years. This would explain the low percentage of blacks 25 years old or older with a high school degree. Urban students with a high school diploma numbered 212,576; 186,427 of these students were white and only 45,071 were black. In rural areas 97,599 people over 25 years old had high school degrees; 90,099 were white and 7,500 were black.

Table 3: Black and White Population Over 25 Years Old for the State of Alabama in 1960¹⁰⁰

1960	Total	White	Non-White
Total 25 years old	1,669,871	1,232,258	437,613
Urban Total 25+	941,615	678,886	262,729
Rural Total 25+	728,256	553,372	174,884

Table 4: Black and White Population Over 25 Years Old with a High School Degree for the State of Alabama in 1960¹⁰¹

1960	Total	White	Non-White
Total 25 years old w/high school degree	310,175	276,526 (22% of total white pop over 25 years old)	33,649 (15% total nonwhite pop over 25 years old)
Urban Total 25+	212,576	186,427 (28% of total urban white pop 25+ years old)	26,149 (10% of total urban nonwhite pop 25+ years old)
Rural Total 25+	97,599	90,099 (16% of total rural white pop 25+ years old)	7,500 (4.3% of total rural nonwhite pop 25+ years old)

⁹⁹ US Census Bureau, 1960 US Census of General Social and Economic Characteristics, *Table 46. School Enrollment, By Level and Type of School, By Color, for the State, Urban and Rural: 1960, 1960.*

¹⁰⁰ US Census Bureau, 1960 US Census of General Social and Economic Characteristics, *Table 71. Social and Economic Characteristics of the Population, by Metropolitan NonMetropolitan Residence, for the State: 1960, 1960.*

¹⁰¹ US Census Bureau, 1960 US Census of General Social and Economic Characteristics, *Table 47. Years of School Completed by Persons 25 Years old and Over, by Color and Sex, for the State, Urban and Rural, 1960 and 1950, and for the State, 1940, 1960.*

In 1960, there were 70,006 people in the urbanized area of Montgomery 25 years old or older; 22,672 were nonwhite. Of these 70,006 people, only 18,574 completed high school. Of the 47,334 white members of the population over 25 years old, only 23% had finished high school. This is actually a high number when compared to nonwhites at only 3.4% (2,396) of nonwhites over the age of 25 had a high school degree. Of course, when the 3.4% of nonwhites would have completed high school, publicly funded high schools for blacks were rare and often non-existent. Years of operating a dual school system left blacks severely disadvantaged. The great educational inferiority caused from a lack of available schools explains further why class limitations were so hard to overcome.

Table 5: Black and White Population Over 25 Years Old with a High School Degree for the City of Montgomery in 1960

1960 Montgomery City	Total	White	Non-White
Total 25+ years old ¹⁰²	70,006	47,334	22,672
Total 25 years old w/high school degree	18,574 ¹⁰³ (27% of pop over 25 had HS degree)	16,178 (34% of white pop over 25 had HS degree) (23% of all pop over 25 had HS degree)	2,396 ¹⁰⁴ (11% of nonwhite pop over 25 had HS degree) (3.4% of pop over 25 had HS degree)

There were 59,542 people three years old and over enrolled in school in Montgomery County during 1960; 13,251 were enrolled in high school. Only 1,657 of these students were enrolled in private high schools while the remaining 11,594 students were enrolled in public high

¹⁰² US Bureau of Census, 1960 US Census of General Social and Economic Characteristics, *Table 32. Summary of Social Characteristics, for Standard Metropolitan Statistical Areas, Urbanized Areas, and Urban Places of 10,000 or More: 1960, 1960.*

¹⁰³ US Bureau of Census, 1960 US Census of General Social and Economic Characteristics, *Table 73. Education, Employment Status, and Selected Labor Force Characteristics of the Population, for Standard Metropolitan Statistical Areas, Urbanized Areas, and Urban Places of 10,000 or More: 1960, 1960.*

¹⁰⁴ US Bureau of Census, 1960 US Census of General Social and Economic Characteristics, *Table 77. Non-white Population—Social Characteristics and Employment Status, for Selected Standard Metropolitan Areas, Urbanized Areas, and Urban Places of 10,000 or More: 1960, 1960.*

schools in Montgomery County.¹⁰⁵ Private high schools in the city only educated 10% of the population. Private school data for the state shows that only 3.7% of all of Alabama's students enrolled in private schools. Because cities had greater numbers of the affluent than rural areas, private school attendance was generally higher in cities. This often happens because upper class people did not want their children attending the same schools as lower class people. In rural areas where there was less class integration, most everyone in the school would have been from the same socioeconomic class.

Table 6: Public and Private High School Students for the City of Montgomery in 1960¹⁰⁶

1960 Montgomery City	Total
Total High School Students	6,815
Public School	(90%) 6,101
Private School	(10%) 714

Table 7: Public and Private High School Students by Race for the State in 1960¹⁰⁷

1960 State	Total	White	Non-White
Total High School Students	195,765	136,833	58,932
Public School	(96%) 188,746	131,444	57,302
Private School	(3.7%) 7,019	(4%) 5,389	(2.5%) 1,630

As of 1960, Montgomery's city leaders had not forced action as a result of the federal rulings in *Brown*. Therefore, the white schools remained 100% white and the black schools remained 100% black during this period. At this time, parents of white school-aged children had limited need to send their children to private schools to avoid integration because no integration in the city's school had taken place. In fact, less than 4% of all white students in the state attended private schools. The public schools provided a good education for white children and

¹⁰⁵ US Bureau of Census, 1960 US Census of General Social and Economic Characteristics, *Table 174. Educational Characteristics for Counties*, 1960.

¹⁰⁶ 1960 Census of General Social and Economic Characteristics, *Table 73*.

¹⁰⁷ Alabama Department of Education, "Table 4-1. Public School Enrollment in Alabama, 1939-40—1994-95," *Annual Report*, 1995.

kept them away from nonwhite students. This changed dramatically over the next twenty years as the *Carr* matter forced Montgomery's schools to integrate.

Data from 1980 shows an entirely new Montgomery landscape. The state of Alabama had 833,000 students enrolled in the state's school system. White students in the system totaled 570,040 (68%) and nonwhite students totaled 262,960 (32%). Of these, 729,308 (88%) attended public school while 103,692 (12%) attended private school. Private school attendance for the state rose from just 3.7% in 1960 to 12% in 1980. White students made up a majority of the private school students at 85% while only 15% of private school students were nonwhite. Only 16% of white students attended private schools. Less than one percent, 0.06%, of the total number of nonwhite students attended private schools.

Table 8: Public and Private School Students by Race for the State in 1980¹⁰⁸

1980 State	Total	White	Non-White
Total Students	833,000	570,040 (68% of total students are white)	262,960 (32% of total students are nonwhite)
Public Schools	729,308	481,676 (86% of white students attend public)	247,632 (94% of nonwhite students attend public)
Private Schools	103,692 (12% of total students attend private schools)	88,364 (85% of private schools students are white) (16% of white students are enrolled in private schools)	15,328 (15% of private school students are nonwhite) (.06% of black students are enrolled in private schools)

Table 9: Change in Private School Attendance for the State from 1960 to 1980

Change in State Private School Attendance	White	Non-White
1960 ¹⁰⁹	4%	2.5%
1980 ¹¹⁰	16%	0.06%

¹⁰⁸ US Bureau of Census, 1980 US Census of General Social and Economic Characteristics, *Table 175. Educational Characteristics for Counties*, 1980.

¹⁰⁹ Alabama Department of Education, "Table 4-1. Public School Enrollment in Alabama, 1939-40—1994-95," *Annual Report*, 1995.

¹¹⁰ 1980 US Census of General Social and Economic Characteristics, *Table 175*.

Since significant migration to the suburbs occurred as a result of the benefits of the FHA, analysis of the four counties making up Montgomery's Metropolitan Statistical Area provides a more accurate picture of the landscape and a clearer comparison of data. Montgomery, Elmore, Lowndes, and Autauga Counties make up Montgomery's MSA by 2000 and are all discussed here. In 1980, 20,038 students were enrolled in MSA county high schools.¹¹¹ Only 11% of these students were enrolled in private high schools compared to the 89% that were enrolled in public high schools. Total data for the four counties shows that of the 11,082 white students enrolled in high school, 1,731 (or 16%) attended private schools.¹¹² Of the 8,713 black students enrolled in the four counties' high schools, only 361 (or 4%) attended private school. At this time only 11% of all students attended private schools.¹¹³ Demographics in the private schools were 83% white and 17% black.¹¹⁴ Most blacks were concerned with access to public schools instead of self-segregating into private schools. Black private schools were initially set up to provide blacks with education not provided by the public school system. Once blacks could attend public white schools, these public schools were a decent option for them. This explains the reduction in private school attendants by non-whites state-wide from 2.5% in 1960 to 0.06% in 1980.

Table 10: Public and Private High School Students for the MSA in 1980¹¹⁵

1980 Montgomery MSA	Total
Total Students	20,038
Public Schools	(89%) 17,796
Private Schools	(11%) 2,145

¹¹¹ In 1980 only Montgomery, Autauga, & Elmore counties made up the Montgomery Metropolitan Statistical Area. By 2000, Montgomery, Autauga, Elmore, and Lowndes counties made up the MSA. For accuracy in comparative data, all four counties will be reviewed in both periods.

¹¹² US Bureau of Census, 1980 US Census of General Social and Economic Characteristics, *Table 182. Age, Fertility, Relationship, and Educational Characteristics by Race and Spanish Origin, 1980*, 1980.

¹¹³ US Bureau of Census, 1980 US Census of the Population, *Table 2. Land Area and Population: 1930 to 1980, Characteristics of the Population, Number of Inhabitants, Alabama, 1980*, 1980.

¹¹⁴ 1980 US Census of General Social and Economic Characteristics, *Table 182*.

¹¹⁵ 1980 US Census of General Social and Economic Characteristics, *Table 175*.

Table 11: Public and Private High School Students for Autauga County in 1980¹¹⁶

Autauga County	Total White & Black	White	Black
Total Students enrolled in high school	2,583	1,823	760
Public Schools	2,443	1,687	756
Private Schools	180	136	44

Table 12: Public and Private High School Students for Elmore County in 1980

Elmore County	Total White & Black	White	Black
Total Students enrolled in high school	2,908	2,078	830
Public Schools	3687	1890	797
Private Schools	221	188	33

Table 13: Public and Private High School Students for Lowndes County in 1980

Lowndes County	Total White & Black	White	Black
Total Students enrolled in high school	1,079	Not Available (always low white population)	1,079
Public Schools	1,039	N/A	1,039
Private Schools	40	N/A	40

Table 14: Public and Private High School Students for Montgomery County in 1980

Montgomery County	Total White & Black	White	Black
Total Students enrolled in high school	13,225	7,181	6,044
Public Schools	(87%) 11,574	(80%) 5,774	(96%) 5,800
Private Schools	(13%) 1,651	(20%) 1,407	(4%) 244

Table 15: Public and Private High School Students for all Counties in the MSA in 1980

TOTAL For 4 Counties of the MSA	Total White & Black	White	Black
Total Students enrolled in high school	19,795	11,082	8,713
Public Schools	17,703 (89% of all students attend public schools)	9,351	8,352
Private Schools	2,092 (11% of all students attend private schools)	1,731 (16% of white students enrolled in private school) (83% of private school students are white)	361 (4% of black students enrolled in private school) (17% of private school students are black)

After schools felt the effects of *Brown*, *Carr*, busing, and other integration mandates, private school enrollment increased. Specifically, as neighborhood and school integration occurred, increasing numbers of private schools developed that continued to exclude children on

¹¹⁶ 1980 US Census of General Social and Economic Characteristics, *Table 182*.

the basis of race. Some private schools stated their segregationist intentions, while others just kept tuition so high as to prevent most African-Americans from being able to afford to attend anyway.¹¹⁷ Private schools had always offered a superior education often with college preparatory intention. During this time though, private schools had also become havens for parents who did not want their children to attend integrated schools. Private school enrollment continued to increase as integration progressed.

Since just changing the laws did not sufficiently integrate schools, officials had to take other measures to integrate the schools satisfactorily. Federal courts felt busing a percentage of students from white schools into black schools and vice versa would solve this problem. In 1971, the US Supreme Court upheld a lower court's ruling in *Swann vs. Charlotte-Mecklenburg* that concluded busing was a proper means of integrating schools. Busing began as a remedy to integrate segregated schools; however, the policy had "negative consequences" and met with massive resistance.¹¹⁸ Busing invoked intense hostility from white parents. They took drastic measures to protect their children from integration. White parents vehemently protested the busing of black children into their all white schools and even protested greater, the busing of white children into all black schools. A poll in U.S. Catholic magazine on the US Supreme Court's decision on public school busing showed that over 80 percent of those polled opposed

¹¹⁷ Alabama Christian Academy. <<http://www.alabamachristian.com/>> (accessed 28 September 2008).

Calvary Christian Academy. <<http://www.calvarymontgomery.org/>> (accessed 28 September 2008).

Eastwood Christian School. <<http://www.eastwoodschool.org/home/default955.asp>> (accessed 28 September 2008).

Evangel Christian Academy. <<http://www.ecalions.org/>> (accessed 28 September 2008).

"Freedom Life Christian Academy." *Private School Review*.

<http://www.privateschoolreview.com/school_ov/school_id/105> (accessed 28 September 2008).

Grace Christian Academy. <<http://gracechristianacademyonline.net/>> (accessed 28 September 2008).

Montgomery Academy. <<http://www.montgomeryacademy.org/>> (accessed 28 September 2008).

Saint Jude High School. <<http://www.stjudeei.org/>> (accessed 28 September 2008).

Trinity Presbyterian School. <<http://www.trinitywildcats.com/>> (accessed 28 September 2008).

¹¹⁸ "25 Years of Forced Busing," *Adversity Online*, 2008, <<http://www.adversity.net/special/busing.htm>> (accessed 19 January 2008).

busing.¹¹⁹ In many cities, groups against forced busing organized such as the Parents Against Busing (PAB) group who collected signatures on petitions and presented arguments before school boards to express their disagreement with this measure. Parents argued that busing students into schools diminished the “neighborhood school” concept where students usually walked to school with their classmates.

Historically, white parents went to great lengths to ensure that no black children interacted with their white children. In one example from 1966, parents at Sidney Lanier High School and Robert E. Lee High School requested the cancellation of Baccalaureates because too many “Negros” attended the school. Some suggested the Baccalaureates were cancelled because of complaints from religious groups but those groups could not be identified.¹²⁰ Parents argued that their children’s education would be diminished if forced to integrate.¹²¹ School boards had tough decisions to make. As they complied with federal integration regulations, whites left the city. They moved to the suburbs where busing did not affect them as much, generally not at all. Busing was still city or county based. If whites moved outside of the city, they were in a different district and out of reach of busing mandates.

In 1977, the paper reported that a school board grappled with school integration plans that included mandated busing. The board recognized the necessity of busing; however, it also recognized the reality that if it enforced busing policies additional white flight from the city would occur.¹²² The fears of busing were common knowledge. One mother commented “it got a lot of white people angry. If you didn’t want to get bused out, you left the area.”¹²³ Another

¹¹⁹ Lester Kinsolving, “Catholic Poll Shows Most Parents Against Busing,” *Waterloo Daily Courier*, 22 June 1973, 11.

¹²⁰ “Principal Asserts ‘Religion Factor’ In Services’ End,” *The Anniston Star*, 30 April 1966, 7.

¹²¹ “Busing opponents seek council stand,” *Chronicle-Telegram*, 18 May 1976, 13.

¹²² Dorothy Petroskey, “School officials mum on busing plans for 1978,” *Southend Reporter* 85, no. 13, 6 October 1977.

¹²³ Steve Farkas and Jean Johnson, “Does School Integration Work?,” *USA Today*, January 2000, 50.

newspaper reported that “one of the most troublesome and most debated aspects of busing concerns the number of parents who withdrew their children from public schools rather than allow them to be bused.” The newspaper reports further that significant drops in white enrollment in all school districts were a direct result of white flight due to busing.¹²⁴

'Of course, this forced busing is only a temporary measure while we learn to love one another, or something . . .'

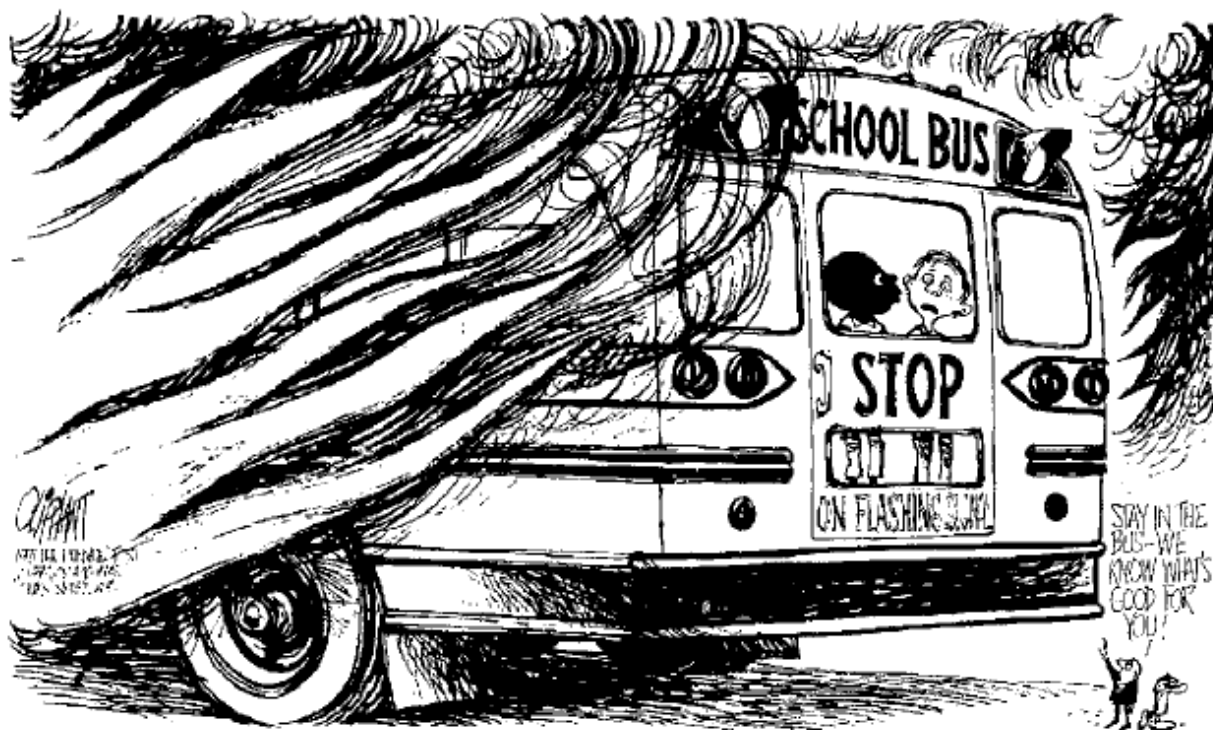


Figure 24: Kids "Of course, this forced busing is only a temporary measure while we learn to love one another, or something . . ." / Government "Stay in the Bus-we know what's good for you."¹²⁵

Instead of integrating the schools as intended, fears of busing made whites flee. By 1974, Sidney Lanier High School had almost no white students left. At one time, Lanier educated the children of the city's white elite.¹²⁶ Both black and white parents harbored integration fears.

¹²⁴ "Parents against busing," *The Advocate*, 22 December 1975, 30.

¹²⁵ Busing Cartoon, *The Anniston Star*, 8 September 1971.

¹²⁶ Jared Taylor, "Integration Has Failed," *American Renaissance*, <http://www.amren.com/mtnews/archive/s/2008/10/integration_has.php> (accessed February 2008).

Both races felt that intense focus on integration would take needed time and resources away from academics. Blacks feared their children would face volatile environments and hate. White parents feared ill behaved children would take over their schools and focus would shift away from strict academics to just keeping the classroom under control. Many parents, both black and white, were uncertain that integration would improve their children's education. In later years, parents recognized the social benefits of racial interaction but their fears far outweigh any benefits they saw. This mentality seemed natural to white parents who worked hard so that they and their children could experience the American Dream and they did not want that taken away from them. This feat made changes to the old system difficult for officials to implement.

Studies show that 82% of white parents choose the neighborhood to purchase their home based mostly on the quality and reputation of the school system. Therefore, to send their kids to a different school outside of their neighborhood to balance races seemed incomprehensible.¹²⁷ "The busing of black school-children to white schools was a slow and unsatisfactory strategy, successful in the flight of whites to private schools."¹²⁸ In Louisiana, parents took very drastic measures to protect their white schools by vowing to open five private schools at the request of parents who did not want their children to attend integrated schools. The State of Louisiana offered parents a \$2 a day rebate to help defray private school costs.¹²⁹ Tactics like this existed all over the nation. A quality education ranked very high on white parent's list of needs. Many whites thought that if they could not insure a quality education for their children, they had no choice but to move to all white areas outside of the reach of busing. In a report to the Rockefeller Foundation, Ellis Cose explained that although *Brown v. Board* brought on the Civil

¹²⁷ Farkas and Johnson 50.

¹²⁸ "Dismantling the apparatus of racism in the USA," *The Daily Gleaner*, 13 June 1984.

¹²⁹ "School Integration Gains in Southland," *Stevens Point Daily Journal*, 12 September 1966.

Rights Act of 1964, freedom marches, sit-ins, and other protests for equal rights, the case also led to white flight, especially throughout the 1970s.¹³⁰

Busing had little effect on those whites who fled to the suburbs. Since almost no blacks lived in the suburbs, parents could send their children to public schools with no worry of black children being there in any substantial numbers. The federal government policy, initiated during Richard Nixon's presidency, was that the government did not have the authority to force the integration of the suburbs. Nixon argued that the government could prohibit the blatant discrimination by race in the suburbs by enforcing the non-discrimination sections of the Fair Housing Act, but that the government could not mandate that the suburbs provide low income housing, which was needed for blacks to be able to move their to attend suburban schools.¹³¹ Nixon equated integrating the suburbs with forced busing. He actually compiled a team to propose a constitutional amendment that would ban busing and re-establish that the federal government had no authority to force the suburbs to integrate.¹³²

School integration continues to be tied to neighborhood choice. "Housing and education have played central roles in the segregation of our society. Given the relationship between where we live and where our children go to school, the quality of local education is one of the most important factors behind a parent's choice of neighborhood. More often than not, the public schools considered best are in middle-class and upper-middle-class neighborhoods."¹³³ Once court mandated integration occurred, and local political figures began to enforce those orders, the Federal Housing Administration opened up the door for whites to escape the cities for the suburbs.

¹³⁰ Ellis Cose, *Beyond Brown v. Board: The Final Battle for Excellence in American Education*, (Rockefeller Foundation: New York), 2009.

¹³¹ Lamb 9.

¹³² Ibid. 118.

¹³³ Powell, Kearney, and Kay 19.

Integration began hitting all aspects of society. School and neighborhoods were the major areas of conflict, but other public spaces drew equal backlash and resistance. As early as the 1950s, federal courts instituted laws aimed at desegregating public golf courses. As a result, plans to circumvent these new rulings developed to delay integration or to elude it all together. These plans included tactics that allowed a private individual to lease the golf course from the city and then turn it into a private facility that did not fall under federal anti-discrimination laws at that time. In most cases, club owners only paid \$1 a year to lease the property from the city. Taxpayer money funded the construction and maintenance of the courses. Yet, since these courses were now considered “private,” course managers argued federal regulations did not apply to them.

Some facilities actually closed down to avoid allowing blacks to play there. This type of scheme occurred more frequently after the 1961 federal ruling declaring racial segregation in public facilities unconstitutional. Other facilities delayed integration as much as possible by saying they were moving ahead and implementing new processes without actually making any changes or allowing blacks to join. White golfers who could not afford the expensive dues of private golf facilities pressed local governments to reopen closed courses and to provide public courses with reasonable fees.¹³⁴

From 1964 to 1980, attempts at integrating the school system, neighborhoods, and other public spaces were often circumvented. White suburbanites used their automobiles to drive into the city to work. Therefore, they had no need to ride the “integrated” bus system. When whites moved out of the city’s school districts and into suburban school districts, there were no blacks in their suburban neighborhoods so the schools would have at best only token integration. For

¹³⁴ George B. Kirsch, “Municipal Golf and Civil Rights in the United States, 1910-1965,” *The Journal of African American History* 92, Iss. 3 (2007) 371.

whites who remained in the city, they could enroll their children in private schools to avoid integrated schools. Many experts argue that in essence “government policy fostered segregated housing patterns to a greater degree than many commentators have previously thought.”¹³⁵ Even after President Kennedy fostered section 203(b) of the FHA into affect that banned discrimination against blacks, whites had already benefited from a generation of income building that home ownership provided. With a greater investment available to them, whites were able to prosper in ways that blacks were not and, in doing so, they were able to continue to avoid integrated confines by self-segregating themselves in expanding suburbs.

Although many argue that federal policies and court orders set off such massive resistance that they were ultimately unsuccessful and did more to hurt integration efforts rather than help, it is also true that all of these policies did desegregate city schools, public accommodations and facilities, and lay the foundation for the eventual integration of the suburbs. Even as private schools, country clubs, golf courses, and the suburbs became havens for self-segregation, Montgomery actually became more integrated. This is evident in the diversity that happened in schools and in the decreasing number of lily-white neighborhoods.¹³⁶ Schools became more diverse during this period. With the Fair Housing Act, there was the promise that neighborhoods were opened up to all who could afford them. Public spaces such as the parks and zoo were reopened without policies that discriminated on the basis of race. Lunch counters, public transportation, and other once segregated spaces now saw both white and blacks. Even as private school enrollment increased, 89% of all of Montgomery’s Metropolitan Statistical Area

¹³⁵ Adam Gordon, “The Creation of Homeownership: How New Deal Changes in Banking Regulation Simultaneously Made Homeownership Accessible to Whites and out of Reach for Blacks,” *Yale Law Journal* 115 (2005).

¹³⁶ US Census Bureau, 1970 Census of Population and Housing: General Demographic Trends, *Table 1. Population Inside and Outside Central Cities by Race: 1970 and 1960*, 1960.

1950 US Census of Housing, *Table 2*.

1980 US Census of General Social and Economic Characteristics, *Table 182*.

students still attended public schools (80% of white students in Montgomery County).¹³⁷ Parents may have protested loudly at the initial process of school integration, but in actuality very few did little about it. Public school students now had to attend integrated schools. In spite of the mass exodus from integration fears and services provided by the FHA, Montgomery became more integrated in all aspects of its landscape. Federal policies helped to make this possible.

¹³⁷ 1980 US Census of General Social and Economic Characteristics, *Table 182*.

CHAPTER 3: 1980-2000

Thirty-five years after the Civil Rights Movement began, Montgomery's landscape became more integrated as a result of anti-discrimination laws. The triumphs of *Brown* and *Carr* had materialized to produce more diverse student bodies in schools. The FHA had made home ownership equally available to all within the same socioeconomic class. Suburban growth beyond the central city core since the 1960s had expanded the Metropolitan Statistical Area of Montgomery, which came to include Autauga and Elmore counties in addition to Montgomery County. Neighborhoods in the city and neighborhoods in the suburbs no longer possessed a strictly "lily-white" appearance. A Democratic Congress passed legislation, signed by President Ronald Reagan that added provisions to the Fair Housing Act to increase its strength. And, in Montgomery, the United States Department of Housing and Urban Development (HUD) established the Central Alabama Fair Housing Center (CAFHC). With the establishment of protective organizations like this and the continued push for integration by the government and activists, the city's landscape changed. Socioeconomics played the segregating role in this period more dominantly than race as had been the case in years passed. Generally, by this time, people had become more accepting of race; however, they still desired an economic segregation that allowed them to live and play with people most like them. This period in Montgomery's history produced a landscape that is more integrated in areas of public and private schools and neighborhoods than the city had seen in the previous fifty years.

National Political Landscape on Segregation

The new landscape in Montgomery was the product of national policies. President Ronald Reagan expanded the authority of the Federal Housing Administration allowing them more power and a broader reach to enforce anti-discrimination policies. When Reagan took

office in 1981, his agenda did not offer hope to those concerned with fair housing. In his past political career in California, Reagan's agenda appeared to be anti-Civil Rights as a whole. Before Reagan took office, President Jimmy Carter had worked to promote fair housing more than his previous two predecessors, Nixon and Ford. President Carter supported a proposal from Congressman Don Edwards, a Democrat from California that strengthened the Fair Housing Act's enforcement powers, although, Carter, too, failed to support a major overhaul of the Nixon agenda that refused to force suburbs to build low income housing. Initially, Reagan opposed any amendment that strengthened the Fair Housing Act, especially one as drastic as Congressman Edwards' proposal; however, his top advisors, including his Vice-President George H.W. Bush, warned him of appearing to be too anti-Civil Rights and discussed the public relations consequences of his agenda. His advisors further cautioned that if Edwards' bill was introduced in Congress, it had the potential to pass. They felt that if Reagan proposed a fair housing amendment prior to Edwards' final bill, that Reagan could get his bill through and squash Edwards', so they did. In September of 1988, Reagan signed his bill into law.

Reagan's bill added two major provisions to the Fair Housing Act. The first provision extended protections beyond race and sex to include relief for the handicapped and for people with children. The Amendment's second provision granted the Secretary of Housing and Urban Development greater authority to refer discriminatory cases to the Attorney General for prosecution.¹³⁸ These two changes added great strength to the Federal Housing Administration; however, these changes did not overturn the legacy of Nixon's agenda on fair housing as it did not order suburbs to build subsidized or low income housing. In fact, no member of congress pressed for language that would require the suburbs to provide this type of housing.¹³⁹

¹³⁸ Lamb 180-184.

¹³⁹ Lamb 185.

Reagan's eight-year term in office came to an end shortly after he signed the amended bill into law. The task of implementing Reagan's policy then fell to President H.W. Bush when he took office in January of 1989. Bush had historically supported fair housing throughout his career and even voted for the Fair Housing Act in 1968 as a congressman from Texas. Bush had to incorporate the new provisions Reagan signed into law, which called for "more aggressive enforcement" of the rules.¹⁴⁰ This new focus on fair housing doubled the amount of complaints the Fair Housing Administration received. In 1988, Reagan's last full year in office, the FHA received 4,422 complaints. The in the first year of the Bush administration, the FHA received 7,174 complaints.¹⁴¹ This enforcement by the Bush administration led to praise by Civil Rights leaders for the "renewed commitment" to fair housing.¹⁴² Although Bush received praise for his efforts, nothing was done to provide cheaper housing in the suburbs. Bush's HUD secretary, Jack Kemp, a Republican from New York, developed a program to include low-income housing in the cities. He argued that low-income housing was most needed in the cities since such a large percentage of the population in the cities were low-income people. He argued that constructing low-income housing in the suburbs would be a waste of money. In spite of this, blacks moved to the suburbs during this period in record numbers.¹⁴³ The Fair Housing Act, even with its limitations, provided the authority to challenge common practices of discrimination through testing and the legal system and facilitated black suburbanization. Because of this, Montgomery's metropolitan area expanded opening suburban housing to African Americans and producing city and suburban areas that were 25% to 65% black.¹⁴⁴

¹⁴⁰ Lamb 186-187.

¹⁴¹ Lamb 187.

¹⁴² Lamb 188.

¹⁴³ Weise 292.

¹⁴⁴ *TM-P007. Percent of Persons Who Are Black: 1990*. Map. Washington, D.C.: 1990 US Census of Population and Housing, 1990.

Patterns of Class Segregation: Socioeconomic Landscape in 1990

By 1990, the built-up areas of the city of Montgomery had spread well beyond Wards 1-7 & 23 in Montgomery County to include Autauga and Elmore counties. Lowndes County became a part of Montgomery's Metropolitan Statistical Area in 2000.¹⁴⁵ The data in the chart below shows that the majority of growth in Montgomery's MSA counties occurred between 1970 and 1980. This clearly shows white flight as discussed in the previous chapter. Between 1980 and 1990, the mass exodus from the city, or Montgomery County, rather, continues but is significantly less of a change than the preceding decade. Between 1980 and 1990, Autauga County's population increased 6% and Elmore County's population increased 13%. White people made up the majority of this increase in population. Whites in Autauga increased by 55% while blacks actually decreased by 1.8%. In Elmore, whites increased by 57% while blacks increased only 16%. Even in Lowndes County, that had seen a population decline from 1980-1990, had a loss of 5% of black people and an increase of 8.6% white people. Unlike the MSA's "new" counties, blacks made up the majority of Montgomery County's population increase. From 1980-1990, their population increased 12% compared at only 1.2% of an increase in white people. Even fewer whites moved into Montgomery County during this period than they had from 1970-1980 when the greatest exodus to the suburbs occurred.

Autauga, Elmore, Lowndes, and Montgomery County each had varying forms of initial development. Daniel Pratt's cotton gin factory in Autauga provided the first major industry in the state. His factory was the largest manufacturer of cotton gins in the world. In 1868, Prattville became the county seat and urban area of the county.¹⁴⁶ Elmore County began as an agricultural economy. In recent years, Elmore has become "one of Alabama's fastest growing

¹⁴⁵ All four counties are discussed here for comparative purposes.

¹⁴⁶ "Autauga County," Wikipedia, <http://en.wikipedia.org/wiki/Autauga_County,_Alabama> (accessed 20 May 2009).

counties in the new economy.”¹⁴⁷ The Elmore County Economic Development Authority (ECEDA) created over a thousand jobs in aerospace and automotive industries in as little as four years. Some of the largest car manufacturers built their automotive plants in Elmore, including KIA, Mercedes, Honda, and Hyundai.¹⁴⁸ Lowndes County’s county seat is in Haynesville. Although Lowndes County has always had an overwhelmingly majority black population, even as late as 1965, “86 white families owned 90 percent of the land in the county and controlled the government.” Additionally, “not one black resident was registered to vote.”¹⁴⁹ After the passage of the Civil Rights Act of 1964, Stokely Carmichael organized the Lowndes County Freedom Organization. He created this organization mainly to help blacks register to vote and to hopefully, at some time, get a black elected to the local government to help funnel government money to areas that needed it most as 80% of blacks in Lowndes lived below the poverty line. The history of the formation of these counties explains some of their differing growth in the current period. Lowndes reputation of being “Bloody Lowndes” can explain why few people moved into Lowndes as opposed to Autauga and Elmore Counties. Further, the abundance of new jobs available in Elmore County explains why it saw the biggest population growth. The data below shows this in greater detail.

¹⁴⁷ “Elmore County,” Wikipedia, <http://en.wikipedia.org/wiki/Elmore_County,_Alabama> (accessed 20 May 2009).

¹⁴⁸ Ibid.

¹⁴⁹ “Lowndes County,” Wikipedia, <http://en.wikipedia.org/wiki/Lowndes_County,_Alabama> (accessed 20 May 2009).

Table 16: Population Increase for Montgomery's Counties in the MSA from 1970 to 1990

Subject	1970 ¹⁵⁰	1980 ¹⁵¹	1990 ¹⁵²	Population Increase from 1970-1980	Population Increase from 1980-1990	Population Increase from 1970-1990
Montgomery County	167,790	197,038	209,083	17 %	6.1%	25%
White People	106,803	118,042	119,420	11%	1.2%	12%
Black People	60,987	77,775	87,312	28%	12%	43%
Autauga County	24,460	32,259	34,222	32%	6.1%	40%
White People	17,489		27,144			55%
Black People	6,971		6,845			-1.8%
Elmore County	33,661	43,390	49,210	29%	13%	46%
White People	24,157		37,850			57%
Black People	9,504		11,039			16%
Lowndes County	12,897	13,253	12,658	2.8%	-4.5%	-1.9%
White People	2,934		3,185			8.6%
Black People	9,963		9,456			-5.1%

The main urban area in Autauga County is the Prattville urban region. This region had the largest population of the county at 25,367 people and is the closest urban area in Autauga to Montgomery's central city. This region has the least percentage of blacks living in its area with an average of 14% according to the Autauga County Percent Black Chart from the US Census data.¹⁵³ Dwellers in Autauga's Prattville area had a median home value of \$63,400, which is the highest home value of the whole county. The expensive median home value for the area shows why more blacks were not able to migrate to this region. Home values to the west of Autauga County where most of the blacks lived, averaged between \$34,100 and \$37,000, practically half the cost of the homes in Prattville.¹⁵⁴

¹⁵⁰US Census Bureau, 1970 US Census of the Population, *Table 3. Components of Population Change by Race 1970-1960*, 1970.

¹⁵¹ State of the Cities Data Systems (SOCDS), *Population by Race/Ethnicity 1980—2000*, HudUser, from <http://socds.huduser.org/socds_home.html> (accessed 25 April 2007).

¹⁵² Ibid.

¹⁵³ *TM-P007. Percent of Persons Who Are Black: 1990*. Map. Washington, D.C.: 1990 US Census of Population and Housing, 1990.

¹⁵⁴ *TM-H006. Median Value of Specified Owner-Occupied Housing Units: 1990*. Map. Washington, D.C.: 1990 US Census of Population and Housing, 1990.

In all four quadrants of Autauga, the higher the home value was, the fewer percentage of black people were there living in the area. Since additionally, Autauga's population increased 40% from 1970-1990 with the overwhelming majority of this population increase being white people, this data shows that whites left Montgomery for this area during the time that anti-discrimination laws began making a larger impact on Montgomery's central city. The high cost of real estate prohibited lower income people from purchasing homes. Additionally, private transportation was needed to commute into Montgomery or to jobs in the expanding businesses and industries in the county. Public transportation was not provided outside of Montgomery's central city. Low income families had no choice but to remain in the housing they could afford with the public transportation available in the city to take them to and from work.

Of all four counties, Elmore County experienced the largest population growth between 1970 and 1990. Its main urban area is the Wetumpka region. Wetumpka's average home value was \$64,900. This average was higher than any other average in the entire metropolitan area except for the original very upper-class section of Montgomery's central city and a mid-sized portion of the area in southeast Montgomery. The Wetumpka region and the southwest portion of Elmore had the greatest population density in the county with between 13,735-13,853 people in the region. Blacks made up a larger percentage of the population in Wetumpka than other regions in the county with a population between 26% to 28%. Whites still made up the majority of this region, however.¹⁵⁵

Elmore's demographic makeup formed differently from Autauga's. Unlike Autauga, in most of the county's sections, the home value had no direct impact on the percentage of blacks

¹⁵⁵ *TM-H006. Median Value of Specified Owner-Occupied Housing Units: 1990.* Map. Washington, D.C.: 1990 US Census of Population and Housing, 1990.

TM-P007. Percent of Persons Who Are Black: 1990. Map. Washington, D.C.: 1990 US Census of Population and Housing, 1990.

living in that area. The highest percentage of blacks (26% to 28%) can be found in the highest home value district of \$64,900. The lowest home value district of \$43,800 only had a black population of 20%. In 1990, Elmore had a population of about 80% white people. Elmore County formed more along socioeconomic lines than other counties in the MSA.

Lowndes County has historically had a majority black population. This continued to be true in 1990 as the county's population was approximately 75% black. This county had the lowest median value of housing units of the four counties compiling Montgomery's MSA with a span of \$28,500 to \$45,800 and had the highest percentage of homes (7.8%) that lack some or all indoor plumbing. Home values corresponded to the racial demographics in the area. Areas that had the highest black population (93%) had the lowest home values (\$28,500). Identically, the areas with the least amount of black people (57%) had the highest home values (\$45,800). Areas in Lowndes County that had the highest home value and highest white population bordered Montgomery's west side and Autauga's south side. These areas were also the most developed and urban.¹⁵⁶

In Montgomery County, as with Autauga and Lowndes Counties, the lowest percentage of blacks lived in the areas with the highest home values. As officials enforced anti-discrimination laws, Montgomery's middle and upper classes moved further and further to the southeast in an area to the east of State Road 8, south of US Highway 80. This area had median home values at the highest of all four counties at \$125,200. This area had less than 24% black people living in its region. Montgomery's population still consisted of a majority white demographic of 58% white and 42% black. Black home dwellers averaged 37% in Montgomery County. That was twice the percentage as was present in Autauga at 18% and Elmore at 17%. The bulk of Montgomery's population lived in the central city and north quadrant of the county.

¹⁵⁶ Ibid.

Since suburbia, except for the uber-rich, expanded to the northeast and northwest into Autauga and Elmore counties, this densely populated area remains the core of the metropolitan region. Additionally, the central city being primarily in the northern quadrant of Montgomery County explains why Lowndes County was not added to the MSA until 2000. The urban growth of Montgomery was not expanding to the west and southwest where Lowndes was located.

Whites made up the bulk of the movement from city to suburbs in Montgomery's landscape. In Montgomery, the movement of blacks to the suburbs did not begin in significant numbers until 1990. Blacks were finally beginning to have the financial capacity to move to the suburbs themselves more than they had in the last fifty years. The expanded powers of the Fair Housing Act cracked down on real estate discrimination, which provided greater access to blacks to live in the neighborhoods they could afford. Government agencies punished violators of anti-discrimination laws. The Federal Housing Administration shed formerly routine discriminating redlining practices in support of fairer opportunities for all and set up additional avenues for complaints of discrimination to be dealt with in ways that actually punished and prevented discriminatory acts.

Table 17: Dwellers by County in 1990¹⁵⁷

1990 Dwellers by County						
County	Median Home Value	Total occupied dwelling units	Units Occupied by Blacks	Lacking some or All Plumbing Facilities	% Lacking some or all plumbing	% of Nonwhite Dwellers
Autauga	\$45,000	11,775	2,073	267	2.3%	18%
Elmore	\$60,300	16,427	2,727	262	1.6%	17%
Lowndes	\$34,200	4,056	2,771	296	7.3%	68%
Montgomery	\$60,100	76,536	28,086	679	0.9%	37%

¹⁵⁷ US Census Bureau, 1990 Census of Housing: Detailed Housing Characteristics Alabama, *Table 1. Summary of Detailed Housing Characteristics: 1990: State Urban and Rural and Size of Place Inside and Outside Metropolitan Area County Place and [In Selected States] County Subdivision [2,500 or More Presents]*, 1990.

Median Home Value data obtained from: US Census Bureau, 1990 Census of Housing: Detailed Housing Characteristics Alabama, *Table 98. Financial Characteristics of Rural Housing Units: 1990, 1990*.

Table 18: Dwellers in the City in 1990¹⁵⁸

1990 Dwellers in City						
County	Total occupied dwelling units	Units Occupied by Whites	Units Occupied by Blacks	Lacking some or All Plumbing Facilities	% Lacking some or all plumbing	% of Nonwhite Dwellers
Black			25,755	206	0.80%	37%
White		43,642		87	0.20%	63%
Total	69,397			293	0.42%	

Suburban Integration

From the 1980s to the 1990s, more blacks moved from the city to the suburbs nationwide than had in the last seven decades.¹⁵⁹ Andrew Weise calls this “the Next Great Migration.” Salaries for blacks living in the suburbs soared to an average of 55% more than blacks who remained in the city’s core. These blacks had benefited from the Civil Rights Movement and since enough time had passed that they had the ability to grasp the privileges they now had. Equal educational opportunities including greater college attendance allowed for blacks to obtain better jobs, buy cars, and move into nicer neighborhoods in suburbia, away from central city violence, unrest, poverty, and high taxes.

Construction on black suburban neighborhoods provided nice, new homes for middle-class blacks to experience their American Dream - to avoid violence, poor schools, and other city ills in order to provide a safe and healthy environment for their children to prosper. “Blacks with money . . . mov[ed] farther and farther out in the country.”¹⁶⁰ Many sought out these nice new black suburban neighborhoods instead of white neighborhoods. They wanted their children in good schools, in safe neighborhoods, but they also wanted them around good role models and

¹⁵⁸ US Census Bureau, 1990 Census of Housing: Detailed Housing Characteristics Alabama, *Table 1. Summary of Detailed Housing Characteristics: 1990: State Urban and Rural and Size of Place Inside and Outside Metropolitan Area County Place and [In Selected States] County Subdivision [2,500 or More Presents]*, 1990.

¹⁵⁹ Wiese 255.

¹⁶⁰ Ibid. 272.

mentors that were like themselves.¹⁶¹ These new suburbs provided all of these things. The new homes had attractive décor with emblems of black middle-class sophistication strategically placed around the home to attract black buyers such as high tech electronics, Jazz music playing throughout, and African masks and early American artwork hung on the walls. Gated entrances kept out undesirable classes from invading their homes, pools, basketball courts, and club houses provided safe spots to enjoy leisure time.¹⁶²

Now more than ever, rhetoric changed to strictly a class discussion. By this generation, many blacks and whites had grown up attending the same schools without real knowledge or personal real life experiences of a reason to be separated other than what their parents would have told them. Journalist Joel Garreau provided some of the first dialogue on race and class on the national suburban scene. Garreau argued that this Great Migration provided perhaps the biggest change for blacks ever. This not only showed that they too had obtained the American Dream, but that from this change, race had become less important than class. He explained that the black suburban middle class “is becoming statistically indistinguishable from whites of the same class, not only in income and education, but in consumer behavior, and attitudes towards government.”¹⁶³ These changes showed that the triumphs of the Civil Rights Movement were finally actually being felt in a significant amount to be noticeable. As this took place nationally, the scene in Montgomery reflected a landscape with some similarities but also reflected a landscape that had undergone major volatile experiences that had left many areas polarized and still segregated.

Montgomery’s population climbed to 187,106 by 1990. Whites continued to make up the majority of the population with 56% (104,966) within the city limits. In the MSA, white’s made

¹⁶¹ Ibid. 276.

¹⁶² Ibid. 282-283.

¹⁶³ Ibid. 257.

up 60% (184,317) of the total 305,175 people. Blacks made up 34% (105,105). The suburbs continued to have an overwhelmingly white population. Of the 105,411 suburban residents, 74% (78,184) were white and 25% (25,828) were black. In spite of the high percentage of whites living in the suburbs during the 1990s, lily-white suburbs began to disappear. White flight had slowed during this period. Autauga only saw a 6% increase in its population. Elmore's population increased 13%.¹⁶⁴ The two historically black areas in Montgomery's central urbanized area maintained almost identical demographics as they had 40 years earlier. Other historically very rich areas continued to have an overwhelmingly white population.

Much of this continued segregation can be blamed on racial distrust. Whites feared disruptive protests that wreaked havoc on the city's streets, lower property values found in neighborhoods of high racial turnover, and schools where their children would be in a minority. Blacks feared hostility from whites based on decades of abuse and persecution by city government and ordinary citizens. Incidents like the Whitehurst and Todd Road matters remained in the memories of blacks in Montgomery.¹⁶⁵ Although things were changing nationally, Montgomery had been the epicenter for many of the events that led to the national change. The massive resistance spawned by the determination of the bus boycott, Freedom Riders, March from Selma to Montgomery, Martin Luther King, Jr., Emory Folmar, George Wallace, and others had divided the city along violent racial divide for so long that although integration in many areas had made everyone more tolerable and helped to repair some of the damage, integration in neighborhoods in Montgomery had not occurred as much by this time as it had nationally. Fears and distrust resulting from being at the center of the change would take a

¹⁶⁴ US Census Bureau, 1980 US Census of Characteristics of the Population: Number of Inhabitants: Alabama, *Table 3. Population, Housing Units, Land Area, and Density: 2000; and Percent Change: 1970 to 2000*, 1982.

¹⁶⁵ Delaney 78-82.

Hoover.

long time to diminish in people's memory. Forms of discrimination, though not as blatant, still existed. Neighborhood integration was slow and had not yet met with the major changes the school system faced earlier.

Protecting Rights Under the Fair Housing Act

In 1995, the United States Department of Housing and Urban Development (HUD) established the Central Alabama Fair Housing Center (CAFHC) through a grant to promote the Fair Housing Act of 1968. HUD chose Montgomery as one of three new cities to receive this grant because of census data reports showing the continued existence of severely segregated areas in the city and Montgomery's history of segregation. CAFHC was charged to promote the Fair Housing Act by investigating complaints of discriminatory real estate activities in Central Alabama. The organization's reach includes the counties of Autauga, Barbour, Bullock, Butler, Chambers, Chilton, Coffee, Coosa, Covington, Crenshaw, Dale, Dallas, Elmore, Geneva, Greene, Hale, Henry, Houston, Lee, Lowndes, Macon, Marengo, Montgomery, Perry, Pike, Russell, Sumter, Tallapoosa, and Wilcox Counties.¹⁶⁶ Testing reports show that discrimination by real estate agents, realty companies, and individual landlords still existed.¹⁶⁷

A study conducted by the Department of Housing and Urban Development in 1991 discovered that "more than half of blacks buying or renting property experienced some form of discrimination."¹⁶⁸ Blacks were two times more likely to be refused mortgage loans as were whites of the same income level. In addition to overt discrimination in the mortgage industry,

¹⁶⁶ "Central Alabama Fair Housing Center," <<http://www.cafhc.org>> (accessed February 10, 2008 and May 31, 2008).

¹⁶⁷ "Central Alabama Fair Housing Center," <<http://www.cafhc.org>> (accessed February 10, 2008 and May 31, 2008). Central Alabama Fair Housing Center, *Rental and Sales Audit Results*, Project #FH700-G-00044, 2001-2003. Central Alabama Fair Housing Center, *Discrimination of the Rental Market: A Study of Montgomery, Alabama*, 30 January 1996.

Central Alabama Fair Housing Center, *Preliminary Findings of CAFHC Sales, Mortgage Lending, and Insurance Audits*, February 1997.

¹⁶⁸ Wiese 267.

many factors disadvantaged blacks and made them less able to build wealth such as lower incomes, reduced credit history, higher taxes, and historically only having access to poorer schools that provided poorer education and therefore limited their ability to obtain good employment opportunities. This perpetual cycle limited blacks mobility; however, by 1990, decades of chipping away at the color line had broken down barriers and opened doors for progress where in many cases, these issues were not as big of a problem as they had been in years passed.

CAFHC created a system to test for discriminatory real estate sales and rental practices and prepared a report on housing practices in Montgomery the first year it was in existence. Researchers who prepared reports like this in the past kept all of the results private and unavailable to the public.¹⁶⁹ CAFHC published the results of its investigations. In a preliminary analysis of the census tracts, the CAFHC identified that the city maintained a racially polarized makeup, a black west side and a white east side. All but a minimal few of the fifty census tracts comprised populations of 75% or greater of one single race. This fact, the CAFHC believed, showed that more than economics and personal choice created these barriers.

CAFHC designed a program to determine if African Americans were being discriminated in housing sales and apartment rentals in the metropolitan area. CAFHC introduced a tester program that sent applicants to apartment complexes and to real estate agents to determine if there was evidence of racial discrimination. CAFHC developed criteria for testing that would offer the most accurate results possible and reduce the margin of error. CAFHC paired testers together with as many of the same characteristics as possible to provide an experiment where race was the only variable. For example, a white man with no children would be paired with a

¹⁶⁹ CAFHC, *Discrimination of the Rental Market*.

black man with no children. A single white female with two children would be paired with a single black female with two children, etc. In order to provide the cleanest results, the CAFHC did not tell testers which kind of discrimination for which they would test. Testers were instructed to be “like a camera” that only records what is happening but draws no conclusions to what they find.¹⁷⁰

In its inaugural year, CAFHC completed twenty-eight tests inside the city of Montgomery. They focused on sites listed in the *Montgomery Advertiser* and the *Bulletin Board* and for apartments located in the eastern part of the city, they used the *Montgomery Apartment Guide*. Sites in 100% black districts were not tested. The average rental price for the properties ranged between \$235 per month and \$875 per month. The testers were trained in a classroom setting and then given some field practice before they were sent to perform a test.

After the CAFHC reviewed the tests and prepared reports, the National Fair Housing Alliance also reviewed the data. Of the twenty-eight tests performed, discrimination was indicated in sixteen tests, discrimination was not indicated in seven tests, and five tests were inconclusive. In some cases, the results showed favoritism of white renters over blacks but did not all out prohibit blacks from renting; however, this is still illegal.

Some of the results of these tests were:

- A housing provider over an eastside Montgomery apartment complex showed a black male tester a two-bedroom apartment that had not been cleaned. Later that day, the housing provider showed a white tester a different apartment that was spotless. He also asked that the white tester leave his phone number so he could call him if other units became available.

¹⁷⁰ Ibid. 2.

- A white tester set up an appointment to see a two-bedroom apartment in the Cloverdale area. When viewing the apartment, he was invited to call back if he was interested. Ninety minutes later a black tester called to set up an appointment for the same property. The housing provider told her the he had already rented the apartment. Another black tester called about the property, the landlord again said it had been rented. An advertisement for the property again ran in the newspaper two days later. A second white tester called about the property and it was still available.
- A white tester met with a real estate company to see if the company had rental property available. The agent said there were apartments in black areas that were “not very nice” and he had one available in a mostly white area. Another white tester visited the same agency and asked about properties in a specific price range. This tester was told about three apartments in a mostly white area. In just a little while later, a black tester visited the agency and asked about properties in the same price range as the white tester. The black tester was only told about the “not very nice” apartment in the black area and was not told of the three properties the white tester was informed of in the white area even though they were in his price range.¹⁷¹

As a result of these findings, the CAFHC made several recommendations. The first strongly urged city officials to publicly condemn housing discrimination and to rigorously educate the public on fair housing throughout Montgomery. The agency further encouraged all city groups, religious, educational, and civic, to make fair housing a part of their mission. Other recommendations included the education of real estate agencies, monitoring violations of realtors associations, and the creation of mandated policies and procedures for handling violations.¹⁷²

¹⁷¹ Ibid. 4-6.

¹⁷² Ibid. 7.

Following these results, the CAFHC conducted a larger test from July 1996 to January 1997 focusing on sales, mortgage lending, and insurance. The results of twenty tests showed that in ninety-one percent of these cases, racial steering or realtor discrimination of some sort occurred. This high figure provided motive for the CAFHC to conduct additional, more intense, testing, which they did from May 1997 to February 1998. The CAFHC conducted the tests with the same care as they had previously, insuring that testers were compatibly paired and “equally qualified to purchase homes in the price range of the test house.”¹⁷³ They also selected sites from different advertising sources including local home advertisements, newspapers, and in yard for-sale signs. The thirty-five tests completed in this second phase of the analysis confirmed what the earlier sampling suggested – racial steering or other acts of differential treatment occurred at least ninety percent of the time.

Examples of this type of discrimination are much the same as the examples given previously:

- A white and black tester attended the same open house. The agent told the white tester about all of the home’s amenities. The agent completely ignored the black tester. After the white tester left, the black tester asked the agent a question. The agent said he would be right back to answer her questions and never returned.
- A white tester asked to visit a home that was in a predominantly black neighborhood. The agent showed her the test house but encouraged her to see homes in east Montgomery because they have better schools. A black tester visited the same test house in the predominantly black neighborhood with the same agent. The agent asked the black tester if she had children. The tester said no and the agent replied that then

¹⁷³ CAFHC, *Preliminary Findings of CAFHC Sales, Mortgage Lending, and Insurance Audits*, 1.

the school district did not matter. The black tester asked to see more homes but could not get the agent to give her any other information.

- A white tester asked to see a home in a black neighborhood in the southern part of the city. The agent gave her a list of several houses in eight white neighborhoods. A black tester asked to see the same home in the black neighborhood. The agent showed the tester the home and showed the tester four other houses in integrated neighborhoods. The agent did not suggest to the black tester one home that he had suggested for the white tester.¹⁷⁴

The CAFHC hoped these tests would determine if racial steering or other acts of discrimination significantly added to Montgomery's segregated neighborhood structure. The tests were successful. The extremely high rate of differential practices provided significant evidence to conclude that these practices greatly accentuated Montgomery's segregated neighborhood structure. The CAFHC called for "aggressive enforcement efforts and massive public education" to battle the blatant discrimination.¹⁷⁵

From 2001 to 2003, the CAFHC conducted fifty-five rental tests and forty-six sales tests. The results showed that in Montgomery renters received discriminating tactics fifty-two percent of the time. In sales testing, testers received discriminating tactics forty-six percent of the time. In the Black Belt and other rural areas renters were discriminated against twenty-two percent of the time and buyers were discriminated against thirty-three percent of the time. Although the results of these tests were still high and show obvious discrimination, the discrimination was significantly lower than tests completed just five years earlier.¹⁷⁶

¹⁷⁴ Ibid. 2-5.

¹⁷⁵ Ibid. 6.

¹⁷⁶ Central Alabama Fair Housing Center, *Rental and Sales Audit Results, 2001-2003 Testing*, Project #FH700-G-00044, 2003.

Below are examples of this series of testing results:

- A black tester called on Friday about an apartment in the Garden District. She was told the apartment was not ready and to call back on Monday. A white tester called later Friday. She was told the rent was \$600 per month and also informed of other apartments available.
- A black tester asked to see a home in a black neighborhood. An agent showed the tester the home and faxed her a list of other homes in the same area. A white tester inquired about the same house and was told that he would like to show him homes in white areas like Prattville and Millbrook instead of Montgomery.
- A white tester asked to see a home in a white neighborhood. The agent said the owners were anxious to sell and encouraged her to purchase it. A black tester asked to see the same home. The agent asked the black tester if a bank or mortgage company prequalified her. The tester said yes but the agent refused to show her the home until she saw a copy of the prequalification letter because she did not have time to waste.

The types of discrimination these tests uncovered were not unlike the results of previous tests in years past. Fortunately, as the results of these tests became more public, occurrences of discrimination uncovered decreased. Public awareness, education, and lawsuits brought against realty companies drove home the consequences of failing to abide by the Fair Housing Act.

In many of the tests, out right refusal to rent or sell to someone based on race did not occur. Instead, discrimination was done in ways that were less detectible, such as steering buyers and renters to one neighborhood or another, telling one race the property had been sold, or providing one race with a list of homes to choose from and giving another race a different list with homes in different neighborhoods. This type of discrimination can be difficult to detect

unless sets of testers call about the same property and then discuss the differential treatment. Without the tests conducted by the CAFHC, most of the discriminatory practices that occurred would have gone unnoticed – or, more importantly, unchallenged.

The Fair Housing Act: Neighborhood Integration

Charles Lamb argues in his work *Housing Segregation in Suburban America Since 1960* that the FHA did little to diminish neighborhood segregation and to help the plight of the African-American city dweller who wanted the American Dream for his family. He discusses federal policies that affected suburban America to the Clinton Administration era to support his point.¹⁷⁷ As he discounts the Presidents' and Congress's attempts to revamp federal legislation, he fails to acknowledge the tremendous progress that had been made that would not have been possible without the Federal Housing Act. Lamb goes into great detail about the discrimination tactics the FHA used to prevent blacks from obtaining mortgages through this program. Yet, he forgets that since the 1950s blacks had been appointed to positions on the FHA and since the 1960s lending guidelines were based more on socioeconomic status rather than on socioeconomic status and race. Further, since Bush revamped the system under Reagan's Amendment, many opportunities existed for all to have access to fair housing and to report problems of discrimination. Lamb also does not take into consideration that federal policies that did not force suburbs to accept low-income housing were not necessarily a failure. Blacks were moving to the suburbs in record numbers into the housing that was there. By the late 1990s they had this opportunity because of the increasing enforcement of Fair Housing Act and by the Department of Housing and Urban Development. Yes, providing low income housing in the suburbs would provide more low income blacks and whites the opportunity to move out of the

¹⁷⁷ Lamb.

central city, but one cannot argue that the Fair Housing Act did little to change neighborhood integration when that is simply not the case.

Neighborhood integration seemed to really begin in the 1990s for Montgomery. Integration in the schools came to its height in the 1980s and 1990s from programs insistent on creating change, like busing and court-ordered reporting on desegregation plans. The intensity of the desegregation efforts that took place in Montgomery made it difficult for races to trust each other again. With mandated integration in schools, people were forced to be together. Overtime, this opened up more understanding between the races and increased comfort levels from greater interaction between the races. Ultimately, this assisted in the increased neighborhood integration that occurred. The enforcement of the Fair Housing Act and court-ordered integration in the schools provided more opportunities and less animosity in the 1990s against integrated neighborhoods; however, many whites still chose to live in socioeconomically exclusive neighborhoods and to send their children to private schools.

Public & Private School Integration

An ideally integrated school would reflect the exact demographic breakdown as the county. This would show that the public and private schools educated the same percentages of people that lived in the area and that many of the white students were enrolled in public schools instead of being self-segregated by their parents into private schools. The data below shows the dissimilarity in racial makeup between actual black and white school aged children as compared to their public and private school attendance. Suburban areas like Elmore and Autauga counties had the least amount of dissimilarity. The socioeconomic breakdowns discussed earlier that show segregation based more on class than on race is perhaps the reason for this limited dissimilarity.

The higher the percentage of blacks within a county is, the greater the dissimilarity between county integration and public school integration. For example, in 1990, blacks made up 86% of the Lowndes County student population; yet, blacks made up 94% of the public school population. That is approximately a 10% dissimilarity from the county student population. In counties like Autauga, that had a 72% white student population, public school attendance had white students in the amount of 68% -- only a 4% dissimilarity. The MSA's schools outside the central city became more diversified than in years past. The suburbs were experiencing the most growth and blacks and whites were continuing to move to these areas. Central cities remained heavily segregated and private school enrollment increased there. This can be explained in part as the effect of an influx of lower-class (and black) children in what had formerly been public schools serving well-to-do neighborhoods in the city.

In 1960, 13% (1,657) of the city of Montgomery's students attended private schools. Data for the Montgomery, Autauga, Elmore, & Lowndes Counties shows that by 1980, private school enrollment rose to 2,092 (11%) and by 1990 private school enrollment rose to 7,172 (13%). In 1990, 20% of white students and 4.2% of black students attended private schools. Schools in these four counties educated 59,136 students at this time. The percentage of white and black students were almost equal, 50% white, 49% black. Public schools had a mostly equal balance of white and black students with white students making up 46% of the public school enrollment and blacks making up 54% of the enrollment. In private schools, whites made up an overwhelming majority at 83% (5,953). Blacks only made up 17% (1,219) of the private school enrollment.

Table 19: Public and Private High School Students by Race for the Four Counties in Montgomery's MSA in 1990

Montgomery County	Total¹⁷⁸	White¹⁷⁹	Non-White
Total Students in Elementary or High School	39,447	17,373	21,389
% of Total Students	100%	44%	54%
Public High School Students	33,881	13,036	20,265
% of Public school students out of total public students	100%	38%	60%
% attending public school out of all for own race (ex. 13K out of 17K)	X	75%	95%

Lowndes County	Total	White	Non-White
Total Students in Elementary or High School	3,019	434	2,585
% of Total Students	100%	14%	86%
Public School Students	2,731	154	2,577
% of Public school students out of total public students	100%	5.6%	94%
% attending public school out of all for own race (ex. 154 out of 434)	X	35%	99.7%

Elmore County	Total	White	Non-White
Total Students in Elementary or High School	9,499	6,569	2,849
% of Total Students	100%	70%	30%
Public School Students	8,666	5,800	2,785
% of Public school students out of total public students	100%	68%	32%
% attending public school out of all for own race (ex. 5.8K out of 6.5K)	X	67%	98%

Autauga County	Total	White	Non-White
Total Students in Elementary or High School	7,171	5,151	1,992
% of Total Students	100%	72%	28%
Public School Students	6,567	4,584	1,969
% of Public school students out of total public students	100%	70%	30%
% attending public school out of all for own race (ex. 4.5K out of 5.1K)	X	89%	99%

¹⁷⁸ US Census Bureau, 1990 US Census of Social and Economic Characteristics for the State of Alabama, *Table 142. School Enrollment and Educational Attainment: 1990*, 1990. Information from this source used to compile data in the above chart.

¹⁷⁹ US Census Bureau, 1990 US Census of General Social and Economic Characteristics for the State of Alabama, *Table 152. Education, Ability to Speak English, and Disability by Race and Hispanic Origin: 1990*, 1990. This source used for white and non-white data in the above chart.

<u>GRAND TOTALS</u>	Total	White	Black
STUDENTS	59,136	29,527	28,815
% of Total Students	100%	50% of all students are white	49% of all students are black
TOTAL PUBLIC	51,170	23,574	27,596
% of Public school students out of total public students	87%	46% of public school students are white	54% of public school students are black
% attending public school out of all for own race (ex. 23K out of 29K)	X	80% of white kids attend public school	96% of black kids attend public school
TOTAL PRIVATE	7,172	5,953	1,219
% of Private school students out of total private students	13.47% of all kids attend private school	83% of private school students are white	17% of private school students are black
% attending private school out of all for own race (ex. 23K out of 29K)	X	20% of white kids attend private school	4.2% of black kids attend private school

Montgomery County educated 39,447 elementary and high school students in 1990. Of these, 17,373 were white and 21,389 were nonwhite. 33,881 of these students attended public schools. White students attending public schools totaled 13,036 (or 75% of total white students in the county). Nonwhite students attending public schools totaled 20,265 (or 95% of the total number of nonwhite students in the county). Montgomery County's nonwhite students made up 54% of the total school age population. Although, they made up 60% of the County's public schools, only 5.2% of nonwhites attended private schools compared to 25% of white students.

Lowndes County has a historically overwhelmingly black population. In 1990, 3,019 students attended elementary or high schools in Lowndes. Of these, 2,731 (90%) students attended public schools. Only 154 (35%) out of a possible 434 white students attended Lowndes County public schools compared to 2,577 (99.7%) nonwhite students out of a possible 2,585 attending public schools. Only approximately 10% of Lowndes County students attended private school. White students attended private schools here at 65% compared to nonwhite students at less than one percent. Whites made up only 5.6% of the county's overall public school attendance.

Elmore County educated 9,499 students in elementary and high schools in 1990. Of these, 8,666 attended public schools. White students enrolled in public schools totaled 5,800 (or 88% of all the white students in the county.) Nonwhite students enrolled in public schools totaled 2,785 (or 98% of all nonwhite students in the county). White students numbered 6,569. That is 69% of the total number of students in Elmore County. Nonwhite students numbered 2,849, which is 30% of the total number of students in Elmore County. If 69% of Elmore County's students were white, then their public schools should ideally have a 69% white population. The data shows that a total of 67% of the public school students are white. In comparison, nonwhite students make up 31% of school age children but have a presence of 32% in the public schools. Less than three percent of nonwhite students attend private school compared to 12% of white students. This data shows that Elmore County public schools were equally integrated being with in 2.2% of their overall county demographics. Elmore County had the most integrated public school attendance of all four counties currently in the Montgomery MSA.

Autauga County also had a level of public school integration in equal to their level of county integration. In 1990, the school system educated 7,171 students in elementary and high schools. Students attending public schools totaled 6,567 (92%). Of these students, 4,584 students were white (or 89% of all the white students in the county) and 1,969 students were nonwhite (or 98.8% of all the nonwhite students in the county.) Therefore, 21% of white students attended private schools compared at less than two percent of nonwhite students. White students made up 72% of the county's population and 65% of its public school population. Black students made up 28% of the county population and 30% of the public school population.

An average calculation of the 1990 data from these four counties combined reveals that in each county approximately 98% of nonwhite students attend public schools. The same average taken for white students shows that 72% attended public schools. This number is a little low as Lowndes County shows only 35% of white students attending public schools. If that figure is removed from the equation, a more accurate perspective is given for the remaining three counties as the average percent of white students who attended public schools was 84%. Gradually from 1988 to the present, black student enrollment increased in public schools in Montgomery's MSA as white student enrollment decreased. From 1988 to 1999, 4.5% more black students and 6.3% less white students attended Montgomery Metropolitan public schools.

Table 20: Public School Data for Montgomery's MSA from 1988 to 2000¹⁸⁰

Montgomery MSA Public School Data			
Date	Total MSA	Blacks	Whites
1988	52,914	26,264	26,195
1989	52,867	26,408	26,983
1990	52,897	26,585	25,795
1991	52,577	26,355	25,743
1992	52,687	26,819	25,342
1993	52,623	27,184	24,774
1994	53,134	27,774	24,751
1995	54,215	28,706	24,813
1996	54,179	28,744	24,639
1997	54,469	29,211	24,404
1998	54,250	29,397	23,982
1999	54,434	29,473	23,516
2000	54,856		

Table 21: Percentage Increase and Decrease in Public School Enrollment by Race for the MSA from 1988 to 1999¹⁸¹

Montgomery MSA Public School Data			
Date	Total MSA	Blacks	Whites
Race's % of Total Students enrolled 1988	100%	50%	50%
Race's % of Total Students enrolled 1990	100%	50%	49%
Race's % of Total Students enrolled 1995	100%	53%	46%
Race's % of Total Students enrolled 1999	100%	54%	43%
% Change from 1988 to 1999		4.5%+	-6.3%

¹⁸⁰ "Public Elementary/Secondary School Universe Survey 1986—2001," *Common Core of Data, National Center for Education Statistics*, <<http://nces.ed.gov/ccd/bat/index.asp>> (accessed 24 November 2007).

¹⁸¹ Ibid.

The increase in private school enrollment appears to represent a choice to legally self-segregate in response to federal laws requiring desegregation of schools. Especially, when the data shows that only 4.2% of black students attended private schools during 1990, this argument tends to make sense; however, almost 80% of white students still attended public schools. In 1960, 13% of Montgomery's students attended private schools. Because of tuition costs at private schools, these students had to have been from high-income socioeconomic classes in order for their parents to be able to afford the cost. Since schools were not desegregated in Montgomery at that time, parents who put their children in private schools were not concerned with them attending school with blacks. These parents were more concerned with their children being around other students of the same high-income socioeconomic class. When the 1990 data shows that 20% of white students attend private schools, this does not necessarily mean that this increase in private school enrollment is because of integration. The 1960s data reveals that at least 13% of parents would have had their children in private schools regardless of integration. Additionally, now that many households have two parent incomes and salaries have increased, more families have the incomes to send their children to private schools that offer better education than in the past. Certainly, some of the 20% is probably related to fears of school integration but not all of it can be tied to overt racism as opposed to socioeconomic segregation. If 13% of the students in 1960 attended private schools because of reasons other than race, deducting a minimum of 13% from the 20% would conclude that no more than 7.5% of private school students attended a private school over a public school because of race. This number could diminish further by calculating the increased ability for parents to afford private school over public school. This would provide a more accurate number of students attending private school based on socioeconomic class rather than on race alone.

From the data on demographics in the Montgomery MSA and the demographics of public and private school attendance by race for the Metropolitan Statistical Area, the current period reflects a more socioeconomically segregated landscape than a racially segregated landscape. National and local focus to ward off discrimination through additions to the Fair Housing Act and the implementation of the Central Alabama Fair Housing Center, for example, enabled this transformation. As Montgomery, moves into the twenty-first century, its citizens have overcome tremendous amounts of distrust between races in the private and public sectors. In this period, the changes to federal and local policies have not caused as much backlash although they have been very effective in creating the change needed to integrate Montgomery's MSA.

CHAPTER 4: 2000 & Beyond

The Current State of the City: 2000

After fifty years, challenges to the color line produced a partially integrated metropolitan area. The urbanized area is no longer divided into sections based entirely on race. In many cases integration in the urbanized area is at 70% to 30% integrated. Schools no longer refuse to accept students on the basis of their skin color and the old overt racist attitudes have diminished. Blacks have moved into formerly all white neighborhoods and suburbs in larger numbers and have created and moved into undeveloped areas of black counties as well. Eighty-seven percent of students enrolled in private high schools in Montgomery's central city continue to be white. Black students make up 78% of public high schools students in this area. Private schools, however, are enrolling more black students each year, even with the high cost of tuition. During this period, the Department of Housing and Urban Development provided more resources to fight residential segregation, encourage integration, and combat residential discrimination than ever before.

The triumphs of *Brown*, *Carr*, the Fair Housing Act, the Central Alabama Fair Housing Center and other federal actions have produced a more integrated metropolitan area. Montgomery's central urbanized area has felt the biggest burden of suburban expansion and movement to the suburbs. In spite of this, the central city is more integrated now than it was in 1950. The public schools are more integrated even if the integration is unsubstantial. Montgomery's metropolitan neighborhoods are more integrated and are more socioeconomically segregated than racially segregated. Public high schools in the MSA have a much more integrated student body than they ever have. Many scholars argue that *Brown*, *Carr*, the Fair Housing Act, and other challenges to the color line have failed to produce an integrated society;

however, more and more the policies that began with the victory of *Brown* continue to make an impact on integrating society. Montgomery's Metropolitan Statistical Area is much more integrated today than it was in 1950; and, credit for this can be given to these challenges to the color line.

Governmental Leadership National and State Government Policy

National dialogue on race now focuses less on discrimination and more on the economic and cultural differences that separate the races.¹⁸² Governmental leadership has dramatically shaped this dialogue. As discussed earlier, political rhetoric professed by President Richard Nixon has maintained thirty-year-old ideologies on the extent of governmental power to force the construction of low-income housing. This rhetoric has not changed enough yet to force suburbs to build low-income housing; however, changes have been made such as those made at HUD under the direction of Henry Cisneros. Henry Cisneros, HUD Secretary under President Clinton, did more to change the past Nixon ideology on housing than anyone else. He established the Moving to Opportunity (MTO) program in 1999 to provide residential choice to those needing governmental assistance. Those needing governmental assistance no longer had to move into the central city to obtain government-assisted housing. They could find regular apartments throughout the metropolitan area, including the suburbs and pay for these residences through vouchers provided by the government. By dispersing the poor evenly, as opposed to clustered in one area, the poor would not be exposed to as much violent crime and educational opportunities would be far superior to those in the centrally poor area. Additionally, recipients of this government assistance would be around people other than the poor and could integrate and assimilate at a more successful rate if the MTO program turned out to be a success. The program's participants will be tracked through 2009 to see if this type of government-assisted

¹⁸² Stanley Aronowitz, "Race: The Continental Divide -- If the Civil Rights Movement Succeeded, Why Today's Disparity?," *The Nation* 272, (2001): 25.

housing is superior to the old city-based Section 8 options.¹⁸³ New programs like the MTO program show that better federal attention is being paid to the integration of housing throughout the metropolitan area.

As with the national scene, statewide and local government policy and leadership influence the process of integration in Montgomery. Combative rhetoric, often seen in Alabama's history, reveals the underlying tensions within the urbanized area that furthered people's desires to escape the central city for a less volatile area as the city grew. By the late 1990s and early 2000s, rhetoric had changed from that when integration efforts began to rhetoric of greater inclusion and fairness. Attitudes like that of Alabama's Governor Albert Brewer who presided over the state from 1968 to 1971 following the death of Lurleen Wallace, former Governor George Wallace's wife, explain how the ideology of the leadership affects popular opinion. For example, although, he later made appeals to black voters and middle-class whites by requesting more funding for education and revising the state's constitution, in 1970 Governor Brewer told a student assembly at Welborn High School "we're going to continue to resist these orders (school integration) in a legal, affirmative way."¹⁸⁴ Other anti-integration attitudes much like those of Dr. H. Allen Smith of the Georgia Department of Education when he said "if you have one Negro child, you have integrated schools" further shows how the rhetoric of the leadership affects the outcome of situation.¹⁸⁵ Since these early years, attitudes and policies have changed so that there are no longer laws that require segregation, and white elected leaders are no longer urging resistance to integration. Leadership is now more representative of regional

¹⁸³ Lamb 192-194.

¹⁸⁴ Basil Penny, "Gov. Brewer to Tell School Plans Soon," *The Anniston Star*, 15 January 1970, Front Page.

¹⁸⁵ The Associated Press, "Unitary School Openings 'Routine'," *The Anniston Star*, 25 August 1970, Front Page.

demographics. And, there are policies in place to protect against and provide recourse to victims of discrimination.

In 1999, Bobby Bright defeated long term Mayor Emory Folmar for control of Montgomery. Bright vowed to mend racial tensions and reinstate the bus system. He won support from the Montgomery Transportation Coalition and the Montgomery Improvement Association. He brought back discount fares, replaced managers who were charged with dumping official files in the city dump, and put pressure on lower managers who were accused of harassment.¹⁸⁶ He led an extensive redevelopment of the downtown area to bring visitors back to the downtown business district that has been economically challenged in the last two decades. He was also a key figure in acquiring the new Hyundai plant built in the city that added a minimum of 3,200 jobs. Bright's agenda promoted a better Montgomery for all. He said in an interview by PBS that "You know, peace should be in front of everybody's mind when there's controversy out there, not retaliatory action or vindictive action."¹⁸⁷ His attitude and the projects he sponsored were designed to unite Montgomery so that the entire city could prosper together in a more peaceful manner than in years passed.

Although Alabama still has a white Governor, Bob Riley, and Montgomery still has a white Mayor, Todd Strange, former head of the City's Commission who succeeded Bobby Bright when he won a senate seat, the political dynamic has changed. Candidates can no longer campaign on the white-supremacy platform with any hope of winning. They need both the white and black vote to win in Montgomery. As of 2008, Montgomery County has two black commission members out of a total of five members. When the new public transportation survey is complete, the public will have the opportunity to debate the necessity of the transit cuts,

¹⁸⁶ Bobby Bright, *Wikipedia*, <http://en.wikipedia.org/wiki/Bobby_Bright> (accessed 8 September 2008).

¹⁸⁷ Mayor Bobby Bright, interview by Travis Smiley, *The Travis Smiley Show*, Public Broadcasting System, 2 December 2005.

reroutes, additions, and other changes. No one public official will make all of the decisions. In comparison further to the old segregationist rhetoric of white elected officials, State Representative Alvin Holmes, an African American elected from Montgomery, spoke about the importance of continued work towards equality before Montgomery's annual Dr. Martin Luther King, Jr. ceremony in January 2008. He stressed the importance of having all races included when he said: "As you know, Dr. Martin Luther King was nonpartisan, and he was for integration, so it is only fitting that the program of participants honoring him includes white and black, Republicans and Democrats, liberals and conservatives."¹⁸⁸ This inclusive rhetoric of elected leaders is an indication that battle lines of the 1960s struggles against segregation are less marked in the first decade of the twenty-first century.

Patterns of Class Segregation: Socioeconomic Landscape in 2000

The pattern of class segregation in Montgomery is not unlike the national landscape. However, Montgomery's integration efforts have evolved more slowly. This can be explained from the tumultuous past fifty years that both whites and blacks still vividly remember. Montgomery was often catapulted into the national spotlight as so much of the attacks on the color line took place there with diehard segregationists often in key government and policy-making positions. In spite of this, Montgomery's MSA is now more integrated than it was 50 years ago. Now, the MSA is divided more heavily by socioeconomic class than by race. Its inhabitants have spread out from the city to the suburban areas for many reasons, including better jobs, safer neighborhoods, and superior schools.

Population data from the United States Census shows a change in the rural and suburban demographics from 1950 to 2000. In 1950, blacks made up 56% of the rural and

¹⁸⁸ "Rep Alvin Holmes quotes," *Think Exist*, From <<http://thinkexist.com/quotation/we-had-white-and-black-participants-and/1410728.html>> (accessed 22 September 2009).

suburban population. This decreased in 1960 to 42%. By 1970, blacks made up 38% of the non-urbanized population. In 2000, this trend continued with a decrease in blacks in the non-urbanized Montgomery area to only 23% of the rural population. A rural population of 23% may not seem that low, but out of the entire 2000 population urban and rural together, only 8.5% of blacks lived in the non-urbanized area as a whole.¹⁸⁹ Most blacks remained in the urban core where housing options and public transportation were available. In spite of many whites moving to the suburbs, many stayed behind in the city. Additionally, many blacks spread out and moved into white neighborhoods in the city core and into suburban areas as well. This caused the city of Montgomery's demographics to change. In 1990, blacks lived in only 37% of the total dwelling units.¹⁹⁰ By 2000, this number had increased to 45%.¹⁹¹ The demographics within the original eight individual wards did not change that much but the overall population within the central city did.

Table 22: Percentage of Nonwhite Dwellers by Ward from 1950 to 2000

% of Nonwhite Dwellers					
	1950 ¹⁹²		1970 ¹⁹³		2000 ¹⁹⁴
Ward 6	72%	Ward 6	80%	Ward 2	99.3%
Ward 2	65%	Ward 3	64%	Ward 4	99.3%
Ward 4	50%	Ward 7	51%	Ward 3	59—82%
Ward 7	37%	Ward 2	43%	Ward 6	59—82%
Ward 1	16%	Ward 4	41%	Ward 1	31%
Ward 5	13%	Ward 1	31%	Ward 23	31%
Ward 3	5.2%	Ward 5	2.1%	Ward 5	31%
Ward 23	0.7%	Ward 23	1%	Ward 7	19-36%

¹⁸⁹ US Census Bureau, 2000 US Census of Population and Housing Unit Counts, *Table 4. Population by Urban and Rural: 2000; and Population by Urban: 1990, 2003.*

¹⁹⁰ US Census Bureau, 1990 Census of Housing, Detailed Housing, Characteristics, Alabama, *Table 4. Occupied Housing Units by Race and Hispanic Origin of Householder: 1990, Con., 1990.*

¹⁹¹ US Census Bureau, 2000 Census of Population and Housing, *Table 14. Occupied Housing Units (Households) by Race and Hispanic or Latino Origin of Householder: 2000—Alabama: 2000, 2002.*

¹⁹² 1950 US Census of Housing, Block Statistics, *Table 3.*

¹⁹³ 1970 US Census of Housing, Block Statistics, *Table 2.*

¹⁹⁴ *Percent of Persons Who Are Black or African American Alone: 2000, Total population.* Map. Washington, D.C.: 2000 US Census of Housing, 2000.

Table 23: Average Home Values by Ward from 1950-2000

Average Home Values					
Years	1950 ¹⁹⁵	Years	1970 ¹⁹⁶	Years	2000 ¹⁹⁷
Ward 6	\$2,353	Ward 3	\$9,300	Ward 1	\$30,400
Ward 1	\$3,683	Ward 4	\$12,100	Ward 6	\$30,400
Ward 2	\$4,520	Ward 1	\$13,200	Ward 2	\$66,900
Ward 4	\$4,941	Ward 5	\$13,800	Ward 4	\$66,900
Ward 7	\$7,050	Ward 23	\$14,300	Ward 5	\$66,900
Ward 5	\$8,411	Ward 7	\$15,100	Ward 7	\$101,400
Ward 3	\$12,608	Ward 6	\$15,600	Ward 3	\$161,800
Ward 23	\$16,675	Ward 2	\$16,100	Ward 23	\$262,000

Table 24: Characteristics of Dwelling Units by Ward in 1950¹⁹⁸

1950							
Ward	Average Home Value	Total occupied dwelling units	Units Occupied by Nonwhite	Lacking some or all Plumbing Facilities	% Lacking some or all plumbing	% of Nonwhite Dwellers	Notes
1	\$3,683	2946	482	653	22 %	16%	poor white
2	\$4,520	7682	5021	3438	45%	65%	middle income black
3	\$12,608	3530	184	214	6%	5.2%	upper income white
4	\$4,941	2172	1087	852	39%	50%	middle income integrated better
5	\$8,411	4106	541	615	15%	13%	middle income white better than
6	\$2,353	3137	2247	2199	70%	72%	poor black
7	\$7,050	4860	1799	995	20%	37%	middle income white
23	\$16,675	2040	14	12	0.6%	0.7%	rich white

¹⁹⁵ 1950 US Census of Housing, Block Statistics, *Table 3*.

¹⁹⁶ 1970 US Census of Housing, Block Statistics, *Table 2*.

¹⁹⁷ *Median Value of Specified Owner-Occupied Housing Units: 2000*, Map. Washington, D.C.: US Census of Housing, 2000.

¹⁹⁸ 1950 US Census of Housing, Block Statistics, *Table 3*.

Table 25: Characteristics of Dwelling Units by Ward in 1970¹⁹⁹

1970							
Ward	Average Home Value	Total occupied dwelling units	Units Occupied by Nonwhite	Lacking some or all Plumbing Facilities	% Lacking some or all plumbing	% of Nonwhite Dwellers	Notes
1	\$13,200	520	159	77	15%	31%	middle income white
2	\$16,100	1,692	729	71	4.2%	43%	rich white but integrated
3	\$9,300	947	602	270	29%	64%	poor black
4	\$12,100	2,682	1093	250	9.3%	41%	poor white
5	\$13,800	1,476	87	31	2%	6%	upper middle class white
6	\$15,600	1,478	1187	38	2.6%	80%	upper income black
7	\$15,100	1,256	643	40	3%	51%	upper middle class integrated
23	\$14,300	1,403	15	1	0.07%	1%	rich white

Table 26: Characteristics of Dwelling Units by Ward in 2000

2000							
Ward	Average ²⁰⁰ Home Value					% of ²⁰¹ Nonwhite Dwellers	
1	\$30,400					31%	
2	\$66,900					99%	
3	\$161,800					59—82%	
4	\$66,900					99%	
5	\$66,900					31%	
6	\$30,400					59—82%	
7	\$101,400					19-36%	
23	\$262,000					31%	

Seven of the eight wards encompassing the central urbanized area of Montgomery maintained a majority population in 2000 of the same race that was the majority in 1950. Wards 1, 5, 7, and 23 had a majority white population in 1950 and continued to have a majority white population

¹⁹⁹ 1970 US Census of Housing, Block Statistics, *Table 2*.

²⁰⁰ *Median Value of Specified Owner-Occupied Housing Units: 2000*, Map. Washington, D.C.: US Census of Housing, 2000.

²⁰¹ *Percent of Persons Who Are Black or African American Alone: 2000, Total population*. Map. Washington, D.C.: 2000 US Census of Housing, 2000.

in 2000. Wards 2, 4, and 6 had a majority black population in 1950 and continued to have a majority black population in 2000. Only Ward 3 switched from a majority white population to a majority black.

As the city expanded, many middle income whites and blacks moved into the eastern portion of the original urbanized area that was once exclusively upper class white. These homes had once belonged to people in the city with the highest incomes and, in 1950, were almost completely white. Ward 23 maintained a white majority between 86% and 99% in 2000 as elite neighborhoods like Cloverdale and Highland Park failed to give significant way to integration efforts. Although whites still held a majority in this area, it was much more diverse than in 1950. The ratio of whites to black actually became more diverse. The majority white population in 1950 made up 93% of the population and, in 2000, Ward 23 had only up to a 69.8% – 86% white population. This data shows that integration efforts did impact even the most exclusive neighborhoods in Montgomery’s urban core.

Table 27: Characteristics of Ward 23 from 1950-2000

Ward 23	1950	1970	2000
Avg Hm Val	\$16,675 ²⁰²	\$14,300 ²⁰³	\$262,000 ²⁰⁴
Scale ²⁰⁵	8	5	8
% Nonwhite	0.7% ²⁰⁶	1% ²⁰⁷	31% ²⁰⁸
Scale ²⁰⁹	8	8	5-8

²⁰² 1950 US Census of Housing, Block Statistics, *Table 2*. Data regarding Average Home Value and Percentage of Nonwhites for all eight wards analyzed was retrieved from this chart.

²⁰³ 1970 US Census of Housing, Block Statistics, *Table 2*. Data regarding Percentage of Nonwhites for all eight wards analyzed was retrieved from this chart.

²⁰⁴ *Median Value of Specified Owner-Occupied Housing Units: 2000*, Map. Washington, D.C.: US Census of Housing, 2000. Data regarding Average Home Value for all eight wards analyzed was retrieved from this Map.

²⁰⁵ The scale’s range of 1-8 represents a comparison of the Average Home Values for the eight Wards encompassing Montgomery’s Urbanized Area. A scale of 1 represents a Ward with the lowest home value of all of the Wards combined. A Scale of 8 represents a Ward with the highest home value of all of the wards combined.

²⁰⁶ 1950 US Census of Housing, Block Statistics, *Table 3*.

²⁰⁷ 1970 US Census of Housing, Block Statistics, *Table 2*.

²⁰⁸ *Percent of Persons Who Are Black or African American Alone: 2000, Total population*. Map. Washington, D.C.: 2000 US Census of Housing, 2000.

²⁰⁹ The scale’s range of 1-8 represents a comparison of the % of Nonwhite Dwellers for the eight Wards encompassing Montgomery’s Urbanized Area. A scale of 1 represents a Ward with the highest population of nonwhites. A Scale of 8 represents a Ward with the lowest population of nonwhites.

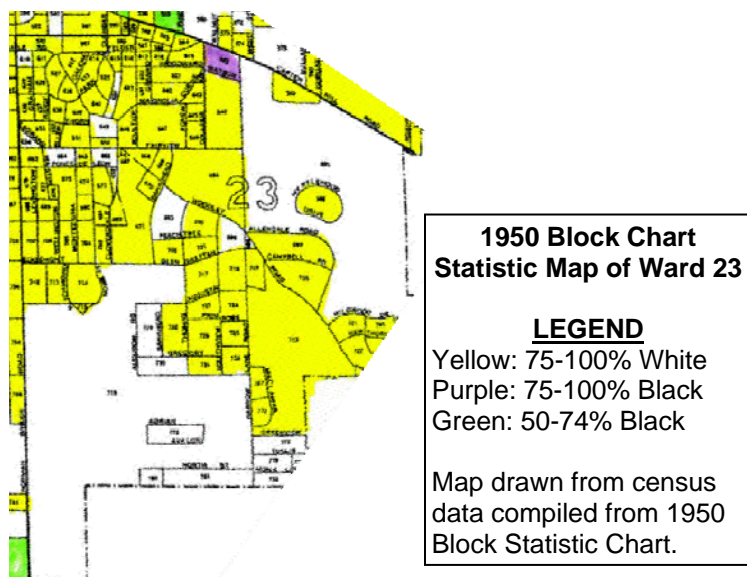


Figure 25: Ward 23 in 1950²¹⁰

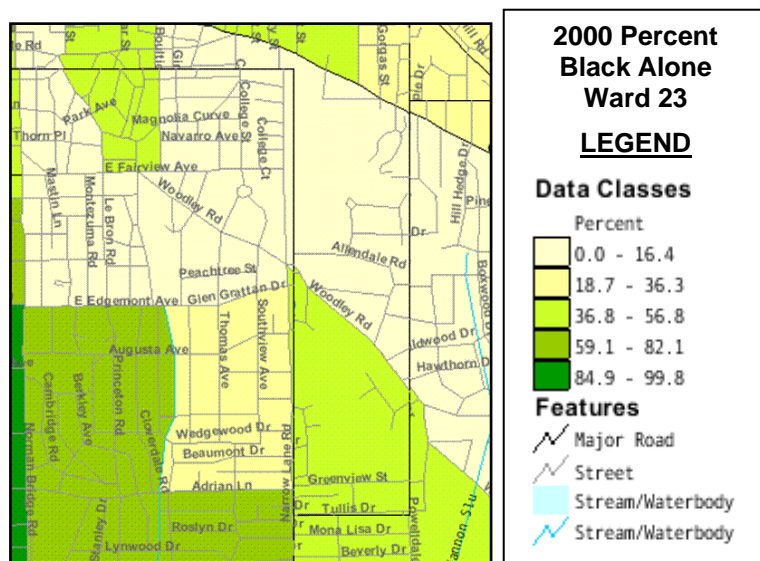


Figure 26: Ward 23 in 2000²¹¹

Ward 1 is located in the northwestern quadrant of the central core along the Alabama River towards Autauga County. This ward had a nonwhite population of 16% in 1950. In 1970, the nonwhite population increased to just over 30%. From 1970 to 2000, the nonwhite population

²¹⁰ 1950 US Census of Housing, Block Statistics, Table 2. All of the following 1950 map excerpts for Wards 1, 2, 3, 4, 5, 6, 7, and 23 were also obtained from this source.

²¹¹ TM-P001B. *Persons Who are Black or African American Alone: 2000*. Map. Washington, D.C.: US Bureau of Census of Population, 2000.

remained almost the same by only increase to 31%. The average home value in Ward 1 was the second lowest out of eight wards in 1950 with an average home value of \$3,683 out of a potential range of \$2,353 for Ward 6 to \$16,675 for Ward 23. Over this fifty-year period, Ward 1 remained as one of the lowest average home value, along Ward 6 again, with an average home value in 2000 of \$30,400 out of a potential \$30,400 for Ward 6 and \$262,000 for Ward 23.

Table 28: Characteristics of Ward 1 from 1950-2000

Ward 1	1950	1970	2000
Avg Hm Val	\$3,683	\$13,200	\$30,400
Scale	2	3	1-2
% Nonwhite	16%	31%	31%
Scale	5	6	5-8

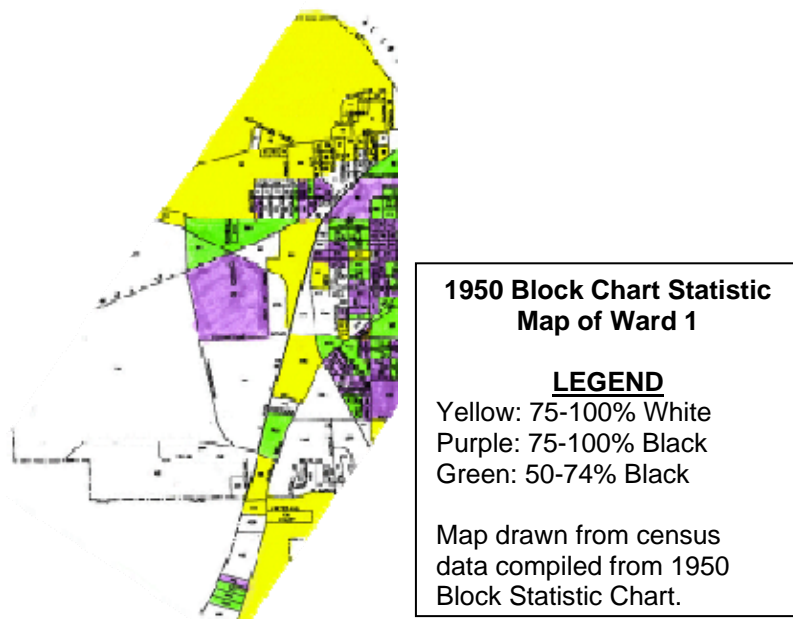


Figure 27: Ward 1 in 1950

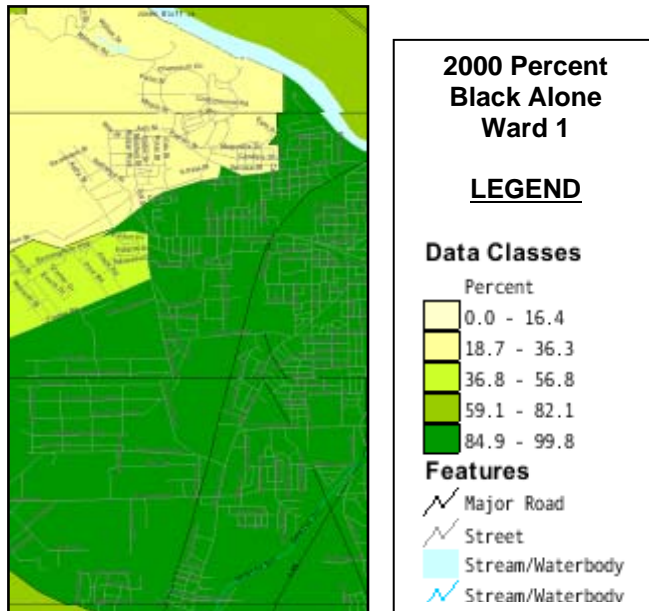
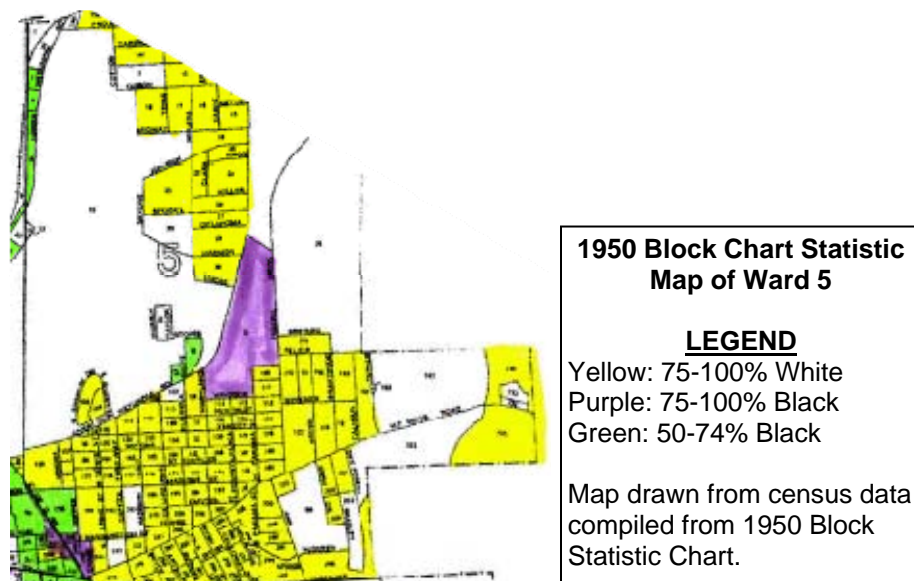
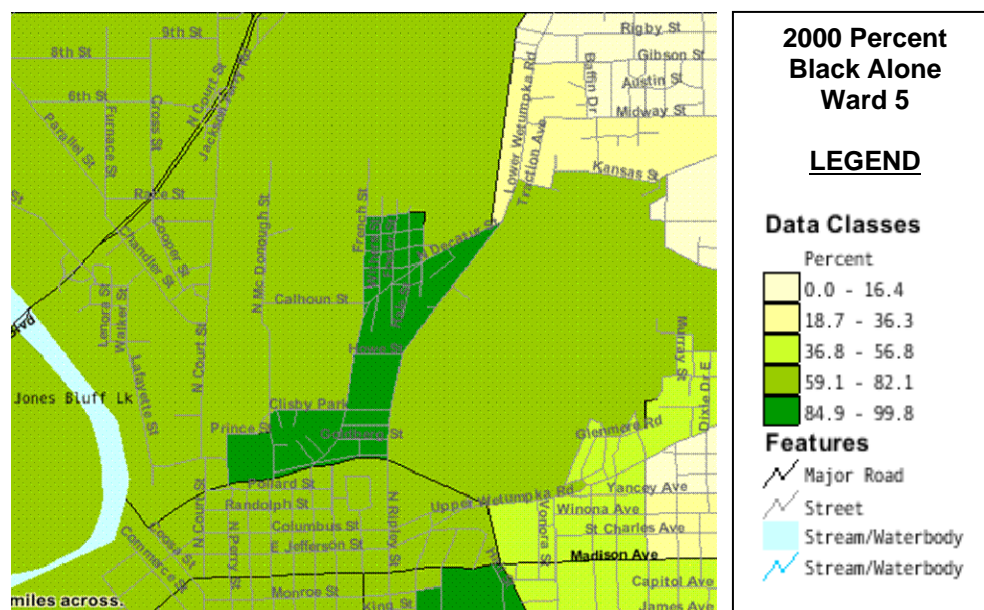


Figure 28: Ward 1 in 2000

Ward 5 is located in the northeastern quadrant of the central core towards Elmore County. Ward 5 had a nonwhite population of only 13% in 1950. In 1970, Ward 5 dropped to a nonwhite population of only 2.1%. In 2000, the black population rose higher to 31%. Home values in 1950 have Ward 5 at the sixth highest level out of eight wards with an average value of \$8,411. In 2000, Ward 5, along with Wards 2 and 4, had between the third and fifth highest home value of the eight wards at \$66,900. This is less of an average than in 1950. The increase in white population during the 1970s shows that whites moved into this area as integration laws changed. The population demographics in 2000 show the Ward as having a roughly 68% white population to a 31% black population. This strengthens the argument that since 1970, blacks have achieved greater means that have given them greater ability to move into better neighborhoods and away from the city core more than in the previous years. Additionally, this transition shows that Montgomery's wards are now comprised more on a socioeconomic basis than strictly based on race alone.

Table 29: Characteristics of Ward 5 from 1950-2000

Ward 5	1950	1970	2000
Avg Hm Val	\$8,411	\$13,800	\$66,900
Scale	6	4	3-5
% Nonwhite	13%	2.1%	31%
Scale	6	7	5-8

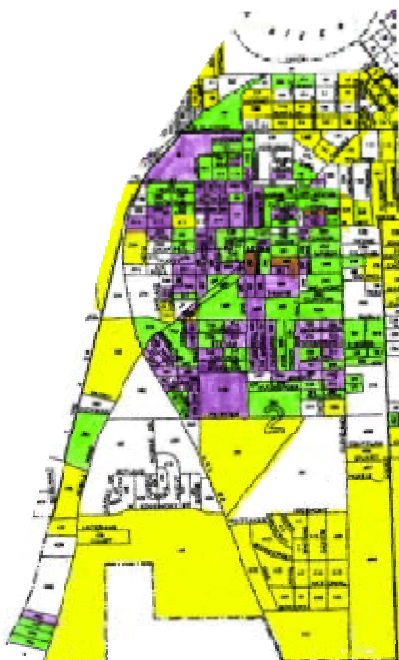
**Figure 29: Ward 5 in 1960****Figure 30: Ward 5 in 2000**

Ward 2 is made up of an area between Clayton and Fairview Streets to the North and South and between Goode and the L and N Railroad line to the East and West. For some time, the only black high school in the city, George Washington Carver, resided in this ward. In 1950,

this area was almost completely black. The ward as a whole had a nonwhite population of 65%. The southern portion of the ward that bordered Ward 3 was almost completely white. By 1970, the area had dropped to only 43% nonwhite. But, by 2000, the area had changed to 99% black. The area was actually more diverse in 1950 than it was in 2000. The average home value in 1950 was \$4,520, the third lowest of all of the urbanized wards. The home value in 2000 averaged \$66,900. The 2000 value is the third to fifth lowest home value of the urbanized area. Since new developments moved toward the north and northeast of the original central urbanized area, Ward 2, being in the western portion of the urbanized area, was abandoned by those who could afford to move to the new developments. This is evident by the transition in demographics and housing value over the fifty-year period.

Table 30: Characteristics of Ward 2 from 1950-2000

Ward 2	1950	1970	2000
Avg Hm Val	\$4,520	\$16,100	\$66,900
Scale	3	8	3-5
% Nonwhite	65%	43%	85-99.8%
Scale	2	4	1



**1950 Block Chart Statistic
Map of Ward 5**

LEGEND

Yellow: 75-100% White
Purple: 75-100% Black
Green: 50-74% Black

Map drawn from census
data compiled from 1950
Block Statistic Chart.

Figure 31: Ward 2 in 1950

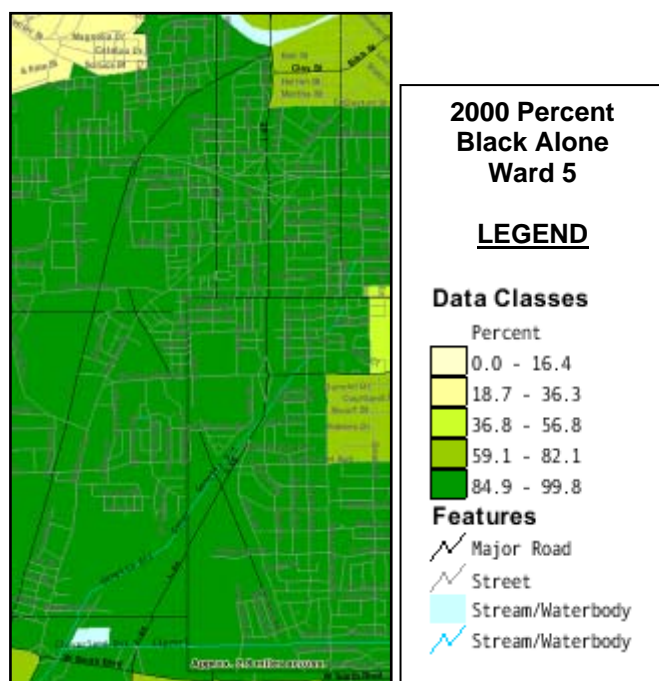


Figure 32: Ward 2 in 2000

Ward 4 has the smallest land area of all eight wards. This area is located above Carter Hill Road, to the east of Decatur and west of Forest Streets. Ward 4's fifty-year evolution was much like Ward 2's. In 1950, the ward had a black area that made up a large portion of the ward and spilled into the western portion of Ward 7, as visible in the 1950 Block Chart map below, and had the highest average home values for middle-income blacks during this time at \$4,941.00. Within its black area, the most heavily black area, those blocks with 75%-100% black residents, was in the middle. The areas that were 50% to 75% black were along the outside of the black areas and neighbored white areas. The 2000 census map shows that the majority of blacks in Ward 4 still live in the same areas that they did in 1950. The average household income had become one of the lowest in the central city with current averages the same as the current averages in Ward 2. From the percentage of nonwhites scale, the data appears to show that Ward 4 is less diverse than it was fifty years ago; however, the data shows that this is not the case. Even though the ward has at least 30% more nonwhites in it than it did

in 1950, the actual neighborhoods are more diverse. In this comparison of the 1950 and 2000 charts, the 2000 chart shows that many of the surrounding areas are now 34%-57% more diverse than they were in 1950. Yes, the main area that was overwhelmingly predominantly black in 1950 is even more predominantly black in 2000, but the areas right around that area are more integrated.

Table 31: Characteristics of Ward 4 from 1950-2000

Ward 4	1950	1970	2000
Avg Hm Val	\$4,941	\$12,100	\$66,900
Scale	4	2	3-5
% Nonwhite	50%	41%	79—99.3%
Scale	3	5	2

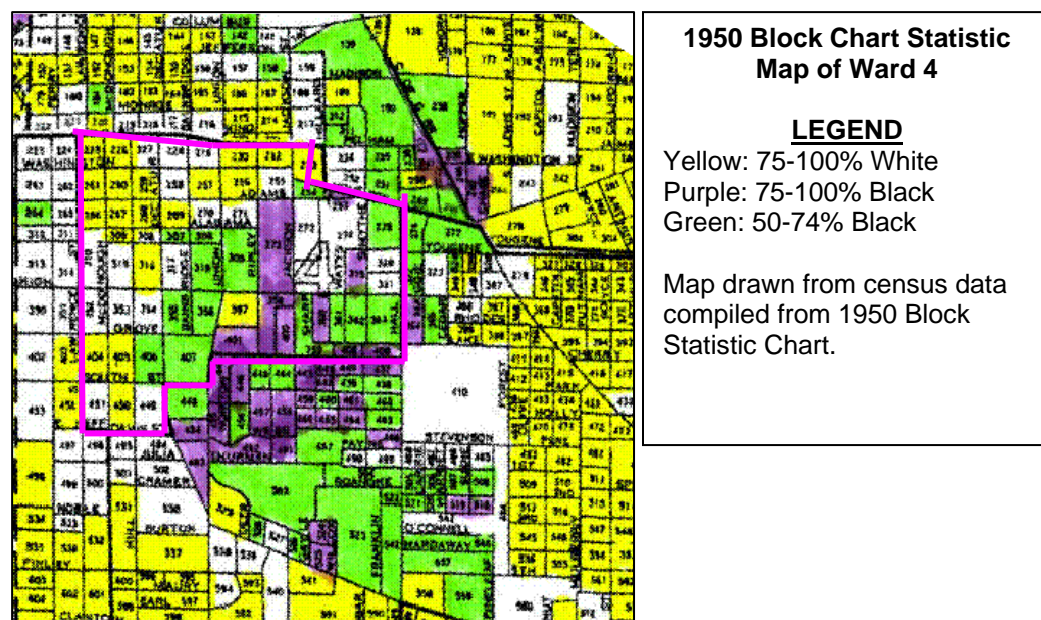


Figure 33: Ward 4 in 1950

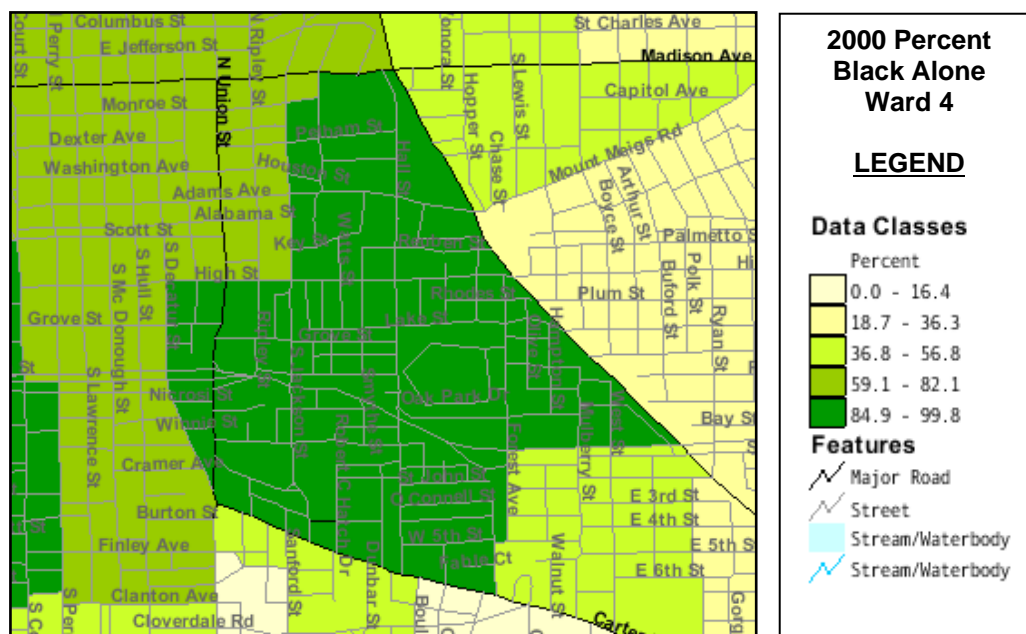


Figure 34: Ward 4 in 2000

Ward 6's is located in the northern portion of the central city to the eastern border of the Alabama River. Its demographics look the same in both 1950 and 2000 with little change. Ward 6 had a 72% nonwhite population in 1950 and had a 78% black population in 2000. Property values were the urbanized area's lowest in both 1950 and 2000. In 1970 though, housing values increased dramatically to the seventh highest at \$15,600. Ward 6's northern position aligned it with developments in Prattville in Autauga County. The increase in home values in the 1970s appears to suggest that Ward 6 became a migration oasis that allowed for people fleeing the city to move somewhat out of the city and away from its ills without changing counties. Clearly, by 2000, people had spread into Montgomery's surrounding counties and lower income people again made up the majority in Ward 6.

Table 32: Characteristics of Ward 6 from 1950-2000

Ward 6	1950	1970	2000
Avg Hm Val	\$2,353	\$15,600	\$30,400
Scale	1	7	1-2
% Nonwhite	72%	80%	78%
Scale	1	1	4

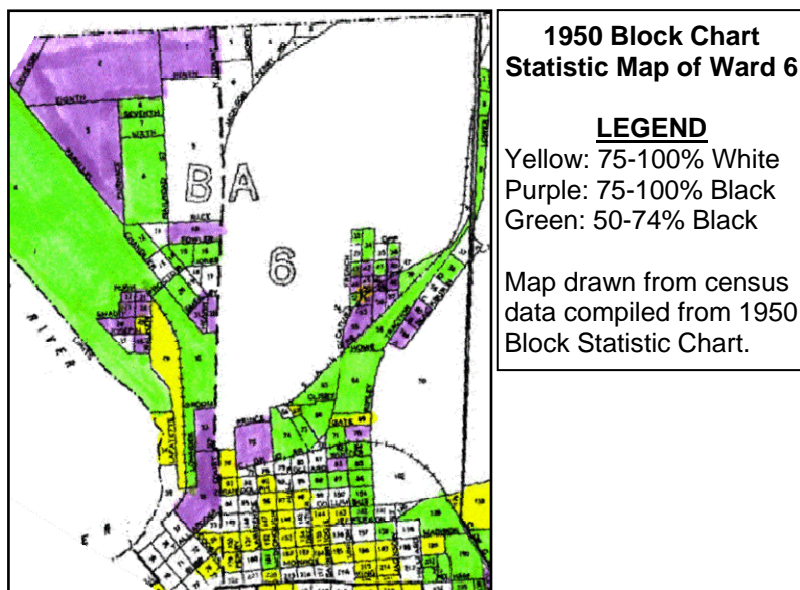


Figure 35: Ward 6 in 1950

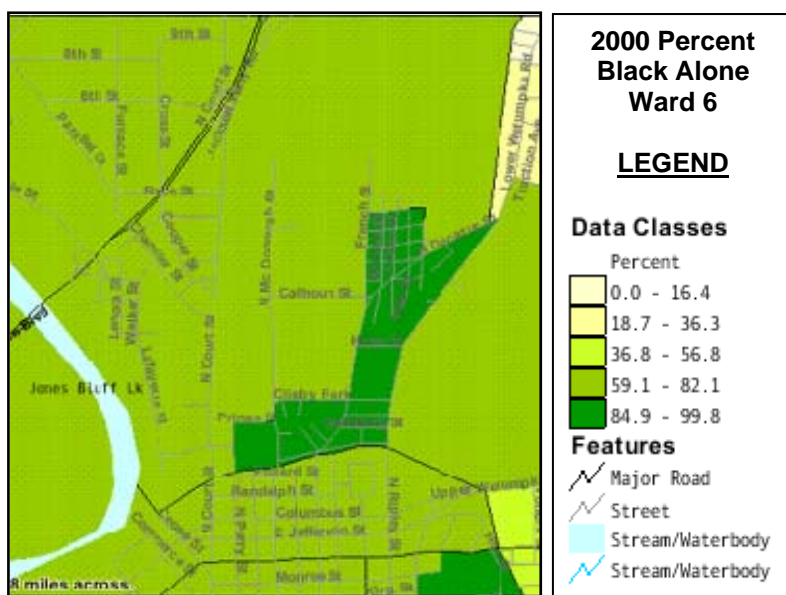


Figure 36: Ward 6 in 2000

Ward 3 experienced the most demographic change from 1950 to 2000. In 1950, Ward 3 was home to some of the richest whites in the city with the second highest home values averaging \$12,608. Whites made up 95% of the ward's population and only 6% (214) of the 3,530 total occupied dwelling units did not have running water. By 1970, this elite area had changed dramatically; average home values were now at \$9,300, the lowest at that time, 29% (270) units did not have complete plumbing, and 64% of the 947 units were occupied by

nonwhites. In 2000, this area's black population increased to a percentage of 59-82%. By comparing the 1950 and 2000 charts, Ward 3, which was practically completely white in 1950, now has many sections that are over 85% black and sections that are between 59 and 82% black – a complete reversal from fifty years prior. In 1970, these homes were the cheapest of all eight wards. The home values in these neighborhoods are the seventh highest averages of all eight wards in 2000 as they were in 1950. This shows that as blacks had greater mobility and access to equal housing, they first moved into Ward 3. The low housing values in 1970 show that as blacks moved in, a greater hysteria erupted and whites moved out. Now, in 2000, the hysteria is less of an issue and the nice homes originally in this area are worth their real value regardless of the race of the neighborhood's inhabitants.

Table 33: Characteristics of Ward 3 from 1950-2000

Ward 3	1950	1970	2000
Avg Hm Val	\$12,608	\$9,300	\$161,800
Scale	7	1	7
% Nonwhite	5.2%	64%	59—82%
Scale	7	2	3-4

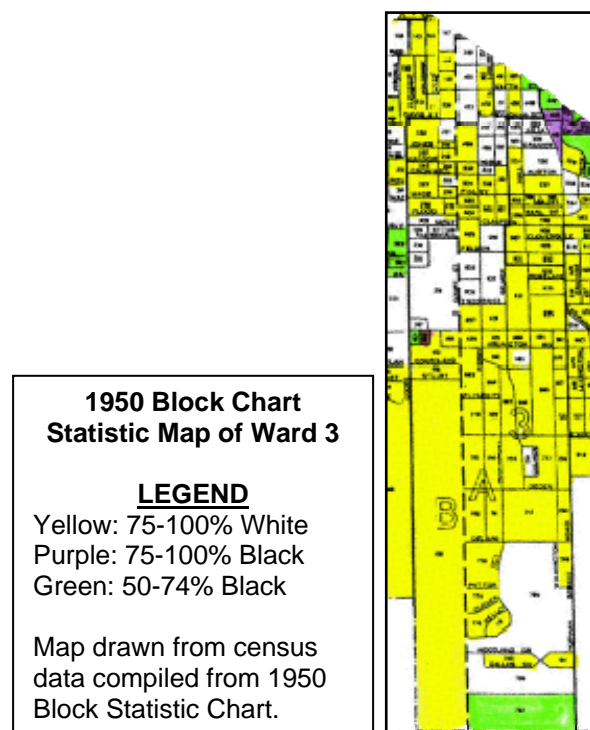


Figure 37: Ward 3 in 1950

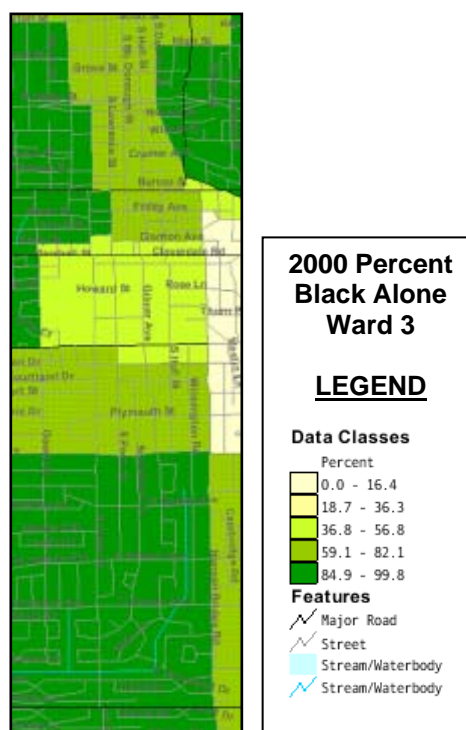
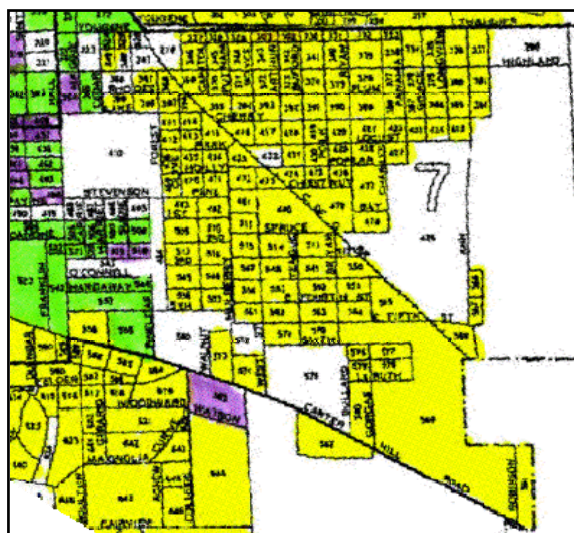


Figure 38: Ward 3 in 2000

Ward 7 is the only ward in the urbanized area that became more white from 1950 to 2000 dropping from 37% nonwhite to 31% nonwhite. Home values averaged \$7,050 in 1950 and were the fifth highest. In 1970, home values were \$15,100 and in 2000, they were \$101,400. Home values were the sixth highest in both 1970 and 2000. The western portion of Ward 7 borders Ward 4. This western area is where the majority of blacks in the ward live now as was the case in 1950. The whites in Ward 7 live to the eastern portion of the black area and encompass most of the ward. Migration out of the city's core occurred primarily to the northeast, east, and northwest. Ward 7 has a close proximity to Ward 23 and is near the large number of private elementary and high schools in its region as well as those further east. Even though Ward 7 increased its overall white population, the neighborhoods are more diverse. In 1950, the white areas were almost completely white. In 2000, the white areas were only 63%-81% white.

Table 34: Characteristics of Ward 7 from 1950-2000

Ward 7	1950	1970	2000
Avg Hm Val	\$7,050	\$15,100	\$101,400
Scale	5	6	6
% Nonwhite	37%	51%	19-36%
Scale	4	3	5-8



**1950 Block Chart
Statistic Map of
Ward 7**

LEGEND

Yellow: 75-100% White
Purple: 75-100% Black
Green: 50-74% Black

Map drawn from
census data compiled
from 1950 Block
Statistic Chart.

Figure 39: Ward 7 in 1950

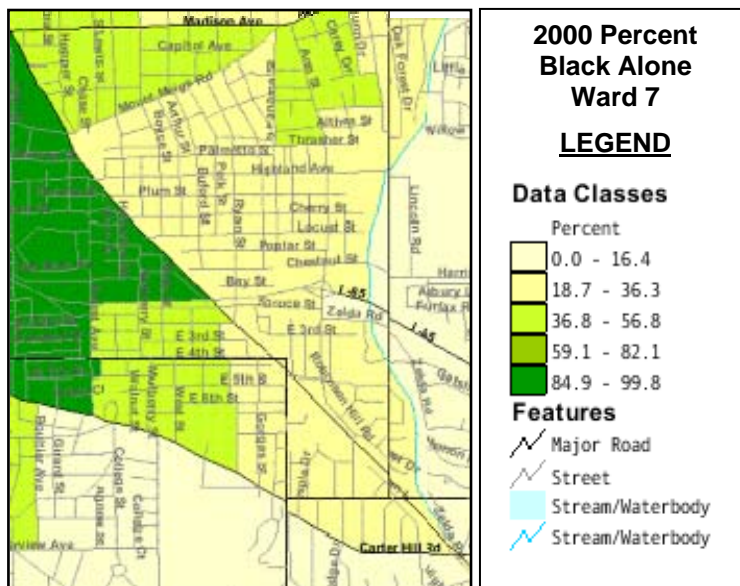


Figure 40: Ward 7 in 2000

By 2000, many of the wealthiest households in Montgomery had moved southeast of the central city beyond the city's core. These households had an average income between approximately \$80,000 and \$110,000. This area is between 69% and 99.2% white. Much of the middle-class population of all races moved into surrounding counties, primarily Autauga and Elmore to escape the original eight urbanized wards. The rapid drop or hike in property values that many wards felt during the 1970s that is not similar to their 1950 or 2000 property values shows that people began moving during this time. This transition out of the city's core and into surrounding counties shaped the landscape of Montgomery to its current size and demographic makeup.

Table 35: Home Value by Ward Compared to Percentage of Nonwhite Dwellers 1950-2000²¹²

Home Value Compared to Percentage Black 1950-2000						
Years	Average Home Value 1950	Average Home Value 1970	Average Home Value 2000	% of Nonwhite Dwellers 1950	% of Nonwhite Dwellers 1970	Max % of Nonwhite Dwellers 2000
Ward 1	\$3,683	\$13,200	\$30,400	16%	31%	31%
Ward 2	\$4,520	\$16,100	\$66,900	65%	43%	99.3%
Ward 3	\$12,608	\$9,300	\$161,800	5.2%	64%	59—82%
Ward 4	\$4,941	\$12,100	\$66,900	50 %	41%	99.3%
Ward 5	\$8,411	\$13,800	\$66,900	13%	2.1%	31%
Ward 6	\$2,353	\$15,600	\$30,400	72%	80%	59—82%
Ward 7	\$7,050	\$15,100	\$101,400	37%	51%	19-36%
Ward 23	\$16,675	\$14,300	\$262,000	0.7%	1%	31.2%

Suburban Integration

Montgomery's development centered around its urban core until the early 1960s, at which point, its population began to expand beyond its urban core into neighboring counties. Data from 1970 shows how once vibrant wards in the city had property values drop significantly and other low-income wards had property values spike. This change occurred as people migrated out of the city's core and into the surrounding counties that now makes up Montgomery's Metropolitan Statistical Area. These counties, as discussed with the 1990 data, are significant because so much of Montgomery's population moved into there to escape the central city. This migration shaped the modern Montgomery and must be considered for analysis; however, county data change very little from 1990 to 2000.

Housing values, household income, and percentages of nonwhite dwellers data, show the migration of the upper and middle classes out of the city and into the suburbs. This data also shows that by 2000, race was less of an issue and segregation was primarily socioeconomic. Clearly, white flight did begin in 1965; however, as the middle-class of both races, black and white, had greater means, middle-class flight also occurred. Those who had the financial means

²¹² 1950 US Census of Housing, Block Statistics, *Table 3*.

1970 US Census of Housing, Block Statistics, *Table 2*.

Median Value of Specified Owner-Occupied Housing Units: 2000, Map.

to get out of the city's core moved outward. Since housing discrimination became illegal and more avenues for reporting and penalizing against discrimination in housing were implemented, blacks had the opportunity to move into neighborhoods they previously were unable. Blacks moved west and southeast. Whites moved east and southeast. In making these transitions, the city as a whole became more integrated. Segregation realigned based on socioeconomic standing rather than race as the primary factor. An evaluation of these maps show that the rhetoric change Lassiter and Freud discuss clearly made a difference in the demographic landscape of the city. No longer are areas in the city completely “lily-white.”

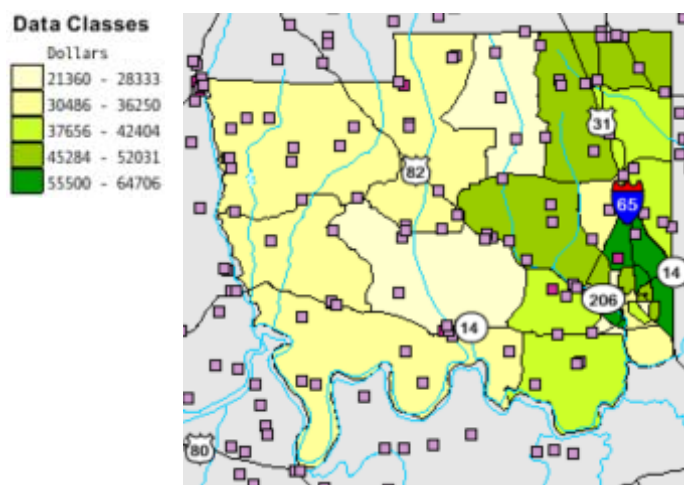


Figure 41: Autauga County 2000²¹³

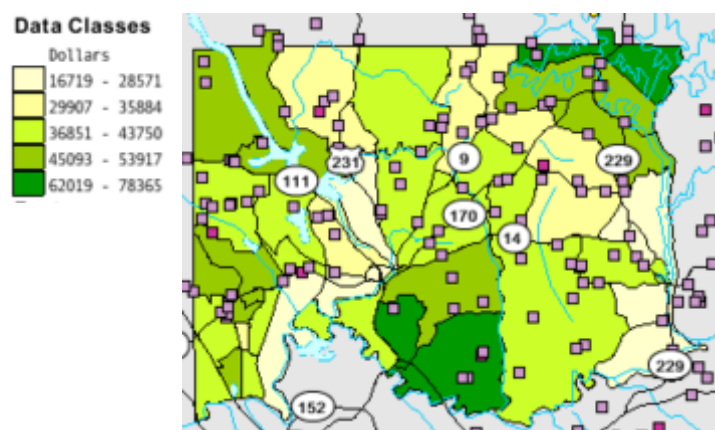


Figure 42: Elmore County 2000²¹⁴

²¹³ *Median Household Income in 1999: 2000 Universe: Households Data Set, 2000.* Map. Washington, D.C.: US Census of Housing, 2000.

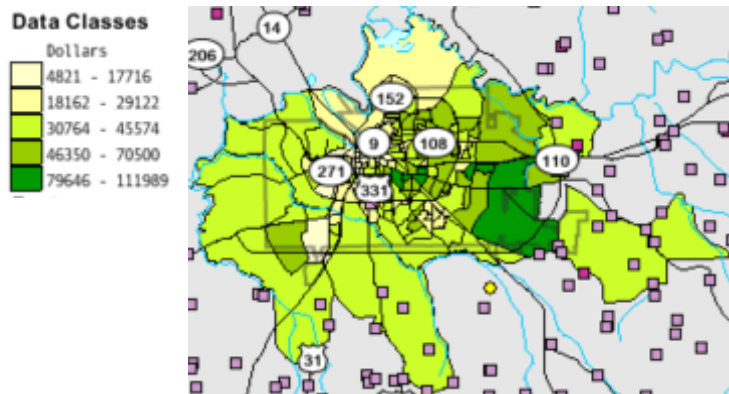


Figure 43: Montgomery County 2000²¹⁵

Autauga County's percentage of black dwellers decreased from 18% to 16% from 1990 to 2000. Dwellers in Autauga's Prattville area had an average household income of \$45,284 – \$64,706. This area has the highest household income of the whole county. Autauga experienced a 28% population increase from 1990 to 2000. Autauga has the highest forty-year overall population increase of 133% from 1960 to 2000. Elmore County's black population also decreased slightly from 17% to 15%. Elmore's Wetumpka region had an average household income of \$45,093 -- \$78,365. This average was higher than any other average in the entire metropolitan area except for the small original very upper-class elite section of Montgomery's central city and a mid-sized portion of the area in southeast Montgomery to the east of State Road 8, south of US Highway 80. Elmore's population increased 34% from 1990 to 2000 and 116% from 1960-2000. Northeast Montgomery also had a high average household income averaging \$46,350 – \$70,500. Montgomery County's black population has the only significant change in demographics jumping from a black population of 37% in 1990 to a 44% black population in 2000. Montgomery County's population only increased 6% from 1990 to 2000 and they had only a 32% population increase from 1960 to 2000. Lowndes County maintained an approximate 68% black population over the decade. Lowndes population grew 6.4% from 1990 to 2000 but had an overall 13% loss from 1960 to 2000.

²¹⁴ Ibid.

²¹⁵ Ibid.

Autauga had a majority of whites moving to the area. In 2000, 30% more whites lived in Autauga than they had in 1990 compared to only 9.2% more blacks. Elmore County had less of a disparity between the influx of population as 34% more whites had moved into the county in 2000 than there were in 1990 and 23% more blacks now lived in Elmore than in 1990. Lowndes County had the smallest population increases with 9.4% more white people moving into the county and 4.5% more black people moving in the county. Montgomery County actually experienced a loss of 8.6% white people from 1990 to 2000. At the same time, Montgomery County gained 24% more black people in 2000 than it had in 1990. Over Montgomery County's forty-year history however, 4.5% more whites lived in the County than in 1960 and 68% more blacks lived in the County than in 1960. This data shows that many people with means migrated out of the city and into the surrounding areas. Montgomery County became a less desirable place to live than Autauga and Elmore Counties. Montgomery's history of tension and new developments in Autauga and Elmore that were still near the city, provided the means and refuge for migration.

Table 36: Population Increase by Counties 1960, 1990-2000

Population Increase in MSA Counties from 1960, 1990-2000					
Subject	1960 ²¹⁶	1990 ²¹⁷	Pop Increase from 1990-2000	2000 ²¹⁸	Pop Increase from 1960-2000
Montgomery County	169,210	209,083	6.9%	223,510	32%
White People	(62%) 104,528	(57.1%) 119,420	-8.6%	(49%) 109,180	4.5%
Black People	(38%) 64,682	(42%) 87,312	24%	(49%) 108,583	68%
Autauga County	18,739	34,222	28%	43,671	133%
White People	(60%) 10,860	(79.3%) 27,144	30%	(81%) 35,221	224%
Black People	(40%) 7,879	(20%) 6,845	9%	(17%) 7,473	-5.2%
Elmore County	30,524	49,210	34%	65,874	116%
White People	(66%) 20,214	(76.9%) 37,850	34%	(77%) 50,737	151%
Black People	(34%) 10,310	(22.4%) 11,039	23%	(21%) 13,597	32%
Lowndes County	15,417	12,658	6%	13,473	-13%
White People	(19%) 2,992	(25%) 3,185	9%	(26%) 3,484	16%
Black People	(80%) 12,425	(74.7%) 9,456	4.5%	(74%) 9,885	-20%

²¹⁶ 1960 Census of General Social and Economic Characteristics, *Table 82*.

²¹⁷ US Department of Housing, *Analysis of the Montgomery*.

²¹⁸ *Ibid*.

Protecting Rights Under the Fair Housing Act The Fair Housing Act – Did it Work?

From the analysis of the counties above, clearly, the Fair Housing Act facilitated greater integration over this fifty-year period than had previously been possible. Yes, the Fair Housing Act has failed to equally integrate the nation's neighborhoods. By 2000, however, this was not directly from racial discrimination within the Federal Housing Administration, but rather from economic disparities between the races that had not been addressed. Even economic disparities within races hindered integration. Black suburbs developed for the black middle class as an alternative to the run-down areas of the city or the white suburb. Funding for low-income housing still goes to central cities instead of to the suburbs thus keeping the MSAs inhabitants needing low-income housing out of the suburbs and in the city cores where government-assisted housing and public transportation is available.

The Fair Housing Act had two purposes: one, to prohibit “disparate-treatment discrimination” and two, to prohibit “disparate-impact discrimination.” John Yinger explains these two purposes in his analysis *Sustaining the Fair Housing Act* as “discrimination which involves intentional mistreatment of customers in a protected class” and as “the use of business practices that have an unfavorable impact on a protected class and cannot be justified on the basis of ‘business necessity.’”²¹⁹ With these two purposes, the Fair Housing Act made discrimination in the housing market illegal. Challenges to discriminatory practices could be brought to court and the offending party could be penalized for its actions. As with any law, illegal acts were not prevented from happening. However, enforcement of the Fair Housing Act did prevent many entities from acting illegally by penalizing those who did act illegally and by offering justice for the victims. With this in mind, the Fair Housing Act was a success. It made

²¹⁹ John Yinger, “Sustaining the Fair Housing Act,” *Cityscape: A Journal of Policy and Research* 4 (1999): 93.

discrimination in the housing market illegal and set up penalties for those who committed illegal acts.

In 2000, the Urban Institute of Metropolitan Housing and Communities Policy Center, conducted a study of the discrimination in metropolitan housing markets.²²⁰ The study looked at twenty-two metropolitan areas, including four in Alabama, Birmingham, Huntsville, Mobile, and Montgomery. The results of their study showed that in sales tests whites were favored 26% of the time compared to blacks only being favored 14% of time. In rental tests, whites were favored 22% of the time compared to 12% of the time for blacks.²²¹ These tests show that housing discrimination is still a major problem. So did the Fair Housing Act fail?

The Central Alabama Fair Housing Center conducted tests on the Montgomery area as well. Their tests found multiple accounts of discrimination between white and black testers. In many cases, the CAFHC filed suit against the offending property owners claiming they owners were in violation of the Fair Housing Act. The provisions set forth in the Fair Housing Act and the stronger authority for reporting discriminatory practices through the Federal Housing Administration has provided substantial recourse to victims of discrimination. The CAFHC was able to use these avenues to challenge discriminatory practices.

The CAFHC brought cases against realty companies as did the Department of Justice. Hamilton Realty was sued in 1996, Bruner Trailer Park in 1998, and Lowder Realty in 2000. The Department of Justice filed suit against Hamilton Realty for steering blacks to properties that were majority black and for steering whites to properties that were majority white. The US District Court in Montgomery ordered Hamilton Realty to set up a fund of \$30,000 to

²²⁰ Margery Austin Turner and Stephen L. Ross, *Discrimination in Metropolitan Housing Markets: Phase I – Supplement, Final Report* (US Department of Housing and Urban Development, 2003).

²²¹ These results are from the Phase II tests. Phase I tests included just Birmingham. Phase II tests included Huntsville, Mobile, and Montgomery combined. These four metropolitan areas make up 78% of Alabama's black metropolitan population.

compensate its victims. The Central Alabama Fair Housing Center assisted the Department of Justice in the testing done to prove the discrimination case against Hamilton Realty.²²²

With evidence compiled by the CAFHC, the Department of Justice filed suit against David Damron who owned the Bruner Trailer Park in 1998 citing blatant discriminatory practices. Not only would Damron not allow blacks in his trailer park but he also banned any of his residence from having black visitors. In one instance cited, Damron evicted residents because they violated this policy by having a black visitor. The court ordered Damron to set up a fund to pay \$10,000 to its victims who were not allowed to take residence in the trailer park and another fund to pay an additional \$20,000 to its victims within the trailer park.²²³

In 2000, the CAFHC brought a suit against the Lowder Realty Company on behalf of six individual plaintiffs. These plaintiffs were black and had tried to purchase homes in Montgomery through the Lowder Realty Company. The suit alleged that the Lowder Realty Company “intentionally steered them away from predominantly white neighborhoods and towards predominantly African-American neighborhoods.” The suit argued further that the defendant had violated the fair Housing Act of 1968 and portions of the Civil Rights Act.

The Fair Housing Act did fail to completely integrate the nation’s neighborhoods; however, this was not its intent. The Fair Housing Act did not set out to integrate. It set out to prevent housing discrimination so that integration in neighborhoods could occur. Lawsuits were brought for violations of the Fair Housing Act have been successful at reducing the number of incidents and punishing violators of anti-discrimination laws. Because of this, the Fair Housing Act has been a success in doing what it intended to do, and that is, to prevent acts of

²²² “Alabama firm will pay \$30,000 for steering African-Americans and whites to different properties,” *The National Fair Housing Advocate*, December 1996.

²²³ “Montgomery Trailer Park Owner to Pay \$30,000 to Settle Allegations of Racial Discrimination,” *US Department of Justice*, 11 February 1999.

discriminatory practices in the housing industry and provide recourse to victims of such abusive practices.

Current State of the Schools: 2000

Dissimilarity in Public and Private School Demographics

Since *Brown*, the percentage of white enrollment in public schools in the city has decreased. Nonwhite students continue to make up a larger and larger portion of the student body each year that is increasingly disproportionate to the area's population demographics. As the data shows, the number of blacks enrolled at once all white high schools sky rocketed reaching levels by 2000 that show a complete reversal of racial makeup – formerly all white schools in the city are in many case now over 90% black. As the percentage of black students enrolled in public schools increased, private school attendance has increased.

In the Montgomery, there are eight public high schools. Three of these schools are magnet schools and one is an Alternative school for students who misbehave in regular schools. There are only four regular public high schools in Montgomery: George Washington Carver Senior High School, Jefferson Davis High School, Sidney Lanier Senior High School, and Robert E. Lee High School. Of the total 11,766 black and white students that made up the Montgomery public and private school system in 2006, 48% (5,624) were black and 49% (5,822) were white. In public schools in Montgomery's urbanized area, blacks made up 78% of the 5,219 total public and magnet schools while whites only made up 20% of the school's population. If magnet schools are removed from this breakdown blacks made up 87% and whites made up 11% of the public school population.²²⁴

²²⁴ Compellation of statistics derived from data provided from: US Department of Education: National Center for Education Statistics: The Institute of Education Sciences (accessed 27 August 2007).

The four primary public high schools have a long history of integration battles. Sidney Lanier High School is located in the core of downtown Montgomery in Ward 3. Sidney Lanier was the preeminent public school for Montgomery's white elite in the 1950s. The school's first black graduate was Arlam Carr, Jr. in 1968. In 2006, the school educated 932 students, 927 (99.5%) were black and only 2 (0.21%) were white.²²⁵ For the 2000-2001 school year, Sidney Lanier received an overall performance rating grade of D and, for the second year in a row and received an ALERT 2 recommendation for improvement.²²⁶

George Washington Carver High School opened in 1949 as the first public black high school in Montgomery. The school is located in Ward 2 on West Fairview Avenue, slightly west of I-65, not far from Sidney Lanier. This school sits in the most densely black dominated area of all the Montgomery public schools. Out of a school population of 1,345 in 2000, only 2 of these students are white.²²⁷ The school has a 33% drop-out rate, received yet another ALERT 2 recommendation in 2000, an overall performance grade of D, and received a grade of F in academic achievement.²²⁸

Jefferson Davis High School opened in 1964. It is located in an approximately 75% white area of the city in the exclusive Ward 23; however, in 2006, the school only had 66 white students out of a population of 1,434.²²⁹ Jefferson Davis is not a viable education solution either for parents with the means to send their children to private school. For the 2000-2001 school

²²⁵ Alabama State Department of Education, *Sidney Lanier High School Report Card for 2000-2001*, <http://www.alsde.edu/html/school_detail.asp?menu=none&footer=general&syscode=051&schcode=0390> (accessed 27 August 2007).

²²⁶ Ibid.

²²⁷ Alabama State Department of Education, *George Washington Carver High School Report Card for 2000-2001*, <http://www.alsde.edu/html/school_detail.asp?menu=none&footer=general&syscode=051&schcode=0130> (accessed 27 August 2007).

²²⁸ Ibid.

²²⁹ Alabama State Department of Education, *Jefferson Davis High School Report Card for 2000-2001*, <http://www.alsde.edu/html/school_detail.asp?menu=none&footer=general&syscode=051&schcode=0370> (accessed 27 August 2007).

year, the school had a 12% drop-out rate, received a C- in overall school performance, and received a grade of F with an ALERT 1 status for Academic achievement. ALERT 1 status requires that the Department of Education work with the school to bring Stanford Achievement Test results up to policy standards.²³⁰

Robert E. Lee High School is located a few miles north of Jefferson Davis High in a 75%+ white area in Ward 7. Lee High School has the most integrated public high school in Montgomery with a 64% (959) black population and 34% (511) white population out of 1,508 students.²³¹ Although the school's overall performance rating is only a C+, their academic status is rated as CLEAR, a large improvement over Carver and Davis High Schools. They have obtained and maintained this CLEAR status in the two previous school years as well. They have twice the number of computers per student as the average for Alabama as a whole.²³²

Table 37: Demographics of Public High Schools in the City in 2006²³³

Montgomery Urbanized Area Public High Schools 2006						
Type	Name	Total	Blacks	Whites	% Black	% White
Public	Carver Senior High School	1,345	1,339	2	99.5%	0.15%
Public	Jefferson Davis High School	1,434	1,334	66	93%	4.6%
Public	Sidney Lanier High School	932	927	2	99%	0.21%
Public	Lee High School	1,508	959	511	64%	34%
Magnet	Booker T. Washington	498.0	210	250	42%	50%
Magnet	Brewbaker Technology	439.0	217	206	49%	47%
Magnet	Loveless Magnet	388.0	86	239	22%	62%
TOTALS		6,544	5,073	1,276	77.5%	19.5%

²³⁰ Ibid.

²³¹ Alabama State Department of Education. *Robert E. Lee High School Report Card for 2000-2001*, <http://www.alsde.edu/html/school_detail.asp?menu=none&footer=general&syscode=051&schcode=0400> (accessed 27 August 2007).

²³² Ibid.

²³³ National Center for Education Statistics, Common Core of Data, <http://nces.ed.gov/ccd/schoolsearch/school_detail.asp?Search=1&City=montgomery&State=01&SchoolType=1&SpecificSchlTypes=all&IncGrade=13&LoGrade=-1&HiGrade=-1&ID=010243001036> (accessed February 2008).

Private high schools in the four counties that make up Montgomery's MSA have entirely different demographics than the public high schools in Montgomery, not unlike the situation in many districts across America. Overwhelmingly, most of the students are white. In each county whites attended private schools at a greater percentage than nonwhites. Lowndes County, which has the smallest white population of all the counties making up Montgomery's Metropolitan Statistical Area, has the greatest percentage of white enrollment in private schools of all four counties. In 1990, nonwhite students never attended public schools at a rate lower than 95% or, rather, the total number of nonwhites attending private schools out of all nonwhites attending school never grew higher than 5.5% in all of the counties in Montgomery's MSA. The average data for private schools reveals that private schools are still highly segregated.

Table 38: Public School Data from 1950-2000

PUBLIC SCHOOL DATA				
Date	Total students	Black (nonwhite)	White	Notes
1950	4,355 (total pub & private city) ²³⁴			
1960	1,594 ²³⁵ 188,746 ²³⁶	57,302 (97.5% public)	131,444 (96% public)	City State
1980	17,703 ²³⁷ (89% of all students attend public schools)	8,352	9,351	Counties Total
1990	51,170 ²³⁸	27,596 (93% of black students attend public school)	23,574 (80% of white students attend public school)	Counties Total
2000	12,379	7,174 (58% of total students black)	4,928 (40% of total students white) (52 % of white students enrolled in public schools)	High Schools only

²³⁴ US Census Bureau, 1950 US Census of Social and Economic Characteristics, *Table 63. Year of School in Which Enrolled, by Single Years of Age, Color, and Sex, for the State, Urban and Rural and for Cities of 100,000 of More: 1950, 1950.*

²³⁵ 1960 US Census of the Population, *Table 73.*

²³⁶ 1960 US Census of General Social and Economic Characteristics, *Table 45.*

²³⁷ 1980 US Census of General Social and Economic Characteristics, *Table 182.*

²³⁸ 1990 US Census of General Social and Economic Characteristics, *Table 152.*

Table 39: Private School Data from 1960-2000

PRIVATE SCHOOL DATA				
Date	Total students	Black (nonwhite)	White	Notes
1960	1,657 ²³⁹ (12.5%) 7,019 (3.6 %)	1,630 (2.5%)	5,389 (4%)	City State
1980	2,092 (10.6% of all students attend private schools)	361 (4% of black students enrolled in private schools) (17% of private school students are black)	1,731 (16% of white students enrolled in private schools) (83% of private school students are white)	Counties Total
1990	7,966 ²⁴⁰ (13% of all students attend private school)	1,219 (4% of black students attend private school)	5,953 (20% of white students attend private school)	Counties Total
2000	5,222 (30% of all students attend private school)	551 (10.5%)	4,546 (87%)	City

In contrast to the public school breakdown, the urbanized area's twelve private high schools educated 5,222 of Montgomery's students in 2006 with black students making up only 11% (551) of the students while white students make up 87% (4,546) of the student population. Four of these private high schools teach a majority if not 100% black students. One high school, Lighthouse Christian Academy has a diversity of approximately 50% black and 50% white students in their population of 170. The remaining private schools are overwhelmingly white. For example, St. James School has 1,041 white students out of a population of 1,107. Only 29 of St. James' students are black. St. James is located on Vaughn Road in a heavily white area on the city's periphery, just a few miles east of the downtown city borders. There are no public schools in this area. The closest public school for these students would be Jefferson Davis High School.

Four private high schools are located within close proximity of each other on Vaughn Road. Montgomery Catholic Preparatory is located very near St. James. It has a smaller student body of only 258; 222 students are white and 20 are black. The Montgomery Academy teaches 824 students. Of these students, 766 are white and 32 are black. Evangel Christian Academy

²³⁹ 1960 US Census of General Social and Economic Characteristics, *Table 73*.

²⁴⁰ 1990 US Census of General Social and Economic Characteristics, *Table 152*.

has a student body of 271; 217 students are white, and 53 are black.

All but three of the private schools are located in the southeast part of the city. They are in white dominated areas that are 75%+ white. The areas that are practically 100% white, do not have any schools, private nor public, that appear in searches generated through the Department of Education.

Self segregating in schools does not occur just between rich suburban whites and low income city blacks. In fact, the three private schools that are located in predominately black areas have 100% black student bodies. These schools are St. Jude High, Freedom Life, and Grace Christian. As upwardly mobile blacks increase mobility, they begin to move their children into better schools – private and public. If private schools in Montgomery are cost prohibitive and therefore not an option, public schools in nearby counties, particularly Elmore County, offer alternative options to parents who did not want their children to attend Montgomery’s city schools.

Table 40: Private High Schools in Montgomery in 2006²⁴¹

MONTGOMERY URBANIZED AREA PRIVATE HIGH SCHOOLS 2006						
Type	Name	Total	Blacks	Whites	% Black	% White
Private	St. Jude High School	145	145	0	100%	0.00%
Private	Eastwood Christian School	219	1	218	0.46%	99.5%
Private	Evangel Christian Academy	271	53	217	20%	80%
Private	Montgomery Academy	824	32	766	4%	93%
Private	Trinity Presbyterian School	962	5	944	0.52%	98%
Private	Alabama Christian Academy	924	23	895	2.5%	97%
Private	Freedom Life Christian Academy	55	45	Unk	82%	0.00%
Private	Grace Christian Academy	40	40	0	100%	0.00%
Private	Calvary Christian Academy	247	85	156	34%	63%
Private	Lighthouse Christian Academy	170	73	87	43%	51%
Private	Montgomery Catholic Preparatory	258	20	222	8%	86%
Private	St. James School	1,107	29	1,041	2.6%	94%
TOTALS		5,222	551	4,546	10.5%	87%
Total Public & Private Students		11,766	5,624	5,822	48%	50%

²⁴¹ National Center for Education Statistics, Common Core of Data.

In counties outside the urbanized core but now considered a portion of Montgomery's Metropolitan Statistical Area, segregation is not quite as bad. Although, all most all of the Montgomery County and Lowndes County public schools have a black population of over 98%, the two remaining counties in Montgomery's MSA, Autauga and Elmore, have solidly desegregated schools.

Autauga County has a population 43,671. Eighty percent of this population is white and only 17.11 percent is black.²⁴² Autauga County has three public high schools: Autaugaville School, Billingsley High School, and Prattville High School. Autaugaville taught 429 students in 2006 with 418 (97%) being black and only 11(2.6%) being white. Billingsley High School had 751 students enrolled, 210 (28%) were black and 534 (71%) were white. Prattville High School, the largest of Autauga's schools, had 2,109 students enrolled with 411 being black (or 20%) and 1,593 being white (or 76%). These schools enroll a total of 3,289 students all together. Of these students, 32% are black and 65% are white.

Table 41: High Schools in Autauga County²⁴³

Autauga County Public High Schools						
Type	Name	Total	Blacks	Whites	% Black	% White
Public	Autaugaville School	429	418	11	97%	2.6%
Public	Billingsley High School	751	210	534	28%	71%
Public	Prattville High School	2109	411	1593	20%	76%
		3289	1039	2138	32%	65%

The below chart shows the error in distribution rate calculated from a comparison between population demographics and school enrollment demographics. A total of 3.4% more white students should be enrolled in public schools here than are. Instead, they are enrolled in non-public or, rather, private schools. Additionally, blacks only make up 21% of the county's

²⁴² US Census Bureau, 2000 US Census of the Population, *DP-1. Profile of General Demographic Characteristics: Autauga County 2000*, 2000.

²⁴³ National Center for Education Statistics, <<http://www.nces.ed.gov/>> (accessed multiple times through 2007-2009).

total student population, yet they make up 24% of the students enrolled in public schools. As the below chart indicates, if approximately 3.4% more white students were enrolled in Autauga County public schools as opposed to other types of schools, the school demographics would match the demographics of the county population and would then have an almost zero error in demographic dissimilarity. A dissimilarity of only 3.4% is very low. In comparison to Montgomery County high schools, for example, that have an approximately 40% dissimilarity.

Table 42: Racial Dissimilarity in Public and Private Schools for Autauga County²⁴⁴

Autauga									
	Total Enrolled		Public			Private			Dissimilarity
	A	B	C	D	E	F	G	H	I
White	80%	7,800	80%	6,217	76%	20%	1,583	96%	-3.4%
Black	20%	2,029	97%	1,964	24%	3.2%	65	3.9%	3.4%
Total		9,829	83%	8,181		17%	1,648		
<p><i>Dissimilarity calculated by analyzing the demographics of all enrolled students from the county and the demographics of all of the public school students in the county. The percentage of the total white students enrolled in the county subtracted from the percentage of white students enrolled in the county's public schools provides the dissimilarity between the demographics of the county versus those actually in the public schools. All data obtained in these charts were obtained from the University of Alabama Data Collection center at http://census.cba.ua.edu/SocReport.php on 31 August 2009.</i></p> <p><i>Column A: Percentage of Total Students Enrolled in the County</i> <i>Column B: Number of Total Students Enrolled in the County</i> <i>Column C: Percentage of Total Students Enrolled in Public Schools</i> <i>Column D: Number of Total Students Enrolled in Public Schools</i> <i>Column E: Demographics within Public Schools</i> <i>Column F: Percentage of Total Students Enrolled in Private Schools</i> <i>Column G: Number of Total Students Enrolled in Private Schools</i> <i>Column H: Demographics within Private Schools</i> <i>Column I: Dissimilarity of Students Enrolled in Public Schools versus Total Students Enrolled in the County</i></p>									

Data for Autauga's High School's shows a greater dissimilarity than the overall school system. Only 65% (2,138) of public high school students in Autauga are white compared to the 81% that live in the county. This is a -15.7% dissimilarity. Dissimilarity is more prevalent as students get older. This is true for all four of Montgomery's metropolitan counties.

²⁴⁴ University of Alabama Data Collection Center, <<http://census.cba.ua.edu/SocReport.php>> (accessed 31 August 2009).

Table 43: Dissimilarity in County Population and Public High School Demographics in Autauga County in 2000

Autauga			
	County Population²⁴⁵	Public High Schools²⁴⁶	Dissimilarity
Total	43,671	3,289	
White	35,221 (81%)	2,138 (65%)	-15.7%
Black	7,473 (17%)	1,039 (32%)	+14.5%

In 2000, Elmore County had a population of 65,874. White residents totaled 50,737 (77%). Black residents totaled 13,597 (21%). White students make up 75% (10,321) of enrolled students. Black students make up 25% of Elmore's enrolled students for grades of preschool through twelfth. Elmore's error in dissimilarity rate is only -2%. This means there are only 2% less white students enrolled in public high schools in Elmore County than should be to restore demographic equilibrium according to the county population. If these 2% of white students, who are enrolled in private high schools, enrolled in one of Elmore's public high schools or other non-public high schools, the additional 2% of black students more than the population would be offset and there would be almost no, or as little as could be hoped for, error in distribution. Equilibrium of demographics would then exist.

Table 44: Racial Dissimilarity in Public and Private Schools for Elmore County

Elmore									
	Total Enrolled		Public			Private			Dissimilarity
	A	B	C	D	E	F	G	H	I
White	75%	10,321	83%	8,599	73%	17%	1,722	87%	-2%
Black	25%	3,426	93%	3,177	27%	7.4%	249	13%	2%
Total		13,747	86%	11,776		14%	1,971		

Four public high schools exist in Elmore County: Elmore County, Holtville, Stanhope Elmore, and Wetumpka. The student body at Elmore County High School consists of 15% black students. At Holtville High School only 10% of the student body consists of black students. At

²⁴⁵ US Census Bureau, 2000 US Census of the Population, *DP-1*. This source is the same for all of the county public high school demographic data in the subsequent charts.

²⁴⁶ US Census Bureau, 2000 US Census of General Social and Economic Characteristics, *Social Profiles: School Enrollment by Level of School by Type of School for the Population 3 Years and Over, 2000*. This source is the same for all of the county public high school demographic data in the subsequent charts.

Stanhope Elmore High School 32% of the students are black and at Wetumpka, 35% of the students are black.

Table 45: High Schools in Elmore County

Elmore County Public High Schools						
Type	Name	Total	Blacks	Whites	% Black	% White
Public	Elmore County High School	535	81	447	15%	84%
Public	Holtville High School	445	45	395	10%	89%
Public	Stanhope Elmore High School	1101	355	707	32%	64%
Public	Wetumpka High School	1082	391	656	36%	61%
	TOTAL	3163	872	2205	28%	70%

In total, Elmore County has 3,163 students enrolled in its public high schools. Of these students, 872 (28%) are black and 2,205 (70%) are white. This shows that there are only 7.3% less white students enrolled in public high schools in Elmore County than should be to restore demographic equilibrium according to the county population. If these 7.3% of white students, who are enrolled in private high schools, enrolled in one of Elmore's public high schools or other non-public high schools, the additional 7% of black students more than the population would be offset and there would be almost no, or as little as could be hoped for, dissimilarity error. Equilibrium of demographics would then exist.

Table 46: Dissimilarity in County Population and Public High School Demographics in Elmore County in 2000

Elmore			
	County Population	Public High Schools	Dissimilarity
Total	65,874	3,163	
White	50,737 (77%)	2,205 (70%)	-7.3%
Black	13,597 (21%)	872 (28%)	+6.9%

Montgomery County and Lowndes County present an entirely different picture than that of Elmore and Autauga Counties that basically have completely integrated schools. Lowndes has the smallest population of the counties in Montgomery's Metropolitan Area with only 13,473 total people. Only 26% (3,484) of this population is white while 73% (9,885) is black. The error

of dissimilarity for this county is much greater than the previous two counties discussed. White students make up 16% (523) of the enrolled student population. Black students make up 84% (2,816) of the enrolled student population. Of the 16% white population, white students make up only 6% (177) of the public school enrollment. This presents an error margin of -9.6%. Of the 84% black student population, they represent 94% (2,763) of the total public school enrollment.

Table 47: Racial Dissimilarity in Public and Private Schools for Lowndes County

Lowndes									
	Total Enrolled		Public			Private			Dissimilarity
	A	B	C	D	E	F	G	H	I
White	16%	523	34%	177	6%	66%	346	87%	-9.6%
Black	84%	2,816	98%	2,763	94%	1.9%	53	13%	9.6%
Total		3,339	88%	2,940		12%	399		

As with the other counties, the dissimilarity in public school enrollment increases significantly for high school data alone. Lowndes has two regular public high schools: Calhoun High School and Central High School. Calhoun High School had 335 students enrolled in 2006. Of these 334 (or 98%) were black and one was white (or 0.3%). Central High School had 373 students enrolled in 2006. Of these students, 370 were black (or 99%) and three (or 0.8%) were white. For the entire county, 708 students were enrolled in Lowndes County Public Schools. Only 0.56% of these students were white.

Table 48: High Schools in Lowndes County

Lowndes County Public High Schools						
Type	Name	Total	Blacks	Whites	% Black	% White
Public	Calhoun High School	335	334	1	98%	0.30%
Public	Central High School	373	370	3	99%	0.80%
		708	704	4	99%	0.56%

Of the 26% of the total white population, white students make up less than one percent of the public high school enrollment. This presents an error margin of approximately 25%. Since the error in dissimilarity for white students equals that of the county population, almost no parents of white students enroll their children in Lowndes County public high schools. Instead,

all of these children must be enrolled in private high schools or home schooled.

Table 49: Dissimilarity in County Population and Public High School Demographics in Lowndes County in 2000

Lowndes			
	County Population	Public High Schools	Dissimilarity
Total	13,473	708	
White	3,484 (26%)	4 (0.56%)	-25%
Black	9,885 (73%)	704 (99%)	+26%

Montgomery County's population totals 223,510. Of these people, 49% are white and 49% are black. There are 47,321 students enrolled in Montgomery County's school system over the age of 3 in preschool to the twelfth grade. White students make up 38% (18,184) of this population. Black students make up 62% (29,137) of this population. The county's public school system educates 78% (36,969) of all of the students in the county compared to only 22% (10,382) that private schools educate in the county. Of the 36,969 public school students, only 27% (10,037) of those students are white. Black students make up 73% (26,902) of the public school population. Since whites make up 38% of the total enrolled population and only 27% of the public school population, there is a -11% dissimilarity.

Table 50: Racial Dissimilarity in Public and Private Schools for Montgomery County

Montgomery									
	Total Enrolled		Public			Private			Dissimilarity
	A	B	C	D	E	F	G	H	I
White	38%	18,184	55%	10,037	27%	45%	8,147	78 %	-11.3%
Black	62%	29,137	92%	26,902	73%	7.7%	2,235	22%	11.3%
Total		47,321	78%	36,939		22%	10,382		

Data for just the high schools is much worse than school data for all grade levels combined. Only 581 (11%) white students attend Montgomery's four regular public high schools compared to 4,559 (87%) black students. Therefore, there is a -38% dissimilarity between white public high school attendance and the white county population. This is the highest of the metropolitan area.

Table 51: Dissimilarity in County Population and Public High School Demographics in Montgomery County in 2000

Montgomery			
	County Population	Public High Schools	Dissimilarity
White	109,180 (49%)	581 (11%)	-37.7%
Black	108,583 (49%)	4,559 (87%)	+38.8%
Total	223,510	5,219	

Re-segregation of the Schools Effectiveness of Desegregation Orders

Tremendous progress has been made on integrating school districts across the nation. Montgomery's Metropolitan Statistical Area operates an integrated school system. Montgomery city public high schools, however, are heavily black in spite of a practically equal black and white population demographic throughout the city. For those most part, *Brown*, *Carr*, and the many other desegregation and integration attempts have produced a much more integrated school system. There are areas that need more work as Vina Kay explains in her study "In Pursuit of a Dream Deferred: Linking Housing and Education Policy:"

the public is appalled at statistics demonstrating how little students know when they leave the school system and how unprepared they are to compete in a competitive world. Test scores paint a dramatic picture of the failures of students, schools, teachers, and the entire education system. But they also tell the story of who is losing the most in the race for education: impoverished students and students of color. That these two groups overlap significantly and that they are the students with the lowest test scores, the lowest graduation rates, and the lowest college attendance rates rarely come as a surprise to anyone.²⁴⁷

Kay further explains that when low-income people are in a mixed economic environment, they have access to the same advantages and are therefore more successful. Access to good schools depends on the neighborhood of the school. This is a national problem yet, not much as changed since this data was compiled. Charter schools and voucher programs help such a small few that they are not sufficient on a large scale. The state of the public school system is so deplorable

²⁴⁷ Powell, Kearney, and Kay 270.

that many parents opt for the private school. In doing this, the public schools suffer more. For example, public schools were integrated in the mid to late 1970s and 1980s more than in any other period in our nation's history. Public schools in central cities have often resegregated. Once 100% white schools, which also served upper-income neighborhoods, are now 90+% black, such as Sidney Lanier, which is serving a lower-income area. Whites with sufficient incomes have left the city schools for private and suburban schools.

According to a report issued in September 2007 by the United States Commission on Civil Rights "Becoming Less Separate? School Desegregation, Justice Department Enforcement, and the Pursuit of Unitary Status," unitary-school systems still existed as late as 2007. In this study, of the 795 school districts reviewed in seven southern states, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina, 24% (193) of the districts operated a unitary system. Of these, 287 were still under a court ordered desegregation plan.²⁴⁸ Alabama courts had placed 124 school districts under a desegregation order in the 1960s and 1970s. Overtime, more and more schools received unitary status and were no longer under court ordered desegregation plans; however, almost half of the schools originally under court orders, remained under an order at the time of this report. Although schools no longer deny students admittance on the basis of race, other circumstances such as neighborhood proximately to public schools, suburban flight, and private schools, facilitated the continuation of segregated education units.

²⁴⁸ United States Commission on Civil Rights, *Becoming Less Separate? School Desegregation, Justice Department Enforcement, and the Pursuit of Unitary Status*, (Washington, DC: GPO 2007), 32.

Table 52: Number of Districts Placed Under Court Order in Each State by Decade²⁴⁹

Number of Districts Placed Under Court Order in Each Decade by State						
State	1960s	1970s	Decade 1980s 1990s	2000s	Unknown	Total Districts Ever Under Court Order
Alabama	123	1	0 0	0	0	124
Florida	17	17	0 0	0	0	34
Georgia	101	6	0 0	0	2	109
Louisiana	49	9	1 0	0	0	59
Mississippi	57	32	1 1	0	4	95
North Carolina	17	10	0 0	0	0	27
South Carolina	22	10	0 0	0	0	32
Total	386	85	2 1	0	6	480

In 1960, Alabama had the highest number of districts under a court order of all seven states the commission analyzed at 123. Only one Alabama district was added to a court order in the 1970s. By the 1970s, fourteen of these districts received recognition of unitary status. From the 1980s to 1990s, 66 more of Alabama's districts under court order desegregation plans received unitary status. And, in 2000, another 45 districts received unitary status recognition.

Table 53: Districts Receiving Unitary Status by Decade²⁵⁰

Districts Receiving Judicial Recognition of Unitary Status in Each Decade by State						
State	1960s	1970s	Decade 1980s 1990s	2000s	Unknown	Total Districts with Unitary Status
Alabama	0	14	6 6	45	0	71
Florida	0	6	2 5	6	0	19
Georgia	0	2	2 4	25	0	33
Louisiana	0	3	1 0	11	1	16
Mississippi	0	1	3 2	18	0	24
North Carolina	0	6	1 5	0	0	12
South Carolina	0	0	2 0	16	0	18
Total	0	32	17 22	121	1	193

²⁴⁹ United States Commission on Civil Rights, "Table 4.4 The Number of Districts Placed Under Court Order in Each Decade by State," *Becoming Less Separate? School Desegregation, Justice Department Enforcement, and the Pursuit of Unitary Status*, (Washington, DC: GPO 2007).

²⁵⁰ United States Commission on Civil Rights, "Table 4.6 The Number of Districts Receiving Judicial Recognition of Unitary Status in Each Decade by State," *Becoming Less Separate? School Desegregation, Justice Department Enforcement, and the Pursuit of Unitary Status*, (Washington, DC: GPO 2007).

At the time of the compilation of data for the Commission's report, fifty-three (53) schools in Alabama remained under a court order. Twenty-two (22) planned to seek unitary status. Seventy-one (71) districts had already successfully integrated their school systems. Six of Alabama's school districts were under dispute with the courts regarding their unitary status. Fourteen districts were not seeking unitary status at the time of the data compilation. This report shows how very far each state has come in integrating its school over the last forty years. The report also shows that improvements still need to be made as about half of the school districts initially under a court order remain under an order.

Table 54: Current Efforts of Districts Under Court Order to Attain Unitary Status²⁵¹

Current Efforts of Districts Under Court Order to Attain Unitary Status						
State	Districts Seeking or Planning to Seek Unitary Status	Districts Not Seeking Unitary Status	Districts with Disputed or Unclear Status	Districts Undecided About Seeking Unitary Status	No Response or Unknown Intent	Total Districts Remaining Under Court Order
Alabama	22	14	6	8	3	53
Florida	4	8		3		15
Georgia	18	33		9	16	76
Louisiana	13	11	1	9	9	43
Mississippi	14	37		7	13	71
North Carolina	2	8	2	1	2	15
South Carolina	2	11			1	14
Total	75	122	9	37	44	287

Even in 2000, white students made up 61 percent of America's school population; however, large city school systems educate mostly minority students.²⁵² Harvard University recently completed a study on the current re-segregation of America's schools. This study found that although Southern schools are the most integrated in the nation, the percentage of integration

²⁵¹ United States Commission on Civil Rights, "Table 4.8 Current Efforts of Districts Under Court Order to Attain Unitary Status," *Becoming Less Separate? School Desegregation, Justice Department Enforcement, and the Pursuit of Unitary Status*, (Washington, DC: GPO 2007).

²⁵² "50 Years Later, Brown Disappointments: Blacks Lag as Schools Resegregate," *The Washington Times*, 17 May 2004.

is declining.²⁵³ Integration reached a nation-wide high in 1988 with 45% of black students attending predominately white schools. Some argue that the failing of integration comes out of a lack of clear goals such as teaching tolerance, preparing children for the real world, or to improve black student performance.²⁵⁴ These studies pose the question, what has really been accomplished? As schools that were once all white now become all black, what has really been accomplished?

In the last fifty years, the demographic makeup of Montgomery's school system has completely changed. In 1950, all but one of Montgomery County's high schools were 100% white. George Washington Carver High School was 100% black. Now, after fifty years of challenges to the color line, all but one of Montgomery County's high schools are nearly 100% black. Robert E. Lee High School is 34% white and 64% black. After integration mandates were ordered, private school attendance increased. In 1980, data for the state showed that 94% of nonwhite students were enrolled in public schools and 85% of white students were enrolled in public schools. Private schools only educated .06% of black students and 16% of white students. By 1990 these numbers had changed dramatically as public schools educated 95% of nonwhite students and only 75% of white students. In Montgomery County, private schools saw significant increases as they now educated 25% of white students and 5% of black students.

Data from 2000 showed even greater reliance on private schools to educate the populace's children. Only 87% of black school-age children attended public schools. But in even more dramatic numbers, only 11% of white children attended Montgomery County's public schools. Private schools now educated 13% of all black students and 89% of all white students. The trend is

²⁵³ Robert Stacy McCain, "Study: Segregation is Developing in U.S. Schools Again," *The Washington Times*, 18 July 2001. The Harvard Report referenced is "Schools More Separate: Consequences of a Decade of Desegregation" by Gary Orfield.

²⁵⁴ George Archibald, "A Mixed Legacy; Fifty Years after the Brown V. Board of Education Decision, Some of the Area's Schools Are Drifting Back toward Segregation," *Sarasota Herald Tribune*, 16 May 2004.

clear that as more black and/or nonwhite students attended public schools, enrollment in private schools increased. The change in all white schools now becoming all black schools would indicate that *Brown* and *Carr* failed to adequately integrate the school system. This would also seem to indicate that Montgomery's school system continues to operate a dual school system and not a unitary school system; however, this is not necessarily the case. Since so much of Montgomery's population moved to neighboring counties to escape the city, the county demographics must also be considered. In reviewing the demographics in those areas as well, Montgomery's MSA is clearly a very integrated school system.

Table 55: Public and Private School Integration for Montgomery's MSA

All Counties					
	Public	Private	Total	% in Private	% of Population
Blacks	7,174	2,602	9,776	27%	37%
Whites	4,928	11,798	16,726	71%	63%
Total	12,379	14,400	26,779	54%	

Out of all four of the MSA counties, black students make up 37% (9,776) of the student population. White students make up 63% (16,726) of the student population. Blacks enroll in private schools at a rate of 27% (2,602). Whites enroll in private schools at a rate of 70% (11,798). So many people have left Montgomery's central city over the last fifty years, particularly the last thirty (1970-2000), that including Montgomery in the analysis does not give the most accurate picture since so many of the affluent Montgomerians who could afford to leave the city did. They mainly ended up in neighboring counties.

Table 56: Public and Private School Integration for MSA Excluding Montgomery County

Autauga, Elmore, and Lowndes Counties					
	Public	Private	Total	% in Private	% of Population
Blacks	2,615	367	2,982	12%	27%
Whites	4,347	3,651	7,998	46%	72%
Total	7,160	4,018	11,178	36%	

With the central city out of the equation, blacks make up 27% (2,982) of the enrolled student population in the three remaining counties in the MSA. Whites make up 72% (7,998) of the student population. In these counties, private schools educate 36% (4,018) of the enrolled students. Private schools enroll 12% (367) of black students and 46% (3,651) of the white students. This data shows that the school districts surrounding Montgomery County's school district are much more integrated than Montgomery's city schools.

These counties include the new suburbs of Montgomery that have been forming over the last fifty years. People have long argued that "white flight" to the suburbs was done to escape integration. Although this may have been true during the early days of integration, since that time, these suburban areas have become much more diverse. Schools in Montgomery's city have received ALERT warnings and have high dropout rates. This would explain reasons that parents who could afford to send their children to private schools would do that in Montgomery's city. The public school system is not adequate if a parent can afford other alternatives. In Autauga and Elmore Counties, the schools have more successful records. Private schools are therefore less needed.

Conclusion

Patterns of Segregation in Montgomery in the 2000s

In fifty years, Montgomery has moved from a completely segregated central city, to an integrated metropolis encompassing four counties. The public school system in the MSA is more integrated than it has ever been. Neighborhoods are shaped on the basis of socioeconomic levels more so than on race. Governmental positions include leadership from both white and black races. Central city schools have resegregated. Private schools in the city have become havens for upwardly mobile whites and blacks. White resistance to neighborhood integration remains. Yet, agencies such as the Federal Housing Administration, the Central Alabama Fair Housing Center, and the Department of Justice help to protect minorities from discrimination in the housing market and school system and provide them with tools to report and fight discrimination attempts. *Brown*, *Carr*, the Fair Housing Act, and others have been successful in integrating the metropolitan area of Montgomery. The area is partially integrated, especially in the suburbs. The area needs to be more integrated, however, especially, in the realm of the central city.

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