
School Desegregation in Tennessee

**12 Districts Released from Desegregation Orders
17 Districts Remain Under Court Jurisdiction**

**Tennessee Advisory Committee to the
United States Commission on Civil Rights**

April 2008

This is the work of the Tennessee Advisory Committee to the United States Commission on Civil Rights. The views expressed in this report and the findings and recommendation contained herein are those of the members of the State Advisory Committee and do not necessarily reflect the views of the Commission, its individual members, or the policies of the United States Government.

The United States Commission on Civil Rights

The U.S. Commission on Civil Rights is an independent, bipartisan agency established by Congress in 1957, reconstituted in 1983, and reauthorized in 1994. It is directed to investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, disability, or national origin, or by reason of fraudulent practices; study and collect information relating to discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice; appraise federal laws and policies with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice; serve as a national clearinghouse for information in respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin; submit reports, findings, and recommendations to the President and Congress; and issue public service announcements to discourage discrimination or denial of equal protection of the laws.

The State Advisory Committees

By law, the U.S. Commission on Civil Rights has established an advisory committee in each of the 50 states and the District of Columbia. The committees are composed of state citizens who serve without compensation. The committees advise the Commission of civil rights issues in their states that are within the Commission's jurisdiction. More specifically, they are authorized to advise the Commission on matters of their state's concern in the preparation of Commission reports to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public officials, and representatives of public and private organizations to committee inquiries; forward advice and recommendations to the Commission, as requested; and observe any open hearing or conference conducted by the Commission in their states.

Letter of Transmittal

Tennessee Advisory Committee to the
U.S. Commission on Civil Rights

Members of the Commission:

Gerald A. Reynolds, *Chairman*
Abigail Thernstrom, *Vice Chairperson*
Todd Gaziano
Gail L. Heriot
Peter N. Kirsanow
Arlan D. Melendez
Ashley L. Taylor, Jr.
Michael Yaki

The Tennessee Advisory Committee (Committee) submits this report, *School Desegregation in Tennessee: 12 Districts Released from Desegregation Orders, 17 Districts Remain Under Court Jurisdiction*, as part of its responsibility to study pressing civil rights issues in the State and report on its findings. The report was unanimously approved by the members of the Tennessee Advisory Committee at a meeting of the Committee by a vote of 10 yes, 0 no, and no abstentions.

In support of a national Commission study on school desegregation, this report provides both to the Commission and the public a complete assessment of the school desegregation status of the 136 public school districts in Tennessee. It identifies all school districts in the state ever subject to a school desegregation court order and those school districts that have been declared by the court to have “unitary status.” The Supreme Court established the term “unitary status” to describe a school system that has made the transition from a segregated or ‘racially dual’ system to a desegregated or ‘unitary’ system.

To that purpose, we report that of the 136 public school districts in Tennessee, 29 have been subjected to litigation in the federal courts to desegregate public schools. Eleven (11) of those districts have had school desegregation litigation against the district dismissed and have been released from further court jurisdiction. Eighteen (18) school districts remain under a school desegregation court order. Of those districts that are

presently under court jurisdiction, only five are either actively pursuing unitary status or considering pursuing “unitary status” in the future. Although presented for information purposes in the appendix, we did not examine trends in private school enrollment and offer no opinion and make no findings on the motivations of parents who choose to send their children to private school.

We endorse and support school integration as a desirable social goal and support the pursuit of all legal efforts to allow for full integration of the schools. This report is only intended as a fact-finding with respect to the school desegregation status of the school districts in the state, and no inference from this document should be drawn about the efficacy or effect of “unitary status” on school integration patterns. Nevertheless, given the long and sad history of racial segregation in the state’s public schools and the necessity for court intervention in some school districts, the courts, school boards, elected officials, and communities should remain vigilant regarding school integration and work to consider all lawful and prudent measures to encourage integration in the public school system.

Respectfully,

Rev. Bernie Miller, *Chairman*
Tennessee State Advisory Committee

**Tennessee Advisory Committee to the
U.S. Commission on Civil Rights***

Rev. Bernie Miller, *Chairman*
Chattanooga

Ms. Tiffany B. Cox, Esq.
Nashville

Ms. Amber Darcy Gooding
Nashville

Mr. Gregory Grisham, Esq.
Memphis

Ms. Dorothy Day Jones
Memphis

Dr. Vicki Lott
Jackson

Dr. Carol M. Swain
Nashville

Mr. Eliud Gonzalez Trevino
Nashville

Ms. Susan J. Williams
New Market

Mr. Tom Edd Wilson
Chattanooga

* Josh L. Thomas, Memphis, TN, was a member of the Tennessee Advisory Committee at the initiation of the school desegregation project, but resigned from the Committee prior to final adoption of the report.

Contributors and U.S. Commission Contact

USCCR Contact

Peter Minarik, Ph.D.
Regional Director
Southern Regional Office
U.S. Commission on Civil Rights
(404) 562-7000 or pminarik@usccr.gov

Rev. Bernie Miller
Chairman
Tennessee Advisory Committee
(423) 899-8001 or RevBMiller@aol.com

Contributors—In addition to the persons named above, the following individuals made important contributions to this report. Monica Aitzu and Monique Rainey did background research and assisted in the writing of the report.

This report can be obtained in print form or on disk in Word format from the Southern Regional Office, U.S. Commission on Civil Rights, by contacting the above named Commission contact person. It is also posted on the web-site of the Commission at www.usccr.gov.

Contents

Background	1
History of Legalized Segregation in Tennessee	1
U.S. Supreme Court Disallows Racial Segregation in Schools, Establishes Concept of Unitary Status in <i>Green</i> Decision	3
Twenty-Nine (29) School Districts in Tennessee Sued to Desegregate Schools	6
12 School Districts in Tennessee Have Unitary Status	8
Listing of Individual School Districts	9
17 School Districts Remain Under a Court Order	19
U.S. Department of Justice Is a Party to Eleven (11) Active School Desegregation Lawsuits	19
Private Desegregation Lawsuits Still Open Against Six Public School Districts	25
Findings and Recommendation	30
Appendix I—Public School Districts in Tennessee and Desegregation Status	31
Appendix II—Private School Enrollment in Four Largest Counties of Tennessee	34
Appendix II—Public School District Comments	39

Tables

Table 1: School Districts in Tennessee Sued to Desegregate Schools	7
Table 2: School Districts in Tennessee with Unitary Status and Year of Dismissal	9
Table 3: Open School Desegregation Cases in Tennessee to Which U.S. Department of Justice is a Party	20
Table 4: Active School Desegregation Cases in Tennessee Filed by Private Parties	26

Figures

Figure 1: Public School Enrollment and Private School Enrollment of White School-Age Children in Davidson County	35
Figure 2: Public School Enrollment and Private School Enrollment of White School-Age Children in Hamilton County	36
Figure 3: Public School Enrollment and Private School Enrollment of White School-Age Children in Knox County	37
Figure 4: Public School Enrollment and Private School Enrollment of White School-Age Children in Shelby County	38

Background

Following the Civil War, Tennessee, a former slave state, enacted a series of statutes that mandated racial segregation in most areas of public life, including transportation, public accommodation, and education. In 1896, the U.S. Supreme Court issued its *Plessy* decision that established the legal precedent of separate but equal facilities for blacks and whites. In 1954 the Court in *Brown versus Board of Education* overturned the *Plessy* decision, and 29 school districts in Tennessee were sued to forcibly integrate their schools.

History of Legalized Racial

Segregation In Tennessee

Tennessee has a long history of racial segregation. A former slave state, following the Civil War and continuing into the 1950s Tennessee enacted a series of statutes that legalized racial segregation. These laws mandated a *de jure* segregation of the races in many parts of social and community life to include marriage and cohabitation, different modes of public transportation, and public accommodation.

In 1870 the state Constitution was amended to prohibit interracial marriage. The force of the amendment was strengthened in the same year by the passage of a separate statute that imposed prison time on those who intermarried racially. In 1875 a state statute directed at limiting public accommodation gave specific rights to hotel keepers, carriers of passengers, and keepers of places of amusement to exclude any person the proprietor desired. By a statute enacted in 1881, railroad companies were specifically required to furnish separate cars for “colored” passengers. In 1885 the state again gave proprietors of theaters, parks, shows, and other public amusements the right to create separate accommodations for whites and blacks. In 1905 with the coming of the automobile age, all street cars were required to designate a portion of each car for white and “colored” passengers. In 1932, the State Code was amended to classify as “Negro” any person with any “Negro” blood. In 1955 the State Code was modified four times to enforce racial segregation. The new Code ordered all public carriers to be segregated and required separate washrooms in mines and separate buildings for black and white patients

in mental institutions. In addition, the amended Code expanded the miscegenation laws to prohibit racially mixed couples living together as man and wife.¹

In addition to these areas, another set of state laws proscribed integration in the state's public schools. The first school segregation act was passed in 1866, one year following the end of the Civil War. The segregation education act required separate school systems for white and black children.² Four years later in 1869, the state constitution was amended and under article XI racial integration in all schools in the state was barred.³ However, article XI did grant all citizens of the state, regardless of color, the right to attend the University of Tennessee, though the law ordered that the instructional facilities at the university for colored students were to be separate from those used by white students.

Beginning in 1870 a series of education statutes reinforced a dual school system throughout the state. In 1870 the state enacted an education provision that ordered the schools for white and "colored" children are to be kept separate.⁴ This was followed in 1873 by legislation that mandated the management and operating standards for both races to be similar, however the education of children in the state were still to be done in separate facilities, i.e., "white and colored persons shall not be taught in the same school, but in separate schools under the same general regulations as to management, usefulness, and efficiency."⁵ In 1901, the state legislature passed a statute that made it an offense punishable by a fine of \$50 or imprisonment from 30 to 60 days or both for any school or college to educate students in an integrated school.⁶ Another education statute was passed in 1925 that mandated that separate elementary and high schools are to be

¹ Jim Crow Laws: Tennessee at http://www.jimcrowhistory.org/scripts/jimcrow/insided_south.cgi (last referenced July 20, 2007).

² http://www.Tennessee.gov/tsla/exhibits/blackhistory/timelines/timeline_1866-1870.html (last accessed Aug. 12, 2007).

³ <http://www.jimcrowhistory.org/scripts/jimcrow/insidesouth.sgi?state=Tennessee> (last accessed Aug. 12, 2007).

⁴ Pamela B. Walters, "Citizenship and Public Schools: Accounting for Racial Inequality in Education in The Pre- and Post-Disenfranchisement South," *American Sociological Review*, February 1997, pp. 34-52.

⁵ Charles Magnum, *The Legal Status of a Negro* (Knoxville: XX, 1875), Chapter 130, no. 70.

⁶ <http://www.state.tn.us/sos/bluebook/online/section2/educat.pdf> (last accessed Aug. 12, 2007).

maintained for white and Negro children,⁷ and this was followed by a similar act in 1932 that required racially segregated high schools.⁸

As the dual school system worked to retard equal educational opportunities in the state, different private groups organized education programs for black adults and children. Prominent among these were so-called ‘Citizenship Schools.’ Designed to teach blacks to read and write so they could register to vote, they were originally organized between 1953 and 1961 by the Highlander Folk School in Monteagle, Tennessee. Though first established in 1932 to serve oppressed white workers in the Appalachian Mountains, the Highlander School turned its attention to civil rights in the early 1950s and educated many individuals who would later become prominent in the civil rights struggle. The school’s open defiance of the state’s segregation laws met with retaliation and reprisal from the general community. The racially integrated school was first fire-bombed, and later in 1960 state officials attempted to close the school by padlocking the doors.⁹

U.S. Supreme Court Disallows Racial Segregation in Schools, Establishes Concept of Unitary Status in *Green* Decision

The 1896 *Plessy* decision established the legal precedent that separate but equal facilities for blacks and whites were constitutional. This precedent would be used in the ensuing decades as the legal basis for the establishment of racially segregated school system in Tennessee and other states in the South. The *Plessy* decision stemmed from the arrest in 1892 of then 30-year-old Homer Plessy for sitting in the “White” car of the East Louisiana Railroad. Because he was a creole Plessy could pass for white, but under Louisiana law he was still considered black despite his light complexion and required to sit in the “Colored” car. The case eventually came before the U.S. Supreme Court and Plessy's lawyer argued that the state’s Separate Car Act violated the Thirteenth and Fourteenth Amendments to the Constitution.¹⁰

⁷ http://www.thedrewshow.com/reparations/JIM_CROW/LAWS/BY/STATE2004.doc (last accessed Aug. 12, 2007).

⁸ Raymond Bernard, “Consequences of Racial Segregation,” *The American Catholic Sociological Review*, June 1949, p. 82.

⁹ *See inter alia*, Mark Bauerlein and others, *Civil Rights Chronicle* (Lincolnwood, Illinois: Legacy Publishing, 2003), p. 165.

¹⁰ http://www.pbs.org/wnet/jimcrow/stories_events_plessy.html (last accessed on Sept. 5, 2007).

In 1896, the Supreme Court of the United States heard the case and held the Louisiana segregation statute constitutional. Speaking for a seven-man majority, Justice Henry Brown wrote: “A statute which implies merely a legal distinction between the white and colored races...has no tendency to destroy the legal equality of the two races.... The object of the [Fourteenth] Amendment was undoubtedly to enforce the absolute equality of the two races before the law, but in the nature of things it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political equality, or a commingling of the two races upon terms unsatisfactory to either.”¹¹

On May 17, 1954, the U.S. Supreme Court in *Brown versus Board of Education* overturned the *Plessy* decision and with it a 60-year legacy of racial segregation in the Nation’s schools. Speaking for the Court, Chief Justice Warren read the decision of the Court. “We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other ‘tangible’ factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.... We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal.”¹²

The unanimous *Brown* decision, however, did not immediately end school segregation. The Court’s ruling did not specify how or how quickly desegregation was to be achieved in the thousands of segregated school systems. Southern states claimed an immediate implementation of the Order was impracticable while the NAACP urged desegregation to proceed within firm deadlines. The following year, the case was reargued on the question of relief and the Court embraced a view close to that of the states and essentially returned the problem back to the lower courts for appropriate desegregation relief, albeit with the provision that such efforts should proceed with “all deliberate speed.”¹³ By 1964, a decade after the *Brown* decisions, school segregation was still prevalent.

Over the course of the next several decades, the Federal government, parents, the NAACP, and other parties would take legal action to ensure compliance with the *Brown*

¹¹ *Plessy v. Ferguson*, 163 U.S. 537 (1896)

¹² *Brown v. Board of Education*, 347 U.S. 493, 495 (1954).

¹³ *Brown II*, 349 U.S. 294, 301 (1955).

decision by local school districts. In response to such litigation, a common strategy adopted by many formerly segregated school districts to comply with the *Brown* decision were “freedom of choice” plans. In 1968, however, the U.S. Supreme Court in *Green v. County School Board of New Kent*¹⁴ ruled that such attendance plans were ineffective for producing integration in the schools and mandated that federal courts must to the extent practicable look not only at student assignment, but to every facet of school operations. These factors have come to be commonly referred to as the *Green* factors, and include: (1) student assignment, (2) faculty assignment, (3) staff assignment, (4) transportation, (5) extracurricular activities, and (6) facilities. In addition, in the *Green* decision the Supreme Court established the term unitary status to describe a school system that has made the transition from a segregated or ‘racially dual’ system to a desegregated or ‘unitary’ system. Under the *Green* decision, for a school district to receive a declaration of “unitary status” from the courts, the school district was required to present to the court persuasive evidence that all vestiges of segregation for each *Green* factor had been eliminated and were unlikely to be resurrected.

Since the process developed by the courts to determine unitary status and release districts from desegregation orders was a lengthy and often expensive process, a large number of school districts remain under court supervision with respect to school desegregation decades after dismantling previously “racially dual” school systems and operating a “unitary” school system.¹⁵ As a result, in the early 1990s the U.S. Supreme Court re-visited the general standards for unitary status in two cases, *Board of Education of Oklahoma City Public Schools v. Dowell*¹⁶ and *Freeman v. Pitts*.¹⁷

In *Dowell*, the Court re-affirmed its support for its 1968 *Green* decision, and in so doing clarified the standard for unitary status by ruling that such a declaration is appropriate after the school district has demonstrated that it has complied with the desegregation order of the court for a reasonable period of time and demonstrated its good faith commitment to the Constitutional rights that predicated the initial judicial intervention. The decision seems to have provided an impetus for a number of school

¹⁴ 391 U.S. 430 (1968).

¹⁵ Monika Moore, “Unclear Standards Create an Unclear Future: Developing a Better Definition of Unitary Status,” 112 Yale L. J. 311 (Nov. 2002).

¹⁶ 498 U.S. 237 (1991).

¹⁷ 503 U.S. 467 (1992).

districts previously under court jurisdiction to receive a dismissal of the school desegregation court order. In the years following the Dowell decision, dozens of school districts in Tennessee and throughout the South previously under a court order were granted unitary status by the courts. Of the nine school districts in the state that received unitary status after the *Green* decision, five have had their court orders dismissed after 1991.

Twenty-Nine (29) School Districts in Tennessee Sued to Desegregate Schools

In the twenty year period between 1951 to 1971, 43 public school districts in Tennessee were sued to desegregate the schools. Since the time of those initiating actions many of those school districts have consolidated with other school districts so that today only 29 of the state's presently 136 public school districts (21 percent) were ever subject to court intervention to integrate the schools. (Table 1 lists the 29 active school districts in Tennessee ever involved in school desegregation litigation and a complete listing of all school districts and their desegregation status is in Appendix I.)

Among the 29 school districts, the school desegregation cases in 12 districts have been dismissed and the school district granted unitary status.¹⁸ The United States Department of Justice (Justice) initiated action to compel school integration in 19 school districts. Of these 19 cases, three school districts no longer exist and cases against four other districts have been dismissed. Of the twelve remaining districts, two school districts—City of Jackson and Madison County—merged into a consolidated district, with the result that eleven public school districts in the state remain under school desegregation litigation to which Justice is a party. Seven school districts have had desegregation lawsuits initiated against them by private parties that remain open in federal court.

¹⁸ Anderson County and Campbell County had their school desegregation cases dismissed prior to the 1968 *Green* decision and are considered for purposes of this report as having unitary status.

Table 1: School Districts in Tennessee Sued to Desegregate Schools

	School District	Desegregation Status
1	Alamo City	US
2	Anderson County	US
3	Bells City	US
4	Campbell County	US
5	Crockett County	US
6	Dyersburg City	CO
7	Fayette County	CO
8	Franklin County	CO
9	Franklin Special	CO
10	Gibson County	CO
11	Hamilton County	US
12	Hardeman County	CO
13	Haywood County	US
14	Humboldt City	CO
15	Humphreys County	CO
16	Jackson-Madison County	CO
17	Johnson City	CO
18	Knox County	US
19	Lebanon City	US
20	Maury County	CO
21	Memphis City	US
22	Milan City	CO
23	Monroe County	CO
24	Nashville-Davidson County	US
25	Obion County	US
26	Shelby County	CO
27	Sweetwater City	CO
28	Tipton County	CO
29	Trenton City	CO

Note: CO indicates district remains under a Court Order; US indicates district released from Court Order.
Source: Tennessee Advisory Committee, U.S. Commission on Civil Rights.

12 School Districts in Tennessee

Have Unitary Status

Of the presently 29 school districts in the state ever subjected to court jurisdiction to desegregate the public schools, 12 districts have been released from a court order. The twelve districts are: (1) Alamo City, (2) Anderson County, (3) Bells City, (4) Campbell County, (5) Crockett County, (6) Hamilton County, (7) Haywood County, (8) Lebanon City, (9) Knox County (Knoxville City), (10) Memphis City, (11) Nashville-Davidson, and (12) Obion County. Two of the twelve school districts, Anderson County and Campbell County, had their court orders dismissed prior to the 1968 *Green* decision. The other ten districts had their court orders dismissed after the *Green* decision, and were formally granted a declaration of unitary status by the court.

Prior to the 1991 *Dowell* decision, six districts were dismissed from court jurisdiction. Anderson County was the earliest desegregation suit filed in the state, 1950, four years before the *Brown* decision. Court jurisdiction over the district ended in 1956 when the court ruled the district was operating a unitary school district and dismissed the action. Court jurisdiction over Campbell County was dismissed in 1967, just one year after the initiating action. Following the 1968 *Green* decision, Knoxville City, which would subsequently merge with Knox County, was declared in 1974 to have achieved unitary status. Two years later, Lebanon City was dismissed after 10 years under court jurisdiction. In 1986 Hamilton County received a declaration of unitary status from the court, and in 1988 Obion County was granted unitary status after 27 years of court jurisdiction.

Of the six school desegregation cases dismissed after the 1991 *Dowell* decision, four have been dismissed in the past two years. Haywood County was dismissed in 2006, after 40 years of court jurisdiction, while Alamo City, Bells City, and Crockett County were dismissed in 2007 after 41 years of court supervision. The two other districts in the state to obtain unitary status after the *Dowell* decision are Memphis City in 1997 and Nashville-Davidson County District in 1998.

Table 2: School Districts in Tennessee with Unitary Status and Year of Dismissal

	School District	Year of Unitary Status
1	Alamo City	2007
2	Anderson County	1956
3	Bells City	2007
4	Campbell County	1966
5	Crockett County	2006
6	Hamilton County	1986
7	Haywood County	2006
8	Knox County	1974
9	Lebanon City	1975
10	Memphis City	1997
11	Nashville-Davidson	1998
12	Obion County	1988

Source: Tennessee Advisory Committee to the U.S. Commission on Civil Rights.

1. Alamo City School District

The Alamo City School District is located in Crockett County, and about 25 percent of the residents of the Alamo are minorities. The case against Alamo City was filed by Justice in 1966 and the case initially involved seven school districts. Six of the seven districts, including Alamo City, were municipal districts each operating one all white K-12 school. The seventh district, Crockett County, was a county-wide all black district that operated three K-8 schools. Today, the Alamo City School District corresponds to the original Alamo City District, operates one K-6 elementary school with students attending middle and high schools operated by the Crockett County School District.

Initiating Case Name: *U.S. v. Crockett County Board of Education, et al*
 Year of Initiating Case: 1966
 Current Status: Case Dismissed—Unitary Status
 Year of Final Decision: 2007

2. Anderson County

Anderson County was the first school district in Tennessee to be sued in federal court to end racial segregation in its schools. Anderson County, immediately north of Knoxville, includes the Oak Ridge community.¹⁹ Today the school system operates one elementary school, and African Americans comprise about 24 percent of total enrollment.

The lawsuit was first brought against the school district in 1950 with Thurgood Marshall as the lead attorney. The court originally found in favor of the school district and upheld the legality of a segregated school system, but in the wake of the *Brown* decision rescinded that action moving to retain jurisdiction “for the issuance of such orders as may hereafter be necessary upon a showing that the school authorities of Anderson County are not in good faith undertaking compliance with the directorate of the Supreme Court.”²⁰

Following *Brown*, in 1956 the court ordered Anderson County to desegregate, and the district complied with the Court Order and began to immediately and completely integrate the schools in the system. As a result, when 12 African Americans began attending Clinton High School, the school became the first publicly supported high school in the South to be desegregated. The event, however, was not without incident as there was mass picketing by more than 3,000 whites and attacks on the attending black children and guardian adults. The court issued a restraining order, and civil order was only restored by more than 600 National Guardsmen using fixed bayonets.²¹ The court issued a Final Decree in 1957 effectively closing the case, although jurisdiction was retained “for purposes of enforcement of this decree, but for no other purpose.”²²

Initiating Case Name:	<i>McSwain et al., v. County Board of Education of Anderson County, Tennessee, et al.</i>
Year of Initiating Case:	1950
Current Status:	Case Dismissed
Year of Final Decision:	1956

¹⁹ The Oak Ridge facility was developed and built in the 1940s as part of the Manhattan project and the laboratories at the site produced the enriched uranium for the first atomic bombs.

²⁰ *McSwain et al. v. County Bd. of Educ. of Anderson County, TN, et al.*, C.A. No. 1555 (E.D. TN, 1954).

²¹ See *inter alia*, Wilson, Samuel, “Desegregation & Remedies,” History of the Sixth Circuit, at http://www.ca6.uscourts.gov/lib_hist/cases/desegregation.htm (last accessed Sep. 1, 2007).

²² *McSwain et al. v. County Bd. of Educ. of Anderson County, TN, et al.*, C.A. No. 1555 (E.D. TN, 1954). As the case was closed prior to the *Green* decision, the district received no formal declaration of unitary status from the court.

3. Bells City School District

The Bells City School District was a defendant with the Alamo City School District in the action filed by the United States against Crockett County and six municipal school districts in the county.²³ At the time of the initial action in 1967, the Bells City School District consisted of one school that was 100 percent white, while the Crockett County school district operated Bells Elementary—an all black school within the city limits. The court ordered a merger of the two city schools. Today the Bells City School District generally corresponds to the original Bell City School District and operates one elementary school, which is approximately 70 percent white and 30 percent African American.

Initiating Case Name: *U.S. v. Crockett County Board of Education*
Year of Initiating Case: 1966
Current Status: Case Dismissed—Unitary Status
Year of Final Decision: 2007

4. Campbell County School District

Justice filed suit against the Campbell County School District in 1965 on behalf of African American students who applied for admission to white grade schools and high schools. Justice petitioned the Court to “enjoin Campbell County Board of Education (and) all successors and all those in active concert with them from assigning pupils to particular schools upon the basis of their race or color....”²⁴ Relief was immediately obtained upon which the Court ruled that “further orders are not necessary (and) ... therefore ordered that the case be, and same hereby is, terminated.”²⁵ The school system is a virtually all-white school district, with minorities comprising less than 3 percent of total enrollment. Today the Campbell County School District operates 14 schools, including 10 elementary schools, two middle schools, and two high schools.

Initiating Case Name: *U.S. v. Campbell County Board of Education*
Year of Initiating Case: 1965
Current Status: Case Dismissed
Year of Final Decision: 1966

²³ Maury City School District, Crockett Mills Special School District, Town of Friendship School District, and Gadsen Special School District were also plaintiffs at the time of the initial filing. These schools no longer exist and have merged into the Crockett County School District.

²⁴ *U. S. v. Campbell County Bd. of Educ.* C.A. No. 5187 (E. D. TN, 1965).

²⁵ *Id.* The case against Campbell County was dismissed prior to the *Green* decision, so the Campbell School District did not formally receive a declaration of unitary status.

5. Crockett County School District

Crockett County was a single, county-wide, segregated school district that operated the educational system for all African American children living in the county. A case to desegregate the schools in the county was initiated by the U. S. Department of Justice in 1966, and the following year the court entered a judgment requiring the seven districts in the county to desegregate. Two years later in 1969, the court issued an order that provided for a comprehensive desegregation plan. The plan was monitored by the court, and in 1970 the district was ruled to have completely complied with the order. The court continued monitoring the order, and in 1974 after four years of active oversight the case was placed on the inactive docket. In 2001 Justice initiated a review of the case and in 2006 concluded that the districts had met their desegregation obligations and petitioned the court to dismiss the Court Order, which was granted.

Initiating Case Name: *U.S. v. Crockett County Board of Education*
Year of Initiating Case: 1966
Current Status: Case Dismissed—Unitary Status
Year of Final Decision: 2007

6. Hamilton County School District (Chattanooga City School System)

The initial desegregation action was against the Chattanooga City Schools, a separate district from Hamilton County School System in 1966. Though students were integrated after the initial filing in 1966, the court had concerns with respect to the diversity among faculty and administrative teams. That issue was resolved in 1986, and the court found that the “unlawful segregation in the Chattanooga public schools no longer exists” and dismissed the case granting unitary status to the school district.²⁶ In 1997, the Chattanooga City School System ceased operations, and the students, faculty, and property of the former city system became the responsibility of the Hamilton County School District. Blacks are about 40 percent of the districts’ current total enrollment, and about one-fourth of all white children in the county attend private schools.

Initiating Case Name: *Mapp v. Board of Education of City of Chattanooga*
Year of Initiating Case: 1966
Current Status: Case Dismissed—Unitary Status
Year of Final Decision: 1986

²⁶ *James Jonathan Mapp, et al., v. Bd. of Educ. of the City Chattanooga, TN, et al.*, C.A. No. 3564 (E. D. TN 1986).

7. Haywood County School District

The action against Haywood County and the former Brownsville School District, which no longer exists, was initially filed by Justice in 1967. Haywood County is Tennessee's only majority black county, and in 1967 the county school district operated several segregated elementary and high schools, one system all white and one system all black. In 1968 the court entered a decree requiring a desegregation plan. The district responded with freedom of choice plans, but the court rejected the plan and ordered further desegregation relief. In 1974 the court ruled that the district appeared to be desegregated and placed the case on the inactive docket. In 2001, Justice initiated a review of the case and agreed to a proposed order of dismissal, which was entered by the court in 2006.

Initiating Case Name:	<i>U.S. v. Haywood County Board of Education, et al.</i>
Year of Initiating Case:	1967
Current Status:	Case Dismissed—Unitary Status
Year of Final Decision:	2006

8. Knox County

In 1959, a class action was brought on behalf of African American children and their parents against the Board of Education of the City of Knoxville seeking an injunction restraining the school board and other school officials from operating a compulsory racially segregated school system.²⁷ Beginning in 1956, the Knoxville Board had examined plans to desegregate the schools but did not feel that a desegregation of the Knoxville schools could be successfully put into practice. The Board reiterated this position in its response to the lawsuit. Though it admitted that the public schools were operated on a segregated basis as had been the practice and custom in the Knoxville area since 1870, the position was defended insofar as the “two duties of the defendants have sharply clashed, the one to obey the Constitution of the United States as so recently interpreted, the second to honor and respect an allegiance to our community and its members which incorporates in its very fabric a careful protection of our cherished institutions.”²⁸

²⁷ Brown University, American Communities Project, “The State of Public School Integration,” at <http://s4.brown.edu/schoolsegregation/schoolsegdatapage/codes/schoolseg.asp> (last accessed Sept. 1, 2007.)

²⁸ *Goss v. Bd. Of Educ, City of Knoxville, TN, at al.*, 340 F. Supp 711 (1972).

In light of various threats and other disturbances in neighboring communities, the court accepted a gradual plan for desegregation commencing with the first grade in 1960. On appeal, the Court of Appeals accelerated the plan to three grades per year. The case was appealed to the Supreme Court that remanded the case for further review. After further court orders, integration was achieved and in 1974 the district court ruled: “As the Knoxville school children are assigned to schools on the basis of their residence and without regard for their race, the system is not a dual system as was defined in *Green*... (and) accordingly Knoxville is operating a unitary school system.”²⁹ Today African Americans comprise about 15 percent of total enrollment while whites are about 80 percent, and 15 percent of white school-age children in the county attend private schools.

Initiating Case Name: *Goss et al v. Bd. of Ed. of the City of Knoxville, Tennessee*
Year of Initiating Case: 1959
Current Status: Case Dismissed—Unitary Status
Year of Final Decision: 1974

9. Lebanon City

Private parties filed suit against the Tenth School District of Wilson County, Tennessee (Lebanon City), in 1965 to enjoin the school system from operating a dual school system. At the time of the suit, the school system operated an elementary school system for white children and a separate educational facility for African American children. Children from all races, however, attended an integrated high school operated by the Wilson County School District. The plaintiffs’ petition prevailed, and in 1971 the court ordered the schools in the Tenth School District to integrate. In March 1975, the court issued an order that the “case is closed and that no further proceedings are to be had therein.”³⁰ Today, the Lebanon City school system operates three elementary schools, one upper elementary school, and one middle school, and students from these schools attend a high school in Lebanon operated by the Wilson County School District.

Initiating Case Name: *Sloan et al., v. Tenth Special District of Wilson County*
Year of Initiating Case: 1965
Current Status: Case Dismissed—Unitary Status
Year of Final Decision: 1975

²⁹ Id. In 1987, the City of Knoxville Schools merged with Knox County into a consolidated county-wide school district.

³⁰ *Sloan et al. v. Tenth Sch. Dist. of Wilson County, TN, et al.*, C.A. No. 3107 (M.D. TN, 1975).

10. Memphis City

Memphis City is the largest school system in the state and serves more than 119,000 students and operates 119 schools. Today the system is a virtually all-black district; 102,000 of the 119,000 students are African American.

Private parties first brought suit to end the dual school system in 1964, and the Memphis Board of Education responded with a series of desegregation plans. In 1969 the court, found that the district's desegregation plans did not have real prospects for dismantling the state-imposed dual system at the earliest practicable date, and ordered the Memphis Board of Education to file a revised desegregation plan with proposed zone boundaries and enrollment figures by race within the revised zones so as to enable the court to consider the adequacy of a transfer provision. There ensued a series of Orders to desegregate the schools so that by 1973 the district had essentially complied with all of the *Green* factors. Complete faculty segregation based on a ratio of plus or minus ten percent had been applied to all schools; unitary attendance zones were in effect; transfer policies had been adapted to favor desegregation; neighboring elementary schools had been paired and clustered to promote desegregation; and an initial busing plan had begun in the 1972-73 school year.³¹

Of interest is that during this period of transition time the school system maintained a marked degree of stability relative to racial composition. In the 1963-64 school year, district enrollment was 50.6 percent white and 49.4 percent black. Eight years later in the 1970-71 school year student demographic composition was virtually unchanged as district enrollment was 48.4 percent white and 51.6 black.³² By 1973 the only remaining issue was one involving the question of long distance busing, and that issue was litigated and the court's decision requiring additional busing was entered. After appeals to the Sixth Circuit, the case went before the U.S. Supreme Court, and on remand from the Supreme Court the court ordered long distance busing was instituted to help integrate the schools. The order caused a great deal of controversy, and many white parents withdrew their children from the public schools and enrolled them in private

³¹ Letter from Linda P. Khumalo, General Counsel for the Memphis City Schools, to Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, Oct. 31, 2007.

³² *Stephens, O. Z., "Induced Desegregation: Its Effects on White Pupil Population and Resegregation in the Memphis City School System," Memphis City Schools, Division of Research, Memphis, TN, March 1976.*

schools. In the 3-year period between 1970 and 1973, the proportion of white children enrolled in private schools in the metropolitan area rose from 12 percent in 1970 to over 30 percent in 1973.³³ That trend is still in evidence today, as presently there are 97 private schools in Memphis and only 10,000 of the 40,000 white school age children in the City (25 percent) attend the public schools.³⁴

After more than two decades under court jurisdiction, the court issued in the matter of the Memphis School System a “Consent Order Placing Case on Inactive Status.” That order was drafted by both parties at the instigation of the court, which had decided *sua sponte* that the desegregation case had gone on long enough and should be placed in order of dismissal. The stipulation of the consent order was that if nothing was pending at the end of a 5-year period the case would be dismissed. However, the expected dismissal of the case in 1997 was delayed because of a friendly motion filed by the Northcross plaintiffs regarding sever negotiations with the Shelby County School system. That motion only related to the pending annexation of the Cordova School into the City of Memphis, and both parties were in agreement that the Memphis school system was not going to waive its right to annex Cordova. Subsequently, the Cordova School was annexed and all issues before the court became entirely moot or otherwise dismissed. As a result, a final order captioned “Consent Order” was issued on April 27, 1999, approving the understandings of the parties with regard to Cordova and dismissing the balance of the case.

Initiating Case Name:	<i>Northcross v. Board of Education of Memphis City</i>
Year of Initiating Case:	1964
Current Status:	Case Dismissed—Unitary Status
Year of Final Decision:	1997

³³ Charles T. Clotfelter, “School Desegregation, ‘Tipping,’ and Private School Enrollment,” *The Journal of Human Resources*, vol. 11, no. 1. (Winter, 1976), pp. 28-29.

³⁴ Letter from Linda P. Khumalo, General Counsel for the Memphis City Schools, to Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, Oct. 31, 2007.

11. Nashville-Davidson County School District

The Nashville-Davidson County School District is the second largest school district in the state. At the time of the initial litigation in the 1950s, the Nashville City Schools and the Davidson County School District were separate school districts. Both, however, were operating segregated school systems. In 1985 the Nashville City Schools and the Davidson County School District merged, and today the combined district operates about 133 schools, including 74 elementary schools, 35 middle schools, 15 high schools, 4 non-traditional schools, 3 special education schools, and 2 charter schools, with a total enrollment of about 74,000 students.

The Nashville City Schools desegregation litigation was one of the earliest school desegregation cases in the South following the *Brown* decision. In the aftermath of the *Brown* decision the State of Tennessee passed a ‘School Preference Law’ that allowed parents to elect to send their children to single-race schools, and a ‘Pupil Assignment Act’ that allowed boards of education to assign pupils to particular schools.³⁵ The Nashville City and the Davidson County school boards adopted these plans, and in 1957 in separate actions plaintiffs petitioned the court to declare these student assignment plans unconstitutional.

In both civil actions, the court decided in favor of the plaintiffs and rejected the voluntary desegregation plans offered by the districts based on the state’s preference law as they wholly failed to meet the test of constitutionality.³⁶ In response, in 1958 the Nashville School Board filed plans with the court that called for desegregating the Nashville schools at a rate of one grade per year beginning with the first grade. This plan was approved by the District Court, but the Sixth Circuit would find the plan insufficient as a desegregation remedy. A series of court orders would follow until the 1980s.

Reaction to the court orders was violent. The language of Chief Circuit Judge McAllister described the situation. “The entry of the judgment...gave rise to violence on the part of criminal elements opposed to desegregation, who wrecked a city school by bombing and destroyed a synagogue by the same means. Unlawful crowds of disorderly persons caused great trouble and turbulence.... In granting the injunction, the district

³⁵ Samuel S. Wilson, “History of the Sixth Circuit: Desegregation & Remedies,” at http://www.ca6.uscourts.gov/lib_hist/cases/desegregation.htm (last accessed June 28, 2007).

³⁶ *Kelly et al. v. Bd. of Educ., City of Nashville, TN & Maxwell*, C. A. 2094 (M. D. TN, 1955).

court (action) ... precipitated a situation in the City of Nashville which very nearly approached for some several hours time—if not for several days time—reign of terror.”³⁷

In 1987 the Nashville City School District and the Davidson County School District consolidated into the Nashville-Davidson County School District. After a series of petitions to the Court, unitary status was formally granted to the consolidated district in 1998. Presently, minorities are a majority in the district. African Americans comprise nearly one-half of the student population and Latinos about 15 percent, while whites are about one-third of total enrollment. Most African American students in the district reside within the boundaries of the former City of Nashville school district, and almost 30 percent of the 34,000 white school-age children living in the county attend private schools.

Initiating Case Name:	<i>Kelly et al. v. Board of Education City of Nashville and Maxwell v. Board of Education Davidson County</i>
Year of Initiating Case:	1957
Current Status:	Case Dismissed—Unitary Status
Year of Final Decision	1998

12. Obion County School District

The action against the Obion School District was originally filed by private parties in 1961, and was one of the first desegregation lawsuits in Tennessee following the 1954 *Brown* decision. In 1962, the court approved a plan for the desegregation of the school system, and in 1974 the Court, *sua sponte*, dismissed the case and declared the school system unitary. Today the district operates seven schools, five elementary and two high schools. The Obion desegregation was re-activated in the 1980s when the Kenton City schools consolidated with the Obion School District. Following the consolidation, plaintiffs sued claiming the consolidation violated the Board’s obligation to eliminate all vestiges of the prior racially segregated dual school system. In 1988 the court found in favor of the district and dismissed the action.

Initiating Case Name:	<i>Vick, et al., v. Board of Education of City of Obion County</i>
Year of Initiating Case:	1961
Current Status:	Case Dismissed—Unitary Status
Year of Final Decision	1988

³⁷ *Id.*

17 School Districts Remain

Under a Court Order

Both the United States through the Department of Justice (Justice) and private parties have been active filing desegregation litigation to end ‘dual school’ systems in the state. Beginning in the 1960s, Justice initiated a number of actions against local and county school systems located in the far western part of the state. Eleven of these cases remain open and include: (1) Dyersburg City, (2) Fayette County, (3) Franklin Special, (4) Gibson County, (5) Hardeman County, (6) Humboldt City, (7) Jackson-Madison County, (8) Milan City, (9) Shelby County, (10) Tipton County, and (11) Trenton City. In addition to Justice, as early as 1950 private parties petitioned federal courts to end racial segregation in a number of other public school districts throughout Tennessee. In all, individual parties brought suit against 18 public school districts between 1950 and 1970, and six of these desegregation lawsuits remain open and include: (1) Franklin County, (2) Humphreys County, (3) Johnson City, (4) Maury County, (5) Monroe County, and (6) Sweetwater City, as part of Monroe County.

U.S. Department of Justice Is a Party to Eleven (11)

Active School Desegregation Lawsuits

Beginning in the 1960s, the U. S. Department of Justice initiated 19 separate actions in Tennessee to compel public school integration. Cases against four of the school districts have been dismissed, and three school districts originally sued no longer exist. Of the twelve remaining districts, two school districts—City of Jackson and Madison County—merged into a consolidated district, with the result that eleven public school districts in the state remain under school desegregation litigation to which the United States is a party. School desegregation court actions by the United States in Tennessee were constrained almost entirely to the Western District. Of the 12 counties on the far western part of the state, Obion, Lauderdale, Tipton, and Shelby along the Mississippi River, and Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Madison, and Weakly immediately to the east, the United States initiated school desegregation litigation in 11 of the counties. Throughout the rest of the state, the United States initiated only one other school desegregation case, against the Franklin Special School District.

Table 3: Open School Desegregation Cases in Tennessee to Which U.S. Department of Justice is a Party

	School District	Year of Initiating Case
1	Dyersburg City	1966
2	Fayette County	1965
3	Franklin Special	1971
4	Gibson County	1970
5	Hardeman County	1969
6	Humboldt City	1970
7	Jackson-Madison County	1963
8	Milan City	1970
9	Shelby County	1966
10	Tipton County	1969
11	Trenton City	1970

Source: Tennessee Advisory Committee to the U.S. Commission on Civil Rights.

1. Dyersburg City School District

The Dyersburg City School District is located in Dyer County, which has a population of about 40,000 and is in the far northwestern portion of the state. Justice initiated action against the school district in 1966, and some 40 years later the case against the city school district remains open. Today the school system operates four schools, and the racial composition of the district is about 80 percent white and 20 percent minority. The district did not respond to an inquiry about its intent with respect to seeking a dismissal of the school desegregation litigation,³⁸ though Justice reports that it continues to monitor compliance by the district with the Court Order.³⁹

Initiating Case Name: *U.S. v. City of Dyersburg Board of Education*
Year of Initiating Case: 1966
Case Action Number: C.A. No. C-66-241
Issue and Status: School Desegregation, Open
Intent Regarding Order: Intent Unknown

³⁸ Letter to Lloyd A. Ramer, superintendent, Dyersburg City School District, from Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, Oct. 30, 2006.

³⁹ U.S. Department of Justice, Civil Rights Division, Education Section, Open Cases, Report CRTEOS11, 2006, p. 34.

2. Fayette County School District

Fayette County is located in the southwestern part of the state, immediately to the east of Shelby County and the City of Memphis, and the school district includes the entire county. Justice initiated action against the school district in 1965 when it joined private parties in a petition to the Court to desegregate the schools. Today the school system operates 11 regular schools, and the racial composition of the district is about two-thirds white and one-third minority. The district does not at this time intend to pursue a dismissal of the school desegregation litigation,⁴⁰ and Justice reports that it is monitoring compliance by the district with the Court Order.⁴¹

Initiating Case Name: *U.S. and McFerren et al. v. Fayette County Board of Education*
Year of Initiating Case: 1965
Case Action Number: C.A. No. C-65-136
Issue and Status: School Desegregation, Open
Intent Regarding Order: Not Seeking Unitary Status

3. Franklin Special School District

The Franklin Special School District is a municipal school district in Williamson County, which is just south of Davidson County and the City of Nashville. Justice initiated action against the school district in 1971. The Franklin Special School District only operates elementary and intermediate schools, with the children of the district attending a high school operated by the Williamson County School District. Today the school system operates eight schools, and the racial composition of the district is about 85 percent white and 15 percent minority. Justice is monitoring compliance by the district with the Court Order,⁴² and the district did not respond to an inquiry about its intent with respect to seeking a dismissal of the litigation.⁴³

Initiating Case Name: *U.S. v. Franklin Special School District*
Year of Initiating Case: 1971
Case Action Number: MD, C.A. No. C-6215
Issue and Status: School Desegregation, Intent Unknown
Intent Regarding Order: Intent Unknown

⁴⁰ Letter from Myles Wilson, superintendent, Fayette County School District, to Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, Oct. 6, 2006.

⁴¹ U.S. Department of Justice, Civil Rights Division, Open Cases, Report CRTEOS11, 2006, p. 34.

⁴² U.S. Department of Justice, Civil Rights Division, Open Cases, Report CRTEOS11, 2006, p. 33.

⁴³ Letter to David Snowden, superintendent, Franklin Special School District, from Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, Oct. 3, 2006.

4. Gibson County Special School District
5. Humboldt City School District
6. Milan City School District
7. Trenton City Special School District

In 1970, Justice initiated action against the Gibson County School District and three other municipal school districts in the county, Humboldt City School, Milan City School, and the Trenton Special School District. Today the Gibson County Special School System operates eight schools, and the racial composition of the district is about 80 percent white and 20 percent minority. The Humboldt City School District operates four schools, encompassing all grades from Kindergarten through 12th grade, and African Americans comprise about 75 percent of district enrollment. The Milan City School District and the Trenton City School District each operate three schools, one elementary school, one middle school, and one high school, and in both districts whites are about 70 percent of total enrollment.

The Gibson County School District “has recently begun to pursue unitary status by supplying information to Justice for their assessment of whether they believe unitary status would be an appropriate disposition of (the) desegregation case.”⁴⁴ Along with Gibson County, the Humboldt City School District is also working with Justice for the purpose of obtaining unitary status.⁴⁵ The Milan Special School District “plans to remain under court jurisdiction without seeking a change in status,”⁴⁶ while the Trenton District acknowledges that although the “district would like to pursue ‘Unitary Status,’ the process is complicated by the fact that there are four (4) other districts in (Gibson) County under this Court Order.”⁴⁷

Initiating Case Name:	<i>U.S. v. Gibson County Board of Education</i>
Year of Initiating Case:	1970
Case Action Number:	WD, C.A. No. 2008
Issue and Status:	School Desegregation, Open
Intent Regarding Order:	Gibson & Humboldt Seeking Unitary Status Milan & Trenton Not Pursuing Dismissal

⁴⁴ Letter from Valerie B. Speakman, attorney, Gibson County School District, to Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, Oct. 10, 2006.

⁴⁵ Telephone interview, Garnett Twyman, superintendent, Humboldt City Schools, with Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, Oct. 10, 2006.

⁴⁶ Letter from Jerry Johnson, interim superintendent, Milan Special School District, to Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, Oct. 16, 2006.

⁴⁷ Letter from Valerie B. Speakman, attorney, Tipton County School District, to Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, Oct. 6, 2006.

8. Hardeman County School District

Hardeman County is located in the southwestern part of the state, immediately to the east of Fayette County, and the school district includes the entire county. Justice initiated action against the school district in 1969, and the Hardeman County Board of Education remains under a federal Court Order. Today the school system operates nine schools, and the racial composition of the district is about 60 percent white and 40 percent minority. In December 2003, Justice conducted a review of the district's compliance with the Court Order but took no initiating action to dismiss the case. Presently the "(Hardeman) Board plans to remain under the court jurisdiction without seeking a change in status."⁴⁸

Initiating Case Name: *U.S. v. Hardeman County Board of Education*
Year of Initiating Case: 1969
Case Action Number: WD, C.A. No. 1926
Issue and Status: School Desegregation, Open
Intent Regarding Order: Not Seeking Unitary Status

9. Jackson-Madison County School District

Jackson County is located in the western part of the state, and the county and the City of Jackson were separate school districts in 1969 when Justice joined private parties in suing the two districts in separate actions. In 1989, the two districts consolidated, and today the school system operates 28 schools. The county has a population of about 90,000 with two-thirds living in the city of Jackson and about one-third of the county residents being African American. Justice is monitoring the district's compliance with the standing Court Order,⁴⁹ and the school board reported to the Tennessee Department of Education that it was seeking to obtain unitary status.⁵⁰

Initiating Case Name: *U.S. v. Hardeman County Board of Education*
Year of Initiating Case: 1963
Case Action Number: WD, C-72-1327
Issue and Status: School Desegregation, Open
Intent Regarding Order: Seeking Unitary Status

⁴⁸ Letter from Charles M. Carey, attorney, Hardeman County School District, to Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, Oct. 10, 2006.

⁴⁹ U.S. Department of Justice, Civil Rights Division, Open Cases, Report CRTEOS11, 2006, p. 34.

⁵⁰ Letter from Tiffany Baker Cox, Tennessee Department of Education, to Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, Dec. 4, 2006.

10. Shelby County School District

Shelby County is located in the western part of the state, and is a separate district from the Memphis City Schools. Justice joined private parties in suing the district to desegregate its schools in 1966. Today the district operates 49 schools, and the racial composition of the district is evenly divided between whites and African Americans. The Shelby County School District “recently filed a Motion to declare ‘Unitary Status’ and dismiss this litigation.... The requested relief has also been reviewed and approved by the Civil Rights Division of the U.S. Department of Justice.... (Today) the matter is currently pending before United States district Judge Bernice Donald.”⁵¹

In August, 2007, the court reviewed the joint motion by the Shelby County School District and Justice to grant the district unitary status. On three of the *Green* factors, staffing, transportation, and facilities, the court found the district to have achieved unitary status, however it ruled the district still needed to adopt additional measures with respect to extra-curricular activities, student assignment, and faculty integration before the action can be dismissed.

“The Court is well aware that Plaintiffs, the Defendant, and the DOJ intervenor all support unitary status. As a neutral, however, the Court has a duty to independently evaluate the progress of Shelby County schools in achieving compliance with the court’s order to fully remove all vestiges of de jure segregation. At this point, the Shelby County school district does not yet merit a passing grade. For the reasons stated herein, the Court hereby GRANTS the joint motion to declare unitary status as to the issues of staff, transportation, and facilities, and DENIES the motion to declare unitary status as to the issues of extra-curricular activities, student assignment and faculty integration. The Court further orders the Defendant to adopt immediately the measures set forth herein for the purpose of bringing Defendant into full compliance with its constitutional obligations according to the timetable provided.”⁵²

Initiating Case Name:	<i>Robinson and U.S. v. Shelby County Board of Education</i>
Year of Initiating Case:	1966
Case Action Number:	C.A. No. 4916 (WD)
Issue and Status:	School Desegregation, Open
Intent Regarding Order:	Seeking Unitary Status

⁵¹ Letter from Richard L. Winchester, Jr., attorney, Shelby County School District, to Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, Apr. 11, 2007.

⁵² *Robinson and U.S. v. Shelby County Bd. of Educ., TN*, C.A. No. 4916 (W. D. TN, 1963).

11. Tipton County School District

Tipton County is located in the western part of the state, and Justice joined private parties in suing the district to desegregate its schools in 1969. The county is about 80 percent white, and the county school district operates 12 regular schools. The Tipton County School District is presently under a Court Order with respect to desegregation. However, recently the district has “begun to pursue unitary status by supplying information to the department of Justice for their assessment of whether they believe unitary status would be an appropriate disposition of (the) desegregation case.”⁵³

Initiating Case Name: *U.S. and Fayne and Weaver v. Board of Education of Tipton County*
Year of Initiating Case: 1969
Case Action Number: WD, C.A. No. C-65-274
Issue and Status: School Desegregation, Open
Intent Regarding Order: Seeking Unitary Status

Private Desegregation Lawsuits Still Open

Against Six Public School Districts

Beginning as early as 1950, private parties petitioned the Federal Court to end racial segregation in public schools in Tennessee. In all, individuals brought suit against 18 public school districts between 1950 and 1970, and were eventually joined by Justice in four of these lawsuits. Six of these cases have been dismissed and the district declared to operate a unitary school system. Several other districts have consolidated. In 2007, six school desegregation lawsuits initiated by private parties remain open in federal court and include: (1) Franklin County, (2) Humphreys County, (3) Johnson City, (4) Maury County, (5) Monroe County, and (6) Sweetwater City, as part of Monroe County.

With respect to obtaining unitary status from the court, only two of the eight school districts indicated an interest. Maury City is actively pursuing unitary status from the court, and Sweetwater City is considering seeking a dismissal of the court order. The other six school districts either have no plans to seek unitary status or did not express their intent to the Committee.

⁵³ Letter from Valerie B. Speakman, attorney, Tipton County School District, to Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, Oct. 6, 2006.

Table 4: Active School Desegregation Cases in Tennessee Filed by Private Parties

	School District	Year of Initiating Case
1	Franklin County	1963
2	Humphreys County	1961
3	Johnson City	1965
4	Maury County	1963
5	Monroe County	1964
6	Sweetwater City	1964

Source: Tennessee Advisory Committee to the U.S. Commission on Civil Rights.

1. Franklin County

Eight families, including some white families, joined in a lawsuit in 1963 to compel the Franklin County school system to provide a “unified, nonracial educational system.”⁵⁴ Original hearings on the matter were conducted in August, September, and December of 1963. In 1964, the court issued an order to desegregate the schools, ordering that “each existing school facility will be zoned according to its capacity and facilities.”⁵⁵ The court, however, in issuing the Order acknowledged likely hostility to its implementation.

The Franklin County educational system has traditionally deprived Negro children of rights secured to them by the Fourteenth Amendment of the Constitution of the United States.... While the law has been stated by the Supreme Court, nevertheless, its application depends upon the facts of each particular case. The formulation of decrees in these cases present problems of considerable complexity. Full implementation of these constitutional principles require solution of varied local school problems.... As the difference between delay due to hostility and delay to allay hostility is indistinct, the Court will be sensitive to any overlapping between the two.⁵⁶

⁵⁴ *Hill et al. v. County Bd. of Educ. of Franklin County, TN, et al*, C.A. 668 (E. D. TN 1963). The eight families were: Hill, Sisk, Staten, Turner, Bates, Cameron, Goodstein, and Camp.

⁵⁵ *Id.*

⁵⁶ *Id.*

Objections to the Order were filed by the school district, and the plan was amended in several respects. In 1966 the plaintiffs made a motion to reinstate the case on the active docket for further relief, and the motion was granted. Since 1970 there has been no action on the case, but the case has not been dismissed and the district has not been formally declared to have unitary status or released from the court order. Today the school system operates 11 schools, and the racial composition of the district is about 85 percent white and 15 percent minority. Representatives of the district are still attempting to confirm information in the report as of its release.⁵⁷

Initiating Case Name: *Hill et al., v. County Board of Education of Franklin County, Tennessee, et al.*
Year of Initiating Case: 1963
Case Action Number: ED, C.A. No. 168
Issue and Status: School Desegregation, Open
Intent Regarding Order: Intent Unknown

2. Humphreys County

Humphreys County sits in the north central part of the State and the Tennessee River forms its western boundary. It is a relatively small county population-wise with approximately 18,000 residents, and is also predominantly white.⁵⁸ In 1961 private parties sued the Humphreys County Board of Education to desegregate the county school system. A Court Order was issued by the Court in 1963 that began the desegregation process, and a series of Orders ensued. Since 1970 there has been no action on the case, but the case remains open and the school district has not been formally declared to have unitary status. The school district acknowledges that it is still operating under a Court Order and also has no plans at present to take action to obtain a dismissal of the case.⁵⁹

Initiating Case Name: *Boyce v. County Board of Education of Humphreys County, Tennessee*
Year of Initiating Case: 1961
Case Action Number: ED, C.A. No. 909
Issue and Status: School Desegregation, Open
Intent Regarding Order: Not Seeking Unitary Status

⁵⁷ Letter from Robert Wheeler, attorney for Franklin County (TN) Board of Education, to Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, Dec. 3, 2007.

⁵⁸ 2000 Census.

⁵⁹ Telephone conversation, Jimmy Long, superintendent, Humphreys County School District, with Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, Oct. 6, 2006.

3. Johnson City

Johnson City is located in Washington County in the far northeastern corner of the state, and abuts the Smokey Mountains National Park. The city is a moderately large urban area of more than 50,000 residents, and operates an independent municipal school district. In 1965, plaintiffs sued the school district in federal court to enjoin the district from operating a dual school system. The court issued an order to desegregate the schools in 1966, and since that time the district has been operating under the Order. “It is the understanding of the Johnson City Schools that (it) is still under a court order and that (it) has not been formally granted ‘Unitary Status’ by the court.”⁶⁰

Initiating Case Name: *McConnell v. Board of Education of Johnson City*
Year of Initiating Case: 1965
Case Action Number: ED, C.A. No. 168
Issue and Status: School Desegregation, Open
Intent Regarding Order: Not Seeking Unitary Status

4. Maury County

Maury County is located in the south central part of the state with a population of about 70,000 persons, about 80 percent of whom are white. The county had been the scene of violent race riots in the late 1940s in and around the City of Columbia. The school district is a county-wide school district operating 19 schools. In 1960, plaintiffs sued the school district in federal court to enjoin the district from operating a dual school system. The district remains under a Court Order, however in 2007 attorneys for the district filed for a dismissal from the Order and the district expects that the petition will be granted and the district granted unitary status.⁶¹

Initiating Case Name: *Hetton v. Board of Education of Maury County*
Year of Initiating Case: 1963
Case Action Number: ED, C.A. No. 744
Issue and Status: School Desegregation
Intent Regarding Order: Seeking Unitary Status

⁶⁰ Letter from Lee P. Herrin, Legal Counsel, Johnson City School District, to Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, Oct. 18, 2006.

⁶¹ Letter from Mary A. Carter, supervisor of Attendance, Maury County School District, to Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, July 13, 2007.

5. Monroe County

6. City of Sweetwater

Monroe County is located in the far eastern section of the state in the foothills of the Appalachian Mountains. It has a population of about 40,000, which is virtually all white outside of the City of Sweetwater. Beginning in 1950 a program of consolidation began, reducing the number of schools from 64 to the current 16. The county school district operates 12 regular schools, and serves all children in the county except for children attending grades K-8 in the City of Sweetwater. Sweetwater remains an independent district operating four schools serving grades K through 8, with the children of the municipal district attending the county high school.

In 1965, African American parents sued the school district to allow their children to attend integrated schools in Madisonville and Sweetwater. Beginning with a series of orders, the Court enjoined the district from operating a dual school system. A final Order was issued in 1970. The case has been inactive for more than 30 years, but the Court retained jurisdiction “pending full implementation of the foregoing Unitary (desegregated) School System of the City of Sweetwater, Monroe County, Tennessee, and until termination of said jurisdiction by express direction of the Court.”⁶²

The Monroe County School District did not express its intent regarding seeking unitary status and a dismissal of the case.⁶³ The City of Sweetwater School District is reviewing documentation regarding the case in order to consider pursuing a formal declaration of unitary status from the court.⁶⁴

Initiating Case Name:	<i>Carson v. Board of Education of Monroe County</i>
Year of Initiating Case:	1964
Case Action Number:	ED, C.A. No. 5069
Issue and Status:	School Desegregation
Intent Regarding Order:	Monroe County—Not Seeking Unitary Status Sweetwater—Considering Unitary Status

⁶² *Carson v. Bd. of Educ. of Monroe County (TN)*, C.A. No. 5069 (E. D. TN, 1964).

⁶³ Letter from Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, to Mike Lowry, superintendent, Monroe County School District, July 2, 2007.

⁶⁴ Letter from S. Keith Hickey, superintendent, Sweetwater City School District, to Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, Oct. 9, 2006.

Findings

Finding 1. Beginning in 1866, the State of Tennessee enacted a series of statutes to legalize racial segregation in the schools. Twenty-nine of the state's present 136 public school districts have been sued in federal court to eliminate racial segregation.

Finding 2. As of 2007, the courts have dismissed the initial school desegregation litigation in 12 of these 29 school districts; 17 school districts, however, remain under a court order.

Finding 3. Of the 17 school districts under a court order, the U.S. Department of Justice is a party to 11 civil actions, and only five of the 17 school districts presently under court jurisdiction are either actively pursuing unitary status or are considering pursuing unitary status in the future.

Recommendation

We endorse and support school integration as a desirable social goal and support the pursuit of all legal efforts to allow for full integration of the schools. Given the long and sad history of racial segregation in the state's public schools and the necessity for court intervention in some school districts, the courts, school boards, elected officials, and communities should remain vigilant regarding school integration and work to consider all lawful and prudent measures not only to encourage full integration in the public school system but also to avoid a return to *de facto* segregated schools.

Appendix I – Public School Districts in Tennessee and School Desegregation Status

	SCHOOL DISTRICT	STATUS
1	ALAMO CITY SCHOOL DISTRICT	US
2	ALCOA CITY SCHOOL DISTRICT	NL
3	ANDERSON COUNTY SCHOOL DISTRCT	US
4	ATHENS CITY ELEMENTARY SCH DIS	NL
5	BEDFORD COUNTY SCHOOL DISTRICT	NL
6	BELLS CITY SCHOOL DISTRICT	US
7	BENTON COUNTY SCHOOL DISTRICT	NL
8	BLEDSON COUNTY SCHOOL DISTRICT	NL
9	BLOUNT COUNTY SCHOOL DISTRICT	NL
10	BRADFORD SPECIAL SCHOOL DIST	NL
11	BRADLEY COUNTY SCHOOL DISTRICT	NL
12	BRISTOL CITY SCHOOL DISTRICT	NL
13	CAMPBELL COUNTY SCHOOL DISTRCT	US
14	CANNON COUNTY SCHOOL DISTRICT	NL
15	CARROLL COUNTY SCHOOL DISTRICT	NL
16	CARTER COUNTY SCHOOL DISTRICT	NL
17	CHEATHAM COUNTY SCHOOL DISTRCT	NL
18	CHESTER COUNTY SCHOOL DISTRICT	NL
19	CLAIBORNE COUNTY SCHOOL DIST	NL
20	CLAY COUNTY SCHOOL DISTRICT	NL
21	CLEVELAND CITY SCHOOL DISTRICT	NL
22	CLINTON CITY ELEMENTARY S/D	NL
23	COCKE COUNTY SCHOOL DISTRICT	NL
24	COFFEE COUNTY SCHOOL DISTRICT	NL
25	CROCKETT COUNTY SCHOOL DIST	US
26	CUMBERLAND COUNTY SCHOOL DIST	NL
27	DAYTON CITY ELEMENTARY SCH DIS	NL
28	DECATUR COUNTY SCHOOL DISTRICT	NL
29	DEKALB COUNTY SCHOOL DISTRICT	NL
30	DICKSON COUNTY SCHOOL DISTRICT	NL
31	DYER COUNTY SCHOOL DISTRICT	NL
32	DYERSBURG CITY SCHOOL DISTRICT	CO
33	ELIZABETHTON CITY SCHOOL DIST	NL
34	ETOWAH CITY ELEMENTARY SCH DIS	NL
35	FAYETTE COUNTY SCHOOL DISTRICT	CO
36	FAYETTEVILLE CITY ELEM SCH DIS	NL
37	FENTRESS COUNTY SCHOOL DISTRCT	NL
38	FRANKLIN CITY ELEMENTARY S/D	CO
39	FRANKLIN COUNTY SCHOOL DISTRCT	CO
40	GIBSON SPECIAL DISTRICT	CO
41	GILES COUNTY SCHOOL DISTRICT	NL
42	GRAINGER COUNTY SCHOOL DISTRCT	NL
43	GREENE COUNTY SCHOOL DISTRICT	NL
44	GREENEVILLE CITY SCHOOL DIST	NL
45	GRUNDY COUNTY SCHOOL DISTRICT	NL
46	HAMBLÉN COUNTY SCHOOL DISTRICT	NL
47	HAMILTON COUNTY SCHOOL DISTRCT	US

48	HANCOCK COUNTY SCHOOL DISTRICT	NL
49	HARDEMAN COUNTY SCHOOL DISTRCT	CO
50	HARDIN COUNTY SCHOOL DISTRICT	NL
51	HAWKINS COUNTY SCHOOL DISTRICT	NL
52	HAYWOOD COUNTY SCHOOL DISTRICT	US
53	HENDERSON COUNTY SCHOOL DIST	NL
54	HENRY COUNTY SCHOOL DISTRICT	NL
55	HICKMAN COUNTY SCHOOL DISTRICT	NL
56	HOLLOW ROCK-BRUCETON SCH DIST	NL
57	HOUSTON COUNTY SCHOOL DISTRICT	NL
58	HUMBOLDT CITY SCHOOL DISTRICT	CO
59	HUMPHREYS COUNTY SCHOOL DIST	CO
60	HUNTINGDON SPECIAL SCHOOL DIST	NL
61	JACKSON COUNTY SCHOOL DISTRICT	NL
62	JACKSON-MADISON CONSOLIDATED	CO
63	JEFFERSON COUNTY SCHOOL DIST	NL
64	JOHNSON CITY SCHOOL DISTRICT	CO
65	JOHNSON COUNTY SCHOOL DISTRICT	NL
66	KINGSPORT CITY SCHOOL DISTRICT	NL
67	KNOX COUNTY SCHOOL DISTRICT	US
68	LAKE COUNTY SCHOOL DISTRICT	NL
69	LAUDERDALE COUNTY SCHOOL DIST	NL
70	LAWRENCE COUNTY SCHOOL DISTRCT	NL
71	LEBANON CITY ELEMENTARY S/D	US
72	LENOIR CITY SCHOOL DISTRICT	NL
73	LEWIS COUNTY SCHOOL DISTRICT	NL
74	LEXINGTON CITY ELEMENTARY	NL
75	LINCOLN COUNTY SCHOOL DISTRICT	NL
76	LOUDON COUNTY SCHOOL DISTRICT	NL
77	MACON COUNTY SCHOOL DISTRICT	NL
78	MANCHESTER CITY SCHOOL DIST	NL
79	MARION COUNTY SCHOOL DISTRICT	NL
80	MARSHALL COUNTY SCHOOL DISTRCT	NL
81	MARYVILLE CITY SCHOOL DISTRICT	NL
82	MAURY COUNTY SCHOOL DISTRICT	CO
83	MCKENZIE SPECIAL SCHOOL DIST	NL
84	MCMINN COUNTY SCHOOL DISTRICT	NL
85	MCNAIRY COUNTY SCHOOL DISTRICT	NL
86	MEIGS COUNTY SCHOOL DISTRICT	NL
87	MEMPHIS CITY SCHOOL DISTRICT	US
88	MILAN CITY SPECIAL SCHOOL DIST	CO
89	MONROE COUNTY SCHOOL DISTRICT	CO
90	MONTGOMERY COUNTY SCHOOLS	NL
91	MOORE COUNTY SCHOOL DISTRICT	NL
92	MORGAN COUNTY SCHOOL DISTRICT	NL
93	MURFREESBORO CITY ELEM SCH DIS	NL
94	NASHVILLE-DAVIDSON COUNTY SD	US
95	NEWPORT CITY ELEMENTARY S/D	NL
96	OAK RIDGE CITY SCHOOL DISTRICT	NL

97	OBION COUNTY SCHOOL DISTRICT	US
98	ONEIDA CITY SCHOOL DISTRICT	NL
99	OVERTON COUNTY SCHOOL DISTRICT	NL
100	PARIS CITY SPECIAL SCHOOL DIST	NL
101	PERRY COUNTY SCHOOL DISTRICT	NL
102	PICKETT COUNTY SCHOOL DISTRICT	NL
103	POLK COUNTY SCHOOL DISTRICT	NL
104	PUTNAM COUNTY SCHOOL DISTRICT	NL
105	RHEA COUNTY SCHOOL DISTRICT	NL
106	RICHARD CITY ELEMENTARY S/D	NL
107	ROANE COUNTY SCHOOL DISTRICT	NL
108	ROBERTSON COUNTY SCHOOL DIST	NL
109	ROGERSVILLE CITY ELEM SCH DIST	NL
110	RUTHERFORD COUNTY SCHOOL DIST	NL
111	SCOTT COUNTY SCHOOL DISTRICT	NL
112	SEQUATCHIE COUNTY SCHOOL DIST	NL
113	SEVIER COUNTY SCHOOL DISTRICT	NL
114	SHELBY COUNTY SCHOOL DISTRICT	CO
115	SMITH COUNTY SCHOOL DISTRICT	NL
116	SOUTH CARROLL SPECIAL SCH DIST	NL
117	STEWART COUNTY SCHOOL DISTRICT	NL
118	SULLIVAN COUNTY SCHOOL DISTRICT	NL
119	SUMNER COUNTY SCHOOL DISTRICT	NL
120	SWEETWATER CITY SCHOOL DIST	CO
121	TIPTON COUNTY SCHOOL DISTRICT	CO
122	TRENTON CITY SCHOOL DISTRICT	CO
123	TROUSDALE COUNTY SCHOOL DIST	NL
124	TULLAHOMA CITY SCHOOL DISTRICT	NL
125	UNICOI SCHOOL DISTRICT	NL
126	UNION CITY SCHOOL DISTRICT	NL
127	UNION COUNTY SCHOOL DISTRICT	NL
128	VAN BUREN COUNTY SCHOOL DIST	NL
129	WARREN COUNTY SCHOOL DISTRICT	NL
130	WASHINGTON COUNTY SCHOOL DIST	NL
131	WAYNE COUNTY SCHOOL DISTRICT	NL
132	WEAKLEY COUNTY SCHOOL DISTRICT	NL
133	WEST CARROLL SPECIAL DISTRICT	NL
134	WHITE COUNTY SCHOOL DISTRICT	NL
135	WILLIAMSON COUNTY SCHOOL DIST	NL
136	WILSON COUNTY SCHOOL DISTRICT	NL

Note: CO indicates district under court jurisdiction.
NL indicates district never subject to desegregation litigation.
US indicates district has unitary status.

Source: Tennessee Advisory Committee to the U.S. Commission on Civil Rights.

Appendix II-Private School Enrollment in the Four Largest Counties of Tennessee

There are approximately 1,100,000 children in Tennessee attending public and private schools grades K-12, and nearly 40 percent of all school-age children in the state attend school in four counties, Davidson, Hamilton, Knox, and Shelby. In the state, whites comprise about 75 percent of all school-age children, while blacks are a little more than 20 percent. Three of the four largest counties, Davidson, Hamilton, and Knox, are single school districts with a large urban city with a population of more than 100,000. The City of Nashville is in Davidson County; Chattanooga is in Hamilton County; and Knoxville is part of Knox County. Shelby County, the other large county, has two school districts, the Shelby County School District and the Memphis City School District.

As previously mentioned in the section on the Memphis City School system, during the initial period of transition from a segregated school system to a unitary school system the school system maintained a marked degree of stability relative to racial composition. In the 1963-64 school year, district enrollment was fairly equally divided between whites and blacks and even as late as the 1970-71 school year student demographic composition was virtually unchanged. But the long distance busing court order in 1973 caused a great deal of controversy, and many white parents withdrew their children from the public schools and enrolled them in private schools. In the 3-year period between 1970 and 1973, the proportion of white children enrolled in private schools in the metropolitan area rose from 12 percent in 1970 to over 30 percent in 1973. That trend is still in evidence today, as presently there are 97 private schools in Memphis and only 10,000 of the 40,000 white school age children in the City (25 percent) attend the public schools.

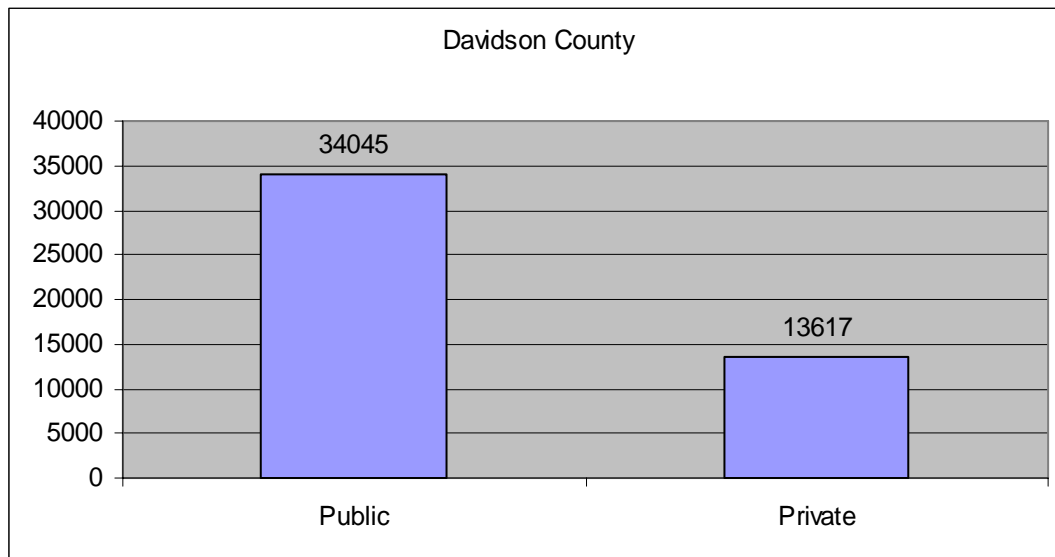
An examination of enrollment in the most populous counties in Tennessee show this pattern of large numbers of white children attending private schools continues. The four largest counties in the state have large numbers of white students attending private schools, which may in turn be affecting integration patterns in the public schools. Among these four counties, private school enrollment among school-age white children ranges from a low of 15 percent in Knox County to a high of 33 percent in Shelby County. In contrast, private school enrollment for blacks in each of these four counties is less than 6 percent.

Davidson County and Nashville

The Nashville-Davidson County School District is the second largest school district in the state. The Nashville City school district and the Davidson County school district merged in 1985, and today total enrollment in the merged district is about 74,000 students. The district operates 133 schools including 74 elementary schools, 35 middle schools, 15 high schools, four alternative schools, three special education schools, and two charter schools.⁶⁵

African Americans are about half of all students, and Latinos comprise almost 15 percent. Whites are only 35 percent of total enrollment in the county public schools, and in Davidson County almost 30 percent of the county's 34,000 school-age white children are attending private schools.⁶⁶ In contrast, only 5 percent of black children in the county are in private schools.⁶⁷

Figure 1: Public School Enrollment and Private School Enrollment of White School-Age Children in Davidson County



Source: Tennessee Advisory Committee to the U.S. Commission on Civil Rights from 2000 Census data.

⁶⁵ Metropolitan Nashville Schools, 2006-2007 Facts, at <http://www.mnps.org> (last accessed Sept. 4, 2007).

⁶⁶ Ibid.

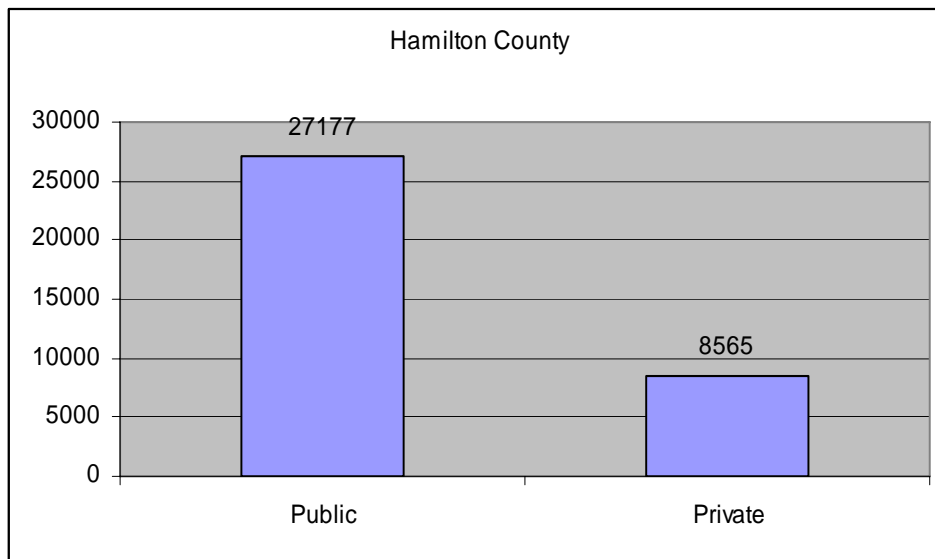
⁶⁷ 2000 Census, Table 147B and 147I, Davidson, County (Tennessee).

Hamilton County and Chattanooga

The Hamilton County School System merged with the Chattanooga City School System in 1997, which had received a declaration of unitary status in 1986. Both districts were similar in size, but very different in their racial demographics. Chattanooga was a predominantly minority district, while the county district was predominantly white. Presently, the district operates 78 schools and has a total enrollment of about 40,000 students.⁶⁸

According to the 2000 census, whites are about 80 percent of the population in Hamilton County, but comprise only about 60 percent of the district's enrollment.⁶⁹ In the county about one-fourth of all the county's white school-age children attend private schools, while only 6 percent of black school-age children in the county attend private schools. The county-wide situation is predominantly a phenomenon of what is occurring within the city limits of Chattanooga. In Chattanooga, of the approximately 11,000 white school-age children, about 3,200—or nearly 30 percent—attend private schools.⁷⁰

Figure 2: Public School Enrollment and Private School Enrollment of White School-Age Children in Hamilton County



Source: Tennessee Advisory Committee to the U.S. Commission on Civil Rights from 2000 Census data.

⁶⁸ Hamilton County Board of Education, General Information, at <http://www.hcde.org/media/pdf> (last accessed Sept. 4, 2007).

⁶⁹ 2000 Census, Table 147B and 147I, Hamilton County (Tennessee).

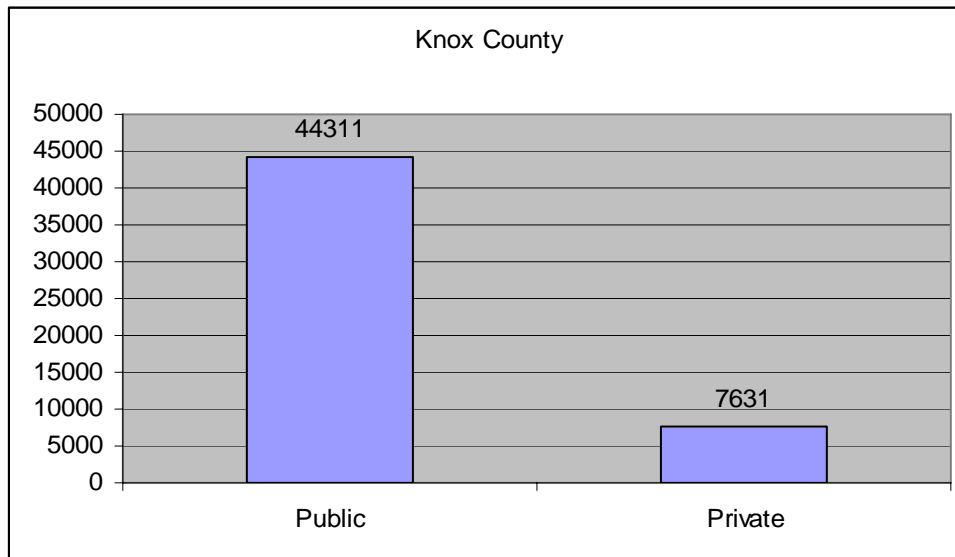
⁷⁰ 2000 Census, Table 147I, Chattanooga City (Tennessee).

Knox County and Knoxville

The Knox County School System merged with the Knoxville City School System in 1988, which had received a declaration of unitary status from the court in 1974. The Knox County School District has a total enrollment of about 53,000 students.⁷¹ The system operates more than 50 elementary schools, 13 middle schools, 12 high schools, as well as a small number magnet schools and other special schools.⁷² African Americans comprise less than 15 percent of total enrollment, while whites are about 80 percent.⁷³

Among the four largest counties in the state, Knox County has the lowest percentage of white school-age white children attending private schools—about 15 percent. Still, nearly 7,600 of the approximately 44,000 white school-age children living in Knox County attend private schools. In contrast, only about 400 of the 7,300 black school-age children in the county attend private schools.

Figure 3: Public School Enrollment and Private School Enrollment of White School-Age Children in Knox County



Source: Tennessee Advisory Committee to the U.S. Commission on Civil Rights from 2000 Census data.

⁷¹ Knox County Schools at <http://www.kcs.k12tn.net/aboutkcs/aboutEnrollment.htm> (last accessed Sept. 5, 2007).

⁷² Knox County Schools at <http://www.kcs.k12tn.net/aboutkcs/aboutSchools.htm> (last accessed Sept. 5, 2007).

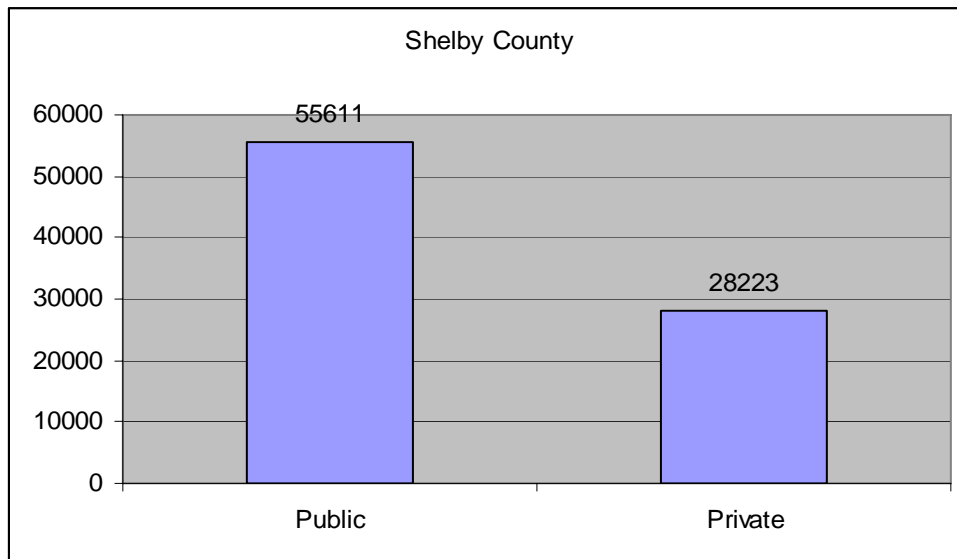
⁷³ 2000 Census, Table 147B, Knox County (Tennessee).

Shelby County and Memphis City

The City of Memphis has remained a separate school system from Shelby County. Memphis City Schools is the largest school system in the state and the 21st largest school system in the nation. The district operates 191 schools and has a total enrollment of almost 120,000 students, of whom less than 10 percent (10,629) are white.⁷⁴ The Shelby County School District is half the size of the Memphis City Schools, and predominantly white. The district has an enrollment of almost 50,000 students and operates 49 schools.

Shelby County displays the widest disparity between blacks and whites attending private schools. In Shelby County one-third of all white school-age children attend private schools, in contrast only 3 percent of black children in the county go to private schools. In the entire county, 28,000 of the 55,000 white school-age children attend private schools. Ninety-seven (97) private schools operate within the City of Memphis, and only about 25 percent of white school-age children living in the city attend the public schools.⁷⁵

Figure 4: Public School Enrollment and Private School Enrollment of White School-Age Children in Shelby County



Source: Tennessee Advisory Committee to the U.S. Commission on Civil Rights from 2000 Census data.

⁷⁴ Memphis City Schools at <http://www.ncsk12.net/admin/communications/facts.htm> (last accessed Sept. 4, 2007).

⁷⁵ 2000 Census, Table 147B and 147I, Shelby County (Tennessee).

Appendix III – Public School District Comments

The 29 school districts listed in this report were afforded an opportunity to review a draft of the report prior to its public release and make comments. Four school districts responded, and all four respondents replied with information to correct inaccuracies in the draft report, including one school district providing verification that its school desegregation court order had been dismissed. All suggested corrections were made to the draft report without exception.