

This American Life distorts St. Louis school desegregation history

Last summer, one year after Michael Brown died in Ferguson, This American Life ran a powerful program on the failed Normandy school district from which Brown graduated.

Much of the program, reported by Nikole Hannah-Jones, critiqued the racially tinged protests of St. Charles County parents who didn't want black students from Normandy to transfer to their mostly white schools. This past February, the program received a George Polk award, one of the nation's highest journalism prizes.

But there was an important mistake in her report – one that the PRX program declined for weeks to correct. Last weekend, when this story was about to be published, producer Hannah Joffe-Walt agreed there should be a clarification. Still, the program's story about school desegregation in St. Louis remains misleading.

In her initial report, Hannah-Jones incorrectly reported state officials had killed St. Louis' city-county school desegregation program in 1999, when the Missouri Legislature had actually done the opposite. State officials passed a remarkable bi-partisan law continuing the program into the future. The transfer program still operates today.

The supposed demise of the program fit the overall narrative of the episode laid out in an introductory segment with Hannah-Jones and Ira Glass, host of This American Life. In that segment, Hannah-Jones said America had abandoned the one educational tool that had improved educational results – integration.

State officials “killing” St. Louis’ desegregation program in 1999 fit that narrative while the true story of state officials preserving St. Louis’ model school desegregation program in 1999 did not.

The nation’s largest, most successful program

Here’s the actual story of what happened in 1999. It is a story of how St. Louis preserved the largest, most ingenious, most successful, most costly and most long-lasting urban-suburban school desegregation program in the country. The urban-suburban school desegregation plan began in the 1980s after an African-American mother, Minnie Liddell, sued to get a better school for her son, Craton.

NAACP lawyer William L. Taylor, one of the leading school desegregation lawyers in the country, represented Liddell and helped create the inter-district transfer program. Under it as many as 15,000 African-American students from the City of St. Louis transferred to suburban schools in St. Louis County each year. A smaller number of Caucasian students from the suburbs attended magnet schools in the city.

U.S. District Judge William L. Hungate, a savvy former congressman, used a carrot-and-stick approach to alternately bribe and bully suburban school districts to voluntarily join the unique plan brought to fruition by special master, D. Bruce La Pierre, a law professor at Washington University.

The stick was Hungate’s threat to merge all of the county districts with the city district, based on strong evidence that county districts had been complicit in the city’s segregation. Suburban school districts could voluntarily accept black students from the city and avoid the stick. In turn, they were rewarded by a carrot – state money that Hungate was able to offer suburban districts for each transfer student accepted. Because the courts had found the state to be

the “primary constitutional wrong-doer” in segregating the schools, Hungate could force the state to pay for most desegregation costs.

For the next two decades Attorney Generals John Ashcroft and Jay Nixon – one a Republican and one a Democrat – fought never-ending Supreme Court battles to kill the transfer program. Both used opposition to the program for political gain. But they failed in court.

Meanwhile, tens of thousands of black students from the City of St. Louis attended suburban schools. Hannah-Jones reported accurately: “A generation of black Saint Louis residents, tens of thousands of them, remember the Saint Louis desegregation program...as a great opportunity. They’ll be the first to tell you that it was hard, but also that it was necessary. And for the most part, it worked. In the schools where white families chose to stay, test scores for black transfer students rose. They were more likely to graduate and go to college. After years of resistance, Saint Louis had created the largest and most successful metro-wide desegregation program in the country.”

So far, so good. But then, in her next sentence Hannah-Jones mistakenly said: “And then state officials killed it. In 1999, just 16 years after real desegregation came to Saint Louis, mandatory desegregation ended...This is what happened in cities all over. With *Brown v. Board of Education*, we as a nation decided that segregated schooling violated the constitutional right of black children. We promised that we would fix this wrong. And when it proved difficult, as we knew it would be, we said integration failed instead of the truth, which is that it was working. But we decided it wasn’t worth the trouble.”

What actually happened in 1999 was that community leaders, political officials and the citizens of St. Louis came together and decided the transfer program was worthwhile and working; they took extraordinary steps to continue it.

The Political Miracle of 1999

In 1998 Attorney General Nixon went to court trying to end the program, but U.S. District Judge George Gunn Jr. wouldn't go along. Instead, he appointed William Danforth, former chancellor of Washington University, to find a solution. The result was a settlement, approved by the Missouri Legislature, to continue the transfer program indefinitely. This settlement was built on three extraordinary accomplishments.

First, a coalition of rural and urban legislators in the state legislature combined to pass a law approving the continuation of the cross-district transfer program, even though the program had been politically unpopular in parts of the state.

Second, community leaders of St. Louis pressed hard for continuation of the program. Danforth brought along the St. Louis business community, obtaining the support of Civic Progress, St. Louis' most powerful business leaders. He told leaders the program had worked, resulting in much higher graduation rates for transferring black students.

Third, taxophobic citizens of St. Louis voted to levy a two-thirds of a cent tax on themselves.

In announcing the settlement of the case, Danforth called it "a historic day" for St. Louis. Minnie Liddell, the heroic mother whose suit had led to the desegregation plan said, "All I can say is, 'Yay, St. Louis.' This has been a long time coming, yet we have just begun. I'm glad I lived to see a settlement in the case."

Liddell's lawyer, Taylor, wrote that St. Louis' settlement was the best in the nation. And nobody knew better than Taylor, who had been involved in many of the nation's biggest school desegregation battles after having served as general counsel of the U.S. Commission on Civil Rights and then vice chair of

The Leadership Conference on Civil and Human Rights.

“In many communities around the nation, courts are declaring an end to judicially supervised school desegregation and to the mandated subsidies for improved education that are often part of the remedy. But in St. Louis, the state Legislature has offered a financial package that will enable educational opportunity programs to continue for 10 years or more,” he said.

“Both from a financial and an educational standpoint, the St. Louis settlement is the best of any school district in the nation. The state funding will make possible continuation of the voluntary inter-district transfer program and the city magnet program. Both of these programs have enabled African-American city students to complete high school and go on to college at far greater rates than they have in the past.”

Former Rep. William L. Clay, who had led St. Louis’s seminal civil rights protest against the Jefferson Bank, inserted remarks in the Congressional Record: “When the State sought to end its financing of the remedy in the early 1990’s many feared that the opportunities that had been afforded children would end as had happened elsewhere. But an extraordinary thing happened. The Missouri State legislature voted funds sufficient to continue the programs...for at least ten more years. The legislature insisted that the city of St. Louis contribute financially by raising its sales and property taxes. Many feared that this would not occur. But in February of this year the voters approved a sales tax increased by an almost 2-1 margin—and every Ward in the City—Black and White—voted for the tax increase.”

Clay attached to his remarks an editorial in the St. Louis Post-Dispatch headlined “Voting for a Miracle.”

“Tuesday’s overwhelming vote in favor of the sales tax increase for city schools is the latest miracle in a year of

political miracles. The first was getting the Missouri Legislature to pass a law to continue making extra payments to the St. Louis schools after the end of court-ordered desegregation. The second was Dr. William H. Danforth's trick of getting the platoon of lawyers to stop squabbling and hammer out a deal. The third was persuading the people of St. Louis to lay aside their opposition to taxes and lack of confidence in the schools and, instead, to tax themselves in hopes of a better future.

"This feat makes us the first place in the nation where the democratic institutions of government found a way to preserve the gains of the era of desegregation while making it possible to improve the education of all children. Imagine. This happened in Missouri."

Standing by the story

When I initially sent an email to This American Life pointing out its mistake, I received no response. My email to Hannah-Jones never reached her because she had moved from ProPublica to the New York Times.

I wasn't the only one to raise a question. The Washington Monthly quoted an expert on school desegregation, Rick Kahlenberg of the Century Foundation, pointing out the same mistake. "The St. Louis inter-district integration program was not 'killed' in 1999, as reported on the show, notes Century Foundation education guru Rick Kahlenberg (who otherwise finds much to admire in the podcast). It continues to exist to this day, with some 4,500 St. Louis students transferring to suburban schools."

After the Polk award, I brought the mistake up again because that honor ensured even more people would listen to the flawed account of desegregation in St. Louis.

Hannah-Jones responded in emails that she had not known of Kahlenberg's or my criticism. She added that she disagreed with it. In a February email she wrote, "...we at TAL disagree that this is an error. In the show, we say the mandatory program ended. The settlement ended court-mandated desegregation, just as we said it did. We fact-checked it and we think it is, in fact, accurate."

Joffe-Walt, the producer who worked with Hannah-Jones, apologized for not having responded sooner. She wrote in an email: "I did a search on our listener comments and see that you wrote in, which we regrettably missed at the time. We were overwhelmed with the response to those shows and I personally did not see this one. So first, I apologize for the delay in getting back to you.

"In terms of the content of your message, I wanted to respond as I wish I had many months ago. The existence of the current voluntary program was something we discussed in the writing process – writing that was reviewed in edits and fact checking. While I understand the concern you are raising, I see it differently, and I feel comfortable with the language we used.

"Here is why: We do say that the state ended mandatory desegregation. This is true...Second, we are telling the story of a modern day mandatory program, and comparing it to the original mandatory program, so it is appropriate to distinguish between voluntary and mandatory. They are different animals entirely, as is illustrated in the very scene where these sentences appear.

"In the section you are pointing to, Nikole is giving a 60 year history of integration efforts in one paragraph. She is highlighting the need for mandatory integration in the face of enormous resistance from white, suburban St. Louis. In that context, it is completely reasonable to underline the long lasting consequences of the state's decision to get rid of the

mandatory program. St Louis schools are racially segregated and white suburban resistance continues. Because of that ongoing resistance, which you hear immediately before and after that paragraph, it is clear that there is a fundamental difference between a program that is mandatory and one that is voluntary program.”

Voluntary, Not Mandatory

The problem with Joffe-Walt’s response is that the city-county program she and the program praised was always “voluntary.”

The state funding was mandatory but not the participation of the suburban school districts. The 1999 agreement replaced court-mandated funding with public funding the people of Missouri provided through their representatives and at the ballot box.

Wasn’t it better to for Missouri to democratically provide the funding indefinitely rather than to be forced to provide it for some limited period of time? And how does this unique democratic act figure into the narrative of the This American Life program that there was the “need for mandatory integration in the face of enormous resistance from white, suburban St. Louis.” There was no “enormous resistance” in 1999.

When Joffe-Walt was presented with the celebratory statements of Rep. Clay, Bill Taylor and Minnie Liddell, she at first did not reply. When pressed, she asked for more time. When told that a story would be running, she sent an email announcing a clarification. She wrote:

“While I appreciate the details you are citing, our show goes out to a national audience and most of our listeners have little or no awareness of the St Louis case. We did not think it made sense to go into the level of detail and context that, while interesting, shifts focus away from the larger story

(which is complicated itself)! That said, we do find that the language about the continuation of a voluntary program is worth mentioning and so will clarify the language in this way:

“The sentence will now read: ‘After years of resistance, Saint Louis had created the largest and most successful metro-wide desegregation program in the country. But from the moment it started, state officials worked kill it. And then in 1999, just 16 years after real desegregation came to Saint Louis, the desegregation order ended. Just a much smaller voluntary desegregation program remains.’”

As clarified, the show still says nothing about the extraordinary efforts of Missouri officials, St. Louis leaders and civil rights leaders to save the desegregation program.

For her part, Hannah-Jones wrote in an email that she stands by the story as broadcast. “Of course we stand by the story,” she said. “One sentence that you don’t agree with does not change that.”

There is plenty of racial history that St. Louis and Missouri should be ashamed of. That includes Ashcroft’s and Nixon’s decades-long fight to end the city-county program. But 1999, when the urban-suburban desegregation program was saved rather than killed, is a bright moment in St. Louis’ and Missouri’s racial history. It doesn’t fit into This American Life’s narrative of St. Louis and the country giving up on desegregation. That’s too bad because the story would have been richer and more nuanced had it been based on the real history of citizens and politicians coming together to create better, more integrated schools.