Now, tomorrow, forever the persistence of school segregation in America

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NOW, TOMORROW, FOREVER
THE PERSISTENCE OF SCHOOL SEGREGATION IN AMERICA

BY

DUSTIN CONNORS

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Abstract

The 1954 Brown v. Board of Education Supreme Court decision has long been heralded as a landmark ruling and as evidence of America's progress toward a more accepting and equitable society. What is less widely known outside of academic circles is the extent to which that ruling failed to provide the equality its supporters were seeking. Today, America is still wrestling with a crisis most of us thought long solved: the racial segregation within our school districts. In my documentary film entitled *Now, Tomorrow, Forever: The Persistence of School Segregation in America*, I will set out to explore the state of school segregation in our country. To what extent is it happening? Why? What damage is it causing to our nation's children and their communities, and how? Lastly, can anything be done about it? By speaking to school administrators, superintendents, professors, authors, and legal scholars, I hope to answer these questions, help bring this issue to the fore, drive home the importance of addressing the issue, and ultimately call viewers to action.
Table of Contents

Title Page ................................................................. i
Abstract ................................................................. ii
Introduction ............................................................. 1
Part 1: All Deliberate Speed .......................................... 5
Part 2: Building Boundaries ......................................... 7
Part 3: Segregation Now ............................................... 9
Part 4: Causes .......................................................... 11
Part 5: Solutions ........................................................ 13
Part 6: The Documentary ............................................. 15
Part 7: Conclusion ...................................................... 22
Sources ................................................................. 24
INTRODUCTION

It is an indisputable fact that school districts across America are still racially segregated (Monarrez, 2018). Whether or not people believe it’s happening, or agree on the causes, schools today are more racially segregated than they have been in decades (Chang, 2018). The only thing left to do, then, is ask why and figure out what to do about it. By tracing the history of housing and education policies in America, I will reveal that school segregation is alive and well because governments at the state and federal level encourage it through sometimes blatant legislation, sometimes by ignoring existing laws or the U.S. Constitution altogether, and generally by means of an overall unwillingness to acknowledge America’s bedrock racism and address problems sure to elicit significant backlash from an angry white majority.

In 1934, the National Housing Act was passed as part of the New Deal. With it came the creation of the Federal Housing Administration. The FHA provided assistance to middle class Americans looking to build homes. This assistance, however, was only made available to white people.

Six years later, a white Detroit man wanted permission to break ground on a new neighborhood. He asked the FHA to back the loan he needed. There was only one problem: the area on which he had chosen to build was too close to an “inharmonious” group. In other words, there were too many black people near the building site.

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1 Though a variety of recent studies prove this, it is perhaps most clearly shown by the work of Tomas E. Monarrez, an economist at the University of California, Berkeley, who analyzed attendance zones and found them to be gerrymandered in ways that maintain or even worsen segregation.

2 Alvin Chang, a reporter for Vox, details the way that journalists like Robert Verbruggen and politicians like Connecticut Governor Dannell Malloy twist segregation and demographic data to try and excuse or disprove the acceleration of racial segregation in schools.
That didn’t stop him, though. A year later, he contacted the FHA again, this time with an addendum to his original plan. Instead of choosing a new site, he suggested, he would instead construct a wall separating the new all-white neighborhood from the inharmonious blacks - a six-foot-tall, one-foot-thick cement barrier that stretched for half a mile down Birwood Street in Northwestern Detroit. Over 75 years later, that wall still stands. Now decked out in colorful murals and running through predominantly black neighborhoods on both sides, the Birwood Wall stands as a daily reminder of our country’s racist past. Except, this problem is not really in the past.

Despite America’s reputation for being a melting pot, a shining city on a hill, and a tolerant meritocracy, it’s always really been a nation of boundaries. Lines, both physical and invisible, have been drawn since the country’s infancy to delineate between the haves and have nots, the powerful and the powerless, the worthy and the unworthy, the harmonious and the inharmonious.

It’s the drawing of these lines, these boundaries and borders, that ultimately leads to most of the division in America. Lines are drawn for everything: states, counties, cities, voting precincts, housing markets, and school districts. Who is responsible for drawing those lines? Whom do they decide to separate and where? Well, it’s those in power who control the boundaries, draw the lines and build the walls. And those in power tend to be white males.

According to the American Communities Project at Brown University, which uses census data to track changes in residential segregation among other things, the average white American lives in a neighborhood that is 75% white. In the South, the percentage of black students in majority white schools has returned to 1968 levels (Orfield & Frankenberg, 2014). Is it any surprise then that America is still so racially divided? Must we really ask whether school

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3 Income segregation and racial/ethnic segregation are also tracked.
4 That percentage peaked at 43.5% in 1988 and has since dropped to 23.2%.
segregation in this country is fact or fiction? School district lines after all, just like neighborhoods, are drawn. They’re mapped out by hand to choose who gets educated and who doesn’t. So if the white, wealthy class, which has fled or gated itself in from its more diverse neighbors, is responsible for all the zoning, is it really that great a shock that the student body of their children's schools is mostly white? If so, it shouldn’t be.

What is shocking, on the other hand, is the fact that even though the Supreme Court unanimously declared school segregation unconstitutional in 1954, and even though the integration of schools made significant progress toward closing the so-called achievement gap by the mid-1980s\(^5\), efforts to maintain that integration have been largely abandoned. Though busing students in order to integrate schools was met with a lot of white anger, the practice worked in terms of educational equity. During the height of desegregation, between 1970 and 1980, the gap in reading scores between white and black 17-year-olds, which had grown to 53 points, dropped to 20 points by 1988. Since that time, however, after many districts and courts stopped addressing segregation, the gap has returned to 26 points (Theoharis, 2018).

This has created a strange problem in the United States that speaks to racial attitudes across the nation. The glorification of past Civil Rights victories have created a false sense of accomplishment. School segregation is either considered a relic or chalked up to housing patterns. In other words, Americans either believe school segregation doesn’t exist, or they think it only exists because minorities choose to live near other minorities.

Imagine then, how difficult it is to solve a problem that some either claim doesn’t exist, or prefer not to tackle. There then, is the dual focus of the film that accompanies this essay. By speaking to journalists like Alvin Chang at Vox and William Stancil at The Atlantic; historians like Rachel Devlin, scholars like Hal Lawson, George Theoharis, and Ryane Strauss, and school

\(^5\) NAEP Data charts
superintendents like Laurence Spring, my film and this writing piece work in tandem to shed light on the existence of the school segregation problem along with its persistence and implacability.

Both the film and this essay will open by tracing the problem back to its roots - looking briefly at the circumstances surrounding the famous Brown v. Board of Education decision of 1954. I will then transition to the modern day by examining ways in which schools have managed to resegregate or avoid integrating altogether. By looking at the practice of redlining, the abandonment of integration policies, lenient court decisions, and the use of charter schools to further sort along racial lines, the problem of school segregation will be laid bare.

From there I will tackle the effect that this lingering problem has on America's students, families, and communities. Then, I will look at how today's reporters, scholars, and educators view the new administration and the new challenges they pose to the accelerating segregation problem. Lastly, I will examine if these experts have hope that solutions can be reached to remedy this worsening problem. Along the way, I will outline the process by which I produced the accompanying documentary film.
Part 1: All Deliberate Speed

"The extension of civil rights today means not protection of the people against the government, but protection of the people by the government...We must make the federal government a friendly, vigilant defender of the rights and equalities of all Americans. And again I mean all Americans." - President Harry Truman, addressing the NAACP convention, June 1947

On a foggy winter morning, the U.S. Supreme Court, led by Chief Justice Earl Warren, assembled to hear arguments in the landmark Brown v. Board of Education of Topeka, Kansas case. It was December 7, 1953, an interesting time in U.S. history. Pearl Harbor had been attacked twelve years prior to the day, with the subsequent order for Japanese internment following two months later; Dwight D. Eisenhower was finishing up his first year in office; an armistice had paused the Korean War while the Cold War raged on, as did the McCarthy Era, in which supporters of integration, among many, many others, were accused of being Communist insurgents hell-bent on destroying America from the inside out. America seemed riddled with paranoia, as films laced with fear of impending threats like Invaders from Mars and War of the Worlds graced the big screen. In the wake of the Court’s eventual decision, that paranoia would boil over for white Americans nationwide.

Warren, in order to keep the inevitable white backlash to a minimum, felt it necessary to deliver a unanimous ruling. Expert testimony was brought before the court that showed the social effects of segregating the races. A husband and wife psychologist duo made up of Kenneth Clark and his wife Mamie had conducted experiments using dolls with either brown or white skin. In short, the experiment showed that black children viewed the white dolls much more favorably
than the black ones, leaving the Clarks to conclude that the segregation of the races caused psychological damage in black children. Though these experiments fell out of favor in the following decades, eventually considered demeaning, they were convincing at the time (Patterson, 43-45).

In seeking a unanimous ruling, Warren fell victim to something many of America’s leaders have expressed at the detriment of the nation: timidity. He feared that language too strong would force other justices to dissent. To maintain uniformity, he needed the wording of the decision to be "short, readable by the lay public, non-rhetorical, unemotional, and, above all, non-accusatory." Though school segregation was decided unconstitutional in the initial ruling, Warren called for a second decision on how to instruct segregated districts to integrate. This stalling tactic, employed in fear of white Southern backlash, led to a delay in school integration has yet to fully resolve itself.

Another hearing was called for in the fall term, known as Brown II, giving the South nearly a year to figure out how it might implement (or in many cases avoid implementing) the integration order. When the court reconvened to address implementation, they used very vague language. States were asked to make a "reasonable start toward full compliance" by making changes "consistent with this opinion as are necessary and proper" and to move to enact those changes "with all deliberate speed." It was language like this that allowed this issue to drag on for years, even decades. Some school districts, like Charlotte-Mecklenburg in North Carolina, remained segregated well into the 1970s, requiring further court cases to enforce integration. This problem persists even today, as vague laws and loopholes have allowed segregation to run rampant throughout the United States.
Part 2: Building Boundaries

The same year the Brown II decision was announced, a black Chicago teenager named Emmett Till was visiting his family in Mississippi. After allegedly whistling at a white female cashier, two men dragged him out of his bedroom and beat him, disfigured him, shot him, tied him to a 70-pound fan and threw his mangled body into the Tallahatchie River.

Though arguable whether or not this event was caused by the Brown decision, it is nonetheless illustrative of the backlash from the white Southern community in the aftermath of Brown. White violence against blacks had peaked in the late 19th and early 20th centuries but had decreased in the decades since. Now, with a major Supreme Court decision marking a huge victory for Civil Rights activists, the Till murder, which received massive media attention nationwide, exposed the type of hatred and ugliness in those who felt that African Americans were encroaching on their white supremacy. Herbert Sass of South Carolina best reflected this attitude in an Atlantic Monthly article from November of 1956. In it, he described "mixed mating" as "disagreeable or even repugnant." He feared that integrated schools in particular would encourage such mixing, which would, according to him, create a "greatly enlarged mixed-blood population" (Walsh, 2018).

Whether it can be attributed to similar fears or not, white families began to flee for the suburbs en masse across the country, especially in urban areas, escaping what would become newly integrated schools. Christopher J. Tyson, a law professor at LSU, has studied suburbanization by asking "How might a group deploy boundaries — and the law and policy around that — to remove themselves from having to share their resources with disfavored others?" In his writing, he downplays the common explanation of families desiring bigger houses and more open spaces. Instead, he focuses on the actual policy that allows for this type of

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6 This data was retrieved from Lynching Database at the University of Washington developed by Dr. Amy Bailey.
movement. A look at schools today shows that one can find “good” schools in the suburbs, and “bad” schools in the city. A closer look reveals that those differences trend along racial lines (Chang, 2018).

A good example of this white flight and the exacerbation of school segregation in public policy comes from Detroit. There, white families moved out to the suburbs en masse, radically exacerbating the already segregated school system. In response, members of the school board suggested busing white students into the city and black students out to suburban schools. However, white families responded to this idea with recall elections, protests, and even bomb threats. At that point, the Michigan state legislature stepped in to stop the busing plan. After a federal court struck down that legislation, the busing was again approved, though continually challenged until it made it to the Supreme Court where it was defeated in a 5-4 ruling.

And here is where the United States government again does as little as possible to address the problem while allowing it to fester in the long term. According to Vox writer Alvin Chang, who has written extensively on the subject of school segregation and housing discrimination, "the City of Detroit was responsible for violating the constitutional rights of black children," but "blocked the interdistrict busing plan" claiming that suburban district did not have to integrate "unless the district lines were drawn with racist intent." This means that language somewhere in the law would have to explicitly state that black students and white students could not go to the same schools before action would be taken. But if neighborhoods just happened to be segregated...no integration was necessary (Chang, 2018).
Part 3: Segregation Now

In 2011, the levels of school integration, that is, the number of black students attending majority white schools, have returned to levels not seen since 1968. Charlotte-Mecklenburg Schools, representing a city once nicknamed "The city that made desegregation work," is now near pre-Brown v. Board levels of racial segregation. New York City, perhaps America's most diverse city, is currently the nationwide leader when it comes to segregated schools. According to the UCLA Civil Rights Project, half of schools in New York City are made up of a student body that is 90% Black or Latino as of the 2015-2016 school year (Kucsera & Orfield, 2014).

In the case of New York, much like other large Northern cities, the schools never actually integrated in the first place. In fact, while almost every region of the United States saw a decline in segregated schools since 1968 (only to begin increasing again in the 1990s), segregation in the Northeast has been steadily increasing over that same period of time (Chang, 2018).

Making matters worse, the rates of segregation in America’s schools seems to be accelerating. In the first 14 years of the 21st century, the proportion of students enrolled in racially isolated schools increased by 7%. With education options like charter schools furthering the sorting of student populations along racial lines, and the new Secretary of Education pushing for more school choice, these numbers will continue to climb.

The consequences of this accelerated racial segregation are immense. In New York State, there are guidelines in place that determine how much foundational aid school districts receive. By analyzing the amount of foundational aid a district receives and then cross referencing that by

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7 Charlotte Mecklenburg Schools was a pioneering district when it led the way in the implementation of busing to successfully integrate its schools
8 “It is difficult to escape the conclusion that charter schools often exacerbate segregation in numerous and sometimes subtle ways” while effectively “[hampering] efforts to integrate schools” (Rothberg and Glazer).
9 Foundational aid represents the amount of federal and state funds a district receives prior to the inclusion of property tax revenue or any other funding sources.
the racial makeup of the district, a troubling pattern emerges. The data shows that the more white and affluent the district, the more foundational aid they receive. Meanwhile, districts serving majority black, poorer neighborhoods, are much more likely to receive less than 80% of that funding. As Schenectady Superintendent Laurence Spring explains, this lack of funding creates a "doom loop." Neighborhoods that are already struggling must increase taxes to make up for the disparity in funding. That leads to less investment in the community, which leads to lower property value, which broadens that funding disparity even more. It becomes clear, then, that even though blatantly racist Jim Crow laws no longer exist, segregation remains a legislated and enforced policy (Spring).
Part 4: Causes

How is this possible? Well, it really boils down to four interconnected factors: blatantly racist attitudes, housing discrimination, school attendance boundaries, and lenient court decisions, all stemming from the lingering legacy of slavery and racism in the United States.

In response to the push for integration after Brown, white families fled for the suburbs. Whatever reasons may be offered for this exodus, a factor that cannot be excluded is simple: bald simplicity, bald racism. Black kids have to go to school with our kids now? We're out of here!

However, black families might want to move to the suburbs as well. In that case, white families had to ensure they wouldn't be followed. That's where housing discrimination comes in. For those who remained in the city, there were other options too. If white children were going to be forced into schools with black children, then the attendance zones could just be adjusted. Attendance zones are lines drawn by school districts much in the way districts or precincts are drawn in state elections. Those zones decide which residents are guaranteed attendance to the neighborhood school. Though it is illegal to draw those boundaries based on race, they are often drawn based on family income. That way, there is no mention of race in the bylaws. Instead, a race issue becomes a neighborhood issue.

Lastly, and perhaps most importantly, the courts have failed to protect the promise of the 14th Amendment and the Brown decision. By using vague language and offering all sorts of easily manipulated loopholes, the courts all but gave American schools nationwide the go-ahead to stop paying attention to integration. One example of this failure is the 1974 Milliken v. Bradley Supreme Court case. That case, which ruled on the constitutionality of Detroit's school integration plan, allowed for racial segregation in schools as long as it was not included explicitly in district policy. This allows districts to draw boundaries based on other related
factors like household income. And since such factors often track along racial lines, segregation persists.
Part 5: Solutions

The problem with coming up with a solution is that racial segregation and racism as a whole is so embedded, so baked into the foundation of the United States, that whole structures and systems would need to be dismantled and reconstructed to truly address the issue. Since the current administration supports school choice policies that would make school segregation even worse, solutions really need to come from the school districts themselves and the families of students who might be affected.

The first of these solutions might come from school districts. One thing they can do is use housing data and demographics to draw more integrated school boundaries. Since school districts themselves cannot address the problem of housing discrimination, they can at least ensure that their attendance zones are inclusive. One of the obstacles to achieving this is that courts have ordered that schools cannot take race into consideration when addressing enrollment. This so-called “colorblind” approach seems fair but often exacerbates the problem since it allows districts to draw their maps and then blame the enrollment rates on neighborhood demographics. Schools then, can use socioeconomic status or family income to draw their lines. These markers often fall along racial lines as well, so more economically inclusive attendance zones would go a long way to integrating public schools.

Many have argued that alternative schooling choices like charters or magnets can help address the issue. However, scholars like Ryane Straus at the College of Saint Rose have proven that charters in fact exacerbate racial segregation. Professor Straus has analyzed data on charter schools for years and concluded that they usually attract a single group. In Albany, New York, for example, charters tend to attract members of the Black community. In fact, the most

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integrated charter school in Albany is made up of only 5% white students. This might be but one example but it’s indicative of a larger truth: when white families are given the choice to live in diverse communities (Chang) or attend diverse schools (Straus), most of them decide against it.

The problem with solving school segregation is how deeply rooted it really is. It seems implausible that it can be stopped especially now with an openly racist federal administration whose educational policies stand in stark contrast to the goals of desegregation. There are creative solutions out there, like Yale's Thomas Scott-Railton's idea\textsuperscript{11} to revamp the college admissions process to trigger K-12 integration. Solutions like these sound promising. The bigger obstacle, however, is the government's willingness to enforce them. It seems, then, that it is up to the American people to accept that this issue is persisting and in some cases worsening. The priority of addressing school segregation needs to be returned to the level it achieved in the 1950s and 1960s, at the height of the Civil Rights Movement. Without a substantial grassroots effort to amplify the cause to integrate schools, the U.S. government seems content to allow it to pass unchanged.

\textsuperscript{11} In short, Scott-Railton writes that colleges and universities can give higher priority to students from integrated schools, which would incentivize K-12 schools to desegregate.
Part 6: The Documentary

I first conceived of this project in April of 2018. I was finishing up work on my second film and beginning to plan another when I began thinking about how I would like to incorporate filmmaking into my eventual thesis project. My prior film projects were about a local refugee from Yemen, female empowerment, and the rise of hate crimes. But in April, I tried to brainstorm what topics I could cover for my final project at the University at Albany.

My professional background is in teaching. I've been teaching full time since 2009. I began my career in Schenectady teaching at a school whose student body was 99% Black and Latino. I would go on to teach at another 99% Black and Latino school in Charlotte, a mostly white, affluent K-8 school in Seattle, and an integrated magnet school in Raleigh that was very diverse, From those experiences I knew that segregation was a major problem in America's schools. When I began my graduate work at Albany, the first course I took was U.S. History Through Trials where I learned just how deliberate and damaging many of the racially charged policies, laws, and court decisions were in our nation's history. After taking a documentary filmmaking course the next semester, I knew that I wanted to do a creative project for my thesis. Considering that most of my coursework was in History and Sociology fields, combined with my teaching background, I thought that a film about school segregation would be challenging, fulfilling, important, and timely.

I chose to shoot with a Canon EOS Rebel T6i. I find it cumbersome to carry around lighting equipment with me on shoots so I knew I wanted to use a camera that could make good use of natural lighting. The Canon T6i allows for great control of brightness in indoor settings. For most of the interviews I positioned my subjects with the outside light spilling in from a window to their left or right and shot either straight on or at a slight angle. The brightness setting on this
camera allowed me to control that outside light beautifully, creating a nice, soft lighting effect. In hindsight, I wish I had used the auto focus feature rather than trying to do it manually. I'm afraid that even the best lit of my subjects remained ever so slightly out of focus.

I recorded the audio from most of the interviews with a lapel clip microphone that I connected to my phone, recording with a voice recorder app. This worked well for me in most of my interviews, though Hal Lawson's picked up the constant sound of his window blinds smacking against the window, while Alvin Chang's interview contained a few distant sirens heard from the streets outside, and Peter Piazza's came out scratchy since his thick coat continually rubbed against the microphone. For other interviews with subjects who were not able to meet with me face to face, I held our conversations over FaceTime on my MacBook and used the Built-in Microphone to record the sound.

For most of the B-Roll, I sought out archival footage from the 1950s and 1960s that would illustrate what the public sees as the fight for Civil Rights. I think that combining those clips with modern descriptions of today's school segregation crisis creates an interesting juxtaposition since even though this topic has received more and more press attention in recent years, it is still widely acknowledged as a problem of that past that was solved long ago.

Other B-Roll footage I used was shot in local communities to show differences in housing between poor, mostly Black and Latino neighborhoods, and more affluent, white neighborhoods. The biggest failure of my location shooting was not receiving permission to film at local schools. I wanted to shoot B-Roll of children in the hallway or classroom and exiting the building to drive home the reality of school segregation today. More than anything, I would have liked to get permission to film and interview a student and his or her parents at home. Their perspective would have injected the film's narrative with empathy and immediacy. Though I was in
conversation with many people at Schenectady school district and got close to receiving permission with many of them, all of them eventually decided against letting me film them. It was a challenge to convince them that my intentions were to show them or their school in a sympathetic or even empowering light. On top of that, I feel that I failed to represent diverse enough voices on screen. There is no doubt that the people who agreed to speak with me have devoted years of their life to studying school segregation and its effects, but I would have preferred to have more people of color offering their perspective and lending their voice. I am unsure how the film will be perceived since most of the participants are white men speaking out against an issue that was created by white men. This is not to dismiss these participants as unworthy or unimportant. I only point out my disappointment at failing to secure permission from more diverse voices. Perhaps I will eventually add those perspectives and capture that crucial footage if I venture down the road of possible distribution options.

The rest is made up of what I term "interpretive montage," in which the images, people, and places communicate the ideas without directly addressing them. Since it's so important to have an abundance of B-Roll footage to accompany the interviews, I need to rely on any and all techniques to make sure the audience does not become bored. I feel like my footage of train tracks, for example, illustrates this technique. While train tracks alone are more associated with transportation, its placement in this film speaks to the racial divide in this country and specifically housing discrimination and segregation since many segregated neighborhoods were physically divided by railroad tracks. Other examples include clips from instructional videos about banking and other educational materials that hit on some of the themes without directly referencing segregation.
This idea of interpretive montage is something I was drawn to in an Advanced Film class with Shira Segal. The writings and films of Sergei Eisenstein have greatly influenced the way I edited most of my B-Roll. Eisenstein revolutionized the idea of montage in his early works like "Battleship Potemkin." His theory on montage spells out what else can be achieved with cutting other than just switching a point-of-view angle or cutting in terms of time or space. He wrote about cutting to evoke emotion or emphasize themes. He illustrates this well in his famous Odessa steps sequence from Battleship Potemkin in which the military mows down members of the proletariat who flee from their gunshots down a long staircase. Eventually, the titular battleship decides to turn its cannons on those in power. Then, the camera cuts to three different lion statues - one lying down, the next crouching, and the last standing at attention. It creates the illusion that the lion statue actually comes to life and stands, but its inclusion in that scene represents a sleeping lion being awoken and standing tall to strike back against the government.

An early segment in my documentary uses a similar tactic. While Alvin Chang is describing housing policies that prohibited white citizens from residing near black citizens, I cut to an image of an adorable African American girl from an old archival film just as she raises her eyes to the camera. As soon as she makes "eye contact" with the viewer, the words Chang is saying appear on screen. All of this creates an emotional connection between the young girl and the viewer, juxtaposed with the revelation that racism was expressly legislated.

A major aspect of Eisenstein’s theories is creating conflict or collisions through montage. Positioning two shots that are in conflict with one another creates meaning. Examples of this can be something simple like a soldier readying to strike that cuts to a vulnerable citizen cowering in fear (also from Eisenstein’s Potemkin). This cut illustrates something more than a fight. For one, it shows the soldier as a villain without using any other contextual clues. It also is indicative of a
larger theme – the military preying on the citizens it is supposed to protect. But this can also be done through music. In Rintaro’s 2001 film *Metropolis*, an explosion is triggered during the climax of the film that leads to the destruction of the central government’s tallest building. The scene is violent and terrifying, as some of the film’s heroes are in the path of the explosion, and the building crumbles, endangering the citizens below. However, Rintaro includes the Ray Charles song “I Can’t Stop Loving You” during all this destruction. The juxtaposition of this beautiful, melancholic song underscoring the frightening violence on screen communicates all that is at stake. By watching the destruction and listening to that song, the audience feels the sadness, sacrifice, danger, and victory simultaneously. In my film, I implemented a similar strategy, including Motown ballads during transitions over some of the footage from the integration efforts of the 1950s and 1960s. This not only positions the film chronologically at times, but also highlights the collision of the hope of that time with an often violent reality. Portions of each song were chosen intentionally. Some, like The Temptations "Ball of Confusion" carry obvious connections to this topic. The others are less obvious. However, when placed in the context of segregation, the lyrics of these songs create enough of a conflict with the images on screen that it seems as though they were written for this very purpose.

Vivian Sobchack's writings have focused on inserting the audience experience into film theory. To her, film theorists have long studied the screen, viewing it as either a picture frame, a window, or a mirror. Sobchack expands on this, though, placing the audience in the equation, who participate in "dynamic viewing" by perceiving the expression of the filmmakers in myriad ways. To me, Eisenstein's montage theory is the perfect companion to Sobchack's dynamic viewing theory in that the personal experience each audience member brings to the theater
creates a sort of dialogue between filmmaker, film, and spectator. Their past experience or biases will influence how they view that shot of railroad tracks or that dissolve from past to present.

Having failed to capture what I considered to be crucial footage inside area schools and homes, I had to turn to the thorny option of claiming my rights to free use. I consulted the *Documentary Filmmakers’ Statement of Best Practices in Fair Use*, a document first created in November of 2005 by a collection of several associations and organizations nationwide.\(^\text{12}\) Since my project is intended for educational purposes only, will be screened only at the university, and since it will not be used commercially, it is unlikely to “cause excessive economic harm to the copyright owner(s)” whose clips I used as B-Roll. This includes footage obtained from a Vice News program on school segregation through HBO Productions, a PBS News Hour show on school segregation, and the song recordings listed in the credits. Of the four classes of situations described by the statement, I feel my fair use claim best addresses three of them. First, the copyrighted material I used can be viewed as “objects of social, political, or culture critique.” This is evident in my use of George Wallace’s inaugural address. Second, I believe my use of “copyrighted works of popular culture to illustrate an argument or point” gives me clear fair use protection for my inclusion of the songs I employed during transitions. Those songs help to strengthen my arguments by highlighting the context of their lyrics. Lastly, the copyrighted footage I chose was in creation of a “historical sequence.” By using copyrighted video clips to run along with my interview subject’s words, the viewer is able to follow along historically – whether they’re commenting on housing policies from the 1930s, or integration outlines from the

\(^\text{12}\) Including The Association of Independent Video and Filmmakers, Independent Feature Project, International Documentary Association, National Alliance for Media Arts and Culture, and Women in Film and Video (Washington, D.C., chapter), The Center for Social Media in the School of Communication at American University and the Program on Intellectual Property and the Public Interest in the Washington College of Law at American University, Arts Engine, Bay Area Video Coalition, CINE, Doculink, Electronic Arts Intermix, Grantmakers in Film and Electronic Media, Full Frame Documentary Festival, Independent Television Service, National Video Resources, P.O.V./American Documentary, University Film and Video Association, Video Association of Dallas, and Women Make Movies
1970s. Though I understand that claims of fair use can be risky, I am confident with my claim and have taken the necessary steps outlined in the CSMI’s guidelines by including “proper attribution on screen and in the film’s final credits.”
Part 7: Conclusion

Though this country has certainly made some progress regarding outright racist policies and practices, the fact of the matter is that this problem of school segregation boils down to the festering sore of American white supremacy. Those in power have either worked to maintain white supremacy through legislation, allowed it to continue without intervention, or ignored it altogether. While the majority of Americans may disapprove of segregation or white supremacy, we have nonetheless been complicit in its persistence.

Through this film and the accompanying essay, I am hoping that the reality of modern school segregation has been made clear. Though the causes of school segregation provide endless avenues of study -- from housing to white flight or racist court rulings -- I think Richard Rothstein lays it out best: "Exclusionary zoning, the denial of housing opportunities, mortgages, loans, and the promise of federal funding to builders who prohibited sales to African American buyers, all added up to a system of racial segregation backed by federal, state, and local government (Rothstein 2015)."

Any of those factors could easily produce a separate full-length documentary. However, I wanted to create a film that would convince those who might chalk segregation up to neighborhood trends or disregard its existence altogether. In preparation for my research, I was dismayed to discover how many of my co-workers, friends, and acquaintances either were shocked to hear how badly schools were segregated or just shrugged it off. Many denied that it was due to any form of racism. Instead, the majority felt like it was just the natural way neighborhoods were formed. This film is for them. By clearly stating the facts, showing some of the data, and drawing a connection with the past, I want viewers to see and accept that

13 “On Views of Race and Inequality, Blacks and Whites Are Worlds Apart.” Pew Research Center
segregation is alive and well now. I only hope that something can be done about tomorrow and forever.
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