

Knigh t v. Alabama Update.

Alabama's two-decade-old higher education desegregation lawsuit has entered a new and possibly final phase. The most recent trial of this case took place in federal district court in 1995, resulting in a comprehensive decree in which the court ordered a number of remedial actions by the state and public institutions of higher education to remove "vestiges" of prior discrimination. The remedies included expanding the missions of the historically black universities, such as by adding undergraduate electrical and mechanical engineering programs at Alabama A&M University (AAMU) and several new academic programs at Alabama State University (ASU); payment by the State of one million dollars annually into a trust fund for educational excellence at AAMU and payment of the same amount for such a trust fund at ASU; payment by the State of funds, up to one million dollars each for AAMU and ASU, to match funds raised by those institutions for other-race scholarships; and certain land-grant program structural changes to bring about unification of the system.

The court further incorporated portions of its decree from the earlier, 1990 trial of the case. The principal impact of this action on UAH was to extend the court-imposed requirement that it increase the number of African-American upper level administrators at its campus. Since 1991, this number has increased from 1 to 7 and, on a percentage basis, from 1.5% to 12.3%. Though the court did not find any segregative effects in the faculty or student body at UAH, the representation of African-Americans in those groups has also grown significantly. For full-time faculty, UAH employed 13 in the Fall of 2004, as compared with 7 in 1991, a percentage change from 2.6% to 4.5%. The growth in black students has been even more dramatic: in 1991, black students numbered 469 and represented 5.4% of the student body (undergraduate and graduate), while in the Fall of 2004 that number nearly doubled to 934, or 13.3% of the total enrollment.

In the 1995 decree, the court retained jurisdiction for a period of 10 years, until July 31, 2005. At that time, the decree was to expire automatically, formally ending the case, unless one of the plaintiffs requested that the court retain jurisdiction for an additional period of time, on the premise that all segregative vestiges had still not been removed. As the parties entered the last year of the present decree, there was considerable speculation about whether an extension would be sought.

That speculation was temporarily mooted when the court-appointed monitor initiated efforts to mediate the terms of an agreement between all the parties that would terminate the case, and discharge all constitutional and statutory claims, leaving in place only a limited set of contract obligations for a defined period of time. Those "settlement" discussions involving the monitor, the plaintiffs (the United States and the Knight class of litigants), and the Defendants are still underway. The court has extended the July 31, 2005 deadline to allow the parties additional time to seek an agreeable conclusion to the case. It is not certain whether the mediation will be successful, but the parties are continuing efforts at present to find common ground for bringing this historic case to a close.