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Brown at 50

An Austin perspective on the landmark ruling that desegregated schools across the nation

By Andy Alford

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On May 17, 1954, the U.S. Supreme Court dropped a bomb into the "dark night of segregation," as Martin Luther King Jr. later described it.

- [Text of the Brown v. Board of Education ruling](#)
- [Timeline of U.S. school integration](#)

Unanimously, the nation's highest court ruled in Brown v. Board of Education that separate public schools for black and white children were unconstitutional.

Overtuning more than a century of segregation in public education, the ruling roused confidence and courage in nascent civil rights activists and put segregationists on notice that the beginning of the end of legal racism had come.

The aftershocks would give rise to the hope, unrest and violence that marked the



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country's civil rights movement for decades to come and light the way for Congress to pass a series of laws expanding civil rights in voting, employment and housing.

More directly, the Brown decision ensured that public schools -- more than any institution except the military -- would be the mechanism for integrating society. Children would be the tools.

In Texas and 16 other states, segregation was the law. After the Brown decision, black children often were met by angry mobs as yellow school buses pulled up to all-white campuses. Rocks were hurled along with epithets. Across the South, armed escorts protected children from communities that feared what Brown had wrought.

The ruling launched the Austin school district on a fitful journey, beginning with voluntary steps to desegregate schools and climaxing when a federal court ordered Austin to do more than passively comply with Brown.

It ended in 1999. Busing stopped. Minority parents began focusing more on educational quality than diversity. White families with young children were bypassing Austin schools, enrolling in suburban districts in phenomenal numbers.

Now, five years after the district stopped busing for integration, Austin schools again are no more diverse than the neighborhoods in which their students live.

Minority students make up 70 percent of the district's enrollment, and Austin schools are more segregated than they were 20 years ago. But the passion, the anger and, most of all, the hope that Brown evoked have faded.

"The lesson of Brown is that it's not enough to change the law," said Wilhelmina Delco, an Austin school board trustee in the late 1960s.

Brown's promise

The expectation after Brown was that school segregation would fade into history. In Austin, it has not.

On the eve of Brown, Austin schools were perfectly segregated between whites and blacks. (Hispanics weren't counted as a separate minority group at the time.)

In 1980, under court order to bus students to integrate schools, segregation between blacks and whites dropped by a third. But since then, Austin has lost ground, and a

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smaller proportion of black and Hispanic students attend schools with white students now than 20 years ago, placing Austin among a minority of districts across the nation where schools are resegregating.

Of the Austin school district's 106 regular, non-alternative elementary, middle and high schools, today, 13 have student enrollments that are more than 70 percent white. Another 48 schools have student enrollments that are more than 90 percent black and Hispanic. Overall, the district's student population is 30 percent white, 53 percent Hispanic, 14 percent black and 3 percent Asian and other.

In 1954, black students accounted for 18 percent of Austin's 21,952 enrollment and exclusively attended eight of the district's 40 schools. With few exceptions, the buildings were older and in need of repair. Teachers, also segregated, made do with used, often discarded equipment.

"A lot of people don't remember, but if you were living across the street from me, and you were black and I was white, you were required to go to the black school. You weren't allowed to go to neighborhood school," said Dan Robertson, the district's accountability officer.

State lawmakers initially argued that Brown didn't apply to Texas, because no Texas schools were named in the suit. The attorney general, Texas Education Agency and a legislative subcommittee appointed by Gov. Allan Shivers warned that districts could lose state funding if they integrated.

The Brown ruling initially did not affect Hispanic students, who won a separate battle against segregation in 1954 by arguing that segregation laws did not apply to them because they weren't colored, but "other, non-white."

Asian students, considered "colored" under segregation, benefited from Brown nationally, but didn't make up a sizeable portion of Austin's population until the 1990s.

In 1955, Austin gradually began allowing black high school students to attend neighborhood schools with whites.

"Many people in our community thought (Brown) was the greatest thing since the Emancipation Proclamation," said Volma Overton, president of the Austin branch of the NAACP in the late 1960s and early 1970s. Hope, he added, was short-lived.

Decades of discriminatory housing patterns meant that blacks and whites lived apart, and school attendance zones traced the city's housing patterns.

"Because so many blacks were concentrated in East Austin, you still had very segregated schools," Robertson said.

Thirteen black students enrolled at Austin, Travis and McCallum high schools in the school year following Brown. Forty black students attended white schools by the end of the decade.

New impetus came in the mid-1960s when Congress passed a series of acts aimed at purging the nation's history of statutory racism in housing, employment and voting, including the Civil Rights Act of 1964, the 1965 Voting Rights Act and the 1968 Fair Housing Act.

The Supreme Court, too, turned up the heat, ruling that not only should all-white schools be open to blacks, but that districts were required to actively pursue integration. The court outlined five areas to measure their compliance with Brown -- facilities, staff, faculty, extracurricular activities and transportation. Austin had a lot of work to do, but trustees struggled to find a solution satisfying the court's mandate that was acceptable to parents.

"I was on the school board when AISD trustees said they would do what the courts ordered and not one thing more," said Delco, who was elected in 1968, the first black trustee.

Integration stalled. Austin civil rights activists and the U.S. Justice Department weren't satisfied. Overton in 1970 sued the school district on behalf of his daughter. The U.S. Justice Department joined the lawsuit, and the Mexican American Legal Defense and Educational Fund, representing Hispanic students, joined a year later.

In 1971, a federal court ordered Austin to close black schools Anderson High and Kealing Junior High. The district began busing black students across the district to integrate all-white schools. In 1980, cross-town busing began for students of all races, in all grades, and Austin schools finally began to reflect the overall population of the district.

Busing helped minority schools almost immediately. White parents toured the schools to which their children would be bused and demanded improvements, such as ceiling and other repairs at Campbell Elementary, college preparatory course

offerings at Johnston High School and bilingual office personnel at Anderson High School.

"That told you that there's no better expression of the hostage theory," Robertson said. "If white kids are hostage in minority schools, then those schools have to be adequate."

In 1983, the district court declared Austin's schools desegregated and ended its court order. Three years later, the federal government granted Austin unitary status, deciding in effect that the harm done by segregation had been fixed.

School trustees stopped busing most elementary students in 1986, triggering an inexorable slide back into segregation.

Brown's legacy

How Austin's resegregation will affect students remains to be seen, said John Logan, director of the Albany, N.Y.-based Mumford Center for Comparative Urban and Regional Research.

"The question it poses is whether segregated schools are an obstacle to education opportunities for black and Hispanic children. If so, then it's a very big problem," Logan said. "On average in this country, it turns out that separate schools are unequal schools."

Austin's minority students are still more likely to attend high-poverty schools, Logan's research found. And school district figures show that with few exceptions, students in Austin's high-poverty schools perform below average on standardized tests.

Missing on the 50th anniversary of Brown is the outrage that prompted lawsuits and impassioned pleas before the school board 20 and 40 years ago.

"When I look back on the Austin desegregation case, the African American and Mexican American students won in the legal sense but lost in education," said Travis County Judge Sam Biscoe, the NAACP's attorney in the Overton case.

"The average black parent gave up on desegregation, because the experience was harmful to black students," Biscoe said. "Even at the end of the trip, black students were treated as though they were inferior. That's hard to get over."

After the school board voted to stop busing in 1986, Biscoe said, minority parents urged NAACP and MALDEF attorneys to let the matter go.

"The great sacrifices made did not result in their children getting a better education," he said. "To continue investing so much energy with so few results would have been worse."

Austin schools Superintendent Pat Forgione said, "The more significant challenge for educators now is high achievement. In access, we've made great strides. In achievement, there's much to be done. We have to ensure that every classroom has clear, high standards no matter what your ZIP code is."

Instead of clamoring for racial diversity in schools, parents are focusing on quality education.

"I see the role of crosstown busing in a district that is as geographically segregated as Austin . . . to be part of a broader remedial effort to erode the divisions of race and power. The Overton lawsuit was important in bringing resources to bear," said Andrew Chin, a law professor at the University of North Carolina.

Chin, who graduated in 1984 from Austin High School, was bused from his Northwest Austin home to help integrate Johnston during his freshman year.

"Some of the racial experiences were excruciating," Chin said. "But those experiences have helped formed my life in law and public policy."

His children, Chin said, will likely have a different experience. "Our main concerns would be curricular, rather than demographic."

The disappointment of Brown's aftermath shows in the eyes of Charles Akins, who taught in Austin's segregated schools before the district began integrating black faculty into white schools in the 1960s.

"When the (Brown) ruling came down, we felt such hope for the future," said Akins, who retired from his job as assistant deputy superintendent of Austin schools in 2000. "But we were disappointed. America never truly embraced it."

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