

All is Not Free in the Free State:

Race Relations and School Segregation in Topeka, Kansas.

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Introduction and the Topeka's Negroes in School.

When the word segregation is said, a majority of people will usually link the word towards images of African Americans sitting in the back of the bus, abandoned water fountains with distinctive markings "White" or "Colored," segregated lunch counters, and peaceful Civil Rights marches within the major cities. What these images and other images of segregated America have is the South. It would seem every single important fight for the Civil Rights in American all seem to have happened within some town or major city within the South. Whether it was Birmingham, Selma, or even Little Rock, the images that come to mind are in images of the Old Confederacy. But there was one landmark Supreme Court decision. which helped end Jim Crowe in the class room in the 1950's, *Brown vs. Board of Education*. Many scholars and historians look at this case as one of the most important decisions in the history of American Civil Rights and equality for education. This fight for equality should have been brought up in the South, because the segregation and prejudice was so strong there, but it was not in the South at all. It was started in Kansas.

Kansas is now a place where the segregation which once was in the state, is now kept secret and mostly forgotten. Only few remnants remain of the practice in the so-called "Free-State", maybe only in word of mouth or the exploits of Wilt Chamberlain when he came to Lawrence in the mid-1950's. Within Topeka the amount of court cases against the school board with their unfair practices, inequality and But the case was brought up in Topeka, Kansas and there are plenty of remnants left in the black community. The NAACP and the African American community in Topeka and Kansas was really involved in this case. There were segregation laws which impacted the state but were not public, they were more like social guidelines. The only

public laws that were released were for the advancement of school segregation which was in almost all of the school boards of Kansas.

The history of African Americans within Topeka is different than other Northern cities because of the history of the state. There were some tensions and problems which occurred when two different cultures mix in a condensed area. The African American experience in Topeka still saw prejudice and some discrimination, but there was equality which allowed for African Americans to finally fight against segregation within the school system. The Supreme Court ruling having roots in Topeka was mainly due to the amount of cases that went to court on the issue, whereas in the South they would not have even gone to court and the fact that the School Board of Topeka was not willing to change in its approach to the segregated schools. Since Topeka had segregated schools and integrated schools together there were complaints and then lawsuits heard by the court.

I. 1861-1910: Kansas, Black and Bleeding

In 1861, Kansas joined the United States as a free state and that freedom did not come free. The Jayhawkers had to fight the Border Ruffians out of Kansas after they had burned down then capital Lawrence.¹ The Border War had sparked deep hatred as the territory started to tear the fabric of Antebellum America. This hatred between Missouri and Kansas was not because they shared a border, it was they differed in the issue of slavery. The history of Kansas has been told time and time again to the Kansans that have lived in the state, but it is important to realize that this image was what drove people to Kansas after the end of the Civil War. Kansas seemed

¹ Andreas, Arthur T. *History of the State of Kansas*. Chicago: R.R. Donnelley and Sons, 1883, (34)

to be so progressive in that they were willing to fight for freedom in their state before the Union and Confederacy did, but there was still racism that was bubbling under the surface. The area that was to become Topeka started as a small colony and started to grow over the time of the Civil War as former slaves and Confederate refugees fled the South and joined the new state.² But with the rush of new black residents would come some prejudices and even straight up racism to the African Americans which came to Kansas thinking that they were coming to a place where equality reigned supreme because Kansas seemed to have fought to become a free state. From 1865 to 1910 there were laws passed by the Kansas Government that helped to segregate the African American community from the rest of Topeka, either through schools and even just social. African Americans in Kansas were still met with the same amount of problems which had plagued Reconstruction America.

After the Civil War ended, Kansans faced a number of questions about the place that newly enfranchised African Americans would hold in the state. Kansas was one of the few midwestern states to quickly ratify the Thirteenth Amendment and Fourteenth Amendment.³ But underneath all of this pro-African American legislation there was still the same problems which occurred northern states faced when it came to race relations, the racism which came when the two races collided and lived together for the first time. Kansas had some of the problems which places like Chicago and Washington D.C. But there was always some sort of tension below the surface in Kansas, the people of Topeka were willing to be a free state, but were not willing to live with the African Americans. The people were still stuck in their prejudicial ways and when it

² Cox, Thomas C. *Blacks in Topeka, Kansas, 1865-1915: A Social History*. Baton Rouge: Louisiana State University Press, 1982, (18).

³ *Ibid*, (25).

came time to ingrate the African Americans into society, the prejudice increased.⁴ The Reconstruction era brought more amendments such as the fourteenth and fifteenth amendments which gave more freedom to African Americans in the United States. But with these new amendments in the United States, came violence throughout the rest of the United States, but in Kansas it was not like the rest of the country. “Kansas was not victimized by the virulent racism of the Old Northwest (Ohio, Michigan and Illinois during the mid-1850’s) and race violence did to mar the state’s history through Reconstruction.”⁵ This was different than the other places in the Midwest like Missouri, because there were so few attacks on people of color within the city of Topeka and the state in general. Missouri had many lynchings which made it very volatile in race relations in which the newly formed Ku Klux Klan would even go to Kansas and take black men. Even though there were some lynchings and reported race-related violence in the county which in Topeka resided, it was not as bad as Missouri.⁶ But there was some prejudice in Topeka was not at the forefront of Topeka as in the South, but it seems that this hidden prejudice came to the forefront in the segregation of schools in Topeka.

Segregation of the schools in Kansas was not a new concept, and as early as 1865 there was segregation within the school system in Topeka. The prejudice towards African Americans is what seems to have led toward the start of segregation in the schools. In 1865 there were black and white children who attended an elementary school in Topeka that was located between Sixth Avenue and Kansas. It was a two-story building. But in 1866, the African American children

⁴ Ibid, (23-24).

⁵ Ibid, 25.

⁶ Ibid, (24).

were moved to the second floor and the white children were placed on the bottom floor and taught by the better instructor.⁷ This is from Arthur T. Andreas who wrote an early history book over the history of Kansas, in which this document is sort of a primary source. The better instructor meant the white children probably learned more than the African American children would have or they would have gotten a better education. Topeka allowed institutional segregation like this to happen a full year before the Kansas legislation gave boards of education within cities that they could have the authority to start and maintain separate public schools.⁸ From 1870-1880 the population of African Americans within Topeka grew from 470 to 3,648, which was a huge jump because there were only over 15,000 people living within Topeka's borders during this time.⁹ This was due to the exodus of African Americans after the Civil War, when they moved up from the South in droves. The whites of Topeka did not know what to do with them, with the large mass of new people coming in, the African Americans were sent into sectioned districts and even a place called the Barracks.¹⁰ These Exodusters had children who were going into the school system even though the whites would not want them to be there.

In the 1890's there was plenty of prejudice in Topeka which was hidden under the veil as social acceptance with the Exodusters and forcing segregation onto the African-American children.¹¹ This prejudice was evident in how the city hired their teachers and what they were

⁷ Andreas, Arthur T. *History of the State of Kansas*. Chicago: R.R. Donnelley and Sons, 1883, (568).

⁸ Cox, Thomas C. *Blacks in Topeka, Kansas, 1865-1915: A Social History*. Baton Rouge: Louisiana State University Press, 1982, (27).

⁹ *Ibid*, 42.

¹⁰ *Ibid*, 70-78.

¹¹ *Ibid*, 108.

willing to do to change, which was nothing. The Topeka Board of Education refused to appoint any African Americans in a place of power or even in a job in Topeka's segregated elementary schools. This made the African Americans within Topeka very angry with the Board of Education and created a rift between the African American citizens and the school board.¹² The want for African American men or women in a position in which they could become more than a farmhand or a worker, which is what plenty of African Americans had been doing for a living.¹³ In response to how the Topeka Board of Education the local black paper, the *Topeka Colored Citizen*, wrote about the how the education board had failed the black community. "We hear of no Irish or German school. All children are at liberty to attend the school closest to them, except the black child."¹⁴ This sentiment was in the air throughout the black community and the injustices that they faced at the hands of the Topeka School Board and it all seemed to come to a head in 1900.

William Reynolds, a black Topeka resident, alleged the black high school, Lowman-Hill School was incredibly understaffed, and as he described a "veritable cesspool."¹⁵ Thomas Cox wrote about the case as almost a turning point in how African Americans were going to handle the prejudice by trying to fight for equality. His son was going to attend this school and he used to attend a integrated school that was closer. He was enraged that he had to attend a school several blocks away. It was also not as clean or as well maintained as the school his son had

¹² Ibid, 112.

¹³ Ibid, 113.

¹⁴ *Topeka Colored Citizen*, Topeka, B3. 20 September, 1879.

¹⁵ Cox, Thomas C. *Blacks in Topeka, Kansas, 1865-1915: A Social History*. Baton Rouge: Louisiana State University Press, 1982, (113).

attained in the closer school.¹⁶ “It is said the word “uniform” means the “same throughout the state; that “common” reforest to the people as a whole and means “open to all,” and that the establishment of separate schools for white and colored children in the cities of the first class is repugnant to both requirements.” The lawyer for William Reynolds case is stating it was unfair and if the United States if every segregated school is considered “equal” it should be truly equal. It angered Reynolds more when he lost his case, due to the *Plessy vs Ferguson* argument, in which the school board was going to supply separate but equal facilities, even though the facilities were clearly not.¹⁷ But the most important fact about this is the black community fought back against the Topeka School board and the court’s ruling. Instead of going to court, they all petitioned the superintendent of the School board to either build a new segregated school within their area or to let them attend schools that are closer.¹⁸ The Superintendent actually decided to compromise and the let African American students attend a “school”, the students would to go to a building at Tenth and Spruce Street in the fall of 1902, even though it was not technically a real school, it worked for the African Americans within Topeka, for the moment.¹⁹ Even though

¹⁶ Van Delinder, Jean. “Early Civil Rights Activism In Topeka, Kansas, Prior To The 1954 Brown Case.” *Great Plains Quarterly*, January 1, 2001. <http://digitalcommons.unl.edu/greatplainsquarterly/2292>. (48).

¹⁷ William Reynolds, Plaintiff, v. The Board of Education of the City of Topeka, of the State of Kansas, “Brief for the Defendant,” *In the Supreme Court of the State of Kansas - 1890* (Topeka, 1890).

¹⁸ Van Delinder, Jean. “Early Civil Rights Activism In Topeka, Kansas, Prior To The 1954 Brown Case.” *Great Plains Quarterly*, January 1, 2001. <http://digitalcommons.unl.edu/greatplainsquarterly/2292>. (49).

¹⁹ *Ibid*, 49.

Reynolds lost his case in the early 1900's it helped to shape the fight for equality in Topeka and through the coming decades it would help shape how the *Brown vs Board* case would start.

II. 1910 - 1929: World War I through Black Tuesday

From 1910 to the start of the Great Depression there were not a lot of documents that can effectively say how the people in Topeka felt about school segregation, but there were plenty of examples of the separation and the court cases against the school board of Topeka. The fact of the matter was the segregated schools were going to have a new generation of children that would come flooding through them due to the Great Migration of African Americans in the early 20th century. These people came from a segregated South to find a more free and equal living, but they found the same segregation in social life, in residence, and mainly in schools. It angered the people who thought they were finally getting out of this oppression, found their children under the same type of oppression in their schools. The new residents wanted freedom from these rules and this led to anger, and this anger led to the two major court cases in the late 1920's which would help to shape how race relations were going to play out leading up to *Brown*.

The National Association for the Advancement of Colored People (NAACP) arrived in Topeka in the early 1910's due to the amount of African Americans which came to Topeka in the decades before. The NAACP was formed on February 12, 1909 in after the Race Riot of 1908 in Springfield, Illinois, the riot proved there was a need for the fight for Civil Rights. It was founded in New York City with members like W.E.B. DuBois.²⁰ But this newer organization would not be entirely welcomed in with open arms by a majority of the African American

²⁰ NAACP | Oldest and Boldest: A History of the NAACP” NAACP. Accessed December 2, 2017. <http://www.naacp.org/oldest-and-boldest/>

community when it arrived in Kansas, mainly due the NAACP being a newer organization whose fight for Civil Rights had not started yet. After the Topeka branch was founded in 1913, it really did not gain traction until Arthur Capper became the head of the leadership in 1915. He was able to get into the African American communities with an offer of equality and Civil Rights, but it seemed as if they were just promises. This type of platform led to him to serve as a United States Governor in 1918. Capper did a lot for his own image and for pushing for more votes for his own campaign than he was for Civil Rights.²¹ He used the NAACP as a platform, and it led to more people in the African American community to pay attention to what the organization was for, and its message was slowly spreading, even if they did not originally do the best campaign for awareness. The easiest way for the NAACP to engrain themselves was to go to traditional African American churches in Topeka, but they were seen as outsiders, trying to push an agenda. They were seen as salesmen, who were not doing the right thing for their race even though they were trying to preach for Civil Rights.²² So the NAACP's introduction to the black community in Topeka were not starting on the right foot. They eventually tried to connect by teaching a newer game towards the African American community, basketball, with the help of the local YMCA where James Naismith taught the basic rules.²³ They finally became more engrained into the

²¹ Socolofsky, Homer. *Arthur Capper: Publisher, Politician, and Philanthropist* (Lawrence: University of Kansas Press), 1962.

²² "NAACP Branch Has Long History | CJOnline.Com." Accessed October 26, 2017. http://cjonline.com/stories/070706/gov_naacp.shtml#.Wffr34ZJnBK.

²³ *Ibid*, 2.

society after World War I and going into the 1920's when the local NAACP would offer to help pay for legal defense if it was a matter of Civil Rights.²⁴

World War I really affected the state of Kansas, with more than 75,000 people either enlisting or being drafted into the war. Within Topeka, a large amount of these men were white men, but there were a small number of African American soldiers who were able to enlist through the National Guard, the 23rd Kansas. Many of them did not even see any action, or see Europe at all, a lot of them were just kept on bases around Fort Scott, Fort Hays, or Fort Leavenworth.²⁵ Either way, the largest impact of World War I to the community was not the casualties, it was the Great Migration. After World War I, many African Americans left the horrible conditions that plagued them in the South to find a better, and hopefully a more equal, life. The Great Migration really starts in 1920, and the African Americans flooded North and West. "Saturday and Sunday night, for a number of weeks from four to six coaches are attached to the regular trains as "extras" to carry the Colored passengers bound for Northern communities. This northern migration has kept up all during the summer, and many predicted that it would cease when the fall weather set in, but such has been the case to date." The author Nahum D. Brascher continues his explanation, "Not only are people going North, families of those who had gone before, but hundreds who never before been North also are going."²⁶ In 1920, *The Kansas City Sun*, a black paper from Kansas City, Missouri, wrote an article on the start of the First

²⁴ Ibid, 3.

²⁵ Jones, Claudia. *Jim-Crow in Uniform*. New York: New Age Publishers, originally published 1940, republished in 1968, (34).

²⁶ Brascher, Nahum Daniel. "The Kansas City Sun. (Kansas City, Mo.) 1908-1924, October 09, 1920, Colored People Leaving the South," October 9, 1920. <http://chroniclingamerica.loc.gov/lccn/sn90061556/1920-10-09/ed-1/seq-1/>.

Great Migration. The African Americans left their homes down South and it seemed to be all of the sudden as Brascher writes, but it did not stop when it got cold or when it changed seasons like when the Exodusters left in the late 1890's. The main reason people were leaving was basically because it was easier to leave. There was access to easier transportation, cheaper tickets and there seemed to be no real reason to stay for most African Americans. These were the grandchildren of former slaves and the new generation finally saw a way out of the oppression of the South and decided to leave. When these new migrants came into Topeka, less than seven percent of the population in Topeka was African American.²⁷ The African American community in Topeka expanded, but there were more problems with the schools because the African American schools became more and more crowded. The School Board of Topeka saw the amount of new migrants who came from the South, and did not do anything to help them with integration which would help to create less of a crowded school.²⁸ This was nothing new to the African American community who knew the school board was not going to accommodate the new migrants from the South. By the end of the Great Migration, the African American population in Topeka grew and it created more problems for the school districts, but that will not be addressed until the Great Depression started.

Even with the introduction of the new African Americans into Topeka, there was a sentiment of how bad segregation affected African Americans, and none seemed to carry that sentiment more than Gordon Parks. Parks was born in Fort Scott, Kansas in 1912 and grew up in

²⁷ "Records of the Topeka Black Women's Network," 1986-1908. Kansas Collection, Topeka. (14).

²⁸ Maslow, Will, and Richard Cohen. *School Segregation, Northern Style*. [1st ed. Public Affairs Pamphlet, no. 316. New York: Public Affairs Committee, 1961, (46).

segregated schools in the time period leading up to Great Depression. Parks was the youngest of fifteen children of a farmer outside of Fort Scott and witnessed many prejudices within his community because his father was one of the few African American farmers in the area. He went to a segregated elementary school in Kansas 1918 and by the time he came to middle school and in high school, his schools were integrated, but the African Americans were not allowed to participate in sports or other after school programs.²⁹ Gordon Parks left Kansas after a brief stint at college and became a photographer for LIFE magazine, he was very well known for his deep dives into pictures and stories centered around segregation. He had been all over the south shooting photographs of the horrible conditions people lived in, and when he was asked to shoot school segregation in America, he chose to go back to Kansas.³⁰ Parks choosing Kansas was no real surprise in how his experiences with segregation were back when he used to live there. Parks was one of the most important photographers of the twentieth century and with his photography, he brought the north into the Civil Rights movement through the magazine, capturing things that no one had seen there. Gordon Parks was able to give more of an example of life as an African American who lived through school segregation and what he really thought of his experiences in Kansas by his willingness to return to showcase the inequalities of his home state.

The population within Topeka from the 1910's through the Great Depression started to grow more and African Americans were a large portion of that growth due to the First Great Migration. Throughout the 1920's the African American community grew large enough within

²⁹ Parks, Gordon. *Voices in the Mirror: An Autobiography*. 1st ed. New York: Doubleday, 1990, (23).

³⁰ Berman, Eliza. "A Lost Story of Segregation by Gordon Parks, LIFE's First Black Photographer." *Time*. Accessed October 28, 2017. <http://time.com/3664001/gordon-parks-fort-scott/>.

Topeka that a Colored Directory was released. In the 1920's, the colored businesses and NAACP released their phone numbers and addresses so they could help gain more customers in the African American community and even some of the white community would come as well. "Twelve and one-half per cent of the population of Topeka is colored. There are more than 3,000 Negro families. Approximately 70 per cent of these own their own homes ... It has been made possible through the friendly cooperation of many Topeka business firms."³¹ The creation of a document like this shows there were plenty of African Americans who were in Topeka to warrant having this being made. The African American community was growing and it was going to lead to problems where African Americans were in places where there was no black schools close. This created more problems when the schools became over crowded and moved the school lines and locations of the schools were problematic. This led to more problems especially in the late 1920's with challenges of the school segregation lines.

The NAACP brought three cases to court in the late 1920's, all against the School Board of Topeka. *Rich vs Board of Education* and *Wright vs Board of Education* were filed in 1928.³² The *Rich* and *Wright* cases both had African American plaintiffs petitioning to attend the Randolph Elementary School in Topeka. The main reason for the Rich family lived to file the cases because they lived within five blocks of the white Randolph School, but since they were African American they had to attend the Buchanan School which was twenty blocks away.³³ The

³¹ Lucas, Eugene, ed. *Colored Directory: Also Information and Facts That Are of Interest to 10,500 Colored People of Topeka, Kansas: Together with Buyers' Guide of Best Business Places in the City*. [Topeka, Kan: Midwest Directory Publishing Co, 1927.]

³² Van Delinder, Jean. "Early Civil Rights Activism In Topeka, Kansas, Prior To The 1954 Brown Case." *Great Plains Quarterly*, January 1, 2001. (50).

³³ *Ibid*, (51).

Superintendent named A.J. Stout did not like the bad publicity and decided to come out against their argument, which led to may to paint him as a racist by the local African American paper, *the Topeka Plainleader*. Rich's argument was there were already two black families who had children inside the Randolph School, but the explanation from Superintendent Stout was the families had been living within the territory before it was annexed into Topeka and therefore they could not move the students out.³⁴ It showed the School Board as almost hypocritical in their own stance, but Superintendent Stout said, " I am willing to modify the color line on a case-by-case basis, but I will not throw all the schools open."³⁵ This case-by-case basis style of allowing blacks students to attend a white school is not what the African American community wanted. The African American community wanted to have every school open to all of the African Americans in the area.

The *Wright* case was finally seen in court in 1929, and school segregation was more heavily enforced after the *Rich* case. The lines were drawn more staunchly than before and it was brought up by the Wright family. Wilhemina Wright was transferred to a segregated school after attending the all-white Randolph School. Even though she lived so close to the Randolph School, she was forced to go to Buchanan which was more than twenty blocks away. The idea of pulling a student from their education to a new teacher, place, and new people whit it also being further away. The Wright defense pleaded it was unfair to pull out the young Wilhemina Wright out of her current situation. The court ruled "no contention is made that the Buchanan school is not as good as a school and as well equipped in every way as is the Randolph school." It was the *Plessy*

³⁴ "A.J. Stout, Supt. of Topeka City School Creates Race Prejudice: Ku Klux Klan Sentiment Entering Public Schools," *Topeka Plaindealer*, 28 September 1928, (1).

³⁵ *Ibid.*

vs. Ferguson argument yet again, but there was a concession was made by the judge on the ruling in which there would be transportation provided for Wilhemina Wright.³⁶ The case by case adjustments by the school board were not good enough for the African American community and it is evident by the amount of court cases which were going to come.

These court cases were an important predecessors to what is to come for *Brown vs. Board* and if these court cases were even brought up in the South they would have been dismissed. These two court cases were important because the outcomes were positive towards the African American community, whereas in the south there would have been no court case in the first place. When the Great Depression hit in 1929 the population of African Americans in Topeka since 1900, and this growth pushed for more problems and disconnect in the community and there were more court cases to come.

III. 1930 - 1948: The Great Depression, Residential Segregation and *Brown*

After the catastrophe of Stock Market Crash in late 1929, the entire county was in an economic depression lasted for over a decade, and it changed major cities forever. Within Topeka, the Great Depression impacted the farmers more than any other people in the beginning. The Dust Bowl ravaged crops and sent many black farmers off their farms due to the loss of income. The schools lost students due to the loss of jobs that impacted the area, as people moved West or toward new cities. But with the election of Franklin D. Roosevelt in 1933, the United State government began to implement policies which would help to get the United States out of the horrible economic depression. In part, the New Deal worked to help create economic development throughout the midwest. But a policy that he implemented to help with the housing

³⁶ *Wright v. Topeka Board of Education*, 129 Kansas Supreme Court Reports 853 (1930).

market would change how the country will be shaped for the next half century. World War II would shape the makeup of the country yet again, a second migration would come north, with bold ideas on equality. With all of these changes in the residential areas and problems with economics, the school system in Topeka would yet again be sued and taken to court, making the NAACP take notice of the fight for equality Kansas.

The Great Depression was devastating to the midwest and Topeka, especially with the Dust Bowl and the economic depression pushing people out of the area. But the New Deal was finally in affect with FDR's signing in the early 1930's and with the New Deal came the new National Housing Act of 1934. This Housing Act was created by the Senate and signed by the President and it allowed the Administrator to establish agencies and services.³⁷ The National Housing Act of 1934 would establish new agencies that would help segregate the United States through their residential areas in what were mainly African American. "(Residential Segregation) was a nation-wide project of the federal government in the twentieth century, designed and implemented by its most liberal leaders. Our system of official segregation the result of a single law that consigned African African Americans to designated neighborhoods.³⁸ *The Color of Law* by Richard Rothstein tells the story of how this piece of legislation started to create new communities that are now segregated from the rest. Places like the South Side of Chicago, KCK (Kansas City, Kansas), Queens and Brooklyn, Compton, and Oakland were created because of the laws that were passed in the 1930's during the Great Depression. But in Topeka, there were neighborhoods that were almost established like this, but the laws passed during the Great

³⁷ "National Housing Act of 1934," United States Congress Records, (1).

³⁸ Roethstein, Richard, *The Color of Law*, (New York, NY: Liverlight Publishing), (XII).

Depression separated them more.³⁹ There were now neighborhoods that were considered completely black within Topeka, but had white schools in them. This caused more than enough people to turn around and point the finger back at the school segregation laws that were made back in the 1890's. The residential segregation was more visible in places like Kansas City Missouri, a city that was not too far away from Topeka, had residential segregation that is incredibly evident in its affected areas. With the lines being drawn just outside its famous Country Club Plaza, Troost was the defining line. It was drawn to keep the African Americans away from this area because so many white elites shopped there and the businesses would have lost money from the presence of blacks in it.⁴⁰ The practice known as "redlining" was in full effect in Kansas City, but in Topeka it was not as clear. Topeka and Kansas were trying to hide the "redlining" because it really did not change how much Topeka was still segregated in their schools and where these were located. Residential segregation made the known African American areas or neighborhoods were more separated than before. Throughout the country there were new areas that are still known as ghettos today, but in Topeka there just areas that were just seen as black. These black neighborhoods were now sectioned off from the rest of the white neighborhoods, which made the white schools within these black neighborhoods seem pointless, like the one that surrounded the Monroe School. They were not just a large part of the community of Topeka's history, but it still brought more separation between the races and it made more sense as to why there was segregation within Topeka's schools.

³⁹ Van Delinder, Jean. "Early Civil Rights Activism In Topeka, Kansas, Prior To The 1954 Brown Case." *Great Plains Quarterly*, January 1, 2001. (54).

⁴⁰ Kansas City (Mo.), ed. *Racial Segregation in Kansas City Neighborhoods*. Kansas City, Mo: Model Cities (Urban Affairs) Dept., Planning and Analysis Division, 1973. (11).

The Great Depression and Dust Bowl seemed to subside around the same time, 1939, with the economy on the rise, the war was looming closer as the Germans attacked the Poland on September 1st that year. As the war was starting Oaland Graham's family had enough, and in 1940, the family's lawyer used his name on the court case that would help to desegregate the middle schools in Topeka. "Though the school district (of Topeka) could lawfully segregate elementary grade schools but not its high school, Kanas law did not specifically say whether junior highs were elementary schools. One way to determine the line between the elementary and high school grades would be to challenge it in court."⁴¹ Graham's legal team was able to find the loophole in how the schools were segregated especially the middle schools in Topeka. "Prior to *Graham*, the practice followed by African American children in Topeka was to remain in segregated schools through the eighth grade, choosing either to enter an integrated ninth grade or Boswell (Junior High) or to remain in a segregated class by electing to attend Roosevelt Junior High."⁴² Since there was no clear law that allowed segregation within the middle schools throughout Topeka, and the *Graham vs. Board* decision helped to desegregate the middle schools in Topeka and state wide. This ruling definitely affected the school system with eight African American staff members being removed by the School Board. It was due to the bringing in more white staff members for the newly integrated schools.⁴³ It was yet another ruling on the location of a white school being closer than a segregated school, yet this one finally helped to push the African American community closer to a situation like *Brown*. There were a lot of problems with

⁴¹ Van Delinder, Jean. "Early Civil Rights Activism In Topeka, Kansas, Prior To The 1954 Brown Case." *Great Plains Quarterly*, January 1, 2001. (52).

⁴² *Ibid*, 52-53.

⁴³ *Ibid*, 53.

locations of the schools during the 1940's with some had to travel up to two miles to get to their segregated elementary schools. This was the last major court ruling within Topeka before *Brown vs. Board* and through all of the past court cases there were the same problems that would carry over in every case in Topeka.

With the attack on Pearl Harbor on December 7, 1941, the United States was thrust into the conflict that had plagued the rest of the globe. With the war taking away millions of people away to fight either the Japanese Empire or the Nazis in Germany, the focus on Civil Rights was fought by the soldiers on the battlefield. In Topeka, there were not a lot of black troops that volunteered, due to this segregation, but many were drafted to be in the military and very few actually fought in Europe or the Pacific.⁴⁴ The desegregation of the military was fought for by plenty of people, some in Topeka, because they were fighting such an oppressive regime in Germany. The Germans segregated communities to the extreme and the fact that there were still African American units who were separated by the color of their skin, was hypocritical. The first major step towards equality of the battlefield came during the Presidency of Harry S Truman, when in 1948 he officially signed legislation which desegregated the military.⁴⁵ This sign of equality finally brought the issue of Civil Rights to the forefront by finally signing a pro-African American legislation. This issue of a segregated military left room for a movement forwards with equality and Topeka finally took the hint.

From the beginning of the Great Depression to the end of the 1940's, Topeka's African American community finally started to push for more equality. Through the court cases who

⁴⁴ Ibid, 54.

⁴⁵ Ibid, 54.

actually went to court on segregation and the number of these who had positive outcomes for African Americans. It all seemed to come to a head with the last major court case on school segregation with roots in Topeka.

The Court Case

In the same year as the President passed the desegregation of the military, a final court case was filed against the school board of Topeka, with the name of Oliver Brown on the court case. This court case was set like all of the other court cases which the Topeka School Board had faced before, but there was an actual veteran legal team behind them.⁴⁶ The NAACP had handled a majority of the early legal cases in Topeka and this one was no different, but it was going to be larger than the previous cases because of the amount of plaintiffs. The case against the school board in Topeka was something different because the former plaintiffs could be witnesses and the NAACP had better case. The NAACP's legal team worked to show this case was similar to other former cases that were against the School Board of Topeka. The main reason School Board of Topeka was in hot water was because the defense had close to twenty families who went against the School Board of Topeka but there was a problem, they lost.⁴⁷ The School Board of Topeka made a great case and won originally, but to the NAACP, they needed to appeal and fight back against the system. They were able to fight back with one of the best legal minds of the 20th century, Thurgood Marshall. Marshall was a well known Civil Rights lawyer because he worked for the "little man" so to speak because he was an African American attorney where there were

⁴⁶ Tushnet, Mark V. *Making Civil Rights Law: Thurgood Marshall and the Supreme Court, 1936-1961*. New York: Oxford University Press, 1994. (187).

⁴⁷ Brown, Oliver, and Paul E. Wilson. *Brown v. Board of Education ; Briefs and Transcripts*. [s.l: s.n.], 1952-1954, n.d. (xiii).

very few African Americans had gotten the opportunity to become a successful attorney at that. Marshall was hired by the NAACP because of his integrity and grit with his prior Civil Rights cases in the 1940's, his experiences would help finally push the case over to the side of *Brown*.⁴⁸ During the Supreme Court trial Marshall and the NAACP team were able to finally mount a defense which won them the court decision, thus desegregating schools throughout the United States.⁴⁹

This proved to be a spark plug for the Civil Rights movement, it was one of the few Supreme court cases which worked towards the favor of the African Americans in the 20th century, especially with *Plessy v. Ferguson* allowing segregation in the first place. In the following decade, the Civil Rights movement stopped the segregation in the South and fought for equality and the fight for equality has not stopped to this day.

Conclusion

With the *Brown vs. Board* having roots in Kansas is such a unique concept when anyone can think of segregation in the history of the United States, they would not think of Topeka, Kansas. With segregation having such a large impact on the history of the United States, it would seem as though the loss of segregation in schools would have happened in the South. But what seemed to spark the Civil Rights movement, was started in sleepy Kansas. A place where there were no horrible crimes against the African Americans or the prejudices that plagued the South. But there were multiple court cases which were actually taken to court in Kansas and were ruled

⁴⁸ Tushnet, Mark V. *Making Civil Rights Law: Thurgood Marshall and the Supreme Court, 1936-1961*. New York: Oxford University Press, 1994. (208).

⁴⁹ Masters, Isabell. "The Life and Legacy of Oliver Brown: The First Listed Plaintiff of *Brown vs. Board of Education, Topeka, Kansas*," (University of Oklahoma Press: Norman, OK) 1980, (35).

on and were not thrown out, it led to the end of school segregation in the United States. The amount of cases that went to court and were not thrown out, like they would have been in the South, was a huge step for Civil Rights. If they were thrown out there would not have been *Brown vs. Board* ever happening in the South, but because that Kansas was not as prejudiced in their society, it led to these segregated school cases to going to court. There was also the main problem with the School Board, it was was not willing to back down on its segregation policies, no matter how many people fought back against them, it led to *Brown vs Board* to be the final nail in the coffin. These feelings of inequality were always there in Topeka and Kansas and it eventually proved enough with the school system and the court cases that led to the court cases to finally catch up to them. If these cases never went to court or the School Board changed its policies in the slightest, there might not have been a *Brown vs Board* decision to discuss.