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# COVERT DISCRIMINATION

## Topeka—Before and After *Brown*

by Robert Beatty and Mark A. Peterson

A few Negro parents appeared Monday at several white elementary schools and requested permission to enroll Negro children, school officials confirmed Monday. The requests were denied by the building principals in each case.

The case of *Reynolds vs. the Topeka Board of Education* in the 1920s [sic] established authority of a city board of education to determine which school a child shall attend.<sup>1</sup>

These sixty-two words inaccurately recount an effort aimed at school desegregation in Topeka, Kansas, as reported in the September 11, 1950, edition of the *Topeka State Journal*. At the same time this cryptic passage describes the triggering event of *Brown v Board of Education of Topeka, Kansas*, the 1954 landmark U.S. Supreme Court decision that theoretically opened the doors of all white schools to black children. Cryptic, dismissive, inconsequential, unemotional—any of these words might be used to characterize this passage. It provides little portent of the social and political ramifications that followed from the mild confrontation played out that day when a few black parents with offspring in tow climbed the steps of elementary schools across the city to request registration and attendance of their children at their neighborhood elementary schools.

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1. "Enrollment Near 1,900 Forecast at Topeka High," *Topeka State Journal*, September 11, 1950. The court case referred to here was the 1903 *Reynolds v Board of Education of Topeka*, 66 Kan. 672 (1903). For an excellent analysis of the legal precedents to *Brown v Board of Education of Topeka*, see J. Morgan Kousser, "Before *Plessy*, Before *Brown*: The Development of the Law of Racial Integration in Louisiana and Kansas," in *Toward a Usable Past: Liberty Under State Constitutions*, ed. Paul Finkelman and Stephen E. Gottlieb (Athens: University of Georgia Press, 1991), 213–70.

*Kansas History: A Journal of the Central Plains* 27 (Autumn 2004): 146–163.



*Barbara Irby and Richard Ridley pose as queen and king of the Topeka High School Rambler basketball team in 1947. On the surface it may appear that Topeka High was a leader in equal rights by electing an ethnic couple for this honor, but further examination reveals that Topeka High's Ramblers was an all-black team, created because black students were not allowed on the high school's principal team, the Trojans. Furthermore, the event to elect the Rambler royal couple was sponsored by the "colored" advisory council, a separate group from Topeka High's major student governing assemblage, the all-white student council.*

This article examines the public record and personal recollections regarding white and black relations in Topeka at the mid-point of the twentieth century. It looks at how the press, some public officials, and private citizens portrayed race at that time and how the local press framed the U.S. Supreme Court's landmark decision that devolved from these contemporary conditions. Topeka, it appears from the record, was a community indisposed to acknowledging the reality of Jim Crow, the ugly manifestation of "separate but equal," in its midst.<sup>2</sup>

In 1950 Topeka was a city of seventy-nine thousand with an African American population of roughly five thousand.<sup>3</sup> The black population was not homogeneously concentrated in a single neighborhood. Instead it was scattered about the city in various pockets. By the mid-1900s the black neighborhoods were of a size and character that a small downtown business and professional community existed to serve their needs. This commercial district, known colloquially as "the Bottoms," was northeast of Topeka's main business community along Kansas Avenue and east along Fourth Street and adjacent blocks. The black business district included various small restaurants, doctors' offices, law offices, the Apex (later Ritz) Theatre, secondhand stores, grocers, and so forth.<sup>4</sup> Thus, the black community was not large, or overly obtrusive, but of sufficient dispersion and size to presumably make its existence known in the larger community. The socio-economic disparities between the black and white neighborhoods had been obvious within the community since the late days of the nineteenth century when Topeka's famous Reverend Charles Sheldon had established his

2. Our analysis of the Topeka scene in the early 1950s relied principally on the city's two daily newspapers, as well as oral histories collected under the auspices of the Kansas State Historical Society and the Brown Foundation (duplicate copies archived in both the Library and Archives Division, Kansas State Historical Society and the Washburn University School of Law, Topeka; hereafter cited as Oral History Project), minutes of the Topeka School Board from 1948 until 1952 (McKinley Burnett Administration, USD 501, Topeka), and the work of historians, journalists, witnesses, and participants in the *Brown* case.

3. U.S. Census Bureau data obtained and extrapolations made from Topeka-Shawnee County Metropolitan Planning Agency, *Comprehensive Metropolitan Plan 2010*, October 1990, 3-15 through 3-18.

4. Douglas W. Wallace and Roy D. Bird, *Witness of the Times: A History of Shawnee County* (Topeka: Shawnee County Historical Society, 1976), 251-54. See also the discussion and footnote in James N. Leiker, "Race Relations in the Sunflower State," *Kansas History: A Journal of the Central Plains* 25 (Autumn 2002): 225.

kindergarten for black children in the west-central part of present Topeka known as Tennesseetown.<sup>5</sup>

Observations on black life, status, and social acceptance in Topeka are available from a variety of sources. One example derives from a transcript of an interview with Maurita Davis, the daughter of McKinley Burnett, the local National Association for the Advancement of Colored People (NAACP) chapter president during the *Brown v Board* period. Topeka maintained four schools for African American children—Monroe, Washington, McKinley, and Buchanan—with grades kindergarten through eighth. These separate facilities were made possible by an 1879 state statute that permitted cities of the first class (more than fifteen thousand population) to segregate their elementary schools. But the lines of separation had not always been rigidly enforced. Some of Topeka's black elementary students attended "white" schools. Davis recalled, for example, that Sumner Elementary School—the neighborhood school where Oliver Brown unsuccessfully tried to enroll his daughter in the fall of 1950—had served both black and white students together until sometime in the pre-World War II era. This limited integration ended when reports of a fatal attack on a white student by a black student assailant in the Kansas City schools led the Sumner School administration to segregate the school.<sup>6</sup>

While Jim Crow conditions existed in Topeka, they seldom were enforced as authoritatively as in the South. For example, the *Brown* oral history transcripts make reference to downtown restaurants and lunch counters that would sell to blacks but only "in a sack" to be eaten off the premises, while other transcripts cite the existence of "Peanut Heaven" (blacks-only seating) in the balconies of the downtown movie theaters from the 1920s until the 1950s. Yet the insults of the South's ubiquitous signs announcing WHITES ONLY or COLORED ENTRANCE were not nearly so evident in Topeka. Instead, social constraints came by personal direction and community-wide understandings of appropriate "colored" behavior.<sup>7</sup> In

5. Timothy Miller, "Charles M. Sheldon and the Uplift of Tennesseetown," *Kansas History: A Journal of the Central Plains* 9 (Autumn 1986): 125-37; Thomas C. Cox, *Blacks in Topeka, Kansas, 1865-1915: A Social History* (Baton Rouge: Louisiana State University Press, 1982).

6. Maurita Davis, interview, July 15, 1994, Oral History Project, .

7. That the discrimination was not harshly and visibly underlined by public signage does not mean that it was markedly less prevalent in public accommodations in Topeka than in other places where rejection of

counterpoint, the grand department store of downtown Topeka, Pelletier's, was reported to disregard the color of its customers, welcoming all who had the money to shop "upscale." The community's appreciation of the Yankee virtues of thrift, hard work, material prosperity, and education seems to have permitted a degree of social acceptability for prosperous and professional black families. As this article will illustrate, this led to conflict within the black community when efforts to pursue and advance the NAACP's lawsuit were undertaken.

Two strong forces aside from race hampered blacks—their relatively small numbers in the community, and their relative lack of economic power. In the main, Topeka was, like many American towns, a community of largely unreflective white burghers sold on American capitalism, mainstreet boosterism, the Republican Party, and a God who would reward acts of piety and moral uplift. The result was a condescending attitude toward local blacks who, if given vigorous instruction regarding moral rectitude, were perceived as having the potential to one day rise to the level of tolerable stepbrothers and stepsisters. Among the white population a number of malignant and bigoted brutes had worn their bed linen and spouted racist jingoisms in support of the Ku Klux Klan in the 1920s and 1930s. But by World War II the long and benevolent shadows of such men as the Tennesseetown benefactor Reverend Charles Sheldon and the founders of the Menninger Institute, together with the return of prosperity, had rooted out the more blatant and offensive aspects of racism, and Topeka was "tak-

blacks as equals was more blatantly illustrated. See Richard Kluger, *Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality* (New York: Alfred A. Knopf, 1976), 374–80; Mary L. Dudziak, "The Limits of Good Faith: Desegregation in Topeka, Kansas, 1950–1956," *Law and History Review* 5 (Summer 1987): 366–68.

ing care" of its black citizens in spite of their lack of resources and power.

African Americans could not use all of the city recreational facilities, but a good swimming pool and athletic fields were available to them in Central Park. As the plain-



*Topeka's black commercial district comprised various businesses including the Apex Theatre, photographed here with what appears to be a crowd of patrons in 1933.*

tiffs in the *Brown* case noted, the black and white elementary schools were very comparable, and secondary education was not segregated by facilities—although the Topeka schools' administration went to great lengths to keep students segregated in activities, athletics, and academics during ninth through twelfth grades, particularly at Topeka High School. For example, until the 1949 school year African Americans could not play with white athletes on the high school's basketball team, the Trojans, so blacks had their own team. The Topeka High Ramblers had coaches, uniforms, cheerleaders, and transportation just as did their white counterparts.<sup>8</sup>

During a late 2002 interview, retired Kansas Supreme Court Justice T. C. Lockett noted several forms of Jim Crow

8. Topeka School Board minutes, September 26, October 18, 1949, 263, 264. Thereafter, the Trojans were an integrated basketball team.

in Kansas. For example, public transportation—buses and rail coaches—in the 1940s and 1950s was integrated until arriving at Arkansas City or other southern border cities where the conveyance would stop and blacks would move to the back to “colored” seating before proceeding into Ok-

lahoma. When Justice Lockett played athletics for Washburn University in the early 1950s, the teams were integrated and traveled together, but whenever traveling south the black athletes would be housed with black families in the area of the contest and could not eat with the team in public restaurants. Similar observations were found in the archived transcripts of two black former Topeka athletes, Joe Douglas and Jack Alexander.<sup>9</sup>



Because black students could not join Topeka High School’s basketball team, they formed their own, the Ramblers. Photographed here (left to right) are Donald Anderson, Theresa Byrd, Samuel Jackson, Sara Jaco, William Booth, and Barbara Revelry enjoying the Rambler’s end-of-the-season banquet in 1947.

their service had been recognized widely in the media.<sup>10</sup> President Harry S. Truman ordered the integration of the U.S. military in July 1948 (Executive Order 9981), and Topeka, with its supply depot and air force training facilities, clearly was aware of the influx of black service personnel during both the world war and the Korean conflict. The local newspapers portrayed racial issues as being a Southern problem and not something that had any immediate significance in Topeka.

However, Charles Baston, a member of the Topeka NAACP since 1945, recalled that when McKinley Burnett began to approach the school board on a regular basis regarding school segregation in 1947–1948, the board typically scheduled the NAACP’s request at the end of the agenda. Thus, the representatives of the NAACP would present their concerns at 11:30 P.M. or midnight, usually followed by perfunctory acknowledgment of the group’s concerns and a quick motion for adjournment.<sup>11</sup>

9. T. C. Lockett, interview by authors, December 6, 2002. See also Jack Alexander, interview, October 1991, Oral History Project; Joe Douglas, interview, October 24, 1991, *ibid.*

In fact, accommodation and diligent effort to afford “separate but equal” facilities seemed to be hallmarks of the Topeka school district. Guided since 1941 by the patrician superintendent Kenneth McFarland, the district had hired a substantial number of credentialed African American teachers to serve the needs of the K–8 black schools. When *Brown* became a focus of national media attention, the photo image of Oliver Brown’s daughters walking along the railroad tracks adjacent to First Street to reach Monroe School became part of the iconography of the

10. Just such an occasion related to the Korean conflict was noted by the authors while researching newspapers from the time of the first case hearing. See “Mother of J. R. Bryant Gets Silver Star,” *Topeka Daily Capital*, February 13, 1951.

11. Charles Baston, interview, May 14, 1992, Oral History Project.

movement.<sup>12</sup> In fact, black elementary schoolchildren, while undoubtedly having to walk some distance and thereby exposing themselves to dangerous downtown rush-hour traffic or the hazards of crossing railroad tracks, were mostly walking to bus stops where the district's bus contractor would pick them up and transport them to their schools. In other words, the school district was spending additional resources to bus black children to distant segregated schools rather than permit them to integrate into the extensive network of neighborhood elementary schools that white children attended without busing.<sup>13</sup>

McFarland and his black director of Negro education, Harrison Caldwell, were the focus of resentment among some in the African American community. In 1951 the community as a whole, owing to newspaper charges of financial misdeeds, turned out half of the Topeka school board, and the new board soon divested itself of both McFarland and Caldwell.<sup>14</sup> Paul Wilson, the young assistant attorney general for the State of Kansas who was assigned to the case by Attorney General Harold Fatzer, noted that the (old) board against which the NAACP filed suit "was hardly representative of the population served by the public school system. All of its members were white. All were prosperous. None wore blue or unstarched collars. All lived on the 'right' side of town."<sup>15</sup>

The election did not substantially alter the socio-cultural makeup of the board. Prior to the 1951 election the members were variously a bank executive, an officer of Pelletier's department store, a lawyer, two business owners, and the wife of the owner of a prominent real estate, insurance, and investments brokerage. After the

1951 election the board consisted of a new bank executive, a new lawyer, and a Washburn University political science professor to replace one of the business owners. The rest of the board members retained their seats. In fact, the only "person of the people" elected to the school board during



*Topeka school district superintendent Kenneth McFarland (left) and director of Negro education Harrison Caldwell (right) were the focus of resentment among some in the African American community. Many believe McFarland supported school segregation, and Caldwell was thought to be instrumental in stifling any restiveness in the ranks of the African American faculty.*

12. The photo appeared in the May 31, 1954, edition of *Life* magazine. In an interview with Leonard Sykes Jr. of the *Milwaukee Journal Sentinel* published on its website [www.jsonline.com/news/metro/jan04/204053.asp](http://www.jsonline.com/news/metro/jan04/204053.asp) entitled "Legacy of Brown case a mix of hope, frustration," Cheryl Brown Henderson, Linda Brown's younger sister and spokesperson for the Brown Foundation, commented, "He [the *Life* photojournalist] put a story together with that photograph, and that became one of the prevailing myths."

13. For yet another version, see Kluger, *Simple Justice*, 408.

14. McFarland went on to become a successful lecturer on Americanism on behalf of General Motors Corporation. The family retains some prominence in the Topeka community, as his daughter Kay McFarland is the sitting chief justice of the Kansas Supreme Court.

15. Paul E. Wilson, *A Time to Lose: Representing Kansas in Brown v Board of Education* (Lawrence: University Press of Kansas, 1995), 17.

the *Brown* period came in 1954 when a local pest exterminator was elected. Throughout the period the board was white, middle to upper-middle class, and uniformly included one female member. City Hall reflected the same racial makeup but lacked the female member of the governing body.<sup>16</sup>

In the black community the efforts of the local NAACP to bring about school integration were not uniformly well received. In fact, little notice was taken of the activities of the NAACP. Paul Wilson reported that when the state attorney general's office sought impressions from the African American community, the attorney general's "black friends advised him that few blacks were interested.

16. *Polk's Topeka City Directory*, 1948, 1950, 1952, 1953, 1955 (Kansas City, Mo.: R. L. Polk & Co.).

Most, they said, regarded the Topeka NAACP as trouble-makers and did not support them."<sup>17</sup> Undoubtedly one of the chief concerns of the black middle class was the fate awaiting the black teachers in the Topeka school system if the schools were integrated. After the first argument of

# Negro Teacher Purge Begins In Kansas

## Boards Anticipate End of Segregation

BY ANNA MARY MURPHY  
Of The Daily Capital Staff

**Ironically, the Negro public school teachers in Kansas apparently will suffer most should the pending U. S. Supreme Court decision outlaw segregation.**

**A statewide survey of first-class Kansas cities which still have segregation revealed a mass unannounced weeding-out of Negro teachers is taking place.**

*In March 1953 Superintendent Wendel Godwin believed, "the majority of people in Topeka will not want to employ Negro teachers . . . for white children," and the Topeka Daily Capital, April 6, 1953, reported that "Ironically, the Negro public school teachers in Kansas apparently will suffer most should the pending U.S. Supreme Court decision outlaw segregation."*

*Brown* and the associated cases before the U.S. Supreme Court in December 1952, the count of students and teachers in the four Topeka black elementary schools was 729 and 27, respectively.

17. Wilson, *A Time to Lose*, 86.

On April 6, 1953, the *Topeka Daily Capital* ran a story headlined "Negro Teacher Purge Begins in Kansas."<sup>18</sup> The story was prompted by a letter from the new Topeka school superintendent Wendel Godwin, who wrote on March 13, 1953, to black schoolteacher Darla Buchanan and others telling them that "It is not possible at this time to offer you employment for next year. . . . the majority of people in Topeka will not want to employ Negro teachers next year for white children."<sup>19</sup>

The fallout from *Brown* for the black teaching profession was summarized by Dorothy E. Scott in an interview for the *Brown v Board* Oral History Project on January 27, 1992. Scott was one of the recipients, forty years earlier, of Godwin's letter:

As I told you there were some schools where blacks could go anyway. There were some. That was what they were saying; if they closed the school there won't be any jobs for black teachers. That's why a fight had to be done. If you close the schools, you'll have to open up the white schools. See, they weren't open to black teachers. That was the problem all the time. They could have always put some children, stuck them different places. What are you going to do with the teachers? They aren't in the white schools. That was it. You can't close these schools and just throw these teachers to the wolves. The fight began. First they eased one, I don't know the school. I was about the third black one that they moved over to this school where the man went up and down the whole neighborhood and asked would they let me do the teaching. He told me. I don't know . . . I've often asked myself, "Would you have told that person that?"

An analysis of Topeka's two daily newspapers, the *Topeka Daily Capital* and the *Topeka State Journal*, around the time of *Brown* (January 1950 to August 1951) also enhances our understanding of the community's attitudes toward and awareness of race. This time period includes the onset and local resolution of the initial *Brown v Board* suit. The analysis reveals the publicly reported reactions of the school board, the editorial and news elements of the two

18. Anna Mary Murphy, "Negro Teacher Purge Begins in Kansas," *Topeka Daily Capital*, April 6, 1953.

19. Richard E. Jones, "Brown v. Board of Education: Concluding Unfinished Business," *Washburn Law Journal* 39 (Winter 2000): 191.

dailies, and the published public reaction to race stories and issues.<sup>20</sup>

During this time the nation was deeply engaged in the conflict on the Korean peninsula. President Truman was at his most beleaguered as a result of alleged scandal in the Reconstruction Finance Corporation and over questions about Communist infiltration of the U.S. Department of State. Issues of race seem almost irrelevant to Kansas as judged by capital city newspaper coverage. At almost no time during the twenty-month period studied did either paper publish an editorial on race, integration of the Topeka schools, or the NAACP-led court case.<sup>21</sup>

As noted previously, a brief passage in the *Topeka State Journal* of September 11, 1950, recounted the efforts of black parents to register their children at neighborhood schools. The following day, the *Topeka Daily Capital* reported the same news and noted that the parents “were refused on grounds that the board of education has the authority to decide which school a child attends. Four Negro schools are available.”<sup>22</sup> A month earlier a *Topeka Daily Capital* article entitled “Petro New Head of School Board” indicated that segregation was of much greater significance than indicated by editorial policy, general news coverage, or published public reaction. According to that article, the board took up the issue of the Negro elementary schools as a specific agenda item and agreed to continue operating them. Further down the column it was stated that:

20. The authors paid particular attention to the midweek (Wednesday and Thursday) editions because of the published reports of the regular meetings of the city commission and the school board and to the Sunday editions (*Topeka Daily Capital*) in which the editorials often took on matters of community concern. The authors also examined the records of the school board during this time and earlier for the development of a richer understanding of the community context.

21. Dudziak, “The Limits of Good Faith: Desegregation in Topeka, Kansas, 1950–1956,” 369, recounted the editorial position of the *Topeka Daily Capital* on June 8, 1950, regarding Georgia governor Herman Tamm’s obstreperous response to two U.S. Supreme Court decisions of that year on the subject of admitting blacks to, at the time, segregated state-operated, professional and graduate education institutions. Approving the high court’s decision and lamenting the governor’s flouting of the fourteenth amendment, the paper wrote: “The recent Supreme Court decisions ‘open the way for a square deal for a race that has been woefully mistreated in the southern states’” (emphasis added).

22. *Topeka State Journal*, September 11, 1950; “Schools Get Down to Work Today,” *Topeka Daily Capital*, September 12, 1950.

A delegation of NAACP representatives appeared before the board to request elimination of segregation in the lower grades.

Heading the NAACP delegation was McKinley L. Burnett, president. Others were A. L. Napew, Mrs.



One Topeka teacher who fortunately was able to retain her job was Mamie Williams, photographed here some years before Brown. During her long and distinguished career in Topeka, Williams taught at Buchanan and Monroe Schools and was principal at Washington School.

Alvin Todd, Charles E. Bledsoe, and James B. Richardson.

[Former school board president A.H.] Saville suggested that the group appeal to the Legislature to amend the law permitting the existence of such schools.<sup>23</sup>

23. *Topeka Daily Capital*, August 8, 1950. The minutes of the school board are more cryptic than the newspaper account. They record, “A committee, with Mr. Burnette [sic] as chairman, called on the Board to make a request that the colored elementary schools not be segregated. No action was taken.” See Topeka School Board, minutes, August 7, 1951, 281.

The community was told one week later that the NAACP would have a mass meeting in protest of the decision not to admit black children to the segregated schools in their neighborhoods. The paper later would report on the re-election of McKinley Burnett as president of the

## NAACP Holds Protest Meeting at Auditorium

**Carl R. Johnson, president of the Kansas City, Mo., branch of the National Association for the Advancement of Colored People and a member of the board of directors of the national organization, will be the principal speaker on the program of a mass meeting to be held in the assembly room of the Municipal Auditorium at 3:45 p. m. Sunday. The meeting was called by the Topeka branch of the association in protest against the action of the Topeka Board of Education in denying Negro children the right to attend school in the districts in which they live.**

*In the fall of 1950, following the failed efforts of black parents to enroll their children in Topeka's white schools, the NAACP called a mass meeting at the Municipal Auditorium to protest the action of the Topeka school board. This brief account of the meeting was published on page nine of the September 17, 1950, issue of the Topeka Daily Capital.*

local NAACP chapter, along with a slate of directors.<sup>24</sup> Those brief stories constituted the sum of all news coverage regarding Topeka's black community and the question of school desegregation during the fall school term of 1950.

Then, on Wednesday, February 28, 1951, the NAACP filed suit against "the Topeka Board of Education, School

24. "NAACP Holds Protest Meeting at Auditorium," *Topeka Daily Capital*, September 17, 1950; "M. L. Burnett Re-Named Topeka NAACP Head," *ibid.*, December 2, 1950.

Supt. Kenneth McFarland and Prin. Frank Wilson of Sumner school."<sup>25</sup> Once again no editorial mention was made of the suit, and no letters appeared from either distressed or supportive members of the public. On March 4 the *Daily Capital* published a brief story announcing a dinner recognizing the annual scholarship activity of the Topeka Colored Parent-Teacher Council at Monroe School. The guest speaker was to be Kenneth McFarland, named defendant in the lawsuit.<sup>26</sup>

The next mention of the controversy, now a federal case, came in the March 8 edition of the *Daily Capital*. Here a little story headlined "Topeka Teachers Get \$300 Raise" told, in the fifth of six paragraphs, of the board's discussion of the case and subsequent decision to instruct "the board attorney, Lester Gooddell to prepare a defense in the test case." Journalist Richard Kluger reported that the board fully expected a less than vigorous defense and thus relief from any responsibility for an ensuing appeal of the court decision.<sup>27</sup>

March 1951 brought elections for both the Topeka school board and the Topeka City Commission. The primary election was scheduled for March 20, with the general election then following two weeks later. A voter's guide story appeared the Sunday before the primary, providing candidate-submitted statements regarding their individual campaign issues positions. Since both slates were nonpartisan, no party affiliations were identified and no partisan endorsements made. Among all the candidates only one, Harry Hargrave, challenger for the municipal parks commissioner position, made any reference to topics that might be construed as racial. Two items in his slate of positions—Item 4: "Eliminate discrimination in the use of parks and public buildings," and Item 5: "Prompt action on commission matters in accordance with serving the majority and without yielding to high-pressure minorities

25. Both papers covered the filing although the *Topeka State Journal* provided the fuller account as well as elucidating remarks concerning the statutory basis of the district's segregation practices. See "Separate Schools a Target in Court," *Topeka State Journal*, February 28, 1951, and "Anti-Segregation Suit to be Filed," *Topeka Daily Capital*, February 28, 1951. The following day the *Topeka Daily Capital* ran a follow-up story on page five that reiterated the previous day's content with the addition of the names of five of the plaintiffs: Oliver Brown, Mrs. Richard Lawton, Sadie Emanuel, Lucinda Todd, and Iona Richardson.

26. "Colored P.-T.A. Will Give Dinner Wednesday," *Topeka Daily Capital*, March 4, 1951.

27. Kluger, *Simple Justice*, 403-4.

and personal interests"—constituted the entirety of published election rhetoric related to race.<sup>28</sup>

None of the candidates for the school board made any mention of school race issues or the *Brown* lawsuit filed the previous month. Then, one week after the primary election, the *Daily Capital* launched a scathing assault on the sitting school board and the superintendent regarding irregularities in the district's books. The result of this public controversy that played out during the next week was the defeat of the three incumbent board candidates, followed by the resignation of superintendent McFarland, effective August 1, 1951.<sup>29</sup>

Throughout the controversy the newspapers made no reference to the lawsuit. In a quirky illustration of the "Law of Unintended Consequences," however, one result of the scandal was that along with McFarland's departure came the departure of the black director of Negro education Harrison Caldwell. Caldwell often was portrayed by respondents in the *Brown* oral histories as the individual responsible for clamping down on any restiveness in the ranks of the African American faculty and stifling any signs of black student activism at Topeka High. Once again no coverage of this change was printed in the two dailies.<sup>30</sup>

On May 1 a story appeared deep in the paper regarding the performance of Topeka entries at the twenty-sixth annual convention of the Kansas Congress of Colored Parents and Teachers held in Manhattan the previous week. In late June a wire service story about a federal court victory for school segregationists in South Carolina was published, once again without commentary in either paper.<sup>31</sup>

Of the two dailies, the *Topeka State Journal* seems to have provided the more voluminous coverage of the *Brown*

28. "What Candidates in Tuesday's City Primary Say They'll Do If Elected," *Topeka Daily Capital*, March 18, 1951.

29. "Audit Reports Criticize Improper Handling of School Funds, Warn Board Repeatedly," *ibid.*, March 25, 1951; "Dr. McFarland to Quit School Job August 1," *ibid.*, April 5, 1951. For a narrative of the controversy, see Kluger, *Simple Justice*, 404.

30. For a description of the black community's attitudes regarding Caldwell, see Kluger, *Simple Justice*, 381–83. In mid-April a story recounting the previous evening's city commission meeting included the following minutes: "Referred to the mayor a letter from Ken Kerle of 1215 Clay that commissioners take steps to end racist discrimination in Topeka restaurants, theaters and other business places." See "City Acts to Regain \$150,000," *Topeka Daily Capital*, April 18, 1951.

31. "Topeka Schools Win Awards at State Congress of P.T.A.," *Topeka Daily Capital*, May 1, 1951; "Separate Schools Upheld by Court," *ibid.*, June 24, 1951; *Briggs v Elliott*, 98 F. Supp. 529 (1951).

district court trial. In front-page stories on June 26 and 27, 1951, the *Journal* described witness testimony regarding the busing of black children to the city's four minority population schools, the seeming parity of standards applied to both personnel and curriculum in the black and white schools, and the likely emotional/social toll that was paid by children segregated from those of other races during their early school years only to be followed by a semblance of integration in junior high school and beyond.<sup>32</sup> The coverage in the *Daily Capital* following the second and final day of testimony was relegated to page thirteen.<sup>33</sup> No editorials on the case were published, and no public points of view were expressed in print.

The dramatic *denouement* to act 1 of the Topeka phase of *Brown* came Friday, August 3, 1951, when the three-judge federal panel issued its ruling. Both newspapers gave the decision front-page coverage, although once again the *Journal's* was more extensive. The *Journal* story showed prescience regarding the future direction of deliberations and the ultimate outcome of the case as it took note of the panel's finding that segregation of children by race "has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law."<sup>34</sup> That "impact" was identified as being emotional and developmental, which for the court fell outside the question of whether the facilities and educational resources of the Topeka school system violated the separate but equal dicta from *Plessy v Ferguson*. Since that position had not yet been overturned by the high court, the Kansas federal district court panel thought itself unable to break with precedent and find for the plaintiffs.

When the final decision in this landmark case was rendered in 1954, Topeka still had the two daily newspapers: the *Topeka Daily Capital*, the city's morning and Sunday newspaper, and the *Topeka State Journal*, an afternoon paper published every day except Sunday. Both papers staked a claim to be the voice for

32. "School Schedules Asked by Court in Segregation Test," *Topeka State Journal*, June 25, 1951; "Testimony In for Segregation Case," *ibid.*, June 26, 1951.

33. "School Segregation Hearing Ends; Court Decision in Month," *Topeka Daily Capital*, June 27, 1951.

34. "School Facilities for Negroes Here Held Comparable," *Topeka State Journal*, August 3, 1951; "Grade School Segregation Upheld: Ruling to Be Appealed," *Topeka Daily Capital*, August 4, 1951.

Topekans and citizens beyond. The *Capital* proclaimed itself to be “The newspaper of Kansas,” the “Official County Paper,” and the “Official State Paper,” while the *Journal’s* masthead answered with “Official City Paper.” Both papers typically ran from fifteen to twenty-five pages.

## School Facilities for Negroes Here Held Comparable

### 3-Judge Court Finds for Topeka Board After Test Action

A three - judge Federal court Friday held maintenance of segregated schools in Topeka’s first six grades was not unconstitutional and did not, under Supreme court decisions, violate the Fourteenth amendment.

The court’s ruling was in the case of Oliver Brown and others against the Topeka Board of Education.

The plaintiffs, parents of chil-

*Although in 1951 the court upheld segregation in Topeka schools, finding that black schools had facilities comparable to those in white schools, this August 3 story in the Topeka State Journal recounted the court’s finding that segregation “has a detrimental effect upon the colored children.”*

While newspapers should not be the only data used when examining the history of a city and people, they can be useful, thought provoking, and even enlightening. Thus, the civil rights coverage of these two newspapers for the period beginning when each announced the U.S. Supreme Court’s *Brown v Board* decision (May 17 for the *Journal*, May 18 for the *Capital*) until the end of that

month—May 31, 1954—was analyzed. The question was: what could the coverage tell us about Topekans’ attitudes toward civil rights, desegregation, and its own role in *Brown v Board*?

Both Topeka newspapers, it appears, similarly framed the *Brown* decision and the issue of civil rights.<sup>35</sup> First, the Supreme Court decision not only was extremely important and significant to the country, but also it was correct. Second, both papers portrayed Kansans and Topekans—despite officially arguing to the Supreme Court to keep segregation—as neither racist nor discriminatory but rather as good Americans who believed in equality and justice. And, there is even a suggestion that Kansans knew all along that segregation was wrong but just had not done much about it. Finally, the newspaper coverage was interesting for what it did *not* stress: Topeka’s role in the case. Although Oliver Brown and other plaintiffs were mentioned and even interviewed, the emphasis by local newspapers on Reverend Brown and the other plaintiffs was glaringly limited.

As mentioned, both newspapers recognized *Brown* as a singular event in American history. From May 17 to May 31, 1954, the two newspapers combined printed forty-four articles, two pictures, and one political cartoon on events surrounding the decision. In their May 17 and 18 issues alone the *Journal* printed fourteen articles on the decision, and on May 18 the *Capital* included four front-page stories. As often seen in textbooks and television documentaries, the banner headline “School Segregation Banned” ran all the way across the *Journal*, while the *Capital’s* front page had a picture of a smiling Thurgood Marshall and other NAACP counsel with the caption underneath “Victors In Battle.” A *Capital* newswriter called the decision “epochal,” while a *Journal* counterpart labeled it “historic.”<sup>36</sup>

Both newspapers wasted no time in displaying their support for the decision, although the *Journal* showed more enthusiasm in doing so. Under the headline “Emancipation Proclamation,” the *Capital’s* main editorial on May 18 asserted, “Obviously the court’s ruling is the greatest victory for the Negroes since President Lincoln’s Emancipation Proclamation,” and on May 19 the paper ran head-

35. Framing, according to Morris Fiorina, “Occurs when the media induce people to think about an issue from one standpoint rather than from others.” See Morris Fiorina and Paul Peterson, *The New American Democracy* (New York: Longman, 2003), 257.

36. *Topeka State Journal*, May 17, 18, 1954; *Topeka Daily Capital*, May 18, 1954.

lines such as “Ruling Seen As Victory For America.”<sup>37</sup> A political cartoon on May 29 implied that “getting action” on the ruling from “sleeping” states would be the next challenge. Similarly, the *Journal* featured headlines on May 18 such as “Court Ruling Hailed” and “Cannot Turn the Clock Back.” However, from May 17 onward, the *Journal* had begun to run positive stories about the decision and desegregation. Examples include:

- A short story (oddly placed on the sports page) about how the superintendent of Baltimore’s public schools did not expect “any trouble at all” in desegregating.<sup>38</sup>

- Consecutive stories announcing that the reaction to the decision from around the world was enthusiastic (“British Papers Praise Court’s School Ruling” and “Press Around World Praises Ruling Against Segregation”). The stories pointed out that the praise was coming from traditionally anti-American newspapers. In Paris, *Le Monde* wrote that the ruling “marks the victory of justice . . . a victory for democracy,” while the *News Chronicle* in London wrote that “American history is the record of the triumph of law over injustice, bitterness and prejudice. It will triumph again.”<sup>39</sup>

- A picture, placed on a page with local news stories, of a seventeen-year-old black student reading from a textbook in a classroom of white students. The boy, Nathaniel Steward, a student at St. Dominic’s high school in Washington, D.C., is dressed in a suit and is looking forward confidently. The photo caption reads, “No Segregation Here,” and goes on to say that “Parochial schools are the only ones in the District of Columbia in which segregation is not practiced.”<sup>40</sup> Three days later the *Journal* followed up this photo with a story about District of Columbia desegregation efforts.<sup>41</sup>

- A feature story from the Associated Press detailing the welcoming attitudes of students from an all-black high school in Dallas toward the future influx of white students.

37. “Emancipation Proclamation,” *Topeka Daily Capital*, May 18, 1954; “Ruling Seen As Victory for American,” *ibid.*, May 19, 1954.

38. “Expects No Troubles,” *Topeka State Journal*, May 18, 1954.

39. “British Papers Praise Court’s School Ruling,” *ibid.*; “Press Around World Praises Ruling Against Segregation,” *ibid.*, May 19, 1954.

40. “No Segregation Here,” *ibid.*, May 22, 1954. When it reached the Supreme Court, four additional school segregation cases were joined with *Brown*: *Belton v Gebhart* (Delaware); *Bolling v Sharpe* (Washington, D.C.); *Briggs v Elliot* (South Carolina); and *Davis v Prince Edward County* (Virginia).

41. “District of Columbia Adopts Plan to Eliminate Segregation,” *Topeka State Journal*, May 25, 1954.

The story quotes one student, Peggy Jo Wedgeworth, as saying, “I think we could both get along all right if both sides tried. It would take time. But I’m glad.”<sup>42</sup>

- A letter to the editor from William Mallory of Topeka (the only letter printed specifically on the *Brown* deci-



Although both daily newspapers and most Kansans supported the *Brown* decision, a political cartoon in the May 29, 1954, issue of the *Topeka Daily Capital* implied that “getting action” on the ruling would be the next challenge.

sion in the two-week period) that said in part: “The Supreme Court decision on the school case came to me like an admission from a great theologian to his followers, or an explanation of justice from the King of Kings to the people on earth . . . all human endeavors should be clear and clean of racial segregation and discrimination.”<sup>43</sup>

42. “Schools Having Only Negroes Are Puzzled Too,” *ibid.*, May 26, 1954.

43. “Supreme Court Verdict Held Guide For Nation,” *ibid.*, May 28, 1954.

Thus, the *Journal* not only showed its support for *Brown* in its editorial pages, but also, by its choice of stories, photos, and a letter, also stressed foreign and divine support.

It is interesting that a few weeks before the *Brown* decision, the *Daily Capital* ran a photo and half-page feature

## Court Ruling Hailed

# Segregation Already Ending Here, Say School Officials

Jacob A. Dickinson, president of the Topeka Board of Education, hailed the Supreme court's segregation ruling Monday as "in the finest spirit of the law and true democracy.

"In my opinion, the court has been very wise in deciding the basic question and then calling for further discussion by all parties as to orderly and reasonable application of the ruling," Dickinson said.

*Prior to the Brown decision many denied the existence of discrimination in Kansas schools, but it seemed no Kansans disagreed with the 1954 Supreme Court ruling and, in fact, trumpeted the idea that the Sunflower State had already begun to desegregate. This article, along with several others applauding the Brown decision, appeared in the May 17, 1954, issue of the Topeka State Journal.*

titled "Which Issues Are 'Too Hot' For Our Schools to Handle?" The story reports on what Topeka School Superintendent Wendel Godwin considered the most important matters "currently occupying the minds of good citizens": that is, that teachers should be teaching students how to "think critically" and should be striving to develop a "new generation fit to govern itself." Specific concerns, according to Godwin, were:

1. How can we protect our country from Communists without destroying our own basic liberties?
2. What is the best way to prevent floods?
3. How can we get our Federal Government to reduce the national debt, reduce taxes, balance the budget, and at the same time provide more benefits and services to the people?

4. How can we prevent wind erosion in the dust bowl area?

5. How can we guarantee high prices without creating surpluses?

6. How can we maintain international peace in the age of the atomic and hydrogen bombs?

Civil rights was omitted from the list.<sup>44</sup>

On May 5, 1954, the six Kansas gubernatorial candidates from both parties gathered for a candidate forum. Republican state senator George Templar of Arkansas City was asked why the legislature had not passed laws to prohibit racial discrimination in restaurants and theaters. As the *Capital* reported, "He replied that in his travels over Kansas he did not find discrimination actually exists."<sup>45</sup>

This coverage reveals the extent to which public figures denied evidence of racial discrimination at a time in which it was not only practiced in Kansas but recently had been acknowledged and defended by other Kansas state and local officials in the U.S. Supreme Court. Consistent with that denial, newspaper

coverage reveals an interesting media bias: Kansans—including the very people who ran and defended the segregated school system—purportedly did not believe in segregation in schools! In fact, according to the newspapers, the only people who would oppose integration were those strange creatures who had brought calamity on Kansas in years past: Southerners.

In short, two weeks' coverage of the *Brown* decision in the *State Journal* and *Daily Capital* featured not one Kansan who disagreed with the decision. As many of the white Kansans point out in article after article, Topeka and the rest of segregated Kansas already was beginning to deseg-

44. "Which Issues Are 'Too Hot' For Our Schools to Handle?" *Topeka Daily Capital*, May 2, 1954.

45. "Governor Hopefuls Air Views on Issues," *ibid.*, May 5, 1954.

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regate, so the *Brown* ruling, for Kansas anyway, was inconsequential. To wit, headlines from the two papers included, "Segregation Already Ending Here, Say School Officials," and "State Officials See No Trouble Adjusting Schools to New Rule."<sup>46</sup> Editorials from both papers, echoing the sentiments of the attorney general's Supreme Court brief, emphasized that Kansans undoubtedly would not voice any protest of the decision. In fact, protest was an impossibility since, as the editorialists of both papers wrote, Kansans would obey the law and, perhaps most important, Kansans were patriots. "The U.S. Supreme Court decision overturning segregation in public schools will have little effect in Topeka," read a *Topeka Daily Capital* editorial,

because the school board wisely prepared in advance for integration of the elementary grades. This will be done in an orderly manner, probably before the high tribunal issues its specific decrees. . . . There has been no segregation in the high school. . . . Under our form of government, the U.S. Supreme Court is the tribunal of last resort. . . . Defiance of a Supreme Court ruling, as threatened by some states, would of course be equivalent to an effort to overturn our form of government.<sup>47</sup>

And the *State Journal* editorialized that

The State of Kansas should have little difficulty making a full adjustment to the historic Supreme Court decision declaring school segregation unconstitutional. Other than the necessity of making physical arrangements in those cities and towns which still have some segregation, compliance with the spirit of the decision should occasion no real problem, there being relatively few persons today who will not see the decision as both inevitable and just. . . . Social changes by their nature come more gradually than legal changes, but Kansas, with her history in the long battle of racial emancipation, should find this decision to be as historically right as it is morally imperative.<sup>48</sup>

46. "Segregation Already Ending Here, Say School Officials," *Topeka State Journal*, May 17, 1954; "State Officials See No Trouble Adjusting Schools to New Rule," *ibid.*

47. "Emancipation Proclamation," *Topeka Daily Capital*, May 18, 1954.

48. "The Segregation Decision," *Topeka State Journal*, May 18, 1954.

Interviews with state and local officials essentially echo these editorials and headlines. From the May 17 *Journal* Jacob Dickinson, president of the Topeka Board of Education, is quoted as saying that the ruling is "in the finest spirit of the law and true democracy . . . the court has been very wise." Superintendent Godwin said in that same article that "This action will have no effect upon Topeka schools because segregation is already being terminated in an orderly manner."<sup>49</sup> In the May 18 *Capital* Kansas attorney general Harold Fatzer made sure to point out that his office "has never argued the validity of segregation, only the state's right to regulate their schools by state legislation." He went on to add that his office would "see to it that the ruling be complied with to the fullest." Kansas governor Edward Arn simply said that it was now the law for all the country, and "Kansas educational procedure will have to be adjusted to comply with it." In Manhattan, which had only one all-black elementary school, with 140 pupils and six teachers, local school board president Harvey Langford said the ruling would have little effect. As the *Capital* reported on May 18, Langford "said that no colored child ever had asked for admittance to a white school, and such a request would probably not be refused even if the court decision had not been made."<sup>50</sup>

However, amid these claims about the negligible impact of the ruling upon Topeka and the state, the newspapers reported that more than eight thousand black students would be affected and that in Topeka in the fall of 1954 fourteen elementary schools (including Sumner) would be opening their doors to black students for the first time (five others would remain all-white and four others, including Monroe Elementary, were to remain all-black). Other Kansas cities practicing segregation at the time included Coffeyville, Fort Scott, Leavenworth, Lawrence, and Manhattan. Now the stories assessing the decision's impact in the Topeka newspapers took on an affirmatively race-sensitive tone. State officials were reported to emphasize that while there would be no difficulty with actual integration, there was concern that black teachers might lose their jobs under the new system. Ironically, it was Paul Wilson, the assistant attorney general who argued the

49. "Court Ruling Hailed," *ibid.*, May 17, 1954.

50. "Little Effect Seen in Topeka," *Topeka Daily Capital*, May 18, 1954; "State Officials See No Trouble Adjusting Schools to New Rule"; "Difficult Teacher Changeover Cited," *Topeka Daily Capital*, May 18, 1954.

Kansas case before the Supreme Court, who was quoted in the *Capital* as being sympathetic to the black teacher's plight: "Segregation in Kansas schools can be ended in two years without any great problem except the assimilation of negro teachers."<sup>51</sup>

Members of the black community interviewed post-*Brown* were uniform in their praise of the decision and their lamenting of the ills of segregation and discrimination. However, they were not specifically critical of Topeka or Kansas but instead took aim against the institution of segregation and its deleterious effect on America as a whole. The case's namesake, Reverend Oliver Brown, said:

I feel that this decision holds a better future, not only for one family, but for every child indicated. This will, no doubt, bring about a better understanding of our racial situation and will eliminate the inferiority complexes of children of school age. Every citizen of the United States needs equal education in order that the society in which we live may be met with intelligence. Such things as segregation have a tendency to shatter the morale of the people and leave a gap for communism to try to creep in. We must eliminate that by unity.<sup>52</sup>

In fact, in several articles and editorials the *Brown* decision is framed in the patriotic terms that Reverend Brown employs, namely that with desegregation the communists would lose a key criticism of the United States. In the May 28 *Journal*, columnist George Sokolsky stressed this point, writing:

There can be no question but that the great progress of the Soviet Universal State in Asia has been due to the use that has been made, as a weapon of war, of the "color" problem in the United States. . . . The Communists have used this to our disadvantage in every country in Asia, and the blood of our sons has been spilled and will continue to be spilled because of it—Southern sons as well as Northern sons—blacks as well as whites.<sup>53</sup>

Thus, the comments of the very Kansans who would be expected to defend segregation (because they were run-

ning the school system and defending it in court) in fact supported the ruling, and the black Topekans whose lives would be most affected by the ruling did not focus on local but instead on the national and international impact of the decision.

One theme of the Topeka newspapers in May 1954 was that *segregation really existed because of the Southerners*. Analysis of the forty-four civil rights-related stories plus the two pictures and one editorial appearing in the *Journal* and *Capital* show that as much as Kansans were portrayed as *not* racist, Southerners were, with all the un-American and illegal behavior that it implied. The *Capital's* first post-*Brown* decision headlines did not announce the ruling, but instead they focused on the South's predictably negative reaction: "South Quick to Protest Court's School Ruling" and "Georgia's Governor to Fight for Segregation." A *Journal* headline on May 18 read "Decision Bitterly Denounced: Georgia Hotly Hints at Open Defiance to Segregation Ruling."<sup>54</sup> While some articles cited Southern officials declaring that integration eventually would be achieved, several elected officials, particularly Georgia governor Herman Talmadge, were featured prominently pledging to disobey the ruling. Talmadge vowed "the full powers of office to preserve Georgia's segregation laws without violence" and on May 18 called a special state education commission into session to "ensure continued and permanent segregation."<sup>55</sup> Similar comments were reported from other Southern politicians, including South Carolina's Governor James Byrnes, a former Supreme Court justice, and Senator Richard Russell of Georgia, a presidential hopeful. This attitude was met with clear disdain by both of the city's newspaper editors and from Kansas state officials and interviewees quoted in the *Journal* and *Capital*.

In its May 18 editorial the *Capital* wrote, "Threats of closing schools rather than comply with the Fourteenth Amendment are silly, and would relegate the states that did so back to the dark ages of 100 years ago."<sup>56</sup> The *Jour-*

54. "South Quick to Protest Court's School Ruling," *Topeka Daily Capital*, May 18, 1954; "Georgia's Governor to Fight for Segregation," *ibid.*; "Decision Bitterly Denounced: Georgia Hotly Hints at Open Defiance to Segregation Ruling," *Topeka State Journal*, May 18, 1954.

55. *Topeka State Journal*, May 18, 1954.

56. "Emancipation Proclamation," *Topeka Daily Capital*, May 18, 1954.

51. "Little Effect Seen in Topeka."

52. *Ibid.*

53. "Hypocritical Judgements Not Best Solution to Race Need," *Topeka State Journal*, May 28, 1954.

nal published a story on the NAACP meetings in Atlanta, giving NAACP Executive Secretary Walter White ample space to take aim at Southern obstructionists. The *Journal* article included these passages:

He [White] described Talmadge and Byrnes as "the two most pathetic figures in American life today . . . in their frustration and bitterness." Both Governors are shaping plans to evade the court ruling. . . . White made this comment when speaking of Russell: "Frightened by the possibility that Herman Talmadge might run against him for the United States Senate, Senator Russell made one of the most intemperate speeches in recent years on the floor of the United States Senate, denouncing the United States Supreme Court." The NAACP leader added that this scotched Russell's "burning ambition to be President of the United States" and at the same time supplied the Kremlin with propaganda material.<sup>57</sup>

This negative painting of the South gained momentum when, on May 25 and 26, both papers ran stories noting that Southerners were attacking President Dwight D. Eisenhower and trying to punish him for the *Brown* decision. The May 25 article featured Herman Talmadge saying that Eisenhower, raised in Abilene and well-loved by Kansans, was "guilty by association" since he appointed Chief Justice Earl Warren.<sup>58</sup> On May 26 Senator Burnet R. Maybank of South Carolina vowed to hold up Eisenhower's massive public housing bill that was being promoted by his secretary of housing, fellow Kansan Albert Cole. The reporter quoted Illinois Senator Paul Douglas, a supporter of the bill, who said "I am not going to slacken my efforts

to clear the slums and to provide decent housing for the people of America."<sup>59</sup>

The response from the Topeka newspapers and Kansas officials was immediate when Georgia's attorney general Eugene Cook invited Attorney General Fatzner to meet with

# South Quick to Protest Court's School Ruling

## Georgia's Governor to Fight for Segregation

*Both of Topeka's daily newspapers advocated the commonly held belief that Kansans were not racist and that segregation really existed only in the South. Such sentiments are conveyed in the Topeka Daily Capital headline of May 18, 1954, immediately following the Supreme Court's ruling on Brown.*

WASHINGTON.—(UP)—Several Southern members of Congress said Monday the Supreme Court's school segregation decision actually will set back Negro education in the South.

Southern senators expressed disappointment at the court's declaration that school segregation is unconstitutional. But they were restrained in their comments.

Northern, Eastern and Western members of Congress generally applauded the decision. Many said it is a good decision in the fight against Russia's attempt to depict the United States as a "hypocrite."

Gov. Herman Talmadge in Atlanta asserted the court's opinion reduces the Constitution to "a mere scrap of paper" and pledged the full powers of his office to preserve Georgia's segregation laws "without violence."

The Georgia governor, who is in the final year of his term, led off an embittered reaction

### Little Effect On Topeka

The Supreme Court of the United States Monday declared unconstitutional an 1879 Kansas law allowing for segregation of Negroes and white elementary students in first class

57. "Boards Will be asked to End Ban on Schools," *Topeka State Journal*, May 24, 1954.  
58. "Ike 'Blamed' for Decision," *Topeka Daily Capital*, May 25, 1954.

59. "Desegregation May Be Blow to Housing Plans: Senator Maybank (D-SC) Says He'll Not Help President's Program," *Topeka State Journal*, May 26, 1954.

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up the proper machinery for carrying out the mandate of the court. Our office will make no effort to be present."<sup>60</sup>

Fatzer's stance prompted a special editorial in the *Capital*. It should be noted that this editorial was the only one praising the specific role of an individual Kansan regarding the civil rights issue. The short editorial, titled "Kansas Abides by All Laws," stated:

Harold R. Fatzer was wise in declining to participate in a conference designed to plan ways of detouring around the U.S. Supreme Court decision banning segregation in the schools. It was to be expected that the southern states would seek to annul the Decree, but Kansas is law-abiding and honors all laws. Anyway, this state already had begun the integration of all its pupils into its schools.

Admitted that the southern states are confronted with a problem that does not exist in the north, it still remains that a Supreme Court decision becomes the law of the land. Seeking to thwart the law only accentuates the condition that has arisen through 90 years of segregation. Kansas wants no part of the effort to upset the constitution, and Attorney General Fatzer is to be complimented upon his refusal to join the anti-segregation conference.<sup>61</sup>

This editorial encompasses three positions that both Topeka newspapers conveyed following the *Brown* decision. First, Kansans were law abiding citizens and would not violate Supreme Court orders. Second, the *Brown* decision was correct, the Southerners were bigoted folks, and Kansans, conversely, would have no difficulty desegregating. Finally, and perhaps most interesting, is the hint or acknowledgement that segregation has *always* been wrong and that Kansans *knew this*. The editorial acknowledges this by writing that "Seeking to thwart the law only accentuates the condition that has arisen through 90 years of segregation."<sup>62</sup> This same attitude of mild contrition is found in the May 18 *Journal* editorial which states, "Kansas, with her history in the long battle for racial emancipation, should find this decision to be as historically right as it is morally imperative." Both editorials seem to be hinting that while little can be expected of Southerners,

Kansans *should have known better*.<sup>63</sup> In short, the newspapers' emphasis on Southern opposition and its "anti-American" and "anti-Kansas" attitudes (specifically the attacks on Eisenhower), followed by the virile anti-Southern stand by Attorney General Fatzer are as close as the papers come to an admission of wrongdoing.

A final observation concerning the local angle can be made from the study of newspaper coverage in the *Daily Capital* and *State Journal* from May 17–31, 1954. While the role of Topeka is certainly mentioned in this landmark case and stories include interviews with Reverend Brown, Attorney General Fatzer, and Assistant Attorney General Wilson, Topeka is not emphasized to the extent one would expect from local newspapers in which local actors played such a prominent part in a national story. The only newspaper pictures were of national NAACP figures and a black boy in a white classroom in Washington, D.C. No Topeka schoolchildren—including especially Linda Brown or others from the all-black elementary schools—were interviewed, profiled, or pictured (while, as previously noted, a long story on Dallas schoolchildren did run). Editorials praised the decision, but no editorial mentioned or lauded the Topekans—including mothers and children—who showed the courage necessary to push the case forward.

In perhaps the greatest irony, Attorney General Fatzer, whose office argued to retain the state's right to its discriminatory statutory language, was commended for not trying to block desegregation. He was the only Kansan chosen for recognition by the editorial writers.

It is interesting that no reporter questioned the governor to learn whether he ultimately found time to read the *Brown* opinion. No reporter bothered to locate gubernatorial candidate George Templar to further explore his view that no discrimination existed in Kansas. No reporter or editorial writer asked, "If this decision is so right, if the South is so bad and we're so good, why did we still have segregated schools?"

This latter question, at its essence, raises the spectre of hypocrisy by the citizens of Topeka and Kansas. One letter

60. "Kansas to Pass Up 'Secret Meeting' on School Ruling," *ibid.*, May 20, 1954.

61. "Kansas Abides by All Laws," *Topeka Daily Capital*, May 24, 1954.

62. *Ibid.*

63. "The Segregation Decision," *Topeka State Journal*, May 18, 1954. This editorial attitude appears in many of the *Journal* and *Capital* articles, including allowing White to call Talmadge pathetic and in the *Capital's* editorial on the May 18 in which it was written that Southern opposition was to be expected.

to the editor to the *Journal* on May 28 came close to pointing this finger. Clarence Vickland praised Topeka's centennial parade and pageant, which had occurred days before. However, Vickland wrote, "There seemed to be two factors missing from this historical celebration of our rich past: Real Indians and a fair representation of Negro citizens." The letter ended with Vickland acidly writing, "It is hoped that these oversights might be corrected in time for the next historical celebration."<sup>64</sup>

This then is the "back story" of Topeka at the time of *Brown v Board of Education of Topeka, Kansas*. It is not about Oliver Brown, or Linda Brown, or Lucinda Todd, or McKinley Burnett, or Thurgood Marshall. It is about the insidious evil that arises in a place of seemingly respectable values and virtues where a comfortable people make accommodations for the existence of a way of life that classifies and categorizes "others" as a group of inferiors. The prevailing values did not permit the horrors of extirpation or removal, but neither did they allow the expectation of embrace and inclusion. It is not the purpose of this article to comment upon or contrast the contemporary period with the Topeka of the 1950s, but it is of some interest to note Richard Jones's recounting of the subsequent *Brown* case, begun in 1979 because of the school district's inability to comply with, or recalcitrance in complying fully with, the precedent setting case of twenty-five

years earlier. The final order releasing the district from court supervision was not issued until 1999.<sup>65</sup> It has taken a long time for the capital city of the "free state" to recognize that race and segregation were not just "a Southern problem." Perhaps it hasn't yet. 

### **'Why Kansas?' Asks an Editor**

The St. Louis Post-Dispatch is curious as to how Kansas became a party to the school segregation suit now pending in the U. S. Supreme Court. Some pertinent ancient history is raked up in the following editorial comment from the St. Louis paper:

"The five champions of public school segregation before the Supreme Court include South Carolina, Virginia, Delaware, the District of Columbia—and Kansas. Why Kansas?"

"The first four are Southern in outlook and all practice racial segregation by law. But Kansas does not practice segregation in its state colleges, permits it in high schools only in the Kansas City area bordering Missouri, and allows it in grade schools only in larger towns of the state, where school segregation is usually based on neighborhood lines.

"Beyond that, however, Kansas was founded as a state on the belief in equal rights. Before the Civil War, the slavery question was fought out in "Bloody Kansas." No state better symbolized the con-

## **Negroes Win Pool Rights**

### **Court Decides Parsons Case**

The Supreme court Wednesday directed the City of Parsons to stop refusing the privileges of its swimming pool to persons of African descent.

A member of the court, who declined permission to quote him directly, said it would be logical to assume the decision would apply to all cities in Kansas.

\* \* \*

**NEGROES LIVING** in Herington and Topeka had taken similar cases to the Supreme court. These were not ruled on Wednes-

*The discrimination and racism that existed in Topeka and Kansas before Brown was, and still may be, veiled by the popular misconception that Kansas was "founded as a state on the belief in equal rights." How, asked an editor of the St. Louis Post-Dispatch in 1953, could "Kansas become party to the school segregation suit now pending in the U.S. Supreme Court." The answer may lie with the "concealed" discrimination that masked the racism present in segregated schools, inferior employment for blacks, and segregated facilities. For example, following a long battle the Kansas Supreme Court in 1955 finally directed the City of Parsons "to stop refusing the privileges of its swimming pool to persons of African descent." Unfortunately, a similar fight ongoing in Topeka since 1952, received no decision at that time; as of July 6, 1955, blacks were still restricted from using the swimming pool in Gage Park.*

64. "Roles of Indians, Negro Important," *Topeka State Journal*, May 28, 1954.

65. Jones, "*Brown v. Board of Education*," 184-95.