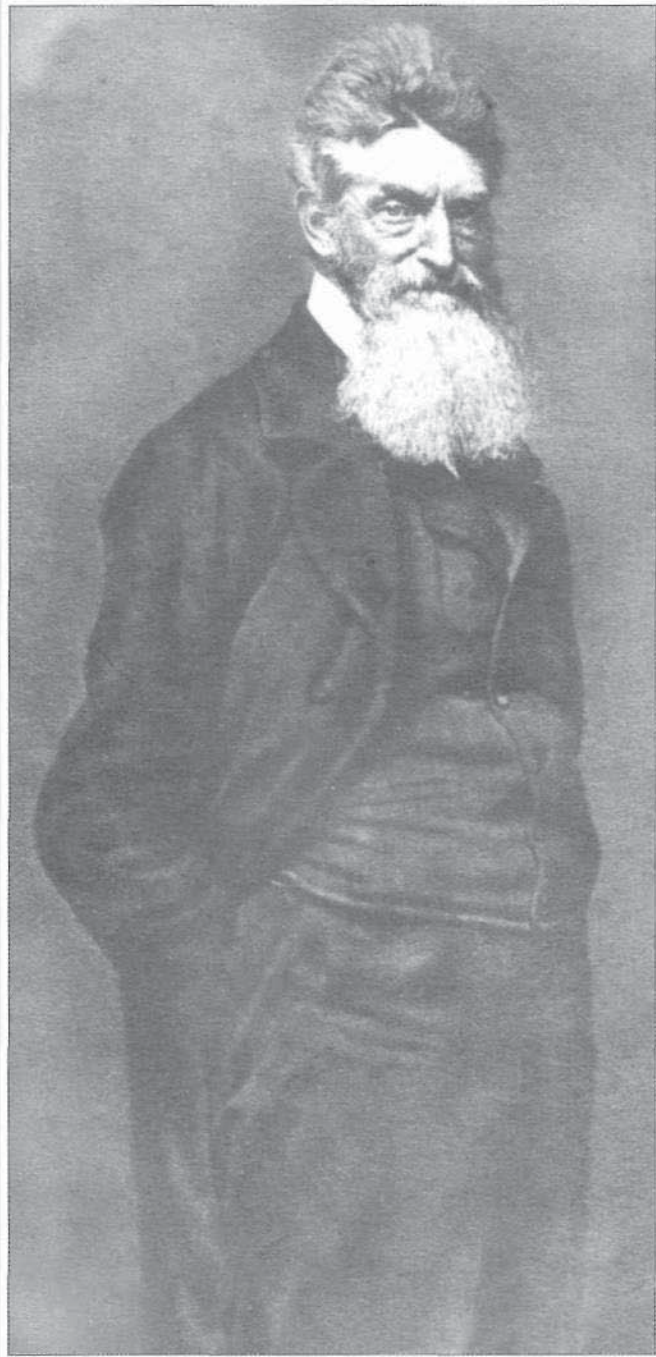
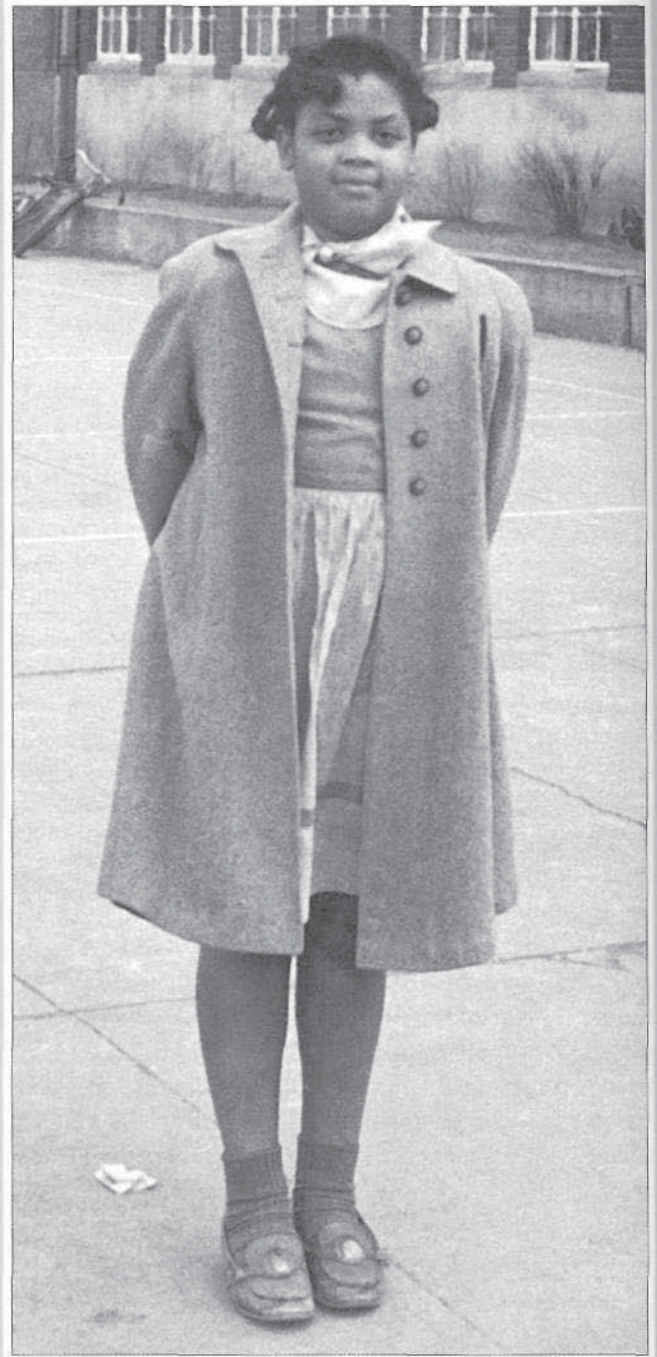


FROM BROWN TO *BROWN*



John Brown, 1850s



Linda Brown, 1950s

A Century of Struggle for Equality in Kansas

by Rusty Monhollon and Kristen Tegtmeier Oertel

In 1854 the fledgling territory of Kansas lay at the very heart of the nation's struggle over slavery. Antislavery newspapers and politicians named the region Bleeding Kansas, and later, after the radical abolitionist John Brown and his men killed five proslavery men with broadswords near Osawatimie, it became known as "the land of John Brown." A century later Kansas was once again in the public eye, this time as the lead case in *Oliver Brown et al. v the Board of Education of Topeka, Kansas*, the landmark Supreme Court case that declared state support of segregated public education unconstitutional. Kansans were at once angry, embarrassed, and confused that their state was a defendant in the school segregation case, and many plaintively asked, "Why Kansas?" For Paul Wilson, the assistant attorney general who represented the state in the case, the answer to that question was simple: Kansas may have rejected slavery but many of its citizens also endorsed black racism and accepted Jim Crow. "Historically, Kansas law and Kansas society discriminated against blacks," Wilson wrote years after the case was decided, which meant that most Kansans approved of segregation. "Why Kansas?" Wilson replied. "Why not Kansas?"²

Indeed, why not Kansas? Bleeding Kansas and *Brown v Board of Education*, arguably the two most significant events in Kansas's history, also are key moments in the long struggle for freedom and racial equality in the United States, and thus they give the Sunflower State an important role in telling the story of that struggle. They also provide a moment to ponder, in this the year of the state's territorial sesqui-

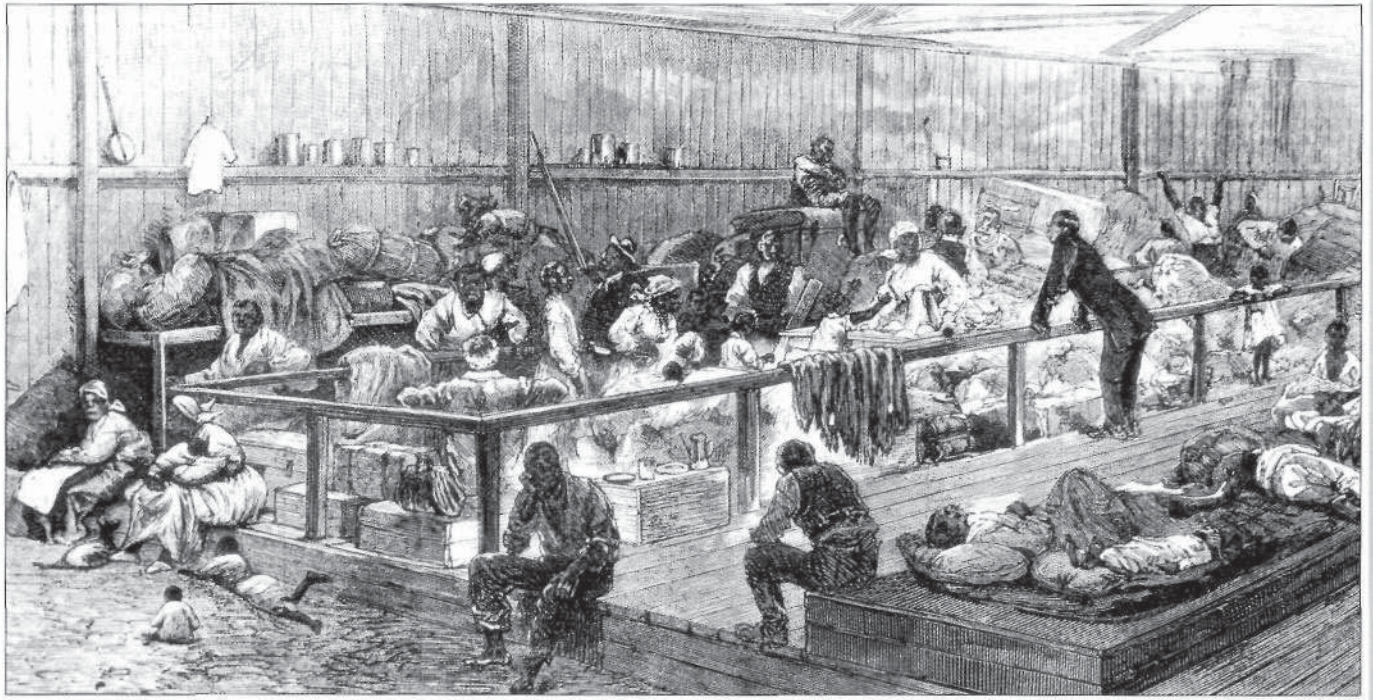
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1. Nell Irvin Painter, *Exodusters: Black Migration to Kansas after Reconstruction* (Lawrence: University Press of Kansas, 1986), 159, 195, 231; Robert G. Athearn, *In Search of Canaan: Black Migration to Kansas, 1879-80* (Lawrence: Regents Press of Kansas, 1978), 6-7; William Cohen, *At Freedom's Edge: Black Mobility and the Southern White Quest for Racial Control, 1861-1915* (Baton Rouge: Louisiana State University Press, 1991), 171.

2. Paul E. Wilson, "Brown Versus Topeka—From the Other Side," *Kansas City Star*, May 27, 1979, in "Discrimination—Race Social Ethics" clippings, vol. 2, 35-36, Library and Archives Division, Kansas State Historical Society. See also Wilson, *A Time to Lose: Representing Kansas in Brown v. Board of Education* (Lawrence: University Press of Kansas, 1995), 25-26.

Kansas History: A Journal of the Central Plains 27 (Spring-Summer 2004): 116-33.



The legacy of the free-state movement provided a powerful stimulant for black migration to Kansas in the 1870s and 1880s. During the "Kansas Exodus" in 1879 thousands of blacks from the South fled to Kansas. In this 1879 sketch from Harper's Weekly, destitute black migrants take refuge at Floral Hall in Topeka.

centennial and the fiftieth anniversary of the *Brown* decision, how—if at all—the two events are related. Did African Americans use the state's free-state heritage as a rhetorical and symbolic resource in their struggle for equality? Did whites use Bleeding Kansas to resist those efforts? Are there lines of continuity between the 1850s and 1950s that shed light on the nature of the struggle? Kansas's enigmatic approach to race relations provides a unique opportunity to answer these questions and to examine the struggle for racial equality in the state.³

The enduring legacy of the free-state movement provided a powerful stimulant for black migration to Kansas in the 1870s and 1880s. In 1879 one white Topekan echoed the concerns of his fellow Kansans when he claimed, "Kansas was the territory where the battle for freedom began. . . . Now it seems that Kansas is destined to decide

the question by furnishing homes for all the colored people who can get here."⁴ But in spite of its free-state heritage, the migrants sometimes were not welcomed to Kansas any more than in their southern homelands. An 1881 editorial in the *Wilson Echo* declared that the state had "done all in its power to check the incoming of colored people of the south spending much money in the effort, but without avail. They are bound to come, they say, 'to Kansas, the Home of Old John Brown.'"⁵ Thus from its earliest days Kansas was something of a paradox for blacks; seeking to escape Jim Crow and racism in the South they often confronted both—albeit less virulently and in different forms—in the land of John Brown.

Kansas never resembled exactly the Jim Crow South, but racial exclusion and clustered housing characterized the state's towns and cities in the nineteenth and well into the twentieth centuries. Like other African Americans in

3. The authors acknowledge that race relations in Kansas were not simply dichotomous but included whites, blacks, Native Americans, and Hispanics. However, the scope of this article is more narrowly focused on black/white relations in part because both John Brown's crusade and the *Brown v Board* case were concerned with achieving equality for African Americans.

4. *New Orleans Southwestern Christian Advocate*, May 1, 1879, in Painter, *Exodusters*, 231.

5. "The Colored Exodus," *Wilson Echo*, April 28, 1881, in "Negro" clippings, vol. 5-6, 38, Library and Archives Division, Kansas State Historical Society.

the North, those in Kansas had some of the trappings of equality, but they were not afforded the opportunity and respect that accompany first-class citizenship. The persistence of these conditions forced African Americans across the state to continue the struggle for racial justice, a journey that began in the state's territorial days.

The story of Bleeding Kansas is well known and does not need to be retold in detail here. Along with John Brown, names such as Charles and Sara Robinson, Clarina Nichols, James H. Lane, Julia Louisa Lovejoy, and Samuel L. Adair have achieved historical notoriety because of numerous studies that chronicle the sectional tensions that flamed in territorial Kansas.⁶ These free-state fighters and their proslavery adversaries struggled verbally and physically in their attempts to control the territorial government and thus to determine whether slavery would exist in the new state. The eventual triumph of the antislavery forces determined Kansas's entry into the Union as a free state in 1861, and this victory was and has been a source of pride for many Kansans.

The underside of that victory is the racism that pervaded the debates over slavery in Kansas and the anti-black sentiment that infiltrated its early legal codes. Ironically, both proslavery and antislavery settlers used similar racist arguments to attack one another's politics and morals. The *Weston Argus*, a Missouri proslavery paper read by many like-minded Kansas settlers, warned its readers in 1856 that if free labor triumphed in Kansas, then racial amalgamation, or sex between blacks and whites, was sure to result. The editors wrote, "Free Kansas! Free Niggers! And Fremont. Black Republican Ticket. UNADULTERATED NIGGER!" The *Argus* claimed that the election of Republican presidential candidate John Charles Frémont would unleash the sexual energies of Indians and blacks in the region and taint the pure white blood of Missourians and Kansans. "Don't you see old Buck coming?" read one editorial. "The friends of the amalgamation of the White and Black races are earnestly requested to support the following very Black Ticket."⁷ A proslavery paper

across the river in Kansas echoed the *Argus's* concerns. The Atchison *Squatter Sovereign* predicted the "Effects of Abolitionism" in the territory: "We copy the following marriage of a 'Buck Nigger' to a White Woman. . . . Such occurrences [*sic*] will be frequent here, should the Northern fanatics succeed in excluding the institution of slavery."⁸

While such racial epithets may have been expected from a proslavery source, many of the antislavery voices in the territory differed little in tone or philosophy. Free-state ideology and its national corollary, free-labor ideology, embraced free *white* labor, and the majority of its proponents politicked to halt slavery's expansion because of racist rather than egalitarian concerns. For example, Andrew J. Francis, who settled in Kansas Territory after emigrating from his native Ohio, helped organize the "free white State party," the motto of which was, "slavery before free negroes." Francis represented many Kansans when he said, "I would prefer to have Kansas as a free State, provided there were no negroes allowed to live in the Territory. If they were to be here, I preferred that they should be under masters."⁹ Charles Robinson, future governor of the state, might have disagreed with part of Francis's philosophy, but he certainly would have identified with the *Argus's* fears of miscegenation. He plainly stated in 1856 that he was "not a friend of amalgamation of the African and anglo-Saxon [*sic*] or Indian races, and never have been."¹⁰

While free-state and proslavery advocates both were concerned about racial amalgamation they differed over how slavery contributed to miscegenation. Freestaters claimed that slavery facilitated racial mixing, in part because it gave white slaveholders free and uncensored access to sex with their female slaves. Robinson articulated this idea and argued that "negro slavery is the principal cause of this amalgamation in the United States, [and] is to

coin's presidency in 1864, but the authors here have chosen to use it interchangeably with "amalgamation" (a term that contemporaries used before and after 1864) to connote sexual relations, sometimes involving marriage, between two people of different races.

8. *Squatter Sovereign* (Atchison), undated, in Wilcox, "Scrapbook," 9. The *Squatter Sovereign* story was referring to a marriage announcement from Abington, Connecticut, that marked an interracial union.

9. Testimony of Andrew J. Francis, Westport, Missouri, June 4, 1856, *Kansas Affairs, Special Committee Appointed to Investigate the Troubles in the Territory of Kansas*, 34th Cong., 1st sess., 1856, H. Rept. 200, serial 869, 911. See SenGupta, *For God and Mammon*, 5; Michael Morrison, *Slavery and the American West: The Eclipse of Manifest Destiny and the Coming of the Civil War* (Chapel Hill: University of North Carolina Press, 1997), 53-58; Eugene Berwanger, *The Frontier Against Slavery: Western Anti-Negro Prejudice and the Slavery Extension Controversy* (Urbana: University of Illinois Press, 1967).

10. Testimony of Charles Robinson taken near Lecompton, June 6, 1856, *Kansas Affairs, Special Committee Appointed to Investigate the Troubles in the Territory of Kansas*, 899.

6. For a few of the most recent book-length works, see Nicole Etchen, *Bleeding Kansas: Contested Liberty in the Civil War Era* (Lawrence: University Press of Kansas, 2004); Gunja SenGupta, *For God and Mammon: Evangelicals and Entrepreneurs, Masters and Slaves in Territorial Kansas, 1854-1860* (Athens: University of Georgia Press, 1996); Thomas Goodrich, *War to the Knife: Bleeding Kansas, 1854-1861* (New York: Stackpole, 1998).

7. *Weston (Missouri) Argus*, November 21, 1856, in P. P. Wilcox, "Scrapbook," vol. 2, 126, Library and Archives Division, Kansas State Historical Society. Democrats coined the term "miscegenation" to attack Lin-

me a very strong argument against the institution."¹¹ Proslavery settlers, on the other hand, believed that slavery ensured the separation of the races and guaranteed the maintenance of white supremacy. They claimed that if one was a "friend of the Negro," one might also invite that "Negro" into one's bed. They attacked men such as Robinson and other freesoilers with the label of "Black Republican," implying that Republicans were more likely than others to have been tainted by their association with African Americans. Missouri representative Mordecai Oliver called the *New York Tribune* the "leading organ of [the] Black Republican party," and the proslavery newspaper, the *Missouri Republican*, criticized the actions of the "Black Republican party of Kansas." Being associated with African Americans, whether socially or sexually, appeared to be equally troubling for many early Kansans, regardless of their political beliefs. As historian Eugene Berwanger noted more than three decades ago, "in territorial Kansas a large group of settlers was more anti-Negro than antislavery."¹²

Given the racism against African Americans evident among both proslavery and antislavery settlers, it is not surprising that the first free-state constitution advocated excluding blacks from settling in the state. At the Big Springs convention in September 1855, antislavery men such as James Lane argued in favor of "Negro exclusion"; the political platform produced at Big Springs passed only because abolitionists conceded to their antislavery counterparts and included "Negro exclusion" in the constitution. In contrast, the Wyandotte Constitution, which became the legal foundation of the new state in 1861, did not exclude free blacks. After the Wyandotte document's initial passage in 1859, however, many Kansans worried that the lack of such an exclusion would encourage "lazy, worthless, vagabond Free negroes of the other States" to settle in Kansas or that it would attract runaways from Missouri.¹³

Some Kansans, particularly those who identified as abolitionists, opposed the "Negro exclusion" provision and helped ensure that blacks would have a place in Kansas.

Women such as Sara Robinson arrived in the territory with a professed "mission to the dark-browed race," and some settlers criticized the hypocrisy of their antislavery neighbors. Thomas Webb helped coordinate relief efforts for the many refugees who flooded into Kansas and argued for equality in their treatment: "Where distress exists I do not stop to . . . inspect his complexion; whatever his color, white, black, or red, whatever his status, bond or free, neither he nor his family must . . . be left to starve or freeze."¹⁴ This outspoken and at times militant support of black rights attracted the prominent black abolitionist Frederick Douglass to the Kansas cause. In his abolitionist newspaper, the *North Star*, Douglass proposed a "Plan for Making Kansas a Free State," which suggested an exodus of a thousand free blacks into the territory.¹⁵ Although few Kansans supported Douglass's idea, a significant minority fought for racial equality during the territorial and early statehood eras.

In part because of the abolitionists' efforts, Kansas's first state (Wyandotte) constitution prohibited slavery and did not exclude free blacks from settling in the state. But it did prohibit blacks from voting. Additionally, the first state legislature gave local school districts the right to create segregated schools, although it also declared that they be made equal. These developments were crucial to the course of race relations in Kansas. According to historian James Rawley, extending the franchise exclusively to white men not only ensured the defeat of proslavery forces but also became the basis for racial segregation in the state. Historian James Leiker recently has noted that from its earliest days to the twentieth century, Kansas has been haunted by the "tension" between its commitment to abolishing slavery and its reluctance to extend full and unconditional civil equality to African Americans.¹⁶

George W. Brown, editor of the *Herald of Freedom*, recognized the hypocrisy of these restrictions on black civil

14. Thomas H. Webb to James Montgomery, December 21, 1860, James Montgomery Collection, Library and Archives Division, Kansas State Historical Society; Sara T. L. Robinson, *Kansas, Its Interior and Exterior Life* (Boston: Crosby, Nichols, and Co., 1856), 40.

15. Allen, *The Invention of the White Race*, 139. For an insightful discussion of the relationship among Douglass, John Brown, and other radical abolitionists who supported emigration to Kansas and advocated using violence to stop the spread of slavery there, see John Stauffer, *The Black Hearts of Men: Radical Abolitionists and the Transformation of Race* (Cambridge: Harvard University Press, 2002).

16. James N. Leiker, "Race Relations in the Sunflower State: Review Essay," *Kansas History: A Journal of the Central Plains* 25 (Autumn 2002): 221; Cox, *Blacks in Topeka, Kansas*, 10-15; James A. Rawley, *Race and Politics: "Bleeding Kansas" and the Coming of the Civil War* (Philadelphia: J.B. Lippincott Co., 1969).

11. Ibid.

12. Berwanger, *The Frontier Against Slavery*, 101. For Oliver's comments, see Speech of Hon. M. Oliver, Missouri, House of Representatives, *Appendix to Congressional Globe*, 34th Cong., 1st sess., 1856: 168; *Missouri Republican* (St. Louis), May 12, 1856, in *New York Tribune*, May 20, 1856.

13. Berwanger, *The Frontier Against Slavery*, 107. For discussions of the racist undertones of the state constitutional debates, see Theodore Allen, *The Invention of the White Race* (New York: Verso, 1994), 139, 145-47; Thomas C. Cox, *Blacks in Topeka, Kansas, 1865-1915* (Baton Rouge: Louisiana State University Press, 1982), 9-15.

New-York Daily Times.

LATER FROM KANSAS.

THE CONSTITUTIONAL CONVENTION.

REPORT OF ITS PROCEEDINGS.

Exclusion of Negroes from the Territory.

SPIRITED AND INTERESTING DEBATES.

Special Correspondence of the N. Y. Daily Times.

CONSTITUTIONAL CONVENTION CHAMBER, }
TOPEKA, K. T., Monday, Oct. 29, 1855. }

The Convention met this morning, according to adjournment, and the report of the Standing Com-

Given the racism against African Americans evident among both proslavery and antislavery settlers, it is not surprising that the first free-state constitution advocated excluding blacks from settling in the state. Many antislavery men argued in favor of "Negro exclusion" and included such a clause in the free-state Topeka Constitution adopted in 1855.

rights and criticized Democrats and Republicans alike for enacting them.¹⁷ Similarly, Samuel N. Wood and Clarina I. H. Nichols, both instrumental in the free-state movement, continued fighting for black rights after the Civil War and joined such national figures as Lucy Stone in developing the impartial suffrage movement in Kansas in the 1860s. Fighting for both black suffrage and woman suffrage, Nichols at first believed that both causes would succeed in Kansas. She wrote in 1867: "Those who have fought the oppressor, and freed the slave and demand suffrage for him, will not forget the women who prayed and wept and wrought for them. . . . We have been on a political equality with the Negro too long not to be lifted with him now." The "Kansas Campaign of 1867" failed on both accounts; blacks would not gain suffrage in the state until the Fifteenth Amendment passed in 1870, and Kansas women would not be granted equality in this area until 1912, eight years before the Nineteenth Amendment was added to the

United States Constitution, giving all U.S. women equal suffrage.¹⁸

African Americans recognized that they had white allies such as Wood and Nichols in Kansas during the Civil War and Reconstruction. During this period black migrants from Missouri and neighboring states chose well-known free-state strongholds such as Topeka and Lawrence as their destinations. For example, in 1860 only eight African Americans resided in all of Shawnee County. However, by 1865 roughly 170 blacks lived in or near Topeka, and by 1875 there were 724 blacks in the city proper (out of a total population of roughly 7,000).¹⁹

18. Clarina I. H. Nichols to Editor, *Vermont Phoenix*, February 24, 1867, in Ellen DuBois, *Feminism and Suffrage: The Emergence of an Independent Woman's Movement* (Ithaca: Cornell University Press, 1978), 85. Cox points out that the word "white" was not officially removed from the state constitution's suffrage clause until 1888. See Cox, *Blacks in Topeka, Kansas*, 27. Although Kansas women lacked equal suffrage until 1912, DuBois, *Feminism and Suffrage*, 80-85, argues, "Kansas had an especially strong record on women's rights; only in New York was the legal position of women more advanced." Early Kansas women achieved equal property rights and the right to vote in school elections, two civil rights that many women in the nineteenth century did not enjoy.

19. Cox, *Blacks in Topeka, Kansas*, 16, 33.

17. *Herald of Freedom* (Lawrence), August 13, 1859, in Berwanger, *The Frontier Against Slavery*, 117.

Peace and Harmony.

Let us Live together as a Band of Brethren and become united, & stand in the Statutes of honor before this Enlightened people and God.

BENJAMIN SINGLETON,
A True Friend of his Race.

Will Leave Here the
15th of April, 1878,

Kansas's reputation for housing abolitionists and suffragists, along with its fertile soil and expanding railroad tracks, attracted an increasing number of African Americans to the state in the 1870s. Perhaps the most famous advocate for black migration to Kansas was Benjamin "Pap" Singleton, an ex-slave from Tennessee who encouraged and organized emigration to the state as early as the mid-1870s.

Kansas's reputation for housing abolitionists and suffragists, along with its fertile soil and expanding railroad tracks, attracted an increasing number of African Americans to the state in the 1870s. As early as 1871 the *New National Era*, a black newspaper in Washington, D.C., began urging African Americans to escape oppression in the South and head west to such places as Kansas and Nebraska. Some black migrants continued to funnel into cities such as Topeka and Lawrence, but others began establishing all-black colonies in counties where affordable land was available. One handbill announced, "Ho for Sunny Kansas," and promised potential migrants that "Land is cheap. . . . There is plenty for all at present."²⁰ Perhaps the most famous advocate for black migration to Kansas in the 1870s was Benjamin "Pap" Singleton, an ex-slave from Tennessee who encouraged and organized emigration to the state as early as the mid-1870s. Nicodemus, the most famous black colony, also has roots in the pre-Exodus mi-

gration period and was established in 1877 by white Indiana preacher W. R. Hill and a group of Topeka blacks.²¹

These and other small colonies provided a few of the destination points for the more famous "Kansas Fever Exodus" that occurred in 1879. During the massive migration, roughly six thousand blacks from such deep-southern states as Louisiana and Mississippi flooded to Kansas. The *New Orleans Weekly Louisianan* reported from Delta, Louisiana, that "the banks of the river [are] literally covered with colored people and their little store of worldly goods." The newspaper further noted that local blacks were "panic stricken" and were "leaving by the hundreds for Kansas." As several historians have made clear, the increasing disenfranchisement and racial violence against blacks in the South following white Democrats' "Redemption" in 1877 caused many blacks to catch the exodus bug; most of the civil and economic rights they had begun to

20. Exoduster Handbill, Library and Archives Division, Kansas State Historical Society; Cohen, *At Freedom's Edge*, 171-72.

21. Cohen, *At Freedom's Edge*, 171-75; Ahearn, *In Search of Canaan*, 75-76; Gary Entz, "Image and Reality on the Kansas Prairie: Tap' Singleton's Cherokee County Colony," *Kansas History: A Journal of the Central Plains* 19 (Summer 1996): 124-39; Kenneth Marvin Hamilton, "The Origins and Early Promotion of Nicodemus: A Pre-Exodus, All-Black Town," *ibid.* 5 (Winter 1982): 220.

enjoy during Reconstruction crumbled in the wake of the removal of federal troops and the increase in lynching and violence in the deep South.²²

While the political and economic climate in the South pushed these migrants away, the enduring reputation of Kansas as the land of freedom pulled these disillusioned black southerners to its borders. As Topeka's *Colored Citizen* proclaimed in 1879, "Kansas, is a free empire, and every man in it, black, white, or mixed, will be secure in his rights before the law. Kansas, in war and in peace, has always had the courage of her principles."²³ Similarly, the *Weekly Louisianan* reported that "Kansas, with her freedom and broad prairies, with the memories of John Brown and his heroic struggle, seems naturally the State to seek. There is a natural halo of liberty, justice and right about its very name."²⁴ Because of these factors, the state witnessed a massive increase in its black population. The 1880 census counted more than forty-three thousand blacks in Kansas, more than 2.5 times the number who resided there just a decade earlier.²⁵

What opportunities awaited these black migrants in the land of John Brown? As historian Nell Painter aptly put it, "Kansas was no Canaan, but it was a far cry from Mississippi and Louisiana.... The sad fact was that first-class citizenship existed nowhere in this country for Afro-Americans."²⁶ Unlike the Deep South during the Jim Crow era, Kansas afforded some basic civil rights, such as voting and public school attendance, to its African American residents. For example, roughly 80 percent of black Topekans were literate by 1895, the city sponsored six African American newspapers, and groups such as the Negro Convention agitated for black economic and political rights and supported Republican candidates.

22. *New Orleans Weekly Louisianan*, March 15, 1879; Painter, *Exodusters*, 184, most extensively explores the "push" factors.

23. *Colored Citizen* (Topeka), April 12, 1879; item carried in the *Baltimore American Citizen*, April 19, 1879. First published in Fort Scott, Kansas, the *Colored Citizen* moved to Topeka in July 1878. Editor William L. Eagleson consistently was critical of white prejudice but encouraged black migration to Kansas.

24. *New Orleans Weekly Louisianan*, April 26, 1879.

25. For census numbers, see Richard B. Sheridan, "From Slavery in Missouri to Freedom in Kansas: The Influx of Black Fugitives and Contraband into Kansas," *Kansas History: A Journal of the Central Plains* 12 (Spring 1989): 38; Cohen, *At Freedom's Edge*, 170. This number does not include those who may have left for Kansas and never made it, had arrived and returned home, or had moved on to points farther north or west. The actual volume of African Americans who left the South bound for Kansas may never be known.

26. Painter, *Exodusters*, 260.

Such men as Alfred Fairfax, who had been elected to Congress in his home state of Louisiana in 1878 but was not allowed to serve because of racial violence and intimidation there, moved his family to Kansas after his trials in Louisiana. In 1889 he became the first black Kansan elected to the state legislature.²⁷

In addition to exercising rights denied to them in the South, some African Americans managed to make a fortune in Kansas. One colorful example of these financially successful black migrants is Junius Groves, the "Potato King of the World." Born in Kentucky in 1859, Groves migrated to Kansas in 1878 where he first worked in the meatpacking houses in Armourdale. He saved enough money to purchase eighty acres of land in Edwardsville, and eventually his estate grew to more than five hundred acres. The potato farm produced "mammoth crops" and enabled Groves and his wife, Matilda, to build a twenty-room mansion. Other black Kansans owned land and earned respectable livings, such as John M. Brown, who ran a hundred-acre farm in Shawnee County and was elected county clerk in 1880.²⁸

The bulk of migrants to Kansas in the 1870s and 1880s, however, worked as common laborers and suffered from poverty and prejudice. Unlike some of their predecessors, the exodusters of 1879-1880 arrived in the region with little or no money and possessed very few educational or occupational skills. Those who could find work often labored on farms or in small towns for menial wages, and even migrants who were able to rent or own land suffered from a lack of knowledge and experience with the local crops and climate. One Atchison resident wrote to the editor of the *Weekly Louisianan* and warned African Americans of the different crop systems: "Kansas . . . is grain country. . . . Emigrants coming here from the South skilled only in the production of cotton and sugar cane will be a failure."²⁹ Kansas certainly was not cotton country, and many blacks found it difficult to adjust to the new climate and agricultural environment. In addition to the migrants' lack of

27. "Notable Kansans of African Descent," www.kshs.org/people/african_americans.htm. See also *American Citizen* (Topeka), February 1, 1889; Cox, *Blacks in Topeka, Kansas*, 82-84, 119.

28. *Kansas City Journal*, August 18, 1894; Athearn, *In Search of Canaan*, 278. For a short biography of Groves, see David Harm, *The Kansas Past: Pieces of the 34th Star* (Lawrence: Penthe Publishing, 1999), 8-11; see also Anne P. W. Hawkins, "Hoeing Their Own Row: Black Agriculture and the Agrarian Ideal in Kansas, 1880-1930," *Kansas History: A Journal of the Central Plains* 22 (Autumn 1999): 200-13.

29. *New Orleans Weekly Louisianan*, May 24, 1879.

skills and unfamiliarity with Kansas agriculture, they faced what all other farmers faced in the 1880s—the uncertainty of nature. Drought and crop failures, especially in the western counties, made establishing a homestead and farm all the more challenging.³⁰

Adding to the regular trials that faced both black and white pioneers, African Americans confronted racism and prejudice that compounded their problems in Kansas. The *Colored Citizen* recognized that whites were becoming increasingly alarmed at the influx of African American migrants to the state during the 1879 exodus, and they argued that racial prejudice motivated these white concerns:

We notice that several of the white newspapers of Kansas are howling at a terrible rate because some colored people are coming in to the State without bringing fortunes with them. We want to say to all such papers that thousands of white people are coming to Kansas every day without a dollar in their pockets and never a howl was heard till the colored people got to doing the same thing.³¹

The white population was not universally welcoming, but the increasing racial violence that pervaded the Deep South by the late nineteenth century was not as prevalent on the Kansas plains. Lynchings did occur in the state, however. One source counted 206 lynchings in Kansas between 1861 and 1933; thirty-eight of the victims had been black men. Frontier justice, whether for stealing horses, murder, or rape, often was the fate for blacks and whites, but blacks were more likely to be the victims of mobs than whites when accused of sexual assault. A black man accused of assaulting a twelve-year-old girl was hanged and then burned by a mob in Fort Scott in 1879. Another black man was lynched in Topeka in 1889 after he killed a white man.³² Kansas was not the Deep South, but it shared many of its characteristics.

Most blacks—in both the nineteenth and twentieth centuries—faced milder forms of racial prejudice, such as segregation in elementary schools, exclusion in public ac-

commodations, and limited employment opportunities. But despite the existence of a state antidiscrimination statute, segregation and discrimination were facts of life. The *Herald of Kansas* reported on "The Color Line" in 1880, and it chastised the local Republican newspaper for endorsing it. Although the paper in question, the *Commonwealth*, was a "professed friend of the Negro," its editors refused to employ a black man in their office. In his book on black Topeka, historian Thomas Cox maintains that "By 1896, evidence of discrimination in 'cheap restaurants,' elevators, and in nearly every other area of public life frequently appeared in the columns of the local black press."³³

A color line did exist in Kansas by the turn of the twentieth century, but it was not drawn as boldly as in the South. Legal scholar Mary L. Dudziak asserts that Kansas occupied a "middle ground" between the *de jure* segregation in the Jim Crow South and the relative lack of state-enforced segregation in the North. Kansas practiced what might be called limited or partial segregation; that is, state laws segregated blacks in some parts of public life yet prohibited the practice in others. While seemingly contradictory to Kansans and to most Americans at the time, civil rights and segregation were "compatible concepts." Dudziak concludes that Kansans were wary of "[g]ranting too great a legal status" to segregation, which they believed "would conflict with the heritage of 'Bleeding Kansas.'" In other words, by limiting segregation to elementary schools only in cities of the first-class (those with populations of fifteen thousand or more), Kansas legislators could impose a racial hierarchy yet claim that the law was racially neutral.³⁴

Historian Randall B. Woods argues that it was unnecessary for Kansas to replicate Jim Crow. "Blacks did not constitute enough of a political or economic threat to warrant total ostracism," he contends. "Whites were certainly anxious to control the black population, but exclusion or pervasive segregation seemed unsuited to the state's particular history and circumstances." In what he calls "paral-

30. Ahearn, *In Search of Canaan*, 255-58, 263-64; see also Painter, *Exodusters*, 225-33.

31. "Stop Howling," *Colored Citizen*, March 22, 1879, in *New Orleans Weekly Louisianan*, March 29, 1879.

32. Genevieve Yost, "History of Lynchings in Kansas," *Kansas Historical Quarterly* 2 (May 1933): 182-219, in Leiker, "Race Relations in the Sunflower State," 218; Ahearn, *In Search of Canaan*, 71; Cox, *Blacks in Topeka, Kansas*, 116. Cox also reports that another lynching occurred in Fort Scott in 1881.

33. Cox, *Blacks in Topeka, Kansas*, 117-19; *Topeka Daily Capital*, August 24, 1888; *Kansas Laws* (1885) ch. 31, sec. 343, "Civil Rights." The original law took effect April 25, 1874. See *ibid.* (1874), ch. 49, sec. 2; *Herald of Kansas*, April 23, 1880. The *Colored Citizen* changed its name to the *Herald of Kansas* in an effort to abolish the common usage of the word "colored" when denoting black citizens.

34. Mary L. Dudziak, "The Limits of Good Faith: Desegregation in Topeka, Kansas, 1950-1956," *Law and History Review* 5 (Fall 1987): 351-52; Leiker, "Race Relations in the Sunflower State," 225-26.



Most blacks in both the nineteenth and twentieth centuries faced milder forms of racial prejudice, such as segregation in elementary schools. Because Kansas practiced what might be called partial segregation, state laws limited segregation to elementary schools only in cities of the first-class. By doing so Kansas legislators could impose a racial hierarchy while proclaiming the law racially neutral. Shown here are Corinthian Nutter and her elementary students in ca. 1948 at the segregated Walker School in South Park, Johnson County.

lei development," Woods asserts that under this model the state accepted the responsibility of providing education and moral guidance for all its citizens—black and white—but little more. It was not the state's obligation to ensure equality of condition for blacks, but rather it was up to each individual to take advantage of these opportunities and succeed of his or her own accord.³⁵ By residing in this middle ground of partial segregation, African Americans in Kansas were denied their full rights as citizens yet had space—socially, politically, and culturally—to carve out a measure of autonomy for themselves and their families.

Although black Kansans confronted racism, segregation, and exclusion, the state held a strong attraction for them. Kansas, as the land of John Brown, afforded psychological space to African Americans. Brown became an icon of the struggle for freedom, and blacks especially held him in high regard. In June 1911, for example, African Americans erected a statue of Brown at Western University in Quindaro, Kansas. The fourteen-foot-tall statue was paid for through a fund drive launched in 1909 that raised more than two thousand dollars. The inscription on the statue

reads, "Erected to the Memory of John Brown by a grateful people."³⁶

Indeed, the imagery of Kansas's territorial days—and the iconography of John Brown in particular—was embedded firmly in the state's collective consciousness well into the twentieth century. Yet the memory of Bleeding Kansas operated mainly on a rhetorical and metaphysical level. For twentieth-century Kansans, Bleeding Kansas carried a set of assumptions about their home and themselves, Kansas's place in the Union, and about the nature of race relations. For African Americans it held out hope for the future. For white Kansans it allowed them to distinguish the state from the South, which, most Americans outside of that region believed, was the real source of the nation's racial tensions and problems. On another level, the free-state narrative absolved Kansans, at least in their own minds, of having any responsibility in addressing the race question. While the state's territorial past inspired some Kansans to continue to struggle for equality and justice, for others it meant that Kansas had already done its part to defend liberty and free black Americans.

35. Randall B. Woods, "Integration, Exclusion, or Segregation?: The 'Color Line' in Kansas, 1878-1900," *Western Historical Quarterly* 14 (April 1983): 197.

36. "Monument to Brown Will Be Unveiled," *Kansas City Star*, June 3, 1911.



Because John Brown became an icon of the struggle for freedom, blacks held him in high regard. In June 1911, for example, African Americans erected a statue of Brown at Western University in Quindaro, Kansas. The inscription on the statue reads, "Erected to the Memory of John Brown by a grateful people."

The emotional appeal of Kansas perhaps was not as intense for twentieth-century African Americans as it had been for the exodusters, but Kansas still was their home. For one African American, who had not lived in the state for years, Kansas held a "strong attachment" as his "spiritual anchor" because most of his father's people were there. Other black Kansans expressed a similar sentiment. Native Topekan John Brooks Slaughter, who attended the black-only Buchanan elementary school in the 1940s and earned a degree in electrical engineering from Kansas State University before heading elsewhere to ply his trade, was "very pleased" to have grown up in Kansas. "I believe that

the values instilled in me by my family in Kansas have been very important throughout my life," he remarked in the early 1990s. "Even though I left Kansas when I was 22, it will forever be a part of the things that are important to me." "With all of its faults," declared Walter Doyce Broadnax, who as an infant came to Hoisington with his family in 1944, Kansas "was a good environment within which to grow and learn."³⁷

But it was a limited environment for many blacks, and many African Americans left Kansas because there were so few employment opportunities available to them, particularly in white-collar jobs. George Brown, the first black state senator in Colorado and an assistant editor for the *Denver Post*, was raised in Lawrence. He left the state because he could not find employment that he "was qualified for and capable of doing" in his hometown.³⁸ Michael Shinn, who attended Monroe School with Linda Brown, was "glad" that he was raised in Kansas because the state had "a good educational system" and he was "exposed to basic values of honesty and integrity, without a lot of the hazards that children grow up with in large cities." But, he added wistfully, "I wish I could have experienced working at some company in the Kansas area, or at least perceived that I could have gone to work at some company and had opportunities."³⁹

Statistics bear out Brown's and Shinn's recollections. According to the 1950 United States Census, 16,672 black men were employed in the state; only 502 (3 percent) were counted as professional, technical, and kindred workers. For black women the opportunities were even fewer. The two largest categories of work for black men were laborers (4,931, or 29.5 percent of all black male workers) and service workers (4,092, or 24.5 percent); similar figures applied to women workers. Although Kansas's colleges and universities had always admitted black students, the percentage of white Kansans who attended college was about twice that of blacks; the ratio was nearly three-to-one for four years or more of college completed. On average, blacks earned considerably less than whites. In 1949 the

37. Walter Doyce Broadnax entry, "Narratives by African Americans with Kansas Connections," in Jacob U. Gordon, *Narratives of African Americans in Kansas, 1870-1992: Beyond the Exodust Movement* (Lewiston, N.Y.: E. Mellen Press, 1993), 40; William Patrick Foster, *ibid.*, 65; Willard Johnson, *ibid.* 111; Michael Shinn, *ibid.* 150; John Brooks Slaughter, *ibid.* 165.

38. "Lawrence Indicted for Discrimination," *University Daily Kansan*, February 20, 1961; "Brown Declares City Too Lax on Civil Rights," *Lawrence Daily Journal-World*, February 20, 1961.

39. Shinn entry in Gordon, *Narratives of African Americans in Kansas*, 150.

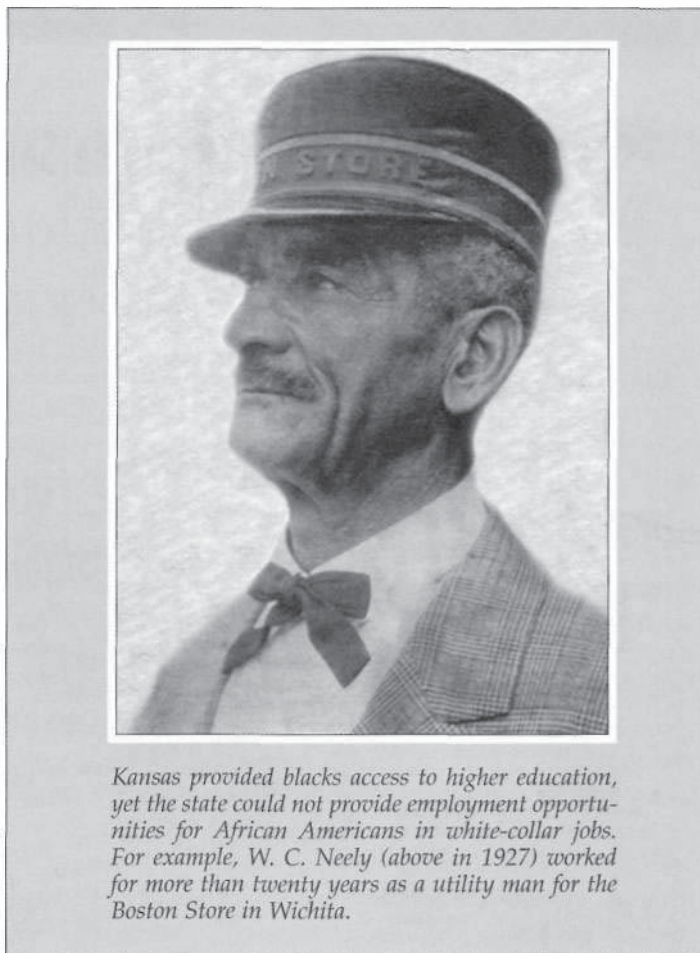
average annual income for whites was \$1,839; for blacks it was \$1,253. In Topeka the disparity was even greater. An African American earned an average of \$1,160 compared with \$2,132 average for whites.⁴⁰ Michael Shinn's life trajectory was not uncommon among African Americans from Kansas, which again points to the racial paradox that was the Sunflower State. Kansas provided access to higher education that was out of the reach of most Southern blacks, yet the state could not provide employment opportunities for African Americans in white-collar jobs and the professions. George Washington Carver, George Nash Walker, Oscar DePriest, Langston Hughes, Aaron Douglas, Eva Jessye, and Gordon Parks are some of the best-known African Americans who were raised in Kansas but achieved success elsewhere.⁴¹

Thus, the twentieth-century color line was enigmatic, which meant that mounting a challenge to it would be difficult but not impossible. In Kansas African Americans had social, political, or economic space in which to live, work, and ultimately challenge segregation, exclusion, and discrimination.

The nineteenth-century struggle for equality in Kansas revolved around the question of slavery; in the twentieth century the struggle would focus on eliminating the two-tiered social and political system that denied blacks their full rights as American citizens. Segregation was not always the biggest problem confronting African Americans. In many ways segregation was a better situation for blacks than outright exclusion. Segregated schools often gave African Americans some control over their children's education, and black teachers provided quality education to and served as important role models for black children. Racial exclusion, in contrast, prevented African Americans from complete access to the state's political economy, especially in its job and housing markets. In Lawrence, for example, in the years before *Brown*, African Americans were not segregated in hotels, restaurants, taverns, bowling alleys, roller rinks, and other places of public accommodation but were excluded altogether. Housing was not segregated by law, but blacks were excluded from most of the city through restrictive covenants

40. See U.S. Bureau of the Census, U.S. Census of Population: *Characteristics of the Population, 1950*, vol. 11, pt. 16, Kansas (Washington, D.C.: Government Printing Office, 1952), tables 20, 77, 87.

41. See, among others, Gordon, *Narratives of African Americans in Kansas*, 147-150, especially the narratives by Parks, 127-35, Jessye, 105-10.



Kansas provided blacks access to higher education, yet the state could not provide employment opportunities for African Americans in white-collar jobs. For example, W. C. Neely (above in 1927) worked for more than twenty years as a utility man for the Boston Store in Wichita.

and the racism of realtors and home owners, who would show blacks homes only in certain areas of the community.

Across the state African Americans adopted a variety of tactics and strategies for combating the color line. At times blacks utilized the existing political system, through direct appeals to the courts, school boards, and city councils, to insist that the state provide equal access and opportunity, rather than full integration. By mid-century African Americans had begun to use other means, such as sit-ins, pickets, and other nonviolent direct action. For example, in the 1940s blacks in Lawrence used such tactics—unsuccessfully—in an effort to compel integration in a Lawrence theater and restaurant.⁴²

Perhaps no part of that struggle was more significant than the fight for equal education, which clearly illustrates

42. Kristine M. McCusker, "'The Forgotten Years' of America's Civil Rights Movement: Wartime Protests at the University of Kansas, 1939-1945," *Kansas History: A Journal of the Central Plains* 17 (Spring 1994): 26-37.



the enigmatic quality of Kansas's commitment to racial equality. Kansans may not have welcomed blacks to the state, but they did generally agree that African Americans were entitled to free public education, although not necessarily in integrated schools. The first state legislature in 1861 granted the power to establish separate schools for black and white children, "securing to them equal advantages."⁴³ In 1876 lawmakers prohibited segregated schools, including institutions of higher education. Three years later the experiment ended when the legislature passed a

43. Kansas Laws (1861), ch. 76, in Dudziak, "The Limits of Good Faith," 357.

law that permitted, but did not require, cities of the first-class to segregate students in the elementary schools. (The prohibition against segregation in higher education was retained.) The law did not allow segregation in the high schools, although it was amended in 1905 to permit Kansas City to open a separate high school for its black students. Smaller communities, the Kansas Supreme Court ruled in 1881, could not legally segregate since the statute did not expressly give those communities that right. Many school districts simply ignored the law, and local jurisdictions did not enforce the statute. As James C. Carper has pointed out, African Americans living in smaller communities often were segregated through "community pressure, violence, and occasionally, choice."⁴⁴

Although Randall B. Woods concludes that segregated schools both in cities of the first-class and in smaller communities were "grossly inferior," this does not seem to be true in all instances. As the plaintiffs in the *Brown* case admitted, Topeka's black-only schools were equal to its white-only schools. Most African Americans in Lawrence agreed that the city's schools did well by their black students. Most evidence suggests that overall the quality of education for black children in both integrated and black-only schools was good.⁴⁵

This did not mean that African Americans did not challenge the color line in public schooling. Between 1881 and 1949 at least ten lawsuits involving segregation in Kansas's public schools were filed, three of those in Topeka.⁴⁶ Before

44. James C. Carper, "The Popular Ideology of Segregated Schooling: Attitudes Toward the Education of Blacks in Kansas, 1854-1900," *Kansas History: A journal of the Central Plains* 1 (Winter 1978): 263; Milton S. Katz and Susan B. Tucker, "A Pioneer in Civil Rights: Esther Brown and the South Park Desegregation Case of 1948," *ibid.* 18 (Winter 1995-1996): 239-40.

45. Woods, "Integration, Exclusion, or Segregation?" 188; Deborah L. Dandridge and William M. Tuttle Jr., "Kansas," in *Encyclopedia of African-American Culture and History*, ed. Jack Salzman, David Lionel Smith, and Cornel West (New York: Macmillan Library Reference, 1996), 1521, disagree with Woods, asserting that "African-American children generally received good educations in Kansas whether in integrated or all-black schools." On Lawrence's schools, see Rusty Monhollon, "This is America?": *The Sixties in Lawrence, Kansas* (New York: Palgrave, 2002), 98-99.

46. The cases are: *Board of Education of Ottawa v Elijah Timmon*, 26 Kan. 1 (1881); *Knox v Board of Education, Independence*, 45 Kan. 152 (1891); *Reynolds v Board of Education, Topeka*, 66 Kan. 672 (1903); *Cartwright v Board of Education, Coffeyville*, 73 Kan. 32 (1906); *Rowles v Board of Education, Wichita*, 76 Kan. 361 (1907); *Williams v Board of Education, Parsons*, 79 Kan. 202

Brown, however, most challenges to the segregation law were prompted by blacks' desires to have their children attend the school closest to their homes. This was true in Topeka, where before 1930 the school board did not apply its segregation policy uniformly but rather did so haphazardly. When the integrated Lowman Hill School burned in 1900, for example, the Topeka School Board transferred Lowman's thirty-five black students to the all-black Buchanan School. A new Lowman Hill School was constructed, but only white children were permitted to attend. In 1903 William Reynolds, an African American whose son had attended the destroyed school, brought suit against the board for compelling his child to attend an all-black school, which was much farther away from his home than the rebuilt Lowman Hill School. The Kansas Supreme Court found that the 1876 statute permitting segregation was not unconstitutional as the state's constitution had left it to the legislature to determine how best to provide an equal education to all of its residents, black or white, male or female, urban or rural. The court also rejected the claim that the law violated the U.S. Constitution, grounding its claim on the 1896 *Plessy v Ferguson* decision. The court's ruling in *Reynolds v Board of Education* "validated" the Kansas laws that permitted segregation in some areas of public life yet prohibited it in others. According to Mary Dudziak, the only legal questions left for the courts to decide between *Reynolds* and *Brown* were "the refinement and application of these principles."⁴⁷

Despite the state's imposition of an awkward system of segregation, some African Americans were inspired by the rhetoric of "free" Kansas and democracy to fight against segregation. During World War I a Topeka resident urged governor-elect Henry J. Allen to oppose legislation permitting segregation in cities of the second- and third-class. "We, the colored people of this state, are opposed to further segregation" in Kansas, he wrote, because "[s]uch action is undemocratic . . . and inconsistent with Kansas history." Kansas was, he noted, a "progressive" state, but when it came to the "race question" the state was "reactionary." America's entry into world war, and its "slogan of 'Democracy for the World/ obligates us morally to an advanced movement at home relative to our treatment" of blacks.

(1908); *Thurman-Watts v Board of Education, Coffeyville*, 115 Kan. 328 (1924); *Wright v Board of Education, Topeka*, 129 Kan. 852 (1929); *Graham v Board of Education, Topeka*, 153 Kan. 840 (1941); *Webb v School District No. 90, South Park Johnson County, Kansas*, 167 Kan. 395 (1949). Digitized versions of these cases can be found at <http://brownvboard.org/research/opinions/opinions.htm> (retrieved August 29, 2003).

47. *Reynolds v Board of Education of the City of Topeka*, 66 Kan. 672 (1903); Dudziak, "The Limits of Good Faith," 359-62.

This writer was fully aware of the harm segregation did to black children, arguing that segregation "tends to lower the segregated class both in its own estimation and in that of its fellows," a position the U.S. Supreme Court would affirm in *Brown*.⁴⁸

Building on these principles, in the late 1920s African Americans in Topeka again challenged segregated schools in *Wright v Board of Education* (1929).⁴⁹ As in *Reynolds*, the *Wright* case did not challenge segregation *per se* but what plaintiffs felt was "arbitrary segregation." The plaintiffs contended that the school board had not applied its attendance policies uniformly, and, on a case-by-case basis, some black children had attended white schools. The main concern in each of these cases again was the proximity of the school to their homes. The *Wright* ruling, in which the Kansas Supreme Court again ruled in favor of the Topeka school district, seemed to prompt the board to apply its enrollment policy uniformly throughout the district, strictly segregating black and white children.⁵⁰

In 1940 another lawsuit was brought against Topeka's segregated public schools in *Graham v Topeka Board of Education*, which focused on the city's junior high schools.⁵¹ When the Kansas legislature passed a law in 1925 establishing a junior high school system, it was unclear if the statutes permitting segregation in the elementary grades applied to junior high schools. Black children in Topeka at the time attended the seventh and eighth grades at one of the four segregated elementary schools or at the black-only Roosevelt Junior High School. The *Graham* case also raised the question of equality between white-only and black-only schools. The plaintiffs argued that the Roosevelt school was inferior to the other junior high schools in Topeka. The plaintiffs won this suit, and the courts ordered Topeka's junior high schools integrated. In reassigning students to comply with the court order, the school board fired six black schoolteachers and cut two others to half-time.⁵²

Perhaps the most important school integration case prior to *Brown*, at least from a political and cultural perspective, was *Webb v Johnson County School District No. 90*. The small community of South Park was an un-

48. N. Sawyer to Henry J. Allen, January 11, 1918 [*sic*, 1919], Correspondence, Henry J. Allen Administration, Records of the Governor's Office, Library and Archives Division, Kansas State Historical Society.

49. *Wright v Topeka Board of Education*, 129 Kan. 852 (1930).

50. Jean Van Delinder, "Early Civil Rights Activism in Topeka, Kansas, Prior to the 1954 Brown Case," *Great Plains Quarterly* 21 (Winter 2001): 50-52.

51. *Graham v Board of Education*, 153 Kan. 840 (1941)

52. Dudziak, "The Limits of Good Faith," 374.

IN THE SUPREME COURT OF KANSAS.

WILLIAM REYNOLDS, <i>Plaintiff,</i> v. THE BOARD OF EDUCATION OF THE CITY OF TOPEKA, OF THE STATE OF KANSAS, <i>Defendant.</i>	}	Original Mandamus. No. 13140.
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BRIEF FOR PLAINTIFF.

Originally, what is now known as the Lowman Hill district of Topeka, was a country school district, with a school site selected, as is not uncommon in country districts, without reference to sanitation or convenience. It was annexed to the city in 1890, and until July 20, 1900, when the school building was destroyed by fire, white and colored children attended the same school and mingled in the same classes. (See the writ and the admission in the return.) Then, the defendant, deeming the old site unsanitary, inconvenient and undesirable, purchased a new site and erected upon it a beautiful modern structure (see cuts in writ and the photographs in evidence,) containing eight rooms and a basement,

When the integrated Lowman Hill School burned in 1900, the Topeka School Board transferred Lowman's black students to the all-black Buchanan School. A new Lowman Hill School was constructed, but only white children were permitted to attend. When William Reynolds brought suit against the board for compelling his child to attend an all-black school rather than Lowman Hill, the Kansas Supreme Court found that segregation was not unconstitutional.

incorporated township in southern Johnson County, just beyond the Merriam city limits. In 1947 the Johnson County School District No. 90 built a ninety-thousand-dollar school open only to white students, which clearly seemed to violate the Kansas law that prohibited segregation except in cities of the first-class. The forty-four black students in the district, whose parents' tax dollars had helped finance the new building, were sent to the old Walker School, a ramshackle two-room structure. Walker School fit the description of black schoolhouses in the Deep South: toilet facilities consisted of an outhouse; it had inadequate heating, a flooded basement, and was otherwise poorly maintained; two teachers—one who was not certified—taught all eight grades in the school's two classrooms. Led by Esther Brown, a white suburban housewife, and Helen Swan, her black maid whose daughter attended Walker School, African Americans in South Park formed a chapter

of the NAACP and eventually brought suit against the school board. In traversing the state seeking support and funds for the case, Esther Brown played a crucial role in the *Webb* case and linked it to the state's territorial past and the nation's current fight against communism. "[W]e must be as stubborn in our devotion to a principle as the abolitionists of a century ago—the times demand it, the defense of our country demands it." The case was litigated by Elisha Scott of Topeka, and his sons John and Charles, all of whom later would be involved in the *Brown* case.⁵³

The Supreme Court ruled in favor of the plaintiffs on June 11, 1949, finding that the school district's attendance policy was "arbitrary," "unreasonable," and meant only to segregate black children, a clear violation of Kansas law. The court ordered the district to make Walker School comparably equal to the white-only South Park school, either through extensive remodeling or by building a new structure. The school board tried to circumvent the court's order by offering to build another classroom and install indoor plumbing at Walker School, but the black parents refused to send their children to Walker. The district next offered to build a new, sixty-thousand-dollar school by spending five thousand dollars per year for twelve years; the parents refused this offer too. On September 9 black children enrolled at South Park and on September 12 attended the integrated school. The *Webb* case also had compelled the school district to enroll seven black students at Shawnee Mission High School rather than bus them to the all-black Sumner High in downtown Kansas City, as they previously had done.⁵⁴

The *South Park* case was an important precursor to *Brown*. Esther Brown and Elisha Scott, key players in the *Webb* case, also were major actors in *Brown*. There were, however, some significant differences. The Johnson County School District did not have the authority under Kansas law to segregate its schools. Moreover, Walker School could not, by any stretch of the imagination, be seen as equal to the white-only South Park School and thus violated the separate but equal principle set down in *Plessy*. These distinctions would not be as clear in *Brown*. Topeka had the right, under Kansas law, to segregate its elementary schools, and its schools were comparably equal, thus meeting the constitutional conditions. At the heart of the plaintiffs' arguments in the *Brown* cases was the claim that

53. Katz and Tucker, "A Pioneer in Civil Rights," 240-41. Esther Brown quotation in *Call* (Kansas City, Mo.), September 24, 1948.

54. *Ibid.*, 243-45

segregated schools were a violation of black children's rights to the Fourteenth Amendment's equal protection clause. Not only was the relative equality or inequality of segregated educational facilities at issue but also the emotional and psychological impact that segregated learning had on black children.

If any school district in the United States could stand up to the separate but equal test it may have been Topeka's. Kenneth McFarland became superintendent of the Topeka schools in 1942, and under his leadership the school board further entrenched racial segregation throughout the schools. McFarland embodied the prevailing sentiment among the white community, suggesting that perhaps by 1951 Topeka "was not ready for integration." One black Topekan described McFarland as "a prejudiced man who believed there would be far fewer problems if the races were kept separate," yet the superintendent was careful to assure that blacks received the same educational opportunities as whites.⁵⁵

Indeed, in a strictly material sense, one would have to look long and hard to find any significant signs of inequality among Topeka's elementary schools. Topeka's four black-only elementary schools served 658 black students (about 165 students per building). Each building was the equal of the eighteen white schools that accommodated 6,019 pupils (about 335 students per building). Linda Brown's school, Monroe, for example, was built in 1926 to replace an eight-room building of the same name on an adjoining lot. Designed by a noted Topeka architect, the school had the latest amenities and facilities then available. It had thirteen classrooms, including a kindergarten area, administrative offices, and a gymnasium/auditorium. With brick and limestone masonry on the exterior, and maple hardwood and terrazzo flooring, tile wainscoting, steel window sashes, oak moldings, and sturdy wooden doors on the interior, Monroe School was one of the most modern in Topeka. Additionally, the school was staffed with outstanding educators, many of whom were better educated than their white counterparts in Topeka and received the same salary as white teachers.⁵⁶

55. Richard Kluger, *Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality* (New York: Vintage Books, 1977), 382-83.

56. James T. Patterson, *Brown v. Board of Education: A Civil Rights Milestone and its Troubled Legacy* (New York: Oxford University Press, 2001), 32; Mark V. Tusnet, *The NAACP's Legal Strategy Against Segregated Education, 1925-1950* (Chapel Hill: University of North Carolina Press, 1987), 116

But tangible assets such as school buildings and textbooks were not the only criteria for judging the quality of one's education. Since the Topeka plaintiffs could not argue that Monroe School was inferior to white-only schools, the primary issue in the Kansas case, as it was in the other cases, was racial segregation's impact on public education and the minds of black children. On May 17, 1954, the Supreme Court ruled that segregation did indeed have a detrimental impact on the quality of education black children received and declared that segregated public education violated the U.S. Constitution.

When the *Brown* case thrust Kansas into the national spotlight, many Kansans were outraged that their state was involved in what they regarded as a "Southern problem." Kansans were quite sensitive to criticism of their history of race relations, often taking refuge under the cloak of "free" Kansas. Yet Kansans frequently complained about the state of race relations in the South. The Kansas mainstream press typically ignored the extent of segregation in the state or characterized it as beneficial for blacks and in compliance with the law of the land.

People from across the country were surprised to see the land of John Brown named as a defendant in a school segregation case. In a *St. Louis Post-Dispatch* editorial, for example, the editors asked how Kansas came to be involved in the *Brown* case. It was not "Southern in outlook" as were the four other defendants, which practiced segregation "by law." The *Post-Dispatch* noted that Kansas permitted segregation only in the lower grades in its larger cities, which, apparently, did not count as "segregation by law." More to the point, the paper was puzzled how Kansas, "founded as a state on the belief in equal rights" and which best "symbolized the conviction of the North," could be a party to such proceedings. "The shades of Governor Robinson and Jim Lane and the other Jayhawkers of a century ago would revolt" at any notion that separate could be equal. "It was not what they fought for, and it is questionable whether today's Kansas stands for segregation."⁵⁷

Perhaps Kansas did not "stand for segregation" but it did abide the practice, if only to a limited degree. Most Kansans, it would seem, agreed with the *Post-Dispatch's* assessment and chose to read history selectively. They cele-

57. "'Why Kansas' Asks an Editor," *Topeka Daily Capital*, December 20, 1953.

All-Negro Schools Allegedly Inferior

Amendment Filed in Segregation Case

Topeka Negroes have filed an amendment to their original complaint against segregation in secondary schools, it was reported Saturday by the U. S. District court clerk's office.

The amendment was ordered by the court recently when the defendant, the Topeka Board of Education, asked for a more definite statement. The three-man court directed the plaintiffs to cite whether Negro schools are inferior in regard to the curriculum, teachers, physical plant or in other ways.

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.

High Court Will Rule on Topeka's Negro Schools

Case 1 of 2 Which Will Have Wide Effect on Segregation Issue

Washington, June 9 (AP)—The Supreme court Monday agreed to say whether segregation of white and Negro children in elementary public schools should be outlawed. The court granted hearings on two appeals by Negro parents who claim segregation is a "stigmatiz-

People from across the country were surprised to see Kansas named as a defendant in what would become the most famous school segregation case in U.S. history. At the heart of the plaintiffs' arguments in the Brown case was the claim that segregated schools were a violation of black children's rights to the Fourteenth Amendment's equal protection clause. Not only was the relative equality or inequality of segregated educational facilities at issue but also the emotional and psychological impact that segregated learning had on black children.

brated their free-state past and what they believed was Kansas's commitment to equality, yet they ignored the fact that the state sanctioned segregation. In a 1953 letter to Kansas governor Edward Arn, H. H. Robinson, superintendent of the Augusta public schools, was "surprised" and "chagrined" over Kansas's involvement in the *Brown* case. Robinson's dismay was, in part, the result of how he understood the state's history. "As I review those historical events that caused us to be called 'bleeding Kansas,'" Robinson wrote, "I wonder how we suddenly find ourselves represented before the United States Supreme Court opposed to those human rights for which our early settlers bled." That Kansas was defending segregation before the nation's highest court was, to Robinson, evidence that Kansas was "throwing the influence of our state against those principles for which we have always stood. I wonder who can make such a decision for us all, and how?" For his part, Arn seemed ambivalent about the case, remarking on one occasion "that the way to change our laws is to have the legislature do it in regular session, rather than have the courts declare our legislative enactments unconstitutional."

al."⁵⁸ Yet, three months after the *Brown* decision was announced, Arn declared that Kansans "can especially honor" Booker T. Washington because "our state was settled by men and women unalterably opposed to slavery and Kansas itself was the scene of the bitter prelude to the Civil War."⁵⁹

The response in Kansas to the court's decision in *Brown* varied, from exuberance to indifference to outright derision. O. E. Bittner of Kansas City, evoking the fears of many nineteenth-century Kansas settlers, defiantly declared that his children would "never attend any school which practices non-segregation! Non-segregation will eventually lead to inter-marriage!" Like many Americans, Bittner swore to "never accept or tolerate any social intermingling between the Negro race and myself. I will teach my

58. H. H. Robinson to Edward F. Arn, December 10, 1953, "Segregation," folder 16, Edward F. Arn Administration, Records of the Governor's Office, Library and Archives Division, Kansas State Historical Society; Arn to Robinson, December 12, 1953, *ibid*.

59. Edward F. Arn to S. J. Phillips, August 30, 1954, "Race Relations, 1951-1954," folder 10, *ibid*.

children tolerance of all races, but I will also teach them the difference [*sic*]. You should always remember, Mother Nature has never allowed the beasts of the field or the bird on the wing to mix!"⁶⁰ Tom Barnes, of Independence, expressed similar views. He professed to respect "colored people" as he did whites and abhorred discrimination, yet he also claimed that "God Almighty" had created "definite distinction[s]" between blacks and whites.⁶¹ Others were simply embarrassed by Kansas's involvement in the case. F. J. Cloud, a reporter with the *Leader-Courier* in Kingman, wrote to Kansas attorney general Harold Fatzer:

I have never seen any explanation or excuse of why you horned in on this case to start with. If Topeka, or any other community, wants segregation, let them look out for themselves. You know—or should know—that you[r] action was contrary to the sentiment of a vast majority of Kansas and exposed the state to unjustifiable ridicule.⁶²

Kansas's involvement in *Brown* once it reached the Supreme Court was minimal, in part, perhaps, to minimize the state's association with segregation. Even before the court handed down its ruling the Topeka Board of Education began desegregating its schools. Board member Harold Conrad defended the board's decision to act prior to the court's ruling, declaring that "segregation is not an American practice." The board also hailed the ruling, which board president Jacob Dickenson believed was "in the finest spirit of the law and true democracy."⁶³ The *Topeka Daily Capital* declared that the decision itself was the "greatest victory for the negroes since" the Emancipation Proclamation. The *Daily Capital* believed the ruling would have little impact on Topeka, referring to the board's desegregation plan, but it feared the decision would "arouse the traditional animosities between the races" in the South. The editorial struck a chord of resigned acceptance and respect for the nation's institutions and constitutional

process. It also implicitly suggested that Kansas's involvement in the landmark case was accidental and, in many ways, unnecessary. The nation's real race problems were in the South, which had "persecuted" its slaves "beyond endurance" and "ignored" the provisions of the Fourteenth Amendment.⁶⁴ In many ways Kansans were not different from most other Americans, who also pointed fingers at the South. Racial discrimination, exclusion, and segregation never were confined to the southern United States and the "race question" was always a national, not a regional, issue. African Americans had always known these facts to be true.

If America's rhetoric of freedom and equality rang hollow for African Americans in the twentieth century, how could Kansas's claim as the "free state" have sounded true? Kansas's sense of identity stems primarily from its territorial heritage and the bloody fight against slavery. Bleeding Kansas was no less significant for its twentieth-century residents than it was for its nineteenth-century pioneers. Public memory, historian Michael Kammen has noted, is "ideologically important" because it creates a nation's—in this case a state's—sense of identity.⁶⁵ Yet that identity was paradoxical: Kansans had fought to end slavery, but they also permitted segregation to take root in the free-state soil. Kansas and the United States have not always measured up to the promise of their past. For African Americans in the twentieth century, both in Kansas and across the nation, the struggle for racial equality was in many ways a fight to redeem that promise. They drew on the state's abolitionist legacy in the battle for equality. Other Kansans looked to the state's territorial heritage not for inspiration but rather as justification for the status quo. Bleeding Kansas was proof to them that the state had given its full measure of devotion to the cause of racial equality and had firmly placed Kansas at the forefront of that struggle. Whether Kansas ever totally fulfills its free-state heritage—or the United States its own promise of the past—remains to be seen. A century of struggle by Kansans of color, however, brought both closer to redemption. IKHI

60. O. E. Bittner to Edward F. Am, May 27, 1954, "Desegregation, 1954," folder 12, *ibid*.

61. Tom Barnes to Edward F. Arn, December 9, 1953, *ibid*.

62. F. J. Cloud to Harold Fatzer, July 8, 1954, "Brown v Board Of Education Files, 1951-1953," "Correspondence, May-September, 1954" box 1, re: Brown, Records of the Attorney General's Office, Library and Archives Division, Kansas State Historical Society.

63. Quotation in Dudziak, "The Limits of Good Faith," 351, 378.

64. *Topeka Daily Capital*, May 18, 1954.

65. Michael Kammen, *Mystic Chords of Memory: The Transformation of Tradition in American Culture* (New York: Alfred A. Knopf, 1991), 5, 13.