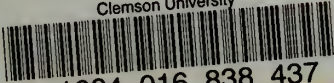


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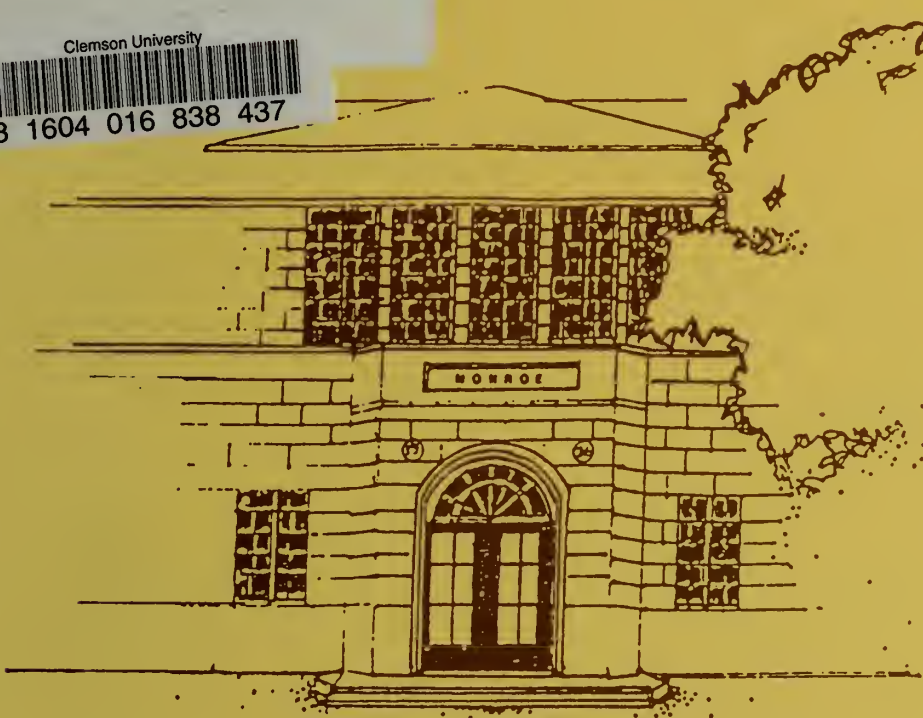


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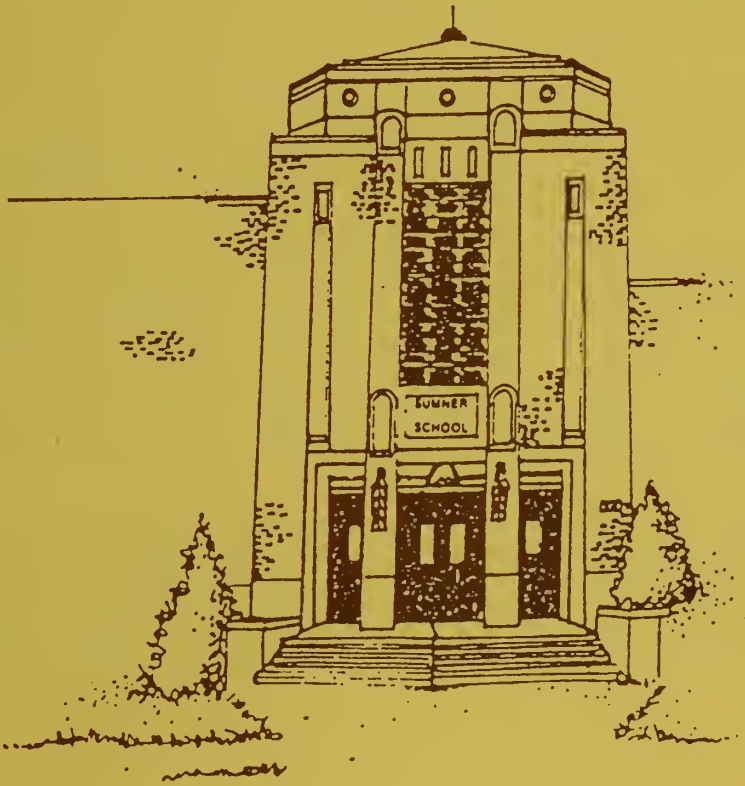
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Management Alternatives Study and Environmental Assessment



NATIONAL PARK SERVICE
MIDWEST REGION



MARCH 1992

SUMMARY

The Sumner and Monroe Elementary Schools, located in Topeka, Kansas, serve to commemorate the landmark 1954 U.S. Supreme Court decision of Brown v. Board of Education (hereinafter Brown v. Board or Brown). In this case, Oliver Brown and twelve other plaintiffs successfully challenged an 1879 Kansas law that permitted segregation of races in elementary schools. The Court concluded that "separate educational facilities are inherently unequal," and as such, violate the 14th Amendment to the U.S. Constitution which guarantees all citizens "equal protection under the law."

Sumner Elementary, the school that refused to enroll Mr. Brown's daughter, Linda, because she was black, is administered by the Topeka Board of Education. Sumner School was designated a National Historic Landmark (NHL) in 1987. Monroe Elementary, the segregated school attended by Ms. Brown at the time of the 1954 case, closed in 1975 due to declining enrollment. The building is privately owned and is currently vacant. Other sites related to the Brown case, in both public and private ownership, are scattered throughout Topeka.

In September 1990, Senators Dole and Kassebaum and Representative Glickman of Kansas wrote to Secretary Lujan requesting a NHL study be conducted for Monroe Elementary. The issue of possible inclusion of the Brown v. Board sites within the National Park System was also raised. In response, the Secretary agreed to investigate a NHL nomination for the Monroe School and to consider a study to determine the suitability of the site for inclusion in the National Park System.

In April 1991, the Director of the National Park Service (NPS) advised the Kansas Delegation that the Service would begin a "Topeka sites management options study" during 1991 and that the (NHL) nomination for the Sumner School had been revised to include the Monroe School as a "contributing and co-equal element." In October 1991, the NPS submitted the revised Sumner/Monroe NHL nomination to the National Park System Advisory Board. The Board concurred in the revised nomination and Secretary Lujan added the Monroe School to the NHL register on November 12, 1991. NHLs are, by definition, nationally significant.

The Study began in June 1991, with a visit to Topeka by a team of NPS planners who met with the Kansas State Historic Preservation Officer and other interested parties, hosted a public meeting, and visited the school neighborhoods.

This Study identifies four (4) alternatives and outlines several management options under which these sites could be interpreted and the Monroe School preserved. They are: A) No Action; B) Brown v. Board National Historic Site; C) Management of the Topeka Sites by the Brown Foundation; and D) Partnerships for Protection - Option One: Private Coalition. Option Two: NPS Affiliated Area. Option Three: Federal Commission. The Study also addresses the issues of suitability and feasibility of the Topeka sites as a potential unit of the National Park System.

For each alternative there is a brief description and assessment of a management concept for the sites: how cultural resources could be managed and interpreted for visitors; future development; potential economic and environmental impacts; and estimated costs are also discussed. This report contains no recommendation on which of these alternatives should be pursued.

BROWN V. BOARD OF EDUCATION MANAGEMENT ALTERNATIVES STUDY

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I. INTRODUCTION

Purpose and Scope

This report documents the results of a Management Alternatives Study conducted by the National Park Service regarding several sites in Topeka, Kansas, associated with the 1954 Brown v. Board of Education Supreme Court decision. This study was initiated at the request of several members of the Kansas delegation to the United States Congress. This project developed and assessed a range of options for the possible future management, protection, interpretation, and use of the sites. The study was conducted in accordance with established NPS planning processes. The questions of suitability and feasibility, as related to the issue of potential additions to the National Park System, are also addressed.

The National Park Service has a long-standing interest in identifying and commemorating significant cultural resources. The Topeka sites serve to commemorate the landmark 1954 U.S. Supreme Court Brown v. Board decision. In this case, Oliver Brown and twelve other plaintiffs challenged an 1879 Kansas law that permitted segregation of races in elementary schools. The Court concluded that "separate educational facilities are inherently unequal," and as such, violate the 14th Amendment to the United States Constitution which guarantees all citizens "equal protection under the law."

Background

On September 17, 21, and 25, 1990, respectively, Representative Dan Glickman, Senator Robert Dole, and Senator Nancy Kassebaum of Kansas wrote to Interior Secretary Lujan requesting a National Historic Landmark study be conducted for the Monroe School and raised the issue of possible inclusion of the several Brown v. Board of Education sites in the National Park System.

The Secretary agreed to investigate a NHL nomination for the Monroe School and indicated a NPS historian familiar with the sites would visit Topeka to initiate the process. In response to the second issue, that of possible designation of the school as a unit of the National Park System, the Secretary pointed out that "to be eligible for favorable consideration . . . a resource must meet established criteria for significance, suitability, feasibility, and management alternatives." He further stated that "if (the) survey of the site confirms that it meets the standards for national significance, we will be pleased to consider programming further studies to determine the suitability of this site for inclusion in the National Park System, subject to the availability of funds and the need to address other study priorities."

On April 17, 1991, the Director of the National Park Service advised members of the Kansas delegation that the NPS would begin the Topeka sites management options study during Fiscal Year 1991 and that the (NHL) nomination for the Sumner Elementary School would be revised to include the Monroe Elementary School as a contributing and co-equal element.

The issue of national significance for several of the Topeka sites has already been determined. Sumner Elementary, the school that refused to enroll Linda

Brown because she was black, was designated a National Historic Landmark on May 4, 1987. The NHL nomination for the Sumner School was revised in 1991 to include Monroe Elementary, the segregated school attended by Ms. Brown prior to the 1954 case, as a contributing and co-equal element to the NHL. The NPS submitted the revised Sumner/Monroe Schools NHL nomination at the Fall 1991 meeting of the National Park System Advisory Board. The Advisory Board concurred in the finding of the revised nomination and Secretary Lujan designated the Monroe School as a NHL on November 12, 1991.

Constraints

Current NPS policy requires that studies that may ultimately involve legislation resulting in additions to the National Park System or that could result in use of NPS budget authority be as objective as possible. No positions are taken in study documents or until the NPS is requested to testify on legislation pending before the Congress.

Summary of Public Involvement

An informal public meeting, designed to seek input regarding this study, was held at the Kansas State Historical Society Auditorium in Topeka on June 25, 1991. Approximately 35 people attended. Comments from the public centered upon the need to act quickly to preserve the Monroe Elementary School and interpret the impact of the Brown v. Board decision to the American people. Several comments were received relating to the need to "include everyone with an interest" in the management and interpretation of this historic event. Other participants related a desire to somehow incorporate the story of black heritage and the history of the Civil Rights Movement in Topeka as part of the interpretive effort.

In early July, letters were sent to individuals, agencies, and organizations identified as having a potential interest in this project, to request their early involvement and solicit their input. Fourteen responses were received. A breakdown of the issues raised by elected officials, agencies, individuals, and organizations who responded is found in Table 1. All respondents supported the concept of the Monroe School NHL nomination and several offered further support as appropriate to their specific interests.

Table 1. Summary of Public Comments

<u>Comment</u>	<u>No. of Responses</u>
Support expanded NHL Nomination to include Monroe School	14
Offer assistance appropriate to agency/organization's mission	4
Support Washburn University as the repository of <u>Brown</u> archives	2
Support efforts to "preserve" the Monroe Elementary School	2
Interpret contributions of the black community to Topeka	2

Individuals, Agencies, and Organizations Contacted

Office of U.S. Senator Robert Dole
Office of U.S. Senator Nancy Kassebaum
Office of U.S. Representative Jim Slattery - 2nd District - Kansas
Office of U.S. Representative Dan Glickman - 4th District - Kansas
Office of Kansas Governor Joan Finney
Black Historical Society of the Topeka Metropolitan Area, KS.
Black Attorney's Association, Topeka, KS.
Brown Foundation for Educational Equity, Excellence and Research
City of Topeka, Mayor's Office
City of Topeka, Community and Economic Development
Historic Topeka, Inc.
Kansas State Historical Society (State Historic Preservation Office)
Board of Education of Topeka, USD #501
Monroe School Community Task Force
Washburn University, School of Law

Issues and Concerns

The major concern, which surfaced during the course of the study, involved the need for timely preservation of Monroe Elementary to forestall further deterioration which is occurring despite the current owner's maintenance efforts and to deter any further vandalism. Local residents hold the historic role the Monroe School played in the life of their community in high regard.

A feeling within the community and expressed at the public meeting involved an opinion that the interpretive themes should expand beyond the immediate 14th Amendment and Brown v. Board issues. The history of the black community in Topeka, "Bleeding Kansas," and the story of the Civil Rights Movement in Kansas were among the additional interpretive themes mentioned.

Several groups and organizations contacted commented that the Washburn University School of Law should continue to be the major repository of the archival records and materials related to the Brown case.

II. DESCRIPTION OF THE STUDY AREA

Regional Setting and Access

Topeka, a city of approximately 120,000 people and the State capital, lies in the northeast corner of Kansas. Major highway access to Topeka is provided by Interstate Highway 70, connecting to the Kansas City metropolitan area (60 miles east), and Denver, Colorado (540 miles west). The Kansas Turnpike (Interstate 335) and Interstate 35 connect Topeka with Wichita, (135 miles southwest). The major north-south highway serving Topeka is U.S. 75 connecting to Omaha, Nebraska (160 miles north) and Tulsa, Oklahoma (230 miles south). (Figure 1) Topeka is served by commercial air, rail, and bus service. The sites related to this study are located in the immediate area of downtown Topeka. (Figure 2)

Significant Sites related to the Brown v. Board Decision

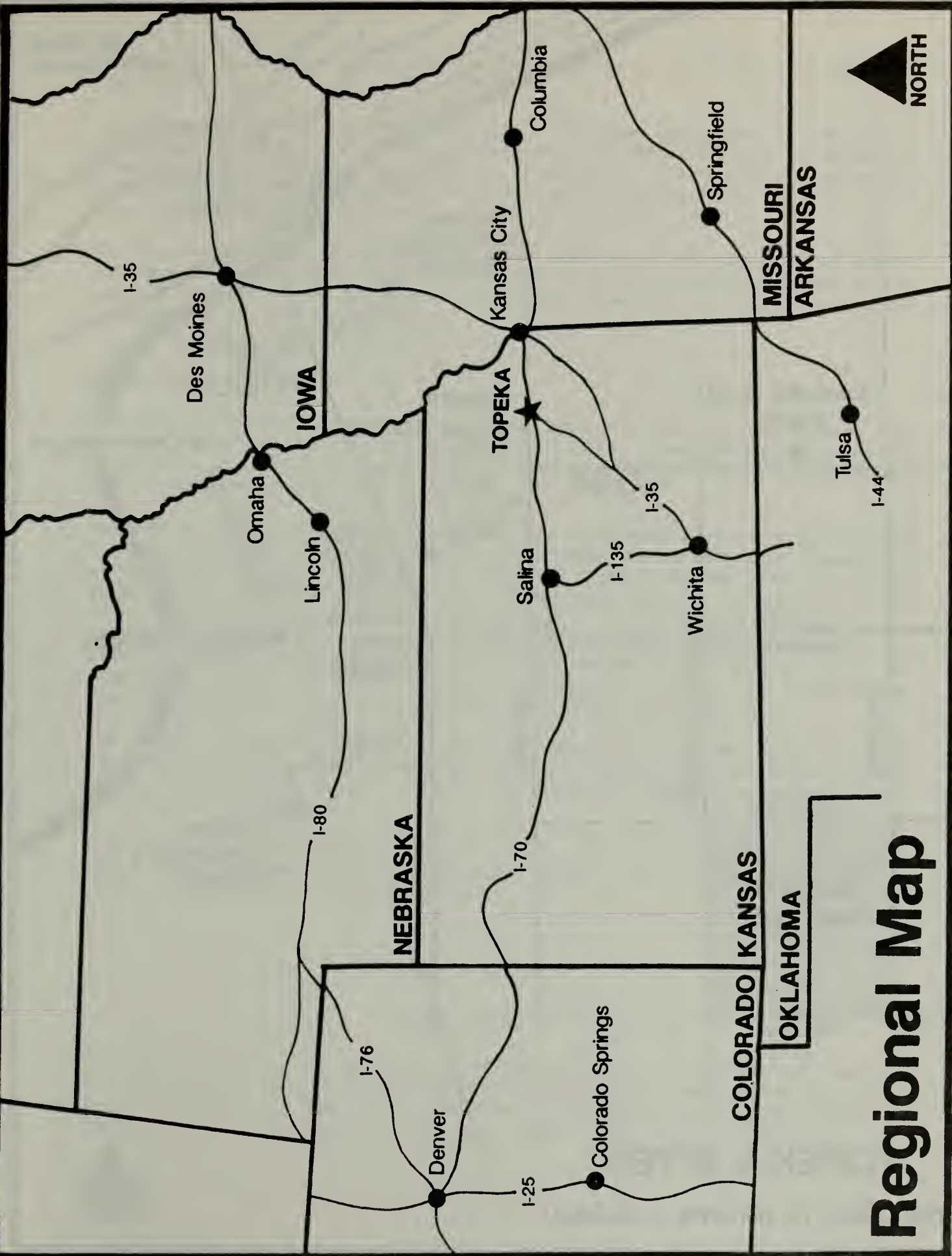
Monroe Elementary School

The Monroe Elementary School (Figure 3), located at 1515 Monroe Street, was constructed in 1926 by the School Board of Topeka. The architect was Thomas W. Williamson who designed all the public schools in Topeka from 1912 through the 1950s, including Sumner Elementary and Topeka High Schools.

The Monroe School is a two-story, five-bay, red brick Italian Renaissance style building and stands on an ashlar cut limestone foundation. A low-pitched, asphalt shingle clad, hipped roof with wide, overhanging eaves surmounts the building. The school measures 61 feet north-south and 174 feet east-west overall and has an eastern facade orientation. A flat-roofed gymnasium projects centrally from the building's western elevation, measuring 15 feet east-west, and 72 feet north-south. The School is situated on a 2.017 acre lot and fronts onto a large grassy park. The immediate neighborhood of the Monroe School is mixed residential and low-density commercial/industrial.

At the time of its construction, the Monroe School was one of four elementary schools in Topeka serving the black community. The other black schools were Washington Elementary, McKinley Elementary, and Buchanan Elementary. The Washington School no longer survives. McKinley and Buchanan Schools survive, but are no longer owned by the Topeka Board of Education and have been converted to other uses.

The Monroe School closed in 1975 due to declining enrollment. It is owned by Mr. Mark Stueve, President of S & S Builders, Inc. of Topeka. The building is not occupied. Routine maintenance and upkeep are performed by Mr. Stueve's firm. Since acquiring the structure, the owner has removed previously remodeled areas, tuck-pointed the exterior masonry, repaired and replaced roofing, repaired and replaced windows, and abated asbestos insulation from all heating pipes and equipment. The interior and exterior of the School retain a high degree of structural and architectural integrity although some of the second-floor classroom walls have been removed. Most of the original wooden doors, floors, and paneling in the school survive. The Monroe School is essentially the same today as it was in 1954 when Linda Brown attended classes there.



Regional Map

FIGURE 1

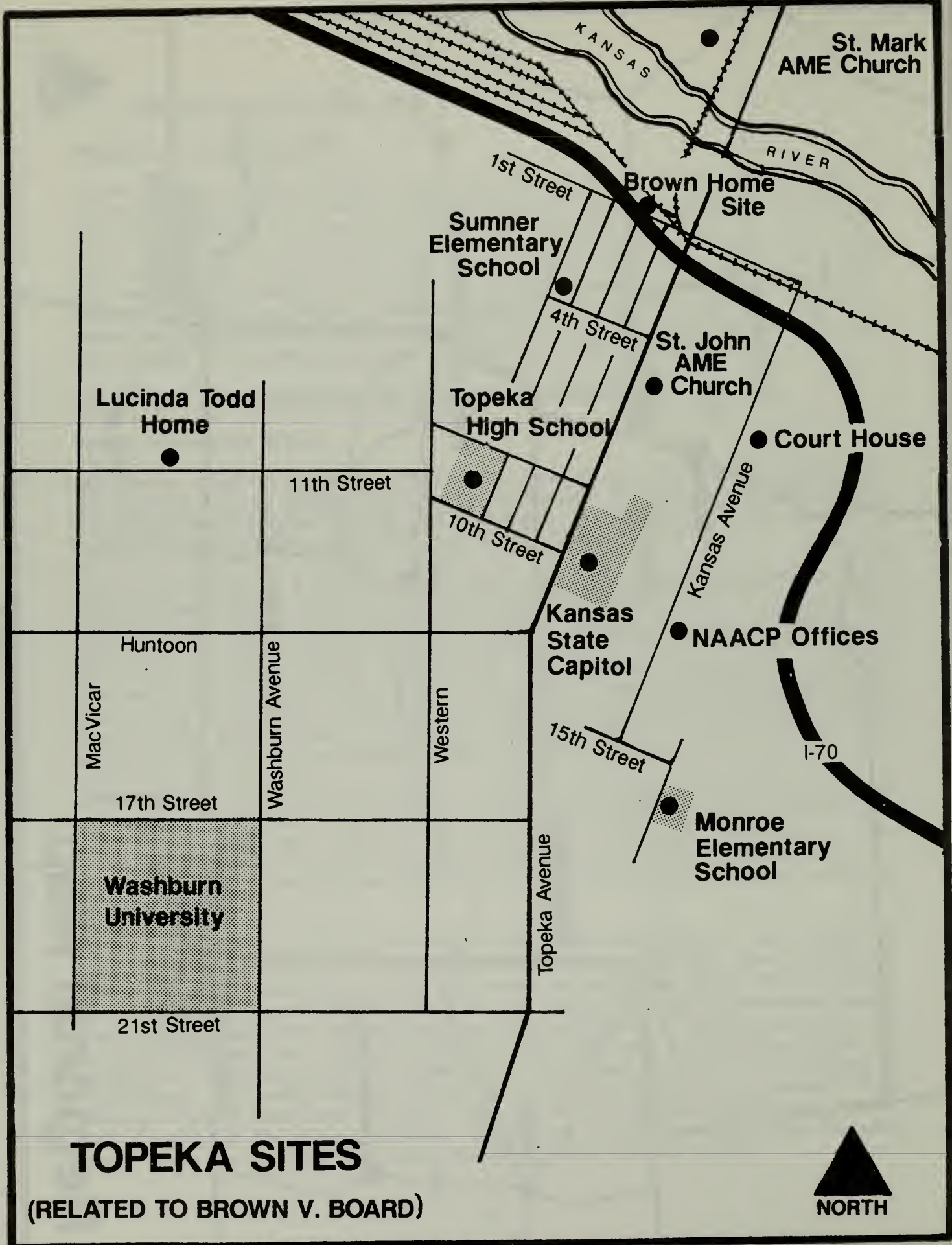


FIGURE 2

The Monroe Elementary School was designated a National Historic Landmark in November 1991.

In August 1991, staff from the Historic Preservation Department of the Kansas State Historical Society conducted a survey of the Monroe School to determine its structural condition and prepare an estimate of the costs involved to stabilize the structure. Based on their report (see Appendix B), the Monroe School building is currently in very good condition.

Initial stabilization costs, including the replacement and reglazing of broken and damaged windows, could approach \$30,000 based on estimates provided by the current owner. Other restoration costs are dependent on the ownership and ultimate use of the structure.

Sumner Elementary School

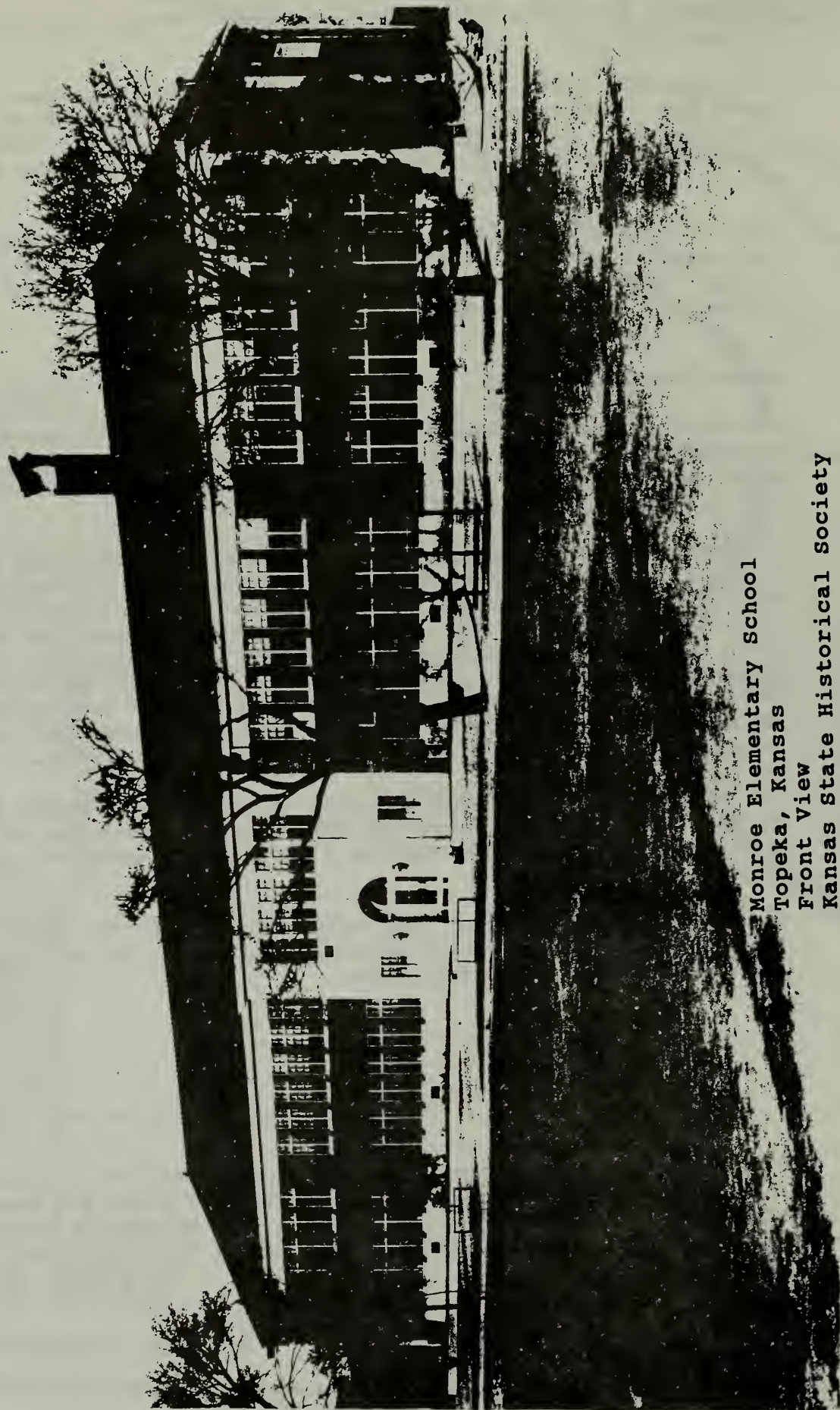
The Sumner Elementary School (Figure 4), located at 330 Western Avenue, was constructed in 1936 by the School Board of Topeka. The school stands on 3.6 acres and contains 31,306 square feet. The school has 17 rooms (10 classrooms) with a capacity of 240 students and 30 staff members.

The Sumner School was originally designed as a two-story, brick structure with 13 rooms, a tower, a basement, and an auditorium. The exterior is enhanced by stone decorative bas reliefs in the art deco style. In the years since its construction, the school has undergone several renovations. For example, in the 1930s, manual training and cooking were taught in the elementary school. As the curriculum changed, these rooms were converted to a media center and a teacher's lounge. In other remodelings, the auditorium became a multi-purpose room, the tower was renovated to contain a special reading classroom, and the basement was remodeled to contain a playroom and two additional classrooms.

The Sumner Elementary School is still in use and the Topeka #501 Board of Education has continued to modernize and repair the building as necessary to meet the continuing needs of its students. The school is essentially the same today as it was in 1954.

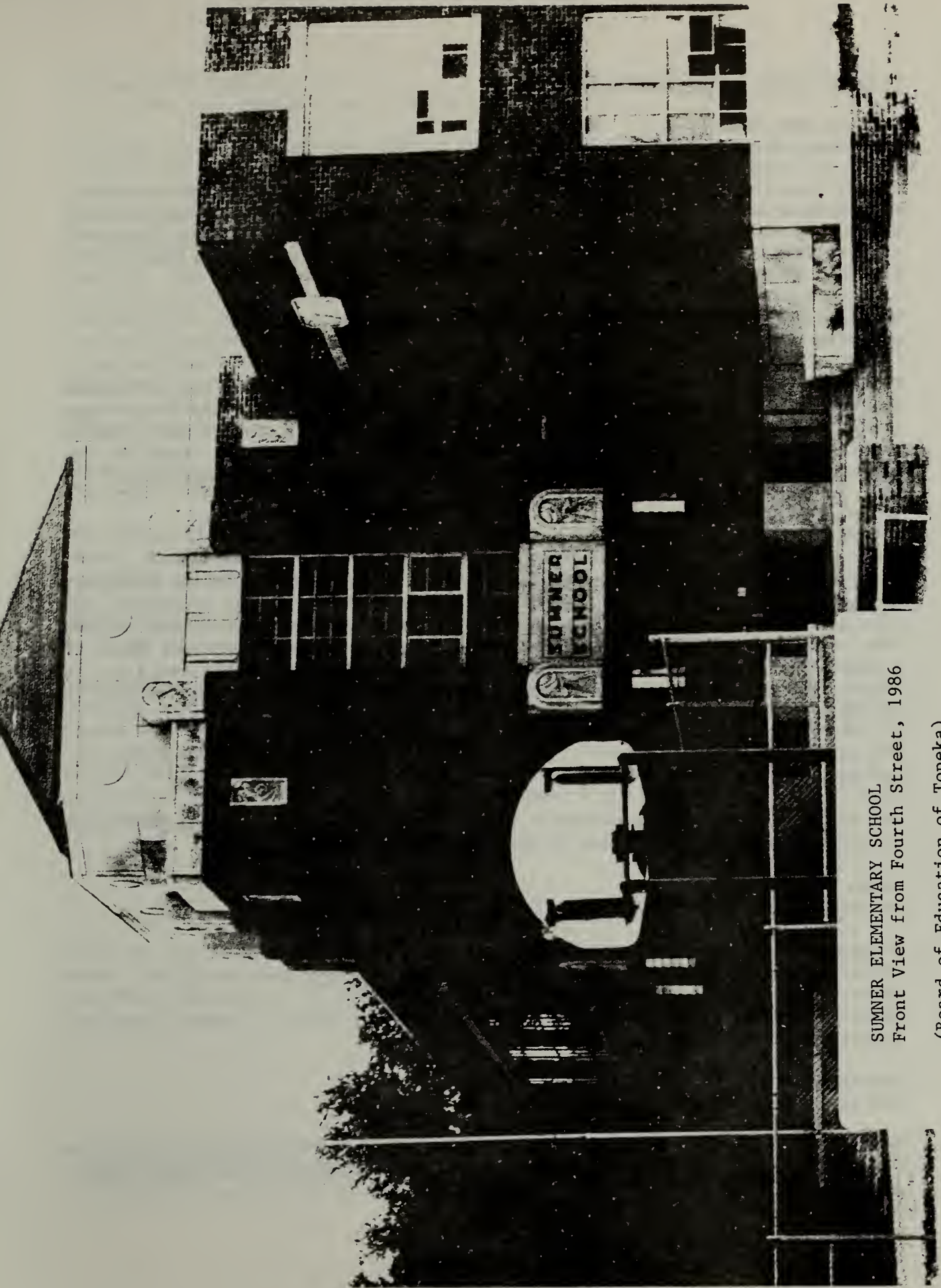
The Sumner Elementary School was designated a NHL in May 1987. Although the Sumner School is an operating elementary school, it is frequently visited by persons interested in the Brown case.

(Information in this section is adapted from the National Register of Historic Places Registration Form for the Sumner Elementary School and Monroe Elementary School (1991) by Dr. Harry A. Butowsky and from information supplied by Martha Hagedorn-Krass, Architectural Historian, Kansas State Historical Society.)



Monroe Elementary School
Topeka, Kansas
Front view
Kansas State Historical Society
Date Unknown

FIGURE 3



SUMNER ELEMENTARY SCHOOL
Front View from Fourth Street, 1986

(Board of Education of Topeka)

FIGURE 4

Related Sites in the Topeka Area

Lucinda Todd Home

1007 Jewel Street

In the late 1940s and early 1950s, Lucinda Todd was the local NAACP secretary. Mrs. Todd, also a plaintiff in the case, is credited with contacting the national office of the NAACP requesting their assistance. NAACP attorneys and the plaintiffs planned the Brown case around the dining room table in Mrs. Todd's home.

Topeka High School

800 West 10th Street

Topeka High School is the city's oldest high school. While the City of Topeka operated a dual school system at the elementary level, the senior and junior high schools were integrated, at least on the surface. Students could attend classes together, but athletic and social events remained segregated. Many of the plaintiffs and attorneys involved in the Brown case attended classes here.

St. Mark AME Church

801 NW Harrison Street

The Reverend Oliver Brown served as pastor of the St. Mark African Methodist Episcopal (AME) Church. The Brown family occupied the parsonage located at the site of the present-day parking lot. It was while serving this church in 1954 that Reverend Brown learned of the Supreme Court decision after three years of proceedings. A portrait of Reverend Brown and his daughter Linda hangs in the church foyer. In 1959, Reverend Brown was reassigned to serve a church in Springfield, Missouri.

St. John AME Church

7th and Topeka Boulevard

Oliver Brown served as the assistant pastor and sexton of the St. John AME Church at the time the suit was filed in the Brown case (1951).

Brown Home

No longer extant

Freeway construction has obliterated the site of the house near 1st and Polk Streets where the Brown family lived at the time the Brown case was filed. Linda Brown walked from here east along the railroad tracks to 1st and Kansas Avenue where she caught the school bus to Monroe Elementary School. Sumner Elementary School is several blocks away at 330 Western Avenue.

Courthouse

5th and Kansas Avenue

Until 1976, the Main Topeka Post Office housed the Federal District Court on the second floor. This was the site of the initial proceedings in the Brown v. Board of Education case.

Kansas State Capitol

8th & 10th and Jackson & Harrison Streets

In 1879, the Kansas State Legislature granted the authority to segregate schools, except high schools, to communities with more than 15,000 residents. In 1903, William Reynolds filed suit against the Topeka Board of Education after he unsuccessfully tried to enroll his son in a "whites only" school. The Supreme Court of Kansas, citing Plessy v. Ferguson and other cases, upheld the segregation of schools in Topeka. In 1951, the school segregation law [Kan. Gen. Stat. 72-1724 (1949)] was again challenged by the NAACP before the 10th District Court of Appeals in Topeka. This Court found that separate facilities were substantially equal, upholding Plessy. In 1954, this case (Brown) was appealed to the U.S Supreme Court. During this period the State Capitol housed the Kansas Attorney General's Office and the State's law library. Briefs for both the 10th District Court of Appeals case and the United States Supreme Court case were written there. The Kansas Supreme Court and law library were moved from the Capitol across 10th Street to the new Judicial Center in the mid-1970s.

NAACP Offices

724 Kansas Avenue

The second floor of this downtown building once housed the law offices of Scott, Scott, Scott, and Jackson. This firm included the local NAACP attorneys who prepared the groundwork for the Brown case.

Washburn University

17th and College Avenue

Many of the local attorneys who worked on the Brown case, including John Scott, Charles Scott, and Charles Bledsoe, attended the School of Law on the Washburn University campus. A plaque and sculpture entitled Common Justice, honoring the plaintiffs and attorneys involved in the Brown case, is located in the School of Law Building. The Washburn University Law Library has a special interest in collecting materials related to all legal aspects of the Brown case and in being the major repository for those materials.

(Information in this section is adapted from unpublished manuscripts entitled Background Information on Monroe Elementary School and Brown v. the Topeka Board of Education: Tour of Historic Sites by Cheryl Brown Henderson)

Land Ownership and Use

Monroe Elementary School -- The Monroe School closed in 1975 due to declining enrollment. The school building and grounds, including a large grassy area immediately across Monroe Street to the east, is privately owned by Mr. Mark Stueve, President of S & S Builders, Inc. of Topeka. The building is not occupied. It was purchased in 1985 for use as a warehouse. In 1990, an auction was scheduled to dispose of the building. When Mr. Stueve realized the importance of the building and its relationship to the Brown decision, the sale was cancelled. Mr. Stueve's firm continues to provide routine maintenance and upkeep on the structure. The neighborhood surrounding the Monroe School has changed over the years from primarily residential to a mixture of residential, low-density commercial, and industrial properties. The City of Topeka and local developers have proposed a combination shopping area and residential development that would eventually extend from the downtown Topeka area south to the Monroe School.

Sumner Elementary School -- The Topeka Board of Education owns and operates Sumner Elementary School. In 1987 the Sumner School was designated a National Historic Landmark. The area surrounding the Sumner School is zoned multiple family residential.

The boundaries of the Sumner and Monroe Elementary Schools properties considered in this study conform to the boundaries established in the National Historic Landmark designation. They are identical to the school property boundaries in place at the time of the 1954 Brown v. Board of Education decision (See Appendix A).

Other sites associated with the Brown case remain in a mix of private and public ownership. No Federal, State or local acquisition of these properties, for park or other related purposes, is proposed.

Todd Home -- Private

Topeka High School -- Topeka Board of Education

St. Mark AME Church -- Private

St. John AME Church -- Private

Former Federal District Courthouse (U.S. Post Office) -- Federal

Kansas State Capitol -- State of Kansas

Former Scott, Scott, and Jackson (NAACP) Law Offices -- Private

Washburn University -- City of Topeka

III. STATEMENT OF SIGNIFICANCE

The Sumner and Monroe Elementary Schools are significant in American history because of their association with the case of Brown v. Board of Education (1954), in which the Supreme Court concluded that "separate educational facilities are inherently unequal" thus effectively denying the legal basis for segregation in 21 states with segregated schoolrooms and starting a revolution in the legal status of black Americans that continues to this day. The Sumner Elementary School is the school that refused to enroll Linda Brown because she was black, thus precipitating the case that gave its name to the Supreme Court's 1954 decision. The Monroe Elementary School is the segregated school that Linda Brown attended before the Supreme Court's 1954 decision. The location of both schools in Topeka and the quality of education they provided to Linda Brown and the other plaintiffs in the case, were material to the finding of the Supreme Court in the Brown decision.

The Sumner (1987) and Monroe (1991) Elementary Schools are listed on the National Register of Historic Places as National Historic Landmarks, thus their national significance is established. These sites represent the interpretive themes of American Constitutional History, Law, and Civil Rights.

Historical Background

The Constitution of the United States was conceived during the summer of 1787, when 55 delegates from the young United States of America met in the State House at Philadelphia, the same building in which some of them had approved the Declaration of Independence 11 years before. Their labors, through four months of debate behind closed doors, produced the U.S. Constitution, a document calculated "to form a more perfect union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the blessings of Liberty to ourselves and our posterity."

As the delegates left Philadelphia and the ratification process began, Tench Cox, an observer of the proceedings and early supporter of the Constitution wrote, "There is no spirit of arrogance in the new Federal Constitution. When experience has taught us its mistakes, the people whom it preserves, absolutes all powerful, can reform and amend them."

What Tench Cox recognized was that the Constitution as written in 1787 was not a perfect document. The preservation of our liberties was the responsibility of each new generation of Americans through the continual interpretation and, if necessary, revision of the basic document.

In the more than 200 years since 1787, the U.S. Constitution has proved the most successful blueprint for popular sovereignty in human history. During these years, the United States has evolved from a small agricultural nation of some five million people to an industrial giant of more than 240 million people. In these years, the Constitution has changed and evolved to meet new demands and conditions never foreseen by our forebearers.

The Constitution Evolves

The evolution of Constitutional doctrine, as foreseen by Tench Cox, took place many times in American History. The most significant of these changes took place in the years after the Civil War when reform minded Republicans and Union Democrats sought to insure that the newly freed slaves enjoyed the same measure of equality and opportunity that white Americans did. Through their control of the Congress, the Republican Party initiated programs designed to accomplish these ends. In 1865 and 1866, Congress funded the Freedman's Bureau to feed, clothe, and protect the ex-slaves and passed Civil Rights Acts to outlaw varied forms of segregation. In addition, Congress passed the 13th Amendment (1865) to outlaw slavery, the 14th Amendment (1868) to extend Federal citizenship to blacks, and the 15th Amendment (1870) to protect black Americans' right to vote. Congress backed up these efforts with the passage of a comprehensive Civil Rights Act in 1875.

In spite of these efforts, the tide of events was running against the effort to secure full civil equality for the ex-slaves. In state after state in the South, the conservative white leadership of the Democratic Party regained control of the political machinery and, through a process of legislation and intimidation, eliminated black participation in the political process and instituted a policy of racial segregation. After 1877, support for Civil Rights from the Congressional and Executive Branches of government waned and black Americans turned to the courts to fight for and secure their Civil Rights.

The key to this effort to secure full civil and political rights for black Americans rested squarely on the 14th Amendment to the Constitution, which stated, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The author of that first clause in the 14th Amendment, U.S. Representative John Bingham of Ohio, fully intended that the Bill of Rights should limit the power of the individual states as well as that of the Federal government. Only the Federal government, acting under the authority of the 14th Amendment and the various Civil Rights Acts, could guarantee the full civil and political equality of the ex-slaves. From time to time, before the Civil War, the states had denied the equal protection of the laws to citizens. The 14th Amendment, Bingham believed, changed all that and nationalized Civil Rights, but it did so in a way that respected the traditional Federal-State relationship. Although the states would continue to be the principal regulators of personal liberty and Civil Rights, they would now do so under the supervision of the Federal government.

Even with the 14th Amendment and the various Civil Rights Acts, enormous obstacles still impeded Federal Civil Rights enforcement. These obstacles included the opposition of the majority of whites in the South and the country's traditional deep-seated commitment to federalism.

The Obstacles Continue

The Slaughterhouse Cases in 1873 presented the Supreme Court with its first opportunity to review and interpret the 14th Amendment. These cases involved butchers who were excluded by a monopoly granted by the Louisiana legislature to a New Orleans slaughterhouse and who therefore claimed that the legislature had denied them property rights guaranteed under the 14th Amendment. The Court, in an exceedingly narrow interpretation of the 14th Amendment, held that the butchers were not denied the privileges and immunities of citizens of the United States guaranteed by the 14th Amendment, since this amendment protected only Federal rights, such as travel upon the high seas, governmental protection in foreign countries, and the availability of the writ of habeas corpus. Most rights flowed from state citizenship, including the property rights of the butchers, and were not protected by the 14th Amendment. Thus, as a practical matter, the definition and protection of the rights of citizens were left to the states. The implications of the Slaughterhouse Cases for blacks were ominous.

Local authorities soon saw that this principle could be used to establish jurisdiction over the lives of black citizens and make the 14th Amendment impotent as an instrument for their protection. This was precisely what happened once Radical Republican politicians were driven from office in the South. Black citizens were deprived of their basic Civil Rights.

In the years after 1873, the Supreme Court continued narrowly to interpret the 14th and 15th Amendments and the Civil Rights Acts. In the case of United States v. Cruikshank (1876), in which scores of Louisiana whites were indicted under the Enforcement Act of 1870 for conspiracy to deprive blacks of their rights as United States citizens, Justice Joseph P. Bradley held that the 14th Amendment authorized Federal legislation only against State action denying rights. Under the 13th and 15th Amendments, Congress could prohibit private denial of rights, Bradley reasoned, but only where the denial was motivated by racial hostility rather than ordinary criminal intent. Since the government's indictment of the rioters failed to specify their intention to deprive blacks of Civil Rights because of race, Bradley found it invalid.

Similarly, in the Civil Rights Cases of 1883, the Supreme Court struck down the Civil Rights Act of 1875, because it was directed against private discrimination and not State action. Speaking for the Court, Justice Bradley said the 14th Amendment "does not authorize Congress to create a code of municipal law for the regulation of private rights; but to provide modes of redress against the operation of State laws, and the action of State officers, executive or judicial, where these are subversive to the fundamental rights specified in the Amendment."

The combined impact of the Court's decisions in these cases was devastating for black Americans. Having been abandoned by the Legislative and Executive branches of the Federal Government, black Americans found no help in the Courts. For all practical purposes the question of Civil Rights was dropped from the national agenda, although the ultimate abandonment of Civil Rights did not come until 1896 with the case of Plessy v. Ferguson, in which the Supreme Court found no constitutional objection to a Louisiana law requiring separate railway coaches

for whites and blacks if blacks were furnished accommodations equal to whites. Formal racial classification, which the Court had earlier condemned, was thus sanctioned by the Court.

The Modern Civil Rights Struggle

The achievement of Civil Rights for black Americans in the twentieth century did not require a change in the Constitution as much as the fulfillment of the original intention of the framers of the 13th, 14th, and 15th Amendments to the Constitution. The purpose of these amendments was to integrate the freed slaves into the political and social order on the basis of legal equality. Reconstruction fell short of this goal, and in the late nineteenth and early twentieth centuries, patterns of discrimination between and physical separation of the races that had begun to take shape in the South after the Civil War were transformed into legally sanctioned segregation and disenfranchisement.

At the center of the struggle for equal Civil Rights was the case of Plessy v. Ferguson, (1896), in which the Supreme Court established the doctrine of separate but equal in the use of public transportation facilities. While the Plessy decision itself did not involve the issue of schools, the principle carried over. The segregation of whites and blacks was valid if the facilities were equal, since it is the equal protection of the laws that is guaranteed by the 14th Amendment.

At first, the Supreme Court was extremely lenient in construing what this equality required when it held in Cummings v. County Board of Education (1899) that there was no denial of equal protection of the laws in the failure of a southern county to provide a high school for sixty black children, although it maintained a high school for white children. The Court was satisfied with the county's defense that it could not afford to build a high school for black children. In other cases dealing with segregation which reached the Supreme Court after Plessy, the doctrine of separate but equal was followed and never reexamined. The Court seemed content with the Plessy decision. For example, in Berea College v. Kentucky (1908), the Court held that the State could forbid a college, even though a private institution, to teach whites and blacks at the same time and place. This left no doubt of the validity of the laws requiring the education of white and black children in separate tax-supported schools.

During the forty-year period after 1914, the Court, applying more rigid standards of equality, began to find that black plaintiffs were being denied equality of treatment as specified in the Plessy decision. In McCabe v. Atchison, T. & S. Ry. Co. (1914), an Oklahoma law was held not to accord equal accommodations to blacks and whites when it allowed railroads to haul sleeping, dining, and chair cars for the exclusive use of whites without providing them on demand for blacks. In Missouri ex rel. Gaines v. Canada (1938), the Court held that Gaines, a black man, was entitled to be admitted to the law school of the University of Missouri, without other and proper provision for his legal education within the state. Thus, Missouri did not have a separate and equal law school for black people and thus had to admit Gaines to the law school of the University of Missouri. In Sweatt v. Painter (1950), the Court rejected the argument from Texas that its new law school for blacks afforded an educational opportunity equal to those at the University of Texas Law School.

Historical Background: The Kansas Connection

The history of Kansas is closely connected with the history of the Civil Rights struggle in the United States.

By the 1850s the struggle over the extension of slavery within the territories of the United States had reached a fevered pitch. With the outlook for foreign expansion dim, southern politicians began a fateful effort to push slavery into that part of the Louisiana Purchase hitherto reserved as free soil. Democratic Senator Stephen A. Douglas of Illinois was anxious to pass a bill providing territorial government for Kansas and Nebraska to facilitate the start of a transcontinental railroad that might terminate in Chicago. Senator David R. Atchison of Missouri, representing a slaveholding constituency across the Missouri River, had staked his political life on a promise that his constituents would be able to take their slaves into the new territory. Atchison joined with a group of southern senators to demand that no territorial bill would pass unless it contained a clause repealing the Missouri Compromise prohibition of slavery.

During congressional debates over the Kansas-Nebraska Bill, Stephen Douglas accepted the challenge to "engage in competition for the virgin soil of Kansas." Douglas argued that the bill was simply the extension of the democratic "popular sovereignty" principle already applied to the New Mexico and Utah territories.

The passage of the Kansas-Nebraska Act in 1854 opened the way for proslavery and antislavery forces to meet physically and to compete over whether Kansas would become a slave state or free state. The State was soon filled with violence and bloodshed as proslavery and antislavery factions contended for control of the territorial government giving Kansas two competing territorial legislatures--a free-soil government in Topeka and a proslavery government in Lecompton. In May 1856, a proslavery mob entered Lawrence, Kansas, and smashed the offices and presses of a free-soil newspaper. Three days later John Brown led a small band of followers, including his four sons, to a proslavery settlement near Pottawatomie Creek, where they dragged five men out of their cabins and hacked them to death with swords.

The violence in Kansas soon spilled over to Washington, D.C., when Congressman Preston Brookes of South Carolina beat Senator Charles Sumner of Massachusetts senseless at his desk with a cane. Sumner's beating was a result of his relentless attacks on the proslavery leadership of the Senate and especially Senators Atchison of Missouri and Andrew P. Butler of South Carolina.

While the attempt to apply the popular sovereignty principle was deepening the chaos in both Kansas and Washington, D.C., the Supreme Court in March 1857, issued its opinion in the celebrated Dred Scott case. In this opinion, Chief Justice Roger B. Taney denied Scott's contention that he had been made free by residence in the free territory of Iowa, saying that Congress could not bar slavery from the territories.

The moral rhetoric and violence in Kansas demonstrated two competing visions for the future destiny of the United States. The North saw itself as the land of expanding commerce and independent agriculture inhabited by self-made freeholders who believed in individualism and democracy. The "free-labor" system of the

North offered equality of opportunity and upward mobility. For the South, where one person in three was a black slave, racial distinctions and paternalistic relationships were crucial in maintaining the existing social order and white supremacy. Southerners believed that democratic principles were best preserved in local political units such as the states which served to preserve the southern way of life.

The issue of statehood for Kansas was not resolved until after the secession of the states from the deep south when an anti-slavery Constitution was adopted and Kansas was finally admitted to the Union as the thirty-fourth state. Under the new Constitution, Kansas would admit free blacks to the State, but would not allow them the right to vote.

From the end of the Civil War until 1890, Kansas grew rapidly and prospered. The passage of the Homestead Act of 1862 and the coming of the railroads promoted rapid growth. Included in the migrants to Kansas were thousands of newly freed slaves. At first, the "Exodusters," as these immigrants were called, were welcomed and treated kindly. As their numbers grew, violence threatened. In 1879, the Kansas legislature granted first-class cities, then defined as those with more than 15,000 residents, the authority to segregate their elementary schools.

By the mid-1880s, the segregation of the races was well established in Topeka. In the Civil Rights Cases (1883), the Supreme Court held that the 14th Amendment did not prohibit private racial discrimination. One of the cases considered by the Supreme Court in this matter was U.S. v. Stanley which involved a hotel in Topeka.

In 1903, William Reynolds, a black man living in Topeka, tried to enroll his son in a school set aside for whites. He was refused and brought suit against the Board of Education. The Supreme Court of Kansas, citing Plessy v. Ferguson and other cases, denied Mr. Reynolds the right to enroll his son in a white school. The legal basis of segregation in the Topeka elementary schools was affirmed.

The history of the segregated schools of Topeka remained unchanged for the next 50 years. By 1951, Topeka had a population of more than 100,000 people, of whom 7.5 percent were black. Although Topeka was not as segregated as many other American communities were, segregation was still the norm. By 1951, there were eighteen elementary schools for whites and four for blacks. There was only one black hotel and most public facilities ranging from restaurants to swimming pools, to movie theaters, to public parks were strictly segregated. Most of the black citizens of Topeka lived in their own segregated world, usually interacting with the larger white community only when necessary for employment.

After the end of the Second World War, the forces of change were felt in Topeka. Returning black servicemen joined a small but growing elite of black teachers, lawyers, and professionals to challenge the system of segregation. The leaders in this movement such as Charles Scott, a black attorney from the Washburn Law School; Mrs. Lucinda Todd, a former school teacher; Mrs. Inza Brown, a legal secretary and one of the first black women to work in a civil-service position;

Mrs. Mamie Luella Williams, a teacher from the Monroe Elementary School; and McKinley Burnett, head of the Topeka NAACP, were determined to change the system.

The focal point of this effort eventually settled on Kenneth McFarland, the white superintendent of the public schools for Topeka. Dr. McFarland favored the continued separation of the races in the public schools. Dr. McFarland ruled the Topeka public schools with an iron hand and dismissed anyone who did not go along with the segregationist line.

By 1950, Mr. Burnett and Mrs. Todd, who was then serving as the secretary of the Topeka branch of the NAACP, wrote to the New York headquarters of the NAACP indicating their willingness to go to court to test the Kansas law that permitted segregation. With the encouragement of the New York headquarters of the NAACP, local attorneys Charles Bledsoe and John and Charles Scott drew up the legal papers to challenge the system of segregation in the elementary schools.

Before the suit could be filed, however, plaintiffs were needed. One of the first plaintiffs was Lucinda Todd, the NAACP branch secretary. Joining Mrs. Todd in the suit were twelve other plaintiffs. These were:

Rev. Oliver Brown
Mrs. Richard Lawton
Mrs. Sadie Emmanuel
Mrs. Lucinda Todd
Mrs. Iona Richardson
Mrs. Lena Carper
Mrs. Marguerite Emerson
Mrs. Shirley Hodison
Mrs. Allen Lewis
Mrs. Darlene Brown
Mrs. Shirla Fleming
Mrs. Andrew Henderson
Mrs. Vivian Scales

Not all of the plaintiffs were members of the Topeka NAACP. Oliver Brown was not a member. Brown was a thirty-two-year-old welder in the Santa Fe Railroad shops. Brown had the advantage of union membership to protect him from economic reprisal. Rev. Brown was also an assistant pastor and sexton at St. John AME Church and a lifelong member of the Topeka community. All of the plaintiffs in the school desegregation cases shared a common belief that they were no longer willing to be second class citizens of Topeka. They wanted their full Civil Rights.

The case was officially filed with the United States District Court for Kansas on February 28, 1951. Its title was Brown v. Board of Education. Richard Kluger in his study of the Brown decision, Simple Justice, states that it is one of the idiosyncrasies of American constitutional law that cases of profound consequences are often named for plaintiffs whose involvement in the original suit is either remote or fortuitous. So it was with the case of Oliver Brown. Nothing in the Reverend Brown's background seemed to suggest that he would stand against the tide of impassivity and fear in the black community of Topeka that had accepted a system of segregated grade schools and economic oppression for decades.

Rev. Brown was a loving and dedicated father of three little girls who worked hard to support his family. His oldest daughter, Linda Brown, attended the Monroe School more than a mile from her home. This trip to the Monroe school required her to walk more than six blocks along the train tracks to catch the school bus that took her the remaining distance. By September 1950, Mr. Brown had had enough. He took Linda to the nearby Sumner Elementary School to enroll her in the third grade. The Sumner School was for white children only, and Linda was denied admission.

Conclusion

By the fall of 1952, the Supreme Court had on its docket cases from four states, Kansas, South Carolina, Virginia, Delaware, and from the District of Columbia, challenging the constitutionality of racial segregation in public schools. In several of these cases, the facts showed that both the black and white schools were as equal with respect to buildings, salaries, teachers, and other tangible factors as could be expected. The issue before the Court was the constitutionality of segregation per se--the question whether the doctrine of Plessy v. Ferguson should be affirmed or reversed.

The five cases were argued before the Court in December 1952. The death of Chief Justice Carl Vinson caused the cases to be reargued in December 1953 after the appointment of Earl Warren as Chief Justice. On May 17, 1954, the Court issued its historic decision in which it concluded that "separate educational facilities are inherently unequal." After sixty years, Plessy v. Ferguson was overturned.

Summary: Impact of the Brown v. Board Decision

The decision in Brown v. Board of Education of Topeka, written by Chief Justice Earl Warren, was momentous. The social and ideological impact of the case cannot be overestimated. The decision was unanimous with only a single opinion of the Court. The issue of the legal separation of the races was settled; segregation was a violation of the 14th Amendment of the Constitution and was unconstitutional. By denying Linda Brown the right to enroll in the Sumner Elementary School, the Board of Education of Topeka, Kansas, started the chain of events that led to the Supreme Court and the case of Brown v. Board of Education. The Sumner Elementary School and the Monroe Elementary School symbolize both the harsh reality of discrimination permitted by the Plessy decision in 1896 and the promise of equality embodied in the 14th Amendment to the Constitution that was realized after 1954.

Both the Sumner and Monroe Elementary Schools illustrate the different facets of the case. The Rev. Oliver Brown was the principal plaintiff in the case and the Monroe Elementary School was the black elementary school that Linda Brown attended when the suit was filed in the United States District Court for Kansas on February 28, 1951. The location of the Monroe school and the quality of the education provided by the Monroe school were significant judgmental factors that were considered by the Supreme Court in its decision of the cases.

A discussion concerning the effect of the segregation of the races in the Topeka elementary schools was included in the findings of the United States District Court for Kansas and the Supreme Court adopted this language as the basis for its decision. The specific language quoted by the Supreme Court in the Brown decision stated the following:

Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of law; for the policy of separating the races is usually interpreted as denoting the inferiority of the negro group. A sense of inferiority affects the motivation of the child to learn. Segregation with the sanction of law, therefore, has the tendency to (retard) the educational and mental development of negro children and to deprive them of some of the benefits they would receive in a racial(ly) integrated school system.

This language was originally drafted by the First District Court of Kansas, using the testimony of Louisa Pinkham Holt, an assistant professor in the psychology department at the University of Kansas, who served as one of the expert witnesses for the plaintiffs in the Brown case.

IV. SUITABILITY/FEASIBILITY

The criteria for evaluating areas for potential inclusion in the National Park System are outlined in the National Park Service's Management Policies (1988) and in Criteria for Parklands (1990).

The first criterion for a potential new unit states that the area must be of national significance. Areas that have been designated NHLs have been determined to be of national significance and require no further analysis if being studied for potential addition to the National Park System. The properties in Topeka associated with the Brown v. Board of Education Supreme Court decision that meet this criterion are the **Summer Elementary School** and the **Monroe Elementary School**.

A proposed area is considered suitable for addition to the National Park System if it "represents a natural or cultural theme . . . that is not already adequately represented . . ." To be feasible, "an area must be of sufficient size and appropriate configuration, considering natural systems or historic settings to ensure long-term protection of resources and to accommodate public use, and it must have potential for efficient administration at a reasonable cost." In addition to meeting NPS standards for significance, suitability, and feasibility, potential areas must require direct NPS management instead of alternative protection by other agencies or the private sector. These criteria are designed to ensure that the National Park System includes only outstanding examples of the nation's heritage. They also recognize that inclusion in the National Park System is not the only option for preserving the nation's outstanding resources.

Suitability

The 1987 National Park Service publication History and Prehistory in the National Park System and the National Historic Landmarks Program, lists historic sites related to Constitutional Law and the Court System (Theme XXVIII-B) and Civil Rights Movements (Theme XXXI-M). Sites related to these two themes appear to be very under represented in the National Park and National Historic Landmark Systems.

Constitutional Law and the Court System (Theme XXVIII-B) Sites

In the 1986 U.S. Constitution Historic Landmark Theme Study, NPS historian Harry Butowsky found that while there are 165 existing NPS units or NHLs related to the U.S. Constitution theme, "many famous cases are represented today by no surviving property." Examples of 14th Amendment Civil Rights cases with no property extant include: Strauder v. West Virginia (1880), Plessey v. Ferguson (1896), Korematsu v. United States (1944), and Sweatt v. Painter (1950).

Nationwide, there are no units of the National Park System which relate to the "Court System" facet of the "Constitutional Law" theme. Several areas related

to this theme and facet, however, are designated National Historic Landmarks. These areas include:

The Supreme Court Building (Washington, D.C.) - Although the Constitution provided, in Article III, for the creation of a national judiciary, it took 145 years for the Court to find a permanent residence devoted to its needs. The construction of a building exclusively for the use of the Supreme Court in 1935 was a reaffirmation of the nation's faith in the doctrine of judicial independence and separation of powers.

John Marshall House (Richmond, Virginia) - After brief service as Secretary of State (1800-1801), John Marshall became Chief Justice of the United States Supreme Court. He remained in office until his death in 1835. Justice Marshall owned this house throughout his public career.

Pittsylvania County Courthouse (Chatham, Virginia) - Associated with the case of Ex parte Virginia (1878), which concerned the denial to black Americans of participation on juries. It involved a clear attempt by a State official to deny citizens within his jurisdiction to the equal protection of the laws guaranteed by the Constitution. This case showed that the Federal government now had a qualified, but potentially effective, power to protect the rights of minority groups.

Joseph Story House (Salem, Massachusetts) - As a Supreme Court Justice (1811-1845), Story supported national supremacy over States rights. His decisions helped consolidate the basis of the American nation.

From time to time, other sites which represent themes and facets related to Constitutional Law issues have been evaluated or proposed as NHLs. The 1986 Theme Study identified five such sites. Of these, two sites related to 14th Amendment issues, the Sumner Elementary School (Brown v. Board of Education) and the Pittsylvania (Va.) County Courthouse (Ex parte Virginia), were designated NHLs in 1987.

Civil Rights Movements (Theme XXXI-M) Sites

The NPS administers three areas which relate to the "Civil Rights Movements" facet of the "Social and Humanitarian Movements" theme. These areas are:

Frederick Douglass National Historic Site (Washington, D.C.) - From 1877 to 1895, this was the home of the Nation's leading 19th century black spokesman. Among his other achievements, Douglass was U.S. minister to Haiti in 1889.

Martin Luther King, Jr. National Historic Site (Atlanta, Georgia) - The birthplace, church where he served as assistant Pastor, and grave of Dr. Martin Luther King, Civil Rights leader, are parts of this park. The neighborhood also includes the Martin Luther King, Jr. Center for Nonviolent Social Change. The surrounding 68-acre preservation district includes Sweet Auburn, the economic and cultural center of Atlanta's black community during most of the 20th century.

Mary McLoed Bethune Council House National Historic Site (Washington, D.C.) This building is the headquarters of the National Council of Negro Women established by Ms. Bethune in 1935. It also commemorates her leadership in the black women's rights movement from 1943 to 1949. Ms. Bethune was also a founder of Bethune-Cookman College in Florida. This area became a new unit of the NPS in December 1991.

The following sites related to the "Civil Rights" facet are among those that have been designated National Historic Landmarks.

Dexter Avenue Baptist Church (Montgomery, Alabama) - The original headquarters of the Montgomery Improvement Association, headed by Dr. Martin Luther King, Jr., which carried out a successful boycott of segregated city busses in 1955.

W. E. B. Dubois Boyhood Home (Great Barrington, Massachusetts) - Site of the boyhood home of the prominent sociologist and writer, who was a major figure in the black Civil Rights Movement in the first half of the 20th century.

Little Rock Central High School (Little Rock, Arkansas) - In the fall of 1957, the first major confrontation over the Supreme Court's 1954 Brown v. Board decision outlawing racial segregation in public schools took place here. President Eisenhower used troops to enforce Federal Court orders to desegregate the school.

I. T. Montgomery House (Mound Bayou, Mississippi) - Home of Isaiah Thornton Montgomery, who in 1887 founded the town of Mound Bayou as a community where black Americans could obtain social, political, and economic rights in a State then dominated by white supremacists.

Mother Bethel A.M.E. Church (Philadelphia, Pennsylvania) - The predecessor structure of this church, founded by a former slave in 1793, became the mother church of the African Methodist Episcopal (A.M.E.) Church in the United States.

Nicodemus Historic District (Graham County, Kansas) - The Nicodemus Historic District is the only remaining town of the 1870s "Exoduster" movement by black people out of the South to the Midwest.

St. Luke's Episcopal Church (Washington, D.C.) - This church was founded and led by Alexander Crummell, a 19th century black leader who early espoused the necessity for blacks to cultivate an educated cadre that would lead them to Civil Rights and equality.

None of these sites duplicate the Sumner and Monroe Elementary Schools in historic context. The Topeka sites depict a significant historic theme which is not adequately represented elsewhere in the National Park or the National Historic Landmark Systems. No NPS units and only two NHLs today serve to commemorate a significant United States Supreme Court decision — let alone one

of the magnitude of Brown v. the Board of Education. Based on these factors, this study concludes that the Sumner and Monroe Elementary Schools are suitable for inclusion in the National Park System.

Feasibility

In determining the feasibility of a site as a new unit of the National Park System, emphasis is placed on the appropriateness and desirability of general public access and use as parkland. Other feasibility factors include land ownership, acquisition costs, access, threats to the resource, and staffing or development requirements.

Strong local support exists for public acquisition of the Monroe Elementary School as a historic site. National Park Service ownership could provide a solution. The Sumner Elementary School, which still fulfills its niche in the broader context of the Brown v. Board of Education story, continues to serve the citizens of Topeka as an operating elementary school.

The Monroe Elementary School is currently in private ownership and available for purchase from a willing seller. The existing property is of sufficient size and configuration to afford adequate resource protection and provide space to accommodate the necessary visitor use facilities.

Should the Monroe School not be acquired by a public or private entity for historic preservation purposes, it is likely the building would be converted to other uses, sold, or razed. There is no reasonable expectation that the current owner will continue to maintain the property in its present condition.

Administration of the area by the NPS, other public agency, or the private sector would require personnel and facilities to provide for visitor use, interpretation, research, maintenance, and historic structures preservation. The absence of existing facilities would limit the immediate possibilities for visitor use. This limitation is mitigated somewhat by the presence of a well-developed visitor services infrastructure (food, lodging, public transportation) within the City of Topeka. The need for visitor facilities would depend, to a large extent, on the management objectives developed for the area. Costs associated with land acquisition, facility development, preservation maintenance, and adaptation for public use at the Monroe School could approximate \$1,250,000. Costs for annual operations and maintenance are estimated to be \$350,000.

V. MANAGEMENT

Management Objectives

The strategy employed in this Study was to prepare a set of management objectives which address protection of the site's resources, provide for interpretation and visitor use, and consider issues raised by the public during the study. Each alternative was then evaluated based on its ability to meet the following objectives:

1. Interpret the significance of the Brown v. Board of Education sites and their relationship to 14th Amendment constitutional and other Civil Rights issues.
2. Protect and preserve NHL properties related to the Brown decision, particularly the Monroe School.
3. Interpret, within a national context, black history in Topeka and the history of the Civil Rights Movement in Kansas.
4. Identify, recognize, and document other sites related to the Brown v. Board case and prepare National Register nominations as appropriate.
5. Locate and identify archival materials related to the Brown case.

Management Alternatives

The Study of Alternatives identifies four (4) alternatives and several management options under which the NPS believes the sites could be managed. The alternatives identified within the study are:

- A. No Action
- B. Brown v. Board National Historic Site
- C. Management of the Topeka Sites by the Brown Foundation
- D. Partnerships for Preservation: Management of the Topeka Sites by a multi-agency coalition
 - Option One: Private Coalition.
 - Option Two: NPS Affiliated Area
 - Option Three: Federal Commission.

Each alternative briefly describes and assesses a management concept for the sites; how management and operations might be accomplished; how cultural resources would be managed and interpreted for visitors; what future development might be undertaken; potential economic, cultural, and environmental impacts; and what estimated costs would be. See Table 2 for a summary of estimated costs.

ALTERNATIVE A: No Action

Description/Concept

Under this alternative, the current owners of each site would continue to manage them as they see fit. Actions would occur at the owners' prerogative and within the framework of existing local guidelines, ordinances, and regulations. It assumes State and Federal historic preservation guidelines affecting designated national historic landmarks would be honored.

Management and Operations

Management and operations would continue under the current mix of public and private ownership. The Sumner School is currently being used and maintained as a school and would continue to be managed as such, under the direction of the Topeka Board of Education. The Monroe School is currently vacant. The present owner currently maintains the building, but has indicated a wish to sell the property.

Other structures that are significant to the Court decision would continue to operate as the owners deem appropriate.

Cultural Resource Management/Historic Preservation

The Monroe School will most likely be sold by the current owner if a no action alternative is chosen. There are currently no plans for additional national historic landmark designations for the related structures and sites. There are no plans to ensure the restoration and preservation of the Monroe School or to locate any remaining artifacts or archival materials related to the case.

The Sumner School is an active school and is currently operated by the Topeka Board of Education. In this, as in all alternatives, the Sumner School would continue to operate as an elementary school and would receive the same level of maintenance and care now provided.

Interpretation and Visitor Use

Currently there is no focal point to serve as a site for visitor orientation, contact, or interpretation. The Brown Foundation would likely continue to be the sole provider of primary source information. The Foundation has voluntarily provided this service to interested persons upon request for several years. The Foundation's efforts to better inform visitors to Topeka include a comprehensive self-guided driving tour of important sites and an informational packet on the Court decision. Visitation to the schools and related sites would only be encouraged on a drive-by basis. Currently visitors to the Topeka area who do not make contact with the Brown Foundation are unaware of the location of the significant sites.

Development

No development would be undertaken under this alternative.

Impacts

- * Additional cultural resources related to the Brown case would probably not be evaluated.
- * There would be no coordinated search for archival materials related to the decision.
- * National Historic Landmarks and other significant structures are subject to the wishes of the current owner's views of preservation, management, and interpretation.
- * The Monroe School could be sold or converted to purposes other than a focal point for interpretive efforts related to the Brown decision.
- * The opportunity to tell the story of the Brown v. Board Court decision; its importance to the 14th Amendment; and the history of the Civil Rights Movement and black history in Topeka would be lost.

Cost Estimate

No Federal funds would be expended under this alternative.

ALTERNATIVE B: Brown v. Board National Historic Site

Description/Concept

This alternative would require congressional legislation, to authorize the establishment of a new unit of the National Park System. The Brown v. Board National Historic Site would be established to commemorate the 1954 decision by the Supreme Court and to interpret its significance.

Under this management alternative, the preservation of the Monroe School in Topeka and its conversion to a visitor center/public contact facility would be a high priority. The visitor would receive an enriched appreciation for the events surrounding the Brown v. Board of Education decision and all related interpretive themes. The NPS would welcome input from the Brown Foundation and other interested public and private organizations related to the development of the Brown v. Board National Historic Site as a unit of the National Park System.

Management and Operations

The National Park Service, in accordance with its formal internal planning procedures, would prepare planning documents to provide management, preservation, and interpretive strategies and requirements for the Monroe School. National Park Service staff and personnel would be responsible for providing interpretive programs, administrative support, and overall maintenance of the school property. The NPS would develop the site's General Management Plan for overall management/development strategy for the Monroe School and related sites.

The National Park Service would acquire the Monroe School property through donation or purchase. The NPS would spearhead and encourage a community-wide commitment to develop sources of private funds for historic preservation and other site-related activities. The NPS would establish a visitor center at the Monroe School location to begin preliminary interpretation of the Brown v. Board of Education story. The School would also house the NPS's administrative offices and could, if appropriate, provide office space for the Brown Foundation for Educational Equity, Excellence, and Research.

Cultural Resource Management/Historic Preservation

Under this alternative and within the constraints of available funding, an immediate and aggressive preservation effort would be undertaken to stabilize the Monroe School. As one of the highly significant cultural resources in the overall Brown v. Board story, the Monroe School would be stabilized and protected from further vandalism. Development and renovations would occur in accordance with preservation standards, the City of Topeka's planning and zoning ordinances, and in consideration of the feelings of the neighboring community. A Resources Management Plan, developed to address all cultural issues and concerns, would guide park management's decisions related to the preservation and protection of the historic site. Archival materials related to the Brown decision would continue to be housed at Washburn University.

The Sumner School would continue to be operated by the Topeka Board of Education as an elementary school.

The NPS, in conjunction with the Kansas State Historical Society and the public and private owners of the related Brown v. Board sites, would provide technical assistance in the areas of cultural resources management and historic structures preservation.

Interpretation and Visitor Use

Under this alternative, interpretive services would be provided to visitors to convey the national significance of the Brown case. An Interpretive Prospectus would be developed to guide the interpretive and visitor services programs at the new historic site. Programming would be developed to encompass some or all of the following interpretive themes:

- the 1954 Brown v. Board Supreme Court decision and other related cases,
- the Topeka School System (pre and post - 1954),
- impact of Brown v. Board on education and integration in the United States,
- relationship of the Brown decision to the Civil Rights Movement,
- historical and political significance of the Brown decision and its relationship to 14th Amendment constitutional issues,

The Monroe School, under this alternative, would serve as an orientation facility/visitor center for all related historic sites in Topeka. Films, exhibits, literature, auto/walking tours, and other NPS coordinated interpretive techniques and programs would be used to tell the Brown v. Board story. Interpretive wayside exhibits could be developed for installation at the various other related sites in the Topeka area to tell a coordinated story of the Brown case and its national significance to the people of the United States. Appropriate off-site programs could be developed and presented throughout the community by National Park Service staff.

Development

Under this alternative, improved visitor support facilities and services would be provided. Initial development strategies would focus on the stabilization of the Monroe Elementary School and its conversion to a visitor contact/interpretive center. This would be accomplished only if modifications were compatible with the building's historic qualities. Cooperative agreements between partners would be necessary to protect the other associated cultural resources related to the Brown v. Board decision, the 14th Amendment, local black history, and the history of the Civil Rights Movement in Kansas. A driving/walking tour linking the sites would provide a comprehensive historic scene sufficient in scope to meet the interpretive objective. Development, utilizing easements and existing or new zoning restrictions, would be used to protect the historic scene.

The overall development of the Brown v. Board sites will be guided by NPS policies with strong emphasis on public involvement throughout the entire process. Community perceptions are important, as are the interests of local organizations in developing a compatible overall development scenario.

Impacts

- * Federal ownership and management by the National Park Service could result in increased public awareness of the Brown case.
- * Protection and preservation of the Monroe School would be assured.
- * Moderate increases in tourism related to the presence of a NPS unit in Topeka could result in a slight increase in positive economic benefits for the region (food, lodging, goods and services purchases, etc).
- * Increased tourism in Topeka could result in traffic congestion in the Monroe and Sumner School neighborhoods.
- * Related cultural resources would be evaluated.
- * The Monroe School would be removed from the tax rolls with a loss of \$4365 to Topeka's tax base.
- * Archival materials related to the Brown decision would be located, identified, and indexed. Washburn University, rather than the national historic site, would continue to be the repository for the archives.

Cost Estimate

To implement this management alternative, congressional authorization (legislation) would require an appropriation of approximately \$1,500,000 for land acquisition, structural stabilization/preservation, and adaptation of the Monroe School to a public use facility. An annual appropriation of \$350,000 would be required for operations and maintenance.

Initial staffing would consist of a site manager, an administrative technician, 2 permanent maintenance workers and 4 interpreters (2 permanent, 2 seasonal), and additional funding for supplies, materials, utilities, and transportation.

ALTERNATIVE C: Management of the Topeka Sites by the Brown Foundation.

Description/Concept

This alternative would place responsibility for protection and interpretation of the Topeka sites related to the Brown v. Board of Education case in the hands of a private, local foundation, i.e., the Brown Foundation for Educational Equity, Excellence and Research. No Federal involvement, aside from that normally available under existing technical assistance programs, would occur.

Management and Operations

Implementation of this alternative would assume the Monroe School is acquired, managed, and administered as a National Historic Landmark, by the Brown Foundation for Educational Equity, Excellence and Research (hereafter The Brown Foundation or Foundation). The other sites in Topeka associated with the Brown v. Board decision would likely continue under their current ownership and use.

The Brown Foundation is a Kansas-based nonprofit foundation established in 1988 as a living tribute to the plaintiffs and attorneys in the 1954 U.S. Supreme Court decision. The Foundation supports the furtherance of educational equity and multi-cultural awareness by providing scholarships to minority students entering teacher education; sponsoring performances and lectures as a mechanism to increase multi-cultural awareness; and supporting research projects to examine equity and excellence in education.

The Brown Foundation, in cooperation with a variety of private organizations and State agencies, would provide funding, technical assistance, and other expertise, as appropriate to further the commemoration of this historic event. The preservation of the Monroe School and other related sites would be accomplished within the framework of existing local guidelines, ordinances, and regulations as well as those State and Federal historic preservation laws and standards that might affect designated National Historic Landmarks. Interpretation of the Topeka sites would be an organized joint effort by the Foundation in cooperation with the other organizations and agencies involved with the management of the sites. Preparation of National Register nominations would be accomplished by the separate organizations responsible for each particular site. Historical research and the collection and storage of archival materials would be coordinated with and assisted by the Kansas State Historical Society and Washburn University.

This alternative ensures a high degree of local control over the future of the Monroe School and the other sites. Organizations, other than the Foundation, which might have potential interest include, but are not limited to the Kansas State Historical Society, Topeka City Council, Topeka Board of Education, Washburn University, Black Historical Society of Topeka, and Historic Topeka, Inc. In cooperation with some or all of these groups, the NPS would work to develop sources of private funding and encourage a community-wide commitment to the preservation of the Monroe School and other related, privately-owned properties.

The Foundation would need to secure the funds necessary to purchase the Monroe School, stabilize and remodel it, and maintain it for the future. Operational funding would be obtained primarily from private sources. The uncertainty of adequate funding could jeopardize preservation and interpretive efforts. The Foundation would be required to work within funding guidelines of existing Federal and State historic preservation programs. Funds could also be raised through the sale of interpretive materials, tours, or the sponsorship of special events. Additional financial assistance could come in the form of grants, bequests, and donations.

Under this alternative, related sites throughout Topeka would continue to operate under various private ownerships and be subject to future property transfers.

Cultural Resource Management/Historic Preservation

The Sumner School would continue to be operated by the Topeka Board of Education as an elementary school. It would continue to receive the same level of maintenance and care that it receives now.

The Monroe School is currently in private ownership, and the owner wishes to sell the property. Thus, financial considerations would be a major factor in the preservation of the Monroe School under this alternative. Once the Foundation obtained the funds necessary to acquire the Monroe School, additional funds would then be required to stabilize and renovate the building. On-going funding would be needed to preserve and maintain the structure.

In consultation with the Kansas State Historical Society and/or the NPS, the Foundation could obtain the technical expertise needed to plan restoration work for the Monroe School. A local foundation would be in an excellent position to both develop fund-raising strategies and encourage a community-wide commitment to the protection of the Monroe School and the other related sites that would remain in private ownership. Because of its nonprofit status and nationwide reputation, the Brown Foundation is uniquely qualified to initiate these efforts for the Brown v. Board sites.

Interpretation and Visitor Use

This alternative assumes that private funds are generated to purchase, stabilize, and renovate the Monroe Elementary School as an interpretive/visitor center. The Foundation currently provides primary interpretation of the Brown v. Board of Education story on a voluntary basis. It is likely that, under Foundation management, interpretive efforts would expand beyond what is provided now. Many inquiries are received by mail and can be answered only as time permits. Although a self-guiding bus/auto tour has been developed, its existence is not well advertised.

Without vigorous efforts to obtain operating funds, it is doubtful that a private foundation could develop the staff needed to adequately provide an on-site presence and interpretive programs/exhibits at the Monroe School. It is possible the NPS could provide technical assistance to help develop a comprehensive interpretive plan.

Development

Under this alternative, an effort to provide improved visitor support facilities and services would occur at the Monroe School. Cooperation with other organizations would be necessary to protect the other associated cultural resources related to the Brown v. Board decision, the 14th Amendment, local black history, and the history of the Civil Rights Movement in Topeka. Further development would be subject to existing local ordinances, regulations, and plans. Related sites in private ownership would be subject to modification and/or sale as current owners deemed appropriate.

Impacts

- * Successful private fund-raising efforts could ensure the stabilization of the Monroe School property and its conversion to a visitor contact/interpretive facility.
- * Protection and preservation of the associated sites would be dependent upon the continued goodwill of the present owners and private funding sources.
- * Interpretation would likely improve, but many visitors to Topeka might remain unaware of the presence of the Monroe and Sumner Schools and would be ignorant of the role these properties played in the story of the 14th Amendment as it relates to the Brown decision.
- * The Monroe School could be removed from the tax rolls resulting in a loss of \$4365 to Topeka's tax base.

Cost Estimate

Under this alternative, no Federal funds would be appropriated. Limited technical assistance from the NPS would be accommodated within existing appropriations.

ALTERNATIVE D: Partnerships for Preservation.

Description/Concept See individual management options.

Management and Operations

This alternative assures a degree of local control over the future of the Monroe School and the other sites related to the Brown v. Board decision. It outlines three management options regarding how this might be accomplished. The NPS would be an active partner in all of the options and would play a consulting and/or supporting role to the degree described under each. Organizations who might have potential interest include, but are not limited to: the Brown Foundation, Excellence and Research, Kansas State Historical Society, City of Topeka, Topeka Board of Education, Washburn University, Black Historical Society of Topeka, and Historic Topeka, Inc.

This alternative requires a strong central organizational structure responsible for the development and overall management of the study area to ensure a coordinated development program. The Monroe School and the associated sites relating to the Brown v. Board decision would be owned, managed, and operated by various owners who are interested and involved in preservation. The lead agency, organization, or commission would coordinate the management of the site(s) and place primary emphasis on the acquisition, preservation, management, and operation of the Monroe School to interpret the Brown v. Board story. The lead agency would supervise a limited operational staff composed primarily of administrative, maintenance, and interpretive personnel.

Financial considerations would be of primary importance in the acquisition, stabilization, and ongoing management of the Monroe School. If a recipient of Federal funding, the lead agency or partner would need to work within the constraints and guidelines of existing Federal historic preservation programs. Other sources of financial assistance could include grants, bequests, and donations from individuals and foundations within the private sector.

Under this alternative, the National Park Service would not have a physical presence on-site or be a primary source of funding for the project. Although the NPS could provide limited technical assistance under existing programs and authorities, more substantive assistance might be possible through Cooperative Agreements or congressional mandate.

Cultural Resource Management/Historic Preservation

Under this alternative, preservation efforts would be undertaken to stabilize the Monroe School building, protect it from further vandalism, and adapt it to a visitor center/administrative complex. The preservation of the Monroe School and, to a lesser extent, the other related sites would be accomplished within the framework and constraints of the type of ownership, existing local zoning ordinances, and Federal and State historic preservation laws that affect designated National Register properties.

The Sumner School is currently operated by the Topeka Board of Education. In this, as in the other alternatives, the Sumner School would continue to operate

as an elementary school and would continue to receive the same level of maintenance and care that it receives now.

Preparation of National Register nominations would be initiated by the organizations responsible for each particular site in consultation with the Kansas State Historical Society. The collection of all available documents, photographs, and artifacts related to the Brown v. Board decision, as well as the identification of other existing and potential resources is an important initial step in the management of the cultural resources in the study area. Historical research and collection of archival materials could be accomplished in coordination with the Kansas State Historical Society and the Washburn University School of Law.

Other structures that are significant to the Brown decision would continue to operate as their respective owners deem appropriate. Related cultural resources significant to the Brown decision, the Civil Rights Movement, and black history of Topeka, would be identified. Subsequent efforts would be made to protect and preserve them for future generations. Existing Federal, State, and local sources of historic preservation funds would be fully explored and utilized.

Interpretation and Visitor Use

Interpretation of the Topeka sites would be an organized joint effort by the cooperating organizations and agencies involved with the management of the sites.

The Monroe School, under this alternative, would serve as an orientation facility/visitor center for all related historic sites in Topeka. Films, wayside exhibits, self-guiding auto tours, and other interpretive media would be used to tell the Brown v. Board story. Interpretation would be used to support the preservation of related local historic and cultural resources for future generations.

Development

Under this alternative, improved visitor support facilities and services would be provided. The majority of the development would be concentrated at the Monroe School. Cooperative agreements between partners would be necessary to protect and interpret the other associated cultural resources related to the Brown v. Board decision, the 14th Amendment, local black history, and the history of the Civil Rights Movement in Kansas. A driving/walking tour linking the sites would provide a comprehensive historic scene sufficient in scope to meet the interpretive objective. Development, utilizing easements and existing or new zoning restrictions, would be used to protect the historic scene.

* * * * *

Management Option One: Private Coalition.

Description

Implementation of this management option would assume the Monroe School is managed and administered, within its current status as a National Historic Landmark, by a coalition of local foundations, organizations, and State agencies. A committee, comprised of members from the City of Topeka, the Brown Foundation, Kansas State Historical Society, Topeka Board of Education, Washburn University, and other interested groups and community organizations, would be formed to help achieve the goals of the project. To implement this option, this coalition would have to be formally organized with the responsibilities of each member clearly defined. This coalition would require a Federal or State legislative mandate, especially if public funds are to be allocated.

This option assumes no Federal ownership of property in Topeka. The ownership and management of the Monroe School would be the responsibility and prerogative of one or more of the local members of the coalition. Other properties related to the Brown decision would be managed by their current owners. A new unit of the National Park System would not be created.

The NPS could provide some support through existing technical assistance programs to help stabilize and rehabilitate the Monroe School. Depending on a congressional mandate, the NPS could also provide assistance with the planning, design, and installation of exhibits and other interpretive media.

Impacts

- * Increased public awareness of the Brown case would result.
- * Protection and preservation of the Monroe School would occur.
- * Archival materials related to the Brown case would be identified and indexed.
- * Identification of additional cultural resources could lead to their protection and preservation.
- * Interpretation of the Topeka sites related to Brown decision would improve.
- * Properties would not be removed from the tax rolls.
- * Increased tourism could result in a slight economic benefit.
- * Increased tourism could result in traffic congestion in the Monroe and Sumner School neighborhoods.

Cost Estimate

Funding for purchase of the Monroe School property, its conversion into an interpretive/visitor contact facility, and annual management and operating expenses would come from private contributions. Structural stabilization would cost an estimated \$30,000. The NPS would require an annual appropriation of approximately \$50,000 to provide routine technical assistance. Additional funding would be required for other technical assistance programs as directed by the Congress.

* * * * *

Management Option Two: NPS Affiliated Area.

Description

This option is similar to the one described in Option One except that through Federal legislation the two schools in the NHL would be designated as an affiliated area of the National Park System. One of the coalition partners would need to assume a leadership role as the managing entity. Legislation could provide funding assistance in the form of a grant to assist a private foundation or other managing entity with matching funds to acquire the Monroe School property.

The level and extent of NPS involvement would depend on legislation passed by Congress and could range from providing some support through existing technical assistance programs to sharing in the stabilization and rehabilitation of the Monroe School as a visitor contact/interpretive facility. The NPS could also provide assistance with the planning, design, and installation of exhibits and other interpretive media. There would be no Federal ownership of the Monroe School or an on-site presence of NPS personnel in Topeka.

Areas recognized and identified as being affiliated areas of the National Park System must meet basic operational standards. These standards are important to ensure the quality of visitor services and resource management the public has come to expect. Management of areas affiliated with the NPS proceeds under a formal Cooperative Agreement (CA) executed between the NPS and the managing entity that is relevant to the resource and type of arrangement with the NPS. While not all of the following criteria may apply, CAs follow a standard format and may address such issues as:

- planning and technical assistance
- liability and insurance for facilities and employees
- volunteer-in-parks status for staff
- fee rates and collection policies
- hours and days of operation
- review and approval of annual budgets
- use of the NPS logo on signs and literature
- standards for concession operations
- content and scope of interpretive programs
- review and approval of sales items
- limits on use of appropriated funds for lobbying

- nondiscrimination in employment
- access for visitors with disabilities

The continuation of affiliated status is subject to periodic reviews for consistency with established standards, and Congress or the Secretary could delete areas based on NPS recommendations.

Impacts

- * Recognition of the Monroe School as an affiliated unit of the National Park System could result in increased public awareness of the Brown case.
- * Protection and preservation of the Monroe School would be assured.
- * Archival materials related to the Brown decision would be identified and indexed.
- * Identification of related cultural resources could lead to their protection and preservation for future generations to appreciate.
- * Interpretative services would improve under this management option.
- * Property may be removed from the tax rolls resulting in a loss of \$4365 annually to Topeka's tax base.
- * Tourism related to the presence of an affiliated NPS unit could result in positive economic benefits to the community.
- * Increased tourism could result in traffic congestion in the Monroe and Sumner School neighborhoods.

Cost Estimate

This option assumes funding for purchase of the Monroe School property, its conversion into an interpretive/visitor contact facility, and annual management and operating expenses would come from private contributions. Congress could, at its discretion, appropriate all or a portion of the land acquisition and development costs. Structural stabilization would cost an estimated \$30,000.

The NPS would require an annual appropriation of approximately \$50,000 to provide routine technical assistance. Additional funding would be required for other technical assistance programs if directed by the Congress.

* * * * *

Management Option Three: Federal Commission

Description

A Federal Commission could be established by Congress to oversee management of the Monroe School and facilitate interpretation of the Brown v. Board decision. A new unit of the National Park System would be created focusing on the Monroe Elementary School. The Commission would be headed by the Secretary of the Interior with wide representation from a range of different levels of State and local government and the private sector. The NPS would serve as the lead Federal agency and have a seat on the Commission. The Commission would have its own staff, separate from the NPS, to accomplish its mandate. The Commission would receive funds through Federal appropriations, with no guarantee of long-term funding, which would be specifically matched by non-Federal funds. The private sector would be expected to be the major contributor of funds needed to implement this option. Because of its nonprofit status and nationwide reputation, the Brown Foundation is in a unique position to play a leadership role in fund-raising efforts.

Through the Commission, Federal funds would be directed to the most urgent aspects of the project. The Commission's formalized management structure would tightly define the roles of the participants. Depending on the method of acquiring the Monroe School property, one of the non-government partners would assume management and operation responsibilities for the Monroe School. There would be no major expenditure of Federal funds for land acquisition and capital improvements. The Commission would seek to balance the project's need for scarce Federal dollars with private sector support.

Impacts

- * A recognized unit of the National Park System could result in increased public awareness of the Brown case.
- * Protection and preservation of the Monroe School would be assured.
- * Archival materials related to the Brown decision would be identified and indexed.
- * Identification of other cultural resources related to the Brown decision could lead to their protection and preservation.
- * Moderate increases in tourism related to the presence of a NPS unit could result in increased economic benefits.
- * Increased tourism could result in traffic congestion in the Monroe and Sumner School neighborhoods.
- * Property may be removed from the tax rolls resulting in a loss of \$4365 annually to Topeka's tax base.

Cost Estimate

Several Federal Commissions have been established throughout the country. Utilizing a mix of private and appropriated funds, annual operating expenses for a Commission-managed unit of the National Park System would approximate those required for a NPS-managed unit as outlined in Alternative B.

CONCLUSION

This Study is meant to provide interested members of the Congress and the public with a tool for decision-making. This report makes no recommendation on which of the alternatives or management options should be pursued. None of the alternatives or options have been selected by the team as "preferred" and no statement in this report should be construed as an endorsement by the Department of the Interior or the National Park Service. Any possible future legislation could combine elements of more than one alternative. Although no specific Federal action is proposed, an Environmental Assessment is included within this document. Future NPS involvement in the study area in the form of a National Park System unit designation is subject to congressional mandate.

TABLE 2 - ESTIMATED COST COMPARISONS*

	A L T E R N A T I V E S					
	A	B	C	D1	D2	D3
Acquisition and Development	-	1,250,000	-	-	-	-
Historic Structure Stabilization	-	Included in above	-	30,000	30,000	30,000
Annual Operations	-	350,000	-	-	-	350,000
NPS Technical Assistance	-	-	-	50,000	50,000	-
TOTALS	-	1,600,000	50,000	80,000	80,000	380,000

*Federal dollars.

Note: cost figures are estimates only

VI. ENVIRONMENTAL COMPLIANCE / CONSEQUENCES

Aesthetic, ecological, historic/cultural, and economic factors were evaluated in assessing the potential environmental impacts of the alternatives for preserving the Monroe School and interpreting the Brown case. The results are summarized in Table 3.

Compliance Needs

Endangered Species Act of 1973, as amended (16 U.S.C. 1521 et seq.)

Not applicable to this project.

Wild and Scenic Rivers Act of 1968, as amended (16 U.S.C. 1271 et seq.)

Not applicable to this project.

E. O. 11988 "Floodplain Management" 3 CFR 121, Supp. 177

Not applicable to this project.

E. O. 11990 "Protection of Wetlands" 3 CFR 121, Supp. 177

Not applicable to this project.

Section 404(b) of the Federal Water Pollution Control Act of 1973, as amended (33 U.S.C. 1344)

Not applicable to this project.

Section 10 of the River and Harbors Act of 1899, as amended (33 U.S.C. 403)

Not applicable to this project.

Farmland Protection Policy Act, [7 U.S.C. 4204(b)]

Not applicable to this project.

National Historic Preservation Act, as amended (16 U.S.C. 470 et seq.), 36 CFR Part 800 as amended and E.O. 11593.

The Sumner and Monroe Elementary Schools are designated NHLs. Section 106 of the National Historic Preservation Act requires Federal agencies to assess the effects of any proposed undertaking and, if necessary, mitigate adverse effects. Section 110(f) of the Act requires that Federal agency heads, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize the harm to any NHL that may be directly and adversely affected by an undertaking. Prior to approval of any such undertaking, the Advisory Council on Historic Preservation must be afforded an opportunity to comment.

Kansas Historic Preservation Law

Kansas Historic Preservation Act, as amended (K.S.A. 75:2715-25)

Originally enacted in 1977, the Kansas State Preservation Law was amended in 1981 to widen the range of State or local government activities affecting historic properties that are subject to review by the State Historic Preservation Officer. The law was further amended in 1988 to define limits for project notification and establish penalties for certain violations. (Appendix C)

Properties related to the Brown decision that are currently listed or may subsequently be nominated for inclusion on the national or state registers of historic places are subject to these statutes.

Impacts on Cultural Resources

Alternative A

Under this Alternative, the Monroe School could be converted to other uses. It is likely it would not be stabilized and protected as a historic structure. The Sumner Elementary School will continue to be operated and maintained by the Topeka School District.

Alternative B

Under this Alternative, nationally significant cultural resources would be recognized. The Monroe School would be stabilized and protected. Compliance with provisions of the National Historic Preservation Act concerning NHLs would be assured. To ensure unknown archeological sites would not be affected, an archeological survey/evaluation would be required for the Monroe School area before any major stabilization/renovation efforts began. The Sumner Elementary School will continue to be maintained and operated by the local school district. Other sites related to the Brown case would be evaluated and technical assistance for needed preservation maintenance provided.

Alternative C

Under this Alternative, nationally significant cultural resources would be recognized. The Monroe School could be stabilized and converted to other purposes. Compliance with provisions of the National Historic Preservation Act concerning NHLs would be discretionary depending on the amount of Federal assistance provided to the Foundation for acquisition of the Monroe School. An archeological evaluation should be conducted at the Monroe School before any major stabilization/renovation efforts began to ensure unknown archeological sites would not be affected. The Sumner Elementary School will continue to be maintained and operated by the local school district. Other sites related to the Brown case would be evaluated and technical assistance for needed preservation maintenance provided.

Alternative D

Under this Alternative, nationally significant cultural resources would be recognized. The Monroe School would be stabilized and protected. Compliance with provisions of the National Historic Preservation Act concerning NHLs would range from mandatory to discretionary depending on the amount of Federal assistance provided for the acquisition, renovation, and maintenance of the Monroe School. An archeological evaluation would be conducted at the Monroe School before any major stabilization/renovation efforts began to ensure unknown archeological sites would not be affected. The Sumner Elementary School will continue to be maintained and operated by the local school district. Other sites related to the Brown case would be evaluated and technical assistance for needed preservation maintenance provided.

Impacts on Natural Resources

The Sumner and Monroe Elementary Schools are located in residential and mixed residential/commercial/light industrial urban neighborhoods respectively. Any impacts on topography, soils, floodplains, wetlands, wildlife, vegetation, water quality, threatened and endangered species, or air quality are either clearly not applicable in this situation or are expected to be minimal.

Alternative A

No impacts.

Alternatives B, C, and D

Construction related to the structural stabilization and rehabilitation of the Monroe School would occur on ground previously disturbed for other purposes.

Construction activity would create temporary dust, fumes, and smoke which would subside following development. Subsequent visitation by automobile or bus traffic would probably result in a minor increase in local suspended particulates and air pollution.

Table 3

ENVIRONMENTAL CONSIDERATIONS	ALTERNATIVES			
	A	B	C	D
<u>Ecological Factors</u>				
Threatened/endangered species	n	n	n	n
Critical habitat(s)	n	n	n	n
Coastal Zone	n	n	n	n
Wild and Scenic Rivers	n	n	n	n
Floodplain	n	n	n	n
Wetlands	n	n	n	n
Air Quality	n	t-	t-	t-
Water Quality	n	n	n	n
Wildlife	n	n	n	n
Vegetation	n	t-	t-	t-
Noise	n	y-	y-	y-
=====				
<u>Aesthetic Factors</u>				
Visual intrusion	n	n	n	n
=====				
<u>Historic/Cultural Factors</u>				
Property listed on National Register of Historic Places	y-	y+	y+	y+
On or near any known archeological sites	n	n	n	n
=====				
<u>Economic Factors</u>				
Conversion of Prime Farmland	n	n	n	n
Traffic/parking congestion	n	y-	y-	y-
Navigable Waterway	n	n	n	n

A "y" indicates that yes, an adverse or beneficial impact is anticipated. A "t" indicates a temporary impact is anticipated. A "n" indicates that no impact is anticipated. A "u" indicates potential impacts are unknown and further assessment is required. A plus (+) indicates a beneficial impact and a minus (-) indicates an adverse impact.

Impacts on Visitors

All alternatives except Alternative A would fulfill the desires of a broad spectrum of interested individuals, organizations, and agencies to adequately preserve the Monroe School as a focal point to interpret the significance of the Brown v. Board of Education story to the public. A visitor contact/interpretive facility would provide thorough interpretation of the landmark Supreme Court decision for visitors and could introduce them to a variety of other appropriate interpretive themes. Access to the Topeka area and to the sites related to the Brown decision is easily accomplished. With adequate directional signs provided to guide visitors to the Monroe School and other sites, visitors could enjoy an informative and comprehensive tour of the area.

Impacts on the Socio-economic Environment.

Encouraging visitor use in the Sumner and Monroe School neighborhoods could result in increased traffic and possible congestion, particularly in the Sumner School zone. Additional demands could be placed on city services (water, sewer, street maintenance, and law enforcement).

With an increase in travel from outside the Topeka area, slight increases in tourism-related spending would occur due to the presence of a designated NPS unit in Topeka.

Short-term economic benefits from stabilization and remodeling activities at the Monroe School would occur.

Depending on the Alternative (or Management Option) chosen, direct economic benefits through payroll and related spending would occur, but are difficult to estimate.

Documentation and projections of tourism-related visits to the Topeka sites are difficult to estimate since there are so few related sites in the National Park System. Table 4 lists several NPS areas which may be used for comparison purposes, independent of other tourist attractions, the historic theme, and the tourism-related infrastructure within the respective community. For comparison purposes only, State capital cities with an existing NPS unit were included.

Women's Rights National Historical Park is located in Seneca Falls, New York. It commemorates the beginning of the struggle for equal rights for women and was the site of the 1848 Women's Rights Convention. Maggie L. Walker National Historic Site is located in Richmond, Virginia. Ms. Walker was an ex-slave who became a bank president and a leader of Richmond's black community. Lincoln Home National Historic Site in Springfield, Illinois, preserves the only home owned by President Lincoln. Martin Luther King, Jr. National Historic Site in Atlanta, Georgia, contains the birthplace, church, and grave of Dr. King, the renown Civil Rights leader.

Table 4

Comparative Visitation Analysis

<u>NPS Site</u>	<u>Annual Visits ('90)</u>	<u>City/State</u>	<u>State Capital</u>	<u>Population</u>
Maggie Walker NHS	5,900	Richmond, VA	yes	217,400
Women's Rights NHP	15,900	Seneca Falls, NY	no	7,500
Lincoln Home NHS	452,900	Springfield, IL	yes	102,200
M.L. King, Jr. NHP	1,348,700	Atlanta, GA	yes	452,900
<u>Brown v. Board</u>	?	Topeka, KS	yes	122,200

Consultation and Coordination

See Section I

Summary of Public Involvement

See Section I

VII. PREPARERS, CONSULTANTS AND ACKNOWLEDGEMENTS

Study Team

Randall Baynes, Superintendent, Homestead National Monument, NE (team leader)

Harry Butowsky, Ph.D., Historian, National Park Service, Washington, D.C.

Kelly Donahue, Outdoor Recreation Planner, National Park Service, Omaha, NE

Martha Hagedorn-Krass, Architectural Historian, Kansas State Historical Society

Ronald Mack, Superintendent, Harry S Truman National Historic Site, MO

June McMillen, Outdoor Recreation Planner, National Park Service, Omaha, NE

Stephen Miller, Superintendent, Ft. Scott National Historic Site and NPS State Coordinator for Kansas

Sandra Washington, Outdoor Recreation Planner, National Park Service, Omaha, NE

Consultants

Desmond Anyanwu, Historic Preservation Department, Kansas State Historical Society

James Concannon, Dean, Washburn University School of Law

Vance Kelley, Historic Preservation Department, Kansas State Historical Society

Andy Ketterson, Chief, Cultural Resource Management, National Park Service, Midwest Region, Omaha, NE

Jill Medland, Environmental Protection Specialist, National Park Service, Midwest Region, Omaha, NE

Acknowledgements

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SUMNER ELEMENTARY SCHOOL & MONROE ELEMENTARY SCHOOL

1. NAME OF PROPERTY

Historic Name: Sumner Elementary School & Monroe Elementary School

Other Name/Site Number:

2. LOCATION

Street & Number: Sumner: 330 Western Avenue Topeka, Kansas 66606

Not for publication: ___

Monroe: 1515 Monroe Street Topeka, Kansas 66601

City/Town: Topeka

Vicinity: ___

State: Kansas County: Shawnee Code: 177

Zip Code: 66601

3. CLASSIFICATION

Ownership of Property

- X:Private
X:Public-local
__:Public-State
__:Public-Federal

Category of Property

- X:Building(s)
__:District
__:Site
__:Structure
__:Object

Number of Resources within Property

Contributing

- 2:Buildings
__:Sites
__:Structures
__:Objects
2:Total

Noncontributing

- __:Buildings
__:Sites
__:Structures
__:Objects
0:Total

Number of Contributing Resources Previously Listed in the National Register: 1

Name of related multiple property listing: ___

SUMNER ELEMENTARY SCHOOL & MONROE ELEMENTARY SCHOOL

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4. STATE/FEDERAL AGENCY CERTIFICATION

As the designated authority under the National Historic Preservation Act of 1986, as amended, I hereby certify that this ___ nomination ___ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property ___ meets ___ does not meet the National Register Criteria.

Signature of Certifying Official

Date

State or Federal Agency and Bureau

Date

In my opinion, the property ___ meets ___ does not meet the National Register criteria.

Signature of Commenting or Other Official

Date

State or Federal Agency and Bureau

Date

5. NATIONAL PARK SERVICE CERTIFICATION

I, hereby certify that this property is:

- ___ Entered in the National Register
___ Determined eligible for the National Register
___ Determined not eligible for the National Register
___ Removed from the National Register
___ Other (explain):

Keeper

Date of Action

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6. FUNCTION OR USEHistoric: EducationSub: SchoolCurrent: Education (Sumner)
Vacant (Monroe)Sub: School (Sumner)**7. DESCRIPTION**Architectural Classification
Art Deco (Sumner)
Italian Renaissance (Monroe)Materials
Foundation: Limestone
Walls: Brick
Roof: Asphalt Shingle
Other: Steel (casement windows)
Limestone (quoins,
cornice, sills, and panels)

SUMNER ELEMENTARY SCHOOL & MONROE ELEMENTARY SCHOOL**DESCRIBE PRESENT AND HISTORIC PHYSICAL APPEARANCE.****THE SUMNER SCHOOL**

The Sumner Elementary School was constructed in 1936 by the School Board of Topeka, Kansas. The school stands on 3.6 acres, has a total of 31,306 square feet with 17 rooms (10 classrooms), and has a capacity for 240 students and 30 staff members. The architect was Thomas W. Williamson of Topeka, perhaps best noted for his design of the Topeka High School and the First National Bank of Topeka.

The Sumner Elementary School was originally designed as a two-story, brick structure with 13 rooms, a tower, a basement, and auditorium. The exterior is enhanced by stone decorative bas reliefs in the art deco style. In the years since its construction, the school has undergone several renovations. For example, in the 1930s, manual training and cooking were taught in the elementary school; as the curriculum changed, these rooms were converted to a media center and teacher's lounge. In other remodelings, the auditorium became a multi-purpose room, the tower was renovated to contain a special reading classroom, and the basement was remodeled to contain a playroom and two additional classrooms. The specific dates of these renovations is unknown, although it is believed that the manual training and cooking rooms were changed during the early 1950s and the tower, auditorium, and basement were changed some years later.

Since the Sumner Elementary School is still in use, the school district has continued to update and repair the building as needed. These renovations represent modifications necessary to meet the continuing needs of the students at the Sumner Elementary School and do not affect the integrity of the property as a functioning elementary school. The Sumner Elementary School is essentially the same today as it was in 1954.

THE MONROE SCHOOL¹

The Monroe School was constructed in 1926 by the School Board of Topeka, Kansas. The architect was Thomas W. Williamson of Topeka. Williamson designed all of the public schools in Topeka from 1912 through the 1950s.

At the time of its construction the Monroe School was one of four elementary schools in Topeka serving the black community. The other black elementary schools were the Washington School, the McKinley School and the Buchanan School. The Washington School no longer survives. The McKinley School and the Buchanan School survive, but are no longer owned by the Topeka Board of Education. The McKinley School is used as a storage building and the Buchanan School was remodeled for use as an office building. The Monroe

¹ The descriptive material for the Monroe School was supplied in a letter to Harry Butowsky by Ms. Martha Hagedorn-Krass, Architectural Historian for the Kansas State Historical Society, dated January 11, 1991.

SUMNER ELEMENTARY SCHOOL & MONROE ELEMENTARY SCHOOL

School was closed in 1975 due to declining enrollment. The school is now owned by Mr. Mark Stueve, President of S/S Builders, Inc., of Topeka and is not occupied.

The Monroe School is a two-story, five-bay, red brick Italian Renaissance style building and stands on an ashlar cut limestone foundation. A low pitched, asphalt shingle clad, hipped roof with wide, overhanging eaves surmounts the building. The building measures 61 feet north to south and 174 feet east to west overall and has an eastern facade orientation. A flat roofed gymnasium projects centrally from the building's western elevation, measuring 15 feet from east to west and 72 feet from north to south. The building fronts onto a large grassy park and is located in a residential and low-density commercial/industrial neighborhood.

An ashlar cut limestone entrance pavilion defines the building's center facade bay. A double doorway surmounted by a fanlight stands in the pavilion's center. The building's name, "Monroe", and the building's construction date, "1926", are incised above and around the main entry door. Double doorways surmounted by rectangular transoms provide entry into the building on the north and south elevations.

Steel casement windows surmounted by transoms compose the building's fenestration. Four bands of windows delineate each level on the eastern facade. The band treatment is also employed on the western elevation. Three fanlight windows are incorporated on the second level of the gymnasium on the western elevation. One window surmounts each door on the north and south elevations. Brick lintels surmount each window and limestone sills underscore each window.

Limestone quoins delineate each corner of the main building, excluding the gymnasium. Two carved limestone panels decorate the north and south elevations, flanking each door. Each panel is set off by a rectangular band of brick and limestone corner stones. A continuous limestone cornice surmounts the building.

The interior and exterior of the building maintain a high degree of structural and architectural integrity although some of the walls in the classrooms on the second floor have been removed. Most of the original wooden floors, doors, and paneling in the school survive. The Monroe Elementary School is still essentially the same today as it was in 1954 at the time Linda Brown attended the school.

SUMNER ELEMENTARY SCHOOL & MONROE ELEMENTARY SCHOOL

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8. STATEMENT OF SIGNIFICANCE

Certifying official has considered the significance of this property in relation to other properties:

Nationally: X Statewide: ___ Locally: ___

Applicable National Register Criteria: A X B ___ C ___ D ___

Criteria Considerations (Exceptions): A ___ B ___ C ___ D ___ E ___ F ___ G X

NHL Criteria: 1

NHL Criteria Exception: 8

- NHL Theme(s): XXVIII: The Law
A. The Development of Principles in the Legal Specialties
XXXI: Social and Humanitarian Movements
M. Civil Rights Movements
XXVII: Education
B. Elementary, Intermediate, and Secondary Education
5. Development of Equal Educational Opportunity

Table with 3 columns: Area(s) of Significance, Period(s) of Significance, Significant Date(s). Includes entries for Law, Politics/Government, Social History, 1951-1954, and May 17, 1954.

Significant Person(s): _____

Cultural Affiliation: N/A

Architect/Builder: Thomas Williamson

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STATE SIGNIFICANCE OF PROPERTY, AND JUSTIFY CRITERIA, CRITERIA CONSIDERATIONS, AND AREAS AND PERIODS OF SIGNIFICANCE NOTED ABOVE.

The Sumner and Monroe Elementary Schools are significant because of their association with the case of Brown v. Board of Education of Topeka (1954), in which the Supreme Court concluded that "separate educational facilities are inherently unequal" thus effectively denying the legal basis for segregation in 21 states with segregated schoolrooms and starting a revolution in the legal status of black Americans that continues to this day. The Sumner Elementary School is the neighborhood school that refused to enroll Linda Brown because she was black, thus precipitating the case that gave its name to the Supreme Court's 1954 decision. The Monroe Elementary School is the segregated school that Linda Brown attended before the Supreme Court's 1954 decision. The location of both schools in Topeka and the quality of education they provided to Linda Brown, and the other plaintiffs in the case, were material to the finding of the Supreme Court in the Brown decision.

BACKGROUND¹

The achievement of Civil Rights for black Americans in the twentieth century did not require a change in the Constitution as much as the fulfillment of the original intention of the framers of the 13th, 14th, and 15th Amendments to the Constitution. The purpose of these amendments was to integrate the freed slaves into the political and social order on the basis of legal equality. Reconstruction fell short of this goal, and in the late nineteenth and early twentieth centuries, patterns of discrimination between and physical separation of the races that had begun to take shape in the South after the Civil War were transformed into legally sanctioned segregation and disenfranchisement.

At the center of the struggle for equal civil rights was the case of Plessy v. Ferguson, (1896), in which the Supreme Court established the doctrine of separate but equal in the use of public transportation facilities. While the Plessy decision itself did not involve the issue of schools, the principle carried over. The segregation of whites and blacks was valid, if the facilities were equal, since it is the "equal" protection of the laws that is guaranteed by the Fourteenth Amendment.

At first, the Supreme Court was extremely lenient in construing what this "equality" required when it held in Cummings v. County Board of Education (1899) that there was no denial of "equal" protection of the laws in the failure of a Southern county to provide a high school for sixty black children, although it maintained a high school for white children. The Court

¹ Material for the statement of significance was taken from the following sources.

Robert F. Cushman, Leading Constitutional Decisions (16th ed.: Englewood Cliffs, New Jersey, Prentice Hall, Inc. 1981), pp. 327-35.

Alfred H. Kelley, Winfred A. Harbison and Herman Belz, The American Constitution: Its Origins and Development (New York: W.W. Norton & Company, Inc., 1983), pp. 602-12.

Richard Kluger, Simple Justice (New York: Vantage Books, 1975), pp. 407-411.

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was satisfied with the county's defense that it could not afford to build a high school for black children. In other cases dealing with Negro segregation which reached the Supreme Court after Plessy, the doctrine of "separate but equal" was followed and never reexamined. The Court seemed content with the Plessy decision. For example, in Berea College v. Kentucky (1908), the Court held that the state could forbid a college, even though a private institution, to teach whites and blacks at the same time and place. This left no doubt of the validity of the laws requiring the education of white and black children in separate tax-supported schools.

During the forty-year period after 1914, the Court, applying ever more rigid standards of equality, began to find that Negro plaintiffs were being denied equality of treatment as specified in the Plessy decision. In McCabe v. Atchison, T. & S. Ry. Co. (1914), an Oklahoma law was held not to accord equal accommodations to blacks and whites when it allowed railroads to haul sleeping, dining, and chair cars for the exclusive use of whites without providing them on demand for blacks. In Missouri ex rel. Gaines v. Canada (1938), the court held that Gaines, a Black man, was entitled to be admitted to the law school of the University of Missouri, in the absence of other and proper provision for his legal education within the state. In other words, Missouri did not have a separate and equal law school for Black people and thus had to admit Gaines to the law school of the University of Missouri. In Sweatt v. Painter (1950), the court rejected the argument from the State of Texas that its new law school for Blacks afforded educational opportunity equal to those at the University of Texas Law School.

By the fall of 1952 the Supreme Court had on its docket cases from four states, Kansas, South Carolina, Virginia, Delaware, and from the District of Columbia, challenging the constitutionality of racial segregation in public schools. In several of these cases the facts showed that both the black and white schools were as equal with respect to buildings, salaries, teachers and other tangible factors as could be expected. The issue before the Court was the constitutionality of segregation per se--the question whether the doctrine of Plessy v. Ferguson should be affirmed or reversed.

The five cases were argued before the Court in December 1952. The death of Chief Justice Vinson caused the cases to be reargued in December 1953, after the appointment of Earl Warren as Chief Justice. On May 17, 1954, the Court issued its historic decision in which it concluded that "Separate educational facilities are inherently unequal." After sixty years, Plessy v. Ferguson was overturned.

SUMMARY

This decision, in Brown v. Board of Education of Topeka, written by Chief Justice Earl Warren, was momentous. The social and ideological impact of the case can not be over-estimated. The decision was unanimous with only a single opinion of the Court. The issue of the legal separation of the races was settled. Segregation was a violation of the Fourteenth Amendment of the Constitution and was unconstitutional. By denying Linda Brown the right to enroll in the neighborhood Sumner Elementary School, the Board of Education of Topeka, Kansas, started the chain of events that led to the Supreme Court and the case of Brown v. Board of Education of Topeka. The Sumner Elementary School and

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the Monroe Elementary School symbolize both the harsh reality of discrimination permitted by the Plessy decision in 1896 and the promise of equality embodied in the Fourteenth Amendment to the Constitution that was realized after 1954.

FINAL NOTE

This nomination is a revision of the original National Historic Landmark nomination for the Sumner Elementary School, dated December 1986. The original nomination recommended the designation of only the Sumner Elementary School in Topeka, Kansas, for its association with the case of Brown v. Board of Education of Topeka. After further review of the material facts relating to the Brown decision, it was decided to amend the original nomination to include the Monroe Elementary School in Topeka, Kansas for the following reasons:

The Reverend Oliver Brown was the principal plaintiff in the case and the Monroe Elementary School was the black elementary school that Linda Brown attended when the suit was filed in the United States District Court for Kansas on February 28, 1951. The distance of the Monroe Elementary School from Linda Brown's home and the proximity of the Sumner Elementary School to her home was the central reason the Reverend Oliver Brown agreed to be a plaintiff in the case. The location of the Monroe school and the quality of the education provided by the Monroe school were significant judgmental factors that were considered by the Supreme Court in its decision of the case.²

A discussion concerning the effect of the segregation of the races in the Topeka elementary schools was included in the findings of the United States District Court for Kansas and the Supreme Court adopted this language as the basis for its decision.

The specific language quoted by the Supreme Court in the Brown decision stated the following:

"Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of law; for the policy of separating the races is usually interpreted as denoting the inferiority of the negro group. A sense of inferiority affects the motivation of the child to learn. Segregation with the sanction of law, therefore, has the tendency to (retard) the educational and mental development of negro children and to deprive them of some of the benefits they would receive in a racial(ly) integrated school system."

² Kluger, Simple Justice, pp. 407-11.

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This language was originally drafted by the First District Court of Kansas, using the testimony of Louisa Pinkham Holt, an assistant professor in the psychology department at the University of Kansas, who served as one of the expert witnesses for the plaintiffs in the Brown case.³

³ Kluger, Simple Justice, 419-424, 783.

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9. MAJOR BIBLIOGRAPHICAL REFERENCES

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Cushman, Robert F. Leading Constitutional Decisions. 16th ed. Englewood Cliffs, New Jersey: Prentice Hall, 1981.

David, Andrew. Famous Supreme Court Cases. Minneapolis, Minnesota: Lerner Publications Company, 1980.

Fribourg, Majorie G. The Supreme Court in American History. Philadelphia, Pennsylvania: Macrae Smith Company, 1984.

Kelley, Alfred H.; Harbison, Winfred A.; Belz, Herman. The American Constitution: Its Origins and Development. New York: W.W. Norton & Company, Inc., 1983.

Kluger, Richard. Simple Justice. New York: Vantage Books, 1975.

Powledge, Fred. Free At Last: The Civil Rights Movement and the People Who Made It. Boston: Little Brown and Company, 1991.

PREVIOUS DOCUMENTATION ON FILE (NPS):

- Preliminary Determination of Individual Listing (36 CFR 67) has been requested.
- Previously Listed in the National Register.
- Previously Determined Eligible by the National Register.
- Designated a National Historic Landmark.
- Recorded by Historic American Buildings Survey: # _____
- Recorded by Historic American Engineering Record: # _____

SUMNER ELEMENTARY SCHOOL & MONROE ELEMENTARY SCHOOL

PRIMARY LOCATION OF ADDITIONAL DATA:

- State Historic Preservation Office
- Other State Agency
- Federal Agency
- Local Government
- University
- Other: Specify Repository: Washburn University School of Law
 Topeka, Kansas
 Brown Foundation Archives
- University of Kansas
 Lawrence, Kansas
 Charles and John Scott Papers
- Kansas State Historical Society
 Topeka, Kansas
 Kansas State Supreme Court Records
 Various dissertations and newspaper clippings

SUMNER ELEMENTARY SCHOOL & MONROE ELEMENTARY SCHOOL**10. GEOGRAPHICAL DATA**

Acreeage of Property: Sumner: 3.6 Acres
 Monroe: 2,017 Acres

UTM References: Zone Easting Northing

Sumner: A 15 267910 4326430

Monroe: A 15 268360 4324140

VERBAL BOUNDARY DESCRIPTION:

The boundary for the Sumner Elementary School conforms to the lots enclosed by the dark line on the attached boundary description map. This was the boundary of the Sumner Elementary School at the time of the 1954 Supreme Court decision.

The boundary for the Monroe Elementary School includes lots 505, 507, 509, 511, 513, 515, 517, 519, 521, 523, 525, 527, 529, and 531 on Monroe Street and Lots 506, 508, 510, 512, 514, 516, 520, and 522 on the east side of Monroe Street, all in Ritchie's addition to the City of Topeka, Shawnee County, Kansas, enclosed by the dark line of the attached boundary description map. This was the boundary of the Monroe Elementary School at the time of the 1954 Supreme Court decision.

BOUNDARY JUSTIFICATION:

These are the historic boundaries associated with both the Sumner and Monroe schools at the time of the 1954 Supreme Court decision.

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11. FORM PREPARED BY

Name/Title: Ms. Martha Hagedorn-Krass
Architectural Historian
Kansas State Historical Society
120 West Tenth Street
Topeka, Kansas 66612-1291

and

Dr. Harry A. Butowsky, Historian,

Organization: National Park Service, Division of History (418)

Street/#: P.O. Box 37127

City/Town: Washington

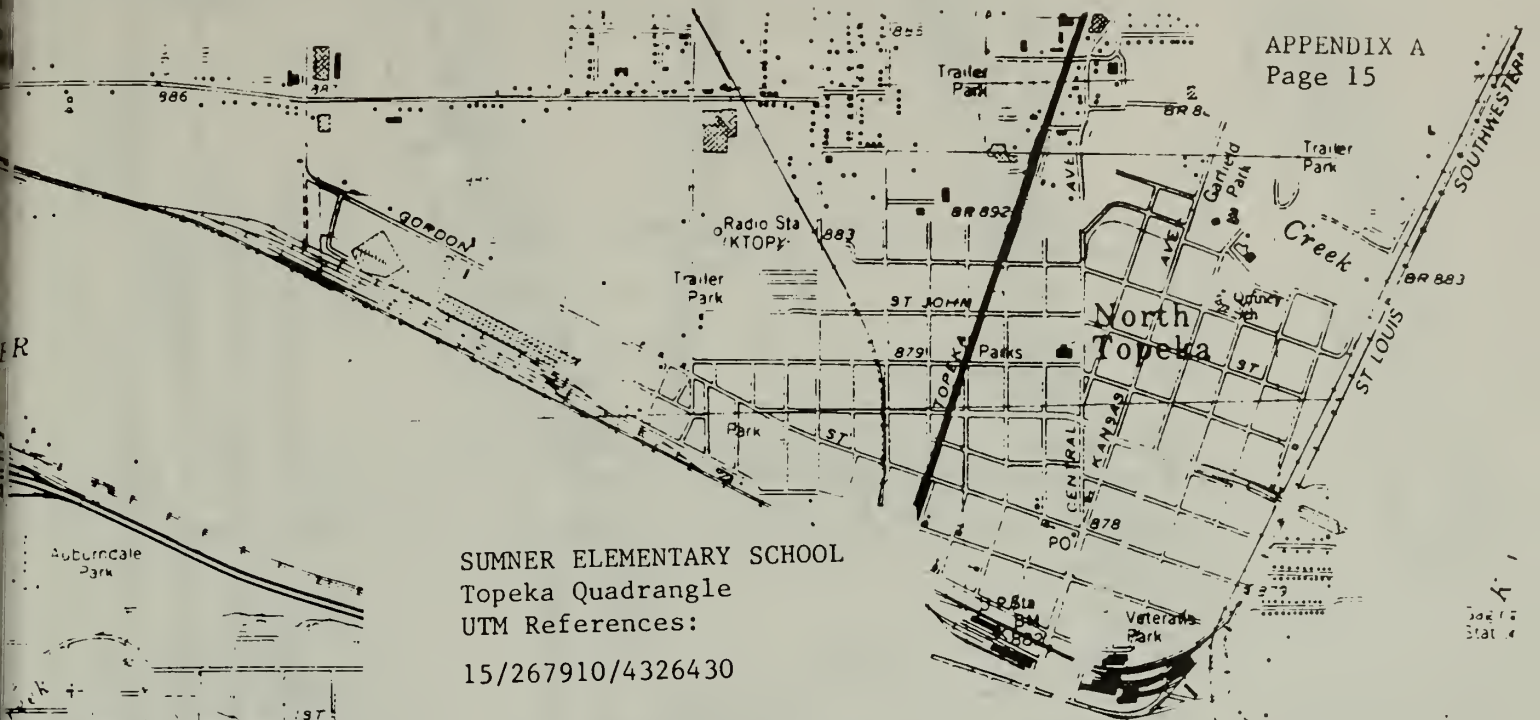
State: District of Columbia

ZIP: 20013-7127

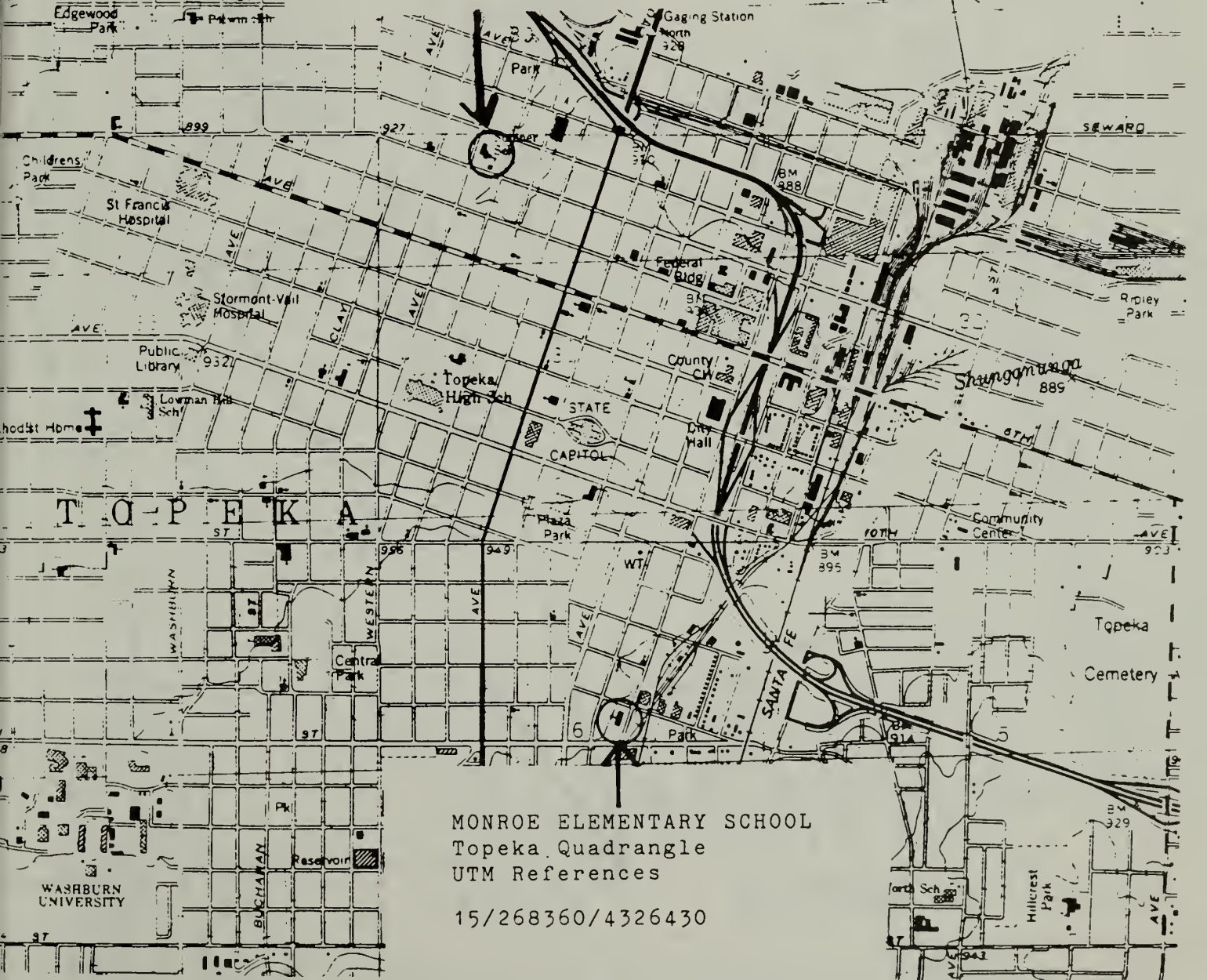
Telephone: (202) 343-8155

Date: June 20, 1991

July 25, 1991



SUMNER ELEMENTARY SCHOOL
Topeka Quadrangle
UTM References:
15/267910/4326430



MONROE ELEMENTARY SCHOOL
Topeka Quadrangle
UTM References
15/268360/4326430

THE BROWN FOUNDATION
P.O. BOX 4862
OPEKA, KANSAS 66604

Oliver Brown Residence. The Brown Family was living in a house that occupied this site at the time the Brown case was filed. Seven-year-old Linda walked from here to Kansas Avenue to catch the bus.

Sumner Elementary School. As part of the local NAACP plan, Oliver Brown attempted to enroll his daughter, Linda, at this all-white school. Thirteen other families attempted to enroll their children in other schools.

The Todd Home. Around the dining room table in this home, attorneys and plaintiffs planned the Brown case. Lucinda Todd was the local NAACP secretary in the late 40's and early 50's.

U. S. Post Office (Federal Court House until 1976). The legal drama unfolded in the courtroom on the second floor of the main post office.

Lowman Hill Elementary School

11th Street

Topeka High School

1st Street

4th Street

10th Street

Buchanan Elementary School

Capitol Plaza

Kansas Avenue

Scott, Scott, Scott, and Jackson Law Firm. The second floor of this downtown building housed the offices of the local NAACP attorneys who prepared the groundwork for the Brown case.

Huntoon

Washburn Avenue

Western

Topeka Avenue

15th Street

Monroe

17th Street

Washburn University

Kansas Expocentre

Monroe Elementary School. Linda Brown was attending this school when the Brown case was filed in 1951. Until 1954, Topeka operated racially segregated elementary schools.

21st Street

Site Map
Brown versus the Board of Education
Topeka, Kansas

HISTORIC PROPERTY INSPECTION REPORT
MONROE ELEMENTARY SCHOOL
TOPEKA, KANSAS

Prepared By

Desmond Anyanwu and Vance Kelley
Historic Preservation Department
Kansas State Historical Society

A general condition inspection was performed on the Monroe Elementary School on August 1, 1991.

EXTERIOR CONDITIONS

Site/Grounds

The site is clean and appears to be maintained. Joints between the concrete slabs are overgrown with weeds and grass.

Areaways are covered with metal grilles and/or wood planks. The area near the northwest corner of the building that is covered by wood planking is a place where water enters the basement.

The concrete stoop at the front entry has pulled away from the building and has settled slightly. Both the concrete landing and the stone watertable have been damaged at this location.

Foundation

There do not appear to be signs of structural problems at the foundation walls. No cracks were observed, however, some spalling of the stone watertable near the foundation was noted at the southwest corner of the building below the downspout.

Walls

Both the exterior brick walls and stone watertable appear to be in excellent condition. No cracks were noted in the walls and the mortar joints appear to be sound. The stone entablature below the built-in gutters is stained, but appears to be in good condition. The mortar joints near the built-in gutter should be inspected more closely.

Roof and Gutters

The original clay tile roof no longer exists and has been replaced with red asphalt composition shingles. While new sheathing was noted in the attic, the wood rafters show signs of old water damage and deterioration. It appears that the water problems that caused deterioration in other areas of the building have been corrected by the recent repairs.

The built-in gutters and downspouts should be inspected to ensure they are free of debris. The built-in gutter has lost most of its paint finish and should be repainted soon. The downspout located in the southwest corner of the building should be realigned and fixed in place.

Doors and Windows

Many of the existing doors do not appear to be original to the building and are in various stages of disrepair. Many are boarded to prevent unauthorized entry or vandalism and some have been severely abused.

The industrial steel casement windows appear to be in very good condition. While rust was noted at the bottom rail and sill of some windows, this could be remedied by cleaning the rust and priming and painting the windows. Several glass panes have been broken and allow wind-driven rain to enter the interior spaces.

INTERIOR CONDITIONS

Floor Plan Arrangement

The west wing of the first floor has not been altered leaving the restrooms, auditorium, and kindergarten room intact.

The east wing on the first floor has had some interior partitions removed. The historic open stairs have been enclosed by fire-rated walls and the main north-south corridor has enclosures at each end.

The second floor main corridor is intact including the iron and wood guardrail. Both the east and west wings have had all interior partitions removed. Apparently many of the features such as wood trim, doors, bathroom fixtures, and specialty items have been salvaged.

Walls

Many interior partitions have been removed. The exterior walls show the location of historic interior walls; however, the plaster has been damaged at this location. All walls, interior and exterior, appear to have been built of structural wall tiles.

Some of the walls have been painted with an "orange peel" texture that is not original to the school. Severe plaster damage was noted in the northwest corner of the auditorium. This damage was caused by water leaking through the roof. Apparently this has been corrected because the damage appeared to be old. Smoke damage was noted in the southeast room due to a fire. Some cracked plaster was noted throughout; however, this is not a major problem.

The historic glazed brick wainscot located in the main north-south corridors on both the first and second floors appears to be in very good condition. Limited damage was noted in the entry vestibules, but no replacement should be required.

The historic glazed tile wainscot in the restrooms is in very good condition. While some damage exists where toilet stall partitions or fixtures were removed, it should not need to be replaced.

Doors

Many of the existing doors located in the main north-south corridor are not original, but in good condition. Many doors have been salvaged when the interior partitions were removed. The doors that remain on interior partition walls appear to be original to the building and in very good condition.

Architectural Woodwork

Some of the historic woodwork has been removed, some has been painted, while much remains in good condition. Some elements such as the chair rail are not wood, but plaster.

Fireplaces and Chimneys

The fireplace located in the kindergarten room in the southwest corner of the building appears to be in good condition. The fire box requires repointing but the mantel and tile hearth appear to be fine.

Staircases

The historic stair located in the main north-south corridor has been enclosed with metal studs and gypsum board walls. Most likely this was done to meet fire code and egress requirements while the building was occupied as a school. Damage has occurred to the historic iron and wood rail; however, the guardrails located on the second floor still exist and can be used to recreate this feature. The newel posts are evident in the new walls and can be restored.

Floors

The terrazzo flooring in the main north-south corridor area is in good condition. The most deteriorated areas appear to be located in the entry vestibules at both ends of the corridor on the first floor and at the stair landings and ends of the corridor on the second floor.

The wood floor in the kindergarten room located in the southwest corner of the building has been painted, while other areas have had inappropriate plywood and tin patches made to them. Most of the wood floors are in good condition. Damage was noted on the second floor in the southwest corner where severe water damage has caused the floors to buckle and warp. Other damage was noted in the areas where the historic interior partitions have been removed.

The glazed tile floors in the bathroom are in fair condition on the first floor, while inappropriate patching with concrete has occurred on the second floor.

Some of the areas have been covered with either asbestos floor tile or carpet. The carpet in the fire damaged room located in the southeast corner of the building should be removed. The asbestos sheet overlay on the wood floors on the first floor in the east wing should be removed. Some of the asbestos tile in the auditorium space has been damaged. It is not known whether this space contains the original hardwood floor under it or whether this is the original finish.

The floor structure is a reinforced concrete slab and beam system. The floor slab also acts as the ceiling for the rooms below. Areas under the main north-south corridor on the second level, in the east wing on the second level under the attic floor, and areas in the east wing on the first floor show signs of deterioration. Long cracks approximately 1/4 inch wide were noted, along with exposed reinforcing bars in some of the beams. While we do not believe this is a critical issue, the structural system should be checked in these areas.

Plumbing and Fixtures

Most of the plumbing fixtures have been removed, although they have been salvaged. No inspection was made of the existing piping.

Electrical and Light Fixtures

While many of the classroom areas have new fluorescent light fixtures, the auditorium space has the original lights intact. Other areas have original lights or, in some areas, remnants of them. The electrical service and wiring were not inspected.

Heating, Ventilating, and Air Conditioning

Some cast iron radiators exist, but new through-wall cooling units and forced air fan coils have been added throughout the building. The original boiler exists in the basement. An inspection of HVAC system was not performed.

SUMMARY

Overall, the building is in very good condition. With many vacant buildings accelerated deterioration and vandalism is commonplace. The Monroe School has been altered but has also been physically maintained. The recent efforts to clean out trash and debris will help preserve the building. The recent roof repairs appear to have stopped the damage that was occurring to the concrete slabs and interior finishes.

No serious physical concerns were evident in the building. The building should be maintained weather tight, while determining the new use for this building. We do not suggest that additional interior demolition or even reconstruction of interior walls be undertaken until a new use has been identified. At this point, the only work we suggest be undertaken is the broken window glass be repaired and reglazed and the exterior doors be maintained in a condition to prevent access by vandals. The building retains enough historic character that someone walking through the building can visualize its unique potential.

STABILIZATION ESTIMATE

Consultations with the building's owner indicate the immediate stabilization work outlined above could cost up to \$30,000.

Protective Measures of the Kansas Historic Preservation Act
(K.S.A. 75-2715--75-2725, as amended)

Originally enacted in 1977, the state preservation law was amended in 1981 to widen the range of state or local government activities affecting historic properties that are subject to review by the State Historic Preservation Officer and again in 1988 to define limits for project notification and to establish penalties for certain violations.

Printed below are key sections of the law that set forth state policy, define terms, and detail the protective procedures.

75-2715. Historic preservation declared policy of state. The legislature hereby finds that the historical, architectural, archeological and cultural heritage of Kansas is an important asset of the state and that its preservation and maintenance should be among the highest priorities of government. It is therefore declared to be the public policy and in the public interest of the state to engage in a comprehensive program of historic preservation and to foster and promote the conservation and use of historic property for the education, inspiration, pleasure and enrichment of the citizens of Kansas.

75-2716. Definitions. As used in this act, unless the context otherwise requires:

(a) "Historic preservation" means the study, identification, protection, restoration and rehabilitation of buildings, structures, objects, districts, areas and sites significant in the history, architecture, archeology, or culture of the state of Kansas, its communities or the nation.

(b) "Historic property" means any building, structure, object, district, area or site that is significant in the history, architecture, archeology or culture of the state of Kansas, its communities or the nation.

(c) "Project" includes: (1) Activities directly undertaken by the state or any political subdivision of the state, or any instrumentality thereof; (2) activities undertaken by a person which are supported in whole or in part through grants, subsidies, loans or other forms of financial assistance from the state or any political subdivision of the state, or any instrumentality thereof; and (3) activities involving the issuance of a lease, permit, license, certificate or other entitlement for use, to any person by the state or any political subdivision of the state, or any instrumentality thereof.

(d) "State or any political subdivision of the state" means the state of Kansas, any office, department, agency, authority, bureau, commission, board, institution, hospital, college or university of the state, or any county, township, city, school district, special district, regional agency, redevelopment agency or any other political subdivision of the state.

(e) "Person" means any individual, firm, association, organization, partnership, business, trust, corporation or company.

75-2724. Government projects; procedure for determining if historic property threatened; determination whether to proceed; review by district court. (a) The state or any political subdivision of the state, or any instrumentality thereof, shall not undertake any project which will encroach upon, damage or destroy any historic property included in the national register of historic places or the state register of historic places or the environs of such property until the state historic preservation officer has been given notice, as provided herein, and an opportunity to investigate and comment upon the proposed project. Notice to the state historic preservation officer shall be given by the state or any political subdivision of the state when the proposed project, or any portion thereof, is located within 500 feet of the boundaries of the historic property located within the corporate limits of a city, or within 1,000 feet of the boundaries of a historic property located in the unincorporated portion of a county. Notwithstanding the notice herein required, nothing in this section shall be interpreted as limiting the authority of the state historic preservation officer to investigate, comment and make the determination otherwise permitted by this section regardless of the proximity of any proposed project to the boundaries of a historic property. The state historic preservation officer may solicit the advice and recommendations of the historic sites board of review with respect to such project and may direct that a public hearing or hearings be held thereon. If the state historic preservation officer determines, with or without having been given notice of the proposed project, that such proposed project will encroach upon, damage or destroy any historic property included in the national register of historic places or the state register of historic places or the environs of such property, such project shall not proceed until: (a) The governor, in the case of a project of the state or an instrumentality thereof, or the governing body of the political subdivision, in the case of a project of a political subdivision or an instrumentality thereof, has made a determination, based on a consideration of all relevant factors, that there is no feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to such historic property resulting from such use and (b) five days' notice of such determination has been given by certified mail, to the state historic preservation officer.

(b) Any person aggrieved by the determination of the governor pursuant to this section may seek review of such determination in accordance with the act for judicial review and civil enforcement of agency action. Any person aggrieved by the determination of a governing body pursuant to this section may seek review of such determination in accordance with K.S.A. 60-2101 and amendments thereto.

(c) The failure of the state historic preservation officer to initiate an investigation of any proposed project within 30 days from the date of receipt of notice thereof shall constitute such officer's approval of such project.

(d) Failure of any person or entity to apply for and obtain the proper or required building or demolition permit before undertaking a project that will encroach upon, damage or destroy any historic property included in the national register of historic places or the state register of historic places, or the environs of such property, shall be subject to a civil penalty not to exceed \$25,000 for each violation. The attorney general may seek such penalties and other relief through actions filed in district court.

75-2725. Action to enforce act or protect historic property. The state of Kansas or any county, municipality or other political subdivision having capacity to sue and be sued, the Kansas State Historical Society and any city or county historical society which, for more than two years prior to filing such action, has been organized, has elected officers and has received compensation, funds or reimbursements from a city or county pursuant to K.S.A. 12-1660 or 19-2649, and amendments thereto, may maintain an action in the district court having jurisdiction where an alleged violation occurred or is threatened for such equitable and declaratory relief as may be necessary to enforce the provisions of this act and to protect historic property from unauthorized or improper demolition, alteration or transfer.

