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

Monroe: 1515 Monroe Street
Topeka, Kansas 66601

Not for publication:____

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	Noncontributing
2 :Buildings	___:Buildings
___:Sites	___:Sites
___:Structures	___:Structures
___:Objects	___:Objects
2 :Total	0 :Total

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

Name of related multiple property listing:___

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

6. FUNCTION OR USE

Historic:	Education	Sub:	School
Current:	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)

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 SCHOOL[1]

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.

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 eves 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.

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

Area(s) of Significance	Period(s) of Significance	Significant Date(s)
Law	1951-1954	May 17, 1954
Politics/Government		
Social History		

Significant Person(s): _____

Cultural Affiliation: N/A

Architect/Builder: Thomas Williamson

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.

BACKGROUND[1]

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

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[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.

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

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 plantiff 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."

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[2] Kluger, Simple Justice, pp. 407-11.

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.

9. MAJOR BIBLIOGRAPHICAL REFERENCES

Corwin, Edward S. The Constitution And What It Means Today. 13th ed. Princeton, New Jersey: Princeton University Press, 1973.

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.
X Previously Listed in the National Register.
___ Previously Determined Eligible by the National Register.
X Designated a National Historic Landmark.
___ Recorded by Historic American Buildings Survey: #_____
___ Recorded by Historic American Engineering Record: #_____

PRIMARY LOCATION OF ADDITIONAL DATA:

X State Historic Preservation Office
___ Other State Agency
___ Federal Agency
___ Local Government
___ University
X 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

10. GEOGRAPHICAL DATA

Acreage 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.

11. FORM PREPARED BY

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and

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Date: June 20, 1991

July 25, 1991