United States Department of the Interior  
National Park Service

National Register of Historic Places  
Inventory—Nomination Form

See instructions in How to Complete National Register Forms  
Type all entries—complete applicable sections

1. Name

historical school  
Sumner Elementary School

and/or common

2. Location

street & number  
330 Western Avenue

city, town  
Topeka

state  
Kansas

3. Classification

<table>
<thead>
<tr>
<th>Category</th>
<th>Ownership</th>
<th>Status</th>
<th>Present Use</th>
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<tbody>
<tr>
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<tr>
<td>structure</td>
<td>both</td>
<td>work in progress</td>
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<td>site</td>
<td>Public Acquisition</td>
<td>Accessible</td>
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<td>industrial</td>
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4. Owner of Property

name  
Board of Education of Topeka

street & number  
624 West 42nd Street

city, town  
Topeka

state  
Kansas

5. Location of Legal Description

court, registry of deeds, etc.  
Shawnee County Courthouse

street & number  
Registry of Deeds

city, town  
Topeka

state  
Kansas 66603

6. Representation in Existing Surveys

title  
None

has this property been determined eligible?  
yes no

date  

<table>
<thead>
<tr>
<th>federal</th>
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<th>local</th>
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</table>

depository for survey records

city, town  

state  

169
7. Description

Condition

X excellent  _____ deteriorated  _____ unaltered  X original site
_____ good       _____ ruins        X altered   _____ moved  date
_____ fair       _____ unexposed

Describe the present and original (if known) physical appearance

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 First National Bank of Topeka.

The Sumner Elementary School was originally designed as a two-story, brick structure with thirteen 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 schools; as the curriculum changed, these rooms were converted to a media center and teacher's lounge. In other remodeling changes, 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 site as a functioning elementary school. The Sumner Elementary School is essentially the same today as it was in 1954.
8. Significance

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Specific dates 1954  
Builder/Architect Thomas W. Williamson

Statement of Significance (in one paragraph)

The Sumner Elementary School is significant because of its 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 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.

BACKGROUND

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 Thirteenth, Fourteenth, and Fifteenth 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 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 Negro, 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 Negroes 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 Negroes 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 all 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 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 Fourteenth 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 of Topeka. The Sumner Elementary School
symbolizes 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.
FOOTNOTES

1 Material for the Statement of Significance was taken from the following sources.


BIBLIOGRAPHY


## 10. Geographical Data

Acreage of nominated property: 3.6 acre
Quadrangle name: Topeka

UTM References

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<th>Zone</th>
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<tr>
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Quadrangle scale: 1:24,000

Verbal boundary description and justification: The boundary of the Sumner Elementary School conforms to the lots enclosed by the red line on the attached boundary description map. This was the boundary of the school at the time of the 1954 Supreme Court decision in the Brown case.

List all states and counties for properties overlapping state or county boundaries:

<table>
<thead>
<tr>
<th>State</th>
<th>Code</th>
<th>County</th>
<th>Code</th>
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## 11. Form Prepared By

name/title: Harry A. Butowsky
organization: National Park Service, Division of History
date: December 1986
street & number: P.O. Box 37127
telephone: (202) 343-8155

## 12. State Historic Preservation Officer Certification

The evaluated significance of this property within the state is:

- [ ] national
- [ ] state
- [ ] local

As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service.

State Historic Preservation Officer signature

title:                        date:                        

For NPS use only

I hereby certify that this property is included in the National Register

date:                        

Keeper of the National Register

Attest:                      date:                        

Chief of Registration
SUMNER ELEMENTARY SCHOOL
Topeka Quadrangle
UTM References:
15/267910/4326430
Boundary Description Map

Summer Elementary School

### Remarks

- **NOTE:** All property lines and boundaries are as described by the City of Portland, Oregon.
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<table>
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<th>Property</th>
<th>Description</th>
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</tr>
<tr>
<td>Lot 2</td>
<td>10th Ave. E 50 ft 50 ft 10 ft</td>
</tr>
<tr>
<td>Lot 3</td>
<td>10th Ave. E 50 ft 50 ft 10 ft</td>
</tr>
</tbody>
</table>

### Legal Description

- **Lot Numbers:** 10, 11, 12, 13
- **Street No.:** Portland Ave.
- **Premises:** 2014

**Plat Checked:** May 28, 2016

**Owner:** Board of Education

**Assessor:** Office of Land

**Plat No.:** Portland Ave.

**Legal Description:**

- **Lot Numbers:** 10, 11, 12, 13
- **Street No.:** Portland Ave.
- **Premises:** 2014
SUMMER ELEMENTARY SCHOOL
Front View from Fourth Street, 1986
(Board of Education of Topeka)