

United States Department of the Interior
National Park Service

For NPS use only

National Register of Historic Places
Inventory—Nomination Form

received

date entered

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

1. Name

historic Sumner Elementary School

and/or common

2. Location

street & number 330 Western Avenue

not for publication

city, town Topeka

vicinity of

state Kansas

code

county Shawnee

code

3. Classification

Category

- district
- building(s)
- structure
- site
- object

Ownership

- public
 - private
 - both
- Public Acquisition
- in process
 - being considered

Status

- occupied
 - unoccupied
 - work in progress
- Accessible
- yes: restricted
 - yes: unrestricted
 - no

Present Use

- agriculture
 - commercial
 - educational
 - entertainment
 - government
 - industrial
 - military
- museum
 - park
 - private residence
 - religious
 - scientific
 - transportation
 - other:

4. Owner of Property

name Board of Education of Topeka

street & number 624 West 42th Street

city, town Topeka

vicinity of

state Kansas

5. Location of Legal Description

courthouse, 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

federal state county local

depository for survey records

city, town

state

7. Description

Condition		Check one	Check one
<input checked="" type="checkbox"/> excellent	<input type="checkbox"/> deteriorated	<input type="checkbox"/> unaltered	<input checked="" type="checkbox"/> original site
<input type="checkbox"/> good	<input type="checkbox"/> ruins	<input checked="" type="checkbox"/> altered	<input type="checkbox"/> moved date _____
<input type="checkbox"/> fair	<input type="checkbox"/> 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

Period	Areas of Significance—Check and justify below			
<input type="checkbox"/> prehistoric	<input type="checkbox"/> archeology-prehistoric	<input type="checkbox"/> community planning	<input type="checkbox"/> landscape architecture	<input type="checkbox"/> religion
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> archeology-historic	<input type="checkbox"/> conservation	<input checked="" type="checkbox"/> law	<input type="checkbox"/> science
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> agriculture	<input type="checkbox"/> economics	<input type="checkbox"/> literature	<input type="checkbox"/> sculpture
<input type="checkbox"/> 1600-1699	<input type="checkbox"/> architecture	<input type="checkbox"/> education	<input type="checkbox"/> military	<input type="checkbox"/> social/ humanitarian
<input type="checkbox"/> 1700-1799	<input type="checkbox"/> art	<input type="checkbox"/> engineering	<input type="checkbox"/> music	<input type="checkbox"/> theater
<input type="checkbox"/> 1800-1899	<input type="checkbox"/> commerce	<input type="checkbox"/> exploration/settlement	<input type="checkbox"/> philosophy	<input type="checkbox"/> transportation
<input checked="" type="checkbox"/> 1900-	<input type="checkbox"/> communications	<input type="checkbox"/> industry	<input type="checkbox"/> politics/government	<input checked="" type="checkbox"/> other (specify) Constitutional
Specific dates 1954	Builder/Architect Thomas W. Williamson			History

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.

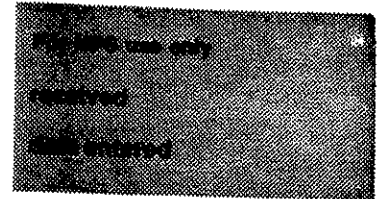
BACKGROUND¹

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 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.

United States Department of the Interior
National Park ServiceNational Register of Historic Places
Inventory—Nomination Form

Continuation sheet

Item number

8

Page

2

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.

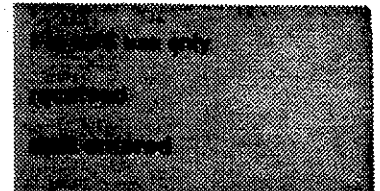
SUMMARY

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

**United States Department of the Interior
National Park Service**

**National Register of Historic Places
Inventory—Nomination Form**



Continuation sheet

Item number

8

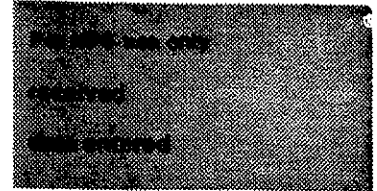
Page

3

symbolizes both the harsh reality of descrimination 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.

**United States Department of the Interior
National Park Service**

**National Register of Historic Places
Inventory—Nomination Form**



Continuation sheet

Item number

8

Page

4

FOOTNOTES

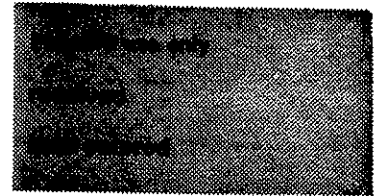
¹ Material for the Statement of Significance was taken from the following sources.

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.

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

**United States Department of the Interior
National Park Service**

**National Register of Historic Places
Inventory—Nomination Form**



Continuation sheet

Item number

9

Page

1

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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.

9. Major Bibliographical References

SEE CONTINUATION SHEET

10. Geographical Data

Acreege of nominated property 3.6 acre

Quadrangle name Topeka

Quadrangle scale 1:24,000

UTM References

A	1 5	2 6 7 9 1 0	4 3 2 6 4 3 0
	Zone	Easting	Northing

B			
	Zone	Easting	Northing

C			

D			

E			

F			

G			

H			

Verbal boundary description and justification The boundary of the Sumner Elementary School conforms 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 description in the Brown case.

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

state	code	county	code
-------	------	--------	------

state	code	county	code
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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

city or town Washington state DC

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

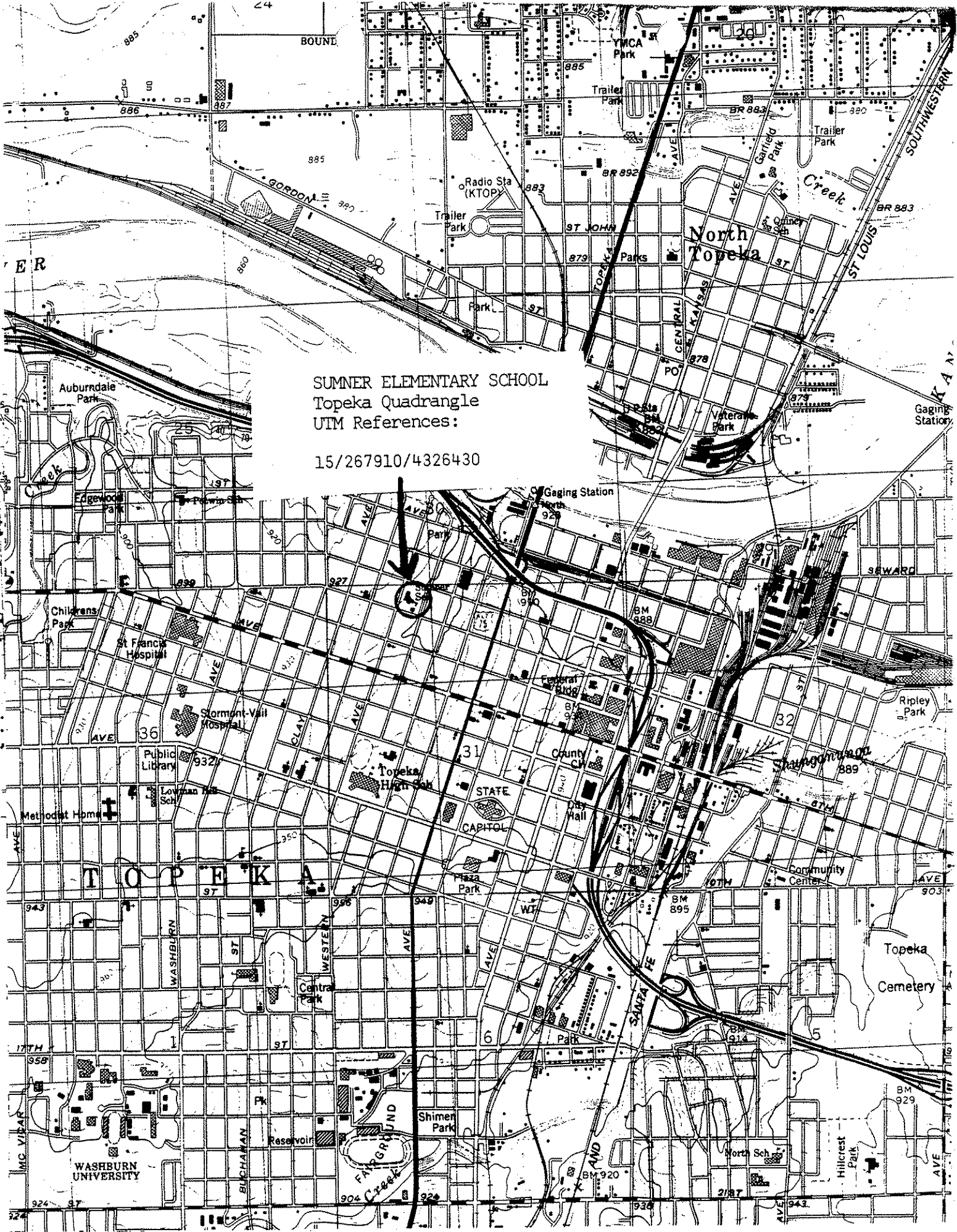
Keeper of the National Register

date _____

Attest:

Chief of Registration

date _____



SUMNER ELEMENTARY SCHOOL
Topeka Quadrangle
UTM References:

15/267910/4326430

File Checked Mar. 28, 1946

17 *R. [Signature]*

Name SUMNER SCHOOL

Street No. Fourth & Western Ave.

Number of Lots	Legal Description Lot Numbers	Location	Addition
134	Even Numbers Only 81-82 84 to 108	ON: Western Ave BETWEEN: Third & Fourth St.	City of Topeka, Sec. 31
10	Odd Numbers only 81-81, 83 to 99, 101-101	ON: Taylor St. BETWEEN: Third & Fourth ON: BETWEEN: ON: BETWEEN:	City of Topeka, Sec. 31

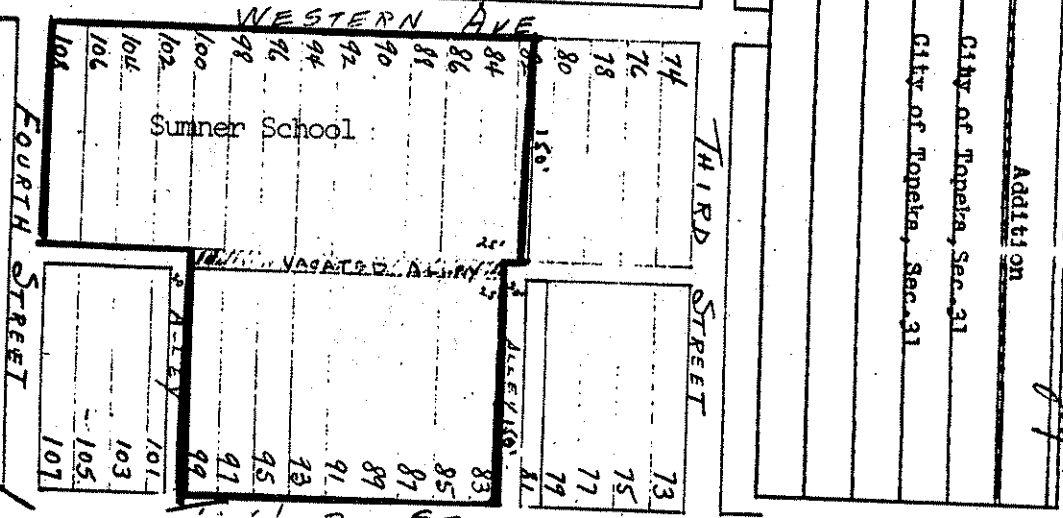
REMARKS

Deeds & Abstracts on file for all Described Property

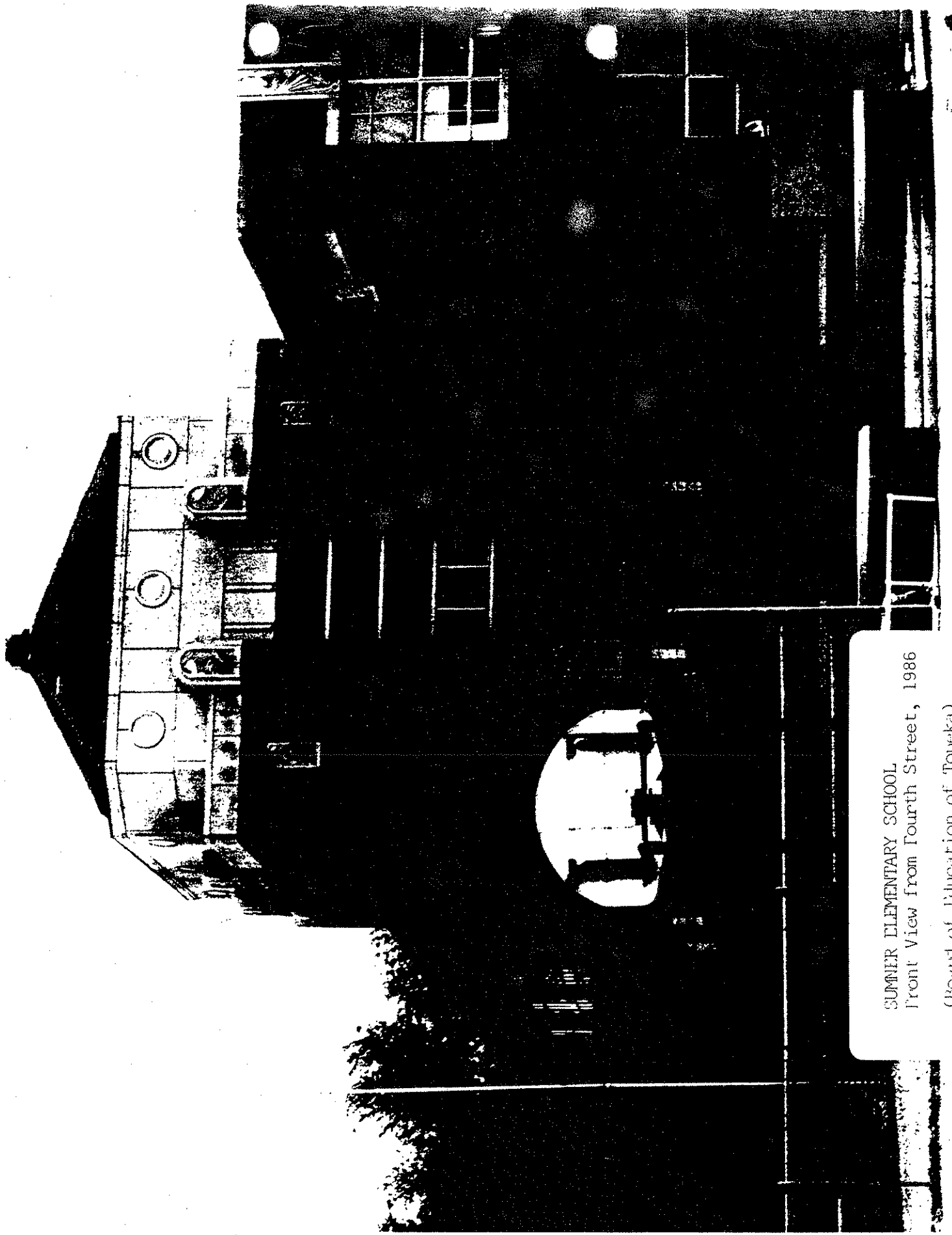
However lots 97, 99 & 101 were acquired through Condemnation Proceedings

The South 12 1/2 Ft of lot 81 and North 7 1/2' of lot 83, also the North 12 1/2' of

lot and the south 7 1/2' lot 99 were deeded to the city for alleys



Summer Elementary School
 Boundary Description Map



SUMNER ELEMENTARY SCHOOL
Front View from Fourth Street, 1986
(Board of Education of Topeka)