

## **Discrimination persists, Smith says**

This article in the Topeka Capital-Journal focuses on Linda Brown Smith who, along with her father Oliver Brown, were plaintiffs in the landmark civil rights case Brown v. Board of Education. Linda Smith had recently testified in a federal court about her experiences attending segregated schools in Topeka, including the Monroe school. Smith was called to the stand as a witness in a re-hearing of the Brown v. Board case to determine whether or not there were still some elements of institutional racial segregation in the Topeka school system. Smith, a plaintiff in the re-opened case, believed that racial discrimination still existed in the schools.

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TOPEKA CAPITAL-JOURNAL

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## Discrimination persists, Smith says

By GWYN KNUDSEN  
Capital-Journal federal affairs writer

Linda Brown Smith took the stand Tuesday in federal court and described her experiences attending segregated Topeka schools in the 1950s and watching her own children go through racially skewed schools 20 years later.

Smith's testimony came in the opening day of the second week of the rehearing in *Brown vs. Topeka Board of Education*, the landmark school desegregation case that bears her name. The trial reconvened Tuesday after the three-day Columbus Day weekend.

"I didn't have a feeling of inferiority until I attended junior high school and realized what an integrated school was," Smith testified.

Smith said she "had trouble relating" to other students after being isolated in all-black elementary schools. Topeka's grade schools were segregated during the early 1950s, but since 1941, when the junior highs were integrated, the races had not been separated at the secondary school level in Topeka.

Smith, whose father, the Rev. Oliver Brown, sued in 1951 to allow her to attend her neighborhood school rather than an all-black school across town, is leading a group of parents and their school children who reopened the case, claiming that the Topeka schools never complied with the U.S. Supreme Court's 1955 desegregation order.

Smith, 43, offered her 30 minutes of testimony during her second appearance at the trial since it began last week. She testified over the standing objection of attorneys for Topeka Unified School District 501 and the State Board of Education, who contended that witnesses should not be allowed to rehash events that had been part of the previous Brown litigation.

As a child, Smith said that in order for her to catch a bus to Monroe School, 2 1/4 miles from her home near 1st and Tyler, she had to walk under the Topeka Avenue Bridge and across the Rock Island Railroad tracks to Kansas Avenue. Smith had to attend Monroe instead of the all-white Sumner Elementary School, which was about two blocks from her home.

From 1978 to 1982, Smith's children, Charles and Kimberly, attended Highland Park High School on the east side of Topeka, and Smith said she believed that racial discrimination still existed in the Topeka schools.

"I noticed that most of the children in westside schools were white compared to many more blacks in Highland Park High School," Smith said.

Smith's testimony went unchallenged as attorneys for the defendants declined the opportunity to cross-examine her. Smith was followed on the stand by half a dozen other Topekans who said they have first-hand knowledge of racial discrimination in the Topeka schools.

Chis Hansen, an attorney for the American Civil Liberties Union and the plaintiffs in the Brown rehearing, said the witnesses were chosen because their testimony provided "themes" for the decades since the 1940s, the last decade that legally sanctioned segregation existed in the Topeka schools.

The plaintiffs in this rendition of the Brown case have argued that vestiges of the dual school system still exist and that any current discrimination in the schools can be traced to pre-Brown segregation.

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James Gilbert, who served during the 1950s as principal of Pierce School, an all-black school that was brought into the Topeka school system with a 1958 annexation action, described his own difficulties finding a practice teaching assignment in the segregated school system as well as inadequate and cramped conditions at Pierce.

Other testimony was provided by Jack Alexander, a former Topeka water commissioner and veteran of the Topeka school system. Alexander described segregation in athletics and extracurricular activities during his time as a student at Topeka High School from 1946 to 1949.

Duane McCord and Harold Murphy, who attended Topeka high schools during the 1960s, said they perceived a disparity in the educational opportunities offered to blacks and whites, and detailed their experiences with the school band, student council, college preparatory classes and, in Murphy's case, an attempt to organize a black student union at Topeka High School.

"The principal rejected that idea because you could not have any organization that discriminated on the basis of race," Murphy said. "That made it different from the German Club."

Under cross-examination by USD 501 attorney Charles McAtee, Murphy said the principal permanently suspended him from Topeka High School for his efforts to increase black awareness at the school.

"He claimed I continually upset the education process at Topeka High School, asking for things like black cheerleaders, an equal vote. plays that presented the black perspective," Murphy said.

Thirkelle Howard, a parent of a Topeka grade school pupil, said she believed her son, who is the only black student in his fourth-grade class at McClure Elementary School, 2529 S.W. Chelsea Drive, is being denied opportunities to share his culture and background.

The plaintiffs also called Marva Alexander, a kindergarten teacher and president of NEA-Topeka, who testified that she believed the school district had placed "a large number of black teachers in the predominantly black schools."

Alexander said she believed this was an administrative practice and not the result of any policy stated in a teacher's contract.