

# The Girl Who Started the Civil Rights Breakthrough



**She was only 5 years old. All she wanted to do was to go to a school a few blocks away. By this simple desire she took the first step toward victory in the long-fought battle for equal rights**

BY ARTHUR MYERS

■ SIXTEEN YEARS AGO a tall, strong man of 29 was living quietly in a five-room stone bungalow in the pleasant, tree-shaded city of Topeka, Kansas. He had a good job as a welder for the Santa Fe Railroad; he was married to a former high school beauty queen and had two daughters, one a baby, the other 5 years old. The 5-year-old's name was Linda Carol Brown. She was a plump little girl who looked so much like her father that people said, "If you see her, you've seen him." And she was to give her name to a Supreme Court decision that will be remembered as long as there is an America.

Linda, at 5, was ready to start school, but she could not go to the school near her home. She had to walk six miles to catch a bus and then ride two miles across town to another school. She had to start early in the morning, and in the winter she would not get home until it was dark. The reason for this seemed the essence of simplicity in a large part of the United States in 1948. Linda was a Negro.

Linda was puzzled when her parents told her of this complicated, tiring way she had to get to school.

"Why can't I go to school with the other kids?" she asked.

In the neighborhood she had white playmates who were going to nearby Sumner School. She had played with them for most of her short life. She went to their houses, and they came to hers. It was a difficult thing for a 5-year-old to comprehend.

*Linda Brown*

Her parents looked at each other in anguish. Then her father took her on his lap and said quietly, "Linda, we are Negroes. You can't go to Sumner because of the color of your skin."

"I don't understand," Linda said.

Oliver Brown sighed. "Neither do I," he said.

He thought about it a great deal that night. He could be an aggressive man, but he was also a thoughtful and spiritual man. A few years later he was to give up his job and become a minister. The next day he went to see his own spiritual adviser, the Rev. Maurice Lang, a white minister in the predominantly colored African Methodist-Episcopal Church.

"Why," Brown asked, "should my little girl have to go all the way across town when Sumner School is only a couple blocks away? How can it be right?"

The Reverend Lang shook his head. "It just isn't right, Oliver," he said. "There is no justice, really."

Brown stood up, a look of determination on his face. "I'm going to try to enroll her in Sumner School."

Lang gripped his hand. "I'm with you."

So on the first day of school Brown took Linda to the all-white Sumner School. The principal was pleasant and courteous but adamant.

"It isn't my policy, Mr. Brown," he said. "Segregation is the policy of the school board, and I have to abide by their decision."

Linda was enrolled in the segregated school far from her home, but the Browns didn't forget their dream of upsetting the status quo. Among their friends was a young white couple who lived next door. They often talked over the back-yard fence about the school situation. "I don't understand why it's like this," the young woman told Mrs. Brown. "We've lived together in peace and harmony. A child is a child."

Oliver Brown thought about it continuously as he worked at his job in the Santa Fe shop. A white fellow worker told him, "This sort of thing has been going on too long—it's time somebody did something about it." Brown began to feel that he had more of a purpose than welding railroad cars. He thought of going to college and the seminary to prepare himself for the ministry. But first, he decided, there was some unfinished secular business, and he was going to do something about it.

And so, in 1951, three years after his first rebuff, he took Linda to Sumner School again. The result was the same.

"They wouldn't enroll her," he told his pretty wife. "But I'm not going to let it stop there this time. I'm going to carry it through."

He tried to restrain his anger, for he hoped to become a minister, but he felt very strongly about it.

The Browns were members of the National Association for the Advancement of Colored People. They applied to the N.A.A.C.P. Legal Defense Fund, and it was decided to file suit against the Topeka Board of Education. Other Negro parents, 13 in all, joined in, filing on behalf of 20 children. Oliver Brown was their leader, however, so the suit was instituted primarily in his daughter's name. At the head of the suit, filed in U.S. District Court, there is listed as plaintiff: "Linda Carol Brown, an infant, by Oliver Brown, her father and next of kin."

THE CASE WAS TRIED in 1951 in Topeka before three judges. Oliver Brown took the witness stand, nervous, filled with the awe that a courtroom, with its physical trappings of that great, impersonal force, the Law, can strike in the layman. Both the chief judge and his own lawyer, Charles E. Bledsoe, had to urge him to speak louder as he answered the opening questions, designed to establish the distance Linda had to travel to school. But as he spoke, his voice became stronger, even resonant, with his sense of the injustice his daughter had endured.

"What time," asked Bledsoe, "does she board the bus?"

"She has to be there at eight o'clock," Brown replied, "but many times she has had to wait in the cold, the rain, or the snow until the bus got there, not knowing definitely what time it gets there."

"All right. Now, Mr. Brown, she boards that bus about eight o'clock. What time does she arrive at the school?"

"She's supposed to arrive at the school around eight-thirty."

"Eight-thirty. And what time do the classes begin at school?"

"Nine o'clock."

"What does your daughter do between the time the bus arrives at the school at eight-thirty and nine o'clock?"

"Well, sometimes she has had to wait outside the school until someone comes to let them in, through the winter season and otherwise—many times."

"What else does she do, if anything?"

"Well, there's nothing she can do

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except stand outside and clap her hands to keep them warm or jump up and down. They have no provisions at all for shelter."

"Now, Mr. Brown, what provisions are made by the school board for your daughter to have a warm lunch, if any?"

"There are no provisions made at all."

"Now then, your child—you don't get to see your child during the daytime until she returns in the evening—is that right?"

"That is correct, sir."

"Would you, Mr. Brown, like to have your daughter home, to have the same opportunity of giving her parental guidance as the white fathers and mothers might give their children?"

"Yes, sir."

The N.A.A.C.P. attorneys, headed by the nationally known Negro lawyer Thurgood Marshall, dwelt on the unfairness of implicitly telling a child he was a second-rate person, simply because of his color. They marshaled expert psychological and sociological opinion.

Dr. Horace B. English, professor of psychology at Ohio State University, testified, "If we din it into a person that he is incapable of learning, then he is less likely to be able to learn."

Dr. Louise Holt, a social psychologist at Topeka's famed Menninger Foundation, said, "A sense of inferiority must always affect one's motivation for learning, since it affects the feeling one has of one's self as a person."

AN ELOQUENT statement was made by Dr. John J. Kane, instructor in sociology at the University of Notre Dame, who said on the witness stand: "The opportunity of advancing in the world, moving ahead, having a better job than your father had, more social position—and I would point out to you that this concept is fundamental with the American system of values—this is one of the things that we Americans believe in very intensively, and it is something which is denied to Negro children. Segregation cuts down on the communication among people. It erects a barrier."

The judges were impressed. The chief judge, Walter A. Huxman, cut short a school board lawyer who argued that segregation was all right because it was the custom.

"The question is what the Fourteenth Amendment warrants and what it doesn't!" Judge Huxman

snapped. "We don't care what social customs provide."

A keystone of the school board lawyers' defense was a famous Supreme Court decision dating back to 1896, titled *Plessy vs. Ferguson*, which put the stamp of legality on the "separate but equal" doctrine. The judges of the Kansas court expressed sympathy for the Negro children, but went along with this 19th century judgment, ruling that on the basis of that precedent the 14th Amendment was not being violated.

"We conclude," Judge Huxman read to a jam-packed courtroom, "that the plaintiffs have suffered no denial of due process by virtue of the manner in which the segregated school system of Topeka is being operated."

His next words told a disappointing story to the Negroes of Kansas: "The relief sought is therefore denied."

The Browns were heartsick. Mrs. Brown had been unable to get to court to hear the verdict; she had three daughters now, two of them not yet in school. And when Oliver Brown came home and told her what had happened, she cried. But he said, "We're going to appeal it. We'll fight it to the last degree. We're in this, and we'll go on to the end."

The N.A.A.C.P. Fund lawyers agreed, and the case was taken directly to the Supreme Court, under a statute that permits the skipping of the intermediary Court of Appeals in trials that have been heard by three judges, as this one was. Little Linda Brown's case, along with four other similar cases, from South Carolina, Virginia, Delaware, and the District of Columbia, were accepted for consideration by the Supreme Court.

Then began the long, heartbreaking process of waiting. The Supreme Court heard arguments on the issue in December 1952 but was unable to reach a decision and asked for re-arguments. The cases were heard for the second time in December 1953. From then on, the courtroom was jammed on each day the court was to hand down decisions, but nothing was forthcoming on the school cases.

Monday, May 17, 1954, was a decision day, but it was expected to be a routine one. Reporters had been told, "It looks like a quiet day," and they lounged downstairs in the press room of the Supreme Court building. Shortly before noon the press officer of the court put on his coat and told them the long-awaited segregation decision was about to be read.

There was a rush up the broad marble stairs that led to the courtroom. There Chief Justice Earl Warren was reading his opinion for the Court in Case No. 1 on the docket that term—"Brown et al. vs. Board of Education of Topeka et al." For minutes the people in the courtroom listened without a sure indication as to the outcome.

Then the Chief Justice read: "We come then to the question presented. Does segregation of children in public schools solely on the basis of race, even though physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.

"We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of equal protection of the laws guaranteed by the Fourteenth Amendment."

SCHOOL SEGREGATION had been dealt the mortal blow. No Supreme Court since the Dred Scott decision of 1857, which was a setback for the Negro, had ruled on so vital an issue in the field of racial relations. The court's unanimous decision had vital implications for some 11 million Negro children in the 21 states where segregation was either mandatory or permissive, plus the District of Columbia.

In Topeka on that historic day Mrs. Brown was at home. At three o'clock she turned on the radio and heard the news. She was so excited she ran to telephone her husband at work. Then she hesitated; he would be home in another hour. She wanted to tell him this in person.

As soon as he came into the house, she told him. He smiled and threw his arms around her. He laughed aloud for pure joy.

The phone started ringing. The calls were from their friends, both white and colored. There were parties and prayers of thanks in many of the homes of Topeka that evening. One hundred and five years before, in 1849, the first segregation case had come before the Supreme Court and had been lost. Little Linda Brown, who had a father who didn't like to be pushed around, represented the culmination of a century of struggle for justice within the legal frame-

*Linda Brown*

work of our society.

Linda, in whose name all this happened, is now Mrs. Charles B. Smith. She is a pleasant, heavyset young woman, 22 years old, and she has her own small son, Charles II. They live in Topeka in a duplex apartment in an integrated housing development. Her husband, whom she met when they were in school together, is a cash register repairman.

Her father went through with his dream of becoming a minister. He attended Washburn University in Topeka, went on to the seminary, and was ordained in the A.M.E. Church. He held pastorates in Topeka for seven years, then received a call from a church in Springfield, Missouri. The family lived there for three years, until the Reverend Brown died suddenly of pneumonia in 1961 at the age of 42.

The Supreme Court decision, oddly enough, had little personal effect on Linda. Only the elementary schools in Topeka had been segregated, and in the fall of 1954 Linda went into junior high school, anyway. In the midwestern state of Kansas the Browns did not suffer for their militancy, as they almost certainly would have farther south. They never got any nasty telephone calls, and there was never any threat of reprisal against Oliver Brown on his job. When Linda's father started the suit, some newspaper photographers came to her segregated school to take pictures of her, which occasioned a few questions from the other children, but little else. Linda attended the trial one day with her father but remembers little of it. She did not testify.

Kansas was integrated without the ugly strife that has flared in many other parts of our country. "The white people showed great maturity," Linda says today. "They took things just as they came, and integration was accomplished peacefully."

How at variance this was with official forebodings is indicated by some of the quotations from Kansas school superintendents that were read into the record of the Supreme Court trial, such as:

"If large numbers of Negro children would elect to attend any one white school here, the white people would rebel."

"Violence would be inevitable and swift."

"There would be riots, boycotts, and other serious disturbances. It would take a minimum of twenty-five years to bring about desegregation."



*Linda Brown*

Nothing like this happened, which shows how often leaders can be less advanced than the people.

"I was talking to the principal at Sumner School the other day," Linda says, "and he said there was no trouble at all. The children went on playing as they always had—although there were several instances of parents calling the school and making complaints."

Linda feels that integration is easier to accomplish in elementary school. "It works better in the lower school than in the higher," she says. "An older child is more set in his ways, whereas a younger child can be molded."

Her role as a standard-bearer has had a definite influence on her life, Linda feels. "Sometimes under pressure you do your utmost," she says. "You feel you have to, I guess. It brings out the best in you."

In 1961 she graduated with top honors from high school in Springfield and was offered a scholarship to Drury College there. She would have been the first full-time Negro student to attend. But after her father's sudden death and the family's move back to Topeka, she went a year to Washburn, leaving to get married. She hopes eventually to go back to Washburn to get a degree in music. She is a talented pianist and organist and plays in many churches, both white and colored.

Linda is a member of the N.A.A.C.P. but does not consider herself a militant person. "I've had a normal life," she says, "which I'm very thankful for. I think sit-ins are fine so long as they are peaceful situations, but where there is violence, I don't approve at all. I don't think the Negro will attain his goals if he turns to violence. I didn't approve of the World's Fair stall-in at all. I don't understand what they were trying to accomplish, but whatever it was, I don't think it was the proper thing to do. I don't think it gave a good impression of the Negro race."

When asked what she thinks of the Black Muslims, she wrinkled her nose. "I don't go along with them at all," she said. "Definitely not!"

A few months ago the N.A.A.C.P. brought Linda and the four other young people whose names headed the five cases heard by the Supreme Court to New York for a tenth anniversary celebration. They were put up in a new luxury hotel. A decade ago it would have been extremely unusual for a Negro to be accepted at a good hotel, even in New York City.



Linda and son gaze out of apartment window—with view to brighter future

Progress has been made in other fields, too. Theater segregation in Kansas stopped soon after the school decision. Three years ago Kansas passed a public accommodations law that bans discrimination in restaurants and hotels.

“Now,” Linda says, “they are trying to get a housing law passed so that Negroes can live anywhere.”

She is not a Pollyanna. Sometimes the crawling pace of tolerance is irksome to her. But she’s not a bitter person. “Maybe,” she says, “this is just the way things will have to be, but maybe in the future things will turn out the way they ought to be.”

She still has to get her hair done at a Negro hairdresser’s, but she’s happy she can turn on television these days and see Negro actors in roles that are dignified and matter-of-course. “You even see them in the commercials,” she said with a smile, “which shows nothing is all bad. It seems that the school decision was the start of desegregation in all sorts of areas.”

The smile faded slowly from her calm, strong young face and she looked pensively at her son Chuckie, a rip-roaring bundle of energy who kept racing around the pleasant Topeka living room, scattering ash trays in his wake. “I hope he’ll go as far as he can,” she said. “I think his advantages will be much greater than mine. He’ll only have to go two blocks to school, for one thing. He would have had to go about two miles if it weren’t for integration. We

*Linda Brown*

live in the suburbs, and he'd have to go clear into the city."

She caught her son as he wheeled by and held him to her. "It's a thrilling feeling," she said, "that through you so many other people have been helped. Not so much that your own situation was bettered, but that other people's was. And that my family coming on will have a better chance, that their chances for jobs and other opportunities will be so much greater." ■ ■



*Oliver L. Brown*

*(Image Added)*

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