



*Esther Brown*

# A Pioneer in Civil Rights

## Esther Brown and the South Park Desegregation Case of 1948

by Milton S. Katz and Susan B. Tucker

On May 18, 1954, the day after the United States Supreme Court announced its landmark school desegregation decision in *Brown v Board of Education of Topeka*, one hundred and fifty African American citizens of Topeka celebrated their victory. They applauded a white Jewish woman from Kansas City named Esther Brown when she reminded them that it had been "little people like us" who had brought about the most far-reaching achievement in the cause of civil rights since Abraham Lincoln's Emancipation Proclamation. Historian Hugh W. Speer presented Esther Brown a copy of his book *The Case of the Century* inscribed with the words, "With my compliments to the white Mrs. Brown of the Topeka case. If Abe Lincoln were around to shake your hand, he no doubt would say something like he did to Harriet Beecher Stowe, 'Is this the little woman who started it all?'"<sup>1</sup>

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1. Call (Kansas City, Mo.), May 20, 1954; *Kansas City Star*, May 18, 1954; Hugh W. Speer, interview by Milton S. Katz, September 15, 1990.

Although volumes have been published about “the case of the century,” little has been written about the contribution of Esther Brown, who in 1947–1949 spearheaded the Kansas school desegregation case *Webb v School District No. 90*.<sup>2</sup> Her determination to desegregate schools throughout the state took her to the state capitol in Topeka where she became involved in the National Association for the Advancement of Colored People’s (NAACP’s) constitutional attack on segregation.

Brown’s involvement in the school integration struggle dated from the fall of 1947, but her social activism had deep roots. The daughter of Russian-Jewish immigrants, Esther Swirk was born on September 19, 1917, and grew up in a working-class neighborhood in Kansas City, Missouri. Esther was only ten when her mother died of cancer. Her father Ben Swirk, a watchmaker, was not religious, but he was socially conscious and a member of several left-wing labor organizations such as the International Workers Order and the Human Rights Club. Brown identified with her father’s radical politics and causes and with the ethical values of Judaism. During the turbulent Depression decade, while a high school student in Kansas City and later as a sales girl at Marshall Fields in Chicago, she joined in a picket of garment workers, spent two summers at the leftist Commonwealth College in Mena, Arkansas, and supported the Spanish Loyalists and other progressive causes.<sup>3</sup>

Back in Kansas City, after losing a job with the Works Projects Administration (she believed for political reasons), she married a childhood friend, Lieu-

tenant Paul Brown, who was home on leave from the army air corps. After the war Esther and Paul moved home to Kansas City with their two young daughters into a modest house in Merriam, Kansas, on the southwest edge of suburban Kansas City. The family had lived there almost a year when Brown learned from her maid, Helen Swan, about the deplorable state of a segregated black school housed in a sixty-year-old building in the adjacent unincorporated township of South Park.<sup>4</sup>

South Park, originally promoted by its developers as a garden suburb with “a home for everybody,” was founded on August 25, 1887, and in the beginning was an integrated community. On May 24, 1888, Johnson County School District No. 90 was organized, and a one-room school was built “for the colored and white children who lived in the area.” The 1900 census lists 250 residents, including four “Negro” families who had arrived from the South in the 1880s and 1890s seeking to escape that region’s racial oppression and trying to establish a better life. School integration was short lived, however, as South Park unlawfully established segregated schools early in the new century. In 1912 a new school was built for white children; the black children remained behind in the original building. Some internal improvements were made to the black school in the 1920s, and it was named for Madame Walker, who built a substantial fortune developing hair products and cosmetics for African Americans.<sup>5</sup>

In the fall of 1947 the black community became incensed when the school board built a modern ninety-thousand-dollar elementary school facility for the 222 white students but excluded the 44 black

2. Brown’s role in school desegregation is discussed in the following works: Richard Kluger, *Simple Justice: The History of Brown v. Board of Education and Black America’s Struggle for Equality* (New York: Alfred A. Knopf, 1978), 388–90, 401, 409, 411, 414, 423; Jonathan Kaufman, *Broken Alliance: The Turbulent Times Between Blacks and Jews in America* (New York: New American Library, 1989), 87–89; Hugh W. Speer, *The Case of the Century: A Historical and Social Perspective on Brown v. Board of Education of Topeka* (Kansas City: University of Missouri Press, 1968), 20, 21; Elizabeth J. Vandever, “Brown v. Board of Education of Topeka: Anatomy of a Decision” (Ph.D. diss., University of Kansas, 1971), 41–43.

3. Esther Brown, interview by Susan B. Tucker, March 15, 1970, Esther Brown Manuscript Collection, private collection; Ben Swirk, Tucker, New York, N.Y. (hereafter cited as Brown Collection); Ben Swirk, interview by Susan B. Tucker, August 13, 1974, *ibid.*; Federal Works Agency, Works Project Administration, Division of Investigation, Chicago, January 14, 1941, Esther Elizabeth Swirk, case no. 2-MO-451, *ibid.*

4. Esther Brown, interview; Paul Brown, interview by Milton S. Katz, October 15, 1990, Brown Collection.

5. Barbara Rein, “The Black Community of South Park, Merriam, Kansas: A Part of the Whole,” in *Student Papers in Local History* (Kansas City, Kans.: Johnson County Community College, 1986), 2: 147; “Hidden Histories: Cultural Diversity in Johnson County,” *Johnson County Museums Album* 8 (Winter 1995): 1, 4; Jean Van Delinder, “South Park History,” (paper, Johnson County Museum of History, 1994); LeAnn Schmitt, “South Park Overview for Oral History Interviewers,” (paper, Johnson County Museum of History, May 1994). In 1967 South Park was annexed by the City of Merriam.



*Esther Brown (bottom row, third from right) and Alfonso Webb (top row, second from left) helped found the above pictured chapter of the National Association for the Advancement of Colored People to help combat segregation in suburban Kansas City's South Park township.*

students, even though the parents of all the children had been taxed for construction of the new school.<sup>6</sup> Brown visited Walker School, a dilapidated two-room shack with an outhouse, poor heating, and a flooded basement. As journalist Richard Kluger later wrote, Brown "went on a one woman crusade" to right this injustice.<sup>7</sup> Through Helen Swan, Brown joined up with the black residents of South Park, who had been demanding improvements for Walker School.

On October 8, 1947, Helen Swan and Alfonso Webb, a concrete contractor who was the father of nine and a respected community leader, met with school authorities including Virgil Wisecup, director of the school district; Vernon Hoyt, a school board member; and B.A. Larson, the architect employed by the board. Webb and Swan explained that they were not asking for integration, only for improvements to Walker School and equal educational facilities for their children. The board advised them to seek donations from their churches to improve their school. Hoyt claimed the board wanted to improve Walker School but had no money to do so. Several months

later the school board offered to install a new stop sign and a mail box at Walker School.<sup>8</sup>

Brown suggested that if South Park formed a local chapter of the NAACP, its demands would have national backing and carry more weight with the local school board. In January 1948 Brown and Webb met with Reverend E.A. Freeman, president of the Kansas City, Kansas, branch of the NAACP, who helped them organize a chapter. Dr. A. Porter Davis, president of the state NAACP, attended the group's first meeting and promised to take action. Webb became the first president of the South Park chapter and Mildred B. Sharp, its secretary. By February the South Park chapter had thirty dues-paying members.<sup>9</sup>

8. Testimony of Alfonso Webb and Helen Swan, Transcript of Commissioner's Investigation, September 22-23, 1948, *Webb v School District No. 90*, case file 37,427, Records of the Kansas Supreme Court, Library and Archives Division, Kansas State Historical Society; Esther Brown, interview.

9. Esther Brown, interview; Esther Brown to Franklin Williams, August 30, 1948, Brown Collection; Mildred B. Sharp to Gloucester Current, January 9, 1948, Merriam, Kansas, 1945-1955, Kansas NAACP Branch Office files (microfilm 1392), Library and Archives Division, Kansas State Historical Society; Edna Hill to Gloucester Current, January 14, 1948, NAACP Branch Office files; Gloucester Current to Edna Hill, March 4, 1948, NAACP Branch Office files; Lucille Black to Alfonso Webb, April 22, 1948, NAACP Branch Office files; Mildred B. Sharp to Gloucester Current, November 28, 1949, NAACP Branch Office files.

6. Franklin Williams and Earl Fultz, "The Merriam School Fight," *Crisis* 56 (May 1949): 140-41.

7. Kluger, *Simple Justice*, 389.

With encouragement from the Kansas City, Kansas, NAACP, South Park hired William Towers, a local black lawyer and Republican legislator from Wyandotte County, to represent them. Towers met with the board and demanded remedial action to make Walker School comparable to South Park's new school. The board told the black parents to make their requests at another meeting—without an attorney.<sup>10</sup>

The following week, on one-day's notice, the board called a meeting at the South Park school. It was attended by six black and four white people, in addition to members of the school board. Brown volunteered to represent the black community in lieu of Towers, who had demanded an additional legal fee. She went to the meeting with Helen Swan and her husband, William Swan, and tried to convince the board that what the black parents wanted for their children was a better education than they had had themselves. This was impossible at Walker where eight grades were being taught in two classrooms by two teachers, only one of whom was certified. The board denied that the conditions at Walker were unequal. Edwin Campbell, ostensibly principal of both schools, sarcastically advised that the black children did not need more than two teachers because they "were 5% smarter than the white children." As a gesture of "good will" the board offered to install new light bulbs and used desks from the old white school and made a vague promise to build the blacks a new school after the bonds were paid off—in thirty years.<sup>11</sup>

The next day Brown received a telephone call from Larson, on behalf of the board. "It took him an hour to tell me and my husband [Paul] to mind our own business," Brown later recalled. She was told that "the people in South Park were getting along very well in handling their 'Nigras' and they aren't complaining." Larson reminded Brown of what had happened to a white druggist in nearby Shawnee who had spoken up for the black community: the druggist

soon found himself without customers and was forced to leave town because no one would sell him or his family food, clothing, gas, or other necessities.<sup>12</sup>

The following evening the school board president called Brown at dinner time to invite her to a small meeting to discuss conditions at the black school. Although her husband and Helen Swan were fearful and opposed to her attending this meeting, Brown was determined to go. Hardly a private meeting, the school's gymnasium was packed with several hundred people. The chairman incited the crowd with his opening remark, "All of a sudden we seem to have a racial problem in South Park. Well, let me tell you that no nigger will get into South Park as long as I live." People shouted obscenities and racial slurs. One elderly woman opined, "I'm 76 years old and I went to the Walker School. If it was good enough for me, it is good enough for the nigger children."<sup>13</sup>

The room grew quiet. It was clear to Brown that she was supposed to speak. Terrified, she pulled herself together, stood up, introduced herself as the mother of two children, and said: "Look, I'm just a Kansas housewife. I don't represent these people . . . [but] I've seen the conditions at their school. I know none of you would want your children educated under such circumstances. They're not asking for integration—just a fair shake."<sup>14</sup>

But Brown's efforts to explain the facts and bring some sanity to the meeting were greeted with hostility. A woman started to hit her with an umbrella and had to be restrained. There were shouts of, "Let's take the niggers and send them back to Merriam, she'd like that." Brown was hooted and booed and silenced amid shouts of "Go back where you came from, nigger lover." When she protested that she had been invited to the meeting, the chairman denied it and walked off the platform. A Methodist minister who appealed for common sense received the same treat-

12. Esther Brown to Franklin Williams; unsigned letter to Ted O. Thackeray; Williams and Fultz, "The Merriam School Fight," 140.

13. Esther Brown, interview; Esther Brown to Franklin Williams; unsigned letter to Ted O. Thackeray; Williams and Fultz, "The Merriam School Fight," 140; Kluger, *Simple Justice*, 389.

14. Esther Brown, interview; Esther Brown to Franklin Williams; unsigned letter to Ted O. Thackeray; Kluger, *Simple Justice*, 389.

10. Esther Brown, interview; Esther Brown to Franklin Williams.

11. Unsigned letter to Ted O. Thackeray, August 24, 1949, Brown Collection; Williams and Fultz, "The Merriam School Fight," 140, 141, 156.

ment. Although the meeting apparently was called to intimidate her, Brown later recalled that she came out of it "a changed woman." She was outraged by the injustice, and she vowed to fight it.<sup>15</sup>

**A**fter the public meeting Brown was subjected to a twenty-four-hour barrage of threatening telephone calls. After two or three days of name-calling, the hecklers began taunting her with threats of "How would you like to have your house burned?" A neighbor pointed to a distant hill and warned Brown that the Ku Klux Klan had once burned crosses there. A few days later, a cross was burned on the Browns' front lawn.<sup>16</sup>

Brown refused to be intimidated. The black parents of South Park organized their community into action. On April 9, 1948, Esther Brown, Alfonso Webb, and Helen Swan attended the annual meeting of the school board and made a formal demand that the black children be admitted to the new South Park Common Grade School. The board rejected their request and refused to submit the matter to the legal voters of the district. On May 7 the *Plaindealer*, a Kansas City, Kansas, African American newspaper, published the first story about the South Park situation, reporting that the black citizens' "apathy had given way before a wrathful wave of righteous indignation of having to pay for bonds [to build a school to which they had no access]. . . . When attempts to pacify the local citizens of color are made, these attempts are met with organized resistance."<sup>17</sup>

Indeed, at a special meeting held on May 17, the school board passed a zoning resolution that gerrymandered the town into two separate districts—one for blacks and one for whites. The board would later claim it had established these boundaries "without regard to racial discrimination or without regard

to color," even though some of the white children had to walk past the Walker schoolhouse to get to the South Park school, and some of the black children had to walk past the South Park school.<sup>18</sup>

Faced with this vicious opposition from the white community, the South Park NAACP decided to take legal action. With the financial and moral support of A. Porter Davis and E.A. Freeman from the Kansas City, Kansas, NAACP, they instructed attorney William Towers to sue the school board. On May 25, 1948, Towers filed a mandamus action before the Kansas Supreme Court to require the school district to admit black students to the new school. The plaintiffs, all pupils at Walker School, were Harvey Lewis Webb, Alfonso Eugene Webb, Jr., Shirley Ann Turner, Robert Edward Turner, Delores Gay, and Patricia Black.<sup>19</sup>

Although the South Park black community had started out merely asking for improved conditions at Walker School, they now demanded full integration in compliance with Kansas law. Kansas had never been a Jim Crow state, but still in the statute books was an 1879 law that permitted larger cities, designated "first-class cities" with populations of more than fifteen thousand (where the vast majority of blacks resided), to maintain segregated school systems. Smaller, "second-class" cities like South Park, however, were required to operate a racially unified school system. South Park had violated this law since 1912. Following the pattern adopted in the 1800s by the neighboring town of Olathe, the South Park School Board had decided it would be better if blacks had their own school with their own teachers. Segregated schools in Kansas were not peculiar to Olathe and South Park. As historian James C. Carper points out, although Kansas "prided itself as a political entity dedicated to the principles of freedom and justice . . . many citizens wanted no part of what was often called 'mixed education.' Most blacks living outside first class cities remained . . . in segregated schools as

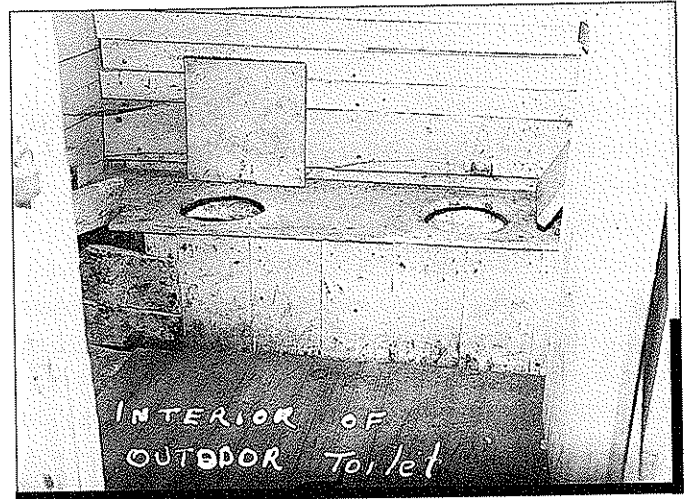
15. Esther Brown, interview; Esther Brown to Franklin Williams; unsigned letter to Ted O. Thackeray; Williams and Fultz, "The Merriam School Fight," 141; Kluger, *Simple Justice*, 389.

16. Esther Brown, interview; Esther Brown to Franklin Williams; unsigned letter to Ted O. Thackeray; Williams and Fultz, "The Merriam School Fight," 141.

17. *Plaindealer* (Kansas City, Kans.), May 7, 1948; Esther Brown, interview; Testimony of Alfonso Webb and Helen Swan.

18. Motion for Writ of Mandamus, May 25, 1948, *Webb v School District No. 90*; Alternative Writ of Mandamus, May 25, 1948, *ibid.*; Defendants Answer to Writ of Mandamus, June 21, 1948, *ibid.*; *Webb v School District 167 Kan.* 395, 397 (1949).

19. Motion for Writ of Mandamus; Alternative Writ of Mandamus.



a result of community pressure, violence, and, occasionally, choice." Furthermore Carper concludes that the doctrine of separate but equal education became an entrenched Kansas institution that would last until the 1950s throughout most of the state.<sup>20</sup>

Of course separate but equal education in Kansas was no more than a hollow slogan. According to historian Randall B. Woods, "[a]s was the case in cities of the first class, separate facilities in the smaller towns were grossly inferior." Although black organizations and the black press initially condemned separate and inferior educational facilities, by the turn of the century many influential black leaders in Kansas "advocated self-reliance and racial pride and accepted separate schools."<sup>21</sup> This was the situation the black parents in South Park reluctantly accepted—until 1948.

In May William Towers filed the lawsuit that became *Webb v School District No. 90*, but Brown believed he was pursuing the case with great indifference. Impatient for action and over the objections of the Kansas City, Kansas, NAACP, she persuaded the local NAACP to fire Towers. On August 11 they hired Elisha Scott, a noted civil rights lawyer from Topeka, who litigated the case more vigorously. His first action was to demand that the hearings on the motion, orig-

inally filed by Towers on July 2, be advanced to a date before September 9, the beginning of the school term.<sup>22</sup>

A significant development in the South Park case had occurred two weeks earlier. Carey Jones, attorney for the school board, wrote to Towers on July 27 relating the board's desire "to settle this matter on a reasonable basis to all parties concerned." Jones said the board was prepared to spend money to improve Walker and provide "the very best teachers available." Since the case would not be heard until October, Jones wanted "to be in a position to advise the school board to proceed with the improvements and negotiating the contracts with the teachers." Although Towers might have been inclined to settle, Scott and the local NAACP no longer were interested in a compromise deal.<sup>23</sup>

Due largely to Brown's relentless organizing and public relations efforts, the local black press gave extensive coverage to the South Park case, which began to attract attention throughout the state. Brown addressed the assembled delegates at the September 1948 Kansas NAACP convention in Osawatimie. She stressed the importance of making school desegrega-

20. James C. Carper, "The Popular Ideology of Segregated Schooling: Attitudes Toward the Education of Blacks in Kansas, 1854-1900," *Kansas History* 1 (Winter 1978): 254, 258, 263, 265.

21. Randall B. Woods, "Integration, Exclusion, or Segregation? 'The Color Line' in Kansas, 1878-1900," *Western Historical Quarterly* 14 (April 1983): 188; Carper, "The Popular Ideology of Segregated Schooling," 264.

22. "Motion to Advance Cause of Hearing," July 2, 1948, *Webb v School District No. 90*; Esther Brown to Charles Howard, July 13, 1948, Brown Collection; Alfonso Webb and Mildred Sharp to William Towers, August 11, 1948, Brown Collection; see also *Plaindealer*, August 20, 1948.

23. W.C. Jones to William H. Towers, July 27, 1948, *Webb v School District No. 90*.



tion the "top priority on the agenda for national defense. . . . Until Jim-Crow is abolished, the words 'democracy,' 'freedom' and 'justice' used so freely to support our foreign policy will ring hollow throughout the world." Following Brown's address, the state delegates voted full support for the plaintiffs' lawsuit. The *Call*, a black newspaper of Kansas City, Missouri, reported her speech, noting that "the Johnson County leader stated that today we must be as stubborn in our devotion to a principle as the abolitionists of a century ago—the times demand it, the defense of our country demands it."<sup>24</sup>

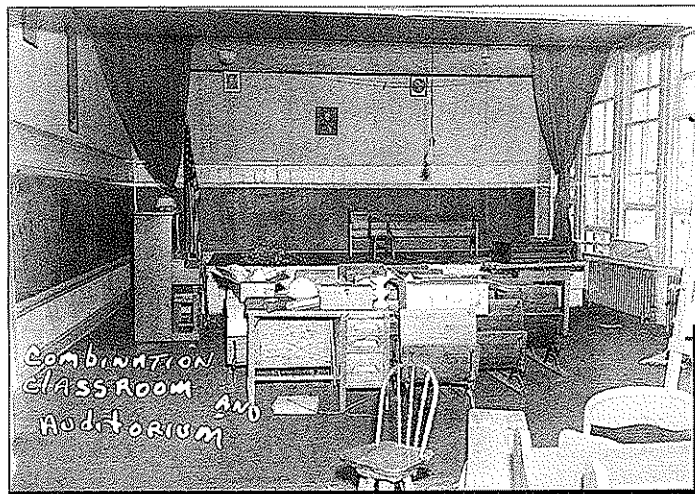
When school opened on September 3, black parents attempted to enroll their children in the new South Park school. The principal turned them away, saying he had no authority to admit them while the case was pending. On September 16 the court appointed a commissioner in Olathe to take testimony.<sup>25</sup>

A week later, in a packed courtroom in northeast Johnson County, Everett P. Steerman, Kansas Supreme Court commissioner from Emporia, began hearing testimony from both sides. Elisha Scott, assisted by his sons, John and Charles, handled the plaintiffs' side; W.C. Jones and James Bradley argued the case for the defendant school board, and District Attorney John Anderson (who later served as the state's governor) represented County Superintendent Mable Click. The case was expected to be settled by October.<sup>26</sup>

24. *Call*, September 24, 1948.

25. *Plaineater*, September 10, 1948.

26. *Call*, September 21, 1948.



With the decision pending, Brown persuaded all but two black parents to boycott the segregated Walker School. Instead, the families set up temporary schoolrooms in their homes. But the case was not settled by October. The parents, most of whom worked as low-paid laborers and domestics in Kansas City, contributed all they could to support the home schools, but they were unprepared for the frequent delays and postponements of the legal system. Money soon became an immediate and persistent problem. To finance the lawsuit and pay the salaries of two qualified teachers, Corinthian Nutter and Hazel McCray-Weddington, Brown traveled throughout the state collecting donations. "If someone will put me up for the night," she wrote the NAACP branches across Kansas, "I have a story to tell."<sup>27</sup>

She spoke to community groups, churches, fraternal orders, social clubs, veterans organizations, NAACP branches—anyone who would listen. She later recalled speaking to a church group in Bonner Springs: "It was raining and there were only ten children and four adults. But they gave me \$10 and it was the most inspiring collection I ever made." At a church in Coffeyville, Brown's speech raised only \$6.21. To Brown, the payoff was nevertheless significant because people became involved.<sup>28</sup>

27. Esther Brown, interview; Alfonso and Mary Webb, interview by Susan B. Tucker, August 6, 1985, Brown Collection; Hazel Weddington, interview by Susan B. Tucker, August 8, 1989, *ibid.*; "Hidden Histories: Cultural Diversity in Johnson County."

28. Esther Brown, interview; "Income—Contributions to South Park, Merriam, Kansas School Desegregation Case, April 18, 1948 to May 21, 1949," Brown Collection.



Brown also made personal appeals to friends, businessmen, and organizations in Kansas City, Missouri. With persistence and considerable powers of persuasion, she received significant contributions from NAACP branches in Kansas and Missouri; local Jewish organizations such as B'nai B'rith, the Anti-Defamation League, and the Community Relations Bureau; and the Civil Rights Committee in Manhattan, Kansas. An article in the *Crisis*, the official organ of the national NAACP, about Brown's efforts prompted E. Snell Hall, an Amherst professor and resident of Jamestown, New York, to send \$150; Hall became a regular supporter of the cause and an important source of moral support for Brown.<sup>29</sup>

**B**rown's letter-writing campaign was as determined as it was voluminous. She wrote individual letters to hundreds of people requesting their support and financial assistance; each time she received a donation, no matter how small, she responded with a lengthy, detailed personal letter about the progress and problems of the case. The parents held bake and rummage sales and organized a tea at which they solicited contributions. When money was still tight, Brown took out a personal bank loan for two hundred dollars to pay the teachers' salaries. One night she took thirty children from South Park to a Billie Holiday concert at Kansas City's Municipal Auditorium; her midnight pitch raised more than \$150. She and community organizer Carl Randolph, who had worked with her on the Progressive Party campaign in 1948, organized a concert by the controversial Paul Robeson to help pay for the South Park case. Before the case was settled, she had raised more than three thousand dollars for the lawsuit and had con-

tributed more than one thousand dollars of her own money.<sup>30</sup> A relentless activist, Brown also wrote passionate, well-articulated, and voluminous appeals to attorney Thurgood Marshall, head of the NAACP Legal Defense and Educational Fund.<sup>31</sup>

The case dragged on for a long and difficult year. Numerous conflicts and setbacks ensued, including a denial on December 16, 1948, of the plaintiffs' petition requesting a temporary injunction to end segregation in the South Park school. Webb and Brown immediately sent a telegram to New York civil rights attorney Franklin Williams: "Injunction Refused. Grounds Emergency Does Not Exist. Scott Asking Appeal . . . Urge National Office to Step In. People Losing Confidence. You Are Needed Here to Prepare for Next Procedure." Brown followed the telegram with an emotional letter to Williams expressing her doubts about Scott's ability to handle the case alone and pressing him to come to South Park. On December 22 Williams responded that the national office could not afford to send him to Kansas at that time; instead, he asked Carl Johnson of the Kansas City, Missouri, NAACP branch to help out on his behalf.<sup>32</sup> Finally, in the spring of 1949, Williams yielded, made the trip to Topeka, and rendered his personal assistance.

As the case continued into the new year, a determined effort by Brown, Webb, and other black leaders was necessary to keep the people united and the boycott school in session. This became especially difficult when the school board bribed the parents with free school lunches and threatened not to graduate their children. On many a late evening Brown had to make a fast trip to South Park to straighten out difficulties between discouraged parents and keep them

29. The largest contributions came from the Kansas City, Kansas, Branch NAACP (\$600), the American Defamation League and the Jewish Community Relations Bureau of Kansas City, Missouri (\$235), and the B'nai B'rith of Greater Kansas City (\$165). E. Snell Hall, the Jamestown, New York, resident who sent the \$150 contribution, continued his correspondence with Brown after the case was settled. Years later she went to Jamestown and in a tearful reunion she thanked him for his generosity and humaneness. "This man changed my life," Brown later recalled. "At that time I was discouraged . . . not one white person helped me out in South Park . . . so when that man helped from outside, it wasn't like I was doing it myself. . . . It was worth it." See Esther Brown, interview.

30. "Expenditures and Income in the South Park Case, Merriam, Kansas, Branch NAACP, April 1948 until May 1949," Brown Collection; Esther Brown, interview; Carl Randolph, interview by Susan B. Tucker, March 15, 1985, Brown Collection.

31. Esther Brown wrote approximately forty-five letters between April 1948 and September 1949 to Thurgood Marshall, Roy Wilkins, and Walter White imploring them to pursue the Kansas desegregation cases and informing them of civil rights efforts in the area. See Brown Collection.

32. Alfonso Webb and Esther Brown to Franklin Williams, December 16, 1948, Brown Collection; Esther Brown to Franklin Williams, December 16, 1948, *ibid.*; Franklin Williams to Esther Brown, December 22, 1948, *ibid.*; see also *Plaintdealer*, December 31, 1948.

from sending their children back to Walker School. She even became a substitute teacher when a teacher was ill or could not get to the boycott school.<sup>33</sup>

By the spring of 1949 Brown was receiving letters from around the country that nourished her spirit and reaffirmed her commitment. A letter addressed to "Dear Crusading Sister" from a sixty-year-old widow in Milwaukee, Wisconsin, assured Brown that she did not stand alone in her efforts "to civilize her community." A black minister from Oakland, California, congratulated Brown for her part "in making democracy work in Kansas." An editorial in the *Call* applauded her as a "Twentieth Century Joan of Arc [for] spearheading the attack against segregated schools [and for struggling] almost single-handedly against white obstructionist and economic hardship."<sup>34</sup>

But at home Brown was not always considered a hero. Her father-in-law called her a communist behind her back and fired her husband from his job. The Federal Bureau of Investigation (FBI) tried to discredit her by accusing her of "agitating the Negro to demand their rights." Undaunted she continued to travel, speak, and plead for money, declaring wherever she went, "We have to correct these conditions all over the state."<sup>35</sup>

Two years later her husband, Paul, by then a captain in the U.S. Air Force Reserve, found himself in a Kansas City office of the FBI. In 1951, after distinguished service in the Intelligence Division of the U.S. Army Air Corps during World War II, he was brought up on charges by the U.S. Air Force for "loyalty reasons" pertaining to his wife's civil rights activities and asked to resign his reserve commission.<sup>36</sup>

33. Esther Brown, interview.

34. Edna Patterson to Esther Brown, May 26, 1949, Brown Collection; H. C. Burnpass to Esther Brown, June 2, 1949, *ibid.*; *Call*, April 29, 1949.

35. Esther Brown, interview; Paul Brown, interview; Federal Bureau of Investigation file on Mrs. Esther Elizabeth Brown, Kansas City, February 21, 1949, July 13, 1949, April 28, 1950, and February 8, 1951, file no. 100-1372, Brown Collection; Federal Bureau of Investigation file on Mrs. Esther Elizabeth Brown, Little Rock, April 7, 1949, file no. 100-2434, *ibid.*; Kluger, *Simple Justice*, 390.

36. Paul Brown, interview; Federal Bureau of Investigation file on Paul Brown, Kansas City, February 18, 1951, file no. 100-8424, Brown Collection. Paul Brown was asked to resign his air force reserve commission because of his wife's radical activities on behalf of black citizens in South Park, for condoning his wife's association with communist groups in

Finally in April 1949 the six justices of the Kansas Supreme Court met to hear the case. Brown and about thirty black parents went to Topeka to hear the argument, for as one woman said, "We wanted to see this fight through to the end."<sup>37</sup>

Speaking for the plaintiffs, attorneys Scott and Williams pointed out that the gerrymandered school district was designed primarily to exclude black children from the South Park school in violation of state law and of the fourteenth amendment of the U.S. Constitution. The school board argued that it had acted in good faith with no objective of segregation in setting up the South Park and Walker zones.<sup>38</sup>

On June 11 the court ruled in favor of the plaintiffs. It held that the school board's policy was "arbitrary" and "unreasonable," and an attempt by "subterfuge" to bring about segregation, which the statutes of Kansas did not permit. The court ordered the board to rebuild or make comparable Walker School and to develop a reasonable and logical zoning plan so black children and white children could attend both schools; in the interim the South Park school was ordered to admit black pupils in September, since Kansas law did not permit segregation based on race in second-class cities. In granting the writ of mandamus, the court retained jurisdiction of the case to ensure that the school board complied with its judgment.<sup>39</sup>

The *Call* hailed the "victory won by children who went on strike" and called the court's decision "a major victory in the fight against educational inequalities." The *Plaindealer* offered extensive coverage of the case, starting on page one: "Elisha Scott, fighting Topeka, Kansas attorney-at-law chalked up another great victory on the civil rights side of the

Kansas City, and for his alleged association with a former communist leader. He refused to resign his commission, and the charges were dropped in 1957, whereupon he received an honorable discharge. See "Statement of Reason" on Paul Brown by United States Air Force Reserve, n.d., Brown Collection.

37. Testimony of defendants Virgil Wisecup, Campbell, and Vernon Hoyt, *Webb v School District No. 90*; *Call*, June 17, 1949; *Plaindealer*, June 17, 1949.

38. *Webb v School Dist.* 167 Kan. 395, 397 (1949).

39. *Ibid.*, 403-5.

scoreboard." The paper also took justifiable credit for having published, thirteen months earlier, the first story about the South Park situation. A spokesman for the national NAACP predicted that *Webb v School District No. 90*, which was the eleventh school segregation case to reach the Kansas Supreme Court, would set a precedent for eliminating segregation in public schools throughout the country.<sup>40</sup>

The *Plaindealer* and the *Call* gave generous credit to Esther Brown as the white woman who "was the guiding spirit behind the fight of South Park parents for admittance of their children to the new South Park School [and] who launched the fight and pushed it through to its final victory." The *Plaindealer* wrote that "Mrs. Brown defied threats, risked loss of friends and social prestige as she worked tirelessly at the job of getting equal accommodations for the Negro children."<sup>41</sup>

But the struggle was far from over. During the summer of 1949 the school board attempted to circumvent the court's decision. On August 1 the board held a special meeting to rescind and revoke the May 17, 1948, zoning resolution. On August 9 it filed a motion seeking permission to operate Walker School on a voluntary basis for those who would find it more convenient and offering to spend four thousand dollars immediately to build a third classroom, install a telephone and indoor toilets, and improve the cafeteria and playground. The motion was granted by the court, and construction commenced immediately.<sup>42</sup>

Brown was furious. She wrote to Franklin Williams stating that "if the Walker School is maintained this September, we have not had a victory regardless of what the Supreme Court says. There is no reason for maintaining the Walker School and I think we should do all in our power to prevent its use."<sup>43</sup>

Due largely to her and other South Park NAACP leaders' efforts, most of the black residents hung together. The plaintiffs submitted an official reply to the

defendant's motion on August 12 stating that the plaintiff children would not attend the old Walker School and demanding "that they be admitted on the same basis as all other children of school age to the one school physically and morally qualified to administer the education of their children."<sup>44</sup>

The school board would not give in. On September 7 it called a special meeting to inform the black parents that the court had granted permission to build a new sixty-thousand-dollar school for their children, and by spending five thousand dollars each year the school would be completed within twelve years. The South Park NAACP, which represented more than 95 percent of the black families in the district, told the school board it was wasting its time and money and declared its intention to send its children to the formerly all-white South Park school. In response the board announced it would discontinue construction at Walker.<sup>45</sup> Nevertheless, the board opened Walker School with an enlarged staff of three teachers who sat patiently for two and one-half days waiting in vain for a child to enroll in Walker School. Not one student came.<sup>46</sup>

On September 9 the black children presented themselves at South Park Common Grade School. They were greeted warmly by the school's new principal Charles H. Rutherford. He was called a "nigger lover" and a communist, but he insisted on completely integrating the children in all activities at the school. On September 12, the first day of classes, all children in the district—black and white—attended the South Park school without incident, and another long and difficult step toward integration was accomplished.<sup>47</sup>

Brown had purchased a new dress and shirt for every girl and boy and frantically worked to raise

44. Motion in Protest of Defendants Motion, August 12, 1949, *Webb v School District No. 90*.

45. Esther Brown to Robert Carter, September 7, 1949, Brown Collection; Esther Brown to Roy Wilkins, September 10, 1949, *ibid.*; Franklin Williams, "Merriam, Kansas: Since the Parents Fought," *Crisis* (December 1949), 370–71, 423, 425.

46. Williams, "Merriam, Kansas: Since the Parents Fought."

47. *Call*, September 16, 1949; Esther Brown to Charles Rutherford, September 30, 1949, Brown Collection.

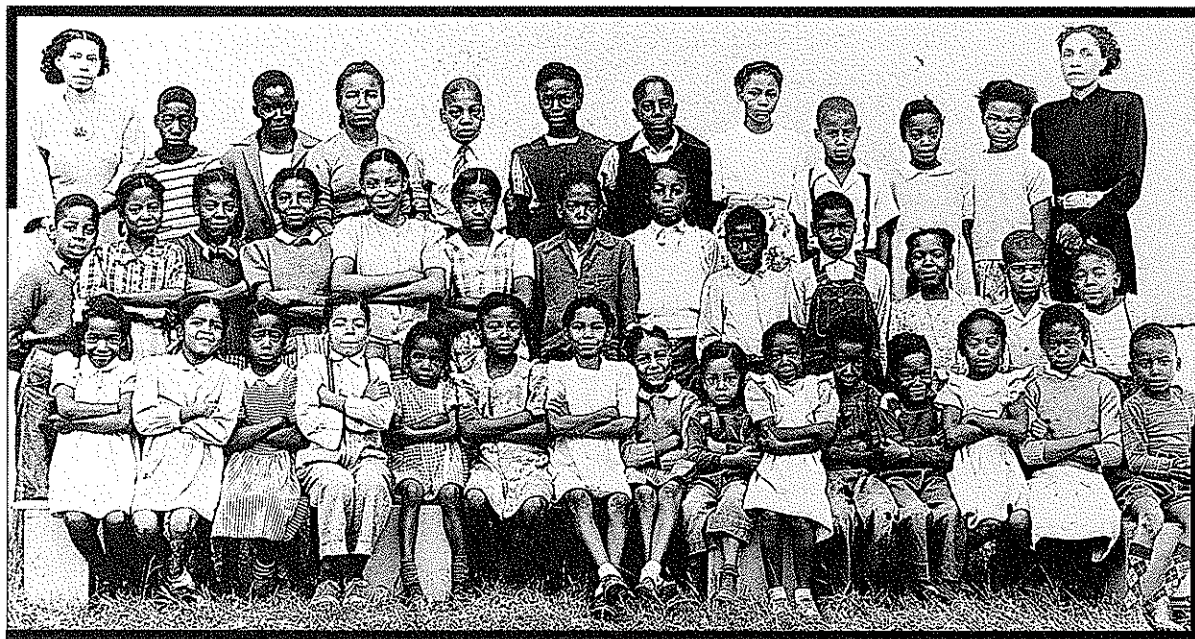
40. *Call*, June 17, 1949; *Plaindealer*, June 17, 1949.

41. *Ibid.*

42. Motion to Confirm Action of Defendants, August 9, 1949, *Webb v School District No. 90*.

43. Esther Brown to Franklin Williams, August 1, 20, 1949, Brown Collection.

Brown persuaded most parents to boycott Walker School and set up temporary classrooms. Corinthian Nutter (back row left) and Hazel McCray-Weddington (back row right) served as qualified teachers during this temporary arrangement.



money for books and supplies for children who could not afford them. She happily stated that enrolling the children at the South Park school "was just as much a victory as the Supreme Court decision."<sup>48</sup> The *Webb* case also opened up new opportunities for seven African American high school students who for the first time that fall were admitted without incident to Shawnee Mission High School. Previously, black students had to be bused out of the district to the segregated black Sumner High School in downtown Kansas City, Kansas. Desegregation in Johnson County schools now was complete. Of the six plaintiffs in the *Webb* case, all graduated from high school and several went on to graduate from college.

Alfonso Webb, a life-long resident and activist in South Park whose son was the lead plaintiff, later recalled that "if it had not been for Mrs. Brown, we would not have gotten as far as we did as quick as we did. It took a white woman who had determination and contacts to spearhead the movement that would desegregate a school which by law was illegally barring blacks from attending. Black people were just too scared, at least some of them were. Scared from history, scared from experience, scared from not enough experience."<sup>49</sup>

48. Esther Brown to E. Snell Hall, September 21, 1949, Brown Collection.

49. Webb, interview; *Kansas City Star*, May 13, 1970.

Bolstered by the victory in the *Webb* case, Esther Brown was determined to desegregate schools throughout Kansas. Wanting to challenge the legality of segregation in larger, first-class cities, she urged the NAACP in Wichita to launch a similar suit against segregation, but she was defeated by the black teachers who realistically feared for their jobs. Next she went to Topeka, where the local NAACP was fighting aggressively against "the inconvenience, injustice, and humiliation" imposed upon black children and their parents by segregation.<sup>50</sup>

The result of the Topeka struggle was the U.S. Supreme Court's historic 1954 decision in *Brown v Board of Education of Topeka* outlawing segregation in all American public schools. In 1990 eighty-year-old Lucinda Todd, who had been secretary of the Topeka NAACP and worked closely with Brown during this period, recalled, "I don't know if we could have done it without Esther Brown."<sup>51</sup>

Brown raised funds for the case, helped persuade Oliver Brown to let his daughter Linda be the lead plaintiff, and provided moral support. Extensive unpublished correspondence between Esther Brown

50. Speer, *The Case of the Century*, 20, 27.

51. Lucinda Todd, interview by Susan B. Tucker, August 15, 1990, Brown Collection.

and the national NAACP's Roy Wilkins, Walter White, and Thurgood Marshall also shows that she helped influence the NAACP to shift its strategy from challenging segregated graduate schools to demanding universal desegregation of America's public schools. She also advocated for behavioral-science testimony to demonstrate the inequality of segregation, and she helped locate expert witnesses.<sup>52</sup>

Robert Carter, an NAACP attorney who later became a federal judge in the Southern District of New York, said Brown was invaluable because "as a white woman, she had a feel for race relations and how it should proceed which was so akin to mine as a black that it was startling. [She] not only had clear concepts but she was persistent. Esther would not be deterred. She had energy and capability, and we needed somebody who would get things done. She'd usually come up with a suggestion about what was needed, how to proceed."<sup>53</sup>

Brown's heroic struggle for democracy embodied tremendous courage, deep conviction, and a stubborn persistence in the belief that America could reform itself systematically to achieve justice and equality if pushed to do so. Her politics were neither ideological nor academic; they came from the heart. Her social consciousness was first demonstrated publicly during high school when she joined a picket line of workers striking a cosmetics manufacturer. Looking back on this incident, her father observed, "It was simply in her nature to stand up for the underdog."<sup>54</sup>

**B**rown later explained that she became involved because it was "simply the right thing to do." According to Sidney Lawrence, former director of Kansas City's Jewish Community Relations Bureau, "the techniques she used were peculiarly her own. They pushed aside barriers of bureaucracy and red tape. They were geared to revolutionary tactics in a revolutionary period. She had an almost intuitive

appreciation of the dynamics of social control and social change."<sup>55</sup>

Brown's involvement with the struggle for social justice did not begin in South Park nor did it end with the Supreme Court's landmark 1954 decision. Over next twenty years Brown became a full-time agitator and grassroots organizer for racial equality and social justice. Her testimony before a committee of the Kansas legislature about discriminatory practices in public employment led directly to the establishment of an antidiscrimination commission for Kansas in 1953. During the next decade she pressured the Kansas City, Missouri, Board of Education to establish magnet schools to comply with the U.S. Supreme Court's mandate to desegregate "with all deliberate speed." She lobbied successfully to locate the new junior college in downtown Kansas City, Missouri, instead of in the suburbs so black students would not *de facto* be excluded. She was appointed to the Jackson County, Missouri, Civil Rights Commission in the mid-1960s.<sup>56</sup>

In 1957 Brown helped organize the first Panel of American Women, a unique and well-respected human relations program that created dialogue and understanding among women of diverse ethnic, religious, and racial backgrounds. She became the panel's national coordinator and by 1970 had organized panels in sixty-three cities that involved more than fourteen hundred women throughout the United States and Canada.<sup>57</sup>

"Esther was concerned. She had impact on people. She made them want to do something about the problems of society," Louise Bryant, a Kansas City black activist and a panelist, later recalled. "She obviously got great satisfaction out of the feeling that she was part of what was in the process of becoming, what was going to be a big turning point." An article on the panel by Rollie Hochstein in *Good Housekeeping*

52. Esther Brown, interview; Robert Carter, interview by Susan B. Tucker, May 13, 1982, Brown Collection; Jack Greenberg, interview by Susan B. Tucker, May 17, 1982, *ibid.*

53. Carter, interview.

54. Swirk, interview.

55. Esther Brown, interview; Sidney Lawrence, "Eulogy to Esther Brown," May 26, 1970, Brown Collection.

56. *Kansas City Times*, May 25, 1970.

57. Frank J. Adler, *Roots in a Moving Stream: The Centennial History of Congregation B'nai Jehudah of Kansas City, 1870-1979* (Kansas City, Mo.: The Temple, Congregation B'nai Jehudah, 1972), 252-59.

In 1957 Brown (left) helped organize the first Panel of American Women and became the panel's national coordinator.

declared that "Brown saw the bigotry surrounding her for what it was: a disease disfiguring everyone it touched. She vowed to do whatever she could to fight it." Homer Wadsworth, former chairman of the Kansas City School Board who worked with Brown extensively during the years, recalled that "she kind of intuitively understood that the democratic system provided an opportunity for disinherited people to have a part in the ball game. And her purpose in life was to see that they had a chance."<sup>58</sup>

Esther Brown was fifty-two years old when she died of cancer on May 24, 1970. An editorial on May 25, 1970, by Thorpe Menn, book editor of the *Kansas City Times*, recalled the beauty of Esther Brown's unique spirit and suggested that her death "was a loss to all mankind, for she spoke for, and to, the best of humanity."<sup>60</sup> *The Call*, which, along with the *Plaindealer*, had been reporting Brown's efforts and achievements for equal rights from the time of the South Park case, paid this final tribute to her:

Never did a human light shine so brightly as did the life of this young woman who devoted her time and talents in a never-ceasing struggle to make the world a better place for all of God's children. . . . If there were more like her in the world, the struggle for justice and equality would have been over long ago.<sup>61</sup>

In 1975, despite her earlier unpopularity among the white residents of South Park where the school desegregation case was first played out, a new public park there was named in her honor. Among members of the Urban Renewal Board who joined in the unan-



imous vote for the park's dedication was the former president of the South Park School Board who had refused to listen to Esther Brown. Julius McFarlin, president of the local NAACP, installed a simple plaque to serve "as an everlasting memorial to her unselfish contribution to humankind." After visiting the park in 1976 while covering the Republican National Convention, Richard Cohen, a reporter for the *Washington Post*, wrote: "Around the corner from the park was the old black school and nearby was the former all-white school and in between was the park named after Esther Brown because she managed to make the two schools one."<sup>59</sup>

Movements for social change are made by countless numbers of ordinary individuals whose struggles for equality and justice alter the course of human history. We often forget that history actually is made by people much like ourselves who commit themselves, their lives, and their energies to winning freedom and equality for all. Esther Brown was one of these individuals whose remarkable courage, unswerving determination, and moral strength in the pursuit of human rights and social justice brought democracy in America several steps closer to reality.

[KH]

58. Louise Bryant, interview by Susan B. Tucker, October 15, 1985, Brown Collection; Rollie Hochstein, "The Panel of American Women: Why Can't I Just Be Me?" *Good Housekeeping* 175 (September 1973): 15; Homer Wadsworth, interview by Susan B. Tucker, November 16, 1978, Brown Collection.

59. *Kansas City Star*, August 24, 1975; *Washington Post*, August 17, 1976.

60. Thorpe Menn, "The Successful Life of Esther Brown," *Kansas City Times*, May 26, 1970.

61. *Call*, May 28, 1970.