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News from Senator

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FOR IMMEDIATE RELEASE
THURSDAY, MAY 17, 1979

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BROWN VS. BD. OF EDUCATION: PROGRESS STILL TO BE MADE

WASHINGTON -- Following is the floor statement of Sen. Bob Dole (R-Kan.) on the 25th anniversary of the Brown vs. the Board of Education of Topeka decision:

Mr. President, it was 25 years ago today that the United States Supreme Court handed down a unanimous decision which declared that "separate educational facilities are inherently unequal." It followed then that the separate but equal doctrine under which states had maintained racially segregated schools had no place in public education. While persons will disagree on the progress toward racial integration which has been made since that time, no one can refute the claim that this case changed the course of education in America.

HISTORICAL SETTING

It was in 1951 that the Reverend Oliver Brown and 12 other plaintiffs filed suit in Topeka. At that time, the talk about town was not this lawsuit, but a devastating flood which is still talked about by Kansans. Black students were expected to attend segregated elementary schools through the eighth grade, at which time they transferred to integrated junior high schools and from there to integrated high schools. While classes were integrated, most other activities were not. Separate teams were maintained for basketball, football, swimming, tennis, cheerleading, pep clubs, and other activities. Movie theaters, hotels, swimming pools, and restaurants were segregated, and in general, Topeka probably differed little from most other cities in the country. I think it is interesting to remember that Kansas became a state in 1861. There was a big debate over whether or not it would be a free or a slave state. It joined the union as a free state, but because Missouri recognized slavery, there were many border skirmishes fought over the issue. I am proud that Kansas remained a free state, just as I am proud of the role Kansans played in this landmark decision.

CAST OF CHARACTERS

Two of the three Topeka attorneys representing the plaintiffs were brothers. The father of the sons, Elisha Scott, was a black attorney who graduated from Washburn Law School in Topeka in 1916. Throughout his career, he was very active in the pursuit of racial justice, and many times took on the Ku Klux Klan and other civil rights issues. In this atmosphere, his three sons were raised. All had a keen identity with the work of their father, and all became attorneys. They were also active with the Topeka chapter of the NAACP.

The three attorneys, Charles and John Scott, and Charles Bledsoe, realized clearly that the doctrine of separate but equal education was not working in Topeka. At that time, most racial discrimination cases were based on the argument that the separate facilities were not equal. Had the Topeka lawyers proceeded with this charge, it is unlikely that their case would have ever reached the Supreme Court. However, with the help of national civil rights organizations and considerable legal research, the Topeka attorneys decided to challenge the validity of the separate but equal doctrine. Their argument was that when children are segregated on the basis of race, the resulting education is not equal. And so, in 1951, the argument was made in the U.S. District Court in Topeka that segregation holds back the achievement of the black student and denies him equal educational opportunities.

THE TOPEKA DECISION

In a later interview, the Topeka judge, Judge Huxman, claimed that his court decided that case on the basis of constitutionality alone. He felt that in light of the Plessy v. Ferguson case which established the separate but equal doctrine, the Brown case was not valid. The District Court wrote that: "Segregation of white and colored children

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in public schools has a detrimental effect on the colored children. The impact is greater when it has the sanction of law, for the policy in separating the races is usually interpreted as denoting the inferiority of the Negro group." I respect the Topeka attorneys for their knowledge of the law, and for their clear perception that the separate but equal doctrine was not appropriate in public education systems.

THE REACTION

Although the Reverend Oliver Brown and his daughter, Linda, received most of the attention following the Supreme Court decision, there were a dozen other plaintiffs joined in this suit. Like Brown, they had children who had been refused admittance to white schools, and felt their children had been denied the opportunity for equal education. After the lawsuit was filed, the reaction towards it was mixed. Much of the black community aligned itself squarely behind the plaintiffs. However, many black teachers feared that integrated schools would cost them their jobs, a charge which the plaintiffs vigorously denied. They felt integration would increase jobs, since their fight was not only for integration of students, but for teachers as well. Many of the black communities feared an outlash from the white community, remembering an earlier incident when 8 black teachers had been fired after one had successfully sued the Topeka school district to achieve integration at the junior high level.

Regardless of the mixed feelings initially, there was no mistaking the elation following the 1954 Supreme Court decision. The plaintiffs felt as if they had been recognized as human beings, and now their children would have the same learning opportunities as white children throughout the city. Not only would education improve, but the black student's self-esteem would no longer suffer the abuse which came from attending segregated, inferior schools.

THE RESULTS

During this week, there has been much written on the results of the 1954 Supreme Court decision. Some persons feel significant, monumental improvements had been made, and others feel that the situation has not changed. I think that while we have seen improvements, there is much which remains unachieved. We still have major problems with large urban schools, and in many suburban schools there is an underlying atmosphere of racial tension. However, there are documented changes which have occurred, which point to tangible progress. We have more elected black officials, at all levels of the government. We have integration of hotels, restaurants, theaters, and recreational centers which we did not have 15 and 20 years ago. Neighborhoods, churches, and television are now integrated. While persons disagree as to the results, I think that future progress can only be made if we hold true to the intent of the 1954 decision, and the hope which it promises. But while we still have a ways to go before we have achieved real equal opportunities, I believe in the validity of Reverend Brown's words in reaction to the decision 25 years ago; " . . . This decision holds a better future, not only for one family, but for every child . . . This will no doubt, bring about a better understanding of our racial situation and will eliminate the inferiority complexes of children of school age . . . " We must work for that future.

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