

## MINUTES

### CAPITOL PRESERVATION COMMITTEE

October 28, 2010  
Room 548-S—Statehouse

#### Members Present

Representative Valdenia Winn, Chairperson  
Representative Rocky Fund  
Representative Lana Gordon  
Timothy R. Graham  
Carol McDowell  
William Wagnon  
Barry Greis, Statehouse Architect  
Llewelyn Crain, Kansas Arts Commission

#### Members Absent

Joanne Budler  
John Pinegar  
Melissa Gregory  
Jennie Chinn, State Historical Society

#### Staff

Reed Holwegner, Kansas Legislative Research Department  
Melissa Calderwood, Kansas Legislative Research Department  
Jim Wilson, Office of the Revisor of Statutes  
Jeff Russell, Legislative Administrative Services  
Marilyn Arnone, Committee Secretary

#### Morning Session

Chairperson Winn called the meeting to order with eight members present. By the general consent of the Committee, persons were allowed to be seated at the Committee table and speak in the place of the *ex officio* members who were absent and excused. Cindy Roupe represented Joanne Budler; Mary Madden represented Jennie Chinn in the morning; and Bob Keckeisen represented Ms. Chinn in the afternoon.

Chairperson Winn recognized Jim Wilson, Office of the Revisor of Statutes, to explain SB 54 (Attachments 1 and 2). Mr. Wilson said 2010 SB 54 created the Capitol Preservation Committee and delineated its member makeup and the Committee responsibilities. Legislative Administrative Services has the responsibility to implement the recommendations of the Committee. Finally, the bill repealed the Joint Committee on Arts and Cultural Resources (KSA 75-2266) and the previous method for approval of memorials on the Capitol grounds (KSA 75-105 and KSA 75-106).

The Chairperson asked William Wagon to explain the memorandum he distributed to the Committee (Attachment 3). Mr. Wagon said the memorandum contained comments from former Senate President Dick Bond presented at a Topeka Capitols program sponsored by the Shawnee County Historical Society on October 24, 2010. It gives a history of the events that preceded the current restoration and renovation of the Capitol.

### **Historical Significance of *Brown v. Board of Education***

Chairperson Winn recognized Cheryl Brown Henderson, Superintendent, *Brown v. Board of Education* Historical Site, National Park Service (Attachment 4). At the direction of the Chairperson, and with the consent of the Committee, the following remarks of Ms. Brown Henderson were transcribed.

The myth of *Brown v. Board of Education* is that my father, Oliver Brown, filed this case on behalf of my sister Linda. The reality is much different. The myth was fueled, in part, by the legal name of the case, *Oliver L. Brown et. al. v. the Board of Education of Topeka (KS) et. al.*, however, is commonly known as *Brown v. Board of Education of Topeka*. This case was an extension of legal challenges to racially segregated schools that began in the 1800s. The first documented school desegregation case was filed in 1859, in the State of Massachusetts. The State of Kansas became the site of twelve legal challenges to racially segregated schools beginning in 1881. Three of the early Kansas cases were brought against the Topeka Board of Education prior to *Brown*. So by the 1950s, *Brown* was nothing new for the State of Kansas or the City of Topeka, in terms of legal challenges to racially segregated schools. That is an important fact to remember. With that in mind, it is clear that the concepts for the proposed mural need to embrace the entire history of the State of Kansas and not just starting with *Brown* in 1950 to 1954.

1948 was the eve of the last case prior to *Brown*. It was the beginning of a case on behalf of African-American students in Merriam, Kansas, commonly known as the *Webb* case. All of the early cases from Galena, Parsons, Coffeyville, Ottawa, Topeka, Wichita, and Johnson County were argued in State Supreme Court Chambers located in the Capitol. Kansas had been a hotbed of legal activity. Based on this history, the wall outside the Old Supreme Court Chambers in the Capitol would be an ideal place for the mural.

The final challenge to racially segregated schools in Kansas began in 1950, when the NAACP decided to organize one last case only this time they would file in federal court, not State Supreme Court.

McKinley Burnett, for whom the Administrative Center for School District 501 is named, was the strategist behind *Brown v. Board of Education*. Mr. Burnett decided that as President of the Topeka NAACP, he would try again to convince the Topeka

Board of Education to integrate their elementary schools. In Kansas, the law governing racially segregated schools had been passed by the Kansas Legislature in 1879. This legislation specified that Kansas could operate segregated schools only in first class cities defined as those with populations of 15,000 or more and only at the elementary level. So some cases from cities with populations under that threshold were illegally segregating elementary schools. The cities that qualified to have segregated elementary schools were Wichita, Kansas City, and Topeka. The *Brown v. Board of Education* case was really only concerned with these three communities and only elementary schools in these communities. Junior and senior high schools were already integrated. The only exception was Sumner High School in Kansas City, Kansas, which came about because of special legislative action at the request of the African-American parents.

Mr. Burnett, in his efforts to convince the Topeka Board of Education to desegregate elementary schools, attended every school board meeting for two years, however, he was unsuccessful with presenting petitions, and had not been permitted to verbalize his concerns. As a result, in 1950 he approached Lucinda Todd who was the [NAACP] chapter secretary, who was now retired after teaching in one of the segregated schools in Topeka. Mrs. Todd along with Charles Scott, John Scott, and Charles Bledsoe, the attorneys for the chapter, decided they needed to recruit families to be plaintiffs for the class action suit they were going to file. Lucinda Todd was a strategist and the first person to sign on as a plaintiff for the Topeka case. By 1950 they had thirteen families on the roster. Again, the myth is disproven in that my father, Oliver Brown, did not initiate this case. He was the tenth parent to agree to join their efforts. Charles Scott was a friend of my father and had asked him, personally, if he would be willing to join the case being organized. My father said yes. In the fall of 1950, their roster now included thirteen families representing a total of twenty children. They were instructed by the NAACP to attempt to enroll their children in a segregated school for white children closest to their home. It was recommended that they be accompanied by another adult to serve as a witness and the report back to the NAACP. That is exactly what they did. Their actions, in the fall of 1950, concluded the direct involvement of the families in Topeka. Once the case was filed, only three or four of the plaintiffs testified in court. The only child to testify was Katherine Carper, who most likely was selected because she was the oldest of the children represented by the parents. In this legal challenge, the parents were plaintiffs on behalf of their minor children.

On February 28 of 1951, the case was filed in federal district court, which, at that time, was located on the upper floors of the post office at Fourth and Kansas Avenue. At the time of filing, it became known as *Oliver L. Brown, et al. v. Board of Education of Topeka (KS)*. The legal shorthand *et al.* means "and others." When the case was filed on February 28, for whatever arbitrary reason, my father Oliver Brown was assigned to head the roster. Alphabetically, first was plaintiff Darlene Brown; so Oliver Brown was not the first plaintiff listed. The arbitrary assignment may have been based on gender, as Oliver Brown was the only male name on the roster of parents. Clearly happenstance and gender at a time when men were considered the head of households may indicate why Mr. Brown was chosen to head the roster. When *Brown v. Board* was argued in federal court, the three judge panel was led by Walter Huxman, who, although a federal judge at the time of *Brown*, had been a former Governor of Kansas. It is believed that Walter Huxman crafted the opinion of the court in a manner that would force the Supreme Court to determine the meaning of the Fourteenth Amendment with respect to all citizens of this country. Luisa Holt,

a psychologist at the Menninger Foundation, who also taught at the University of Kansas, testified as an expert witness, and it was her words that Judge Huxman used in his opinion, and it was her words that the Supreme Court used from in issuing a decision about the detrimental effects of segregation when it has a weight of law behind it. So Kansas played a key role in this decision. At the U.S. Supreme Court level, the *Brown* case was combined with similar cases brought by the NAACP from Delaware, South Carolina, Virginia, and Washington, D. C. It is this combination of cases that are collectively known as *Brown v. the Board of Education*. Dwight D. Eisenhower was President when the ruling went into effect and was involved in the first public test of the political will to enforce the court decision, when he was called upon to respond to the attempted integration of Central High School in Little Rock, Arkansas.

This is the story of the people, places, and events that contributed to this historic milestone, *Brown v. Board of Education*. My family has come to understand that the myth we live with was a creation of the media, emanating from a photograph of my sister published in *Life* magazine in 1953. Even though the facts were known about the case, we believe the photographer had designs on promoting what he hoped would be an award winning photo depicting *Brown v. Board of Education*. The photo was of my sister Linda standing in front of one of the segregated African-American schools. He seemed to have developed a narrative to go along with his photo, that Oliver Brown initiated the case on behalf of his daughter who had a traumatic experience trying to get to school, and when she got to school, the quality of education was lacking. None of that happens to be true. African-American children rode school buses to school, some even took city buses, and the schools they arrived at were sturdy brick buildings filled with excellent teachers.

We spend every day at the Brown [National Historic Site] and the Brown Foundation trying to educate people about the compelling story of the collective action on the part of the NAACP and the parents that stood with them. Attorney Charles Huston was the one who began this process of ending segregation in public education. Thurgood Marshall was Mr. Huston's protégé, but was not involved at the beginning of this process. Huston hired him later on to assist with his campaign to end educational disparities in teacher salaries, underfunded segregated schools, and school districts that did not provide buses for African-American children. Huston died in 1950 leaving Thurgood Marshall to complete the work they had begun together. What the legal team was able to do was take constitutional abstract and make it into reality. What does the Fourteenth Amendment really mean? On May 17, 1954, at 12.52 p.m., when Justice Earl Warren announced the Supreme Court decision, the *Brown* decision began to dismantle any legal framework for racial segregation. My father, Oliver Brown, the other plaintiffs, and even some of the legal counsel never appeared before the Supreme Court. But their courage in standing up to bigotry was on full display in the arguments of the NAACP attorneys.

Another significant reason people say that *Brown* is one of the most significant judicial turning points in history is that, by declaring racial segregation violated the Fourteenth Amendment of the Constitution, *Brown v. Board of Education* laid the groundwork for shaping future national and international policies. This case had global impact; so much so that President Truman, while *Brown* was going through the courts and before he left the White House, directed the State Department to submit a "friends of the court brief" to the Supreme Court saying this decision needed to be successful and being unanimous would not hurt. He said so because the Soviet

Union and other Communist-leaning countries had started a propaganda campaign against the United States during the period of the Cold War saying that the United States did not have any moral standing in the world, because the United States was engaged in human rights abuses against African-Americans. The United States needed *Brown* to counteract that propaganda. After *Brown* succeeded, one of the first things President Eisenhower did was to go on *Voice of America* radio broadcast to announce to the world that the United States of America was living up to its constitutional promise regarding African-Americans. So *Brown v. Board* has foreign policy implications.

In many ways, *Brown* really was not about children and education at all. Schools were the battlefield, but society—in fact—was the target. The laws and policies that *Brown* sought to address are at the core of human tendencies to prejudge and stereotype others based on ethnicity, religion, based on physical traits. You can, in fact, legislate behavior. You cannot legislate what is to be in our hearts and minds. The process of getting people to talk about race relations really began with the *Brown* decision. It began dialogue and galvanized people around the issues of segregation, discrimination, and lack of opportunity. Ultimately, what *Brown* did for all of us—whether white, brown, black, white, or Hispanic, disabled or fully able—what *Brown* did for citizens of this country was to finally define our rights are guaranteed by the Declaration of Independence and the United States Constitution and cannot be arbitrarily restricted by state and local government. The federal government and the Supreme Court safeguard our constitutional rights.

In 2004, when many of us were crisscrossing the nation and other parts of the world talking about *Brown*, people said to me that *Brown* did not make any difference; it did not matter. My response to those people was that *Brown v. Board* did exactly what it set out to do; it created access to opportunity. What people do with that opportunity is up to them. The *Brown* door opened the door of opportunity.

I think it is important work that the Committee is doing because Kansans do not know enough about their history and do not know enough to be as proud of it as they should be. We are not only the geographical center of the mainland of the United States, as some people think, but have been the glue historically. John Brown stopped the westward expansion of slavery. The pioneers from the 1800s that litigated cases recognized that they had certain rights and were willing to stand up for them. Our state has been immensely important to this country and I want our citizens to be proud of that. And that is what this mural, in my view, will certainly represent.

Chairperson Winn thanked Ms. Henderson for her presentation and assured her that the intent of the Committee was to tell a very large story.

Chairperson Winn asked Barry Greis, Capitol Architect, for a report on the work in the Capitol building ([Attachment 5](#)). Mr. Greis reported that work is on schedule to complete the north wing on all floors by June 2012. The rotunda will be completed, as well as Committee rooms, vending machine rooms, and photocopier rooms. The visitor center and site work will be completed using private funding, but no completion schedule has been determined. The exterior masonry work is continuing on the north wing and east wing. The tower crane has been installed and will be used until November 2011. The steel beams protruding from the limestone drum of the dome are to hold scaffolding for the exterior renovation.

Mr. Greis provided floor plans to locate potential places for the mural for *Brown v. Board of Education* ([Attachment 6](#)). Mr. Greis pointed out the back wall of the Committee room as being 28 feet wide by 11 feet high, to give a reference as to the size needed for a mural. It is not recommended to have the mural in the visitor center, because there is no timetable for when the space would be available.

Mr. Greis led a tour for the Committee to view the spaces available for the mural. The area on the fifth floor has a large wall space, but has grills and stenciling to be considered. This space is not as visible to the visitors to the Capitol. The fourth floor space is large and surrounds the door to the House visitors' gallery. It would be a very visible place. The mural could be seen from other parts of the Capitol throughout the rotunda. This area is usually included on the tours. There are no grills or other impediments at this site.

The third floor has available space outside the Old Supreme Courtroom, and it has historical ties to the cases relating to *Brown*. There is space between the pilasters on the wall, or the mural could continue on past the west pilaster. The general consensus was that the mural should not be around the window with the name Supreme Court on it.

There is no available space on the second floor.

Space is available on the first floor across from the cage elevator. It was noted that it was a busy, noisy space. Another space on the first floor in the west wing was also a busy space; plus it had an exit sign that could not be removed.

Following the tour, Chairperson Winn asked Mr. Greis if he had further comments about the walls or other pertinent facts concerning the mural. Mr. Greis noted that lighting was not an issue; most areas were lighted for murals. Smoke alarms and fire alarm boxes could be moved, but exit or restroom signs could not. The walls were prepared to accept murals.

Mr. Greis provided the Committee with example request documentation for the mural commemorating the First Kansas Colored Infantry Regiment that was approved several years ago ([Attachments 7 and 8](#)). That mural project has not moved forward and is in about the same development stage as the *Brown* mural. The First Colored Infantry mural is going to be presented to the Capitol Foundation as an enhancement, so money can be raised. Chairperson Winn commented that the First Colored Infantry mural was not assigned to this Committee.

Mr. Greis said after the decision is made and the funding is in place, the muralist could take a year to complete the work. The artist could work either in a studio or on-site.

## **Committee Discussion**

Chairperson Winn said it was her understanding that the Committee would pick at least two areas for the location; then the Committee would send out requests for qualified artists. A subcommittee could be created to write the Request for Qualifications (RFQ) and the Request for Proposal (RFP). After the artists respond to the initial request, then finalists could be selected for proposals. The mural must be done with private funds, but there may need to be clarification on whether the Committee needs to set up a process for collecting funds.

Representative Gordon asked if the First Colored Infantry mural had a location. Mr. Greis said there had not been a location determined yet. The Capitol Foundation would be asked to raise

funds. Ms. McDowell commented that she did not think the Capitol Foundation was a functioning entity anymore and probably would not be in the future. It was originally set up to be a way to collect funds to pay for things in the Capitol that could not be paid for by tax dollars. Chairperson Winn expressed doubt that the Capitol Foundation would be a feasible conduit for accepting funds. Ms. McDowell asked if there was a nonprofit or similar organization that was going to be used to accept contributions to pay the artist. Chairperson Winn answered that question was something to be discussed.

Mr. Graham asked if it was better for the artist to work in a studio or on-site. Mr. Greis said there were examples of both in the Capitol. The oilcloth mural, however, was beginning to pull away from the wall. One of the artists worked outside the Capitol, because he did not want the constant comment about his work as John Steuart Curry had during his work in the Capitol.

Representative Fund asked if there were framed murals in the Capitol now, saying he looked at a mural differently than a picture. Mr. Greis said that there were framed murals in the Capitol, and one had hung by the Governor's Office.

Ms. Madden said she thought the definition of a mural was at the core of the issue. Mr. Greis said large framed works are defined as murals. That is one of the issues that the Committee on the First Colored Infantry mural struggled with also.

Representative Fund also asked if the artist would have any choice or any input to the location. The location would have influence on the design. Chairperson Winn answered that the Committee would determine a couple of locations and not debate the definition of a mural, but not have it detachable. The artist would be able to select to the desirable location.

Mr. Graham recommended that based on previous comments, there be a fixed, permanent mural located outside the Old Supreme Courtroom and placed between the two pilasters, and whether the work is done in a studio or in the Capitol be left up to the artist.

Representative Fund wanted to rule out the first floor because of the noise. He liked the Supreme Court location and the fourth floor because of the wrap around effect. Ms. Madden liked the wall space next to the Old Supreme Court Chamber, because of the association with the *Brown* case. She also liked the fourth floor outside the House gallery, as it would allow for more interpretation, and it also could be seen from across the rotunda.

Ms. Crain liked both spaces, but preferred the Old Supreme Court Chamber wall, because of the significance to the mural. Representative Gordon liked both spaces, but preferred the Old Supreme Courtroom. Mr. Wagon liked the option of two sites and then to let the artist decide which space to provide the mural. He did like the space of the fourth floor, and it would be visible to the people going into the gallery. Ms. Roupe liked both sites, as well.

Mr. Greis noted there are speakers outside the Supreme Courtroom that are turned on when there is a large gathering outside the Chambers. That could be a distraction to the tours showing the mural.

Ms. McDowell thought the Old Supreme Court space is most compelling, as lawyers for the *Brown* case practiced in that room. That room will always be there, preserved as the Old Supreme Courtroom. She liked the fourth floor location, as well. Her third choice would be for the first floor space across from the cage elevator, directly beneath the John Brown mural. However, she thought the Old Supreme Court space is the darkest space and the least desirable from that aspect even though the history is compelling for that location. She thought the Committee should pick a space and let the artist's proposal be directed to that space, but not limit the artist as to how much of the

space is used. She cautioned the Committee to be careful about what message is sent to the artist.

The Committee recessed for lunch.

### Afternoon Session

The meeting reconvened at 1:30 p.m.

Chairperson Winn asked the Committee to think about having two additional meetings before the first of the year. She did not think that everything could be accomplished in a single day. There were questions that need to be answered before moving ahead.

Chairperson Winn asked Jeff Russell, Director of Administrative Services, what the requirements of the Committee would be to meet two more times in the current calendar year. Mr. Russell answered that an official meeting is one that is noted, posted, and action may be taken legally. There are related expenses and salaries to be paid. Since the Legislative Coordinating Council had not approved any additional days, the Committee may meet, but the members would not receive reimbursement for expenses or any compensation. Staff is available at the request of legislators.

Representative Fund asked Mr. Greis if the speakers could be removed from the front of the Supreme Courtroom. Mr. Greis answered that it could be done—not easily, but it could be done.

Chairperson Winn asked for further discussion on the location of the mural.

*Mr. Graham moved, seconded by Ms. McDowell, that the site in front of the Old Supreme Courtroom be the single site and the artwork not be limited to between the pilasters but be at the discretion of the artist and painted on the wall permanently. Discussion followed. The motion failed on a roll call vote with 2 voting aye and 6 voting nay and 4 excused. Those voting aye: Graham and McDowell. Those voting nay: Crain, Fund, Greis, Gordon, Wagnon, and Winn. Those excused: Budler, Chinn, Gregory, and Pinegar.*

*Ms. Crain moved, seconded by Ms. McDowell, that two possible sites be identified for the mural: one being on the third floor outside the Old Supreme Courtroom and the second being the fourth floor site outside the House visitor gallery, and the final site be determined by the selected artist's conception and design. Discussion followed. The motion passed on a roll call vote with 8 voting aye and 0 voting nay and 4 excused. Those voting aye: Crain, Fund, Graham, Greis, Gordon, McDowell, Wagnon, and Winn. Those voting nay: none. Those excused: Budler, Chinn, Gregory, and Pinegar (Attachment 9).*

Chairperson Winn called to the attention of the Committee the report by the Statehouse Mural Committee from March 10, 2008 (Attachment 10). The Committee needs to look at the call for artwork, the request for proposal, and the procedure for announcements. Request for Qualifications (RFQs) and the Request for Proposals (FPs) would need to be sent out.

Mr. Wagnon thought the RFQ was a good template from which the Committee could work.

Chairperson Winn said she had asked the State Library and the Historical Society to prepare some background material and also asked the Committee secretary to transcribe the testimony from Cheryl Brown Henderson to be added to the historical background.



Mr. Greis said that the specific editing to be done to the RFQ would be to state clearly that the mural was to be permanent, to specify the media to be used (eligibility of the artist, artist criteria); to make the artist aware that he or she would be involved with the public; and to understand the selection process and know what to and to whom to submit to qualify, and establish a timeline for the project. The Committee would look at the qualifications presented by the artists and then select several artists for the submission of concepts in whatever manner the Committee decides upon. The Committee then would select the concept.

Chairperson Winn thought the refinement of the two request documents for qualifications and proposals could be accomplished by a subcommittee. The timeline should be set to move quickly, because the Committee does not have the luxury of several years to complete its plans.

Mr. Greis said the sites selected by the Committee were ready to accept a mural, aside from some minor changes.

Representative Fund would like to see the word "permanent" added to the RFQ and RFP. He also would like to see the age limit discarded because there were some brilliant young artists who might want to submit a concept.

Chairperson Winn asked for volunteers to serve on a subcommittee to draft the RFQ and RFP documents by the next meeting in November. The Chairperson appointed Representative Gordon, Representative Fund, Mr. Greis, Ms. Crain, and herself to be on the subcommittee. She also welcomed anyone else who would like to participate. In the meantime, she asked the Committee to read the documents on the procedures to select the mural.

Representative Fund suggested that the Committee require a miniature of what will be the finished product from the selected artists. With the computer graphics that are available today, the artist could provide a clear idea of the concept intended for the mural.

Ms. Crain suggested there would need to be criteria set for reviewing the RFQ, so that everyone would be judged equally. Perhaps there would be people from the art community that could help consult on the requests, but would have no part in the actual selection. If there were a large number of requests, this procedure would certainly be of help.

Representative Gordon said she had served on the Committee that selected the state quarter design. She said they had a very good, fair system to judge the many entries presented. Perhaps this Committee might get some ideas for criteria from the coin committee.

Chairperson Winn asked Ms. Crain to think about ideas for financial resources for this project. Although the Committee is not responsible for raising the funds, the Committee should be aware of how these funds could be raised from private entities. Ms. Crain said she had no comprehensive list, but she had some ideas. Since the project has an art focus, foundations, and individuals who care about art would be a source for funds. Other foundations that are interested in politics, history, or African American issues are another. She suggested the National Trust for Preservation or the Tiger Woods Foundation. There are individuals who care about this issue whether living in Kansas or not, and African American alumni of state universities might be a possibility. Even if the Committee is not responsible, it is clear that possibilities for funds should be identified because this project will not happen without donations.

Mr. Graham hoped the funds were solicited from appropriate sources. He said the Oklahoma capitol displayed sponsorship signs for Coca Cola, Pepsi Cola, and others which had funded that state's art. He thought it would be a tragedy to have such an important mural brought to the public by a similar large corporation. He also added that the Committee should not be pressured to select

a certain artist, concept, or contribution. Chairperson Winn thought everyone on the Committee would agree with those sentiments.

Mr. Wagon asked that the Committee take the position to endorse the upcoming legislation that would restore the Dillon House. He thought it would be appropriate for this Committee to recommend that legislation be passed. Chairperson Winn said that could be included in the Committee's annual report, but more information was needed on that specific legislation.

Chairperson Winn asked for other suggestions about what should be included in the Committee's annual report. By general consensus, the Committee agreed to include in the report the final versions of the Request for Qualification and the Request for Proposal, the timeline for the mural, the responsibility to begin work on other projects after the mural, the fact that no public funds will be used on the mural, and that the Committee should have authority to oversee the completion of the First Colored Infantry mural for completion.

Chairperson Winn recognized Charles Baptiste. Mr. Baptiste, an original supporter of SB 54, thanked the Chairperson for the opportunity and said he had enjoyed listening to the Committee. Mr. Baptiste said he had taken upon himself to establish a nonprofit organization called the *Brown Mural Project-SB54, Inc.* When there is money to be deposited, there was now a place for it to be collected. He would like to see the public have input as to the mural's depiction and to have some of the public on subcommittees so that a dialogue can take place. This is very important because many people have sacrificed to have the history of the decision portrayed in the mural. It is not about *Brown*, it is not about separate individuals; it is about the decision, how it got to where it is today, and where it is going in the future. Mr. Baptiste concluded by saying that in Kansas, there are people of all colors, and the mural should represent the same intention.

Chairperson Winn asked Senator Anthony Hensley, one of the sponsors of SB 54, if he would like to speak to the Committee. Senator Hensley commented that he had talked to Mr. Baptiste at the signing of SB 54 and was told about the nonprofit organization. Senator Hensley thought Mr. Baptiste's comments should be recognized in the Committee's minutes so the general public would know that a means had been established for the purpose of funding the mural.

Chairperson Winn thanked everyone for participating in the Committee meeting. It was decided to hold future meetings on November 19, 2010, at 10:00 a.m. and on December 17, 2010, at 10:00 a.m.

The meeting was adjourned at 3:30 pm.

Prepared by Marilyn Arnone  
Edited by Reed Holwegner

Approved by the Committee on:

November 19, 2010

(Date)

**PLEASE CONTINUE TO ROUTE TO NEXT GUEST**  
**CAPITOL PRESERVATION**  
**COMMITTEE GUEST LIST**

DATE: Oct. 28, 2010

NAME	REPRESENTING
Charles Jean-Baptiste	"Mural Project SB-54"
Caryn L. Wines-Campbell	
Rodney Entwistle	Mural project
Bob Keckeiser	Kansas State Historical Society
Key Bray/Linderson	Brown v Board of Ed
Jill Russell	LEGIS. ADMIN. SERVICES

SENATE BILL No. 54

AN ACT concerning the state capitol and grounds; creating the capitol preservation committee; repealing K.S.A. 75-2266 and K.S.A. 2009 Supp. 75-36,105 and 75-36,106.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. (a) The capitol preservation committee shall develop plans to place a mural in the capitol commemorating the United States supreme court decision entered May 17, 1954, in the case of *Brown v. Board of Education* (347 U.S. 483, 74 S.Ct. 686, 98 L.Ed. 873). Such plans shall be developed in consultation with the joint committee on arts and cultural resources.

(b) Except for the costs associated with the preparation and submission of the plans under subsection (a), no public funds shall be used to pay the costs of creating and installing the mural developed under this section.

Sec. 2. (a) There is hereby created a capitol preservation committee which will include the membership of the following:

- (1) The statehouse architect;
- (2) the executive director of the state historical society;
- (3) the executive director of the Kansas arts commission;
- (4) three members appointed by the governor;
- (5) two members appointed by the president of the senate and one member appointed by the minority leader of the senate; and
- (6) two members appointed by the speaker of the house of representatives and one member appointed by the minority leader of the house of representatives.

The governor shall appoint the chair of the committee. The committee shall meet at least annually and more often upon call of the chairperson, but no more than four meetings shall be called in any year.

(b) Of the members first appointed to the committee, the following term lengths shall apply:

- (1) Two members appointed by the governor shall serve two-year terms, and one member appointed by the governor shall serve a one-year term;
- (2) the members appointed by the minority leaders of the senate and the house of representatives shall each serve two-year terms; and
- (3) the members appointed by the president of the senate and the speaker of the house of representatives shall each serve one-year terms.

Successors to such members shall serve two-year terms.

(c) The committee shall have the following responsibilities:

- (1) On or after January 1, 2013, approve all proposals for renovation of all areas of the state capitol, the capitol's visitor center and the grounds surrounding the state capitol to insure that the historical beauty of the areas are preserved;
- (2) preserve the proper decor of such areas;
- (3) assure that any art or artistic displays are historically accurate and have historic significance;
- (4) the location and types of temporary displays and revolving displays in the state capitol including the visitor center; and
- (5) oversee the reconfiguration or redecoration of committee rooms within the statehouse.

Implementation of the recommendations of the committee shall be the responsibility of the division of legislative administrative services.

(d) Any permanent displays or monuments proposed to be located on the state capitol grounds must be approved by the committee and authorized by the passage of a bill of the state legislature.

(e) The capitol preservation committee shall annually submit to the governor and the legislature a report of its activities and recommendations.

(f) Members of the committee attending meetings of the committee, or attending a subcommittee meeting thereof authorized by the committee, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto, however full-time state employees serving on the committee shall not receive such compensation.

(g) The staff of the legislative research department, the office of the revisor of statutes and the division of legislative administrative services shall provide such assistance as may be requested by the committee and to the extent authorized by the legislative coordinating council.

(h) Committee members may engage in or encourage fund raising

activities for the limited purpose of funding committee responsibilities as described in subsection (c).

(i) No member of the committee shall hold a fiduciary interest, either directly or indirectly, in any contract relating to the committee responsibilities as described in subsection (c).

Sec. 3. K.S.A. 75-2266 and K.S.A. 2009 Supp. 75-36,105 and 75-36,106 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

\_\_\_\_\_  
SENATE concurred in  
HOUSE amendments \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

Passed the HOUSE  
as amended \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*

## Capitol Preservation Committee

**SB 54** creates the Capitol Preservation Committee, which includes the following twelve members:

- The Statehouse Architect;
- The Executive Director of the State Historical Society;
- The Executive Director of the Kansas Arts Commission;
- Three members appointed by the Governor;
- Two members appointed by the President of the Senate;
- One member appointed by the Minority Leader of the Senate;
- Two members appointed by the Speaker of the House; and
- One member appointed by the Minority Leader of the House.

The bill requires the Governor to appoint the Chairperson of the Committee. The Committee is required to meet at least annually, but no more than four meetings shall be called in any year. The bill staggers the terms for the first set of appointees to be either one or two years, depending on the appointing authority. All successor appointees would serve two-year terms.

Under the bill, the Committee has the following responsibilities:

- After January 1, 2013, approve all proposals for renovation of all areas of the State Capitol, the Capitol Visitor Center, and the grounds surrounding the State Capitol;
- Preserve the proper decor of such areas;
- Assure that any art or artistic displays are historically accurate and have historic significance;
- Determine the location and types of temporary displays and revolving displays in the State Capitol including the Capitol's Visitor Center; and

- Oversee the reconfiguration or redecoration of committee rooms within the State Capitol.

The Division of Legislative Administrative Services has the responsibility to implement the recommendations of the Preservation Committee.

The bill requires that any permanent display or monuments proposed for the State Capitol be approved by the Committee and the State Legislature.

The Capitol Preservation Committee is required to submit annual reports to the Governor and the Legislature. Committee members who are not full-time state employees will be paid travel reimbursement and other expenses as specified in KSA 75-3223. The bill authorizes Committee members to engage in fund-raising activities for the preservation of the Capitol. Committee members are prohibited from having a fiduciary interest, either directly or indirectly, in any contract involving the Committee's responsibilities.

Legislative staff from the Legislative Research Department, the Office of the Revisor of Statutes, and the Division of Legislative Administrative Services are required to provide assistance to the Preservation Committee when requested and to the extent authorized by the Legislative Coordinating Council.

Finally, the bill repeals the Statehouse Art and History Committee (KSA 75-2266) and the current method for the approval of memorials on the Capitol grounds (KSA 75-105 and 75-106) which requires the approval of the Secretary of the Department of Administration.

The bill requires the Capitol Preservation Committee to develop plans for the placement of a mural in the State Capitol commemorating the United States Supreme Court decision in the case of *Brown v. Board of Education*. The bill prohibits public funds being used to pay the costs of creating and installing the mural.

2-2

Minutes of Sen Dick Bond at the Kansas Capitol, Topeka Capitol's Program  
Sponsored by the Shawnee County Historical Society, October 27, 2010

## Capitol Restoration

Thank you to Bill Wagnon

Two special people – Bill Groth and Sue Krische

*Karen Ripple*

My story begins in January 1997 when I began a four year term as President of the Senate.

Capitol Restoration was not nor had it ever been a high or even low priority in the legislature. Linda Graves was leading a major effort to restore Cedar Crest and did a fabulous job of raising money and guiding the restoration. Barry Greis

America was still in the aftermath of the 1995 bombing of the Murrah Federal Building in Oklahoma City. So even here we were thinking in small ways about building security. My first effort was to obtain funding from the KBI to install an X-ray machine to scan all packages coming in to the State House located on the south side of the first floor.

Meanwhile, Bill Groth – the Capitol Area architect kept stopping by the office and talking about obvious and not so obvious Capitol problems. Bill's list of concerns included:

Fire and smoke concerns:

- No detectors
- No visual or audio alarms
- No sprinkler system
- No emergency lighting system



No emergency power system

If a fire started on a lower floor, people on the 4th or 5<sup>th</sup> floors would probably not survive. The rotunda would act like a chimney to the upper floors.

To continue Bill's list of concerns:

Asbestos and lead paint through out the building

Failing stonework resulting in falling stone even at the entrance steps

Leaking roof system causing damage to ceiling murals and everything else

Falling plaster ceiling work (Suspension system failing)

No lighting protection system

Out dated and failing heating and air conditioning systems

Outdated and failing electrical and plumbing systems

Large high pressure steam piping system running thru basement feeding other state buildings that was dangerous

Large high voltage electrical service serving both Statehouse and Docking office buildings running thru the basement that was very dangerous

Limited exiting from basement that was nonconforming to life safety fire codes.

Lacked conformance to Federal ADA handicap codes

Lacking physical security systems needed for modern safety requirements

Inadequate legislative committee rooms

Inadequate space for legislature, staff and support offices

Inadequate parking for legislators, staff and visitors

Inadequate systems and structure for modern telecommunications and information technology

Other than those items, the building was perfect!

I began to discuss many of Bill's concerns about the Capitol with legislative leaders. The legislative leadership was very open to investigation of Capitol improvement. We decided to pursue the idea and Sue Krische put together a trip for us to see the Iowa and Minnesota capitol buildings. Both capitol buildings had undergone recent significant restoration. Our trip took place late in 1997 and we took along the Senate Majority leader, Tim Emert, Speaker Tim Shallenburger, Senate minority leader, Tony Hensley, two members of the Joint Committee on State Buildings, Sue Krishe and Bill Groth among others.

About that time, Bill Groth was named by Governor Graves as the Capitol Architect. Prior to that, Bill was involved with the capitol area, but we had no designated Capitol Architect.

Later, we took another one day trip to the Ohio Capitol which was very helpful. Those trips gave leadership an understanding of what restoration was all about and suggestions on how to proceed with a Kansas project. I recall that in Ohio we were told that their restoration increased the number of visitors by 5 times and especially visits by children's groups. They developed an excellent educational video and visitors center area that I hope we will replicate at the public entrance to our Capitol.

In January of 1998, Governor Graves made available from his budget \$750,000 to pay for a feasibility study and an extensive structures report. As I recall, the report cost around \$500,000 and upon completion gave us in great detail the plan for restoration and the physical problems our building presented.

We set aside a 2<sup>nd</sup> floor hearing room to provide a temporary display of the reports, charts and pictures from the study for all legislators, staff and administration to view. We needed buy in!. Even before the feasibility study, legislators saw what some possibilities of restoration might reveal. In the House, murals were discovered on the ceiling and the Speaker decided they should be fully uncovered and not painted over again. You can see the result. A cleaning crew used the wrong chemical on the balusters around the 3rd floor rotunda. They had turned black over the years and were changed to a gleaming brass color. The columns in the Senate were cleaned to a beautiful bronze glow also.

In 2000, the legislature and governor approved legislation to make \$50 million available to begin the restoration project. The building that was becoming functionally obsolete was taking its first step toward a new future. I was proud to be a part of this important historical project. I want to especially thank along with Sue Krische and Bill Groth, those legislative leaders from both parties that have followed and have not wilted to criticism or short sightedness. They will continue to need your support and encouragement to make sure that this very important historic effort is completed.

This is the people's house!

STATEMENT OF CHERYL BROWN HENDERSON, PRESIDENT OF THE BROWN  
FOUNDATION FOR EDUCATIONAL EQUITY, EXCELLENCE AND RESEARCH

BEFORE THE HOUSE ECONOMIC DEVELOPMENT COMMITTEE,  
IN SUPPORT OF SB 54, THE BROWN V. BOARD OF EDUCATION MURAL BILL

February 8, 2010

Madame Chair, thank you for the opportunity to present a statement in support of Senate Bill 54, the Brown v. Board of Education Mural bill.

I am Cheryl Brown Henderson, Founding President of the Brown Foundation for Educational Equity, Excellence and Research. The Brown Foundation was established in 1988 as a living tribute to those involved in the landmark United States Supreme Court *Brown* decision. In addition to having established the Brown v. Board of Education National Historic Site, in collaboration with the Kansas Congressional Delegation, our mission is to develop and implement programs that foster multicultural understanding, provide scholarships to increase diversity among classroom teachers, foster early childhood literacy and engage in activities to make history a part of daily life.

In the context of this hearing I am representing the Brown Foundation as well as the men and women who were the strategists, attorneys, community organizers and plaintiffs in the cases known as *Oliver L. Brown et. al. vs. the Board of Education of Topeka, (KS) et. al.* Those men and women include the late McKinley Burnett who, as Chair of the Topeka NAACP, was relentless in his campaign to convince the Topeka Board of Education to open the doors of its elementary schools to all children. People like the Scott family of attorneys and their colleague, in this case, Charles Bledsoe. Women like Lucinda Todd who was a *Brown* case strategist and has the distinction of being the first person to sign on as a plaintiff for the Topeka NAACP case. During their effort to assemble a group of plaintiffs it was attorney Charles Scott who asked my father to sign on. Ultimately their plaintiff roster would be comprised of 13 parents representing their children, 20 children in all. With the intervening of fate, the case namesake of this civil rights milestone was my deceased father, Oliver Brown. Because of that it is not possible for me to express my support without in part making a personal appeal.

This bill represents our recognition of the unique history of this great state. I take inordinate pride in being a Kansas native, because our state had an unparalleled impact on shaping the civil rights history of our nation. It is a message I proudly shared two weeks ago at Utah Valley University in Orem, Utah, last week at Rhodes College in Memphis, Tennessee and will share over the next two days at Texas Women's University in Denton, Texas. Informing the nation about our past is part of my life's work.

People travel to this state to learn firsthand about our progressive, activist past. They walk the halls of this building to view the mural of John Brown, they tour the Kansas Museum of history and pour over documents at the Kansas History Research Center, they reminisce about a bygone

Capitol Preservation Committee  
October 28, 2010  
Attachment 4

era at the Kansas Combat Air museum and Overland Station and they learn from the exhibits at the Brown v. Board of Education National Historic Site just how far we have come as a nation.

I support SB 54 because it will place on the hallowed walls of this building a mural that would depict our historic continuum as a state and our pivotal role in civil rights history. Although John Brown chose armed confrontation to defeat pro slavery factions, the result was that Kansas entered the union as a state that did not allow enslavement, a stance that influenced the expansion of freedom. This mural would tell the story of how Kansans of African descent would turn to the rule of law and use the courts as early as 1881 to repeal a state law enacted in 1879 that allowed first class cities in our state, those with populations of 15,000 or more, to segregate their elementary schools. Legal challenges to this law spanned a period of 68 years and involved 11 State Supreme Court cases. Legal challenges from small towns like Ottawa, Parsons, Galena, and Coffeerville successfully ended the practice of racially segregated schools in compliance with state law. Topeka was the site of two earlier school desegregation cases one in 1903, *Reynolds vs. the Board of Education of Topeka*, and again in 1941, *Graham vs. the Board of Education of Topeka*, prior to *Brown v. Board of Education of Topeka*, which was filed in 1951.

Even though the United States Supreme Court decision was not solely on behalf of the Topeka case, but rather combined cases from Delaware, Kansas, South Carolina, Virginia and Washington, D.C., this bill will allow us to depict the centrality of our state to the courts actions.

When the ruling was announced on May 17, 1954, Dwight D. Eisenhower of Kansas was the 34th, President of the United States. The words that started the chain of events in the *Brown* decision came from the testimony of Luisa Holt, a psychologist at Menninger Clinic. It was her words that were written into the District Court opinion by Judge Walter Huxman, former Governor of Kansas. In 1957 in answer to a refusal to comply with the *Brown* decision, President Eisenhower sent federal troops to Little Rock, Arkansas, which brought national attention to his position on civil rights.

In keeping with the NAACP legal team on the national level, first led by Charles Houston and then Thurgood Marshall, who argued these cases before the United States Supreme Court, we as Kansans must continue to remind each generation that our nation was born out of a disdain for injustice. We must share with each generation the words of Justice John Marshall Harlan, who was the dissenting vote in *Plessy v. Ferguson*, that - "Our Constitution is colorblind and neither knows nor tolerates classes among our citizens. In respect to civil rights, all citizens are equal before the law."

Placing this mural on the wall just outside of the historic Kansas Supreme Court chambers would be a fitting tribute and perpetual lesson for all.

***Oliver L. Brown et. al. vs. the Board of Education of Topeka (KS) et. al.***

**Announced by the United States Supreme Court**

**May 17, 1954**

**STATEMENT OF SIGNIFICANCE**

Presented before the Capitol Preservation Committee, October 28, 2010

by Cheryl Brown Henderson

Daughter of the late Oliver L. Brown and

Superintendent, *Brown v. Board of Education* NHS

The 1954 United States Supreme Court decision in *Oliver L. Brown et. al. vs. the Board of Education of Topeka (KS) et. al.* is among the most significant judicial turning points in the development of our nation. Originally led by Charles Hamilton Houston, and later Thurgood Marshall and a formidable legal team, this decision dismantled the legal framework for racial segregation in schools and other public accommodations.

By declaring that the discriminatory nature of racial segregation...."violates the 14<sup>th</sup> amendment of the U. S. Constitution, which guarantees all citizens equal protection of the laws," *Brown v. the Board of Education* effectively laid the groundwork for shaping future national and international policies regarding human rights.

*Brown v. the Board of Education* was not simply about children and education. The laws and policies struck down by this court decision were products of the human tendencies to prejudge, discriminate against, and stereotype people by their ethnic, religious, physical, or cultural characteristics. Ending this behavior as a legal practice caused far reaching social and ideological implications, which continue to resonate throughout the country. The *Brown* decision inspired and galvanized human rights struggles across the nation and around the world. The NAACP strategy in *Brown v. Board of Education* was a catalyst in launching the modern Civil Rights movement.

What this legal challenge represents is at the core of U.S. history and the freedoms we enjoy. The U.S. Supreme Court decision in *Brown* began a critical chapter in the maturation of our democracy. It reaffirmed the sovereign power of the people of the United States in the protection of their natural rights from arbitrary limits and restrictions imposed by state and local governments. These rights are recognized in the Declaration of Independence and guaranteed by the United States Constitution.

Bringing about change in the years since the *Brown* decision continues to be difficult. But the NAACP victory in *Brown v. the Board of Education* helped open the door to opportunity and brought this nation one step closer to living up to its democratic ideals.

4-3

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COMMEMORATING OUR  
NATION'S STRUGGLE FOR FREEDOM:  
**FROM CIVIL WAR  
TO CIVIL RIGHTS**

**2010-2011 PROGRAM SERIES**

The Brown Foundation and Brown v. Board of Education National Historic Site present the 2010 - 2011 Program Series. Programs run from September 2010 - September 2011.

This program series theme is taken from our mission which is in part to commemorate the historic milestones in U.S. history.



1515 SE Monroe  
Topeka, KS 66612

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**SAVE AND USE**  
this booklet throughout the year!

**All programs co-sponsored by:**  
Brown Foundation, [www.brownvboard.org](http://www.brownvboard.org)  
Brown v. Board of Education  
National Historic Site, [www.nps.gov/bvrb](http://www.nps.gov/bvrb)



**September program co-sponsored by:**  
Washburn University



COMMEMORATING OUR NATION'S STRUGGLE FOR FREEDOM:

# FROM CIVIL WAR TO CIVIL RIGHTS

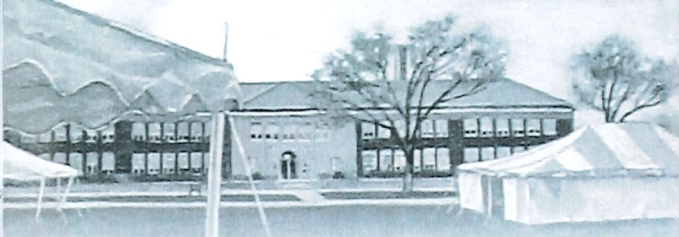
4-4



**2010 - 2011 PROGRAM SERIES**

THE BROWN FOUNDATION AND BROWN V. BOARD OF EDUCATION NATIONAL HISTORIC SITE





August 1 - September 29, 2011

## COMMEMORATING OUR NATION'S STRUGGLE FOR FREEDOM

Topeka Area Artists

During the months of August and September 2011, Brown v. Board of Education National Historic Site is pleased to host a special locally-produced art exhibition. Members of Topeka's arts community will exhibit new works created especially to commemorate the site's program series themes.

Since the signing of the Declaration of Independence in 1776, a strong thread in the national narrative has been the story of overcoming racism, prejudice, and discrimination so that all Americans can enjoy "life, liberty and the pursuit

of happiness." Over the years, many brave individuals have stood up to change the country for the better.

This exhibition will feature artwork that communicates the struggle for freedom and salutes the people who moved the nation toward the promise of its founding—the promise of equality for everyone.

Make plans to see this new display of local artistic expression.

*The image above is titled "After Scouting Day - April 2008 (Brown v. Board)" by Topeka artist Barbara Waterman-Peters.*

**FOR MORE INFORMATION**, call Brown v. Board of Education National Historic Site at 785-354-4273 or e-mail at [BRVB\\_Interp\\_Ranger@nps.gov](mailto:BRVB_Interp_Ranger@nps.gov). Free and open to the public, daily from 9:00 a.m. to 5:00 p.m. at Brown v. Board of Education National Historic Site, 1515 SE Monroe Street, Topeka, KS 66612.

<b>We Shall Not Be Moved</b> Film and discussion about the legacy of African American Farmers	September 12, 2010
<b>Those Who Came Before: Mexican-Americans in Kansas 1900-1950</b> Traveling Exhibit	October 2, 2010 - November 6, 2010
<b>Saturday Night at the Downbeat</b> Hispanic Heritage Month Concert	October 9, 2010
<b>Giants: The Parallel Lives of Frederick Douglass and Abraham Lincoln</b> Author led lecture and discussion	November 7, 2010
<b>Abraham Lincoln: A Man for His Time, A Man for All Times</b> Traveling Exhibit	November 10, 2010 - December 8, 2010
<b>Lincoln in Kansas</b> Traveling Exhibit	December 10, 2010 - January 2, 2011
<b>Commemorating the Struggle for Freedom in Kansas</b> Exhibit featuring local high school artists	January 4, 2011 - February 6, 2011
<b>Davis v. Prince Edward County School Board, Farmville, Virginia</b> One of the cases combined with <i>Brown v. Board of Education</i> Film clip and discussion with Virginia case plaintiffs	February 27, 2011
<b>60th Anniversary of filing Brown v. Board of Education of Topeka</b> Traveling Exhibit	February 1-28, 2011
<b>The Hillsboro Story</b> A play about school desegregation after Brown v. Board	March 6, 2011
<b>Sankofa: Lessons Learned</b> Quilt Exhibit	March 1 - 30, 2011
<b>Lasting Legacies of the Civil War</b> Half-day Symposium	March 27, 2011
<b>The Battle of Black Jack</b> A Portrayal of John Brown	April 1 - 29, 2011
<b>The Battle of Black Jack: Prelude to Civil War</b> Traveling Exhibit	April 17, 2011
<b>The Attorneys of Brown v. Board of Education</b> Exhibit	May 3 - 30, 2011
<b>57th Anniversary of Brown v. Board of Education</b> Annual commemorative event	May 17, 2011
<b>Freedom Riders</b> Author led lecture and panel discussion with Freedom Riders	June 26, 2011
<b>Banished</b> Film and discussion	July 17, 2011
<b>Commemorating Our Nation's Struggle for Freedom</b> Exhibit featuring Topeka Area Artists	August 1, 2011 - September 29, 2011

September 12, 2010

## WE SHALL NOT BE MOVED

Film and discussion with Gary R. Grant, Executive Director of the Concerned Citizens of Tillery



Gary R. Grant

*We Shall Not Be Moved* is a film about Tillery, North Carolina, which had its beginnings in the slavery of the old South. During the 1930s,

the Resettlement Administration of the New Deal gave landless sharecroppers the opportunity to buy their own farms. Roanoke Farms in Tillery was one of only a handful of resettlement projects for

African Americans. Its families have overcome the legacies of slavery and Jim Crow to earn their part of the American Dream. They and their successors continue to battle racism, assaults on their environment by agribusiness conglomerates, farm foreclosures, and natural disasters.

Gary R. Grant is the 2010 Washburn University Oliver L. Brown Distinguished Visiting Scholar for Diversity Issues. Mr. Grant was reared on a family farm in the New

5-7

# A MULE AND A PLOW



**RESETTLEMENT ADMINISTRATION**  
Small Loans Give Farmers a New Start

Deal Community of Tillery Resettlement Farms. He holds a Bachelor's Degree from North Carolina College at Durham (now North Carolina Central University) and an Honorary Doctor of Humanities from Eastern North Carolina Theological Institute. He is the Executive Director of the Concerned Citizens of Tillery (CCT). Formed in the 1990s in response to a proposed hog farm in the area, the CCT has grown to be

a community organization with deep roots in the community it serves. The CCT's purpose now is to promote and improve the social, economic and educational welfare of the citizens in the surrounding community through the self-development of its members.

*Photo courtesy of Bernarda Bryson Shahn, Depression Era Prints at the James A. Michener Art Museum, PA.*

**TO RSVP BY SEPTEMBER 10**, call the Brown Foundation at 785-235-3939 or e-mail at [rsvp@brownfoundationks.org](mailto:rsvp@brownfoundationks.org). Free and open to the public, Sunday, September 12, 3:00 p.m., at Brown v. Board of Education National Historic Site, 1515 SE Monroe Street, Topeka, KS 66612.

4-6



October 2 - November 6, 2010

# THOSE WHO CAME BEFORE: MEXICAN AMERICANS IN KANSAS 1900-1950

The connection between the United States and people of Mexican descent goes back for centuries. Beginning with the conquistadors, both visitors and immigrants from the south have made their mark on Kansas. Mexican immigrants have come to Kansas for a variety of reasons. This exhibit explores the jobs which brought many early Mexican workers to Kansas, including sugar beet production and working on the railroads. The

culture and traditions of Mexican Americans are also highlighted, including fiesta, the Quinceañera, and Las Posadas. By bringing their families and creating new lives in Kansas, Mexican immigrants have changed and enhanced the lives of all Kansans.

This exhibit is on loan from the Kansas State Historical Society.

*Photo: Atchison, Topeka, and Santa Fe Section Crew, Pauline, Kansas. Kansas Memory website, Kansas State Historical Society.*

**FOR MORE INFORMATION,** call Brown v. Board of Education National Historic Site at 785-354-4273 or e-mail at [BRVB\\_Interp\\_Ranger@nps.gov](mailto:BRVB_Interp_Ranger@nps.gov). Free and open to the public, daily from 9:00 a.m. to 5:00 p.m. at Brown v. Board of Education National Historic Site, 1515 SE Monroe Street, Topeka, KS 66612.

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4-7

October 9, 2010

# SATURDAY NIGHT AT THE DOWNBEAT

Featuring Topeka's own Mariachi Habanero  
with opening remarks by Dr. Ruben Flores



Mariachi Habanero

Mariachi Habanero lives up to its name, performing lively dance music mixed with an occasional mellow ballad. The group borrows its name from the habanero pepper, the spiciest of the chili peppers. Mariachi

music began in the nineteenth century in the Mexican state of Jalisco—according to popular legend, in the town of Guadalajara. Mariachi has become emblematic of Mexican music. It is the music of the people; music that celebrates the joys, struggles and triumphs of daily life.

Dr. Flores is an Assistant Professor of American Studies at the University of Kansas. His remarks will spotlight the role Hispanics played in the development of the United Farm Workers.

**TO RSVP BY OCTOBER 8**, call the Brown Foundation at 785-235-3939 or e-mail at [rsvp@brownfoundationks.org](mailto:rsvp@brownfoundationks.org). Seating is limited. Free and open to the public, Saturday, October 9, 7:00 p.m., at Brown v. Board of Education National Historic Site, 1515 SE Monroe Street, Topeka, KS 66612.

4-8

November 7, 2010

# GIANTS: THE PARALLEL LIVES OF FREDERICK DOUGLASS AND ABRAHAM LINCOLN

Lecture by John Stauffer

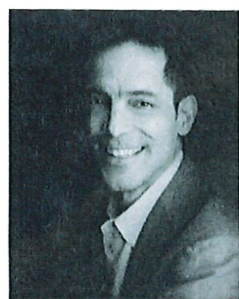


May 3 -

## THE V. B

*Brown v. Board of Education* is one of the Supreme Court's most important decisions. In the case, the Court ruled that racial segregation in public schools was unconstitutional. This decision was a landmark in the fight for civil rights and the end of the Jim Crow era. It paved the way for the Civil Rights Movement and the eventual passage of the Civil Rights Act of 1964. The case is a testament to the power of the law and the courage of those who fought for equality.

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John Stauffer

"We have had a period of darkness, but are now having the dawn of light," rejoiced Frederick Douglass on New Year's Day, 1863.

With the Civil

War entering its third year, President Abraham Lincoln signed the Emancipation Proclamation, which brought the promise of freedom to 4,000,000 enslaved Americans.

To mark the 150th anniversary of Abraham Lincoln's election as president, Dr. John Stauffer will speak about the parallel lives and evolving relationship of Lincoln and Douglass. These two self-made men helped transform American society through their vigorous actions and powerful words.

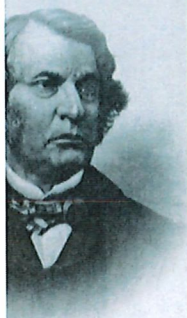
Douglass, the abolitionist who

was formerly enslaved, saw the Civil War as an opportunity to end slavery. Early in the war Douglass chastised Lincoln for not embracing emancipation as a war aim. But Douglass eventually came to admire Lincoln's political skills and resolve to produce "a new birth of freedom" in the country.

"Viewed from the genuine abolition ground," said Douglass in 1876, "Mr. Lincoln seemed tardy, cold, dull, and indifferent; but measuring him by the sentiment of his country, a sentiment he was bound as a statesman to consult, he was swift, zealous, radical, and determined."

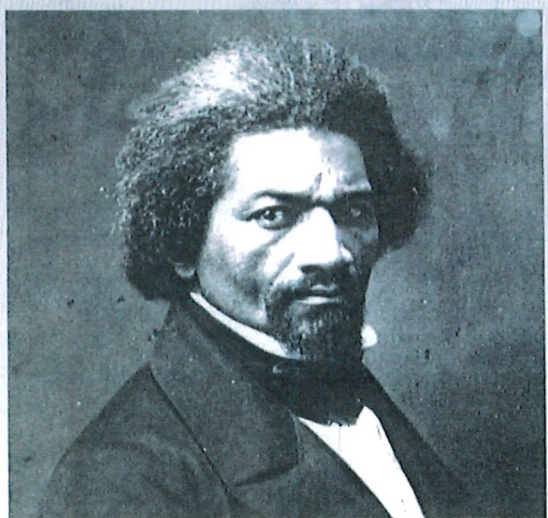
"The two men's personal conflicts often paralleled the nation's conflicts," wrote Stauffer. "Douglass repeatedly lost faith in Lincoln, only to find it again. His changing

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perspectives chart not only the political journeys of both men but also the nation's journey to its Second Revolution."

John Stauffer is a leading authority on anti-slavery and social protest movements, as well as interracial friendship. He is a Harvard University professor of English and American Literature and Language in the Department of African and African American studies, and Chair of the History of American Civilization program at Harvard. His eight books include *Giants: The Parallel Lives of Frederick Douglass and Abraham Lincoln* (2008) and *The Black Hearts of Men: Radical Abolitionists and*

*the Transformation of Race* (2002), which both won numerous awards. He is the author of more than 50 articles. His essays have appeared in *Time*, *The New York Times*, *The Wall Street Journal*, *The New Republic*, *Raritan*, and *The New York Sun*. He has appeared on national radio and television shows and has lectured widely throughout the United States and Europe.

*Photo of Frederick Douglass courtesy of the Collection of the New York Historical Society*

*Photo of Abraham Lincoln courtesy of the Library of Congress Prints and Photographs Division*

235-3939

**TO RSVP BY NOVEMBER 5**, call the Brown Foundation at 785-235-3939 or e-mail [rsvp@brownfoundationks.org](mailto:rsvp@brownfoundationks.org). Free and open to the public, Sunday, November 7, 3:00 pm., at Brown v. Board of Education National Historic Site, 1515 SE Monroe Street, Topeka, KS 66612.

4-10

April 17,

# THE PRE

A Portra

Kerry Altenbernd



November 10 - December 8, 2010

## ABRAHAM LINCOLN: A MAN OF HIS TIME, A MAN FOR ALL TIMES

More books have been written about Lincoln than any other American, yet public knowledge about our most famous president is dominated by a series of iconic images: the son of an illiterate frontier farmer who taught himself to read; the savior of the Union; the Great Emancipator; the martyred leader.

*Abraham Lincoln: A Man of His Time, A Man for All Times* invites visitors to look beyond the myth. We hope that presenting Lincoln's own words in speeches, letters and proclamations, will encourage a deeper understanding of the nation's 16th president's life, accomplishments

and legacy.

Lincoln believed that America's greatest strength lay in guaranteeing its citizens their natural rights and opportunities to succeed. Like Jefferson, Lincoln believed that "all men are created equal," and he carried these democratic ideals to their logical conclusion further than any president had done before.

This exhibit is on loan from The Gilder-Lehrman Institute.

*Photo courtesy of the Library of Congress, Rare Book and Special Collections Division, Alfred Whital Stern Collection of Lincolniana.*

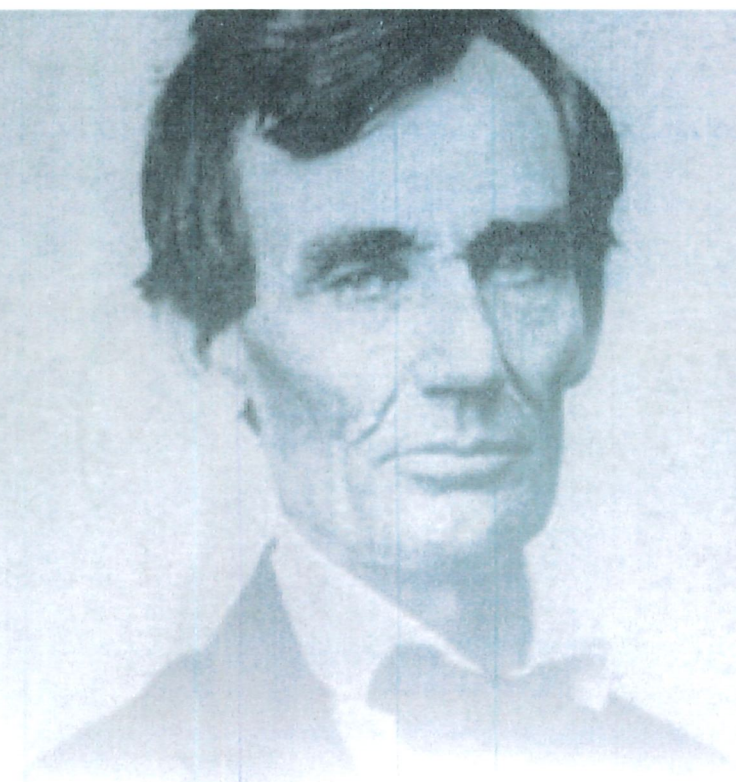
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**FOR MORE INFORMATION,** call Brown v. Board of Education National Historic Site at 785-354-4273 or e-mail at [BRVB\\_Interp\\_Ranger@nps.gov](mailto:BRVB_Interp_Ranger@nps.gov). Free and open to the public, daily from 9:00 a.m. to 5:00 p.m. at Brown v. Board of Education National Historic Site, 1515 SE Monroe Street, Topeka, KS 66612.

**TO RSVP**  
e-mail at R  
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4-11



December 10, 2010 - January 2, 2011

## LINCOLN IN KANSAS 1859

*"If I went West, I think I would go to Kansas—Leavenworth, or Atchison. Both these are, and will continue to be fine growing places."*

Abraham Lincoln  
Letter to James Somers  
March 17, 1860

Abraham Lincoln visited Kansas only once, but left a strong impression. His visit brought positive attention to Kansas, which had already emerged on the national stage with

the dreadful events of "Bleeding Kansas." Kansas' suffering began the inexorable march toward Civil War. The events of his presidency and the war would affect the state in many ways. This exhibit tells the story of Abraham Lincoln's 1859 visit to Kansas and the impression Lincoln's life had on Kansas and Kansans.

This exhibit is on loan from The Kansas State Historical Society.

*Photo courtesy of the Library of Congress Prints and Photographs Division*

**FOR MORE INFORMATION,** call Brown v. Board of Education National Historic Site at 785-354-4273 or e-mail at BRVB\_Interp\_Ranger@nps.gov. Free and open to the public, daily from 9:00 a.m. to 5:00 p.m. at Brown v. Board of Education National Historic Site, 1515 SE Monroe Street, Topeka, KS 66612.

4-12





January 4 - February 6, 2011

# COMMEMORATING THE STRUGGLE FOR FREEDOM IN KANSAS

Exhibit Featuring Local High School Artists

Kansas became a state on January 29, 1861. To commemorate the 150th anniversary of Kansas statehood, Topeka High School students will create an exhibit of art inspired by the theme "The Struggle for Freedom in Kansas."

When Kansas Territory opened for settlement in 1854, the concept of freedom stood front and center. Abolitionists and pro-slavery forces began clashing over the question of whether Kansas would enter the Union as a Slave State or a Free

State. Episodes of violence earned the territory the nickname "Bloody Kansas." Little wonder that in 1861 Kansans chose as their state motto the Latin phrase "Ad Astra per Aspera," which means "To the stars through difficulties."

A century later, the national spotlight again shone on Kansas concerning the long struggle to provide freedom and equality to all Americans. In 1954, the U.S. Supreme Court ruled in *Brown v. Board of Education* that "in the field of public

Dwight Pitcaithley



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Jim Denny



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education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal." The ruling became a turning point in history and helped launch the civil rights movement.

Expressing stories through art is an ancient human tradition.

These young Kansas artists will continue that tradition by depicting stories of sacrifice and achievement in the struggle to provide "liberty and justice for all." Don't miss this one-of-a-kind exhibit.

*Photos courtesy of Kansas Memory website,  
Kansas State Historical Society.*

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**FOR MORE INFORMATION**, call **Brown v. Board of Education National Historic Site** at 785-354-4273 or e-mail at **BRVB\_Interp\_Ranger@nps.gov**. Free and open to the public, daily from 9:00 a.m. to 5:00 p.m. at **Brown v. Board of Education National Historic Site, 1515 SE Monroe Street, Topeka, KS 66612.**

4-14



February 27, 2011

## DAVIS V. PRINCE EDWARD COUNTY SCHOOL BOARD, FARMVILLE, VIRGINIA

Film and discussion with plaintiffs from the Virginia case

This program will feature a film that highlights the issues surrounding the strike by Farmville, Virginia students who walked out of the all-black Moton High School to protest the conditions in the school, which was badly in need of repair and overcrowded, with the original building being supplemented with tar paper shacks. The efforts of the students that day were the first step toward desegregation of public schools in Virginia. Eventually, the *Davis* case would be joined with

the other cases of *Brown v. Board of Education* which struck down legally-sanctioned segregation in public places. Prince Edward County closed its schools for five years rather than integrate. In March of 1963, Attorney General Robert F. Kennedy noted that:

“The only places on earth not to provide free public education are Communist China, North Vietnam, Sarawak, Singapore, British Honduras—and Prince Edward



4-15



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County, Virginia. Something must be done about Prince Edward County.” Ultimately, Prince Edward County was forced to open its schools by the courts. On September 8, 1964, about 1,500 students, all but eight of whom were black, returned to

classes in the Prince Edward County public schools for the first time in five years.

*Photo: Life Magazine, March 1, 1953*

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**TO RSVP BY FEBRUARY 25**, call the Brown Foundation at 785-235-3939 or e-mail at [rsvp@brownfoundationks.org](mailto:rsvp@brownfoundationks.org). Free and open to the public, Sunday, February 27, 3:00 p.m., at Brown v. Board of Education National Historic Site, 1515 SE Monroe Street, Topeka, KS 66612.

4-16



March 6, 2011

# THE HILLSBORO STORY

A play by Susan Banyas



Susan Banyas

*The Hillsboro Story*, a warm-hearted, hard-hitting narrative, opens in Hillsboro, Ohio on July 5, 1954 when the “colored”

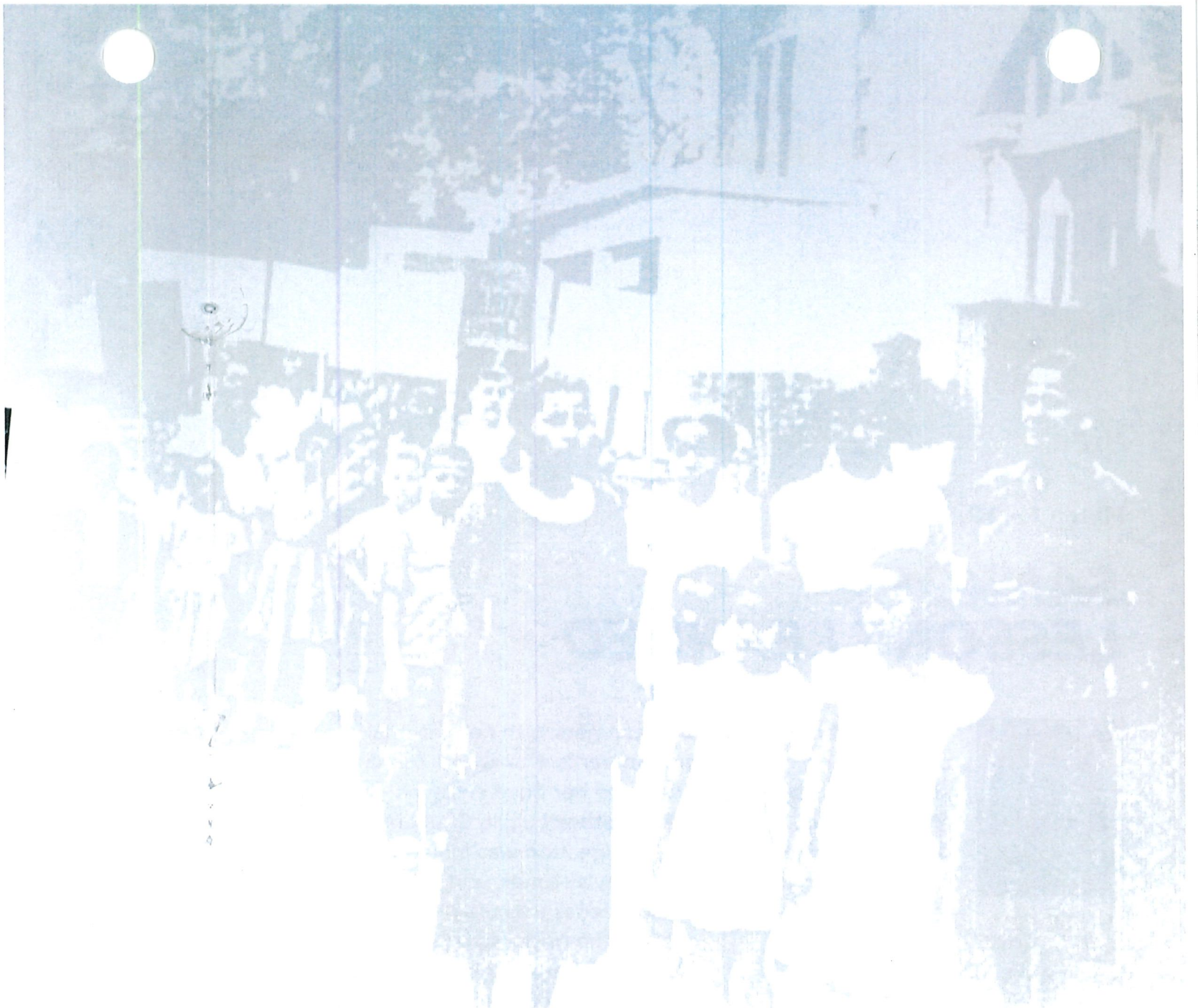
elementary school went up in flames. The fire sparked a “school fight” led by five African American

mothers that became one of the first test cases for the *Brown v. Board of Education* decision (May, 1954) in the North. Ms. Banyas, the playwright, was in the third grade, and the memory of those times sparked this cultural detective story – a lively weaving of spoken word, movement, monologues, and visual images, backed by an evocative original music score.

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The investigation is informed by historical research, photography, and extensive interviews with key players locally and nationally whose voices form the heart of the story.

*Photo: Merle Hudson, Gertrude Clemons Hudson, Joyce Clemons Kittrell, Plaintiffs in Clemons v. Board of Education of Hillsboro, Ohio, 1956, the first test case for the Brown v. Board of Education decision in the North*

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**TO RSVP BY MARCH 4, call the Brown Foundation at 785-235-3939 or e-mail at [rsvp@brownfoundationks.org](mailto:rsvp@brownfoundationks.org). Free and open to the public, Sunday, March 6, 3:00 p.m., at Brown v. Board of Education National Historic Site, 1515 SE Monroe Street, Topeka, KS 66612.**

4-18

March 1 - 30, 2011

## SANKOFA: LESSONS LEARNED

Marla Jackson



This exhibit is comprised of sixteen quilts by Marla Jackson, a distinguished local quilter. Each quilt represents women

as they move through their lives, learning the lessons of joy, loss, family, and love.

One of eight children born to Fern Eaton Crum and Rufus Crum Jr., originally from Royal Oak Township (a suburb of Detroit, Michigan), Marla spent many weekends

and summers with her paternal grandparents, Rufus and Zelma Crum and her once enslaved great-grandmother, Lucille Crum. Marla's artistic direction was influenced by her family's stories, and her quilts depict scenes and themes that capture the pride, spirit, pain and joy of the African American experience. Her primary goal with her work is to echo the untold stories of heroes that history has overlooked, forgotten, or hidden.

*Photos courtesy of Marla Jackson*

**FOR MORE INFORMATION,** call the Brown Foundation at 785-235-3939 or e-mail at [info@brownfoundationks.org](mailto:info@brownfoundationks.org). Free and open to the public, daily from 9:00 a.m. to 5:00 p.m. at Brown v. Board of Education National Historic Site, 1515 SE Monroe Street, Topeka, KS 66612.

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March 27, 2011

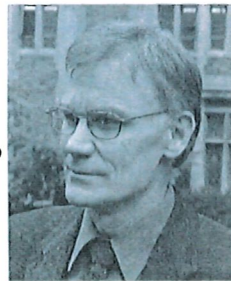
# LASTING LEGACIES OF THE CIVIL WAR

Events across the country from 2011 to 2015 will commemorate the 150th anniversary of the Civil War. Brown v. Board of Education National Historic Site will kick-off Civil War Sesquicentennial observances with a symposium. Four scholars will present insights into the bitter conflict that produced “a new birth of freedom” in the country when the chains of bondage were released from four million enslaved men, women, and children.

Dr. David Blight, Dr. Dwight Pitcaithley, Jim Denny, and Arnold Schofield will each speak about a different aspect of the war. Collectively, the four speakers will present a national picture of the war as a turning point in history, examine the war’s many relevant legacies, and shed light on the regional war that raged along the Missouri and Kansas border in the 1850s and 1860s.

Audience members can listen to presentations, ask questions, interact with Civil War scholars and

enthusiasts, as well as purchase books and have them signed by the visiting authors. The symposium will be free and open to the public.



Dr. David Blight

## HAS CIVIL WAR MEMORY DIVIDED OR UNITED AMERICANS OVER 150 YEARS?

The causes, impacts, and legacies of the Civil War have long been debated. **Dr. David Blight** will examine these topics during his presentation.

Dr. Blight, a professor of history at Yale University, is the author and editor of several books including *Race and Reunion: The Civil War in American Memory* (2001), *Beyond the Battlefield: Race, Memory, and the American Civil War* (2002), and *Frederick Douglass's Civil War: Keeping Faith in Jubilee* (1989).

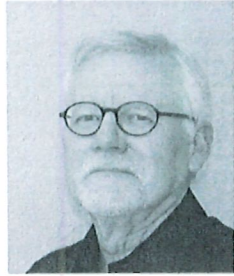
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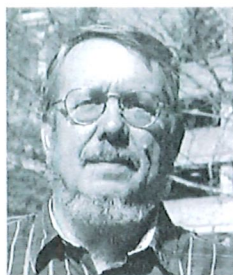
Dwight Pitcaithley



**DISUNION DENIED: MISSOURI'S SECESSION CONVENTION AND THE GREAT SLAVERY QUESTION**

As a former Chief Historian of the National Park Service, **Dr. Dwight Pitcaithley** provides a valuable perspective on the ways the Civil War is interpreted at historic sites. He is also an expert on the secession conventions in the South and has written a book on the topic that will soon be published.

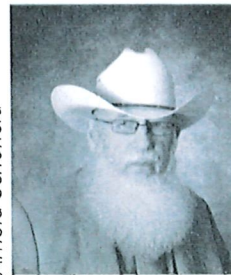
Jim Denny



**BLEEDING MISSOURI**

The Civil War era in Missouri and Kansas featured some of the most

Arnold Schofield



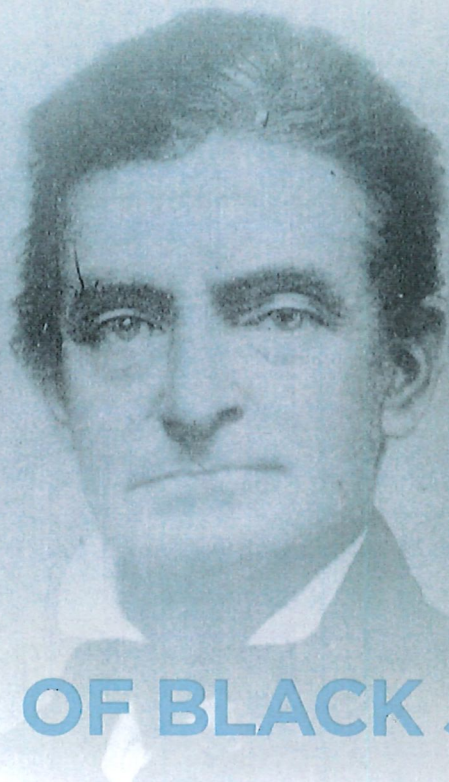
**ORIGINS, ANIMOSITIES, AND LEGACIES OF THE KANSAS / MISSOURI BORDER WARS: 1856 - 1865 AND BEYOND**

An authority on the Civil War in Missouri and Kansas, **Arnold Schofield** served for many years as the park historian at Fort Scott National Historic Site. After retiring from the National Park Service he began working for the Kansas State Historical Society.

violent and tragic episodes of the war. Raids back and forth across the border destroyed communities, torched farms, and uprooted thousands of people. Bitterness lingered for decades after the war. **Jim Denny** will provide a historical perspective from the Missourians' point of view.

**TO RSVP BY MARCH 25, call the Brown Foundation at 785-235-3939 or e-mail at [RSVP@brownfoundationks.org](mailto:RSVP@brownfoundationks.org). Free and open to the public, Sunday, March 27 from 1:00 p.m. to 4:30 p.m., at Brown v. Board of Education National Historic Site, 1515 SE Monroe Street, Topeka, KS 66612.**

4-22



April 1-29, 2011

# THE BATTLE OF BLACK JACK

The Battle of Black Jack is considered by many to have been the first fight of the Civil War. Most certainly, it contributed to the name of "Bleeding Kansas." On June 2, 1856, the abolitionist John Brown led his free-state militia, with co-commander Samuel Shore, in attacking the camp of a pro-slavery force led by Henry Clay Pate. This clash was the first pitched battle between pro-slavery and anti-slavery groups. Pate, thinking he was outnumbered and possibly surrounded, eventually surrendered to Brown.

The exhibit opens with an exploration into the lives of John

Brown and Henry Clay Pate as well as the men who fought beside them. It explores the territory surrounding the battlefield and its use as part of the Santa Fe Trail and the return of one of the battle's veterans, Robert Hall Pearson, to farm the area.

The Black Jack Battlefield Trust created the exhibit in the fall of 2009 to mark the 150th anniversary of John Brown's raid on Harper's Ferry.

*Photo courtesy of The Nelson-Atkins Museum of Art, Kansas City, Missouri. Gift of the Hall Family Foundation, 2008.6.4. Photograph by John Lamberton.*

**FOR MORE INFORMATION**, call Brown v. Board of Education National Historic Site at 785-354-4273 or e-mail at BRVB\_Interp\_Ranger@nps.gov. Free and open to the public, daily from 9:00 a.m. to 5:00 p.m. at Brown v. Board of Education National Historic Site, 1515 SE Monroe Street, Topeka, KS 66612.

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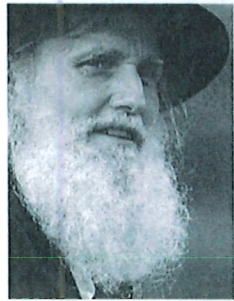
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4-23

April 17, 2011

# THE BATTLE OF BLACK JACK: PRELUDE TO CIVIL WAR

A Portrayal of John Brown



Kerry Altenbernd

The Civil War officially began on April 12, 1861, when Confederate artillery opened fire on Fort Sumter, South Carolina. But the strife between North and South

had already turned bloody in Kansas in the 1850s. The Battle of Black Jack near Baldwin City on June 2, 1856, marked the first armed clash between opposing sides.

Kerry Altenbernd, portraying the abolitionist John Brown, will tell the history of the Battle of Black Jack, how it fit into Brown's life story, and its place in his war on slavery. Afterwards, Mr. Altenbernd will bring the story of the Battle of Black Jack up to date, discussing its effect on American history. He will also discuss current preservation activities for the battlefield and plans for the Black Jack Battlefield and Nature Park.

After the passage of the Kansas-Nebraska Act in 1854, Brown traveled to Kansas Territory with the goal of keeping Kansas free of slavery. Once there, he led a group of men who killed pro-slavery settlers during the Pottawatomie Massacre, engaged in several battles, and participated in raids into Missouri to free enslaved African Americans and escort them to Canada.

Altenbernd is a third generation native of Douglas County, Kansas. For a number of years he has worked to preserve the Black Jack Battlefield, and has been a member of the Board of Trustees of the Black Jack Battlefield Trust since its creation in 2003. He currently serves as On-Site Tour Coordinator for the Black Jack Battlefield and Nature Park, and is actively involved with the Freedom's Frontier National Heritage Area. He has been performing first-person interpretations of John Brown since 2006.

**TO RSVP BY APRIL 15, call the Brown Foundation at 785-235-3939 or e-mail at [RSVP@brownfoundationks.org](mailto:RSVP@brownfoundationks.org). Free and open to the public, Sunday, April 17 at 3:00 p.m. at Brown v. Board of Education National Historic Site, 1515 SE Monroe Street, Topeka, KS 66612.**

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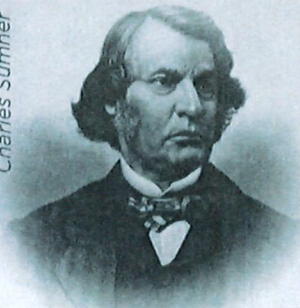
May 17, 2011

# BROWN V. BOARD OF EDUCATION

Robert Morris



Charles Sumner



On May 17, 2011, we will observe the 57th anniversary of the landmark United States Supreme Court decision in *Brown v. Board of Education*. Our theme, "Commemorating Our Nation's Struggle for Freedom: From Civil War to Civil Rights", reminds us that the *Brown* decision was part of an historic continuum that pre-dates the Civil War.

The campaign to end racial segregation in public schools began in Boston, Massachusetts. The state had abolished slavery in 1755; however, education for African Americans continued to be mostly segregated within the state. By 1840, growing concern about racially segregated schools led to efforts by African American parents to shut down the segregated schools. Their final effort was undertaken in 1849, with the leadership of attorneys Robert Morris, one of the nation's first African American lawyers, and

co-counsel Charles Sumner, who went on to become a United States Senator from Massachusetts. Their case became known as *Roberts v. the City of Boston*. This case represents pre-Civil War initiatives on the part of African Americans to secure equal educational opportunity for their children.

The Roberts case was not successful because authorities reasoned that special provisions had been made for "colored" students to have a school. Support for their efforts finally came from city officials when, in April 1855, a bill was presented and passed by the Massachusetts legislature that addressed the issue at hand. The legislative action stated that no distinction based on color, race or religion should be made for any student applying for admission to any public school in the state. And so the road to *Brown v. the Board of Education* began.

**FOR MORE INFORMATION**, call the Brown Foundation at 785-235-3939 or e-mail at [info@brownfoundationks.org](mailto:info@brownfoundationks.org).



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4-25



May 3 - 30, 2011

## THE LAWYERS OF *BROWN* V. BOARD OF EDUCATION

*Brown v. Board of Education* remains one of the most transformative U.S. Supreme Court decisions in history. In the case, a group of dedicated and creative black and white lawyers representing African American parents and their children in four states and the District of Columbia chose not only to attack the obvious target—the rampant inequality of schools attended by black and white children in many parts of the country—but to put together a frontal assault on segregation itself. While the *Brown* decision did

not immediately end segregation in the nation’s public schools, the ruling constituted a powerful symbol of the law as an avenue for social change. *Brown v. Board of Education* inspired and provided a model for generations of future lawyers in the civil rights movement. This new exhibit will present the story of the trial attorneys who fought the *Brown* case and who, in the process, ultimately reshaped a nation.

*Photo courtesy of the NAACP Legal Defense and Educational Fund*

**FOR MORE INFORMATION,** call *Brown v. Board of Education* National Historic Site at 785-354-4273 or e-mail at [BRVB\\_Interp\\_Ranger@nps.gov](mailto:BRVB_Interp_Ranger@nps.gov). Free and open to the public, daily from 9:00 a.m. to 5:00 p.m. at *Brown v. Board of Education* National Historic Site, 1515 SE Monroe Street, Topeka, KS 66612.

4-26



October

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June 26, 2011

# FREEDOM RIDERS

Lecture by Eric Etheridge and Freedom Riders  
Robert and Helen Singleton



Eric Etheridge

Author and  
photographer  
Eric Etheridge will  
present a lecture  
and slide show on  
the 1961 Freedom  
Rides. Freedom  
Riders Robert and

Helen Singleton will also share their  
unique personal stories, being one of  
the few married couples to volunteer  
for the Freedom Rides. A clip from  
*Freedom Riders*, a new documentary  
film from the PBS series *American  
Experience* will also be shown.

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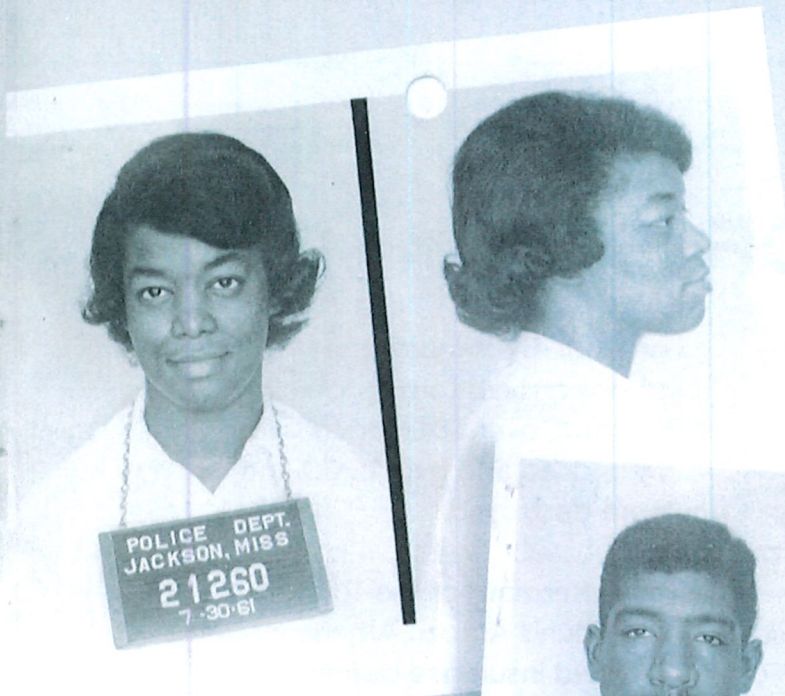
## Photography Exhibit

Though outlawed in 1955,  
segregation persisted in many  
interstate buses and stations in 1961.

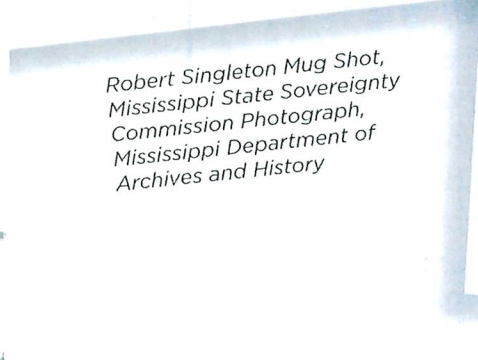
Beginning in May 1961, several  
hundred Freedom Riders challenged  
illegal segregation by riding buses

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*Helen Singleton Mug Shot, Mississippi State Sovereignty Commission Photograph, Mississippi Department of Archives and History*



*Robert Singleton Mug Shot, Mississippi State Sovereignty Commission Photograph, Mississippi Department of Archives and History*

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and entering segregated facilities in the South. Many riders—both black and white—were intimidated, beaten, and arrested. The Freedom Rides drew the attention of the Kennedy administration and the nation to the persistence of segregation and the power of nonviolent resistance. The exhibit combines historic mug shots uncovered by author and

photographer Eric Etheridge, combined with modern portraits of Freedom Riders taken by him for his book *Breach of Peace: Portraits of the 1961 Mississippi Freedom Riders*.

*Photo courtesy of Library of Congress, Prints & Photographs Division*

**TO RSVP BY JUNE 24**, call the Brown Foundation at 785-235-3939 or e-mail at [rsvp@brownfoundationks.org](mailto:rsvp@brownfoundationks.org). Free and open to the public, Sunday, June 26, 3:00 p.m., at Brown v. Board of Education National Historic Site, 1515 SE Monroe Street, Topeka, KS 66612.

4-28



July 17, 2011

# THE TULSA LYNCHING OF 1921

Elisha Scott



Producer, writer, and director Michael Wilkerson reveals the unsettling story of the Tulsa Race Riot of 1921 in his documentary film, *The Tulsa Lynching*

*of 1921: A Hidden Story*. The film, first released on Cinemax in May 2000, has received critical acclaim for its effective use of images, interviews with aging survivors of the riot, and with powerful voiceover readings of historical newspaper accounts of the riot by several well known actors.

The riot began after an alleged assault by a young African American man on a white female, although many newly discovered accounts suggest that the incident was little more than an accidental step on the woman's toes. White law enforcement officials deputized an additional 500 white men to enter into the Greenwood district of Tulsa, an all-African American middle class neighborhood, and burn it to the

ground. By the time that federal troops arrived to put down the uprising, over 300 African Americans were dead and over 1,200 homes were destroyed.

The aftermath of the Tulsa Race Riot found African Americans with rejected insurance claims against burned homes and redacted newspaper accounts in archival collections. The state and local governments made extensive efforts to suppress widespread reporting of the riot or removed records of it in historical accounts. African American attorneys like Elisha Scott of Topeka, worked to resolve petitions by African Americans who lost homes and relatives to the riot.

*The Tulsa Lynching of 1921: A Hidden Story* will be followed by a brief discussion of the Topeka connection to the events through the Scott law firm by Thom Rosenblum, the *Brown v. Board of Education* National Historic Site staff historian.

*Photo courtesy of Oklahoma Historical Society*

**TO RSVP BY JULY 15**, call the Brown Foundation at 785-235-3939 or e-mail at [info@brownfoundationks.org](mailto:info@brownfoundationks.org). Free and open to the public, Sunday, July 17, 3:00 p.m., at Brown v. Board of Education National Historic Site, 1515 SE Monroe Street, Topeka, KS 66612.

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# THE CASES

Commemorating

*Brown v. Board*

*of Education*

May 17, 1954

4-30

# **Belton et. al. v. Gebhart (Bulah v. Gebhart)**

*Delaware*

The final challenge to segregated schools in Delaware came by way of two separate cases with identical issues. One case developed in the suburb of Claymont and another in the rural community of Hockessin.



Segregated Howard High School was a continual source of frustration for African American parents in suburban Claymont. Although their community had a well maintained school in a picturesque setting with spacious facilities, African American children could not, by law, attend the Claymont school. Instead

they were transported daily on a twenty mile round trip to Howard High School located in an undesirable section of Willmington. Not only was the distance an adverse factor, class size, teacher qualifications in terms of advanced degrees, and the incomplete curriculum also angered African American parents. Students interested in vocational training courses had to walk several blocks to the run-down Carver annex, regardless of the weather.

In March of 1951, eight African American parents sought legal counsel from attorney Louis Redding. At his urging these parents asked state education officials to admit their children to the local Claymont School, they were denied. Consequently, Redding agreed to take their case.

In the rural community of Hockessin, Mrs. Sarah Bulah only wanted equal opportunity for her adopted daughter, Shirley Barbara. While a bus carrying white children passed her home each day, she had to drive Shirley two miles to an old one-room schoolhouse designated for African American children. Sarah Bulah decided to share her concern with state officials, so she wrote to the Department of Public Instruction and to the Governor. Their replies reaffirmed that no bus transportation would be provided because "colored" children could not ride on a bus serving white children. Undaunted, Mrs. Bulah made an appointment with attorney Louis Redding.

In both cases attorney Redding was ready to challenge the notion of not permitting integrated schools. Both Sarah Bulah and the parents from Claymont including Ethel Belton were prepared to sue in order to change state law.



Their case would name the State Board of Education as the principal defendant. The Board members were specifically charged. The first name among the members was Francis B. Gebhart. The resulting cases were called *Belton v. Gebhart* and *Bulah v. Gebhart*.

Judge Collin Seitz, in this case ruled that the "separate but equal" doctrine had been violated and that the plaintiffs were entitled to immediate admission to the white school in their communities. Although a victory for the named

plaintiffs, his decision had not dealt the sweeping blow to segregation they had hoped for. The decision did not apply broadly throughout Delaware.

The *Belton and Bulah* cases would ultimately join four other NAACP cases in the Supreme Court ruling in *Brown*.



PARENTS AND COMMUNITY ACTIVISTS

Wilmington - 1954

# ***Bolling et. al. v. C. Melvin Sharpe et. al.***

*District of Columbia*

Since its inception, Washington, D.C. has been home to a significant population of African Americans. Yet as the nations capitol, the District of Columbia, did not set a positive example regarding rare relations, it merely followed custom. Washington, D.C. was firmly rooted in racial segregation.

After World War II, the country moved to integrate the military, Washington, D.C. seemed uninterested in challenging racial custom. By 1950 the traditional African American community leadership, i. e. churches, sororities, lodges, had failed to organize any protest against the run down facilities that served as schools for their children. Even most parents with "good" wages from government jobs remained silent in the matter of substandard segregated schools. That same year the owner of a local African American barbershop stepped forward and filled the leadership void in the matter of better schools for their children. His name was Gardner Bishop, a man who simply knew civil right from social wrong.

It has been reported that on September 11, 1950 Bishop led a group of eleven African American children to the city's new high school for white students. The school, named for

John Phillip Sousa, was a large modern building, boasting of multiple basketball courts and spacious classrooms. At that moment Gardner Bishop asked for admittance for the African American students that had accompanied him to see Sousa High School. It seemed clear that the building could accommodate a higher enrollment. His request was denied, ensuring the African American students a continued unequal educational experience.

Bishop had been organizing parents to take action regarding the poor school their children were assigned to. After his field trip to Sousa High, it was time for action. He approached Attorney Charles Houston on their behalf. The idea was to request a facility, equal to that of Sousa High, constructed for their children. Houston worked on this case independently; it was not a NAACP case.

In 1950 while preparing the *Bolling* case, Charles Hamilton Houston was stricken with a heart attack. As a result he asked colleague and friend James Nabritt, Jr. to help Gardner Bishop and his group. At that point the idea of equalization of facilities was rejected by Nabritt and replaced by a challenge to segregation per se.

In 1951 in U.S. District court, the case of *Bolling v. Sharpe*, was filed. This case was named for Spottswood Thomas

Bolling, one of the children who accompanied Gardner Bishop to Sousa High. He was among those denied admission based solely on race.

Although unsuccessful, Nabritt trusted his concept of an all out attack on segregation. The *Bolling* case would later meet with success as one of the cases combined under *Brown v. Board of Education*.

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**GARDNER BISHOP  
STRATEGIST**



**PLAINTIFFS WITH THEIR ATTORNEY**

# **Briggs et. al. v. R.W. Elliott**

## **South Carolina**

The legal action in Summerton, South Carolina began in 1947. Ironically the push to take action derived from a fortuitous encounter between Rev. James Hinton, president of the South Carolina NAACP and Rev. J.A. DeLaine a local school teacher. The NAACP leader, through a speech attended by DeLaine, issued a challenge to find the courage to test the legality of the discriminatory practices aimed at African American school children.

Rev. J. A. DeLaine was teaching in St. Paul Rural Primary School and also serving several small churches as an A.M.E. Minister. (Initially schools for African Americans in Clarendon County began in their churches and gradually moved to separate buildings. Therefore, many schools and churches had the same names such as Liberty Hill A.M.E. and Liberty Hill Elementary.) For these children and their parents the issue was bus-transportation to school. Rev. DeLaine approached Clarendon County school officials but failed to secure school buses. African American children did not have buses, they had to walk, sometimes as far as eight miles each way to school.

School officials justified their refusal by claiming that since the African American community did not pay (collectively) much in taxes it would be unfair to expect white citizens to provide transportation for African American school children. Even a letter writing campaign launched by Rev. DeLaine yielded no assistance from state educational officials. Because of the urgent need African American parents collected donations within their community and purchased a second-hand school bus. The continual repairs on the bus proved to be too costly for the parents.

Again frustration prompted Rev. DeLaine to seek relief from the District Superintendent L.B. McCord. It was hoped that since McCord was a fellow minister he would be sympathetic. However, he refused to even consider Rev. DeLaine's request. Remembering the words of Rev. Hinton, the NAACP state president, DeLaine knew it was time to take legal action.

On March 16, 1948 local attorney Harold Boulware together with Thurgood Marshall, filed in U.S. District Court the case of *Levi Pearson v. County Board of Education*. Their case was dismissed on the technical matter of where Mr. Pearson paid his taxes. His land straddled more than one school district. The court ruled that Pearson had no legal standing because he paid taxes in District 5 and his children attended school in districts 22 and 26.



# ***Briggs et. al. v. R.W. Elliott***

*South Carolina (continued)*

This did not stop Rev. DeLaine and by 1949 he had obtained enough signatures to file a second case. The national office of the NAACP agreed to sponsor their case. It would give Clarendon's African Americans not just buses but would seek educational equality. In May of 1950 with the help of the NAACP Legal Defense Fund, the case of *Briggs v. Elliott* was filed. Two months later, the plaintiffs attorneys moved from simply pursuing equalization of facilities and obtaining buses, to attacking segregation.

The court ruled against the petitioners and ordered schools to be equalized, focusing on equalization and ignoring the broader question of the constitutionality of

segregation. The states action resulted in an NAACP appeal to the U.S. Supreme Court. The *Briggs* case became part of the *Brown* litigation.

The *Briggs* case evoked an extreme reaction. All of the petitioners suffered swift and severe hardships for their courage. Harry Briggs was fired from his job. Annie Gibson lost her job as a motel maid and her husband lost land that had been in his family for eight decades. Rev. DeLaine saw his home burned to the ground. Federal Judge Walter Waring, who sided with the petitioners concerns, was forced to leave the state by a joint resolution of the South Carolina House of Representatives.

PLAINTIFFS AND COMMUNITY ACTIVISTS



# ***Brown et. al. v. The Board of Education of Topeka***

## ***Kansas***

Kansas was the site of eleven school integration cases dating from 1881 to 1949, prior to *Brown* in 1954. Two of these early cases were also in the state capital of Topeka. In many instances the schools for African American children were substandard facilities with out-of-date text books and limited basic schools supplies. What was not in question was the dedication and qualifications of the African American teachers and principals assigned to these schools.

In response to numerous unsuccessful attempts to ensure equal opportunities for all children, African American community leaders and organizations stepped up efforts to change the education system. In the fall of 1950 members of the Topeka, Kansas, Chapter of the NAACP (National Association for the Advancement of Colored People) agreed to again challenge the "separate but equal" doctrine governing public education.

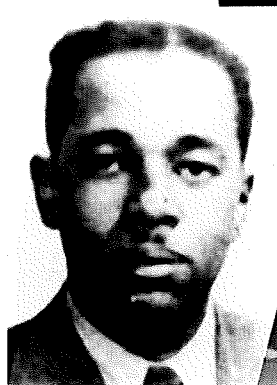
The strategy was conceived by NAACP Chapter President, McKinley Burnett, Chapter Secretary Lucinda Todd and attorneys Charles Scott, John Scott, and Charles Bledsoe. For a period of two years Mr. Burnett attempted to convince Topeka Public School officials to integrate their elementary schools because for first class cities with populations of 15,000 or more, Kansas law permitted but did not require segregated public schools. Filing suit against the school district was a final attempt to overturn that law.

Their plan involved enlisting the support of fellow NAACP members and personal friends as plaintiffs in what would be a class action suit filed against the Board of Education of Topeka Public Schools. A group of thirteen parents agreed to participate on behalf of their children, twenty children in all.

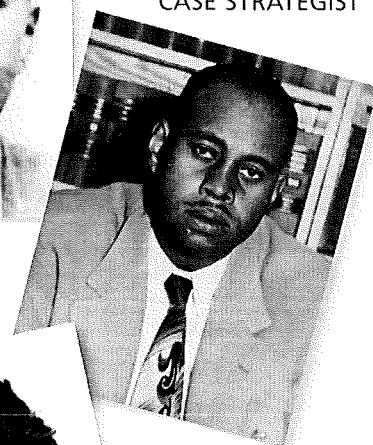
Each plaintiff was directed to check the local newspaper for enrollment dates, locate a segregated white school closest to their home, take their child or children along with a witness to the school, and attempt enrollment. Once they were denied the right to enroll their child or children, that information was reported to the Topeka NAACP, providing the attorneys with the documentation needed to file a lawsuit against the Board of Education.



**MCKINLEY BURNETT**  
CASE STRATEGIST



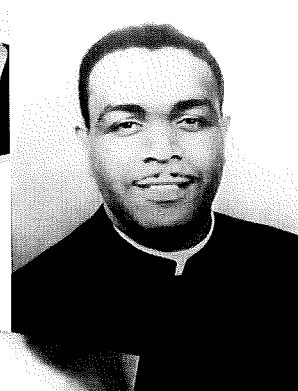
**JOHN SCOTT**  
LOCAL ATTORNEY



**CHARLES SCOTT**  
LOCAL ATTORNEY



**LUCINDA TODD**  
FIRST PLAINTIFF AND  
CASE STRATEGIST



**OLIVER L. BROWN**  
PLAINTIFF AND  
CASE NAMESAKE



**CHARLES BLEDSOE**  
LOCAL ATTORNEY

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# ***Brown et. al. v. The Board of Education of Topeka***

*Kansas (continued)*

Although the African American elementary schools in Topeka were equal in facilities, teacher salaries, and teacher qualifications, they were lacking some programs and some subject matter textbooks were not available to them. In addition, there were only four elementary schools for African American children compared to eighteen elementary schools for white children. This made attending neighborhood schools impossible for African American children. Junior high and senior high schools were already integrated.

On February 28, 1951 the Topeka NAACP filed their case as *Oliver L. Brown et. al. vs. the Board of Education of Topeka*. Oliver Brown was assigned to head the roster of plaintiffs principally because he was the only male parent who signed on. However, during the court proceedings Silas Fleming, whose wife was a plaintiff, was called to testify. The District Court ruled in favor of the school board and the case was appealed to the U.S. Supreme Court. It was at that judicial level that it was combined with cases from Delaware, South Carolina, Virginia and Washington, D.C. The combined cases were argued and become known singularly as *Oliver L. Brown, et. al. vs. the Board of Education of Topeka (KS) et. al.* The legal term et. al. means and others.

On May 17, 1954 at 12:52 p.m. the United States Supreme Court issued a unanimous decision that it was unconstitutional, violating the 14th amendment to separate children in public schools for no other reason than their race. *Brown v. The Board of Education* helped change American forever.

In 1979 several local attorneys were concerned about a newly instituted policy that established a system of open enrollment for students in Topeka Public Schools. Their

fear was that allowing parents to transfer their children at will would create racial imbalances and re-segregate local elementary schools. As a result they petitioned the federal district court to reopen the original *Brown* case to determine if Topeka Public Schools had in fact complied with the court ruling of 1954. This new case was known as *Brown III*. The attorneys involved were Richard Jones, Joseph Johnson and Charles Scott, Jr. son of one of the attorneys in the original *Brown* case. They worked in association with attorney Chris Hansen of the American Civil Liberties Union, based in New York. In 1992, the U.S. District Court found for the plaintiffs and directed Topeka Public Schools to submit a plan to address the findings. As a result three magnet schools were built to provide a more diverse educational experience for elementary children in Topeka. These schools are excellent facilities and make every effort to be racially balanced. One of the schools is named for the Scott family attorneys for their role in the original *Brown* case and civil rights. The school is named Scott Computer Technology Magnet School. The headquarters for Topeka Public Schools is now named for Mckinley Burnett, for his role in bringing about the *Brown* case.

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• Delaware State Archives • Kansas History Center • Library  
of Congress • NAACP Legal Defense and Educational Fund

# ***Davis et. al. v. County School Board of Prince Edward County***

*Virginia*

More than four-hundred African-American high school students chose to strike rather than attend all-black Moton High, which was in need of physical repair. The students initially wanted a new building with indoor plumbing to replace the old school. Strike leader, Barbara Johns, enlisted the assistance of NAACP attorneys. As a result a suit was filed in 1951 on behalf of the students. The U.S. District Court ordered equal facilities be provided for the black students but "denied the plaintiffs admission to the white schools during the equalization program." Attorneys for the NAACP filed an appeal with the U.S. Supreme Court.

In the Commonwealth of Virginia, the only way an African American could receive a high school diploma in the early twentieth century was by attending a private academy. Private high schools were operated by Catholics, Methodists, Episcopalians, and Presbyterians in Virginia. The public schools for blacks were elementary schools (grades 1-8) operated by county school boards. The fact that school boards were county affiliated rather than city

or town affiliated might have something to do with the relatively rural population of most school districts.

In Prince Edward County public schooling for blacks was considered "progressive" compared to neighboring counties. Due partly to the fundraising efforts of the Farmville Colored Women's Club, the Robert Moton School added grades 9-12 by 1947. Because African American students in Farmville could now receive a high school diploma, an influx of their peers from neighboring counties came to Prince Edward County to enroll in Moton High School. The burgeoning numbers created overcrowding. The county's response was to build a row of tar paper shacks to accommodate the increased numbers. It was the use of these temporary buildings as classroom space that sparked a student strike in 1951.

The student leaders responsible for the strike were from families who were all long-term residents of the



PLAINTIFFS

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# ***Davis et. al. v. County School Board of Prince Edward County***

## *Virginia*

surrounding area. One student leader, Barbara Johns, had a family distinguished by activism. Barbara was the niece of Vernon Johns, the legendary minister who served in the Dexter Street Baptist Church the ten years prior to Martin Luther King, Jr. Vernon Johns was an outspoken critic of segregation and involved in numerous protest attempts throughout his career. Even though he was in Montgomery, Alabama, at the time of the student strike, community members reported that he was influential in giving advice to the striking students. His wife was a former teacher in the Robert Moton High School, and he still had numerous familial ties in the community of Farmville and the surrounding area.

The Johns family knew the social politics of the area. The history of activism in Richmond dates back to the streetcar boycotts in 1900s. When the privately owned streetcar lines attempted to segregate the cars, blacks boycotted them for two years. This impasse was resolved when the Commonwealth of Virginia passed laws making segregation of public facilities legal. Streetcar companies had to comply with the new law. African Americans were not prepared to fight the state legislature at this point in time.

Farmville is an hour and a half southwest of Richmond, on the same route Robert E. Lee followed during his retreat from Richmond in the spring of 1865 and just two miles from where the Confederacy made its last stand at the battle of Sailor's Creek. Even in 1950 life in the rural south still carried certain risks for African American adults whose livelihoods were inextricably linked to a group of whites who controlled commerce in the area. Opinion was divided within the African American community over whether segregated conditions in Farmville should be challenged.

The Rev. Francis Griffin considered the situation unacceptable and used every opportunity to address the need for change. As President of the local NAACP

and Chair of the Moton High School PTA he was well positioned to push for change. Together with school principal M. Boyd Jones, they petitioned the school board to address the obvious disparity in the schools by asking for a new building to replace Moton High. After several months of inactivity by school officials the stage was set for the Moton students, frustrated with their circumstances, to take action.

On April 23, 1951 a student strike organized largely by Barbara Johns was underway. School principal Jones was called away by a false claim of racial problems at the bus station downtown. With him absent the students assembled under pretense of a school sanctioned gathering and Barbara spoke of the plan to strike. The strike amounted to students walking out of school with instructions, from strike leadership, not to leave the school grounds. Some of the students were given signs to carry that expressed their goal of better facilities. With the strike underway Barbara Johns and classmate Carrie Stokes sought legal counsel from the NAACP in Richmond. The students received a response in the form of a commitment by NAACP attorney, Oliver Hill agreeing to meet with them. The strike lasted ten days. Hill promised that action would be taken on their behalf. With that, the students returned to school on May 7, 1951.

After a month of legal maneuvering, a suit was filed in Federal Court by Oliver Hill's colleague, Spottswood Robinson citing the student's complaint. Surprisingly, when the case was filed it did not carry the name of Barbara Johns as its lead plaintiff. It was by happenstance that the first student listed was a ninth grade girl, daughter of a local farmer. Her name was Dorothy Davis. The Virginia case was filed as *Davis v. County School Board of Prince Edward County*. After filing this case Spottswood Robinson immediately traveled to South Carolina where the case of *Briggs v. Elliot* was about to be heard in another Federal Court.

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# Legal Team

*Brown v. The Board of Education*

## NAACP LEGAL DEFENSE & EDUCATIONAL FUND, INC.

Walter Francis White  
(NAACP Executive Secretary)

Robert Carter

Thurgood Marshall

William T. Coleman

Jack Greenberg

William H. Hastie

George E. C. Hayes

Charles Hamilton Houston

James M. Nabrit, Jr.

Frank D. Reeves

U. Simpson Tate

Franklin H. Williams

Charles L. Black, Jr.

Elwood Chisholm

Charles Duncan

Loren Miller

William R. Ming, Jr.

Constance Baker Motley

David E. Pinsky

Jack Weinstein



LEGAL TEAM ON THE STEPS OF THE US SUPREME COURT

### DELAWARE

Louis L. Redding

### WASHINGTON D.C.

Charles H. Houston

James M. Nabrit, Jr.

### SOUTH CAROLINA

Harold Boulware

Thurgood Marshall

### KANSAS

Charles Bledsoe

Charles Scott

John Scott

### VIRGINIA

Oliver Hill

Spottswood

W. Robinson, III

## COMMUNITY ACTIVISTS (CASE STRATEGISTS)

McKinley L. Burnett – Kansas

Gardner Bishop – D.C.

Rev. Francis Griffin – Virginia

Rev. J.A. DeLane – South Carolina

## CHARLES HAMILTON HOUSTON



While Charles Hamilton Houston did not actively argue the *Brown* case, he is given credit for laying the ground work that led to the NAACP strategy. Houston has been called "The Man who Killed Jim Crow" for his work in helping to end racial segregation.

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# Excerpts of the *Brown v. Board of Education of Topeka* Decision

Written by Chief Justice Earl Warren, delivered May 17, 1954:\*

In approaching this problem, we cannot turn back the clock to 1868 when the amendment (the Fourteenth Amendment) was adopted, or even to 1896 when *Plessy v. Ferguson* (the doctrine of 'separate but equal') was written. We must consider public education in the light of its full development and its present place in American life throughout the nation.

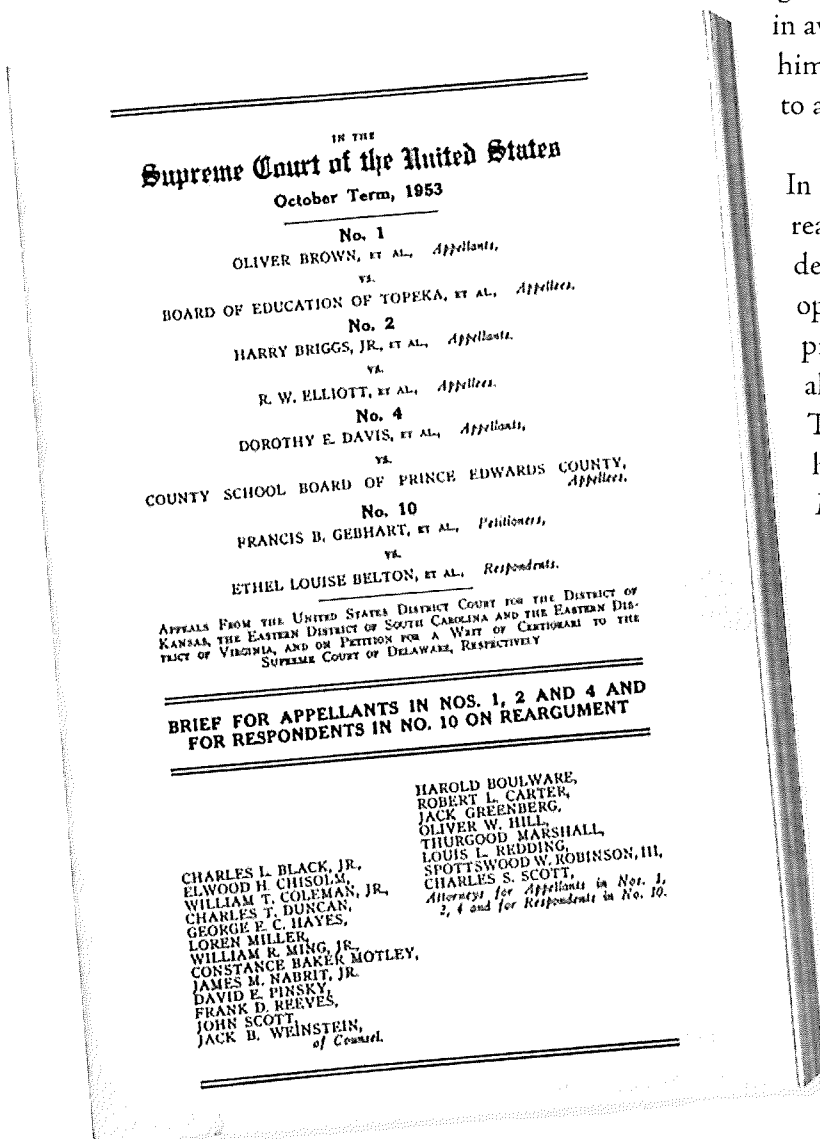
Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment.

In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

The impact (of racial segregation) is greater when it has the sanction of law... Any language in *Plessy v. Ferguson* contrary to this finding is rejected.

We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal.

\*Full comments available on the web.



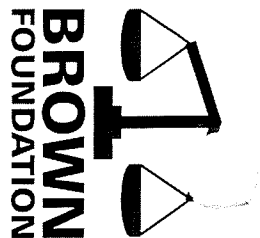
# **BUILDING BLOCKS FOR *BROWN V. BOARD OF EDUCATION***

Commemorating

*Brown v. Board*

*of Education*

May 17, 1954



4-42

# BUILDING BLOCKS FOR BROWN V. BOARD OF EDUCATION

## *Earliest Reported School Desegregation Case - 1849: Roberts v. The City of Boston*

Slavery was abolished in Massachusetts by the late 1700's. As a result of this action Boston schools were not segregated. However, African Americans felt they were at a disadvantage because white teachers and students in the integrated schools harassed and mistreated African American children. In the face of this discrimination, parents petitioned for special schools for their children. Their efforts to have a segregated school were denied by the state legislature. Consequently, the first segregated school for African American children was privately established in 1798. By 1840, there was growing concern about the prejudice fostered by this separate school. Two years later African American parents began publicly expressing resentment because they were taxed to support schools which their children were not allowed to attend. These parents began petition drives to close down the segregated schools. They petitioned in 1845, and again in 1846 and 1848 without success. The final effort was undertaken in 1849 under the legal leadership

of attorneys Robert Morris  
an African American and  
Charles Sumner a white

attorney, who became a U.S. Senator. Sumner was also a abolitionist. Although this was a joint community action, the lead plaintiff was Benjamin Roberts. The case became known as *Roberts v. The City of Boston*. In their petition to the Massachusetts Supreme Court, attorneys for the African American parents outlined the circumstances believed to be unlawful. Parents explained how their children had been denied enrollment in all Boston schools except the segregated Smith School. However a state statute existed that allowed any student unlawfully excluded from public school to recover damages. The Roberts case was unsuccessful because authorities reasoned that special provisions had been made for "colored" students to have a school.

Support for their cause finally came from city officials when in April 1855 a bill was presented and passed by the Massachusetts legislature. This action provided that no distinction based on color, race or religion should be made for any student applying for admission to any public school in the state.



Robert Morris



Charles Sumner

4-113

## Early Kansas School Desegregation Cases, 1881-1949

Before *Brown v. Board of Education* became part of the national legal landscape, African American parents in Kansas had initiated eleven court challenges to segregated public schools. During a span of nearly seventy years from 1881 to 1949 the Kansas Supreme Court became the venue for the constitutional question of public schools and segregation.

Why did desegregation cases arise in Kansas? The free state heritage, central geographical location, and makeup of its population positioned Kansas to play a central role in the major questions of educational freedom and equality. Kansas law at first had little to say on the subject of school segregation. In 1868, the law allowed, but did not require, separate schools. Some schools admitted children without discrimination and one of the first Superintendents of Public Instruction, Peter McVicar, vocally opposed segregated schools.

The increase in the African American population with the arrival of the "Exdosters" from the South in the 1870s, however, hardened attitudes in Kansas. Some schools began to separate children by race. In 1879, the Kansas legislature passed a statute specifically allowing first class cities (those with populations of 15,000 or more) to conduct separate elementary schools. This law remained in effect into the 1950s. With the exception of Wyandotte, high schools were not segregated in Kansas.

### **1881: ELIJAH TINNON V. THE BOARD OF EDUCATION OF OTTAWA**

Elijah Tinnon was an African American parent who spoke and acted for equal educational opportunity in Kansas before the concept had a name. Tinnon, listed in the census as a laborer born in Arkansas before the Civil War, addressed the Ottawa Board of Education in 1876.

He and six other parents questioned the placing of their children in a separate room within the Central School and the qualifications of the teacher assigned to this room. The Board's committee looking into the matter contended that most African American parents were in favor of the black teacher whose certification to teach the board belatedly checked into.

The protesting parents were not deterred. Superintendent of Schools, William Wheeler, advised the school board that Tinnon and other parents "demanded admission for their children into the proper grades of the public school." The board then voted "that the colored class lately taught by Mr. Wade be discontinued, and the pupils in attendance there be assigned to the various rooms in graded school." The Board obtained the teacher's resignation and paid him one month's wage of \$40.00.

Equal access to education in Ottawa appeared to have been decided. However, less than four years later Tinnon was again at odds with Board policies. The Board opened a one-room school for black children, grades 1 to 6, in a frame building across the street from the brick Central School. Tinnon's demand that his seven-year-old son Lesile be assigned to the brick school, the school nearest his home, was refused.

Represented by local white lawyers, Tinnon took his case to the courts. He was the first of more than a dozen little known African American parents to challenge school segregation through to the Kansas Supreme Court. The 1881 *Tinnon* case was first tried in District Court in Franklin County, Kansas. Judge Nelson D. Stephens cited the fourteenth amendment to the United States Constitution guaranteeing individual rights of





citizenship among his reasons for deciding in favor of Tinnon. The Ottawa School Board appealed the decision to the Kansas Supreme Court. In words anticipating school decisions to come, Judge Daniel M. Valentine wrote in upholding Tinnon “is it not better for the aggregate of human society as well as for individuals that all children should mingle together and learn to know each other?” This case had elements of the first desegregation case in Boston, Massachusetts, and of later court challenges in Kansas: 1) the challenge became known by one name although several parents were often involved; 2) the victory of one year often disappeared the next; 3) the jobs of black teachers were at risk; 4) high schools, with one exception, were open to all; and 5) the courts offered the best avenue for equal access to education.

**1891: KNOX V. THE BOARD OF EDUCATION OF INDEPENDENCE**

Jordan Knox of Independence found himself in a situation similar to Elijah Tinnon. Knox’s daughters, eight and ten year old Bertha and Lilly, passed by one elementary school to reach the Fourth Ward School to which they were assigned. In 1890, their father informed the Board of Education that he wanted his daughters to attend the school nearest their home. He argued the Second Ward School had room for additional children. Since the Independence Board had established separate classes for African American children within one of

their four primary schools, the superintendent refused to enroll Bertha and Lilly in the school near their home. Knox sought legal help to compel the Board to honor his request. When this case was decided in 1891, the Kansas Supreme Court cited the *Tinnon* case and found no authority for the second class city of Independence “to exclude from the schools established for white children, the colored children.” Knox and four other parents who joined as plaintiffs won their case and were awarded court costs.

**1903: REYNOLDS V. THE BOARD OF EDUCATION OF TOPEKA**

Decisions affecting other larger cities were mixed. William Reynolds lost his 1903 case against the Board of Education of Topeka. All children had attended the same building in the Lowman Hill District until it burned in 1900. The Board purchased a new site and erected a two-story brick building. Black pupils were assigned to the older Douglas building which was moved to the area. Reynolds, a tailor, demanded admission of his eight-year-old son Raoul to the new school. In an extensive review of the laws, the Kansas Supreme Court held for the Board of Education on the basis that first class cities were allowed to operate separate elementary schools. The court also argued that the fourteenth amendment to the United States Constitution did not supercede Kansas law.

4-45

1881: *ELIJAH TINNON V. THE BOARD OF EDUCATION OF OTTAWA*

1891: *KNOX V. THE BOARD OF EDUCATION OF INDEPENDENCE*

**1905: SPECIAL LEGISLATION FOR KANSAS CITY, KANSAS**

Mamie Richardson brought suit against the Board of Education of Kansas City in 1906 after she was not allowed to attend the Morning High School to which white students had been assigned. This singular case came about after a fatal incident at the integrated high school influenced the Kansas Legislature of 1905 to pass a special act permitting Kansas City to operate separate high schools. The School Board lost no time in instigating separation by dividing each day into two sessions based on race, even as a new building, Wyandotte High School, was under construction. In ruling against Richardson the Kansas Supreme Court also upheld the constitutionality of this special legislation.

**1906: CARTWRIGHT V. THE BOARD OF EDUCATION OF COFFEYVILLE**

In Coffeyville the school board maintained racially separate grades within Lincoln School. African American students were assigned to one classroom. Eva Cartwright, an African American sixth grader, accompanied by her mother tried to enroll in an all white sixth grade class taught by a white teacher. Eva was turned away and sent to the classroom reserved for African American students. Bud Cartwright demanded that his daughter Eva be admitted to the regular classroom for her grade level. One of his attorneys was James A. Guy, an African American lawyer who moved to Kansas from Ohio. In 1906, the Kansas Supreme Court ruled for Cartwright based on Kansas law governing schools in second class cities. The legal issue in second class cities seemed to be settled.

The court's decision stated that the Board of Education has no power to exclude African American students from schools established for white children in the absence of a law that authorizes such power in cities of the second class.

**1907: ROWLES V. THE BOARD OF EDUCATION OF WICHITA**

In 1907, Sallie Rowles in Wichita won the case for her daughter Fannie to attend Emerson School near her home, but within three years the situation drastically changed.

Despite the fact that early schools in Wichita had not practiced educational discrimination, by 1906, the Wichita board passed a resolution stating "the separation of white and colored children is more in keeping with the ideals and wishes of a majority of patrons." Black patrons objected at a school board meeting, but official support had disappeared. In 1905, the Kansas State Superintendent of Public Instruction in the 15th Biennial Report sought to justify segregation of the races in public schools. In 1909, the Kansas Legislature repealed an earlier law governing Wichita Schools, which had not permitted segregation. L'Ouventure and Douglass Schools were built exclusively for elementary education of black children in the first class city of Wichita.

**1908: WILLIAMS V. THE BOARD OF EDUCATION OF PARSONS**

In the first class City of Parsons, D.A. Williams won a narrowly based case on the issue of safety. In 1908, the Parsons Board assigned all African American children to one of the four elementary schools. Williams, whose four children had attended school near their home, refused to have the children cross seven dangerous railroad tracks to reach the designated school. He was informed that his children and other African American students were required to attend a school designated for them. The School was located more than a mile from the children's home and in an area surrounded by various railroad-switching yards.

The School was plagued by railroad traffic and train noises that disrupted the classroom. Mr. Williams filed legal action to remove his children from Lincoln School

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1907: ROWLES V. THE BOARD  
OF EDUCATION OF WICHITA

1908: WILLIAMS V. THE BOARD  
OF EDUCATION OF PARSONS

1906: CARTWRIGHT V. THE BOARD  
OF EDUCATION OF COFFEYVILLE

1905: SPECIAL LEGISLATION  
FOR KANSAS CITY, KANSAS

1903: REYNOLDS V. THE BOARD  
OF EDUCATION OF TOPEKA

1916: WOLLRIDGE V.  
THE BOARD OF EDUCATION  
OF GALENA

1916  
THE  
OF

because of the dangers associated with travel to the school. The Kansas Supreme Court found that on the facts presented, Williams was entitled to relief, but left the door open for other separate school arrangements.

**1916: WOOLRIDGE V. THE BOARD OF EDUCATION OF GALENA**

Classrooms at East Galena Elementary School were integrated in grades one through six. Because the school was overcrowded the Board of Education called a meeting to develop a plan to reduce class size. The solution chosen was to hire an African American teacher, who would teach only African American children in one multi-graded class. To carry out this plan representatives from Galena tried but failed to persuade the Kansas Legislature to allow second class cities to operate segregated schools. African American parents strongly objected to this change and filed suit to halt the Board's plans.

Local opinion was so inflamed against the demand of black parents in Galena that their children continue to attend mixed schools that they asked that the trial be moved to another county. Despite vocal intolerance, W.E. Woolridge and other parents won this 1916 case against the Board of Education as the Kansas Supreme Court found that racial separation "was without authority of law" in the second class city of Galena.

**1924: THURMAN-WATTS V. THE BOARD OF EDUCATION OF COFFEYVILLE**

African American attorneys and organizations factored in the 1924 challenge from Coffeyville, which had become a first class city that legally operated separate elementary schools. Elisha Scott and R.M. Vandyne, African American attorneys from Topeka, represented Celia Thurman-Watts, whose daughter Victoria was

denied admission to Roosevelt Junior High. Washington admitted both African American and white students while only African American students attended Cleveland and only White students were designated to attend Roosevelt. In questioning during depositions, Scott probed the allegiance of school board members to the Ku Klux Klan. The President of the School Board admitted membership and another testified to past membership. Other questions established that the Coffeyville chapter of the National Association for the Advancement of Colored People supported this suit. As a result, Scott argued the broad issue of prejudice and the practical grounds of overcrowding in the black schools. He won on the narrower grounds that the ninth grade was part of high school and separate high school education was not allowed except in Kansas City, Kansas.

**1929: WRIGHT V. THE BOARD OF EDUCATION OF TOPEKA**

Topeka's Buchanan School figured in the Wright case of 1929. Wilhemina Wright, an African American student at Randolph School which was reserved for white students was transferred to Buchanan School twenty blocks away. Eugene S. Quinton of Topeka represented her father, George Wright, in his case. While it was agreed that Buchanan was as good a school as Randolph the inconvenience and danger of a child walking to a school far from home did not allow equal access to education. The decision came to rest on school busing. Wright lost this case as the Board provided bus transportation. In addition, as a first class city, Topeka could operate separate elementary schools based on race.

**1941: GRAHAM V. THE BOARD OF EDUCATION OF TOPEKA**

The Graham case focused on the issue of whether

1929: WRIGHT V. THE BOARD OF EDUCATION OF TOPEKA

1941: GRAHAM V. THE BOARD OF EDUCATION OF TOPEKA

THURMAN-WATTS V. BOARD OF EDUCATION OF TOPEKA

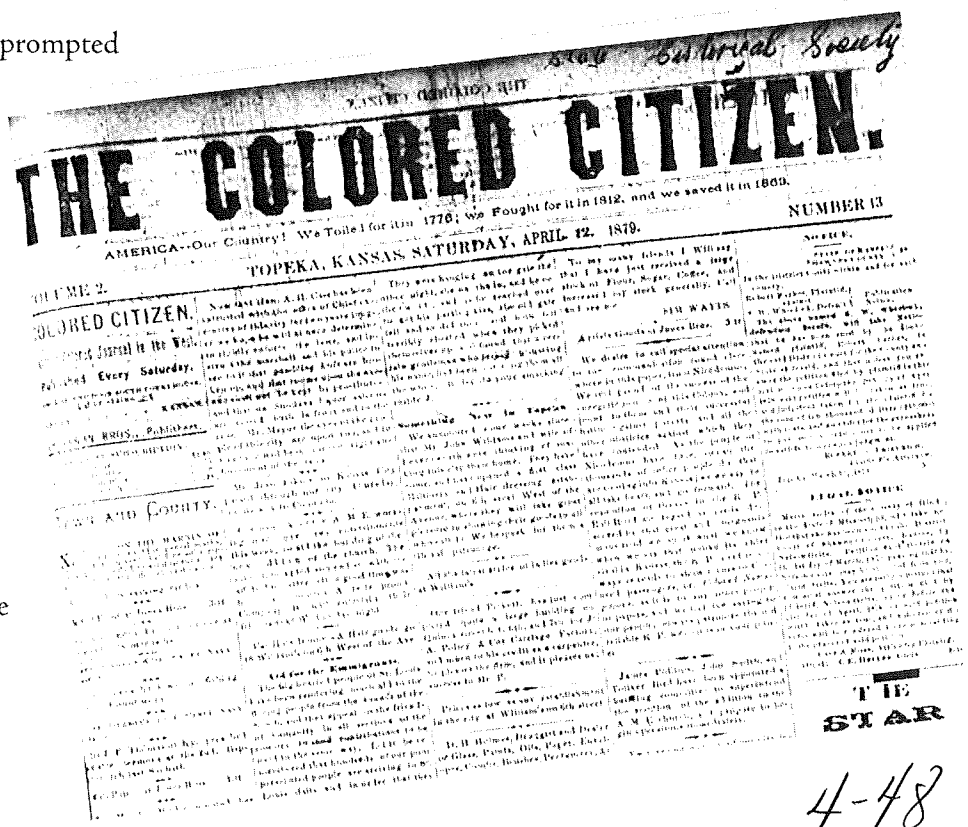
seventh grade was part of high school. White children attended six grades in elementary schools then three years in junior high schools. Black pupils continued to attend elementary schools for seventh and eight grades, then transferred to Boswell or Roosevelt Junior High for ninth grade. Tinkham Veale and William M. Bradshaw, representing Ulysses Graham's parent, argued that the junior high schools were part of high school and that by not providing similar education for blacks these children were denied rights under the U.S. and Kansas constitutions. The Kansas Supreme Court found that the refusal to permit twelve-year-old Ulysses Graham to enroll in a junior high school was "discriminatory."

further employment in the public schools, Nutter taught these children for over a year.

African American parents found a staunch ally in Esther Brown who supported and assisted them in their case. Through her urging, attorney Elijah Scott took the lead in bringing about the Webb case. After the Kansas Supreme Court in 1949 ruled that equal facilities must be provided for all children, the board admitted black children to south Park School. The issue of segregation per se was not part of the ruling as facilities were so clearly unequal.

1949: WEBB V SCHOOL DISTRICT NO. 90, SOUTH PARK JOHNSON COUNTY

Population growth after World War II prompted construction of a new \$90,000. South Park Elementary school near Merriam, Kansas. The district school board unlawfully established Walker School for African American children. The School was inferior compared to other schools, outdated, and dilapidated. The African American children were denied admittance to South Park School solely on the basis of race and color. When their children were turned away from the new South Park School, Webb and other parents took thirty-nine children out of the poorly maintained, ninety-year-old Walker school, hired Walker teacher Corinthian Nutter and opened a home school. Willingly risking



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**FOR MORE INFORMATION, CONTACT:**

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web site: <http://brownvboard.org>

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# Brown v. Board of Education

We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal.

—From the opinion written by Chief Justice Earl Warren in the 1954 Supreme Court decision *Brown v. Board of Education*



Girls meet at the Fort Myer, Va., elementary school after the *Brown* decision.



Boys race, D.C., elementary school after the *Brown* decision.

## Equal Justice Under Law: The Fight for Constitutional Rights

These noble words are engraved on the facade of the Supreme Court building and represent the promise on which the United States was founded. But for two decades after the structure was erected in 1935, they also stood as a reproach: For millions of African American citizens and other minority groups the promise was empty. In no area was the denial of rights more detrimental than in public schools, where legal segregation and blatantly unequal facilities had for over a century imposed handicaps on millions of children (see map below). Finally, in the face of long-standing judicial precedent and societal resistance, the Supreme Court's *Brown v. Board of Education* decision in 1954 declared that segregated education was a denial of "equal protection of the laws" under the 14th Amendment.

The *Brown* case had roots in the post-Civil War years, when a number of states—mostly southern but by no means limited to that region—transformed social patterns of discrimination into codes relegating African Americans to separate public facilities or barring them altogether. The constitutionality of one such

law, the Louisiana Separate Cars Act, was tested in 1892. Homer Plessy, an African American New Orleans citizen, was arrested after attempting to sit in a whites-only railroad car. After a District Court judge upheld the act, the case was appealed to the Supreme Court as *Plessy v. Ferguson*. In 1896 the court upheld the earlier decision, finding that Plessy had not been denied his equal protection rights under the 14th Amendment because, in the court's interpretation, separation did not in itself deny equality before the law. The court rejected the plaintiff's claim that separate cars stamped African Americans with a "badge of inferiority." This strong affirmation of the "separate but equal" doctrine would color civil rights court decisions until the middle of the 20th century. Justice John Marshall Harlan's lone dissenting opinion sharply attacked the decision: "There is no caste here. Our constitution is color-blind . . ." Yet the highest court had sanctioned a caste system.

The post-*Plessy* years were disheartening for African Americans, as they saw the very judicial system intended to ensure fairness

and equality before the law used to fend off by *Plessy*, states passed ever more restrictive laws. Congress even refused to pass anti-lynching legislation. African Americans could not look to Congress for help. In 1909, the NAACP was founded to end segregation in all its forms, but it did not attack inequality rather than challenge segregation. Charles Houston, NAACP chief counsel from 1933 to 1938, and his successor Thurgood Marshall led the nation's schools in the 1930s and 40s, but the court's opinions were often reluctant to go further and overturn

In 1948 the NAACP decided it was time to challenge the "separate but equal" doctrine. By 1952 the organization

### Five Cases: A National Strategy

The cases consolidated as *Brown v. Board of Education* were deliberately drawn from different areas of the country. Emphasis on the South would have introduced political complications to an already complex case. Topeka, Kans., was chosen as the lead case for the same reason. Also, the African American schools in Topeka were essentially equal to white schools, so segregation itself, not equality, would be the issue in question.

#### Delaware



Wilmington area plaintiffs were the only ones to win in the lower courts.

#### Kansas

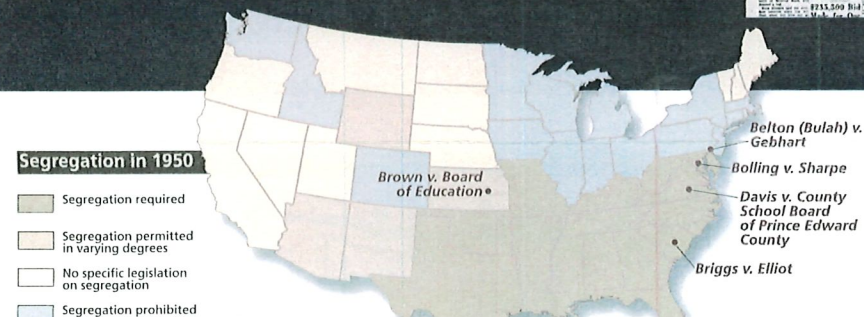


First grade class, Topeka, 1950s

#### South Carolina

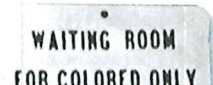


Elementary school, South Carolina



Homer Plessy's refusal to leave a white rail car after a similar confrontation in Philadelphia is depicted at left and led to the 1896

After *Plessy*, localities could justify Jim Crow laws by citing the case. By mid-century the "psychological terror of segregation"



**Belton (Bulah) v. Gebhart (1951)**  
Angered that a white school bus passed her house every morning, refusing to stop for her daughter, Ethel Belton contacted an NAACP lawyer. Sarah Bulah, whose daughter couldn't attend a nearby white school and had to take a long bus ride to an African American school with poor facilities, contacted the same attorney. At a joint hearing the NAACP challenged the state's segregation law. Because of the "obvious superiority" of the white schools, which deprived the plaintiffs of equal protection of the laws,

**Brown v. Board of Education (1951)**  
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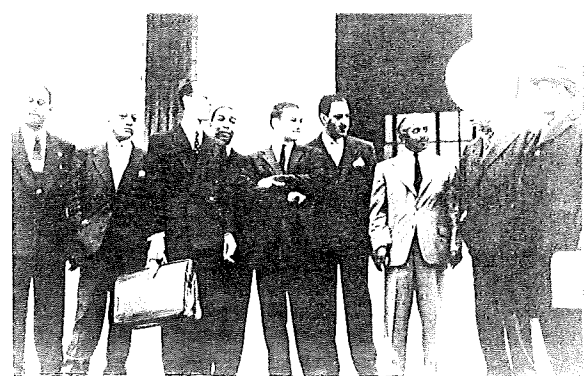
**Briggs v. Elliot**  
between white schools and "segregationist" white schools. The court's decision was a landmark victory for the NAACP and the civil rights movement.



Girls meet at the Fort Myer, Va., elementary school after the *Brown* decision.



Boys race to recess at a Washington, D.C., elementary school in 1954.



*Brown* plaintiffs' legal team on the Supreme Court steps. Thurgood Marshall is fourth from right.

# Path for Constitutional Rights

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and equality before the law used to fend off reform. Emboldened by *Plessy*, states passed ever more restrictive Jim Crow laws that paid little attention to the "equal" part of "separate but equal." Congress even refused to pass anti-lynching laws. Realizing that African Americans could not look to Congress for help, W.E.B. DuBois, Ida Wells-Barnett, and others founded the NAACP in 1909 to fight for change. The organization's broad strategy was to end segregation in all its forms, but it developed more limited tactics to achieve that end. It would use the courts, and at first it would attack inequality rather than challenge *Plessy* and segregation. Charles Houston, NAACP chief counsel from 1934 to 1938, and his successor Thurgood Marshall took the battle to the nation's schools in the 1930s and 40s, beginning with higher education. Several Supreme Court victories chipped away at the disparities in education, but the court's opinions underscored the justices' reluctance to go further and overturn *Plessy*.

Supreme Court four of the five cases involving school segregation that were consolidated as *Oliver L. Brown et al. v. The Board of Education of Topeka et al.* Arguing before the high court for the *Briggs* plaintiffs (case described below), Marshall held that racial classifications were inherently unconstitutional, as were separate educational facilities to accommodate such classifications. The unanimous decision handed down on May 17, 1954, was one of the most significant in U.S. history. Its reaffirmation of the 14th Amendment, long undermined by *Plessy*, made it clear to all Americans that the federal government would protect the rights of citizens from state laws that threatened those rights. It opened the modern civil rights movement for African Americans and laid the foundation for similar movements by other minority groups. The ruling even served as a model for the inclusion of education as a basic right in the constitution of post-apartheid South Africa. Yet *Brown* was only the beginning: For over 10 years it was met with fierce resistance, and today it stands as a guidepost from a half-century ago, reminding us that the high ideals of the U.S. Constitution can never be taken for granted.

were disheartening for African Americans, the judicial system intended to ensure fairness

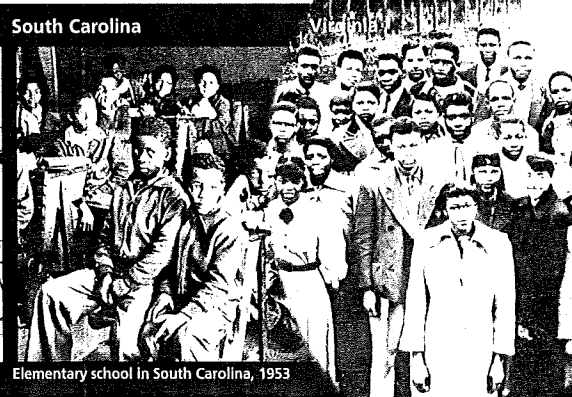
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First grade class, Topeka, 1950s



Elementary school in South Carolina, 1953



Students and teacher in D.C. school, 1943

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*Brown v. Board of Education* (1951) In Topeka, Kans., African American elementary students were assigned to four schools. For most that meant long bus rides, though white schools were nearby. With NAACP guidance 13 parents volunteered to attempt to enroll their children in white schools and then file complaints. The District Court ruled against the plaintiffs, stating that *Plessy* still authorized segregation. The judges, however, included a "finding of fact" indicating that their decision troubled them: "Segregation . . . has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law . . ." (These words were repeated verbatim in the Supreme Court's *Brown* opinion.) The ruling was appealed by the NAACP.

*Briggs v. Elliot* (1951) Disparities between white and African American schools ("tumbledown, dirty shacks" wrote a sympathetic federal judge, J. Waties Waring) were rampant in Clarendon County, S.C. Gathering signatures from 20 courageous parents, the NAACP, with Waring's encouragement, attacked the constitutionality of segregation. Thurgood Marshall cited Kenneth Clark's doll study (in which African American children presented with both black and white dolls showed a preference for the latter) to demonstrate segregation's damaging psychological effects. Conceding inequalities, the District Court ordered the county to rectify them, but, citing *Plessy*, ruled that segregation did not violate the 14th Amendment. The NAACP appealed.

*Davis v. County School Board of Prince Edward County* (1952) In this rural Virginia county, Moton High—overcrowded, lacking science labs or gym—was the only high school for African Americans. The county dragged its feet on building a new school, instead adding a few uninhabited tarpaper shacks. Sixteen-year-old Barbara Johns led a student strike for integrated schools, then asked for help from the NAACP. Death threats forced her to leave the state. Dorothy Davis, daughter of the lead plaintiff, is in the foreground of the strikers (above). The court found for the county, ignoring the testimony and invoking states' rights and Virginia tradition. It directed the county to pursue its "present program" to replace Moton High. The NAACP appealed.

*Bolling v. Sharpe* (1950) Mid-20th-century Washington, D.C. was a Jim Crow city. African American children attended overcrowded, substandard schools. An activist, Gardner Bishop, enlisted attorney Charles Houston, who, becoming ill, referred Bishop to James Nabrit, Jr. Bishop then attempted, unsuccessfully, to enroll 11 African American students in an underused white school. The 14th Amendment did not apply to D.C., so Nabrit argued that the students were denied due process of law under the 5th Amendment. The District Court dismissed the case. Nabrit appealed to the Court of Appeals. It passed the case to the Supreme Court for hearing with the consolidated *Brown* cases. Because of its due process argument, Chief Justice Warren wrote a separate opinion for *Bolling*.

# The Long Struggle for Civil Rights

**Fourteenth Amendment, Section 1:** All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.



1863 New York City Draft Riots



1900 Segregated

1500

1800

1900



1500 Spain imports enslaved Africans to the New World to replace enslaved American Indians who escape or die from European diseases.

1831 Nat Turner and 60 followers kill 55 whites in Virginia—the most serious uprising by enslaved African Americans in U.S. history (above). Turner and 16 followers are hanged.

1619 Twenty Africans are sold into servitude, Jamestown, Va. Institutionalized slavery includes branding of the enslaved (above).

1843 Sojourner Truth (born Isabella Bomefree; freed from slavery in New York, 1827) becomes an itinerant antislavery orator and singer.

1793 Congress passes Fugitive Slave Act, making it a crime to harbor African Americans who have escaped enslavement (below).

1847 Frederick Douglass's publication of *North Star*, an antislavery newspaper, signals his break with the more radical white abolitionist William Lloyd Garrison.



1819 RICHARD SCHREIBER

1849 Supreme Court's *Roberts v. The City of Boston* decision upholding segregated schools provides precedent for *Plessy v. Ferguson*.



Charleston, S.C., required free African Americans to wear this tag. Below: William Lloyd Garrison's *The Liberator* (1831–65) was the voice of fiery abolitionism.



1857 Supreme Court's *Dred Scott v. Sandford* decision upholds slavery in the territories. Chief Justice Roger B. Taney writes that an enslaved person is property and that only whites are U.S. citizens.

1863 President Abraham Lincoln signs the Emancipation Proclamation. Mobs in the New York City Draft Riots (above) kill dozens of African Americans.

1865–69 Congress passes 13th, 14th, and 15th amendments to the Constitution, outlawing slavery, ensuring "equal protection of the laws," and banning state restrictions on voting based on race.

1875 Civil Rights Act promises to "citizens of every race . . . regardless of any previous condition of servitude" equal access to public accommodations. It is nullified by the Supreme Court in 1883.

1881 Booker T. Washington founds Tuskegee Normal and Industrial Institute in Alabama.

1896 Supreme Court's *Plessy v. Ferguson* decision establishes the "separate but equal" doctrine.

PHOTOS: TAG, THE AMERICAN NAARMATIC SOCIETY; LIBRATOR, SCHREIBER CENTER FOR RESEARCH IN BLACK CULTURE, NEW YORK PUBLIC LIBRARY

**"JIM CROW" CARS**  
For Virginia Afro-Americans, as Well as Those of Kentucky, Tennessee and Several Other Southern States.



1903 In *The Souls of Black Folk*, W.E.B. DuBois breaks with Booker T. Washington over the latter's emphasis on gradualism and vocational education. DuBois wants the college-educated "Talented Tenth" to lead "the masses of the Negro people" to political and social equality.

1909 DuBois's Niagara Movement joins with whites outraged by the Springfield Riot of 1908 to form the National Association for the Advancement of Colored People (NAACP). Its strategy relies on legal action, protest, and education.

1934 Charles H. Houston (above right) is named chief counsel to NAACP. He develops a legal strategy for achieving equality in education.

1942 Congress of Racial Equality (CORE) sponsors nonviolent sit-ins at northern segregated public facilities.

1948 President Harry S. Truman desegregates the U.S. military.

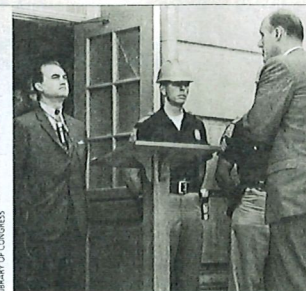
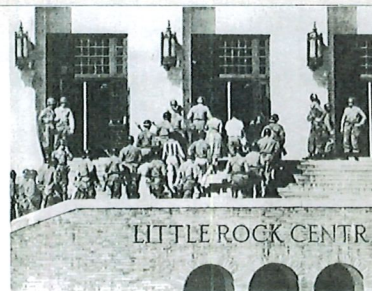
1954 On May 17 the U.S. Supreme Court rules in *Brown v. Board of Education* that segregation is unconstitutional.

1955 Rosa Parks, seamstress secretary of the Montgomery chapter of the NAACP, gives her bus seat to a Black passenger. Rev. Martin Luther King Jr. helps organize a successful bus boycott in Montgomery.

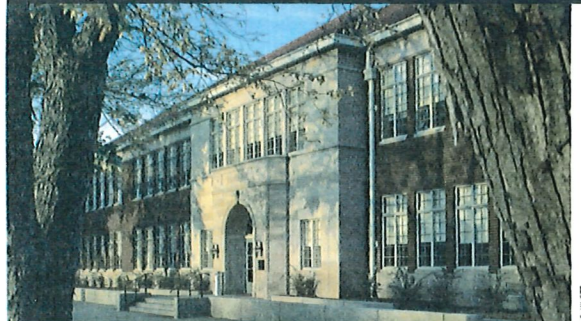
1960 Four African American students from North Carolina and Technical College of the southern sit-in at a segregated Woolworth lunch counter in Greensboro.

## The Aftermath of *Brown*

In May 1955 the Supreme Court ordered that integration be implemented with "all deliberate speed," a controversial phrase reflecting the court's concern over *Brown's* reception. Rather than comply, Prince Edward County, Va., closed its schools from 1959 to 1964, an example of Virginia's "massive resistance" strategy. The Supreme Court finally ordered the county to open and integrate the schools. In other places desegregation was met with angry—often violent—resistance, and openly segregated public facilities persisted into the 1960s.



## Visiting *Brown v. Board of Education* National Historic Site



**Brown v. Board of Education National Historic Site** is open all year 9 a.m. to 5 p.m. except Thanksgiving, December 25, and January 1. The park may close for extreme weather, like ice and snow. Please call ahead or check local weather conditions. The park is accessible to those in wheelchairs (entrance, restrooms, and the second floor via elevator) and to those with visual impairment.

More Information

**Brown Foundation**  
An important park partner, The Brown Foundation for Educational Equity, Excellence, and Research was established in 1988 as a living tribute to the attorneys, plaintiffs, and community activists in the landmark *Brown* case. The foundation promotes educational equality and multicultural understanding by helping minority students pursue careers in education and by establishing programs that emphasize diversity, especially in education.

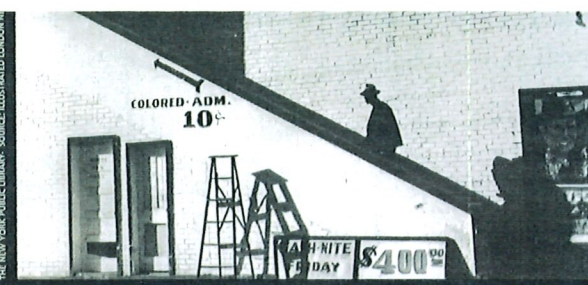
380 parks in the National Park System. The National Park Service cares for these special places saved by the American people so that all may experience our heritage. Visit [www.nps.gov](http://www.nps.gov) to learn more about parks and National Park Service programs in America's communities.

**Directions**  
From I-70 westbound take the 10th Avenue exit (362C), turn left (west) onto 10th Ave., turn left (south) onto Monroe St., drive past the site

Monroe St. past the site turn left (east) onto 10th Ave. From I-335 Topeka Blvd. left (north) onto 10th Ave. From I-70 eastbound past the site turn left (west) onto 10th Ave.

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New York City Draft Riots

Segregated movie theater in Mississippi

"In the North the African American had more educational opportunities" by Jacob Lawrence

1900

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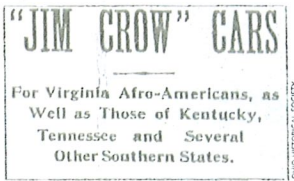
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1960 Four African American students from North Carolina Agricultural and Technical College launch the southern sit-in movement at a segregated Woolworth's lunch counter in Greensboro, N.C.



1961 CORE organizes Freedom Rides, in which student volunteers take bus trips to test new laws desegregating bus terminals. They meet brutal resistance in Alabama.

1963 Rev. Fred L. Shuttlesworth (above right) and Rev. Martin Luther King, Jr., and Rev. Ralph D. Abernathy of the Southern Christian Leadership Conference lead anti-segregation marches in Birmingham, Ala. Police Commissioner "Bull" Connor uses fire hoses and dogs against student marchers, hundreds of whom are jailed.

1963 In his "Letter from a Birmingham Jail," Martin Luther King, Jr., defends "direct action" to clergyman counseling patience. "We know through painful experience



that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed."

1963 Demonstrators—estimated at 250,000—march on Washington, D.C., demanding passage of the Civil Rights Act.

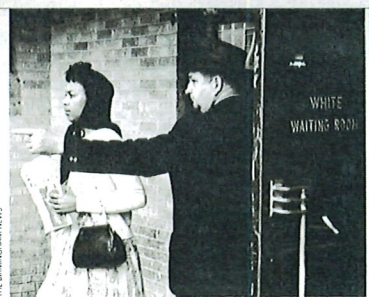
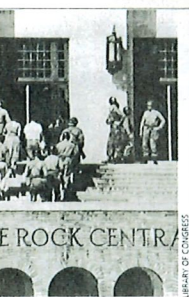
1964 President Lyndon Johnson signs the Civil Rights Act outlawing racial discrimination in employment, voting, and use of public facilities.

1965 The nation is appalled by images of police and state troopers beating and kicking participants in the Selma-to-Montgomery voting rights march. Soon after, Congress passes the Voting Rights Act, which nullifies state and local laws hindering voting by African Americans.

Left to right: Cleveland headline about Virginia's 1900 Jim Crow streetcar law; Charles H. Houston (1895-1950), NAACP chief counsel; segregationists in Little Rock, Ark., 1957; Rev. Fred L. Shuttlesworth (b. 1922), Birmingham civil rights leader whose courage was legendary; button worn by 1960s civil rights marchers.



PHOTO: TAG, THE AMERICAN NEOROMANTIC SOCIETY; EMPEROR; SCHEIDT-BUSCH CENTRAL FOR RESEARCH IN BLACK CULTURE, NEW YORK PUBLIC LIBRARY



Left to right: Federal troops protect African American students as they enter Central High School in Little Rock, Ark., 1957; segregationist Gov. George Wallace blocks the door of the University of Alabama, 1963; woman is turned away from a segregated Dallas waiting room, 1964; rioter wields the American flag against an African American attorney in one of the South Boston anti-busing riots, 1976.

**Brown Foundation**  
An important park partner, The Brown Foundation for Educational Equity, Excellence, and Research was established in 1988 as a living tribute to the attorneys, plaintiffs, and community activists in the landmark *Brown* case. The foundation promotes educational equality and multicultural understanding by helping minority students pursue careers in education and by establishing programs that emphasize diversity, especially in education. Visit the Brown Foundation website at [www.brownvboard.org](http://www.brownvboard.org).

**Brown v. Board of Education National Historic Site** is one of over

380 parks in the National Park System. The National Park Service cares for these special places saved by the American people so that all may experience our heritage. Visit [www.nps.gov](http://www.nps.gov) to learn more about parks and National Park Service programs in America's communities.

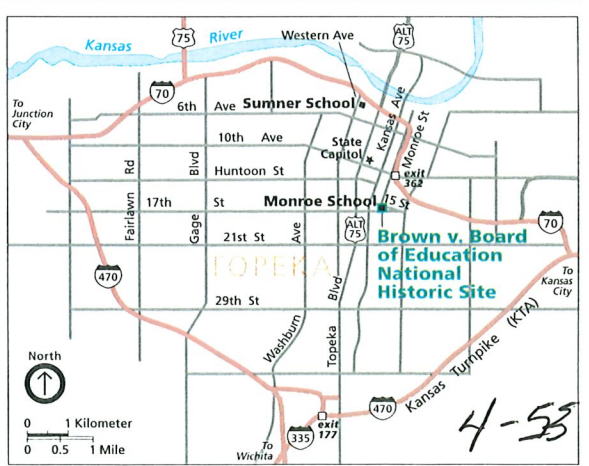
**Directions**  
From I-70 westbound take the 10th Avenue exit (362C), turn left (west) onto 10th Ave., turn left (south) onto Monroe St., drive past the site at 1515 SE Monroe St., turn left (east) onto 17th St., and left into the visitor parking lot.

From I-70 eastbound take the 8th Avenue exit (362B); it merges with

Monroe St. Follow Monroe south past the site at 1515 SE Monroe St., turn left (east) onto 17th St. and left into the visitor parking lot.

From I-335 northbound take the Topeka Boulevard exit (177), turn left (north) on Topeka Blvd., turn right (east) onto 17th St., drive 200 feet past Monroe St., turn left into the visitor parking lot.

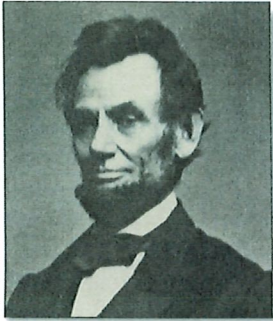
From US-75 southbound merge onto I-70 east toward Kansas City. Take the 8th Avenue exit (362B); it merges with Monroe St. Follow Monroe St. south past the site at 1515 SE Monroe St., turn left (east) onto 17th St. and then left into the visitor parking lot.



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# BROWN V.

## *Journey to free*



**1863**

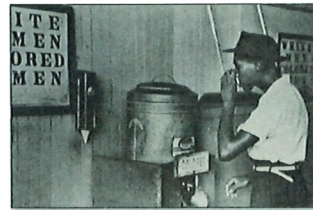
President Lincoln signs Emancipation Proclamation, freeing the slaves

**1849**

*Roberts v. City of Boston* becomes first school integration case

**1868**

Fourteenth Amendment grants citizenship to African Americans



**1951**

NAACP organizes five cases into one case: *Oliver the Board of Education of To*



**1896**

U.S. Supreme Court ruling in *Plessy v. Ferguson* gives rise to "separate but equal" doctrine

**1857**

U.S. Supreme Court rules in *Dred Scott* case that African Americans have no legal rights

**1870**

Fifteenth Amendment gives African American males the right to vote

**1909**

NAACP established to address discriminatory treatment of African Americans

**1954**

U.S. Supreme Court ruling in *Brown v. Board of Education* school segregation is illegal

**1865**

Thirteenth Amendment abolishes slavery



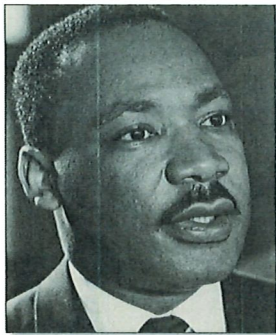
# REGATION BANNER

# BOARD

Freedom and equality

1955

U.S. Supreme Court ruling in *Brown II* orders schools to desegregate "with all deliberate speed"



2004

50th anniversary of U.S. Supreme Court decision in *Brown v. Board of Education* on May 17

1955

Montgomery bus boycott begins, sparking the modern civil rights movement

1963

Martin Luther King, Jr. delivers his "I Have a Dream" speech



es five school integration  
e: *Oliver L. Brown et al. v.  
tion of Topeka (KS) et al.*

954

s. Supreme Court  
ng in *Brown v. Board  
ducation* makes  
ool segregation  
gal

1957

Little Rock, Arkansas, becomes the center of the battle over segregation when the governor refuses to integrate Central High School

1964

Civil Rights Act passes

1965

Voting Rights Act passes



4-54

55-4

# MYTHS V. TRUTHS

myths truths

## Brown v. Board of Education

Today's public understanding of the landmark United States Supreme Court decision in *Brown v. Board of Education* has been shaped by misconception and inaccurate information.

While *Brown v. Board of Education* is one of the most important milestones in U.S. history, it is often misunderstood. Below are commonly held myths about the case, and the realities of what actually happened.

*The initial court ruling rendered in 1954 that determined racial segregation in public education was unconstitutional is known as Brown I. The court implementation mandate of "with all deliberate speed" in 1955 is known as Brown II. In 1979, three young African American attorneys in Topeka petitioned the court to reopen the original Brown case to examine whether or not the local school board had in fact ended all vestiges of segregation in public schools. That case is known as Brown III, which resulted in Topeka Public Schools building three magnet schools to comply with the Court's findings.*

### FOR MORE INFORMATION:

**Brown Foundation for Educational Equity, Excellence, and Research**  
P.O. Box 4862  
Topeka, Kansas 66604  
phone: (785) 235-3939  
fax: (785) 235-1001  
e-mail: brownfound@juno.com  
web site: <http://brownvboard.org>



■ *Brown v. Board of Education* was the first legal challenge to racially segregated schools in the United States.

■ The *Brown* case in Kansas came about because Linda Brown was denied access to her neighborhood school and had to walk dozens of blocks to attend an African American school.

■ The only plaintiff in the *Brown* case was Oliver Brown on behalf of his daughter.

■ Oliver Brown's name led the roster in the Topeka case because it was the first alphabetically of the 13 NAACP plaintiffs.

■ Oliver Brown initiated the suit against the Topeka Board of Education.

■ The U.S. Supreme Court decision in *Brown v. Board of Education* was based on the Topeka case.

■ Thurgood Marshall was the NAACP attorney for the case of *Brown v. Board of Education*.

■ The objective of the NAACP's legal challenge in *Brown v. Board of Education* was to eliminate segregation in public education.

■ African American parents began to challenge racial segregation in public education as early as 1849 in the case of *Roberts v. City of Boston, Massachusetts*. Kansas was the site of eleven such cases spanning from 1881 to 1949.

■ The *Brown* case was initiated and organized by the National Association for the Advancement of Colored People (NAACP) leadership who recruited African American parents in Topeka for a class action suit against the local school board. Although school buses were provided for African American children, they were only allowed to attend designated public schools based on race.

■ In 1952 *Brown v. Board* was brought before the U.S. Supreme Court as a combination of five cases from various parts of the country. The case represented nearly 200 hundred plaintiffs.

■ The Kansas case was named after Oliver Brown as a legal strategy to have a man at the head of the roster. There actually were two plaintiffs with the surname of Brown—Darlene Brown and Oliver Brown. The only male plaintiff was Oliver Brown, for whom the Topeka case was named.

■ Oliver Brown was asked to join the class action suit by Charles Scott, one of three attorneys serving as legal counsel for the Topeka NAACP.

■ The Supreme Court combined five cases under the heading of *Brown v. Board of Education*. Those individual cases were:

- *Belton v. Gebhardt (Bulah v. Gebhardt) (Delaware)*
- *Brown v. Board of Education (Kansas)*
- *Briggs v. Elliott (South Carolina)*
- *Davis v. County School Board of Prince Edward County (Virginia)*
- *Bolling v. Sharpe (District of Columbia)*

■ The strategy to use the courts to challenge segregation in public education began with the NAACP under the leadership of attorney Charles Hamilton Houston during the 1930s. Houston was the former Dean of Howard University Law School. Thurgood Marshall was hired into the NAACP by Houston, and worked on *Brown* with a team of attorneys.

■ Ultimately, the NAACP sought to end the practice of "separate but equal" throughout every segment of society, including public transportation, dining facilities, public schools, and all forms of public accommodation.

# BROWN V. BOARD OF EDUCATION

## Foundation block for civil rights

The 1954 United States Supreme Court decision in *Oliver L. Brown et al. v. the Board of Education of Topeka (KS) et al.* is among the most significant judicial turning points in the development of our country. Originally led by Charles H. Houston, and later Thurgood Marshall and a formidable legal team, it dismantled the legal basis for racial segregation in schools and other public facilities.

By declaring that the discriminatory nature of racial segregation ... "violates the 14th amendment to the U.S. Constitution, which guarantees all citizens equal protection of the laws," *Brown v. Board of Education* laid the foundation for shaping future national and international policies regarding human rights.

*Brown v. Board of Education* was not simply about children and education. The laws and policies struck down by this court decision were products of the human tendencies to prejudice, discriminate against, and stereotype other people by their ethnic, religious, physical, or cultural characteristics. Ending this behavior as a legal practice caused far reaching social and ideological implications which continue to be felt throughout our country. The *Brown* decision inspired and galvanized human rights struggles across the country and around the world.

What this legal challenge represents is at the core of United States history and the freedoms we enjoy. The U.S. Supreme Court decision in *Brown* began a critical chapter in the maturation of our democracy. It reaffirmed the sovereign power of the people of the United States in the protection of their natural rights from arbitrary limits and restrictions imposed by state and local governments. These rights are recognized in the Declaration of Independence and guaranteed by the U.S. Constitution.

While this case was an important historic milestone, it is often misunderstood. Over the years, the facts pertaining to the *Brown* case have been overshadowed by myths and mischaracterizations.

- *Brown v. Board of Education* was not the first challenge to school segregation. As early as 1849, African Americans filed suit against an educational system that mandated racial segregation, in the Massachusetts case of *Roberts v. City of Boston*.
- Oliver Brown, the case namesake, was just one of the nearly 200 plaintiffs from four states and the District of Columbia who were part

of the NAACP cases brought before the Supreme Court in 1951. The Kansas case was named for Oliver Brown as a legal strategy to have a man head the plaintiff roster.

The *Brown* decision initiated educational and social reform throughout the United States and was a catalyst in launching the modern civil rights movement. Bringing about change in the years since the *Brown* case continues to be difficult. But the *Brown v. Board of Education* victory brought this country one step closer to living up to its democratic ideals.

### THE CASE

The Supreme Court combined five cases under the heading of *Brown v. Board of Education* because each sought the same legal remedy. The combined cases emanated from Delaware, Kansas, South Carolina, Virginia and Washington, D.C.

#### Delaware - *Belton v. Gebhart (Bulah v. Gebhart)*

First petitioned in 1951, these local cases challenged the inferior conditions of two schools designated for African American children. In the suburb of Claymont, African American children were prohibited from attending the area's local high school. Instead, they had to ride a school bus for nearly an hour to attend Howard High School in Wilmington. Located in an industrial area of the state's capital city, Howard High School, when compared to the high school for white students, was deficient in terms of the curriculum, pupil-teacher ratio, teacher training, extracurricular activities program, and physical plant. In the rural community of Hockessin, African American students were forced to attend a dilapidated one-room school house and were not provided transportation to the school, while white children in the area were provided transportation and a better school facility. In both cases, Louis Redding, a local NAACP attorney, represented the plaintiffs, African American parents. Although the State Supreme Court ruled in favor of the plaintiffs, the decision did not apply to all schools in Delaware. These class action cases were named for Ethel Belton and Shirley Bulah.

#### Kansas - *Brown v. Board of Education*

In 1950 the Topeka NAACP, led by McKinley Burnett, set out to organize a legal challenge to an 1879 state law that permitted racially segregated elementary schools in certain cities based on population. For Kansas this would become the 12th case filed in the state focused on ending segregation in public schools. The local NAACP assembled a group of 13 parents who

agreed to be plaintiffs on behalf of their 20 children. Following direction from legal counsel, they attempted to enroll their children in segregated white schools and all were denied. Topeka operated eighteen neighborhood schools for white children, while African American children had access to only four schools. In February of 1951 the Topeka NAACP filed a case on their behalf. Although this was a class action it was named for Oliver Brown, one of the plaintiffs.

#### South Carolina - *Briggs v. Elliot*

In 1947 the state NAACP first attempted, unsuccessfully and with a single plaintiff, to take legal action against the inferior conditions African American students experienced under South Carolina's racially segregated school system. By 1951 community activist Rev. J.A. DeLaine convinced African American parents to join the NAACP effort to file a class action suit in U.S. District Court. The Court found that the schools designated for African Americans in Clarendon County were grossly inadequate in terms of buildings, transportation, and teacher salaries when compared to the schools provided for whites. An order to equalize the facilities was virtually ignored by school officials and the schools were never made equal. This class action case was named for Harry Briggs, Sr.

#### Virginia - *Davis v. County School Board of Prince Edward County*

One of the few public high schools available to African Americans in the state was Robert Moton High School in Prince Edward County. Built in 1943, it was never large enough to accommodate its student population. Eventually, hastily constructed tar paper covered buildings were added as classrooms. The gross inadequacies of these classrooms sparked a student strike in 1951. Organized by sixteen-year-old Barbara Johns, the students initially sought to acquire a new building with indoor plumbing. The NAACP soon joined their struggles and challenged the inferior quality of their school facilities in court. Although the U.S. District Court ordered that the plaintiffs be provided with equal school facilities, they were denied access to the white schools in their area during the equalization process. This class action case was named for Dorothy Davis.

#### Washington, D.C. - *Bolling v. Sharpe*

Eleven African American junior high school students were taken on a field trip to the city's new John Philip Sousa school for whites only. Accompanied by local activist Gardner Bishop, who requested admittance for the students and was denied, the African American students were ordered to return to their grossly inadequate school. A suit was filed on their behalf in 1951. After review with the *Brown* case in 1954, the Supreme Court ruled "segregation in the District of Columbia public schools...is a denial of the due process of law guaranteed by the Fifth Amendment..." This class action case was named for Sportswood Bolling.

4-26

**Kansas Department of Administration  
Duane A. Goossen, Secretary  
1000 S.W. Jackson, Suite 500  
(785) 296-3011**

**Capitol Preservation Committee  
Statehouse Renovation Update**

**Marilyn Jacobson, Director  
Division of Finance and Facilities Management  
October 28, 2010**

Thank you for the opportunity to brief you on the Kansas Statehouse Preservation and Restoration project and *Brown vs. Board* mural potential locations.

**NORTH WING and ROTUNDA**

The project is on schedule to complete the North Wing, floors 1 through 5, in June 2012 including:

- Relocation of House Speaker Pro Tem, Senate Minority Leader, Legislators in temporary offices in Statehouse and 45 Representatives from Docking State Office Building.
- State Library.
- Rotunda interior from 1<sup>st</sup> through 6<sup>th</sup> Floors.
- 6 Committee Rooms and 1 Sub-committee room. Final totals are 13 Committee, 2 Sub-committee and 4 small Meeting rooms which double as future Legislative Research Department census Meeting rooms.
- Re-open the 5<sup>th</sup> Floor skylight at the North Wing (formerly in Leg. Research).
- Refurbish interior cabs of Northeast and Northwest elevators.
- Vending machine rooms on 3<sup>rd</sup> and 5<sup>th</sup> Floors in Northwest quadrants.
- Photocopier rooms on all floors.

**VISITOR CENTER and SITE WORK**

- Work will be completed using private funding.
- No completion schedule has been determined using private funding.

**EXTERIOR MASONRY**

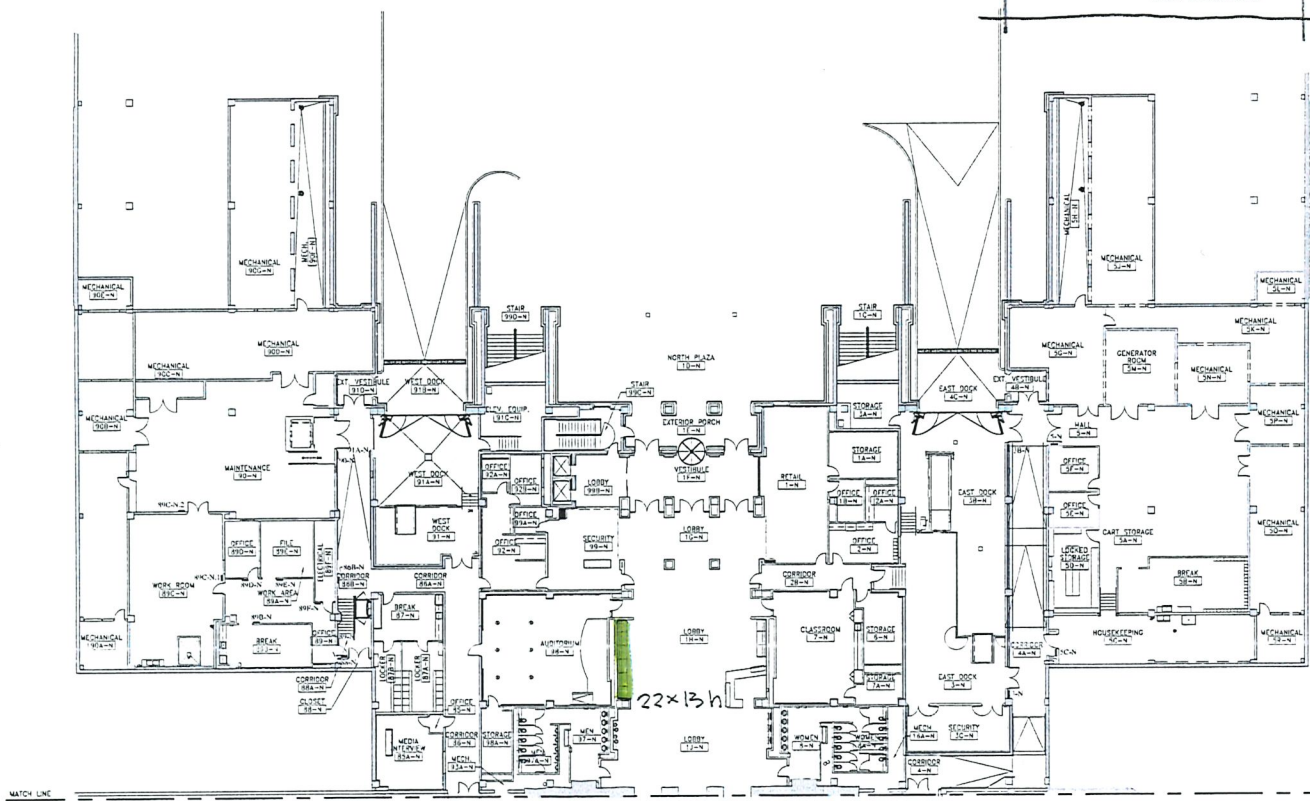
- The South Wing and West Wing have been completed and scaffolding removed.
- Work continues on completing North Wing and East Wing.
- Bird protection has been installed as Exterior Masonry work is finished.
- Tower Crane installed and in use until November 2011.
- Steel beams are installed to support scaffolding for the renovation of the limestone drum.

Capitol Preservation Committee  
October 28, 2010  
Attachment 5

**BROWN vs. BOARD OF EDUCATION MURAL LOCATION**

- Attached are floor plans from the Visitor Center / Ground Floor to the 5<sup>th</sup> Floor.
- Suggested mural locations are highlighted.
- Existing mural locations are also highlighted.
- Some mural locations currently have “mural” or wall light fixtures installed.
- Other areas have conduit and access panels in place for future light fixtures.

5-2



Potential MURAL Wall Locations

Existing Mural Wall Locations

Capitol Preservation Committee  
 October 28, 2010  
 Attachment 6

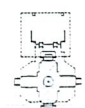
**TREANOR ARCHITECTS P.A.**  
 1717 West 10th Street  
 Topeka, Kansas 66604  
 Phone: 785.223.1111  
 Fax: 785.223.1112  
 www.treanor.com

DEPARTMENT OF ADMINISTRATION  
 DIVISION OF FACILITIES MANAGEMENT  
 MARILYN L. JACOBSON, Director  
 BARRY GRES, Statehouse Architect  
 GEORGE WERTH, Deputy Director of Engineering & Maintenance  
 KANSAS STATE OFFICE: 1000 EAST 10TH AVENUE, SUITE 1000, TOPEKA, KANSAS 66604  
 PROJECT NO. A-91.17.026

**KANSAS STATEHOUSE  
 PRESERVATION AND RESTORATION  
 INTERIOR SIGNAGE PACKAGE**

**GENERAL SIGNAGE NOTES**

1. REFERENCE SPECIFICATION 10412
2. WINDOW SIGN SCHEDULE FOR SIGN TYPE, ELEVATION, DETAIL AND COPY.
3. REFERENCE SHEET AG001 & AG002 FOR SIGN TYPES.
4. REFERENCE SHEET 00417 FOR WINDOW STILES AND SIGN DETAILS.



KEY PLAN

DATE: \_\_\_\_\_

SCALE: August 25, 2009

SHEET NUMBER: AG101

PARTIAL GROUND FLOOR SIGNAGE PLAN

SHEET 3 OF 12

PROJECT NO. A-91.17.026

**A1 Partial Ground Floor Signage Plan**

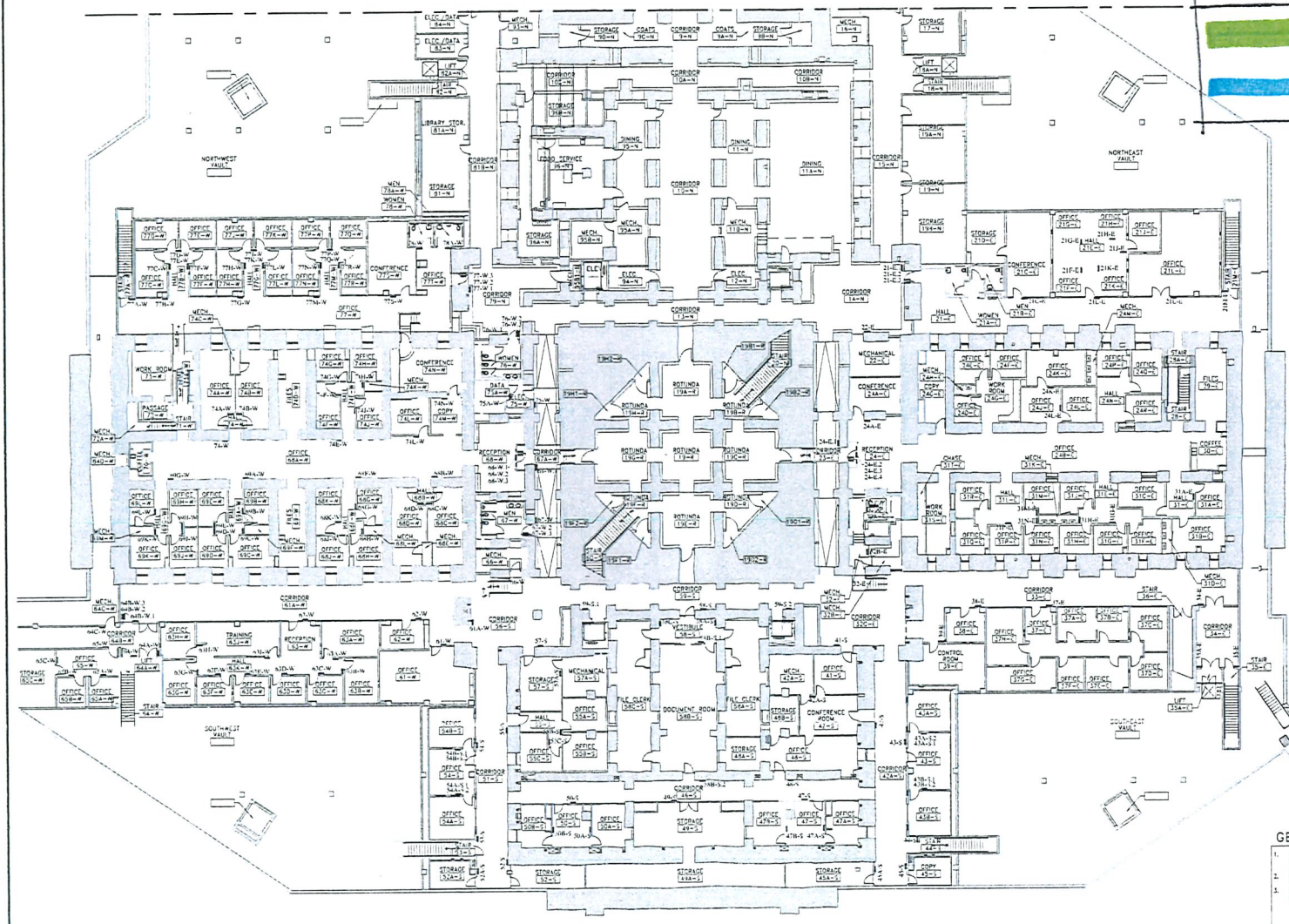


Potential MURAL Wall Locations  
Existing Mural Wall Locations

6-2

DEPARTMENT OF ADMINISTRATION  
DIVISION OF FACILITIES MANAGEMENT  
BARRY L. JACOBSON, Director  
BARRY GREIS, Statehouse Architect  
GEORGE WEITL, Deputy Director of Engineering & Maintenance  
KANSAS STATE UNIVERSITY, 1600 SW JACKSON ST., LAWRENCE, KANSAS 66044  
PROJECT NO. A-31-17-026

KANSAS STATEHOUSE  
PRESERVATION AND RESTORATION  
INTERIOR SIGNAGE PACKAGE



GENERAL SIGNAGE NOTES

1. REFERENCE SPECIFICATION 10422.
2. INTERIOR SIGN CHANGES FOR SIGN TYPE, ELEVATION, DETAIL, AND COPY.
3. REFERENCE SHEET A-31-18-0102 FOR SIGN TYPES.
4. REFERENCE SHEET A-31-18-0101 FOR BORDER STYLES AND SIGN DETAILS.

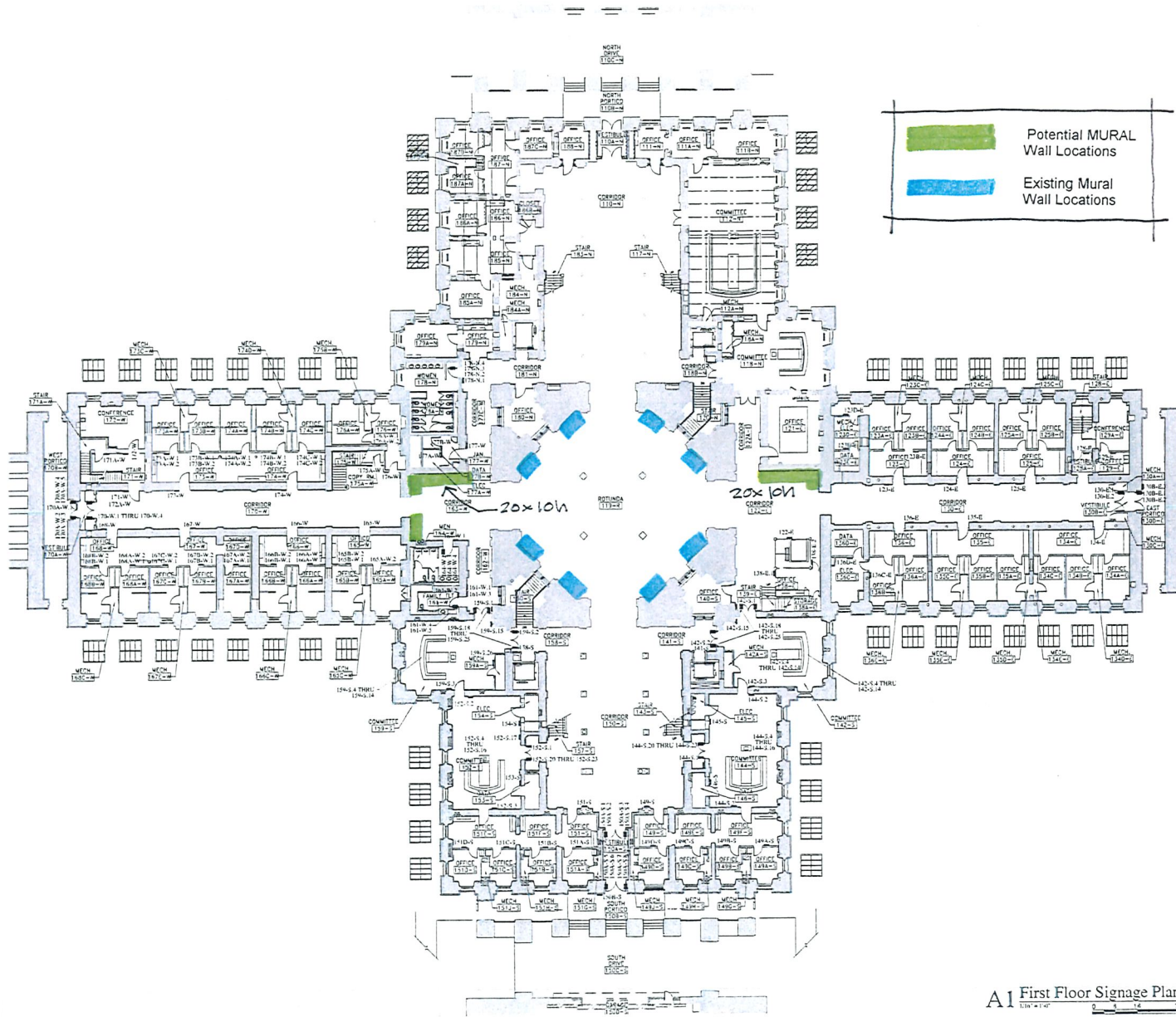


KEY PLAN

A1 Partial Ground Floor Signage Plan

NO.	DATE	ISSUE DESCRIPTION
100		
101		
102		
103		
104		
105		

SCALE:  
DATE: August 25, 2009  
SHEET NUMBER:  
**AG102**  
PARTIAL GROUND FLOOR SIGNAGE PLAN  
SHEET # OF #  
PROJECT NO. A-31-17-026



Potential MURAL Wall Locations

Existing Mural Wall Locations

6-3

A1 First Floor Signage Plan



GENERAL SIGNAGE NOTES

1. REFERENCE SPECIFICATION 10412
2. INTERIOR SIGN COORDINATE FOR SIGN TYPE, ELEVATION, DETAIL AND COPY
3. REFERENCE SHEET'S A441 & A442 FOR SIGN TYPE
4. REFERENCE SHEET'S A451 FOR BORDER STYLES AND SIGN DETAILS.

KANSAS STATEHOUSE  
 PRESERVATION AND RESTORATION  
 INTERIOR SIGNAGE PACKAGE

NO.	DATE	ISSUE DESCRIPTION	BY	CHKD.
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002	11/19/09	REVIEW SET FOR BG		
003	12/19/09	DIRECT AS1-002/026		

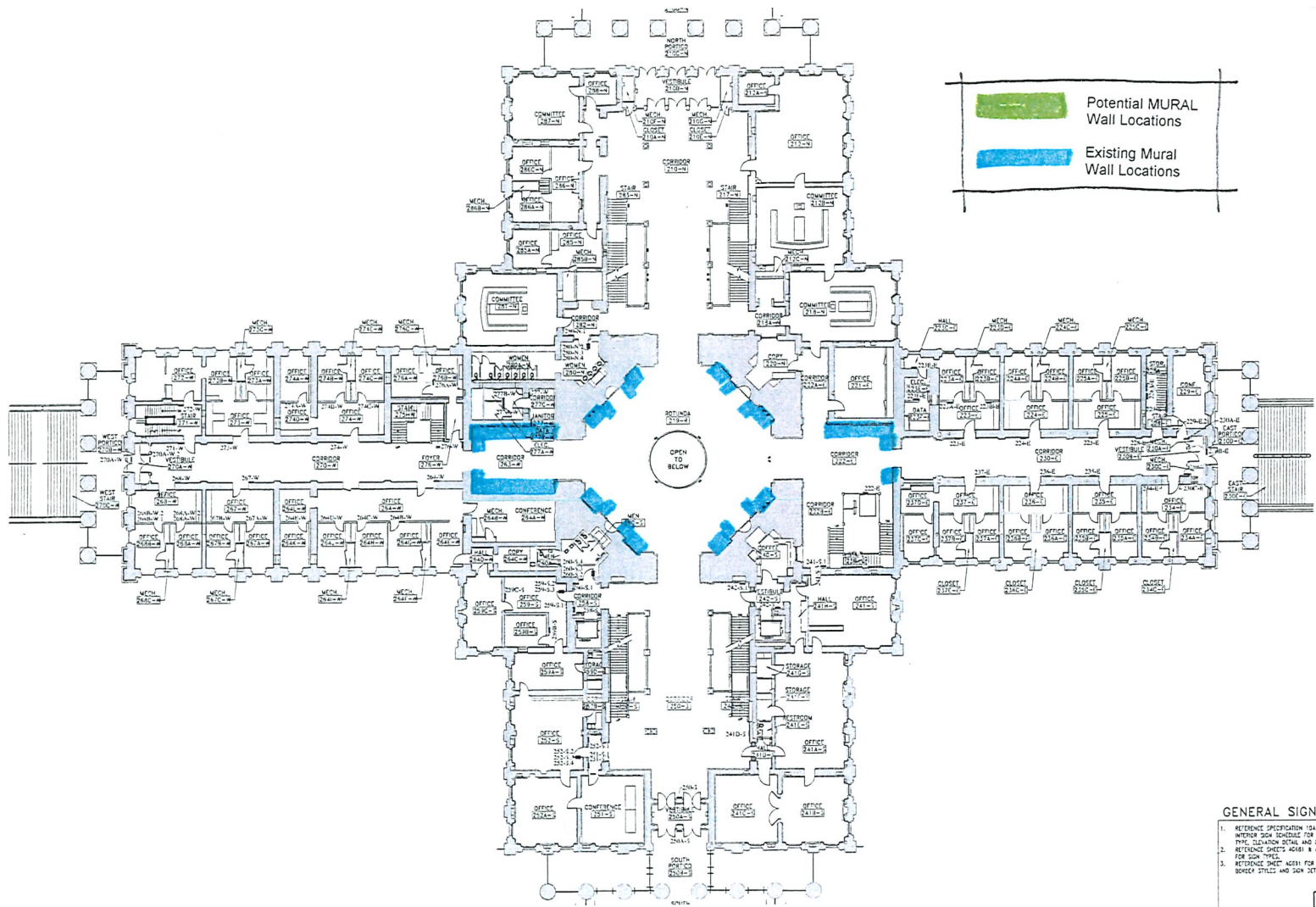
SCALE :  
 DATE : August 25, 2009  
 SHEET NUMBER  
**AG103**  
 FIRST FLOOR  
 SIGNAGE PLAN  
 SHEET 3 OF 13  
 PROJECT NO. A-9117-026

6-4

**KANSAS STATEHOUSE  
PRESERVATION AND RESTORATION  
INTERIOR SIGNAGE PACKAGE**

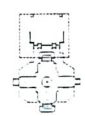
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Potential MURAL Wall Locations  
Existing Mural Wall Locations



**GENERAL SIGNAGE NOTES**

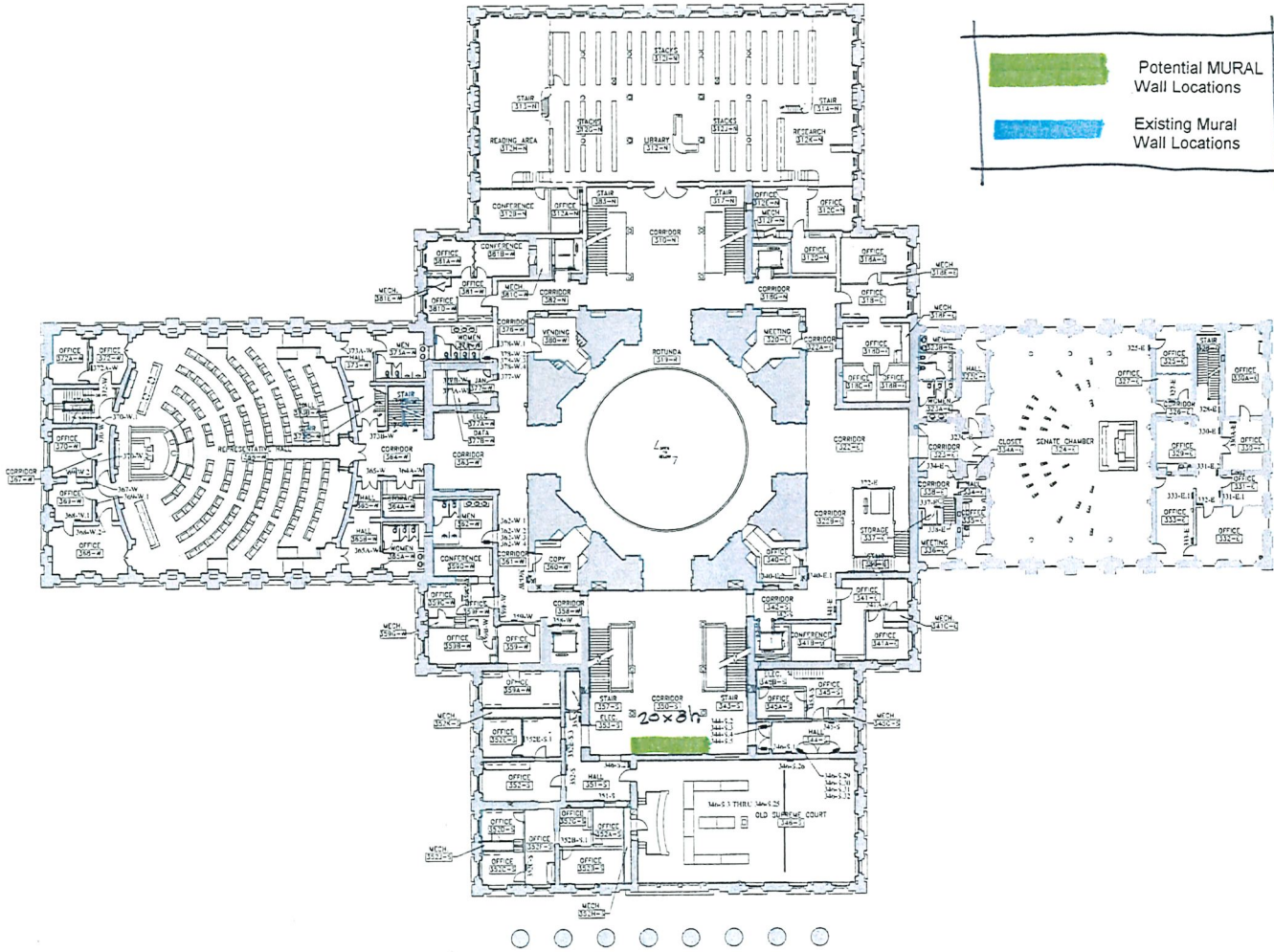
1. REFERENCE SPECIFICATION 13422  
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2. REFERENCE SHEETS A2461 & A2462 FOR SIGN TYPE.
3. REFERENCE SHEET A2461 FOR BOREX DETAILS AND SIGN DETAILS.



**A1 Second Floor Signage Plan**  
1/10/09

SCALE : August 25, 2009  
SHEET NUMBER  
**AG104**  
SECOND FLOOR  
SIGNAGE PLAN  
SHEET 8 OF 15  
PROJECT NO. A-9117-029

Scale 1/8" = 1'-0"  
 Scale 1/8" = 1'-0"  
 Scale 1/8" = 1'-0"  
 Scale 1/8" = 1'-0"



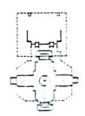
Potential MURAL Wall Locations

Existing Mural Wall Locations

A1 Third Floor Signage Plan

GENERAL SIGNAGE NOTES

1. REFERENCE SPECIFICATION 15432, INTERIOR SIGN SCHEDULE FOR SIGN TYPE, ELEVATION DETAIL AND COPY.
2. REFERENCE SHEET AG101 & AG102 FOR SIGN TYPES.
3. REFERENCE SHEET AG101 FOR SIGNER OFFICE AND SIGN DETAIL.



SCALE:  
 DATE: AUGUST 25, 2009  
 SHEET NUMBER  
**AG105**  
 THIRD FLOOR  
 SIGNAGE PLAN  
 SHEET 7 OF 15  
 PROJECT NO. A-9117-026

6-5

TREANOR ARCHITECTS P.A.  
 1720 West 10th Street  
 Topeka, Kansas 66604  
 (785) 863-1111

DEPARTMENT OF ADMINISTRATION  
 DIVISION OF FACILITIES MANAGEMENT  
 MARILYN L. JACOBSON, Director  
 BARRY GIBBS, Superintendent  
 GEORGE WEHRT, Deputy Director of Engineering & Maintenance  
 1000 EAST 10TH AVENUE, SUITE 200  
 TOPEKA, KANSAS 66606-1000

KANSAS STATEHOUSE  
 PRESERVATION AND RESTORATION  
 INTERIOR SIGNAGE PACKAGE

DATE	DESCRIPTION
08/10/09	AS-BUILT
07/09	REVIEW SET FOR BIDDING
06/09	FINAL AS-BUILT

6-6

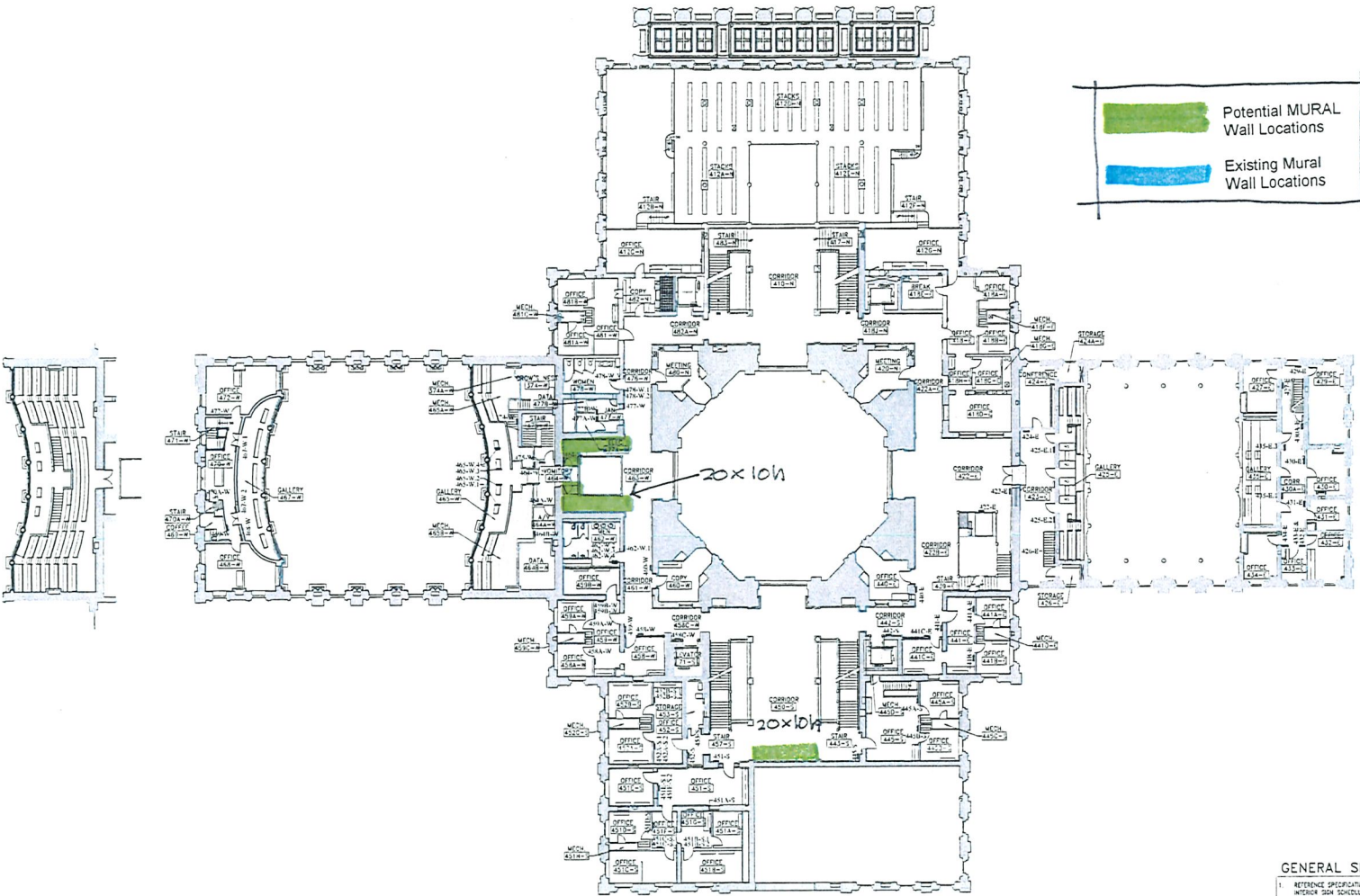


DEPARTMENT OF ADMINISTRATION  
 DIVISION OF FACILITIES MANAGEMENT  
 MARYBETH L. JACOBSON, Director  
 BARRY GIBBS, Statehouse Architect  
 GEORGE WERTH, Deputy Director of Engineering & Maintenance  
 MISSOURI STATE OFFICE BUILDING, 500 W. JACKSON ST., ANNE ARKON ST., ANNE ARKON ST., ANNE ARKON ST.

KANSAS STATEHOUSE  
 PRESERVATION AND RESTORATION  
 INTERIOR SIGNAGE PACKAGE

NO.	DATE	BY	DESCRIPTION
001	08/25/09	JAW/ML	DRAFT - AG106
002	08/25/09	JAW/ML	REVIEW SET FOR BG
003	08/25/09	JAW/ML	FINAL SET FOR BG

Potential MURAL Wall Locations  
 Existing Mural Wall Locations



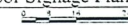
GENERAL SIGNAGE NOTES

1. REFERENCE SPECIFICATION 19432
2. WINDOW SIGN SCHEDULE FOR SIGN TYPE, ELEVATION DETAIL AND COPY
3. REFERENCE SHEET AG101 & AG102 FOR SIGN TYPE
4. REFERENCE SHEET AG101 FOR WINDOW SIGNS AND SIGN DETAILS



KEY PLAN

A1 Fourth Floor Signage Plan



6-7



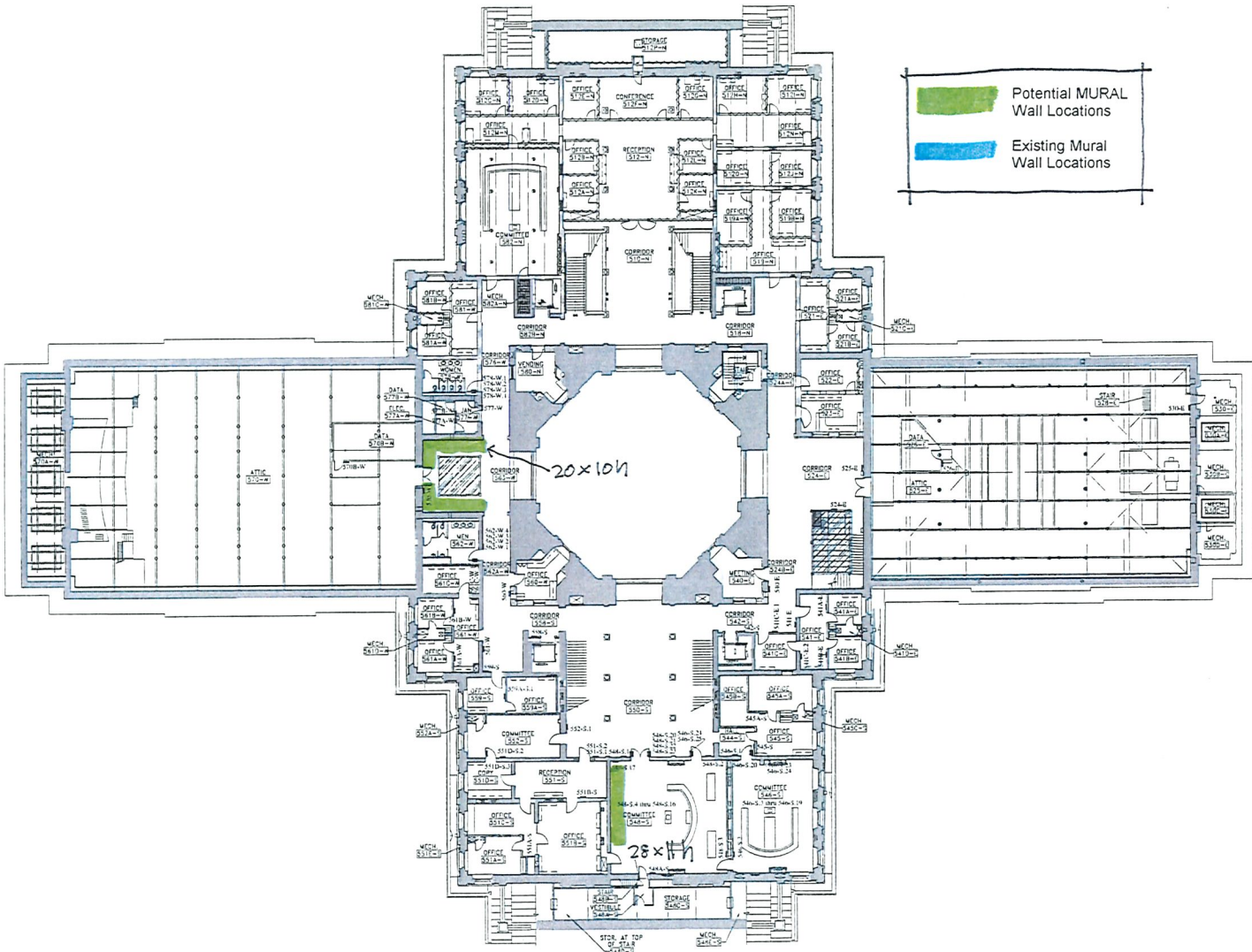
DEPARTMENT OF ADMINISTRATION  
 DIVISION OF FACILITIES MANAGEMENT  
 MARYLYN L. ANDERSON, Director  
 BARRY GREEN, Statehouse Architect  
 GEORGE WERTH, Deputy Director of Engineering & Maintenance  
 KANSAS STATE UNIVERSITY 1500 W. JACKSON ST., LAWRENCE, KANSAS 66044  
 PROJECT NO. A-9117-0000

KANSAS STATEHOUSE  
 PRESERVATION AND RESTORATION  
 INTERIOR SIGNAGE PACKAGE

NO.	DATE	DESCRIPTION
001	10/15/09	REVISED FOR RIG
002	10/15/09	REVISED FOR RIG
003	10/15/09	REVISED FOR RIG
004	10/15/09	REVISED FOR RIG
005	10/15/09	REVISED FOR RIG
006	10/15/09	REVISED FOR RIG
007	10/15/09	REVISED FOR RIG
008	10/15/09	REVISED FOR RIG
009	10/15/09	REVISED FOR RIG
010	10/15/09	REVISED FOR RIG

SCALE :  
 DATE : August 25, 2009  
 SHEET NUMBER  
**AG107**  
 FIFTH FLOOR  
 SIGNAGE PLAN  
 SHEET 9 OF 18  
 PROJECT NO: A-9117-0000

Potential MURAL Wall Locations  
 Existing Mural Wall Locations



GENERAL SIGNAGE NOTES

1. REFERENCE SPECIFICATION 1641Z
2. INTERIOR SIGN SCHEDULE FOR SIGN TYPE, ELEVATION DETAIL AND COPY
3. REFERENCE SHEET AG101 & AG102 FOR SIGN TYPES
4. REFERENCE SHEET AG101 FOR BORDER STYLES AND SIGN DETAILS



KEY PLAN

A1 Fifth Floor Signage Plan

# STAGE ONE - - CALL FOR ARTISTS

**\*\*\* DRAFT \*\*\* REQUEST FOR QUALIFICATIONS \*\*\* DRAFT \*\*\***

Capitol Commemorative Work To Honor  
The 1<sup>st</sup> Kansas (Colored) Voluntary Infantry Regiment

Project Name : 1<sup>st</sup> Kansas (Colored) Voluntary Infantry Regiment Capitol Art Project

Commissioned by: Kansas Statehouse Mural Committee

Deadline for Submission of Qualifications: October 1, 2008

## ***Project Intent***

The Kansas Statehouse Mural Committee seeks to commission a major artwork for the new Visitor Center Lobby being constructed at the State Capitol in Topeka, Kansas honoring the 1<sup>st</sup> Kansas (Colored) Voluntary Infantry regiment. This artwork should:

- Honor and commemorate the rich history of the 1<sup>st</sup> Kansas (Colored) Voluntary Infantry regiment.
- Celebrate and convey the historic impact of the regiment on the state and nation.
- Inspire viewers to remember the past and educate them to see a legacy that belongs to them and to future generations.

## ***Mural***

By definition, a mural is applied to and made integral with a wall or ceiling surface. Historically, this has been the format for permanent artwork in the Capital. There are, however, several preservation and conservation concerns with this format. Taking this into consideration, the monumental painting / art piece needs to be removable but is otherwise considered "permanent." It is the recommendation of the committee that the project retain the term "mural" with the understanding that it is not permanently adhered to or painted directly on the wall.

The artwork must be durable, low maintenance, and appropriate to the location. The artist should take into consideration the high amount of pedestrian traffic within the Visitor Center Lobby, light (both natural and electric), and temperature control when designing the artwork. The mural needs to be stable, or non-deteriorating, with an intended life span of a least 100-200 years.

Artwork in a variety of media and forms will be considered. Examples of media include, but are not limited to: textiles, paint, wood, metal, and photography. Although the Statehouse Mural Committee does not place any restrictions on any particular artistic interpretation, the project's Artist Selection Panel will consider if historical accuracy was met in making its decision.

## ***Eligibility***

Open to professional artists who are USA residents age 18 and over. The state of Kansas is an equal opportunity employer.

## ***Artist Criteria***

The artist must demonstrate artistic excellence, a chronology of achievement, and a record of professional public art activity.

Capitol Preservation Committee  
October 28, 2010  
Attachment 7

### ***Educational Public Programs***

The artist will be required to participate in no more than three educational public programs during or within a year of the completion of the project. The goal is to create a meaningful process that engages the community (Capitol patrons and/or all Kansans) through discussions about the artist's concepts and ideas that shaped the mural's content

### ***Selection Process***

The selection of the artist, or artist team, will be conducted in two stages.

Stage One (RFQ): The selection panel will evaluate artists Request for Qualifications (RFQ) submissions to select three to five finalists.

Stage Two (RFP): The selected finalist will be asked to submit a Request for Proposal (RFP) to give a more detailed submission that will include, to scale, preliminary sketches or a maquette of the proposed artwork. Artists in Stage Two will be compensated \$5,000 for their RFP. Artists are strongly encouraged to visit the site prior to submission of their RFP.

### ***Selection Criteria***

The Artist Selection Panel will consider the following criteria when making their decision: the applicant's professional qualifications; proven ability to undertake projects of a similar scope; artistic merit as evidenced by the submitted materials; and demonstrated ability to work positively with people in government agencies and the public in the creation of an art project. Based on the proposal and review of slides or digital images and support materials, three to five artists will be recommended by the Artist Selection Panel for Stage two. The artist's contract and project plan will be negotiated with the Statehouse Mural Committee. The Artist Selection Panel reserves the right to reject any and all applications.

### ***Budget***

There is a \$250,000 budget for this project with \$100,000 earmarked for the artist. The artist's honorarium includes all project related travel and materials.

### ***Timeline***

The schedule is contingent upon the Statehouse Mural Committee's schedule and may be changed at any time.

October 1, 2008	Deadline for response to RFQ (by 5:00 p.m.)
November 6, 2008	Finalists notified by this date and a November-December site-visit will be coordinated.
February 28, 2009	Deadline for RFP (by 5:00 p.m.).
April 3-4, 2009	Interview of artist by the Artist Selection Panel
April 11, 2009	Selected artist notified of award
June 2, 2009	Anticipated execution of contract date
June 2009-June 2011	Art production phase. Depending on installation requirements, there will need to be coordination of schedules among the mural project manager, statehouse architect, and/or engineer.
December 1, 2011	Completion of building renovation and installation of art.

7-2



## ***How To Apply***

Artists interested in this project must prepare and submit the following Qualifications **by 5:00 p.m., CST, October 1, 2008 to:**

Kansas Arts Commission  
700 SW Jackson; Ste 1004  
Topeka, KS 66603-3761

ATTN: Statehouse Mural Committee

The application should be packaged in such a manner that the sealed envelope clearly reflects the project name(s) and the applicant's name and address. All materials submitted become the property of the Statehouse Mural Committee and will not be returned unless a self-addressed and stamped envelope (S.A.S.E.), with sufficient postage, is provided. The Statehouse Mural Committee will make every effort to protect submitted materials; however, it will not be responsible for any loss or damage.

### **Application Presentation**

Please do not staple any materials together. All pages of your application should clearly indicate your name, the date, and "Capitol Mural Project." Present your materials in the following order.

### **Application Content**

- 1 *Professional résumé* Artist résumé. Teams must submit a résumé for each member.
- 2 *Three Client References:* Include client name, contact name, phone number and e-mail.
- 3 *Visual Support Materials:*
  - a. Artists may submit either 35 mm slides, digital images or a computer presentation of slides or digital images. In either case, do not exceed the maximum of 20 slides or digital images. Only 4 of the 20 slides or digital images may be details. 35 mm slides must be numbered and consecutively placed, numbers 1-20, in a clear 9"x12" plastic slide sheet. Each slide must be labeled with artist name, title of work, medium, dimensions of work, and date completed. Clearly mark the TOP of the slide. Mark each slide mount with a red dot in the bottom left-hand corner of the front. Computer resolution must be 600 dpi or higher.
  - b. Include a separate, one-page index of your 20 slides or digital images in numerical order with title, medium, dimensions, and completion date of each work.
- 4 *Optional Relevant Experiences and Qualifications Support Information:*  
May submit one copy of printed materials such as articles, catalogues, etc.
- 5 *Self-Addressed Stamped Envelope (S.A.S.E):*  
To have your application materials returned following the competition of the selection process, include a self-addressed, stamped envelope, with accurate postage.

## ***Inquiries***

All questions regarding this Request for Proposals are to be directed to the Mural project director.

7-3

## **History**

### **FORGOTTEN “GLORY”—THE FIRST KANSAS COLORED INFANTRY**

In 1989 the movie “Glory” brought much needed exposure to the African-Americans who fought during the Civil War. The film depicted the trials, tribulations, and gallantry of the 54<sup>th</sup> Massachusetts Infantry, a mix of educated Free Blacks and former slaves recruited early in 1863. Their service is important because the attention this regiment received did much to dispel any thoughts harbored by white army officers that African-Americans would make terrible soldiers. The movie, however, also leaves many with the impression they were the first Black regiment. It was not the case.

During the month of August 1862, efforts began in Kansas for an African-American regiment. President Lincoln had placed United States Senator James Henry Lane in charge of recruitment for the state, and Lane took the opportunity to liberally interpret the instructions and include Blacks. Lane, a prominent figure in Kansas since 1855, was often deeply involved in the turmoil in gaining statehood, and was a force in the politics of the young state. The motives for Lane’s actions were often questioned, and the issue of black recruitment was no different. Many suggest that he truly believed in the ability of blacks to fight. Others believe he saw black recruitment as a means to fill the quota of soldiers needed from Kansas, and that a black soldier could stop a bullet as well as a white one.

Whatever Lane’s motives, Kansas soon had a regiment of African-American soldiers. Recruitment was carried out in both Leavenworth and Mound City. Unfortunately, the Federal government did not want them. That did not stop them from training, and eventually, from fighting.

At the end of October 1862, 225 men from the First Kansas Colored Infantry were sent into Bates County, Missouri, to flush out a force of 500 pro-Southern guerillas that had been disrupting activities on the border. By the 28<sup>th</sup> the First Kansas had established a camp at the farm of Enoch Toothman, a known southern supporter, west of Butler, Missouri, and on that day had a light skirmish with the guerillas. The next day the regiment was engaged in a fight with the guerillas at a site known locally as Island Mound.

The First Kansas Colored Infantry won this first skirmish with the enemy. The first African-American regiment in the northern states had seen their first action, and shed their first blood. Eight men were killed, and another eleven men wounded.

Because they were not mustered in as a Federal regiment, the First Kansas at this time included black officers. At Island Mound, Lt. Patrick Minor of Leavenworth would also be the first black to command fellow members of his race.

It is also worthy to note that among the dead was John Six-Killer, who had led a scouting party of “Cherokee Negroes”—Native Americans who also were of African-American ancestry.

Thirty years later a claim would be made that this fight would encourage Abraham Lincoln to issue the Emancipation Proclamation. What Lincoln actually thought is not known; it may well have encouraged him in believing the Proclamation was the right move. But in September, Lincoln, spurred by the success in turning back Confederate troops at the Battle of Antietam, had already declared publicly his intent to issue the Proclamation on January 1, 1863.

The Emancipation Proclamation had a positive effect on the First Kansas. On January 13<sup>th</sup>, the regiment was finally mustered into Federal service. Thirteen days later, Massachusetts Governor John Andrew announced that recruitment would begin for what would become the 54<sup>th</sup> Massachusetts Infantry.

But the First Kansas lost something when they became a Federal unit. Neither of the black officers, Lt. Minor and Captain William Matthews, was allowed to muster in as officers. All officers from the date of muster would be white.

The First Kansas continued to build a distinguished service record. On July 2, 1863, black troops fought alongside white troops for the first time at Cabin Creek, Indian Territory (now Oklahoma). Fifteen days later at Honey Springs, also in the Indian Territory, the First had perhaps their best day of the war. Here they held the Federal center against attack, and they did so in a line with both white and Native American troops. If there were any doubters left in the Trans-Mississippi about the abilities of African-American soldiers, Honey Springs should have erased them.

Major General James Blunt would comment after Honey Springs: "I never saw such fighting as was done by the Negro regiment. . . they make better soldiers in every respect than any troops I have ever had under my command."

On April 14, 1864 at Poison Spring, Arkansas, the First Kansas would suffer its worst day of the war, where 117 were killed and 65 were wounded. The losses were out of proportion to other Federal units that day; this was due to the execution of the wounded and captured men of the First by the Confederate victors. A few days later, the Second Kansas Colored Infantry would use the battle cry, "Remember Poison Spring!" to rally themselves against the enemy.

On December 13, 1864, the First Kansas was redesignated as the 79<sup>th</sup> United States Colored Troops. They were mustered out of service in October 1865.

So why hasn't the First Kansas Colored Infantry received more recognition for its efforts? The Trans-Mississippi war has only recently received increasing interest by historians. When in the past it has been addressed, it is usually in regards to the pre-war Bleeding Kansas conflict, or by William Quantrill's raid of Lawrence. Perhaps the First Kansas has also suffered from bad timing.

When the First Kansas was fighting the battles of Cabin Creek and Honey Springs in July of 1863, some of the more prominent events of the war were taking place. The Battle of Gettysburg was fought July 1-3; the surrender of Vicksburg took place on July 4. The day after Honey Springs, the 54<sup>th</sup> Massachusetts made their famous—and deadly—charge at Battery Wagner in South Carolina. These events found far more coverage in the Eastern press than the events west of the Mississippi.

### *Bibliography*

Carle, Glenn L. "The First Kansas Colored," American Heritage, February/March 1992, pp. 79-91.

Cornish, Dudley Taylor. The Sable Arm: Negro Troops in the Union Army, 1861-1865. New York: W.W. Norton Company, 1966. (First published 1966.)

Tabor, Chris. The Skirmish at Island Mound, Mo. Independence, Mo.: The Blue and Grey Book Shoppe, 2001.

Trudeau, Noah Andre. Like Men of War: Black Troops in the Civil War, 1862-1865. Boston: Little, Brown and Company, 1998.

7-5

## STAGE TWO

**\*\*\* DRAFT \*\*\* REQUEST FOR PROPOSALS \*\*\* DRAFT \*\*\***

### Capitol Commemorative Work To Honor The 1<sup>st</sup> Kansas (Colored) Voluntary Infantry Regiment

Project Name : 1<sup>st</sup> Kansas (Colored) Voluntary Infantry Regiment Capitol Art Project

Commissioned by: Kansas Statehouse Mural Committee

Deadline for Submission of Proposals : February 28, 2009

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#### **Eligibility**

Artists selected from Stage One (RFQ) of the Kansas Statehouse Mural Committee's 1<sup>st</sup> Kansas (Colored) Voluntary Infantry Regiment Capitol Art Project are invited to submit a detailed proposal for further consideration by the selection panel. Open to professional artists who are USA residents age 18 and over. The state of Kansas is an equal opportunity employer.

#### **Budget**

There is a \$250,000 budget for this project with \$100,000 earmarked for the artist. The artist's honorarium includes all project related travel and materials.

#### **Project Intent**

The Kansas Statehouse Mural Committee seeks to commission a major artwork for the new Visitor Center Lobby being constructed at the State Capitol in Topeka, Kansas honoring the 1<sup>st</sup> Kansas (Colored) Voluntary Infantry regiment. This artwork should:

- Honor and commemorate the rich history of the 1<sup>st</sup> Kansas (Colored) Voluntary Infantry regiment.
- Celebrate and convey the historic impact of the regiment on the state and nation.
- Inspire viewers to remember the past and educate them to see a legacy that belongs to them and to future generations.

#### **Mural**

By definition, a mural is applied to and made integral with a wall or ceiling surface. Historically, this has been the format for permanent artwork in the Capital. There are, however, several preservation and conservation concerns with this format. Taking this into consideration, the monumental painting / art piece needs to be removable but is otherwise considered "permanent." It is the recommendation of the committee that the project retain the term "mural" with the understanding that it is not permanently adhered to or painted directly on the wall.

The artwork must be durable, low maintenance, and appropriate to the location. The artist should take into consideration the high amount of pedestrian traffic within the Visitor Center Lobby, light (both natural and electric), and temperature control when designing the artwork. The mural needs to be stable, or non-deteriorating, with an intended life span of at least 100-200 years.

Capitol Preservation Committee  
October 28, 2010  
Attachment 8

Artwork in a variety of media and forms will be considered. Examples of media include, but are not limited to: textiles, paint, wood, metal, and photography. Although the Statehouse Mural Committee does not place any restrictions on particular artistic interpretation, the project's Artist Selection Panel will consider if historical accuracy was met in making its decision.

### ***Art Theme***

The theme for the new mural is the 1<sup>st</sup> Kansas (Colored) Voluntary Infantry Regiment. The artists' proposal will include ideas on how the theme will be illuminated or articulated through the mural and public programs. -The goal of the mural project is to contribute meaningful content to Capitol visitors and assist them in making personal connections and experiences with the facility. Potential directions for the theme to include are, but not limited to: heritage, cultural expression, multicultural experiences, history, life stories, cross-generational communication, and areas of interest to Kansans. Preliminary designs for the permanent mural must be approved by the Artist Selection Panel.

The Statehouse Mural Committee will facilitate research meetings between the artists and interested community members.

### ***Installation***

The artist will be required to submit anticipated installation needs for the mural prior to commencement of the work. Depending on the installation needs, the artist will coordinate schedules with the statehouse architect and lighting consultant to avoid construction and installation delays.

### ***Background of Project***

As directed by Senate Bill 600 passed in the 2000 Legislative Session, the Kansas State Historical Society and Department of Administration shall develop plans to place a mural in the State Capitol honoring the 1<sup>st</sup> Kansas (Colored) Voluntary Infantry regiment. Plans will be developed in consultation with the Joint Committee on Arts and Cultural Resources. Reference: K.S.A. 75-2264.

Design for the installation of the work is to commence Spring 2009. Completion of installation is scheduled for December 1, 2011. The installation will be in the new Visitor Center Lobby located in the north wing on the ground floor of the historic Kansas State Capitol. The new Visitor Center Lobby will serve as the main entrance for visitors and as an interpretive gathering space. The Visitor Center includes an auditorium, classrooms, information desk, gallery space, and restrooms.

### ***Artist Criteria***

The artist must demonstrate artistic excellence, a chronology of achievement and a record of professional public art activity.

### ***Educational Public Programs***

The artist will be required to participate in no more than three educational public programs during or within a year of the completion of the project. The goal is to create a meaningful process that engages the community (Capitol patrons and/or all Kansans) through discussions about the artist's concepts and ideas that shaped the mural's content.

8-2

### **Selection Process**

Stage two Request for Proposal (RFP): The three to five finalist selected from the RFQ process will be asked to visit the Capitol for an orientation provided by the Artist Selection Panel. The artists will be asked to submit a Request for Proposal to give a more detailed submission that will include, to scale, preliminary sketches or a maquette of the proposed mural. Artists in Stage Two will be compensated \$5,000 for their RFP. Please read Memorandum of Understanding.

### **Selection Criteria**

The Artist Selection Panel will consider the following criteria when making their decision. Highest among the criteria is historical accuracy. Selection criteria includes: the applicant's professional qualifications; proven ability to undertake projects of a similar scope; artistic merit as evidenced by the submitted materials; and demonstrated ability to work positively with people in governmental agencies and the public in the creation of an art project. Based on the proposal and the review of slides or digital images and support materials, an artist, or artist team, will be recommended by the Artist Selection Panel. Contract and project plan are to be negotiated with the Statehouse Mural Committee. The Artist Selection Panel reserves the right to reject any and all applications.

### **Copyright**

The Statehouse Mural Committee and the Artist Selection Panel comply with the Visual Artists Rights Act of 1990.

### **Scope**

As of the writing of this document, the project's scope and budget are being refined. The Artists Selection Panel reserves the right to cancel or amend any or all of the scopes or budgets referenced in this document.

### **Timeline**

The schedule is contingent upon the Statehouse Mural Committee's project schedule and may be changed at any time.

February 28, 2009	Deadline for RFP (by 5:00 p.m.).
April 3-4, 2009	Interview of artist by the Artist Selection Panel. Site visit.
April 11, 2009	Artist selected for the project notified
June 2, 2009	Anticipated execution of contract date
June 2009-June 2011	Art production phase. Depending on the installation requirements, there will need to be coordination of schedules among the mural project manager, statehouse architect, and/or engineer.
December 1, 2011	Completion of building renovation and installation of art.

### **How To Submit**

Artist interested in this project must prepare and submit the following Proposal **by 5:00 p.m., CST, February 28, 2009 to:**

Kansas Arts Commission  
700 SW Jackson; Ste 1004  
Topeka, KS 66603-3761

ATTN: Statehouse Mural Committee

8-3

The submission should be packaged in such a manner clearly reflects the project name and the applicant's name and address. All materials submitted become the property of the Statehouse Mural Committee and will not be returned unless a self-addressed and stamped envelope (S.A.S.E.), with sufficient postage, is provided. The Statehouse Mural Committee will make every effort to protect submitted materials; however, it will not be responsible for any loss or damage.

#### Shipping & Receiving

Please do not staple any materials together. All pages of your application should clearly indicate your name, the date, and "Capitol Mural Project." Present your materials in the following order.

#### Contents

1. *Proposal*: Typed, four-page maximum. Include your name in the proposal title.
2. *Educational Public Programs*: Describe your overall "theme" and style of art to be used. Describe your proposed schedule, process and medium. Discuss your experience in developing and presenting programs.
3. *Fabrication & Installation*: Describe the anticipated fabrication and installation needs for the mural. Be sure to include information that will help us protect the artistic integrity of your work, such as :
  - a. How will it be attached to the wall?
  - b. Describe how you envision the installation: Will it need wall space, floor space, hang from the ceiling, protrude from the wall?
  - c. Describe the electrical requirements. (Describe to the extent that you are knowledgeable. The artist will not be required to determine exact specifications, but must be clear on the desired effect. The exact specifications will be refined at a later date by the architect in consultation with the artist.)
  - d. Describe special equipment or other needs.
4. Sketch or create a maquette of your proposal to scale, but it should not exceed 36" x 48", on paper or design board. Models larger than 36" x 48" x 24" will not be accepted. The maximum framed dimensions of the Mural spaces are approximately a) 20' long x 21 high b) 19 long x 9 high.
5. *Budget*: (typed, one page, 8.5" X 11" maximum ) Include a cost estimate for all facets of the completed work , including but not limited to artist fees, insurance with shipping and handling, travel expenses, program costs, materials costs and anticipated fabrication and installation costs Please be sure materials are non-toxic, although oil paints are acceptable. Artist is not responsible for actual installation, but installation needs should be noted in your proposal and reflected in your preliminary budget.
6. *Optional Support Illustrations* (two page 8 1/2 x 11" maximum size) Artist may include additional visual support material and/or illustrations to show your proposal.
7. *Self-Addressed Stamped Envelope (S.A.S.E)*: *To have your application materials returned following the competition, include a self-addressed, stamped envelope, with accurate postage.*

#### **Inquiries**

All questions regarding this Request for Proposals are to be directed to the Mural Project Director.

8-4

## FORGOTTEN "GLORY"—THE FIRST KANSAS COLORED INFANTRY

In 1989 the movie "Glory" brought much needed exposure to the African-Americans who fought during the Civil War. The film depicted the trials, tribulations, and gallantry of the 54<sup>th</sup> Massachusetts Infantry, a mix of educated Free Blacks and former slaves recruited early in 1863. Their service is important because the attention this regiment received did much to dispel any thoughts harbored by white army officers that African-Americans would make terrible soldiers. The movie, however, also leaves many with the impression they were the first Black regiment. It was not the case.

During the month of August 1862, efforts began in Kansas for an African-American regiment. President Lincoln had placed United States Senator James Henry Lane in charge of recruitment for the state, and Lane took the opportunity to liberally interpret the instructions and include Blacks. Lane, a prominent figure in Kansas since 1855, was often deeply involved in the turmoil in gaining statehood, and was a force in the politics of the young state. The motives for Lane's actions were often questioned, and the issue of black recruitment was no different. Many suggest that he truly believed in the ability of blacks to fight. Others believe he saw black recruitment as a means to fill the quota of soldiers needed from Kansas, and that a black soldier could stop a bullet as well as a white one.

Whatever Lane's motives, Kansas soon had a regiment of African-American soldiers. Recruitment was carried out in both Leavenworth and Mound City. Unfortunately, the Federal government did not want them. That did not stop them from training, and eventually, from fighting.

At the end of October 1862, 225 men from the First Kansas Colored Infantry were sent into Bates County, Missouri, to flush out a force of 500 pro-Southern guerillas that had been disrupting activities on the border. By the 28<sup>th</sup> the First Kansas had established a camp at the farm of Enoch Toothman, a known southern supporter, west of Butler, Missouri, and on that day had a light skirmish with the guerillas. The next day the regiment was engaged in a fight with the guerillas at a site known locally as Island Mound.

The First Kansas Colored Infantry won this first skirmish with the enemy. The first African-American regiment in the northern states had seen their first action, and shed their first blood. Eight men were killed, and another eleven men wounded.

Because they were not mustered in as a Federal regiment, the First Kansas at this time included black officers. At Island Mound, Lt. Patrick Minor of Leavenworth would also be the first black to command fellow members of his race.

It is also worthy to note that among the dead was John Six-Killer, who had led a scouting party of "Cherokee Negroes"—Native Americans who also were of African-American ancestry.

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But the First Kansas lost something when they became a Federal unit. Neither of the black officers, Lt. Minor and Captain William Matthews, was allowed to muster in as officers. All officers from the date of muster would be white.

8-5



The First Kansas continued to build a distinguished service record. On July 2, 1863, black troops fought alongside white troops for the first time at Cabin Creek, Indian Territory (now Oklahoma). Fifteen days later at Honey Springs, also in the Indian Territory, the First had perhaps their best day of the war. Here they held the Federal center against attack, and they did so in a line with both white and Native American troops. If there were any doubters left in the Trans-Mississippi about the abilities of African-American soldiers, Honey Springs should have erased them.

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So why hasn't the First Kansas Colored Infantry received more recognition for its efforts? The Trans-Mississippi war has only recently received increasing interest by historians. When in the past it has been addressed, it is usually in regards to the pre-war Bleeding Kansas conflict, or by William Quantrill's raid of Lawrence. Perhaps the First Kansas has also suffered from bad timing.

When the First Kansas was fighting the battles of Cabin Creek and Honey Springs in July of 1863, some of the more prominent events of the war were taking place. The Battle of Gettysburg was fought July 1-3; the surrender of Vicksburg took place on July 4. The day after Honey Springs, the 54<sup>th</sup> Massachusetts made their famous—and deadly—charge at Battery Wagner in South Carolina. These events found far more coverage in the Eastern press than the events west of the Mississippi.

### *Bibliography*

Carle, Glenn L. "The First Kansas Colored," American Heritage, February/March 1992, pp. 79-91.

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Capitol Preservation Committee - Roll Call Votes from meeting 10/28/2010

Mural location  
Vote 1 - failed

Mural location  
Vote 2 - passed

Name	Yes	No	Yes	No	Yes	No	Yes	No
Representative Valdenia Winn, Chairperson		X	X					
Representative Rocky Fund		X	X					
Representative Lana Gordon		X	X					
Joanne Budler	<del>absent</del>							
Jennie Chinn	<del>absent</del>							
Llewellyn Crain		X	X					
Timothy Graham	X		X					
Melissa Gregory	<del>absent</del>							
Barry Greis		X	X					
Carol McDowell	X		X					
John Pinegar	<del>absent</del>							
William Wagon		X	X					

**Statehouse Mural Committee Report**  
**March 10, 2008**

**History of Project:** As directed by Senate Bill 600 passed in the 2000 Legislative Session, the Kansas State Historical Society and Department of Administration shall develop plans to place a mural in the State Capitol honoring the 1<sup>st</sup> Kansas (Colored) Voluntary Infantry regiment. Plans will be developed in consultation with the Joint Committee on Arts and Cultural Resources. Reference: K.S.A. 75-2264.

**Statehouse Mural Committee (SMC):** This is an informal committee of the Kansas Historical Society, Department of Administration, and Kansas Arts Commission. Members are Terry Marmet and Mary Madden from the Historical Society; Chris Howell, Jennifer Wesco, and Karen Brady from the Arts Commission; and Barry Greis from the Department of Administration. This committee was organized in August 2004 to work on this project.

**Reporting Process:** This proposal will be sent 1st for review by the Statehouse Art and History Committee (KSA 75-2266) that consists of three members or their designees: Secretary of Administration, the Executive Director of the Kansas State Historical Society; and the Director of Legislative Services. The final report will be sent to the Joint Committee on Arts and Cultural Resources.

**Mission Statement of Statehouse Mural Committee:**

- The primary mission is to develop a plan for selection and placement of a mural in the Capitol honoring the 1<sup>st</sup> Kansas (Colored) Volunteer Infantry.
- The secondary mission is to develop a plan for placing future artwork in the renovated Capitol.

**DESCRIPTION OF PROJECT**

**I. Topic**

The topic for the artwork is the 1st Kansas Colored Infantry, the unit of African-American soldiers from Kansas who fought bravely in the Civil War. Since this is an historic topic, it is important that the final piece of artwork has historical integrity and accuracy. Historical interpretation will be one of the judging criteria.

To assist artists with their task, an historical overview of the topic is provided (see Appendix 1). "The History of the 1st Kansas Colored Infantry" written by Blair Tarr, curator for the Kansas State Historical Society, is not the definitive work on this subject but an introduction for artists and panelists. Artists are encouraged to do more research on this topic.

Capitol Preservation Committee  
October 28, 2010  
Attachment 10

## **II. Location**

Identifying the location of the mural is a principal component of the entire mural project. The location needs to be identified prior to the Request for Qualifications from the artists.

### **A. History**

When identifying a location for a new piece of artwork it is also important to have an understanding of the architect's original design intent. What fine art features were intended for the building when it was conceived in 1866? Unfortunately for Kansas, our state Capitol does not have a single architect who completed the entire process. Instead many architects were involved in the design of this building over its various stages of construction. The result has been the addition of artwork through various processes over the last 139 years.

The Capitol is currently home to four large mural groups, all of which will be preserved as part of the renovation project. Topeka artist David H. Overmeyer painted eight murals on the 1st floor in the early 1950s. On the second floor are the murals in the east and west wing created between 1937 and 1942 by regionalist painter John Steuart Curry. Also on the second floor, in the rotunda, are eight Lumen Martin Winter murals installed in 1976. These murals completed the history of Kansas begun by Curry. The dome murals are the oldest murals in the Capitol. The firm of Crossman and Study from Chicago painted the four allegorical murals in 1902.

Since 1976 there has been no addition of murals to the Capitol. There have been two additions of major artwork but both have been sculptures. The Peter F. "Fritz" Felten, Jr. statues of four famous Kansans are limestone sculptures. They were placed in the second floor rotunda alcoves in 1981. The last addition of artwork was the installation of the bronze statue *Ad Astra* to the Capitol dome in 2002.

### **B. Design Parameters**

The Statehouse Mural Committee has reviewed design parameters for placement of murals and artwork for the state Capitols of Colorado, Delaware, Georgia, Montana, Nebraska, New York, Ohio, Oregon, Pennsylvania, South Dakota, Texas, and Wisconsin. While every state does it a little differently, a common theme is the separation of historic space and interpretive space. The historic space is to be preserved to maintain the structures historic integrity. The interpretive space is much more flexible in terms of use and appearance.

Design parameters for the Capitol are addressed in Chapter Two of the *Historic Structure Report*. "The specific purpose of the design parameters is to ensure that proposed alterations to the Kansas State Capitol Building do not violate the historic integrity of the original design, space, or finishes. The design parameters will specify guidelines for the renovation of interior spaces in a way that is sympathetic to the historic fabric of the structure, to the maximum practical extent." (II-1) There are three zones (A –C) identified in the report as follows.

### ***Zone A – Areas to be Restored***

*Includes spaces which are generally in their original configuration with original materials and details. Historically, these spaces have been used as major public spaces, and include such areas as lobbies, atrium, House, Senate, courtroom, and entrances. Areas of more utilitarian importance which retain their original configuration, materials, and details, as well as spaces associated with major historic events or technological achievement may also be placed in this zoning classification. (II-3)*

### ***Zone B – Areas to be Rehabilitated While Retaining Significant Historic Details***

*Includes those areas of secondary importance which still retain significant historic details worthy of preservation. Examples of such details include, but are not limited to, stairs, balustrades, floor materials, wainscot, trim, doors, windows, ornamental plaster, glass, light fixtures, plumbing fixtures, mechanical system fixtures, and site features. (II-3)*

### ***Zone C – Areas Suitable for Major Redesign***

*Includes secondary spaces without historical or technological significance, and in which significant historic details have not been retained, or were never in place. The original function and/or historic character of the space may have been lost or is beyond recognition at this time. (II-3)*

The classification of space in the *Historic Structure Report* clearly differentiates between historic space (Zones A and B) and non-historic space (Zone C). The intention of Zones A and B is to maintain as much of the original fabric and appearance as possible and practical. Zone C is “typically utilitarian spaces throughout the building that have been utilized for a variety of functions over time.” (II-8).

#### **C. Basement-Zone C**

The basement, or new ground floor, is almost completely classified as Zone C. It will be refurbished as offices and public space. Once the renovation is complete, the main visitor entrance to the Capitol will be through the north doors at this level. The Capitol Tour Center information desk will be immediately inside these doors in the lobby. Tour groups and individual visitors will receive their 1st orientation to the building at this location.

The *Historic Structure Report* identifies an auditorium and a classroom to be placed on either side of this hallway/lobby on the ground floor. The auditorium will be used by visitors to view an orientation video. The classroom will provide much needed space for activities with school groups. Continuing through the lobby/hallway, visitors will encounter a lunchroom and gift shop.

The wall space in the lobby/hallway is expansive. It is the largest uninterrupted wall space on the ground floor. It should be able to accommodate four monumental-size paintings. The largest spaces are the two lobby walls outside the classroom and

auditorium. These walls reach up two-and-one-half stories. They are approximately 20 feet in length and 21 feet high. The two walls along the south end of the lobby/hallway are 19 feet in length and 9 feet high.

When the preservation and restoration project is finished, the north wing of the ground level will again become the front door to the Capitol. It is here that we recommend placing the 1<sup>st</sup> Kansas Colored Infantry mural.

### **III. Artwork**

The 2000 legislation identified the format for the artwork as a mural. There are two ways to interpret this term. First, a mural is by general perception a monumental painting. This was undoubtedly the intent of the legislature--to honor the 1st Kansas Colored Infantry with an impressive piece of art.

By definition, a mural is applied to and made integral with a wall or ceiling surface. Historically, this has been the format for artwork in the Capital. There are, however, several preservation and conservation concerns with this format.

This mural will be subject to a variety of environmental conditions. Moisture, condensation, possible mold on the walls, and rapid temperature are concerns. The north entrance will have double doors that will reduce drafts but not totally prevent them. Large groups entering the building will inevitably have both doors open at the same time resulting in drafts and temperature swings.

A monumental painting that is removable does not imply that it is not "permanent." Identifying and acquiring this significant piece of artwork involves a major investment of time and money by the people of Kansas. Placement in the Capitol, the most significant building in Kansas, implies that the artwork be a permanent addition to our state's history.

It is the recommendation of the committee that the project retain the term "mural" with the understanding that it is not permanently attached to the wall for purposes of conservation.

### **IV. Panel Selection**

A panel of eleven (11) voting members plus one (1) non-voting chairperson will be assembled to make the artist selection. Specifically, we recommend that the panel include the statehouse architect, a member of the Kansas State Historical Society, a member of the Kansas Arts Commission, and two art professionals recommended by the Kansas Arts Commission. Four members of the panel will be selected by the Legislature and two members by the Governor. The total voting membership of the panel needs to be an odd number.

10-4

Serving on a selection panel requires a significant investment of time. Panelists will receive educational training on topics related to the project. These topics include but are not limited to: the Visual Artists Rights Act and copyright protection issues, conflict of interests, review of the Statehouse Mural Committee Report, the Request for Qualifications and Request for Proposal documents, and review of art projects at other state capitols. This will be done prior to meeting for artist selection.

10-5

## Appendix 1

### FORGOTTEN "GLORY"—THE FIRST KANSAS COLORED INFANTRY

In 1989 the movie "Glory" brought much needed exposure to the African-Americans who fought during the Civil War. The film depicted the trials, tribulations, and gallantry of the 54<sup>th</sup> Massachusetts Infantry, a mix of educated Free Blacks and former slaves recruited early in 1863. Their service is important because the attention this regiment received did much to dispel any thoughts harbored by white army officers that African-Americans would make terrible soldiers. The movie, however, also leaves many with the impression they were the first Black regiment. It was not the case.

During the month of August 1862, efforts began in Kansas for an African-American regiment. President Lincoln had placed United States Senator James Henry Lane in charge of recruitment for the state, and Lane took the opportunity to liberally interpret the instructions and include Blacks. Lane, a prominent figure in Kansas since 1855, was often deeply involved in the turmoil in gaining statehood, and was a force in the politics of the young state. The motives for Lane's actions were often questioned, and the issue of black recruitment was no different. Many suggest that he truly believed in the ability of blacks to fight. Others believe he saw black recruitment as a means to fill the quota of soldiers needed from Kansas, and that a black soldier could stop a bullet as well as a white one.

Whatever Lane's motives, Kansas soon had a regiment of African-American soldiers. Recruitment was carried out in both Leavenworth and Mound City. Unfortunately, the Federal government did not want them. That did not stop them from training, and eventually, from fighting.

At the end of October 1862, 225 men from the First Kansas Colored Infantry were sent into Bates County, Missouri, to flush out a force of 500 pro-Southern guerillas that had been disrupting activities on the border. By the 28<sup>th</sup> the First Kansas had established a camp at the farm of Enoch Toothman, a known southern supporter, west of Butler, Missouri, and on that day had a light skirmish with the guerillas. The next day the regiment was engaged in a fight with the guerillas at a site known locally as Island Mound.

The First Kansas Colored Infantry won this first skirmish with the enemy. The first African-American regiment in the northern states had seen their first action, and shed their first blood. Eight men were killed, and another eleven men wounded.

Because they were not mustered in as a Federal regiment, the First Kansas at this time included black officers. At Island Mound, Lt. Patrick Minor of Leavenworth would also be the first black to command fellow members of his race.



It is also worthy to note that among the dead was John Six-Killer, who had led a scouting party of “Cherokee Negroes”—Native Americans who also were of African-American ancestry.

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