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CITY OF LAWRENCE, KANSAS

LAWRENCE FAIR HOUSING ORDINANCE
50th ANNIVERSARY ORAL HISTORY PROJECT

Interview of Honorable Fred N. Six

October 5, 2016

1 **MR. ARNOLD:** Today is October 5th, 2016. I
2 am local historian Tom Arnold interviewing Fred
3 Six at the Lawrence Public Library for the City of
4 Lawrence Fair Housing Ordinance 50th Anniversary
5 Oral History Project. At the time the ordinance
6 passed in July, 1967, Justice Six was serving as
7 the secretary of the Lawrence Human Relations
8 Commission.

9 Justice Six, let's start by having you tell
10 me a bit about your early background, including
11 what brought you to Lawrence and what you were
12 doing here in the mid 1960s.

13 **JUSTICE SIX:** What brought me to Lawrence was
14 my mother and my father. I moved here, my family
15 moved here when I was five years old and my dad
16 had been principal of the Vinland High School.
17 Vinland had a high school then. He was principal,
18 football coach, janitor, math teacher, vocational
19 ag. teacher, and a position opened up as the
20 county extension agent, county farm agent, and he
21 applied for the position and was hired and we
22 moved from Vinland to Lawrence into the 1700 block
23 on Mississippi Street just south of the campus and
24 made one more move next door.

25 My parents purchased a home at 1732

1 Mississippi Street and I resided there until, all
2 through high school, college, and in 19 -- I
3 graduated from K.U. in 1951.

4 Then the Korean War was on. All of us who
5 were male and able-bodied were required to
6 register for the draft, and the Korean War had
7 been declared 1950, in the summer. So in April of
8 my graduation year, along with many, many other
9 young men all over America, I had orders to report
10 for active duty, and I was in a Marine Corps
11 program while in college and so that packet
12 arrived around Easter and it was keyed to
13 graduation and upon graduation you were
14 commissioned a second lieutenant in the United
15 States Marine Corps and given a set of orders to
16 report to Quantico, Virginia, at a certain date,
17 and of course I took that seriously and was in the
18 Marine Corps for a period of two years and then
19 returned to Lawrence from Korea.

20 I was a little late, it was in the summer,
21 1953, and law school here had started, so I
22 arrived back in Kansas City, flight was from Japan
23 to Wake Island to Hawaii, couple of days in Hawaii
24 in the Barbers Point Naval Air Station waiting to
25 be manifest back to San Francisco to Treasure

1 Island and then from Treasure Island we were
2 released and I flew to Kansas City and reported in
3 to the law school maybe a week or so after the
4 summer term had started and lived in my, my
5 parents' home while going to law school. I
6 actually walked up from 1700 block on Mississippi
7 Street to old Green Hall.

8 And on graduation from law school I took a
9 position with a firm in New York City and I was
10 there, shortly returned to Kansas, to Topeka, and
11 I was in, I was an assistant attorney general.
12 John Anderson, Jr., was the attorney general who
13 hired me and he became governor in 1960 and
14 served -- the governor then had two-year terms
15 rather than four, and he was elected for two
16 two-year terms.

17 In 1958 I returned to Lawrence as an
18 associate with the firm of Asher & Ellsworth and
19 then became a partner. In 1960 the Ellsworth of
20 the firm, which was Robert F. Ellsworth, was
21 elected to the United States Congress. His father
22 was Fred Ellsworth, after whom Ellsworth Hall is
23 named at the university. Fred Ellsworth was a
24 long-time beloved alumni secretary at the
25 university.

1 So Bob then went off to Washington with his
2 family and I was left as a single, single
3 practitioner, and I knew I didn't want to practice
4 law alone. It was -- I just wasn't smart enough
5 to handle the development of the law in the way I
6 thought it ought to be practiced as an individual.

7 And Richard A. Barber was a man I admired.
8 His office was down the hall from, right over
9 Starbucks now, it was the old Lawrence National
10 Bank building, and so I walked down the hall and
11 asked Dick Barber if he'd hire me. He'd already
12 hired a close friend of mine, John Emerson, and he
13 said yes and so Emerson and I were associates of
14 Barber and then shortly, maybe 1962 or so, the
15 firm Barber, Emerson & Six was formed. The firm
16 is now known as Barber Emerson and has a lovely
17 office off South Park on Massachusetts Street.

18 So we practiced law in the bank and then
19 moved into the new building we built and I
20 practiced law here in Lawrence until 1987, when I
21 was appointed by Governor Mike Hayden to the
22 Kansas Court of Appeals, and then a year later
23 Governor Hayden appointed me to the Kansas Supreme
24 Court and I served on that court until the
25 mandatory retirement. Under Kansas law at that

1 time a judge had to retire at age 70 or if you
2 were within the middle of your term, because the
3 Supreme Court and the Court of Appeals were merit
4 selection positions and so you went before a
5 committee, committee winnowed it out, submitted
6 three names to the governor; the governor made a
7 choice.

8 So I was, I reached age 70 in the middle of
9 my six-year term and I was permitted to serve
10 until 2003 and then by statute I was mandatorily
11 retired, and that brings us up to 2003 and we're
12 now at 2016, so I have been here in Lawrence again
13 and lived in Lawrence all the time I worked in
14 Topeka, commuted, actually on, the bypass went in
15 about the time I was commuting and that worked out
16 well.

17 And that brings us up to the Lawrence
18 connection that you asked about, and except for
19 the Marine Corps time, time in Cherry Point, North
20 Carolina, Washington, D.C., and Korea and then
21 working in New York City, why, I've been here in
22 Lawrence.

23 **MR. ARNOLD:** So you truly are a lifelong
24 Lawrencian?

25 **JUSTICE SIX:** Yes.

1 [10:08]

2 **MR. ARNOLD:** Was it something that you
3 experienced in the Marine Corps that influenced
4 you to pursue a career in law or is that something
5 you knew you wanted to do even before you went
6 into the Marines?

7 **JUSTICE SIX:** The Marine Corps had just a
8 tangential influence. When I was in Korea I was
9 assigned to a United Nations unit in the China
10 Sea. You may recall that one day the Russian
11 representative at the U.N. on the Security Council
12 was in a tiff and left and that's when the
13 resolution was passed to intervene in the Korean
14 conflict, so it became a U.N. operation.

15 And there was a British operation in the
16 China Sea in which there was one American aircraft
17 carrier, one British carrier, and the destroyers
18 or frigates that formed the screen fore and aft,
19 port and starboard, were from New Zealand, Canada,
20 the United Kingdom, U.S., and I was in the
21 squadron.

22 There was a Marine squadron on the United
23 States carrier and in that squadron was a fellow
24 who'd gone to law school at Washington University
25 in St. Louis and he talked to me as we got

1 acquainted. He had been recalled for the Korean
2 War but I think what really influenced me, I
3 didn't have any lawyers in my family, no law
4 background, but the dean of the law school, Dean
5 Fred Moreau, had run into my mother down on
6 Massachusetts Street, and my mother was a
7 talkative woman, proud of her son, so you didn't
8 need to ask about me, she'd talk, and Dean Moreau
9 wrote me a personal letter, nobody had ever
10 written me a personal letter before, asking me to
11 come to law school.

12 And I kept that letter with me and I'd read
13 it over and over again. It taught me a number of
14 things: One, the sweet nature of a personal
15 written communication, saying we'd like you to
16 come see us or thank you or -- and that outreach,
17 so when I returned, why, I went up and talked to
18 the dean and he enrolled me.

19 [13:25]

20 **MR. ARNOLD:** Great. Let's move on to your
21 experience as a member of the Human Relations
22 Commission and what Lawrence was like in that time
23 frame. To start with, how did you become a member
24 of the Human Relations Commission in, I think it
25 was in 1964?

1 **JUSTICE SIX:** The mayor of Lawrence then was
2 Jim Owens and he called me one day at the office
3 and asked me if I would fill a position that was
4 vacant and he told me a little bit about the
5 commission, told me who was on it then, and I knew
6 the names. "Petey" Cerf, anybody who lived in
7 Lawrence in the 1950s, '60s, '70s, '80s knew of
8 her. She had a remarkable influence on the
9 community. And the chairman was Dr. William Bins,
10 who happened to be a neighbor of where I lived, he
11 was affiliated with K.U., and others then on the
12 commission that I knew, so I said yes and joined
13 the commission.

14 When the then-secretary, Mrs. Eugene Wallace,
15 became chairman of the commission, then I was by
16 the commission members asked to be the secretary,
17 so I was the secretary through '65, '66, '67, on
18 into probably '68. I don't remember exactly when
19 I went off the commission but it maybe was '68,
20 '69.

21 [15:31]

22 **MR. ARNOLD:** Okay. Before getting into any
23 of the specifics of your work on the Human
24 Relations Commission I'd like to have you describe
25 to me as best you can recall what the city was

1 like at the time, particularly in terms of the
2 racial climate and obvious elements of segregation
3 or discrimination. Was that something that you
4 recognized at the time and helped kind of motivate
5 you to want to become a member of the commission
6 to try and address those issues?

7 **JUSTICE SIX:** Yes. The city had gone through
8 a historical period in 19-, oh, let me think the
9 time of the troubles. There was racial unrest
10 throughout the country. I can't specifically pin
11 the dates on Watts in Los Angeles but Lawrence had
12 no, in 1964, when Jim Owens called me, Lawrence
13 had no public swimming pool. It had a private
14 pool called the Jayhawk Plunge that was out off
15 Sixth Street and I knew it well because when I was
16 a small boy, being white, I was entitled to swim
17 there and my mother would prepare a peanut butter
18 and jelly sandwich and give me a nickel for a
19 bottle of Neon Orange pop and I'd get on the bus,
20 public bus, at the corner of Mississippi and 17th,
21 ride down to where the First National Bank was,
22 which is now Merchants restaurant, ask for a
23 transfer, transfer to a bus that would let me off
24 at Michigan and Sixth Street, and walk up to the
25 swimming pool; reverse it on the way home.

1 So a group of faculty members at the
2 university had sensed the inequality, the
3 discomfort of this situation, and there was unrest
4 at the university as well. Employment was
5 surfacing, the lack of opportunity for employment,
6 and of course housing was merely one of many
7 discriminatory practices.

8 More prominent at least to, to me as a white
9 person, was the public accommodations for eating
10 and restaurants. The Civil Rights Act was adopted
11 in 1964 and signed by President Lyndon Johnson but
12 the Lawrence theaters were segregated. The
13 Granada Theater, which is still there, a venue for
14 rock bands and others, had phosphorescent rims on
15 the last couple of rows that would glow in the
16 dark and that's where African-Americans were to
17 sit.

18 At the Patee Theater, which is no longer
19 existent but is the arcade on Massachusetts Street
20 on the east side in the block between Eighth
21 Street and Seventh Street, you had to sit in the
22 balcony if you were African-American, and the same
23 was true in the Jayhawker Theater, which is now
24 Liberty Hall.

25 And so as an adult with a wife and two small

1 children in 1964 I'd come back to the community
2 and my eyes were opened, not as broadly as they
3 should have been, but I began to talk to myself
4 and say, where was I when I was a teenager? I
5 went to Lawrence High School. Blacks couldn't
6 play basketball; they had their own basketball
7 league. They, they couldn't play football. They
8 could run track.

9 Where was I? I was president of the Student
10 Council, Lawrence High School. What did I do? I
11 didn't protest, I didn't hold -- I mean, I was
12 oblivious to all of this, and I, I remember my
13 mother, who sort of started the theater in
14 Lawrence, the children's theater, and she had
15 annual plays which were performed in the high
16 school auditorium and she began to outreach for
17 African-American children to bring them into the
18 plays, so in 1964 when Jim Owens made the call I
19 gladly, I thought, this is something that I can
20 do.

21 During the Monday night questioning period
22 the city attorney, Toni Wheeler, asked a question
23 of me if I'd felt any pushback in working on the
24 ordinance and I said no, I hadn't [this refers to
25 the Diverse Dialogues: Fair Housing at 50: Then

1 and Now program held at Lawrence Public Library on
2 October 3, 2016]." Maybe there were some people
3 who didn't retain me as an attorney because they
4 were of another persuasion, I don't know about
5 that, but I do know apropos to that question that
6 I felt at the time, my family were rooted in the
7 community, and I know this is the way that Ship
8 Winter felt, who was on the Human Relations
9 Commission, and Glenn Kappelman felt, because both
10 of them had grown up in Lawrence.

11 [22:13]

12 **MR. ARNOLD:** Right. I was going to get to
13 that question later but since you brought it up
14 let me elaborate a little bit on the pushback
15 issue. Were the members of the commission
16 concerned at all when you all took up the issue of
17 developing a fair housing ordinance? Did you
18 think you might get pushback from elements of the
19 community other than obviously the real estate
20 industry?

21 **JUSTICE SIX:** We were aware that it was a hot
22 button issue but we had I think a sense that the
23 city through the mayor, Dick Raney, and the, some
24 of the other commissioners and the city staff were
25 hoping that we would be the point people and that

1 it would move forward, and I didn't have anything
2 but support from my two law partners then. They
3 didn't, I didn't even think about asking them, I
4 just said yes and told them that I was going to be
5 on this and that was fine.

6 But the reputation of the commission was, was
7 known to me when I looked at who was on it and
8 then there was some turnover, and the members of
9 the commission that actually were involved with
10 the ordinance were Chairman Mrs. Wallace,
11 Mrs. Skipper Williams, Jan Williams, Dorothy
12 Keltz, Mrs. Hal Keltz, Reverend Norman Steffen of
13 the University Lutheran Church, which had, was
14 new, it was out on Bob Billings Parkway and Iowa,
15 and Glenn Kappelman. Jim Owens had just been the
16 mayor and he came to the commission, and he had
17 the Owens Flower Shop down on Ninth Street and was
18 prominent and I think moving from the City
19 Commission down to the Human Relations Commission
20 added some gravitas to the makeup of the Human
21 Relations Commission. John Spearman, an
22 African-American, who was well thought of, was
23 also on the commission, and the group as a group,
24 commission members worked well together.

25 Mrs. Skipper Williams and her husband,

1 Skipper Williams, who founded, along with his
2 brother, Odd Williams, the Williams Fund at K.U.,
3 which has taken on significant, a significant role
4 in the K.U. athletic programs, would, I recall a
5 couple of occasions where they would have social
6 functions in their home and invite
7 African-Americans, including Homer Floyd, who was
8 the state civil rights director, and Homer Floyd
9 was known in this community because he'd been
10 recruited from the east as a football star and so
11 the name Homer Floyd was -- and he'd gone on and
12 received I think a master's degree and had come
13 back to Kansas. He was just a charming individual
14 and he didn't -- I think he was then offered a
15 position maybe in Pennsylvania as the director of
16 their civil rights program.

17 **MR. ARNOLD:** Yes, and he's still in
18 Pennsylvania and in fact I'm going to be
19 interviewing him around Thanksgiving when I'm back
20 on the east coast. I'm looking forward to that.

21 **JUSTICE SIX:** Yes.

22 **MR. ARNOLD:** He I think played a very
23 important role not only in Lawrence but for the
24 state of Kansas.

25 **JUSTICE SIX:** Yes, and regrettably his

1 efforts, the legislature didn't go along with the
2 State. We were hopeful that in March of 1967 the
3 State would adopt a state open housing law. There
4 had been a committee, legislative committee
5 studying it and the committee recommended adoption
6 and when that was turned down we wanted, our
7 commission wanted to move forward with deliberate
8 speed because there would be no state law.

9 [17:25]

10 **MR. ARNOLD:** Right. So clearly you feel that
11 having as members of the Human Relations
12 Commission kind of a diverse group of fairly
13 prominent, well-respected people gave them a
14 degree of credibility that they could take on kind
15 of more controversial issues that --

16 **JUSTICE SIX:** Yes, definitely, because the
17 business community, I mean, Ship Winter's father,
18 Ship Winter, Sr., had been in the community since
19 the 1930s and in fact his grandson, Ship -- Wint
20 Winter, Jr., is the CEO of Peoples Bank and was a
21 state senator from Lawrence in this geographical
22 area and has been a leader in this community, so
23 the -- and then when Jim Owens joined the
24 commission, yes, I think the, that had a
25 substantial effect.

1 [28:38]

2 **MR. ARNOLD:** Right. There was an observation
3 made, and I think it was by George, George
4 Caldwell, who I think was involved with the League
5 for the Promotion of Democracy, but in 1963, '64
6 he wrote that he thought that, in its earliest
7 period of existence that the Human Relations
8 Commission was viewed by some as being a little
9 bit disappointing in what they were able to
10 accomplish and he described as because of only
11 grudging acceptance of their role by the City
12 Commission. Do you have any sense that there's --
13 and that they therefore had to kind of build up
14 rapport and a degree of credibility before they
15 could take on more difficult issues. Do you think
16 that's a fair assessment? Would you have seen it
17 that way or is it difficult for you to say?

18 **JUSTICE SIX:** I don't know the name George
19 Caldwell, I don't recall it. I may have met him.
20 But in reviewing materials, my correspondence, I
21 noticed that in 1965, I think, I wrote a letter as
22 secretary of the commission to Ray Wells, the city
23 manager, indicating that the commission was
24 interested in a series of questions concerning
25 opportunity in Lawrence and one of them was

1 housing, but I was writing him as chair of the
2 subcommittee on employment opportunities and I was
3 asking on behalf of the commission for the city's
4 employment records on minority employment.

5 In 1964 Dr. William Bins, chairman of the
6 commission, wrote the mayor and the City
7 Commission outlining a whole series, housing,
8 education, employment, that we were headed into,
9 that we were looking into. I had not any
10 experience with the commission before being asked
11 to join, I never appeared before it, nor in my law
12 practice did I have occasion to be involved with
13 it in any way or in my capacity just as a citizen.

14 One of the things we did do as a commission
15 on the swimming pool issue, finally the Jayhawk
16 Plunge owner, it was privately owned, shut it down
17 because there were pickets to open it up to
18 everyone, but it was a private business, so it was
19 closed and that left no pool at all, but in
20 Lawrence then were three, actually four brothers,
21 known as the Moore brothers. They all grew up in
22 Lawrence, Bud Moore, Al Moore, Mark Moore. Mark
23 just died I think earlier this year, or Bob Moore.
24 Mark Moore, his brother, died many years ago.

25 Bob Moore turned out to be quite a builder

1 and his son is still active in the community, I
2 think chair of the library board, or has been, but
3 they were builders of houses and they would put --
4 they had built a, kind of a private club out where
5 Freddy's is at 23rd Street and Iowa and there was
6 a pool there and so our commission, it was really
7 a, kind of a push that we wanted to get something
8 open that the public could go to and the Moore
9 brothers stepped forward, just a total voluntary
10 act on their own, they didn't ask for any money,
11 and this was a small pool but they opened it up to
12 the public and the city, as I recall, furnished a
13 lifeguard or come up, came up with some money for
14 a lifeguard, and I think there was some
15 negotiation probably with the city attorney on
16 liability issues covering the Moore brothers, who
17 owned the pool, or one of their corporations, so
18 that was a bit like a lid on a tea kettle.

19 I mean, there was a feeling that a city like
20 Lawrence -- I mean, what city doesn't have a
21 public swimming pool? Garden City, Leavenworth, I
22 mean, on and on, probably even Baldwin City had
23 one, or Eudora, I don't remember, but that was an
24 act that I applauded as an individual and we as a
25 commission.

1 And then we started working with the city on
2 planning, it was primarily the city's
3 responsibility, and there was a recreational fund
4 bond opportunity and eventually the city acquired
5 its swimming pool.

6 [35:00]

7 **MR. ARNOLD:** Right. Obviously with the city
8 doing that, with the fair housing ordinance being
9 passed, and then with some individual actions like
10 you've just described with the Moore brothers
11 people were stepping up and taking action but what
12 do you, what's your sense of in the years leading
13 up to that the, what were the main impediments to
14 bringing about change and starting to address some
15 of the discriminatory actions?

16 **JUSTICE SIX:** The main -- public schools here
17 had no segregation except in the history there was
18 a black grade school called Lincoln School in
19 North Lawrence and so the public schools were
20 open, but it was the historical carryover from the
21 days of national segregation.

22 Lawrence and Kansas talks about the free
23 state. We have a high school, we have a popular
24 restaurant/brewery, Free State, but actually
25 Kansas wasn't a haven for a negro or for an

1 African-American. You could not be a slave here
2 but what opportunities did you have? And
3 segregation was right under the surface and there
4 was always this call in the background of the New
5 Englander tradition, a call of outrage that this
6 shouldn't occur, but it was a lack of sensitivity
7 to the problem. You didn't associate socially
8 between the races.

9 The churches were segregated, and I think
10 generally still are today, and the
11 African-American church was a, a rich experience,
12 not in terms of overall opportunity but the church
13 was a, as I observed it, a supportive, nourishing
14 location where an African-American could go and so
15 an impediment was just the lack of sensitivity,
16 the fear of economic reprisal if you were a
17 restaurant owner, and of course that was broken by
18 Chancellor Murphy, Wilt Chamberlain, Phog Allen
19 bringing Wilt Chamberlain here, and those years
20 predated the famous national title basketball game
21 between North Carolina and K.U. was held in 1958
22 in Municipal Auditorium in Kansas City and the
23 game went into three overtimes and North Carolina
24 won the national championship. Kansas lost. And
25 Wilt then played '57, '58.

1 So the restaurants began to open up, but
2 where would you spend the night if you were
3 traveling? And there was just this sensitivity.
4 Why -- am I going to be the first one, a white
5 owner? Am I going to lose money?

6 And then since there was no social mixing you
7 didn't get to know somebody from the other race
8 and as slowly as that changed with the Civil
9 Rights Act, with the ability, the natural ability
10 when it was given an opportunity to blossom, if it
11 was in debate or in chemistry or in literature, on
12 the athletic field, then students began to
13 associate, but I think, I've never taken any
14 particular pride in, oh, Lawrence was a -- I don't
15 think it stood out. I think now it pumps its
16 chest a little bit when it ought to go back to the
17 history book and see that discrimination was, was
18 the order of the day here until the '60s, although
19 school segregation was not an issue.

20 [40:28]

21 **MR. ARNOLD:** Right. One of the things that,
22 that is impressive about Lawrence when you look
23 back at that period is that there were a fair
24 number of citizens kind of at the grassroot level
25 forming groups like the League for the Promotion

1 of Democracy, the United Church Women, the Fair
2 Housing Coordinating Committee, who were trying to
3 tackle some of these problems. What do you think
4 motivated, you know, some people to step up and,
5 and try to address some of these forms of
6 discrimination, including the fair housing issue?

7 **JUSTICE SIX:** I think it was their
8 background. They had come to Lawrence, they were
9 primarily, predominantly I would say connected
10 with the university. They had income adequate to
11 put food on their table. They were well educated.
12 They had housing themselves. If they had tenure
13 at the university they had security in employment.
14 If they didn't have tenure they were within a
15 friendly community.

16 And I think then as the university began to
17 grow we noticed in Lawrence, and in my opinion one
18 of the really positive developments was the
19 development of the Jewish Community Center,
20 because with the development of a Jewish presence
21 in Lawrence there was I think a certain buoyancy
22 added to the arts, to equal opportunity in all
23 areas of life, and the recognition of
24 discrimination against Native Americans as well
25 began to be taken notice of, and I know the

1 individuals who, for example at the swimming pool,
2 that was a group led by folks associated with the
3 university and after Franklin Murphy talked to
4 the, as reported, to the restaurant owners and
5 said you open up for everybody or I'll open a
6 restaurant on the campus, and the group began to
7 form.

8 It took a lot of leadership and initiative
9 but the individual business person who had a
10 family and depended, or the lawyer who practiced
11 law, who came in the door the next day and you
12 didn't have a paycheck in the mail and so I have
13 thought that fortunately we were in a university
14 community, and I think that would be borne out in
15 Iowa City, Boulder, Colorado, Stillwater,
16 Oklahoma, Lincoln, Nebraska. The university is an
17 interchange of ideas. People come and speak and
18 then they bring their values from elsewhere, so
19 they came from New England and from large cities
20 and said, "hey, this isn't fair."

21 Then we began also to observe intermarriage
22 among the races, and I think it was, I'm guessing
23 at a date, 1967 when the United States Supreme
24 Court struck down the Virginia miscegenation law.
25 I mean, think of that, 1967.

1 **MR. ARNOLD:** Right. Yeah, it's not that long
2 ago really.

3 **JUSTICE SIX:** No.

4 [44:41]

5 **MR. ARNOLD:** Were you personally involved in
6 any of those types of organizations before? I
7 know you interacted with them certainly when you
8 became a member of the Human Relations Commission,
9 but did you have any involvement with them before
10 that?

11 **JUSTICE SIX:** No. I -- let's look at them.
12 Church Women United I wouldn't have been eligible
13 for.

14 **MR. ARNOLD:** Right.

15 **JUSTICE SIX:** League of Women Voters, I was
16 never a member there, although they do permit men.
17 I had not heard of Richard Dulin and that group
18 [this refers to the Lawrence Fair Housing
19 Coordinating Committee]. The, what was -- you may
20 have a note there on the group that picketed the
21 swimming pool.

22 **MR. ARNOLD:** The Lawrence League for the
23 Promotion of Democracy helped to coordinate that
24 effort.

25 **JUSTICE SIX:** Yeah, yeah. No.

1 **MR. ARNOLD:** How about through your church?

2 Some of the churches I know were very involved in

3 --

4 **JUSTICE SIX:** Yes. Church leaders were, were

5 involved and there were I think 22 churches that

6 lined up and Plymouth Church has through its

7 history always been a leader in, in the equal

8 opportunity, open doors for all citizens, but no,

9 I was not a member myself.

10 [46:08]

11 **MR. ARNOLD:** Okay. As you became a member of

12 the Human Relations Commission did you come on

13 board with any particular concerns about specific

14 aspects of discrimination or did you have any

15 personal goals of things you wanted to accomplish

16 or were you just looking to make whatever kind of

17 contribution that you could make to the group?

18 **JUSTICE SIX:** No. I joined as one to be

19 educated. I didn't -- I felt housing was, we

20 shouldn't tolerate the current situation, but I, I

21 had, I, in reviewing the material, a news

22 clipping, I noticed I was quoted, appeared before

23 the City Commission several times, maybe three

24 times, and I was quoted in one, I don't

25 independently remember this, but in rebuttal to a

1 question I said, according to that quote: I have
2 a family, a wife, two children. I can decide
3 where I want to live. I can decide when I want to
4 make a move, when I want to sell a house, when I
5 want to buy a house, and my skin is white. Why,
6 why does the skin make the difference? You know,
7 the credit report, the sort of color of the credit
8 report is relevant, is your credit good, if you're
9 going to borrow money. But -- so my hope here is
10 that everyone would have the opportunity I have.

11 And it was obvious that it was unfair, but I
12 was not a individual crusader out marching in the
13 streets and leading, carrying signs or anything
14 like that. I certainly don't want to claim any,
15 you know, any shining armor now 50 years later for
16 what I didn't do. I was hoping to get my mortgage
17 paid.

18 But I do think there is a, that once the
19 business community saw, once Mike Getto testified
20 as the manager and owner of the hotel, "well, you
21 know let's open this up," we -- and of course he
22 had to by '67 because of the fair housing, because
23 of the equal, the public accommodations and Civil
24 Rights Act.

25 [49:12]

1 **MR. ARNOLD:** Right. I know the commission
2 had already had a committee or a subcommittee that
3 was looking at housing issues even before you all
4 took up the proposal for an ordinance so obviously
5 that was something of interest and of concern to
6 the commission. Were they, did they have prior
7 involvement with organizations like the Fair
8 Housing Coordinating Committee that you're aware
9 of? Were they coordinating their efforts or, you
10 know, sharing information?

11 **JUSTICE SIX:** I don't have an independent --
12 I can't say the date or the time but looking at
13 the record, the minutes and my correspondence, for
14 example, in February of 1967 the Lawrence
15 Journal-World ran a series of articles, one right
16 after another, in early February.

17 The first one was written by the Human
18 Relations Commission and the opening sentence of
19 that article was, the title of the article, the
20 headline was: Commission Created to Look at
21 Housing in Lawrence, and the opening line was:
22 Mayor John Weatherwax was asked in 1960, if he'd
23 have been asked in 1960 if Lawrence had a race
24 problem he would have said no but if I, that is,
25 the mayor, was asked today, 1966, I would say yes.

1 And that article went on to document where
2 African-Americans had been restricted, so we had
3 been studying that, working with the NAACP.

4 The second article was written by the NAACP,
5 the third article by E. Jackson Bauer, who was a
6 Professor of Sociology at K.U. looking at
7 segregated housing from a sociologist's viewpoint,
8 the fourth article by Bob Casad of the K.U. Law
9 School writing about Brown v. The Board of
10 Education, that education was up but not housing.

11 And the last one by R. Reinhold Schmidt, Jr.,
12 a reverend, Presbyterian minister who was on the
13 faculty of the K.U. School of Religion, and he
14 wrote about how open housing opportunities would
15 benefit other areas of one's life and the
16 community, so we were hearing of these examples,
17 and of course two members of the commission,
18 Mrs. Wallace and Mr. Spearman, were
19 African-Americans and so they were echoing or
20 talking about the difficulties of housing, but I
21 don't, I don't have -- I haven't refreshed my
22 memory about the minutes in 1964. I limited it to
23 some in '65, '66, but primarily '67.

24 But when we started after that January 4,
25 1967, meeting and resolved to draft an ordinance

1 we really, we really went to work on it in
2 earnest.

3 [53:25]

4 **MR. ARNOLD:** Do you recall in, I believe it
5 was in June of '66 you wrote a memo to I think it
6 was William Binns, who I think then was still the
7 chairman of the Human Relations Commission, and
8 you told him that you had reached out to the real
9 estate association to try and meet to talk about
10 fair housing issues and reading between the lines
11 you basically said they kind of rebuffed me, they
12 weren't particularly interested in sitting down
13 unless we had some very specific things to talk
14 about and they didn't want to just talk generally
15 about real estate practices. Do you recall what
16 led to you making that effort and, and --

17 **JUSTICE SIX:** Well, I have the letter in my
18 file and I have read it couple of times recently.
19 Bill Binns was chairman and he obviously asked me
20 to make the contact because he was at the faculty,
21 I was practicing law here and I worked with the
22 realtors, or our firm worked with the realtors
23 week in, week out, with somebody on the realtor
24 board, and I wrote the letter to Bill Womack,
25 probably because he was appointed by the realtors

1 along with another realtor, Ken Vinyard, to be a
2 subcommittee, and according to my letter, we had
3 as a commission met with them sometime earlier and
4 so we hadn't heard anything more from them and
5 this was outreach on our part saying, because
6 we're now gearing up for this, to get ready the
7 next year moving into the ordinance, can't we meet
8 and work out some specifics, and we were hoping to
9 sit down and see what their real complaints were,
10 what their feelings were, and see if by some
11 accommodation we could work with them, and then he
12 -- there was a phone call, and my letter
13 memorializes the phone conversation, and he said,
14 "Well, what do you want to talk about
15 specifically? We've already met with you once."

16 Well, that's a legitimate point of view, and
17 I said, "Well, I don't have any specific, we just,
18 I wondered if we couldn't get together again."
19 And he said, "Well, it's a busy time of year for
20 us and Ken Vinyard and I, if you have something
21 specific you want to talk about, why, let us know
22 what the specifics are, but we don't want to take
23 the time now just to have another meeting."

24 And having the advantage now of many years on
25 many committees and many meetings I, I, I think

1 it's well if you're going to meet to have an, have
2 an agenda.

3 **MR. ARNOLD:** Right.

4 **JUSTICE SIX:** So I think that was the
5 background and so I was giving, I was reporting to
6 the chairman, and I like to record phone
7 conversations right after -- I don't mean record
8 them for audio but I mean get the letter out to
9 memorialize them so that the record is there and
10 with the passage of time you don't forget what was
11 said and so forth.

12 [57:05]

13 **MR. ARNOLD:** Yes. Jumping ahead a little bit
14 to the period when you were actually drafting the
15 ordinance, was there any interaction then with the
16 real estate community as you all were drafting it
17 to try and get input from them or thoughts from
18 them or did you just --

19 **JUSTICE SIX:** No. I don't recall any --
20 well, Glenn Kappelman --

21 **MR. ARNOLD:** Was a real estate --

22 **JUSTICE SIX:** -- was a member of the
23 commission and he was a really, really fine
24 person. He had a successful real estate practice.
25 He was trusted. He, the university community,

1 when a new member would be coming to the law
2 faculty or to political science somebody in the
3 department would be on the phone with the new,
4 say, hey, you're going need a realtor, look up
5 Glenn Kappelman, and he was, he, his name defined
6 integrity, honesty, fair dealing, and so he, we
7 had an input into the community and he and I would
8 talk and he, I don't remember anything
9 specifically but we'd run things by him and with
10 that sort of turndown from our invitation we just
11 proceeded.

12 [58:48]

13 **MR. ARNOLD:** Right. Well, obviously, as
14 you've mentioned, you played a, or as the record
15 shows, you played kind of the key central role in
16 drafting the ordinance. I know you used things
17 like the Iowa City and other, other cities'
18 ordinances as a model. How did you end up with
19 that responsibility and who do you recall
20 collaborated with you on that effort?

21 **JUSTICE SIX:** Mrs. Keltz, Dorothy Keltz was
22 chairman of the housing subcommittee, I've
23 refreshed my memory from the minutes on that, and
24 she made a call to a gentleman in Iowa City who
25 was on their Human Relations Commission and talked

1 with him. I don't remember why I was asked, I
2 presume because I was the only attorney member of
3 the commission and I had worked, I'd been an
4 assistant attorney general and then while I was,
5 the early months of practice in Lawrence, private
6 practice, I continued working for the Revisor of
7 Statutes in Topeka helping draft legislation for
8 legislators and I'd work over there on the
9 weekends, which as a young struggling lawyer added
10 a little, a little change to my livelihood.

11 So I had they probably thought the experience
12 and I had a secretary and I had an office, and
13 then on help, I've talked with Professor Robert
14 Casad, Bob Casad, who now resides up at
15 Presbyterian Manor, and I believe you're going to
16 interview him.

17 **MR. ARNOLD:** Yes, we are.

18 **JUSTICE SIX:** And he had some memory of
19 copying some other ordinances. I had no
20 independent recollection of that but when I
21 started through the files I saw that he'd written
22 one of the articles for the Journal-World and I
23 saw that he'd appeared on January 4th, 1967, and
24 had spoken, so I called him back again and
25 refreshed his memory, so when you interview him

1 he'll hopefully be aware of that.

2 **MR. ARNOLD:** Good.

3 **JUSTICE SIX:** So then when I ran across this
4 little item that, as a commission item of
5 authorizing me to reimburse him for \$6.00 of
6 copying expense, why, I knew that he'd copied,
7 because there was no internet then and you'd have
8 to go to a statute book or an ordinance book of
9 the city and find it and put it in a copier and
10 copy it, entirely different than you do today.
11 You just go online and boom, you'd have it today.

12 So I have no independent memory of -- but
13 it's bolstered, my recall's bolstered by the
14 record, refreshed.

15 On the actual language, I think we, I noticed
16 that the City Commission asked questions. For
17 example, Mayor Raney asked about the definition of
18 race, gender, et cetera, and creed, what does
19 creed mean. That came up when we made our
20 presentation so then I went back and prepared
21 memoranda and suggested that we look to the State
22 of Kansas, which has a definition for
23 discriminatory practice, and take creed out and
24 any time the Kansas Supreme Court were to
25 interpret the State law it would be helpful,

1 because our definition would be the same.

2 Well, that's lawyering. I mean, that's the
3 kind of thing a lawyer is trained to do, but I was
4 working with Mrs. Keltz, Glenn Kappelman, and
5 bringing all these, bringing this up, these drafts
6 up to the commission itself in March and early
7 April, February, March, and early April, and then
8 the subcommittee had a draft to recommend, the
9 commission went along with it, and then each
10 commissioner, I remember just by looking at the
11 record that there were several questions from the
12 commission indicating that they had read it
13 carefully when we first presented it and then we
14 presented a flow chart so that if we had the
15 opening introduction for our ordinance they could
16 refer to other cities' and we listed 53 cities in
17 18 states, and the idea was to try to be
18 efficacious and persuasive so that the
19 commissioners could go across and see that we
20 weren't doing anything -- we wanted them to have a
21 comfort level and if we could give them a comfort
22 level, then they would not be out all alone doing
23 something no other city had done.

24 [1:05:02]

25 **MR. ARNOLD:** Right. That leads me to my next

1 question actually. I was going to ask if you all
2 had kind of strategized before you formally
3 presented the ordinance to the City Commission as
4 to how you would present it in ways that would
5 make them more comfortable with it or more
6 receptive and did you feel pretty confident right
7 from the beginning that this ordinance would pass?

8 **JUSTICE SIX:** I don't have a memory of a
9 feeling of confidence. I have a memory of a
10 feeling of energized commitment, which personally
11 I was energized as Ship Winter became interested
12 and energized and Glenn Kappelman and Mrs. Wallace
13 and Reverend Steffen and Jim Owens and we, we all
14 supported each other, we respected each other, and
15 I think we felt we had a good team and a good
16 presentation and that we would be successful.

17 I think we had a feeling that the realtors,
18 the realty board was, that time had passed them
19 by, and they were the only opponents. I mean,
20 there was no landlords association or, I don't
21 know, who might have been an opponent, homeowners
22 association.

23 And I mentioned, well, I haven't mentioned
24 today, but the ordinance, we drafted it, and the
25 City Commission took notice of this, so that it

1 didn't apply to a church. If a church owned a
2 house and rented it they could rent to whomever,
3 they could -- to your own home, if you had I think
4 four or fewer rooms. In other words, you and your
5 wife could have a large home and you could rent
6 rooms to students and you could rent up to four
7 rooms and the ordinance didn't apply, or it didn't
8 apply to duplexes, but now if you had a large home
9 and you had six rooms renting out, then the
10 reasoning was you're, now you're really operating
11 a housing business.

12 **MR. ARNOLD:** Right.

13 **JUSTICE SIX:** So we had the argument, of
14 course, with a rhetorical question, "where's the
15 rub?" I mean, what's, what's the problem with
16 this? And the ordinance then passed, with five on
17 the commission, four to one.

18 [1:08:12]

19 **MR. ARNOLD:** Do you recall when the
20 commission held hearings they held separate
21 hearings for -- the proponents appeared at one and
22 the opponents at another one. Was, was that kind
23 of a standard practice or was it merely a time
24 management thing or was there some reason they
25 didn't want the opponents and the proponents

1 appearing at the same time?

2 **JUSTICE SIX:** No, I think it was use, good
3 use of the Commission's time. They had regular
4 Tuesday commission meetings so they put it on the
5 agenda, put the ordinance on the agenda, there was
6 wide publicity, and the first time they would
7 listen -- they had other business as well. These
8 were not separate commission hearings just for
9 fair housing.

10 **MR. ARNOLD:** Okay.

11 **JUSTICE SIX:** Fair housing was the dominant
12 item on the agenda but there were the, you know,
13 honoring somebody for this day or that day,
14 recognizing the Cub Scouts, all the things that
15 the City Commission does, and then they'd come to
16 item two or nine or whatever it was and they'd
17 have the proponents, and then the next week they
18 had the opponents, and I noticed in reading the
19 press reports that the realtors, the realtors'
20 spokesman, not their lawyer but their spokesman,
21 said that he really wasn't as prepared as he'd
22 like to be and so the mayor said, well, we'll hold
23 it over another week and you can have an
24 opportunity fully to voice your objections.

25 And then that occurred along in, in the next

1 week along in late June, early July, and then the
2 opponents raised questions on vagueness, First
3 Amendment, interference, interference with the
4 right of contract, and so then the city gave us
5 the opportunity to rebuttal and we came back the
6 third time, and, as I recall, they opened it up
7 then if anybody had anything else to say in
8 opposition as well, but that third time, according
9 to the press reports, and I have noticed I
10 prepared written submissions in rebuttal on those
11 points for each commissioner, and then it was put
12 on the what's called first reading, and that maybe
13 was early July, and then the mayor, Dick Raney,
14 signed it July the 20th and it became the
15 ordinance of the city.

16 [1:11:16]

17 **MR. ARNOLD:** Right. Could you elaborate on
18 the three points of objection that the realtors
19 had, what the, kind of the substance or the nature
20 of those objections were?

21 **JUSTICE SIX:** Yes. First as to vagueness,
22 there is an axiom tenet in the law that any law
23 that has a criminal sanction, whether it be a
24 fine, imprisonment, cannot be vague, it must be so
25 specific that the one charged knows when embarking

1 on that activity that it will be a violation.

2 There cannot be ambiguity in, for example, take
3 parking. When you mark No Parking After Sundown
4 or No Parking after 6:00 p.m. do you mean Central
5 Standard Time or Daylight Time or what time, or
6 what is sundown?

7 So you say No Parking after 8:00 p.m. and
8 that's whatever -- if it's 8:00 p.m. in the city
9 of Lawrence and you're there after 8:00 p.m. and
10 you get a ticket you cannot go very far with the
11 municipal judge saying that's vague, I didn't know
12 when 8:00 p.m. was, but if you said No Parking
13 After Sundown there might be an argument, well, on
14 Tuesday on the 31st of May was the sun down when
15 you gave me -- so that's vagueness, and the
16 counter to that was to show that there were 53
17 cities and 18 states that had had similar language
18 and discrimination was spelled out and if you --
19 you come to a point where the public good balances
20 out the vagueness.

21 The ordinance was structured so that if there
22 was a complaint of a violation it was investigated
23 by our commission and then it went to an
24 arbitration to see if it couldn't be resolved and
25 then ultimately it went to the city attorney, who

1 would take it into municipal court. I don't know,
2 I will be interested in knowing if Lawrence ever
3 had a case that went that far. I'm not aware of
4 one.

5 The argument about the first, interference
6 with contract was that you have a right to sell to
7 whoever you wish to sell to, but there are of
8 course limitations on one's right when it is
9 balanced against the general good, like blending
10 with free speech. You don't have a right to yell,
11 the standard canard on that is you can't yell
12 "fire" in a crowded theater and say, well, that's
13 free speech. So the right to contract is subject
14 to limitation as well, and the overall public good
15 of having open housing did not affect you
16 economically. You didn't have to sell to someone
17 who had a poor credit rating.

18 On the freedom of speech argument, I thought
19 that was the weaker of the three, but it was
20 simply that speech is broad, it isn't just oral
21 speech but it blends with my right to sell or to
22 rent my property to whoever I -- if you tell me I
23 cannot rent to somebody, then that impinges on my
24 overall individual right to express myself.

25 [1:15:55]

1 **MR. ARNOLD:** Okay. What do you think it was
2 that ultimately swayed the City Commission to pass
3 the ordinance four to one?

4 **JUSTICE SIX:** I think they were men of good
5 will. They were successful individuals. One of
6 them, Don Metzler, was a professor of engineering
7 at K.U. I didn't talk to any of them individually
8 while this was pending, I didn't think that was
9 appropriate or needed. I knew, I knew them all.

10 I knew some -- Dick Raney was closer to my
11 age and so we were personally acquainted. I was
12 aware of his sympathies towards equality for all
13 because I had heard him talk, I mean just in his,
14 just as friends talk, and so I was pleased that he
15 was the mayor and I think he, if somebody wants to
16 dish out some credit 50 years hence, why, he's an
17 individual that should receive a blue ribbon.

18 But Jim Black was a builder. He was involved
19 with the building community. Clark Morton had a
20 building blocks company. They were -- and I think
21 the -- Mitt Allen was the city attorney. I think
22 he was -- he was the son of Phog Allen and
23 intimately involved with the basketball program so
24 I think, I always thought, well, we had a friend
25 and a sympathetic ear there.

1 And I think it was, in Lawrence generally it
2 was an idea whose time had arrived. I don't think
3 it was any great, for a minute any -- I don't
4 think we persuaded any vote. I think we enabled,
5 we gave them -- they were coming to the table and
6 we just provided a meal that hopefully they found
7 palatable.

8 [1:18:34]

9 **MR. ARNOLD:** That's a great way to put it.
10 Do you recall, I think there was a press report,
11 one of the articles in the Journal-World that in
12 late June described a meeting at John Emick's home
13 between the city attorney, I think other city
14 commissioners, in which there was discussion of
15 modifying the ordinance to have, have fair housing
16 complaints go directly to the city attorney rather
17 than to the, through the Human Relations
18 Commission. Do you recall that meeting? Were you
19 involved and was that kind of an unusual thing do
20 you think to have kind of a private closed meeting
21 like that to discuss --

22 **JUSTICE SIX:** I'm not familiar with that
23 story, nor was I involved with that meeting --

24 **MR. ARNOLD:** Okay.

25 **JUSTICE SIX:** -- and I have no independent,

1 no recollection at all of that.

2 **MR. ARNOLD:** Okay.

3 **JUSTICE SIX:** If that -- I'd be interested in
4 reading that clipping if at some time you have it
5 and I could, because this is, you're telling me
6 something I was not aware of.

7 [1:19:31]

8 **MR. ARNOLD:** Okay. Sure. We can take a look
9 at that afterwards.

10 I have two or three questions regarding the
11 substance of the ordinance that Scott Wagner had
12 wanted me to bring up with you.

13 First of all, was -- the ordinance called
14 for, besides potentially a hundred dollar fine, up
15 to 30 days in jail for a violation. Was that
16 controversial? Did people view the potential of
17 jail time, although I know many of the other city
18 ordinances had similar stipulations in it, but was
19 there any pushback on, on that kind of, that form
20 of punishment?

21 **JUSTICE SIX:** Not that I'm, not that I recall
22 at all, nobody raised that question. I think that
23 was, you know, that was the end of the line and it
24 perhaps was discussed in the vagueness argument
25 made by the attorney for the realtors. The

1 attorney was a gentleman Don Hults, who was a
2 state senator from this district, and he was a
3 fine man and our law office was, you know, right
4 down the hall from his, though he may have alluded
5 to that in his argument on vagueness, but I have
6 no recollection of the penalty.

7 [1:21:01]

8 **MR. ARNOLD:** Okay. Do you recall why you all
9 decided to include an anti-blockbusting clause in
10 the Lawrence ordinance? Because that was not --
11 some cities had that but small minority. Was
12 there particular concerns that that could be a
13 problem in Lawrence or was it just something you
14 all added for thoroughness?

15 **JUSTICE SIX:** I respond to that this way. I
16 have had no recollection of that before embarking
17 on reading through all the material of 50 years
18 ago, and I did come across, of course, our flow
19 chart and my remarks to the City Commission that
20 the blockbusting ordinance was taken from Wichita.

21 **MR. ARNOLD:** Uh-huh.

22 **JUSTICE SIX:** And I probably said that,
23 telling them where it was from, so it would --
24 they'd say, oh, well, if Wichita has -- but
25 blockbusting was in the news then and you may have

1 seen, you may have seen the movie or the play
2 Raisin in the Sun, the Lawrence, Theater Lawrence
3 put that on last year and then a sequel to it in a
4 fascinating group of characters 50 years later in
5 the same Chicago area, but blockbusting was a term
6 that -- and I, I'm just trying to put some reason
7 to it now, but no independent recollection. I
8 can't tell you we said, oh, we need a
9 blockbusting, that since that was part of the
10 fabric of open housing we reached out, saw that
11 Wichita had it, put it in.

12 [1:23:05]

13 **MR. ARNOLD:** Okay. Kind of in the
14 introduction to the ordinance there was a
15 statement, is a statement that says: "The City of
16 Lawrence is a center of culture whose democratic
17 principles are being constantly observed by
18 foreign students and visitors from all over the
19 world."

20 Do you recall who added that and why it was
21 added?

22 **JUSTICE SIX:** No. I'll give you a couple of
23 places, maybe a couple of thoughts. Lawrence had
24 the ordinance creating the Human Relations
25 Commission and that ordinance became law in 1961

1 and was signed by Mayor Dr. Ted Kennedy and it may
2 be that that was the prologue, that was some
3 language from the ordinance creating the Human
4 Relations Commission.

5 The second thought on that language is that
6 on January 4, 1967, during this crowded meeting of
7 the Human Relations Commission when we had 56
8 observers one of them was a lady, I think Louise
9 Lane, who spoke about working with foreign student
10 families and graduate student families and foreign
11 faculty families and trying, when someone would
12 come who was from Africa or from a geographical
13 location where the indigenous population was other
14 than white, coming to the university and she'd
15 encountered difficulty and she was sharing with us
16 her difficulty in working with those groups,
17 trying to explain to them why, why you just
18 couldn't go in and move in and so forth, so it
19 might have tied to that experience, or it might
20 have just been self-, a little self-polish that I
21 think every city that makes a proclamation
22 probably starts out about, you know, the sort of
23 boosterism that goes on with a whereas such and
24 such and whereas such and such.

25 [1:25:52]

1 **MR. ARNOLD:** Right. I just wondered if it
2 might have come from some influence of the
3 university because I know if you read the, and you
4 probably have the letter that Vice Chancellor
5 Surface sent in support of the fair housing
6 ordinance and that Ted Owens, which you read the
7 other night, both of them talked about, you know,
8 concern for Lawrence's image in attempting to
9 recruit foreign students, recruit diverse faculty,
10 recruit basketball players, and so that kind of
11 gets, falls into that category of being concerned
12 about what Lawrence's image is.

13 **JUSTICE SIX:** I was not aware of Vice
14 Chancellor Surface's letter. I'm sure I saw it 50
15 years ago but it wasn't in the packet of -- what I
16 did was I about five years ago, the Spencer
17 Research Library at K.U. contacted me and had an
18 interest in my papers, files, so I spent a summer
19 after I retired sanitizing and making sure that
20 there was no confidence that would be revealed and
21 included in that group was my file as secretary of
22 the Fair Housing Commission and so I turned that
23 over to the Spencer and so what I had, due to the
24 gracious acts of Scott Wagner, who went up and
25 copied my file and then presented it to me and

1 that's what I've reviewed and in there I didn't
2 see the Surface letter, but that would have been
3 certainly in the kit or the brochure that we
4 presented to the city.

5 [1:27:42]

6 **MR. ARNOLD:** Right. You've already mentioned
7 Dick Raney having played kind of a key role in the
8 passage of the ordinance. Were there any other
9 specific individuals who really stand out in your
10 mind now that kind of played prominent or
11 important roles in making this, bringing this to
12 fruition?

13 **JUSTICE SIX:** I think Glenn Kappelman, being
14 a realtor with a prominent firm, Calvin, Eddy and
15 Kappelman, and I'm just reading between the lines,
16 but if I'd been a city commissioner and I see
17 Glenn Kappelman there, a realtor, successful
18 realtor that doesn't have any problem with this
19 ordinance what's -- I think his presence was
20 helpful.

21 And again, I've mentioned Jim Owens, Mike
22 Getto, and Ship Winter appearing and they would be
23 maybe having, maybe going to Rotary the next day
24 and city commissioners would be Rotarians or be in
25 the Kiwanis or be in a church group or something

1 and, and Mrs. Wallace, the chairman of the
2 commission, was so well spoken and I think well
3 thought of.

4 So, and I'd have to mention Mrs. Keltz was
5 prominent in the community as well. She grew up
6 in Lawrence. Her father was Mr. Cohen that had
7 the long-time refuse, or we called it the
8 junkyard, and as a Boy Scout our troop used to go
9 down there and sell paper during World War II.
10 We'd collect newspapers and take them down to
11 Mr. Cohen and Mr. Cohen's staff, so the Keltz
12 family, Mr. Keltz was in business here. He had a
13 business on Massachusetts Street and she was
14 active in mental health and in things like the
15 food bank. She was just a prominent individual.

16 And then the Williams tie-in with the
17 university and with the community generally, and
18 with the city, because at that time above the City
19 Hall on the top floor, that's where the Williams
20 boys had their office, because their father had
21 been the chauffeur for Mrs. Elizabeth Watkins and,
22 while their father was a student at K.U., and then
23 when Mrs. Watkins inherited all her wealth
24 Mr. Williams was her farm manager and executor of
25 her estate and part of the agreement with the city

1 was to have their office so the Williams folks
2 were right, right above or where the City
3 Commission was meeting.

4 [1:31:12]

5 **MR. ARNOLD:** Right. Do you have a sense at
6 the time that the ordinance was being considered
7 by the commission and then once it was passed that
8 there was fairly broad-based community support for
9 the measure?

10 **JUSTICE SIX:** I would think so. I don't --
11 I'm persuaded by the exhibits you had Monday
12 night, or Scott Wagner did, of the photocopies of
13 986 names in the paper, pretty persuasive.

14 **MR. ARNOLD:** Right.

15 **JUSTICE SIX:** And then another hundred in
16 another ad that didn't get in in time, and I, what
17 I don't recall is any arbitrations or any
18 complaints specifically that we dealt with, but I
19 don't have any record to refresh my memory. I
20 think it just, everybody went to work the next day
21 and that was, that was it.

22 [1:32:22]

23 **MR. ARNOLD:** I know in the late 1960s and
24 early '70s following the passage of the Fair
25 Housing Ordinance there was some racial unrest in

1 Lawrence, and some of it violent, but do you feel
2 that the ordinance, along with, you know, the
3 changing practices of the businesses and public
4 accommodation, that over time have you seen, and
5 obviously we, improvement needs to be continuous,
6 but did you get a sense over time that Lawrence
7 made important changes in eliminating
8 discriminatory practices? And obviously, you
9 know, the Civil Rights Act and the Fair Housing
10 Act at the federal level played a role as well,
11 but do you feel like the community made
12 substantive observable changes that you felt
13 reflected well on the community over time?

14 **JUSTICE SIX:** The changes were made and at my
15 anecdotal observation they were precipitated
16 primarily by the quality and ability of black
17 athletes and the support of the university for the
18 athletic program. I think when assistant coaches
19 were hired who were African-Americans and their
20 salaries were published and they were in relation
21 to others in Lawrence rather robust, they were,
22 they were purchasing housing I think anywhere they
23 wanted to, and then Danny Manning's father was
24 hired as an assistant coach. Danny came to
25 Lawrence High School and he was a popular student

1 and of course an exemplary athlete, individual,
2 now he's a head coach at Wake Forest.

3 I think another influence that ought to be
4 mentioned, hasn't so far, the name just occurred
5 to me, and that would be Bob Billings, now
6 deceased. We have a parkway named after him, but
7 Bob Billings was a contemporary of Wilt
8 Chamberlain's and played basketball for K.U. He
9 grew up in Russell, Kansas, and he was a
10 preeminent business person here. He developed
11 Alvamar Golf Course, Alvamar Homes, Alvamar Tennis
12 Center, contributed to the university and was just
13 an open-hearted, gracious individual who would not
14 tolerate for one split second any arbitrary
15 exclusion on the basis of one's race or religion
16 and I think he, I think his influence was
17 significant.

18 I can't evaluate or measure what our work
19 did. Some observer who's studied the situation
20 could be more objective about that. I hope our
21 work permitted some African-American family, or
22 some minority family, to have an opportunity that
23 they might not otherwise have had, but I think
24 the, Chancellor Murphy, the Surface letter, by
25 1967 Dr. Murphy had gone on from here because he

1 left here in about I'd say 1960 and went out to
2 UCLA as president there and Dr. Wescoe came as
3 chancellor, who would have had the same feeling
4 about university and equal opportunity for all its
5 students, but I'm glad I thought of Bob Billings
6 in this context.

7 [1:37:41]

8 **MR. ARNOLD:** Good. As you've mentioned, you
9 were in 1987 appointed to the Kansas Court of
10 Appeals and a year later to a seat as a justice on
11 the Kansas Supreme Court. Would you say your
12 experiences on the Human Relations Commission and
13 in seeking to address civil rights issues in
14 Lawrence in the 1960s in any way influenced your
15 judicial perspectives?

16 **JUSTICE SIX:** Issues of race per se in the
17 years that I was on the State Supreme Court would
18 have been federal issues. They would have gone
19 through HUD or up through the Federal Civil Rights
20 Act, Public Accommodations Act. I don't recall
21 any housing case that the court considered while I
22 was on the court.

23 I do recall from reading cases in the past an
24 early Kansas Supreme Court case, maybe back in the
25 1920s, which might have been out of Pittsburg,

1 Kansas, that had to do with employment, maybe by a
2 school, school board. I'm a little vague here.
3 It might have been a gender discrimination, but
4 for -- but then the associations that one has
5 wherever you are have some affect on your
6 personality and your thinking and, I think like
7 osmosis, just, you can't tell when it comes in or
8 when it comes out of what makes up your thinking
9 or your perspective on applying the facts of the
10 case and the law, because that's what judges are
11 to do, not their own personal viewpoint, what they
12 think, how they think, how it ought to be decided,
13 but what makes you an individual is really all of
14 the associations you have had through your
15 lifetime leading to the bench.

16 And I remember specifically a meeting on
17 housing held in Manhattan at Kansas State
18 University and Mrs. Wallace and I were delegates
19 from our commission so I said to her, "Mayzelma,"
20 we were on a first name basis, "why don't I come
21 by and pick you up and we'll go over?" And I
22 remember picking her up and how lovely she looked
23 and how well she spoke and how proud I was of her
24 being a colleague in Lawrence. She had some part
25 of the program and there were people from all over

1 the state.

2 And so that type of association, I couldn't
3 identify a time or a moment, but I certainly had a
4 point of view of equality for all, but I think
5 that was with me early on from my, from my
6 parents. We had no -- yet having said that,
7 again, I referred earlier in my remarks, why
8 wasn't I in the principal's office at Lawrence
9 High School demanding that blacks be permitted to
10 play basketball? And I can't answer that. It was
11 just a lack of sensitivity.

12 [1:42:18]

13 **MR. ARNOLD:** Reflecting back now on the role
14 you played on the Human Relations Commission, what
15 would you say you were most proud of?

16 **JUSTICE SIX:** Oh, I think the work on the
17 housing ordinance and the work the commission did
18 in preparing it, also the work, part of
19 arbitrating through the swimming pool crisis, but
20 the housing ordinance would stand out.

21 [1:42:54]

22 **MR. ARNOLD:** In thinking back on that time
23 frame in your life and on what was going on not
24 only in Lawrence but in the country, what do you
25 think we can do today to kind of instill in young

1 people an understanding and appreciation for that
2 time and an appreciation for how important the
3 struggle of African-Americans to achieve equality
4 really was and how that legacy can be carried over
5 today in struggles that we're still facing in
6 other areas of inequality?

7 **JUSTICE SIX:** I have some views on that. I
8 think the City of Lawrence, the Churches United,
9 any -- the Chamber of Commerce, the economic
10 development, needs to look at minority families
11 and single parent families.

12 I have four grandchildren. If they need to
13 go to soccer practice we don't have any trouble
14 getting them there. They have two parents and I'm
15 around, although I'm seldom called on, but we need
16 to give children opportunities so that the working
17 mother with three children, how is she going to
18 get the child to an enrichment program at 7:30 in
19 the evening at the library?

20 The law faculty professor and her husband,
21 they can, they say, "Okay, Sadie, we're going to
22 go down to a special reading program; hurry up and
23 finish dinner, jump in the car and away we go."
24 But that single mother in a minority family, maybe
25 one of the children is a toddler. Who's going to

1 be at home while she drives?

2 And I think a community really could stand
3 out in America if it formed a commission of
4 credible individuals from various sectors of the
5 community that the committee had gravitas, when it
6 spoke it had people that would be taken notice,
7 and that community came through with grants. Can
8 we write grants? Can we get money? Can we
9 provide trans -- the elderly can call and get
10 transportation. What about the toddlers? What
11 about the parents of the toddlers?

12 Because to me the root is education and
13 opportunity and you're not going to be a first
14 chair clarinetist if you don't have the
15 opportunity to get to the lessons, and sure the
16 school, when you get to middle school the school
17 will give you a clarinet or whatever you want but
18 it takes more than that.

19 So that is my thought, to give opportunity to
20 the children of Lawrence through implementing the
21 opportunity. You can build a Rock Chalk Park, the
22 recreation center, but if the minority children
23 can't get to it or the low income.

24 Monday night at the meeting you and I
25 attended one of the audience raised a question

1 about affordable housing, who is a disabled woman,
2 paid 850 a month rent and had a total check a
3 month of 1250 or something. Well, that opened my
4 eyes to affordable housing. And I understand the
5 city's working on that, but if we don't have
6 affordable housing, then the children growing up
7 don't have that opportunity, so education and the
8 opportunity for education and enrichment of arts,
9 sport, gives the child confidence, brings all
10 children together. They grow and that's, that
11 would be my answer.

12 **MR. ARNOLD:** Great. Well, Justice Six, thank
13 you very much. This was a wonderful opportunity
14 to sit down with you and have you answer a lot of
15 questions and we went for quite some time but I
16 think it was quite worthwhile and I appreciate
17 your perspectives.

18 **JUSTICE SIX:** Thank you.

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