

MINUTES

CAPITOL PRESERVATION COMMITTEE

November 29, 2016
Room 152-S—Statehouse

Members Present

Jennie Chinn, Chairperson
Senator Elaine Bowers
Representative Valdenia Winn
Kim Borchers
Tim Graham
Peter Jasso
Rachel Whitten

Members Absent

Lana Gordon
Harrison Hems
Jeremy Stohs

Staff Present

Whitney Howard, Kansas Legislative Research Department
Bobbi Mariani, Kansas Legislative Research Department
Adam Siebers, Office of Revisor of Statutes
Chuck Reimer, Office of Revisor of Statutes
Debbie Bartuccio, Committee Assistant

Conferees

Wayne Wildcat, Mural Finalist
Dr. Tolly Wildcat, artist's spouse
Michael Young, Mural Finalist
Mark Flickinger, Mural Finalist
Thomas Hooper Seaman, Mural Finalist
Bruce MacTavish, Associate Dean, Washburn University
Kenya Cox, Executive Director, Kansas African American Affairs Commission
Charles Jean-Baptiste
Cheryl Brown Henderson, Founding President, Brown Foundation
Dr. Harold Arnett, Cowley College

Others Attending

See [Attached List](#).

All-Day Session

Meeting Called to Order; Welcome

Chairperson Chinn called the meeting to order at 9:15 a.m. and welcomed all attendees. She requested members introduce themselves and then provided an overview of the agenda for the day. She explained to Committee members that their packet of information contained documents provided by the artists, as well as letters of support received from the public concerning the artwork.

Request to Purchase Paintings for the Capitol

Chairperson Chinn referred members to a request for approval from Gil Ramsey, an artist from Lenexa, Kansas. Mr. Ramsey was requesting approval for a permanent exhibit in the Capitol of five pieces of his artwork at a cost of \$14,000.00. She said Mr. Ramsey is a constituent of Senator Julia Lynn ([Attachment 1](#)).

Chairperson Chinn said she met with Senator Lynn, Mr. Ramsey, and his wife, and explained the State does not have funds to purchase artwork, nor does it generally allow permanent displays of artwork. She suggested a temporary exhibit of the artwork could be arranged. Mr. Ramsey was insistent that his request for permanent exhibit of his artwork come before the Committee.

Chairperson Chinn inquired whether anyone would be interested in making a motion to proceed with this request, once a quorum of Committee members had been attained. There was no motion to proceed with the request.

Request to Review Lighting on the John Steuart Curry Murals

Chairperson Chinn stated concerns have been raised from tour groups visiting the Capitol that the Curry murals are not lighted properly, which could destroy the paintings in the future. She volunteered to meet with staff from the Department of Administration and to utilize the expertise of the staff from the Kansas Historical Society to investigate the lighting and determine the appropriate levels to ensure the preservation of those murals. There was consensus among the Committee members for Chairperson Chinn to proceed with this task.

Brown v. Board of Education Mural Finalist Presentation – Wayne Wildcat

Chairperson Chinn stated each of the four finalists for the *Brown v. Board* mural would make a presentation concerning his latest drawings.

She recognized Wayne Wildcat, who brought a larger version of his artwork for Committee members to view. He requested his wife, Dr. Tolly Wildcat, make the presentation. Dr. Wildcat proceeded to explain the historic references included in the artwork and reviewed 19 specific points ([Attachment 2](#)). The testimony stated their belief Mr. Wildcat's design fulfills the broad scope and vision of the original mission asked of the artists: "The mural will memorialize

the landmark significance of *Oliver Brown et al. v. the Board of Education of Topeka et al.* by capturing its antecedents, elements and effects on Kansas, the United States, and the international community. It will be historically accurate.”

Dr. Wildcat referred to a document dated April 18, 2016, previously sent to Committee members, in which comments were provided concerning why Mr. Wildcat’s design best represents the assignment given to the artists. The document also included comments concerning Entry #1 and Entry #6, submitted by other artists ([Attachment 3](#)).

Dr. Wildcat referred to letters of support concerning Mr. Wildcat’s submission. Committee members were provided with letters of support for Mr. Wildcat’s mural submission from these people:

- Marcia McMullen Clouser ([Attachment 4](#));
- Margaret Sheridan ([Attachment 5](#));
- Rick Mitchell ([Attachment 6](#));
- Suzanne Morris ([Attachment 7](#));
- Nancy Hernandez ([Attachment 8](#)); and
- William Seale ([Attachment 9](#)).

Committee Comments and Questions of Wayne Wildcat

Representative Winn said she appreciated the explanation of the artwork provided by Dr. Wildcat. She said the response clarified the historical information included in the piece.

Chairperson Chinn asked Mr. Wildcat to explain the main message he would want a visitor to understand when walking by his artwork. She stated visitors often do not spend much time reviewing the details of the artwork as they pass through the Capitol. Mr. Wildcat stated it demonstrates that equality was a struggle and was not accomplished overnight, that this is a story about how racism was overcome and the fight for equal justice. The painting demonstrates many Kansans played a role in the overall story.

Chairperson Chinn asked Mr. Wildcat how he believed his artwork would fit aesthetically with the architecture of the Capitol. Mr. Wildcat stated his painting was a modern painting and looks to the future rather than the past, concerning style.

Chairperson Chinn inquired as to how Mr. Wildcat would establish a price for his artwork and what his time line would be. He responded it would be priced based on the going rate for paintings of this size. He said he was open to negotiation.

Chairperson Chinn asked whether Mr. Wildcat would be flexible concerning making some revisions to the mural. He indicated his willingness to negotiate.

There were no other comments or questions from the Committee.

Brown v. Board of Education Mural Finalist Presentation – Michael Young

Chairperson Chinn recognized Michael Young, who provided an overview of his proposed artwork. He explained the underlying design and reviewed the primary elements of the

mural. He said it was his intent to focus on the positive rather than the negative aspects of the topic. A letter of support of Mr. Young's artwork was included in the testimony ([Attachments 10 and 11](#)).

Committee Comments and Questions of Michael Young

Chairperson Chinn asked Mr. Young to explain what he believed the main message of the piece would be to children walking by it. Mr. Young responded he wanted viewers to understand what the children went through during that time period.

Chairperson Chinn asked how Mr. Young believed his mural would fit aesthetically into the Capitol. He stated he believed it would fit in well with the other artwork. Concerning the price and time line, Mr. Young said price is a difficult thing and stated murals of this size, which he has done in the past, were priced in the \$30,000 to \$40,000 price range. He suggested a price of \$50,000 might be appropriate, considering he is a nationally known artist. He estimated a time frame of nine to ten months for completion of the work.

Kim Borchers inquired whether Mr. Young was flexible and open to suggestions for minor changes in the mural. There was discussion concerning the ethnicity of the children in the artwork. She questioned if there would be more clarity as to the printing used in the newspaper headlines shown in the mural. Mr. Young responded the printing would be larger and more readable. He affirmed his openness for consideration of changes to the proposed mural.

There were no other comments or questions from the Committee.

Brown v. Board of Education Mural Finalist Presentation – Mark Flickinger

Chairperson Chinn recognized Mark Flickinger, who stated this project captured his attention because of its historical nature. He indicated he wanted the mural to do the following three things ([Attachment 12](#)):

- Teach what the citizens of this state have done to further the cause of human rights;
- Be a teaching tool. The subject is very complex. He indicated he chose the third-floor wall location for the mural because it was low and children would easily view it; and
- Introduce the concept of community involvement through writing. He said he would like for anyone with a stake in this to write a sentence or two, in pencil, directly onto to the canvas during the underpainting phase. He would then paint layers, semi-transparent and semi-opaque, weaving their words into the finished work. This would not be readily visible but will become so through careful viewing. He said he believed this would create meaning and content to the finished work.

Mr. Flickinger brought the following items for the Committee to view:

- Revised design for the third-floor wall;
- Simulation of the mural in place on the third floor;
- Revised design with harmonic armature overlay;
- Original design for comparison; and
- Original design with a simulation of a fourth-floor setting.

Committee Comments and Questions of Mark Flickinger

Ms. Borchers stated her approval of the table concept and asked whether Mr. Flickinger was open to changes. Mr. Flickinger affirmed he was open to suggestions and said the process needs to be one of inclusion and adjustments. He indicated he did not want to oversimplify the subject, because it was, in fact, a very complex topic.

There was discussion concerning the concept of people writing on the painting and how that might be accomplished by taking it to various locations.

Senator Bowers inquired if Mr. Flickinger preferred the fourth-floor location for the mural. He said in the beginning he preferred the fourth floor location due to the size and shape of the wall; however, he believed the third-floor location, with tables in the area, would work well for viewing.

Chairperson Chinn asked Mr. Flickinger how he believed his work would fit aesthetically in the Capitol. He said his mural is unique but the colors would work well in terms of tone and warmth.

Chairperson Chinn asked Mr. Flickinger for his thoughts on pricing of the mural. He indicated paintings of this size are usually priced by the square inch, and he would be negotiable on the price. He suggested traveling with the mural might assist with fund raising. He explained how it could easily be hung since it would be in three pieces.

Rachel Whitten questioned whether he would be open to making the lines of the armature more integral with the painting. He responded affirmatively.

There were no other comments or questions from the Committee.

Brown v. Board of Education Mural Finalist Presentation – Tom Hooper Seaman

Chairperson Chinn recognized Thomas Hooper Seaman, who lives in New York. He provided a video to introduce himself and explain his mural proposal. He communicated with Committee members *via* a conference call ([Attachment 13](#)).

Mr. Seaman explained the flowers in the center of the painting represented the state flowers of the individual states central to the *Brown v. Board of Education* decision. He also explained other aspects of the mural, including the girl reading from the book, Jim Crow, Thurgood Marshall, the baby dolls, the tornado, and the two boys shaking hands.

He said his vision for the project was to not only provide a masterfully painted mural, but to also include an interactive map that explains the historical significance of the people depicted, as well as a time-lapsed documentary of the making of the mural.

In addition to his testimony, Mr. Seaman provided a letter outlining the changes he made to the mural based on feedback received from the last Committee meeting ([Attachment 14](#)).

The testimony included a letter from Tom Sloan, 45th District Representative, containing his thoughts on the proposals by the finalists ([Attachment 15](#)).

Committee Comments and Questions of Tom Hooper Seaman

Chairperson Chinn asked Mr. Seaman what main message or impression he wanted a person to receive while walking by his work. He stated the mural is a traditional, historic narrative that honors the key people involved in the *Brown v. Board of Education* decision. He said he would want the viewer to understand *Brown v. Board of Education* was a community project involving many people.

Chairperson Chinn asked Mr. Seaman how he believed his work would fit aesthetically with the other artwork in the Capitol. Mr. Seaman indicated his work utilized a traditional approach to storytelling and he believed it would fit well.

Tim Graham asked whether Mr. Seaman had any connections to Kansas. Mr. Seaman replied he has a nephew living in Wichita and he has driven through the state's fantastic landscape.

Chairperson Chinn inquired about the price range Mr. Seaman expected for his mural. She explained the project would be funded by private sources rather than public funds. Mr. Seaman stated he did not have a figure in mind but would work with the Committee to arrive on a price. He said his time table for the project would be six months.

There were no other comments or questions from the Committee.

Brown v. Board of Education Mural – Public Input

Chairperson Chinn recognized Bruce MacTavish, Associate Dean, Washburn University, who shared his thoughts on the proposed artwork projects. His primary comment was his belief that less is more. He said less can be more in conveying a powerful message.

Chairperson Chinn recognized Kenya Cox, Executive Director, Kansas African American Affairs Commission (Commission). Ms. Cox indicated the former President of the Kansas NAACP accompanied her to the meeting. She said the Commission has taken an interest in the project and has reviewed the Committee minutes as well as visited with Brown family members and others involved in the *Brown v. Board of Education* decision. She indicated the Commission had favored Entry #8 by Colleen Mitchell-Veyna, but understands it was not a finalist for consideration. Of the finalists, the Commission favors Entry #6 by Tom Hooper Seaman.

Chairperson Chinn recognized Charles Jean-Baptiste, who asked the Committee to vote from their hearts.

Chairperson Chinn asked Ms. Cox why the Commission favored Entry #6 by Mr. Seaman. Ms. Cox replied it was important for all the families to be represented and show the

national impact as well as the Kansas impact. Mr. Jean-Baptiste commented the *Brown v. Board of Education* decision had international impact as well.

Chairperson Chinn recognized Cheryl Brown Henderson, who represented the Brown Foundation and all those involved with *Brown v. Board of Education*. Ms. Brown Henderson expressed her appreciation for the project and provided her perspective on each of the works of art.

Concerning the proposal from Mr. Wildcat, she expressed concern about the complexity of the work. Being sensitive to the audience, she said she believed the work provided a confusing narrative in some ways. She reiterated the theme of less is more.

Ms. Brown Henderson indicated her approval of the simplicity of Mr. Young's proposal. She said having the theme of education in the foreground shows the significance of the *Brown v. Board of Education* decision. She said, in her opinion, the school buildings in the mural should not be named. She said she appreciated having an image of Thurgood Marshall in the mural.

Concerning the proposal from Mr. Flickinger, Ms. Brown Henderson said the challenge was inclusion of all the recognizable people in the case. She said there were 33 plaintiffs in the case but only 11 of them represented in the artwork. She indicated it would be problematic not to include people who were involved in the case, and who are still living, when they come to view the mural.

Concerning Mr. Seaman's proposal, Ms. Brown Henderson said his style was in keeping with the other murals in the building and had a level of simplicity; however, she explained some families were not represented in the mural.

She returned to Mr. Young's proposal and his usage of symbolism. She said in order not to offend, omit, overlook, anger, frustrate, or hurt those involved, it is good to err on the side of the symbolic.

Peter Jasso asked how the artwork would be funded. Chairperson Chinn indicated private funds would be raised for it.

Chairperson Chinn recognized Dr. Tolly Wildcat. She referred Committee members to letters of support provided for Mr. Wildcat's design. Dr. Wildcat indicated they had carefully read the assignment to memorialize the landmark significance of the *Brown v. Board of Education* decision, and stated their opinion that neither of the designs favored by Ms. Brown Henderson included what was requested. Chairperson Chinn assured Dr. Wildcat that Committee members had received copies of the letters supporting Mr. Wildcat's work.

Chairperson Chinn recognized Dr. Harold Arnett, Cowley College, who explained his experiences as a child in Kentucky during the time period of the *Brown v. Board of Education* case and his understanding of the complexity of the task of the Committee to select a finalist. He applauded the Committee and the artists for their work on this project.

Chairperson Chinn acknowledged this has been an extremely difficult task for the Committee and expressed her appreciation to the artists for their proposals and for their patience with the process. She said this is a major commitment as the State does not often permanently place something on the walls of the Capitol.

Committee Discussion of the *Brown v. Board of Education* Mural

Representative Winn requested a review of the public input process. Chairperson Chinn said she has received public input throughout the process and has instructed those interested in sharing their comments to do so in writing. She indicated the Committee had received copies of all the written input received. There has also been an agenda item at the Committee meetings for public comment.

Representative Winn said it had been her understanding the original intent for public input would be greater in scope, perhaps *via* placing the mural proposals on the web to obtain public feedback. Since the artwork would be a legacy piece, she felt it was important to solicit wider public input.

Chairperson Chinn explained when she had proposed some methods for receiving public input to the Committee, she did not receive definitive feedback so she proceeded with the concept of offering time at the Committee meetings for public input. She agreed public input can be valuable, but expressed her concern about not being able to make a decision on the artwork at this meeting, based upon the time length of the entire project.

Ms. Borchers expressed her appreciation to Chairperson Chinn for her leadership on the project and shared the Governor's interest in completing the project.

Representative Winn moved, seconded by Tim Graham, consistent with the intent of the request for proposal dated April 2014, that the public input section concerning the finalist renditions be expanded, via web or public display in the Capitol.

Discussion followed the motion. Ms. Borchers suggested the time period for public comment be amended as the holidays would be a good time for public comment, given the increased traffic through the Capitol.

Whitney Howard, Kansas Legislative Research Department, stated the Legislative Coordinating Council (LCC) granted permission for the Committee to meet only one day during the 2016 Interim, so the Committee might not be able to meet again until the 2017 Interim. Ms. Borchers indicated there had been some discussion concerning whether the LCC would need to approve another meeting of the Committee and how that might happen.

Ms. Cox said it was stated in the minutes of the last meeting a decision on the artwork would be made at the next Committee meeting.

Mr. Jasso stated he remembered the Committee discussing the possibility of placing the finalist renditions on the web. He said given the national significance of this mural, he thought it would be good to receive additional diverse input.

Chairperson Chinn raised the question as to who would be responsible for the project of placing the artwork on the web and reporting on the input received.

Ms. Whitten said she believed the Committee has followed the process outlined in the scope of the project. She indicated public comment is extremely important and the Committee has been very open and accommodating for people over a number of years to provide their input.

Ms. Borchers referred to the November 2015 Committee meeting minutes in which no direction was determined concerning additional public input, other than the public comments received at the Committee meetings.

Chairperson Chinn questioned how much additional public input would influence the Committee's vote.

There was discussion about electronic voting and the difficulty of knowing whether someone had voted multiple times.

Representative Winn withdrew her original motion and Mr. Graham agreed to the withdrawal.

Representative Winn, seconded by Tim Graham, made a substitute motion to delay the vote at today's Committee meeting and to expand public input.

There was discussion on the substitute motion. Chairperson Chinn said time is of the essence. She stated she was not sure she could get permission from the LCC to have another meeting if the project is delayed for 30 days to acquire additional public input. It could mean a decision would not be made until the 2017 Interim.

Chairperson Chinn called for a vote on the motion to delay the decision on the final artwork in order to receive additional public input. The motion failed.

Mr. Graham requested time for discussion concerning each of the artists' works. Chairperson Chinn opened the meeting for discussion of the artwork.

The Committee first discussed Mr. Wildcat's artwork. Mr. Graham said he liked the comprehensive approach of Mr. Wildcat's piece and the entire picture portrayed in the mural. He said it would be up to the individual as to how much time he or she wanted to spend reviewing all the information presented in the piece. He said it was a beautiful piece of art, touching on a lot of the aspects of Kansas history and the struggle for civil rights.

Mr. Jasso commented this will be the only mural in the Capitol that portrays African American history in Kansas.

Ms. Borchers expressed her appreciation to all of the artists and commented how helpful it was to hear the artists speak about their pieces.

Representative Winn stated she appreciated the complexity of Mr. Wildcat's work.

Chairperson Chinn asked whether any Committee members wished to comment on Mr. Young's work.

Senator Bowers said while she appreciated the complexity of Mr. Wildcat's proposal, she also liked the simplicity of Mr. Young's design.

Ms. Whitten commented about the importance of the foreground of Mr. Young's work with the teacher and the children. She said the piece combines other parts of history and tells the story very nicely.

Mr. Jasso said Mr. Young's piece provides a storybook picture, but does not point to the future concerning the struggle that continues. He said he believed Mr. Young's piece was missing the element of the future.

Representative Winn said *Brown v. Board of Education* was not about the teachers but about quality education. She said, in her opinion, the image centerfold was not the correct message. She said a storybook image does not get at the core of the movement for quality education.

Chairperson Chinn opened the meeting for discussion of Mr. Flickinger's proposal.

Mr. Graham reflected on Mr. Flickinger's emotions as he described his proposal. He said it is obvious his heart is truly into his work.

Ms. Borchers said she was struck by the be-kind-to-your-neighbor concept reflected in his piece.

Chairperson Chinn opened the meeting for discussion on Mr. Seaman's proposal.

Mr. Graham said he loved the idea of the documentary on the creation of the piece. He stated the Committee has three Kansas-based artists and his belief is the Committee needs to select a Kansas artist.

Senator Bowers referenced the story of the bouquet of flowers and the dolls in Mr. Seaman's piece. She agreed the Committee should select a Kansas artist.

Ms. Whitten moved, seconded by Ms. Borchers, to contract with Mr. Young, with the stipulation he add some sort of representative element regarding the ongoing conversation concerning race that stems from Brown v. Board of Education. The motion failed.

Senator Bowers moved, seconded by Mr. Graham, to contract with Mr. Flickinger, with the stipulation modifications could be made as requested by the Committee. The motion failed.

Mr. Graham moved, seconded by Mr. Jasso, to contract with Wayne Wildcat, with the stipulation modifications could be made as requested by the Committee. The motion failed.

Ms. Borchers moved, seconded by Mr. Graham, to remove Mr. Seaman's proposal from consideration. The motion passed.

Ms. Borchers moved, seconded by Ms. Whitten, to contract with Mr. Young, with the stipulation modifications could be made as requested by the Committee.

Committee discussion followed. Ms. Whitten said she was influenced by the comments received from Ms. Brown Henderson concerning Mr. Young's work.

Mr. Graham said this is a legacy piece and the simplicity of it is good for the layperson. When there is discussion about the Curry piece on the second floor, the discussion is not about its simplicity; it is about all of its nuances.

Ms. Borchers stated she was influenced by the comments from the Brown Foundation, as she values the legacy of its work.

Mr. Graham asked Ms. Brown Henderson whether she would have any additional concerns about Mr. Flickinger's piece if he were to remove the local personalities. Ms. Brown Henderson stated *Brown v. Board of Education* was about education and she believed the message presented in Mr. Young's work was stronger.

Representative Winn expressed her appreciation to all of the artists and their patience with the process.

Mr. Jasso asked Ms. Brown Henderson if she gets the sense of what precipitated the environment that caused segregation to occur in the first place from Mr. Young's piece. Ms. Brown Henderson responded it was her opinion the goal of the mural was to provide visitors with a picture of what occurred during the seminal moment of history of *Brown v. Board of Education*.

Chairperson Chinn called for a vote on the motion to contract with Mr. Young. The motion passed.

Mr. Graham said it appears the theme is less is more. He complimented the Committee on its work the past six years. He said Mr. Young has created a wonderful piece of artwork.

Chairperson Chinn expressed her appreciation to Committee members for their work and congratulated the artist, Mr. Young. She told the other artists it was a difficult task to select a finalist. She said the comments from members of the audience were very helpful.

Chairperson Chinn stated the next step is to turn the project over to Legislative Administrative Services, with the funding overseen by the Department of Administration.

Ms. Borchers moved, seconded by Ms. Whitten, for Chairperson Chinn to meet with the Department of Administration and the Legislative Administrative Services to move the project forward. The motion passed.

Other Business

Chairperson Chinn said the annual report for the Committee would reflect the decision made to select the artwork proposal from Mr. Young.

Adjourn

Chairperson Chinn adjourned the meeting at 1:10 p.m.

Approved by the Committee on:
January 6, 2017

Prepared by Debbie Bartuccio
Edited by Whitney Howard

(Date)