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# The Sons of Indiana: Kappa Alpha Psi Fraternity and the Fight for Civil Rights


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# The Sons of Indiana: Kappa Alpha Psi Fraternity and the Fight for Civil Rights

GREGORY S. PARKS\* AND WENDY MARIE LAYBOURN\*\*

*The common narrative about African Americans' quest for social justice and civil rights during the twentieth century consists, largely, of men and women working through organizations to bring about change. The typical list of organizations includes, inter alia, the National Association for the Advancement of Colored People, the National Urban League, the Southern Christian Leadership Conference, and the Student Nonviolent Coordinating Committee. What are almost never included in this list are African American collegiate-based fraternities. However, at the turn of the twentieth century, a small group of organizations emerged founded on personal excellence, the development and sustainment of fictive-kinship ties, and racial uplift. These organizations immediately created highly functioning alumni chapters in cities across the United States. Members of these organizations, who were college graduates, could continue their work in actualizing their respective organizations' ideals. One such organization, founded at Indiana University in 1911, was Kappa Alpha Psi Fraternity. This Article explores the history of this fraternity's, and its members', involvement in African Americans' quest for social justice and racial equality in the United States.*

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## INTRODUCTION

Facing seemingly insurmountable financial, political, economic, and social oppression, free Blacks in the eighteenth and nineteenth centuries harnessed their individual power into forming collective organizations, such as Black secret societies, in order to combat these inequities.<sup>1</sup> Through the power of group solidarity and a multilayered organizational structure, Black secret societies yielded a strong

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1. See Anne S. Butler, *Black Fraternal and Benevolent Societies in Nineteenth-Century America*, in *AFRICAN AMERICAN FRATERNITIES AND SORORITIES: THE LEGACY AND THE VISION* 75, 76 (Tamara L. Brown, Gregory S. Parks & Clarendia M. Phillips eds., 2d ed. 2012).

political voice.<sup>2</sup> Accordingly, they were able to achieve racial uplift through multiple channels, including investing in real estate, securing insurance, providing educational and entrepreneurial opportunities, and caring for widows and children.<sup>3</sup>

Although Black benevolent societies and churches provided support and uplift to Black communities, Black secret societies were unique, not only in their restrictive membership and secret rituals, but most importantly in their organizational structure.<sup>4</sup> With local, regional, and national governing bodies, they were able to ensure the perpetuation of their organizations and their impacts into the community. The goal of Black secret societies was threefold: (1) provide deep personal ties among members, (2) address exclusion both from White fraternal organizations as well as within society, and (3) racial uplift.<sup>5</sup>

The influence of Black secret societies can be seen in intercollegiate African American fraternities and sororities—also known as Black Greek-letter organizations (BGLOs)—particularly in their organizational structure and purpose of providing support to members, but also in the community at large. While Black secret societies formed in response to inequities throughout society, BGLOs organized primarily in response to economic and social inequalities experienced by Black college students, particularly on White campuses.<sup>6</sup> Through their affiliation, concomitant cooperation, and goals of achievement and advancement, Black college students were able to facilitate their personal development while building bridges into their communities. By means of civic activism and public policy initiatives, one such organization that deftly confronted these deplorable social conditions in America's heartland was Kappa Alpha Psi Fraternity.

On January 5, 1911, Kappa Alpha Psi was founded at Indiana University in Bloomington, Indiana. Originally named Kappa Alpha Nu, its founders would change the organization's name after hearing White students refer to it as "Kappa Alpha Nig."<sup>7</sup> Although the fraternity was founded at Indiana University, the impetus for the organization stemmed from two of the founders' experiences at Howard University. Elder Watson Diggs and Byron K. Armstrong had been students at Howard, and as such, were familiar with the only national Black Greek-letter fraternity (Alpha Phi Alpha) at the time.<sup>8</sup> Once the two students transferred to Indiana University and faced incredible ostracism, they, along with seven other African American male students, began laying the groundwork for a fraternal organization and temporarily organized themselves under the name Alpha Omega.<sup>9</sup> After diligent research regarding the contours of a Greek-letter society, the nine men, plus one additional student, met to establish the fraternity.<sup>10</sup> The ten founding members were

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2. *See id.* at 82.

3. *Id.* at 89, 90, 91, 93, 94.

4. *Id.* at 75.

5. *Id.* at 74–89.

6. André McKenzie, *In the Beginning: The Early History of the Divine Nine*, in *AFRICAN AMERICAN FRATERNITIES AND SORORITIES: THE LEGACY AND THE VISION*, *supra* note 1, at 183.

7. Michael E. Jennings, *The Pride of All Our Hearts: The Founders of Kappa Alpha Psi Fraternity*, in *BLACK GREEK-LETTER ORGANIZATIONS IN THE TWENTY-FIRST CENTURY: OUR FIGHT HAS JUST BEGUN* 115, 115–21 (Gregory S. Parks ed., 2008).

8. *Id.* at 116–17.

9. *Id.* at 117.

10. *Id.* at 117–18.

Elder Watson Diggs, Ezra D. Alexander, Byron K. Armstrong, Henry T. Asher, Paul Caine, Guy L. Grant, Edward G. Irvin, John M. Lee, Marcus P. Blakemore, and George Edmonds.<sup>11</sup>

Although the fraternity organized itself around Christian ideals and achievement, another important element was inclusivity—not extending membership based solely on wealth or status.<sup>12</sup> The fraternity was expected to become a national organization, and by the end of the 1910–1911 school year, the founding members filed their application for incorporation as Kappa Alpha Nu.<sup>13</sup>

The fledgling fraternity faced an uphill battle for recognition on the campus of Indiana University and in Bloomington, Indiana. While the organization may have been officially incorporated in the state of Indiana, the university’s administration refused to grant the fraternity a charter; accordingly, the fraternity went unrecognized on campus.<sup>14</sup> Additionally, fraternity members were unable to obtain meeting spaces on campus and encountered similar obstacles when trying to secure a fraternity house.<sup>15</sup> Unrelenting persistence and fortitude eventually afforded the fraternity marginal access to rights and privileges enjoyed by their White counterparts and rental of a small house.<sup>16</sup> These victories at Indiana were matched by the chartering of three chapters in the Midwest. By 1914, the fraternity was expanding in numbers and impact, both on the college campuses home to their chapters and in the larger Black community.<sup>17</sup>

In this Article, the authors analyze the social justice engagement of Kappa Alpha Psi Fraternity. In analyzing this history, the authors make several points: First, Kappa Alpha Psi’s engagement around social justice issues was a blend of direct fraternity action as well as indirect action via members. Second, on many occasions, the accomplishments of the fraternity were not in isolation but rather realized in concert with other organizations—including other Black fraternities and sororities. Third, over time, Kappa Alpha Psi’s racial uplift efforts and strategies shifted largely away from social justice work—particularly at the end of the civil rights movement. In an effort to clarify these points, the authors rely heavily on Kappa Alpha Psi’s primary documents: its history book and national magazine.

#### I. KAPPA ALPHA PSI’S SOCIAL JUSTICE AGENDA: 1920S–1930S

Kappa Alpha Psi’s social justice work covered a broad spectrum of involvement from within the fraternity and among its members. The Grand Chapter Meeting, Kappa Alpha Psi’s annual meeting, provided a platform for members to discuss and devise strategic plans regarding pressing social justice issues. Outside of the Grand Chapter Meeting, members spearheaded steps toward securing civil rights through

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11. McKenzie, *supra* note 6, at 188–89. For biographical information on the ten founding members, see *infra* notes 309–13, 328–39, 348–50, 389–93, 402–06, 424–28, 468–73, 487–92, and accompanying text.

12. Jennings, *supra* note 7, at 118.

13. McKenzie, *supra* note 6, at 189.

14. *Id.* at 190.

15. *Id.* at 189–90.

16. *Id.* at 190.

17. Jennings, *supra* note 7, at 121–22.

litigation and involvement with other social justice organizations. This activism was a by-product of the confluence of factors that gave rise to Kappa Alpha Psi but also of the social context in which it grew.

For example, noted educator Henley L. Cox penned an article in the *Kappa Alpha Psi Journal* in the early 1920s about the broader social movement among African American college students.<sup>18</sup> In his piece, Cox wrote about the National Federation of Negro Students movement—a movement among African American students aimed at creating a state of racial consciousness in order to better achieve social efficiency. In 1922, the American Federation of Negro Students was formed and comprised college students from all areas of the nation.<sup>19</sup> The first conference was held April 6–9, 1923 at Howard University.<sup>20</sup> This conference developed the following objectives for its newly established five-point program: “1. The promotion of co-operation, 2. [t]he stimulation of race pride, 3. [e]ncouragement of education, 4. [p]romotion of higher racial culture, [and] 5. [g]iving of intelligent consideration to race relations.”<sup>21</sup> Five committees formed plans of action to remedy prominent issues concerning each of these topics and also proposed the following national-scale drives: “1. A drive for economic co-operation, beginning the first week in December 1923, 2. [a] drive to instill race pride, beginning the fourth week in March, 1924, [and] 3. [a] drive for better and more universal education, beginning in June, 1924.”<sup>22</sup> Members implemented these drives by dividing the United States into five zones, then selling the National Federation of Negro Students’ programs to their respective constituencies.<sup>23</sup> Professor Henley L. Cox believed that these young college men held the vision for the future and for how best to deal with resolving social problems inherent in society.<sup>24</sup>

In early February of 1924, the Negro Sanhedrin—the All-Race Conference—took place.<sup>25</sup> Its purpose was to devise an action policy for all organizations and agencies that were concerned with problems facing African Americans in American life at the time.<sup>26</sup> The points of development focused on the development of Negro youth, the Negroes’ contributions to civilization, and voter engagement.<sup>27</sup>

Maybe it was Kappa Alpha Psi’s ideals, the zeitgeist of the time, or both, but in the early 1920s, Kappa Alpha Psi members began to push against the bulwark of White supremacy. In 1924, members Elisha Scott and R.M. Van Dyne litigated *Thurman-Watts v. Board of Education* up to the Kansas Supreme Court.<sup>28</sup> In the case,

18. See Henley L. Cox, *Current Thought Among Modern College Students Part II*, KAPPA ALPHA PSI J., March 1924, at 9. For biographical information on Henley L. Cox, see *infra* notes 367–71 and accompanying text.

19. Cox, *supra* note 18.

20. *Id.*

21. *Id.*

22. *Id.* at 10.

23. *Id.*

24. *See id.*

25. F. B. Ransom, *The Negro Sanhedrin*, KAPPA ALPHA PSI J., March 1924, at 3; *see also* C. Alvin Hughes, *The Negro Sanhedrin Movement*, 69 J. NEGRO HIST. 1 (1984).

26. Ransom, *supra* note 25.

27. *Id.* at 3–4.

28. 222 P. 123 (Kan. 1924); *Significant Victory Won by Topeka Brothers in Coffeyville Case*, KAPPA ALPHA PSI J., Dec. 1924, at 9, 9 [hereinafter *Significant Victory*]. For

a prelude to the United States Supreme Court's *Brown v. Board of Education* decision,<sup>29</sup> Scott and Van Dyne represented an African American student who was denied admission to Roosevelt Junior High.<sup>30</sup> Coffeyville, Kansas, built a new Roosevelt Junior High School, a measure which African Americans had voted for, supported, and funded through their taxes.<sup>31</sup> Yet African American youth were turned away when they attempted to register along with the White youth. The Kansas Supreme Court stated that the school was a high school, and, according to the state law of Kansas, [n]either the superintendent of schools nor the boards of education have authority to separate white and colored pupils unless that power is expressly given by statute.<sup>32</sup> Scott and Van Dyne prevailed on the grounds that the ninth grade was part of high school, and separate high school education was not allowed except in Kansas City, Kansas.<sup>33</sup>

In 1926, the Grand Chapter took a stand in Washington, D.C. when it adopted a resolution that brought attention to the inequality of educational opportunity afforded to young African Americans in the South.<sup>34</sup> At this time, southern states were spending four to five times more on the education of White youth as opposed to African American youth.<sup>35</sup> Such inequality was built upon the argument that White southern men pay most of the public taxes, and therefore, their children were entitled to a better education. However, this was untrue, as African Americans paid just as much public taxes; therefore, their children were entitled to the same education White children were receiving.<sup>36</sup> This highlighted the inequality thrust upon African American children by White southern men in power positions who allocated disproportionate public funds in the name of their own children as opposed to the benefit of all.<sup>37</sup>

Almost a decade later, in 1935, Kappa Alpha Psi member Donald Gaines Murray fought to desegregate the University of Maryland Law School.<sup>38</sup> Murray was denied admission to the University of Maryland Law School, although he met all of its admission standards; he was denied admission solely because he was Black.<sup>39</sup> The court noted that the Fourteenth Amendment requires a state to extend to its citizens "substantially equal treatment in facilities it provides from the public funds."<sup>40</sup> Additionally, the court noted that while segregation is lawful, "[s]eparation of the

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biographical information on Elisha Scott, see *infra* notes 528–37 and accompanying text.

29. See *Prelude to Brown - 1924: Thurman-Watts v. Coffeyville*, BROWN FOUND., <http://brownvboard.org/content/prelude-brown-1924-thurman-watts-v-coffeyville> [<https://perma.cc/E3P9-QL8Z>].

30. *Thurman-Watts*, 222 P. at 124; *Significant Victory*, *supra* note 28, at 9.

31. *Thurman-Watts*, 222 P. at 125–25; *Significant Victory*, *supra* note 28, at 9.

32. *Thurman-Watts*, 222 P. at 124 (citing *Woolridge v. Bd. of Educ.*, 157 P. 1184 (Kan. 1916)).

33. *Id.* at 125; *Significant Victory*, *supra* note 28, at 9–10.

34. *Negro Education in the South*, KAPPA ALPHA PSI J., Jan. 1927, at 1, 1.

35. *Id.*

36. *Id.*

37. *Id.*

38. *Pearson v. Murray*, 182 A. 590, 590 (Md. 1936). For biographical information on Donald Gaines Murray, see *infra* notes 501–07 and accompanying text.

39. *Murray*, 182 A. at 590.

40. *Id.* at 592.

racers must nevertheless furnish equal treatment.”<sup>41</sup> The court held that because Maryland did not offer a separate law school for Black students, “[i]f those students are to be offered equal treatment . . . they must, at present, be admitted to the one school provided.”<sup>42</sup> Alpha Phi Alpha member Thurgood Marshall had litigated the case, which began his meteoric rise within the civil rights movement.<sup>43</sup>

In December of 1936, at Kappa Alpha Psi’s Twenty-Sixth Grand Chapter Meeting in Washington, D.C., the fraternity ratified a plan to change the requirement that photographs be submitted with civil service applications.<sup>44</sup> Previously, applicants were required to submit their photographs, which led to Blacks being bypassed.<sup>45</sup> The Twenty-Sixth Grand Chapter Meeting also went on record criticizing the Lynch Law and endorsed the NAACP in their mission to admit Blacks into state-owned institutions of higher learning for courses not offered in Black colleges.<sup>46</sup>

At the Twenty-Seventh Grand Chapter Meeting in December 1937, “reports revealed . . . active campaigning for the passage of anti-lynching legislation; [and] Fraternity representation at the National Negro Congress and the National Negro Business League.”<sup>47</sup> Resolutions passed during the annual meeting of Kappa Alpha Psi urged the fraternity to undertake the following measures: (1) petition both President Roosevelt and Congress to pass the Anti-Lynching Bill, (2) fight to have the photo requirement for civil service exams abolished, (3) encourage African Americans to become members on policy-making government bodies, and (4) help create a bureau in Washington to look after the interests of African Americans.<sup>48</sup> At the following Grand Chapter Meeting, they affirmed allegiance to the U.S. Constitution and pledged support of movements working for universal civil rights.<sup>49</sup>

November 15, 1937 was a historic day; on it, President Franklin D. Roosevelt was supposed to fight for the anti-lynching legislation.<sup>50</sup> The passage of this bill was symbolic, as it represented the eradication of other demoralizing conditions affecting the status of a people. Kappa Alpha Psi encouraged members to write their

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41. *Id.* at 593.

42. *Id.* at 594.

43. JUAN WILLIAMS, THURGOOD MARSHALL: AMERICAN REVOLUTIONARY 75–78 (1998). For a detailed biography of Thurgood Marshall, see *id.*

44. RALPH J. BRYSON, THE STORY OF KAPPA ALPHA PSI: A HISTORY OF THE BEGINNING AND DEVELOPMENT OF A COLLEGE GREEK LETTER ORGANIZATION 1911–1999, at 56–57 (5th ed. 2003).

45. *Id.*

46. *Id.* “Lynch Law,” says the Virginia Lancet, “as known by that appellation, had its origin in 1780 in a combination of citizens of Pittsylvania County, Virginia, entered into for the purpose of suppressing a trained band of horse thieves and counterfeiters whose well concocted schemes had bidden defiance to the ordinary laws of the land, and whose success encouraged and emboldened them in their outrages upon the community. Col. Wm. Lynch drafted the constitution for this combination of citizens, and hence ‘Lynch Law’ has ever since been the name given to the summary infliction of punishment by private and unauthorized citizens.”

47. BRYSON, *supra* note 44, at 61.

48. *Problems of Race Attacked in Kappas Numerous Resolutions*, KAPPA ALPHA PSI J., Feb. 1938, at 28, 28.

49. BRYSON, *supra* note 44, at 64.

50. *Anti-Lynching Legislation*, KAPPA ALPHA PSI J., Oct. 1937, at 197, 197.

congressmen and senators to ensure they too would back the passage of this bill and work for legislation that would make life safer and easier in the United States.<sup>51</sup>

In 1937's *Williams v. Zimmerman* case,<sup>52</sup> Kappa Alpha Psi member Leon A. Ransom<sup>53</sup> represented a young African American girl who lived equidistant from a White school and a colored school and sought to gain admission to the White school.<sup>54</sup> The court held she was not entitled to admission because she failed to pass the qualifying examination given to all children, regardless of race.<sup>55</sup> The court stated that, although colored children were forced to take the test in strange locations located far from their homes while White children took the test at the elementary schools familiar to them, the difference in circumstances was not a great a disadvantage for the colored children.<sup>56</sup>

The year 1938 was a fruitful year for Kappa Alpha Psi members in the area of social justice. Kappa Alpha Psi member J.W. Holland received praise from the National Problems Advisory Committee at the Cleveland Conclave for his protestation of a local radio station using derogatory terms to describe African Americans.<sup>57</sup> The National Problems Advisory Committee also filed a lawsuit against the Hollenden Hotel under Ohio civil rights laws after the hotel refused accommodations to Kappa Alpha Psi members during their annual convention.<sup>58</sup> Member Ransom, along with Alpha Phi Alpha member Charles Hamilton Houston, succeeded in having reversed the Kentucky Court of Appeals in the case of *Hale v. Kentucky*.<sup>59</sup> Hale, a twenty-year-old African American man, was charged with murdering a White man who had been molesting African American women in an African American neighborhood.<sup>60</sup> Hale's trial lawyers from a prestigious White law firm were unable to convince the trial court judge to address the issue of exclusion of African Americans from the jury panel.<sup>61</sup> As a result, an all-White jury convicted Hale, and he was sentenced to death the day after the trial began in October 1936.<sup>62</sup> As pointed out by Ransom in regard to the case, "[i]t call[ed] the attention of the southern states to the fact that Negroes have got to be tried in keeping with the Constitution, and this ought to serve as a warning to all where this question is concerned."<sup>63</sup> Ransom argued that the jury commissioners excluded African

51. *Id.*

52. 192 A. 353, 353–54 (Md. 1937).

53. For biographical information on Leon Andrew Ransom, see *infra* notes 515–27 and accompanying text.

54. *Williams*, 192 A. at 353–54.

55. *Id.* at 355–56.

56. *Id.*

57. *Praises Radio Protest*, KAPPA ALPHA PSI J., 281. J. Feb. 1938, at 287. Wellington Holland was elected Polemarch of the southwestern province at the Twentieth Grand Chapter Meeting in 1930. BRYSON, *supra* note 47, at 42.

58. *Hotel Refusing to Accommodate Conclave Delegate Is Sued*, KAPPA ALPHA PSI J., Feb. 1938, at 287, 287.

59. 303 U.S. 613, 613, 616 (1938). For a biography of Charles Hamilton Houston, see GENNA RAE MCNEIL, *GROUNDWORK: CHARLES HAMILTON HOUSTON AND THE STRUGGLE FOR CIVIL RIGHTS* (1983).

60. *Hale*, 303 U.S. at 614.

61. *Id.* at 615.

62. *Id.*

63. James M. Coggs, *Wins Jury Case in Highest Court: Kentucky Reversed*, *Youth's Life*



Americans from the jury pool because of their race and color; therefore, Hale was denied equal protection of the law in violation of the Fourteenth Amendment of the U.S. Constitution.<sup>64</sup>

Ultimately, the United States Supreme Court ruled that Hale's civil rights had been violated and noted that

[w]e are of the opinion that the affidavits, which by the stipulation of the State were to be taken as proof, and were uncontroverted, sufficed to show a systematic and arbitrary exclusion of Negroes from the jury lists solely because of their race or color, constituting a denial of the equal protection of the laws guaranteed to petitioner by the Fourteenth Amendment.<sup>65</sup>

Ransom also represented Walter Mills, an African American teacher, who claimed that a state statute providing a minimum scale of salaries for White teachers and a lower minimum scale for teachers in colored schools was unconstitutional in *Mills v. Board of Education*.<sup>66</sup> The district court ruled the statute resulted in unconstitutional discrimination.<sup>67</sup> The judge stated that the pleadings and testimony clearly established that there was unconstitutional wage discrimination on account of race.<sup>68</sup> The judge stated that, while the statute on its face was not unconstitutional, the board of education's practice of having different salary scales for White teachers as opposed to Black teachers was unconstitutional in application.<sup>69</sup>

Similarly, in Ransom's third civil rights case of 1939, the court in *Bone v. State* held that it was a violation of the Fourteenth Amendment Equal Protection Clause for a state to systematically exclude those eligible for jury service based solely upon race.<sup>70</sup> The replacement of a few jury members with African American jury members did not cure the error of systematically assigning a full jury against the Fourteenth Amendment.<sup>71</sup> The court further explained that the error was not in the fact that the jury was composed of all White jurors, but the fact that the jury was based on a system that purposely excluded African American jurors.<sup>72</sup>

In 1939, Indiana University had a practice of denying African American students the right to eat anywhere but one sandwich shop.<sup>73</sup> The discriminatory practice forced Kappa Alpha Psi member and law student Samuel L. Patterson to call for a meeting of all African American students in order to overcome the conditions.<sup>74</sup> Around the

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*Saved as Ransom Argues Exclusion of Race Jurors*, KAPPA ALPHA PSI J., May 1938, at 345, 345.

64. *Hale*, 303 U.S. at 614.

65. *Id.* at 616.

66. 30 F. Supp. 245, 245-46 (D. Md. 1939).

67. *Id.* at 249-50.

68. *Id.*

69. *Id.* at 248, 249-50.

70. 129 S.W.2d 240, 240, 244 (Ark. 1939).

71. *Id.* at 244.

72. *Id.* at 243.

73. Hugh Henson, *If Bloomington Were in Germany!: Only One Place Where Indiana University Students May Eat-If They Are Colored*, KAPPA ALPHA PSI J., Mar. 1939, at 111, 111.

74. *Id.*

same time, the Washington Alumni Chapter urged Congress to abolish racial discrimination in the army.<sup>75</sup>

## II. KAPPA ALPHA PSI'S SOCIAL JUSTICE AGENDA: 1940S–1950S

In the 1940s, Kappa Alpha Psi built upon the social justice legacy of decades prior. In 1940, at the Thirtieth Grand Chapter Meeting in Kansas City, the fraternity focused on new resolutions, such as

(1) a call upon Kappamen to continue fighting for the placement of a black on the federal Civil Service Commission; . . . (3) a call upon members and chapters to support the National Committee on the Negro in Defense; (4) a call to support the Geyer Anti-Poll Tax Bill; (5) offer of the Fraternity's services to the United States Commission on Education; (6) endorsement of the effort of Louisville teachers to equalize salaries; . . . (8) decision to study the matter of a Washington lobby in the interest of blacks; (9) decision to use Fraternity influence to insure [sic] coverage of domestics, laborers and farm workers under the Social Security Act; . . . (11) endorsement of the federal anti-lynching bill; . . . (14) decision to call upon Congress to pass legislation making it mandatory to select government employees consecutively from civil service lists rather than under the rule of three.<sup>76</sup>

Also in 1940, Earl B. Dickerson litigated *Hansberry v. Lee* all the way to the United States Supreme Court.<sup>77</sup> In *Hansberry*, the Supreme Court considered whether petitioners were bound by a judgment rendered in earlier litigation to which they were not parties.<sup>78</sup> In that earlier litigation, Lee had argued that *Hansberry* violated a neighborhood agreement not to sell, lease, or permit any Blacks to occupy any land within the neighborhood.<sup>79</sup> Despite the fact that the agreement stated it would only be effective if ninety-five percent of occupants signed it—and only fifty-four percent of occupants did sign it—the circuit court held that the issue of performance of the condition precedent to the validity of the agreement was res judicata; thus, the court held for Lee.<sup>80</sup> The Supreme Court reversed and held that neither of the parties to the previous litigation that validated the agreement

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75. *Congress Memorialized To Lower Bars Which Keep Negroes Out of Regular Army*, KAPPA ALPHA PSI J., Mar. 1939, at 120, 120.

76. BRYSON, *supra* note 44, at 73. The Pepper-Geyer bill repealed the poll tax laws as they referred to primary and general elections of nominees and candidates to federal offices. Poll tax states included Alabama, Arkansas, Georgia, Mississippi, South Carolina, Tennessee, Texas, and Virginia. Susan Green, *Congress Filibuster Threatens to Kill Anti-Poll Tax Bill*, 6 LABOR ACTION 1, 1–2 (1942), <https://www.marxists.org/history/etol/writers/green-susan/1942/11/polltax.htm> [<https://perma.cc/HFG5-ZQ9X>].

77. 311 U.S. 32 (1940). For biographical information on Earl Dickerson, see *infra* notes 379–88 accompanying text.

78. *Hansberry*, 311 U.S. at 37.

79. *Id.* at 37–38.

80. *Id.*

represented the interests of Hansberry; therefore, to enforce such an agreement would deprive Hansberry of due process.<sup>81</sup>

Brother Ransom also represented four African American defendants who were arrested without warrants and confined in the Broward County Jail in Florida.<sup>82</sup> The 1940 case, *Chambers v. Florida*, resulted from police attempts to solve the May 13, 1933, robbery and murder of a White man.<sup>83</sup> The African American men were arrested and subjected to repeated questioning over five days.<sup>84</sup> In that time, the prisoners were not permitted to see or confer with counsel, friends, or family.<sup>85</sup> After the fifth day of questioning had elicited no confession, police began a concentrated effort against a small number of prisoners in which the prisoners were questioned all night—with only short intervals for food and rest—until four of the prisoners confessed to the murder.<sup>86</sup> The state used the confessions in the murder prosecutions, in which the four men were sentenced to death.<sup>87</sup> The Supreme Court reversed the decision and held that the methods used to procure the confessions and the use of the confessions as the basis for conviction and sentence constituted a denial of due process because the confessions were obtained by coercion and duress.<sup>88</sup>

In 1941, after the Japanese attack on Pearl Harbor, Kappa Alpha Psi urged chapters and members to support and participate with the Office of Civilian Defense and to continue supporting legislation to get rid of the poll tax, lynching, and limitations on the use of franchise.<sup>89</sup> In general, the fraternity called for active seeking of “fuller democracy for all Americans and fuller citizenship rights for Negroes—in the belief that America shall also preserve democracy the world over by widening the base of democracy here at home.”<sup>90</sup>

In 1942’s *State ex rel Michael v. Witham*, the Tennessee Supreme Court held that racial separation in educational institutions was constitutional, so long as equal educational instruction was available to both races.<sup>91</sup> Kappa Alpha Psi member Ransom represented the African American applicants to the University of Tennessee, who claimed that they were denied admission to the school on the basis of race in violation of the Fourteenth Amendment.<sup>92</sup> The Tennessee Supreme Court found it was the duty of the State Board of Education to ensure equivalent facilities for African Americans.<sup>93</sup> However, the court held that the admission denials were not unconstitutional because the programs that plaintiffs sought to enroll in were also offered at the Tennessee Agricultural and Industrial State College for Negroes.<sup>94</sup>

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81. *Id.* at 44–46.

82. *Chambers v. Florida*, 309 U.S. 227, 227, 229 (1940).

83. *Id.* at 229.

84. *Id.* at 230–31.

85. *Id.* at 231.

86. *Id.* at 231–32, 235.

87. *Id.* at 235.

88. *Id.* at 241.

89. *Kappa’s Voice in War Time . . . : Letter from Grand Polemarch and Grand Chapter Meeting Resolutions Sent to President*, KAPPA ALPHA PSI J., Feb. 1942, at 75, 75.

90. *Id.*

91. 165 S.W.2d 378, 381 (Tenn. 1942).

92. *Id.* at 379–80.

93. *Id.* at 381.

94. *Id.* at 382.

Resolutions passed in November of 1943 at the Thirty-Third Grand Chapter Meeting in St. Louis, Missouri, included

(1) condemning continued refusal of the United States Navy to accept black women as WAVES, or to grant commissions to black men; (2) condemning the continued refusal of the armed services to enlist black nurses although the Army needed 60,000 more nurses; (3) deploring continued failure to use black soldiers as combat troops . . . (6) authorizing the Fraternity to take steps to join with other agencies to correct the many grievances suffered by black soldiers, and continued discrimination.<sup>95</sup>

Moreover, the fraternity passed a resolution that recommended Congress enact “legislation to provide that every member of the armed forces be subject only to military law for offenses committed or allegedly committed against a state while in the armed forces.”<sup>96</sup>

Kappa Alpha Psi’s Leon Ransom also represented civil rights efforts in *Railway Mail Ass’n v. Corsi* in 1944.<sup>97</sup> The Railway Mail Association, a labor union, was accused of violating section 43 of the New York Civil Rights Law, which prohibited racial and religious discrimination by labor organizations within New York.<sup>98</sup> Ransom was successful before the New York Appellate Division, which held that the labor union violated section 43 by limiting its membership to “persons of the Caucasian race or native American Indians.”<sup>99</sup>

In 1945, at the Thirty-Fourth Grand Chapter Meeting, Kappa Alpha Psi took firmer steps toward internalizing and formalizing its efforts towards racial justice and reconciliation.<sup>100</sup> The Committee on Interracial Cooperation was established by Grand Polemarch Augustus G. Parker and chaired by Dr. G. Cecil Lewis, who was also a member of the Illinois Interracial Commission.<sup>101</sup> The Committee was considered a step in the right direction toward developing goodwill and interracial amity in the United States.<sup>102</sup> The slogan of the program was “Mutual Acquaintanceship.”<sup>103</sup> Chairman Lewis of the Committee on Interracial Cooperation stated:

[t]he field of race relations is, as of today, the most potent and vital element in the real democracy for which we have fought for the past four years, and has cost us the blood of some of our finest, regardless of race or creed. To make peace worthwhile, and the spirit of democracy

95. BRYSON, *supra* note 44, at 77.

96. *Id.*

97. 47 N.Y.S.2d 404, 405 (App. Div. 1944).

98. *Id.* at 405.

99. *Id.* at 407.

100. G. Cecil Lewis, *For Better Race Relations . . . : Kappa Alpha Psi Adopts New Public Service Program for National Welfare*, KAPPA ALPHA PSI J., Oct. 1945, at 47, 47.

101. *Purpose: Interracial Amity*, KAPPA ALPHA PSI J., Oct. 1945, at 41, 41. For biographical information on Augustus G. Parker and G. Cecil Lewis, see *infra* notes 493–94, 508–14 and accompanying text.

102. *Purpose: Interracial Amity*, *supra* note 101, at 41.

103. Lewis, *supra* note 100.

something real we must all strive to foster a feeling of tolerance to all groups and a realization of that equality of all men so guaranteed by our form of government.<sup>104</sup>

The committee attempted to cooperate and assist with the functioning of the fraternity and create organizations and programs involving both college men and campus activities where none previously existed.<sup>105</sup>

The Committee on Interracial Cooperation created an experiment to explore how to use the high school curriculum in a way that would build healthy attitudes in human and intercultural relations.<sup>106</sup> The experiment was carried out by the Commission on Community Interrelations, the American Jewish Congress, and representatives of the Board of Education of the City of New York at the Bronx High School of Science in New York during the school year.<sup>107</sup> The experiment was to be carried out via a modification of the social science and biological science curricula at the school along intercultural lines.<sup>108</sup> It was a more in-depth, broad-scale version of previous small-scale experimental work by Zachariah Subarsky, Morris Cohen, and Dr. Morris Meister in 1944 at the Bronx High School of Science.<sup>109</sup> The modification of curriculum was expected to lead to deeper understanding of essential concepts of biology and social studies, and this knowledge was expected to “be translated into actual behavior changes which can be measured and evaluated.”<sup>110</sup>

Meanwhile, member Leon A. Ransom continued to further the cause in the courtroom through two 1945 cases. In *Roles v. School Board of Newport News*,<sup>111</sup> Ransom represented the African American teachers and principals of the Newport News Negro Teachers’ Association.<sup>112</sup> Over a period of years, the school board maintained a policy of paying African American teachers and principals in Newport News public schools less than White teachers and principals.<sup>113</sup> This policy was unconstitutional as a violation of the Equal Protection Clause by discriminating against the plaintiffs, and persons similarly situated in the payment of salaries, solely on account of their race and color.<sup>114</sup> The court found that the school board (1) continued discriminatory practices after the issuance of an injunction prohibiting such practices and (2) failed to comply with terms prohibiting discriminatory payment of salaries to African American teachers and principals, with the same qualifications and experience as and performing duties similar to White teachers and principals, solely on the basis of race or color.<sup>115</sup>

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104. G. Cecil Lewis, *Good First Year Seen for Inter-Racial Work*, KAPPA ALPHA PSI J., Feb. 1946, at 11, 11.

105. *Id.*

106. *Experiment in Democracy . . . : Study to Promote Better Intercultural Relations Gets School Board Backing*, KAPPA ALPHA PSI J., Oct. 1946, at 61, 61.

107. *Id.*

108. *Id.*

109. *Id.*

110. *Id.*

111. 61 F. Supp. 395 (E.D. Va. 1945).

112. *Id.* at 396.

113. *Id.*

114. *Id.*

115. *Id.* at 397–98.

Member Ransom also represented Clara I. Mays, in a second appeal, who was forced out of her home after her home purchase violated a racially based restrictive covenant.<sup>116</sup> In *Mays v. Burgess*, the D.C. Court of Appeals considered the validity of an injunction enforcing a restrictive covenant running with the land in a neighborhood of over 1000 homes, churches, and businesses.<sup>117</sup> The district court in the original trial had held the covenant in full force and effect and required Mays to remove herself and her personal effects from the residence within sixty days from the date of the June 1944 judgment.<sup>118</sup> The court of appeals affirmed, holding that there was no merit to the arguments appellant brought forth and that she “purchased the residence with both actual and constructive notice of the terms of the covenant.”<sup>119</sup> Mays made an application to the United States Supreme Court for certiorari and was denied.<sup>120</sup> Thereafter, Mays refused to comply with the District Court’s judgment and, despite her contention as to her good reasons for not doing so, would be found in contempt unless she vacated the premises.<sup>121</sup> Mays brought a second appeal in the court of appeals. In distinguishing the facts brought forth by Mays from *Hundley v. Gorewitz*, the court noted that while the neighborhoods in both cases were exclusively White, the facts of the latter were sufficiently different. To Mays’ point, four African American families had “infiltrated” an adjacent community in her case. However, in *Hundley*, the restrictive condition failed because the change in the neighborhood made it such that the covenant’s enforcement would impose a hardship on those who complied with its terms. As such, the court affirmed.<sup>122</sup>

In 1946, at the Thirty-Sixth Grand Chapter Meeting in New York, the fraternity pushed for new resolutions:

(1) to support proposed legislation for a permanent Fair Employment Commission; (2) to support passage of an effective anti-lynching legislation by the 80<sup>th</sup> Congress; . . . (4) to support passage of a bill to provide increased aid to education by the federal government; . . . (7) to support the President’s plan to appoint a Civil Rights Commission, and appeal to the commission to introduce a bill favoring enactment of a civil rights law by the Congress; . . .<sup>123</sup>

The fraternity also actively supported legislation to abolish the poll tax. Senator LaFollette proposed to institute a liberal government, which would reduce the southern representation in Congress, as it was focused on disenfranchising colored voters, and promoted the Dyer Anti-Lynching Bill.<sup>124</sup> Kappa Alpha Psi member G.

116. *Mays v. Burgess*, 152 F.2d 123, 123 (D.C. Cir. 1945).

117. *Id.* at 124–25.

118. *Id.* at 123.

119. *Id.*

120. *Id.*

121. *Id.* at 123–24.

122. *Id.* at 124–25.

123. BRYSON, *supra* note 44, at 83–84.

124. G. Victor Cools, *Which Way Are We Going?*, KAPPA ALPHA PSI J., Oct. 1924, at 15, 15. In response to an epidemic of lynchings, especially in the South, Republican Congressman Leonidas Dyer of Missouri introduced an anti-lynching bill in 1918. The main effect of the

Victor Cools pushed for support of LaFollette's initiative in part because LaFollette was against discrimination of all kinds and was the first senator to recognize African American men in the government of Wisconsin.<sup>125</sup>

In 1946's *Morgan v. Virginia*, Kappa Alpha Psi member Leon Ransom represented parties challenging a state statute requiring passengers on interstate trips to change seating arrangements based on segregation policies at various stops along the trip.<sup>126</sup> The Supreme Court found that states with segregation laws similar to Virginia's could be read to exclude interstate passengers.<sup>127</sup> Thus, the Court held that the statute as applicable to interstate passengers posed a burden on the "freedom of choice" for passengers and was unconstitutional under the Interstate Commerce Clause.<sup>128</sup>

Also in 1946, Ransom represented African Americans in a dispute between African American members of the District of Columbia Amateur Athletic Union and members of the union's Registration Committee in *Farrall v. District of Columbia Amateur Athletic Union*.<sup>129</sup> Plaintiffs contended that a provision in the union's contract stating that the committee did not sanction mixed racial competition violated the constitution and bylaws of the Amateur Athletic Union.<sup>130</sup> While the district court granted the defendants' motion to dismiss, the appellate court reversed and held that the complaint and affidavit showed genuine issues of fact as to whether (1) the defendants controlled plaintiffs' participation in amateur athletic events, (2) the constitution and bylaws of the union permitted the restrictive sanctions imposed by the committee, and (3) "local athletes may participate in national championships without first competing in the district in which they are registered."<sup>131</sup> These facts, if proven, stated a claim upon which relief could be granted, defeating the defendants' motion to dismiss.<sup>132</sup>

In March of 1948, Kappa Alpha Psi member James Egert Allen attended a conference called by the NAACP to create a draft document that postulated the wishes of African American voters and citizens.<sup>133</sup> Legislation on both state and

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proposed bill was to classify lynching as a federal felony crime, which would have taken prosecution out of the hands of the states and into the hands of the federal government. The bill included provisions to imprison officials who refused to prosecute those involved in lynching and a mandatory minimum sentence of five years for anyone involved in the lynching itself. The bill passed through the House of Representatives in 1922 but was halted by a filibuster in the Senate. Though dozens of anti-lynching bills were subsequently introduced, none were passed, mainly because of the strong opposition of the southern Democratic voting bloc. See generally Barbara Holden-Smith, *Lynching, Federalism, and the Intersection of Race and Gender in the Progressive Era*, 8 YALE J.L. & FEMINISM 31 (1996).

125. Cools, *supra* note 124. For biographical information on G. Victor Cools, see *infra* notes 363–66 and accompanying text.

126. 328 U.S. 373, 373, 374 (1946).

127. *Id.* at 382.

128. *Id.* at 383–86.

129. 153 F.2d 647, 647–48 (D.C. Cir. 1946).

130. *Id.* at 648–49.

131. *Id.* at 650.

132. *Id.*

133. James Egert Allen, *Rebuttal: Not Just Politics! . . . : Political Charge Against Civil Rights Report Called 'Fallacy'*, KAPPA ALPHA PSI J., Aug.–Oct. 1948, at 63, 63. For biographical information on James Egert Allen, see *infra* notes 314–27 and accompanying

national levels was called for. “Freedom to work, vote and live in the entire nation was considered of paramount importance. Abolition of segregation in the military forces and in education were made emphatic. . . . The fullest use of the ballot was urged.”<sup>134</sup> That same year, the fraternity called for a need to individually and collectively undertake the following actions:

(1) study the [President’s Committee on Civil Rights’s report, *To Secure These Rights*]; (2) see that copies are in their libraries and in the hands of appropriate college officers and teachers, school superintendents, mayors, and preachers; (3) hold conferences and mass meetings to inquire into the state of local civil rights; (4) write letters to the editor and petition Government pointing out conditions that need corrections; (5) insist that vote-seekers take a stand on whether they will support legislation for fair employment, an anti-lynching bill, an anti-poll tax bill, etc.<sup>135</sup>

In May of that year, the U.S. Supreme Court came full circle with regard to racially restrictive covenants. In 1940, it had decided the case litigated by Earl B. Dickerson—*Hansberry v. Lee*.<sup>136</sup> This time, it rendered its decision in a case litigated by Kappa Alpha Psi member William Robert Ming, *Shelley v. Kraemer*.<sup>137</sup> Therein, the Supreme Court held that state courts could not use their judicial powers to enforce restrictive covenants discriminating against the sale of property to African Americans.<sup>138</sup> The restrictive covenants entered into and adhered to by individuals were not violations of the Constitution.<sup>139</sup> However, state courts violated the Fourteenth Amendment when they upheld and enforced the covenants, because the courts’ action was considered state action.<sup>140</sup>

In 1948’s *Henderson v. E Street Theatre Corp.*, Kappa Alpha Psi member Ransom represented Henderson, an African American denied his ticket purchase at the National Theatre because of a policy prohibiting the admission of African Americans.<sup>141</sup> The court found that the statute could not be enforced because the Civil Rights Act of 1875 had been found to be unconstitutional, so the policy couldn’t really violate it if the Act was not in force.<sup>142</sup> The court refused to impose penalties on the National Theatre for its discriminatory policy because the Supreme Court had previously found the Act was unconstitutional.<sup>143</sup>

In December 1948, Kappa Alpha Psi would see an initial push toward becoming civically engaged nationwide. At a banquet in Windsor, Ontario, Kappa Alpha Psi

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text.

134. Allen, *supra* note 133, at 63.

135. ‘*To Secure These Rights*’—*Project for Study and Action*, KAPPA ALPHA PSI J., Feb. 1948, at 1, 1.

136. See *supra* notes 78–82 and accompanying text.

137. 334 U.S. 1, 2 (1948). For biographical information on William Robert Ming, see *infra* notes 495–500 and accompanying text.

138. *Id.* at 20.

139. *Shelley*, 334 U.S. at 13.

140. *Id.* at 16.

141. 63 A.2d 649, 650 (D.C. 1948).

142. *Id.* at 652.

143. *Id.* at 652–53.



member Dr. Martin D. Jenkins called upon his listeners to dedicate themselves to “programs of human welfare larger than the social interests of the average fraternity.”<sup>144</sup> One of the ways that this manifested itself was in the authorization for the fraternity’s affiliation with the American Council on Human Rights (ACHR).<sup>145</sup> On March 19, 1949, Kappa Alpha Psi’s affiliation with the ACHR was authorized at the Thirty-Eighth Grand Chapter Meeting in Detroit.<sup>146</sup> The ACHR was known as one of the organizations that worked to defeat the recent filibuster rule against civil rights in the United States Senate.<sup>147</sup> Other affiliated Greek organizations included Alpha Kappa Alpha, Alpha Phi Alpha, Delta Sigma Theta, Phi Beta Sigma, Sigma Gamma Rho, and Zeta Phi Beta.<sup>148</sup> The ACHR was established to garner the extension of fundamental human and civil rights to all citizens and works through the U.S. Congress and federal government. The ACHR vigorously worked towards the passage of civil rights legislation and amendments to general legislation, which would lead to benefits for all people sans racial distinctions.<sup>149</sup> The legislative program agenda pushed for the passing of a fair employment practices bill that would enable equal job opportunities without discrimination, the anti-poll- tax bill, the anti-lynching bill, and other civil rights measures presented in Congress.<sup>150</sup> Other legislation for which they advocated for nondiscrimination provisions included in housing bills, repeal of the Taft-Hartley Act, and the Federal Aid-to-Education Bill.<sup>151</sup> Among the Kappa Alpha Psi members who would go on to serve in leadership positions were James E. Scott, selected in 1951 as board chairman, and Elmer W. Henderson, who served as the executive director.<sup>152</sup>

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144. BRYSON, *supra* note 44, at 85 (internal quotation marks omitted). For biographical information on Martin D. Jenkins, see *infra* notes 473–86 and accompanying text.

145. BRYSON, *supra* note 48, at 85.

146. *United for Human Rights... Kappa Adds Its Strength to Council Working for Fuller Civil Liberties*, KAPPA ALPHA PSI J., May 1949, at 43–44.

147. *Id.*

148. *Id.*

149. *Id.*

150. *Id.*

151. *Id.*

The Taft-Hartley Act was one of more than 250 union-related bills pending in both houses of Congress in 1947. It was seen as a means of demobilizing the labor movement by imposing limits on labor’s ability to strike and by prohibiting radicals from their leadership. The law was promoted by large business lobbies including the National Association of Manufacturers. The Taft-Hartley Act was the first major revision to the Wagner Act, and, after much resistance from labor leaders and a veto from President Harry S. Truman, it was passed on June 23, 1947. The Taft-Hartley Act provided the following: it allowed the president to appoint a board of inquiry to investigate union disputes if he believed a strike would endanger national health or safety; to obtain an eighty-day injunction to stop the continuation of a strike; it declared all closed shops illegal; it permitted union shops only after a majority of the employees voted for them; it forbade jurisdictional strikes and secondary boycotts; it ended the check-off system whereby employers collect union dues; and it forbade unions from contributing to political campaigns. Although many people tried to repeal the act, the Taft-Hartley Act stayed in effect until 1959 when the Landrum-Griffin Act amended some of its features.

*Federal aid-to-education* is a blanket term for the federal government’s assistance to education, including the G.I. Bill of Rights, National Defense Education Act, and Elementary and Secondary Education Act.

152. BRYSON, *supra* note 44, at 97, 99. For information on Henderson’s work with ACHR,

Kappa Alpha Psi members were seen pushing for social justice on all fronts, even from their bully pulpits in higher education. On December 17, 1949, Martin David Jenkins was inaugurated as the seventh president of Morgan State College.<sup>153</sup> In his speech, he addressed goals for students, which included “to know the history and status of the Negro people and the goals toward which they are striving; . . . to be free of racial and national prejudices and petty social intolerances.”<sup>154</sup> Furthermore, he made his stance clear in regards to segregation by stating:

I oppose segregation because I reject, as any self-respecting Negro must, the basic assumption underlying all phases of racial segregation, namely, that Negroes are inherently and inescapably inferior to other racial groups in our population. . . . I oppose it because its practice deprives Negroes of occupational, educational and other civic benefits and has thus served both to depress the general level of accomplishment of the group and to deprive our society of the value of the accomplishment which might have been.<sup>155</sup>

Additionally, he remarked, “As a psychologist, I know that a free people cannot be forced to change ingrained attitudes and behavior patterns overnight; but I also know that attitudes and practices can be modified, and that they sometimes change with startling rapidity.”<sup>156</sup> He claimed that the path for African American youth was becoming lined with more opportunities, particularly in terms of education and acceptance into the University of Maryland’s Law School and other private institutions within the state.<sup>157</sup>

Back on the legal front, Earl B. Dickerson litigated *United States v. Sacher* in 1950.<sup>158</sup> The U.S. Court of Appeals for the Second Circuit considered whether the district court was justified in holding Sacher and other attorneys who had represented several alleged Communist Party members—among those members, an African American—in contempt for their conduct throughout the proceedings of their clients’ trials.<sup>159</sup> The court of appeals held that the district court was justified in most of its findings of contempt and sentences for Sacher and others.<sup>160</sup>

William Ming was among a group of lawyers also fighting for social justice in the courts; however, higher education desegregation was his focus. One of his cases was *Sweatt v. Painter*, which involved Alpha Phi Alpha member Heman Sweatt applying to the University of Texas Law School and being denied admission because he was African American.<sup>161</sup> The law school created a facility for African American students

see Gregory S. Parks, “*Lifting as We Climb*”: *The American Council on Human Rights and the Quest for Civil Rights*, (under review). For biographical information on James E. Scott and Elmer W. Henderson, see *infra* notes 434–38, 538 and accompanying text.

153. *Always Against Segregation: Color, Straight Talk at Jenkins’ Inaugural*, KAPPA ALPHA PSI J., Feb. 1949, at 29, 29.

154. *Id.* (internal quotation marks omitted).

155. *Id.* (internal quotation marks omitted).

156. *Id.* (internal quotation marks omitted).

157. *Id.* at 29–30.

158. 182 F.2d 416, 417 (2d Cir. 1950).

159. *Id.* at 418.

160. *Id.* at 430.

161. 339 U.S. 629, 630–31 (1950). For further details about Heman Sweatt, see generally

that did not contain the same amount of staffing, textbooks, facilities, or prestige as the White educational facility.<sup>162</sup> The Supreme Court held that the educational facility provided to the African American students was not equal to that provided to the White students; therefore, the policy of the University of Texas Law School violated the Fourteenth Amendment's Equal Protection Clause.<sup>163</sup>

Kappa Alpha Psi member Leon Ransom continued his diligent civil rights efforts in 1949 through the case *Carter v. School Board*.<sup>164</sup> The class action suit was brought on behalf of all African American students of high school age residing in the county.<sup>165</sup> The complaint alleged discrimination against African American students by the school board failing to provide them, solely on account of their race or color, with facilities and opportunities for high school education equal to those furnished to the White students.<sup>166</sup> Plaintiff Carter was a student who attempted to register for certain courses at an all-White high school not offered at her all-Black high school but was denied registration on account of her race.<sup>167</sup> African American students were denied equal facilities for instruction and extracurricular activities by the school board, as well as course offerings in comparison to those offered to White students in the same school district.<sup>168</sup> The court went on to perform a point-by-point analysis of the two schools and stated that there was no discrimination in this case because students were afforded an equal educational opportunity at either school<sup>169</sup> but did not decide the broader question of whether segregation alone constituted discrimination.<sup>170</sup> The Fourth Circuit found that the plaintiffs had made a sufficient showing of the differences between the two schools to defeat dismissal but remanded the case for further proceedings at the district court.<sup>171</sup>

In *Carr v. Corning*, Ransom represented Marguerite Daisy Carr, who sought injunctive relief to permit the attendance of African American students at an all-White junior high school to guarantee them the educational opportunities, facilities, and equipment equal to those allegedly afforded White students.<sup>172</sup> The dispute arose out of overcrowding in the all-Black school that separated the students' class sessions into two 4.5-hour sessions per day, rather than the six hours required by statute.<sup>173</sup> The court of appeals found that statutes providing for separation of races in schools of the District of Columbia did not violate the U.S. Constitution.<sup>174</sup> The court of appeals found that the same treatment would have occurred had plaintiffs been White; therefore, no unconstitutional discrimination on the basis of race

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GARY M. LAVERGNE, BEFORE *BROWN*: HEMAN MARION SWEATT, THURGOOD MARSHALL, AND THE LONG ROAD TO JUSTICE (2010).

162. *Sweatt*, 339 U.S. at 632–35.

163. *Id.* at 635–36.

164. 87 F. Supp. 745, 746 (E.D. Va. 1949), *rev'd*, 182 F.2d 531, 532 (4th Cir. 1950).

165. *Id.* at 746.

166. *Id.*

167. *Id.*

168. *Id.* at 747.

169. *Id.* at 747–50.

170. *Id.* at 753.

171. *Carter v. Sch. Bd.*, 182 F.2d 531, 537 (4th Cir. 1950).

172. 182 F.2d 14, 14–15 (D.C. Cir. 1950).

173. *Id.* at 15.

174. *Id.* at 17.

occurred.<sup>175</sup> It is interesting to note that in this case, Judge Edgerton dissented, as he dissented in Ransom's above-mentioned *Mays v. Burgess* case.<sup>176</sup>

Also in 1950, the U.S. Supreme Court handed down a critical opinion in the fight to end racial segregation. The groundwork, however, began eight years prior. On May 17, 1942, Elmer Henderson traveled to Atlanta from Washington, D.C. aboard a Southern Railway ("Southern") train.<sup>177</sup> Southern's policy permitted Whites to be served ahead of Blacks at the tables reserved for Blacks if the dining car had already been opened and there were no seats available at White tables.<sup>178</sup> At the opening of the dining car on the evening of May 17, no Black passengers immediately arrived for service.<sup>179</sup> As such, the curtain was pulled back, and White passengers were allowed to sit at the end tables (those generally reserved for Blacks).<sup>180</sup> When Henderson arrived, neither of the end tables were vacant (though seats were available among the Whites sitting at the colored table), yet the steward refused to seat him among the Whites.<sup>181</sup> The diner was filled continuously with passengers from the line taking seats as soon as others vacated them, so Henderson was forced to wait.<sup>182</sup> The steward offered to serve Henderson in his seat back in the Pullman car, but Henderson declined the service and waited to be seated in the dining car.<sup>183</sup> By the time the dining car was removed at nine o'clock that night, Henderson had not been served.<sup>184</sup>

The following October Henderson filed a complaint with the Interstate Commerce Commission ("Commission") alleging that Southern had "unjustly discriminated against him in violation of the provisions of Section 3(1) of the Interstate Commerce Act, 49 U.S.C.A. § 3(1), and Section 2, Par. I of Article IV of the Constitution of the United States, by failing to furnish him with dining car service equal to that furnished White passengers."<sup>185</sup> The Commission ultimately dismissed the complaint, finding that, among other things, although Southern violated the Interstate Commerce Act (ICA) by subjecting Henderson to "undue and unreasonable prejudice," Henderson did not sustain any compensable damages.<sup>186</sup>

Following the Commission's decision, Belford V. Lawson, Jr. and Josiah F. Henry—members of Alpha Phi Alpha and Kappa Alpha Psi, respectively—brought suit in the United States District Court for the District of Maryland on Henderson's behalf.<sup>187</sup> Citing *Plessy*, the court recognized that "it has been repeatedly declared by

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175. *Id.* at 22.

176. *Compare id.* at 22 (Edgerton, J., dissenting), with *Mays v. Burgess*, 152 F.2d 123, 125 (D.C. Cir. 1945) (Edgerton, J., dissenting).

177. *Henderson v. United States*, 63 F. Supp. 906, 909 (D. Md. 1945).

178. *Id.* at 910.

179. *Id.* at 909.

180. *Id.*

181. *Id.*

182. *Id.*

183. *Id.*

184. *Id.*

185. *Id.* at 908.

186. *Id.* at 910.

187. *Id.* at 908, 910. For a detailed biography of Belford V. Lawson, see generally Gregory S. Parks, *Belford Vance Lawson, Jr.: Life of a Civil Rights Litigator*, 12 U. MD. L.J. RACE, RELIGION, GENDER & CLASS 320 (2012). For biographical information on Josiah Francis

the Supreme Court that race segregation by State law is not *per se* an abridgment of any constitutional right secured to the citizen.”<sup>188</sup> The court further noted that by virtue of the Commerce Clause, Congress has the power to prohibit segregation in interstate travel, but has not done so, choosing rather to limit section 3 of the ICA prohibition to more general “undue or unreasonable prejudice or disadvantage.”<sup>189</sup> The court concluded that the service was not equal.<sup>190</sup> Accordingly, it dismissed the Commission’s order and remanded.<sup>191</sup>

Following the remand, Southern adopted new regulations for its dining cars that provided that one of the behind-the-curtain tables was reserved *exclusively* for Black passengers.<sup>192</sup> The Commission, in reviewing Southern’s new policy, affirmed its prior findings.<sup>193</sup> Accordingly, the Commission dismissed the complaint, and Henderson again sued in federal district court to set aside the Commission’s order.<sup>194</sup>

This time, the court agreed with the Commission and dismissed Henderson’s complaint.<sup>195</sup> First, the court reestablished that racial segregation of interstate passengers is not forbidden by the U.S. Constitution, the ICA, or any other act of Congress.<sup>196</sup> Additionally, the court agreed with the Commission’s determination that the regulation allotting only one reserved table was adequate.<sup>197</sup> Finally, the court observed that the principle of segregation was approved by the Supreme Court and that the curtains were merely a method of carrying it into execution, something that was proper for the Commission to determine.<sup>198</sup> Accordingly, it concluded curtains were a reasonable means of segregation.<sup>199</sup>

Following the district court’s dismissal, Henderson appealed directly to the Supreme Court.<sup>200</sup> On brief for Henderson were six attorneys, among them three Alpha Phi Alpha members (Belford V. Lawson, Jr., Jawn Sandifer, and Sidney A. Jones, Jr.), two Kappa Alpha Psi members (Earl B. Dickerson and Josiah F. Henry, Jr.), and one member of Alpha Kappa Alpha Sorority (Marjorie McKenzie).<sup>201</sup> There were also six Of Counsels; among them five were Alpha Phi Alpha members (Aubrey E. Robinson, Jr., Edward W. Brooke, William M. McClain, Theodore M. Berry, and

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Henry, Jr., see *infra* notes 439–48 and accompanying text.

188. *Henderson*, 63 F. Supp. at 913 (citing *Plessy v. Ferguson*, 163 U.S. 537 (1896)) (emphasis added).

189. *Id.*

190. *Id.* at 915–16.

191. *Id.* at 916.

192. *Henderson v. Interstate Commerce Comm’n*, 80 F. Supp. 32, 35 (D. Md. 1948).

193. *Id.*

194. *Id.*

195. *Id.* at 39.

196. *Id.*

197. *Id.* at 36–37.

198. *Id.* at 37.

199. *Id.*

200. *Henderson v. United States*, 339 U.S. 816, 817 (1950).

201. Brief for Elmer W. Henderson, *Henderson*, 339 U.S. 816 (No. 25), 1949 WL 50667.

George H. Windsor).<sup>202</sup> Charlotte R. Pinkett was not affiliated with a sorority.<sup>203</sup> Their collective work, like that of the ACHR, highlights the significant ways in which BGLO members worked together to vindicate African Americans' struggles for social equality and civil rights. Alpha Phi Alpha lawyers' significant role in working with a Kappa Alpha Psi member to bring an end to racial segregation was not by accident. This case was the only major civil rights case of the era not funded by the NAACP Legal Defense and Educational Fund.<sup>204</sup> Rather, it was funded and litigated by Alpha Phi Alpha.<sup>205</sup>

The Court determined that its decision was largely controlled by its recent decision in *Mitchell v. United States*.<sup>206</sup> In *Mitchell*, a Black passenger was denied a seat in a Pullman car, although he held a first-class ticket, the seat was unoccupied, and the seat would have been available had Mitchell been White.<sup>207</sup> Railroad regulations allotted a limited amount of "Pullman space" to Black passengers; because the allotment was met, Mitchell was required to ride in a second-class coach.<sup>208</sup> The Court held that the passenger had been subjected to an unreasonable disadvantage, as the railroad violated section 3 of the ICA.<sup>209</sup> Likewise, the Court observed that Henderson was denied a seat in the dining car that would have been available if he were White.<sup>210</sup> As in *Mitchell*, the Court concluded that Southern's regulation subjected passengers to "undue or unreasonable prejudices" in violation of the ICA.<sup>211</sup>

The Court emphasized that the right to be free from unreasonable discrimination under the ICA belongs to each particular person.<sup>212</sup> The Court observed that denial of dining service to *any* passenger based on Southern's segregation by race regulation imposed deprivation upon White and Black passengers alike.<sup>213</sup> Its terse holding granted life support to *Plessy* in that the Constitution still permitted segregation, but *Plessy*'s foundation was severely weakened. *Henderson* demonstrated "separate but equal" was an "undue or unreasonable prejudice"<sup>214</sup> and could provide for dicta in the movement to overrule *Plessy*.

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202. *Id.* For more details about Theodore Berry, Edward W. Brooke, Sidney A. Jones, Jr., William M. McClain, Marjorie McKenzie, Charlotte R. Pinkett, Aubrey Robinson, Jawn Sandifer, and George H. Windsor's biographies, see generally Gregory S. Parks, *Belford Vance Lawson, Jr.: The Life of a Civil Rights Litigator*, 12 MD. L.J. RACE, RELIGION, GENDER & CLASS 320 (2013).

203. Parks, *supra* note 202.

204. JACK GREENBERG, CRUSADERS IN THE COURTS: HOW A DEDICATED BAND OF LAWYERS FOUGHT FOR THE CIVIL RIGHTS REVOLUTION 73 (1994).

205. Parks, *supra* note 202, at 339–40.

206. *Henderson*, 339 U.S. at 823; see also *Mitchell v. United States*, 313 U.S. 80 (1941).

207. *Henderson*, 339 U.S. at 823–24.

208. *Id.* at 824.

209. *Id.*

210. *Id.*

211. *Id.*

212. *Id.*

213. *Id.* at 824–25.

214. *Id.* at 825 (internal quotation marks omitted).

This decision, along with the *Sweatt v. Painter*<sup>215</sup> and *McLaurin v. Oklahoma State Regents for Higher Education*<sup>216</sup> cases decided on the same day as *Henderson*, initially cracked the legal foundation of racial segregation established in *Plessy*.<sup>217</sup>

In 1953, Kappa Alpha Psi awarded its own Dr. A.M. Tinsley the Laurel Wreath for his work with civil rights.<sup>218</sup> Tinsley worked for many issues on behalf of Blacks, “including the equalization of black teachers’ salaries with those of white teachers, litigation to increase the state voting strength of the black, and opening all state-supported colleges and universities to blacks.”<sup>219</sup> That same year, in 1953, during the Forty-Third Grand Chapter Meeting in Chicago, resolutions were made to enact the following laws:

[A] Fair Employment Practices Bill with enforcement powers; an Anti-Poll Tax Bill designed to remove the tax as a prerequisite for voting; a bill to outlaw segregation in interstate travel; an Omnibus Civil Rights Bill to strengthen the authority of the Department of Justice in the protection of basic rights of citizens . . . .<sup>220</sup>

In 1954, the U.S. Supreme Court ruled in *Bolling v. Sharpe*<sup>221</sup> and *Brown v. Board of Education*<sup>222</sup>—both cases that brought an end to de jure segregation in public education. *Brown*, a case litigated in part by William Ming, involved a class represented by African American minor students who had been denied admission to White public schools.<sup>223</sup> They challenged under the Fourteenth Amendment’s Equal Protection Clause the separate-but-equal policy of public schools.<sup>224</sup> The Supreme Court held that the principle of separate but equal was “inherently unequal,” and separate educational facilities resulted in inequality even when the objective factors of public schooling are the same.<sup>225</sup> The Court held that segregation in public schools violated the U.S. Constitution.<sup>226</sup>

In *Bolling*, a case litigated in part by Kappa Alpha Psi member George Edward Chalmer Hayes, the Court ruled that although the Fourteenth Amendment’s Equal Protection Clause applied exclusively to the states to prevent segregation in state public schools, the District of Columbia is subject to the Fifth Amendment of the

215. 339 U.S. 629 (1950).

216. 339 U.S. 637 (1950).

217. DEREK CHARLES CATSAM, *FREEDOM’S MAIN LINE: THE JOURNEY OF RECONCILIATION AND THE FREEDOM RIDES* 56 (2009).

218. BRYSON, *supra* note 44, at 103. A.M. Tinsley graduated from Temple University and then Meharry Medical College. He served as head of the NAACP in Richmond, Virginia, and was later elected head of the NAACP for the State of Virginia. For his work, he was acknowledged by other African American fraternities, including Alpha Phi Alpha and Omega Psi Phi. *Id.* at 103–04.

219. *Id.*

220. *Id.* at 104.

221. 347 U.S. 497 (1954).

222. 347 U.S. 483 (1954).

223. *Brown*, 347 U.S. at 484, 487–88.

224. *Id.* at 487–88.

225. *Id.* at 493–95.

226. *Id.* at 495.

U.S. Constitution.<sup>227</sup> The Fifth Amendment's Due Process Clause is not interchangeable with the Fourteenth Amendment's Equal Protection Clause, but the Court found that the discrimination prohibited by the Fourteenth Amendment also violated the Fifth Amendment's Due Process Clause.<sup>228</sup> The Court reasoned that segregation of schools in the District of Columbia did not serve a reasonable government interest and posed an undue burden on citizens.<sup>229</sup> Therefore, the Court held that the Fifth Amendment required desegregation of schools in the District of Columbia based on the Due Process Clause.<sup>230</sup>

Despite the effort put forth by both the fraternity and its members, ultimately, this avid engagement would be threatened. During the Forty-Sixth Grand Chapter Meeting banquet, the fraternity's leading and significant role in the ACHR was questioned when it seemed that the members at the Grand Chapter Meeting would not vote to continue membership.<sup>231</sup> However, because of the advocacy of Kappa Alpha Psi member James E. Scott and other proponents of the program, the fraternity voted to continue membership in the council.<sup>232</sup> The fraternity was not disinterested in the fight for civil rights; however, it was gradually realizing the need for critical self-examination and improvement within the fraternity.<sup>233</sup> Reform for Kappa Alpha Psi was inevitable, and the new image for the organization was being created.<sup>234</sup>

Interest in the ACHR continued to wane, and in its Forty-Seventh Grand Chapter Meeting banquet, the fraternity voted to discontinue membership in the council.<sup>235</sup> This was the tipping point for the unrest and great discontent that had been growing for several years within the ACHR.<sup>236</sup> Following this meeting, interest in the ACHR waned and membership dropped.<sup>237</sup> The fraternity emphasized that it was not disinterested in the rights of all peoples; instead, its decision was motivated by the fact that the fraternity spent large sums of money in its affiliation with the ACHR, which it believed might be better "used in support of other national civil rights organizations."<sup>238</sup> Kappa Alpha Psi had been a proud participant in the ACHR for eight years and had provided significant support to the ACHR.<sup>239</sup> Though the national organization discontinued its official membership in the ACHR, the fraternity did not prohibit its individual chapters from participating with the ACHR on a local basis or from giving financial support to the council.<sup>240</sup> Indeed, individual members pressed on in the fight for civil rights. By way of example, in 1955, Ralph David Abernathy and his close friend and Alpha Phi Alpha member, Dr. Martin Luther

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227. *Bolling v. Sharpe*, 347 U.S. 497, 499–500 (1954). For biographical information on George Edward Chalmer Hayes, see *infra* notes 428–33 and accompanying text.

228. *Bolling*, 347 U.S. at 498–500.

229. *Id.* at 500.

230. *Id.*

231. BRYSON, *supra* note 44, at 110.

232. *Id.*

233. *Id.*

234. *Id.*

235. *Id.* at 112–13.

236. *Id.*

237. *Id.* at 113.

238. *Id.*

239. *Id.*

240. *Id.*



King, Jr., cofounded the Montgomery Improvement Association, an organization that would go on to lead the Montgomery Bus Boycott.<sup>241</sup> Two years later in 1957, Abernathy would again co-found and become an executive board member of the Southern Christian Leadership Conference (SCLC), a pivotal organization during the African American civil rights movement.<sup>242</sup> After Dr. King was tragically assassinated, Abernathy took over as president of the SCLC and would lead the Poor People's Campaign March on Washington, D.C., in 1968.<sup>243</sup> He served as an Advisory Committee Member of the Congress on Racial Equality, as well.<sup>244</sup>

Walter E. Fauntroy, after earning his degree from Virginia Union, would study divinity at Yale University.<sup>245</sup> Fauntroy met Dr. Martin Luther King, Jr. while in college during the 1950s, an event that would inspire him to join the SCLC.<sup>246</sup> After graduating from Yale, Fauntroy would become pastor of New Bethel Baptist Church and serve as director of the Washington Bureau of the SCLC.<sup>247</sup> He also played key roles in the March on Washington for Jobs and Freedom and the Selma to Montgomery Voting Rights March.<sup>248</sup> After the assassination of Dr. King, Fauntroy would meet with both President Lyndon Johnson and fellow activist Stokely Carmichael to discuss the aftermath.<sup>249</sup> He also led prayer at King's funeral.<sup>250</sup> In 1970, President Nixon signed an act that gave the District of Columbia a non-voting delegate in Congress, and Fauntroy would win the election for the position.<sup>251</sup> He was a founding member of the Congressional Black Caucus and served as its chair in 1981.<sup>252</sup>

Donald L. Hollowell litigated several civil rights cases. In the U.S. District Court for the Northern District of Georgia's 1957 *Ward v. Regents of the University System of Georgia* opinion, an African American student had been denied admission to the University of Georgia Law School in an individual case.<sup>253</sup> The school instructed the student to submit his application again and the student refused to do so.<sup>254</sup> The court held that when pursuing a discrimination action in the courts an individual must "exhaust administrative remed[ies]."<sup>255</sup> Therefore, the action was dismissed.<sup>256</sup>

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241. For biographical information on Ralph David Abernathy, see *infra* notes 304–08 and accompanying text.

242. *Id.*

243. *Id.*

244. *Id.*

245. For biographical information on Walter Edward Fauntroy, see *infra* text accompanying notes 407–11.

246. See *Walter Edward Fauntroy*, PROJECT GUTENBERG PRESS, [http://self.gutenberg.org/articles/walter\\_edward\\_fauntroy](http://self.gutenberg.org/articles/walter_edward_fauntroy) [<https://perma.cc/EQ65-G86U>].

247. *See id.*

248. *See id.*

249. *See id.*

250. *See id.*

251. *See id.*

252. *See id.*

253. *Ward v. Regents of the Univ. Sys. of Ga.*, 191 F. Supp. 491, 492 (N.D. Ga. 1957). For biographical information on Donald L. Hollowell, see *infra* text accompanying notes 449–54.

254. *Ward*, 191 F. Supp. at 492.

255. *Id.* at 493.

256. *Id.* at 495.

## III. KAPPA ALPHA PSI'S SOCIAL JUSTICE AGENDA: 1960S–1970S

Hollowell began the next decade just as he ended the prior one, litigating civil rights cases. In its 1961 *Holmes v. Danner* decision, the U.S. District Court for the Middle District of Georgia held that the University of Georgia should be enjoined from further discrimination against admission of African American students.<sup>257</sup> Two African American students in the case applied to the University of Georgia, representing a class, and maintained consistent contact with the university but were denied admission on numerous occasions.<sup>258</sup> The court held that the students were not required to pursue all administrative remedies because the remedies could not be accomplished in a reasonable time and the university was not “free” to admit the students under Georgia law at the time.<sup>259</sup> Furthermore, the court held that the university had discriminated against African American students.<sup>260</sup> Discrimination occurred based on (1) the fact that there were no African American students admitted, (2) the reasoning given of shortage of facilities was invalid, and (3) the interview process for African American students was different compared to the process for White students. The university also had provided assistance to White candidates in the admission process that it did not provide to African American students.<sup>261</sup> Based on these practices by the university the court held that discrimination had occurred by the university and the university was to be enjoined to cease discriminatory admission practices.<sup>262</sup>

Three years later, the fraternity continued its push at the national level. In August 1964, Kappa Alpha Psi's Fifty-Second Grand Chapter Meeting was held in San Francisco, California, where a six-point resolution on civil rights was enacted.<sup>263</sup> There, Thomas Bradley was installed as Grand Polemarch.<sup>264</sup> He led the fraternity to become more engaged in civil rights.<sup>265</sup> Among his many efforts, Bradley represented the fraternity at the Community Action Assembly sponsored by the National Urban League in Washington, D.C., which focused on creating equal employment opportunities for Blacks.<sup>266</sup> Motivated by the problems faced by teachers being discriminated against, the fraternity made a resolution for its members to “seek out and destroy discrimination” wherever it existed.<sup>267</sup>

Kappa Alpha Psi members, even at the local level, had seemingly taken heed of Grand Polemarch Bradley's charge. In 1964, Kappa Alpha Psi member Louis Stokes litigated *Craggett v. Board of Education*, where the U.S. Court of Appeals for the Sixth Circuit upheld the district court's denial of a preliminary injunction to halt

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257. 191 F. Supp. 394, 410–12 (M.D. Ga. 1961).

258. *Id.* at 397.

259. *Id.* at 401.

260. *Id.*

261. *Id.* at 402–07.

262. *Id.* at 410.

263. BRYSON, *supra* note 44, at 141.

264. *Id.* at 144. For biographical information on Thomas J. Bradley, see *infra* text accompanying notes 340–47.

265. See BRYSON, *supra* note 44, at 144.

266. *Id.*

267. *Id.* at 146.

construction of new elementary schools in the Cleveland school system.<sup>268</sup> Prior to the construction of the new elementary schools, African American children from overpopulated schools were being transported to other, predominantly White, schools.<sup>269</sup> The construction of three new schools would end the need to transport children to other schools, and the new schools were projected to be predominantly African American.<sup>270</sup> Plaintiffs asserted that their case fell within the purview of *Brown v. Board of Education*<sup>271</sup> by enforcing racial segregation.<sup>272</sup> The district court found that there was no evidence of a deliberate design to segregate, but rather to preserve the concept of neighborhood school and to end transportation of classes; thus, the plaintiffs offered no evidence of irreparable injury.<sup>273</sup>

In 1965, California became the first state to legally require teaching of African American history. Kappa Alpha Psi member Mervyn Dymally,<sup>274</sup> an Assemblyman, wrote the bill<sup>275</sup> which has become law in the state of California. This was his second effort to get the bill through the legislature, and during the debate, he stated:

Now it will be possible for future generations to know the achievements of such Negroes as Crispus Attucks and George Washington Carver. . . . The role of the Negro in the Development of the United States and the State of California has been thoroughly neglected in the educational system of California; but with the implementation of this new statute, it will correct a situation in which correction is long overdue.<sup>276</sup>

Back in Washington, D.C., Kappa Alpha Psi members continued to push for social change with activism in the courts and streets. In a case that George W. Crockett helped litigate, the U.S. Supreme Court in *City of Greenwood v. Peacock* held that the defendants failed to allege sufficient facts to obtain removal of their case from

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268. 338 F.2d 941, 941, 943 (6th Cir. 1964); *see also* *Craggett v. Bd. of Educ.*, 234 F. Supp. 381 (N.D. Ohio 1964), *aff'd* 338 F.2d 941 (6th Cir. 1964). For biographical information on Louis Stokes, see *infra* text accompanying notes 539–48.

269. *Craggett*, 234 F. Supp. at 382.

270. *Id.* at 383–84.

271. 347 U.S. 483 (1954).

272. *Craggett*, 234 F. Supp. at 384–85.

273. *Id.* at 386–87.

274. For biographical information on Mervyn Malcolm Dymally, see *infra* text accompanying notes 394–401.

275. Section 60040 of the California Education Code states:

When adopting instructional materials for use in the schools, governing boards shall include only instructional materials which, in their determination, accurately portray the cultural and racial diversity of our society, including: (a) The contributions of both men and women in all types of roles, including professional, vocational, and executive roles. (b) The role and contributions of Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other ethnic and cultural groups to the total development of California and the United States. (c) The role and contributions of the entrepreneur and labor in the total development of California and the United States.

276. *Kappa Man Authors Bill Requiring Teaching of Negro History*, KAPPA ALPHA PSI J., Oct. 1965, at 119.

state to federal court under the civil rights removal statute, 28 U.S.C. § 1443.<sup>277</sup> Twenty-nine people were arrested and indicted on various criminal charges while engaged in voter registration drives and civil rights activities in Mississippi.<sup>278</sup> The defendants sought removal to federal court under 28 U.S.C. § 1443, claiming that the charges were unconstitutional and that they would not receive a fair trial in the state courts of Mississippi.<sup>279</sup> They also claimed that their arrests stemmed from the exercise of their First and Fourteenth Amendment rights which allowed for removal under § 1443(2).<sup>280</sup> In reaching its decision, the Court concluded that § 1443(2) “is available only to federal officers and to persons assisting such officers in the performance of their official duties.”<sup>281</sup> Additionally, the Court held that pre-trial removal was not warranted under § 1443(1) because there was no evidence the state court would deny the defendants their rights under federal law.<sup>282</sup> In a concurring opinion, Justice Douglas reasoned that other remedies such as injunction and appeal to the Supreme Court would correct any denial of federal claims in a state trial.<sup>283</sup> That same year, Percy Ellis Sutton began his eleven-year term, from 1966 to 1977, as Manhattan Borough President, the longest ever tenure at that position, and was the highest ranking African American elected official in New York City during that time.<sup>284</sup> Sutton had cut his teeth, in the years before, being a Freedom Rider and serving as an attorney to Malcolm X.<sup>285</sup>

In the streets, prior to his death, Dr. Martin Luther King, Jr. had planned a march of poor people on the nation’s capital. On June 19, 1968, Kappa Alpha Psi members gathered amongst the nearly 50,000 people and marched on the Lincoln Monument under banners that marked their support of the Poor People Campaign.<sup>286</sup> In addition to walking with the people, the fraternity furnished clothes, “toys, books, personal items and the like . . . led by Washington Polemarch, James Carter, a caravan of station wagons transported items, donated by Kappa Alpha Psi members, to the Resurrection City.”<sup>287</sup>

In 1970, the fraternity joined the Leadership Conference on Civil Rights (LCCR), a coalition of more than “a hundred twenty national civil rights, religious, labor, civic, professional and fraternal organizations.”<sup>288</sup> In December 1971, at the Fifty-Seventh Grand Chapter Meeting in Houston, Texas, the fraternity restated the importance of the civil rights and Black Liberation Movement and made another resolution to support the “Urban League, NAACP, the Congressional Black Caucus,

277. *Greenwood, Miss. v. Peacock*, 384 U.S. 808, 815, 831 (1966). For biographical information on George William Crockett, Jr., see *infra* text accompanying notes 372–78.

278. *Peacock*, 384 U.S. at 810.

279. *Id.* at 810–14.

280. *Id.* at 814–15.

281. *Id.* at 815.

282. *Id.* at 827–29.

283. *Id.* at 829 (Douglas, J., concurring).

284. For biographical information on Percy Ellis Sutton, see *infra* text accompanying notes 549–550.

285. See *infra* text accompanying notes 549–50.

286. BRYSON, *supra* note 44, at 156.

287. *Id.* at 156–57. For biographical information on James T. “Biff” Carter, Jr., see *infra* text accompanying notes 353–62.

288. BRYSON, *supra* note 44, at 169.

the National Caucus on Black Aging” and other groups.<sup>289</sup> A year later, in September of 1972, an emergency civil rights conference was called to all members of the LCCR (including the fraternity) to oppose a pending anti-civil rights bill that was to be voted on by the U.S. Senate; the bill was ironically titled the “Equal Educational Opportunities Act of 1972.”<sup>290</sup>

In 1976, the new Grand Polemarch, H. H. Holloway, took the fraternity in a new direction and made a push for social action to be instituted in provincial meetings and the Guide Right Program, the fraternity’s community service initiative focused on youth.<sup>291</sup> “At the Sixty-Second Grand Chapter Meeting Session, the Grand Chapter Meeting enlarged its social action scope by tacking half dollar dues for the benefit of the NAACP and the United Negro College Fund.”<sup>292</sup> In keeping with the fraternity’s broadened Social Action Initiative, Senior Grand Vice Polemarch Robert L. Gordon<sup>293</sup> headed to the Tenth Congressional Black Caucus in Washington D.C. to decry the use of police violence and brutality.<sup>294</sup> The fraternity’s national drive for the NAACP resulted in recruitment of more than 1000 new members for the NAACP.<sup>295</sup>

#### CONCLUSION

Kappa Alpha Psi was founded in 1911, and a confluence of factors—historical, institutional, and organizational—gave rise to it, shaping its structure and ideals. Among those ideals, was and is, African American uplift. It is this quality and characteristic that has been nurtured and made manifest over time and place. It is a legacy interwoven into the organization and numerous members who, at least arguably, lived out the fraternity’s ideals. It is a vision that stretched beyond Kappa Alpha Psi to incorporate partnerships with other organizations that shared a similar worldview. And it is a legacy that stretched into the twentieth century. That legacy, however, is a complicated one that raises any number of questions. For example, Kappa Alpha Psi’s social justice and civil rights activism was more robust than that of African American sororities, but less than that of other African American fraternities.<sup>296</sup> This raises the specter of discrimination against African American women civil rights activists in either law school, the legal profession, or the civil rights movement more generally.<sup>297</sup> It also raises the specter of slightly different

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289. *Id.* at 171.

290. *Id.* at 176.

291. BRYSON, *supra* note 44, at 198. For biographical information on Hiliary H. “Hip” Holloway, Sr., see *infra* text accompanying notes 457–67.

292. BRYSON, *supra* note 44, at 201.

293. For biographical information on Robert L. Gordon, see *infra* text accompanying notes 415–23.

294. BRYSON, *supra* note 44, at 208–09.

295. *Id.* at 220.

296. See Gregory S. Parks & Caryn Neumann, *Lifting as They Climb: Race, Sorority, and African American Uplift in the 20th Century* (Working Paper). *Contra* Wendy Marie Laybourn & Gregory S. Parks, *Omega Psi Phi Fraternity and the Fight for Civil Rights*, 6 WAKE FOREST J.L. & POL’Y 213 (2016).

297. With regard to women law students, see Marjorie L. Girth, *UB’s Women in the Law: Overcoming Barriers During Their First Hundred Years*, 9 BUFF. WOMEN’S L.J. 51, 74–76

ideals or at least how they have been actualized by different African American fraternities, with some more deeply engaged in civil rights activism than others.<sup>298</sup>

The second issue raised is that Kappa Alpha Psi's social justice impact, at least beyond the 1960s, became much less robust than it had been in decades prior. After the passage of the Civil Rights Act of 1964,<sup>299</sup> the Voting Rights Act of 1965,<sup>300</sup> and the Fair Housing Act of 1968,<sup>301</sup> arguably the civil rights movement petered out. And if this is an accurate assessment, then it is no surprise that organizations and individuals engaged in that movement may have shifted their focus. While consequential to African Americans' access to social equality, this is not shocking. Herbert Blumer, one of the earliest scholars to study group action—for example, social movement processes—identified four stages of social movements' lifecycles: (1) social ferment, (2) popular excitement, (3) formalization, and (4) institutionalization.<sup>302</sup> Today, scholars recast those stages as (1) emergence, (2) coalescence, (3) bureaucratization, and (4) decline. With regard to decline, such may take place because the movement has been successful.<sup>303</sup> As such, in the context of Kappa Alpha Psi, assuming that its membership and leadership believed that the goals of the civil rights movement were achieved in the late 1960s, success was achieved. Accordingly, it is no surprise that Kappa Alpha Psi largely disengaged from social justice activism.

In sum, however, the lingering question is: Where does Kappa Alpha Psi go from here? Does it have a future and a role in addressing African Americans' modern quest for justice and social equality? Only time will tell.

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(2001); Audrey Wolfson Latourette, *Sex Discrimination in the Legal Profession: Historical and Contemporary Perspectives*, 39 VAL. U. L. REV. 859, 880–84 (2005).

298. Laybourn & Parks, *supra* note 296.

299. Civil Rights Act of 1964, Pub. L. 88-352, 78 Stat. 241.

300. Voting Rights Act of 1965, Pub. L. 89-110, 79 Stat. 437.

301. 42 U.S.C. §§ 3601–3619

302. DONATELLA DELLA PORTA & MARIO DIANI, *SOCIAL MOVEMENTS: AN INTRODUCTION* 150 (2d ed. 2006).

303. Frederick D. Miller, *The End of SDS and the Emergence of Weatherman: Demise Through Success* 303–24, in *WAVES OF PROTEST: SOCIAL MOVEMENTS SINCE THE SIXTIES* (Jo Freeman & Victoria Johnson, eds., 1999).

## APPENDIX

*Ralph David Abernathy* was born in Linden, Alabama, on March 11, 1926, as one of twelve children and the son of the first African American to serve on a grand jury in Marengo County.<sup>304</sup> Abernathy enlisted in the U.S. Army during World War II. He began his higher education at Alabama State College.<sup>305</sup> He graduated in 1950 with a degree in mathematics and would further his education at Atlanta University, earning a master's degree in sociology in 1958.<sup>306</sup> Later in life, Abernathy would return to ministry and pen a controversial autobiography published in 1989.<sup>307</sup> He died of natural causes on April 17, 1990, in Atlanta, Georgia.<sup>308</sup>

*Ezra Dee Alexander* was born in 1892 in Bloomington, Indiana.<sup>309</sup> Alexander was educated at Indiana University where he met Elder Watson Diggs and other founders of the Kappa Alpha Psi Fraternity, Inc.<sup>310</sup> After graduating from Indiana, Alexander went on to receive a doctor of medicine degree from the university in 1919.<sup>311</sup> Throughout his life, Alexander remained active with the fraternity he helped found by participating in a local alumni chapter and serving on the Grand Board of Directors.<sup>312</sup> He passed away on September 29, 1971.<sup>313</sup>

*James Egert Allen* was born on October 11, 1896, in Greenwood, South Carolina, to parents Rev. Edward W. and Cillia L. (née Henry) Allen.<sup>314</sup> His personal life includes marriages to Dr. Alma Mary Haskins (1922 to 1957) and Ethel Starke DePass (1961–80).<sup>315</sup> His early education took place in the public schools of Columbia, South Carolina.<sup>316</sup> He went on to attend Johnson C. Smith University in Charlotte, North Carolina, and graduated in 1916 with a bachelor of liberal arts degree.<sup>317</sup> He completed extensive graduate studies in the fields of English, history,

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304. See Richard Severo, *Ralph David Abernathy, Rights Pioneer, Is Dead at 64*, N.Y. TIMES (Apr. 18, 1990), <http://www.nytimes.com/learning/general/onthisday/bday/0311.html> [<https://perma.cc/NHH3-HEGP>].

305. See The King Inst., *Abernathy, Ralph David*, ENCYCLOPEDIA, [http://kingencyclopedia.stanford.edu/encyclopedia/encyclopedia/enc\\_abernathy\\_ralph\\_david\\_1926\\_1990/](http://kingencyclopedia.stanford.edu/encyclopedia/encyclopedia/enc_abernathy_ralph_david_1926_1990/) [<https://perma.cc/6RRA-3PAL>].

306. *Id.*

307. *Id.*

308. Severo, *supra* note 304.

309. See Jennings, *supra* note 7, at 119.

310. See WILLIAM L. CRUMP, *THE STORY OF KAPPA ALPHA PSI: A HISTORY OF THE BEGINNING AND DEVELOPMENT OF A COLLEGE GREEK LETTER ORGANIZATION 1911–1991*, at 7 (4th ed. 1991).

311. *Id.*

312. *Id.*

313. *Id.*

314. Amber L. Moore, *Allen, James E. (James Egbert) (1896–1980)*, AMISTAD RES. CENTER, <http://amistadresearchcenter.tulane.edu/archon/index.php?p=creators/creator&id=2> [<https://perma.cc/F4VQ-RTGG>].

315. *Id.*

316. *Id.*

317. *Id.*

political science, sociology, and human relations at the City College of New York (1928–1934), Syracuse University (1946), Columbia University (1951), Boston University (1954), and the New School of Social Research.<sup>318</sup> He obtained his master's and doctorate in education from New York University (1954, 1957).<sup>319</sup> In addition, he received an honorary doctor of laws degree (LL.D.) from Johnson C. Smith University in 1950 and a certificate from Oxford University in England in 1953.<sup>320</sup>

His professional career is equally as impressive as his educational achievements. Throughout his life, he worked as a public school teacher for New York City.<sup>321</sup> While teaching, he organized the establishment of the New York City branch of the NAACP in 1933, for which he subsequently held the office of president from 1933 to 1938.<sup>322</sup> His work with the NAACP also included serving as the first president of the organization's New York State Conference from 1937 to 1952.<sup>323</sup> His contributions to his community include being chairman of the Boy's Work Division at the Harlem Branch of the YMCA, a member of the State Executive Committee, National Council, and delegate to the World Centennial of the YMCA.<sup>324</sup> Additionally, he received recognition for his commitment to his community by winning the Scouts Silver Beaver Award for Distinguished Service to Boyhood in 1944.<sup>325</sup> Allen also received international recognition by the Centro Studi e Scambi International (based in Rome, Italy) as the recipient of its Medal of Honor and Diploma of Merit for distinguished services rendered and contributions toward the advancement of art, literature, and world peace.<sup>326</sup> His professional career extended to his work within his fraternity, Kappa Alpha Psi. He was a lifetime member from the Omicron Chapter and was elected to the national Board of Directors in 1933.<sup>327</sup> From 1937 to 1967 he operated as an associate editor of its national journal. His column was entitled *Books and Such*. In 1957, he played an important role in the recognition of the problems of the Grand Chapter and pushed for a radical transformation of the internal operations of the organization. Allen worked tirelessly throughout his life as an educator, community advocate, civil rights activist, and author until his death on May 6, 1980.

*Byron Kenneth Armstrong* was born in 1890 in Westfield, Indiana.<sup>328</sup> He partially completed his education at Howard University before transferring to Indiana University.<sup>329</sup> It was at Howard that Armstrong met future cofounder of the Kappa Alpha Psi Fraternity, Inc., Elder Watson Diggs. They moved to Indiana University

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318. *Id.*

319. *Id.*

320. *Id.*

321. *Id.*

322. *Id.*

323. *Id.*

324. *Id.*

325. *Id.*

326. BRYSON, *supra* note 44, at 147.

327. *Id.* at 45.

328. *See* Jennings, *supra* note 7, at 116–19.

329. *Id.*



together and founded the fraternity there with several other men.<sup>330</sup> Armstrong played several key roles in defining the fraternity, such as designing emblems and insignia for the organization. Armstrong went on to receive a master's degree from Columbia University.<sup>331</sup> Additionally, he served as dean of education at Langston University, and he received his doctor of philosophy degree from the University of Michigan. Throughout his life, Armstrong worked to spread the influence of the fraternity he helped found. He passed away on June 28, 1980.

*Henry Tourner Asher* was born circa 1892 in Woodburn, Kentucky.<sup>332</sup> Asher was one of the founding members of the Kappa Alpha Psi Fraternity, Inc., founded at Indiana University in 1911.<sup>333</sup> Asher promoted the fraternity throughout his life as a member of an alumni chapter and as an attendee at Grand Chapter meetings. Additionally, Asher continued his education after graduating from Indiana University at the University of Minnesota and the Detroit College of Law.<sup>334</sup> Furthermore, Asher was a member of many other community organizations such as the YMCA, NAACP, and the Veterans of Foreign Wars. Asher passed away on March 5, 1963.<sup>335</sup>

*Marcus Peter Blakemore* was born in 1889 in Franklin, Indiana.<sup>336</sup> Blakemore helped found the Kappa Alpha Psi Fraternity at Indiana University in 1911. Following his college years, Blakemore started a company, Electric Engineering Company.<sup>337</sup> He operated his company until he enlisted in the military to serve in World War I.<sup>338</sup> After serving in the war, Blakemore returned to the states and received his doctor of dental surgery degree from the University of Pittsburgh.<sup>339</sup> He passed away on October 9, 1959.

*Thomas J. Bradley* was born December 29, 1917, in Calvert, Texas.<sup>340</sup> His parents were poor sharecroppers.<sup>341</sup> He was educated at the University of California, Los Angeles. Following his collegiate years, he began a career in the Los Angeles Police Department.<sup>342</sup> While he was a police officer, Bradley attended law school at Southwestern University.<sup>343</sup> He left the police force to begin his practice shortly

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330. *Id.*

331. *See* Jennings, *supra* note 7, at 116–19.

332. *Id.* at 120.

333. *Id.*

334. *Id.*

335. CRUMP, *supra* note 310, at 8–9.

336. *See* Jennings, *supra* note 7, at 120.

337. *Id.*

338. *Id.*

339. *Id.*

340. *See* Jean Merl & Bill Boyarsky, *Mayor Who Reshaped L.A. Dies*, L.A. TIMES (Sept. 30, 1998), <http://www.latimes.com/local/obituaries/archives/la-me-tom-bradley-19980930-story.html> [<https://perma.cc/5XYA-CFTQ>].

341. *Id.*

342. *See* CRUMP, *supra* note 310, at 358–59, 442–49.

343. *See id.*

thereafter. Bradley soon became interested in politics, and in 1973, he began his tenure as the mayor of Los Angeles.<sup>344</sup> He served for twenty years, which made him the longest serving mayor in the city's history.<sup>345</sup> During the 1980s, Bradley ran for governor of California twice but was unsuccessful both times.<sup>346</sup> Bradley passed away in September of 1998.<sup>347</sup>

*Paul Waymond Caine* was born in 1891 in Greencastle, Indiana.<sup>348</sup> Caine was educated at Indiana University where he was a cofounder of the Kappa Alpha Psi Fraternity, Inc.<sup>349</sup> Caine did not complete his education at the university; however, he remained active with the fraternity, establishing chapters at other universities. Caine also focused on a career in catering, opening his own catering company and writing a catering book.<sup>350</sup> Unfortunately, Caine passed away at an early age due to an incident involving an explosion.<sup>351</sup> He passed away circa 1922.<sup>352</sup>

*James T. "Biff" Carter, Jr.*, was born in 1924 in Washington, D.C. Following graduation from Dunbar High School, Carter served in the air force.<sup>353</sup> After his discharge, he attended Howard University, earned his bachelor's degree from Howard in 1949, and went on to earn a master of arts degree in education from the New York University in 1951.<sup>354</sup> Carter began his teaching career at Randall Junior High School.<sup>355</sup> Next, he was assistant principal at Hart Junior High School.<sup>356</sup> Then he became principal at Phelps Senior High School.<sup>357</sup> As an educator, he was frequently called upon as an expert witness before congressional committees concerned with educational issues, and served as a consultant and advisor to the U.S. Department of Education.<sup>358</sup> He ended his more than twenty years of service in the D.C. public schools as principal of Ballou Senior High School.<sup>359</sup> Later, he was a staff member for the U.S. Representative and fellow Kappa brother John Conyers, Jr.

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344. *See also* Merl & Boyarsky, *supra* note 340.

345. *Id.*

346. *Id.*

347. *Id.*

348. *See* Jennings, *supra* note 7, at 119–20.

349. *Id.*

350. *Id.*

351. *See id.*

352. *Id.*

353. *Educator James Carter Dies at 74*, THE WASH. POST (Feb. 19, 1999), <https://www.washingtonpost.com/archive/local/1999/02/19/educator-james-carter-dies-at-74/f9178215-4f08-4e70-be87-90bce13c149f/> [https://perma.cc/5LPQ-4LPK].

354. *Id.*

355. HISTORIC KAPPA HOUSE RESTORATION FOUNDATION, FOOTSTEPS OF ACHIEVEMENT: THE HISTORIC KAPPA HERITAGE TRAIL 28 (2010), *available at* <http://www.wdchumanities.org/docs/2010DCCHP/KappaHouse001.pdf> [https://perma.cc/TMF7-WFCZ].

356. *Id.*

357. *Id.*

358. *Id.*

359. *Id.*

While at Howard, Carter joined the Xi Chapter of Kappa Alpha Psi.<sup>360</sup> He was first a board member for the National Kappa Scholarship Endowment Fund and served as official chapter advisor for the Kappa Chi Chapter.<sup>361</sup> All of these efforts and more were recognized when he was awarded Kappa's second highest honor, the Elder Watson Diggs Award.<sup>362</sup> In 1999, James Carter died of cardiac arrest at age seventy-four in his home in Washington, D.C.

*G. Victor Cools* started his relationship with Kappa Alpha Psi during the 1914–15 school year in which he was a member of the Beta Chapter.<sup>363</sup> Later on, he served as a board member of the newly chartered chapter at West Virginia State College in 1923.<sup>364</sup> Then, as a member of the Beta Chapter in 1927 at the University of Illinois, Cools took a leading role in the fight to reduce bias in higher education and improve the experience of Blacks in integrated schools.<sup>365</sup> At the Twenty-Fourth Grand Chapter in 1933, he received recognition from the Achievement Commission for his position of statistician of the Subsistence Homestead Division of Washington, D.C.<sup>366</sup> A few years later, once again, Cools helped charter a chapter, this one of New York alumni. Throughout his membership, he contributed to the *Kappa Alpha Psi Journal*.

*Henley L. Cox* was born in Grove Hill, Alabama, in 1880.<sup>367</sup> In 1910, Cox received his bachelor's degree from Howard University.<sup>368</sup> He then moved to Columbia, Missouri, to serve as the principal of Frederick Douglass High School.<sup>369</sup> In 1916, he moved to Kansas City, Missouri, to become the principal of Wendell Phillips School.<sup>370</sup> In addition to his membership in Kappa Alpha Psi, Cox was a member of the National Negro Constitutional Conservation League of America (NNCCLA) and was also the founder and first president of the Missouri Branch of the National Congress of Colored Parents and Teachers.<sup>371</sup>

*George William Crockett, Jr.* was a notable attorney and congressman from Michigan who was active in the National Lawyers Guild and was a cofounder of

360. KAPPA ALPHA PSI FRATERNITY, A HISTORY OF THE WASHINGTON (DC) ALUMNI CHAPTER 1950–1974, at 92 (2013).

361. *About Biff*, THE JAMES “BIFF” CARTER JR. FOUND. GOLF TOURNAMENT, THE DR. JAMES BIFF CARTER, JR. FOUND., [http://www.planmygolfevent.com/26357-TheDrJamesBiffCarterJrFoundation/About\\_Biff\\_.html](http://www.planmygolfevent.com/26357-TheDrJamesBiffCarterJrFoundation/About_Biff_.html) [https://perma.cc/666R-YT4C].

362. *Id.*

363. *See generally* BRYSON, *supra* note 44, at 10.

364. *Id.* at 25.

365. *Id.* at 34.

366. *Id.* at 48.

367. *Cox Family Collection (AC32)*, THE BLACK ARCHIVES OF MID-AMERICA (Oct. 2014), <http://blackarchives.org/sites/default/files/AC032%20Cox%20Family.pdf> [https://perma.cc/9X3Q-W8T3].

368. *Id.*

369. *Id.*

370. *Id.*

371. CHARLES E. COULTER, “TAKE UP THE BLACK MAN’S BURDEN”: KANSAS CITY’S AFRICAN AMERICAN COMMUNITIES 1865–1939, at 164 (2006).

what is commonly believed to be the first racially integrated law firm in the United States.<sup>372</sup> Crockett was born on August 10, 1909, in Jacksonville, Florida.<sup>373</sup> He was the son of a Baptist pastor and a Sunday school teacher. Crockett's father also practiced carpentry and would work as a railroad carpenter for the Atlantic Coast Line Railroad. Crockett would inherit his father's carpentry skills and would eventually build room additions and continue carpentry work as a hobby well into adulthood. Crockett graduated from Stanton High School in Jacksonville and went on to attend Morehouse College in Atlanta, where he earned his bachelor of arts degree in 1931.<sup>374</sup> He would then attend the University of Michigan Law School, receiving his degree in 1934, and eventually move back to Jacksonville to practice law as one of a handful of African American attorneys in the entire state of Florida.<sup>375</sup>

Crockett practiced law during the height of the civil rights movement. He began involvement with the first integrated bar association, the National Lawyers Guild, in 1937 during a period in which he served a stint as the first African American lawyer to serve in the U.S. Department of Labor. In 1946, he, along with his partners, founded what is believed to be the first racially integrated law firm in the United States called Goodman, Crockett, Eden & Rob. Crockett defended eleven Communist Party leaders in the Foley Square Trial and dispatched lawyers of the National Lawyers Guild to search for the three men who were infamously killed by White supremacists in Mississippi. Crockett also served as a judge and a congressman for Michigan's Thirteenth District as a Democrat.<sup>376</sup>

Crockett was married to Ethelene Crockett with whom he shared three children. Crockett also had nine grandchildren. After the death of his first wife, Ethelene, Crockett married Harriett Clark Chambliss.<sup>377</sup> He died on September 7, 1997. He was a member of Kappa Alpha Psi and was initiated at Morehouse.<sup>378</sup>

*Earl Dickerson* was born in Canton, Mississippi, on June 22, 1891. Dickerson enrolled at Northwestern University, but transferred to the University of Illinois after three semesters. During his time at Illinois, Dickerson was a charter member of the Beta Chapter of Kappa Alpha Psi and served as the chapter's first polemarch. Dickerson graduated from the University of Illinois in 1914. He enrolled at the University of Chicago School of Law in 1915. Near the end of his second year at the University of Chicago, the U.S. entered World War I, and Dickerson enlisted as an officer. Dickerson was commissioned as a second lieutenant and served as a French interpreter and defense counsel in several courts-martial. After returning home in the

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372. *Index to Politicians: Crockett*, THE POLITICAL GRAVEYARD (Dec. 20, 2015), <http://politicalgraveyard.com/bio/crockett.html>.

373. *George William Crockett Jr. – Further Readings*, LAW LIBR. – AM. LAW & LEGAL INFO., <http://law.jrank.org/pages/5896/Crockett-George-William-Jr.html> [https://perma.cc/3VTH-TXY8].

374. *Id.*

375. *Id.*

376. *Index to Politicians: Crockett*, *supra* note 372.

377. *George William Crockett Jr., Biography*, HISTORY, ART & ARCHIVES: UNITED STATES HOUSE OF REPRESENTATIVES, <http://history.house.gov/People/Detail/11605>.

378. *Crockett, George William Jr.*, U.S. HOUSE OF REPRESENTATIVES, <http://history.house.gov/People/Detail/11605> [https://perma.cc/2GJL-H6G5].

spring of 1919, Dickerson traveled to St. Louis to help draft the constitution of what would become the American Legion.<sup>379</sup> In March of 1920, Earl Dickerson became the first Black man to receive a law degree from the University of Chicago School of Law.<sup>380</sup> Immediately out of law school, Dickerson became general counsel for the newly formed Liberty Life Insurance Company.<sup>381</sup> Dickerson also opened private civil practice in 1921.<sup>382</sup> From 1939 to 1943, Dickerson served as alderman for Chicago's Second Ward.<sup>383</sup> In 1940, Dickerson successfully argued against racially restrictive housing covenants before the Supreme Court.<sup>384</sup> Though the Court did not invalidate the practice of segregation-based housing covenants, the case, *Hansberry v. Lee*, served as important precedent for a number of cases that eroded the legal basis for segregation in America. Dickerson was elected to the national board of the NAACP in 1941 and proved instrumental in paving the way for W.E.B. Dubois to return to a position of prominence within the NAACP in 1944.<sup>385</sup> The Board of Directors of Supreme Liberty Insurance unanimously voted Dickerson president and chief executive officer in 1955.<sup>386</sup> Dickerson held the position until his retirement in 1971.<sup>387</sup> Earl Dickerson died in Chicago, Illinois, on September 1, 1986.<sup>388</sup>

*Elder Watson Diggs* was born in 1890 in Madisonville, Kentucky.<sup>389</sup> Diggs was educated at Indiana State Normal School, now called Indiana State University.<sup>390</sup> After graduating, Diggs briefly attended Howard University before transferring to Indiana University and graduating in 1916.<sup>391</sup> He would go on to enter the armed forces, and receive the fraternity's highest honor: the Laurel Wreath.<sup>392</sup> Diggs passed away on November 8, 1947.<sup>393</sup>

*Mervyn Malcolm Dymally* was born on May 12, 1926, in Trinidad and Tobago.<sup>394</sup> Dymally grew up in Trinidad but moved to the United States to pursue an education in journalism.<sup>395</sup> He attended Lincoln University initially but soon transferred to Chapman University, followed by California State University.<sup>396</sup> Following his

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379. See generally ROBERT J. BLAKELY, *EARL B. DICKERSON: A VOICE FOR FREEDOM AND EQUALITY* (2006).

380. *Id.*

381. *Id.*

382. *Id.*

383. *Id.*

384. *Id.*

385. *Id.*

386. *Id.*

387. *Id.*

388. *Id.*

389. See Jennings, *supra* note 7, at 116–18.

390. *Id.*

391. *Id.*

392. *Id.*

393. See CRUMP, *supra* note 310, at 5–6.

394. *Dymally, Mervyn Malcolm*, U.S. HOUSE OF REPRESENTATIVES, <http://history.house.gov/People/Detail/12563> [<https://perma.cc/PP3M-4KNA>].

395. *Id.*

396. *Id.*

collegiate career, Dymally pursued a career in politics. Among the positions in which he served, one was in the California State Senate from 1967 to 1975. Next, he moved to the position of lieutenant governor of California from 1975 to 1979.<sup>397</sup> Finally, he was elected to the U.S. House of Representatives, where he served from 1981 to 1993.<sup>398</sup> After leaving the House, Dymally returned to the California State Assembly from 2003 to 2008.<sup>399</sup> He passed away in October of 2012.<sup>400</sup>

*George Wesley Edmonds* was born 1890 in Indiana.<sup>401</sup> At Indiana University, he was one of ten founding members of the Kappa Alpha Psi Fraternity, Inc.<sup>402</sup> Unfortunately, Edmonds was forced to withdraw from the university after the death of his father.<sup>403</sup> Edmonds returned home to support his family by taking a job as a coal miner—like his father before him.<sup>404</sup> Because of this withdrawal, Edmonds lost touch with the fraternity he helped found and his founding brothers. He passed away in 1962.<sup>405</sup>

*Walter Edward Fautroy* was born on February 6, 1933, in Washington, D.C.<sup>406</sup> He went on to attend Virginia Union University after graduating from Dunbar High School in 1952.<sup>407</sup> He campaigned in both the 1972 and 1976 Democratic presidential primaries unsuccessfully.<sup>408</sup> He stepped down from Congress in 1990 and resumed full time ministry at New Bethel Baptist Church.<sup>409</sup> Fautroy is a member of Kappa Alpha Psi and pledged the fraternity while at Virginia Union University.<sup>410</sup>

*Robert L. Gordon* was born in Lexington, Kentucky, on June 23, 1941.<sup>411</sup> Gordon attended Lexington public schools and later graduated from Paul Lawrence Dunbar

397. *Id.*

398. *Id.*

399. *Id.*

400. William Yardley, *Mervyn M. Dymally, Who Broke Racial Barriers in California, Dies at 86*, N.Y. TIMES (Oct. 9, 2012), [http://www.nytimes.com/2012/10/09/us/mervyn-dymally-who-broke-racial-barriers-in-california-dies-at-86.html?\\_r=0](http://www.nytimes.com/2012/10/09/us/mervyn-dymally-who-broke-racial-barriers-in-california-dies-at-86.html?_r=0) [<https://perma.cc/LF3T-PXZW>].

401. See Jennings, *supra* note 7, at 121.

402. *Id.*

403. *Id.*

404. *Id.*

405. *Id.*

406. *Fautroy, Walter Edward*, (1933–), BIOGRAPHICAL DIRECTORY OF THE U.S. CONGRESS (2008), <http://bioguide.congress.gov/scripts/biodisplay.pl?index=F000046> [<https://perma.cc/VK5F-W9QR>].

407. *Id.*

408. World Heritage Encyclopedia, *Walter Edward Fautroy*, PROJECT GUTENBERG SELF-PUBLISHING PRESS, [http://self.gutenberg.org/articles/walter\\_edward\\_fautroy](http://self.gutenberg.org/articles/walter_edward_fautroy) [<https://perma.cc/6QH4-2QGX>].

409. *Id.*

410. See *Walter E. Fautroy*, NOTABLE NAMES DATABASE, <http://www.nndb.com/people/947/000129560/> [<https://perma.cc/PA55-EU4S>].

411. *Robert Gordon Obituary*, LEGACY.COM (June 14, 2007), <http://www.legacy.com/Obituaries.asp?Page=LifeStory&n=Robert-L-Gordon&personID=89078733> [<https://perma.cc/428R-LUJ2>].

High School, where he lettered in basketball.<sup>412</sup> Gordon received his bachelor's degree from Edward Waters College in Jacksonville, Florida, where he also played basketball.<sup>413</sup> He went on to do graduate work at Florida A&M University and the College of Finger Lake of New York.

Gordon's first job was as a teacher and basketball coach at Waycross Georgia Center High School.<sup>414</sup> Additionally, he played basketball with the Harlem Astronauts.<sup>415</sup> Next, he served in labor relations at Ford Motor Company.<sup>416</sup> Then he was president of his own business: Premier Personnel Placement Consultant, Inc.<sup>417</sup> Afterwards, Gordon was the human resource director for the cities of Highland Park and Inkster, Michigan, before becoming the city manager of Inkster.<sup>418</sup>

Gordon was a highly dedicated lifelong member and leader of Kappa Alpha Psi. He joined Kappa Alpha Psi as a member of the Ann Arbor-Ypsilanti Alumni Chapter. He was an active Chapter Vice Polemarch, an Alumni Chapter Polemarch, a Province Polemarch, and a Senior Vice Grand Polemarch before serving as the Twenty-Fourth Polemarch from 1982 to 1985.<sup>419</sup> A scholarship fund, the Robert L. Gordon Scholarship Fund, was established in his honor.<sup>420</sup> Additionally, he was a member of President Reagan's Task Force on the Private Sector and was listed as one of the "100 Most Influential Blacks" by *Ebony* magazine.<sup>421</sup> Robert Gordon passed away on June 9, 2007, at 10:45 a.m., surrounded by his loved ones.<sup>422</sup>

*Guy Levis Grant* was born in 1891 in New Albany, Indiana.<sup>423</sup> Grant was educated at Indiana University where he cofounded the Kappa Alpha Psi Fraternity, Inc., in 1911.<sup>424</sup> He was pivotal in his role as grand historian of the fraternity, as he compiled large amounts of information about the organization to promote a recorded history of the fraternity.<sup>425</sup> Grant would go on to receive a doctor of dental surgery degree.<sup>426</sup> Additionally, Grant remained active with the fraternity and helped to expand its reach to other campuses. Due to his legacy with the fraternity, an award was established in his name to be given to fraternity members for accomplishing significant achievements.

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412. *Id.*

413. *Id.*

414. *Id.*

415. See generally Univ. of Ky. Libraries, *Gordon, Robert L.*, NOTABLE KY. AFRICAN AMS. DATABASE, [http://nkaa.uky.edu/record.php?note\\_id=1618](http://nkaa.uky.edu/record.php?note_id=1618) [<https://perma.cc/XSK8-SBAS>].

416. *Robert Gordon Obituary*, *supra* note 412.

417. Univ. of Ky. Libraries, *supra* note 416.

418. *Id.*

419. *Robert Gordon Obituary*, *supra* note 412.

420. *Id.*

421. Univ. of Ky. Libraries, *supra* note 416.

422. *Robert Gordon Obituary*, *supra* note 412.

423. See Jennings, *supra* note 7, at 119.

424. *Id.*

425. *Id.*

426. *Id.*

*George Edward Chalmer Hayes* was an African American lawyer who argued several prominent cases in the 1950s. Born in Richmond, Virginia, on July 1, 1894, Hayes was a successful student who would attend Brown University and law school at Howard University.<sup>427</sup> He would enter into private law with his own practice after law school and would simultaneously teach at the Howard University School of Law beginning in 1924.<sup>428</sup> Hayes's first highly publicized case was his defense of Annie Lee Moss, a Pentagon employee and alleged Communist who was questioned by Senator Joseph McCarthy.<sup>429</sup> Moss was cleared of her charges and rehired by the Pentagon. The hearing of Moss and Hayes's successful defense ultimately damaged McCarthy's popularity. In 1954, Hayes and Spottswood W. Robinson III were the primary counsel on *Bolling v. Sharpe*, the companion case to *Brown v. Board of Education*.<sup>430</sup> In 1955, Hayes served on the District of Columbia Public Utilities Commission—the first African American to do so.<sup>431</sup> He died on December 20, 1968.<sup>432</sup>

*Elmer W. Henderson* was a government attorney who is best known as the plaintiff in a civil rights case that put an end to segregated dining cars on trains. Henderson was a Baltimore native and attended Morgan State University before receiving a master's degree from the University of Chicago and a law degree from Georgetown University.<sup>433</sup> In 1942, Henderson worked as a field representative for President Franklin D. Roosevelt and his Committee on Fair Employment Practices.<sup>434</sup> In 1955, Henderson would become a lawyer for the House Government Operations Committee.<sup>435</sup> He reached the position of general counsel and would retire in that capacity in 1982.<sup>436</sup> He died in 2001 in Washington, D.C.<sup>437</sup>

*Josiah Francis Henry, Jr.* was born on August 2, 1896, in Cambridge, Maryland, to Josiah F. Henry and Mary J. (Wheatley) Henry.<sup>438</sup> Henry attended Baltimore public schools and then went on to study at Delaware State College and Howard University.<sup>439</sup> He ultimately earned his BS and LL.B. degrees from the University of

427. *Negro Nominated for Job in Capital: Hayes, Defender of Mrs. Moss in Security Hearing, Gets District Utilities Post*, N.Y. TIMES, Feb. 13, 1955, at A1.

428. *Id.*

429. *Id.*

430. *Id.*

431. *Id.*

432. *George Hayes, 74, A Rights Lawyer: Argued School Segregation Case Before High Court*, N.Y. TIMES, DEC. 21, 1968, at 37.

433. David Stout, *Elmer Henderson, 88, Dies; Father of Major Rights Case*, N.Y. TIMES (July 19, 2001), <http://www.nytimes.com/2001/07/19/us/elmer-henderson-88-dies-father-of-major-rights-case.html> [https://perma.cc/B87C-GWYN].

434. *Id.*

435. *Id.*

436. *Id.*

437. *Id.*

438. *Archives of Maryland (Biographical Series): Josiah Henry*, MD. STATE ARCHIVES, (Jan. 16, 2006), <http://msa.maryland.gov/megafile/msa/speccol/sc3500/sc3520/014400/014457/html/14457bio.html> [https://perma.cc/Y7VQ-25RN].

439. *Id.*



Michigan.<sup>440</sup> Henry served in the U.S. Army during World War I.<sup>441</sup> In 1934, he became the first African American to run as a Democrat for House of Delegates.<sup>442</sup> In 1944, Governor Herbert H. O'Connor appointed him executive secretary to the Commission on Problems Affecting Colored People.<sup>443</sup> In 1955, he ran for a seat on the Baltimore City Council.<sup>444</sup> Henry served as magistrate for the traffic court from 1959 to 1961.<sup>445</sup> He remained active in numerous civic, fraternal, and professional organizations, including National Negro Bar Association, Civil Liberties Union, Urban League, NAACP, Kappa Alpha Psi, and the Masons.<sup>446</sup> He died in Baltimore, Maryland, on March 20, 1980.<sup>447</sup>

*Donald L. Hollowell* was a civil rights attorney who played a pivotal role in the desegregation of the University of Georgia. Hollowell was born in 1917 in Wichita, Kansas, and earned his high school degree while serving in the U.S. Army.<sup>448</sup> Hollowell experienced blatant racial discrimination while serving in the army during World War II, which prompted him to commit himself to social justice. He graduated *magna cum laude* from Lane College before receiving his law degree from Loyola University Chicago School of Law in 1951.<sup>449</sup> Hollowell set up a practice in Atlanta, Georgia, and soon made a name for himself in civil rights law. He is most noted for his suit against the University of Georgia for racist admission policies. The case came to a close in 1961 when a federal court order demanded the admission of two African American students into the institution.<sup>450</sup> The University of Georgia would award Hollowell an honorary doctor of law degree in 2002.<sup>451</sup> He died in December of 2004 due to heart failure.<sup>452</sup> Hollowell was a proud brother of the Kappa Alpha Psi Fraternity and received the organization's highest award for his work in civil rights. Hollowell was the subject of the 2010 documentary: *Donald L. Hollowell: Foot Soldier for Equal Justice*.<sup>453</sup>

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440. *Id.*

441. *Id.*

442. *Id.*

443. *Id.*

444. *Id.*

445. *Id.*

446. *Id.*

447. *Id.*

448. Edward A. Hatfield, *Donald Hollowell (1917–2004)*, NEW GA. ENCYCLOPEDIA (May 9, 2014), <http://www.georgiaencyclopedia.org/articles/history-archaeology/donald-hollowell-1917-2004> [https://perma.cc/JNA3-L3RH].

449. *Id.*

450. *Id.*

451. *Id.*

452. *Id.*

453. See also *Donald Hollowell, A Fighter for Legal Rights*, AFRICAN AM. REGISTRY, [http://www.aaregistry.org/historic\\_events/view/donald-hollowell-fighter-legal-rights](http://www.aaregistry.org/historic_events/view/donald-hollowell-fighter-legal-rights) [https://perma.cc/5MTY-AXQZ]; *Foot Soldier for Equal Justice*, HOLLOWELL PROFESSORSHIP SOC. JUST. & CIV. RTS. STUD., <http://dlhprof.uga.edu/footsoldier.html> [https://perma.cc/X2XG-TPYY].

Hiliary H. "Hip" Holloway, Sr. was born in Durham, North Carolina, in 1928.<sup>454</sup> Of the ten children in his family, all ten finished high school and attended college, with eight ultimately graduating. Holloway graduated from North Carolina Central University with a bachelor of science degree in business administration in 1949.<sup>455</sup> During his first year out of college he worked as the manager of an electrical contracting firm.<sup>456</sup> At the end of that year, he became a business manager of St. Augustine's College at age twenty-two and worked in that position for three years.<sup>457</sup> He then attended classes at night, on weekends, and during the summer and received a master's degree in business administration from Temple University in 1956.<sup>458</sup> Afterwards he took night classes at Temple University School of Law and earned a JD in 1964; he was the only African American in his class to graduate and pass the bar.

In 1968, Holloway began working for the Federal Reserve as an assistant legal counsel and later became general counsel in charge of the legal department. In 1972, Holloway became the first African American to be promoted to vice president in the Federal Reserve System. He began working as an attorney with the law firm of Hazell & Bowser in 1976 and later became a partner in the law firm of Marshall, Dennehey, Warner, Coleman & Goggin.<sup>459</sup>

Holloway has left a lasting legacy with Kappa Alpha Psi. At age twenty-five, he was chosen to establish Kappa's National Headquarters Office and organized several Grand Chapter Meetings. In 1953, he became the first national executive director and voluntarily took on the additional responsibilities serving as the Grand Keeper of Records and Exchequer.<sup>460</sup> In 1976, he became the twenty-second Grand Polemarch and developed a mission statement and action plan.<sup>461</sup> In 1983, he was awarded the Laurel Wreath, the fraternity's highest award for achievement. He also served on the board of the National Interfraternal Conference (NIC) beginning in 1987, and in 1995, he became the first African American to be elected the NIC's president.<sup>462</sup> Holloway served on the Kappa Alpha Psi Foundation Board of Directors, and the Hiliary H. Holloway Esquire Scholarship was set up in his honor.

Holloway chaired a number of city and state agencies, including the Minority Business Enterprise Council, the City Planning Commission, the Philadelphia Gas Works Sinking Fund, and the Pennsylvania Intergovernmental Cooperation Authority.<sup>463</sup> His board memberships included the United Way, the United Negro

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454. Jim Nicholson, *Hiliary H. Holloway, 71 Attorney, Civic Leader*, PHILLY.COM (Feb. 16, 2000), [http://articles.philly.com/2000-02-16/news/25573856\\_1\\_kappa-alpha-psi-fraternity-business-manager](http://articles.philly.com/2000-02-16/news/25573856_1_kappa-alpha-psi-fraternity-business-manager) [<https://perma.cc/UWJ3-HJ2G>].

455. *Id.*

456. *Id.*

457. *Id.*

458. *Id.*

459. *Id.*

460. *Id.*

461. *Id.*

462. *Id.*

463. See generally LAWRENCE C. ROSS, *Profile of a Distinguished Kappa: Hiliary H. Holloway*, in *THE DIVINE NINE: THE HISTORY OF AFRICAN AMERICAN FRATERNITIES AND SORORITIES* 65–66 (2001).

College Fund, Philadelphia Museum of Art, Mellon PSFS, Children's Aid Society, Metropolitan, the YMCA, and Lankenau Hospital.<sup>464</sup> Holloway was also regularly listed on *Ebony* magazine's "100 Most Influential Black Americans."<sup>465</sup> Holloway died February 9, 2000, at the age of seventy-one in Wynnefield Heights.<sup>466</sup>

*Edward Giles Irvin* was born in 1893, in Spencer, Indiana.<sup>467</sup> Irvin was educated at Indiana University where he became a cofounder of the Kappa Alpha Psi Fraternity, Inc.<sup>468</sup> After college, Irvin pursued a successful career in journalism.<sup>469</sup> Additionally, he served in World War I and on the Selective Service Board during WWII and the Korean War, receiving two Distinguished Service Medals, one from President Truman and one from President Eisenhower.<sup>470</sup> Irvin also received the Laurel Wreath—Kappa Alpha Psi's highest award. He passed away in 1982.<sup>471</sup>

*Martin D. Jenkins* was born on September 4, 1904, in Terre Haute, Indiana, to parents David W. and Josephine (née Miller) Jenkins.<sup>472</sup> His personal life includes a marriage to Elizabeth Lacy in 1927.<sup>473</sup> Jenkins's early education took place in segregated schools until he entered the integrated Wiley High School.<sup>474</sup> There, he was the captain of the track team and graduated in 1921.<sup>475</sup> He continued his education at Howard University where he received a BS in engineering in 1925.<sup>476</sup> He subsequently earned an AB degree in education from Indiana State University in 1931, a master's and a doctorate in education from Northwestern in 1933 and 1935, respectively.<sup>477</sup> He was also honored as a Distinguished Alumnus by Indiana State in 1964 and received honorary doctorates from the University of Liberia, Delaware State College, Howard University, and Johns Hopkins University.<sup>478</sup> While pursuing the aforementioned degrees, Jenkins began his professional career as a professor at Virginia State College in 1931.<sup>479</sup> He went on to hold such positions as registrar and professor of education at North Carolina A&T (1935–1937), dean of instruction at Cheyney University (1937–1938), professor of education at Howard University (1938–1948), and finally was appointed president of Morgan State College of

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464. *Id.*

465. *Id.*

466. *Id.*

467. *See* Jennings, *supra* note 7, at 119.

468. *Id.*

469. *Id.*

470. *Id.*

471. *Id.*

472. *Martin D. Jenkins, Educator and More*, AFRICAN AM. REGISTRY, [http://www.aaregistry.org/historic\\_events/view/martin-d-jenkins-educator-and-more](http://www.aaregistry.org/historic_events/view/martin-d-jenkins-educator-and-more) [<https://perma.cc/NP85-DCL4>].

473. *Id.*

474. *Id.*

475. *Id.*

476. *Id.*

477. *Id.*

478. *Id.*

479. *Id.*

Baltimore in 1948.<sup>480</sup> At the time, Jenkins was one of the nation's youngest college presidents. He held his position there until 1970.<sup>481</sup>

Jenkins went on to become the director of the Office of Urban Affairs for the American Council of Education and a diplomat of the American Board of Examiners in Clinical Psychology.<sup>482</sup> His most well-known work occurred within the socio-psychological study of African American children of superior intelligence. In this study, he compared IQ scores of Black and White children and reached the conclusion that Black children of his time were equally intelligent, if not more so, than their White peers. His spirit for equality and education carried over into his work within his fraternity, Kappa Alpha Psi. Jenkins spoke at multiple grand chapters, including the Thirty-Eighth Grand Chapter in 1948 where he gave a speech encouraging members to take part in programs of human welfare that fall outside the attentiveness of other fraternities.<sup>483</sup> He wanted other members to take part in the civil rights movement and help foster a better world for all mankind. He also gave the closing speech at the Forty-First Grand Chapter in 1951.<sup>484</sup> His talk inspired a resolution to pass the next day that outlined a program for active chapters in agreement with college objectives. In his speech, Jenkins described ways in which to achieve the very objectives he presented. He wanted members to become more constructive and helpful toward their environments and encouraged the audience to get involved on their campuses, foster discussions around topics that concerned college-aged men, and contribute to the fraternity's programs on a national level. Jenkins worked with Kappa Alpha Psi and spoke out about improvement and equality until his death on June 9, 1978.<sup>485</sup>

*John Milton Lee* was born in 1890 in Danville, Indiana.<sup>486</sup> He was educated at Indiana University where he cofounded the Kappa Alpha Psi Fraternity, Inc.<sup>487</sup> He attempted to continue his education at Temple University, but was forced to quit after a death in the family.<sup>488</sup> Lee enlisted in the armed forces in 1918.<sup>489</sup> It was there that he joined the first battery of all-Black artillerymen to open fire on an enemy during the conflict.<sup>490</sup> Lee passed away in 1958.<sup>491</sup>

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480. *Id.*

481. *Id.*

482. *See generally* BRYSON, *supra* note 44.

483. *Id.*

484. *Id.*

485. *Id.*

486. *See* Jennings, *supra* note 7, at 120–21.

487. *Id.*

488. *Id.*

489. *Id.*

490. *Id.*

491. *Id.*

*G. Cecil Lewis* was a charter member of Iota Chapter at the University of Chicago on February 8, 1918, where he later served as polemarch.<sup>492</sup> He would go on to serve on the Kappa Alpha Psi's Grand Board of Directors.<sup>493</sup>

*William Robert Ming* was an attorney best known for belonging to the *Brown v. Board of Education* litigation team and for working on several cases that precipitated into *Brown*. Ming was born in 1911 in South Side, Chicago, and attended the University of Chicago, working as a grocery clerk and in construction to put himself through college.<sup>494</sup> He would earn his law degree from the University of Chicago Law School in 1933, graduating Order of the Coif—an honor law society consisting of distinguished members of the profession—and becoming one of the first Black members of the law review.<sup>495</sup> After being admitted to the bar in 1933, Ming began practicing both public and private law. In addition to devising some of the legal strategy involved in *Brown* and a number of its preceding cases, Ming is also known for his work on Martin Luther King Jr.'s trial in Montgomery, Alabama.<sup>496</sup> He worked in a variety of capacities in the NAACP and also taught law at the University of Chicago Law School and the Howard University School of Law.<sup>497</sup> Ming died in 1973 in a Chicago hospital after being controversially jailed for tax evasion.<sup>498</sup> The year following his death, the NAACP created the William Robert Ming Advocacy Award.<sup>499</sup> He was a member of Kappa Alpha Psi.

*Donald Gaines Murray* was born on May 24, 1917, in Baltimore, Maryland, and graduated from Amherst College with a bachelor of arts degree in 1934.<sup>500</sup> The next year, Murray sought admission to the University of Maryland School of Law but was rejected because of his race.<sup>501</sup> Murray appealed the decision, but the Board of Regents upheld his rejection.<sup>502</sup> Murray was ultimately represented by the NAACP and Thurgood Marshall.<sup>503</sup> Murray's party won the case, and he was admitted into the University of Maryland School of Law after the Maryland Court of Appeals

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492. CRUMP, *supra* note 310, at 40, 45.

493. *Id.* at 40, 45, 245.

494. Jim McElhatton, *Standing on 'the Shoulders of Bob Ming,'* WASH. TIMES (Dec. 7, 2008), <http://www.washingtontimes.com/news/2008/dec/7/standing-on-the-shoulders-of-bob-ming/> [https://perma.cc/N9UV-VPZJ].

495. *William Robert Ming, Jr. (1911–1973)*, HOW. U. SCH. OF LAW., <http://www.brownat50.org/brownBios/BioWmMing.html> [https://perma.cc/PX2Y-R6Y8].

496. McElhatton, *supra* note 495.

497. *A Case of Black and White*, EBONY, Dec. 1973, at 126.

498. *Id.*

499. *Awards & Fellowship*, NAT'L ASS'N ADVANCEMENT COLORED PEOPLE (Oct. 11, 2015), <http://www.naacp.org/pages/awards> [https://perma.cc/CZ6N-KYJR].

500. *See Donald Gaines Murray Sr. Dies at 72; Sued, Entered UM Law School in 1935*, THE SUN (Apr. 10, 1986), available at <http://msa.maryland.gov/megafile/msa/speccol/sc2200/sc2221/000011/000011/pdf/d007116a.pdf> [https://perma.cc/A2GR-CJUC].

501. *Pearson v. Murray*, 182 A. 590, 590 (Md. 1936).

502. *Id.*

503. *Id.*

upheld the lower court's decision.<sup>504</sup> Murray was unable to afford the cost of tuition and books at the time of his admission, so Alpha Phi Alpha covered these costs from the time of his entrance into the school until his graduation. After earning his law degree, Murray practiced private law with a firm in Baltimore.<sup>505</sup> He was a member of the Baltimore Urban League and the ACLU, as well as Kappa Alpha Psi Fraternity.<sup>506</sup> Murray retired in 1971 and later died at the age of seventy-two.

*Augustus G. Parker* was born in Greenwood, Mississippi.<sup>507</sup> He received his early education in Oklahoma before attending Wilberforce University.<sup>508</sup> He had been a newspaperman in Kansas City, Missouri.<sup>509</sup> Parker served as a member of the Board of Trustees at Central State College and was active in such organizations as the American Legion, the John M. Harlan Law Club, the NAACP, and the Urban League.<sup>510</sup> Parker practiced law in Cleveland, Ohio, before becoming a judge and being appointed Chief Justice of the Cleveland Municipal Court by Ohio's Governor in January 1965.<sup>511</sup> He was elected Kappa Alpha Psi's senior Grand Vice Polemarch at its Thirty-Third Grand Chapter in 1943, then elected the twelfth Grand Polemarch at the Thirty-Fourth Grand Chapter.<sup>512</sup> He passed away at the age of sixty-five on October 16, 1965.<sup>513</sup>

*Leon Andrew Ransom* was born on August 6, 1899, in Zanesville, Ohio, to parents Charles A. and Nora Ransom.<sup>514</sup> He had two siblings—a sister named Virginia Walker and a brother named Charles W. Ransom.<sup>515</sup> He went on to marry Willie Crowe and have two children—a son named Leon Jr. and a daughter named Mary Virginia.<sup>516</sup> Ransom graduated from Lash High School in 1916 and graduated from the Ohio State University in 1920.<sup>517</sup> He went on to pursue his graduate studies at both Howard University and Columbia University.<sup>518</sup> In 1927, Ransom received his JD from the Ohio State University and was elected to the Order of Coif.<sup>519</sup> His professional career includes serving as the dean of Howard University Law School, as well as being a member of the NAACP legal team in the 1930s.<sup>520</sup> In 1946,

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504. See *Donald Gaines Murray Sr. Dies at 72; Sued, Entered UM Law School in 1935*, *supra* note 501.

505. *Id.*

506. *Id.*

507. See generally BRYSON, *supra* note 44.

508. *Id.*

509. *Id.*

510. *Id.*

511. See *Memorial Resolution: Augustus G. Parker*, 37 CLEV. BAR ASS'N J. 121, 128 (1966).

512. See generally BRYSON, *supra* note 44.

513. *Id.*

514. See generally *id.*

515. *Id.*

516. *Id.*

517. *Id.*

518. *Id.*

519. *Id.*

520. *Id.*

Ransom gained national attention for his acquittal of twenty-eight Black men who were arrested for rioting in Columbia, Tennessee.<sup>521</sup> Additionally, Ransom worked alongside Thurgood Marshall for the plaintiff in *Mills v. Board of Education* in which Mills sued the Board of Education for equal pay for White and Black public school teachers in the state of Maryland.<sup>522</sup>

Ransom also played an important role in his fraternity, Kappa Alpha Psi. He was the recipient of the thirteenth Laurel Wreath for his crucial role as chief counsel for the Tennessee rioters.<sup>523</sup> The Laurel Wreath is the highest award available to members of the fraternity. In 1926, Ransom also held the position of Senior Grand Vice Polemarch.<sup>524</sup> As an appointed member of the postwar planning committee in 1944, he was tasked with honoring Kappa Alpha Psi members who were currently serving in the nation's armed forces.<sup>525</sup> Ten years later, in August of 1954, Ransom passed away of a stroke while living in Washington, D.C.<sup>526</sup>

*Elisha Scott* was born in Memphis, Tennessee, in 1890.<sup>527</sup> He was the youngest of thirteen children.<sup>528</sup> At a young age, Elisha and his family moved to Topeka, Kansas. He attended Topeka public schools before enrolling in the Topeka Industrial and Educational Institute, an all-Black high school and vocational school.<sup>529</sup> To assist paying for his schooling, he earned money by peddling newspapers, doing odd jobs, and working in the office of Black attorney James Guy.<sup>530</sup> Scott then attended Washburn University and earned his degree in law in 1916, which made him the third African American to earn a law degree from Washburn.<sup>531</sup> He was then admitted to the Kansas Bar on June 22, 1916.<sup>532</sup> He briefly worked in Guy's office again as an attorney before establishing his own practice, which later became the family practice of Scott, Scott, Scott & Jackson.<sup>533</sup> Scott was a lifelong member of the Rho Chapter of Kappa Alpha Psi. He also was an active member of the NAACP and served as president of the Topeka Chapter for several terms in the mid-1930s.<sup>534</sup> In April of 1963, Scott underwent exploratory surgery at the University of Kansas Medical

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521. *Id.*

522. *Id.*

523. *Id.*

524. *Id.*

525. *Id.*

526. *Id.*

527. *Elisha Scott, Sr.*, KAN. HIST. SOC'Y (Jan. 2016), <https://www.kshs.org/kansapedia/elisha-scott-sr/12198> [<https://perma.cc/YZ6D-FJDA>].

528. *Scott Family*, ENCYCLOPEDIA GREAT PLAINS (David J. Wishart ed., 2011), <http://plainshumanities.unl.edu/encyclopedia/doc/egp.afam.038> [<https://perma.cc/45MD-GGLK>].

529. *See generally* Thom Rosenblum, *Unlocking the Schoolhouse Doors: Elisha Scott, "Colored Lawyer, Topeka,"* 36 KAN. HIST.: J. OF CENT. PLAINS 40, 42–44, 55 (2013).

530. *Id.*

531. *Id.*

532. *Id.*

533. *Id.*

534. *Id.*

Center, which revealed he was suffering from cancer.<sup>535</sup> He died from the cancer on April 23, 1963.<sup>536</sup>

*James E. Scott* was born on October 6, 1895, in Brenham, Texas. Shortly after he was born, Scott and his family moved to Washington, D.C. His professional achievements include founding and becoming the first president of the Washington Real Estate Brokers Association, as well as holding the position of president of the Washington branch of the NAACP. In addition, he was a member of the Board of Directors for the Twelfth Street & Metropolitan YMCA. Scott's participation in Kappa Alpha Psi is extensive and begins in 1919 with his membership in its Delta Chapter. He went on to become a lay charter member of the Xi Chapter just one year later. Then, in 1924, he took part in the chartering of the Washington Alumni Chapter, later assuming the position of first Vice Polemarch. In 1925, Scott also held the position of Grand Vice Polemarch at the Fifteenth Grand Chapter, which was the first of its kind to be held in New York City. His participation in Grand Chapters continued as a member of the Grand Board for the Twenty-Fourth (1933) and Twenty-Sixth (1936) Grand Chapters. During this time, Scott also participated in the chartering of the Alpha Phi Chapter at Virginia State College in 1935. Six years later, the country was in the middle of a world war and Scott chose to write President Roosevelt a letter regarding the laws in place restricting Blacks in the Navy and Marine Corps. He also wrote of all his Kappa brothers who fought and died for the United States in World War I. Then at the Thirty-Eighth Grand Chapter in 1948, Scott worked up until his death on August 14, 1968, to make the world a better and more equal place for Blacks and other minorities.<sup>537</sup>

*Louis Stokes* is known as the first African American congressman elected from the state of Ohio.<sup>538</sup> He served fifteen terms in the U.S. House of Representatives.<sup>539</sup> Stokes was born in Cleveland, Ohio, on February 23, 1925, and lived in one of the federally funded housing projects.<sup>540</sup> He served in the U.S. Army after graduating high school until 1946.<sup>541</sup> He then would earn degrees from Western Reserve University and Cleveland-Marshall College of Law.<sup>542</sup> In 1953, Stokes began practicing law in his hometown of Cleveland.<sup>543</sup> In 1968, he argued in front of the U.S. Supreme Court in *Terry v. Ohio*—known as one of the most prominent “stop and frisk” cases to come before the Supreme Court.<sup>544</sup> Later that year, he was elected

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535. *Id.*

536. *Id.*

537. *See generally* BRYSON, *supra* note 44.

538. *See* Matt Murphy, *The Perspective of Congressman Louis Stokes: Participant in the Black Political Revolution of the 1960s and 1970s and Co-Founder of the Congressional Black Caucus*, DIGITAL MD. (Feb. 13, 2008), <http://collections.digitalmaryland.org/cdm/ref/collection/saac/id/25701> [<https://perma.cc/K49E-PY7W>].

539. *Id.*

540. *Id.*

541. *Id.*

542. *Id.*

543. *Id.*

544. *Id.*



to the House of Representatives for Ohio.<sup>545</sup> He would serve in the body for a total of thirty years before retiring in 1999.<sup>546</sup> He then worked with a law firm from which he would retire in 2012. Stokes passed away from brain and lung cancer on August 18, 2015.<sup>547</sup>

*Percy Ellis Sutton* was a civil rights activist, attorney, and political and business leader. He was born in San Antonio, Texas, on November 24, 1920. He attended Prairie View A&M University, the Tuskegee Institute, and the Hampton Institute, but failed to earn an undergraduate degree. Nevertheless, he would go on to Columbia Law School and Brooklyn Law School. Sutton would also invest in the New Amsterdam News and the Apollo Theatre in his later life.<sup>548</sup> Sutton died on December 26, 2009, in New York City.<sup>549</sup>

*Roy M.R. Van Dyne* was born in Oklahoma in 1902 to John H. Van Dyne and Fannie P. Van Dyne.<sup>550</sup> Roy worked for the *Topeka Daily Capital* and worked as an express agent at Weatherford before obtaining his LL.B. at Washburn University of Topeka in 1921.<sup>551</sup> He later moved to Flint, Michigan.<sup>552</sup> Additionally, he was the secretary of the Washburn Boys' Club.<sup>553</sup>

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545. *Id.*

546. See Stokes, *Louis, (1925–2015)*, BIOGRAPHICAL DIRECTORY OF THE U.S. CONGRESS, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=S000948> [https://perma.cc/F8AD-KADD].

547. *Id.*

548. *Percy Sutton Dies at 89; Civil Rights Attorney Represented Malcolm X*, L.A. TIMES (Dec. 28, 2009), <http://articles.latimes.com/2009/dec/28/local/la-me-percy-sutton28-2009dec28> [https://perma.cc/YRL8-P4HR].

549. See Douglas Martin, *Percy E. Sutton, Political Trailblazer, Dies at 89*, N.Y. TIMES (Dec. 27, 2009), [http://www.nytimes.com/2009/12/28/nyregion/28sutton.html?\\_r=2&ref=obituaries](http://www.nytimes.com/2009/12/28/nyregion/28sutton.html?_r=2&ref=obituaries) [https://perma.cc/2MQ4-8Y5V].

550. *Roy M. Van Dyne – 1920 Census Record*, MOOSE ROOTS (2015), <http://us-census.mooseroots.com/l/93702337/Roy-M-Van-Dyne> [https://perma.cc/7WPC-DX76].

551. Editorial, TOPEKA DAILY CAP., May 27, 1914, at 6B; *Socialists Endorse Committee Report*, WICHITA EAGLE, July 9, 1917, at 2; *Washburn College Bulletin*, 6 WASHBURN C. 8, 145 (July 1921).

552. *Roy Van Dyne in the 1940 Census*, ANCESTRY (2015), [http://www.ancestry.com/1940-census/usa/Michigan/Roy-Van-Dyne\\_2ntvmv](http://www.ancestry.com/1940-census/usa/Michigan/Roy-Van-Dyne_2ntvmv) [https://perma.cc/BN6C-B7YR].

553. *Colored Students Elect*, TOPEKA DAILY CAP., Sept. 19, 1919, at 7.