

The Michael J. Malone Douglas County Law Library E-Mail Newsletter



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Meeting and Event Announcements

The Defense Bar meets the second Friday of the month. This month the meeting is on the 8th.

The July 2016 Douglas County Bar Association Brown Bag CLE program will be on Thursday, July 21st, from 12:00 p.m. to 12:50 p.m. in the Jury Assembly Room in the Judicial and Law Enforcement Center. Natalie Yoza and Bryant Barton, Douglas

County District Attorney's Office will present *Legislative Amendments to the Kansas Juvenile Justice System and Criminal Law*. Check the [DCBA website](#) for more information on the program, on the CLE credits available, and for handout material.

Defending Veterans in Criminal Court

The library has added a new book to its holdings titled *The Attorney's Guide to Defending Veterans in Criminal Court*, edited by Brockton D. Hunter and Ryan C. Else. Both Hunter and Else are criminal defense attorneys. Hunter is a former United States Army Recon Scout, and Else was a member of the Army National Guard.

Published by the Veterans Defense Project, the book has a foreword by Max Cleland, disabled Vietnam War veteran, former United States Senator from Georgia, and Administrator of Veterans Affairs from 1977 to 1981. Cleland writes that this book "presents the very latest insights into PTSD [Post Traumatic Stress Disorder] and TBI [Traumatic Brain Injury]. It provides lawyers and judges expert information to help courts do the right thing. ... This guide is the

finest effort I have seen in getting appropriate legal services for those who have defended this nation with honor and courage."

The book is shelved in the "General Legal" section of the bookcase under the windows along the south wall of the library.

Current Art Gallery Exhibition

The June/July 2016 Law Library and Division III art gallery exhibitions are acrylics by Frank Pondrom. The exhibitions will run through the end of May 2016.

The August/September 2016 exhibition slots in the Michael J. Malone Douglas County Law Library Art Gallery and the Division III Art Gallery are scheduled to be work by employees working in the Judicial and Law Enforcement Center and their families. More information will be in the August 2016 E-Mail Newsletter.

For more information on past, current, and future Art Gallery exhibitions, or for more information on the Art Galleries, please consult the Art Gallery page on the Law Library's website.

If you would like to exhibit your art in our galleries, or know of local artists who would like to show their original art here, contact the Law Library at 838-2477 or by e-mail at info@douglascolawlibrary.org.

New Acquisitions

Newly acquired material added to the Law Library's holdings:

ABA Child Law Practice: Helping Lawyers Help Kids, v. 35:6 (June 2016).

The Attorney's Guide to Defending Veterans in Criminal Court, by Brockton D. Hunter and Ryan C. Else, Editors.

Law Library Journal, v. 108:2 (Spring 2016).

Did You Know?

Every month, a bit of Law Library trivia is posted in the Law Library and on the Law Library's website. The previous month's "Did You Know" tidbit is then published here in the Newsletter. The hope is for this to improve communication between the Law Library and its users.

June's entry was:

In addition to current volumes of the Kansas Statutes Annotated, the law library has a collection of superseded volumes that allow for researching statutes that have been repealed or older versions of statutes that have been revised.

This Month In Legal History

July 28, 1894 - Malcrom "Cyclone" Kennedy hits Jim Johnson over the head with a board.

Malcrom Kennedy was born around 1876 in Kentucky to David and Nannie Kennedy. Both David and Nannie were also born in Kentucky, which at the time of their births, around 1838 and 1851 respectively, was a slave state. Because of this, it is very likely that they were both born into slavery and emancipated by the 13th Amendment. When Malcrom was born, he had an older brother named Samuel who had been born around 1872. The family left Kentucky sometime in the late 1870s, and eventually settled in Lawrence, Kansas, where a daughter, Madinene, was born around the first of the year 1880. Another daughter, Daisy, was born around 1884. David worked as a laborer to support his family. Sometime between 1888 and 1890, David Kennedy died, leaving Nannie a widow with children to support. Malcrom, who came to

be known as Mack¹, was between 12 and 14 years old when his father died, not a good time for a young man to be without a male role model, and his life took a wrong turn. At around 3:30 in the afternoon of Saturday, July 28, 1894, police came to the corner of Warren (now 9th) and Vermont Streets in downtown Lawrence on a report that a man had been killed there. When they arrived they found a crowd of people around a man with a bad cut on his face lying between two shops, unconscious, but very much alive. The man lying on the ground turned out to be Jim Johnson². Aside from the cut on his face, Johnson was not seriously injured. The police questioned him and Johnny Pierson, a Swedish shoemaker known as "Swede Johnny." The two newspapers that reported the incident agreed that it had started in Pierson's shop, but each had a different story as to what had transpired. One report had Johnson and Pierson having sent out for a bottle of beer to be brought to them. The "colored fellow" who returned with it demanded a drink from the bottle as well as the fifty cents it cost. When they refused him, he hit Johnson "with a board or a knife." The other report was that the "colored boy" came to the shoe shop to retrieve a pair of shoes he had earlier left with Swede Johnny to be repaired. He insisted that he was owed ten cents in change but this was refused. He went to "Judge Chadwick", presumably Charles Chadwick, a local attorney, to find out how he could get his money. Apparently not satisfied with the response from the Judge, he went back "to deal out justice in person." When he got to the shop he picked up a board and swung it at Pierson. Pierson ducked out of the way of the blow but Johnson was hit in the head. The assailant ran away. Although the two stories differ significantly in their details, both agree that the "colored" man who swung the board was Mack Kennedy, who was supposedly known to the police as "Cyclone." Johnson and Pierson appeared in

police court and were each fined \$11.50 for being drunk. Kennedy had gone into hiding, and managed to avoid arrest for over four months, until the night of December 12, 1894, when Marshal Jeans got word that he was at a location on Kentucky Street in Lawrence. He went there, found Kennedy, and arrested him. He was arraigned the following day and pled not guilty. Kennedy was scheduled in court for Monday December 17th, when he was bound over for the next term of district court on a charge of assault with intent to kill. Bond was set at \$750. On February 5, 1895, he was convicted of "murder in the 4th degree had death ensued". In reporting Kennedy's conviction, a newspaper noted that he was "a hard customer and little sympathy is expected for him." On February 18th, Judge Alfred W. Benson sentenced him to a year in the Kansas State Penitentiary. Kennedy spent a little less than eleven months there, and was released from prison on January 7, 1896. He was arrested on August 20, 1898, for beating his sister, but the next day in police court he was acquitted of the charge. Sometime in the latter 1890s, Kennedy's mother married a man named Alfred Brooks and took his name, becoming Nannie Brooks. Around the middle of August 1905, Kennedy beat up a man named John Barnard, who was identified by a newspaper as a gambler, using the butt of a revolver. Kennedy was arrested, but Barnard soon disappeared, and as he was the principal witness, Kennedy was released. Barnard returned to Lawrence on August 29th, and attacked Kennedy, beating him with the butt of his revolver. Barnard was arrested. He was found guilty in police court the next day and fined \$10 plus costs. In August of 1906, Kennedy was arrested for "plain drunkenness", and was issued a fine. He defaulted on payment of the fine and was put in the Lawrence city jail, described by a newspaper as the "shaky old city prison." On the night of August 23rd, he and another man

dug a hole in the wall of the cell and made their way through it into the tool room of the street commissioner. They broke out a window in the room and made their escape. There is no indication of when he was recaptured, or what happened when he was. Sometime in the early 1900s, Nannie Brooks became a widow again when Alfred Brooks died, and was noted in the 1910 U.S. Census for Lawrence as being head of a household including her daughter Daisy, Daisy's husband Del Simons, and their two daughters. That census record also indicates that Nannie had given birth to nine children, only three of whom were still alive in 1910. The three would have been Mack, Daisy, and Madinene³. Around the middle of February 1911, a Rock Island Railroad freight car was broken into in Lawrence and "a quantity of silks, shoes and a dozen silk shirt waists" were stolen. The value of the theft was put at \$20. A few days after the break-in, Kennedy was arrested in Kansas City for selling whisky. He bonded out on the prohibition violation⁴ charge on February 21st, and was arrested in Douglas County for complicity in the Rock Island break-in. Then on March 1st, while he was still in jail on the theft charges, Kennedy was charged with ten counts of selling liquor. The night of March 5th, three of the men being held in the Lawrence jail on the freight car theft dug their way out and escaped, but Kennedy was not reported as being one of them. No records have been found concerning the outcome of the theft and prohibition violation charges against him. Along with several other men, Kennedy was arrested in late 1911 for gambling, specifically, for "shooting craps." The man running the game was charged and tried in district court, but apparently, Kennedy was not. He eventually left Lawrence, but when this was and where he went is unknown. He may have gone to Hutchinson, Kansas, as it was reported in 1916 that he had a wife there. He eventually found his way "to the harvest fields in South Dakota."

Kennedy was killed in Aberdeen, South Dakota, on the night of July 31, 1916, by a Lee Griest. It was reported that his mother "believes that he was killed in the I. W. W. trouble in the harvest fields." Formed in 1905, the Industrial Workers of the World (IWW), also known as the "Wobblies", is an international union that contends that all workers should be united into a social class to supplant capitalism. The IWW was particularly active in the American west in the 1910s and early 1920s, trying to organize agricultural and other workers and secure higher wages for them. There were many confrontations between IWW supporters and those interested in maintaining the status quo of agricultural workers. Local vigilantes organized to oppose IWW supporters, and the militia was sometimes called out against them. Some such confrontations ended without bloodshed, as one did in Aberdeen, South Dakota, in July of 1914, but others erupted in violence and gunfire, as one did in Mitchell, South Dakota, on July 27, 1916, just four days before Kennedy was killed. Fifteen men with guns supported by around fifty others threatened a group of IWW members to prevent them from boarding a train. When they ignored the threat and attempted to board the train anyway, the gunmen opened fire. The IWW members returned the fire, resulting in around one hundred gunshots being exchanged. Three of the IWW members were hit, as were, four of the gunmen. Police arrested half the gunmen, but soon released them and returned their guns, reportedly instructing them to "shoot more IWWs." On July 30th, a train carrying 1500 harvest hands going through Mitchell was stopped, and each man was searched for weapons before being allowed to reboard the train and continue on north in the direction of Aberdeen, approximately 140 miles away. The August 1, 1916, edition of *The Lincoln Daily Star* newspapers from Lincoln, Nebraska, reported that in Aberdeen, "An uni-

identified negro, said to be a member of the I. W. W., was shot following a disagreement with a fellow wanderer Lee Griest, over a game of craps here late last night. Griest is now held by the authorities, being caught two hours after the shooting, five miles east of the city." That "unidentified negro" was Mack Kennedy. His body was returned to Lawrence, and his funeral was held on August 6th in his mother's home at 1242 Pennsylvania Street. Kennedy was buried in Oak Hill Cemetery in Lawrence. His killer, Lee Griest, must have been convicted in his death, as Griest's name appears as an inmate in the 1920 U.S. Census for the South Dakota Penitentiary in Sioux Falls.

¹ Some sources spell the name without a "k".

² The Lawrence Daily Journal first reported the injured man as "a Swede stone mason" named Bell.

³ There is a Mattie K. Suggs recorded in the 1920 U.S. Census for Lawrence living at 1242 Pennsylvania Street with her husband William L. Suggs, the same address where Nannie Brooks had previously lived. Her age, birthplace, and the birthplaces of her parents all match those for Madinene, so there is a very high probability that Mattie and Madinene are the same person.

⁴ Kansas had a statewide prohibition on the manufacture and sale of intoxicating liquors from 1881 to 1948, and prohibition of liquor-by-the-drink from 1948 to 1987.

[Kennedy,] Malcrom, 1880 United States Census, 2nd Ward, Lawrence, Douglas County, Kansas, 6/28/1880; [Simons,] Daisy, 1910 United States Census, Lawrence, Douglas County, Kansas, 4/22/1910; [Suggs,] Maddie K., 1920 United States Census, Lawrence, Douglas County, Kansas, 1/7/1920; Lawrence City Directory, R.L. Polk and Company, 1888-1923; Lawrence Daily Journal, v. 26, no. 180 (July 28, 1894), p. 4; Lawrence Daily Gazette, v. 5, no. 276 (July 30, 1894), p. 3; Lawrence Daily Journal, v. 26, no. 299 (December 13, 1894), p. 4; Lawrence Daily Journal, v. 26, no. 304 (December 19, 1894), p. 1; Lawrence Weekly World, v. 3, no. 50, (February 7, 1895), p. 5; Public Documents, Kansas, 1895-'96, Vol. II ; Report of Auditor of State, Bank Commissioner, State Penitentiary, Topeka, Kansas State Printing Company, 1896, [p. 101](#); Lawrence Weekly

World, v. 3, no. 52, (February 21, 1895), p. 5; Lawrence Daily World, v. 7, no. 69 (May 20, 1898), p. 3; Lawrence Daily World, v. 7, no. 70 (May 21, 1898), p. 3; The Jeffersonian Gazette, v. 25, no. 5 (August 30, 1905), p. 3; Lawrence Daily World, v. 15, no. 151 (August 24, 1906), p. 1; The Jeffersonian Gazette, v. 30, no. 20 (February 15, 1911), p. 8; The Jeffersonian Gazette, v. 30, no. 21 (February 22, 1911), p. 3; Lawrence Daily Journal-World, v. 55, no. 56 (March 1, 1911), p. 1; Lawrence Daily Journal-World, v. 55, no. 60 (March 6, 1911), p. 1; State of Kansas vs. Jim Barnes, Case no. 2039, Douglas County, Kansas, District Court Records; The Jeffersonian Gazette, v. 35, no. 49 (August 9, 1916), p. 6; Lawrence Daily Journal-World, v. 60, no. 188 (August 7, 1916), p. 1; [Industrial Workers of the World](#), Wikipedia website; [Town Routs I. W. W. Men](#), The New York Times, (July 20, 1914); [IWW Yearbook: 1916](#), IWW History Project, University of Washington website; Workers, Unions, and Historians on the Northern Plains, by William C. Pratt, Great Plains Quarterly, No. 16 (Fall 1996), [pp. 229-250](#); The Lincoln Daily Star, (August 1, 1916); and, Griest, Lee R., 1920 United States Census, South Dakota Penitentiary, Sioux Falls, Minnehaha County, South Dakota, 1/20/1920.

Each month, an event from "This Month In Legal History," the history of law and jurisprudence of Douglas County that occurred during that month, is included in the Newsletter. The current entry is also posted for the month on the Law Library's website. Entries from past months are [archived](#) on the website. Submissions from readers are welcome and encouraged.

Law Library Volunteer Opportunities

The Law Library Volunteer Program provides a capable and dependable volunteer work force to assist with the day-to-day operations of the Law Library and with its special projects. This work force supplements the paid Library staff and allows the Library to provide the best possible service to attorneys, local judges, and the public.

The Volunteer Program is instrumental in linking a valuable community resource - the citizens - with a valuable community institution - the Michael J. Malone Douglas

County Law Library - for the benefit, growth, and enrichment of both.

If you or someone you know might be interested in volunteering for one of them, or if you would like more information on our program and/or the positions we have open, please contact the Library or visit the "Volunteers" page on the Law Library's website.

Feedback

This Newsletter is intended to be useful to its readers. As in any enterprise, feedback on how the Newsletter is fulfilling this goal is crucial to our achieving it. If our articles are helpful, let us know. If they are not, let us know. If you have suggestions on how to improve the Newsletter, or comments and suggestions on the Law Library itself, please let us know. For your convenience, there is a link to a [feedback form](#) available on most pages of the Law Library's website. Thank you.

Submitting Articles for Newsletter

The Editor encourages readers to submit articles for publication and/or make suggestions on material to be included in future issues of the Newsletter.

To Subscribe

Contact the Law Library by mail, e-mail, or telephone and request a free subscription to the Newsletter. It will be sent to you as a PDF attachment to an e-mail. The Library's mailing address is: Michael J. Malone Douglas County Law Library, Judicial and Law Enforcement Center, 111 East 11th Street, Lawrence, Kansas, 66044. The Law Library's telephone number is: 785-838-2477. The Library's e-mail address is: info@douglascolawlibrary.org.

Back Issues

Back issues of the Newsletter are [archived](#) on the Library's website.

Classified Ads

Free classified ads may be placed in the Newsletter by contacting the Law Library. The Editor reserves the right to refuse anything deemed inappropriate and to add restrictions as the need arises.

No Ads this Month.



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