

# Lawsuit over Vermont Law School murals depicting slavery lands in Court of Appeals

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A lawsuit filed by artist Sam Kerson seeking to prevent the Vermont Law and Graduate School from its plan to cover up a large mural commissioned by the school and completed by him in 1993–94 has landed in the US Court of Appeals for the Second Circuit in New York. Each side presented its argument on January 27. This comes approximately two-and-a-half years after an initial ruling in favor of the Law School allowed the school to go forward with its plans.

Kerson's mural, comprising two 8'×24' panels titled *Vermont, the Underground Railroad* and *Vermont and the Fugitive Slave*, is significant from a historical, political and artistic perspective. As the WSWs previously noted:

The first [panel] depicts the enslavement of Africans, a slave market, forced toil and a raucous scene of slave rebellion. The second mural depicts the abolitionists Frederick Douglass, John Brown, Harriet Beecher Stowe and Harriet Tubman, as well as South Royalton, Vermont, residents sheltering refugees as they make their way to the Canadian border. A number of people, possibly Quakers, help escaped slaves mount a white horse, a symbol of peace, in front of the Vermont legislature. The murals commemorate the efforts of black and white Americans in the US and Vermont to end slavery.

Initially, the law school had announced its intention to paint over, and thereby destroy the panels. After Kerson objected to this act of cultural vandalism, the college offered to let him remove the work himself. However, after consulting experts, Kerson concluded that any attempt to physically remove the murals would destroy

them. The school then countered by asserting it would merely cover the murals by constructing an acoustic wall inches in front of it. However, an expert in art conservation hired by Kerson determined that such a wall would cause a “toxic environment potentially damaging them.” Kerson then filed a lawsuit to protect the pieces under the federal Visual Artists Rights Act of 1990, which grants artists the rights to protect their work from any “intentional distortion, mutilation, or other modification of that work which would be prejudicial to his or her honor or reputation.” In October 2021, the judge for the US District Court for the state of Vermont dismissed Kerson's concerns and ruled in favor of the college, leading Kerson to file an appeal.

A February 21 *New York Times* article cites students denouncing the murals and characterizing efforts to preserve them as “protecting white fragility,” as well as an affront to students' feeling “safe and welcome.” Another student asserts that because Kerson is white, the theme of slavery is “not his history to depict.” The *Times* then attempts to appear balanced on the issue, writing that concern “about the murals is not universal among the 500 students on campus,” as some “faulted the administrators who allowed them to be painted in the first place.” This is in fact a further attack on Kerson's work. The voices of students and members of the community who defend the mural are only to be found in the legal brief submitted by Kerson's lawyer to the court of appeals:

[The College] received complaints from some students that the Murals were offensive characterizing the Murals as “Sambo-like,” “racist” and otherwise containing “discomforting” or negative imagery about slavery ... Other students voiced [the following contrary opinions] “Bearing

this in mind, I am shocked to see that students at Vermont Law School would want to erase from our campus a memorial designed to depict the savagery of slavery and racism in America in place of something more palatable.”... In addition, an on-line petition containing hundreds of signatures in favor of the Murals was also circulated.

Kerson’s mural, whose artistic style draws inspiration from photographs by Cameroonian-born composer and author Francis Bebey’s book *African Music: A People’s Art* (1975), is an emotive and vivid reminder of the history of solidarity among whites and blacks during one of the most momentous struggles in the history of the nation, which ultimately resulted in the destruction of the brutal slave system, a second American revolution. The fact that the law school, which previously celebrated these acts of humanity by commissioning and prominently displaying Kerson’s murals, is now seeking to eliminate them, is indicative of the retrograde, racist historical perspective that has become increasingly pervasive in academia in the US, in particular over the last decade. The problem, as far as the school’s administrators and the social layer they represent are concerned, is that the existence and availability for public viewing of Kerson’s murals undercuts the narrative that an eternal struggle between “races” has been the defining characteristic of American society since its inception.

Ultimately, the determination of the Vermont Law School to cover up and destroy Kerson’s murals is one episode in the broader drive to saturate college campuses and virtually every cultural sphere with racist consciousness. The WSWS has written extensively on such efforts and continues to play a leading role in exposing their intellectual bankruptcy. Most notable among these exposures has been the series of interviews, discussions and articles by prominent historians solicited and hosted by the WSWS on the topic of the *New York Times* “1619 Project,” a lavishly funded collection of pseudo-historical essays, poetry, podcasts and assorted materials created by reporter Nikole Hannah-Jones and other authors. This expansive project, which recently spawned a streaming miniseries, is based on three central lies: the American Revolution was an effort by slaveholding whites to preserve slavery in the colonies; since the arrival of the first African slaves in 1619 (itself a factual misrepresentation) blacks have mostly fought for

their freedom alone; and nearly every contemporary social ill can be traced back to chattel slavery.

The Vermont situation brings to mind the reactionary efforts to destroy the historic Depression-era murals at George Washington High School in San Francisco painted by left-wing artist Victor Arnautoff, another racist attack on freedom of speech and artistic expression.

Efforts to slander Kerson as a racist, and cover up and eventually destroy his important murals must be seen in the context of these attacks by the ruling class on historical consciousness. Clearly, a work of art depicting an epoch defined by the multiracial struggle to subvert and destroy slavery—by a “white” artist no less!—cuts across the narrative of eternal conflict among Americans of different skin tones. The truth is that Sam Kerson has produced a body of work spanning decades touching upon acute social and political questions such as the threat of nuclear annihilation, the death penalty and brutality inflicted upon the Palestinians under Israeli occupation. And yet, as the WSWS has previously written:

Wherever images of race are involved, self-appointed representatives of particular groups take it upon themselves to intervene in public spaces in the supposed interest of individual, group and community “empowerment.” Since so much of academia and the “left” have adopted postmodernism’s emphasis on “difference,” the prerogatives of identity take center stage. As in the Kerson case, there is virtually no concern for whether a work of art or someone’s career is being destroyed, while the pretense is maintained that such “activism” is challenging the norms of privilege. In fact, dispensing with concerns about social inequality and raising claims about “institutional racism” and the need for “symbolic reparation” play into the hands of the ruling elite, which is seeking to divide the working population along racial, ethnic and gender lines.



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