

RESTORATION OF HOPE: HOW THE PRESERVATION OF SACRED SPACE IN  
AREAS OF CONFLICT PROTECTS HUMAN RIGHTS

by

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## THESIS ABSTRACT

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Exploring human rights violations in areas of conflict is a very challenging endeavor as the consequences of conflict wreak havoc on communities and the built environment. When sacred space, specifically, has been intentionally and maliciously damaged, a group's right to cultural heritage has been potentially violated. As laid out by numerous international covenants, this is a denial of basic human rights. Therefore, using international human rights laws to set precedents, definitions and guidelines, the preservation of a sacred space after intentional damage can help protect those rights and rectify a wrong committed against a group. Studying the racially motivated bombing of 16<sup>th</sup> Street Baptist Church in Birmingham, Alabama as a case study and using human rights legislation to frame preservation work in general, the inherent yet complicated connection between historic preservation and human rights can be explored and understood.

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“A fool throws a stone into the sea, and a hundred wise men cannot pull it out.”  
-Greek Cypriot proverb

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CHAPTER I  
HISTORIC PRESERVATION AND HUMAN RIGHTS

*Introduction and Origins*

The world saw a surge of interest in human rights in the mid-20<sup>th</sup> century which was due in part to the two world wars . The Universal Declaration of Human Rights, the most important human rights declaration to come out of this period, was written largely in response to the horrors of the Holocaust.<sup>1</sup> What constitutes a “right” has changed tremendously in the past few decades and is a debate that continues to be relevant. Historic preservation, as a professional field in America, also came of age in the mid-20<sup>th</sup> century. The National Historic Preservation Act was passed as a response, in many ways, to the destructive nature of urban renewal projects of the 1950s.<sup>2</sup> Both historic preservation and human rights advocacy grew out of devastation of some kind. Despite the lack of scholarly research on the relationship between these two fields of study, the inherent connection between historic preservation and human rights is strong yet complicated. I am stretching the concept of historic preservation to understand better and advocate for the acknowledgment and protection of human rights. These rights, which are not confined to any one geographic area or any one culture, are also not confined to any one area of study.

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1 Micheline Ishay, *The History of Human Rights: From Ancient Times to the Globalization Era* (Berkeley: University of California Press, 2008), 218.

2 Robert E. Stipe, ed., *A Richer Heritage: Historic Preservation in the Twenty-First Century* (Chapel Hill: University of North Carolina Press, 2003), 10-11.

Damage to culturally significant sites is unavoidable, whether it is through the effects of the environment or simply time itself. However, the consequences of conflict and war, especially, wreak havoc on a community as well as the built environment. Not every building or site in the landscape is deeply connected to the identity of a community or even considered “heritage,” a term that has come to encompass many forms of culture and which is present in recent human rights laws. When a sacred space, specifically, has been intentionally and maliciously damaged, the group associated with the site has been denied more than property. Their heritage and very identity has been threatened since, as the religious scholars C. Eric Lincoln and Lawrence Mamiya state, “religion is addressed to that most sacred schedule of values around which the expression and the meaning of life tends to coalesce.”<sup>3</sup> As laid out by numerous international covenants, this is a denial of basic human rights. Acknowledging the universality of these laws is crucial. The historian and archivist, Michèle Valerie Cloonan, suggests that the entire human rights movement and the protection of cultural heritage itself would languish because it would be “impossible to move beyond the interests of particular societies.”<sup>4</sup> Therefore, using these internationally applicable human rights laws to set precedents, definitions and guidelines, the preservation of sacred space after intentional damage has occurred can help protect those rights and rectify a wrong

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3 C. Eric Lincoln and Lawrence H. Mamiya, *The Black Church in the African-American Experience* (Durham: Duke University Press, 1991), xi.

4 Michèle Valerie Cloonan, “The Moral Imperative to Preserve,” *Library Trends* 55, no. 3 (2007): 750.

committed against a group. In this way, historic preservation can be used to achieve positive social change in a community as well as protecting the built environment.

Even so, saying “preservation of intentionally damaged sacred space protects human rights” is inaccurate. Some sacred space, like the hogans of the Diné of the American Southwest, are temporal and after an individual dies, it is crucial to that culture that the hogan be destroyed.<sup>5</sup> After a hogan has been intentionally damaged by the family members, preservation or restoration would be an affront to the Diné and considered “wrong.” The hogans, while a part of the heritage of the Diné, take on symbolic meaning by being destroyed. Preservation, therefore, has the ability to both violate and protect cultural traditions and consequently human rights. It is crucial that preservationists understand this dichotomy. However, for the purpose of this study, only the preservation of space contributing to the protection of human rights will be explored.

It is therefore better to say, “preservation of sacred space protects human rights when the space was *intentionally and maliciously damaged.*” The architecture critic, Jonathan Glancey, who has written extensively on the destruction of buildings in times of war, writes that in areas of conflict, sacred space has been victim to intentional and malicious damage throughout the centuries since the invading group would specifically target places of worship “in order to try and crush the spirit of a

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<sup>5</sup> “Navajo Homes - Hogans,” Navajo People - The Diné, <http://navajopeople.org/navajo-hogans.htm>.

people.”<sup>6</sup> In order to explore this connection between the preservation of sacred space and the protection of human rights, a case study is utilized.

### *The 16<sup>th</sup> Street Baptist Church*

The 16th Street Baptist Church, of Birmingham, Alabama (Figure 1.1), is one such example of sacred space intentionally and maliciously damaged. The church, a traditionally black, “movement church,” was bombed by local KKK members in 1963 at the height of the Civil Rights Movement. Four children died in the blast and their passing sent shock-waves through Birmingham and the nation. The church became synonymous with the struggle for civil rights. After the bombing, the building itself was left unusable. There have been two major phases of restoration and preservation efforts: one in the 1960s, immediately after the bombing, which was limited to restoring the church to a functioning space, and one in the early 2000s which addressed structural, historical and cultural elements.

The preservation of the site has not only restored a local church, but what has also since become a local, regional, national and international icon of resistance to oppression. According to Lincoln and Mamiya, studying the sacred space of African-Americans during the Civil Rights Movement requires a more thoughtful perspective since black churches in particular have played more “complex roles and assumed more comprehensive burdens in their communities than is true of most white and

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<sup>6</sup> Jonathan Glancey, *Lost Buildings: Demolished, Destroyed, Imagined, Reborn* (New York: Overlook Hardcover, 2009), 76.

ethnic churches.”<sup>7</sup> Attacks on the sacred space of minorities takes on a unique role in the realm of international human rights, since minorities specifically are addressed in several human rights covenants, and it adds another point to consider in this case study.



**Figure 1.1.** The 16<sup>th</sup> Street Baptist Church in Birmingham, Alabama, March 20, 2014. Smaller parsonage to the left. Photo courtesy of the author.

### Significance of Choosing the Case Study

The 16<sup>th</sup> Street Baptist Church, is a significant choice for a case study that allows for primary research into the complicated relationship between preservation and human rights and I chose this particular church for several reasons. The words of Terence, the 2<sup>nd</sup> century BC Roman playwright, come to mind: Homo sum, humani

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<sup>7</sup> Lincoln and Mamiya, *The Black Church*, 18.

nihil a me alienum puto.<sup>8</sup> This translates to “I am a human being, I consider nothing that is human alien to me.” The acknowledgment and protection of human rights is a universal endeavor.

I also selected a sacred space because it allows me to look at what is typically a prominent space in a community. The 16<sup>th</sup> Street Baptist Church fits the criteria for this study since it was intentionally and maliciously damaged by an oppressive force and was restored about forty years later much to the delight of the congregation and human rights and preservation advocates alike. However, my connection to the church is much deeper. I am from the South and I consider it my home. Although I was not born until many years after the tumultuous Civil Rights Movement, the struggle for equal rights resonates with me as racial tensions in the South still exist. The fact that my alma mater's name is slang for “slave-owner”<sup>9</sup> and that nooses still appear around the necks of statues of African-Americans does not go unnoticed.<sup>10</sup> The South may not be a “war-zone” but it is still an area of conflict and one that deserves attention.

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<sup>8</sup> Terence, *Heauton Timorumenos* [The Self-Tormentor], 1.1, 25.

<sup>9</sup> Robbie Brown, “Controversy Over Mascots at Ole Miss,” *New York Times*, October 14, 2010, [http://www.nytimes.com/2010/10/15/us/15mascot.html?\\_r=0](http://www.nytimes.com/2010/10/15/us/15mascot.html?_r=0).

<sup>10</sup> Geoffrey Stone, “The Noose, Ole Miss, and Free Speech,” *Huffington Post*, February 20, 2014, [http://www.huffingtonpost.com/geoffrey-r-stone/the-noose-ole-miss-and-fr\\_b\\_4820588.html](http://www.huffingtonpost.com/geoffrey-r-stone/the-noose-ole-miss-and-fr_b_4820588.html).

## *Methodology*

In order to explore the problem of practicing historic preservation in areas of unrest and to solidify the connection between preservation and the protection of human rights, several variables are taken into consideration. Since the destruction and potential preservation of sacred space does not occur within a vacuum, the history of conflict in the area being studied, regional architecture and the evolution of human rights needs to be thoroughly explored.

Primary and secondary resources are drawn upon to establish the context of the case study and its contributions to the protection and advocacy of human rights. The evolution of human rights laws, regarding cultural heritage specifically, is paramount to this research. The Hague Conventions, covenants and declarations from the United Nations (UN), the United Nations Educational, Scientific and Cultural Organization (UNESCO), etc. are heavily drawn upon as primary sources to set legal definitions and precedents regarding the preservation of sacred space in areas of conflict. While this legislation was not specifically utilized in the case study, there is a correlation between the goals of the preservation efforts and the goals of international human rights law. Secondary sources included scholarly research on the evolution and interpretation of human rights.

That being said, when working in culturally sensitive areas, the collection of data can become problematic if the area is unstable. Since preservationists deal with the built environment and how that environment is essential to the identity of a group, a site visit is mandatory. "Armchair preservation" is not as meaningful to

research in areas of conflict although sometimes the intensity of the conflict can make any research unsafe.<sup>11</sup> With the case study, in particular, visiting the 16<sup>th</sup> Street Baptist Church allowed for direct observation of the interaction between the church community and those who do not necessarily identify with the site. Since racial tension is still very strong in the South, this relationship is important to explore.

The historic context, significance to the Civil Rights Movement, architectural description, evolution and preservation of the church is established through a variety of sources. Secondary sources included: historic structures reports, the National Historic Landmark nomination, Historic American Building Survey (HABS), contemporary photographs, tourist maps and scholarly work on African-American churches, violent and tragic landscapes and the Civil Rights Movement. Primary sources include: historic photographs, social commentary and cultural reactions from the time (i.e. Ralph McGill, James Baldwin, Eudora Welty, Martin Luther King, Jr. etc.), FBI reports, and personal interviews conducted on site.

### *Research Compliance*

The interviews are a very special resource. A small group was interviewed in Birmingham, Alabama over a two-week period in the Spring of 2014. It was not the point of the research to develop trends in perceptions but rather to craft narratives surrounding the church and its role in the African-American community. These

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<sup>11</sup> Wasim Maziak, "What Happens to Research in a War Zone?," Florida International University, November 12, 2013, <https://news.fiu.edu/2013/11/what-happens-to-research-in-a-war-zone/69990>.

interviews help create meaning on a local and international scale which Clifford Geertz would refer to this as “thick description.”<sup>12</sup> Interviewees include those with an intimate connection to the church (Reverend Arthur Price, Jr. and Lemarse “Colonel” Washington, member of the congregation), professionals involved in the second-phase of historic preservation of the church (Richard Pigford, architect, and Neal Berte, co-founder of the preservation foundation), and professionals who work with human rights and historic resources in Birmingham (Laura Anderson, archivist at the Birmingham Civil Rights Institute, and Hattie Barnes, Business Development Officer for Urban Impact). I also draw upon casual conversations with locals, some of whom wished to remain nameless. These interviews provide meaningful insight into how the immediate community interprets the church and its preservation. Again, the relationship between those that identify with the church and those who do not is important to establish in areas of conflict. Examples of questions asked during the interviews can be found in Appendix A.

Since human subjects were utilized, this project had to undergo careful research ethics and compliance from the University of Oregon's Committee for the Protection of Human Subjects. The research methodology, information storage, interview questions and procedures has been reviewed by the University of Oregon Institutional Review Board and Research Compliance Services. It was determined that this project (IRB Protocol Number 01292014.035) is a minimal risk research protocol that qualifies for exemption from IRB review under 45 CFR 46.101(b)(2).

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<sup>12</sup> Clifford Geertz, *The Interpretation of Cultures: Selected Essays* (New York: Basic Books, 1973), 6.

### *Concluding Statement*

Practicing preservation in areas of conflict can be very delicate terrain to maneuver through. When sacred space has been the target of malicious intent, a community has lost more than a building. Based on international and national doctrines, the cultural heritage of a people is as precious a commodity as water, food or shelter and the right to one's cultural heritage is acknowledged as a universal right. By studying the bombing and consequent restoration of 16<sup>th</sup> Street Baptist Church in Birmingham, Alabama, as an example of preservation contributing to the protection of these rights, the importance, consequences and potential of working on sacred space in areas of conflict can be fully realized. However, before continuing with the case study, it is necessary to define and contextualize a few terms. Namely, what is meant by human rights, cultural heritage and sacred space.

## CHAPTER II

### WHAT IS A HUMAN RIGHT?

#### *The Angel of History*

In order to assert that the preservation of sacred space protects human rights it is critical to define what a “right” constitutes. Since “cultural heritage rights” will be discussed in a human rights framework, it is also necessary to provide a brief history of the recent evolution of the definition of human rights.

The universality of human rights received a surge of international attention during the second half of the 20<sup>th</sup> century. So much so, that some scholars refer to this time as “the last utopia.”<sup>13</sup> This interest and scholarly pursuit of justice on an international level belongs to what sociologist, Diane Barthel-Bouchier, calls a unique tradition which gives voice to the oppressed; “rather than revel in the victors’ parading of their slaves and the defeated, it harvests the hopes of the victims.”<sup>14</sup> Essentially, human rights advocacy has been necessitated historically by their systematic and radical denial. Human rights scholar, Micheline Ishay, who has written extensively on contextualizing the evolution of human rights, suggests thinking of the history of human rights more as a journey that is “guided by lampposts across ruins left behind by ravaging and insatiable storms.”<sup>15</sup> Social critic,

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13 Diane Barthel-Bouchier, *Cultural Heritage and the Challenge of Sustainability* (Walnut Creek, CA: Left Coast Press, 2012), 27.

14 Micheline Ishay, *The History of Human Rights*, 2.

15 Ibid, 3.

Walter Benjamin, associates this journey with Paul Klee's painting, *Angelus Novus* (Figure 2.1), an angel that is “faced with the wreckage of the twentieth century:”<sup>16</sup>

“[The] face [of the angel of history] is turned toward the past. Where we perceived a chain of events, he sees a single catastrophe which keeps piling wreckage and hurls it in front of his feet. The angel would like to stay, awaken the dead, and make whole what has been smashed. But a storm is blowing from Paradise; it has got caught in his wings with such violence that the angel can no longer close them. This storm irresistibly propels him into the future to which his back is turned, while the pile of debris before him grows skyward. This storm is what we call progress.” (Benjamin 1968, 258)



**Figure 2.1.** Paul Klee's *Angelus Novus*, 1920, Israel Museum in Jerusalem.

<sup>16</sup> Matthew Gale, ed., *Paul Klee: Making Visible*. (New York: Thames & Hudson, 2013), 49.

The Universal Declaration of Human Rights was adopted by the General Assembly of the United Nations on December 10, 1948<sup>17</sup> and it represents “the first international recognition that human rights and fundamental freedoms are applicable to every person, everywhere.”<sup>18</sup> However, this breakthrough in justice only came to fruition due to the inhuman acts committed during World War II. As Jan Mårtenson, former Under-Secretary-General of the United Nations, said, “Without the [UDHR] we would lack any acceptable set of principles against which national policies and performance could be weighed.”<sup>19</sup> This declaration will be the basis for establishing current definitions and thoughts on cultural heritage rights, which is central to this research.

### *Legal Definition*

A right, “is an entitlement with the title derived from one or more sources and always with some limitation on the entitlement [which includes] not transgressing on the rights of others and obeying the requirement of the political community, usually the state.”<sup>20</sup> For example, one's right to religion cannot infringe on another's right to speech. Human rights are defined as those rights “inherent to all human beings, whatever our nationality, place of residence, sex, national or

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17 *Universal Declaration of Human Rights*, United Nations General Assembly, Resolution 217 A (III) (December 10, 1948).

18 “A United Nations Priority - the Universal Declaration of Human Rights,” United Nations, <http://www.un.org/rights/HRToday/declar.htm>.

19 Peter Davies, *Human Rights*. (London: Routledge, 1989), vii.

20 John S. Gibson, *Dictionary of International Human Rights Law*. (Lanham, MD: Scarecrow Press, 1996), vii.

ethnic origin, color, religion, language or any other status [and which are] all interrelated, interdependent and indivisible.”<sup>21</sup>

Cause lawyer, Peter Davies, places human rights into five categories: 1) Civil and Political such as the right to property, religion and speech; 2) Legal such as the right to due process and a fair trial; 3) Economic, Social, and Cultural such as the right to culture and a standard of living; 4) Collective like the rights ascribed to minorities or refugees and; 5) Declaratory such as the rights ascribed to disabled persons. Davies also states that in western political thought human rights have been limited to the first category until very recently.<sup>22</sup> This traditional view of human rights is slowly giving way to a more modern and encompassing definition. Julia Häusermann, the first Secretary-General of Rights and Humanity,<sup>23</sup> writes, “Human rights are not limited to freedom from torture and physical oppression, or to freedom of conscience, thought, and belief. Human rights are those rights essential not just for human security, but for human survival and dignity.”<sup>24</sup>

### *Cultural Heritage Rights*

The first major obstacle to overcome in protecting cultural heritage rights lies in the language used. As with “culture,” “heritage” is a notoriously and conveniently ambiguous term. Culture can be described as the “totality of socially transmitted

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21 “What Are Human Rights?,” United Nations - Office of the High Commissioner for Human Rights, <http://www.ohchr.org/en/issues/pages/whatarehumanrights.aspx>.

22 Peter Davies, *Human Rights*, 127.

23 A human rights group working towards translating human rights advocacy into public policy.

24 Peter Davies, *Human Rights*, 127.

behavior, patterns, arts, beliefs, institutions, and all other products of human work and though characteristic of a community or population.”<sup>25</sup> However, “heritage” is a specific set of attitudes and relationships with the past. Rodney Harrison, archaeologist and heritage studies scholar, states that these relationships are characterized by “a reverence and attachment to select objects, place and practices that are thought to connect with or exemplify the past in some way.”<sup>26</sup> “Cultural rights” is an outdated term that was utilized as a sort of “catch-all” in the mid-20<sup>th</sup> century. They are briefly mentioned in the UDHR (1948), thoroughly expressed in the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) and finally distinguished from heritage with the passing of the Convention for the Safeguarding of the Intangible Cultural Heritage (CSICH, 2003). Cultural heritage rights are the missing link between the protection of human rights and the built, physical world.

Even though article 27 of the UDHR states that “everyone has the right to freely participate in the cultural life of the community,” many critics questioned whether cultural heritage really was a universal right. Barthel-Bouchier ask if it is “on par with the right to worship or the right not to be tortured.”<sup>27</sup> It is true that cultural heritage rights are “frequently discussed within the framework of individual political rights, religious liberty or the freedom of opinion and expression,” suggesting that cultural heritage rights are already accounted for in existing human

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<sup>25</sup> John S. Gibson, *Dictionary of International Human Rights Law*, 142.

<sup>26</sup> Rodney Harrison, *Heritage: Critical Approaches* (Milton Park, Abingdon: Routledge, 2013), 14.

<sup>27</sup> Diane Barthel-Bouchier, *Cultural Heritage and the Challenge of Sustainability*, 27.

rights legislation.<sup>28</sup> However, this viewpoint is incredibly limiting, not only in what constitutes cultural heritage but also how it is protected.

Barthel-Bouchier states that in the early 21<sup>st</sup> century, “numerous human rights scholars resent what they see as a broadening of the concept of human right to include cultural heritage, among other social goods.”<sup>29</sup> Confusing “rights” with “social goods” is seen as cheapening the essence of human rights which could set a dangerous precedent by allowing non-rights to be viewed as such.<sup>30</sup> Social goods, or what was once called “common goods,” are simply actions or items that benefit society.<sup>31</sup> They can include anything from clean air to cheaper prices for senior citizens. The idea that cultural heritage is merely a common good is restrictive and elitist and UNESCO states, “It would be dangerous to support the view that [the benefits of culture] are the prerogative of the few.”<sup>32</sup> There is more to mankind than the biological requirements to survive. Besides needing food and water, “people crave knowledge of their past,” suggests Cloonan.<sup>33</sup> Laws involving the right to heritage exist to protect the past and those whose past is threatened. Besides, as human rights scholar, John Gibson, points out, the fact remains that the right to

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28 UNESCO, *Cultural Rights as Human Rights*. Studies and Documents on Cultural Policies 3. (Switzerland: UNESCO, 1970), 9.

29 Diane Barthel-Bouchier, *Cultural Heritage and the Challenge of Sustainability*, 33.

30 Such as those advocating for the “right to tourism.”

31 Charles A. Bentley, “7 Ways to Refresh Your Social Good Vocabulary,” Huffington Post, September 24, 2013.

32 UNESCO, *Cultural Rights as Human Rights*, 105.

33 Michèle Valerie Cloonan, “The Moral Imperative to Preserve,” 748.

culture is in international covenants, the covenants are treaties, and a treaty “is the prime source of international law for all of us on this small planet.”<sup>34</sup>

It is also paramount to think of cultural heritage rights as a way to protect the “physical.” The 21<sup>st</sup> century has witnessed a new understanding of heritage, one that Harrison would equate with the “preservation of historic objects, places and practices.”<sup>35</sup> When a physical site is so closely associated with a group's identity, it deserves special protection from malicious and intentional destruction. However, it is crucial to understand *whose* heritage is being preserved and *whose* identity is being protected. It is not the purpose of this research to question whether heritage should be called “good or bad,” simply that one has a legal right to it. In the American south, “heritage” is both white, neo-Confederate ideology (like the Confederate flag) as well as black self-possession (like the 16<sup>th</sup> Street Baptist Church). Elsewhere, it is associated with both activities like traditional folk dancing and the fighting of the bulls. In many cases, though, and which will be discussed throughout the research, the attacks occur on heritage of ethnic or religious minorities which has even more protection under international law.

For the purposes of this thesis, cultural heritage rights, therefore, should be seen as a hyponym of human rights, concerned with tangible history, that have yet to receive full attention and not a separate, lesser “common good.” One may even argue, when determining the role of culture in the realm of human rights, that since

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34 John S. Gibson, *Dictionary of International Human Rights Law*, vii.

35 Rodney Harrison, *Heritage: Critical Approaches*, 114.

culture defines humanity, without it no rights are possible.<sup>36</sup> Essentially, “culture is the essence of being human.”<sup>37</sup>

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<sup>36</sup> UNESCO, *Cultural Rights as Human Rights*, 10.

<sup>37</sup> *Ibid.*

## CHAPTER III

### WHAT IS SACRED SPACE?

#### *Definition*

It is important to this research to establish a definition of sacred space, why it is specifically targeted in areas of conflict and its transformation into shameful space after intentional damage has occurred. But, as with heritage, one must always question *whose* meaning of sacred space is being considered.<sup>38</sup> “Sacred for whom?” is at the core of working on sacred sites in conflicted areas since, as urban theorist, Donald Appleyard, states, it is in these areas where “social meaning rises to a peak.”<sup>39</sup> In order to have a distinction between sacred and profane, regardless of whose meaning it is, a definition of “sacred space” is necessary.

Traditionally, sacred space conjures up images of churches, temples and other buildings with religious associations. These places are *literally* sacred. Recently, however, scholars have started giving sacred space a looser, more interpretive definition; according to landscape architect, Randy Hester, sacred space can be any place necessary to our daily lives.<sup>40</sup> This can include the local church as well as the corner in front of the post office. Sacredness is not limited to man-made spaces.

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38 Amos Rapoport, *The Meaning of the Built Environment: A Nonverbal Communication Approach* (Tucson: University of Arizona Press, 1990), 20.

39 Donald Appleyard, “The Environment as a Social Symbol: Within a Theory of Environmental Action and Perception,” *Journal of the American Planning Association* (April 1979): 150.

40 Randy Hester, “Subconscious Landscapes of the Heart,” *Places* 2, no. 3 (1985): 15.

Sacred space has also been defined to include anything from “mountains, caves, rocks, trees and water” to entire landscapes.<sup>41</sup>

Hester suggests a useful definition of sacred structures to be “those places – buildings, outdoor spaces, and landscapes – that exemplify, typify, reinforce, and perhaps even extol the everyday life patterns and special rituals of community life, places that have become so essential to the lives of the residents through use of symbolism that the community collectively identifies with the place.”<sup>42</sup>

For the purpose of simplicity, a traditional definition of sacred space will be used in this research: space with religious or spiritual associations, like churches, mosques, shrines and temples. Architectural scholar, Sarah Menin, suggests that “the sacred is an emotional construction.”<sup>43</sup> Therefore, the intimate connection between identity and sacred space remains the same, whether it is a church, a mountain, or a post office.

### *Intentional Damage to Sacred Space*

The notions of sacred and profane are dependent on the idea of a gateway, or a boundary, between the two. But what happens when that boundary collapses? When that sense of spirituality and sacredness is destroyed, not through the effects of time like with ruins or faded memory, but through violent acts? Why is sacred space intentionally damaged?

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41 Sarah Menin, ed., *Constructing Place: Mind and Matter* (New York: Routledge, 2003), 55.

42 Randy Hester, “Subconscious Landscapes of the Heart,” 15.

43 Sarah Menin, *Constructing Place*, 62.

To start, Lincoln and Mamiya state that a “good way to understand a people is to study their religion [since] religion, seriously considered, is perhaps the best prism to cultural understanding.”<sup>44</sup> Religion plays a very special role in cultural life and it is obvious that the physical manifestation of faith, sacred space, is usually at the heart of a community. It is why three times a day, Orthodox Jews recite the Amidah and pray for the restoration of the Temple of Solomon. It is why Muslims face the Qibla<sup>45</sup> during daily prayer. Physical sacred spaces are deeply rooted in the identity of individuals, communities and even entire nations. But, as Glancey points out, sacred spaces “have been red rags to the bulls of invading armies”<sup>46</sup> for this very reason and the destruction of these culturally significant and utmost sacred spaces “was a way of driving a spear through the heart of whatever population [was being subdued].”<sup>47</sup>

Destroying or even damaging a place of worship does more than harm a physical structure; it attempts to annihilate the cultural identity of a people and damaging their faith. Cloonan writes that “It is always cultural monuments that are under attack in political conflicts – and for a very good reason; [to destroy cultural objects creates] a blow to society and to peoples' sense of security and identity.”<sup>48</sup> Anthropologist, Lynn Meskell, continues this sentiment in her writings on modern approaches to cultural heritage. She states that the international community has

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44 Lincoln and Mamiya, *The Black Church*, xi.

45 Fixed direction of the Kaaba, Islam's most sacred mosque, in Mecca.

46 Jonathan Glancey, *Lost Buildings*, 161.

47 Ibid, 158.

48 Michèle Valerie Cloonan, “The Moral Imperative to Preserve,” 752.

acknowledged the “symbolic power of the destruction of cultural heritage sites in times of war, and established violence perpetuated against architecture as an analogue of the destruction of collective memory.”<sup>49</sup>

Areas of conflict, whether it is a directly violent location (war zone) or a site of intense intergroup friction (like a newly integrated community), are a breeding ground of reactionary and violent events. Sacred spaces unfortunately fall victim to bombings, raids and arson since, as Cloonan so eloquently states, “equally forceful as the impulse to preserve is the impulse to destroy.”<sup>50</sup>

### *Transformation into Shameful Space*

This “brutal” behavior regarding the sacred and built environment is nothing new and some scholars believe it to have started almost as soon as architecture itself began.<sup>51</sup> Damaged and destroyed sacred spaces present an unusual situation for all those who interact with the site, whether it is directly or indirectly. When interpreting these sites, geographer Kenneth Foote, who has written extensively on places of shame, observes that that moments of violence and tragedy “have the power to transform landscapes and alter its meaning over long period of time.”<sup>52</sup>

Oftentimes a sacred space, like a church or a mosque, falls victim to racist, xenophobic feelings that have materialized into physical destruction. However,

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49 Rodney Harrison, *Heritage: Critical Approaches*, 170.

50 Michèle Valerie Cloonan, “The Moral Imperative to Preserve,” 746.

51 Jonathan Glancey, *Lost Buildings*, 158.

52 Kenneth E. Foote, *Shadowed Ground: America's Landscapes of Violence and Tragedy* (Austin: University of Texas Press, 1997), 4.

these actions are often seen as “radical” efforts, carried out by extremists. The sacred space then becomes a place, not just of tragedy for the targeted group,<sup>53</sup> but of shame for everyone else. They represent unpleasant and horrific moments from history; moments that many wish to forget. Geographer William Logan and historian Keir Reeves have studied the social reaction to tragedies, which is often referred to as “difficult heritage.” They write that the defaced mosque or bombed church “bring shame upon us now for the cruelty and ultimate futility of the events that occurred within them and ideologies they represented.”<sup>54</sup>

In some cases shame even “interferes with the normal emotive bonds that develop between people and the environments in which they live, what geographers term *sense of place*.”<sup>55</sup> *Sense of place* involves the deep, positive connection to a space. Its opposite, *sense of placelessness*, is just that – negative, isolated feelings of space. What is unusual, as Foote points out, is that “places touched by shame fall somewhere in between. They disrupt ordinary bonds of attachment and make it difficult to form new ones.”<sup>56</sup>

But just because the history of a site is difficult or connections are hard for outsiders to forge, does not mean the sacred space should be neglected, forgotten or cast aside. These are the places that deserve the most attention. Foote writes that it is the shameful sites, “stained by the blood of violence and covered by the ashes of

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53 Or a place of competing heritage.

54 William Logan and Keir Reeves, eds., *Places of Pain and Shame: Dealing with 'Difficult Heritage'* (Milton Park, Abingdon: Routledge, 2009), 1.

55 Kenneth E. Foote, *Shadowed Ground*, 208.

56 Ibid.

tragedy, [that] force people to face squarely the meaning of an event.”<sup>57</sup> They are the ones that demand interpretation. As Grady Clay succinctly said, “There are no secrets in the landscape.”<sup>58</sup> Nor should there be.

### International Examples

Unfortunately, the list of sacred spaces that were the victim of violent, religiously or racially-fueled attacks is endless. One is tempted to call the destruction of sacred space as a method of singling out and harming a specific group, universal.

The Parthenon<sup>59</sup> of ancient Greece and the Temple of Solomon<sup>60</sup> in Jerusalem are important historical examples. The Parthenon, the greatest of all the ancient Greek temples, was bombed, captured, repurposed so many times, it is difficult to keep track. Originally a temple dedicated to Athena, the site was destroyed by the Babylonians, repurposed into a Christian church (both Catholic and Orthodox), repurposed again as an Islamic mosque until it was finally mortar-bombed during the Great Turkish War. The Temple of Solomon, which stood on the Temple Mount, has an equally complicated history and the destruction has been mourned by those of the Jewish faith ever since at the festival, Tisha B'Av.<sup>61</sup>

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57 Kenneth E. Foote, *Shadowed Ground*, 5.

58 D W. Meinig, *The Interpretation of Ordinary Landscapes: Geographical Essays* (New York: Oxford University Press, 1979), 12.

59 Constructed in the 5<sup>th</sup> century AD.

60 Construction date unknown. Its construction and existence is really a thing of legend.

61 Jonathan Glancey, *Lost Buildings*, 161.

But this level of destruction is not limited to ancient times. The two world wars of the 20<sup>th</sup> century have physically scarred the land beyond repair. Besides the inconceivable loss of human life, historic, cultural and sacred spaces were blotted from the landscape. For example, in 1931, under Joseph Stalin's "anti-religious" campaign, the Cathedral of Christ the Saviour<sup>62</sup> in Moscow was, literally, blown up.<sup>63</sup> In the next decade, on November 14, 1940 the German Luftwaffe's raid on Coventry and its cathedral was to many British people an "attack on their very souls and the beginning of a new form of warfare."<sup>64</sup> Glancey writes that, to those of Coventry, "the loss of a medieval cathedral was a raid too far."<sup>65</sup>

More recently, in 1992, the celebrated Babri mosque at Ayodhya, India was destroyed by Hindu mobs (Figure 3.1). Muslims, in retaliation, destroyed several Hindu temples in Lahore, Pakistan. This intentional and malicious destruction of sacred space, actually spanned countries and religions.

Former governor of Punjab, Pakistan, Mian Muhammad Azhar lamented over the destruction of the sacred sites stating, "It shouldn't have happened. It was un-Islamic and we shouldn't have done it... We are ashamed of it."<sup>66</sup> Despite the

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62 The cathedral was reconstructed in the 1990s.

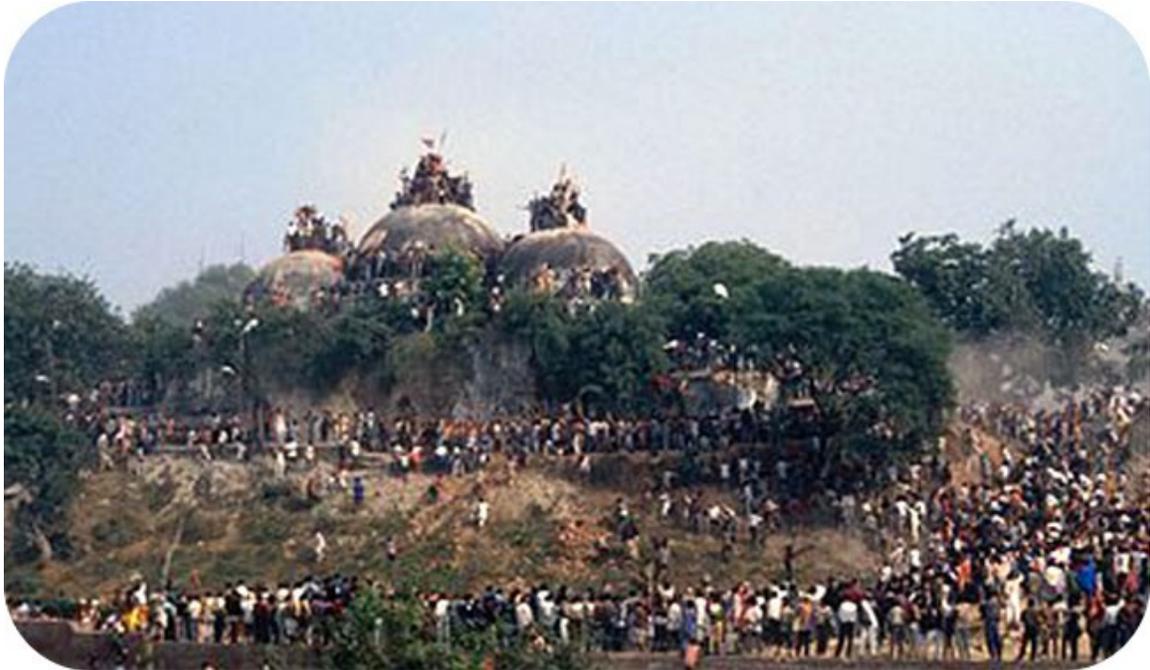
63 Ian Jeffries, *Political Developments in Contemporary Russia* (Milton Park, Abingdon, Oxon: Routledge, 2011), 403.

64 Jonathan Glancey, *Lost Buildings*, 76.

65 Ibid.

66 David Wigg, *World Bank Development Essays*, vol. 3, *Of Mosaics and Mosques: a Look at the Campaign to Preserve Cultural Heritage* (Washington, D.C.: World Bank, 1994), 25.

complicated history surrounding the demolition of the mosque and temples, both countries' official reaction was one of shame.<sup>67</sup>



**Figure 3.1.** Destruction of the Babri mosque by Hindu protesters on December 6, 1992. Image courtesy of *India Today Group*.

### American Examples

America has also seen its share of maliciously damaged sacred spaces. To name but a few, the Mormon Temple of Nauvoo was destroyed during the “Mormon War in Illinois” by arsonists in 1848.<sup>68</sup> In 1958, a synagogue in Atlanta was bombed. Ralph McGill, a southern journalist and anti-segregationist, writes, “Dynamite in a great quantity ripped a beautiful temple of worship in Atlanta... Rabid, mad-dog

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<sup>67</sup> David Wigg, *Of Mosaics and Mosques*, 25.

<sup>68</sup> “Nauvoo Temple,” Temples of the Church of Jesus Christ of Latter-Day Saints, <http://www.ldschurchtemples.com/originalnauvoo/>.

minds were, without question, behind [the bombing].”<sup>69</sup> In 2012, a mosque in Joplin, Missouri was firebombed and burned to the ground.<sup>70</sup>

The South during the Civil Rights Movement especially saw a surge of violence. Remembering these sacred spaces is incredibly difficult and damning, not just because of proximity in space and time, but because, as Foote writes, marking the sites of African American resistance to slavery and racism calls “attention to glaring failures of the democratic institutions and egalitarian values in which the nation takes great pride.”<sup>71</sup> Black churches were routinely attacked and threatened and the 16<sup>th</sup> Street Baptist Church, which will be presently discussed as the case study, is one such example of this malicious and intentional destruction.

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69 Ralph McGill, *A Church, a School* (New York: Abingdon Press, 1959), 9.

70 Jeff Lehr, “Arson Suspect Linked to Mosque Fire in Court Document,” *Joplin Globe*, October 21, 2013, <http://www.joplinglobe.com/topstories/x703143749/Detention-hearing-scheduled-for-man-charged-in-arson-attempts>.

71 Kenneth E. Foote, *Shadowed Ground*, 322.

## CHAPTER IV

### THE 16TH STREET BAPTIST CHURCH

“Hard times come here first and stay longest.”

- old Birmingham adage

#### *Personal Introduction*

I call the South home and for all its flaws and less than savory history, I love it. That being said, there is no denying that the American South is a complicated place. Growing up in Mississippi, my childhood was full of spicy crawdad festivals, blazing-white cotton fields and swimming in lakes so hot they did nothing to cool you off. But, the South is troubled and there were uncomfortable and painful moments of conflict as well. Racism is both subtle and blatant; its tension at times palpable. So much so, that, at any given time, my home could feel like a balloon about to pop.

Like most states, the counties in Mississippi are named after war heroes and former presidents. However, for us, this includes Robert E. Lee, commanding general of the Confederate army during the Civil War, and Jefferson Davis, the only president of the Confederate States of America.<sup>72</sup> Growing up, I attended public school. While there were many private schools, I assumed they were for the “rich kids.” Mississippi, being the poorest state in the nation, I should have known there could not have possibly been that many private schools. I would later learn that these schools were mostly “white flight” schools, created specifically to bypass integration and many remain segregated to this day. There were African-American

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<sup>72</sup> To be fair, we also have a Lincoln county.

children on my bus in middle school, but they never got off at my stop. The cafeteria, too, was inexplicably segregated. I never really questioned it when I was younger; it was just the way things were.

However, at the University of Mississippi, conflict bubbled to the surface. First and foremost, the demographics of Ole Miss reflect the imbalance still felt in the South. Even though the African-American population of Mississippi hovers around 37 percent<sup>73</sup> the enrollment rate at the University is a measly 15 percent.<sup>74</sup> I also vividly recall formal Klan rallies taking place in front of the Lyceum, the site where James Meredith, the first black student, had to be escorted by U.S. Marshals. It was also the site of violent anti-integration riots which resulted in two deaths and over two hundred wounded.<sup>75</sup> (Figure 4.1)



**Figure 4.1.** Klan rally on the Lyceum steps, University of Mississippi, November 21, 2009. Photo courtesy of Ian Butterbaugh.

73 "State and County Quickfacts: Mississippi," United States Census Bureau, last modified March 27, 2014, <http://quickfacts.census.gov/qfd/states/28000.html>.

74 "Quick Facts: Fall 2012-2013 Enrollment," The University of Mississippi Institutional Research and Assessment, [http://www.olemiss.edu/depts/universityplanning/quickfacts/fall\\_2012.html](http://www.olemiss.edu/depts/universityplanning/quickfacts/fall_2012.html).

75 The Klan was fighting to save their tradition, or intangible heritage, of chanting "The South will rise again!" after the song *From Dixie with Love* was played, which the school had banned.

Interethnic tension was a part of everyday life growing up in the South and I appreciate the struggle for human rights so much more having been exposed to it. The impacts of racism is a universal disease. In the American South, for example, it leads to anything from under-enrollment of African Americans in universities to churches getting bombed. Globally speaking, it leads to human rights being continually violated and denied entirely and contributes to a cycle of violence. As James Baldwin, the African-American novelist and social critic, wrote, "People who treat other people as less than human must not be surprised when the bread they have cast on the waters comes floating back to them, poisoned."<sup>76</sup>

The story of the 16<sup>th</sup> Street Baptist Church and its preservation is a story not just of tragedy and tested faith, but of hope and forgiveness. The role of black churches helping protect and gain civil rights for African-Americans has been widely researched and written on (Smith, Bailey, Street, etc.) but the church's role as a protector of cultural rights has had less research done. More than likely since the idea of cultural heritage as a human right is a relatively new concept that is slowly gaining academic and legal support. In order to tackle this very issue, I spent several weeks in Birmingham, interviewing individuals and diving into the history of the site.

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<sup>76</sup> James Baldwin, *No Name in the Street* (New York: The Dial Press, 1972), 192.

### *Architectural Description*

The 16<sup>th</sup> Street Baptist Church is an impressive and dominating structure that sits at the corner of 16<sup>th</sup> Street North and 6<sup>th</sup> Avenue North (Figure 4.2) in Birmingham, Alabama's historic downtown. When I first laid eyes on it, I was overwhelmed with how much larger in person it is. It is a very heavy, classically-designed building, measuring 70'x115'x45', that was obviously built to stand the test of time. The site of the original church, the First Colored Baptist Church of Birmingham, was a modest frame structure that sat on 3<sup>rd</sup> Avenue North between 19<sup>th</sup> and 20<sup>th</sup> Streets.<sup>77</sup> The congregation moved the church to its current location and changed their name. After the city condemned the first small brick building at the site, the present church was commissioned in 1908.<sup>78</sup>

The church was designed by Wallace Rayfield, believed to be the second formally trained African-American architect in the United States.<sup>79</sup> Rayfield, born in 1873 in Macon, Georgia “amid the turmoil of Reconstruction,” would go on to design at least 43 churches in Birmingham alone (a list of which can be found in Appendix B), the 16<sup>th</sup> Street Baptist Church being his most famous.<sup>80</sup> It was said that Wallace Rayfield “took the bare outlines of mother nature and contrived them into beauty and form, such as, stately school buildings, towering churches, comfortable and

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77 The Sixteenth Street Baptist Church, *Historic Structures Report* (Birmingham: Architecture Works, 2008), 24.

78 The Sixteenth Street Baptist Church, *Historic Structures Report*, 24.

79 Logan Ward, “Rediscovering Mr. Rayfield,” *Preservation*, January/February 2011, 18.

80 Allen R. Dorough, *The Architectural Legacy of Wallace A. Rayfield: Pioneer Black Architect of Birmingham, Alabama* (Tuscaloosa: University of Alabama Press, 2010), 1.

palatial homes, and wrapped them around the people for whom they were designed.”<sup>81</sup>



**Figure 4.2.** The 16<sup>th</sup> Street Baptist Church, looking northwest, March 20, 2014. Photo courtesy of the author.

Due to the nature of the time, Rayfield almost exclusively designed spaces to be used by the black community. He also utilized a black construction firm, the Windham Brothers Construction Co., for many of his projects. The company was founded by T.S. Windham who was a member of the 16<sup>th</sup> Street Baptist Church.<sup>82</sup>

Rayfield even designed the building that served as the construction firm's headquarters. (Figure 4.3) The Windham Brothers firm is one such example of a

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81 Charles A. Brown, *W. A. Rayfield: Pioneer Black Architect of Birmingham, Alabama* (Birmingham: Gray Printing Company, 1972), 2.

82 Neal Berte, interviewed by author, Birmingham, AL, March 24, 2014.

successful African-American business that was able to “flourish in a segregated society.”<sup>83</sup> Rayfield and the Windham Brothers paired up to construct the 16<sup>th</sup> Street Baptist Church, as well. A certificate from the National Academy of Contractors and Engineers for the inclusion of T. S. Windham into the Fellowship, hangs in an out-of-the-way corner in the basement of the church.<sup>84</sup>



**Figure 4.3.** The Windham Brothers Construction Company located at 528 Rev. Abraham Woods Jr. Blvd., Birmingham, Alabama. There is no historical signage or marker to indicate that this was once their office. March 22, 2014. Photo courtesy of the author.

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83 Alabama Historical Commission and Alabama Trust for Historic Preservation, “Alabama’s Most Endangered Sites for 2011,” Alabama Historical Commission, May 25, 2011, <http://preserveala.org/pdfs/PIP/2011/2011%20PIP%20PDF/Windham%20Bldg%20Birmingham.pdf>.

84 Despite the Windham Brothers being an important part of Birmingham’s history, little information is known. The Public Library often gets requests for information that, simply, does not exist.

## Exterior

One can see a lot of conventional religious design at 16th Street. Rayfield used specific designs to appeal to different religious groups, like Baptists, Christian Scientists and Lutherans.<sup>85</sup> In this case, the church is an eclectic mix of Romanesque and Byzantine, indicated by the two large towers flanking the main entrance on the south facade and the central dome which mimics the “cross-in-square” church plan, respectively.<sup>86</sup>

An interesting feature of the church's exterior is that the “south and east elevations, including the towers, face the street and are clad in the same, more expensive materials” of warm, brown brick and rusticated sandstone while the north and west elevations utilize cheaper materials.<sup>87</sup> The north and west elevations are also less intricate. The windows, too, are all of stained glass except for the north side. Walking to the back of the church, this shift in materials and design becomes obvious (Figure 4.4)

The main entrance of the church is on the south elevation. A large, central stair leads from the 6<sup>th</sup> Avenue North sidewalk to a single-story loggia. Two smaller entrances are located on either side of the central stair and lead down to the basement. A rear entrance, leading from the sanctuary level to 16<sup>th</sup> Street North will be of great concern during the restoration and preservation phases of the church.

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85 Logan Ward, “Rediscovering Mr. Rayfield,” 20.

86 Paul Dolinsky, Joseph Balachowski, et al., National Park Service, *Sixteenth Street Baptist Church*, Historic American Buildings Survey, HABS No. AL 898 (Washington, D.C.: 1993), 23.

87 Amie A. Spinks, National Park Service, *Sixteenth Street Baptist Church*, National Landmark Nomination (Washington, D.C.: 2004), 4-5.



**Figure 4.4.** North Elevation of the 16<sup>th</sup> Street Baptist Church, March 20, 2014. Note where rusticated stone meets cheaper building material on left side. Photo courtesy of the author.

### Interior

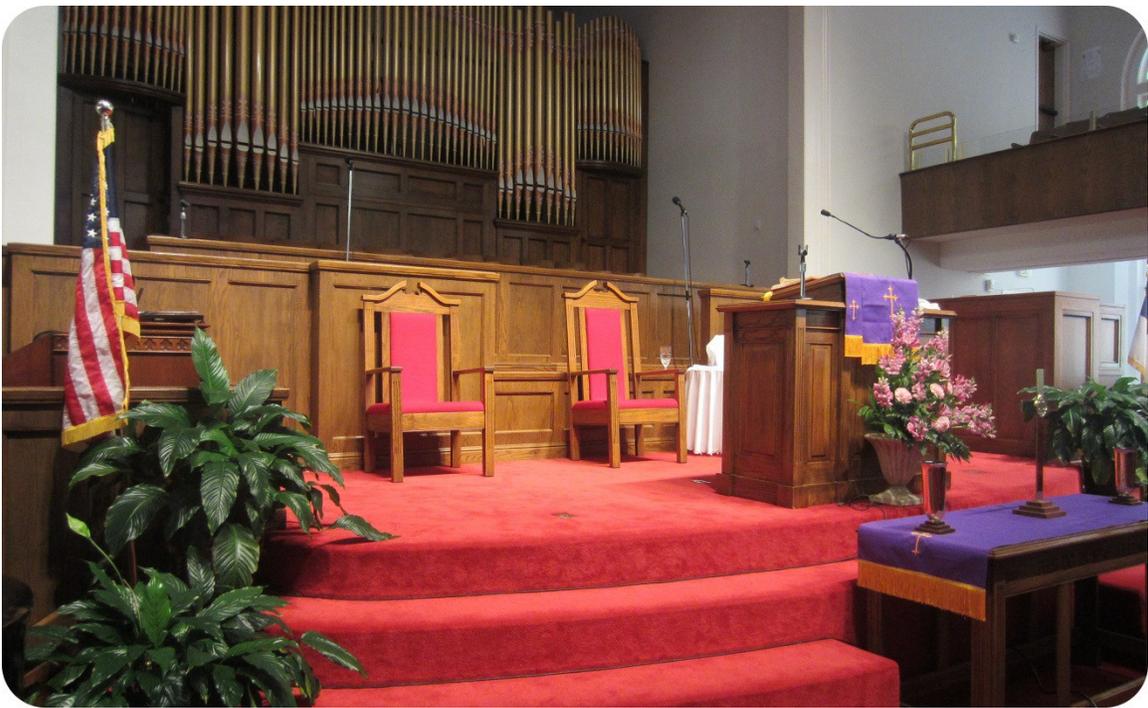
There are two main levels of the 16<sup>th</sup> Street Baptist Church: the basement and the sanctuary. The basement “includes a large, open central room surrounded by smaller, perimeter rooms on the east and west sides.”<sup>88</sup> A kitchen, several offices and bathrooms are located on this level. Linoleum tiles and wood paneling dominate this small and informal space. In recent times, a small area, the “Memorial Nook,” was added. It displays pictures of people of the congregation, the Civil Rights Movement and the original pulpit. The bible that was to be used for the Sunday service on September 15, 1963, sits open on top, turned to a verse on forgiveness,

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<sup>88</sup> Amie A. Spinks, National Landmark Nomination, 2004, 7.

Luke 23:34, “Then Jesus said, 'Father, forgive them; for they know not what they do.’”<sup>89</sup> The basement is also used for bible study and other outreach programs and it is where the church tour begins so one of the small rooms has been turned into a gift shop.

Taking a staircase at the front of the church, one enters the sanctuary. Unlike many western churches, where the eye is drawn upwards towards the heavens, I was overwhelmed with the intimate nature of the sanctuary where the eyes were always drawn forward, as if looking towards the future. The pews, balcony, woodwork on the ceiling, all drew the eyes towards the pulpit which was the clear focal point of the sanctuary (Figure 4.5).



**Figure 4.5.** Pulpit in the sanctuary of the 16<sup>th</sup> Street Baptist Church, March 18, 2014. Note the bright red carpeting which was installed in the 1990s. Photo courtesy of the author.

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<sup>89</sup> Lemarse Washington, interviewed by author, Birmingham, AL, March 22, 2014.

According to the HABS report, the plan of the church “reflects its use as an auditorium as well as a sanctuary for religious services. The church was, in fact, the largest space in the city available to the black community, and was therefore often the site of lectures and meetings.”<sup>90</sup> (HABS drawings of the floor plan can be found in Appendix C). So much history occurred within those walls: Martin Luther King, Jr., Rev. Fred Shuttlesworth, Langston Hughes and W. E. B. DuBois all spoke at that pulpit.<sup>91</sup> The feeling of awe is not lost.

### *Historical Context*

In order to appreciate the importance of the 16<sup>th</sup> Street Baptist Church as a place of worship, the significance of its bombing and the meaning of its final preservation, the church's and Birmingham's history must be understood. One could essentially break the history of the town into two distinct phases: pre-integration and post-integration. Birmingham, being “the biggest city in Alabama, was a natural, if difficult, target for integration efforts.”<sup>92</sup> This “difficulty” manifested itself as non-violent protests, marches, and bombings during the slow and painful process of integration.

Pre-integration starts with the founding of the town in 1871 to 1954 when the Supreme Court overturned the “separate but equal” ruling of Plessy v. Ferguson

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90 Paul Dolinsky, Joseph Balachowski, et al., *Historic American Buildings Survey*, 1993, 26.

91 Not *that* specific pulpit. The original now sits in the “Memorial Nook” in the basement and the one seen today was installed in the 1990s.

92 *The Integration of Birmingham*, 2014, Birmingham Civil Rights Institute, Birmingham, Alabama.

from 1896.<sup>93</sup> Post-integration is the years following the *Brown v. Board of Education* ruling of 1954, which deemed segregation unconstitutional,<sup>94</sup> to the present. However, since so much meaning revolves around the September 15, 1963 bombing of the 16<sup>th</sup> Street Baptist Church, that date is used as another significant point of reference.

### Pre-Integration (1871-1954)

Birmingham is not an old city. The town was founded in 1871 when the surrounding hills were discovered to be rich in minerals and Birmingham quickly became the “center of the South's coal and iron production.”<sup>95</sup> Since Birmingham was founded when segregation prevailed, the imbalance of power is even seen in the infrastructure of the town. Black neighborhoods lacked basic amenities like sidewalks, paved roads and trash pick-up. African-Americans essentially created their own “town-within-a-town” and they “developed their own professional offices, businesses, cultural institutions, and social activities,” with the 16<sup>th</sup> Street Baptist Church being the heart of the downtown.<sup>96</sup>

The official and legal rules that dictated how black and white citizens could interact would come to be known as the “Jim Crow” laws. Named after a nineteenth-century minstrel figure, they “would become shorthand for the violently enforced

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93 *Plessy v. Ferguson*, 16 S. Ct. 1138 (1896).

94 *Brown v. Board of Education*, 74 S. Ct. 686 (1954).

95 Allen R. Dorough, *The Architectural Legacy of Wallace A. Rayfield*, 6.

96 Nancy C. Curtis, *Black Heritage Sites: The South* (New York: The New Press, 1996), 35.

codes of the southern caste system,” writes Isabel Wilkerson, a journalist who has written extensively on the migration of African-Americans from the South during the Civil Rights Movement.<sup>9798</sup> The Jim Crow laws would set the precedent for the “separate but equal” mentality that dominated Birmingham for nearly 75 years. These laws affected every aspect of life, from where one could shop and go to school to absurdly minute details. For example, Section 597 of Birmingham's Racial Segregation Ordinances stated that “Negroes and white persons” could not play checkers together.

In the immediate aftermath of the Civil War, the Ku Klux Klan came into existence. Historian David Chalmers, studied the history of the organization and the ways in which the KKK unintentionally aided the Civil Rights Movement. Chalmers writes, in traditional white southern memory, “the Klan is remembered as the savior of a down-trodden people from what they saw as the fearful disorder of black equality.”<sup>99</sup> Their popularity waned and the Klan fell out of favor for several decades until it reemerged in the 1920s as the white-supremacy, terrorist group. It is important to note that while the Klan did have an unfortunate amount of power in Birmingham in the 20<sup>th</sup> century, not every white person was a segregationist and certainly not every segregationist was a member of the Klan. Even though it was

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97 Isabel Wilkerson, *The Warmth of Other Suns: The Epic Story of America's Great Migration* (New York, NY: Random House, 2010), 9-10.

98 Wilkerson would win the Pulitzer for this work.

99 David Chalmers, *Backfire: How the Ku Klux Klan Helped the Civil Rights Movement* (Lanham, MD: Rowan & Littlefield Publishers, 2003), 1-2.

labeled a fraternal lodge, the Klan was very much a radical group engaged in guerrilla war tactics – drive-by’s, bombings, harassment, etc.

The Great Depression hit Birmingham “harder than any other American city” and it is where the old adage comes from: Hard times come here first and stay longest.<sup>100</sup> The church, however, was seen as a fountain of strength. An informational sign at the Vulcan Park and Museum in Birmingham, reads: “Despite the bleakness of the times, many people found a source of hope in religion. The church, the central institution in many communities, was a place where people who felt powerless could occupy positions of authority and the desperate could find strength in their faith.”<sup>101</sup>

However, the city got through the worst of the depression and nearly doubled in size between 1940 and 1960 and it is this “miraculous growth” that earned Birmingham the name “the Magic City.”<sup>102</sup> Approximately half of all jobs in Birmingham were related to the Steel Industry and African Americans, whose numbers made up about forty percent of the city's population, provided the grueling labor to run the huge ironworks, like Sloss Furnaces.<sup>103</sup> (Figure 4.6)

So, Birmingham had a large population of an black industrial, working class, whose rights were systematically denied since its founding. As Martin Ennals, former Secretary-General of Amnesty International, wrote, “A permanent minority

100 *Connecting Past and Future: A Magic Story* (Birmingham, Alabama: Birmingham History Center, n.d.).

101 *Strength in Faith*, 2014, Vulcan Park and Museum, Birmingham, Alabama.

102 Townsend Davis, *Weary Feet, Rested Souls: a Guided History of the Civil Rights Movement* (New York: W. W. Norton and Company, 1998), 53.

103 Ibid.

which feels itself threatened or its status constantly diminished and subordinated will seethe and simmer until, in the words of the Universal Declaration of Human Rights, as a “last” resort people will rebel and conflict ensue.”<sup>104</sup> Birmingham would become a city torn apart by conflict and violence during the early and mid-20<sup>th</sup> century. Baldwin writes, “Well, the black man has functioned in the white man's world as a fixed star, as an immovable pillar: and as he moves out of his place, heaven and earth are shaken to their foundations.”<sup>105</sup>



**Figure 4.6.** The Sloss Furnaces of Birmingham. It produced pig-iron from 1882 to 1971 and is currently the only blast furnace being preserved and interpreted in the United States. March 22, 2014. Photograph courtesy of author.

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104 Abul Kalan Azad, “Ethnicity and Human Rights: Finding Out a Linkage in Conflict and Conflict Resolution”, *Frónesis* 7, no. 2 (2000): 129.

105 James Baldwin, *The Fire Next Time* (New York: Vintage, 1993), 9.

### Post-Integration (1954-1963)

On May 17, 1954, the Supreme Court ruled that segregated schools were unconstitutional and the “separate but equal” doctrine was a violation of human rights. Thus, Birmingham legally had to begin the unfortunately complicated journey of integration. It is important to note that the Civil Rights Movement started well before the *Brown v. Board of Education* ruling and was not a “top-down” initiative that was instigated by federal ruling. For example, the National Association for the Advancement of Colored People (NAACP) formed in 1909 and spearheaded many grassroots anti-lynching and anti-segregation campaigns. In Birmingham though, a full decade passed after the 1954 ruling and public schools in Birmingham were still segregated. Chalmers notes that the decision that was passed down from the federal government “gave the “Invisible Empire” a new impetus and environment for action and in a South marked by growing hysteria, the Klan burst into activity.”<sup>106</sup> In response to this new-found activity of the Klan, McGill,<sup>107</sup> writes “For too many years now we have seen the Confederate flag and the emotions of that great war become the property of men not fit to tie the shoes of those who fought it.”<sup>108</sup> Again, it is important to ask *whose* heritage is being threatened during the integration of Birmingham. The radical ideology of the Klan meant to maintain the status quo through violent and drastic measures, which often meant attacking the cultural heritage of the African-American community.

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106 David Chalmers, *Backfire*, 5.

107 McGill won the Pulitzer in 1959 for his writings on the integration of the South.

108 Ralph McGill, *A Church, a School* (New York: Abingdon Press, 1959), 20.

Even though the Brown ruling occurred in 1954, integration was an incredibly slow process and the African-American community could no longer wait. Meetings were held, usually in churches, across the South. The Civil Rights Movement was growing in support and organization. Organizations like the Southern Christian Leadership Conference (SCLC), led by Martin Luther King, the Alabama Christian Movement for Human Rights (ACMHR), led by local Reverend, Fred Shuttlesworth, the Congress of Racial Equality, the Student Nonviolent Coordinating Committee (SNCC) and the NAACP would work together to combat racial inequality in Birmingham. By the 1960s, “images of the civil rights struggle and violence in Birmingham” were being transmitted around the world with the 16<sup>th</sup> Street Baptist Church in the background.<sup>109</sup>

The official name for the Civil Rights Movement in Birmingham was “Project Confrontation” or “Project C.” This was the campaign of nonviolence that King and Shuttlesworth encouraged. It consisted of sit-ins, freedom rides, boycotts, peaceful marches, ride-shares, voter registration drives and the two most dramatic methods, kneel-ins by ministers and the children's marches. These tactics were always accompanied with gospels and hymns.

These organizations would meet, typically in churches, to spread the “good word,” organize marches and allow residents a chance to speak. Even though local legend would say otherwise, the 16<sup>th</sup> Street Baptist Church was *not* initially a movement church. Townsend Davis, Civil Rights historian, notes that although

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109 Richard Pigford, “The 16th Street Baptist Church” (speech delivered at the State of Alabama AIA Annual Convention, Birmingham, Alabama, June 8, 2013).

Pastor John Cross was “willing to let SCLC use the building for its preparatory conference in fall 1962, he asked the church be reimbursed for the cost of using the lights for two night meetings.”<sup>110</sup> But by 1963, Cross welcomed the Movement in “for the all-important tasks of dispensing news, recruiting volunteers, and shoring up the hopes of the doubtful.”<sup>111</sup>

But standing up for human rights in 1960s Birmingham was dangerous. The peaceful protestors were spat on, beaten, and jailed. Their homes, business and churches were the targets of frequent bombings. Theophilus Eugene “Bull” Connor was the Commissioner of Public Safety at the time and it was under his direction that children were attacked by police dogs, blasted with fire hoses and jailed for days. In a conversation to King, John F. Kennedy states, “The Civil Rights Movement owes “Bull” Connor as much as it owes Abraham Lincoln.”<sup>112</sup> Due to Connor's excessive use of force and encouragement of police brutality, the public finally began to question what was happening in Birmingham.

The 16<sup>th</sup> Street Baptist Church was a pillar and a haven for the community. Carolyn McKinstry, a member of the congregation, activist during this time and local minister who spearheaded the preservation of the church in the early 2000s, reflects, “Despite the occasional bombings in my city and the Jim Crow laws that were part of my daily reality, I felt safe as a child. I had my family, and I had my church – the strong, seemingly impenetrable, brick building that sat like a fortress

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110 Townsend Davis, *Weary Feet, Rested Souls*, 82.

111 Ibid.

112 *March to Retail*, Birmingham Civil Rights Heritage Trail marker, Birmingham, Alabama, 2014.

on the corner of Sixteenth Street and Sixth Avenue for as long as I could remember.”<sup>113</sup> Kelly Ingram Park, where “Bull” Connor unleashed his dogs, tanks and fire hoses, sits directly across the street from the church. The constant singing was silenced by the deluge caused by Connor's men and many children went fleeing back into the 16<sup>th</sup> Street Church.<sup>114</sup> Eudora Welty paints a distressing picture of this time period, told from the point of view of a Klan member, in her short story, *Where is the Voice Coming From*:

“Back at the beginning, I stood on the corner and I watched them new babyface cops loading nothing but nigger children into the paddy wagon and they come marching out of a little parade and into the paddy wagon singing. And they got in and sat down without providing a speck of trouble, and their hands held little new American flags, and all the cops could do was knock them flagssticks a-loose from their hands, and not let 'em pick 'em up, that was all, and give 'em a free ride. And children can just get 'em more flags” (607)

All human rights are threatened by violent conflict. Besides the initial discrimination, people whose rights are threatened “suffer from the torture, disappearances, imprisonment, and fear which are an integral part of internal wars,” claims Ennals.<sup>115</sup> Both black and white protestors were beaten, attacked by dogs, tossed around like rag dolls by high-pressure fire hoses and jailed. This was all officially sanctioned by the Birmingham Police Department. Private, angry white segregationists took matters even further and, like terrorist groups will, practiced

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113 Carolyn M. McKinstry and Denise George, *While the World Watched: a Birmingham Bombing Survivor Comes of Age During the Civil Rights Movement* (Carol Stream, IL: Tyndale House Publishers, 2011), 28.

114 Townsend Davis, *Wear Feet, Rested Souls*, 72.

115 Martin Ennals in Peter Davies, *Human Rights* (London: Routledge, 1989), 118.

violence “without control and without mercy.”<sup>116</sup> Homes, churches and black-owned businesses were bombed so frequently that the residential area surrounding the church became known as “Dynamite Hill” and Birmingham earned the moniker “Bombingham,” a far cry from the “Magic City.” McGill equates the use of dynamite as a “new twist on lynching – the bomb had displaced the noose.”<sup>117</sup> So fearful was this time that on May 7, 1963, nineteen rabbis visited Birmingham from New York City and compare the insidious effects of segregation to the atrocities of the holocaust.<sup>118</sup>

The tension in Birmingham was reaching a boiling point. The church, the pillar and icon of strength for the movement, had been threatened before 1963<sup>119</sup> but it was not until September of that year, that the Klan finally acted on its threats.

### September 15, 1963

The early morning of September 15, 1963, was like any Sunday. Families were getting ready for service and the 16<sup>th</sup> Street Baptist Church began filling with people. However, despite the large number of church-goers, nobody noticed a small package under the rear steps on the east side of the church. As the world would eventually learn, “a fifty-nine-year-old city auto mechanic named Robert Chambliss, known to the police as “Dynamite Bob,” and three fellow Klansmen from

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116 Martin Ennals in Peter Davies, *Human Rights* (London: Routledge, 1989), 118.

117 Leonard Ray Teel, *Ralph Emerson McGill: Voice of the Southern Conscience* (Knoxville: University of Tennessee Press, 2001), 385.

118 Audio walking tour of Kelly Ingram Park, Greater Birmingham Convention and Visitors Bureau, 2014.

119 James R. Logan, Jr. Federal Bureau of Investigation, File # 157-1025, September 15, 1963.

Birmingham's Eastview Klavern 13 placed a large dynamite bomb against the basement wall," in the very early morning hours.<sup>120</sup>

The dynamite was nestled against the eastern outside basement wall of the woman's lounge. A little after ten o'clock in the morning, five young girls, ages 11 to 14, entered the women's lounge. Like most girls of that age, they were fussing with their hair and dresses.<sup>121</sup> They were preparing to be special ushers for the annual "Youth Day." It just so happened, that the one spot on the outside wall where a bomb could be hidden, rested on the other side of the lounge.

At 10:22 am, a sudden, thunderous explosion rocked the building.<sup>122</sup> Chaos ensued, with the congregation, most of whom were in the sanctuary, swarming out of the building. Women and men were crying out for their loved ones. Once the dust had settled, the devastation could finally be taken in. The blast was so intense that it "crushed two nearby cars like toys and blew out windows blocks away."<sup>123</sup> According to the FBI report conducted at the scene of the crime, the crater left by the explosion was approximately 5 ½ feet wide by 2 ½ feet deep.<sup>124</sup> (Figure 4.7) It was determined eventually that the bomb was rigged with a firing mechanism that was attached to a float in a slowly leaking bucket. When enough water drained, the float

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120 David Chalmers, *Backfire*, 37.

121 Jessica Ravitz, "Siblings of the Bombing: Remembering Birmingham Church Blast 50 Years On," *CNN US*, September 17, 2013, <http://www.cnn.com/2013/09/14/us/birmingham-church-bombing-anniversary-victims-siblings/>.

122 The exact time is known since the clock hanging in the church stopped due to the force of the blast. It is on display in the "Memorial Nook" in the church basement.

123 "Six Dead After Church Bombing," *Washington Post*, September 16, 1963.

124 James R. Logan, Jr. *Unknown Subjects, Bombing of Sixteenth Street Baptist Church, Birmingham, Alabama*. Federal Bureau of Investigation, File # 157-1025, September 15, 1963.

settled on the bottom, connecting the circuit.<sup>125</sup> Chalmers solemnly notes, “The fishing float was found a block away by the FBI.”<sup>126</sup>



**Figure 4.7.** Blast crater left by the bomb, September 15, 1963. Note the blown out windows across the street. Photo courtesy of the Birmingham Public Library.

When the rubble was searched where the lounged once stood, it was discovered that the four little girls perished. Addie Mae Collins, Cynthia Wesley, Carole Robinson and Denise McNair died due to that bomb placed with cowardice and hate. Davis notes, the force of the blast “knocked out t he staircase, dislodged

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125 David Chalmers, *Backfire*, 37.

126 Ibid.

the brick and stone outside wall, and brought it down on the girls in the basement.”<sup>127</sup> Only Sarah Collins, who was also in the lounge, would survive. She would be found amidst the rubble, partially blind and riddled with glass shards and debris, calling the name of the her sister.

By 1963, dynamite had become the signature weapon of racists.<sup>128</sup> Before, the dynamiters targeted buildings and homes of civil rights activists. The bombing of 16<sup>th</sup> Street was something different; it targeted the very center of the movement and it targeted people “in a sacred space.”<sup>129</sup> Black or white, people were furious. Fate Morris, Cynthia Wesley's brother, recalls the aftermath of that day, being overwhelmed with anger, “I hated white people [and] threw bricks at people's cars.”<sup>130</sup> He was eleven at the time. David Garrows, Pulitzer winning historian, declared it the “deadliest act of racial terrorist during the entire black freedom struggle.”<sup>131</sup> No longer could people sit idly by while their brothers and sisters were being killed in Birmingham and suddenly the struggles that African Americans faced became incredibly real and incredibly wrong. McGill writes that this act “spewed from a new depth of hatred. Not only had the perpetrators gone beyond the bounds of law, they had stepped outside the human fold.”<sup>132</sup>

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127 Townsend Davis, *Weary Feet, Rested Souls*, 82.

128 Ibid.

129 Jessica Ravitz, “Siblings of the Bombing,” *CNN US*, September 17, 2013.

130 “Legacy of Birmingham's 'Four Little Girls,’” *CNN (US)*, September 9, 2013, accessed April 18, 2014, <http://www.cnn.com/2013/09/13/us/gallery/birmingham-bombing-legacy/index.html>.

131 David Garrows, “‘63 Bombing Was Era's Worst Act of Terrorism,” *Atlanta Constitution*, July 12, 1997, 2.

132 Leonard Ray Teel, *Ralph Emerson McGill*, 386.

The 16<sup>th</sup> Street Baptist church was both a direct and indirect target of racially fueled violence.<sup>133</sup> The bombing was a tragic event and burned into the memories of all who lived through it because of the intensity of the loss for the community.<sup>134</sup> But if no one had died, it may have just been “another church bombing” in Birmingham, which had “more unsolved bombings of Negro homes and churches...than in any other city in the nation.”<sup>135</sup> It is hard to say what might have happened but what is known is that a singular moment, at 10:22 am on September 15, 1963, Birmingham was rocked to its core.

#### Modern Times (1964-2014)

The bombing sent a shock-wave through Birmingham and the world but the city did not react initially. Some consider Birmingham an “accomplice” to the act because of this.<sup>136</sup> Regardless of city support, the 16<sup>th</sup> Street Baptist Church began repairs immediately. The building itself was left unusable after the blast. The foundation was damaged, every stained glass window but one was shattered, and the ceilings had collapsed. The congregation worshiped in the L.R. Hall Auditorium

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133 When demonstrators were sprayed with fire hoses across the street in Kelly Ingram Park, so much water was used that the church basement flooded.

134 Two more children died that day in the ensuing interracial conflict following the bombing. Johnny Robinson, 16, was shot by police and Virgil Ware, 13, was shot while riding on the handlebars of his brother's bicycle.

135 Martin Luther King Jr., “Letter from Birmingham Jail” (lecture, Birmingham City Jail, Birmingham, Alabama, April 16, 1963).

136 Lemarse Washington, interviewed by author, Birmingham, AL, March 22, 2014.

located at 16<sup>th</sup> Street North and 4<sup>th</sup> Avenue North until the restoration was finished.<sup>137</sup>

Three days later, on September 18, 1963, a funeral was held for the girls who perished in the attack at 6<sup>th</sup> Avenue Baptist Church. Both Shuttlesworth and King spoke, King who called the girls “martyred heroines of a holy crusade for freedom and human dignity” in their eulogy.<sup>138</sup> (Figures 4.8 and 4.9).



**Figure 4.8.** Rev. Fred Shuttlesworth speaking at the mass funeral for Addie Mae Collins, Cynthia Wesley and Denise McNair at 6<sup>th</sup> Avenue Baptist Church on September 18, 1963. Carole Robertson had a smaller service just for family. Photo courtesy of Danny Lyon.

The funeral was attended by thousands and some churches began the act of “noon-day tolling of the bells” to call people to prayer.<sup>139</sup> This program was met with

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137 Visitor Guide, *the Sixteenth Street Baptist Church*, 2014.

138 Martin Luther King Jr., “Eulogy for the Martyred Children.” (speech, 6<sup>th</sup> Avenue Baptist Church, Birmingham, Alabama, September 18, 1963).

139 Michael Strickland, Harry Davis and Jeff Strickland, *The Best of Ralph McGill: Selected Columns* (Atlanta: Cherokee Publishing, 1980), 136.

mixed feelings since, as McGill notes, “the repelling humor of this exhibition was that almost without exception, those who offered such prayers were churches which ruthlessly, and sometimes physically, had refused admission to Negroes appearing for worship”<sup>140</sup>



**Figure 4.9.** Dr. Martin Luther King speaking at the mass funeral for Addie Mae, Cynthia Wesley and Denise McNair on September 18, 1963. Photo courtesy of Matt Heron.

It is important to note that the FBI investigation of the incident is considered a failure since no federal charges were filed for murder. Whether cover-ups or lack of evidence, the investigation “was a botched effort which resulted in only one conviction, that of Klansman Robert E. Chambliss, on November 14, 1977, fourteen years after the fact.”<sup>141</sup> The case, officially closed by the FBI, was reopened by

140 Michael Strickland, Harry Davis and Jeff Strickland, *The Best of Ralph McGill*, 136.

141 Paul Dolinsky, Joseph Balachowski, et al., *Historic American Buildings Survey*, 1993, 21.

Attorney General William Baxley in 1971, although some question his motives since it was an election year.<sup>142</sup> Besides Chambliss, who died in prison in 1985, three others were known to be involved: Thomas E. Blanton, Jr., Bobby Frank Cherry and Herman Cash. Blanton and Cherry were convicted in 2001 and 2002, respectively, nearly 40 years after the bombing. Cherry died in prison after only serving two years.<sup>143</sup> Blanton is still serving time in prison and Herman Cash died in 1994, never being charged.<sup>144</sup>

But progress was being made. With the passing of the Civil Rights Act in 1964 and the Voting Rights Act the following year, great strides had been made for the African American community, thanks in large part to the hard work and sacrifice of those in Birmingham. In 1979, Birmingham would elect its first black mayor, Richard Arrington. The fact that a black man could hold office in Birmingham, of all places, set an incredible precedent. George Swanson Starling, an African American farmer interviewed in Wilkerson's work states incredulously, "If anybody told me that there would be a black mayor in Birmingham, I would have told them they were crazy. Now they have black mayors all over the place down south."<sup>145</sup>

The 16<sup>th</sup> Street Baptist Church continues to function, first and foremost, as a place of worship with an active congregation. Sunday service still commences at 11:00 am. No longer the staging ground for the Civil Rights Movement, the church

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142 Lemarse "Colonel" Washington, interviewed by author, Birmingham, AL, March 22, 2014.

143 Visitor Guide, *the Sixteenth Street Baptist Church*, 2014.

144 Ibid.

145 Isabel Wilkerson, *The Warmth of Other Suns*, 474.

has instead focused on its ministry and outreach in the decades following. The church's vision statement reads: The vision is to have Bible-centric ministry that will Reach, Rebuilt and Reproduce through the power of the Holy Spirit.<sup>146</sup> "Rebuilding," both spiritually and physically is at the core of the church. Since the neighborhood surrounding the church has changed dramatically with far fewer residences, the congregation has decreased in recent years.<sup>147</sup> The church also functions secondarily as a tourist destination, a role which it seems to have embraced by offering tours everyday, except Sunday. Visitors are, however, still welcome to attend service on Sunday and, according the current Reverend, Arthur Price, visitors account for about 50% of the attendance on most Sundays.<sup>148</sup>

### *Significance of the Black Church*

"And since I had been born in a Christian nation, I accepted this Deity as the only one. I supposed Him to exist only within the walls of a church – in fact, of *our* church – and I also supposed that God and safety were synonymous." - James Baldwin

In order to understand the importance of the preservation of the 16<sup>th</sup> Street Baptist Church, as well as its meaning to insiders and outsiders alike, a brief account of the historical significance of the "black church" will be helpful.

The black church played a pivotal role in the crafting of the African-American identity in the United States. While it functioned as "sacred space" in the traditional meaning of the term, i.e. a place of worship, the black church would become more.

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146 Visitor Guide, *the Sixteenth Street Baptist Church*, 2014.

147 Reverend Arthur Price, interviewed by author, Birmingham, AL, March 23, 2014.

148 Ibid.

From the start they were symbols of “self-possession” and would go on to be instrumental in the Civil Rights Movement. In their work on the relationship between African-American churches and civic involvement, Lewis Baldwin and R. Drew Smith write that the tradition of faith-based social action and involvement in public policy issues is “rooted in a social gospel that upholds Christianity’s historic concern for the poor and oppressed and that encourages the involvement of the church in virtually every aspect of African American life.”<sup>149</sup> In Birmingham, for example, the ACMHR was founded in Sardis Baptist Church, the Bethel Baptist Church acted as its official headquarters and the 16<sup>th</sup> Street Baptist church held many of its meetings. By studying the relationship between the church and identity of the African-American community, the significance of its preservation in combating social injustice and human rights violations can be better understood.

The black church embraced a unique religious worldview that encompassed both aspects from their African culture and aspects of European Christianity. Early on, when slaves were converting to Christianity, old and new traditions meshed. According to Lincoln and Mamiya, it has only been in the past forty years that “scholars of African American history, culture and religion have begun to recognize that black people created their own unique and distinctive forms of culture and worldviews as parallels rather than replications of the culture in which they were involuntary guests.”<sup>150</sup>

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149 Lewis Baldwin in R. Drew Smith, ed., *New Day Begun: African American Churches and Civic Culture in Post-Civil Rights America*, Public Influences of African American Churches 1 (London: Duke University Press, 2004), 15.

150 Lincoln and Mamiya, *The Black Church*, 2.

Regarding earliest black churches in America, which came into existence in the late 1700s, shared values and beliefs bonded the African-American community. Because of this, the black church established a “broad, interdenominational tradition of shared involvement in the struggle for a just and inclusive society.”<sup>151</sup> As religious scholar, Lewis Baldwin, states, the church then “became both a religious and psychological refuge for the folk and religion offered a means of catharsis for their pent up frustrations and emotions.”<sup>152</sup> This notion of the black church as a “refuge” is seen again and again in interviews and literature from the Civil Rights Movement. McKinstry reflects in her memoirs, “In the midst of everything, I had a strong fortress, a refuge from the violent world around me – Sixteenth Street Baptist Church, the sanctuary where I could freely worship God and find peace, safety and security within its strong, comforting, brick walls.”<sup>153</sup>

Besides protection and refuge, the black church also acted as a steward of African-American heritage. The sense of community, hymns, beliefs and even the building itself all became synonymous with African-American heritage. In fact, as the African-American historian, Joe Street, said, “The black church, perhaps the most important social structure among black southerners, perpetuated many cultural traditions, ensuring that many black Americans remained in contact with their heritage.”<sup>154</sup> As defined earlier, cultural heritage is a human right. Attempting to

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151 Lewis Baldwin in *New Day Begun*, 18.

152 Ibid, 27-28.

153 Carolyn M. McKinstry and Denise George, *While the World Watched*, 39.

154 Joe Street, *The Culture War in the Civil Rights Movement* (Gainesville, FL: University Press of Florida, 2007), 25.

destroy this heritage, as seen with the bombing of the 16<sup>th</sup> Street Baptist Church, is a denial of this right. The social justice scholar and lawyer, Eric Yamamoto, writes that the destruction of heritage or, culture suppression, “affects the material conditions of racial group life by dislodging a racial group's anchor to self-understanding. This occurs when a racial group's framework for understanding itself... is distorted or destroyed by intentional or unconscious acts.”<sup>155</sup>

So, from the beginning the black church has been a symbol of self-possession and a steward of African-American heritage. But what does this symbol look like? Does the physical form and place matter to the identity of the African-American community in Birmingham? Do people identify with the physical church itself or just with the idea of a “church?” It is important to this research to attempt to identify the significance of the 16<sup>th</sup> Street Baptist Church as a part of the black community's “cultural heritage” in order to connect its preservation to the protection of human rights. To determine this, a careful analysis of the restoration and preservation efforts of the church, along with interview sampling, is utilized.

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155 Eric K. Yamamoto, *Interracial Justice: Conflict and Reconciliation in Post-Civil Rights America* (New York: NYU Press, 1999), 94.

### *Restoration of 16<sup>th</sup> Street Baptist Church (1963-1964)*

Fixing the damage done to the church began immediately. The congregation worshiped in the L.R. Hall Auditorium located at 16<sup>th</sup> Street North and 4<sup>th</sup> Avenue North until the restoration was finished.<sup>156</sup> The church would not reopen until June 7, 1964 – almost nine months later. When one considers the meaning people ascribed to the church, geographer David Lowenthal observes that “features recalled with pride are apt to be safeguarded [and] those that reflect shame may be ignored or expunged from the landscape.”<sup>157</sup> The church as a symbol of pride and strength outweighed its association with tragedy although certain physical elements were eliminated. Photographs of the church before and after preservation can be found in Appendix D.

Exterior damage to the church, after the explosion, included: 5 ½ by 2 ½ hole in the northeast corner of the church, demolished window sill and portion of foundation in crater area, and the majority of windows were broken.<sup>158</sup> Interior damage included damage to concrete stairs above blast area, a large crack in the east wall, the main supporting beams in the northeast corner were weakened, the ladies lounge was demolished, and a large hole, measuring 7' by 7', directly opposite the window of the ladies lounge and 16' from it, was blown out of a partition forming one side of the lounge.<sup>159</sup>

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156 Visitor Guide, *the Sixteenth Street Baptist Church*, 2014.

157 Kenneth E. Foote, *Shadowed Ground*, 3.

158 James R. Logan, Jr. Federal Bureau of Investigation, File # 157-1025, September 15, 1963.

159 Ibid.

Monetary aid began pouring in from international and national sources and the church received almost \$300,000 in unsolicited gifts.<sup>160</sup> The FBI report from the time estimated damages done to the church to be around \$20,000 to \$30,000.<sup>161</sup> This would be between \$150,000 and \$232,000 today.<sup>162</sup> The church received nearly ten times the amount needed to fix the damage. This outpouring of monetary aid was not met with embarrassment, but with gratitude. With this funding, the 16<sup>th</sup> Street Baptist Church could began picking up the pieces.

### Project Motivation and Goals

If using the Secretary of the Interior's Standards for the Treatment of Historic Properties, the work done on the 16<sup>th</sup> Street Baptist Church between 1963 and 1964 would be a combination of restoration and reconstruction. Restoration “focuses on the retention of materials from the most significant time in a property's history, while permitting the removal of materials from other periods” and reconstruction “establishes limited opportunities to re-create a non-surviving site, landscape, building, structure or object in all new materials.”<sup>163</sup> The work, while removing some remnants from earlier time periods, kept the church looking mostly as it did before the bombing and utilized both old and new materials and designs.

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160 Visitor Guide, *the Sixteenth Street Baptist Church*, 2014.

161 James R. Logan, Jr. Federal Bureau of Investigation, File # 157-1025, September 15, 1963.

162 Bureau of Labor Statistics, “CPI Inflation Calculator,” United States Department of Labor, <http://data.bls.gov/cgi-bin/cpicalc.pl>.

163 National Park Service, “Choosing an Appropriate Treatment for the Historic Building,” Introduction to Standards and Guidelines, [http://www.nps.gov/history/hps/tps/standguide/overview/choose\\_treat.htm](http://www.nps.gov/history/hps/tps/standguide/overview/choose_treat.htm).

Ultimately, the point of the restoration of the church was to make the building usable again and reintegrate the church into everyday life.

### Key Architectural Features

According to the National Landmark Nomination report, one of the most significant changes made involved the rear steps along the eastern facade. The rear entrance stairs and landing were not replaced and instead a double-hung window was installed in its place.<sup>164</sup> Since, it was argued, the stairs could be used to conceal dynamite, they were not replaced. Not even shrubbery lined the outside walls. However, the local fire chief informed the building committee, which had been formed to oversee the restoration, that a rear-exit was mandatory.<sup>165</sup> The committee decided instead on a single basement level entrance configuration that is seen today.

It was also during the reconstruction that the area that acted as the woman's lounge was walled off. The basement rooms were somewhat reconfigured to to block off the area where the young girls died. This was “due perhaps to structural damage, and perhaps to block out the bitter memories.”<sup>166</sup> It is interesting to note that this rearrangement is mentioned in the HABS report but not in the National Landmark Nomination, nor in any other readily available literature on the church.

The stained glass windows of the church tell an unusual story. To start, all of the windows received significant damage and they were replaced in-kind. Oddly,

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164 Amie A. Spinks, National Landmark Nomination, 2004, 8.

165 Paul Dolinsky, Joseph Balachowski, et al., Historic American Buildings Survey, 1993, 22.

166 Ibid, 23.

one in particular, the largest stained glass window on the east side, only received a small amount of damage. The window depicts a white Christ as The Good Shepherd, who lays down his life for his flock.<sup>167</sup> After the attack on the church on September, 15, that window remained intact except for an eerie hole where the face should have been. (Figure 4.10) James Baldwin wrote with hope on the ominous imagery created by such tragedy, stating “The absence of the face is something of an achievement since we have been victimized so long by an alabaster Christ... If Christ has no face, then we must give him a new face. Give him a new consciousness. And make the whole ideal, the whole hope of Christian love a reality.”<sup>168</sup> The window was restored to how it looked before the bombing. (Figure 4.11)



**Figures 4.10 and 4.11.** Stained glass window of Christ the Good Shepard on the east side of the church. Damage received by racially motivated attack (September 15, 1963, photo courtesy of the Birmingham Public Library) and how it looks today (March 20, 2014, photo courtesy of the author).

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167 John 10:11

168 Edward J. Blum and Paul Harvey, *The Color of Christ: The Son of God and the Saga of Race in America* (Chapel Hill: University of North Carolina Press, 2012), 4.

### *Preservation of 16<sup>th</sup> Street Baptist Church (2005-2008)*

After the initial repairs made in 1963 and 1964, the church would not receive any more major alterations until the 1990s. In 1991, L.L. Samms and Sons Company of Waco, Texas “undertook the job to restore the church to its initial beauty.”<sup>169</sup> These alterations were mostly limited to interior aesthetic modifications like the addition of red carpeting to the sanctuary, refinishing the pews, moving the baptismal, and repairing the organ. However, it was during this time that the main church entrance steps were covered in bright orange, glazed quarry tile.<sup>170</sup>

Despite these efforts, however, McKinstry laments that “the church was once again in desperate need of repair. The old roof leaked. The wood had rotted around the windows, allowing rain to pour inside. The sanctuary carpets remained damp most of the time. The foundation had shifted, leaving deep crevices in the walls.”<sup>171</sup> One day, in the early 2000s, as McKinstry was giving a tour, she “noticed a healthy crop of mushrooms growing out of the once-beautiful red carpet near the pulpit. That was the final straw – [she] knew something had to be done.”<sup>172</sup> Neal Berte, Chancellor and former President of Birmingham-Southern College, too, shares a similar story. In January of 2004, in honor of the inauguration of Birmingham's new mayor, Bernard Kincaid, a reception was held at 16<sup>th</sup> Street Baptist Church. When Berte was in the basement he noticed “pools of water and buckled tiles,” and

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169 Paul Dolinsky, Joseph Balachowski, et al., *Historic American Buildings Survey*, 1993, 4.

170 Amie A. Spinks, *National Landmark Nomination*, 2004, 5.

171 Carolyn M. McKinstry and Denise George, *While the World Watched*, 263.

172 *Ibid.*

thought, "This isn't right."<sup>173</sup> It was then that Berte and McKinstry, both civil rights activists, began working together to save the church.

In 2004, a group of concerned citizens, led by McKinstry and Berte, started a preservation campaign to save the 16<sup>th</sup> Street Baptist Church.<sup>174</sup> 2004 through 2005 constituted the initial fundraising and the actual preservation efforts lasted from late 2005 to 2007, with the the official end of the project in 2008.<sup>175</sup>

The fundraising endeavor was a fantastic success and the foundation raised \$3.8 million dollars. Most of the money came from corporate companies, like Regions Financial Corporation, who agreed to donate \$250,000 over three years<sup>176</sup> but the individual contribution cannot go unnoticed. \$100,000 came from the congregation of the 16<sup>th</sup> Street Baptist Church and even local elementary school classes donated.<sup>177</sup> \$400,000 came from a Save America's Treasures Grant and another \$400,000 came from organizations in New York City. All in all, however, over \$3 million came from within the city of Birmingham, Alabama.<sup>178</sup> This outpouring of monetary aid "says a lot about how far this community has come."<sup>179</sup>

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173 Neal Berte, interviewed by author, Birmingham, AL, March 24, 2014.

174 Logan Ward, "Rediscovering Mr. Rayfield," 23.

175 Neal Berte, interviewed by author, Birmingham, AL, March 24, 2014.

176 Lemarse "Colonel" Washington, interviewed by author, Birmingham, AL, March 22, 2014.

177 Neal Berte, interviewed by author, Birmingham, AL, March 24, 2014.

178 Ibid.

179 Logan Ward, "Rediscovering Mr. Rayfield," 23.

## Project Motivation and Goals

The work done in the 1990s did not address structural failures or drainage issues that had been plaguing the church since 1963. The main structural goal of the preservation efforts in the 2000s was to stabilize the church foundation and fix the drainage issues. Secondary goals included restoring some architectural elements to their period of significance, which was determined to be April-May 1963 and September 1963.<sup>180</sup>

The largest, and most expensive undertaking, involved the rehabilitation of the foundation, which over the years and after the 1963 blast, had been damaged. This damage allowed water to constantly seep into the basement. The 16<sup>th</sup> Street Baptist Church worked with ArchitectureWorks, a local architecture firm, and Brice Building Company, a local construction company, to preserve the church which included the stabilization of the foundation. First, trees, which had been planted in the 1990s (Figure 4.12), between the church and 16<sup>th</sup> Street North, were removed.<sup>181</sup> A large “moat” was then built around the foundation and in-filled. This stopped water from leaking into the building. The curb and sidewalks were also expanded to draw water away from the building.

Besides addressing physical and structural elements, the motivation behind the preservation of the 16<sup>th</sup> Street Baptist Church is complicated. In the interviews, when I asked, “Why was the 16<sup>th</sup> Street Baptist Church preserved,” Lemarse “Colonel” Washington, a member of the congregation and volunteer tour guide for

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180 Amie A. Spinks, National Landmark Nomination, 2004, 9.

181 Richard Pigford, interviewed by author, Birmingham, AL, March 23, 2014.

the church, sums up the sentiment I received across the board: “The church tells the story of the struggle for civil rights and if it was gone that history would be lost forever... A new church could not tell the same story. It would be like tearing down the White House and putting up a blue house.”<sup>182</sup> Richard Pigford, the head architect of the preservation project and resident of Birmingham for 67 years, states that the church is now “an icon of inherent humanity.”<sup>183</sup> Essentially, there could be no “16<sup>th</sup> Street Baptist Church” without that physical building in that specific place.



**Figure 4.12.** The 16<sup>th</sup> Street Baptist Church as it looked around the turn of the 21<sup>st</sup> century, looking Northwest. Note the large trees blocking the east side of the church. Photo courtesy of the Birmingham Public Library.

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182 Lemarse “Colonel” Washington, interviewed by author, Birmingham, AL, March 22, 2014.

183 Richard Pigford, interviewed by author, Birmingham, AL, March 23, 2014.

However, some take a more critical stance on the preservation. Preserving the 16<sup>th</sup> Street Baptist Church, while neglecting other movement churches in Birmingham, like Bethel Baptist and Sardis, is indicative of the “American predisposition to condense the American memory,” states Laura Anderson, archivist at the Birmingham Civil Rights Institute.<sup>184</sup> I feel this can also be attributed to the fact that, as Foote writes, “Until quite recently the civil rights movement lacked major monuments and memorials.”<sup>185</sup> It is possible with due time this imbalance will correct itself.

Anderson also suggests that it is possible that “white guilt” had something to do with the outpouring of support during the fundraising in the early 2000s. McKinstry states that while ultimately the goal was unity, “A lot of people who were here in 1962 didn't know what to do. They thought 'What happened was wrong. Now I can do what's right.'”<sup>186</sup> In this way, preservation of the 16<sup>th</sup> Street Baptist Church might have more to do with finding an avenue of support than “guilt.”

Other individuals, who wished to remain anonymous and who had never actually seen the church despite being Birmingham residents for years, said that they could care less about “some black church” and were “sick of black people getting so much attention.” However, this appears to be a very limited opinion given the sheer amount of tourists (of all ages, creeds, and races) that visit the church and the area. Most people do care about “some black church.”

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184 Laura Anderson, interviewed by author, Birmingham, Alabama, March 25, 2014.

185 Kenneth E. Foote, *Shadowed Ground*, 31.

186 Logan Ward, “Rediscovering Mr. Rayfield,” 23.

### Key Architectural Features

When talking with the Reverend Arthur Price, who has been minister of 16<sup>th</sup> Street Baptist Church since 2001, and Richard Pigford, lead architect during the preservation of the church, it became obvious that every physical aspect of the church was considered carefully. Some elements which were unnecessary or harming the “integrity” or “feeling” of the church were removed, while other historic aspects were saved at all costs. Other characteristics were even hidden from sight or not rebuilt. Every square inch of 16<sup>th</sup> Street Baptist Church is significant and seeped in history and preservation work tried to respectfully capture as much of that history as possible. The preservation of the church in the 2000s focused on the saving and restoration of historic material more so than any other construction project on the church.

The stone used on the stairs, which had been altered in the 1990s, was changed to “match that from the 1960s.”<sup>187</sup> (Figures 4.13 and 4.14) When the curb was expanded to address drainage issues, Pigford states the new pavement was “patterned to look like that used across the street, which was consistent with newer development.”<sup>188</sup> That way, one could still clearly see where the original curb, from the 1960s, stopped. (Figure 4.15)

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187 Richard Pigford, interviewed by author, Birmingham, AL, March 23, 2014.

188 Ibid.



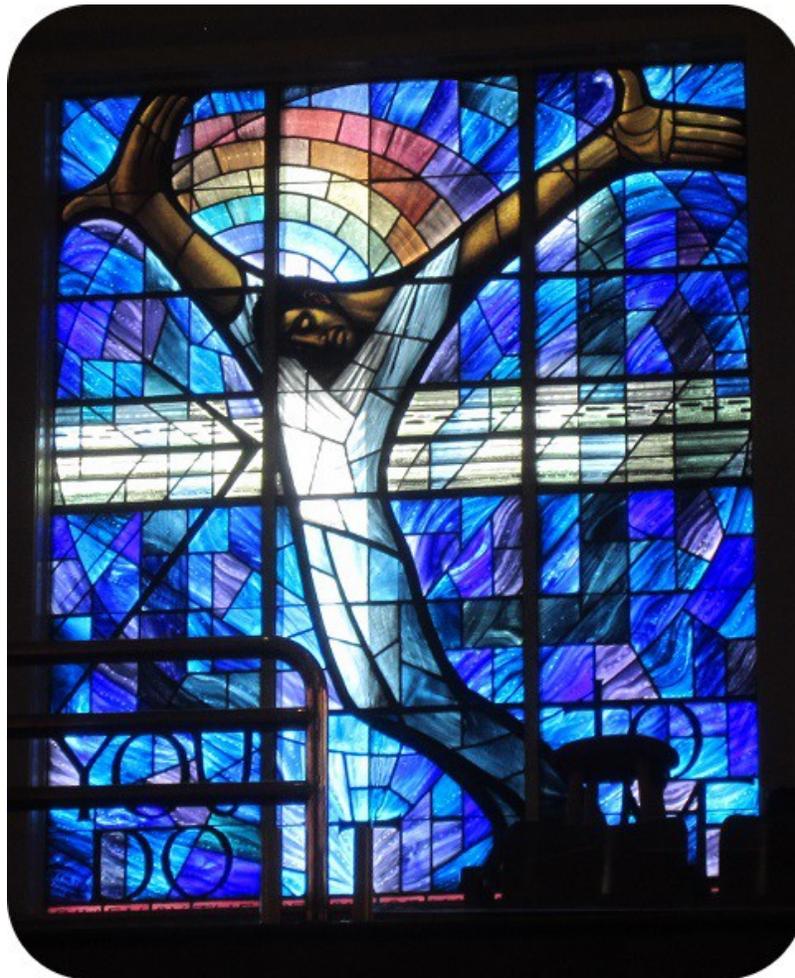
**Figure 4.13 and 4.14.** Red-orange tile applied to the steps (2006, photo courtesy of ArchitectureWorks) and after their removal to conform to the historic aesthetics of the church (March 20, 2014, photo courtesy of the author).



**Figure 4.15.** New sidewalk and curb(left) in front of church is demarcated from the original curb (right) which was present in the 1960s, March 20, 2014. Photo courtesy of author.

After the attack on the church in 1963, the entire nation turned their attention to Birmingham and a flood of support and aid poured in. The Welsh sculptor, John Petts, heard about it on the radio and was so moved, that he

immediately set to work on helping the congregation.<sup>189</sup> Petts went on to create a dramatic and striking, albeit somewhat controversial, stained glass window for the church, which would become known as the “Wales Window.” (Figure 4.16) Alison Smith writes that Petts' windows are “distinguished by their clear volumetric structures and by his profound understanding of the physical and psychological properties of light and color.”<sup>190</sup>



**Figure 4.16.** The Wales Window, designed by John Petts. Given as a gift from the people of Wales and installed in 1965. Picture taken from inside sanctuary looking south, March 18, 2012. Photo courtesy of the author.

189 Richard Pigford, “The 16th Street Baptist Church” (speech delivered at the State of Alabama AIA Annual Convention, Birmingham, Alabama, June 8, 2013).

190 Alison Smith, *John Petts and Caseg Press* (Aldershot, Hants: Ashgate Pub. Ltd, 2000), 111.

This new window depicted a black Christ-like figure, his arms wide, representing both the pushing away of injustice and the offering of forgiveness. The words “You do it to me” emblazoned across the bottom, refer to the biblical story of the sheep and the goats which says, “Truly, I say to you, as you did to one of the least of these my brothers, you did it to me.”<sup>191</sup> It is a message of compassion and solidarity and the portrayal of Christ as a black man was something spectacular, defiant even. The window was installed in 1965, in the prominent location on the south elevation, directly above the main entrance. Richard Pigford, in a speech delivered at the State of Alabama AIA annual convention in Birmingham, states that the donation of the window from the people of Wales was an incredible gesture. Even as people geographically closest to Birmingham saw African-Americans as “alien and inferior, people they didn't know existed not only identified them as fellow human but sought to demonstrate support.”<sup>192</sup> The display of support for the Civil Rights Movement through the assistance in the restoration of the stained glass windows, solidifies the connection between the 16<sup>th</sup> Street Baptist Church and the African-American community.

When looking at the church from across 16<sup>th</sup> Street North, besides the wreath of flowers, there is no indication that children lost their life there that day. In fact, there is no indication that the the church was ever bombed. (Figures 4.17 and 4.18) The brickwork is pristine and the rusticated stone is heavy and appears impenetrable. I asked Reverend Price and Richard Pigford about this. Why wasn't

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191 Matthew 25:40

192 Richard Pigford, “The 16th Street Baptist Church” (speech delivered, June 8, 2013).

an outline left or different colored bricks used to indicate where the damage was done, like with the Dresden Frauenkirche, a Lutheran church that was destroyed in WWII and rebuilt using original and new material, the original, blackened, fire-damaged stones clearly standing out against the newer construction.<sup>193</sup>

I was met with a quizzical, almost offended, look from the Reverend. “We get asked, “Why didn't you leave a hole?” all the time, “ he says. Quite simply, “It wouldn't be right.” The Reverend goes on to add that after the bombing, the stairs were not rebuilt and despite the fact that they fall within the period of significance that the church was restored to, they were not rebuilt in the the 2000s either. Pigford says that this was done “out of respect for the families.”

Since this is a sacred space that was violently and maliciously damaged, the preservation of the site needs to be deliberate and, occasionally, selective. Not replacing the stairs could be seen as a safety precaution but not indicating, psychically, that damaged was inflicted sends a message. As classics historian, Harriet Flower, writes, “any recalling of the past involves selection, both deliberate and unintended [and] choosing what to remember must entail also the choice of what to forget, what to pass over in silence, and what to obscure.”<sup>194</sup> In this instance, the church will not be a totally historically accurate representation of the past and the story told is more of a reaction to the violence of the 1960s.<sup>195</sup>

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193 Jonathan Glancey, *Lost Buildings*, 77.

194 Harriet I. Flower, *The Art of Forgetting: Disgrace and Oblivion in Roman Political Culture*, Studies in the History of Greece and Rome (Chapel Hill: University of North Carolina Press, 2006), 1.

195 As Laura Anderson points out, the Rayfield story gets undeservedly lost.



**Figure 4.17 and 4.18.** Facing the location of the bomb site from 16<sup>th</sup> Street North, before and after preservation. Note the granite marker and wreath of flowers placed at the site of the blast site. (September 15, 1963. Photo courtesy of the Birmingham Public Library/ March 20, 2014. Photo courtesy of the author.).

## CHAPTER V

### THE EFFECTS OF PRESERVING INTENTIONALLY DAMAGED SACRED SPACE

#### *Consequences of Preserving the 16<sup>th</sup> Street Baptist Church*

Landscapes and buildings, while they themselves are important, also convey meanings. Foote states that it is their physical durability that permits them to carry these meanings into the future “so as to help sustain memory and cultural traditions.”<sup>196</sup> Historic preservation acts as a tool to achieve this outcome. By preserving landscapes and buildings, cultural traditions are preserved and, ultimately, cultural identity. The goals of the preservation of 16<sup>th</sup> Street Baptist Church actually go beyond the physical restoration of the church and the stabilization of the foundation. The church and the identity of the African-American community are so entwined that one cannot pull them apart. Neal Berte equates the preservation to telling “the story of the church,” as it was before and as it is now but mostly as “a part of who we are.”<sup>197</sup>

Some interviewees even suggested that the preservation of the church not only allowed for positive things to happen but actually *stopped* negative things from occurring. Hattie Barnes, Business Development Office for Urban Impact who has lived in Birmingham for nearly three decades, thinks that if the church had not been restored and preserved “bad things would have creeped [sic] in, like drug-use and such.”<sup>198</sup>

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196 Kenneth E. Foote, *Shadowed Ground*, 33.

197 Neal Berte, interviewed by author, Birmingham, AL, March 24, 2014.

198 Hattie Barnes, interviewed by author, Birmingham, Alabama, March 26, 2014.

Regardless of the motivation behind the preservation, the 16<sup>th</sup> Street Baptist Church is now synonymous with black cultural heritage in Birmingham, Alabama,<sup>199</sup> the Civil Rights Movement in the south and its preservation accomplished a lot. Its significance went beyond local and regional and is now recognized on a national and international scale. It was listed on the National Register of Historic Places on September 17, 1980, was the subject of a Historic American Building Survey in the summer of 1993 and was designated a National Historic Landmark in 2006. What a place means to people, like the 16<sup>th</sup> Street Baptist Church does to the African-American community in Birmingham, Alabama, “is a deeper level of identity.”<sup>200</sup>

### Intentional

Besides the physical restoration of a neighborhood church, the preservation efforts at the 16<sup>th</sup> Street Baptist Church intended to save a culturally and historically important sacred space. Being listed on the NRHP and being designated a National Landmark, the church was a recognized historic site and receives special protection and federal aid.<sup>201</sup> The preservation efforts also brought a lot of attention to the church and encouraged a renewed investment in the memorialization of the young girls who died in the bombing of the church.<sup>202</sup> The granite marker at the blast site

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199 The church was listed on the Alabama Register of Landmarks and Heritage on June 16, 1976.

200 Tridib Banerjee and Anastasia Loukaitou-Sideris, eds., *Companion to Urban Design*, Routledge Companions (London: Routledge, 2011), 496.

201 Under NHPA regulations 36 CFR 800.10.

202 On May 24th, 2013, the congressional gold medal, the highest civilian award in the United States, was posthumously awarded to Addie Mae Collins, Denise McNair, Carole Robertson and Cynthia Wesley.

(Figure 4.18), the monolith on the corner of 6<sup>th</sup> Street North and 16<sup>th</sup> Avenue North (Figure 5.1) and the life-size sculptures in Kelly Ingram Park across the street (Figure 7.5) were all dedicated between 2008 and 2013.<sup>203</sup>



**Figure 5.1.** Monolithic memorial dedicated to the victims of the September 15<sup>th</sup> bombing, March 20, 2014. Photo courtesy of author.

### Unintentional

The world has recognized this church as an icon of the struggle for civil rights. While visually pleasing, the sacred space is still “ugly.” Children died here and it is the site of the brutal treatment of African-Americans during the 1960s.

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203 Richard Pigford, interviewed by author, Birmingham, AL, March 23, 2014.

However, this does not deter tourists from visiting the church and around 100,000 people visit the 16<sup>th</sup> Street Baptist Church each year.<sup>204</sup> As Logan and Reeves write, the preservation of and appreciation for difficult heritage sites is “a far cry from the view of heritage that prevailed a generation ago when we were almost entirely concerned with protecting the great and beautiful creations of the past.”<sup>205</sup>

Such a large number of people visiting the 16<sup>th</sup> Street Baptist Church can have both a positive and a negative impact. Visitor access increase awareness and education but still has the potential to be detrimental to the resource itself. When I asked if tourism was good for the church, both Mr. Washington and Reverend Price took a considerable pause before answering carefully. Reverend Price, not missing the chance to evangelize, says, “It’s a good thing. Our congregation has embraced it and it’s a way to tell the history and His Story.” One way the church manages such a large impact on the building is to limit tours to specific routes and days.

In 2008, the 16<sup>th</sup> Street Baptist Church was added to the “Tentative List of Inclusion” on the UNESCO World Heritage Site, an honor many think it deserved.<sup>206</sup> The 16<sup>th</sup> Street Baptist Church, along with the Dexter Avenue King Memorial Church<sup>207</sup> and the Bethel Baptist Church,<sup>208</sup> is part of a proposed collection of Civil Rights Movement sites. When asked what meaning this church could have to people outside of Alabama or even outside of the United States, Reverend Price states, “The

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204 The Sixteenth Street Baptist Church, *Historic Structures Report*, 198.

205 William Logan and Keir Reeves, *Places of Pain and Shame*, 1.

206 Hattie Barnes, interviewed by author, Birmingham, Alabama, March 26, 2014.

207 The idea for the Montgomery Bus Boycotts was developed in the church basement.

208 Located in Birmingham, Alabama, it was the headquarters for the ACMHR.

church is a story of faith, of reconciliation, of good versus evil and of tragedy. This place has a lot of meaning and a lot of stories to tell.” According to UNESCO World Heritage Sites have “outstanding universal value” which is defined as “cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity [and] the permanent protection of this heritage is of the highest importance to the international community as a whole.”<sup>209</sup> The city of Birmingham, working with the congregation, requested the 16<sup>th</sup> Street Baptist Church to be added but it was the National Park Service's Office of International Affairs in Washington D.C. that agreed. Eventually, the International Council on Monuments and Sites (ICOMOS) will decide whether or not the church, along with the other sites, will be inscribed as a UNESCO World Heritage Site. According to Stephen Morris, Chief of the OIA, the Civil Rights Movement sites were not pushed to nomination simply because they are in the “earliest stages” of the nomination process.<sup>210</sup> Trying to identify, designate and preserve sites dedicated to a “social movement” is a complicated process.

This mix of intentional and unintentional consequences of the preservation of the 16<sup>th</sup> Street Baptist Church has led to a very dynamic neighborhood, one that holds great significance to insiders and outsiders, alike. (Figure 5.2)

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209 UNESCO Operational Guideline for the Implementation of the World Heritage Convention.

210 Stephen Morris, meeting with author and the US/ICOMOS International Exchange Program, Washington D.C., May 29, 2014.



**Figure 5.2.** Sacred Structures Map of 16<sup>th</sup> Street Baptist Church and immediate vicinity.

### *Effects of Preserving Intentionally Damaged Sacred Space*

Historic Preservation has a great effect on the local community. Environmental, economical, political, aesthetic and social justifications for preservation all have very different outcomes. Environmental values might produce a more sustainable building while economical motives value the bottom line. As was seen with the 16<sup>th</sup> Street Baptist Church, social justifications and outcomes vary. However, when a sacred space has been intentionally and maliciously damaged the outcomes of preservation can have a great social impact.

It is important to note that in rare occasions the preservation and attention devoted to a sacred space can actually *lead* to its destruction. In the spring of 2001, the Taliban destroyed several large Buddha statues in the Bamiyan Valley of Afghanistan, which interestingly enough, was declared a world heritage site by UNESCO in 2003, two years after their demolition. While denounced on an international level as an act of symbolic violence directed at world heritage, Sayed Rahmatullah Hashemi, former envoy of Afghanistan and spokesman for the Taliban, provided a different explanation:

“The scholars told them that instead of spending money on statues, why didn't they help our children who are dying of malnutrition? They rejected that, saying, 'This money is only for statues'. The scholars were so angry. They said, 'If you are destroying our future with economic sanctions, you can't care about our heritage'. And so they decided that these statues must be destroyed... If we had wanted to destroy those statues, we could have done it three years ago. So why didn't we? In our religion, if anything is harmless, we just leave it. If money is going to statues while children are dying of malnutrition next door, then that makes it harmful, and we destroy it.”  
(Harrison 186)

Working in areas of conflict is obviously very delicate terrain to maneuver through and understanding the context of the situation is crucial. However, such intense reactions to preservation is something we as preservationists should be anticipating. While the Bamiyan Buddhas are an extreme example, it is important to recognize that the consequences of preserving sacred space are far-ranging. Presently, the positive consequences will be discussed.

### Social Negotiation

Oftentimes, the preservation of sacred space can be viewed as a “social negotiation” between what is there and what the community thinks *should* be there. However, in his work, *Subconscious Landscapes of the Heart*, Randy Hester suggests that this sort of social preservation can lead to problematic and undesired outcomes. In it he asks,

“Can the preservation of valued places reinforce undemocratic social patterns such as economic or social segregation? In some ways that zoning and historic preservation typically are used to exclude “undesirables” directly or psychologically... In communities with widespread injustices, the preservation of sacred places would likely prolong those injustices. And in communities trying to overcome an unhealthy past, or in suburban communities suffering from environmental anomie, identification of a Sacred Structure might be a painful and divisive effort. But for many small towns in transition, the identification and preservation of sacred places likely is a key to successful metamorphosis that builds on rather than destroys the existing sense of community.” (21-22)

It is an important question to ask but in most cases of an oppressed, victimized group, restoring their sacred spaces would not reinforce “undemocratic social patterns” and would instead reverse them.

### Interethnic Reconciliation

Historic preservation can also act as a tool to promote interethnic dialogue and reconciliation. Anthropologist, Michael A. D. Giovine, suggests that monumental places in the heritage-scape, such as sacred spaces, are, first and foremost, “a

distinctive tool in a vast cultural toolkit for cultivating global “imagined community” centered on the peace-inducing narrative of “unity in diversity.”<sup>211</sup>

For example, Macedonia was torn apart by interethnic conflict during the insurgency at the turn of the 21<sup>st</sup> century when ethnic Albanians and Macedonian officials violently clashed. On August 21, 2001, a 13<sup>th</sup> century Orthodox monastery in Lesok was destroyed when Albanian terrorists placed a bomb in the altar, leveling the church.<sup>212</sup> In the same year, a mosque in the neighboring village of Neprostenno suffered damages, as well, due to ethnically fueled violence.<sup>213</sup> Repairs of both sites began in the years following the insurgency and, Daniel Giuglaris, head of the European Agency for Reconstruction's Operations Center in Skopje, stated “Rebuilding Lesok's Saint Atanasie Church, while at the same time repairing the Neprostenno Mosque, is a concrete way of continuing to promote reconciliation not only in the Tetovo region, but in the country as a whole.”<sup>214</sup> What is a truly remarkable is that both Father Dimitrija Kretevski of St. Atanasie and Imam Ejup

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211 Michael A. D. Giovine, *The Heritage-Scape: UNESCO, World Heritage, and Tourism* (Lanham, MD: Lexington Books, 2009), 187.

212 “Cultural Monuments in the Crisis Regions - Two Million Denars for Reparation of the Lesok Monastery,” Culture: Republic of Macedonia, April 25, 2002, <http://www.culture.in.mk/story.asp?id=2981>.

213 Marija Lazarova, “Restoration of Religious Objects a Step Forward to Interethnic Reconciliation in Macedonia,” *Southeast European Times (Skopje)*, September 16, 2003, [http://www.setimes.com/cocoon/setimes/xhtml/en\\_GB/features/setimes/features/2003/09/030916-MARIJA-001](http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2003/09/030916-MARIJA-001).

214 Zoran Nikolovski, “Reconstruction Completed at Macedonia's Lesok Monastery,” *Southeast European Times (Skopje)*, June 28, 2005. [http://www.setimes.com/cocoon/setimes/xhtml/en\\_GB/features/setimes/features/2005/06/28/feature-03](http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2005/06/28/feature-03).

Selmani of the Nprosteno Mosque visited each others places of worship during the preservation efforts to solidify support for one another.<sup>215</sup>

Another example occurred on May 26, 1962 when the New Coventry Cathedral, which had been the target of a German air raid during WWII, was consecrated on the same day the Protestant Kaiser-Wilhelm-Gedächtniskirche in Berlin was reopened after being nearly destroyed in an Allied bombing raid.<sup>216</sup> These are moments when shared pain and destruction can manifest itself into moments of understanding and even forgiveness.

At the 16<sup>th</sup> Street Baptist Church, too, this sentiment was felt when both white and black residents of Birmingham worked on the preservation of the church. McKinstry states that the preservation efforts weren't "just a reconstruction campaign; it was part of the bigger vision for reconciliation in our city. I felt that God was calling me to be a part of this effort to bring people together, to demonstrate a tangible expression of interracial progress."<sup>217</sup>

### Response to Violence and Shame

A tragic event can forever mar a landscape. Whether it is a accident, like a mining fire, or an incidence of violence, like a shooting, these moments of pain adhere themselves to their physical location. Foote states that there are four outcomes to a site of tragedy: Sanctification and obliteration, which occupy the

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215 Zoran Nikolovski, "Reconstruction Completed," June 28, 2005.

216 Jonathan Glancey, *Lost Buildings*, 76.

217 Carolyn M. McKinstry and Denise George, *While the World Watched*, 266.

extremes of the the continuum, and designation and rectification which fall in between.<sup>218</sup>

Sanctification “occurs when events are seen to hold some lasting positive meaning that people wish to remember” whereas obliteration happens after a particularly painful moment that people simple chose to forget.<sup>219</sup> Designation involves the “marking of a site” and rectification is the act of “removing the signs of violence and tragedy and returning a site to use”<sup>220</sup> Depending on how intense a loss is for a community and how that group wishes to remember, or not remember, the event, historic preservation can be used in a variety of ways. Whether it is the reconstruction of a site long gone or the restoration of a damaged space, preservation is a social reaction to violence and tragedy.

At the 16<sup>th</sup> Street Baptist Church, the preservation efforts could really be seen as a mix of all four categories: the site has been sanctified through National Landmark status, some obliteration has occurred by not rebuilding the stairs, designation occurred with the placement of markers, and the site underwent rectification when all indications of damage were removed and the church was returned to everyday use. McKinstry recalls this transformation in her memoirs:

“When I stepped back and looked at the newly restored church, it truly felt like a piece of God's work of redemption. The place that had once been the site of lives lost was once again a place of new life. The place that had been a marker of hatred and despair was now a symbol of hope and reconciliation. They history and legacy of Sixteenth Street Baptist Church would be forever visible – a tall, stately sign of struggle, sacrifice and triumph.” (267)

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218 Kenneth E. Foote, *Shadowed Ground*, 7.

219 Ibid, 7-8.

220 Ibid, 8.

### Priority of Minorities

Unfortunately, violations against a minority group's cultural heritage rights typically occur alongside a host of other offenses. World Bank<sup>221</sup> consultant, David Wigg, acknowledges that while preserving its own “cultural property” gives a nation or group a sense of its identity it is also “imperative to protect the property of other cultures, including the heritage of a minority or even an enemy.”<sup>222</sup> Historic preservation is a way of promoting tolerance and, essentially, the message is “that something that may belong to one particular culture, but it also belongs to all of humanity.”<sup>223</sup>

This is seen in Birmingham, Alabama with the preservation of the 16<sup>th</sup> Street Baptist Church which was seen by some as a way to make amends for prior mistreatment. The sheer amount of community support for the preservation of the church prioritized the African-American heritage and acknowledged its value to the entire nation, and consequently, the world.

### Protection of Human Rights

If one recognizes cultural heritage rights as being universal and inherent, then the preservation of sacred spaces protects that right. When a sacred space has been intentionally and maliciously damaged by an outside group, the preservation of

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221 A United Nations financial institution in Washington D.C. that provides loans to assist in development projects around the world in a global effort to alleviate poverty – visited by the author on May 29, 2014.

222 David Wigg, *Of Mosaics and Mosques*, 24.

223 Ibid.

that sacred space rectifies a violation of that right. When asked whether the preservation of the 16<sup>th</sup> Street Baptist Church affected the rights of the community, Reverend Price replied that the preservation, “reinforced human rights. It validated the struggle people went through and the role the church played. Essentially, that sacrifices were not in vain.”<sup>224</sup> Richard Pigford associates the preservation work almost as a duty we have to others” God is still at work here, whether you call it preservation, or just what we do as people, this site draws us together, to overcome and to reinforce those rights.”<sup>225</sup>

At the International National Trusts Organization (INTO) Conference in 2013, Simon Molesworth, Chairman of the Executive Committee, stated the present need to “re-express our belief in the importance of cultural expression as a pillar of human existence, in as much as advocacy for heritage conservation as it is advocacy for freedom of expression, freedom to allow new cultural expression to flourish, and to re-enliven the connectivity between cultural heritage and human rights.”<sup>226</sup> The idea of connecting cultural heritage and human rights is gaining international attention, so it is understandable that the connection between historic preservation and human rights is on the heels of this new heritage revelation.

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224 Reverend Arthur Price, interviewed by author, Birmingham, AL, March 23, 2014.

225 Richard Pigford, interviewed by author, Birmingham, AL, March 23, 2014.

226 Simon Molesworth “Cultural Heritage and Human Rights” (lecture, International National Trusts Organization, Dubrovnik, Croatia, September 19, 2013).

CHAPTER VI  
HISTORIC PRESERVATION IN HUMAN RIGHTS LAW

*Introduction*

In order to solidify the connection between cultural heritage, historic preservation and human rights that Molesworth wished to re-enliven, an analysis of current human rights law is very useful. By examining the language used and the protocols developed, a clear overlap between the desired outcomes for human rights and historic preservation is seen.

First, the idea of utilizing preservation as a way to rectify violations of human rights is not a new one. Although not necessarily referred to as “historic preservation” the act of restoring, reconstructing, rehabilitating or protecting sacred spaces during or after conflict has worked its way into numerous international human rights covenants, some dating back to the 6<sup>th</sup> century. Molesworth states the connectivity between cultural heritage and human rights is not a new concept and that connection is there in the many United Nations Conventions and in the “rationale for UNESCO itself.”<sup>227</sup>

There are also many international treaties and laws regarding historic preservation specifically, like the Athens Charter for the Restoration of Historic Monuments(1931), the Venice Charter for the Conservation and Restoration of Monuments and Sites (1964) and the Convention Concerning the Protection of the World Cultural and Natural Heritage (1972).<sup>228</sup> However, since they deal with the

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227 Simon Molesworth “Cultural Heritage and Human Rights” (September 19, 2013).

228 As of September 19, 2012, 190 nation states have ratified the World Heritage Convention,

establishment of an international preservation framework and not the protection and enforcement of human rights, they will not be included in this research.

International human rights laws also receive a great deal of criticism. Archaeologist Ian Hodder suggests that human rights discourse seems to concern itself with unstoppable actions and which is “increasingly concerned with legal language rather than with moral and social injustice.”<sup>229</sup> For example, many United Nations covenants have been accused of fostering a limited western viewpoint of human rights, one that is directly contradicting Sharia, the Islamic law and moral code.<sup>230</sup> Even though the 2003 Convention on the Protection and Promotion of the Diversity of Cultural Expressions was hailed as a major victory in affirming the right of all people to their culture, the United States and Israel voted against it and called it “misguided” and “protectionist.”<sup>231</sup> Barthel-Bouchier writes that, since the convention provided protection against the homogenizing forces of globalization,<sup>232</sup> the United States believed it would “facilitate the the censoring of satellite channels and the shutting down of newspapers in the name of cultural security.”

Again, while it is important to recognize the context in which human rights legislation formed and the reasoning behind criticisms, it does not change the fact that these laws were passed on an international, cooperative level and the language

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making it one of the most successful international treaties.

229 Ian Hodder, “Cultural Heritage Rights: From Ownership and Descent to Justice and Well-Being,” *Anthropological Quarterly* 83, no. 4 (2010): 864.

230 Nisrine Abiad, *Sharia, Muslim States and International Human Rights Treaty Obligations: A Comparative Study* (London: British Institute of International and Comparative Law, 2008), xv.

231 Diane Barthel-Bouchier, *Cultural Heritage and the Challenge of Sustainability*, 32-33.

232 Especially the homogenizing forces of American culture.

used, protocols developed and results encouraged are of relevance and concern to historic preservationists today.

### *Pre-19<sup>th</sup> Century*

What is recognized as the world's "first charter of human rights," is translated into all six official languages of the United Nations, and a replica of which is on display at the United Nations Headquarters in New York City, is known as the Cyrus Cylinder and dates to around around 539 BCE.<sup>233</sup> (Figure 6.1) The small, unassuming clay object, which only measures about 9" x 4", has had a major impact on the development of human rights treatises well into the 21<sup>st</sup> century.



**Figure 6.1.** The Cyrus Cylinder, 539 BCE. 2013. Image courtesy of The Trustees of the British Museum.

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233 "A Brief History of Human Rights: The Cyrus Cylinder," United for Human Rights, <http://www.humanrights.com/what-are-human-rights/brief-history/cyrus-cylinder.html>.

It is a proclamation that announced Cyrus the Great's victory over Nabonidus and includes a detailed account of his humane treatment of those he had conquered.<sup>234</sup> It goes on to describe the relief measures he brought to his new subjects; he returned several images of gods, which Nabonidus had collected in Babylon, to their original temples throughout Mesopotamia and western Iran and ordered the restoration of these temples, as well.”<sup>235</sup> Cyrus, who wished the world to know of his humanitarian work, is recorded on the cylinder stating, “I kept in view the needs of people and all its sanctuaries to promote their well-being.”<sup>236</sup> The significance of restoring sacred space after conflict and war was acknowledged over 2,500 years ago.

### *19<sup>th</sup> Century*

The Hague Peace Conference of 1899 was convened to establish a convention concerning the “rules of war” and, essentially, expounded on the 1874 Conference of Brussels which had not been ratified.<sup>237</sup> The Hague Convention of 1899<sup>238</sup> determined the laws and customs of war, as well as dictating the rights of occupied people, the rights of prisoners of war, and the rights of the sick and wounded.

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234 Stephen Leston, *The Bible in World History: How History and Scripture Intersect*, Illustrated Bible Handbook Series (Uhrichsville, Ohio: Barbour Pub., 2011), 156.

235 “Cyrus Cylinder: A Declaration of Good Kingship.” The British Museum.  
[https://www.britishmuseum.org/explore/highlights/highlight\\_objects/me/c/cyrus\\_cylinder.aspx](https://www.britishmuseum.org/explore/highlights/highlight_objects/me/c/cyrus_cylinder.aspx)

236 Stephen Leston, *The Bible in World History*, 157.

237 “Project of an International Declaration Concerning the Laws and Customs of War. Brussels, 27 August 1874.” International Committee of the Red Cross, [http://www.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?action=openDocument&documentId=4\\_2F78058BBAF9C51C12563CD002D6659](http://www.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?action=openDocument&documentId=4_2F78058BBAF9C51C12563CD002D6659).

238 Ratified by the United States on April 9, 1902.

Article 27, which states: In sieges and bombardments all necessary steps should be taken to spare as far as possible edifices devoted to religion, art, science, and charity, hospitals, and places where the sick and wounded are collected, provided they are not used at the same time for military purposes.<sup>239</sup>

More relevant, article 56 of the Convention states: “The property of the communes, that of religious, charitable, and education institutions, and those of arts and science, even when State property, shall be treated as private property. All seizure of and destruction, or *intentional damage* done to such institutions, to historical monuments, works of art or science, is prohibited, and should be made the subject of legal proceedings.”<sup>240 241</sup> Declaring the willful destruction of sacred space, and historic sites, a war-crime is a significant step in the protection and acknowledgment of cultural heritage as a human right.

### *20<sup>th</sup> Century*

The 20<sup>th</sup> century saw a surge of acknowledgment and protection of human rights, with the very definition expanding significantly. This was most definitely in response to the two world wars. Early in the century a few international conventions deal with cultural resources. For example, The Hague Convention of

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239 Convention (II) with Respect to the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, Netherlands (July 29, 1899).

240 Convention (II) with Respect to the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, Netherlands (July 29, 1899).

241 Emphasis the author's.

1907<sup>242</sup> deviates very little from the 1899 Convention; article 27 adds “historic monuments” to the protected list and article 56 merely changes the order of the words.<sup>243</sup>

The Roerich Pact of 1935,<sup>244</sup> although not a human rights law necessarily, does expound on the idea of immovable cultural and artistic sites as being protected and “neutral ground” during times of war.<sup>245</sup> It would be drawn upon later by the Hague Convention of 1954.

The United Nations Educational, Scientific, and Cultural Organization Constitution<sup>246</sup> of 1946 was a great achievement in the promotion of social justice, protection of cultural resources and the advancement of human rights. The preamble itself begins, “That since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed.”<sup>247</sup> UNESCO acts as a specialized agency of the United Nations that works with securing the protection of world heritage sites. Article I.2, Section C, states one of the main duties of the organization is to maintain, increase and diffuse knowledge by “assuring the conservation and protection of the world's inheritance” of historic and cultural monuments.

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242 Ratified by the United States on November 27, 1909.

243 Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, Netherlands (October 18, 1907).

244 Ratified by the United States on July 13, 1935.

245 Treaty on the Protection of Artistic and Scientific Institutions and Historic Monuments (Roerich Pact). Washington (April 15, 1935).

246 Ratified by the United States in 1946.

247 Constitution of the United Nations Educational, Scientific and Cultural Organisation, November 16, 1945

Two years later, on December 10, 1948, the Universal Declaration of Human Rights was adopted by the United Nations General Assembly. A social and legal reaction to the horrors of WWII, the UDHR is concerned with establishing the inherent worth of all people and “cultural rights” appears twice in the thirty articles: Article 22 states, “Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality” and Article 27 states, “Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.”<sup>248</sup>

The UDHR is an international expression of hope. The “omnipotent and protective” nature of the Declaration is unmistakable and René Cassin, one of the main drafters of the document, even compared the declaration to the portico of a temple, using the sacred spacial form as a metaphor.<sup>249</sup> The seven clauses in the Preamble represent the courtyard steps, the principles of dignity, liberty, equality and brotherhood are the foundation, the main body of the declaration constitutes the columns, and it is crowned by a pediment which links the individual and society.<sup>250</sup> As Harvard Law Professor, Mary Ann Glendon writes, Cassin chose the

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248 *Universal Declaration of Human Rights*, United Nations General Assembly, Resolution 217 A (III) (December 10, 1948)

249 Micheline Ishay, *The History of Human Rights*, 3.

250 Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2001), 174.

word “portico” carefully, “for he knew that the Declaration could never be more than an entry way to a better world.”<sup>251</sup>

Since sacred space was so often the intentional and unintentional targets of attack in areas of conflict, UNESCO convenes a panel of experts to draft a convention for the protection of monuments and works of art in times of war.<sup>252</sup> The Convention for the Protection of Cultural Property in the Event of Armed Conflict went into effect on May 14, 1954.<sup>253</sup> This international convention protects and safeguards the “cultural heritage of every people” which is the first step in acknowledging the universality of cultural heritage rights.

The protection allotted by the convention extends to monuments of architecture, whether religious or secular, but where the convention truly stands out is its explicit protection of museum objects like works of art, books and items of archaeological interest. In 1958, UNESCO published *Protection of Cultural Property in the Event of Armed Conflict* which establishes protocols for the protection of cultural heritage in a variety of destructive events including fire, nuclear attack, blast damage, gas bombs, self-propelled missiles and environmental threats like humidity, fungus and insect damage. In the publication it is clearly stated that “any action, national or international, to safeguard, wherever conflict may break out, these

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251 Mary Ann Glendon, *A World Made New*, 174.

252 “Final Act of the Intergovernmental Conference on the Protection of Cultural Property in the Event of Armed Conflict. The Hague, 14 May 1954.” International Committee of the Red Cross, <http://www.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?action=openDocument&document=>

253 The United States signed the convention in 1954 but did not ratify it until March 13, 2009.

vestiges of the past, which form the very backbone of culture and education, must henceforth be guided by the provisions of the Hague Convention.”<sup>254</sup>

Article 4.1 of the convention states: The High Contracting Parties undertake to respect cultural property situated within their own territory as well as within the territory of other High Contracting Parties by refraining from any use of the property and its immediate surroundings or of the appliances in use for its protection for purposes which are likely to expose it to destruction or damage in the event of armed conflict; and by refraining from any act of hostility directed against such property.<sup>255</sup> Article 4.3 continues in the same vein: The High Contracting Parties further undertake to prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation of, and any acts of vandalism directed against, cultural property.<sup>256</sup> They shall, refrain from requisitioning movable cultural property situated in the territory of another High Contracting Party. Now, not only is the destruction of sacred space a violation but those bound by the convention must stop any destruction of sacred space encountered. In this way, the protection of sacred space is the duty of all involved.

In 1966, a little more than a decade later, the United Nations adopts the International Covenant on Economic, Social, and Cultural Rights (ICESCR).<sup>257</sup> These

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254 André Noblecourt, *Protection of Cultural Property in the Even of Armed Conflict* (France: UNESCO, 1958), 3.

255 Convention for the Protection of Cultural Property in the Event of Armed Conflict. The Hague, Netherlands, (May 14, 1954).

256 Convention for the Protection of Cultural Property in the Event of Armed Conflict. The Hague, Netherlands, (May 14, 1954).

257 The United States has not ratified this convention.

are the rights associated with the “production, development, and management of material for the necessities of life [and include] the right to preserve and develop one's cultural identity.”<sup>258</sup> The ICESCR, along with the UDHR and the International Covenant on Civil and Political Rights (ICCPR), constitutes what is informally known as the International Bill of Human Rights. In the preamble of the ICESCR, cultural rights are equated with political and economic rights and the “ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy” all of their inherent rights.<sup>259</sup> Although this covenant addresses the rights of the individual, the connectivity between an individual's cultural heritage and built environment is addressed. Article 15, item 2, states “The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.”<sup>260</sup> The “conservation of culture” is “historic preservation” boiled down to its simplest form.

The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief was passed by the United Nations General Assembly in 1981. This international doctrine is devoted to the protection

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258 Nancy Flowers, ed., “Human Rights Here and Now: Celebrating the Universal Declaration of Human Rights,” Human Rights Resource Center, [http://www1.umn.edu/humanrts/edumat/hreduseries/hereandnow/Part-5/6\\_glossary.htm](http://www1.umn.edu/humanrts/edumat/hreduseries/hereandnow/Part-5/6_glossary.htm).

259 *International Covenant on Economic, Social and Cultural Rights*, United Nations General Assembly, Resolution 2200 A (XXI) (December 16, 1966).

260 *International Covenant on Economic, Social and Cultural Rights*, United Nations General Assembly, Resolution 2200 A (XXI) (December 16, 1966).

and acknowledgment of the universal right to “freedom of religion.” Article 6, section a, states that the right to “freedom of thought, conscience, religion or belief shall include [the freedom to] worship or assemble in connexion [sic] with a religion or belief, and to establish and maintain places for these purposes.”<sup>261</sup> A physical location for religious or spiritual purposes, a sacred space, is deemed a freedom by the United Nations.

Like the UDHR, the declaration is not legally binding. The lack of enforcement power plagues international human rights laws. For instance, the shortcomings of the Hague Convention of 1954 “was sadly demonstrated in the massive shelling of the ancient towns of Dubrovnik and Split during the violent breakup of the former Yugoslavia. To remedy this problem, two protocols to the Hague Convention were subsequently adopted in 1999 that strengthened the clauses relating to criminal responsibility and prosecution.”<sup>262</sup>

### *21<sup>st</sup> Century*

As was seen in the 20<sup>th</sup> century, great strides in human rights advocacy can sometimes come on the heels of great tragedy. The genesis of the United Nations and the UDHR followed World War II, the 1951 United Nations Convention on the Prevention and Punishment of the Crime of Genocide occurred in the age of decolonization and the ICCPR of 1966 is passed during the tumultuous Civil Rights

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261 *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*, United Nations General Assembly, A/RES/36/55 (November 25, 1981).

262 Diane Barthel-Bouchier, *Cultural Heritage and the Challenge of Sustainability*, 30.

Movement in America. Likewise, the Universal Declaration on Cultural Diversity (UDCD) “passed immediately after the September 11, 2001 terrorist attacks on the United States.”<sup>263</sup>

The UDCD asserts the notion of cultural rights as universal human rights and proclaims that “cultural diversity is as necessary for humankind as biodiversity is for nature.”<sup>264</sup> Article 7 of the declaration can almost be viewed as a mission statement for historic preservation: Creation draws on the roots of cultural tradition, but flourishes in contact with other cultures. For this reason, heritage in all its forms must be preserved, enhanced and handed on to future generations as a record of human experience and aspirations, so as to foster creativity in all its diversity and to inspire genuine dialogue among cultures. Besides the protection of all forms of cultural heritage,<sup>265</sup> the UDCD maintains “the defence [sic] of cultural diversity is an ethical imperative, inseparable from respect for human dignity. It implies a commitment to human rights and fundamental freedoms, in particular the rights of persons belonging to minorities and those of indigenous peoples.”<sup>266</sup> In 2005, UNESCO adopts the Convention on the Protection and Promotion of the Diversity of

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263 Michael A. D. Giovine, *The Heritage-Scape: UNESCO, World Heritage, and Tourism* (Lanham, MD: Lexington Books, 2009), 139.

264 *Universal Declaration on Cultural Diversity*, United Nations Educational, Scientific and Cultural Organization, 35<sup>th</sup> Session (November 2, 2001).

265 This includes intangible heritage which will receive its own covenant, the Convention for the Safeguarding of the Intangible Cultural Heritage, in 2003.

266 *Universal Declaration on Cultural Diversity*, UNESCO (November 2, 2001).

Cultural Expressions which expands on the necessity of diverse cultural heritage and, unlike the UDCD, has the ability to be legally binding.<sup>267</sup>

Whether it is through the restoration of sacred space, the mandated protection of historical sites during times of war or the current promotion of cultural heritage and diversity, historic preservation is found in the international legislation that protects inalienable rights. Since the act of restoring, reconstructing, rehabilitating and protecting cultural heritage appears in the language used in numerous human rights laws, these covenants and treaties are another tool that *can* be utilized by preservationists. How effectively is another matter completely. However, international law *does* work and new treaties are being developed to meet new needs as they arise.<sup>268</sup>

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267 The United States has yet to sign the UDCD and the CPPDCE. However, this is not likely to happen anytime soon as the United States lost voting rights and withdrew funding to the organization in 2013.

268 United Nations, *Fact Sheet 1: Understanding International Law* (New York City: Treaty Event: Strengthening the Rule of Law, 2012).

## CHAPTER VII

### RESTORATION OF HOPE

The area surrounding the 16<sup>th</sup> Street Baptist Church has changed dramatically since the 1960s. Vacant lots now appear where black-owned businesses and residences once stood. Kelly Ingram Park, the site of so much violence and hate, has been transformed into a memorial park with a “Freedom Walk” that winds its way around statues of iconic moments from the Civil Rights Movement: snarling police dogs, water canons, kneeling ministers and a statue of Dr. Martin Luther King, Jr, who stands in the northwest corner of the park, always facing the 16<sup>th</sup> Street Baptist Church, his eyes fixed on the site of the bombing. (Figures 7.1 and 7.2) The four little girls who died on September 15, 1963 are also immortalized in the park. The life-size statues depict the spirited young girls, playing at the feet of Dr. King, on their way to church. (Figure 7.3).

The young girls are also depicted elsewhere in Birmingham. Joe Minter, a local folk artist, paid tribute to the four martyrs in his large, living art space which has come to be known as the “African Village.” (Figure 7.4) The empty chairs are symbolic of the lives cut far too short. And the church still sits heavily on the corner of 16<sup>th</sup> Street, looking as it did decades earlier. While the church is very clearly a sacred space, the care and transformation of Kelly Ingram Park and the 1993 arrival of the Birmingham Civil Rights Institute, directly across the street from the church, has essentially declared the land around the 16<sup>th</sup> Street Baptist Church sacred as well and has become a major tourist destination. (Figure 7.5)



**Figure 7.1.** *Police Dog Attack* by James Drake, 1993. Visitors are forced to wind their way around the dogs. March 20, 2014. Photo courtesy of the author.



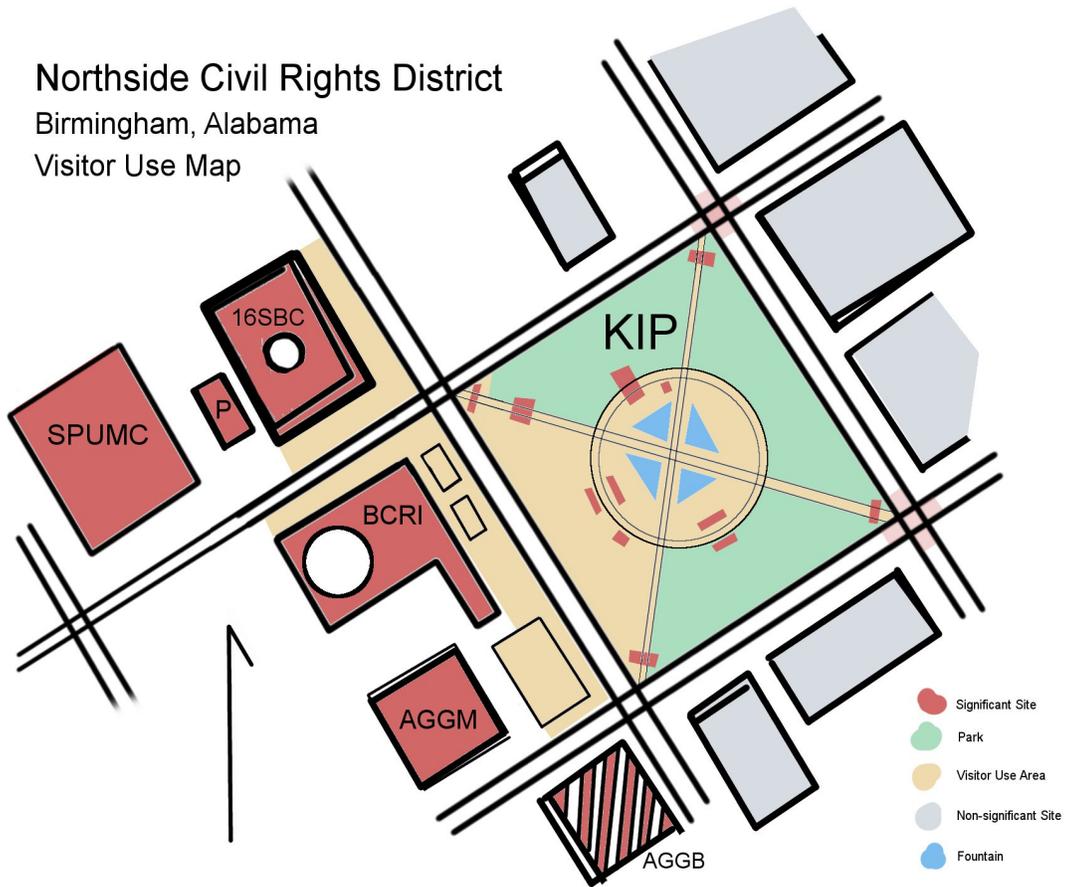
**Figure 7.2.** *Dr. Martin Luther King, Jr.* by Carlo Roppa, 1992. March 20, 2014. Photo courtesy of the author.



**Figure 7.3.** *Four Spirits* by Elizabeth MacQueen, 2013. note the patterned sidewalk which is mimicked in the new sidewalk construction at the church, March 20, 2014. Photo courtesy of the author.



**Figure 7.4.** Joe Minter's tribute to the girls, four empty chairs, in the African Village, March 22, 2014. Photo courtesy of the author.



**Figure 7.5.** Visitor Use Map of the 16<sup>th</sup> Street Baptist Church and immediate area. Note the hard boundaries that tourists adhere to despite culturally and historically significant resources being nearby.

Nearby historical signage even states this fact, decreeing the sidewalks from the church to City Hall to be as “sacred as the ground at Valley Forge,” the site of George Washington's military camp during the Revolutionary War and where two thousand men lost their lives during the harsh winter of 1778. (Figure 7.6) All of this memorialization, preservation, and transformation has contributed to the growing protection and acknowledgment of African-American heritage in Birmingham and the South in general. This growth is a sign of invested interest in the future of the black community as well. The church itself is seen as a symbol of hope and its preservation a restoration of that hope. (Figures 7.7 and 7.8). As Neal Berte said, “We're all in this together.”<sup>269</sup>



**Figure 7.6.** Informational marker on the Birmingham Civil Rights Heritage Trail, Downtown, Birmingham. March 19, 2014. Photos courtesy of the author.

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<sup>269</sup> Neal Berte, interviewed by author, Birmingham, AL, March 24, 2014.

## *Conclusion*

The connection between historic preservation and human rights is strong yet one is tempted to ask what the point is of studying human rights as a preservationist. What can be accomplished by linking the two fields of study? The answer is simple: a lot. Since some human rights laws concern the preservation of sacred space and the protection of cultural heritage, it is imperative that preservationists understand the legality of their work in order to make better informed decisions. We must study the Hague Conventions along with the Antiquities Act. The UDCD is every bit important as the NHPA. This places preservation into a larger picture of world heritage stewardship, as is seen with the 16<sup>th</sup> Street Baptist Church, a sacred space that holds individual, local, state, national and international significance.

Besides the duty on a professional level, the linking of historic preservation and human rights could potentially have other effects involving social justice. This linkage furthers the mission of human rights advocacy and extends aid to the victims. If, for example, the destruction of a sacred space is viewed as a violation of human rights, those who committed the attack could be held to a higher degree of prosecution. For example, after the KKK members in Birmingham detonated the bomb at the 16<sup>th</sup> Street Baptist Church, not a soul was arrested for the murder of the four young girls. Robert Chambliss was, however, arrested for possession of dynamite – a minor offense that burdened Chambliss with a one hundred dollar fine

and six months in jail.<sup>270</sup> If, however, the attempt to destroy the church was also viewed as a crime against humanity, it is possible convictions could have come decades sooner. The 16<sup>th</sup> Street Baptist Church was not the first nor last church to be bombed out of hate.

The destruction of the built environment is not necessarily a “bad thing.” It can mark the overthrowing of a terrible regime, like with the destruction of Nazi architecture in Europe, or it can be a way to clear the landscape of horrible, unfathomable moments that a community determines has no place in the landscape, like with the razing of a serial killer's home. However, when the sacred space of a group has been intentionally and maliciously damaged, and only serves to harm that group, something else has occurred. Inalienable human rights have been violated. As Ennals stresses, “the protection of human rights and implementation of international humanitarian laws must be recognized as a *bona fide*” cause of action for everyone.<sup>271</sup>

Harrison writes that, as with the study of both human rights and historic preservation, “emphasis must remain on processes of constantly remaking culture *in the present*” and not as an easy maintenance of social imbalances.<sup>272</sup> This is exactly what preservation is capable of regarding human rights advocacy. If historic preservation can rectify a wrong and protect the rights of a victimized community, that it is our duty to that group, our obligation to humanity itself, to do so and I

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270 John Herbers, “Birmingham Klansman Guilty in Dynamite Case; Two Other Defendants Face Trial Today - - Dr. King Gives City an Ultimatum on Jobs,” *The New York Times*, October 9, 1963.

271 Martin Ennals in Peter Davies, *Human Rights*, 118.

272 Rodney Harrison, *Heritage: Critical Approaches*, 165.

encourage the preservation community to begin thinking of historic preservation in this way.



**Figure 7.7 and 7.8** “A Restoration of Hope” banner draped over the side of the 16<sup>th</sup> Street Baptist Church during the preservation efforts in the early 2000s (January 8, 2006. Photo courtesy of Mark Moreland) and the church sign it is modeled after (March 20, 2014. Photo courtesy of the author).

## APPENDIX A

### INTERVIEW QUESTIONS

Name \_\_\_\_\_

Occupation \_\_\_\_\_

Lived in Birmingham \_\_\_\_\_ years

#### Background

- \*What is your relationship to the church?
- \*What was your role in the preservation of the church?
- \*What is your favorite part of the church?
- \*Could you tell me about the preservation efforts here at the church?
- \*What architectural elements were considered special to the preservation?
- \*Is there any physical indication that this church was bombed at one point?
- \*Does this fit into a larger trend in Birmingham? In the South?
- \*What do you think of when I say “human rights?” When I say “cultural rights?” Is one more important than the other?
- \*Have there been any more threats on the church since 1963?

#### Local Significance

- \*Why was the 16<sup>th</sup> Street Baptist Church preserved?
- \*What story does this place tell? Is anything left out?
- \*Would you have liked to have seen a new church instead? Could a new church tell that same story?
- \*What's most important to you?

\*What would have happened to the community if the church was not restored?

\*Did anyone oppose the restoration of the church?

### National Significance

\*How do you feel tourism as affected the church? is it good for the church? For the community?

### International Significance

\*How do you feel about the church being on UNESCO's list?

\*What does it mean to have a place like the church on this list?

\*Does this church have meaning to other people in the US? In the world? How so?

### Ending

\*What do you recommend to others who have experienced the loss of a sacred place?

\*Is there anything you would do differently?

\*Do you feel the preservation of the church helped protect the rights of the community?

\*What is positive about this? negative?

\*What is the future of this site?

APPENDIX B

LIST OF RAYFIELD CHURCHES IN BIRMINGHAM, ALABAMA

1908

New Hope Baptist  
King's Memorial United Methodist  
Sixteenth Street Tabernacle  
Morning Pilgrim Baptist  
Sixth Avenue Baptist  
Trinity Baptist

1909

Sixteenth Street Baptist  
First Baptist (colored)

1914

St. James Baptist  
South Avondale Baptist  
St. John's Institutional AME  
unidentified Baptist Church  
Thurgood Memorial CME  
Broad Street Baptist  
Green Liberty Baptist

1915

Lively Hope Church in Pratt City  
Sardis Baptist  
Forty-Fifth Street Baptist

1916

Second Baptist

1917

St. Luke AME

1918

Macedonia Baptist  
Seventeenth Street Baptist  
First Baptist in East Irondale  
Payne Chapel AME  
McCombs Chapel in Pratt City

1919

St. James Methodist  
First Baptist in Ensley  
Gaines Methodist

1920

Friendship Baptist

1921

St. Paul ME  
Harmony Baptist  
Shiloh Baptist

1924

Thirty-Second Street Baptist

1927

Metropolitan AME

1928

Temple Baptist

Shady Grove Baptist

Trinity CME in Pratt City

Twenty-Fifth Avenue Baptist

1929

Forty-Fifth Street Baptist

Elyton Baptist

Twenty-Fifth Avenue Baptist

Unknown

First Congregational Church

Mt. Ararat Baptist





## APPENDIX D

### RECREATED PHOTOGRAPHS

All photographs courtesy of the Birmingham Public Library unless otherwise noted. All recreated photographs courtesy of author.

#### Historical Photographs



Looking Northwest at the intersection of 16<sup>th</sup> Street North and 6<sup>th</sup> Avenue North  
(1928/ March 20, 2014)



Looking Northwest at the intersection of 16<sup>th</sup> Street North and 6<sup>th</sup> Avenue North  
(1939/ March 20, 2014)

Bombing Photographs



Looking north down 16<sup>th</sup> Street (September 15, 1963/ March 20, 2014)



Looking South down 16<sup>th</sup> Street (September 15, 1963/ March 20, 2014)



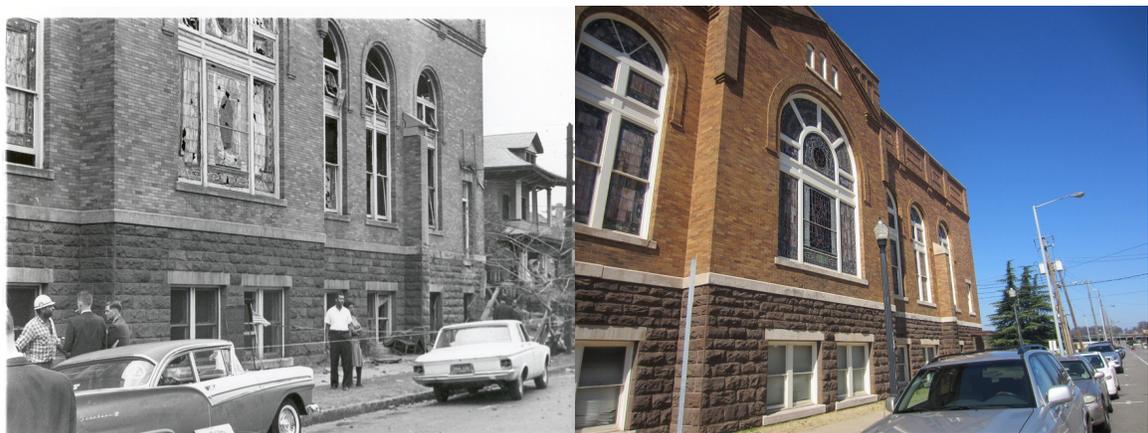
Looking south down 16<sup>th</sup> Street (September 15, 1963/ March 20, 2014)



Looking East across 16<sup>th</sup> Street (September 15,1963/ March 20, 2014)



Facing the church from 16<sup>th</sup> street (September 15, 1963/ March 20, 2014)



Looking northwest at intact stained glass window (September 15, 1963/ March 20, 2014)



East side of church where bomb was placed (September 15, 1963/ March 20, 2014)



Looking northwest (September 15, 1963/ March 20, 2014)



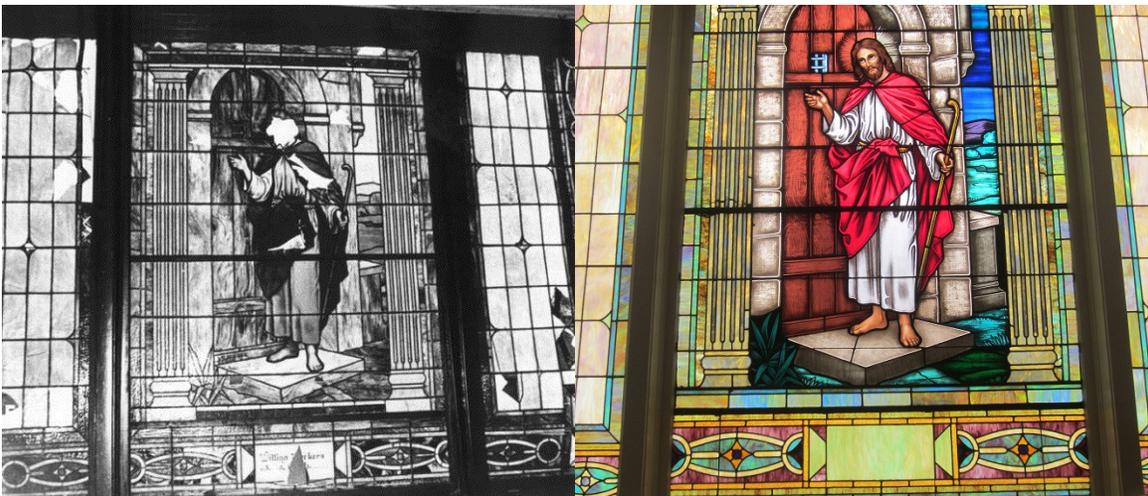
Removing bodies on east side of church (September 15, 1963/ March 20, 2014)



Looking west (September 15, 1963/ March 20, 2014)



Sanctuary interior (September 15, 1963/ March 18, 2014)



East side stained glass window (September 15, 1963/ March 18, 2014)

Preservation Photographs



The church as it looked around the turn of the 21<sup>st</sup> century  
(~2000/ March 20, 2014, courtesy of the author)



The church as it looked just prior to preservation, looking Northwest  
(2005/ March 20, 2014, courtesy of the author)



The church before and after the removal of the orange tile on the steps  
(2006, courtesy of Architecture Works/ March 20, 2014, courtesy of the author)



The church mid-preservation, looking North  
(late 2006, courtesy of Architecture Works/ March 20, 2014, courtesy of the author)



The church mid-preservation, looking Northwest  
(late 2006, courtesy of Architecture Works/ March 20, 2014, courtesy of the author)



East side of church mid-preservation  
(late 2006, courtesy of Architecture Works/ March 20, 2014, courtesy of author)



Main entrance of the church mid-preservation, looing North  
(early 2007, courtesy of Architecture Works/ March 20, 2014, courtesy of author)



Church mid-preservation, looking Northwest  
(early 2007, courtesy of Architecture Works/ March 20, 2014, courtesy of author)

## APPENDIX E

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APPENDIX F

BIRMINGHAM PLEDGE SHEET

The Birmingham Pledge is a personal renunciation of racism launched in 1998 as an initiative of Operation New Birmingham's Community Affairs Committee. It is intended to help the world focus on and practice a non-racist philosophy.

**THE BIRMINGHAM PLEDGE**

I believe that every person has worth as an individual. I believe that every person is entitled to dignity and respect, regardless of race or color. I believe that every thought and every act of racial prejudice is harmful; if it is my thought or act, then it is harmful to me as well as to others.

Therefore, from this day forward I will strive daily to eliminate racial prejudice from my thoughts and actions. I will discourage racial prejudice by others at every opportunity. I will treat all people with dignity and respect; and I will strive daily to honor this pledge, knowing that the world will be a better place because of my effort.

Signature	Please print name
Street address <i>(optional)</i>	City/state
ZIP Code <i>(optional)</i>	Email <i>(optional)</i>
Organization <i>(optional)</i>	Date

Please copy & return this form to Birmingham Pledge Foundation, 2829 Second Avenue South, Birmingham, AL 35233  
[birminghampledge.org](http://birminghampledge.org)

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