REPORT OF THE EXECUTIVE COMMITTEE

To the Board of Directors, Kansas State Historical Society:

The executive committee being directed under the bylaws to check the accounts of the treasurer, states that the state department of post-audit has audited the funds of the State Historical Society, the Old Shawnee Mission, the First Capitol of Kansas and the Kaw Mission from August 1, 1954, to August 4, 1955, and that they are hereby approved.

T. M. Lillard, Chairman,
Will T. Beck,
Frank Haucke,
C. M. Correll,
John S. Dawson.

On motion by Charles M. Correll, seconded by James E. Taylor, the report was accepted.
The report of the nominating committee for officers of the Society was read by Charles M. Correll:

NOMINATING COMMITTEE'S REPORT

To the Board of Directors, Kansas State Historical Society:

Your committee on nominations submits the following report for officers of the Kansas State Historical Society:

For a one-year term: Wilford Riegel, Emporia, president; Rolla Clymer, El Dorado, first vice-president; Alan W. Farley, Kansas City, second vice-president.

For a two-year term: Nyle H. Miller, Topeka, secretary.

Respectfully submitted,
T. M. Lillard, Chairman.

The report was referred to the afternoon meeting of the board. There being no further business, the meeting adjourned.

ANNUAL MEETING OF THE SOCIETY

The annual meeting of the Kansas State Historical Society was called to order at 2 P.M. The address by president F. D. Farrell follows:

Address of the President

DR. LINDLEY'S CHRISTMAS PRESENT

F. D. Farrell.

In this paper an attempt is made to describe briefly a series of events involving the government of the five state schools of Kansas and to indicate how a sort of Christmas present given to the head of one of the five schools led to a beneficial reorganization of that
government. The subject is important because it has to do with state-supported higher education, which, in turn, is important to the well-being of Kansas people.

**Enthusiasm for Higher Education**

Kansas interest in higher education probably derives in part from the Pilgrim Fathers. Sixteen years after the Mayflower passengers landed at Plymouth Rock the settlers of the Massachusetts wilderness established Harvard College. More than two centuries later, in the wilderness of Kansas, small groups of settlers who "crossed the prairies as of old the Pilgrims crossed the sea" expressed a comparable enthusiasm for higher education. Within five years after Kansas gained territorial status, little groups of spiritual descendants of the Pilgrims established three colleges here: Baker University at Baldwin, Highland College at Highland, and Bluemont Central College at Manhattan.

Deep interest in higher education has continued among Kansas people. Colleges and junior colleges numbering more than forty, established during the past century, are still flourishing. The people of the state appear to regard higher education as indispensable to the social and economic well-being of the state. This fact doubtless helps to explain the high rank of Kansas among the states in the educational status of her citizens.

**Government of Five State Schools**

Within ten years after Kansas gained statehood, she established three state institutions of higher education—at Lawrence, Emporia, and Manhattan. At about the turn of the century she established two more—at Hays and Pittsburg. Together the institutions came to be known as the five state schools.

State school governing bodies in the 48 states vary widely in name, duties, and size. The name of the governing body may be board of trustees, board of regents, board of administration, board of directors, board of supervisors, board of curators, board of control. In some states, the board governs one institution; in other states it governs several. Size of governing board ranges from three members to one hundred members. Terms of office of board members range from two years to sixteen years. There are many other variations.

Since 1863, when Kansas established her first state-supported institution of higher education, now Kansas State College, the state has tried several forms of government for the state schools. For
purposes of the present discussion we shall begin with a law enacted in 1917.

That law (ch. 297, *Session Laws* of 1917) placed the five state schools and all other state institutions, save one to be mentioned later, under the jurisdiction of a state board of administration. In addition to the five schools, the board had charge of the penitentiary, the mental hospitals—a total of about 20 institutions.

The board of administration was composed of the governor, as *ex officio* chairman, and three members appointed by him. The term of an appointed member was four years, but the law provided "that the governor may remove any member of said board when in his judgment the public service demands it." Appointed members served full time and were paid salaries. The board had charge of "all educational, benevolent and penal institutions of the state." The legislature was careful to except one state institution by means of this proviso: "Provided, however, that this act shall not be construed as including the state house or state house grounds."

With reference to the chancellor of the University of Kansas, one section of law (*Revised Statutes, 1923, 76-304*) provided that "the said chancellor shall hold his place at the pleasure of the board."

**Control by Politicians**

These and some other provisions of the law clearly opened the door for at least some degree of partisan political control of the five state schools. This fact raised the question of the desirability of such control.

The case against partisan political control of education was stated forcefully and succinctly in 1937 by Chester H. Rowell, then the distinguished editor of the San Francisco (Cal.) *Chronicle* and serving his 25th year on the board of regents of the University of California. Mr. Rowell concluded a speech about educational ills with the following statement: "To my mind there is one sufficient remedy for such ills. That is to leave them to educators. Educators aren't perfect. In an imperfect world you will never have a perfect university or a perfect school system run by perfect men, and if it is left to educators they will make plenty of blunders. But if left to politicians, they will be wrong all the time, even when by accident they happen to be right."¹ The closing sentence recalls a cynical remark by an English statesman, John Bright, I believe but am not sure: "Parliament sometimes does a good thing, but never because it's a good thing."

---

Oftener than not, members of the Kansas board of administration were politicians. Frequently, perhaps usually, they applied politics as defined by Webster as "the science and art of government." Sometimes, unfortunately, they applied another kind of politics defined, also by Webster, as "political management, conduct, or scheming to secure the success of political candidates or parties." Most of them certainly were not evil men. But usually they were politicians who from time to time applied, or sought to apply, to the state schools political procedures that are common to both our major political parties. They sought to use, in part, a system of control that is unfitted for the government of scientific and educational institutions.

Survey of Five State Schools

Public dissatisfaction with the board, with the law under which it operated, and with the five state schools, soon developed, perhaps inevitably. On September 20, 1921, when the law was only four years old, the board of administration, under the chairmanship of Gov. Henry J. Allen, requested the United States Commissioner of Education to select a group to make a survey of the situation. The commissioner selected Pres. Lotus D. Coffman of the University of Minnesota, Dean A. R. Mann of Cornell University, and Dr. George F. Zook of the U. S. Bureau of Education. The survey was conducted in 1922 and the findings and recommendations were published in 1923 as Bureau of Education Bulletin 40.

The surveyors reported, among many other things, that Kansas stood fifth from the top among the 48 states, in percentage of population of high school age enrolled in high school and tied for fourth in percentage of population attending college. They were emphatic in their opposition to the form of control of the state schools as provided by the 1917 law. On this point they recommended that the five state schools be placed under the control of an unpaid board of seven to nine regents to be appointed by the governor for terms of seven to nine years.

In the November election in 1922 Jonathan Davis was elected governor. Soon after his inauguration in January, 1923, he appointed a new board of administration. Then state school difficulties began to become acute.

Lindley Resists Political Control

The years 1923 and 1924 were an unhappy period for the five state schools. The governor and his appointees on the board of administration had frequent disagreements with the heads of the
The Annual Meeting

schools. Some individual members of the board conducted inquiries among faculty members without the knowledge of the heads of the schools concerned. This created unrest and suspicion among both administrators and faculty members. The governor and some of the board members interfered in technical matters of which they knew, and could know, little or nothing. As often happens, lack of understanding gave rise to suspicion. There were pressures to force appointment of the governor's or the board members' political friends to faculty positions. There was frequent interference in petty details of school administration. This sort of activity by the governor and his appointees on the board created acute unhappiness at the five state schools and led to marked instability of school policies and procedures.

Perhaps the most determined and outspoken opponent of the situation just referred to was Dr. E. H. Lindley, chancellor of the University of Kansas. Dr. Lindley was an educational product of Indiana University and Clark University. He came to Kansas in 1920 from the presidency of the University of Idaho. His Quaker background, his educational experience in Indiana, in Massachusetts, and in the wide open spaces of Idaho all combined to make him militant and uncompromising on the subject of educational freedom. Throughout the years 1923 and 1924 Dr. Lindley almost continuously did battle with the board of administration and particularly with its chairman, Governor Davis.

In December, 1924, the situation obviously was approaching a showdown. On December 19, the Topeka Daily Capital headlined, "Davis and Board Start Out to Get K. U. Chancellor." The article listed several "counts" alleged against the chancellor. They involved the suspension of four students for drinking, making certain purchases without consent of the board, expenditures for faculty personnel in the school of business, and, particularly, "insubordination." An article published in the Capital for December 21, quoted the governor as saying, "I intend to find out whether the state runs the university, or whether the university runs the state." These few examples are sufficient to suggest that relations between Dr. Lindley and the board, particularly its chairman, were somewhat less than amicable.

The Christmas Present

On Saturday, December 27, 1924, the board removed Dr. Lindley from the chancellorship. That was Dr. Lindley's Christmas present. It came to him two days late. It often happens in the
Christmas rush that a present reaches the recipient a few days after Christmas. No doubt delay in delivery was without effect on the spirit of the giver. That spirit was suggested in a three-column headline on page one of the Capital for Sunday, December 28: “Governor Fires Dr. Lindley after Farcical Investigation.”

Then things really began to happen. Following are a few of the events of the next three weeks.

1. Dr. Lindley obtained from the district court of Douglas county a temporary injunction against the carrying out of the ouster order.
2. After a hearing, the district court dissolved the injunction and ruled that the board acted within its authority in dismissing Dr. Lindley, since the law provided that heads of state institutions served “at the pleasure of the board.”
3. The district court granted a stay of execution to facilitate an appeal to the State Supreme Court.
4. The case was appealed to the State Supreme Court, which, with a vigorous dissent by Dawson, J., our own Judge John S. Dawson, upheld the decision of the district court.
5. A new governor, Ben S. Paulen, was inaugurated, January 12, 1925.
6. A petition asking reinstatement of Dr. Lindley and signed by 3,000 K. U. students was presented to Governor Paulen.
7. The new governor appointed a new board of administration.
8. The new board reinstated Dr. Lindley as chancellor of the university. (Dr. Lindley continued to serve until his retirement 14 years later.)
9. The Kansas legislature convened in regular session.
10. The state press and numerous individuals and organizations called for repeal of the 1917 law.

These are only a few of the events connected in one way or another with Dr. Lindley’s Christmas present.

PUBLIC INDIGNATION

Announcement of the Christmas present gave rise to what often is called a storm of public indignation. Editorials in many Kansas newspapers denounced the ouster of the chancellor. Denunciation was expressed in some editorials in out-of-state newspapers, including the Indianapolis News. The president of the Kansas University Alumni Association denounced the ouster as “a disgrace to the state.” After a mass meeting at Lawrence, K. U. students sent a “flood of letters” to the new governor asking for the reinstatement of Dr. Lindley. The Emporia Chamber of Com-
merce adopted a resolution condemning the ouster. A Hoosier who had served for 25 years as a trustee of Indiana University denounced the ouster and praised Dr. Lindley. These are only a few examples.

There was very little expression of approval of the ouster. One Kansas woman sent the governor a statement of her approval. Apparently ignoring Edmund Burke’s statement about the difficulty of indicting a whole people, she said that the students, presumably all the students, at the University of Kansas “show lawlessness, laziness, and degeneracy, and come out of the schools undesirable citizens.” Hers was pretty much a lone voice.

Dr. Lindley declared, “If you do not have freedom, you do not have a university.” Possibly on the rather Spartan theory that “anything that does not kill us is good for us,” he expressed the hope that “good will come from the present situation.” His hope was abundantly fulfilled within the next few weeks. Dr. Lindley’s Christmas present was transformed into a present to the state, a present of inestimable value to Kansas people.

**Extraordinary Pressure Group**

At the height of the excitement there came into existence an extraordinary informal organization: a small but powerful group of some of the state’s leading business and professional men, who teamed up to lobby for a change in the law governing the five state schools. The group was extraordinary in that it was a pressure group with no personal ax to grind. It sought only to serve the public interest. Unfortunately it left no written record, so far as I have been able to ascertain, and contemporary newspapers apparently made no mention of it. I knew of it at the time of its activity, and I had the pleasure of attending its last meeting, at the Topeka Country Club, a few weeks after the adjournment of the 1925 legislature, which had met the wishes of the group by enacting the board of regents law.

Leader of the group was Carroll B. Merriam, a Topeka banker. A native of Vermont, Mr. Merriam had the New England instinct for freedom, particularly in education. The eastern boundary of Vermont is but a few hundred yards from Hanover, N. H., site of Dartmouth College. More than a century ago, in 1819, Daniel Webster successfully defended the college in the famous Dartmouth College case before the Supreme Court of the United States. In arguing for the freedom of Dartmouth from certain forms of political interference, Webster made the now well-known declaration regarding Dartmouth: “She is a small college, but there are those
that love her.” This attitude regarding higher education may have been a component of the attitude brought to Kansas from Vermont by Mr. Merriam. Certainly the group he led during the legislative session of 1925 lobbied vigorously, unselfishly, and successfully, for better government for the five state schools.

**Board of Regents Law**

House Bill 310, providing for a board of regents, was introduced in the house February 6, 1925, by the house committee on education. It encountered but little opposition. House and senate committees on education voted unanimously to recommend the bill for passage. The bill was approved March 7, 1925, and became effective July 1 of that year.

The board of regents law of 1925 is a model of brevity and clarity. It covers less than two printed pages of the 1925 *Session Laws*. It provides for a board of nine regents appointed by the governor for four-year staggered terms. The board has jurisdiction of the five state schools. Members serve without pay. On recommendation of school heads, the board appoints all personnel of the five schools. The law empowers the regents to remove any state school personnel “at the discretion of the board.” This gives the board great power, but, significantly, the word used is “discretion” rather than “pleasure,” as in the 1917 law. Since 1939, the law has required that not more than five regents may be members of the same political party. Also since 1939, the board has had a full-time secretary. Hubert Brighton has served as secretary since May 4, 1939, and has given invaluable service to the board, the state schools, and the public.

Since July 1, 1925, 41 persons—four women and 37 men—have served as regents. They have come from various important fields: homemaking, law, banking, agriculture, newspaper publishing, commerce, manufacturing, education. Their tenures as regents have ranged from about one year to 24 years, the latter being the tenure of Drew McLaughlin, Paola newspaper publisher. Average tenure is about seven years.

**First Board of Regents**

The first board of regents under the 1925 law was composed of the following: W. Y. Morgan, Hutchinson newspaper publisher, chairman; B. C. Culp, Beloit farmer and sheepman; Earle W. Evans, Wichita lawyer; Charles M. Harger, Abilene newspaper publisher who was president of the Kansas State Historical Society in 1930-1931; George H. Hodges, Olathe businessman; C. B. Merriam, To-
peka banker; Mrs. James S. Patrick, Satanta homemaker; C. W. Spencer, Sedan lawyer; and, last but not least, W. J. Tod, Maple Hill cattle rancher. This first board largely determined the tone of the board of regents for at least the first 30 years. That tone was statesmanlike, nonpartisan, constructive.

Every member of the first board was an interesting character. One of the most interesting was W. J. Tod, a canny Scot who had come to America to manage the affairs here of a large Scottish cattle company and who stayed here the remainder of his life. He was a great Hereford man and an enthusiastic student of Shakespeare’s plays, from which he often quoted. Also he was a rich source of Scottish stories, many of them “on” himself.

His wife, Margaret, told me that one day, before the Tod’s became motorized, Mr. Tod came home from Maple Hill and joyously announced a drop of one cent a gallon in the price of gasoline. “But what difference does it make to you, Willie?” asked Mrs. Tod, “You’ve no motor car.” “Ah!” replied Mr. Tod, “but, Margaret, I’ve a cigarette lighter.”

Once I remarked to Mr. Tod that I knew of no other family of that name that spelled it with one d and asked him why his family used only one. “Weel,” he replied, “there are two reasons. First, it saves ink. Second, if one d is enough for God it’s enough for Tod.”

A specially notable later board member was the late Fred M. Harris, Ottawa lawyer. First appointed to the board in 1930, he served 19 years, much of the time as chairman. A distinguished alumnus of the University of Kansas, Mr. Harris was able, devoted, scrupulously fair, statesmanlike. He was particularly effective in protecting the five schools against partisan political or other special-interest meddling and in supporting the institutions in the legislature, in which he was widely experienced as a member of the state senate.

**Some Results of the Board of Regents Law**

Thirty years have passed since Dr. Lindley’s Christmas present became a Christmas present to the state in the form of the board of regents law. What are some of the results? Has the present proved to be a form of irony, as it was when it came to Dr. Lindley, or a real benefaction to the state schools and so to the state?

In answering these questions, one who had some familiarity with the government of the state schools, both before and after Christmas, 1924, and who is strongly biased in favor of the “after”
treatment, needs to be careful to avoid seeming to try to attach a halo to the board of regents. Any such attempt would, of course, be resisted by members of the board, past and present. Following are a few examples of the many improvements sponsored or provided by the board of regents during its first 30 years.

1. A basic policy combining authority with responsibility. The regents determine the general policies within which each state school is to function, select a man to head each school, give him full authority to manage the institution within the regents' policy, and hold him responsible for such management. The regents never act upon details except through the head of the institution concerned.

2. A policy of sabbatical leave at part pay, enabling hundreds of faculty members to improve their competence and value through advanced study, travel, or professional experience in various parts of the world. As a faculty member on sabbatical leave is paid not more than the difference between his regular salary and the salary of his substitute, the policy entails no increase of expense to the state.

3. A policy of faculty tenure that enhances employment security for competent faculty personnel and makes for institutional stability. A few figures applying to occupants of full professorships will illustrate. In 1924-1925 there was only one professor at Lawrence and only one at Manhattan who had served long enough to gain the status of professor emeritus. In 1934-1935 there were 37 emeritus professors at Lawrence and 32 at Manhattan. In 1924-1925 average tenure of full professors at Lawrence was 14 years, and at Manhattan only 11 years. Thirty years later, notwithstanding many new professorial appointments necessitated by increased student enrollments, average tenure at Lawrence was 19 years, and at Manhattan 23 years.

4. A faculty retirement system including moderate financial features involving pre-retirement contributions by faculty members and post-retirement contributions by state and federal governments, and providing admirable arrangements for gradual and useful transition from full-time employment to complete retirement and for preventing, or at least minimizing accumulation of "dead wood," not only in administrative positions but also in teaching and research positions.

5. Legislation providing funds for improved faculty salary scales, increased and improved facilities and financial support for re-
search, and improved physical plant maintenance and services.
6. A special tax levy to raise funds to provide enlarged and
improved physical plants at the state schools to serve the rapidly
increasing numbers of students and to meet the increasing public
demand for research. Adopted in 1941, and subsequently in-
creased in size, this educational building fund tax levy now pro-
duces about $4 million a year.
7. Legislation authorizing procedures to make possible con-
struction and operation of union buildings and student housing
at the state schools without the use of tax revenues.
8. Academic freedom combined with academic responsibility,
providing at each state school an atmosphere conducive to high
scientific and educational productivity and long faculty tenure.
9. Generally effective encouragement for the five state schools to
work together for common ends and in the public interest so that
desirable and constructive rivalry displaces what otherwise might
degenerate into destructive antagonism.
10. Last but not least, protection of the state schools against un-
warranted interference by special interests—political, commercial,
agricultural, ecclesiastical, personal—at the same time requiring the
state schools to serve the public interest.
Whether the board of regents law will continue to operate ben-
eficially in the public interest, as it certainly has operated during its
first 30 years, only time will tell. Board personnel doubtless will be
the chief determinant. No board of regents can be perfect, for, as
H. H. Powers says, “There are no perfect organizations because there
are no perfect people to organize.” 2 But regardless of what may
happen in the future, nothing can deprive the state of the first 30
years of the board of regents law. Representing substantial achieve-
ment in the advancement of public well-being, those years are also
a hopeful prediction of still better things.
In his essay on self-reliance, Mr. Emerson declares that “an in-
titution is the lengthened shadow of one man.” The past 30 years
of good government of our five state schools might well be regarded
as, in large part, the lengthened shadow of Dr. E. H. Lindley, whose
courageous, outspoken, and persistent opposition to partisan political
control of higher education led to his dismissal. His dismissal drama-
tized the situation against which he had fought. Dramatization
roused the public, which induced the legislature to provide a satis-
factory form of government for the five state schools.

2. From A Florentine Revery (New York, 1922).