

ANDREW FRANK SCHOEPPPEL, GOVERNOR OF KANSAS

1943-1947

by

DAVID CHARLES BOLES

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Approved by:

Homer E. Socolofsky
Major Professor

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PREFACE

In 1944, Robert Lemon, the Democratic nominee for Governor, said that Andrew Frank Schoeppel, the twenty-ninth Governor of Kansas, was an extremely conservative politician. This statement was almost exactly repeated by Alf Landon when Schoeppel ran for the Senate in 1948. This thesis attempts to show that this was Schoeppel's viewpoint throughout his political career.

Governor Schoeppel was an interesting individual to write about as he was active in many areas, some of these areas being athletics, social organizations, and politics. Schoeppel has to be rated as one of the most popular candidates in the history of the State of Kansas. He was elected governor twice and senator three times, and he still holds the distinction of being the only gubernatorial candidate to carry all one hundred and five counties in the general election.

Chapters one and two deal with the background of the Schoeppel family and Schoeppel's elections as governor while the last chapter deals with Schoeppel's senatorial years. It is shown in chapters three and four that there was a lack of legislative activity during the governorship of Schoeppel, and this can be accounted for by the absence of leadership by the governor and by the pressing national problems involving World War II. The fifth chapter truly shows Schoeppel's conservative opinion when he was faced with critical issues. Schoeppel was not a non-active governor, because he came out with a definite decision on each issue, and most decisions reflect conservative feelings.

The primary sources for this research were the public archives and private papers relating to Andrew Frank Schoeppel and the newspapers located at the Kansas State Historical Society. Otherwise, my research has been limited to material given me by Mrs. Marie Schoeppel, secondary sources, and at an

interview.

It is my pleasure to thank Professor Homer Socolofsky for his guidance, Mrs. Marie Schoepel for material and an interview, and my wife, Ellen, for proofreading and typing drafts of my thesis.

CHAPTER I

THE BACKGROUND OF ANDREW FRANK SCHOEPPPEL

Andrew Frank SchoeppeL, the twenty-ninth Governor of Kansas, was born near Claflin, in Barton County, on November 23, 1894.¹ The county had been organized in 1880 and had experienced boom-time conditions in the late eighties. By the time of Andrew's birth, general hard times faced Barton County settlers. In 1899, George SchoeppeL, Andrew's father, decided to move about seventy miles west along the Missouri Pacific to northern Ness County where the family settled on a farm near Ransom.²

The background of the SchoeppeL family in the United States of America goes back to about 1840 when Andrew SchoeppeL's great grandfather, John George SchoeppeL, was one of that large group of German liberals who left Prussia in order to get away from German restriction and militarism. John SchoeppeL landed in New Orleans in 1840, and he traveled up the Mississippi River in a steamboat. He decided to stay in southern Illinois because of excellent farm land in the area after the steamboat stuck in the mud. SchoeppeL later bought a farm near Ellis Grove, Illinois, where he lived until his death.³

Andrew SchoeppeL's father, George SchoeppeL, was born there in 1860. When he was twenty-one, he left home and worked for one year in St. Paul, Minnesota. He then went west to Seattle, Washington, where he secured a job as an axman in a lumber camp. SchoeppeL worked briefly as an axman in Washington and Oregon, and in 1882 by way of Idaho and Colorado, he came to Kan-

¹ Richard Hopkins, "Governor of Kansas," The Delta, March, 1943, p. 174.

² John Bright, ed., Kansas, the First Century, 1956, pp. 423-424.

³ Jennie Small Owen, "Kansas Folks Worth Knowing," Kansas Teacher, February, 1943, pp. 26-29.

sas. He arrived at Dodge City, Kansas, when it was still the roaring cowtown capital. There he quickly got a job on the Missouri Pacific Railroad then building a branch railroad near Jetmore. Later he was employed on construction of the main line of the Missouri Pacific Railroad near Ransom, Kansas, and he helped push the railroad as far as Chivington, Colorado. In 1884 he decided to return to a job in a grain elevator near Claflin, Kansas. In 1899 he bought a farm near Ransom on which he lived until his death in 1939.⁴

Andrew Schoeppel's mother, by all accounts, was a very remarkable woman. Her maiden name was Anna Phillips, and she was born in Kunvald, in the Czech part of the Austro-Hungarian Empire. She decided to leave her home in 1883 at the age of sixteen and emigrate to the United States. She had no relatives in the United States, and Miss Phillips could not speak English. She reached New York City and got a job as a seamstress in a small shop as the only type of work she knew was sewing.⁵ Later she moved to Kansas City, Kansas, and then in 1886 to Claflin, Kansas, where she worked for the family of E. R. Moses. While living at Claflin, Miss Phillips met George Schoeppel. They were married in 1888.⁶

The story of Andrew Schoeppel begins in Barton County, Kansas. He was born on a farm near Claflin on November 23, 1894. He was the fourth of eight children born to George and Anna Schoeppel. Only five years old when the family moved west, he attended a Ness County grammar school and Ransom High School from which he graduated in 1915. Schoeppel enrolled at the University of Kansas at Lawrence in 1916.⁷ His first ambition was to be a medical doctor, and he enrolled in the premedical course. He also played baseball at

⁴ Kansas City Star, September 13, 1942.

⁵ Owen, op. cit.

⁶ Kansas City Star, September 13, 1942.

⁷ "Andrew Schoeppel," Current Biography, 1952, p. 517.

the university and received a letter in this sport during his sophomore year.⁸ After the United States entered World War I, he left school in 1918 to enlist in the United States Naval Reserve Aviation Corps. Andy received naval aviation training at Seattle, Washington, and Miami, Florida. After the Armistice, he was placed on inactive service and received an honorable discharge in September, 1921.⁹

Schoeppel returned to college in 1919 with a resolve to become a lawyer due to the urging of two service buddies. At that time he entered the University of Nebraska Law School.¹⁰ While attending Nebraska, Schoeppel helped start the Collegiate Young Republican party.¹¹ He was chosen to be a member of the Innocents, a men's honorary society. During his senior year, he was selected as one of four outstanding men on the Nebraska campus. Schoeppel also joined the Sigma Nu fraternity, and he was accepted into the honorary law fraternity, Phi Alpha Delta.¹² In 1922, the year in which he received his L.L.B. degree, he was awarded two other distinctions in another field: he played end on the football team that defeated Notre Dame and its famous "Four Horsemen" 14-6 on Thanksgiving Day in 1922, and he won honorable mention on Walter Camp's first All-American football team.¹³ Schoeppel had an excellent physical build for football. He was six feet, two inches tall and weighed one hundred ninety pounds. He had never played football before the coach at

⁸ "Andy Schoeppel at the Helm," The Graduate Magazine, January, 1943, p. 6.

⁹ Hopkins, op. cit.

¹⁰ Kansas City Star, September 13, 1942.

¹¹ Personal interview with Mrs. Andrew Schoeppel, April 16, 1966.

¹² George Turner, "College Days at Nebraska," The Delta, March, 1943, p. 175.

¹³ New York Times, December 27, 1922. Name misspelled (Schoepfel).

Nebraska, Frank "Indian" Schulte,¹⁴ happened to notice Schoeppel on campus one day and asked him to come out for the team. He played in the backfield during his first year and saw little action. He switched to end his second year and started on the first team part time. During his senior year he started every game and developed into an excellent player.¹⁵ While at the University of Nebraska, he received two letters in football and two in baseball. During his junior year, he set a new javelin record, and he was awarded his only letter in track.¹⁶

While attending the University of Nebraska, Schoeppel met Marie Thomsen who later became his wife. Marie was the daughter of Henry and Agnes Thomsen of Tilden, Nebraska, where her father was a well-known merchant. She was a member of Alpha Phi sorority while she attended the university. On June 2, 1924, Andrew Schoeppel and Marie Thomsen were married. Schoeppel later said that after he was accepted into a law firm at Ness City, he was anxious to get married. Marie never had time to finish college. Mrs. Schoeppel was an important asset to Schoeppel as she was a highly intelligent woman, and her warm disposition made many friends.¹⁷ Mrs. Schoeppel has been described as a woman who typifies the ideal American woman.¹⁸

Schoeppel was admitted to the Kansas Bar on February 3, 1923, and went into law practice in Ness City as an associate of Loren Peters. Nine months later, Peters asked Schoeppel to become a partner, and they formed the law firm of Peters and Schoeppel. In 1939, Peters was selected as district judge

¹⁴ Letter to author, June 7, 1966, from Department of Athletics, University of Nebraska.

¹⁵ Hopkins, *op. cit.*

¹⁶ Kansas City Star, September 13, 1942.

¹⁷ *Ibid.*

¹⁸ I. C. Kuhn, "Twelve Senators' Wives," American Mercury, August, 1955, p. 58.

and left the practice of law. Schoeppel asked Thomas Smyth, a young local lawyer, to become his partner, forming the firm of Schoeppel and Smyth.¹⁹

Andrew Schoeppel's entrance into partisan public office was not his own idea. Some of his friends tried to get him to run for the state legislature of Kansas. Over his objection they wrote his name on the primary ballot, and he was nominated by the Republican party. His refusal to actively campaign cost him the election by a mere fourteen votes.²⁰ His friends were disappointed, because they said that if he had spent one hour campaigning that he would have won the election. Schoeppel learned a lesson, that if he wanted to be elected, he had to campaign vigorously. As a recognized community leader, Schoeppel was frequently badgered to run for local party offices. Before entering local party politics, Schoeppel was very active in local affairs. Even though Schoeppel had no children of his own, he was extremely interested in the education of the youth, and he was a member of the Ness City school board for four years. He was also an active church member, and he served on many church committees in the Methodist Church at Ness City. Finally, Schoeppel entered party politics on a small scale when he ran for and was elected precinct committeeman. He then served as city attorney and as attorney for Ness County. In 1935, he was elected mayor of Ness City.²¹ In February, 1939, Governor Payne Ratner appointed Schoeppel to the position on the Kansas Corporation Commission. This commission had the job of setting the rates charged by electric companies, oil companies, and gas companies. After

¹⁹ "Andrew Schoeppel," Who's Who in the Midwest, 1950, p. 744.

²⁰ 25th Biennial Report of the Secretary of State, p. 116.

²¹ Who's Who in the Midwest, p. 744.

...serving on the three man commission about three months, he was elected chairman of the commission and served in this capacity until April, 1942, when he resigned to enter the gubernatorial race.²²

In his Ness City years, Schoepel belonged to many organizations. He was a member of the Lions Club, the Rotary Club, the Chamber of Commerce, the American Legion, and he was a thirty-second degree Mason, and a Shriner. He was also a member of the Southwestern Kansas, the Kansas, and the American Bar Associations.²³ He was very active in the Kansas State High School Activities Association, refereeing football games throughout the western part of Kansas. An indication of his reputation during the 1934 season was his "one" rating given by every team for whom he had worked a game.²⁴ In 1929 Schoepel was a football coach for one season at Fort Hays State College when the regular coach was on leave working on an advanced degree. The year was an enjoyable one to him, but coaching was never a professional goal.²⁵

²² "Andrew Schoepel, Nominee," Kansas Business Magazine, May, 1942, p. 9.

²³ "Andrew Schoepel," Who's Who in America, 1948, p. 2186.

²⁴ Owen, op. cit., p. 26.

²⁵ Personal interview with Mrs. Andrew Schoepel, April 16, 1966.



Andrew Frank Schoepel

CHAPTER II

ELECTIONS AND INAUGURATIONS

The 1942 Election

The question in Kansas as early as January, 1942, was "Would Andrew Schoepel run for governor of Kansas?"¹ In February of 1942, Schoepel did announce his candidacy, and many western Kansans responded enthusiastically. Schoepel said at this time, "I'll make mistakes, and I'll need plenty of constructive criticism if I'm elected, but you can bet that the ones that I call wrong will be the ones that looked awful good (to me) when I called them."² The entrance of Schoepel into the gubernatorial race did not cause a great deal of excitement among most political observers, because no candidate from western Kansas had ever been elected governor. Prior to the primary election, Andrew Schoepel was a very active campaigner.³ He had learned his lesson well in his ill-fated first race for the state legislature. He knew that he had to make himself known to the general public in Kansas, and the most effective way to do this was by campaigning in each county. He had to make himself known because this was his first adventure into state-wide politics. He visited all of the one hundred and five counties in Kansas and received a friendly reception in each of them, indicating that he was a likable candidate.⁴

The primary election of 1942 was probably the "key" election in the political career of Andrew Schoepel. The other candidates for the Republican

¹ Ness County News, January 30, 1942.

² Topeka Daily Capital, April 16, 1942.

³ Ibid., July 29, 1942, p. 14. This was a full-page political advertisement that showed how to pronounce his name: "Pronounce it Sheppel, with the accent on the first syllable."

⁴ Kansas City Star, July 28, 1942.

nomination for governor were well-known old-timers in state politics: Carl Friend, Clyde Martin Reed, and Thale Skovgard. Carl Friend of Lawrence had been Lieutenant Governor of Kansas and was a well-known political figure. Clyde M. Reed of Parsons was United States Senator from Kansas at the time he entered the gubernatorial race. Many people could not understand why Reed wanted to be governor again, because he had a position with more prestige and, if elected, would receive a cut in salary from ten thousand dollars to five thousand dollars. Thale Skovgard was State Senator from Greenleaf, Kansas, and he was a well-known state political figure.⁵ Reed and Skovgard were also-rans as the race was between Carl Friend and Andrew Schoepel. "Shep," as he was known to most Ness City voters, won the nomination by a margin of a little more than seven thousand votes. This was the closest race for Schoepel in any state-wide contest. In the primary, the Democrats nominated William Burke who had been narrowly defeated by Payne Ratner in 1940.⁶

Preceding the general election, Schoepel continued his aggressive campaigning and tried to reach as many people as possible. He traveled and spoke in many counties. Schoepel became famous for his short-to-the-point speeches because most of his speeches lasted less than fifteen minutes.

In addition to major party candidates, David C. White ran on the Prohibition party ticket, and Ida Belooof was the candidate of the Socialist party. The results of the 1942 election were as follows:⁷

Andrew F. Schoepel (Republican)	287,895
William Burke (Democrat)	212,071
David C. White (Prohibition)	6,510
Ida Belooof (Socialist)	1,453

⁵ Topeka Daily Capital, August 2, 1942.

⁶ Ibid., August 5, 1942.

⁷ 33rd Biennial Report of the Secretary of State, p. 95.

Schoepfel received 56.7 per cent of the total vote, while Burke received 41.8 per cent of the total vote.⁸ These results are very interesting to analyze because they show two unusual factors. The first factor a person observes is that Schoepfel received 75,824 votes more than his nearest challenger, William Burke. This was the largest majority recorded by a Republican candidate over a Democratic candidate in a Kansas gubernatorial election since 1928.⁹

The other factor is that of one hundred and five counties in Kansas, only two counties, Cherokee and Ellis, gave the Democratic candidate a majority of their votes. William Burke carried Ellis County by sixteen votes and a 50.2 percentage of the total votes. Burke also carried Cherokee County by 215 votes and a percentage of 51.5 to 48.5 for Schoepfel. Burke narrowly lost in four other counties: Decatur, Clark, Crawford, and Stanton where his deficiency was three, four, six, and eight votes respectively.¹⁰

The First Inaugural

Inauguration day for Andrew F. Schoepfel as Governor of Kansas was January 11, 1943. Stringent travel regulations kept the attendance down. Typically, the Governor was the last of the state's administrative officers to appear for the oath of office, and in 1942 it was a complete Republican slate. About 3,000 people witnessed the ceremony as Chief Justice John Dawson swore in Andrew Schoepfel as Governor of Kansas. Three former governors, Payne Ratner, Harry Woodring, and Alf Landon, were present.¹¹

In his brief Inaugural address, Schoepfel stressed two objectives, and these were: to save money and to aid Kansas in becoming a better state. He

⁸ Clarence J. Hein and Charles Sullivant, Kansas Votes, Gubernatorial Elections 1859-1956, p. 79.

⁹ Topeka State Journal, November 8, 1942.

¹⁰ Hein and Sullivant, op. cit.

¹¹ Clay Center Dispatch, January 11, 1943.

said, "If we take advantage of the resources we have, Kansas will emerge from this struggle (World War II) a finer and greater state -- a better place to live -- wealthier in both material and spiritual things." He also stressed economy when he said, "They (the public servants) must give the most possible service at the least possible cost. We must lay aside the pomp and ceremony. We must earnestly strive to see that the greatest good is accomplished for every dollar expended from the public treasury."¹²

After the ceremonies, Governor Schoeppel went to the executive offices in the Statehouse, where on arrival he received a traditional nineteen-gun salute, fired by a battery from Fort Riley. Usually State inaugurals had a parade, an afternoon reception for women at the executive mansion, and an inaugural ball that evening, but these social frills were omitted in 1943.¹³

On the day after the inauguration, the Governor and his wife, Marie, entertained about fifty western Kansas friends at breakfast in the executive mansion. Most of these people had driven to Topeka to see Andrew Schoeppel inaugurated. There would have been many more western Kansas friends in Topeka if there had not been gasoline rationing because of World War II.¹⁴

The 1944 Election

In May of 1944, Schoeppel announced that he would seek re-election and disposed of other rumors about his immediate political ambitions. This action removed him as a possible candidate for the Senate against Clyde M. Reed.¹⁵ Most Republicans in the state of Kansas were delighted by this announcement

¹² Abilene Reflector-Chronicle, January 11, 1943.

¹³ Lawrence Journal World, January 11, 1943.

¹⁴ Ness County News, January 13, 1943.

¹⁵ Topeka Daily Capital, May 26, 1944.

because they believed that Schoeppel would be easily re-elected. Governor Schoeppel had completed two years of service with little controversy. He enjoyed the respect and confidence of many Democrats as well as Republicans. Subjects of a highly controversial nature, such as the state's Fair Labor Standards Act and the administration of capital punishment, had produced some divided public opinion. Ordinarily Schoeppel's straight-forward decisions won friends, even among those who disagreed with his views. Similarly, Mrs. Schoeppel was an important part of Topeka's community life, aiding in the various war services and making friends by her insistence upon being treated as a fellow citizen rather than as the "first lady" of Kansas.¹⁶

In the primary election, the Democratic party nominated Robert Lemon. In 1944 the Socialist party ran W. W. Tomplin, and the Prohibition party's candidate was again David White. With the approach of the general election, many people predicted an easy Republican victory. The election results were:¹⁷

Andrew Schoeppel (Republican)	463,110
Robert Lemon (Democrat)	231,410
W. W. Tomplin (Socialist)	2,283
David White (Prohibition)	7,794

These figures were stunning, because they show that Schoeppel obtained an amazing victory in the gubernatorial race. The fact that Schoeppel won was not astonishing, but his unusually large plurality of 231,700 votes was unforeseen. Schoeppel won with slightly more than twice the total received by the Democratic candidate. This was the largest majority ever recorded by a Republican candidate over a Democratic candidate in a Kansas gubernatorial election.¹⁸ The presidential race could have influenced this large majority, be-

¹⁶ Wichita Eagle, December 30, 1945.

¹⁷ 34th Biennial Report of the Secretary of State, p. 81.

¹⁸ Topeka Daily Capital, November 8, 1944.

cause Thomas E. Dewey, the Republican candidate, beat Franklin D. Roosevelt by a large majority in Kansas. Schoepfel carried all one hundred and five counties in Kansas by good margins and he received more votes than Thomas E. Dewey. Such universal support had been achieved by only one candidate before this election. The candidate was Republican Henry Allen who defeated Democrat W. C. Lansdon in the 1918 election.¹⁹

Schoepfel received 65.7 per cent of the total vote. Three men in the history of Kansas gubernatorial elections had received a higher percentage of the total votes. These three elected officials were Republicans Samuel Crawford in 1866, James Harvey in 1868, and Thomas Osborn in 1872, when they collected 70.4 per cent, 68.2 per cent, and 66.0 per cent of the total vote, respectively. Election results of 1866 dealt with forty counties, 1868 with forty-four counties, and only sixty-four counties in 1872. Schoepfel's mammoth vote came in all one hundred and five counties.²⁰

The Second Inaugural

The 1945 inauguration was held on January 9. It was similar to the 1943 affair in the fact that it contained little pomp and ceremony. In the middle of the afternoon, Chief Justice John Dawson again administered the oath to Schoepfel and the other state officials. All the state officers were again members of the Republican party.²¹

The governor's address went to listeners over WIBW radio of Topeka. In his speech, Governor Schoepfel said that when he took office in 1943, he thought the war would be over in 1945. He also said, "Our returning servicemen and

¹⁹ Hein and Sullivant, op. cit.

²⁰ Ibid.

²¹ Topeka Daily Capital, January 9, 1945.

women must be welcomed home, not only with parades and public receptions but with genuine opportunities and a real place in our economic, social, and political life."²² His speech was again brief and lasted about fifteen minutes.

Governor Schoepfel wore the same blue suit for both inaugurations. Reporters asked Mrs. Schoepfel after the inauguration why he had worn the same suit on both occasions. She replied that he had a new tie for the occasion and he thought that was enough. This exemplifies Schoepfel's policy of thrift and little interest in elaborate ceremonies.²³

²² Ness County News, January 10, 1945.

²³ Topeka State Journal, January 9, 1945.

CHAPTER III

THE 1943 LEGISLATIVE SESSION

The 1943 session of the Kansas legislature started in the traditional manner with a message from Governor Andrew Schoepfel. This was a typical opening address of a legislative session. In his speech, Governor Schoepfel brought to the attention of the legislators some things that needed improvements: government, highways, taxation, labor and management, industrial development, social welfare, presidential preference primary, education, and civilian defense. He suggested to the legislators that they should study these areas carefully and then make the improvements they deemed necessary. He emphasized one problem in our government when he said, "I feel that the most alarming trend in government has been the unprecedented centralized control which we have witnessed during the past ten years." Schoepfel felt that direct election of delegates to the national party convention would return some of the control to the people. Schoepfel won the favor of many legislators with the final statement in his speech when he said, "Let me assure you that it is and shall be my desire to co-operate with you, fully and completely, at all times, in the accomplishment of our common goal--the welfare of the State of Kansas."¹

The fiftieth session of the Kansas legislature had an overwhelming Republican majority in both the Senate and the House of Representatives. There were 36 Republican senators and four Democratic senators. In the House of Representatives, a similar majority was 112 to 13.² With such support, the governor had the opportunity to formulate a program that he wanted passed,

¹ Message of Governor Andrew Schoepfel to Kansas Legislature, January 13, 1943, State Printer, Topeka, Kansas.

² Senate and House Journals, printed by Kansas State Printing Plant, Topeka, 1943.

but Governor Schoeppel did not choose to do so since there were pressing national problems. The legislators were pleased that they were not obligated to pass the Governor's program. One representative, Harold Malone (Republican, Sedgwick), expressed his appreciation when he said, "Schoeppel, in my opinion, is the logical man for president in 1944."³ This was an unrealistic statement because of Schoeppel's previous lack of experience with national government but it shows the respect some legislators had for the governor. This was the first session in many years that the legislators had the opportunity to plan their own legislative program, and many significant pieces of legislation were passed during the session.

The Fair Labor Standards Act

The Fair Labor Standards Act, known to most senators as the Labor Control Bill or Senate Bill 61, was probably the most controversial bill brought before the Kansas Senate during Schoeppel's first session. This bill, sponsored by the Senate Committee on Federal and State Affairs headed by Thale Skovgard (Republican, Greenleaf) related to the licensing and regulation of any labor organization.⁴ This bill proposed to have the Kansas Corporation Commission control the operation of labor unions within the state. The commission would act as a representative of employees in negotiations with employers. It would define unlawful acts and provide for punishment, for hearings, and for revocation of licenses if rules or regulations were broken. This bill provided for "peace pickets," but the Commission claimed the right to determine the number of pickets on the line. No secondary pickets or boycotts were allowed. Some of the many illegal activities of labor unions were: contributing by labor

³ Topeka Daily Capital, January 14, 1943.

⁴ Ibid., January 21, 1943.

unions for political purposes, picketing to prevent any person from exercising his right to work, and preventing regular union meetings or elections by any union officer. According to the bill, the labor unions could strike with approval of a majority of its members voting by secret ballot with the election conducted by the commission. Also, a union could institute a "closed shop" with a two-thirds majority vote of its members. Failure to comply with regulations could result in a fine of five thousand dollars or a one-year jail term or both of these penalties.⁵

The labor union officials attacked the Fair Labor Standards Act as "capricious and unconstitutional." Henry Fremming, regional director of the Congress of Industrial Organizations, from Kansas City, Missouri, said that the bill was unnecessary because there had been no strikes or labor disturbances in the State of Kansas.⁶ The labor unions thought they had won the battle against the bill when it was removed from the Senate Calendar by a vote of twenty-two to fourteen and put into a committee for further study.⁷

The committee appointed to study the bill consisted of Senator Alex Hotchkiss (Republican, Osage), Senator Ernest McKenzie (Republican, Chase), Senator Riley MacGregor (Republican, Barber), Senator W. A. Barron (Republican, Phillips), and Senator Robert Lemon (Democrat, Crawford).⁸ A Democrat was placed on this committee so that each party's views could be presented. The Fair Labor Standards Act was placed in this committee, because three other bills concerned with labor control were introduced to the Senate at the same time. Two of these bills were presented by Senator S. B. Warren (Republican, Lyons)

⁵ Topeka State Journal, March 2, 1943.

⁶ Topeka Daily Capital, January 28, 1943.

⁷ Ibid., February 9, 1943.

⁸ Pittsburg Sun, March 3, 1943.

and Stanley Toland (Republican, Allen). The first bill would have controlled interstate union activities, and the second would have revised the existing arbitration statutes pertaining to labor disputes. Another bill, presented by Senator E. A. Briles (Republican, Stafford), was a short but pungent dig at labor's closed shop.⁹

Senator Skovgard said that a little legislative trickery had removed a good bill from the senators' consideration. Skovgard thought that the bill was lost for this session of the legislature, but on March 3, 1943, the Fair Labor Standards Act was reported out of the committee. The only major change in the bill was that the control agency for the labor unions was made the Secretary of State instead of the Kansas Corporation Commission. The main reason for this was that the Secretary of State is an elected official while the Kansas Corporation Commission is an appointed group. This would seem to give the voters the opportunity to select the controlling agent. Senator Alex Hotchkiss (Republican, Osage), chairman of the senate committee that reported the bill out, said that the committee had no comment on the bill.¹⁰

While the Fair Labor Standards Act was being debated in the Kansas Senate, Governor Schoeppel held conferences with labor union officials to explain how the bill would affect them and what new regulations the bill contained.¹¹ Again the labor union leaders said that the bill was indefinite, incomprehensive, and inoperative. Senator Warren gave the union officials some support when he tried to scuttle the efforts of the select committee by sending the bill back for more committee study. Senator Warren said,

I am against any regulatory labor legislation at this time

⁹ Topeka Daily Capital, March 6, 1943.

¹⁰ Ibid., March 1, 1943.

¹¹ Ibid., March 15, 1943.

because members of this Senate are not sufficiently qualified to pass an intelligent law. We should keep faith with the Republican platform and the Governor's message by not passing a law that we would be sorry for and which might ruin our attempt at industrial development.¹²

Warren's proposal to send the bill back to the committee for further study was rebuffed 11 to 24, an indication that action was forthcoming.¹³

The Senate passed the Fair Labor Standards Act on March 6, 1943, by a vote of twenty-nine to six. Most of the senators seconded this statement of Senator M. Van de Mark (Republican, Cloud): "I'd rather be right than wrong even if the party might suffer. I have information that convinces me that we need to stop some of these labor practices, and I'm certainly against anything that would kill this bill." An amendment proposed by Senator E. A. Briles which would have outlawed the "closed shop" agreement was defeated by a 20 to 10 vote.¹⁴

The House of Representatives made few changes in the bill. The section relating to picketing was removed and a section stating that "business agents" of unions must be residents of Kansas six months or more was removed. Also, an antidiscrimination clause was inserted into the proposed bill on a motion by Charles Vance (Republican, Seward). This amendment was added by a 56 to 42 vote. The next day, the bill and its amendments were brought before the House of Representatives and passed by the overwhelming vote of 80 to 30. The bill was sent back to the Senate for its approval, received endorsement 27 to 7, and was sent to the governor.¹⁵ The governor said, "In my opinion, labor and management can march side by side under the same type of regulations."

¹² Kansas City Times, March 5, 1943.

¹³ Topeka Daily Capital, March 5, 1943.

¹⁴ Ibid., March 15, 1943.

¹⁵ Senate and House Journals, op. cit., March 6, 1943.

By signing the bill, Governor Schoeppel showed that he had confidence in the opinion of the legislature. Governor Schoeppel displayed no hesitancy in doing what he believed was for the best interest of Kansas.¹⁶

Presidential Preference Primary

Governor Schoeppel, in his message to a joint session of the legislature, had asked for consideration of a plan to provide for direct election of delegates to the national party conventions. The electorate also would be given the opportunity to express their preference as to the presidential candidates of their own party. The Governor believed that this would give more direct control to the people and would be a boon to American society.¹⁷

A bill which would have changed the method for selecting delegates to the national party conferences was introduced by the Committee on Public Buildings which was headed by Senator Ernest McKenzie. This bill met with a sudden death, because after its second reading, it was sent back to the committee for further study where it remained for the duration of the session. There was no chance to debate the merits of the bill.¹⁸ Even though Governor Schoeppel favored this bill, he accepted its fate without comment.

Osteopathic Bill

During the forty-eighth session of the Kansas Legislature, a very controversial act denying the right of osteopaths to engage in surgery had been passed. This law stated that it was illegal for osteopaths to perform surgery on a patient, because they were not qualified to do so. When tested in the Kan-

¹⁶ Topeka State Journal, March 23, 1943.

¹⁷ Message of Governor Andrew Schoeppel, op. cit.

¹⁸ Senate and House Journal, p. 179.

sas State Supreme Court, the law was upheld.¹⁹

With the coming of the fiftieth session of the Kansas Legislature, the osteopaths in Kansas hoped to get the state law changed. Two practicing osteopaths, K. A. Bush (Democrat, Harper) and Will Christian (Republican, Ulysses), had been elected to the House of Representatives for the fiftieth session. These two men combined their efforts and proposed a bill that would have changed the state board of medical registration and examination and allowed osteopaths to do osteopathic surgery. The new bill proposed that there be a state board of examiners consisting of seven persons who would test both medical doctors and osteopaths. This bill met with much debate and was finally killed by the House of Representatives by a vote of sixty to forty.²⁰

Governor Schoeppel's files contain numerous letters written by osteopaths asking his support on this issue. As in previous issues, Schoeppel gained the approval of the legislature by staying out of the debate.²¹

Child Labor Law

One of the most pressing problems during World War II for a predominantly agricultural state like Kansas was getting farm labor. The Child Labor Bill was proposed to eliminate part of this problem by allowing children to work on farms part-time if they so desired. This was a bill to expand child labor, not to restrict it. This was unusual because most child labor laws are for the purpose of restricting labor. This was a war-time provision, because dur-

¹⁹ Topeka Daily Capital, January 28, 1943.

²⁰ Ibid., February 2, 1943.

²¹ Archives at the Kansas State Historical Society, Topeka. The state board of medical registration and examination was eventually enabled to license two types of doctors in the field of medicine: medical arts, including Doctors of Medicine, and healing arts, including Psychologists, Osteopaths, and Chiropractors.

ing the war, it was difficult for farmers to hire people since most of the labor supply was being used in industry or in the service of the country. The Governor said, "The demand for the production of more and more from our farms and factories has been complicated by severe restrictions upon available machinery, equipment and supplies, as well as the men and women to carry on."²² The legislators agreed with the Governor on this point, and Senator Joe Beeler (Republican, Jewell) stated that if this bill passed, it would enable the farmers to produce more and would relieve some of the strain due to the labor shortage. The Senate approved the bill with a vote of twenty-nine to one. The only nay vote came from Senator Rolla Collman (Republican, Mission). Similarly, the House of Representatives passed it ninety-seven to zero. The bill was sent to the Governor and signed by him on March 22, 1943.²³ This bill proved to be a success when many teenagers in the state of Kansas helped farmers harvest their crops during the war years.

Summary

Schoeppel stressed the need for economy and was the first Governor in a quarter of a century who did not try to direct his own program through the legislature. This diffidence, although hailed in the press, merely encouraged the overwhelming Republican majority to break up into cliques. The lack of executive leadership meant that little in the way of significant legislation was placed upon the books. A possible reason for Schoeppel's not presenting an extensive state program of his own was that the national problems had to be the main concern of the state since the country was in the midst of World War II. Also, Schoeppel had had little experience in state politics before becom-

²² Message of Governor Andrew Schoeppel, op. cit.

²³ Senate and House Journals, op. cit.

ing governor in 1943.

In the absence of active executive leadership, the members seemed to follow their own inclinations, and the session was dominated too much by local interests, unable to consider the state's needs as a whole. The session failed to revise the state's fiscal set-up to make state income tax laws conform to federal statutes. Among its shortcomings were lack of success in setting up a uniform high school system throughout the state and no consideration of needed changes in the social welfare legislation.

This legislature did provide for some needs in the state. It created a new system of absentee voting and it provided for a receiving home for delinquent children. It established a new building code and it made Kansas the first state to provide funds for industrial research. This legislature accomplished many things for the state of Kansas, but it could have done more had there been an executive leader who was more forceful in leading its progress.

CHAPTER IV

THE 1945 LEGISLATIVE SESSION

Governor Schoeppel delivered his message to an almost completely Republican legislature in January of 1945, by urging a program of expansion designed to bring Kansas abreast of postwar needs. Many did not agree with the social reform program, taxation, and high construction policies of the administration, and all Schoeppel's parliamentary skill was required to hold the factions in line. After the general election of 1944, the Democratic representation in the Kansas Senate was almost eliminated. Only one Democratic senator had been elected, Senator John Potucek of Wellington, Kansas. There was no need for a party caucus to determine the Senate minority leader.¹

In the Kansas House of Representatives, the situation was almost as bad for the Democrats. Only five Democratic representatives remained in the House of Representatives after the election, and these men were: A. H. Bennett of Coolidge, K. A. Bush of Harper, Forrest Stamper of Plainville, Herb Barr of Leoti, and John Foley of Kansas City.² This left the Republicans with one hundred and fifty-nine votes as compared to six votes for the Democrats in the Kansas Legislature. Most people thought that Governor Schoeppel would make many demands on the legislature and try to push his program through, but Governor Schoeppel finished his message with these words: "Members of the legislature, I am at your command. With the help of Divine Providence we can be strengthened in meeting the challenges of our day." The legislators then knew that the 1945 session would be similar to the 1943 session and that "cooperation" would be the key word to the Governor's policy.³

¹ Topeka Daily Capital, January 10, 1945.

² Senate and House Journals, printed by Kansas State Printing Plant, Topeka, January 9, 1945.

³ Message of Governor Andrew Schoeppel to Kansas Legislature, January 9, 1945, State Printer, Topeka, Kansas.

Kansas Veterans Administration Act

In his 1945 message to the legislators, the Governor said,

I am sure you will agree that the consideration we give our returning veterans is of primary importance. This subject will present a multitude of problems and conditions. In my opinion it is of sufficient importance to justify the establishment of a separate state agency to render all possible assistance to the veterans of all wars.

He also said, "I recommend an act creating a Kansas Veterans Administration for the purposes outlined, and the appropriation of sufficient funds for the establishment and operation thereof."⁴

This recommendation by the Governor to help the returning veterans was met with many different ideas. One idea, proposed by Senator Frank Fisher (Republican, Paola), was to give each returning veteran a bonus for his services. Each veteran would receive a bonus of one dollar for each day of active service. Senator Fisher said, "We've been saying we will take care of returning veterans. Well, my bill offers an opportunity." If this bill had been passed, it would have cost the State of Kansas several million dollars, and most of the legislators did not want to bankrupt the state to welcome home the returning veterans.⁵

Another idea was presented by the committee on Federal and State Affairs. This committee proposed the establishment of an office of veterans' affairs. The chairman of this committee was Senator Elmer E. Euwer (Republican, Goodland) who said that this bill would furnish a place for the returning veterans to get aid and advice. This agency was to provide for the coordination of the programs and services of governmental agencies affecting veterans and their dependents.⁶ The senators recognized the attributes of the idea and when it

⁴ Ibid.

⁵ Topeka Daily Capital, January 16, 1945.

⁶ Topeka State Journal, January 20, 1945.

was presented in the form of a bill, it was passed by a vote of 36-0 and sent to the House of Representatives. The representatives reacted to the bill in a similar manner and voted 112-3 in favor of it. The bill was sent to the Governor and he signed it on January 31, 1945.⁷ Almost before Governor Schoepfel's signature had dried, many lawmakers decided that the statute would be of little benefit and sought to create local offices which would be closer to the veterans.

Senator Herrod (Republican, Kansas City) said, "Men returning from this war need help within the first few hours after they leave the military service, not thirty or sixty days from then."⁸ Senator Hal Harlan (Republican, Manhattan) agreed with Senator Herrod and he proposed a bill that if passed would establish a veterans service bureau in every county in the state. This would provide local help to the returning veterans. This agency would help the veteran re-establish himself in his local community and it would be operated by an annual tax levied for this purpose. The committee on Federal and State affairs discussed the bill, and on January 22, 1945, they reported that this bill should not be passed. Thus ended the life of this bill to help veterans.⁹ The bill that was passed has been extremely effective as it has helped returning veterans with problems such as housing, jobs, and hospitals for medical aid.

State Building Program

During World War II, the State of Kansas had appropriated no money for the building of new state offices or for the investigation of such a program.

⁷ Lawrence Journal World, January 31, 1945.

⁸ Topeka Daily Capital, January 17, 1945.

⁹ Senate and House Journals, op. cit., p. 162.

Governor Schoeppel said, "I suggest that we consider a method that would insure an orderly development and bring our state building program to a point of efficiency, safety, and practicability befitting the State of Kansas."¹⁰

The Committee on Public Building presented a bill to the legislators that would provide for a commission to investigate the possibility of a new state office building. The commission would, if possible, find out the cost of such a building and where this building could be built. This bill was passed by the Senate by a vote of 35-2, and by the House of Representatives by a vote of 122-0. The commission created by this bill was given the name Kansas State Office Building Commission. The Commission consisted of seven members with Senator Riley MacGregor as the chairman.¹¹

This Commission made its first report on March 5, 1945. This report stated that the Commission agreed that if a building should be built, it should appear west of the present State Capitol Building. The need for state offices was great because after investigation it was shown that the State of Kansas paid a rental of \$77,437 per year for offices within the city of Topeka.¹² The Commission asked for an appropriation of three hundred thousand dollars to pay for architect's fees or additional salaries in the State Architect's office, condemnation expenses, real estate broker commissions, and incidental expenses for the Commission. The members of the Commission hoped by following the advice of architects and other planning groups to have prepared for the 1947 legislature sufficient plans for the development of the tract of land for the state office building.¹³ On the same day that the report was made, a bill sponsored by the Committee on Ways and Means was introduced to meet the expenses of the Kansas State Office Building Commission. This bill was passed by

¹⁰ Message of Governor Andrew Schoeppel, op. cit.

¹¹ Senate and House Journals, op. cit., p. 86.

¹² Topeka State Journal, March 5, 1945.

¹³ Senate and House Journals, op. cit., p. 97.

the Senate 31 to 1 with Senator Potucek (Democrat, Wellington) voting against this bill. The House of Representatives voted in favor of this bill 108 to 3 and it was sent to Governor Schoeppel who approved it on March 15, 1945.¹⁴ The new state office buildings can be seen today west of the State Capitol Building in Topeka, Kansas.

Postwar Construction of Highways

Governor Schoeppel told the legislators that the \$10,796,417 in the highway fund were insufficient. All but \$3,336,785 of this money was already committed to established programs. He also said that there were three things the legislators could do with this problem. The first thing would be the simplest, and that would be to do nothing. Another solution was to take money from other funds and build up the highway fund. The final way to approach the problem was to raise the tax on all gasoline or motor vehicle fuels used in the state.¹⁵

The Senate Committee on Highways whose chairman was Senator Riley MacGregor proposed an extensive highway program in the state, and they provided a method of taxation to finance the program. The bill also provided for construction of bridges and the elimination of hazards at railway-highway crossings. They also provided for receiving on behalf of the State of Kansas grants and advances from the federal government on such highway projects.¹⁶

This bill received much opposition because it provided for a one-cent-per-gallon gasoline tax to be added to the three-cent tax already being collected within the state. Representative Howard Adams (Republican, Maple Hill) said,

¹⁴ Ibid.

¹⁵ Message of Governor Andrew Schoeppel, op. cit.

¹⁶ Topeka Daily Capital, March 20, 1945.

"I represent no one but my representative district. On this bill, I must vote my convictions. I am not going home and tell my people that I voted to tax the farmers' tractor gas. Such a tax is unjust and is an abandonment of the principle that those who use the roads should pay for them."¹⁷ Representative Will Christian (Republican, Ulysses) agreed with Representative Adams when he said,

I consider Governor Schoepel as one of the best governors Kansas has ever known, also a personal friend of mine. Knowing that the Governor understands who is responsible for me being one of his legislators, and as I have a list of names from my Farm Bureau and Grange members begging me not to impose any more tax on gas for agriculture purpose, therefore I feel obligated to my people to vote no.¹⁸

Representative Grover Dunn (Republican, Arkansas City) disagreed with the previous statements when he said, "In two terms this is the only time our great Governor has asked us directly to do anything. With full confidence in his judgment, honesty, and ability, I vote aye."¹⁹

With this type of diverse opinion, the Senate passed the bill by a vote of 21 to 9. The House of Representatives followed the pattern set by the Senate and passed the bill by a vote of 66 to 55. The bill was sent to the Governor and he signed it on March 27, 1945. This was an outstanding accomplishment of the legislature because it enabled the state to have active participation in the utilization of federal road funds.²⁰ It became the foundation for the twenty-year highway building program in the next legislative session which enabled the state to obtain good highways.

¹⁷ Senate and House Journals, op. cit., p. 135.

¹⁸ Ibid.

¹⁹ Kansas City Star, March 22, 1945.

²⁰ Topeka Daily Capital, March 27, 1945.

Microfilm Bills

Two bills were introduced during the 1945 session of the legislature which would save the state a great deal of money by reproducing their records on microfilm. The first bill was proposed by the Committee on Public Buildings whose chairman was Riley MacGregor. The bill related to the reproduction of public records on film which enabled the legislature to get rid of a great deal of old material, but they would still have copies of the material on films which would take much less room to store. Also this action would allow the legislature to keep some records that ordinarily would have been thrown away because of lack of space. This bill was passed by the Senate 28 to 0, and it was passed by the House of Representatives 113 to 0. The bill was approved by the Governor and sent back to the legislature on February 1, 1945.²¹

A second bill dealing with microfilming was sponsored by the Committee on Federal and State Affairs whose chairman was Senator Elmer Euwer (Republican, Goodland). This bill would establish a microfilm division within the Kansas State Historical Society at Topeka, Kansas, and it provided for a microfilm technician. This bill met with approval in both the Senate and the House of Representatives. It was sent to the Governor, and he approved it on March 21, 1945.²² This bill has been a great boon for any person who does research in old newspapers or in old manuscripts. Without this microfilm division, it would be impossible without a great deal of travel to see much of the material that has been collected at the Kansas State Historical Society.

Summary

The 1945 session of the legislature got off to a slow start but after the

²¹ Senate and House Journals, op. cit., p. 169.

²² Ibid.

United States District Court struck down several provisions in the 1943 Fair Labor Standards Act, the legislature started to enact some important legislation. By adjournment, the 1945 session had appropriated more money than any previous legislature and had passed an unprecedented number of tax increases. Some of its important achievements were the modernization of the elementary and high school systems and the high school equalization bill which provided for county-wide school levies for high school purposes. The state control over natural gas and water resources also was broadened, and a Compact Commission was created to deal with Colorado in controlling the water flow of the Arkansas River. In a final gesture of appreciation toward our servicemen, the legislators exempted men and women in the services from the income tax laws.

The session closed on a faint note of scandal when it was found that Senator Alfred Harkness (Republican, Hays) had received a one hundred dollar check from Herman Harrison of Labette County to defray his hotel expenses. An investigation by Attorney General A. B. Mitchell revealed no significant irregularities, although he branded the action as unadvisable. This session might have ended on a sour note with the possibility of a scandal but it had been a successful session. Governor Schoeppel, showing a higher degree of leadership, had helped push through key legislation on such issues as highway and veterans administration.

CHAPTER V

CONTROVERSIAL ISSUES FACED BY GOVERNOR CHIC FILL

Hanging in Kansas

In 1935, a bill was signed by Governor Alf Landon that provided for hanging of individuals convicted of murder in the first degree or for robbery of firearms.¹ This changed a law that had been in effect since January 30, 1907, which stated that capital punishment was illegal in Kansas. Few people thought that this new law would have much effect because the State of Kansas had not hung an individual since August 9, 1870. On that date, William Dickson had been hung for the murder of Jacob Barnett.²

In 1937, Albert Zakowa was the first man convicted under the new law. He was sentenced to death for murder but his sentence was commuted to life imprisonment by Governor Walter Huxman. The action by Governor Huxman helped to convince many people that this new bill would be ineffective.³

From 1937 to 1943, no governor had to face the problem of letting the State of Kansas hang a man. On January 9, 1943, Fred Brady killed a Negro, Joe Williams, in Arkansas City. Williams was working as a gasoline station attendant when Brady attempted to rob the station.⁴ Brady was brought to trial and was convicted of first degree murder on January 13, 1943. The attorneys for Mr. Brady immediately asked Governor Schoeppel to consider clemency for their client. Brady's attorneys thought that they had an excellent chance to

¹Senate and House Journals, printed by Kansas State Printing Plant, Topeka, 1935.

²Kansas City Kansan, January 20, 1943.

³Louise Barry, "Leg-1 Hangings in Kansas," Kansas Historical Quarterly, p. 298.

⁴Winfield Daily Courier, January 10, 1943.

save their client because of the previous attitude toward capital punishment in the State of Kansas.⁵

Governor Schoeppel took the clemency plea under advisement on February 27, 1943. Schoeppel had many things to consider such as Brady's previous record, public opinion, and other murder cases while he was reviewing the case. Brady's record in the past was not very impressive because during the years of 1916 to 1940 he had spent all but three years in prisons in the States of Arkansas, Missouri, Nebraska, and Kansas.⁶ The public opinion was divided and Governor Schoeppel had many letters sent to him concerning this case. He received letters from about twenty individuals from nine different states which said that he should not give Brady clemency, and he also received letters from individuals in eight states who were against the hanging of Brady.⁷

The Governor paced the floor and worried about his decision but, after taking all things into consideration, he decided that Brady had received a fair trial and had received a fair sentence.⁸ Brady was sent to Lansing Penitentiary at Leavenworth, Kansas, where he was to be hung. The warden at the prison was M. F. Amrine who had been warden for over twenty years. Amrine resigned when he received orders to conduct the hanging of Brady. Amrine said that he had been in the law enforcement business a long time and that he did not believe in capital punishment. Governor Schoeppel filled the vacancy by appointing Robert Hudspeth and the execution took place on April 15, 1943.⁹

After the hanging of Brady, Governor Schoeppel received many letters concerning the case. Milt Gould, Chief of Police at Pittsburg, Kansas, wrote

⁵ Topeka State Journal, February 15, 1943.

⁶ Topeka Daily Capital, February 27, 1943.

⁷ Archives at the Kansas State Historical Society, Topeka.

⁸ Personal interview with Mrs. Andrew Schoeppel, April 16, 1966.

⁹ Barry, op. cit., p. 298.

that he had been in the law enforcement business for twenty-seven years and that he was extremely proud of the Governor's action. Gould thought that this would teach people that crime does not pay. Governor Schoepfel received letters with opposite views. One of these letters came from Mrs. Agnes Emeny who wrote that she hated to waste the money on a stamp for her letter because Governor Schoepfel was not worth that much money. She wrote that any man who would allow an individual to hang could be worth nothing.¹⁰

Although there were no state conducted hangings during this period of time, there were three federal hangings in the state. In 1930 Carl Panzran was convicted of murdering R. G. Warnke, Leavenworth federal penitentiary employee, on June 19, 1929. On the morning of September 5, 1930, Panzran was hanged at the United States prison. Eight years later on August 12, 1938, two men, Robert J. Suhay and Glen J. Applegate were hanged at the federal penitentiary at Leavenworth, Kansas. These men were convicted of bank robbery in New York but they were executed for the murder of W. W. Baker, Federal Bureau of Investigation agent, in the Topeka Post Office on June 16, 1937.¹¹

Prohibition

On November 9, 1945, Kansas received a severe blow to its prohibition law when federal agents seized nine hundred and fifty-five cases of liquor having a retail value of approximately one hundred thousand dollars.¹² Many Kansans had a feeling of satisfaction after this raid because federal officials were doing Kansas a favor by forcing an issue on the liquor situation. The State of Kansas had gained constitutional prohibition in 1880 and it had been sustained against many efforts to get rid of it. The last attempt to get rid of

¹⁰ Archives at the Kansas State Historical Society, Topeka.

¹¹ Barry, *op. cit.*, p. 301.

¹² Topeka Daily Capital, November 10, 1945.

prohibition in Kansas was in 1934. Kansas remained legally dry because ninety thousand more people voted against repeal in the 1934 referendum. Repeal bills introduced into subsequent sessions of the legislature failed until after Schoeppel's tenure as governor.¹³

After the federal raids in 1945, many people felt that the attitude toward prohibition had changed. Violations of the law were increasing and there was a greater tendency on the part of officials to overlook these violations. Also, there was no apparent demand on the part of the general public for enforcement of the law.¹⁴ Governor Schoeppel was in a real dilemma because he had two ways in which he could approach this situation. Either he could favor prohibition and call for investigations of all illegal liquor activity in Kansas or he could call a special session of the legislature in which an amendment to the constitution could be drafted for the people to vote on in the next election.

One thing that could have formulated Schoeppel's decision was his mother who was an outstanding spokesman for the Women's Christian Temperance Union.¹⁵ Schoeppel said that he could launch an immediate investigation into liquor law violations in the state. Schoeppel said,

I am going to take a hand in this matter personally. I am going to appoint my own investigators and my own prosecutors. I am going to see that the State of Kansas goes right to the bottom of the situation, and if any official is to blame or is derelict in his duty, action will be taken immediately.¹⁶

At the same time Schoeppel made this statement, the Democrats in Kansas demanded a special session to consider resubmission. Schoeppel decided not to call a special session but he asked the Legislative Council to have its re-

¹³ The Pittsburg Headlight, February 13, 1946.

¹⁴ Atchison Daily Globe, November 30, 1945.

¹⁵ Ness County News, January 6, 1943.

¹⁶ Wichita Beacon, September 17, 1946.

search department begin assembling information on the subject in preparation for legislative debates in 1947.¹⁷

It was shown that there were 443 federal liquor stamp holders in the state. Leavenworth County had the largest number with 77. In some of the other counties, the number reached as high as 64 but 36 counties, most of them in the western half of the state, had no citizens holding the federal stamps. Concentration of the stamps in a few of the counties would indicate that local public opinion was favorable to the sale of liquor in spite of state-wide prohibition. Public opinion is often the determining factor in enforcement of laws of this type.¹⁸

It was assumed that nobody was buying the government liquor stamps merely for the sake of collecting them. They were relatively expensive at an annual cost of \$27.50 for retailers and \$110 for wholesalers.¹⁹

Governor Schoeppel chose a path of inaction by giving the issue of prohibition to the 1947 legislature. Two Democrats thought that prohibition would be repealed by the majority of the people. Ex-Governor Harry Woodring said, "Kansas isn't dry and never has been dry in one year of her constitutional prohibition, and the law can never be enforced." Thurman Hill, prominent Democrat of Emporia, said,

In the early days, I was a prohibitionist, but as I have grown older and more mature, I am convinced it is bad legislation and has brought about a hypocrisy which is a bad situation. It is time to give the state an opportunity to determine whether it wishes to continue with the present law, which I consider bad.

This was the feeling of many people in the State of Kansas but they would have to wait until 1947 to see if the present law could be changed.²⁰

¹⁷ Kansas City Star, February 25, 1946.

¹⁸ Parsons Sun, November 30, 1945.

¹⁹ The Johnson County Democrat, August 24, 1944.

²⁰ Topeka State Journal, February 19, 1946.

The Finney Parole

In 1933, Ronald Finney and his father, Warren, were charged with defrauding the State of Kansas. The Finneys were respected citizens of Emporia, Kansas, and owned a large amount of land in Lyons County. Ronald Finney was charged with forging municipal bonds worth \$150,000 which he had submitted to a Topeka bank for security on a loan.²¹

During the meeting of the legislature, Ronald Finney acted as a lobbyist for his own interest. The Finneys were good friends of Attorney General Roland Boynton and they were in frequent company of the State Treasurer, T. B. Boyd. Also, the Finneys were close friends of William Allen White, noted newspaper editor. With these friends, the Finneys knew a great deal about state affairs.

After Governor Alf Landon discovered that the state had been defrauded, he placed the State Capital Square under marshal law and stationed soldiers in the Statehouse. The Finneys and the State Treasurer, T. B. Boyd, were arrested. Landon called for a special session of the legislature to investigate the bond scandal. The legislature conducted an extensive investigation which showed the Finneys, Boyd, Boynton, and State Auditor Will French were involved in the scandal. It was shown that the state's money was put into banks that were owned or controlled by the Finneys. The three state officials were given money by the Finneys for seeing that the money went to the right banks.²²

French and Boynton were cleared of impeachment charges but the legislature did not condone their action. Boyd resigned from office, and he was found guilty by the court of conspiring with the Finneys. He was given a sentence

²¹ John Bright, ed., Kansas, The First Century, 1945, p. 100.

²² Ibid.

of four to ten years in jail. The Finneys were also found to be guilty and Ronald Finney was given a sentence of thirty to sixty years in prison.²³ Warren Finney committed suicide to avoid being sent to jail.²⁴

Early in 1944, William Allen White wrote a letter to Governor Schoeppel asking him to consider recommending a parole for Ronald Finney. He said that he thought Finney had paid for his crime and should be given a parole for his family's sake.²⁵ Later that year, White wrote Senator Arthur Capper in hopes of gaining support for this cause. In this letter he said that Finney had served the longest consecutive sentence by any man then in a state or federal prison for a crime such as defalcation, embezzlement, or forgery.²⁶

William Allen White became ill during 1944 and his son, William L. White, continued his father's efforts in attempting to get a parole for Finney. William L. White wrote the Governor two letters concerning the possible paroling of Finney. Finally, in December of 1944, he received an answer to his wishes when Governor Schoeppel recommended Finney for parole.²⁷ In 1945 the Board of Penal Institutions granted Finney a parole. Four years later, Governor Frank Carlson gave Finney a conditional pardon which later became a citizenship pardon.²⁸

²³ William Zornow, Kansas, A History of the Jayhawk State, p. 252.

²⁴ Bright, op. cit., p. 101.

²⁵ Archives at the Kansas State Historical Society, Topeka.

²⁶ Homer Socolofsky, Arthur Capper, p. 207.

²⁷ Archives at the Kansas State Historical Society, Topeka.

²⁸ Socolofsky, op. cit.

CHAPTER VI

THE YEARS AFTERWARD: A SUMMARY

After being Governor for four years, Schoeppel did not wish to run for re-election in 1946. This disappointed many Republicans in the state because they thought they had lost one of their most popular candidates. However, Kansas had never elected a governor for a third term. In 1947 the Schoeppels moved to Wichita, Kansas, where he returned to private law practice with the firm of Foulston, Siefkin, Schoeppel, Bartlett, and Powers. This firm specialized in corporation insurance, oil, gas, and real property law.¹

In the early part of 1948, there were constant rumors that Schoeppel would be a candidate for the United States Senate. In March, 1948, Schoeppel confirmed these stories when he announced that he would seek the Republican nomination. The position that Schoeppel sought had been held for almost thirty years by Arthur Capper of Topeka. Capper was the senior senator from Kansas and he had been a senator since 1919. Many people figured that Capper, at the age of 83, was too old to run for re-election, but on October 31, 1947, Capper indicated that he would seek re-election.² Many Kansans thought they would see a heated campaign but, on June 6, 1948, just before the final filing date, Capper announced that he had changed his mind and would not seek re-election. This announcement left Schoeppel as the number one Republican candidate for the office and enabled him to win the primary election with ease against Harold Malone of Sedgwick.³

¹ "Andrew Schoeppel," Who's Who in the Midwest, 1950, p. 889.

² Zornow, op. cit., p. 331.

³ 36th Biennial Report of the Secretary of State, pp. 22-23.

In the general election, Schoeppel was opposed by two men, George McGill (Democrat) and Floyd Hester (Prohibitionist). Andrew Schoeppel won this election by 87,245 votes over McGill, his nearest competitor. Schoeppel collected 54.9 per cent of the total vote cast for the position. He carried all but five counties - Cherokee, Ellis, Ford, Sedgwick, and Wyandotte - in this election. By carrying one hundred counties, Schoeppel could go to Washington, D. C., as a freshman senator with the confidence that the people of Kansas were solidly behind him.⁴

During the 81st session of Congress, Andrew Schoeppel was appointed to two standing committees in the Senate. These Committees were: The Committee on Expenditures in the Executive Department and the Committee on Rules and Administration. Schoeppel took an active part in the Senate and voted on nearly every bill that reached the Senate floor.⁵

In 1952, Schoeppel supported fellow Senator Robert Taft at the presidential convention even though a Kansan was running for the nomination. When Dwight D. Eisenhower received the nomination, Schoeppel switched his support to him.

In 1953, Senator Schoeppel received an honorary doctorate degree from Waynesburg College, Waynesburg, Pennsylvania. This was the second honorary doctorate degree that had been accorded Schoeppel as he had received one from Baker University in Baldwin, Kansas, in 1946. When Schoeppel was awarded his honorary degrees, he also served as guest speaker at both commencement exercises.⁶

⁴ June Cobe and Charles Sullivant, Kansas Votes, National Elections, 1859-1956, pp. 82-83.

⁵ Congressional Quarterly Almanac, Vol. V., 1949, p. 27.

⁶ Senate and House Journals, printed by Kansas State Printing Plant, Topeka, 1962, p. 48.

After serving six successful years in the Senate, Schoeppel decided to run for re-election in 1954. The Democratic candidate was again George McGill who had been defeated by Schoeppel in the 1948 election. Schoeppel was undoubtedly aided in this campaign by the Republican president, Dwight D. Eisenhower, a war hero who had been reared in Abilene. The Republican party was given a large majority in the State of Kansas because the people wanted to see a president from Kansas receive help in passing his policies in the United States Senate. Schoeppel was re-elected by a large majority. He collected 348,144 votes to 258,578 for McGill; this was 56.3 per cent of the total vote. Schoeppel carried all but three counties, Crawford, Ellis, and Wyandotte.⁷

On his return to the Senate, Schoeppel was appointed to the Committees on Interstate and Foreign Commerce and Select Small Business. He remained on these Committees for the remainder of his senatorial career. Schoeppel continued his work in the Senate and was known as a man who made his opinions known but he was always extremely conservative.⁸

In 1956 Senator Schoeppel received another honor when he was given his thirty-third degree by the Shriners. This is the highest degree that can be awarded by the Shrine, and it is given for outstanding contributions to the nation and to the Shrine organization.⁹

Schoeppel announced that he would be a candidate in the 1960 election. He said, "I run on my record of the past twelve years, and I promise to give the people of Kansas an honest and reliable vote in Congress."¹⁰ The national presidential election was extremely important in 1960 because President Eisenhower would not seek re-election and Vice-President Richard Nixon was the

⁷ Cabe and Sullivant, *op. cit.*, pp. 88-89.

⁸ *Congressional Quarterly Almanac*, Vol. VII, 1955, p. 30.

⁹ "Andrew Schoeppel," *Current Biography*, 1960, p. 527.

¹⁰ *Ibid.*, p. 528.

Republican candidate. The Democratic party threw its support behind John F. Kennedy, who had been a United States Senator from Massachusetts. This election made it necessary for Kansas voters to decide whether the Republican party had done a good job in the preceding eight years. The majority of Kansas voters supported the Republican party by backing Nixon and Schoeppel. In this election Schoeppel easily won his third term by defeating Frank This, the Democratic candidate, by a margin of eighty thousand votes. This enabled Schoeppel to return to the Senate as Kansas' senior senator and in a position of power because he was one of the ranking Republican senators to return to Congress.¹¹

Upon returning to the Senate in 1960, Schoeppel was given a "key" Republican post in the Senate--the chairmanship of the Committee on Committees. This Committee appointed the Republican senators to the committees on which they would serve.¹² Schoeppel served as chairman of this Committee for only one year because, in 1962, his senatorial career was cut short by his death. He died of cancer on January 21, 1962, at the Bethesda, Maryland, naval hospital. He had been under treatment since December 4, 1961, for a malignant abdominal tumor.¹³

On learning of his death, Governor John Anderson of Kansas said, "He has served Kansas well and in many capacities for many years. His continual services will be greatly missed."¹⁴ Senator Frank Carlson of Kansas said, "None could deny that his principle interest was in the people, of whom he knew thousands on a first name basis, and the great value of his official services

¹¹ Topeka Daily Capital, November 10, 1960.

¹² Congressional Quarterly Almanac, Vol. X., 1960, p. 32.

¹³ Congressional Record, Vol. 108, p. 636.

¹⁴ Topeka Daily Capital, January 22, 1961.

was in translating their views into performance as their chosen representative." Senator Everett Dirksen, Illinois, said that Schoeppel would be missed by the nation as well as by his fellow colleagues as he had done excellent work in the Senate. He also said, "Andy Schoeppel, rugged and robust, was every inch a man. Life for him was a great adventure. It was a rich, rewarding adventure to find happiness for others, and, in the doing, to find happiness for himself."¹⁵ Schoeppel was buried in the Acacia Garden portion of the Old Mission Cemetery in Wichita, Kansas. The last words spoken over his body by Reverend Schuler were "he had a strong will and a mighty heart."

Thus ended the career of Senator Andrew Schoeppel who was of the time-honored school that budgets should be balanced and that gross spending should be eliminated, not just curtailed.¹⁶ The conservative element in the United States Senate lost one of its most faithful members because Schoeppel could always be counted on for his conservative opinion and vote.

¹⁵ Congressional Record, op. cit.

¹⁶ Wichita Beacon, January 25, 1961.

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ANDREW FRANK SCHOEPPPEL, GOVERNOR OF KANSAS

1943-1947

by

DAVID CHARLES BOLES

B. A., Kansas State University, 1965

AN ABSTRACT OF A
MASTER'S THESIS

submitted in partial fulfillment of the

requirements for the degree

MASTER OF ARTS

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KANSAS STATE UNIVERSITY
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In 1944, Robert Lemon, the democratic nominee for governor, said that Andrew Frank Schoepel was an extremely conservative politician. This statement was almost exactly repeated by Alf Landon when Schoepel ran for the Senate in 1948. This thesis attempts to show that this was Schoepel's viewpoint throughout his political career.

Schoepel, who became the twenty-ninth governor of Kansas, was born and reared in western Kansas. He attended Ransom High School and the University of Kansas. After a year at the University in the premedical course, he joined the Naval Reserve Aviation Corps. After serving for one year, he was placed on inactive service and decided to return to school. Due to the urging of some friends, he attended the University of Nebraska Law School where he became an All-American football player and a campus leader. He received his L. L. B. degree in 1922 and went into law practice in Ness City, Kansas, where he was very active in civic and community affairs. In 1939, he was appointed to the Kansas Corporation Commission.

In 1942, Schoepel ran for the Republican nomination for governor. After an active campaign, he won an impressive victory in both the primary and the general elections. He was inaugurated on January 13, 1943. The ceremony was limited since World War II was in progress. Governor Schoepel stressed economy in his brief Inaugural address. After serving for two years as governor, Schoepel ran for re-election, and he was re-elected by a margin of over 80,000 votes, carrying all one hundred and five counties. He was inaugurated on January 9, 1945, in a ceremony similar to the 1943 affair and began his final two years as governor.

The 1943 and 1945 legislative sessions were given a free reign by the governor since he did not present them a program to be passed. The state leg-

islature's actions were limited because of the pressing national problems. The legislature passed some needed legislation but it could have done a great deal more with strong executive leadership. Some of the significant legislative action considered includes: The Fair Labor Standards Act, Child Labor Law, Kansas Veterans' Administration Act, State Building Program, and Postwar Construction of Highways.

The method that was used by Schoepfel to approach controversial problems was very consistent. He always had a definite but conservative answer. He always looked to the past or to better qualified individual than himself as a basis for his decisions. Some controversial issues faced by Schoepfel were: the hanging of Fred Brady, prohibition, and the parole of Ronald Finney.

Schoepfel set up law practice in Wichita in 1947 rather than running for a third term as governor. However, this conservative but popular Republican candidate was elected to the United States Senate by the people of Kansas in 1948. He was re-elected in 1954 and in 1960. He was one of the top ranking Republicans to be returned to the Senate in 1960. As a senator, Schoepfel served on the Committee on Expenditures in the Executive Department, the Committee on Rules and Administration, the Committees on Interstate and Foreign Commerce and Select Small Business, and as chairman of the Committee on Committees. During this time he received two honorary doctorate degrees and was made a thirty-third degree Shriner. Schoepfel's career was cut short by his death in 1962, and thus the conservative members of the Senate lost one of their most faithful members.