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# Professor William S. Schaper,

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## War Hysteria

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### and the Price of Academic Freedom

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William E. Matsen

"REINSTATEMENT will not atone for the wrong done me. I have spent 32 years of my life preparing myself for the position from which I was let out in 20 minutes," said the middle-aged professor, who was on his way to a meeting with the mayor of Minneapolis, Thomas Van Lear.<sup>1</sup>

Just six days earlier on September 13, 1917, the speaker, Professor William August Schaper, had endured what must have been the bleakest day of his life when, following a stormy meeting of the board of regents, he was summarily dismissed from his position as professor and chairman of the department of political science at the University of Minnesota. Schaper's dismissal, one among many nationwide in the frenzied days of war hysteria in the autumn of 1917, had a lasting impact on the question of academic freedom and eventually resulted in debate in places as widely separated as Minneapolis—St. Paul, Washington, D.C., and Norman, Oklahoma.

William Schaper had arrived at the University of Minnesota in 1901, a 32-year-old scholar with a new Ph.D. from Columbia University. His advancement

through the academic ranks, beginning as an instructor of political science, had been steady, and in 1915 he assumed the chairmanship of the newly created political science department.<sup>2</sup>

Described by former students and colleagues as able, fair, and self-assured, Schaper possessed a solid academic reputation. His dissertation, *Sectionalism and Representation in South Carolina*, had been published, as were several articles in scholarly journals. He had won widespread recognition as an authority on municipal and state taxation and had worked with the Minneapolis Charter Commission, a service he performed for other cities as well. By 1917 colleagues and professionals throughout the nation viewed William A. Schaper as a highly respected member of his field.<sup>3</sup>

That respect, however, did the 48-year-old professor little good on the afternoon of September 13. According to Schaper, he met University of Minnesota president, Marion L. Burton, on the campus that day, and Burton informed him that the regents, who had received a letter from the Minnesota Commission of Public Safety (CPS) in July regarding faculty members suspected of having anti-American sentiments, wished to see him. (Later Schaper would write John Lind, a member of the CPS, who incorrectly informed the professor that no such letter had been sent. This would lead to additional complications in what came to be

*William Matsen, whose article on the battle of Sugar Point appeared in the Fall, 1987, issue of this magazine, is teaching and completing a Ph.D. in English at the University of North Dakota in Grand Forks.*

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<sup>1</sup> *Minneapolis Morning Tribune*, Sept. 20, 1917, p. 15.

<sup>2</sup> The date for Schaper's assuming the chairmanship is given in some sources as 1904, but a letter later sent by William Anderson, one of Schaper's successors as department chairman, fixes the date as 1915. William Anderson to "Dear Friend," Mar. 17, 1958, Schaper Case File, University of Minnesota Archives (UMA), St. Paul.

<sup>3</sup> *Sectionalism and Representation in South Carolina* was reissued by DeCapo Press of New York in 1968 as part of "The American Scene; Comments and Commentator" series.

known as the Schaper case.) The board of regents summoned Schaper from his office a few minutes after his encounter with Burton.<sup>4</sup>

BEFORE the United States had entered World War I, Schaper, who had been born to German immigrant parents in La Crosse, Wisconsin, made little secret of his wish that America avoid being drawn into the European war and of his favoritism for the German side. After President Woodrow Wilson's successful appeal for a declaration of war in early April, 1917, however, Schaper supported American war efforts and, as letter after letter later collected by the professor and his defenders testify, urged his students to obey the law, even to the point of suggesting they volunteer for military service and officer training.<sup>5</sup>

Professor Schaper, however, possessed one glaring character flaw. He was, as one of his former students

*PROFESSOR William A. Schaper, about 1924*



noted, "somewhat feared because of his forthright speech, sometimes sharp tongue, and unyielding assurance of . . . always being right." One member of the board of regents, Pierce Butler, displayed an equally unbending attitude of mind, and Schaper's accusers as a whole were infected by the wave of war hysteria and chauvinistic patriotism that was sweeping the country in that autumn.<sup>6</sup>

Perhaps none of those present when Schaper was questioned better typified this attitude of extreme patriotism than university president Burton. The president, whose failure to support Professor Schaper resulted in a great deal of negative comment from some faculty members, appears to have been an unabashed supporter of the war effort. He also seems to have been affected by some of the more spectacular propaganda on German misbehavior, or atrocities, circulating throughout the country largely through the efforts of the Committee on Public Information headed by George Creel. The *Minneapolis Morning Tribune*, for example, quoted Burton as saying that he would rather shoot his wife and daughters than have them fall into the hands of the German army.<sup>7</sup>

This combination of Professor Schaper's stubborn-

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<sup>4</sup> Schaper always maintained that there was no letter of accusation—thanks to Lind's misinformation. In fact, the best evidence indicates that there was and that several faculty members, including two others who were questioned by the regents on September 13—Dean Alfred Owre of the School of Dentistry and a woman of the farm school faculty—had been similarly accused. See James Gray, *The University of Minnesota, 1851-1951* (Minneapolis: University of Minnesota Press, 1951), 245-249. Lind to Schaper, Oct. 19, 1917, in "Proceedings of the Board of Regents of the University of Minnesota in the Case of Professor William A. Schaper," Mar. 5, 1923, Schaper Papers, University of Oklahoma Library (UOL), Norman, hereafter cited as "Proceedings." On the Minnesota CPS, see William Watts Folwell, *A History of Minnesota* (St. Paul: Minnesota Historical Society [MHS], 1956), 3: 556-575.

<sup>5</sup> "Proceedings," 14-21.

<sup>6</sup> "Recollections of William Anderson," April 11, 1958, Schaper Case File, UMA.

<sup>7</sup> This was a correction. In a perfectly splendid example of misquoting, Burton had originally been credited with saying, "I have promised my wife and daughters to shoot each of them should Germany be victorious in the present war." *Minneapolis Tribune*, Nov. 28, 29, 1917, both p. 1. The Creel Committee, formed in April, 1917, shortly after the United States entered World War I, provided the American press with stories on alleged German mistreatment of civilians, prisoners, and countless barbaric "atrocities," none of which could be proven after the war. At one point the committee had 75,000 speakers at work promoting American war aims and, often enough, spreading horror stories. See Phillip Knightley, *The First Casualty: From the Crimea to Vietnam: The War Correspondent as Hero, Propagandist, and Myth Maker* (New York: Harcourt, Brace, Jovanovich, 1975), 122-123.



UNIVERSITY  
president  
Marion L.  
Burton in 1917



ness and the regents' superpatriotism was to lead all of the parties into an impasse that would require over 20 years to breach. As he later recorded, Schaper was affronted at being called before the board on what he felt were ludicrous charges: "My reserve of manner while before the board was entirely due to my offended sense of personal dignity. While I was outwardly calm, I was inwardly boiling with indignation that the regents should stoop to listen to some unsupported gossip. . . . I admit that I did not exhibit any cringing or crawling attitude of mind."<sup>8</sup> And the answers that the chairman of the political science department returned to the queries of the regents demonstrated that he had no intention of cringing whatsoever.

When asked his opinions on the war, Schaper stated, "I have four nephews who have been drafted and are going into our army, and I have first cousins in the German army. Under the circumstances, I feel that I cannot go out and boost for the war." Asked to explain "boosting," the professor replied, "What I meant . . . was haranguing public meetings for the purpose of

arousing the spirit of hate, stirring up the war hysteria. This I could not do. It would be revolting to my conscience."<sup>9</sup>

Regent Pierce Butler, at that time an attorney representing railroad and utility interests, soon became the chief interrogator for the board, according to Schaper. Various sources described Butler's cross-examination style in court and elsewhere as "hostile," "shredding," and "ruthless." These traits served him well in courtroom confrontations but won him the nickname "Fierce" Butler from his enemies. Butler also exhibited a personality as fiercely unbending, as unyielding, as Schaper's, and both men soon lost control.

Butler: "You are the Kaiser's man. You want the Kaiser and the Crown Prince to dominate the world, don't you?"

Schaper: "That is an accusation, not a question. It is absurd."

Butler: "It is the truth, is it not?"

Schaper: "It is utterly absurd."<sup>10</sup>

One of the other regents, St. Paul businessman Charles L. Sommers, recalled years later that members of the board felt that Schaper's attitude was belligerent and unco-operative. Sommers also noted that President Burton did and said nothing in Schaper's defense. Faced with this dilemma, the regents voted to ask for a resignation. This request Schaper refused and asked to have the charges against him put in writing. Later that evening, a telegram from Burton notifying Schaper of his dismissal, as voted unanimously by the regents, arrived at the professor's home.<sup>11</sup>

Pierce Butler suffered misgivings about his role in this affair and told his son, "I didn't want to fire that man, but he gave me no chance to save him."<sup>12</sup> To Schaper, however, Butler represented all he opposed, and in due time he would attempt to share his misgivings about the Minnesota regent with the entire nation.

SCHAPER'S FIRING did not go unnoticed nor unprotested. Two members of the department of political science, Professors Cephas D. Allin and J. S. Young, saw President Burton about the matter soon after September 13, but were rebuffed. At the board meeting in October, Lloyd M. Crograve, an assistant professor of economics, appeared before the regents and told them he disagreed with their actions in the Schaper case, noting that it concerned the question of "academic freedom: Should a university professor be encouraged to do independent thinking, or coerced against doing it?" In December, a committee connected with the United States Labor Conciliation Commission and headed by then professor Felix Frankfurter, as well as a committee from the American Association of University Professors (AAUP), investigated the case. According to Schaper, Frankfurter and fellow investigator Max

<sup>8</sup> "Proceedings," 10.

<sup>9</sup> "Proceedings," 3.

<sup>10</sup> "Proceedings," 4. The same exchange is noted in a statement Schaper issued to the press; see *Minneapolis Tribune*, Sept. 18, 1917, p. 8. On Butler's style, see Daniel J. Danelski, *A Supreme Court Justice Is Appointed* (New York: Random House, 1964), 11; *Time*, Nov. 27, 1939, p. 14-15.

<sup>11</sup> William Anderson interview with Charles L. Sommers, April 2, 1958, Schaper Case File, UMA.

<sup>12</sup> Gray, *University of Minnesota*, 248. A paper published in 1976 argues that Schaper's liberal political views were the reason for his dismissal and that Butler and other conservative regents used the "pro-German" argument as an excuse. Schaper himself did not seem to feel that this was the case. See John T. Hubell, "A Question of Academic Freedom: The William A. Schaper Case," *Midwest Quarterly* 17 (Jan., 1976): 111-121.

Lowenthal, secretary of the labor commission and a Schaper friend, suggested the regents reconsider the dismissal since there seemed to be no grounds for the professor's removal. Regent chairman Fred B. Snyder of Minneapolis refused.<sup>13</sup>

The AAUP committee took no action on individual cases such as Schaper's, of which there were many. Its investigations included several cases of dismissed professors. Among the more sensational were the dismissals of Henry W. L. Dana and James M. Cattell at Columbia in October, 1917, which led historian Charles A. Beard to resign in protest. Unemployment, however, was not the only danger facing college and university faculty members of suspect patriotism; for example, at tiny Northland College in Ashland, Wisconsin, a modern language professor, E. A. Schimmel, managed to convince a local Knights of Liberty mob that he was a spy and was properly tarred and feathered for his troubles. The AAUP's policy statement on "Academic Freedom in Wartime," a document remarkable overall for its inoffensive tone, advised: "When charges are brought against a member of a college or university faculty upon any ground, the proceedings should . . . be strictly judicial in character and should be in accord with the principle of faculty responsibility. In other words, the person accused should be entitled to have the charges against him stated in writing in specific terms, and to have a fair trial on those charges before either the judicial committee of the faculty, or a joint committee composed of an equal number of professors and trustees." Writing his account of the proceedings of September, 1917, some five years later, Schaper noted that the regents had refused his request to have the charges against him put in writing and that the proceedings were hardly judicial in character.<sup>14</sup>

Schaper received support of a different kind in 1923 when muckraker Upton Sinclair cited the former political science department chairman's case among several others. This appeared in an especially virulent attack on the University of Minnesota, or "University of the Ore Trust," and its regents.<sup>15</sup>

Despite an obvious desire to clear his reputation, however, the newly unemployed professor was now forced to consider the more mundane question of survival. This first-generation American, who had worked his way through the state normal school at Black River Falls, Wisconsin, the University of Wisconsin, and Columbia University, and—against his expressed wishes, ironically enough—spent a year completing his doctorate at the University of Berlin, soon found a way. William A. Schaper, Ph.D. became a manufacturer and distributor of washboards. His enterprise, the Frontenac Manufacturing Company, was located at the corner of South 13th Street and Nicollet Avenue in Minneapolis, and for a time Schaper worked nine hours a day



FRED SNYDER,  
long-time member  
of the university  
board of regents

every day except Sunday. Despite rumors that swept the academic community at the university, neither the professor nor his wife starved. Schaper was to maintain his interest in the Frontenac Company until mid-1924.<sup>16</sup>

The new businessman's energies were not only directed at the manufacture of laundry appliances, however. He soon involved himself in the internal politics of the newly formed Farmer-Labor party and in 1922 served on the party's state central committee as the representative of Dr. Henrik Shipstead. The defeat of incumbent Republican Frank B. Kellogg for the U.S. Senate by Shipstead provided professor-turned-washboard-maker Schaper with a means of again op-

<sup>13</sup> William Anderson describes the visit of Allin and Young to Burton in his "Recollections." On Crograve's appearance before the board, see *Minneapolis Tribune*, Oct. 26, 1917, p. 15. For the Lowenthal-Frankfurter investigation, see "Proceedings," 33-34.

<sup>14</sup> The American Association of University Professors' report on "Academic Freedom in Wartime" may be found in AAUP, *Bulletin*, Feb.-Mar., 1918, p. 30-47. For Schaper's comments on the AAUP policy and his letter to Professor Arthur O. Lovejoy, chairman of the special committee that drafted the report, see "Proceedings," 23-25. On other cases, see H. C. Peterson and Gilbert C. Fite, *Opponents of War, 1917-1918* (Madison: University of Wisconsin Press, 1957), 103-105.

<sup>15</sup> Upton Sinclair, *The Goose-step: A Study of American Education* (Pasadena, 1923), 214-215.

<sup>16</sup> Anderson, "Recollections;" Schaper to Milton Conover, Aug. 13, 1924, and Schaper Biography File, both in UOL. Schaper's study in Germany was "required by the department of political science at the University . . . to finish [his] specialization;" "Proceedings," 24.

<small>WM A. SCHAPER, PRES</small>	<small>STEPHEN MAHONEY, VICE-PRES</small>	<small>WM E. HENSCHKE, SEC.-TREAS</small>
	<h2 style="margin: 0;">Frontenac Manufacturing Company</h2> <p style="margin: 0; font-size: small;">MANUFACTURERS OF</p> <p style="margin: 0; font-size: small;"><u>HIGH-GRADE LAUNDRY APPLIANCES</u></p>	
YOUR GUARANTY OF QUALITY	<p style="margin: 0; font-size: small;">67-69 SOUTH 13TH STREET</p> <p style="margin: 0; font-size: x-small;">N. W. PHONE MAIN 7278</p>	
CHICAGO	MINNEAPOLIS, MINN.	ST. LOUIS

posing the man with whom he had so violently disagreed on September 13, 1917—Pierce Butler.<sup>17</sup>

ON NOVEMBER 23, 1922, just 16 days after Shipstead had ousted Kellogg from the Senate, Republican President Warren G. Harding nominated Butler, conservative Democrat from Minnesota, as an associate justice of the Supreme Court. The nomination was opposed by a number of groups and individuals, but by none so strenuously as by William A. Schaper.

Arriving in Washington on November 26, Schaper used his association with Shipstead to meet with progressive senators known to be opposed to Harding administration policies. These included Senators George W. Norris, Smith W. Brookhart, Edwin F. Ladd, and Robert M. LaFollette. Between the former professor and Wisconsin's "Fighting Bob" LaFollette, whose own opposition to World War I policies had nearly resulted in his removal from the Senate, a strong relationship soon developed. Wrote Schaper: "I spent the most interesting hour in my life with Senator LaFollette in his committee room in the United States Senate. I told him my story, the whole of it, my education, my work at the University, my efforts in getting the State Tax Commission established, my work in drafting city charters, and all the rest. When I got through I thanked him for his time and patience, he replied, 'Not at all. You have given me one of the most interesting hours I have spent in the Senate.'"<sup>18</sup>

It was Senator LaFollette, "fighting mad" in Schaper's words, who led the opposition to Butler's confirmation. When, after the judiciary committee had recommended the appointment, the senator managed to

block a vote of confirmation by notifying the Senate leadership that "unless Butler's name was excluded from the list" of some 1,700 appointments, "he would ask for a separate resolution to confirm each and every appointment." This maneuver prevented Butler's confirmation at the close of the special session of Congress on December 4, but President Harding immediately resubmitted the nomination.<sup>19</sup>

Schaper did not confine his attempts to working with progressive senators, however. At least in part through the efforts of friend Max Lowenthal, a number of articles appeared in national magazines, including the *New Republic* and *The Nation*, questioning the Butler appointment. The *New Republic*, in an apparent reference to the Schaper case, attacked Pierce Butler's actions as a regent of the University of Minnesota, claiming "he behaved during and after the war in the manner of a blind and bumptious bigot. He had none of the tolerance, none of the good humor and worldly wisdom, none of the mere gentlemanly decency which would prevent him from treating learned men, whose only offense was the expression of opinions different from his own, as suspects and traitors. He did not even show that respect for orderly process and that scrupulous desire to give an accused man his day in court which is supposed to belong to the spirit of Anglo-American law."<sup>20</sup>

Throughout the last days of November and much of December, similar outpourings questioned Butler's fitness for the Supreme Court. The Minneapolis City Council, for example, led by "radical" (*i.e.*, socialist) aldermen, voted 16 to 6 with six abstentions to protest the Butler appointment—but failed to approve a measure sending their protest to Washington. And a letter from Minneapolis, on University of Minnesota stationery and addressed to Senators LaFollette and Ladd, accused Butler of being a "reactionary" and "extremely disagreeable" in his handling of witnesses in court.<sup>21</sup>

Throwing all of his energy into the anticonfirmation fight, Schaper worked closely with Senator-elect Shipstead to block the appointment and wrote the charges that Shipstead presented to the Senate Judiciary Committee on December 7. Three of these concerned Butler's perceived closeness to special interests, especially railroads, transit companies, and utilities. A

<sup>17</sup> Schaper to John McCall, Dec. 22, 1922, Schaper Papers, UOL. For additional information on Pierce Butler, his selection by Harding, and his confirmation, see Danelski, *Supreme Court Justice*.

<sup>18</sup> Schaper to McCall, Dec. 22, 1922, UOL.

<sup>19</sup> See Schaper to Pike, Dec. 18, 1922, Schaper Papers, UOL; Danelski, *Supreme Court Justice*, 106.

<sup>20</sup> "Pierce Butler and the Rule of Reason," *New Republic*, Dec. 20, 1922, p. 81–83. See also editorials in *The Nation*, Dec. 6, 13, 1922.

<sup>21</sup> *Minneapolis Tribune*, Nov. 25, p. 1, Nov. 28, p. 5, both 1922.





PIERCE BUTLER, associate justice of the Supreme Court, about 1925

fourth questioned Butler's fairness as a member of the University of Minnesota Board of Regents.<sup>22</sup>

Schaper himself appeared before a subcommittee of the judiciary on December 8 and December 13. During the first meeting, accompanied by Shipstead, he directed his testimony at Butler's actions as a regent; at the invitation of Senator Thomas J. Walsh, a Montana Democrat, he told the story of his dismissal from the University of Minnesota. This and accounts of other seemingly capricious firings by the regents led the subcommittee to examine the charges in more detail. In the interim between Schaper's two appearances, Senator Knute Nelson of Minnesota, chairman of the subcommittee, investigated the circumstances surrounding Schaper's firing and secured information which contradicted the professor's claim that no letter accusing him of disloyalty had been sent in 1917 from the Minnesota Commission of Public Safety to the board of regents.<sup>23</sup> This led subcommittee members to view Schaper's opposition to Butler with skepticism.

For his part, Schaper filled the five-day period between the two meetings of the subcommittee by writing a lengthy discussion of his case, as well as a shorter account of the reasons that he viewed Pierce Butler ill-suited for appointment to the Supreme Court, stating

in part: "I would not be human if I could entirely overlook the fact that this man dealt me a cruel, crushing blow in an irregular and unfair manner. However, I hope that I am man enough, and a good enough American to be able to discriminate between an injury he did me personally, and the deep significance to the nation of the elevation of this man to the high office and sacred trust of an Associate Justice of the Supreme Court." Unfortunately for Professor Schaper, both accounts remained publicly unread before the subcommittee. When he appeared alone on December 13—Shipstead having returned to Minnesota—members of the subcommittee instructed Schaper to leave the longer presentation of his case for review, and he refrained from reading the shorter statement. He wrote LaFollette: "I feel that the subcommittee was not in a proper frame of mind to listen to what I had to offer and much less to heed it."<sup>24</sup>

ON DECEMBER 21, the Senate by a vote of 61 to 8 confirmed Pierce Butler as an associate justice of the Supreme Court. Schaper, who had clearly foreseen the probable outcome of his efforts, was not greatly upset; instead, he wrote Max Lowenthal that all of the resulting publicity "will be fir[s]t class campaign material in 1924."<sup>25</sup>

And the former professor had some rather definite plans for that year. On May 13, 1924, at St. Olaf College in Northfield, Dr. Schaper began his campaign for the Farmer-Labor nomination for governor of Minnesota. Fittingly, one of the concerns of his campaign was academic freedom, and Schaper stated: "The teacher and man of science can have only one guide if democracy is to endure, and that is to seek the truth, to teach it and to speak it with freedom and complete immunity from interference from any public authority or intimidation." Other campaign pledges included city and state government co-operation to reduce unemployment, budget reform and elimination of waste in government, and a forest conservation system.<sup>26</sup>

It was a distressingly brief campaign. On June 17, Schaper with just under 8,000 votes finished sixth out of a field of seven candidates for governor in the Farmer-Labor primary. The winner, Floyd B. Olson, edged

<sup>22</sup> Shipstead to Committee on the Judiciary, Dec. 7, 1922, Butler Confirmation Papers, University of Washington Library, Seattle, Washington.

<sup>23</sup> Danelski, *Supreme Court Justice*, 118, 125–126.

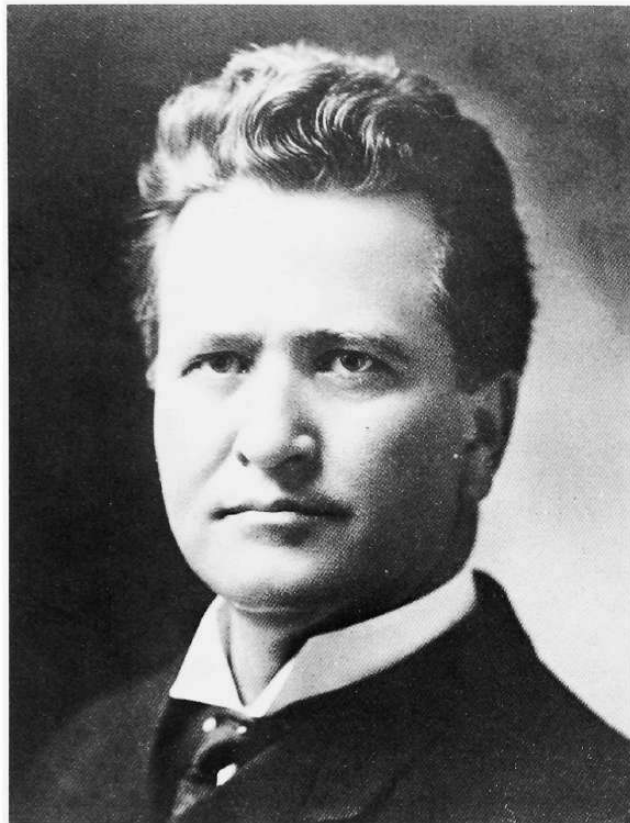
<sup>24</sup> Schaper to Judiciary Committee, Dec. 21, 1922 (a copy sent to LaFollette on this date), and Schaper to LaFollette, Dec. 21, 1922—both in Schaper Papers, UOL.

<sup>25</sup> *Congressional Record*, 67th Cong., 4th sess., 1922, 64, pt. 1: 813; Schaper to Lowenthal, Dec. 21, 1922, Schaper Papers, UOL.

<sup>26</sup> *Minneapolis Tribune*, May 14, 1924, p. 7.

Tom Davis by 187 votes in an election that took days for a winner to emerge. Olson, in turn, was soundly defeated by Republican Theodore Christianson in the general election.<sup>27</sup>

In 1925 after an absence of eight years from college teaching, Dr. William Schaper was hired as a professor of finance at the University of Oklahoma in Norman. Friends and colleagues in the academic world, includ-



SENATOR Robert M. LaFollette of Wisconsin

<sup>27</sup> *Minneapolis Tribune*, June 19, 1924, p. 2 and June 21, 1924, p. 1; Bruce M. White *et al.*, *Minnesota Votes* (St. Paul: MHS, 1977), 188.

<sup>28</sup> Here and below, see Charles A. Beard, "Mine Eyes May Behold," *New Republic*, Jan. 19, 1938, p. 306; Gray, *University of Minnesota*, 389.

<sup>29</sup> University of Minnesota Board of Regents, Minutes, Jan. 28, 1938, p. 163. For additional information, see the *Minneapolis Tribune*, Jan. 29, 1938, p. 1, 12; William Anderson to Friends of the Department of Political Science, Mar. 15, 1958, Schaper File, UMA; Gray, *University of Minnesota*, 386-389.

<sup>30</sup> Schaper to McCall, Dec. 22, 1922, Schaper Papers, UOL.

ing Allin, Young, and others at the University of Minnesota, aided his appointment. In a few years he became, once again, a department chairman.

BY 1938, when Professor Schaper was nearing retirement at Oklahoma, the political climate had changed greatly both in Minnesota state government and on the University of Minnesota Board of Regents. The governor was Elmer A. Benson, who ironically enough had been a clerk in Pierce Butler's law office in 1917, and on the board only two of the 1917 regents—Fred Snyder and Dr. William J. Mayo—still served. Late in January, Charles Beard, writing at the suggestion of acting University of Minnesota president Guy Stanton Ford, issued a call for Schaper's reinstatement: "In the economy of the long ages, . . . it is not what men say on ceremonial occasions that sustains the moral order; it is what they do in hours when passions run high and mobs thunder at the gates. By confessing that it charged Professor Schaper falsely in 1917, the University will give encouragement to all who labor for the maintenance of liberty in inquiry and teaching."<sup>28</sup>

On January 28, 1938, acting at the request of Governor Benson, the board of regents approved a resolution drafted by Guy Stanton Ford and George B. Leonard by an eight to one vote, with Fred Snyder dissenting and Dr. Mayo absent. This reinstated Dr. Schaper as a professor emeritus and paid him \$5,000, his salary for the 1917-18 academic year.

The resolution rescinded the board action of September 13, 1917, but more importantly affirmed the principle of academic freedom, reading in part: "The University of Minnesota should not impose any limitation upon the teacher's freedom in the exposition of his own subject in the classroom or in addresses and publications." In 1945, the sections of this resolution dealing with academic freedom became part of the University of Minnesota's code for tenure.<sup>29</sup>

William A. Schaper died on November 16, 1955, aged 86, and his wife, Harriet, survived him by less than a week. The childless couple left twin bequests of \$10,000 to the Universities of Oklahoma and Minnesota. Years before, on the day after Pierce Butler had been confirmed as an associate justice, Schaper revealed a bit of his character when he wrote a friend: "When a man is just, fair, and true all his life[,] attacks don't hurt him much. That just makes him grow."<sup>30</sup>

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