

# The North Dakota State Library Scandal of 1919\*

by Larry Remele

On December 1, 1919, Representative Olger B. Burtness accused the North Dakota State Library of circulating books advocating radical social and political doctrines to public schools throughout the state. In a sensational speech to the state House of Representatives, the legislator demanded an investigation of the administration of the dominant Nonpartisan League.<sup>1</sup> The resulting furor overwhelmed plans for a long-needed upgrading of the State Library, brought the national hysteria of the so-called "Red Scare" to the northern plains and put a black mark on the history of North Dakota.

The State Library scandal of 1919 occurred in the charged political atmosphere of a year in which post-war labor troubles, high unemployment and unchecked inflation combined with American fears of international revolutionary movements to produce many incidents of violence and intolerance on the national scene. Historian Robert K. Murray characterizes the period as one loaded with excessive hate and intolerance, unwarranted fear and politically-motivated violence; his *Red Scare: A Study in National Hysteria, 1919-1920* recounts that self-interested groups fostered fears of radical movements to strengthen sympathy for economic and political conservatism and to stem what they saw as deviation from traditional social relationships. To this end, the public concern with alleged revolutionaries allowed conservative elements to discredit all advocates of change, be they moderates or radicals, by smearing their efforts as Bolshevistic attempts to subvert and overthrow American society.<sup>2</sup>

In North Dakota, conservatives from the outset had vigorously and viciously opposed the insurgent Nonpartisan League and its liberal and popular program of state-owned terminal elevators, banks and insurances as un-American tampering with the economic structure. The known Socialist connections of some NPL officials, especially President Arthur C. Townley, and the monolithic organizational structure seemingly offered *prima facie* evidence that the League was no more than a smokescreen covering the institution of "sovietized" state government. As the League marched steadily toward realizing its program, the opposition Independent Voter's Association (IVA) irrationally interpreted every NPL move as "bolshevistic" subversion of the democratic, free enterprise system. The frenzied smear campaign had little effect, and the entire League platform became law in 1919. Later that year, however, the tactics finally began to bear fruit, and the furor caused by the presence of 21 books in the State Library added North Dakota's high-flying Nonpartisan League to the list of

reformers driven into retreat by the reprehensible politics of the Red Scare era.

The State Library scandal originated from the reorganization of governmental administrative functions approved by the regular 1919 legislative session and upheld by a June referendum. Creating a five-person "Board of Administration" to supervise all state penal, charitable and educational institutions, the legislature centralized the responsibilities of three predecessor boards. What was touted as both an efficiency and an economizing move, however, looked to others to be a blatant power grab and aroused furious opposition.<sup>3</sup>

The composition of the new administrative body intensified the IVA's fears. As chairman, Governor Lynn J. Frazier selected controversial Reverend George A. Totten, Sr.,<sup>4</sup> a Congregational minister, newspaper publisher and outspoken reformer. He was joined by professional educator

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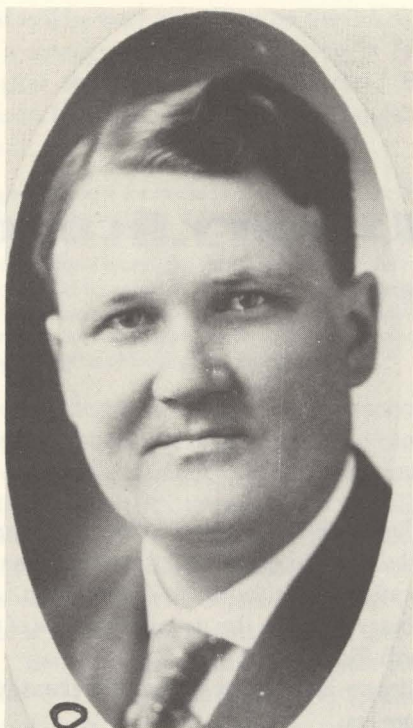
<sup>1</sup>Robert Loren Morlan, *Political Prairie Fire: The National Nonpartisan League, 1914-1922* (Minneapolis: University of Minnesota Press, 1955), discusses the special session of 1919 in North Dakota and the political maneuvers of the year on pages 229-238.

<sup>2</sup>See Robert K. Murray, *Red Scare: A Study in National Hysteria, 1919-1920* (New York: McGraw-Hill Paperbacks, 1964), Chapters 1, 16.

<sup>3</sup>North Dakota, *Board of Administration, Laws of North Dakota* (1919), Chapter 71, 85-87. The Board of Administration was replaced by the Director of Institutions in 1969. See *Director of Institutions, Laws of North Dakota* (1969), Chapter 440, 929-934. For the referendum returns, see: Bureau of Governmental Affairs, "Vote of the People," *Special Report No. 43* (Grand Forks: University of North Dakota, 1975), 10-11.

<sup>4</sup>George A. Totten, Sr., (1870-1955) immigrated to Canada from his native England in 1884, was ordained a Congregational minister in 1907 at Lawton, North Dakota, lived in Bowman and published the *Bowman Citizen* from 1909-1912. He served on the State Board of Regents from 1917-1919 and on the Board of Administration from 1919-1922. After living in Fargo for several years, he served parishes in Graceville and Ortonville, Minnesota, until 1937 when he retired. Obituary: *Fargo Forum*, November 9, 1955, 2; *Minneapolis Star*, November 8, 1955, 32.





**Olger B. Burtness (1919)**

—State Historical Society of North Dakota Collection

<sup>7</sup>Robert T. Muir (1874-1942) came to Dakota Territory in 1880, graduated from the University of North Dakota and held positions as principal at a variety of state high schools before being appointed to the state Board of Regents in 1917 and the Board of Administration in 1919. He later farmed near Waubesa, Minnesota, and lived in Rose Lake, Idaho. His wife, Isabel, was the sister of NPL leader William Lemke. See the obituary in *Fargo Forum* (ev.), June 3, 1942, 5.

<sup>8</sup>Patrick M. Casey (1880-??) came from Wisconsin to Ransom County in 1909 and farmed near Lisbon. A Democrat who headed the ill-fated Equity Packing Company, Casey unsuccessfully tried for state Treasurer on the NPL ticket in 1916. He was appointed to the Board of Control in 1917 and to the Board of Administration from 1919 until his resignation in 1922. Information about his later life was not located.

<sup>9</sup>John N. Hagan (1873-1952) actively served in local and state government from his election to be Commissioner of Agriculture and Labor in 1916. Re-elected twice to that post, he was recalled in 1921, but elected again in 1936. A farmer and educator from Deering, Hagan worked on many cooperative boards and held various appointive governmental positions, including service as Administrator for Prohibition Enforcement from 1927-1933. He was a lifelong member of the Nonpartisan League. See the obituary in the *Fargo Forum* (mg.), June 6, 1952, 5.

<sup>10</sup>Minnie Jean Nielson (1874-1958) served as Superintendent of Public Instruction from 1919-1927. Before that, she had been Superintendent of Schools in Barnes County and later lectured across the nation in teacher's colleges. From 1938-1950, she acted as Secretary of the North Dakota Teacher's Retirement Fund. The only college diploma she held was an honorary Doctor of Laws granted by Fargo College in 1920. See *Valley City Times-Record*, February 18, 1958, 1, for her obituary.

<sup>11</sup>Board of Administration, *First Annual Report*, 1919 (Bismarck: 1919), 18-28. This remarkable document largely devotes itself to refuting anti-NPL attacks on the concept of a Board of Administration and to detailing the philosophical bases on which the Board would act.

<sup>12</sup>*Ibid.*, 34.

<sup>13</sup>Charles Emil Stangeland (1881-1942) was born in Iowa and educated at Columbia University in New York, receiving his Ph.D in political economy in 1904. He spent several years in the diplomatic service before coming to North Dakota in 1919. An intellectual of some acclaim, Stangeland later emigrated to Germany and became a lecturer at the University of Berlin. Obituary: *Deutsche Allgemeine Zeitung*, October 24, 1942, 6.

and NPL stalwart Robert T. Muir<sup>7</sup> of Sarles and Equity Society activist Patrick M. Casey<sup>8</sup> of Lisbon. Since one of the *ex-officio* seats belonged to Commissioner of Agriculture and Labor John N. Hagan<sup>9</sup> of Deering, a well-known League "left-winger," only Superintendent of Public Instruction Minnie J. Nielson<sup>10</sup> of Valley City represented the opposition viewpoint; Nielson had been the only IVA candidate for state office to survive the 1918 NPL landslide, but questions about her qualifications generated legal maneuvers to oust her from office and intensified a drive to abolish the position entirely in order to remove it from electoral politics. She appeared at best a very badly outnumbered representative of the IVA on what portended to be an activist and reform-minded commission.

Controversy about Nielson and the unsuccessful referral of the Board of Administration law put the new body into the limelight before it had even met. Its projected role caused dis-sension within NPL ranks, and Attorney-General William L. Langer, Secretary of State Thomas Hall and State Auditor Carl Kositzky defected to the IVA to protest the erosion of Nielson's official powers. When the validity of the law was tested in court, however, the resulting decision confirmed the Board's authority over the common schools and made Nielson's position even more tenuous.<sup>9</sup>

In this atmosphere of confrontation and suspicion, the Board of Administration organized on July 26, 1919. Its activist zeal soon became evident to all and was exemplified by the tone and content of its *First Annual Report*, issued on November 30, 1919. This document, more a manifesto than a report, contained two sections that contributed directly to the eruption of the State Library scandal. First, it reiterated the call for abolition of the office of Superintendent of Public Instruction, a position it believed superfluous.<sup>10</sup> Second, the *Report* printed a highly critical evaluation of the State Library prepared by Dr. Charles Emil Stangeland,<sup>11</sup> an "Educational Expert" hired by Board Chairman Totten.

Stangeland's commentary on the Library offered a specific example of how the Board of Administration intended to streamline and centralize state government functions. Noting "some hundreds of novels and works of no authority" in the Educational Department (books circulated to schools), the lack of contemporary publications dealing with social, political and economic questions in the Legislative Reference Department, and the "deplorable lack of vision" and "striking failure" to provide books dealing with farm marketing and the distribution of wealth in the Traveling Library system, Stangeland blasted the inadequacy of the Library's collections. In particular, he asserted that the Traveling Libraries consisted mainly of "books of obscure respectability and pronounced mediocrity or inferiority."

To remedy these defects, Stangeland recommended sweeping increases in funding and staff for the library, more and better books, and the addition of many periodicals of a social, political or economic nature. He firmly advocated an "educational" outlook in acquiring materials; that is, he asked that books be purchased which represented all points of view on controversial subjects such as political philosophy. His report ended with a call for a centralized authority in



North Dakota under the control of the Board of Administration that would oversee all state repositories, the employment of library fieldworkers and the coordination of efforts between the State Library and larger city libraries. Finally, Stangeland stridently denied that implementation of his recommendations would make the library a vehicle for the dissemination of radical propaganda; rather, he said, they would increase the educational usefulness of the agency.<sup>12</sup>

Others, of course, disagreed. To them, Stangeland's recommendations looked much like a plan to use an agency of the state for political education, and the arrival of an invoice for a shipment of books at the office of State Auditor Kositzky just prior to the convening of a special session of the legislature seemingly justified that fear. Noting titles about bolshevism and authors with muckraking and/or socialist reputations, Kositzky mimeographed the bill and had a copy placed on every legislator's desk.<sup>13</sup> The stage was set for conflict.

The special session convened on November 25, 1919. League majorities in both houses wrote the Governor's recommendations into bills,<sup>14</sup> but on November 28, the IVA minority counterattacked with the introduction of House Bill #28. This measure substituted a "Board of Supervisors" for the Board of Administration and affirmed the authority of the Superintendent of Public Instruction over common school curricula.<sup>15</sup> With this bill, the battle over the Board of Administration's powers was joined, and the hopelessly outnumbered minority caucus began reaching for every possible weapon to use in the fight.

House Bill #28 came to the floor of the House of Representatives on December 1 with a committee recommendation for its indefinite postponement. An angry and impassioned debate followed. Amidst that furor, Representative Burtness<sup>16</sup> made the speech about the books that shook the state.

Declaring that "the past few weeks have shown us additional reasons why there should be a few changes in the Board of Administrations act," Burtness first attacked Stangeland, "a man who was buffeted from one jail to another," as the kind of official given authority by the Board. Stangeland, he claimed, controlled the State Library and selected reading matter to be sent to public schools. To demonstrate the point, the Grand Forks legislator dramatically recalled, "I was surprised and shocked when I stepped into the State Library Saturday to find there at the left of the door a circulating library, ready to go out to some country school, filled with such literature that if the fathers of this state know what it actually was they would be down here with shotguns." The titles he listed included works by reformer/journalist Upton Sinclair (*The Profits of Religion*), revisionist historian Charles A. Beard (*American Government and Politics*), muckraker Gustavus Meyers (*History of the Supreme Court*) and Russian revolutionary Leon Trotsky (*The Bolsheviks and World Peace*); although most offered dissenting, controversial and revisionist views of American political institutions and corporate entities, the list also contained an attack on bolshevist ideology (John Spargo, *Bolshevism*).<sup>17</sup> The volume which particularly incited the

legislator, however, was Swedish feminist Ellen Key's *Love and Ethics*, a plea for giving legal status to illegitimate children. Burtness described Key's book as one that "teaches your boy and your girl there is no holiness in marriage; that love and childgetting out of marriage are a glorious thing; that there is no such things as the sanctity of the home and of motherhood and of fatherhood." He concluded that these books symbolized what the Board of Administration planned for North Dakota's children and provided ample reason why it should be abolished.<sup>18</sup>

The revelation precipitated an uproar. League floor leader Walter Maddock<sup>19</sup> of Plaza reportedly responded: "There's enough red-blooded Americanism and Christian manhood in this house to protect the schools and homes of our state from this sort of socialistic rubbish and free love rot if we have to repeal the board of administration and every other law on our

<sup>12</sup>Stangeland's report was recently reprinted. See: Charles E. Stangeland, "A Brief Survey of the Public Library Commission of the State of North Dakota," *North Dakota Library Notes*, 5-5 (October, 1974), 2-29.

<sup>13</sup>See North Dakota, House of Representatives, *Journal of the House*, 16th Legislative Assembly, Special Session, 1919, 322-323. Hereafter referred to as *Journal of the House* with appropriate page numbers.

<sup>14</sup>Governor Lynn J. Frazier's message to the special session appears in *Journal of the House*, 4-7. The governor's goals included enactment of women's suffrage, extension of payment deadlines for county seed and feed liens, extending the deadline for payment of real estate taxes, amendment of the Soldier's Compensation Law, amendment of the Motor Vehicle Law, an appropriation to build a bridge across the Missouri River at Bismarck, an amendment to the School Bonding Law, repeal of the Moneys and Credits Law, bonding for the Home Building Association, enlargement of the powers of the State Railroad Commission, creation of a "state sheriff," and asking resolutions in favor of a Great Lakes waterway and on the Supreme Court decision concerning the funding for the NPL industrial program.

<sup>15</sup>*Journal of the House*, 17-18.

<sup>16</sup>Olger B. Burtness (1883-1960) received his law degree from the University of North Dakota in 1907, served as State's Attorney of Grand Forks County from 1911-1916 and one term in the state legislature (1919-1920); elected to Congress in 1920, he remained there until 1933. In 1950, he was appointed District Judge, a post he held until his death. Burtness had large farming and banking interests in Grand Forks County and helped form the Independent Voter's Association to combat the NPL in 1917. See the obituary in *Grand Forks Herald*, January 21, 1960, 1.

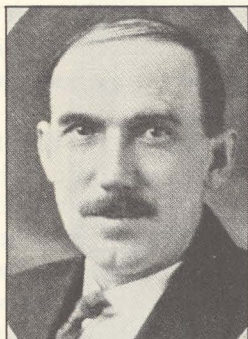
<sup>17</sup>The list cited by Burtness includes: Ferri, *Socialism and Modern Science*; Plecharoff, *Anarchism and Socialism*; Ferri, *Positive School of Criminology*; LaFarges, *The Evolution of Property*; Harris, *Cooperation, The Hope of the Consumer*; Blatchford, *Not Guilty*; Michels, *Political Parties*; Russell, *Stories of the Great Railroads*; Beard, *American Government and Politics*; Spargo, *Bolshevism*; Trotsky, *The Bolsheviks and World Peace*; Ransom, *Russia in 1913*; Meyers, *History of the Supreme Court*; Roe, *Our Judicial Oligarchy*; Sinclair, *The Profits of Religion*; Vanderbach, *Socialism vs. the State*; Key, *Love and Ethics*; La Briola, *Essays on the Materialist Conception of History*; Dewey, *New Schools for Old*; Nelson, *The Old Freedom*; Miller, *Puritanism*. See *Journal of the House*, 276.

<sup>18</sup>Burtness' speech is reported in the *Fargo Forum*, December 2, 1919, 1; *Grand Forks Herald*, December 1, 1919, 1; *Bismarck Tribune*, December 1, 1919, 1; *Fargo Daily Courier-News*, December 2, 1919, 1. Quotations are taken from the *Fargo Forum* and the *Bismarck Tribune* articles.

<sup>19</sup>Walter J. Maddock (1880-1950) homesteaded near Plaza in 1907 and served in the state legislature from 1915-1923. A staunch NPL member, Maddock was elected Lieutenant-Governor in 1924 and 1926, and succeeded to the Governor's chair on the death of Arthur G. Sorlie in 1928. Defeated in a bid for election as Governor on the Democratic ticket in 1928, he later directed the Farmers Home Administration from 1938-1950. Maddock actively worked in local cooperatives and was a vice-president of the North Dakota Farmers Union. See the obituary in *Bismarck Capital*, January 30, 1950, 1.



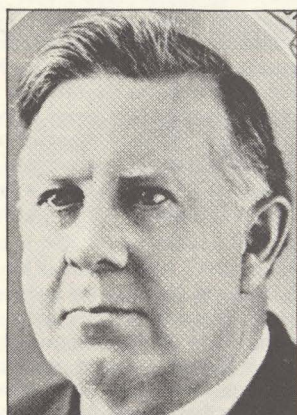
## Board of Administration 1919



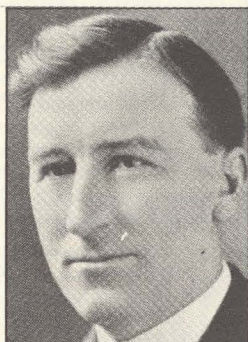
John N. Hagan



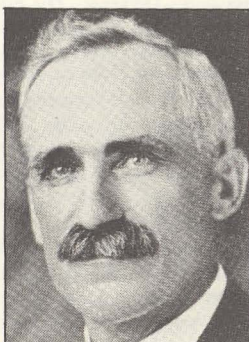
Minnie J. Nielson



George A. Totten, Sr.  
Chairman



Patrick M. Casey



Robert T. Muir

—State Historical Society of North Dakota Collection

statute books.”<sup>20</sup> Others, however, defended the Board strongly, and the exchange ended with no decision being made about the bill.<sup>21</sup> Immediately thereafter, the House adopted a resolution offered by IVA Representative J. Frank T. O’Connor<sup>22</sup> of Grand Forks that provided for an investigation.<sup>23</sup> NPL troubleshooter Richard H. (“Dad”) Walker of Yucca<sup>24</sup> became chairman of a committee filled out by representatives O’Connor, John H. Burkhart of Berthold (NPL),<sup>25</sup> Sheldon W. Johnson of Colgate (NPL),<sup>26</sup> and Peter McLachlin of Hunter (IVA).<sup>27</sup> Formal sessions began on December 3.

The State Library seemed a most unlikely source for political scandal. Originated in 1907, the Public Library Commission had assumed the duties of a branch of the Department of Public Instruction that since 1897 had been circulating books throughout the mainly rural and far-flung state. It maintained a “legislative reference bureau” to assist legislators and encouraged development of local libraries.<sup>28</sup> A chronically small staff, horribly inadequate quarters in the capitol building and niggardly appropriations plagued the agency.<sup>29</sup> In 1918, the library’s educational reference, traveling library and legislative reference divisions reported a

<sup>20</sup>See ff. 18.

<sup>21</sup>*Journal of the House*, 32. See also: 48-49.

<sup>22</sup>J. Frank T. (“Jefty”) O’Connor (1884-1949), a Democratic Party regular, received his law degree from the University of North Dakota in 1908 and his Doctor of Laws from Yale University in 1909. After starting law practice in Grand Forks in 1913, he was elected to the legislature in 1915, served until 1920, and failed in bids for Governor in 1920 and the United States Senate in 1922; both losses were to Lynn J. Frazier. He moved to Los Angeles, California, in 1924, served as Comptroller of the Currency under Franklin D. Roosevelt from 1933-1938 and was appointed a federal district judge in 1940. He held extensive property interests in Grand Forks. His obituary appears in *Fargo Forum* (ev), September 28, 1949, 1.

<sup>23</sup>The daily papers noted in ff. 18 record the committee call.

<sup>24</sup>Richard Hiram (“Dad”) Walker (1866-1945) came to North Dakota in 1895, farmed in Oliver County near the postoffice named Yucca, joined the Socialist Party early in its state career and actively supported the Equity Association. Elected to the state legislature in 1918, he served until 1923, was a deputy United States Marshall from 1927-1933, and then acted as Labor Representative to the state Workmen’s Compensation Bureau from 1933 until his death. Walker fathered 10 children. His obituary appears in *Bismarck Tribune*, January 23, 1945, 1; see also: Henry R. Martinson, “Some Memoirs of a Nonpartisan League Organizer,” *North Dakota History*, 42-2 (Spring, 1975), 20-21.

<sup>25</sup>John H. Burkhart (1872-1950) came to North Dakota in 1900, taught school in Minot and homesteaded in Ward County in 1904. An early NPL member, he served in the state House of Representatives from 1917-1929 and in the state Senate from 1931-1935. He retired and moved to Washington in 1936 and died there. See his obituary in *Berthold Tribune*, June 8, 1950, 1.

<sup>26</sup>Sheldon Wheeler Johnson (1855-1931), a lifelong political activist, held his first public office in Illinois in 1882 as a highway commissioner. He emigrated to North Dakota in the 1890s and settled near Colgate in Steele County. Elected as a NPL’er to the state legislature in 1919, he served until 1923 and was a county commissioner at the time of his death. See the obituary in *Fargo Forum* (mg.), November 24, 1931, 1.

<sup>27</sup>Peter McLachlin (1864-1940) farmed in Cass County before moving into Hunter in 1900. He retained his farming interests, but worked as Cashier of a local bank from 1911-1918. He was elected to the state House of Representatives in 1918 and to the state Senate from 1921-1929, held many village and school district offices and was a solidly conservative Republican. See the obituary in *Hunter Times*, July 18, 1940, 1.

<sup>28</sup>North Dakota Public Library Commission, *First Biennial Report, 1907-1908* (Bismarck: 1908), 17-19.

<sup>29</sup>See the subsequent reports of the Public Library Commission filed in the Archives of the State Historical Society of North Dakota.



combined total of only 17,840 books and 38,628 pamphlets and clippings. Low salaries resulted in a high rate of staff turnover. The *Sixth Annual Report of the Public Library Commission* tersely reiterated an ongoing plea: the library needed, "space in which to grow, fireproof housing for valuable collections, increase in salaries so that valued assistants may be retained, [and] an appropriation for books that will replace worn titles and add needed new ones."<sup>30</sup> Clearly, the agency Burtness chose to exemplify the danger of a powerful Board of Administration ranked very low in the hierarchy of state priorities.

Press reaction to Burtness' charges exploded across front pages as anti-NPL papers played the story in the worst tradition of sensational journalism. For instance, the *Grand Forks Herald* blared, "State Circulating Libraries are Revelation," and the *Bismarck Tribune* spelled out, "Free Love and Anarchism Fill State Library." Conversely, the NPL-owned *Fargo Courier News* lumped the speech with other "I.V.A. Dissention Plots,"<sup>31</sup> and reported that Reverend John Flint of the Trinity Lutheran Church of Bismarck had ridiculed the charges: Flint asserted, "I would not impugn Mr. Burtness' motives in denouncing these books, but I would say that any man who objects to standard works of this quality being in a reference library is an impudent ignoramus." When the minister emphatically reiterated his statements for opposition newsmen, "a meeting of members" of his church responded with a resolution denying the pastor's right to represent the congregation.<sup>32</sup>

The anti-League press fanned the flames even higher during succeeding days. The *Fargo Forum* editorialized, "Feeding Ellen Key and Leon Trotsky to school children is like bringing up babies on squirrel whisky . . . To hand a copy of *Love and Ethics* to a country school boy or girl to read is the work of a scoundrel," accused Governor Frazier of stupidity for hiring Totten and Stangeland and irrationally declared he was helping to "replace the picture of Lincoln with one of Trotsky in the public schools . . . substituting Ellen Key's doctrines of free love for Christianity and common morality." It solemnly advised the governor to clear "his record" by "turning the schools back to Miss Nielson and common decency."<sup>33</sup> Other IVA newspaper editorials followed the *Forum's* lead and kept the issue at a fever pitch.<sup>34</sup>

The brunt of press abuse fell on Stangeland, the man said responsible for purchasing the books. According to the *Grand Forks Herald*, "There are no words in the language which fits his case. Nor can any punishment that can be imagined be deemed adequate for such a man." The *Forum* headlined that he had been in prison "At Three Different Times," and the *Bismarck Tribune* falsely reported that he had admitted being "Guilty of Many Crimes" and of aiding the enemy during World War I.<sup>35</sup>

In contrast, the League daily *Fargo Courier-News* at once defended the Board of Administration and civil liberties. A library, it said, "must have books of all shades of opinion . . . how is the truth to make us free unless we fearlessly study the truth from every angle?" Burtness, however, got a thorough editorial hazing; the *Courier-News* characterized him as "the

cheapest and most silly kind of an ignorant demagogue," and as using the library issue totally for political reasons;<sup>36</sup> it asked if he intended to purge all the libraries in the state of the books in question.<sup>37</sup> Though the daily generally respected journalistic verity, other NPL organs engaged in some opposition-style mud-slinging. For instance, the *Grand Forks Daily American* charged J.F.T. O'Connor, "the silver-tongued orator of the minority," with aiding the IVA attack; O'Connor immediately protested and obtained a retraction that likened his reputation to "the utter intellectual depravity" of Olger B. Burtness.<sup>38</sup> This incident, however, only mildly compares to the free-swinging dialogue carried on in the state's weekly press.

This newsprint battle raged as the special investigative committee convened with the Board of Administration on December 3. The hearings began informally; witnesses were not sworn and no counsel was present. From the outset, the accuracy of Burtness' accusations came into question. Initial testimony from Totten and newly-employed Deputy Librarian Ann Evelyn Peterson<sup>39</sup> denied that the offending books were intended for school circulation; in fact, Peterson pointed out that books furthering dissenting social and political viewpoints had been available throughout the library's existence. The volumes in question, said the deputy librarian, had been suggested and ordered by Stangeland, but with her approval and for use only as circulating reference works;<sup>40</sup> Stangeland had acted in the interim before she assumed her duties on November 1. According to a report to the Board of Administration that she read into the record, "The books and periodicals which comprise the libraries under the supervision of the Public Library Commission have ALWAYS been used as circulating library books throughout the state." Hence, books had a "traveling" classification. She flatly dismissed the contention that the books were part of a deliberate attempt

<sup>30</sup>North Dakota Public Library Commission, *Sixth Biennial Report*, 1916, 1918 (Bismarck: 1918), 27.

<sup>31</sup>*Grand Forks Herald*, December 2, 1919, 1; *Bismarck Tribune*, December 1, 1919, 1; *Fargo Daily Courier-News*, December 2, 1919, 1.

<sup>32</sup>For information about John Flint, see Enid Bern, "One of Mott's Most Unforgettable Characters," *Plains Talk*, 4-2 (Spring, 1973, 1-6; comment about Flint's statement appears in *Fargo Daily Courier-News*, December 2, 1919, 1; Flint's reiteration of his stand is printed in *Bismarck Tribune*, December 2, 1919, 1, and the resolution passed by his congregation appears in *Bismarck Tribune*, December 6, 1919, 1.

<sup>33</sup>*Fargo Forum*, December 3, 1919, 1.

<sup>34</sup>Frazier allegedly demanded Stangeland's resignation on December 2, see *Grand Forks Herald*, December 3, 1919, 1.

<sup>35</sup>*Grand Forks Herald*, December 3, 1919, 4; *Fargo Forum*, December 5, 1919, 1; *Bismarck Tribune*, December 6, 1919, 1. The *Tribune* published a retraction on December 8, 1919, 1.

<sup>36</sup>*Fargo Daily Courier-News*, December 3, 6, 1919, 4.

<sup>37</sup>*Ibid.*; See also the article on December 5, 1919, 1.

<sup>38</sup>*Journal of the House*, 172. *Fargo Daily Courier-News*, December 7, 1919, 4.

<sup>39</sup>Ann Evelyn Peterson assumed duties as Deputy Librarian with the State Library on November 1, 1919. She had previously worked for the New York Public Library from about 1910-1918. Biographical information beyond that has not been located.

<sup>40</sup>*Journal of the House*; 257-263.



to radicalize schoolchildren. "Public education," she maintained, "is the fundamental function of a public library."<sup>41</sup>

Despite Peterson's statements, the *Bismarck Tribune* reported a complete vindication for Burtne's charges. According to its story, Governor Frazier had intervened because he wanted Stangeland dismissed and IVA investigator O'Connor deserved accolades for ascertaining that the books had been placed on a box marked for the "Traveling Library." The *Tribune*, anticipating a short hearing, said that the committee planned to report to the House of Representatives on December 3.<sup>42</sup>

Contrary to the *Tribune's* expectations, however, the League investigators opened on December 4 by seeking legal counsel, restricting the discussion solely to the library matter and formalizing the hearings. In face of this counter-attack, Representative O'Connor tried to keep the proceedings open to the public to permit IVA newsmen to attend, but was outvoted.<sup>43</sup> Chairman Walker then took the matter of counsel before the whole House in order to confirm his powers.<sup>44</sup>

The next two days brought all the principals in the affair to the witness stand. Committee counsel, Workmen's Compensation Board member Laureas J. Wehe,<sup>45</sup> and Representative O'Connor did most of the questioning, and the resulting transcript makes clear the lack of substance in Burtne's charges. The accuser himself admitted during a sharp exchange with Wehe that he had not known if the books were to be circulated to public schools, that he had not made a "complete investigation," that he had based his charges completely on inferences and that he knew little about the actual way in which the library operated.<sup>46</sup> The IVA legislator adamantly denied that the attack had been based solely on the mimeographed copy of the publisher's invoice obtained from State Auditor Kositzky<sup>47</sup> and then challenged the committee to cite him for contempt when he angrily attempted to stalk out of the hearing to avoid Wehe's questions.<sup>48</sup>

<sup>41</sup>*Ibid.*, 265-266; See also: Board of Administration, Minutes for December 3, 4, 5, 6, 1919, Archives, State Historical Society of North Dakota.

<sup>42</sup>*Bismarck Tribune*, December 2, 1919, 1.

<sup>43</sup>*Journal of the House*, 269-270.

<sup>44</sup>*Ibid.*, 93.

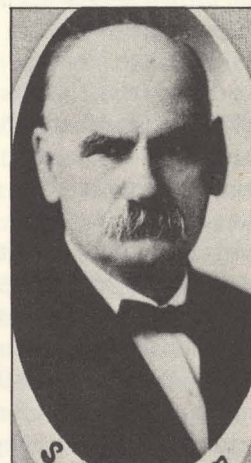
<sup>45</sup>Laureas J. Wehe (1873-1948) received his LLB. from the University of North Dakota in 1904 and practiced at Edmore and Devils Lake before being appointed a Commissioner on the Workmen's Compensation Board in 1919. Governor Frazier removed him from that position on April 23, 1920. Thereafter, he lived, practiced law and held various local offices in Bismarck until his death. See the obituary in the *Bismarck Tribune*, January 17, 1948, 1. Wehe, a combative man, wrote and published a series of self-serving articles defending his actions on the Workmen's Compensation Board after his dismissal; one deals in part with his participation in the State Library hearings. See the *Bismarck Tribune*, May 18, 1920, 4.

<sup>46</sup>*Journal of the House*, 278-279.

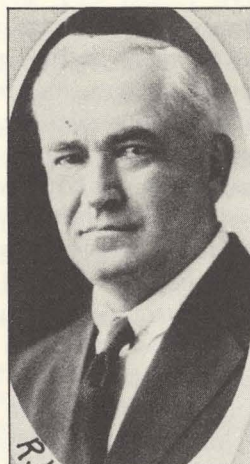
<sup>47</sup>Carl Reinholt Kositzky (1876-1940), North Dakota State Auditor from 1916-1920, served as Burleigh County Auditor from 1908-1912, on the Burleigh County Commission from 1912-1916, and worked in the state Land Department from 1922-1932. He published the *Red Flame*, a vicious anti-NPL propaganda monthly from 1919-1920, and operated other publishing and business ventures. Kositzky reputedly engaged in fistcuffs more than once during his political career. His obituary appears in *Bismarck Tribune*, January 18, 1940, 1.

<sup>48</sup>*Journal of the House*, 282.

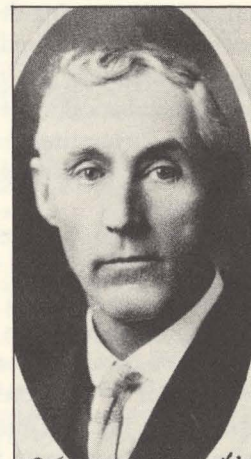
## Library Investigating Committee



Sheldon W. Johnson



Richard H. Walker  
Chairman



John H. Burkhart



J. Frank T. O'Connor



Peter McLachlin

—State Historical Society of North Dakota Collection



An extract from the hearing transcript exemplifies the tone of Burtness' testimony. When asked what the parents were going to do with the shotguns he had mentioned in his floor speech, Burtness replied: "I did not say what they were going to do."

WEHE: What did you mean by that?

BURTNESS: Just exactly what I said.

WEHE: Were they going to shoot somebody?

BURTNESS: Not exactly.

WEHE: Why were they coming with shotguns?

BURTNESS: To show their protest against the circulation of these books among the public.

WEHE: Who were they going to make the protest against?

BURTNESS: The persons responsible for the presence of these books.

WEHE: Who are [sic] responsible? Do you know?

BURTNESS: I do not, but I personally feel that the Board of Administration is responsible for it to some extent.<sup>49</sup>

Burtness read passages from several of the books to demonstrate his points, but he later complained that his examination had "delted into biology and metaphysics and science and economics and many other kindred subjects until my mind is almost in a whirlpool."<sup>50</sup> He voluntarily returned twice during subsequent days to explain himself further, but never succeeded in dispelling the impression that his attack had been politically-motivated and largely unfounded. Indeed, he admitted, "in the heat of argument, it might be that I did not select my words with great care and caution."<sup>51</sup>

Although appearances from two House members cast more doubt on Burtness' tale of accidental discovery of the books,<sup>52</sup> Charles E. Stangeland finally came forth to defend himself. First, he carefully denied Burtness' imputation of a lengthy prison record; actually, he said, he had once been arrested for an alleged violation of the "Trading with the Enemy" Act during World War I because he had tried to correspond with his wife in German-held Denmark and had been freed without trial due to lack of evidence. As for the library matter, there had never been any plan to "radicalize" the collections. Instead, he aimed to implement the recommenda-

tions made in his survey report; Stangeland bluntly restated his negative opinion of censorship and advocated an open acquisition policy for books. IVA questioners queried Stangeland thoroughly about his background in an attempt to substantiate Burtness' accusations, but learned only about his arrest and his connections with well-known liberals and dissenters. The worst they found was that he actually had not had authority to order the books because he was not officially an employee of the Library Commission.<sup>53</sup>

Although additional testimony about the Library was obtained from staff members, the political issue behind the whole investigation hovered constantly in the background and finally surfaced with appearances by Totten and Nielson. The information these two officials presented was largely unrelated to the State Library, but important in that it illuminated the political genesis of the affair. The crux of the matter appeared when Totten said that the Board held no regularly scheduled meetings and that most administrative decisions were simply left to his discretion. Nielson retorted that she had received neither minutes, reports, nor notifications of meetings and made it quite clear that Totten was in fact operating as if her position had been eliminated.<sup>54</sup> In essence, she maintained that the arrogance of power feared by the IVA had already come to pass.

Olger B. Burtness was the final witness, and he surprised the committee by reporting that his fears about the circulation of the books had now been laid to rest. Only a sense of duty and a desire to awaken the state to the danger of a powerful Board of Administration had enervated his attack, he declared, and he demanded repeal of the law for the "welfare" of the people.<sup>55</sup> In few other places in the hearing transcript does the use of the library books to make political capital surface so graphically; Burtness' final statements offer a fitting end to what was from the start a politically-motivated incident.

The investigating committee's report arrived on the House floor on December 10, 1919, and exonerated the library.<sup>56</sup> The document tersely noted that the books did not constitute a "school library," and that Burtness had "acted on rumors, the basis of which he refused to furnish." In addition, the report excerpted testimony from Library stenographer Ethel Lane that "there was no intention of placing any of the said books . . . among the schools of the state." In other words, the original charges had no substance. The nature of its findings, moreover, led the investigators to end its report with a remarkable statement of principals:

We believe in Christianity. We are unalterably opposed to any propaganda which would tend to discredit or cause disrespect for the schools, the home, the church, the state or



**Carl R.  
Kositzky**

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<sup>49</sup>*Ibid.*, 282-298.

<sup>50</sup>*Ibid.*, 121.

<sup>51</sup>*Ibid.*, 314.

<sup>52</sup>*Ibid.*, 298-300, 321-323.

<sup>53</sup>*Ibid.*, 300-309.

<sup>54</sup>*Ibid.*, 331-340.

<sup>55</sup>*Ibid.*, 340-341.

<sup>56</sup>*Ibid.*, 252-256. See also: *Grand Forks Herald*, *Fargo Forum*, *Fargo Daily Courier-News*, *Bismarck Tribune*, December 9, 1919, 1.



the nation. We do not wish to censor freedom of thought or of expression or of religious liberty or speech. We do not feel competent to assume such a responsibility nor assume to exercise such a power.<sup>57</sup>

After the House adopted the report, it finally killed House Bill #28. The lengthy debate included another prolonged attack by Burtness on the Board of Administration and the books,<sup>58</sup> but League floor leader Walter Maddock turned the tables with a devastating rebuttal. Asserting that Burtness' comments were an "absurd" attempt to destroy the NPL's Industrial Program, Maddock acidly rejoined: "Evidently if he had about three hours' more time to explain his inconsistencies we could get at the meat of the matter."<sup>59</sup> For all immediate purposes, the State Library scandal had ended without damage to the Board of Administration or the NPL program.

But the ramifications showed it a shallow victory. Even before the House adopted the investigating committee report, the Board of Administration asked for Stangeland's resignation for reasons of his "indiscreet judgment."<sup>60</sup> His letter expressed "disappointment because I inadvertently have become the cause of embarrassment to the board and to a progressive moment in which I believe," and closed with words that were prophetic:

I believe a time will come when a clearer vision will show the controversy which has centered around me and my efforts in a different light — and that light will reveal the truth that the passions and fears of the day are making obscure. It will also

<sup>57</sup>*Journal of the House*, 252-256.

<sup>58</sup>*Ibid.*, 347-355.

<sup>59</sup>*Ibid.*, 356-359.

<sup>60</sup>Board of Administration, Minutes, December 8, 1919. See also: *Bismarck Tribune*, December 9, 1919, 1; *Fargo Forum*, December 8, 1919, 1; *Grand Forks Herald*, December 9, 1919, 1.

<sup>61</sup>Board of Administration, Minutes, December 13, 1919.

<sup>62</sup>*Journal of the House*, 363. As moved by L.L. Twitchell of Cass County, the resolution asked that the book investigating committee "be requested to bring in a report and find as to who is responsible for those books being in the library." The motion failed.

<sup>63</sup>State Auditing Board, Minutes, December 18, 1919.

<sup>64</sup>See the following *Red Flame* articles: "Townleyism, Bolshevism, Free Love and the Communization of Women," December, 1919, 4-9; at least half of this issue deals in one way or another with the library matter. See also: January, 1920, 13, 33, 39; February, 1920, 15-18, 32-33, 37-38; the April, 1920, edition carries an article with Burtness' picture that rehashes the whole matter, as well as reproducing the invoice for the books which was rejected by the State Auditing Board (see note 63).

<sup>65</sup>Petitions and communications protesting the "circulation of socialistic and immoral literature" appear on pages 224, 248-250, of the *Journal of the House*. Of these six, four are from women's clubs in Cando.

Seven more petitions appear in North Dakota, Senate, *Journal of the Senate*, 16th Legislative Assembly, Special Session, 1919, 165-166, 204, 216; however, on 259 appears a memorial from a group of Nonpartisan League women that denounces the IVA opposition, the press and minority legislators for "spreading these despicable, deceitful statements, even as political propaganda."

<sup>66</sup>Board of Administration, Minutes, meetings for 1920. See also: "Rules of Procedure for the Board of Administration Adopted January 9, 1920," Archives, State Historical Society of North Dakota.

<sup>67</sup>*Ibid.*, June 18, 1920. Peterson's resignation was to take effect on August 1, 1920, but was later extended 15 days because her successor could not arrive until mid-month.

<sup>68</sup>State Library Commission of North Dakota, *Seventh Biennial Report and Eighth Biennial Report, 1918-1920 and 1920-1922* (Bismarck, 1922). See especially the comments on pages 5-6.



**Walter J. Maddock**

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reveal such a depth of malevolent ignorance and vicious hypocrisy on the part of the elements that have attacked me personally, while aiming at the board itself, that pity perhaps more than contempt will be the feeling inspired in men who think honestly and dare to look ahead fearlessly.<sup>61</sup>

As he well understood, Stangeland became a scapegoat to mollify a vindictive minority that continued to try to fix the "blame" even after the investigation was over.<sup>62</sup> And, to rub it in further, the IVA-controlled State Auditing Board (Langer, Kositzky and Hall) refused to pay the publisher's bill for the "free-love" and "bolshevik" books on December 18.<sup>63</sup>

Subsequent events contribute to the impression that the NPL had really lost the battle. Led by the trashy and libelous *Red Flame*,<sup>64</sup> the opposition press used the "free love" books issue to blast the NPL administration and to elevate Olger B. Burtness to hero status. The notoriety helped boost the legislator to a successful congressional campaign in 1920, one result that confounds the historian. Sincere though Burtness may have been, his unfounded accusations hardly fit the statesman image portrayed by the IVA press and apparently accepted by the voters in the first congressional district.

Accounting for the defensive manner in which the NPL administration reacted also stretches the imagination. Although the IVA press made the investigation front-page news, only a small number of citizen memorials and petitions arrived during the special session.<sup>65</sup> The administration, however, dropped all talk of eliminating the Superintendent of Public Instruction and backed away from the plan to improve and expand the library. If the affair had positive results on state government, the development of rules of procedure that regularized Board of Administration meetings after January, 1920,<sup>66</sup> embodies the most visible example.

The State Library suffered greatly from the uproar. An almost complete turnover of staff occurred in 1920. Deputy Librarian Peterson left in August<sup>67</sup> and her successor found the agency so disarrayed that a biennial report could not be compiled for the years which included the scandal.<sup>68</sup> The precedent of censorship has haunted the agency and has led to



several well-publicized upheavals, including a 1927 episode regarding Sinclair Lewis' famous novel, *Elmer Gantry*. In present times, the debate continues about the Library's obligation to censor the materials it holds in its collections,<sup>69</sup> and the long-term lack of progress in extending and improving library services to the state caused present State Librarian Richard Wolfert to reprint Stangeland's survey report in 1974 and to note: "Much of the commentary and some of the recommendations . . . are appropriate today."<sup>70</sup> Clearly, the politically-motivated State Library scandal of 1919 did not help further the library's work.

The library scandal exemplified one localized result of the national hysteria of the Red Scare period and it manifested how the public's fear of radicalism could be turned to political advantage. Little that is good can be said about it. It resulted from purely political motives, made a progressive movement back down and crippled an important educational agency of state government. The State Library scandal of 1919 darkens the history of North Dakota.

<sup>69</sup>This information was obtained in a telephone conversation with current State Librarian Richard J. Wolfert on January 8, 1976. The author wishes to thank Mr. Wolfert and his staff for their assistance.

<sup>70</sup>Richard J. Wolfert, "Preface" to reprinted version of Stangeland's survey, *North Dakota Library Notes*, 5-5 (October, 1974), (1).

**The Nonpartisan League press derided Olger B. Burt-ness thoroughly for his role in precipitating the book controversy. Cartoonist "Billican" drew this sarcastic commentary for the Bismarck Burleigh County Farmers Press.**

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**Among the cartoons published by anti-Nonpartisan League newspapers about the books, this C.C. Cole-hour drawing from the *Red Flame* most graphically reveals what the IVA thought might result from the presence of dissenting literature in the State Library.**

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**Charles E. Stangeland (1915)**

—Courtesy Department of State





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