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J. BRACKEN LEE AND UTAH PUBLIC EDUCATION

A Thesis
Presented to the
Department of History
Brigham Young University

In Partial Fulfillment
of the Requirements for the Degree
Arts
Master of Science

by
Elwin Lee Reynolds
August 1973
This thesis, by E. Lee Reynolds, is accepted in its present form by the Department of History of Brigham Young University as satisfying the thesis requirement for the degree of Master of Science.

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ACKNOWLEDGEMENTS

I wish to give special thanks to Dr. Eugene E. Campbell whose counsel exceeded the call of duty; to Dr. Ted J. Warner whose enthusiasm boosted me over some very low points; to the ladies who work in the Utah State Archives and perform excellent service and finally to my wife, Bufaye, who served as typist, critic and advocate and whose faith in my abilities often exceeded my own.
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CHAPTER 1

INTRODUCTION

The purpose of this thesis is to examine the two gubernatorial terms of J. Bracken Lee, Governor of Utah 1948-1956, and the effect he had on education during these years. Lee has been accused by his detractors of being opposed to education. He has been defended by his supporters as being a friend whose only desire was to have education operated on a sound fiscal basis. During his two terms as governor he was almost constantly involved in some dispute with the education people in the state and was frequently on the defensive against anti-education charges. The problems to be examined here are the following:

1. Was Lee hostile to education, or to educators?

2. How did education fare under the Lee administration?

3. Have there been long term repercussions as a result of the administration of J. Bracken Lee?

The principle source of material for this work has been the J. Bracken Lee papers on deposit in the Utah State Archives. There are over one hundred boxes of material covering virtually every facet of his administration and several dealing specifically with schools and education.
One book, entitled *J. Bracken Lee, The Taxpayers Champion*, by George B. Russell is the source from which most of the biographical material on Lee was taken. The book, published in 1961, is of a very complimentary nature; however, Governor Lee gave assurance that the basic facts were essentially correct. Biographical sketches printed during the Lee campaigns were also utilized for this purpose. For a background on Utah education John C. Moffitt's *The History of Public Education in Utah* was used. No work of any dimension has been done treating both education and J. Bracken Lee beyond various articles in periodicals, though he has received considerable exposure of both a complimentary and a derogatory nature. The earliest article on Lee appeared in January, 1949, in *Newsweek*, and was entitled "Utah Strong Man." In April, 1950, *Time* carried an article, "Man at the Wheel"; in May in *American* magazine appeared "Lone Wolf of Utah"; also in May *Saturday Evening Post* aired "Stubbornest Man in Utah" and in the same month *Life* featured "Politician Without a Future." In June the *New Leader* printed an article "Lee of Utah, Champ or Scamp"; this was a liberal political magazine and was very critical of Lee. *Time* again treated Lee in January, 1954, in an article entitled "The Governor and the Schools," which was anti-Lee but so full of errors as to be of little use. The most recent article utilized was also from *Time*, April, 1960, "The Nettled Nickle Nipper."
An analysis of relations between Lee and the Church of Jesus Christ of Latter-day Saints\(^1\) may be found in the Utah Academy of Sciences, Arts, and Letters Proceedings, 1957, v. 34. Evaluations of the Utah political elections of 1948, 1952, and 1956 are found in The Western Political Quarterly in the volumes for the first quarter of 1949, 1953, and 1957. Extensive use has been made also of the House and Senate Journals of the Utah State Legislature in locating and identifying various pieces of legislation and determining their ultimate end. These, as well as the periodicals above noted, are found in the Brigham Young University Library. The final source used, aside from personal interviews, was the microfilm collection at Brigham Young University which contains complete back issues of both of the major Utah daily newspapers, The Deseret News and the Salt Lake Tribune. Considerable use has been made of both.

In treating this subject it is, as much as possible, chronological and deals with the major confrontations between J. Bracken Lee and the State Board of Education, the legislature, and various individuals on matters dealing with education. Many of these disputes were concurrent and some continued over a period of years; as a result the chronology in places overlaps.

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\(^1\)The proper name of the church is the Church of Jesus Christ of Latter-day Saints; hereafter will be referred to as the Latter-day Saints or L.D.S. Also commonly known as the Mormons.
By this method an attempt is made to illustrate Lee's attitude toward education and his effect on it during his two terms as Governor of Utah.

BACKGROUND

Joseph Bracken Lee was born January 7, 1899, in Price, Utah. His family was of Mormon stock though neither of his parents were L.D.S. Most of his life was spent in Price with the exception of two intervals. The first of these came in 1906 when, during a land boom in Colorado, the Lee family moved to Fruita, a small town some miles west of Grand Junction. The family remained in Fruita until 1913 when, following Bracken's graduation from elementary school, they returned to Price. The second of Lee's departures from Price came in 1917 when he enlisted in the army, of which more will be said later.

According to Lee's biographer, ² he was known for his combativeness; and though small in stature, he apparently administered a whipping to most of the boys his own size and many who were larger. Lee excelled in sports lettering in football, basketball, baseball, and boxing. He was the 130 pound boxing champion of his district. Before graduation day arrived, Lee and fifteen of his companions left school to enlist in the army. Though he left school early, he

did receive his high school diploma which was awarded to him just prior to his enlistment in the army. After serving just under two years, with the entire time being spent in California, he was discharged in 1919 with the rank of sergeant. Upon discharge he received a commission in the reserves which he held until the late 1930's when his political career forced him to resign. Following his return to Price, Lee and his friends were described as a "tough bunch." The aggressiveness which had been part of Lee's character in school remained a trait which was to color his political career.

In 1920, Lee married Nellie Pace and in 1922, they became the parents of a baby girl. In 1923, after a series of unsatisfactory jobs, he entered into the real estate and insurance business with his father which proved to be successful. He remained in this endeavor until he was elected governor in 1948.

Lee suffered several severe reverses during the succeeding years, both personal and financial. In 1926, he was widowed, leaving him with his small daughter. She was placed in the care of his mother, his home was rented, and he took up residency in a back room at the business offices. By 1928, Lee had recovered from his financial reverses and that year he married Margaret Draper. The business thrived and in 1934, upon the death of his father, he became the sole owner. In 1935, with the urging of his wife and friends, he consented to run for mayor of Price and won
the election by a margin of two votes. The opposition contested the election in the courts but Lee emerged the winner. Price prospered under his direction to such a degree that he was elected to five more terms as mayor by substantial margins. During the twelve years of his administration, the main street was repaved and lighted, residential streets were paved, and by putting an end to several abuses, Lee succeeded in overcoming the $20,000 a year deficit under which the city hospital had been laboring. Also accomplished during this time was the construction of a new water system, a swimming pool, city hall and civic auditorium, and a new electric sub-station. An idea came to Lee during these years which was also unique—a publicly owned electric company was organized and under its auspices electricity was purchased from Utah Power and Light and then was retailed to the public. A saving was permitted for the public and a substantial profit resulted for the company which helped to defray the expense of much of the construction during Lee's administration. Such a profit was realized, in fact, that during the last three years of his administration no city property tax was levied.\footnote{Charges were made that Lee had run a "wide open town" in Price and that illegal liquor sales and prostitution thrived. Frank H. Jonas indicates that much of this was probably true; however, judging by his repeated re-election, it must have met with the approval of a substantial segment of the populace. Another charge, which also is of interest, is that when Lee left office, he left the city with a bonded indebtedness of $700,000.}
By 1940, Lee had made enough of an impression on the Republican leadership in the state that he was urged to enter the primaries for governor. He lost in the primaries but made a respectable showing. In 1942, he ran for the congressional seat from the first district but missed election by a mere 270 votes. In 1944, he was the Republican candidate for governor and again was defeated by a small margin. In actuality he received a majority of the votes but on the basis of some 8000 improperly marked ballots the election went to Governor Maw, the incumbent. During all these years he retained his office as Mayor of Price. In 1947, Lee resigned this office at the completion of his sixth term and began to concentrate on winning the gubernatorial election of 1948. He had been a very successful and progressive mayor in Price and this, combined with the fact that there had been considerable corruption uncovered in the administration of incumbent Governor Herbert Maw, led to the election of J. Bracken Lee as Governor of Utah. His margin of victory was more than 27,000 votes and he was the first Republican to hold the office in 24 years. He was in the unenviable position of being forced to implement his programs while working with a legislature controlled by the opposition party.

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4On the ballot used it was required that the name of the desired candidate be circled and the one not wanted be crossed out. On most of the rejected ballots this had not been done.
During the twenty years prior to his election the nation and the State of Utah had suffered through the worst depression in United States history and the most costly war. During these years many governmental programs had been allowed to remain dormant. The state's highways were badly deteriorated; and education, which traditionally received great emphasis, was in desperate straits. Due to twenty years of neglect, buildings were run down, and there was a pressing need for new construction to handle the upcoming post-war baby boom. Salaries were so low that teachers were constantly moving to surrounding states. In the face of all these needs, Lee ran on a ticket promising, among other things, economy in government with at least an inferred promise of tax cuts.

Education in Utah had traditionally rated high on the list of priorities. Among the Latter-day Saints, who constituted approximately 70 percent of the population of the state, education was considered a matter of religious duty. Their emphasis on education dated back to the earliest days of the Church. In the 1830's, under the direction of the L.D.S. prophet, Joseph Smith, schools had been founded for the education of not only the children but of those adults who lacked it. In Kirtland, Ohio, a temple was constructed and was used for an educational as well as a

5John Clifton Moffitt, The History of Public Education in Utah, 1946, pp. 1-2. Further references to this work will be Moffitt and p.
religious facility. Smith, who claimed to receive divine revelation, delivered to the membership of the Church a variety of commandments relating to education such as the following:

"Seek not for riches but for wisdom."\(^6\)

"Seek ye diligently and teach one another words of wisdom; yea, seek ye out of the best books words of wisdom; seek learning, even by study . . . ."\(^7\)

"The glory of God is intelligence."\(^8\)

"Whatever principle of intelligence we attain unto in this life, it will rise with us in the resurrection."\(^9\)

"It is impossible for a man to be saved in ignorance."\(^10\)

One may see Smith's attitude regarding education. He was believed to be a prophet by his people and it is easy to understand the importance placed on education by his followers. The Latter-day Saints were driven from Ohio to Missouri and from Missouri to Illinois. At each stop the establishment of schools was a high priority item. Non-Mormon teachers were hired when adequate instructors could not be found within the membership of the Church and classes in languages, mathematics, and a variety of other subjects were taught. The formal education of Joseph Smith was very rudimentary and yet before his death he was purportedly

\(^{6}\)Joseph Smith, Doctrine and Covenants (Salt Lake City: Church of Jesus Christ of Latter-day Saints, 1963), Sec. 11:7. Hereafter referred to as D. & C.

\(^{7}\)D. & C. 88:118.

\(^{8}\)D. & C. 93:36.

\(^{9}\)D. & C. 130:18.

\(^{10}\)D. & C. 131:6.
fairly proficient in Greek, Latin, and Hebrew as a result of his own efforts and the efforts of the Church in behalf of education.

Sidney Rigdon, one of the Latter-day Saint leaders, gave a resounding speech at Far West, Caldwell County, Missouri on July 4, 1838, regarding the construction of a proposed temple and the multi-purposes for which it was to be used.

In assembling on this occasion our object is not only to comply with the custom of our nation in celebrating the birthday of our liberties; but also to lay the corner stone of the edifice, about to be built in this place in honor of our God . . . and . . . we do . . . rear this building in his name, designed for the double purpose, of a house of worship and an institution of learning. The first floor will be for sacred devotion, and the two others, for the purpose of education . . . .

Rigdon then gave the proposed dimensions of the building and continued.

Next to the worship of our God, we esteem the education of our children and of the rising generation for what is wealth without society or society without intelligence. And how is intelligence to be obtained?--by education . . . . What is religion without intelligence? An empty soul. Intelligence is the root from which all time enjoyments flow.

Rigdon continued with his admonition to the L.D.S. people and admonished them to build as rapidly as possible the building which he had described as:

. . . A house of prayer, a house of learning, a house of order and a house of God; where all the sciences, languages etc., which are taught in our country, in schools of the highest order shall be taught and the object is to have it on a plan accessible to all classes, the poor, as well as the rich, that all persons in our
midst may have an opportunity to educate their children, both male and female, to any extent they please. It is easy to understand the emphasis placed on education by the Latter-day Saints when one is aware of these admonitions of the leaders of the Church; however, the building of which Rigdon spoke was never constructed because the Saints were driven into Illinois.

They again established a city and organized an educational system in the new city of Nauvoo, according to section 24 of the charter:

The city council may establish and organize an institution of learning within the limits of the city for the teaching of the arts, sciences, and learned professions to be called the 'University of the City of Nauvoo'... The charter continues but these few lines again serve to illustrate the preoccupation of the Latter-day Saints with education. As in the case of the temple in Missouri, the University never got beyond the initial stages, but the plan was there.

Joseph Smith was killed by a mob in 1844 and two years later the main body of the Church began to move, ultimately to settle in the Great Basin. Even on the way west schools were organized and lessons recited evenings around camp fires. The concern of the leadership of the

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11 Moffitt, pp. 5-6. This "oration" is on file in the Chicago Historical Library.

12 Nauvoo Charter, Section 24. May be found in Moffitt, p. 7.
Church with education is further illustrated by the following statement issues by Brigham Young and the Quorum of Twelve Apostles of the Church.

It is very desirable that all the Saints should improve every opportunity of serving at least a copy of every valuable treatise on education—every book, map, chart, or diagram that may contain interesting, useful, and attractive matter to gain the attention of children, . . . and cause them to love to learn to read; and also every historical, mathematical, philosophical, geographical, geological, astronomical, scientific, practical, and all other variety of useful and interesting writings and maps etc. to present to the general Church recorder, when they shall arrive at their destination, from which important and interesting matters may be gleaned to compile the most valuable works on every science and subject for the benefit of the rising generation.13

Schools in the new home land of the Saints fell into two categories; private schools operated by members of the Church for a small fee, often paid in kind, just to provide education for the children, and the community school. The local communities usually were built around a building constructed by the populace. On Sunday this often served as the church, during the week a school, at other times as a town hall, for dances, etc. This pattern was probably borrowed from New England from whence most of the Saints had originally come.

When the first non-L.D.S. people arrived in Utah, they were extremely upset at the lack of public schools. There was no public school system in Utah due to the fact

13 Nauvoo Millennial Star, March 15, 1848, p. 85.
that the Church was in charge of most education in the state. The non-L.D.S. population objected to sending their children to schools operated by the Latter-day Saint Church; yet in most of Utah and many other areas in the mountain west the only schools available were those operated by the Church. For all practical purposes, among the Latter-day Saints, Church and State were one and the same. It was not until the coming of the non-L.D.S. that changes were forced upon the Mormons in education and many other facets of their lives. In the early years of the Utah Territory it would have been difficult, if not impossible, to finance public education due to the extreme poverty of the people; thus, they used the Church to provide this service. School districts usually followed basically the same boundaries as the ecclesiastical unit known as the ward. These were numerous and usually rather small. Though this was efficient for elementary schools, when the time came to found secondary schools this proved to be a serious drawback because most of these small communities could not afford to finance secondary schools. The result was that many of the secondary schools were either in the larger towns, if public, or they were operated by the Church. During the early years the Mormon Church dominated secondary education with a system of academics. In response the Episcopal Church founded a school in Salt Lake in 1867, and other denominations followed suit. These played an important role in education until into the second decade of the 20th century when
legislative action was taken providing for a system of public secondary schools and requiring students to remain in school until age sixteen and later to age eighteen. With the passage of these laws and adjustments in the school finance system the state system of secondary schools began to expand. Utah continued to be plagued by a constant lack of funds for education and yet the education system of the state was able to achieve a high ranking nationally and retain that ranking even through the 1930's and 1940's. It was into this situation that J. Bracken Lee stepped as Governor of Utah.
CHAPTER 2

J. BRACKEN LEE AND THE VETO

J. Bracken Lee was elected Governor of Utah in 1948 following a campaign which promised economy, efficiency and honesty in government. Lee had been narrowly defeated for the governorship in 1944 in an election which his partisans contended he would have won had not several thousand votes been thrown out for being improperly marked. In both of these campaigns Lee had run against incumbent Governor Herbert B. Maw, a Democrat.

When Lee took office in 1949, he found himself in the unenviable position of having to deal with a legislature controlled by the opposing party. He also assumed control of a state which had a high record of achievement educationally but whose facilities had suffered from 20 years of depression, world war, and post-war inflation.

Not only was the state in desperate need of many new school buildings, but highways were in a state of serious disrepair, the state prison was threatened with condemnation, and there was serious need for a new state office building to house employees for whom there was not space in the state capitol.

In the face of all these needs, some of them critical, Lee had promised economy. Utah's financial
status was greatly improved over the previous twenty years but the legislature desired to commence all programs simultaneously. The result was a confrontation with the Governor in which he vetoed the budgets for several departments. Among these were two which affected the educational system; one concerning funds for the Extension Division of the Utah State Agricultural College, and the other involving a $20,000 appropriation for the Research Division of the State Department of Public Instruction. With these two vetoes, a continuing fight began between Lee and the educational interests of the State of Utah and with one man in particular, E. Allen Bateman, State Superintendent of Public Instruction. Bateman, like the majority of the legislature, was a Democrat and an ideological opponent of Lee. He was intelligent, well trained, competent, and by all accounts had an attractive personality. (Even Lee admits to having voted for him on the basis of his qualifications and personal appeal.)

Utah State Agricultural College challenged the veto of funds for the Extension Division and took it to court on the basis that the allocation was not a separate item nor appropriation, but rather merely a part of the total budget and thus was exempt from the Item Veto which the Governor had exercised. The decision of the judge was in favor of the college and though Lee disagreed with the decision, he did not appeal because as he expressed, "... such an appeal would have jeopardized Extension Service
funds . . . ."13 Lee did effect the desired economies, however, by persuading the Utah State Agricultural College to reduce its total budget by the amount he had tried to reduce the budget of the Extension Division.

On the basis of the decision regarding this case the Attorney General issued an opinion to the effect that several other of Lee's vetoes were void, including the $20,000 appropriation for the Research Division. Upon receiving notice of this decision Superintendent Bateman applied to the State Finance Commission to release $10,000 annually for his use (the $20,000 was for the following biennium). The Governor replied for the Finance Commission, in what for him was a very conciliatory letter. He acknowledged his defeat in the courts and admitted that as a result of the court's decisions and the Attorney General's opinion, the State Department of Education was entitled to the money withheld. However, he attempted to persuade Bateman to examine his department and to make budget cuts equal to the appropriation in question and in this case the funds would be released for the use of the Department of Education. The fact was cited that Utah State Agricultural College had made such cuts and that other departments (unnamed) whose budgets had been the victims of similar

13Letter, J. Bracken Lee to E. Allen Bateman, September 28, 1949. (For complete text of correspondence see Appendix A.)
vetoes had also complied with this jawbone method of budget cutting. His conviction was that this could be done if the will were present, and he assured Bateman that his only interest was in savings for the taxpayer. Bateman was informed also that the Governor had no intention of releasing the funds in question unless his wishes were complied with and that he would so inform the State Finance Commission.  

Thus what Lee could not achieve by the direct route he was not adverse to achieving by the indirect route. What he could not obtain by persuasion, he would obtain by coercion. Lee appears to have been a complete pragmatist in that he was willing to use almost any method which would succeed in achieving his ends. Needless to say, Bateman found his methods extremely objectionable and his response to Lee was clear, concise and cool. He stated that he had been given the task of formulating a reply by the State Board of Education, and that they did not consider the Governor's answer a final statement and that they had reviewed their request for the funds in question. He further stated that re-examination of his department was

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14 The Finance Commission was responsible for the release of funds appropriated.

15 Letter, E. Allen Bateman to J. Bracken Lee, October 26, 1949. See complete text in Appendix A. Further footnote references to Bateman will be simply Bateman, plus document identification and date; references to J. Bracken Lee will be Lee plus document identification and date.
not necessary in that both the appropriation committee and the legislature had felt that full appropriation was necessary for the efficient operation of the Department of Education.

Bateman also condemned Lee for his arbitrary cuts on the basis that Lee had not made a study of the Department of Education. A study had been made by the Council of State Governments which was the research agency of the forty-eight states' governors. A detailed report submitted by this agency, called "The Forty-Eight State School Systems," stated that all state systems needed a competent research and statistical staff to gather information regarding the needs of the school system. Bateman explained that he considered Utah one of the states with an inadequate research staff and inadequate school facilities and that with drastically increased enrollment facing them, a great deal of study was required to determine the needs of the state school system. Bateman contended that they were already providing inadequate service to the state schools and without the funds in question they would be forced to cut back even more. After indicating the necessity for the funds, Bateman made it quite clear that he considered the Governor's proposal unconstitutional and that it would be a violation of his oath of office if he complied. Bateman then reiterated his hope that the Governor's decision was not final and that
he could make a favorable report to the State Board of Education.

Lee's response to Bateman was a prompt scolding note in which he chided Bateman for his unwillingness to economize. He emphasized how small a percentage of the total budget the $20,000 constituted. Lee further brought up the important point that the education budget had more than doubled in six years and that the Federal appropriation was up 600 percent. The combined total constituted a trebling of education funds in six years. Lee made clear that he felt state funds should be equitably divided among the various departments and education was getting more than its share. He called attention to the fact that the State Department of Education had requested four times the revenue that the legislature had ultimately appropriated. The very report which Bateman had quoted in requesting the research funds was turned against him. The report, "The Forty-Eight State School Systems," indicated that the formula most pertinent in determining what should go to education was the percentage of the per capita income allocated to education. Utah ranked 26th among the states, and 34th on the basis of school age children due to the size of families. This figure reflected the income per capita. With regards to the percentage allocated to education Utah was 4th, behind Arizona, Montana, and New

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Mexico. The Governor scored some valid points in his argument though Bateman was rather unimpressed. Lee made it clear that he did not intend to authorize a deficit budget.

Lee admitted that he had not made a study of the State Department of Education but that he was aware of several areas of extravagant spending, including billboard advertising of the State Department of Education and extravagant travel expenses. One fact, which became quickly apparent in this study of the Bracken Lee papers, was that Lee had an amazing awareness of the state finances from increases in department payrolls to travel expenses. There were even occasions when the Governor questioned such seemingly trivial items as travel vouchers because the people involved exceeded the amount per meal while traveling.

Lee took advantage of a suggestion made in Bateman's previous letter, wherein he had stated, "We are convinced that a study of needed services of the State Department of Education by any impartial professional group would show a need not to decrease these services." He

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17. Lee did succeed in stopping the payment of travel allowance on private automobiles and in establishing a state motor pool. Available figures indicate that the saving was considerable indicating that travel declined or that there had been some padding of travel expenses, or both.

informed Bateman that under provisions of the Constitution, Article VII, Section 5, he intended to appoint a committee for that purpose and that no funds would be released until this study was complete and the report was in his hands. This was Lee's first use of a technique which he was to use repeatedly thereafter. If he disapproved of an expenditure he would appoint a committee to investigate and even if the decision went against him he had secured a delay of from several months to a year or more. There is ample correspondence to indicate that in this case an attempt was made to appoint such a committee. Those asked to serve were: Thorpe B. Isaacson, Salt Lake City; W. J. O'Connor, Salt Lake City; W. Karl Hopkins, Ogden; and Melvin Wilson, Payson; and as chairman Lee requested a personal friend, Marl D. Gibson, a lawyer from Price and a senator from his district in the State Senate. Gibson declined to serve, pleading a busy schedule. No further evidence could be found as to whether this committee ever functioned. The National Education Association did make an investigation early in 1950. Their report could not be located in the Governor's papers, although a cover letter is available from Bateman which apparently was sent with the report in question; the letter was dated August 19, 1950. Before his appointment of the committee, Lee was requested by

\[19\] Letter, Bateman to Lee, August 19, 1950.
Ray S. Merrill\textsuperscript{20} of the Utah Education Association to employ a professional investigator, and Dr. Francis S. Chase of the University of Chicago was suggested. He had made the investigation and prepared the report, "The Forty-Eight State School Systems," from which both Lee and Bateman had quoted. Lee also received a similar request from Lloyd M. Theurer,\textsuperscript{21} Superintendent of the Board of Education of Cache County School District and also President of the Utah Society of School Superintendents. The Governor informed Theurer\textsuperscript{22} that he had no intention of making such an appointment and that his appointees would be laymen, but if they wished to employ a professional it would meet with his approval.\textsuperscript{23}

Bateman's answer to Lee's announcement that he intended to launch an investigation was answered the following day.\textsuperscript{24} He assured the Governor that the State Department of Education would welcome a study by an impartial professional committee. Bateman acknowledged that he considered it useless to suggest that professionals be employed and his misgivings were justified. The State Superintendent suggested that the Utah State Board of

\textsuperscript{20}Letter, Ray S. Merrill to Lee, November 5, 1949.

\textsuperscript{21}Letter, Lloyd M. Theurer to Lee, November 9, 1949.

\textsuperscript{22}Letter, Lee to Lloyd M. Theurer, November 12, 1949.

\textsuperscript{23}Lee appears in his correspondence to have had a strong distrust of professional educators.

\textsuperscript{24}Letter, Bateman to Lee, November 4, 1949.
Health had recently been examined by the United States Public Health Service and expressed hope that the United States Office of Education or the Utah Education Association might be utilized for a similar purpose with regards to Utah's education system.

Following this note, Bateman again requested that the research funds be made available. The issue involved was not one of efficiency or lack of efficiency but concerning who had the responsibility for making appropriations in the state, the Governor or the legislature. If the money were legally the property of the State Department of Education, then the decision of whether or not to save part of the appropriation was the responsibility of the agency to which the funds belonged and not the prerogative of the Governor. Bateman ended, "We trust that you will at once place this money at the disposal of the State Department and thus make it unnecessary for us to take further action." 25 The Governor's response was brief and very curt. He stated, "The answer to your letter of November 4 was contained in my letter of November 3." 26 The following was in the final paragraph, "... therefore until the study is complete, and the report submitted to me for further action, I do not intend to approve the use by your Department of the $20,000

26 Letter, Lee to Bateman, November 14, 1949.
research fund.\textsuperscript{27}

Lee must be considered the victor in this confrontation. He stated in his final letter that he considered the veto which he had given to this appropriation valid and in compliance with the law and did not consider the Attorney General's decision binding. He further stated that the only way in which these funds could be obtained would be by court action and that any curtailment of departmental programs could only be blamed on the department which initiated action. The funds were returned to the general fund\textsuperscript{28} and no indication could be found that they were ever restored. In fact, Lee stated in an interview that they were not.

The result of this controversy was that the legislature in the future ceased to itemize the budgets of various of the departments, notably that of education, to prevent the Governor from exercising the Item Veto as he had during his first year in office.\textsuperscript{29} As a result, the public had no way of determining how their money was being spent. Thus, for the sum of $20,000 the Governor, in

\textsuperscript{27}Letter, Lee to Bateman, November 3, 1949.

\textsuperscript{28}Personal interview with Lee, December 5, 1972. Further references will be footnoted as personal interview and the date. Lee is an extremely personable and cooperative individual to interview. Although this writer disagrees with much of his attitude toward education there is much else with which one cannot disagree.

\textsuperscript{29}Personal interview, December 5, 1972.
large measure, deprived the taxpayers of the opportunity to scrutinize the budget.

In his miscellaneous correspondence on education and schools there is ample evidence that Governor Lee denied that he was anti-education. This is also apparent in his public speeches, interviews, etc. In Lee's own mind he still is not anti-education; however, "education" is an abstract concept. It is difficult to be against an abstraction. His correspondence makes apparent a very definite bias against any type of pressure group whether it be a union, citizens' group, or any other organization. In his mind, teachers, administrators, and nearly all persons involved in education were part of such a pressure group. As such, they triggered resistance and hostility on the part of Lee, not only in this initial encounter with Bateman, but in almost all of his subsequent relations with educators in the state.

On the positive side, he did initiate several reforms which were beneficial to education, such as the establishment of a state motor pool and the cessation of mileage allowances on private cars. This move met with considerable protest but the savings were considerable for two possible reasons; there was an enormous amount of travel by education personnel and the temptation to pad the mileage on personal autos appears to have constituted quite a

30 Personal interview, December 5, 1972.
financial drain. The establishment of the state motor pool is still a source of pride for the Governor. In the final analysis, his attitude toward education is reflected in a letter to a gentleman in Georgia which was written in response to a verbal attack on him. Lee informed him that intelligence was what some persons used in place of education and education was used by others in place of intelligence.
CHAPTER 3

THE CONSTITUTIONAL AMENDMENTS AND THE SALARY CONFRONTATION

During 1950, the ground work was laid for what was to become a struggle between Lee, the State School Board, and E. Allen Bateman, State Superintendent of Public Instruction. The 28th Legislature by Joint Resolution No. 5 submitted to the people of the State of Utah two amendments to the constitution, both having to do with education. Number one provided for the election of the State Board of Education "in a manner to be decided by the legislature." Number two removed the State Superintendent of Public Instruction as an elected official of the state and provided that he would be appointed by the State Board of Education. The purpose of this was to get "education out of politics." The objection of Utah educators to the previous program was due to the political nature of the office wherein it was possible that the office, which should be filled by the best educator available, might well be won in an election by an individual totally unsuited for that position.

Previously the State Superintendent had been the chairman of the State Board of Education and a member of the policy-making body. Under the proposed amendment the
State Superintendent would be an employee of the State Board and would have nothing to do with policy making, but would act as an administrator only.  

Lee favored the first amendment regarding the election of State School Board members. He wished to have them elected during the general elections, however. He opposed the second amendment, preferring to have the State Superintendent stand for election.

The basis for his wanting to have the members of the State Board of Education elected during the general election rather than during special school board elections seems to stem from a basic distrust of educators. Traditionally in the state the turnout for school elections was very light. He was convinced that education people were using the elections to their advantage. He believed that many elections went the way they did because the teachers, who had a vested interest, constituted an unduly large percentage of the total vote-casting public and that any time there was a public issue at hand the school personnel could swing the election by a vigorous campaign among their own members and friends. His idea was that if these elections were held at the same time as the general election the vote would provide a much better cross-section of public opinion than had previously been the case. This


32 Personal interview, December 5, 1972.
last assumption was undoubtedly true, particularly in view of Utah's traditionally high voter turnout. His first assumption, however, was open to question.

Lee's opposition to the second amendment, which made the State Superintendent of Public Instruction an appointive rather than an elective official, was based on the fact that he would no longer be answerable to the entire voting public but only to the State Board of Education. Thus, while espousing the cause of getting education out of politics, he was in essence trying to retain the political status of this office.

Both of these proposed amendments had the vigorous support of the Utah Education Association and though there was some opposition to them, both amendments were ratified by the public on November 7, 1950. All that remained was for legislation to be passed implementing the provisions of the two amendments.

In January, 1951, the Twenty-ninth Legislature began deliberation and although Lee urged action on these amendments in public broadcasts, nothing of substance was done until the first special session of the legislature. Legislation was initiated in both the House and Senate to implement these amendments.

33 Letter, Lee to House of Representatives, prior to 1st special session of the 29th Legislature held in June, 1951.

34 Personal interview, December 5, 1972.
The House Bills No. 221 and 222 were eventually dropped while the Senate Bills No. 10 and 11 went through the three readings required. Senate Bill No. 10 was passed and signed into law by the Governor.\textsuperscript{35} Senate Bill No. 11, for an undisclosed reason, was not passed and later in the session the enacting clause was stricken. The provisions of the bill which passed were two fold. First it made the office of the State Superintendent of Public Instruction an appointive office, the appointment to be made by the State Board of Education. The second provision of the legislation was to vacate the office of the State Superintendent of Public Instruction. Had Senate Bill No. 11 passed, it would have had the same effect on the State Board of Education.

The result was that the State Board of Education, of which Bateman had been a member, remained intact.

Upon receipt of notice of the vacancy of the Superintendent's office in September, 1951, the Board appointed Bateman to fill that position. They considered him best suited by training and experience to fill that office. As previously mentioned, Lee himself had voted for Bateman in the 1948 election on the basis of his qualifications.\textsuperscript{36} Lee later changed his mind and appeared to be irate at the appointment. He considered the vote of the people to make the office appointive rather than elective.

\textsuperscript{35}Letter, Lee to Utah Senate, June 15, 1951.

\textsuperscript{36}Personal interview, December 5, 1972.
a vote against Bateman (though why he should think so is a question, in that Bateman himself had favored the amend-
ment). Lee claimed to favor someone who had never been
involved in partisan politics; however, one is tempted to
suspect that Lee's opposition was not to the partisan
politician but to E. Allen Bateman, a strong and willful
man who had never submitted to the Governor. Though Lee
had opposed this amendment from its inception, he did not
hesitate to attempt to use it to remove Bateman when he had
proven to be uncooperative; however, he failed in this
effort.38

Along with Bateman's reappointment to office another
action was taken which added to Lee's anger. When the State
Board of Education appointed Bateman to the office to which
he had formerly been elected, they also raised his salary
from $6,000 to $10,000. This was more than the economy-
minded Lee could tolerate and was the cause of considerable
mail to Lee from citizens state-wide.39 Lee's action as a
member of the State Board of Examiners was to refuse to
authorize its payment. He was, however, overridden by the
other two members who were Democrats. The payment was

37 Letter, Lee to W. O. Bentley, Chairman, State
Board of Education, June 19, 1951.

38 Bateman died while still in office in 1960.

39 Bateman was appointed September 7, 1951, to fill
his own vacancy, but Lee did not publicly object until mid-
October when he applied for his first pay at the new salary
level.
stopped when the State Finance Commission refused to grant their sanction. This three-man bipartisan commission contained two Lee appointees, both Republicans, T. S. Curtis and P. H. Mulcahy. So began a fight which was ultimately to end in the State Supreme Court.

The salary of the State Superintendent of Public Instruction was fixed by statute at $6,000. When the constitutional amendment was passed changing the status of the State Superintendent's office, the State Board assumed that this also negated the statute governing the salary paid him. Lee did not know if it was legal or not, but he was determined that if it were at all possible he would stop it. Public debate began involving the newspapers and radio. Lee received considerable mail supporting his position and the Department of Education was definitely on the defensive. It is very likely that had the raise granted Bateman been somewhat more reasonable, he would have let this pass; however, a raise of $4,000 was like waving a flag in front of a bull. Lee professed to feel that even if the raise were legal, Bateman had a moral obligation to serve out the term to which he had been elected for the salary which had been in force at the time of his election.

There were accusations leveled at Lee to the effect that his objection was not to the salary so much as to the fact that the $10,000 would have exceeded his own $7,500 wage as Governor. This is negated, however, by the fact that he had authorized several salaries in excess of his
own including that of the Superintendent of the State Mental Hospital at Provo and the Superintendent of the State Training School at American Fork, also the State Director of Public Health, and the presidents of both the University of Utah and of Utah State Agricultural College. These men had never opposed Lee in any of his endeavors.

In an attempt to resolve the conflict, an opinion was asked from the Attorney General, Clinton Vernon, regarding the pay raise. Vernon, a Democrat and a member of the Board of Examiners, had voted against Lee when the pay matter first arose. Predictably his opinion was that Bateman was due his pay. He stated that under the provisions of the legislation which changed the status of the State Superintendent's office, the responsibility for fixing his salary was relegated to the State Board of Education.

The State Finance Commission still refused to release Bateman's pay. They claimed to object on the basis that the Finance Commission was constitutionally charged with the responsibility of fixing the salary of state employees. Vernon responded that the State Superintendent of Public Instruction was not categorized as a state employee but a state officer and thus exempt from such
control. The Finance Commission still refused payment and on November 20, 1951, the State Board of Education requested the Attorney General to take action to force payment. The Finance Commission requested permission to obtain outside counsel; this was granted by the Attorney General. Attorneys Paul H. Ray and Albert R. Bowen were retained by the Finance Commission.

On December 18, the State Supreme Court instructed the Finance Commission to pay Bateman or show cause why not. On December 28, the counsel for the Commission presented a totally new argument. They claimed that since the State Board of Education had not been elected in compliance with the 1950 constitutional amendment, it was in fact illegal, and thus the Bateman appointment and salary awarded were both invalid.

The entire issue disappeared from the public eye for over a month and then on February 20, the court announced that on March 10, a hearing would be held. The arguments of both sides were presented at that time and again the issue disappeared. Nothing more was heard until August 20, when the State Supreme Court declared that until regular elections were held, the incumbent State Board of Education was lawfully constituted and in that the legislature had granted them the right to fix Bateman's salary, it was
Lee was incensed but had no other recourse. Two days later Bateman was issued a check in the amount of $8,745.96 for back pay for nearly eleven months salary.

There is a saying to the effect that "the wheels of justice grind slow." So also might it be said of the legislature for the final disposition of this situation did not come until March 9, 1953, when Senate Bill No. 101 was passed by the legislature and signed by the Governor. "Providing for the Organization of the State Board of Education and appointment of the State Superintendent of Public Instruction; compensation."

The provisions of this were to relegate to the State Board of Education the responsibility of appointing the State Superintendent, but reclaiming for the legislature the responsibility of fixing his salary. The initial salary proposed was $9,000; however, the House of Representatives revised this downward by means of the amendment and the Senate concurred with the amended version of the bill. The final figure provided by the legislature, and which the Governor approved, was $8,000.

This legislation still did not provide for the

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42 Governor Lee's memory is apparently somewhat faulty for in interview he left this writer with the distinct impression that he had won the court battle.

43 Bateman's last check had been October 1, 1951; he claimed to have lived on borrowed money during the interim.

44 Senate Journal, 30th Legislature, 1953, p. 824.
election of the State School Board during the general elections and the legislature did not enact such legislation until the special session in December, 1953. At this time Senate Bill No. 8 was passed and became law which provided that local school board elections would be held at the same time as the general elections on even years and the terms of members would be four years.

Senate Bill No. 43 provided essentially the same thing for the State Board of Education. This bill was passed by the legislature and signed by the Speaker of the House and President of the Senate on the last day of the special session, December 19, 1953. It was not signed into law by the Governor until December 24, 1953. Thus ended a process which had its beginnings on November 7, 1950. More than three years were required to completely implement the two constitutional amendments and all their ramifications.

45 Senate Journal, 30th Legislature, 1st special session, p. 294.

46 Though there was considerable correspondence in Governor Lee's papers regarding the Lee-Bateman salary fight, there appears to have been a lack of public concern generally. Most of the mail received by Lee came in the first month of this dispute. An exhaustive search has been made for the Bateman papers, but neither the State Archives nor the State Department of Education have them and there is no record as to their disposition; thus no sampling could be made of Bateman's mail. The judgment of public apathy is based on the fact that during this entire period there was not one editorial in either of the state's major daily papers and the letters to the editors of both revealed only one letter on the subject, and it supported Bateman. Any sides taken seem to have been largely on a political basis but were not clearly defined.
CHAPTER 4

SENATE BILL NO. 75

While the question of the legislative enactment of bills to implement the constitutional amendments was still being discussed, another dispute was about to commence concerning Senate Bill No. 75, which pitted Governor Lee against the major part of the Twenty-ninth Legislature. The subject of the bill, school finance, was drafted because of inflation and inadequate finances. The bill was proposed as an amendment to the Minimum School Fund Act of 1947 and provided for five changes.

The 1947 act originally had been intended to provide for a permanent solution to school financing, but within four years it had proven inadequate for two major reasons. Most important of these was that inflation had badly depleted the purchasing power of the dollar so that by 1951 the schools found themselves with less purchasing power than before the 1947 legislation. Governor Lee asserted that if the schools were able to function in 1947 for a certain number of dollars, there was no reason why they could not do so in 1951. He refused to concede that there was any need for a new plan to finance the schools. The second problem which faced the schools was the post-war baby boom. This influx of students entered the schools at
about this time creating definite problems such as shortage of facilities, teachers, and school materials. Lee's approach to solving the teacher shortage was unique. Rather than increasing teacher salaries to make the profession more attractive to qualified persons, Lee would have lowered the requirements for a teacher's certificate and have certified many very poorly qualified individuals to teach, which would have enticed untrained persons out of other poor paying positions into teaching. In this effort Lee met with some very stiff resistance. For years the Utah Education Association, the National Education Association, and the State Department of Education had pushed for higher standards for teachers to help keep the standard of Utah's education at the high level it had traditionally held.

In an attempt to alleviate the various difficulties, Senate Bill No. 75 was proposed. Its provisions were five fold: (1) It would have increased the annual appropriation for operation and maintenance of the uniform minimum school program for kindergartens, elementary and high schools from the present level of $3,300 to $3,800 for each classroom unit. (This would compensate for inflation and add a small amount extra.) (2) Increase the transportation

47 General correspondence under Education, Utah State Archives, Boxes 17 and 18, J. Bracken Lee papers.

48 A classroom unit was considered 30 elementary school students in daily attendance or 20 high school students.
allotment from $675,000 to one million dollars. (3) Modify the present leeway taxation provisions of the law to allow five mills or 20 percent of the computed cost of the minimum school program for districts for purchasing sites, and for the erection, equipping and altering of buildings. Currently the limit for this was 10 percent with an additional 10 percent with a favorable vote of the people. (4) Modify present leeway provisions to allow eight mills or 40 percent operation and maintenance. Under the 1947 statute the limit was set at six mills or 30 percent. (5) Empower citizens of local districts to determine the limit on local school taxes. Such changes were to be made with the consent of a majority of the electors of the district voting at a special election held for that specific purpose. This would provide limited flexibility to meet changing conditions without limiting effective and practical schools. These provisions were sent to the Governor late in January, 1951, along with the hopes of the members of the Utah State School Board Association that Governor Lee would give his support to the propositions contained in the upcoming bill.

Another piece of printed material came into the Governor's hands which was intended to help persuade him

to support the bill. This was a preprint\textsuperscript{50} of an article which was to appear in the January, 1951, issue of the Utah Educational Review. In this article, Allan M. West, Utah Education Association secretary, pointed out that:

\ldots Today the $3,300 in 1947 dollars is worth less than $2,900. Expressed another way, it takes $3,715 in today's dollars to buy what $3,300 would buy in March 1947.\textsuperscript{51}

Thus the net increase requested was not the $500 which the Governor saw, but due to inflation was in actual purchasing power less than $85.00. In terms of 1947 dollars the $85.00 had a purchasing power of approximately $70.00 to $72.00.

He also pointed out another pertinent fact when he revealed that Utah's percent of income spent on education had in fact declined from 5.8 percent in 1932-33 to 3.1 percent in 1947-48. These figures may have been misleading when one considers that 1932-33 was at the depth of the depression and personal income had undergone a rather drastic drop. No mention was made of the rate in the later years of the depression after time had been allowed for adjustment; however, the fact was still pertinent. This article asserted that Utah had a 25 percent teacher turnover and that due to low wages these could not be

\textsuperscript{50}This article was published and circulated as a pamphlet prior to its appearance in the Utah Educational Review.

replaced by qualified teachers. In 1947, 33 percent of the teachers in the state could not meet state certification standards. He conceded that many of these were excellent teachers, but he contended they would have been much better if they had had the training required for certification.

He made other important points based on predictions of continuing inflation as the nation mobilized for the Korean War. He stated that any new teacher in Salt Lake City, who in February, 1950, signed a contract for $2,280 would by January, 1951, be receiving only $2,166 in purchasing power and if predictions of inflation held true, by June 30, 1951, his salary would have declined to $1,995. In 1951, a teacher with a bachelor's degree and 16 years service could expect only $3,738. In purchasing power this was $187.00 less in January, 1951, than when the contracts were signed in terms of purchasing power and it would be $467.00 less by June 30, 1951, if trends continued. In Wayne County it was even worse. After twenty years teachers could expect only $2,800, which by June 30, 1951, would have declined to $2,450 in actual purchasing power.

West lauded the advantages of the newly proposed school finance bill and the provisions it made for future inflation. He concluded that in the final analysis the children were the victims of poorly financed schools.

Lee was unconvinced and promptly resorted to the newspapers and the radio in an effort to gain public support for his stand on this issue. His opening appeal
came over KSL Radio, February 9, 1951. He utilized a report written by an associate of the Princeton Survey. This was taken from a 1947 research report prepared for the Governmental Research Association. The title of the report was, "School Expenditures and the Quality of Education."
The report began as follows:

The public education crisis is a hardy and hungry perennial. It springs up each year at budget time in all climates and no crop of public problems is complete without one. Even the form of public education crisis is so well established that it can be anticipated with almost complete accuracy each year. Its basic characteristics appear about like this; universal education is essential to the preservation of our democracy. Second, it is the privilege and the duty of society to educate its children. Third, the education program is not adequate and it requires the expenditure of more money. Fourth, the cost of education is not equitably distributed among all tax payers and the basis for school support must be broadened. Fifth, school teachers are underpaid and the educational process will break down if they do not receive more.

These facts were originally written in order to enumerate the problems that constantly faced education, but Lee's use of them was an attempt to thwart their original intent. The author of the report acknowledged that the problems had been in existence for over a hundred years.

Lee's response seemed to be that since there had always been a problem there was no need to be concerned. He then returned to his favorite subject, that of the increase in absolute dollars which the state was spending on education. He never acknowledged that the 1941-42 budget reflected both the depression and World War II. His figures were impressive if one does not consider the
enormous post-war inflation, the baby boom, and the neglect the school system had suffered during the depression and war years. The education budget had increased from $11,800,000 in 1941-42 to $30,400,000 in 1949-50. This seems a spectacular increase if one ignores the problem of inflation between 1947 and 1951, which brought a cost increase of approximately 15 percent, and predictions were that it would increase considerably more. This also does not account for inflation during the war years, which, though figures are not readily available, was considerable.

The Governor also quoted some figures for teachers' salaries which appear impressive. He stated that Utah's teachers were not underpaid and gave the average teacher's salary as $2,916 compared with a national average of $2,400 in 1947-48. He compared the allocation of funds granted to schools to that spent on welfare and hospitals. The figures regarding these two agencies are of interest but little application to the education problem. He then predicted the necessity of a tax increase if the legislation were passed. He declared that in 1951 the average teacher's salary was $3,100.

Lee's most valid objection to an increase in educational expenditure was that the country was gearing for war and prices and wages had been frozen. Another pertinent fact which he might have considered but did not, was that along with Utah's low per capita income, it had
the highest rate of school age children per capita of any state in the union and thus had a greater responsibility for support of education. If the citizens of a state are going to raise large families they have a responsibility to educate them. The citizens were aware of this obligation but Lee did not appear to agree. There were a few other statistics quoted by Governor Lee which are not particularly important to the development of this issue.⁵²

Rebuttal to Lee's claims and arguments was not long in coming. The night following his initial speech, Dr. John T. Bernhard of the Brigham Young University political science faculty appeared on KSL.⁵³ Bernhard reiterated concisely much that has been already stated, including the problem of inflation and the lost purchasing power of the school appropriation. He also commented on another pertinent fact which was not mentioned before this. This was that even in 1947, the $3,300 minimum figure which was enacted by the legislature was considered inadequate by school experts, who had advocated $3,650. He mentioned that as of February, 1951, there had been no increase since March, 1947, and that only the legislature could change conditions. Bernhard also emphasized the fact that

⁵²Typescript of speech by J. Bracken Lee, KSL Radio, February 9, 1951. For full context of all speeches in this series, see Appendix B. All may be found in the B.Y.U. Library Special Collections section.

through inflation the $3,300 appropriation had been reduced to less than $2,850 in terms of 1947 dollars. Thus an appropriation which was considered inadequate by authorities in school finance in 1947 had been reduced even further (approximately 15 percent) by inflation and then the prospects were for even greater inflation in the near future. Therefore, the $3,800 proposed appropriation would in all likelihood be worth less by July, 1951, than the $3,300 was in 1947, at which time it was considered inadequate.

Bernhard's treatment of another part of the school bill was also pertinent. This was the problem of transportation. It had become critical for two basic reasons: (1) The baby boom of post-war children had entered the schools. In 1951, there were 6,000 more children in the schools than in 1947. (2) The increase in the cost of maintenance and operation of buses. Some effort had been made in 1947 to include the cost of transportation into the classroom formula without success. Thus a flat rate had been appropriated ($675,000) and it had been divided between the school districts. The new proposal included the same type of dispersal but proposed a budget of $1,000,000, an increase of $325,000 or about 30 percent. The cost in 1947 and 1948 was actually $125,000 more than the appropriation. The local districts were left to their own devices to make this up. The proposed increase would not pay the entire bill but would help to close some of the
gap created by the increase in costs and the increase in students receiving transportation benefits.

The third part of the school bill had to do with the mill levy allowance and the problems of the poorer school districts due to the inability to pay. The statistics are enlightening. There was such a wide discrepancy in the property values in the state that in Wayne County a 10 mill tax only raised their available funds to 10 percent above the guaranteed minimum of $3,300, while in Jordan District, which included Kennecott Copper and other similar properties, with a six mill levy they could exceed the minimum program by 98 percent. Thus, while with little effort some districts could afford excellent school systems, in others it was nearly impossible to exceed the minimum program provided by the state.54

54 In December, 1971, in a Federal District Court decision in California, this method of school financing was declared unconstitutional, and states are required to provide equal education to all students regardless of where they live in the state. The response of the U.S. Supreme Court, March 21, 1973, was that education is a state responsibility and that while segregation could be treated under the Equal Protection Clause of the 14th Amendment, the method of school finance could not. It was inferred, however, that if state constitutions guaranteed equal education that state courts might well examine whether the finance methods of the state were in compliance with these guarantees. The test case used was not the California one but San Antonio School District vs. Rodriguez, 1968. It was only one of several similar cases and is found in United States Law Week: Supreme Court Opinions, p. 4407.
There was also another problem involved. Included in the 1947 bill were clauses which limited the maximum levy a district could vote. This meant that even if a district wished to vote more local money for the improvement of their facilities there was a statute which limited how much they could do. One of the provisions of Senate Bill No. 75 would have doubled the amount that the individual districts could have done in order to raise funds for new construction as remodeling purposes. Therefore, while part of the bill would have been in the nature of accomplishing fixed objectives (the increased classroom allotment) the rest would have been merely permissive in that it permitted the school districts to do more on their own.

Bernhard, after discussing the various ramifications of the bill itself, commenced to discuss the reasons why it was important. Lee's inference had been that the bill was backed by teachers out of personal interest with no concern for the students. Bernhard commented on the fact that just the cost of school supplies, paper, pencils, chalk, books, etc. had increased in four years by more than 35 percent from $381,844 in the 1946-47 school year to $518,955 in the 1949-50 school year, and that this was before the Korean War began and was the time inflation commenced. He also had figures to illustrate that the cost of operation of physical plants had increased by approximately 32 percent from $1,579,943 to $2,092,894.
This included gas, oil, water, etc. These were constant ongoing costs which were more likely to increase than to decline.

The figures presented by Bernhard were precise and more detailed than those of Lee's. His appeal was to the intellect rather than the emotion. He compared the $2,997 teacher's salary with that of other professional groups of a similar educational level such as chemists, $4,780; metalurgists, $4,600; construction engineers, $4,000; and agricultural economists, $5,400. These figures were for the Utah area for a ten-month year. There was some disagreement over the salary of the average teacher, but even using Lee's own figures of something over $3,100, it compared rather poorly with similarly trained persons in other fields.

It was the contention of Dr. Bernhard that as long as wages were kept so low, only incompetent teachers would stay in the state or that the really qualified young people would not go into teaching at all, thus condemning future children to a second rate education. It was emphasized that Senate Bill No. 75 made no attempt to increase funds but only to maintain the status quo. The economic benefits to be gained by better education were emphasized and abundant statistics to support the claims were noted.

He concluded his address by stressing the importance of education to the democratic form of government. He
emphasized that we were engaged in an ideological conflict with Russia and that this conflict would not be won by tanks and guns but by education and persuasion. It was emphasized that the greatest danger to our system was not from war without but from ignorance within.

It is interesting to note that he mentioned the danger involved in sending eighteen-year-old boys to war who knew nothing of the threat of communism and might very well become discouraged due to a lack of understanding of what it was they were fighting for or against. In light of the defections among American prisoners of war this comment was very pertinent, and even more so in light of the reaction of many young men to the United States involvement in Vietnam.

An examination of Lee's correspondence leads one to the conclusion that the majority of those who wrote him voicing support were on the verge of illiteracy. Letters of support from people of advanced education were most notable for their absence. Many of those who wrote to Lee could hardly form a sentence or write legibly and displayed a hostility to teachers and educated people as a whole.

Lee's response to Bernhard was to state, "You should decide this question solely on the basis of facts, not emotion." 55 He then proceeded to make a speech aimed

55 Typescript of speech by J. Bracken Lee, KSL Radio, February 13, 1951.
primarily at the emotion of the people and juggled figures to make his point. For example, he mentioned that the $3,300 classroom allocation was 10 percent higher than a 1945 tax survey team had recommended (he made no mention that this figure had been arrived at before the post-war inflation became so extreme). He claimed that teachers' salaries between 1940 and 1950 had increased by 118 percent while the cost of living had only raised by 78 percent. No mention was made of the fact that the salaries of teachers had been so low before that even the extra 40 percent failed to bring them up to a comparable level with other professional persons of similar training. He stated that teachers' wages were not bad at all because nurses were paid less and required similar training. In this he made two errors: first, nurses received only half the schooling required for a fully certified teacher; and secondly, this is like telling a blind man he is well because you know someone who is deaf and mute. The entire promise of his argument seems to have been questionable and again, as in his previous address, he attempted to make teachers appear as the villains in the drama. He used the same argument used by many opponents of education, the justification that teachers did not deserve more because they only worked nine months per year and only five or six hours per day. He ignored such after hours tasks as grading papers, writing tests, chaperoning dances, sponsoring clubs, and lesson
preparation, or he appeared unwilling to recognize it as part of the time spent on the job.

He again pleaded the poverty of the citizens, the burdens they must bear in the form of taxes, and how Utah was already doing more than all the states but one in the support of schools, rather than commending the citizens for their efforts and challenging them to be first as might have been tried. He expressed his sympathies and gave the impression he felt they were doing too much and should not attempt to excel. Lee's attitude seems to have been that average was good enough, that since Utah was 25th in the nation in per capita income they should be 25th in supporting education.

Lee was convinced that the nation was on its way to bankruptcy and feared the State of Utah might lead the way. One gets the definite feeling in reading his comments and also in talking to him that he was intimidated by the size of the budget of the state (the school portion alone in 1949-50 was $14,833,000). He was much more at home writing reprimands to the state police for spending too much for meals when men went out of state on business.

Consistency was lacking in his own statistics from speech to speech. For example, on February 9, 1951, he stated Utah's average teacher salary was $3,100; on February 13, 1951, he had revised that downward to $3,082. The figure which was quoted by Dr. Bernhard was $2,997.
It is still Lee's conviction that he was being persecuted by the internal revenue service. He had a deep hostility against any taxing agency. In a 1960 magazine article he was entitled "The Nettled Nickle Nipper," and was described as an "obsessive budget cutter." The comment was made that he kept on his desk a paper weight inscribed "G-- D-- taxes." Though this was some while after the time which is being examined, this article seems to very clearly describe his actions and the paper weight his attitude during most of his political career.

Allan M. West responded to Lee's second speech. He was in possession of far more detailed statistics than either the Governor or Dr. Bernhard. He proceeded to explain very clearly what the problem was and, in so doing, revealed some important facts which Lee had not mentioned. The explanation given by him of the means by which Utah's schools were financed was geared to the understanding of the general public and was very clear as was his explanation of the provisions of the proposed Senate Bill No. 75. He described the methods by which education was financed in the state by both state and local effort. The state's sources of revenue were varied but the major ones were personal and corporate income tax and a state-wide tax on


57 Typescript of speech by Allan M. West, KSL Radio, February 15, 1951.
all property. The only source of income to the local
districts was a tax on real estate within the district. He
explained that by provisions of the 1947 legislature, a
school finance program had been established which provided
for a minimal program of $3,300 per classroom unit. The
classroom unit was considered to be 30 students in daily
attendance in grade school or 20 in high school.

The formula used for determining the amounts of
local and state money involved was rather simple—as a
reference the wealthiest district in the state with regards
to taxable real estate was used. Using the assessed
evaluation of this district calculations were made on the
level of taxation needed in that district to provide for
the minimum guaranteed program. The example used was
Jordan District in Salt Lake County. This district
included the Utah Copper Mine and for this reason, with a
tax levy of only 6.15 mills, Jordan District could raise
the entire $3,300. Under the existing program this basic
levy was then applied to all other districts in the state
and any difference between the amount realized from the levy
and the minimum program was provided by the state. In the
case of Wayne County, the poorest district in the state,
6.15 mills raised only about one twentieth of the $3,300
and the state provided the remainder. The other districts
in the state fell somewhere in between these two and all
received varying amounts of state aid.
In addition to the 6.15 mill levy which was considered a local levy, there was a state-wide property tax of 8.05 mills on all property. Thus the combined levy was 14.2 mills. From these funds and others mentioned, the state guaranteed the minimum program. The transportation funds were dispersed on a pro-rated basis.

It was pointed out that local school districts could exceed the minimum but in order to do so, it must all be local funds. The means by which this was done was by what was known as the local leeway tax. This was provided for by a law which authorized every district to exceed the basic program by 30 percent or by the amount realized from a six mill levy, whichever was greater. This could not be exceeded according to law. It was also provided that a district might tax itself for building purposes up to 10 percent over the basic program. One may see clearly the inequity built into this program. A poor district by maximum effort might only be able barely to exceed the minimum while a district like Jordan with minimal effort could more than double the program if it had so wished. The changes which would have been brought about by Senate Bill No. 75 were varied. The basic guaranteed program, as has been mentioned, would have been $3,800, thus involving a greater amount of state money.

West challenged some of the Governor's figures, in particular his claim of a 30 percent increase in state aid to education. It was explained that since local
participation was calculated on the basis of the local levy formula, each time the property valuation in the most wealthy district was increased, the tax levy needed to raise the minimum program was reduced. The result of this was that local participation in poorer districts also declined and the state must make up the difference but under no circumstance could the state aid exceed $3,300 per classroom unit. Thus whether state aid increased or not, the amount available for the local districts was the same and the money all came from the same source. The only way in which state aid could increase in a really meaningful way was if through an increase of students, the number of classroom units increased. It was pointed out, if state participation increased one of the two above mentioned causes was responsible; either increased enrollment or decreased local effort. The specific figures regarding increase in value of Jordan District due to increased production at the copper mine was from $78,844,496 in 1947 to $157,043,391 in 1951 resulting in a tax levy drop from 10.9 mills to 6.15 mills and this was reflected throughout the state.

However, instead of the districts resting and allowing the state to pay the bill it was pointed out by West that all but three districts were using more of their leeway in 1951 than in 1947. It was also stated that while Lee had claimed that the intent of the legislation of 1947 was to provide a permanent solution which would require no legislative action, the actual wording of the bill provided
that ". . . the State shall contribute not more than 75% of
the total cost of operation and maintenance of a minimum
school program as such program shall from time to time be
determined by the legislature." West repeated the last
sentence to add emphasis that the 1947 legislature had
intended that the program be reviewed from time to time by
subsequent legislatures.

In his previous speech the Governor claimed that
when the 1947 legislature had fixed the minimum program at
$3,300, they had ignored a recommended figure of $3,000 by
the 1946 tax study committee. West challenged this
allegation, claiming that the purpose of the committee was
to recommend changes in the tax system and that they had
made no recommendation regarding the minimum program. This
was left to the legislature.

Some of the other statistics in Lee's previous
speech were also challenged. It was claimed that when Lee
compared teachers' wages to those of nurses he had included
with teachers all principals and supervisory personnel, but
he did not include into his computation of nurses' salaries
the salaries of hospital superintendents or of medical
staffs.

It was further pointed out that while it was correct
that Utah ranked 13th in teachers' salaries, it ranked 4th
in the professional preparation of the teachers and 1st in
the quality work they were doing. These latter two facts
were not mentioned by Lee. Other important facts concerning Utah's traditionally excellent education system were made note of and West concluded with seven points which he wished to emphasize.

1. Senate Bill No. 75 would provide only enough additional funds to offset the inflation of the previous four years.

2. While true that the increased production of Kennecott Copper had caused the local participation in school finance to decrease, the basic program had not increased in four years and all inflation had to be compensated for through the use of the local leeway.

3. The teacher salary figure quoted by the Governor included principals and supervisors, but he did not include the supervisory personnel or doctors into nurses' salaries, and must it follow that because nurses were underpaid that teachers should be also?

4. Contrary to the Governor's claims, the tax study committee of 1945-1946 clearly recognized the need for periodic review of the school finance program by the legislature.

5. Utah people had large families and must make a greater effort to provide even an average amount for each child's schooling.

6. Utah schools were efficiently managed and Utah had long been the pattern for other states.
7. The Governor said that increased taxes threatened the state with bankruptcy, while in actual fact the tax levy had declined during the previous four years.

Utah was, according to West, in the best financial shape of its history and could afford the 1947 standard. He again made the point that no increase was contemplated, that the only desire was to counteract the inflation of the past four years. In closing, West quoted General Dwight D. Eisenhower, "To neglect our school system would be a crime against the future . . . Such neglect could well be more disastrous to all our freedoms than the most formidable assault on our physical defenses."

No attempt was made by Lee to answer the points made by West. His next appeal to the public came five days later and differed little from the one delivered earlier. He repeated most of the claims made in previous speeches and again claimed that the 1947 bill contained built-in flexibility, but he neglected to explain that the flexibility only allowed for a fluctuation of state and local funds but that the minimum program remained pegged at $3,300 per classroom unit.

During this time, he resorted to all avenues to attempt to thwart the passage of this legislation. He wrote newspaper articles, spoke at luncheons and school house meetings and always his message was nearly the same.

58 Typescript of speech by J. Bracken Lee, KSL Radio, February 20, 1951.
He repeated the same charges, used more or less the same figures, and avoided answering any critics. He constantly characterized the education people of the state as little better than pickpockets ready to steal the wage earner's hard-earned money. He was obsessed with the tax ramification of the bill.

Lee has been accused by education personnel who were associated with him during this period as being intellectually dishonest.\textsuperscript{59} It is alleged that he ignored facts which did not support his arguments and twisted them to his benefit.

When all discussion was ended, the bill, sponsored by eleven senators, was passed and on the 21st of February, 1951, the day following Lee's final radio address, was submitted to the Governor for his approval. On the 28th of February, Lee sent it back with his veto and a letter explaining why. He used the same arguments, the same statistics, and again compared Utah's situation not to her own willingness to finance schools but to what other states were doing.

The legislature began promptly to revise the bill in an effort to make it acceptable to the Governor. However, before they could come up with a compromise bill, Lee wrote

\textsuperscript{59} Interview, Mrs. R. R. Petty, December 5, 1972. Mrs. Petty was President of the Utah School Boards Association for a time during Lee's term as Governor and had considerable contact with him in this position.
the Senate informing them that he was opposed to any compromise. He then resorted to a tactic which had served him in the case of his veto of the Research Fund in 1949 which was discussed in a previous chapter. Lee proposed a committee to investigate, similar to one which had made a study in 1945-46. He proposed three things to be investigated:

1. To study school expenditures to determine where they should be cut.

2. To study the uniform school program as related to the 1946 tax study committee's report.

3. To study the state's obligation to the Utah State Teachers' Retirement System and the advisability of meeting it from the Uniform School Fund.

Thus while proposing to cut school funding he was at the same time proposing to pay one more large bill out of what remained.

He then informed the Senate that if the new bill, Senate Bill No. 255, were passed he would veto it as he had done Senate Bill No. 75. It was conceded at this time, however, that if the proposed committee recommended further funds, he would call a special session of the legislature.

Senate Bill No. 255 passed the legislature and was sent to the Governor, and on March 8th, the following was sent to the Senate: “I am transmitting herewith and

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60Letter, Lee to Utah State Senate, March 3, 1951.
without my approval Senate Bill No. 255." He then proceeded to enumerate his objections and proposed again the committee and the things he wished them to accomplish. For Senate Bill No. 75 and its successor Senate Bill No. 255, sufficient support could not be mustered to override the Governor's veto and action was delayed until the first special session of the Twenty-ninth Legislature. Following the failure of the two senate bills, a compromise was arrived at during the special session of the legislature called in June. House Bills No. 18, 19, 20, and 21 were passed by the House and Senate and sent for the Governor's signature. The provisions were interesting with concessions on both sides. The $3,300 figure was retained as minimum figure. The provisions in brief were as follows:

House Bill No. 18: $50,000 was appropriated to finance a sixty-man public school survey commission. This resulted when a brief study by the bipartisan legislative council determined that they needed more information in order to come up with a workable school finance formula. This was to be the basis in 1953 of another confrontation between Lee and the legislature. House Bill No. 19 was permissive legislation which increased the permissible local leeway tax levy for school purposes from six to seven mills or 40 percent of the $3,300 classroom unit minimum, whichever was more, thus permitting local school districts to do more in their own behalf. House Bill No. 20 provided for the appropriation of $750,000 annually from sales tax
revenues to finance schools to compensate for loss of other revenue. House Bill No. 21 provided for a guarantee to local districts which exerted a maximum effort a minimum program of $4,200 per classroom unit.

An interesting facet comes to light in Lee's character when one notes in his correspondence that he pleaded the cause of elderly folks with fixed incomes and high property taxes and yet when an opportunity came to cut taxes, he did not give property tax relief to the elderly and the poor farmer. Instead he cut income taxes—most of those for whom he professed concern would have paid little if any income tax. Frank H. Jonas, Professor of Political Science at the University of Utah, in an article on Lee, said, "Although Lee insisted stoutly that he was for the people and opposed to special interest groups, his tax stand benefited chiefly the large taxpayers with special interests."61 This is even harder to understand when one is aware that the income tax all went for school support, and when this was cut the inevitable result was that the state must turn to the property tax to make up part of the loss, placing an ever greater burden on those for whom he professed such sympathy.

CHAPTER 5

ELECTION CAMPAIGNS OF 1952 AND 1956

Considering the friction which existed between Lee and the education people and the publicity it received, it was natural that Lee would base the majority of his 1952 campaign on defending his record regarding education in the state.

Lee's record in other facets of state government was excellent. He had cleaned up a corrupt Liquor Commission and had reduced the payrolls of many departments of government while giving raises to most of the state employees. This had been done by reducing the number of employees. There had been no noticeable reduction in efficiency in the affected departments. Morale was high and by all criteria his first term as Governor had been a success, except regarding education. In this he had been somewhat less than successful. He had been unable to reduce the budget, which increased each year. As a result of this, he had to campaign on the basis of the advances which had been made during his administration, though many of them had been made in spite of him rather than through his efforts. He spoke at length on the increase of building, on the increased expenditure, on all of the improvements made during his first administration and was proud of the fact
that more had been done during his four years financially than in the preceding twenty years. He ignored the fact that the previous twenty years had included the depression of the 1930's and the second World War. There had been considerable increases in education expenditures, for public schools had increased and appropriations for higher education were up.

In September of 1952, a publication was issued from Lee's campaign headquarters entitled the *Lee Record*, which expounded on the contributions of the Lee administration and made claims for eleven advances in education. Of the eleven for which he claimed credit, ten were refuted by the *Utah Education Association News Letter* for October, 1952.

1. It was claimed that expenditures for public schools had increased 42 percent during his first administration. The facts brought out by the U.E.A. were that actual operational increases constituted only a 17 percent increase, and that this was provided for by a law passed by the 1947 legislature before his election as Governor. It was contended that the rest of the figure used reflected

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62 Undated pamphlet, apparently issued in September or October. The U.E.A. News Letter in referring to it states that it was recently issued from the Lee headquarters. This newsletter was for October. The pamphlet is used here for the sake of organization; it was basically the same as numerous speeches that were made. On September 18, Lee gave a radio and TV speech which contained nearly identical material. Also on October 2, at Bryant Jr. High School in Salt Lake City a similar speech was given. The texts of both speeches are in the possession of this writer and the claims were the same.
building programs which had been delayed due to the depression and the war. To compensate for the 17 percent increase was a 12 percent increase in students and a 7 percent cost of living increase due to inflation. These two more than overshadowed the 17 percent operational increase. The point was also made that the state had nothing to do with the construction program in that all of that was financed on a local basis.

2. There had been a 40 percent increase in funds allocated to higher education during the Lee administration. The fact was that in both 1949 and 1951 Lee had opposed increases. He had exercised the veto during both sessions. One of these was overruled by the State Supreme Court ($400,000 for the Extension Service at Utah State). Had this been upheld the state would have lost an equal amount of federal matching funds. In 1951, Lee actually recommended to the legislature a cut of $417,400 less than received in 1949. His vetoes forced a special session in 1951 which cost the taxpayers $50,000. The legislature in special session appropriated more than Lee recommended and he refused to sign the bill. He allowed it to become law without his signature and in 1952 claimed credit for its passage.

3. During his administration a greater percentage of individual income had been devoted to education than at any time in the previous ten years. This claim was challenged on the basis that the actual expenditure for
operation of schools had declined from 3.1 percent in 1947-48 to 2.93 percent in 1950-51. The means by which Lee arrived at his figure was by calculating in all construction expenditures. There was a large building program going on in the state in an attempt to make up for lost ground suffered during the depression and the war. He had no influence on this building program for the reason earlier mentioned, that all construction was locally financed. The point was also made that the Governor had had no influence in financing higher education until 1949-50 or on lower education until 1951-52 in that both of these systems were operating under laws passed by the previous administration. No action was taken in 1949 regarding public school finance except the budget for the State Board of Education. The only influence the Governor exerted in 1951 was to attempt to reduce expenditures despite a 12 percent increase in students.

4. A greater proportion of state funds was spent for public schools and colleges in Utah than any other state in the nation. This statement was considered misleading due to the differences in method of finance from state to state. Some states had a high proportion of private colleges and parochial schools, thus relieving the state of much burden. Some states had junior college systems which were primarily financed by local communities and needed no "state" funds. The only valid figure which could be used was to combine both state and local funds and in
1949-50 the per student expenditure in Utah was $173.00, $30.00 less than the national average and $63.00 less than that of the eleven western states. Since all money came out of the same pocket, it was irrelevant whether it was "state" or local money. In actual fact Utah was not spending more on education than other states but rather less and was losing ground.

5. State aid to local districts had increased 30 percent. He failed to mention that local funds had decreased 33 percent. Thus since all money came from the same source there was no nominal increase except that called for due to an increase in the number of students. The total increase came to 4.4 percent; the increase in students was 7 percent showing in actuality that there had been a slight decrease on the basis of per student expenditure.

6. The average teacher salary had increased to $3,250. This was acknowledged by the Utah Education Association but it was pointed out that when Lee took office Utah teachers had been $277.00 above the national average. Four years later they were $40.00 below, although Utah's teachers were in the top four in the nation on the basis of professional training. During the first Lee administration, teachers' salaries increased 11 percent, a respectable increase until one realizes that nationally the increase had been 25 percent "on an average." Lee seemed to overlook the fact that when salaries are low it takes a great
increase to achieve any degree of equality. He seemed only able to think in absolutes—not in purchasing power, but in dollars; not in the total figure, but only in the percentage reflected by the increase. He never figured inflation losses into his budget.

7. It was further claimed that more state funds were allocated for construction at institutions of higher learning than in the previous twenty years. Lee's backers had ignored the fact that he recommended against construction in both the 1949 and 1951 legislatures. Greatly increased revenues from sales tax and a $4,310,000 balance from the previous administration, plus the fact that he was out-numbered two to one on the Board of Examiners by the opposition party, accounted for most of the construction. Lee, however, did not hesitate to claim credit for the program.

8. The school building program was up 390 percent over the previous three years. Building had been at a near standstill for nearly twenty years due to the depression, the war, and post-war controls. This had become critical due to the growth in student numbers and deterioration of old facilities. Building was done entirely on local initiative and at local cost.

9. The administration claimed credit for a $2,000,000 appropriation to help poor school districts which had emergency need of funds for building purposes. This action had been taken by the legislature in 1951 and as of
election time not one dime of it had been released by the Governor for use by the schools.

10. The property occupied by the Salt Lake City area Vocational School had been purchased for $312,000. Lee neglected to mention that he had vetoed the entire $500,000 budget of the school in 1949, and it was only with a great deal of shuffling that enough money had been found to maintain a skeleton program until the 1951 legislature could appropriate funds to insure its future. Between 1949 and 1951, $72,000 was paid in rent. This constituted more than 20 percent of the total purchase price and could have been saved and applied to the purchase had it not been for his veto. Even the final purchase was opposed by him in his budget message of 1951.

In actual fact the only thing which Lee could claim credit for from his eleven accomplishments was number eleven. This had to do with an interstate compact for higher education which in essence was an agreement between several of the poorer western states to cooperate with regards to the training of doctors, dentists, veterinarians, etc. The provisions of the compact were that states with no medical school could send medical students to Utah with no out-of-state tuition charged to the student. The state of origin made up the difference. Conversely, Utah could send its dental and veterinary science students to Colorado or Oregon on the same basis. This was undoubtedly a valuable accomplishment.
Though he ascribed to himself nearly all the advances made in education during the first four years of his administration, a thorough check of the Senate and House journals indicates as claimed by the U.E.A., Newsletter, that most of the gains for which Lee claimed credit, he had either openly opposed or they had been accomplished without his involvement.

One writer, in analyzing the election of Lee in 1948 and his re-election in 1952, attributed his success to the fact that he had allied himself with the very conservative L.D.S. Church and had become very close friends with J. Reuben Clark, First Counselor in the First Presidency of the Church. They shared similar views on foreign affairs, foreign aid, federal aid to education and a variety of other issues.63 This support had come about as a result of the hostility of the Church leaders toward Herbert Maw, the incumbent governor in 1948. Maw represented the liberal wing of the Democratic Party in the state and had committed several acts which were disapproved of by the Church. In 1936, he had run against Governor Blood in the Democratic primaries. Blood, as well as Maw, was active in the L.D.S. Church and had the backing of the leaders and though he failed to unseat Blood, Maw generated some hostility on

the part of the Church leadership. In 1940, after Blood had retired, Maw again ran in the primaries and won, defeating Henry D. Moyle, a conservative Democrat and well-to-do businessman, soon to be apostle in the Church. Maw was elected governor in 1940 but his defeat of Moyle displeased the Church hierarchy. He further antagonized the Church leadership by refusing to appoint General Authorities to the Board of Regents of the University of Utah or the Board of Trustees of the Utah State Agricultural College. These developments persuaded the Church to turn to the alternative, J. Bracken Lee. Though the Church had traditionally opposed liquor by the drink and Lee had favored it in the past, in 1948, he made a change.64 He requested an interview with the General Authorities of the Church, which he received, and was able to convince them that he did not espouse liquor by the drink but desired only that it be placed on a ballot for a public vote. This apparently allayed any doubts which the Church leaders had and though the Church did not openly back him, neither did they back Maw. During the campaign which became extremely heated, it was generally believed that Church support was behind Lee and his election to the governorship was nearly a foregone conclusion. He was among the few Republicans elected to a major office in either the nation or the state.

64 Jonas, "Lee and the Mormon Church," p. 115.
Frank H. Jonas of the University of Utah, who has researched Lee's career considerably, asserts that "there has come to be a positive correlation between Mormonism and Republicanism in Utah." Elsewhere he has written, "... Mormonism and Republicanism appeared again to have become indistinguishable," this last in reference to the election of 1952. If as contended this condition did exist, then coupled with the fact that the Republican candidate for President was General Dwight D. Eisenhower, Lee's election in 1952 was assured in spite of opposition by educators. He virtually rode to re-election on the coattails of Eisenhower.

An examination of the major newspapers in the state for those months just prior to the election leads to several conclusions: (1) That national politics greatly overshadowed the state as a center of interest. (2) Though Lee was outspoken on his education record it seemed to elicit little response from the public. (3) That the state issue most prominent in the newspapers in both editorials and


letters to the editor was the state's lien law, which was being challenged on a referendum ballot. (4) McCarthy, communism, and Korea also received far more coverage than education, and charges of corruption against Richard M. Nixon for allowing wealthy friends to pay $18,000 worth of his bills caused a great furor.

In the face of all of this apparent unconcern, it appears that Eisenhower's heading the Republican ticket did Lee more good than Lee did Eisenhower. Though the gubernatorial contest did become more active in the final week of the campaign, education still did not emerge as a major issue. Eisenhower scored a sweeping victory in Utah and carried all state Republican candidates with him. This was a national trend; however, Lee's vote, though large, was 14,000 votes short of Eisenhower's and his plurality only 3,000 greater than in 1948 which was a Democratic year.

Had Lee been careful enough to have retained the support of the Church, it is very likely that he would have been elected for a third term in 1956, but during his second term of office he did several things which not only antagonized the voting public, but also the leadership of the Church and in the process lost the support of the major newspapers in the state with the exception of the Salt Lake Tribune.68 He alienated the farmers by vetoing a bill which would have rebated the gasoline road tax for gas used

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in farm vehicles. He also turned labor against him by signing a right to work law. Support of the Church was lost when Lee vetoed a Sunday closing bill and also a bill backed by Ernest L. Wilkinson which would have given Brigham Young University the right of eminent domain. Perhaps the biggest mistake he made, according to Jonas, was his bypassing of state Republican Party officials and the ignoring of their wishes, which left him with very little support from party leadership and the predictable result was his defeat in the primaries. Lee blamed his defeat on the crossover vote of the teachers and the Democrats, and though partly true it marked him as a "poor sport." More will be said regarding the actions of the Governor regarding education during his second term, but the cumulative effects of the various groups which he turned against himself were responsible for his defeat in the primaries.

69 This right usually reserved for the various levels of government would have given the university the power to condemn property wanted for purposes of expansion.

70 Lee had made other mistakes which were to prove very damaging during his second term. He was very outspoken in his criticism of President Eisenhower, who was popular in the state, and he did not spare the Farm Program headed by Ezra Taft Benson, an apostle in the L.D.S. Church, which predominate in Utah. All of these combined to cause him to lose a great deal of popularity. Utah voters are difficult to predict. One may not call them apathetic in the face of the traditionally high voter turnout; however, there are few outward manifestations which would indicate which way they would vote in 1952. No one anticipated the magnitude of the Republican victory if one may judge by the newspapers or polls taken.
Following his defeat, Lee was persuaded to run as an independent. He was accused of doing so out of malice in an attempt to block the election of George Dewey Clyde, the Republican candidate. However, his support had so dwindled that not only did he fail to be elected but he was unsuccessful in blocking Clyde's election. He did gain some degree of revenge in 1958 when he again ran as an independent for the Senate against incumbent Senator Arthur V. Watkins\(^\text{71}\) and Democratic challenger Frank Moss. Lee pulled enough votes on this occasion to block the re-election of Watkins and allow Moss to emerge the victor.

\(^{71}\)Arthur Watkins had been the prime mover behind the effort which ousted Lee in 1956. Lee is still extremely hostile to Watkins.
CHAPTER 6

THE PUBLIC SCHOOL SURVEY COMMISSION 1951-53

Governor Lee's penchant for using committees as a means of delaying action on propositions of which he did not approve has been mentioned previously. He used this tactic in 1950 and proposed it at other times. Undoubtedly the committee which pleased him most was one which resulted from his fight with the legislature over Senate Bill No. 75 during the regular session of the Twenty-ninth Legislature. In the early months of 1951, Lee vetoed that bill. Its successor, Senate Bill No. 255, which was a compromise measure, met the same fate. Lee then proposed that a committee be appointed to make a thorough re-evaluation of Utah's school needs. The bipartisan legislative council (by this time dominated by Lee's own political party), after a brief study, determined that this was the only way to placate Lee. The commission was authorized and funded in June of 1951. During the ensuing few months recommendations were solicited throughout the state from business and religious leaders and from among educators. From a list of approximately 550 names, 60 persons were selected to serve on this commission.

Lee must have been delighted that things were quiet for a time, and whenever questions of school needs came up
he could point to the commission and say in essence, "let's wait for the commission's report." One of the most gratifying facts of all was that the commission continued to study for month after month and finally stretched their efforts to a year and a half during which time Lee could always postpone any efforts to make changes. This tactic continued even into the regular session of the Thirtieth Legislature early in 1953. Lee insisted that no action be taken until the survey report had been thoroughly studied. The report was much larger and more comprehensive than had been anticipated. The mere outline of the study consisted of over 300 pages. By using this delaying tactic, Lee avoided any action on the report during the regular session of the legislature.

At the time when Lee was urging that a commission be appointed to study the problems, he had promised to go along with whatever they recommended and repeated this pledge frequently during the months which ensued, particularly during the election year, 1952. When the report was in, and the financial recommendations were closely in line with the things recommended by the legislature in 1951, he began to hedge. He attempted to discredit the commission by saying that it was the creature of the legislative council and for this reason he did not feel obligated to abide by its findings, and further he had promised the citizens of the state an income tax cut.
The State School Survey Commission was headed by Adam S. Bennion, prominent leader in the predominant L.D.S. Church and a well-known educator in the state. To impugn the honesty of such a man and the other fine men on the commission would have been disastrous politically; yet since he could not force himself to comply without protest, he delayed. He attempted to make the recommendations an all or nothing package. Part of these recommendations were long term such as studying the feasibility of merit rating for teachers. Lee wanted to make the financial recommendations dependent on these other proposals.

During the ensuing months Lee found himself in a difficult position to defend. He was receiving pressure from virtually all factions of the state. The majority of the newspapers were against him. Both of the Salt Lake City daily newspapers urged him to call a special session during the summer of 1953 to enact the recommendations of the commission. The southern Utah paper, the Richfield Reaper, which had been a Lee supporter, compared his economics to "the poor boy who squandered his health to gain riches, then squandered his riches in an effort to regain his health."72

Lee contended that public opinion ran ten to one against the special session. However, the correspondence in the state archives does not reflect this type of ratio. The

72 Editorial, Richfield Reaper, July 16, 1953.
correspondence favoring the special session was heavy enough that the Governor had a form letter prepared to use in response rather than trying to answer each individually.\textsuperscript{73} The\textit{Deseret News} indicated that mail which had been sent to them ran strongly in favor of the special session.\textsuperscript{74} Lee received pleas from his own party members to act on the report of the School Survey Commission, and though his own party was in control of the legislature, he withstood all pressure and all efforts to have a special session called. He was particularly touchy about accusations that his economies were intended for the benefit of big business. He responded rather violently when a young man of his own party related a conversation overheard in a barber shop. Reportedly one individual responded to an inquiry as to what he thought of Lee's tax program by commenting, "Oh, he lowers my taxes a few dollars and Kennecott Copper's a few million."\textsuperscript{75} Lee opposed heavy taxation of big business; he felt it stifled their philanthropic impulses. The young man urged Lee to give the people's representatives an opportunity to act on the report of the commission, but Lee remained obdurate.

\textsuperscript{73}Letter, Lee to Clive Roberts, Principal, Richfield Jr. High School, July 30, 1953.

\textsuperscript{74}"Utah's One Man Government," Editorial,\textit{Deseret News}, July 4, 1953, p. 8, Col. A.

\textsuperscript{75}Letter, M. Lyon to Lee, June 1, 1953.
All this makes an interesting contrast when compared to statements made during the 1952 election campaign. In defending his veto of 1951, Lee pointed out that a survey commission was then, in 1952, studying the public school system. "This is the common sense approach to the many problems our growing school system presents; it is an approach that does justice to everyone concerned and merits everyone's support."  

This was his attitude before the elections, but after he was elected his attitude changed.

A member of the House charged that had Lee not promised in 1951 that he would abide by the findings of the commission, his veto of Senate Bill No. 75 would have been overridden. The House member asserted that he could easily obtain affidavits from several representatives who had cast the deciding votes which sustained Lee's veto in 1951. This letter was written in May, but as the summer progressed Lee refused to take action.

Then began an activity which may give a clue to Lee's thinking. One is tempted to suspect that his refusal to call a special session was a calculated political move intended to gain an end. He began to talk about the possibility of calling a special session to act on the

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76Press release, September 18, 1952.

77Letter, Representative Simson A. Dunn to Lee, May 12, 1953.

78No response could be found to Dunn's letter.
commission's report if economies could be made elsewhere. The economies he proposed were some he had suggested as early as 1950 such as the disposal of the state's system of junior colleges. There is abundant evidence to indicate that Lee used the junior college issue as a bargaining item with the legislature. In essence, it appears that Lee agreed to call a special session of the legislature and to allow their school program to pass largely unopposed if in return they would pass legislation returning three junior colleges to the L.D.S. Church and discontinuing state aid to Carbon College in Price. 79 Finally Lee consented to call a special session of the Thirtieth Legislature to convene in December, 1953. By his delaying tactics, he had succeeded in gaining nearly a year from the time the report of the State School Survey Commission was submitted until action was taken.

When Lee finally consented to the special session it was primarily for purposes of reorganizing the system of financing the state school system. Part of the report had to do with long term changes. One of these, for example, was a proposal to set up a teacher merit system. This, of course, was not an undesirable effort if some effective method could have been devised for accomplishing this task. He would have preferred to have the financial provisions

79 The name of this school has since been changed to College of Eastern Utah.
dependent on the enactment of these other provisions. Lee seemed to have the idea that one should be able to measure education as one did roads. If one could get X miles of X quality road for a given amount of money, he could not understand why one could not get X amount of X quality education for a given amount of money. Lee overlooked the human element involved; differences in ability, differences in facilities, differences in stimuli, etc.

Lee opposed proposals of equalization and in effect espoused unequal opportunity for education. His opposition deprived students in poor districts of the type of technical education which Lee professed to favor. The result of this situation was that those students who could afford college often came out poorly prepared for higher education.

The program which was developed by the Thirtieth Legislature in its first special session consisted of several parts. It came under several house bills. First of these was House Bill No. 27. This provided for a minimum program of $4,050 per classroom unit plus a supplementary program to bring this figure up to $4,535. Lee objected and refused to sign it but refrained from exercising the veto. It became law February 18, 1954, without the Governor's signature. House Bill No. 28 provided for a uniform local levy of 12 mills to support the minimum

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80 After nearly twenty years, attempts are still being made to devise a workable method of grading teachers. Nothing feasible has ever been developed.
state-supported school financing program of $4,050 per classroom unit; it had been 6.15 mills. This bill, which provided for local effort instead of that of the state, was signed into law by the Governor, December 24, 1953.

House Bill No. 31 was also disapproved by Lee. It provided for the appropriation of $1,505,000 from the mine occupation tax reserve fund to the uniform school fund to give schools the increase contemplated in the new financing program for the remainder of the current school year (1953-54). Again Lee allowed this to become law without his signature. He apparently hesitated to involve himself in another dispute over education or he may have failed in his efforts to dispose of the junior colleges.

House Bill No. 34 was calculated to offset the loss of revenue resulting from Lee's income tax cuts by increasing the tax on cigarettes from two cents to four cents per package and to earmark the funds realized to education for the uniform school fund. It was estimated that an additional $1,000,000 would be made available in this manner. Although Lee vetoed this bill, his veto was overridden by the legislature. It is unclear whether he objected to taxing smokers or if he objected to earmarking the funds beforehand. The latter seems to be the most likely.

There were other bills passed regarding education such as one which required that all schools use textbooks
selected by the state textbook committee and another which provided for establishing a committee to study the feasibility of developing a merit system for grading teachers. Lee readily signed these bills; they involved no money and would tend to restrict teachers.

This entire study is an example of methods Lee used in attempting to gain his ends. He used the committee whenever possible and if that failed, he would delay. If delay failed, then he would bargain. In this case he attempted to bargain away four of the state's colleges in return for withholding opposition to the legislature's financial program for education.

Lee appears to have thought on one level only. Everything seems to have been evaluated by him on the basis of dollars and cents. Lee was very disappointed when the voting public reversed the action of the legislature regarding the state's junior colleges. The school finance program was left intact.
CHAPTER 7

JUNIOR COLLEGE CONTROVERSY

During the special session of the Thirtieth Legislature held in December, 1953, two bills were passed which created a furor throughout the state and which may well have contributed to Lee's failure to achieve a third term as governor in 1956. The focal points of this furor were Ogden and Price (the latter was Lee's home town), and the subjects were four junior colleges operated by the state: Dixie in St. George, Snow in Ephraim, Carbon in Price, and Weber in Ogden. The background of the controversy was as follows.

In the early 1930's during the depression, the Church of Jesus Christ of Latter-day Saints, which had an extensive educational system, gave to the State of Utah, without requiring compensation, three junior colleges: Dixie, Snow, and Weber, with the stipulation that they be returned if the state ever contemplated closing them down. Lee became aware of this stipulation and as early as 1950 proposed to the Church that they might be returned. At that time the Church informed Lee that they were not prepared to operate the schools if they were returned.81

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During the summer of 1951, Lee began once more to make proposals to return Dixie, Snow, and Weber Colleges, as well as close Carbon College in Price. Again, nothing was done, though legislation was prepared. In 1953, the Church, faced with the possible closure of Dixie and Snow Colleges, offered to take them back and reimburse the state for improvements which had been added. The Church also expressed an interest in having Weber College returned. Lee expanded his recommendations to include this. Lee's motives may have been complex but probably the foremost of them, judged by past performance, was the opportunity to save money, since it cost in the neighborhood of a million dollars per year to operate the three schools. The Church had agreed if the schools were returned to continue to operate them.

Lee was appalled at the fact that where the average throughout the nation was almost two private colleges for each state college, in Utah there were seven state colleges and only three private colleges—a ratio of more than two state colleges for each private school. This deviation from the average was objectionable to him. He was willing to face the hostility of his friends and neighbors in Price.

82 Lee helped to found Carbon College in 1938 while Mayor of Price.
and his former supporters from Ogden\(^\text{83}\) rather than allow this condition to continue. With the urging of the Governor and the avowed interest of the Church in having them returned, the special session of the Thirtieth Legislature which convened in December, 1953, was not hesitant to consider this action.

The cost of operation was expected to increase. Weber alone foresaw building needs in the neighborhood of $2,000,000.\(^\text{84}\) It was emphasized that if these schools were closed or disposed of, that considerable savings would be realized which might be pumped into the general education budget. One is tempted to believe that this last information was inserted for the purpose of persuading the public and not out of Lee's own conviction as to its desirability.

Opposition to his proposals came from two main sources: Ogden, with a large non-L.D.S. population, opposed the action; and Price, which had the only college in eastern Utah, was also in opposition. The majority of the opposition came after the action by the legislature since there was little publicity before the act. However, after the legislation was passed a real cry of protest developed. A veritable avalanche of mail arrived in the Governor's office. From the southern Utah towns of

\(\text{83}\) Lee had lost a great deal of popularity in Ogden when he vetoed a bill in 1949 which would have made Weber a four-year college. He considered it an economy move to avoid duplication of courses at the U. of U. and U. S. A. C.

\(\text{84}\) Press release from Governor's Office, 1954 (n.d.).
Ephraim and St. George, with their predominant L.D.S. population, there was a certain amount of approval, but that from Price and Ogden was almost universally hostile.

Almost immediately a campaign developed to get the two propositions on a referendum ballot to rescind Senate Bill No. 29, which terminated state aid for Carbon College, and Senate Bill No. 39, which returned the other three colleges to the Church. Lee's correspondence, which was extensive during January and February of 1954, was overwhelmingly against the actions. By February 10, 1954, sufficient signatures had been secured by opponents of both the college transfer and of the closure of Carbon College to get the propositions on a referendum ballot in the fall of 1954.85 Following this a very active campaign began by both parties to persuade the voting public of the preference of their position on the issue. Lee's main appeal was to the money-minded. He attempted to impress them by emphasizing that the state would still have the benefits of the colleges with no expense to the state. He emphasized the fact that 74 percent of the state's citizens were L.D.S. and should help more with education. This was a rather specious argument since he failed to mention that 74 percent of the taxpayers were also L.D.S., and as such, were already

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footing the majority of the bill for education. When challenged about this he contended that the majority of the Church's income came from investments and that no further requests for money from the members would be needed in order for the Church to operate the schools adequately.

One can only wonder at Lee's thinking when he purportedly felt that the L.D.S. Church with its limited resources could operate the colleges, when the State of Utah with its taxing power and natural resources could not. One must be aware of Lee's thought processes to even begin to understand him. He was violently opposed to taxes and especially those on big business. Although the income of the state was the greatest in its history, Lee was convinced it was on the verge of bankruptcy, and that when it went down education costs would be the cause of its downfall. He saw in the move to divest the state of the junior colleges some relief from the burden.

Lee's opposition in the junior college question came from a variety of sources, including the State Department of Education, organized labor, veterans organizations and two of the state's major newspapers, the Salt Lake Tribune and the Ogden Standard Examiner. His supporters were a few "cut taxes at all costs" groups and some of the local authorities of the L.D.S. Church.

Probably the thing which damaged Lee's hopes the most was not his opponents but those who refused to commit
themselves. The L.D.S. Church persistently refused to take a public stand either pro or con. It maintained a position of strict neutrality and the Deseret News, the Church-owned newspaper, followed suit. The Church's public position was that if the schools were returned, the Church would operate them but that they were not actively seeking the schools.

This was undoubtedly the position of the Church in 1951, but there is some evidence to indicate that this had changed by 1953 or 1954. Ernest L. Wilkinson, a very successful lawyer, had been appointed President of Brigham Young University in 1951 and then named Administrator of the Church Board of Education. He was an energetic man with a great deal of ambition and considerable influence with the leaders of the Church. While the Church proclaimed neutrality, Wilkinson had been the major lobbyist in the legislature in favor of the transfer of the junior colleges. 86

86 Personal interview with Lee, December 5, 1972.
A further indication of Wilkinson's energy and the scope of his plans is that following the defeat of the junior college transfers, the L.D.S. Church was involved in a program of educational expansion. Large plots of land were bought in Phoenix, Arizona, Southern California, and Salt Lake City for the avowed purpose of building a system of feeder colleges for Brigham Young University. A large piece of property was also purchased in Idaho Falls, Idaho, for the purpose of transferring Ricks College from Rexburg. This plan progressed to the point of engaging architects to design the proposed campus. The thought of moving Ricks College caused such an outcry among the members of the Church in Idaho that it was abandoned. With the exception of members of the Church in Idaho Falls, the majority favored leaving the school in Rexburg. It was brought to
Those opposed to the idea gave their reasons as follows:

1. The colleges were being disposed of at a time shortly prior to when the peak of the baby boom following World War II would arrive at college level.

2. It was considerably cheaper to offer the first two years of college in the junior colleges than in either the University of Utah or Utah State Agricultural College.

3. A survey in Carbon County indicated that 80 percent of the students at Carbon College could not afford to go away to school if the college were closed.  

In light that one of the presidents of the Church had promised that the school would never be moved. This writer was attending the college during this controversy and feelings were very high against Ernest L. Wilkinson, whom most considered responsible for the proposed move. This proposal was felt to be a real betrayal. Nothing was done beyond the property acquisition, and since then other disposition has been made of it. The purpose of the program was undoubtedly to provide religious education for members of the L.D.S. Church throughout the country. The reasons for its termination are unclear, whether it was decided the Church lacked the finances or whether the Church was embarrassed by all the publicity. It is the opinion of this writer that the initial halt to expansion plans was due to the furor which resulted; while the long term policy change was a consequence of a re-evaluation of the expense of supporting so wide spread an education system. The Church's present program is one of establishing "Institutes of Religion" near colleges and universities where there are a sizable number of L.D.S. students. Thus while students are able to take advantage of public education, a source of religious education is also available if they wish it.

The argument was that this was false economy, that the ultimate result would be that when the student increase arrived it would require additional construction somewhere to accommodate them, and that it was unwise to build these facilities at the University of Utah or Utah State Agricultural College when cost per student per year at these schools was much higher than at the junior colleges. The final conclusion was that in the case of Carbon College, if the school were closed the majority of the students would have no opportunity for college training. This not only affected Carbon County but all of eastern Utah. The point was also made in this case that Carbon was the only college to be closed while the other colleges were to continue, though under the auspices of the L.D.S. Church. These were all valid points and apparently made an impression on the voting public.

Besides the arguments mentioned, there were four other reasons put forth by the Carbon Alumni Association in favor of continuing Carbon College's existence. These were: (1) That the family situation of students would be extended two years giving the student more time to mature. (2) That the transition from high school to college would be less traumatic. (3) That due to smaller class size there was more individual help available from teachers. (4) That with the cost low, many male students could afford the first two years and could save money for the last two years elsewhere.
It was also claimed that graduates from Carbon College had done well at other colleges and universities, indicating that the product being produced there was equal to what was being produced in the first two years at the universities in the state.

The supporters of the other colleges were faced by an entirely different situation. They were not to be cut off but to be transferred to the Church. Their problem was how to stop this transfer without antagonizing the members of the Church whose votes they needed if they were to have any hopes at all of reversing the action taken by the legislature. They seem to have been concerned with several points:

1. What would be the status of the schools? Would they continue to be academically acceptable or would they be turned into seminaries?

2. Did the Church really want the schools back?

3. Would the Church be willing to reimburse the state for additional buildings and land at the colleges which had been added or acquired since the transfer in 1931?

4. Could the Church finance them on an adequate level?

5. What would be the status of the teachers and their retirement rights?

6. Would veterans be able to draw their G.I. bill at a Church school?
7. Would the Church continue vocational education at these institutions?\textsuperscript{88}

There were also other pressing questions in the minds of the non-L.D.S. students and faculty members at the colleges such as:

1. What would happen to faculty members who smoked and/or drank?

2. Would all students have to take religion classes and would they be required to conform to L.D.S. standards?

3. Would the schools remain as junior colleges or was there a chance for some upper division courses?

These questions were particularly of interest in regards to Weber College.\textsuperscript{89}

The answers to the first seven of these questions were sent out by the First Presidency of the L.D.S. Church though not necessarily in the order listed above.

1. Lee was assured that the schools' status academically would remain as high as before if not better.

2. Though the Church had not originally sought the schools they would be pleased to have them back.

3. The Church would reimburse the state for all improvements.

\textsuperscript{88}Letter, Governor J. Bracken Lee to the First Presidency of the L.D.S. Church, May, 1954.

\textsuperscript{89}Letter, Harold W. Simpson to E. L. Wilkinson, February 18, 1954.
4. The Church would be able to maintain the schools financially on an equal status with their condition under the state.

5. No policy had been formulated regarding retirement but assurances were given that it would be equitable.

6. Veterans benefits (contrary to some charges) were valid at private universities and colleges.

7. Vocational programs would continue and possibly expand.

While these are not necessarily in the order they were asked, these were the questions which Lee asked and to which the Church responded. 90

Regarding the other questions having to do with one's habits and Church standards, it is safe to assume that the Church would have expected the same behavior on these new campuses which they did on their existing campuses. Drinking and smoking by students and faculty would be proscribed and religion classes would have been an integral part of the curriculum.

Again let it be emphasized, however, that the Church publicly maintained a policy of strict neutrality urging members to let their conscience be their guide. In the absence of any organized proponents for the transfer of

90 Letter, First Presidency of L.D.S. Church to Lee, May 21, 1954. (The letters from Lee and the Church were made into a pamphlet for public use.)
the colleges, other than Lee and a few other budget-minded individuals, the Church's refusal to become involved actually worked against the projected transfer.

Lee still feels he was betrayed in this effort by the General Authorities of the Church. He contends that the Church actually initiated action and then backed down when the "pressure was on." Lee's own correspondence and public pronouncements at the time, however, disprove this contention.

The Governor, who would have been the first to cry foul had the Church taken a stand against him, now decried the fact that the Church did not use its influence to sway the vote in this instance.

Other objections to the transfer were concerned with the manner in which it was done—in a hurried session and without a public hearing. In fact a public hearing had been requested and had been refused. It was also contended by opponents that the act had been unconstitutional in that it amounted to state support of a religious institution. This, however, was a very questionable argument; a legal opinion favoring the transfer had been obtained earlier by Senator

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91 Personal interview, December 5, 1972.

92 Letter, Lee to the First Presidency of the Church of Jesus Christ of Latter-day Saints. Lee acknowledged that he himself had initiated the action. His correspondence also makes this clear.

93 Senate Journal, First Special Session, 31st Legislature.
Orval Hafen, one of the sponsors of the senate bill. The substance of the opinion was that the only institutions of higher learning provided for by the constitution were the university and the agricultural college, and the junior colleges were established under a clause which stated that there could be "such other schools as the legislature may establish"; and since these schools were acquired by legislative action in the beginning, they were creatures of the legislature and as such the legislature had the prerogative of doing with them as it pleased (i.e., it could abolish the schools if it wished and make any disposition of the property it wished).

It had been contended by some that turning over the property to the Church was in essence making an "appropriation" to support religion, but in reality it was the sale and disposition of real property presently used for public education after it had ceased to be used for said purpose.

In this light it appears that as objectionable as this act may have been, it was on firm constitutional ground. However, as Harold W. Simpson, Lee's administrative assistant, said later, considering Lee's record with the court there was no way of predicting the outcome if it ever came to court.

Along with the financial reasons for discontinuance of these colleges, there may have been another. Lee was a

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94 Opinion, Albert R. Bowen, December 14, 1953.
staunch supporter of Senator Joseph McCarthy and his anti-communist campaign and had become convinced that the state-operated colleges were becoming socialistic in nature, and he intended to correct this by turning them over to the very conservatively-oriented L.D.S. Church. 95

Lee, in his attempt to defend the action of the legislature and convince the voting public to uphold its action, on one hand plead for the public to strip the issue of its emotionalism and on the other hand seemed to try to stir up hostility between the L.D.S. and the non-L.D.S. people by implying that much of the opposition to the move was motivated by antagonism to the Church. Evidence against this claim is in the Ogden Standard Examiner, one of the most outspoken opponents of the transfer, which complimented the Church editorially for its neutrality on the issue.

Lee repeatedly emphasized, in the form of press releases and radio and television broadcasts, that the Church should be "allowed" to share more of the educational burden of the state. He was apparently convinced that while the state of Utah could not afford the future increasing costs of operating the junior colleges, the Church, with more population due to out of state members

95 Undated statements by J. Bracken Lee made during the college dispute, 1954. Boxes 68, 69, and 70, J. Bracken Lee papers, Utah State Archives. Also personal interview, December 5, 1972.
but fewer resources to draw from, could finance them. One might, however, be strongly tempted to believe that he did not genuinely care what became of the schools as long as he could divest the state of them.

The action of the Church was undoubtedly generous as Lee claimed.\footnote{Television broadcast, October 18, 1954.} It appears questionable if even the Church at the time realized they had been maneuvered into a corner by a very adept politician. Lee had put the Church in the position of either having to accept the colleges back or see them closed. This could well have been the stimulus which caused the Church to take the steps which it did in obtaining property for colleges elsewhere, though none were built.

Lee did make some valid points when he criticized the attitudes of many opponents who predicted the downfall of the colleges. He emphasized the Church's excellent record on education and that the schools had been successfully operated by the Church in the past. The opposition was not against the Church, but did object to the probability of non-members of the Church having to take classes in religion if they attended the junior colleges.

Apparently Lee's pleas of poverty and impending doom were not sufficiently persuasive for on November 2, 1954, the public voted down not only the transfer of the three junior colleges to the L.D.S. Church but also the
closure of Carbon College. All that remained was the paperwork. Lee had received his worst defeat at the hands of the voting public.

When the Thirty-first Legislature met in January of 1955, two pieces of legislation appeared which wrote finis to this fight; House Bills No. 201 and 202. These were repealers of Senate Bills No. 29 and 39 of the first special session of the Thirtieth Legislature. These bills were signed by Governor Lee on the 24th of February, 1955, thus restoring all four of the colleges to their former status as state-supported institutions. The state has continued to support them.

Lee would argue doggedly for a desired end, and yet when the will of the public was made known, he did not seem to hesitate to put into effect that which the public demanded. This was apparent in the case of the constitutional amendments of 1950, one of which he opposed, and it was also apparent in this case. With the end of the fight over the junior colleges, all factions seemed to be at least temporarily tired of the struggle. There was considerable legislation proposed during the Thirty-first Legislature which would have affected Utah education but very little passed. That which was passed found little opposition from the Governor. In fact, a rather substantial appropriation was approved by him for construction of a new agricultural science building at Utah State Agricultural
College in Logan. This was in the neighborhood of half a million dollars. Legislation was proposed that would have made substantial improvements at Snow College but died from lack of support. There was no apparent reason except apathy.
CHAPTER 8

SUMMARY

In this study an attempt has been made to evaluate J. Bracken Lee's attitude toward education based on his actions while governor. There is no doubt that Utah made some significant strides in education during Lee's two terms as governor, yet evidence indicates that in comparison to the rest of the nation Utah lost ground.

There is no evidence to indicate that Lee had any innate hostility toward education prior to being elected governor. There is, however, adequate evidence that he was very much opposed to taxes, particularly the income tax. Lee feels that he has been the victim of the Internal Revenue Department since 1932.

In Utah, during Lee's administration, the only tax which went exclusively to finance education was the state income tax. While this was not the only source of income, all income tax went to education. This very likely was part of the cause for his attitude toward education. During the Lee administration, education accounted for between 40 percent and 50 percent of all state expenditures, depending on whose figures are used. Around 40 percent

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97 Personal interview, December 5, 1972.

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appears to have been the most accurate figure. This also could partially account for his hostility. Education received the largest single appropriation from the state coffers, which also seems to have been an irritant. Thus when he began cutting budgets, the first place he looked was to see what could be cut from education. He also seems to have been motivated by a disapproval of some of the newer programs in education. He had reservations toward music and band as part of the school program. Some of the new techniques in education were considered frivolous by him.

These attitudes seem to have been the basis for his opposition to education and educators. His first opportunity to do anything, as has been explained, was in 1949, at which time he exercised the power of the veto on the entire $400,000 budget of the Utah State Agricultural College Extension Service. His motive was not to destroy the Extension Service but to attempt to force the Utah State Agricultural College to make up the lost funds out of their regular operating budget, thus curtailing the rest of the operation. He was either unaware or did not care that the Extension Service operated on a matching funds basis and that without the appropriation, not only would the original $400,000 have been lost but an equal amount from federal sources would also have been lost, or a total loss of $800,000. In a court contest, his veto in this case was overruled, not because the veto itself was illegal but
because he had used it in an attempt to force a reduction of budget contrary to the constitution. The constitution said in essence that the Governor could veto a budget entirely but he could not reduce it. Lee achieved his ends by persuasion in this particular case but this set the stage for further conflict, involving difference with E. Allan Bateman over the veto of research funds for the State Department of Education. It was this case that may have converted a latent dislike or distrust of educators into an active opposition which was to characterize his relations with educators during the remainder of his time in the governor's office.

E. Allan Bateman was undoubtedly a well-trained and highly intelligent man. He was also very self confident and perhaps a trifle arrogant judging by his letters and interviews with people who knew him personally. There is little doubt that he was inclined to look down on Lee who received his high school diploma two or three months early and never finished high school. This attitude and Bateman's unwillingness to comply with any of Lee's wishes was perhaps partially responsible for the disputes which followed in which, with few exceptions, they were on opposing sides.

Virtually the only thing which they agreed on was one constitutional amendment in 1950 which was intended to reorganize the method by which the state school board elections were to be conducted, and even in this the
motives were different. They disagreed on the other amendment passed in 1950. This one, as has been discussed, removed the State Superintendent as an elective office of the state. Yet when it passed Lee did not hesitate to use the same argument which had failed to convince him of its worth to oppose the appointment of Bateman to that office to succeed himself, specifically, the desire to get education out of politics. He displayed a flexibility which is surprising on occasion in his willingness to change directions and to use his opposition's arguments to urge action on an act which he had opposed. Despite his disapproval of the amendment discussed above, he repeatedly urged action on it during the regular session of the Twenty-ninth Legislature. He usually bowed to public opinion.

Lee's later comments in opposition to the appointment of Bateman to succeed himself indicate that at least part of his urging was motivated by hopes that the enactment of such legislation could enable him to get rid of Bateman, who had become a source of constant irritation. Bateman never hesitated to publish his views of Lee and they were usually highly uncomplimentary.

Action was not taken on the amendments during the regular session of the Twenty-ninth Legislature possibly due to the amount of time spent in debate over Senate Bill No. 75. This bill, which was intended to reorganize the financing of the schools in the state, was opposed violently
by Lee, but was backed by every educational group in the state. Bateman made several disparaging remarks to the news media, and Lee was involved in a continuing dispute over the air waves for several weeks with highly qualified men who challenged him at every turn and refuted his statistics. The bill passed the legislature and was promptly vetoed. Compromise legislation was also vetoed, Senate Bill No. 255. Lee apparently persuaded some legislators to uphold his vetoes by promising to approve a new school finance program if a thorough survey showed it to be needed. The legislative council, a bipartisan body, did a quick study and determined that there was too much which needed to be examined to be done in a few short months. It was proposed to the Governor that a commission be appointed to make a thorough study and that a supplementary program be passed to aid school districts which were in financial straits. In the interim Lee acceded to these recommendations, particularly the one regarding the commission. In June of 1951, he called a special session of the legislature, a special supplementary school program was passed, fifty thousand dollars were appropriated for the study commission and action was taken on one of the constitutional amendments discussed in Chapter Two. He made public statements to the effect that he would comply with anything which the commission recommended. One may assume safely that he was delighted when the commission continued its study month after month.
In 1952, when he had to stand for re-election, it is interesting to note that he publicly claimed credit for the advances made in Utah education during his first term in office despite the fact that he had either opposed or had nothing to do with most of them. This fact was pointed out by the Utah Education Association. In spite of this he won re-election on the basis of his record outside education, aided by the strength of the Republican ticket in 1952. His record aside from education was excellent. He had reduced costs, increased efficiency, and had cleaned up considerable corruption in several departments of government, particularly the State Liquor Commission.

Lee was not a tool of his party. There were ample occasions when he resisted attempts to force him to replace incumbent Democrats with Republicans. In many of these cases he flatly refused on the grounds that he did not feel it in the best interest of the state to discharge an efficient experienced employee and replace him with an inexperienced person strictly on the basis of party affiliation. He was re-elected and saw in his re-election a public mandate to continue his policies regarding education. Although he had promised to act on the report of a sixty-man State School Survey Commission, when it became available he procrastinated. The report was made available to the regular session of the Thirtieth Legislature, but time would not permit action to be taken
at this time. Pressure began to build urging Lee to call a special session of the legislature to enact the recommendations of the report, which were extensive. The report in brief consisted of around 300 pages, and the financial recommendations would have entailed a program even more expensive than that proposed in 1951 by Senate Bill No. 75.

Lee justified his refusal by stating that the promise he had made had been fulfilled by the special session of the legislature of 1951. He further justified his stand by stating that the commission was not his but that of the legislative council and as such he felt no obligation to abide by its findings. Pressure became so great on him, however, that after a delay of nearly a year he finally acquiesced and a special session of the legislature was called in December of 1953. In the meantime, he had an idea how he might make a compromise—how while granting the new school program he might also make some savings to partially offset the expenses.

As early as 1950, Lee had made inquiries of the L.D.S. Church about the possibility of returning three junior colleges, which the Church had given the state in the early 1930's. The Church's initial response had been that they were not in a position financially at that time to support such a program. However, in 1953, when Lee again broached the subject the Church agreed that if the alternative to the Church operating the schools was that
they would be closed, then the Church would take them back. Along with the plan to disperse the three colleges to the Church, it was also proposed to close a fourth entirely, this one in Lee's home town of Price. He was able to persuade the legislature to concur in his wishes partially due to the fact that the L.D.S. Church had agreed to operate the colleges. A great deal of heat was generated as a result of this because the entire proceeding had been agreed upon in closed Republican caucus and not in open legislative session. As a result, Lee was accused of duplicity by opponents of the action. This whole action took place before any opposition could be organized. He allowed the new finance program proposed by the survey commission to become law and succeeded in disposing of four junior colleges which were costing the state in excess of one million dollars per year. There was, however, cause for concern for the Governor, for though the public had not had time to organize in opposition to the legislative action they could resort to the referendum. This they did and the result was that the public reversed the action of the Governor and the legislature. He was disappointed and placed blame for his failure on the leadership of the L.D.S. Church, for instead of taking a stand on the issue, they encouraged their members to vote by their consciences. He lost, and this was his first real defeat while governor and seems to have broken his power
to a degree, for two years later in 1956 when he again stood for re-election for a third term, he failed in the primaries to win his party's nomination. Though he ran on an independent ticket he could not stop the election of George Dewey Clyde as governor on the Republican ticket.

One political analyst, in commenting on this loss, expressed the opinion that Lee's antagonizing of education definitely played a part in his loss, not only in the final election but in the primaries earlier. The other factors were the Governor's penchant for alienating different factions in the state. He had lost the labor vote by signing a right to work bill, the farmers by vetoing a law which would have exempted gasoline used in off-road vehicles from the road tax. However, his worst mistakes were in alienating the L.D.S. Church and the Republican Party state officers as well as the national party leaders. This he accomplished by attacking the Eisenhower Administration with accusations of socialism and on one occasion characterized Eisenhower as a dictator. Since one of the President's cabinet members was an apostle in the Church, the Governor's attack was taken almost as a reflection on the apostle, Ezra Taft Benson, Secretary of Agriculture. He had further alienated

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both of these factions by ignoring their wishes on issues at home. He had become very independent during his second term in office and rarely sought advice from either party or Church leaders. He had vetoed a Sunday closing bill and a bill desired by Brigham Young University President, Ernest L. Wilkinson, which would have allowed the university to condemn property for its expansion. This is a power usually reserved for the various levels of government.

Lee's record regarding education goes from opposition, to obstruction, to attempts to dismantle the system. An attempt has been made here to trace this pattern and to illustrate his basically anti-education viewpoint, though Lee himself will not concede that he is opposed to education or ever was.

CONCLUSION

Lee enjoys relating stories which tend to be derogatory concerning the value of education. This attitude coupled with his actions while governor reveal a man with a basic distrust of educators and of people with advanced education. Lee has expressed the view that he feels too much education stifles one's initiative and inventiveness. His profile was one of constant opposition to any advances in education and not withstanding the advances made by Utah in education during his two terms in office, at the end of that time the state held a position in relation to the other states which was several steps lower than when he
steps lower than when he took office. The single biggest factor in this slip from position was the opposition of the Governor to any attempts to maintain excellence in education.

In the final analysis, the most destructive result of his long-running conflict with education may not be those measurable factors such as lost revenue or buildings not built when needed; the most destructive result may well be the mental attitude which grew out of the turmoil. During the various disputes Lee was involved in, there was a serious polarization of the citizenry of the state. Even today this condition still exists, not only among the adults of that time but among their children. The losses suffered to education financially have been largely overcome. The hostility and distrust that were direct offspring of the conflict are still present.

During the research and writing of this work every opportunity has been taken to bring up the subject in conversation with people contacted. These people have ranged from Ph.D.'s to laborers. Naturally the Ph.D.'s express hostility toward Lee. Those of less than college level education, almost without exception, are enthusiastic Lee supporters with an open distrust of educators. This is J. Bracken Lee's legacy to the state, for though he may not have been the originator of this attitude, he was its spokesman and rallying point of those like-minded.
Seventeen years after his final defeat it is still present. With many of the populace having this feeling, needless to say, education can expect no easy time. Lee undoubtedly would say this is a healthy condition. That is very questionable. Only time can bring the final solution.
BIBLIOGRAPHY

A. PRIMARY SOURCES

1. Collected Documents

American Collection. Brigham Young University Library. Provo, Utah.
This collection contains the messages of Governor J. Bracken Lee to the regular sessions of the Twenty-eighth, Twenty-ninth, Thirtieth, and Thirty-first Legislatures.

It had been the intention of this writer to make extensive use of the Bateman Papers; however only those for 1945-1947 could be located. An extended search of the State Archives and the vaults of the State Department of Education failed to disclose the remainder and no record could be found as to their disposition.

Governor's Papers: J. Bracken Lee. Utah State Archives. Salt Lake City, Utah.
All letters, reports, campaign pamphlets, and nearly all speeches quoted are found in these papers. Most of the material used has been copied and will be left in the possession of the Brigham Young University Library.

The complete set of these journals is found in the Special Collections section of the Brigham Young University Library.

Mormon Collection. Brigham Young University Library. Provo, Utah.
Documents utilized from this collection include:
(1) The letter from J. Bracken Lee to the First Presidency of the Church of Jesus Christ of Latter-day Saints and their reply regarding the proposed transfer of three junior colleges in 1954. (2) Several speeches given over Radio Station KSL in 1951 by Lee and others regarding Senate Bill No. 75.

The complete set of these journals is found in the Special Collections section of the Brigham Young University Library.
B. SECONDARY SOURCES

1. Professional Journals


The specific references from these volumes are found in the footnotes. A complete set is available in the Brigham Young University Library.


These proceedings are found in the Brigham Young University Library. The specific article used is found in the footnotes.

2. Periodicals, Magazines


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Back issues of this newspaper are contained in the Microfilm Collection of the Brigham Young University Library.
Salt Lake Tribune. Salt Lake City, Utah. 1948-1956. Complete back issues of this newspaper and an index are contained in the Microfilm Collection of the Brigham Young University Library.

Ogden Standard Examiner. Ogden, Utah. 1948-1956. Complete back issues of this newspaper are contained in the Microfilm Collection of the Brigham Young University Library.

4. Books


September 25, 1949

Dear Mr. Eateman:

It has been brought to my attention by the State Finance Commission that you have requested the Commission to approve a yearly budget for $10,000 for the Research Division in the State Department of Public Instruction. Funds for this purpose were vetoed by me but you contend that a decision of the District Court and an interpretation by the Attorney General has made the money ($20,000.) available to you.

Your understanding of this matter is correct. The District Court, in the Utah State Agricultural College Extension Service funds case, held that my veto was void, and the Attorney General, basing his interpretation on that decision, held that my veto of Item 34, in the amount of $20,000, pertaining to your department, likewise was invalid.

No appeal to the Court on the District Court's decision was attempted by me or by the Finance Commission--despite the fact that we both were in complete agreement that the decision was erroneous. We decided not to appeal the case for the reasons that the time involved for such an appeal would have jeopardized Extension Service funds and that the U.S.A.C. agreed to set up a budget which would take into account a reduction in funds the equivalent of the vetoed item.

It is my sincere conviction that your department, like the U.S.A.C. can operate effectively without the $20,000 amount which I vetoed. Like the U.S.A.C. you are entitled to this money as a result of the court's decision and the Attorney-General's opinion. But I feel you should follow the example of the U.S.A.C. and other departments, and, after receiving the vetoed funds, provide for economies throughout your department to effect an overall saving in the amount of $20,000. The other departments whose appropriations were reduced by item vetoes have had funds restored to them as a result of the court's decision, but have agreed to operate without those funds and are doing so in a commendable manner. I feel that your department can do the same.

You are entirely correct in stating that you have reached "no understanding
EAB #2.

whatever with me regarding this matter. However, I feel that an understanding can and should be reached if you are so inclined. Until this matter is discussed and an understanding agreed upon, I do not feel I can approve your request and I am so instructing the State Finance Commission.

In the event my position is not clear in this matter, let me repeat that my only consideration in vetoing the funds for your department was to save the tax payers of the State this expense and not to curtail the functions of your department, which I am confident can continue uninterrupted through the wise and efficient use of the funds you now have available.

Sincerely yours,

E. Allen Battman, Superintendent
Public Instruction
Building

J. Eracken Lee
GOVERNOR
THE STATE OF UTAH  
DEPARTMENT OF PUBLIC INSTRUCTION  
SALT LAKE CITY  

October 26, 1949

Honorable J. Bracken Lee  
Governor State of Utah  
Building

Dear Governor Lee:

At its regular meeting on October 4, the State Board of Education care-
fully considered your letter to me of September 28, 1949, in which you refused  
permission to the Finance Commission to set up a budget for part of the $20,000  
Research Fund appropriated by the Legislature. This appropriation had been  
veted by you, and restored to our Department through an opinion of the Attorney  
General, based upon a court decision that a similar veto of the Extension Division  
Funds of the Utah State Agricultural College was not a valid veto. Feeling that  
your letter was not a final decision by you on this matter, the State Board de-
ferred final action until its next regular meeting on November 4. They author-
ized me, in the meeting, to answer your letter and to renew the request for  
establishing this budget with the Commission of Finance.

There are two major items in your letter which are not quite clear to us.  
The first is your assertion that, "it is my sincere conviction that your depart-
ment....can operate effectively without the $20,000 amount which I veted."   
This statement is made despite the fact that the Appropriation Committee and the  
Legislature thought this amount to be necessary for the efficient operation of  
our Department. We know of no study which your office has made of the functions  
of the State Department of Education, of its present organization, or the effi-
ciency of its operation. We do know that the Council of State Governments, which  
is the research agency of the governors of the forty-eight states, has recently  
completed a detailed study, "The Forty Eight State School Systems", in which they  
state on page 50 of the Report, as follows:

"All state departments need competent research and statistical staffs  
to furnish information needed for determination of state policy and for guidance  
of local school systems. Very few state departments have enough personnel to  
gather the wide range of information needed, to maintain adequate records, or to  
make studies of various types of school construction, equipment, supplies, and  
procedures."

We are convinced that Utah is one of the states not adequately staffed for  
research work. We are faced in Utah with tremendous increases in school enroll-
ments, great increase in needs for school buildings, and greater need to study  
how best to meet these problems. With our present staff, it has been necessary  
to turn down requests of some school districts to make advisory studies on prob-
lems in these districts. The elimination of the Research Fund appropriated by
the Legislature would make it necessary for us further to reduce our services to local districts. We assure you that it is our desire to operate the State Department of Education with the greatest efficiency and economy that is consistent with the purposes for which it is established. However, we are convinced that a study of needed services of the State Department of Education by any impartial professional group would show a need not to decrease these services.

The other item in your letter is the direct request that we participate in a procedure which we think is unconstitutional. You state that you believe the decision of the district court in the case of the veto of the U.S.A.C. Extension Service Funds was erroneous, but that you permitted this case to become law through non-appeal, in order to prevent a temporary cessation of the Extension Service. We believe, therefore, that your admitted decision to permit the court verdict to become law should have been made with the intent to accept the results of that decision. It should have been clearly foreseen that the court decision would also make similar vetoes invalid. Your letter rather directly infers, however, that it was the intention of the Governor to secure by indirection what the court decision and the Constitution would prevent being secured directly, that is, a forced reduction by the Governor of an appropriation made by the Legislature. The Constitution expressly states that the Governor may veto a legislative appropriation, but that he may not reduce it.

Your letter states that, "until this matter is discussed and an understanding agreed upon, I do not feel I can approve your request." If the purpose of our mutual understanding is to reduce our total budget by an amount equal to the research appropriation, in our opinion this would be illegal and in violation of the oath of office of the State Superintendent and members of the State Board of Education. We are also convinced that for the Governor to decide to withhold the appropriation for research to our Department would be in direct violation of the court decision which the Governor permitted to become the force of law through non-appeal. The Board of Education trusts that the Governor has not finally decided to make this appropriation unavailable to the Department.

The services of the State Department of Public Instruction are being seriously curtailed because of the research appropriation budget request not being approved. As Chairman of the State Board of Education, I should like to report to the Board at its next meeting that the requested budget has been made available to the State Department of Education.

Sincerely yours,

E. Allen Batenah
Chairman, State Board of Education
November 3, 1949

Dear Dr. Letman:

I regret that we have not been able to find common ground in our correspondence relative to the $20,000 fund to be used for research in the state Department of Public Instruction. Your letter of October 26, indicates complete disagreement with my policy of spending public moneys economically.

I would like to discuss your request to use the research fund in some detail, since I feel it will clarify my position. Your department, like most other state departments, can find many compelling arguments to ask for more and more funds to support so-called "necessary and vital" services. In this instance, I agree that research in education has some value, but I still feel confident that it and all other services of your department can function effectively without the $20,000. You have taken exception to my request, however, that you accept these funds and at the same time, initiate economies throughout your department to save an equivalent amount.

The sum of $20,000 is a large amount of money when considered by itself, but it becomes relatively insignificant when compared with the total appropriation of $400,000 which was made by the Legislature to your department. It becomes even more insignificant when compared with the total funds available to your department—$752,000—made possible through the Legislative appropriation, plus federal grants-in-aid. Percentage wise, $20,000 represents only slightly more than four per cent of the Legislative appropriation and slightly more than two and one-half per cent of the combined state-Federal total. Therefore, if you were to accept the $20,000 and then apply either a four per cent reduction to the state appropriation or a two and one-half per cent reduction to the combined figure, you would save the taxpayers all the money involved in the veto. The four per cent reduction, when applied to the $20,000 research fund, would reduce that item by only $100, and a two and one-half per cent reduction would amount to only $500. It seems obvious to me that a reduction in this slight amount would hardly affect your operations.

You and the State Board of Education, have termed my request that you make these desirable economies both illegal and unconstitutional. You imply that since the Legislature appropriated to your department a certain amount of money, you are obligated to spend it. I cannot agree...
Dr. B. D.

with either your conclusions or your implications. May I ask you, why you feel it is illegal and unconstitutional to save the taxpayers $20,000? I know of no section of the statutes or Constitution which would prohibit any department of state government to spend less money than it was appropriated.

Perhaps you feel that the Legislative appropriation was inadequate for your needs and that you must spend every cent available to you to function properly. If one were to study the appropriations to your department over a period of years, however, he would come to the inevitable conclusion that the Legislature has been more than generous. In the last six years your appropriation has been more than doubled by the Legislature—from $222,239.32 in 1943-44 to $444,200 this biennium. During the same time, your Federal grants-in-aid have increased from $44,200 to the impressive total of $271,600—more than a 600% jump. The combined figures show that in the last six years the money made available to the Education Department has been tripled—from $265,239.32 in 1943-44 to $795,600 at the present time. In fact, education has fared so well both from the state and Federal standpoints, that I feel, as important as it is to our state, it is now receiving more than a fair share of our tax dollar.

It is my conviction that the taxes collected from the people should be divided among the State departments where they will do the most good for the public. I do not believe that it is good government to give any department more than its fair share of our revenue, since it is obvious that an inequitable distribution will seriously affect other departments. Admittedly, it is a difficult task to determine what is an equitable distribution of these funds. If one were to rely solely on departmental requests as a basis for that determination, a distortion equivalent to the disproportionate requests made by some departments would appear. Furthermore, if appropriations were made in the amount of the requests, the state would soon be bankrupt, since departments invariably are tempted to request an extravagant maximum rather than an economical minimum. It is interesting to note, for example, that your department requested some $2,974,622 for the current biennium—more than four times the amount the Legislature appropriated.

A good method of determining whether or not education in this state is receiving ample financial support is contained in the study made by the Council of State Governments, entitled "The Forty-Eight State School Systems." That study noted that "probably the best single measure of the effort made by a state (in terms of its ability to support its public school programs) is the percentage of the income of the people of the state which is allocated to public schools." Despite the fact that
Ded #3.

Utah ranks 26th among the states of the nation in per capita income, and 34th in income per school-age pupil; this state allocated a greater proportion of total personal income to education during 1947-48 than all other states except New Mexico, Arizona and Montana. Certainly there is nothing wrong with making such allocations—if we can afford it. But the time has come, I believe, when we no longer can afford this practice, and when we must re-examine our appropriations to provide the most equitable distribution of public funds.

The State has many obligations besides education, including such important functions as the welfare program, institutional care, highway construction and general departmental affairs. At the present time, unemployment has increased to the point where it has become a matter of grave concern to all state officials. If further increases occur, a burden of considerable proportion will be placed on the welfare department which already is operating on a reduced budget. Nevertheless, the state must take care of its needy, even if some departments are forced to curtail their operations. I am sure you will agree that this is a proper policy for the state to adopt in the event of such an emergency, but I do not believe that you are fully aware that such an emergency may be developing.

When I voted your research appropriation, along with various other items from other departments, I did so in the sincere belief that more money had been appropriated by the Legislature than we could reasonably expect to receive in the way of revenue. Today, with unemployment increasing, we can expect a resulting drop in revenue because of the decreasing purchasing power. If the trend continues for any length of time, the state will soon reach the point where its authorized appropriations will exceed its income.

This was in my mind when I voted various appropriations that the Legislature had made. I also took this into consideration when I asked the Utah State Agricultural College, and other institutions and departments, to make voluntary reductions in their expenditures. I have taken the same position in asking you to provide certain economies in your department, but you have refused to cooperate. You have said that you desire to operate your department "with the greatest efficiency and economy that is consistent with the purposes for which it is established," but you do not feel you can effect even a two and one-half per cent reduction in services.

Perhaps, in this regard, you are right and I am wrong. I will admit that I have made no study of the functions of the state Department of
Education, of its present organization, or the efficiency of its operation."
I have based my opinion of the efficiency of your department on such
obvious extravagances as billboard advertising and excessive
traveling. Since we are in disagreement, however, the solution to the
entire problem might best be found in the manner you have suggested.
You state that "we are convinced that a study of needed services of
the State Department of Education by any impartial professional group
would show a need not to decrease these services." This is an
excellent suggestion, and, under provisions of Article VII, Section 5,
Constitution of Utah, it is my intention to have such a study made just
as soon as I am able to appoint a committee for that purpose. This
committee will be instructed to make a complete and thorough
investigation, not only of your research program, but of your entire
department.

Therefore, until the study is complete, and the report submitted to me
for further action, I do not intend to approve the use by your department
of the $20,000 research fund.

Respectfully yours,

J. Bracken Lee
GOVERNOR

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Dr. E. Allen Pateman
DEPARTMENT OF EDUCATION
Capitol Building
THE STATE OF UTAH
DEPARTMENT OF PUBLIC INSTRUCTION
SALT LAKE CITY 1
November 4, 1949

Honorable J. Bracken Lee
Governor State of Utah
Building

Dear Governor Lee:

The State Board of Education in its regular meeting held November 4, 1949, unanimously authorized the following statement in answer to your letter to me under date of November 3, 1949:

The State Superintendent and State Board of Education welcome a study by an impartial, professional committee of the proper functions, organization, and efficiency of operation of the State Department of Education. It is probably needless to suggest that this study should be made by professionally trained and experienced public school educators, on a similar basis that Utah recently had a study of the State Board of Health Functions made by a representative of the United States Public Health Service. We are certain that the United States Office of Education, the National Education Association, or other national educational organizations would be pleased to assist in the selection of an investigating committee.

Your letter, however, failed to make available to the State Department of Education the $50,000 research appropriation. This is an issue entirely separate from the efficiency of operation of the State School Office. It is the issue as to whether the Governor or the Legislature is the constitutional agency in the State of Utah for making appropriations. If this money is legally available to the State Department of Education, we believe it must be placed at the disposal of that department regardless of how the Governor feels about the wisdom of its expenditure. If this money is not legally available to the Department, we do not wish to secure it.

Please accept our assurances that the issue is not one of economy. It is the issue of whether the determination of saving part of a legislative appropriation shall be made by the agency to which the Legislature appropriated the money, or by the Governor.

It is clear that any inconvenience and suspension of services in this Department or in other departments of the State which may result from a court decision of this problem will solely be your responsibility because of your refusal not to accept the results of a court decision which by your own action, you permitted to become the force of law.

We trust that you will at once place this money at the disposal of the State Department and thus make it unnecessary for us to take further action.

Yours respectfully,

E. Allen Bateman
Chairman, State Board of Education
Dear Mr. Bateman:

The answer to your letter of November 4 was contained in my letter of November 3.

As to your contentions, permit me to remind you that the governor is empowered by the Constitution, Article VII, Section 8, to veto items of appropriations of money made by the Legislature. The veto of the $20,000 research item of your department was made in accordance with this constitutional reference.

Let me also remind you that only one of the several vetoes I made was involved in a court decision. While an opinion has been expressed as to the validity of some of the remaining vetoes, the opinion is not conclusive or binding. For that reason, I do not feel that the research fund is legally available to your department.

I must reject your conclusion that I will be responsible for any suspension of State services because of my alleged refusal not to accept the results of a court decision. As pointed out above, the court decision applied to only a single veto. For your information, I did not contest that decision, even though I was convinced it was erroneous, because I did not want to jeopardize the functions of the U.S.A.C. Extension Service.

Any responsibility for the disruption or suspension of State services which may result from any other court decision, therefore, will rest solely with that board or department which initiates court action.

I trust this will clarify the matter between us.

Sincerely yours,

J. Bracken Lee
GOVERNOR

Dr. E. Allen Bateman
Department of Public Instruction
Building
Radio Address by Governor J. Bracken Lee
Over Radio Station KELO, Friday, February 9, 1951

Ladies and Gentlemen:

Tonight I want to discuss with you the educational situation here in Utah.
I want to do this because I believe you, the people, are entitled to a frank appraiser of this problem, which has been described this year as a crisis.

To begin with, let me read an excerpt from a research report prepared in 1947 for the Governmental Research Association by an associate of the Princeton Survey. The report concludes its report "School Expenditures and the Quality of Education", and begins by saying, and I quote: "The public education crisis is a hard and hungry perennial. It springs up ever year at budget time in all climates and no crop of public problems is complete without one. Even the form of the public education crisis is so well established that it can be anticipated with almost complete accuracy each year. Its basic characteristics appear about like this (and I am still quoting): Universal education is essential to the preservation of our democracy. Second, it is the privilege and the duty of society to educate its children. Third, the educational program is not adequate and it requires the expenditure of more money. Fourth, the cost of education is not equitably distributed among all taxpayers and the basis for school support must be broadened. Fifth, school teachers are underpaid and the educational process will break down if they do not receive more."

This is the pattern of a perennial crisis and is used by an expert research associate. He notes in his report that the problem is not new to this generation, or even to this century, and quotes reports from as far back as 1947 to prove his point. Let me read further from his study since it presents a well-considered, unemotional appraisal of a recurring problem. The report continues, and I quote: "It is of major importance, in any consideration of the current public education crisis, to realize that it is nothing new. Placed in its proper perspective the current version of the crisis represents only one chapter of one small phase of a continuing growth in universal public education. The problems of education should be approached with something besides a crisis complex. The matter before public administrators today is not so much that of creating a crisis as it is to contribute to a continuing educational advancement and to relate that contribution to immediate needs and resources as we know them now."

Again let me point out that these statements are those of a research associate of the Princeton Survey and not my own. I do, however, concur in the conclusions reached. Presently before the Utah Legislature is Senate Bill No. 75, which has been proposed to minimize the effects of inflation among the school districts. This bill seeks to raise the minimum classroom unit for our elementary and secondary schools from $3300 to $3600, to increase the local taxing base, and to provide increased revenues for transportation. This measure, if enacted into law, could result in a total increase in the school costs of approximately six and one-half million dollars per biennium. Now, where would all of this money come from? It would come from the only source possible—from you, the people, who must eventually pay the costs. And the only way to obtain the money to pay the costs would be to increase your taxes, principally the taxes upon the property you own. This increase, of course, would be in addition to the tremendous increase in Federal taxes which you must bear. As citizens, we must decide two things: First is the proposed school revenue increase necessary? and, second, can the people absorb such an increase?
Radio Address by Governor J. Bracken ion Page 2

I have contended and I still maintain that the people cannot and should not be forced to shoulder additional state tax burdens. Utah is not a wealthy state, as is shown in the fact that we rank 35th among the states in average income per school child. Despite this low rank in income, however, Utah ranks second among the states in the percentage of its revenues devoted to public schools. Just how much money have we devoted to our schools? Some people have labored under the misconception that school revenues remain fixed even though school populations increase. This, of course, is entirely erroneous, for the uniform school fund provides for appropriate fund increases as the number of school children increases.

Now let's look at some of the figures: In 1921 and 42 the cost of our school program was $11,800,000. For the years 1929 and 50, the cost increased to $59,400,000. In other words, in less than 10 years the cost of our public education program has almost tripled. During the same period, the average salary for teachers increased from $1423 to $3100, while the teacher load, based on enrollment, showed a slight decline.

During this same period, let us see what has happened to other departments. Take the institutions of public welfare, for example—the State Hospital, the Tuberculosis Sanitarium, the American Fork Training School and the State Industrial School. During the 1941-43 biennium, these four institutions received the total appropriation of $1,500,000. In the present biennium, they are receiving $4,600,000. Thus, while the costs of our school program have almost tripled, the costs of our welfare institutions have only doubled.

The question that then arises is: Which service is in the greatest need? Part of the argument behind Senate Bill 75 is that our school teachers are underpaid and that they have not had an increase in salary in four years time. Some teachers, particularly the younger ones who have families, no doubt have a difficult time making ends meet. But 98% of the teachers receive over $2400 per year and many of them can look to a guaranteed salary increase after every year of teaching up to an average of 16 years. Compared with teachers in most other states, Utah teachers also are doing right well. In 1942-43, when the average salary for Utah teachers was $1421, the national average was only $1323. Utah ranked 16th among the states. For the 1947 and 48, the last period for which comparative figures were available, Utah ranked 13th among the states, with an average teacher's salary of $2916, compared with the national average of $2440. Thus, in eight years' time, Utah climbed three notches on the salary ladder, while every teacher's salary more than doubled. And the salaries in many instances are still increasing.

Now, let no summary for a moment. Senate Bill 75 would increase taxes by six and one-half million dollars for the support of the schools, but the figures I have cited show the school revenues have almost tripled over the last ten years and teachers' salaries have more than doubled. But then about the argument raised concerning inflation? No one can deny that inflation is a serious problem. The Government recently clamped a freeze order on prices and wages when inflation was at its worst, so we know the problem is with us. But it is with everyone, including the old and the young, the weak and the strong, the rich and the poor. Our veterans who have just begun to get a new start in life are faced with tremendous increases in taxes, plus the prospect of being recalled to active duty. It is an ugly picture, but it is universal. No one can escape it. It is argued, however, that we must give salary increases to the school teachers, whose average salaries now stand at about $3100 and in most cases are certain to increase with each succeeding year. Since 1947 this increase has amounted to 6%, which is exactly the same as the average increase in the cost of living for the same year. If, however, we use the cost of living index as of the middle of last December,
Radio Address by Governor J. Bracken Lee

and figure the average for the year, the percentage increase amounts to 125. But inflation has affected everyone, certainly not excepting the taxpayers. How much of our people have had past increases to affect the rising spiral, and with wages now frozen how many are likely to receive any? Let us be fair to everyone in this matter. After all, these are not ordinary times. We are asking our sons to go to war, fight and die for the preservation of this nation. The least we can do, therefore, is to make sacrifices of our own, and they are minor sacrifices compared with those our fighting men must make. Now I have suggested that instead of increasing taxes, the schools look for ways and means of reducing services, cutting expenses, and providing hardship paid increases with the money saved. Such suggestions, when made by a layman, are derided or ignored. For some reason or another, no one apparently is supposed to question educational expenditures. But let me read from the Princeton Survey's report on this subject since I believe it is significant. He wrote, and I quote:

"Perhaps to a greater extent than in any other field, a sharp distinction is drawn between the professional and the layman in education, although the layman supplies the children, pays the bill and lives with the result, the prescriptive of educational vision is assumed to be peculiarly that of the professional. Running through much of our educational literature is a concept of public relations directed at obtaining public acquiescence in a defensible school program. Such a concept implies a mistrust of the layman and a tendency to guide lay participation in the direction of providing more adequate school support without asking too many or too searching questions. The ultimate objective in this direction seems to be mandatory minimum expenditures, which must be provided without review by anyone."

We now have that mandatory minimum expenditure, which is not subject to review. It is now proposed that the minimum be increased by 25%, and anyone who asks too many or too searching questions is immediately branded as anti-education. But I say to you that any public expenditure warrants a most careful investigation and control, including those we make for education. After all, when 95% of all State and local revenue are spent for education, as they are in Utah, the public is entitled to know something about the expenditure. As stated in the Princeton Surveys, and I quote: "It does not follow that educational funds are any less subject to waste or misappropriation than are other public funds, nor that the best schools are always the most expensive schools, or that the taxpaying public should be asked to provide an over increasing amount of money for schools, without some evidence that they are actually buying an improved school program."

The Utah Legislative Conference, among others, has requested that a public hearing be held on Senate Bill 75 before further action is taken. This bill, as well as all other legislative problems, should be considered unemotionally and in the light of hard facts. This bill provides for a six and a half million dollar tax increase to an already heavily tax burdened state. What the people must ask of themselves and then decide is whether or not we can afford this increase. I do not believe we can. And, in fact, I believe and have recommended that a tax reduction be made instead. A general tax reduction will provide benefit to everyone, including school teachers, and will somewhat ease the burden of the more hard pressed of our taxpayers. What will happen to my recommendation to Senate Bill 75 or to any other measure will be dependent upon your action as citizens. I suggest and urge that you immediately contact your legislators and take your views known to them. Only through the guidance of all citizens, and not the lobbyists and minority pressure groups, can the legislators prepare taxation and appropriation programs which are sensible as well as equitable."
Salt Lake Telegram. "It is a simple fact that excessive governmental spending and oppressive governmental taxation is the surest and quickest road to socialism. What would it profit us as a nation if we were to gain the whole world and lose our own soul—the freedom and democracy we cherish above all else?"

Next Tuesday I shall continue a discussion of this and other educational problems.
RADIO ADDRESS BY DR. JOHN V. BERNHARD
Professor of Political Science, Brigham Young University
Over Radio Station KSL, Saturday, February 10, 1941

Good evening, ladies and gentlemen:

The purpose of this talk tonight is to discover what Senate Bill 75, soon to be considered by the State House of Representatives, in all about. We have been overwhelmed and flooded with charges and countercharges, with statistics and counterstatistics, with facts and with rumors. Some persons have accused our State educators of creating a gravy train for the express purpose of raising the public treasury. Others have asserted that with the United States in a grave international crisis, education must take a back seat if we are to remain strong in the face of the enemy. Now what are the real facts and what is the true situation? All of us want to find out, of course, and I shall attempt tonight to clear the air as much as possible on this controversial issue.

What is Senate Bill 75 exactly? We have heard it called the "school bill", but what is it in detail? Before we can decide about any issue we've got to understand it through and through. The bill contains four main provisions: 1st, an increased allotment per classroom unit from $3100 to $3800; 2nd, an increased allotment for transportation from $675,000 to $1,000,000; 3rd, an increase in the 6 mill or 30% levy to 8 mills or 40%, with a stipulation that this levy be reserved for operation and maintenance, and, finally, an increase in the 10% levy for school plants to 4 mills or 20% for all capital outlay.

With regard to the first provision of the proposed legislation, the people of Utah in 1916 voted for constitutional amendments which made the present school finance system possible. In March, 1947, the Legislature passed the bills which actually put the finance system into operation. It was necessary for the Legislature to define by law what the State guaranteed school program would be. For this purpose the classroom unit, consisting of 30 elementary or 20 secondary children, became the financial base, and $3300 was determined as the amount the State would guarantee to every unit. At the time school experts felt this was too low a standard to set as a minimum. They advocated $5,650. Since March, 1947, there has been no change in this State uniform standard. Only the Legislature can change it. But, nevertheless, other conditions have changed. Rapid price inflation has reduced the value of the $3300 figure to less than $2,850 in December of 1950. Thus, a standard which was considered too low by educational authorities in 1947 is even lower today. It is 15% lower, and the immediate prospect is that it will continue to lose value. Senate Bill 75 will not improve on the standard set for our State school program in 1947; it will just barely meet the losses of the last four years due to inflation. In fact, the $3800 allotment, if approved, will probably be less in value by July of this year than the sum of $3300 was in March, 1947.

The second major objective of the school bill is to provide for increased transportation costs. These costs have risen because of two basic reasons: (1) There are more than 6,000 additional children being transported to schools now than was the case in 1947, and (2) the maintenance and operational costs of buses have been, and still are, on the upswing. The 1947 Legislature and the school leaders were unable to devise a practical method of including pupil transportation costs in the classroom unit formula. Therefore, a flat amount was allotted to be divided among the districts. The amount decided on, $375,000, was less than the actual cost of transportation in that year. The difference of about $125,000 was left completely to local efforts. The present bill follows the same plan. Transportation costs have increased considerably over the last four years due to price inflation and to the greater number of children transported. In 1947-48, there
were 36,274 children receiving transportation benefits. By 1945-50, this number was 43,269, and the amount spent was over 61,000,000. Therefore, this provision of the actual school bill was not as effective since 1947 and bring us somewhat up to date. One million dollars for pupil transportation in 1951 will do no more than 8075,000 did in 1947 toward providing for this necessary school cost.

The third major section of Senate Bill 75 provides for an increase in the present 6 mills or 30% levy to the more appropriate figure of 8 mills or 40%. The 1947 law was not an exact attempt to equalize and make uniform all schools in the State. It set up a standard or minimum that every district should have at least a recognized minimum education. Above that, it left each district partially free to use its own resources and willingness to tax to climb above the minimum. Above the State uniform minimum, the difference in the net value from one district to another becomes the deciding factor in the school program. The less wealthy districts soon run out of practical ability to secure revenue. For example, the people of Wayne County must pay a 10 mill tax to go just 10% above their minimum program. The people of Harney must pay a 13 mill tax to go 29% above their minimum. But the people of Jordan can go 98% above their minimum with only a 6 mill tax. To the less wealthy districts, the minimum program is actually very close to their practicable maximum program, because of the high levy necessary to bring in just a few extra dollars. In the more wealthy districts, on the other hand, a local levy produces enough revenue to really mean something. Districts would normally use this above minimum levy to buy a better program for the children. They would buy more books, supplies, visual aids, more athletic equipment and so forth. But in recent years price inflation has absorbed more and more of the levy. There are now 37 school districts that are using between 50 and 100% of their local levy, but they are getting only part of their money's worth out of it in terms of 1947 value. The spirit of fairness should make us all realize that $3,300 is not, and has never been, considered enough for a decent school program on even a minimum basis. The law guarantees this minimum program, but it is a very low minimum indeed. No district has ever considered it anything but a limited method of equalizing educational opportunity. Strong local effort is essential to bring the program up to an acceptable standard. This effort has been made. Even the lowest district raised over $300 per unit above the minimum program.

The final main goal of the school bill is to increase the 10% levy for school plants to 6 mills, or 25%, for all capital outlay. What seems to be behind this provision? Well, we all know that many Utah school districts are faced with tremendous needs for school plants, both new and remodeled. Whether the State should help in this problem, and to what extent, is the subject of separate legislation, Senate Bill 73, however, is interested in only in allowing local districts to exert their own initiative and tax themselves to go as far as they can to meet their own needs on a pay-as-you-go basis. True, not every district will be able to use this levy, but those who can and desire to should not be held down. Jefferson and many of our famous leaders of the past have declared with great emphasis that democracy cannot exist without broad local responsibility. This section of the school bill attempts to fulfill partially the hope of that heritage.

Now that we have examined the major portions of this legislation, let us consider several of the criticisms which have been raised regarding the overall school program. Some individuals have implied that Senate Bill 75 is not really intended to help the children at all as much as it does the taxpayers, and why should instructors receive such extra consideration? Well, at first glance, it might appear that this amounts to no more than a teachers salary bill, but on further examination this bill can truly be called "the children's bill. While some portions of the school dollar goes to salaries, there are hundreds of other items purchased..."
by this same dollar. These costs, because of inflation and an increased number of children, have gone up tremendously. I am using the 1946-47 school year as a base because that is the year the present law was passed, and the 1949-50 school year for comparison as that is the last year for which figures are available. It should be pointed out, however, that the 1949-50 school year figures were all compiled before the present Korean crisis and there have been many significant inflationary increases since that time. The following facts will serve to illustrate a few of the increases incurred:

In 1946-47 the sum of $381,844.99 was spent upon necessary instructional supplies such as books, paper, pencils, chalk and crayons. In 1949-50 these necessary expenses had jumped to $516,955.34, an increase of over 35% in a period of only four years. Furthermore, in 1946-47 the schools spent $4,599,343.44 for the operation of the physical plants, including such items as gas, coal, water, janitorial supplies and janitorial wages. Four short years later, under the vicious momentum of inflation, the figure leaped to $6,107,894.17, or an increase of over 35%. Finally, with regard to the maintenance of the school plants, including the repair of buildings, grounds, equipment, etc., the sum of $916,359.89 was expended in 1946-47. But in 1949-50 disbursements for this purpose reached the total of $1,386,275.85, an extraordinary increase of over 66%. These figures give very strong evidence of why over half the school districts in Utah are being shoved against the financial wall and why many educators are strongly disturbed at the prospects of inferior education for Utah's children unless Senate Bill 75 becomes law. These staggering increases really show how modest is the request of 15.2% increase in the classroom unit—from $3300 to $3800.

But even with these facts, Utah teachers are badly in need of additional compensation. The school bill now under consideration attempts to give them a break in the struggle for livelihood now going on. However, and this point must be emphasized, no one should conclude that school teachers will thereby rank among the highest paid professional personnel. No, hardly. Though Utah teachers rank fifth in the nation in the percentage having college degrees, they rank only fifteenth in average annual salary, an indication that their interest and professional preparation far outweigh the salaries paid them. The average annual salary for Utah teachers alone is $2,997. Notice how this compares with the compensation of other professional persons in our State for a comparable 10 months period out of each year.

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<tr>
<th>Occupation</th>
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<td>Chemist</td>
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<td>Metallurgist</td>
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<tr>
<td>Construction Engineer</td>
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<tr>
<td>Agricultural Economist</td>
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Now certainly no one is going to begrudge the earnings of these fortunate individuals, but it is high time that we all realize that a school teacher must also undergo professional training over a long period of time and often at great expense. But most important of all the teacher has probably the greatest responsibility of all professional persons—notably, the sound and stable development of future American citizens. We are entrusting our children every school day to individuals who have tremendous influence in moulding their future lives. If we want our children to have the best of training and consideration, we must insist that we have competent and well-trained teachers. But these persons cannot be obtained out of a magician's hat. After all, even a teacher must eat occasionally, and no matter how great his love for school children or for his profession he may be forced to seek employment elsewhere if he is to provide for the wants and needs of his own family. Furthermore, can we expect the intelligent and competent
students of our universities and colleges to enter into a profession which appears to be nothing more than a dismal blind alley of despair? Are we naive enough to think that Utah schools will not become bored down with mediocre instructors if we do not raise our sights? Do we want incompetent teachers stumbling with and polluting the minds of our children? Of course not. And we can be proud indeed, up till now, of our State's high caliber school teaching. In quantity and quality our schools are intangible features which can never be taken for granted. Once that approach is threatened, as it is now by the opponents of Senate Bill 75, these beneficial factors tend to vanish and return only with the greatest of difficulty. Why should we even consider the deserts of our State education system? Now, as a citizen of Utah and as a parent just like most of you listening to me now, am gravely concerned over the prospects of inferior public schools in our State. I have two boys and I want them to obtain the best possible education they can get. I am not interested in a private school because of its free high cost and my own firm belief in the benefits to be derived by my sons from attending classes in public schools. I do not clamor for perfection, but I want my sons to have the best that this State can give them. No parent demands any more than that. Senate Bill 75 is an attempt to at least conserve the standards of 1927—standards, which in themselves, leave something to be desired. But if we refuse to take any action in support of this measure, then the corrective effects of inflation will wear more and more sorrowly on the educational structure until nothing but mediocrity and negligent teaching are left. This is hardly the heritage that any citizen wants to leave his children or the children of his neighbors and friends.

Now some will maintain that the teacher works only five and one-half hours per day. Now, in all fairness, let us examine the facts of the case. It is true that teachers spend approximately five and one-half hours per day in classroom instruction and student consultation. But in addition the teacher must spend an average of two or three hours per day in preparation of lessons, correcting papers, grading of pupil records, reading class reports, etc.; half of their lunch period supervising pupils who are eating; time before school begins and code in pupil and parent consultation; reading materials for instruction, etc.; attend at least one staff or faculty meeting per week; attend meetings of the Parents and Teachers Association; supervise student extra-curricular activities, such as performing the role of chaperon at school dances, acting as advisors to student clubs and newspapers; and attend a full term of summer school at least every three years to refresh teaching techniques, new methods and materials, and renew their certificates. In view of these very evident facts it appears obvious that teachers are not only entitled to but deserve a substantial increase in their pay scales, if we are not going to lose them to industry or to other states with higher salary schedules.

I believe that most people would agree that the high quality and quantity of Utah's education should be maintained. But some individuals seriously question our ability to support it. There are others supporting their own special interests who say we cannot. But what are the facts on this point? The facts clearly indicate above the confusion and the clamor that Utah is actually using a considerably smaller percentage of its income for public schools now than it was either ten or fifteen years ago. For while school costs have gone up along with other post-war costs, our total income has gone up even more. In the depression period of 1922-33 4.5% of our State income was earmarked for public education. This figure had been reduced to 4.4%. And now it has shrunk to the level of 3.5%.

This relation can also be seen when we examine the variation in the standard property tax levies. In 1927, at the beginning of the new finance system, 19.4 mills represented the standard tax levy necessary to support a uniform school program of $3300 per classroom unit. By 1950, due to increased assessed valuation
Dr. Bernhard’s Address

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of property and also to increased incomes within the State, this levy was actually reduced to 14.2 mills. On the basis of reliable estimates, if Senate Bill 73 is made law the standard levy would be no higher under present circumstances that 18.1 mills. It is very important to note that this figure is still 1.3 mills less than the tax levy in 1947 which then applied to the lower figure of $3000 per classroom unit. These facts clearly point out that we are on the verge of a momentous decision regarding the quality of our school system.

But perhaps the most pressing, important problem in Utah’s educational history is now facing us. These are not normal times. In 1941 there were 13,538 births in Utah. In the previous eleven years the number of births per year had increased by only 592, but in 1942 the increase in one year was 2,284. This, added to the immigration of new families to work in our plants, created the demand of children who entered the first grade in 1943 and 1944. To provide adequately for just the 1943 increase would require 76 extra teachers. That’s the equivalent of 4,775 new buildings with 16 teachers each. The increase has continued through 1942. Now Utah births are running at the rate of 21,000 a year. In 1942, 53, 54, and 55 the schools will feel the extra impact of the 1946 to 1949 births, and we don’t know yet if or when the birth rate will drop off.

In addition to the flood of children crowded into inadequate classrooms, many children are attending school in buildings that are unsafe and educationally obsolete. If some disaster should occur in one of our unsafe buildings, we would probably be emotionally motivated to insist that these hazards be removed no matter what the cost. How much wisdom would it be to eliminate the possibility of such a tragedy in advance. Based on the foregoing facts and the present state of many of Utah’s schools and inadequate school buildings, it is estimated on the basis of a study by the State Board of Education that Utah will have to construct 1,000 classrooms in the next three years. In this, Utah is not unique. Twenty-five states need a greater number. The people of California recently voted $250,000,000 to this purpose alone. Besides the bare construction cost, each additional classroom means an additional teacher, more supervisory and administrative service and supplies and services of all kinds. The alternatives we face are relatively simple—more schools and teachers or a lower quality of education.

But we have also discovered that education pays handsome dividends to the business life of our respective communities. In a recent study of education conducted by the United States Chamber of Commerce, the following findings were made: “Where schools are best, average incomes and retail sales are the greatest, rentals for homes are the highest, more telephones are used, more magazines are read, and fewer men were rejected under selective service.” The Committee on Education of the Chamber of Commerce, after exhaustive research, then reached the following conclusion: “One, education is an essential instrument through which commerce, industry and agriculture can be expanded in rising degrees. Two, that since education has been and should continue to be a local function, at least on the state level, every community should ascertain its own educational status and economic condition and set to work to utilize education as a lever for its own advancement. The local community should join in a state program of similar character. Three, that the cost of adequate education is an investment that local citizens and business can well afford in increased measure when related step by step to the improvement of local economic conditions. Four, that the quality of education is not the same in all areas. Education programs must be made to apply more directly to the needs of the people. And, five, that more technical education is not enough. Cultural education must accompany technical training to develop the appetites of the people for a better living than can come from the use of the products of American industry and agriculture.” These conclusions clearly reveal the heart of practical facts—that good education is good business.
Dr. Barnhardt's Address

Despite all claims to the contrary, Utah is not a poverty stricken state with no past achievement or future promise. We have made great strides and progressive development has become the key phrase describing Utah's excellent advancement in industry and commerce over the past several years. We have nothing to be ashamed of and it is absurd that we should allow ourselves to fall into the dismal pit of an inferiority complex. Our progress has been extraordinary in many ways. We are capable of growing and expanding still further. We must never resign ourselves to a poverty complex.

But this provides enough factual and statistical information on Senate Bill 75. We all recognize, of course, that statistics are valuable only in helping us reach conclusions; but we should never allow them to become the conclusions as well. The means must never become the end. We must not allow the trees to blot out the vision of the forest. After all, education in Utah is more than a question of 6 or 8 mills, or of so much for each classroom unit, or of so much for bus transportation. These problems must be solved, of course, but they are not the great goal of the people of Utah. Education is something very personal to all of us. Our children represent our greatest investment in the future of this splendid nation. Therefore, as citizens and as parents, we must face the human factors involved in any discussion of the educational picture.

The world today is the arena for a gigantic struggle between democracy and Soviet totalitarianism. It is my sincere belief that the outcome of this conflict will not be resolved alone by tanks, bazooka guns, or atomic bombs, but primarily by the lives of men. This immediately reveals the great mission of education in America. Our country represents the bastion of democracy in all of its glorious elements in this chaotic world. But how strong will this fortress remain if education is unable to cope with the challenge of the 20th century? All through the history of the educational system today, schools are springing up and children are being indoctrinated with the distorted implications of the Marxist philosophy. Millions of children throughout the world who never entered a public educational system before are now being subj ected to the burning fervor of Marxist instructors. We of the democratic state must recognize this challenge and see its dangers very clearly. But how can we rely upon inadequate facilities and mediocre teachers to provide our children with the strong armor of democracy? Can we risk incompetence in American schools while the Soviet totalitarian masters pursue educational perfection with great energy? It has been said in some quarters that with many of our boys dying and suffering in Korea we must undergo sacrifices at home, and direct reference is made to sacrifices in educational quality. This is just the point which sharply etches the great need for a superior school system. The armed forces subcontractors of the United States Senate has just approved the drafting of 18 year old boys. If this measure ultimately becomes law, we shall see many of these boys serving this nation in far off lands. But will these young men understand why they are serving in the military forces and will they know what they are defending? If American education cannot retain and indeed improve its quality, these boys will not be able, by a long shot, to answer these questions. They will not understand why they die or why they suffer—and this will occur because of the criminal neglect of Americans to prepare their own sons for the great cause of democracy in the world. High quality education is an investment in democracy—an investment which will pay us and our children the greatest dividends ever obtainable on this earth. We in Utah share this responsibility with the citizens of other states. We cannot shove it off on our neighbors. The die is cast and we must make our decision.
Dr. Bernhard's Address

The temperature of controversy is rising in our State. Several groups have already called for a public hearing on Senate Bill 75 before the Education Committee of our House of Representatives. We, who want better education for our children and who recognize that superior education is the best defense of democracy, strongly recommend that this public hearing be held immediately in the best interests of the people of Utah. The people supporting this school bill have nothing to hide and feel that a public hearing of this entire controversy during the early part of next week would contribute much to a full understanding of the issues at stake.

Thank you, and good night.
Radio Address by Governor J. Bracken Lee
Over Radio Station KSL, Tuesday, February 12, 1951

Ladies and Gentlemen:

Last Friday evening I began a discussion of the educational situation here in Utah. Tonight I want to continue that discussion because I believe that you, the people, are entitled to a frank and factual appraisal of the school problems within the State. When you have heard the facts then you must decide the question and issue: "Should we increase taxes to provide more operating funds for schools?" But you should decide this question solely on the basis of facts, not emotion. Decisions made during emotional stress are neither well founded nor well considered. Let's, then, guard emotion and consider the school matters strictly from a factual standpoint.

Presently before the Utah Legislature is Senate Bill 75, a measure which seeks to raise the minimum classroom unit for our schools from $3300 to $3800—an increase of 15%. The argument being used in that the cost of living has increased by 15% and the schools must have means by which to compensate for this increase. But Senate Bill 75, much beyond the 15% limit, also provides for a 10% increase in the local taxing levy and an increase in the revenues for transportation. Its total effect, therefore, is nearly a 25% increase and is well considered and a 25% increase in the minimum school program will amount to a $4 million dollar increase in your taxes.

Now let us examine these few statistics for a moment. As I just stated, the argument being made in support of Senate Bill 75 is that the cost of living has increased by 15% and the schools must have means by which to compensate for this increase. But this argument is not born out by the facts. The cost of living has not increased by 15% as it has been contended. As of December 15, the last day for which figures are available, the cost of living has increased only 12% since 1947. And if we use the average increase for 1949, not the highest point reached, the cost of living increase is only 6%. This is in fact a far cry from the 15% figure being used in support of the Bill.

The advocates of Senate Bill 75, while exaggerating the increase in the cost of living, have left the inference that State aid to the schools has not changed. This argument also is not born out by the facts. Since 1947, when the minimum school program went into effect, the amount of State aid given to the district schools has increased by 30.4%, specifically, from $11,417,000 in 1947 and '48 to $14,883,000 in 1949. This increase alone is sufficient to offset completely the effects of inflation, but few people are aware that it has occurred. It is not being mentioned by the supporters of Senate Bill 75. It, of course, is true that while State aid has increased, so has student enrollment. But the increase has not been proportionate, State aid for the schools has increased by 30.4%, whereas the enrollment expressed in average daily attendance has increased only 7.5%. We thus have this picture: Since 1947 enrollment has increased only 7.5%, the cost of living has increased a maximum of 12%, but State aid to the district schools has increased 30.6%. But this is not the end of this story by any means.

Back in 1945 the Legislature created a Tax Study Committee to consider, among other things, the method of financing our schools. This committee, both in its preliminary report and its final conclusions, recommended that the minimum cost per classroom unit be pegged at $3000. The 1947 Legislature, however, went beyond the recommended figure and set the minimum at $3300. Thus, to begin the uniform program, the schools started with 10% more than the Tax Study Committee thought necessary.

Seven paragraphs from the preliminary and final reports of the Tax Study Committee now make interesting reading in view of recent developments. With
reference to the Constitutional changes that were made to alter the school financing program, the Committee wrote in its preliminary report, and I quote: "But most important of all, the proposed changes should make it possible to get the district schools out of the Legislature and on to an automatic yet flexible program of substantial State aid, still preserving the American Democratic principle of local control." There is no question that the program has been automatic, flexible and substantial, for the amount of State aid in four years time has increased 30.4%, but the program has failed to get the district schools out of the Legislature even though this was one of the prime objectives. The Committee's final report is equally interesting. In its summary of findings and recommendations the Committee observed, and I quote: "In attempting to solve school finance problems, the Committee has endeavored to divide the simplified permanent finance program largely through tax equalization without a special appropriation from the State general fund." You will note that the Committee in its own words endeavored to divide the simplified permanent finance program. Further on the permanency of such a program is again emphasized, and I quote: "The Committee's plan is largely a reallocation of funds so that the existing revenues will be distributed more effectively and the tax load will be spread more equitably. It is also contemplated that the tax program, if adopted, will be sufficiently permanent to care for the needs of the schools and the State government for a considerable period of time. In other words, if all of the Committee's recommendations are adopted, the taxpayers of Utah should have a right to expect a reasonable period of respite from a recurrent demand for increased taxation and from unoscillate demands sponsored by irresponsible groups. In such a tax climate, wealth and payroll producing industries, old and new, can be induced to make long time commitments for the betterment of the State and the people who live in it. Likewise, the well-planned tax program, adequate for the needs of State government developed cooperatively by tax paying and tax spending groups, is the best insurance against recurrent demands for wild legislation so detrimental to sound industrial development."

Despite all these promises we now find that the permanence of the Committee's plan already is being challenged. Just four short years since its adoption, a demand is being made upon the Legislature that State and local taxes be increased by $6 million dollars for the support of the minimum school program, even though State aid to the school districts has increased by over 30%. The Tax Study Committee's prophecy that the taxpayers of Utah should have a right to expect a reasonable period of respite from recurrent demands of increased taxation sounds rather hollow. To sum this up once again, we now have this picture: A permanent tax program to support school finance was recommended in 1945—the minimum figure per classroom unit being pegged at $3000. The 1947 Legislature adopted these recommendations but upped the minimum figure by 10% to $3300. Since then, school enrollment has increased only 7.3%, the cost of living has increased 12.5, but State aid to the district schools has increased 30.4%. Now the schools are back at the Legislature asking for a 25% increase in their program to compensate for the rise in the cost of living. As citizens we must decide two things: First, is the proposed 25% increase in the school program necessary? And, second, can the people absorb such an increase? Several speakers in recent days have maintained that we can absorb the increase. Significantly they have overlooked or ignored the fact that the Federal Government is trying to finance a war and will soon ask you to dig up more taxes for that purpose. They seem to feel that even though your wages have been frozen, you will be in an excellent position to pay for a $6 million dollar increase in the school program. A 3½ million dollar increase in the welfare program, a 116,000,000 school building program, a 3 million increase in gasoline taxes, various and sundry other increases in State and local government, plus the Federal tax increase of $75,000,000—411 to be paid by Utah citizens in addition to the taxes you now pay, Utah's total income from all sources stood at $285,000,000 in 1940. During the same year we paid $91,000,000 in State, county
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and local taxes, half of which went to the support of public education. Total income and total taxes undoubtedly have increased in the meantime but the figures are not yet available. The increase will in no way be as large as the increase in Federal spending or Federal taxation which now are at record level. Utah's share of the Federal spending, based upon our share of the national income, will be over $197,000,000 for the 1951 fiscal year and almost $300,000,000 for the 1952 fiscal year. Add our State and local taxes to those amounts and you can readily see the burden our people must bear. It seems to be an accepted fact among economists that taxation beyond 25% of our national income will bring disaster. We are being forced into such a position because of the urgency of the national emergency. But must we add to the effect of the disaster by increasing our own taxes? It is my contention that instead of increasing taxes we must begin reducing them, and I have sent two specific tax reduction measures to the Legislature. But my proposals will be swept aside and discarded if the present increased taxing and spending programs now before the Legislature are approved.

Now let's turn back to Senate Bill 75 for further examination. Among other arguments being made in support of this bill is the contention that Utah devotes only 5% of its total income to education and could well afford to pay more. What is not explained is that Utah ranks twenty-sixth in the Nation in per capita income, thirty-fifth in the Nation in income per school child, but second in the Nation in the percentage of its income spent for public education. In other words, while we are thirty-fifth in the Nation in ability to pay, we actually are next to the top in what we do pay.

It also is being argued that we must provide our school teachers with a pay increase—first, to offset the increases in the cost of living, and secondly, to keep them from deserting the school system for better paying jobs. The inference made by supporters of Senate Bill 75 is that school teachers are underpaid and that their salaries have not increased. Since 1940 the salaries of school teachers have increased 115%, whereas the cost of living has increased only 75%. In more recent years this ratio is not the same. For instance, the salaries of school teachers, which were located an average of $664 between 1946 and 1947, have only increased 6% in total since 1947. The cost of living averaged only the same increase, but at the end of 1950 reached the high point increase of 12%. Even so, we are paying our Utah school teachers $1476 more per year than the national average. This is even more significant when you consider the fact that we rank twenty-sixth in the Nation in per capita income and thirty-fifth in income per school child. But in the salaries we pay to school teachers we rank thirteenth in the Nation. The average salary for Utah teachers according to latest information is $2,022 per year. Compare that, if you will, with the average yearly salary of $2,536 being paid to the registered nurses in our State institutions or to the average yearly salary of $2,536 being paid to welfare social case workers.

The training and education required of nurses and social case workers are the same as that required of teachers. But there the similarity ends. Teachers work only nine months of the year and have week vacations at Christmas and spring, but the nurses and social case workers must work the year round. But, for working only 75% of the year, teachers annually receive over $500 more than persons equally skilled and trained who also are on the public payroll. Now we must be fair with all of our employees, not just the certain few. The teachers at one time were way down at the bottom of our public payroll ladder, but they now stand near the top.

If we are going to be fair, therefore, our obligation is not to keep raising those at the top at the expense of those not so fortunate. Equally important, we must be fair to our taxpayers who are suffering just as much from the effects of inflation as any group in this State. In that connection, I would like to read a portion of a letter I recently received from a Utah County farmer. I want to read
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this since, among other things, it points out the hardships that are being placed upon our people because of burdensome taxation. The letter reads, and I quote:

"Within fifteen years my taxes have increased nearly $500. Now my income is $300 per year. That is, between me and my wife. Our taxes are $300 per year. Now, Mr. Governor, who do you think is hurt—one of the school teachers who can buy a new automobile every second year and go on trips each summer, have three months off in summer, work six hours a day five days a week and live off all holidays?"

We must respect that people such as this man have not had cost of living pay increases. We must also remember that there are many public employees whose professional standards are as high as those of the teachers who have not had cost of living pay increases, but most of all we must remember that the taxpayers of this state have had little or no relief and still are faced with more and more taxes. Everyone recognizes the importance of education. I have a family just like many of you and I want my children to receive the best education that we, the taxpayers of this State, can afford. But I do not want to be a party to a taxation policy that can only lead to our destruction. And as a recent newspaper editorial pointed out so clearly, it is a simple fact that excessive governmental spending and oppressive government taxation is the surest and quickest road to socialism.

It seems to me, therefore, that if there is a crisis now confronting us, it is a crisis in government, not in education. I quoted a research paper in my last talk which shows, as the author stated, that the public education crisis is a hardy and hungry perennial and that it is nothing new. Placed in its proper perspective, the current version of the crisis represents only one chapter or one small phase of a continuing growth in universal education. The news might be bad for government, except the facts will bear out the contention that we are facing a crisis. With increased Federal spending, our national tax rate is expected to rise to about 32% of the national income. Colin Clark, internationally known economist, called 25% the danger point in taxation in an article written for the December, 1950, issue of Fortune Magazine. Going beyond that point seems to be inviting national bankruptcy and disaster, and I cannot imagine any greater calamity for our people or the free world today than to have this Nation suffer an economic collapse. That is why I am asking our legislature to reduce State taxes. That is why I have written our Senators and Congressmen urging them to reduce Federal expenditures. That is why I am opposed to further tax increases except for those necessary to support the war effort. Senate Bill 75 is a key measure in the Utah Legislature. By itself it would increase taxes a total of $17 million dollars. More important, however, it would set the precedent for other appropriation increases. The various appropriation measures now before the Legislature could, if approved, result in an over-all tax increase of about $25,000,000 and the effect of such an increase, when coupled with Federal increases, could very well bankrupt this State and this Nation. Now, I ask you as taxpayers to set the course for the Legislature. Write these facts and decide for yourself if you believe the increase in taxes is necessary and if you as a taxpayer can afford both this increase and the Federal tax increase. When you have done this, write a letter to your Senator or Representative and let him know your stand. If by chance you do not know the names of your Senator or Representative, send your letter to the Speaker of the House of Representatives or the President of the Senate in care of the Utah State Capital Building.

There is another legislative matter concerned with education which is important to you, the people, but which thus far has received little attention. I refer to the matter of providing for the popular election of members of the State Board of Education. This Board is a governing body of all the State's junior
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colleges, supervises the schools for the deaf and blind, and as the policy-determining body for the State's minimum school program controls the distribution of state public funds to each other public agency in the State. Under present law, nine State Board members are elected to seven-year terms by members of district boards of education in each of the State's seven judicial districts. Each judicial district has one representative on the Board with the exception of the third judicial district comprising Salt Lake, Tooele, and Summit counties which has three board members. As a result of the Constitutional Amendments approved in the last general election, the voting procedure must be changed so as to provide for the popular election of Board members. The Board, in turn, has been given the power to appoint the Superintendent of Public Instruction, who formerly was an elective official. Two bills have been introduced in the House of Representatives to provide for the direct election of Board members. One House Bill, 196, provides that these elections shall be held during regular school board elections in December. The other House Bill, 222, provides that the election shall be held during general elections in November. There are other differences in the bills, but here, it seems to me, is the fundamental difference. Over many years and during many elections, we have learned that only a fraction of the people who vote in general elections turn out to vote in school board elections. No matter how we have tried, we have found it impossible to alter this situation. As a consequence, school board elections are easily dominated by interested minority groups and are not at all representative of the people. It seems to me that if we are believers in democracy, we would want to change this method of voting so as to make it more representative. Believing this, I recommended to the Legislature in my opening message that school board elections be held in conjunction with general elections but by separate ballot. The separate ballot would be required to eliminate all chance of politics influencing the election. Along with securing a heavier and more representative vote, such an election procedure would reduce the cost presently required to advertise and conduct separate elections. Thus far the only objection to this measure that I have heard is that it is not in the American tradition to conduct school board elections during a general election. But my answer to this is this is that it is not in the American tradition or in keeping with the fundamentals of democracy to conduct elections which are not representative of the people. I believe in government of the people, by the people, and for the people, and I believe the people should have a greater voice in the election of their school board members. This can be assured if school board elections are conducted in conjunction with general elections but by separate ballot. These provisions are part of House Bill 222.

Now, to summarize once again, here are the facts of the educational issues. A so-called permanent past program adopted in 1947 set the minimum classroom unit figure 10% higher than the amount recommended by a Tax Study Committee. Since then school enrollment has increased only 11%, the cost of living 12%, and State aid to school districts 30.4%. Utah ranks thirty-fifth in ability to pay, thirteenth in what it pays school teachers and second in percentage of income devoted to public education. The average school teacher's salary is $3,092 per year in Utah which is $476 per year above the national average. The danger point in taxation is 35% of the national income. With increased Federal taxation our national rate is expected to rise to 35%. Can we, therefore, afford any increase in State taxes such as would be provided if Senate Bill 75 is approved? And as for school board elections, shall we make them representative of the people or shall we do things they way? These are the "acts that you must consider and the questions you must decide. These are important issues which must be decided on the basis of facts, not emotion. The emotionalists have ignored the facts and confused the issues when they say we must have an increase in taxes or sacrifice
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...the quality of education. They have based their entire argument on the cost of living increases, which does not even begin to approach percentage increase in State aid. Furthermore, it does not necessarily follow that the most expensive schools provide the best education. Education can continue to thrive in Utah and we must see that it does. But we must not be stampeded into the position of bankrupting our people and ruining the economy of our State, no matter what the cost.

This Friday I may not be able to make my regular broadcast because of another speaking engagement. I shall be back next Tuesday at this same time, however, to discuss more of the issues before the Utah Legislature.
During the past few days Governor J. Bracken Lee has made two radio addresses on the subject of public schools. He has referred specifically to a bill which is now before the House of Representatives, known as Senate Bill 75. Since the bill has been attacked without giving you a clear picture of just what it proposes, let me take just a moment to describe simply how we finance our schools and what Senate Bill 75 proposes to do before discussing the issues raised by the Governor.

In Utah we finance our public schools with both local and State money. The local money comes from taxes on real estate within each district and State school money comes for the most part from the proceeds of the State personal and corporation income taxes and a state-wide tax on all property. In 1947 the State Legislature set up a new system of financing our schools. It provided that every child in Utah, no matter where he lives, shall be guaranteed at least a minimum standard program of education. This minimum which the State guarantees is $3300 for each classroom unit in the State. A classroom unit, generally speaking, is 30 pupils in daily attendance in the elementary grades or 20 pupils in daily attendance in high school.

Before a local district receives any State money it is required by law to tax itself at a rate necessary to raise the minimum program in the school district which has the most taxable wealth. This year Utah's wealthiest district is Jordan District in Salt Lake County. This is the district where the Utah Copper mine is situated. Because of the great wealth of the mine at Bingham, Jordan District can raise enough money with a tax of 6.15 mills to provide the full (State guaranteed program of) $3300 for each classroom unit in the district without any help from the State. So the wealthiest district receives no State money. However, Jordan is the only district in the State that does not receive any help from the State. All of the other 39 districts are required under the law to levy a tax on local property at the same rate the Jordan district must levy to pay the cost of the minimum program, or 6.15 mills. This is considered a local tax. Because of the great variation in the amount of taxable wealth in each district, this uniform rate of tax brings varying amounts of revenue from one district to another. Jordan district being a comparatively wealthy district raises its full minimum program on the 6.15 mill tax. But Wayne County can raise only about one twentieth of the amount necessary to bring the $3300 for each classroom unit in that district. The other 38 districts fall in between these two extremes. The State then provides a grant to each district the difference between what the uniform local levy will produce and the amount necessary to provide $3300 for each classroom unit in the district. The State money for this purpose comes principally from the State income tax and a state-wide tax on all property in the State. The state-wide property tax this year is 6.05 mills. So if we add the State tax of 8.05 mills to the local tax of 6.15 mills, we have a total property tax levy of 14.2 mills which is applied on every piece of real estate in Utah for school purposes. In return for this uniform tax, every school district receives back a uniform allotment of $3300 for each classroom unit in the district and a pro rate allotment to help pay the cost of transporting pupils.

Local school boards may have better schools than the minimum program will buy, but to do so they must pay all of the cost of the program above the minimum. As a matter of fact, every school district in Utah is now spending more than $3300 per unit—the average spent last year was $9242 per classroom unit. To raise the money needed above the minimum program, the local board of education levies a local property tax known as a locally tax. The State law authorized every board of education to tax local property to exceed the minimum program by 30% or the proceeds of a 6 mill tax, whichever is greater. This is the permissive local limit
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which cannot be exceeded for the operation of schools but which may be used or not
according to the desires of the local taxpayers. In addition, the law provides
that local taxpayers may tax themselves up to 10% of the amount of the minimum
program to build needed school buildings. This again is a permissive tax which
can be used or not at the option of the local school board.

Now what changes would Senate Bill 75 make in this plan?

First, it would increase the amount of the State guaranteed program from
$3000 per classroom unit to $2500 per unit,

Second, it would appropriate $325,000 more for transportation of pupils.

Third, it would raise the permissive local tax ceilings for operation and
maintenance and for school building construction.

Now with this background let's take a look at the issues raised by Governor
Lee in his broadcast last Tuesday.

It was said that State aid for schools has increased by 30.4% since 1947, and
that this increase is more than sufficient to offset the effects of inflation.

Let's take a close look at this statement. As explained earlier in this
broadcast, the amount of State aid to the school districts is computed by taking
the difference between what the uniform local tax levy will raise and the amount
necessary to bring $3000 for each classroom unit. So as the amount of revenue
received from the local tax goes down, the amount of State aid required goes up.

But in no event can the total of local and State aid exceed $2500. So it is im-
material whether the amount or percent of State aid increases or not as far as
school revenues are concerned because they are offset by a corresponding decrease
in the local tax. And the schools receive only $3000 per unit whether State aid
fluctuates up or down.

There is, however, one other way State aid for schools may increase in total
and that is because of increased numbers of children attending school. This means
more units and more total State aid. But here again let me point out that only
$2500 per unit is received from State and local money combined. So if you do not
understand how the schools are financed, the increase in State aid may sound im-
pressive. But when you analyze the situation, it is clear that an increase in
State aid simply means that the proceeds of the local uniform levy were correspond-
ingly less or that the school enrollment is up.

Now what determines how much State aid we shall have?

In actual working of the 1947 law we see that as the Kennecott mine prospers,
the percent of State aid to the minimum program increases. This does not happen
because the mine is making a greater tax payment to the schools, but because the
local uniform tax levy in Jordan, and therefore in all districts, goes down. This
leaves a greater balance for State funds to make up to guarantee the $3000 program.

The figures show what has happened. In 1947 the assessed value in Jordan,
including the great mine, was $795,242,650. That year a 10.7% mill levy was needed
to pay for Jordan's minimum program. But the income produced by the copper mine
has jumped in those four years and Jordan's value is $5157,013,391 this year, an
increase of $721,191,685, or almost double the 1947 value. Because of this huge
increase, and in spite of the offsetting effect of more school children in Jordan,
only a 6.15 mill levy is needed this year.
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But just because prosperity of the mine owners reduces the amount of local effort needed to support the minimum program, it does not follow that local districts are coasting on this and making less effort to go above the minimum and meet inflated prices. The opposite is true. The local districts have been and are making additional effort. All but three of them are using more of their levy this year than in 1947 in an attempt to keep up with inflation. But this is not equalization. The few wealthier districts can do much more than the majority and with less effort. That is why a $3800 program is so vital to Utah.

Another issue raised in the Tuesday night broadcast is that the State Tax Study Committee of 1943-47 recommended changes to put the district schools out of the legislature. It was also charged that the Committee did not intend that the amount of the classroom units be adjusted by the legislature but that despite this fact the Legislature of 1947 raised the recommended amount of the classroom unit from $3000 to $3300. The Governor quoted from the Committee report of July, 1947.

In that same report the Committee proposed an amendment to the State Constitution to carry out its recommendations. Here is what the proposed Constitutional Amendment said, and I quote:

"For support of a portion of the public school system as defined in Article X, Section 4, of this Constitution, such portion consisting only of kindergarten, common schools and high schools, the State shall contribute not more than 75% of the total cost of operation and maintenance of a minimum school program as such program shall from time to time be determined upon by the Legislature."

Let me repeat:

"as such program shall from time to time be determined upon by the Legislature?"

I leave the question with you. Does that recommended section sound like it was ever intended that the minimum program should remain static?

This proposal was adopted by the Legislature in 1946, ratified by the people in the general election that same year, and is now our official State policy.

The schools belong to the people. The people should determine what kind of schools we shall have. Now better can the people determine what kind of schools they shall have than by legislative review by the official representatives of the people—the State Legislature.

Moreover, the framers of our State Constitution in 1895-96 wrote into that original document the fundamental policy of our State concerning public schools. Article X, Section 1, says:

"The Legislature shall provide for the establishment and maintenance of a uniform system of public schools which shall be open to all children and free from sectarian control."

The Legislature, according to our Constitution, is therefore, directly responsible for the welfare of the public schools. Is it not inconsistent, in view of these sections of our Constitution, to even suggest that the schools should not be free to go to the Legislature for the solution of their problems?

It was said in the Tuesday broadcast that the Tax Study Committee recommended that the classroom unit be set at $3000, but the Legislature ignored the Committee recommendation and increased it to $3300.
Radio Address by Allan M. West

The Tax Study Committee was never given the job of recommending what the amount of the minimum program should be. Its job was to study and report necessary changes in the tax system. It is clear from this report that the state legislature can adjust the amount of the minimum program. And that is as it should be because the legislature can do it better than any small committee which cannot be as representative of the people.

In his Tuesday broadcast the Governor compared salaries received by teachers to those of registered nurses and welfare workers. Since teachers live in every community and the law requires that their salaries be published in the newspapers in each county district, it is clear that the governor is aware of their position on the economic scale. However, let me call attention to two facts:

First, the average yearly salary for teachers quoted by Governor Long as 5300 included the salaries of principals and supervisors. He compared this salary with that of registered nurses. He did not add to his computation the registered nurses' salaries, salaries of the hospital superintendents or the medical staffs.

Second, it was said that compared to teachers in other states Utah teachers are doing well financially because Utah's average teacher's salary is thirteenth in the nation. What he did not say is that the teachers in only four other states are as well prepared professionally as are Utah's. And Utah, according to a recent study by two Iowa State College professors, ranks first in the quality of its education program.

Let me also say that the fact that nurses and welfare workers are underpaid does not necessarily mean that other professional workers should also be underpaid.

Another issue raised by the Governor was that Utah ranks 35th in income per child and only three other states are making as great an effort as Utah to support its public schools. But let's take a look at the fundamental facts upon which those figures are based.

Utah people have traditionally had large families. Children are our best crop.

A very high proportion of Utah's population is made up of school age children. Utah's children have a better attendance record than most states. And Utah children stay in school longer and complete more grades than other states. A recent study by the National Education Association showed that the adult population of Utah had completed more schooling than the peoples of any other state. Now what does this mean?

It means that Utah people by actual practice in terms of school attendance have given the State a bigger educational job to do than other states. As a matter of fact, Utah has 47 more children of school age for each 1000 of population than the average state and 86 more children than New Jersey, the lowest state. Expressed in percentages, 20.3% of Utah's total population is comprised of children who attend school daily. Compare this with 14.7% for the nation at large. Utah, therefore, has an educational job to do which is much greater than the national average.

Since Utah is just slightly below the national average in wealth, if Utah is to provide educational advantages for its large number of children, it follows that we must make a greater effort than other states. We must make a greater effort
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because we have such a big job to do. And we only have about average wealth with which to do it. This is not now. Utah has ranked among the top few states in the amount of effort made to support schools for many years.

This does not mean, however, that Utah schools are extravagant. As a matter of fact, Utah schools have a national reputation for getting the most education per dollar spent.

Utah's schools are spending within $1.00 per school child of the average expenditure. Let me repeat that figure. A study recently made for the Governors of the 48 states by the Council of State Governments shows that Utah spent $1.00 per child in average daily attendance, compared to an expenditure of $1.79 per school child for the nation as a whole—or within $1.00 per child of the national average. The question before the people of Utah is: Shall we continue to make the effort necessary to equal the average expenditure of other states?

Governor Lee expressed concern about increased school taxes which he says threaten us with bankruptcy and socialism.

After such a statement, it may be surprising to you to learn that Utah's property tax bill for the support of the minimum school program is 5.2 mills less this year than the tax for this purpose was in 1947, the first year of its operation. If Senate Bill 75 is passed by the House of Representatives, the tax levy necessary to raise the full $3300 program would still be 1.3 mills less than the tax actually levied in 1947. In 1947 the total local and State uniform tax for the support of the minimum program was 19.4 mills. If Senate Bill 75 is passed and signed by the Governor, the tax rate necessary to support it, assuming it were supported entirely from property tax revenues, would be 18.1 mills. The reason for the decrease in the tax necessary for the school program since 1947 is that assessed values have increased. So Senate Bill 75 could be passed and the tax rate for its support would still be less than the rate actually in effect to raise the $3300 minimum program four years ago.

Now let me summarize:

1. S.B. 75 would increase the equal minimum program just enough to offset the inflation of the past 4 years.

2. It is true that the great prosperity of the copper mine has caused the percent of State aid to the minimum program to increase and this increase has been offset by a reduction of local revenues; but the minimum program has remained the same for 4 years, and local districts have had to try to meet inflated costs entirely out of their local levy, where equalization does not apply.

3. The teacher salary figure quoted by the Governor included principals and supervisors, but he did not include the earnings of physicians in the salaries of nurses. But if nurses are underpaid does it follow that teachers should be also?

4. Contrary to the Governor's explanation, the Tax Study Committee of 1945-1946 clearly recognized that the Legislature must periodically review Utah's school finance program.

5. Utah people have large families and must make a greater than average effort to be able to spend just an average amount for each child's schooling.
Radio Address by Allan M. West

6. Utah schools are efficiently managed, and Utah has long been a model for other states.

7. The Governor says an increase in taxes threatens us with bankruptcy, but Utah had a higher tax levy 4 years ago for the minimum school program than we have this year. This has happened because our wealth and incomes have greatly increased.

Utahns are in better financial shape today than they have ever been. They can well afford to keep their schools up to the 1947 standard.

I agree with Governor Lee when he says we must be fair and honest with everyone. The school boards of Utah are not making an unreasonable request in Senate Bill 75. They do not propose to expand Utah's school program. All they are asking is that the State Legislature permit them to maintain our schools at the same standards that we have in the past. The only alternative open to them if Senate Bill 75 is not passed, is to cut school services. They don't want to do this because they believe sincerely that good schools are even more important in wartime when children are affected by wartime tension, than they are in times of peace.

Let me quote a great American on this subject. General Dwight D. Eisenhower recently had this to say, "To neglect our school system would be a crime against the future...Such neglect could well be more disastrous to all our freedoms than the most formidable armed assault on our physical defenses."

If you agree with the school boards and parents of Utah, I suggest that you contact your State legislator and let him know how you feel on this important measure tonight or first thing tomorrow.
RADIO ADDRESS BY GOVERNOR J. BRACKEN LEE
Over Radio Station KSL, Tuesday, February 20, 1951

Ladies and Gentlemen:

Five years ago a special tax study committee of the Legislature prepared its findings and recommendations for the revision of the State tax program. This committee was composed of three members of the Senate, three from the House and representatives of the Farm Bureau, Industry and Labor. The report submitted filled 113 book-sized pages and covered most phases of the State taxing program, including the school finance problem. Now the school finance problem has always been difficult. Two constitutional amendments designed to meet this problem were approved by the people in the 1916 general election. These provided that the State should guarantee each school district, regardless of its size or wealth, a minimum school program. Both amendments were proposed by the special tax study committee which adjured that State aid to schools would be greatly improved by: First, simplifying the school finance program by reducing the four general State school funds to one, two, distributing all State aid on an equalization basis. Three, increasing the proportion of the school finances supplied by the State to the point where each district may operate on at least a basic financial program of $3,000 per classroom unit plus transportation. And, four, providing the necessary elasticity in the school financing program so that it could fluctuate with the general economy of the State and the Nation. In other words, the Tax Study Committee anticipated that there would be times of inflation and times of depression, but it nonetheless felt that the general program was flexible enough to be more or less permanent. This is made doubly clear in the introduction to the Committee's report wherein it is stated, and I quote:

"If these constitutional amendments are approved by a majority vote in November, the Tax Study Committee will be free to recommend a completely integrated program of tax revision to the 1917 Legislature; and, if the 1917 Legislature can be got and a mandate of the people, and enacts the Committee's recommendations into law, it should be possible to finance the district schools on a permanent basis."

Today it would appear that the recommendations of this committee have been completely abandoned. Taxpayers who had reason to believe that a permanent school financing program had been placed on the statutes in 1917 now are finding some strange interpretations being placed on that permanency. Less than four years from the time the program was enacted the glance rose to increase the amount of the minimum classroom unit. Now it appears that the waiting time will be even less, for, as the Utah Education Association maintains, the Utah law is subject to legislative review each two years, when the Legislature may adjust the amount of the minimum program up or down as justified by current conditions. Thus it seems that we have witnessed the birth, life and death of the so-called "permanent school financing program."

During the past several weeks you no doubt have read and heard the latest chapter of the so-called "permanent school financing program" and, if the EEA's interpretation of the program persists, you can expect to read additional chapters during every succeeding legislative session. The present chapter is entitled "Senate Bill 75" and it is expensive reading. This bill will accomplish to raise the minimum classroom unit for our schools from $3500 to $3600, provide a 10% increase in the local taxing levy, and increase the revenues for transportation. Summed up, it permits a 23 1/2% increase in the program above present minimums, and a 25% increase, when translated into dollars and cents, means a $3 million dollar increase in your taxes. I have questioned the wisdom of adopting this program for two reasons: First, does the need for the increase actually exist? And, second, can the taxpayers of this State afford such an increase?
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Now I recognize the fact that we are in a period of inflation and that the cost of living has increased; but I also recognize the fact that the minimum school program was expressly designed to fluctuate with the general economy of the State and the Nation. Few people seem to realize that the program provides for an automatic yet flexible system of substantial State aid to the district schools. As school enrollment increases, so does the amount of State aid. Since 1937 when the program took effect, the amount of State aid has increased 30.1% and the total per student in average daily attendance by 21.5%. Does it seem necessary, therefore, to increase State aid even further? For questioning this proposed increase I have been called every conceivable name in the book. Regardless of what anyone says, however, I believe that the expenditure of public money must always be open to scrutiny, as it was pointed out in the Princeton Survey, and I quote:

"It does not follow that education funds are any less subject to waste or misappropriation than any other public funds, nor that the best schools are always the most expensive schools; or that the taxpaying public should be asked to provide an ever increasing amount of money for schools, without some evidence that they are actually buying an improved school program."

Senate Bill 75 does not propose to provide any new services in education, according to its advocates, but would merely maintain the purchasing power of the minimum program at the 1937 level. An apparent assumption is made that in every other economic area of the State, the 1937 level has been maintained or exceeded. Undoubtedly, this assumption is true in some cases, but it certainly is not true insofar as many of our citizens are concerned. Retired school teachers, for example, must live on a pension that is fixed and cannot fluctuate with the general economy of the State and Nation. Perhaps that is why one retired and respected school principal wrote me a letter, as through his State Senator who is sponsoring the bill, imploring him not to do anything that would tend to increase taxes. For an increase in taxes, no matter how meritorious the cause, can only result in further increase in the cost of living.

Now there are many agencies and activities of State Government which need additional assistance because they long have failed to receive a just proportion of State revenues. I refer particularly to our welfare institutions, which have been neglected for so long that they are in some instances in a deplorable condition. Employes in those institutions, many of whom must have the same training and educational requirements as school teachers, receive considerably less by way of compensation. The average registered nurse, for instance, receives only $2550 per year for 12 months work, whereas the average school teacher receives $3200. Social case workers receive only $2550 per year. These people should receive first consideration when pay increases are made, but we still must recognize the fact that even in these areas, there are limits on how much the State can pay.

I dislike the job of continually reminding people that the cost of government can be paid only through the levy of taxes. I also dislike telling people that if we are to continue this form of government and this way of life, there is a limit in the amount of taxes we can impose.

Ten years ago the per capita tax expenditures for Federal, State and local government stood at $12. This year, if Congress has the courage to place its spending on a pay-as-you-go basis, the total per capita expenditure will approximate $250. This will mean that a family of four will pay $3,120 in taxes during the course of 12 months. Many of these taxes will be hidden in the price of commodities -- as taxes, they will disappear from sight. Few people realize, for instance, that there are 151 hidden taxes in the price of a loaf of bread, or 100 or more in the price of an egg. Even the Federal income tax has become comparatively hidden since the withholding provision took effect. Income is now calculated in terms of "take home" pay -- not total salary. Taxes have become so
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well concealed, but so plentiful that News Week Magazine was prompted to term the size of the tax load "the best kept secret in the country today". Now we know that Federal taxes are bound to increase because of the rearmament program occasioned by the Korean war. Should the Government raise taxes by an additional 10 billion, Utah's share of the increase would be $1,773,000. This is a sizable tax pill to swallow -- particularly so when there is so much waste, duplication and inefficiency in Federal Government operations. Everyone would feel much happier about paying the additional tax if Washington were willing to make the same sacrifices it is asking of its people. Even though this is not the case, we must accept the fact that a tax increase is inevitable. But I do not feel that we should accept the fact that an increase in State taxes is inevitable. There is a limit to what we can ask of the individual. We have reached the point where any increases in the services or costs of government, no matter how desirable or necessary they may appear, must be evaluated in the terms of the burden to the taxpayers.

Dr. Henry M. Winston, President of Orem University, recognized this principle when he wrote, and I quote: "If you are going to milk the cow, you want her in good condition. If you are going to tax the citizen, you ought to keep him fit to produce taxes. The process of abusing the taxpaying animal has already gone so far that investment is hampered, home ownership is discouraged, the burdens which cities and towns must bear have run beyond their resources and they are more and more dependent upon the state".

These were the words of the President of Orem University, not the Governor of Utah, but I subscribe wholeheartedly to his statement. If you are going to tax the citizen, you ought to keep him fit to produce taxes, but for one reason or another, the powerful lobbies behind the powerful lobbies behind the taxpaying animal have done everything possible to abuse the taxpayers, who have few spokesmen. Somewhere in the wilderness of taxes their voices must be heard. Otherwise, we must face the realities of history and prepare to change our entire way of life; for, as the Salt Lake Tribune recently stated so clearly, "It is a simple fact that excessive governmental spending and oppressive governmental taxation is the surest and quickest road to socialism".

No good American is opposed to education. Everyone would like to see his children receive the finest education that our State can afford. By the same token, no good American wants any part of socialism. Knowingly or unknowingly, however, we are following spending and taxing programs which unless arrested must ultimately lead to socialism. That is why I have constantly opposed any increases in taxation and have tried so hard to offset a reduction. Certainly I want my children to receive the finest education our State can afford, for I have their welfare deep in my heart. But I do not want to do anything that would jeopardize their chance to live and prosper in this cherished land of ours. Their education is vitally important, for our future rests in a large part with our youth. It is even more important, though, that we bequeath to our children the same American heritage that we received from our forefathers -- the rights and freedom of a democratic nation. But if we continue with excessive governmental spending and oppressive government taxation, all that we will leave them will be a bankrupt economy and a socialistic form of government. I say this cost is too great.

We have some strange paradoxes in this State today. Last fall during the general election, the slogan used to promote a constitutional amendment was that we "must take politics out of education". The amendment was overwhelmingly approved. Today the most powerful political lobby on Capitol Hill is organized education. The people, through the democratic process, succeeded in taking politics out of education but they did not succeed in taking education out of politics. It would appear to me that if the intent of the constitutional amendment was to take politics out of education, it should apply in reverse. It should, but it has
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not. Legislators are constantly being lobbied and pressured and coerced for their support, directed for their opposition. This hardly seems consistent with good taste or the most basic fundamentals of decency and it certainly is a distinct reflection on the lobbyist and, after all, why should it be otherwise. And, after all, why should it be otherwise? The legislation at hand should be permitted to stand or fall on its merits — not on the amount of lobbying or pressuring that is done. Every citizen has both the right and the obligation of expressing his views to his legislator, but he should not abuse these privileges to unfair and unreasonable tactics.

I have known many school teachers in my lifetime, and I have been proud to call them my friends. They have been good citizens, devoted to their profession and unselfish in their desires. Many of them are now retired and living as best they can with what they have. The salaries paid in those days did not go very far. Since their time, however, the financial situation of school teachers has improved tremendously. Ten years ago the average salary of teachers alone was $1,823 per year. Today the average school teacher receives $3,082 per year, which represents an increase of 110% for the decade. During the same time the cost of living increased only 78% and salaries have not remained fixed because of there being no change in the minimum school program since 1947. It is interesting to note that whereas the average salary in 1947 was $2,019, it had climbed to $2,918 in 1950, $3,064 in 1950, and $3,082 last year. During 1951, if the same two year rate of increase is maintained, the average salary should approximate $3,109. Senate Bill 75, of course, would increase the average salary even more. A teacher now receiving $3,000 per year would receive an additional $750 per year if granted a 15% salary increase, or $750 more per year if granted a 25% increase. But these increases cannot be made without cost to somebody, and it is necessary for property owners to decide if they can afford to foot the bill. It also is necessary for all of us as citizens to decide how much further along the road of increasing taxes we dare proceed. Some people seem unconcerned with the possibilities of national bankruptcy, economic collapse, and government socialism. But I do not know of a greater blow to the free people of the world could suffer than to have this Nation destroy itself by its own hand.

The obligation of world leadership is upon us and we must be equal both individually and as a nation to the occasion. This will require no little sacrifices on the part of the people, for those are not the times for business as usual, government as usual, spending as usual, or taxing as usual. There is very little in living that is usual for the fine American fighting men in Korea. They are being called upon every day to make sacrifices of all kinds — even to the extent of the supreme sacrifice, the giving of one's life to the defense of his country. The sacrifices they have made and are making are infinitely greater than any that we, on the home front, will be asked to bear. We must steel ourselves to this emergency and resolve to cooperate to the fullest in the war effort. More than that, we must make certain that while winning the war, we preserve the government and economy of this Nation, so that the sacrifices our fighting men are making will not be in vain. It would be futile to fight a war on distant shores for the cause of freedom and democracy, if by our very actions at home we permitted these fundamentals of our heritage to slip from our grasp. We should not end and must not continue taxing the political way of spending and the easy way of taxation to the bitter end of destruction of our free and democratic society.

Earlier in this broadcast I read from a statement that was made by the President of Brown University: "If you are going to tax the citizen, you ought to keep him fit to produce taxes".

Let me now read from an article written by Dr. Robert L. Johnson, President of Temple University and Chairman of the National Citizens Committee for the Reorganization of the Executive Branch of Government. The article reads, and I quote:
"America's institutions and people have been free because they have been willing to think. Americans should think now and think well on this problem of big government. They should think how best to govern themselves, just as their New England forefathers thought out self-government at their town meetings. Today the Nation faces a dangerous new tyranny. It is not the tyranny of a greedy and stupid monarch 5,000 miles away -- it is a more dangerous tyranny made by the people themselves. To face it is the task of tough-minded citizens whose sense of the future is strong."

And what does the future hold in store? Again let me repeat that it is a simple fact that excessive governmental spending and oppressive government taxation is the surest and quickest road to socialism. Further Dr. Johnson writes, and I quote: "Today all Americans are taxpayers, for taxes not only affect income, they enter heavily into the cost of things bought and built. And it is not as taxpayers finally, nor as business men, educators, farmers or trade unionists, but as citizens that the people will die in a war or live in peace, suffer in an economic collapse, or prosper in a role of constructive world leadership. Slowly it is being recognized that taxes are not derived from static wealth. They are taken from income which in turn derives from production. When taxation reaches the saturation point, production falls, and with it the people's living standards. Perhaps Americans have learned, too, that free peoples all through history have yielded their freedom when bureaucracy overwhelmed them economically."

These are the words of the President of Temple University, not the Governor of Utah, but again I subscribe to them wholeheartedly.

Now I would like to turn for a moment to discuss the bill now before the Legislature which would permit three of the State's junior colleges to revert to the former owners, the Church of Jesus Christ of Latter-Day Saints. Many things have been said and many words written about this proposal without the facts of the matter being known and in all the fervor that has been raised, very little if anything has been said of the unselfish and commendable effort made by the Church to once again assume the obligations of the colleges they founded years ago. They deserve the highest praise for being willing to assume this responsibility once again, and thus relieve the State of the burden of their support. Whether this is done or not is a matter for the Legislature to decide. Some twenty years ago the Legislature decided it would accept those properties from the Church. Now it must decide if it desires to return them. It is no simple as that. No one has proposed that the junior colleges be shut down or discontinued, despite the fact that our resources are being strained. That was proposed was merely a transfer of property and responsibility to the Church whose eminence in education is recognized everywhere. Such a transfer would permit the State to have its cake and eat it too, but it remains for the Legislature to decide what course to pursue. I have presented the bill, together with a preliminary statement of policy from the First Presidency, I shall do no more.

There is one other school measure I would like to discuss before ending tonight's broadcast, and that is the method of providing for the popular election of the members of the State Board of Education. There are bills now before the Legislature which would accomplish this -- one by holding elections during December and the other by holding elections during general elections in November. The first method, that of voting in December, has been the rule here in Utah. This has proved unsuccessful insofar as attracting a representative vote is concerned. No matter how we have tried, we have found that only a fraction of the people who vote at a general election turn out to vote in a school board election. The schools are teaching democracy, but school board elections have been a democratic failure. The evil can be remedied, I believe, if school board elections are held in conjunction with general elections, but by separate ballot. The separate ballot to carry only the names of the candidates, just as at present, and would be
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completely unrelated to the usual political ballot. Such a provision would eliminate all chance of having politics influence the election. Along with assuring a heavier and more representative vote, such an elective procedure would reduce the cost presently required to advertise and conduct separate elections. House Bill No. 222 provided for the election to be conducted in this manner. Thus far, the only objection to this measure that I have heard is that it is not in the American tradition to conduct school board elections during a general election. But my answer to this is that it is not in the American tradition or in keeping with the fundamentals of democracy to conduct elections which are not representative of the people. I believe in government of the people, by the people and for the people, and I believe the people should have a greater voice in the election of their school board members. This can be assured if school board elections are conducted in conjunction with general elections but by separate ballot, as provided for in House Bill 222.

I had intended to devote time to discussion of the bill now in the Legislature that would exempt users of off-highway vehicles and stationary engines from paying the gasoline tax, but time will not permit. Two years ago I was in favor of such a bill, but in view of recent trends whereby special groups are granted special favors but the general public receives none at all, I am now opposed. There are two principles involved in the gasoline tax exemption legislation. The first I have just named. The second concerns the practice of earmarking State revenues. Were it not for the fact that gasoline taxes are earmarked for the construction of highways, there would be no request for an exemption in their payment, nor would there be a request for exemptions in other fields of taxation. If all State revenues came into the general fund and were appropriated therefrom, it could not be said that one tax supported only one State service. Gasoline taxes could be used for the support of any and all activities as could other taxes. As it is, 67% of our taxes are earmarked and only 13% come into the general fund. To it is from the general fund that 50 of the 59 State spending agencies, including the institutions of higher learning, receive their financial support.

Here is what one farmer has written me concerning the proposed gasoline tax exemption, and I quote: "I am a farmer by occupation and I like to have as many fine things on my farm and in my home as I can afford. I know there is a limit to my spending, and there is a limit to my ability to pay taxes. I can see no reason why I should expect government to give more services to me than I can afford to pay for through taxation. I like to see fine roads. We all appreciate them. The farmer is one of the greatest benefactors of good roads. Why should we expect to have those and a reduction in gas tax for off-the-highway usage? There are many of us who would greatly abuse such a privilege".

This is a most sensible appraisal of the exemption problem. The farmer has been one of the greatest benefactors of good roads. If gasoline taxes were spent in the county where they are collected, it is doubtful if some of the large but sparsely settled counties would have very many good highways. The heavily settled and relatively small industrial counties, however, would be paved everywhere.

Next Friday, when I will be back on the air at the same time, I shall continue to discuss some of the important legislative matters now before the Legislature.
J. BRACKEN LEE AND UTAH PUBLIC EDUCATION

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M.S. Degree, August 1973

ABSTRACT

This thesis is an examination of the two gubernatorial terms of J. Bracken Lee and his treatment of education. It examines the major confrontations between Lee and the educators in the state and between Lee and the legislature concerning education.

The conclusion of this study is that an innate dislike of taxes on the part of Lee led him into conflict with educators in the state. Education was the single largest consumer of state tax revenues and as a result became the recipient of the major part of Lee's attention when he was determined to cut taxes. His opposition was so vigorous that he succeeded in retarding the growth of education during his administration and the viewpoint for which he was spokesman is still an influential force in the state.

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