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A History of Health and Safety Conditions in the Omaha Public Schools from 1872 to 1908

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A HISTORY OF HEALTH AND SAFETY CONDITIONS
IN THE OMAHA PUBLIC SCHOOLS
FROM 1872 TO 1908

A Thesis
Presented to the
Department of History
and the
Faculty of the University of Nebraska
at Omaha

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

by
Jacqueline Johnson
November 1968

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Accepted for the faculty of the College of Graduate
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fulfillment of the requirements for the degree Master of
Arts.

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PREFACE

The choice of this thesis topic is the result of special interests and experiences. I have been associated with the public schools of Omaha both as a student and as a teacher. In addition, my father has worked for the Board of Education as a teacher, principal, and administrator for twenty years. Thus, some aspect of public education in Omaha particularly appealed to me as an area for special study.

In deciding what area of school history to investigate, I was influenced by my husband, who was preparing to enter the field of medicine at the time I began my research. A cursory examination of the subject soon indicated that health conditions in the schools were so closely related to safety that the two topics could not be separated.

Because of the scope of the subject, it was soon determined that some limitations would have to be imposed. The year 1908 was selected as the closing date because many of the early problems of the public schools were resolved in that year.

The author wishes to express special thanks to Arvid Nelson, Administrative Assistant to the Superintendent, who provided immeasurable help in locating material for

this study, to my parents, who encouraged me to continue my education, and to my husband, whose technical advice has been most helpful. I would also like to thank Mrs. C.C. Chesley and Mrs. J.C. McDougall, who helped me with the proofreading. Finally, I wish to express my gratitude to my thesis advisor, Dr. Frederick W. Adrian, who made it possible for me to complete this study after I moved to Colorado.

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INTRODUCTION

From its inception, the Omaha public school system was concerned with the health and safety of the boys and girls under its jurisdiction. Providing a physical plant and instituting regulations that would achieve these goals was often a difficult process. As medical knowledge advanced, changes in the health program of the schools were implemented, but not always without a struggle. Improvements in engineering and architecture required changes in school buildings, but old ways were not easily discarded. Some innovations introduced in these years were impractical, and at times the process of trial and error was costly. There were disputes between city officials and school board members over proposed changes and improvements in the schools. Yet, despite, or perhaps because of these difficulties, definite progress was made in improving the health and safety conditions in the Omaha public schools between 1872 and 1908.

Three main problems concerned the Board of Education during the first thirty-five years of the schools' operation. The first to manifest itself was the matter of providing good heating and ventilation and adequate sanitary facilities. A second issue, which emerged early, was the problem of preventing the spread of contagious diseases.

Finally, implementing a program of fire prevention was a major concern of the schools during these years. Each of these problems was wrestled with and resolved during the period, but the solutions did not come easily.

CHAPTER I

HEATING, VENTILATION AND SANITATION

The problems of proper heating and ventilation and of providing good sanitary conditions were a major concern of the Board of Education during the first quarter century of its operation. In the initial publication of rules and regulations, teachers were instructed to "give vigilant attention to the ventilation and temperature of their school rooms," making sure that the temperature should never be higher than sixty-five degrees.¹

It soon became apparent, however, that such control was impossible. In November, 1872, the president of the Rutten Heating and Ventilation Company submitted a report to the Board of Education regarding the heating system in the high school. President Pennell observed that although it was similar to the one used by his company in some respects, the system contained many flaws. The movement of fresh air was blocked by dirt and mortar in the passages. He reported that instead of being at floor level, which was best, registers were raised above the floor "to prevent

¹Rules of the Board of Education, and Regulations for the Government of the Schools (Omaha: Omaha Bee, Steam Book and Job Printing House, 1872), p. 30.

pupils throwing papers down the warm air flues." He also maintained that the heating apparatus was too small for the size of the building. Following Pennell's report, the Board passed a resolution authorizing the necessary improvements.² Three days after this action was taken, the architect of the high school announced that as a result of his inspection of the heating and ventilation, he was in agreement with Pennell. He blamed the defects on deviations from the original plans for the school.³ By February, 1873, the necessary improvements had been made, and the Board was told that the furnaces in the high school were working satisfactorily.⁴

The problems of poor ventilation were not confined to the high school, however. In July, 1873, Superintendent Nightingale asked the Board of Education to correct the unhealthy conditions in South school before the school year began.⁵ He outlined the reasons for his concern in his annual report. Because of crowded conditions, two basement rooms had been converted to classrooms. Each of these rooms had only two windows, and the seats in the classes were five feet below the surface of the ground. Nightingale

²Omaha Daily Bee, November 26, 1872, p. 4.

³Ibid., November 29, 1872, p. 4.

⁴Omaha Daily Herald, February 4, 1873, p. 4.

⁵Omaha Republican, July 26, 1873, p. 4.

charged:

The ceilings are low, the light meagre, the ventilation poor, in fact they are dark, unhealthy dungeons, not worthy the name of school rooms in any community, much less a civilized one.⁶

The Board, however, tabled the superintendent's request for improvements.⁷

For nearly a decade following Nightingale's complaint, little was said about the problems of heating and ventilation. In December, 1881, the secretary of the Board of Education called attention to some reports relative to temperatures in classrooms. He told Board members of an instance where the temperature had dropped below fifty degrees. His attempts to warm up the building had resulted in raising the thermometer to over ninety degrees.⁸ No action was taken on this report.

Although the Board minutes showed that regular reports were given by the committee on heating and ventilation during the next several years, there was no record of any steps taken to evaluate the heating systems in the schools until 1887. In that year the report of a committee appointed by the Board of Education "to make an examination

⁶First Annual Report of the Superintendent of Public Instruction of the City of Omaha for the Year Ending August 31, 1873 (Omaha: Republican Book and Job Printing Establishment, 1873), pp. 7-8.

⁷Omaha Republican, July 26, 1873, p. 4.

⁸Omaha Daily Bee, December 6, 1881, p. 8.

of the heating and ventilation, and also of the sanitary condition of the various school buildings of the city" was made public.⁹ The committee, whose members were John Jenkins, a boiler inspector, F.M. Ellis, an architect, and A.A. Parker, a physician, found the schools to be in a poor condition. In their report they listed defects in specific schools and made general recommendations.

At Iward school they found overcrowded basements, damp walls, and defects in ventilation in all rooms. They reported:

This building is heated by means of the Rutan and one other furnace which in a measure receive their supply of fresh air from the room in which the coal is stored. The cess pools in their present condition are a menace to health. The water from the roof is precipitated close to the walls, rendering them unhealthy.¹⁰

The South or Pacific school was also cited as especially defective. The committee noted insufficient heat, dirty walls, bad floors, inadequate light, and poor ventilation. Other schools which had poor ventilation were Cass Street, Dodge Street, Farnam Street, Long, and Leavenworth. Hartman school was reported to have insufficient heat, cracked walls, and a leaky roof. At Center school the committee observed large cracks over the doors due to poor construction. Bad plastering and loose wainscoting on the

⁹Ibid., January 19, 1887, p. 3.

¹⁰Ibid.

stairs were found at Lake Street school.¹¹

Among its general recommendations the committee urged that basement rooms should not be used for classrooms and that all new buildings should be built "two or three stories high with ordinary basements to be used for furnaces, boiler fuel rooms, water closets, etc."¹²

The water closets in all the buildings except Castellar school were pronounced "cold, comfortless and foul." The committee warned:

The effects of these conditions upon health must be deplorable. . . . Young people of certain years exposed to such a temperature as we find in these closets today, are early victims to disease and instances are not wanting of indispositions from this cause resulting in death.¹³

With regard to lighting, the committee suggested that the walls be painted "warm colors" to soften the glare from the windows and urged that blackboards be painted green. They concluded their report with a plea for improved ventilation:

We should not be content so long as any impurities exist in the air to be inhaled by the children of our schools, if any means known to science can be applied to remove it. On the character of all ventilation depends largely the health of our children.¹⁴

There is no record of any action taken by the Board as a result of the committee's report. The main concern

¹¹Ibid.

¹²Ibid.

¹³Ibid.

¹⁴Ibid.

of the committee, proper heating and ventilation and good sanitary conditions, remained topics of discussion and controversy for the next fifteen years.

In June, 1888, a committee recommendation was read to the Board suggesting the substitution of steam for hot air in Park school. The chairman of the committee, Dr. Saville, charged that most Omaha schools were "fatally defective in the matter of ventilation." Another Board member "stigmatized some of the furnaces in the school buildings as peanut roasters."¹⁵ In August the Board again devoted much of its meeting to a discussion of heating and ventilation.¹⁶

A year later the debate still continued. Saville renewed his charge that there were "only three or four buildings in the city that were properly ventilated," arguing that in most buildings it was necessary to lower the windows in order to provide ventilation. He was answered by another member who maintained that the doctor

didn't know anything. . . . There was plenty of fresh air to be had in any building in this country. The idea of fooling with the windows was only a cranky notion of the teachers. A teacher . . . would stand over the register until she got red hot and then rush to the windows and let in a lot of cold air.¹⁷

¹⁵Ibid., June 19, 1888, p. 8.

¹⁶Ibid., August 14, 1888, p. 8.

¹⁷Ibid., October 8, 1889, p. 3.

Despite these frequent debates over the matters of heating and ventilation, no action was taken by the Board of Education. Instead, these problems remained merely topics for discussion. In May, 1892, an article in an Omaha newspaper suggested that hot air furnaces be adopted in Omaha, noting that such furnaces had met with approval in other school systems. The article urged the cessation of experimentation with different heating methods "each of which claims extravagant abilities."¹⁸ The same year, the president of the Board, S.K. Spalding, wrote in his annual report:

In the construction of school buildings the question of greatest moment is a sanitary one. How shall we give to each and every pupil the requisite amount per hour of pure air and at the same time prevent contamination by the impure expired air.¹⁹

No solutions to these problems were found. In September, 1893, it was reported that three schools were closed because of lack of heat. The conditions which made it impossible to heat these schools had allegedly been reported to the Board the previous June.²⁰ Even as late as 1895, nearly fifteen years after the original report of the Board committee, Superintendent Marble wrote of the high school in his annual report: "The health of the students

¹⁸Omaha Daily Bee, May 7, 1892, p. 2.

¹⁹Annual Report of the Board of Education, 1892 (Omaha: Megeath Stationery Company, 1892), p. 11.

²⁰Omaha World Herald, September 26, 1893, p. 1.

is not sufficiently provided for. The ventilation is sadly defective. . . ."²¹

The problem concerning heating and ventilation was pushed to the background after 1891 when the question of sanitation was raised. As early as 1876, the school board was concerned with the construction of water closets. At their August meeting in that year the Board members passed a motion which required that when water closets for the high school were built, they should be built separately. They also instructed the committee on buildings and property to procure a plan for the construction of water closet buildings and an estimate of the cost.²²

The Board committee which investigated the sanitary conditions in the schools in 1887 had condemned the water closets, but no action was taken by the Board during the next decade. In 1884 a resolution was adopted which required the removal of outhouses at Hartman Addition school, but this action did not change school policy.²³ In 1890 the superintendent of buildings, Frank M. Woolley, stated in his annual report:

²¹Annual Report of the Board of Education for the Year Ending June 30th, 1895 (Omaha: American Publishing Co., 1895), p. 35.

²²Minutes of the Board of Education, August 7, 1876, p. 54. (Hereafter cited as Minutes.)

²³Ibid., October 6, 1884, p. 303.

I would not recommend the location of closets or heating apparatus within the building proper, where any new buildings are constructed. It is almost impossible to prevent the escape of vapors from either into the school rooms, which all recognize as unpleasant and unhealthy.²⁴

Woolley's advice was not heeded by the Board.

The issue was raised again as a result of a law suit initiated by Dr. Solon P. Towne. Towne was seeking to have the Board of Education remove grade school pupils from the high school, charging that the overcrowding of the school in this manner was injurious to the health of the students. The Board maintained that there was "abundant room for both schools in the high school building."²⁵

An investigation by Dr. Clark Gapen, city commissioner of health, followed these charges. After examining the high school building, Gapen reported that he had found

the plumbing, heating and ventilation of the building defective. In the basement he found a water closet from which there proceeded a very disagreeable odor that was sucked up through a cold air ventilator into the main hall of the building and entered the rooms and halls occupied by the school children.²⁶

Three days later a committee composed of Dr. Gapen, the city sanitary commissioner, and a councilman were sent on an inspection tour of the public schools with instruc-

²⁴Annual Report of the Board of Education, 1890 (Omaha: Omaha Republican Printing Co., 1890), p. 83.

²⁵Morning World Herald, October 8, 1891, p. 8.

²⁶Omaha Daily Bee, October 10, 1891, p. 6.

tions to observe "cleanliness, plumbing, water supply, system of heating, ventilation and general sanitary condition."²⁷ Their report was generally favorable. In his annual report, the health commissioner noted:

At an inspection of several of the school buildings in the autumn, most were found to be in a fairly satisfactory condition, while a few, with the existing system of ventilation, were evidently overcrowded. There is, however, a promise of relief soon in this direction.²⁸

On the day following the investigation of the schools, the Board of Education met. One of its members proposed a resolution to appoint a permanent committee on sanitation. In justifying his request, he claimed that several members of the Board had recently visited the schools and had found them deficient in matters of sanitation. An objection was raised by the chairman of the committee on heating and ventilation, and the resolution was defeated.²⁹

One year after the Board of Health made its report, complaints were raised about the sanitary condition of Walnut Hill school. In a letter received by Health Commissioner Somers, it was charged that

the closets and sinks were in very bad shape, because they could not be properly flushed. On this account a stench pervades some of the rooms. Besides this the

²⁷Morning World Herald, October 13, 1891, p. 4.

²⁸Annual Report, Health Department, 1891. [mimeographed]

²⁹Omaha Daily Bee, October 13, 1891, p. 6.

ventilation is bad, many of the windows cannot be opened at all. Several children have been sent home sick lately, and quite a number are complaining of the unwholesome smells.³⁰

An investigation by the city plumbing inspector was ordered in response to this complaint. His report said the charge was valid, and he immediately condemned the plumbing at the school.³¹

There was additional concern when seven cases of diphtheria were reported in the school district. According to a report in the Omaha World Herald, the sickness was directly related to the plumbing situation. Because Walnut Hill school had no sewer connections, the reporter claimed, it relied on a cesspool on the lot. Although the basement water closets were ventilated, those on the other floors were not. Furthermore, "the ventilators and heaters for the school rooms . . . [took] air from the surface of the ground which the health board . . . [held] is not so good as to take [it] from a higher point."³²

At its meeting, the Board of Education instructed the superintendent of buildings to make the needed repairs to "insure the comfort and health of the pupils and teachers."³³

³⁰Ibid., September 23, 1892, p. 1.

³¹Ibid.

³²Omaha World Herald, September 24, 1892, p. 1.

³³Omaha Daily Bee, September 27, 1892, p. 7.

The following day, a patron of Walnut Hill, G.W. Hervey, wrote in a letter to the editor of the World Herald that he had made a thorough inspection of the school. He asserted:

I visited every closet, room, nook and corner from the boiler room in the basement to the dome at the top of the building and unhesitatingly pronounce the building in excellent condition, free from dust, dirt or filth of any kind. As to the facilities for ventilation, they are certainly very good. No foul air or bad odors can remain in the building as the ventilators are thorough in their work.³⁴

Hervey further stated that after interviews with teachers and physicians, he was convinced that there was no need for alarm over diphtheria. Contrary to earlier reports, he claimed, "There is not now one case of well defined diphtheria in the neighborhood."³⁵ Evidently this report, together with the action ordered by the school board, satisfied the public because there was no further mention of the school in either the newspapers or the Board minutes.

The conflict over Walnut Hill school was only a prelude to a greater controversy which erupted six months later. A communication from Health Commissioner Somers was read to the Board of Education at its regular meeting on March 20, 1893. In this communication, Somers asked the Board to give cause why he should not close Lake school,

³⁴Omaha World Herald, September 28, 1892, p. 4.

³⁵Ibid.

and possibly several others, until they were "put in a sanitary condition."³⁶ According to one report, the "members of the board seemed paralyzed at the receipt of such a communication."³⁷ In the debate which followed, the president of the Board and the superintendent of buildings expressed their agreement with Somers. Superintendent Fitzpatrick, however, argued that "the Lake school was in a better sanitary condition than forty-seven out of 100 dwellings in Omaha."³⁸ Another member, C.E. Babcock, agreed with Fitzpatrick, expressing his surprise that the Board of Health should demand improvements, "particularly after all the board of education has spent to put the various school buildings in a sanitary condition."³⁹ The Board finally adopted a motion to appoint a special committee "to investigate the sanitary condition of Lake school."⁴⁰

The main issue in the ensuing conflict was the installation of dry closets by the schools. The Board of Health maintained that such closets were contrary to city ordinances and were a menace to the health of the students. They demanded that the dry closets be replaced with flushing closets connected to a sewer. In a letter to the editor of

³⁶Ibid., March 21, 1893, p. 7.

³⁷Ibid.

³⁸Ibid.

³⁹Ibid., p. 1.

⁴⁰Ibid., p. 7.

the Omaha World Herald, Health Commissioner Somers described the workings of the dry closet system at Kellom school. There were two vaults in the basement which connected to the ventilating chimneys. These chimneys were heated by soft coal at one end and connected by flues to the eight classrooms at the other end. Into the basement vaults, Somers charged, were

deposited the liquid and solid excrement of 900 persons, amounting to 1,000 pounds daily, which in theory is evaporated by the currents of warm air from the school rooms to a condition of dryness that it may be burned annually, or oftener, at the convenience of the janitor.⁴¹

When the system worked perfectly, the products of the evaporation, "gases, vapor, dust, and living germs," were passed into the air outside the school building. According to Somers, "Everything that is offensive, or dangerous, even to the disease germs, from this building with 900 occupants, is thrown upon the immediate neighborhood for inhalation."⁴²

The health commissioner went on to point out that the system did not always work to such perfection. He reminded the citizens that polluted air from such sources as the stock yards, breweries, and other industries often invaded their homes. A similar thing often occurred in the schools. Janitors were absent for twelve hours of every

⁴¹Ibid., August 23, 1893, p. 1.

⁴²Ibid.

day, during which time the soft coal fires would get low. This resulted in a loss of "propelling power" for the vapors, and together with "changes in atmospheric conditions and winds" created adverse currents. Thus, the opening of doors and windows created a back draft, the air current was reversed, and "one or more school rooms . . . receive [d] their supply directly through these vaults."⁴³

Although the Board of Education had been notified that dry closets were in violation of city ordinances in March, no specific actions were taken by the Board to replace them. In addition to Lake and Kellom schools, the health commissioner warned that Lothrop school would not be allowed to open until its dry closets were removed. Dry closets were also being installed in several new schools, including West Omaha, Saratoga, Windsor Place, and Central, in defiance of the Board of Health's order.⁴⁴

The debate between the Board of Education and the Board of Health, which continued for several months, centered around two issues. One was whether the dry closets were sanitary. Speaking for the school board, architect Latenser noted that the contract for the schools which contained dry closets provided that "the closets shall be at

⁴³Ibid.

⁴⁴Ibid., June 22, 1893, p. 1.

all times sanitary and free from odor." He pointed out that dry closets were used in 1,500 schools in the United States, including Boston, "where the inspection is the most rigid known."⁴⁵ At a meeting of the Board of Health, Latenser expressed the view that "a healthy being could not contain unhealthy matter."⁴⁶

Speaking for the health department, Dr. Somers argued that "closet deposits contained bacteria and the germs of disease."⁴⁷ He read reports from the boards of health of Michigan and Massachusetts which condemned the dry closet system. He also read a letter written by the plumbing inspector of Cleveland, Ohio, which ran as follows:

The dry closet has been condemned by the present school council and the former health officer, and no such closets are now allowed in the new school buildings. . . . This I know to be a fact. The dry closet system, when placed within a building is a damnable piece of work, and it should never be tolerated by your people.⁴⁸

Somers noted, "I have a stack of letters that is formidable in its proportions from many cities and all condemn the dry closets."⁴⁹ He included excerpts from some of these in a letter to the editor of the Omaha World Herald. The Health

⁴⁵Ibid., June 19, 1893, p. 1.

⁴⁶Ibid., July 18, 1893, p. 5.

⁴⁷Ibid.

⁴⁸Ibid.

⁴⁹Ibid., August 15, 1893, p. 8.

Commissioner of Chicago stated that dry closets were not allowed in any public schools, adding that when they were found in buildings in annexed territory, they were always found to be a nuisance. Minnesota's Health Commissioner wrote, "We have no use for this system." A member of the Committee on School Hygiene of Tennessee's health board admitted that he had recommended the dry closet system on theoretical grounds, but after experience with its practical workings, he was "totally opposed" to the system. Other cities which condemned dry closets were Worcester and New Bedford, Massachusetts, Milwaukee, Wisconsin, Toledo, Ohio, and Saginaw, Michigan.⁵⁰

The second issue around which the debate between health and school boards was centered was whether the Board of Health could legally demand the removal of the dry closets from the schools. In June it was announced that "unless the Board of Education comes down off its lofty perch and heeds the orders of the Board of Health the members will be subjected to the indignity of arrest."⁵¹ A notice was served on the school board which gave them ninety days to remodel the dry closets which were said to be in violation of city ordinances.⁵² When no action had been taken by the

⁵⁰Ibid., August 23, 1893, p. 1.

⁵¹Omaha Daily Bee, June 20, 1893, p. 8.

⁵²Omaha World Herald, June 22, 1893, p. 1.

school board a month later, another warning was issued:

"The Omaha Board of Education is threatened with arrest unless there is a speedy abandonment of the dry closets now in use and those being put in the new school buildings."⁵³

At its July meeting, the Board of Health passed a resolution instructing the health commissioner to prosecute the Board of Education for "violating ordinances of the city."⁵⁴

The school board responded to these warnings by demanding that the question be settled in the courts. They argued that when the plans for dry closets were originally made, they were approved by the city's plumbing inspector. School officials questioned the authority of the Board of Health to condemn plans previously approved by another city agency:

We submit that if the Board of health, without a judicial determination may arbitrarily condemn as a nuisance one kind of apparatus once approved by the building department of the city, . . . it can likewise arbitrarily condemn and order removed any other system . . . which may be substituted for it, and there will be no limit to the amount of property of which citizens may be deprived "without due process of law."⁵⁵

The Board of Education maintained that it had conducted a careful investigation and had not found the closets to be a menace to health. The members noted that if they

⁵³Omaha Daily Bee, July 18, 1893, p. 3.

⁵⁴Ibid.

⁵⁵Omaha World Herald, August 22, 1893, p. 1.

were in error, however, there was only one way to remedy the situation properly. It would be unacceptable to submit "without a judicial contest to the mandate of the board of health." To arrest individual board members for action taken by the whole body would be equally improper. The only course of action acceptable to the Board would be for the health department to commence "an action in mandamus to compel . . . [the board] to remove these closets as a nuisance." With such an action, the company which had built the dry closets, Issac D. Smead & Co., would be legally bound to fulfill its contract which guaranteed that the closets were sanitary.⁵⁶

Having stated their position, the Board of Education passed three resolutions. The first invited the Board of Health to initiate court action compelling the school board to remove the dry closets. The second resolution stipulated that the only question to be determined by the courts was whether the closets were a menace to health. The Board agreed that if they were found to be so, it would immediately remove the closets. The third resolution stated that if the Board of Health commenced court action, the school board would notify the Issac D. Smead & Co. of the action and require the company to appear and defend the closets. If the court decided against the schools, the

⁵⁶ Ibid.

Board would "look to said Smead & Co. for all damages which this board may sustain by reason of having removed said closets and supply their places with others."⁵⁷

Health Commissioner Somers responded to these statements by noting that under the advice of the city attorney, the health board had attempted to avoid using the courts.

He added:

The board of education, both individually and collectively, are responsible for this violation of law, and to some extent are personally liable, so that I am not surprised that they are desirous of selecting a course of action for us to pursue which will clear their skirts and allow them to laugh in their sleeves, while we have it out with the other fellows.⁵⁸

Although the debate was not aired publicly after the new school year began, no agreement had been reached by the end of the year. Superintendent Fitzpatrick wrote in his annual report:

It is again unfortunate that the questions relative to the sanitary or unsanitary condition of our school buildings in this city . . . cannot be determined without the intrusion of demagogic utterances from people who are poorly informed upon such subjects.⁵⁹

He went on to assert that the number of unsanitary schools was very small.⁶⁰

⁵⁷Ibid.

⁵⁸Ibid., August 23, 1893, p. 1.

⁵⁹Annual Report for the Year Ending July 1st, 1893 (Omaha: Festner Printing Company, 1894), pp. 69-70.

⁶⁰Ibid.

Dr. Somers was equally dissatisfied with the lack of action. In his annual report for 1893, he noted:

That harmony, so essential between School Board and Health Department for the good conduct of health rules, has not existed continuously of late, the difficulty arising from the introduction of the so-called dry closet system into our school buildings. This system is a delusion and a menace to good health in any building in which it is used.⁶¹

The stalemate between the health commissioner and the school board continued for six years. In 1899, H.J. Penfold, president of the Board of Education, commented regarding the removal of the dry closets in his annual report as follows:

Several of the buildings erected in 1892 were fitted up with what is known as dry closets and the experiment proved to be both costly and unsatisfactory from a sanitary point of view. . . . These closets were removed in the summer preceeding this report.⁶²

For several years after the controversy over dry closets was settled, few complaints about heating, ventilation, or sanitation were raised. In 1904 a group of citizens complained that schools in their area were uncomfortable and unsafe. They requested the Board of Education to condemn two buildings at Vinton school, but no action was taken by the Board.⁶³

⁶¹Annual Report, Health Department, 1893 [mimeographed], p. 458.

⁶²Annual Report of the Board of Education for the Year Ending June 30th, 1899 (Omaha: Omaha Printing Company, 1899), p. 18.

⁶³Omaha World Herald, January 28, 1904, p. 7.

The following year members of the Board of Education expressed their concern over the poor heating and ventilation systems at Monmouth Park school. There was no record of any action taken to improve these systems, however.⁶⁴

During the year 1908, the question of sanitation was raised again. Health and safety conditions in the schools were prominent issues throughout the year. A disastrous school fire in Ohio caused concern about fire prevention programs in the Omaha schools. An inspection of the schools followed. In October, members of the city council, school board president Christie, and Superintendent Finlayson made a tour of the schools. It was reported that "unsanitary plumbing in several of the old school buildings may be brought to the attention of the board at its regular meeting."⁶⁵

The reaction of the Board to this announcement was not favorable. An Omaha newspaper observed:

City Plumbing Inspector McVey is the latest city official to feel the contempt of the board of education for officials who attempt to tell the board of unpleasant conditions existing in the city schools.⁶⁶

The Board overruled McVey's recommendation that open water closets should not be placed in the schools. Health Com-

⁶⁴Omaha Daily Bee, April 18, 1905, p. 1.

⁶⁵Omaha Daily News, October 24, 1908, p. 1.

⁶⁶Ibid., October 26, 1908, p. 1.

missioner Connell then ordered an inspection of the schools which was begun immediately.⁶⁷

Before the results of the inspection were known, the City Council ordered McVey to report on the action taken by the Board of Education regarding the recommendation against installing the water closets.⁶⁸ The next day it was reported that six public schools had been closed since the beginning of the school year "because of defective sanitary and heating arrangements."⁶⁹

On October 31, Plumbing Inspector McVey reported that he had notified the school board that he would close Walnut Hill school "unless defects in the sewerage system of the building are corrected immediately." He noted that the plumbing was in a "woeful state" and that many complaints had arisen because of "the occasional backing up of sewage." He also pointed out that the disease rate at Walnut Hill was higher than that of any other school in the city.⁷⁰ This time, results were achieved. An Omaha newspaper reported, "Today, acting on the emphatic orders of Mr. McVey, the school board has a force of men at work dig-

⁶⁷Ibid.

⁶⁸Record of City Council, Vol. A-73 (Omaha: Klopp & Bartlett Co., n.d.), October 27, 1908, Item 5364, pp. 236-237.

⁶⁹Omaha Daily News, October 29, 1908, p. 9.

⁷⁰Ibid., October 31, 1908, p. 1.

ging up and replacing part of the old sewer system."⁷¹

Making the needed repairs at Walnut Hill, however, did not bring an end to the issue. As McVey continued his inspection, defects in the plumbing systems of other schools were discovered. At the end of the year the Board of Education was informed of repairs that were required by the city. On December 16, McVey announced that the sanitary conditions in the schools were very bad.⁷² Thus, the problem of sanitation remained with the schools for the next several years.

⁷¹Ibid.

⁷²Ibid., December 16, 1908, p. 1.

CHAPTER II

PREVENTING THE SPREAD OF CONTAGIOUS DISEASES

Among the issues raised in the debate over the dry closets was the danger that these closets would spread disease. The threat of epidemics was a major concern of the Board of Education during its first thirty-five years of operation. In the first publication of rules and regulations, the Board instructed the superintendent of schools to periodically inspect the schools and report "any defects . . . which may be calculated to impair the health of teachers and pupils."¹ It further cited the following as a duty of the pupils:

No pupil shall be admitted into any of the Public Schools, or be continued therein, when such pupil is known to be affected with or to have been exposed to any contagious or infectious disease, and shall, if required by the Principal, furnish a certificate of vaccination from a physician.²

Despite these rules, no mention of health conditions was made in either the minutes of the Board meetings or in the Superintendent's annual report until 1885. In that year,

¹Rules of the Board of Education, and Regulations for the Government of the Schools (Omaha: Omaha Bee, Steam Book and Job Printing House, 1872), p. 12.

²Ibid., p. 24.

Superintendent James noted that "no unusual sickness has broken into the attendance."³

When disease did strike, the schools suffered heavily, but they were helpless to prevent it. A measles epidemic in 1887 affected over two thousand children, many of whom died.⁴ No attempts to control its spread were noted in the school records. In fact, the only mention of health came in January of that year when the committee on sanitation and heating urged the Board to adopt individual desks instead of the double seating system then used, arguing that the former were preferable from a "sanitary point of view."⁵

The following year an Omaha newspaper reported widespread sickness in the schools.

There seems to be an unusual amount of malarial and typhoid fevers, and diphtheria also has numbered its share of victims... . Some parents in alarm are beginning to keep their children at home.⁶

Teachers, too, were struck by these diseases to such an extent that it was difficult to keep the schools "supplied with instructors."⁷ On October 19, Superintendent James

³Annual Report of the Board of Education for the Year Ending August 1, 1885 (Omaha: Rees Printing Company, 1886), p. 25.

⁴Annual Report of the Board of Education, 1887 (Omaha: The Republican Company, Printers, 1888), p. 33.

⁵Omaha Daily Herald, January 18, 1887, p. 6.

⁶Omaha Daily Bee, October 15, 1888, p. 8.

⁷Ibid.

was instructed to close Vinton school because of the presence of diphtheria there. It was reported that "four deaths have occurred in the principal's room, two of the teachers are ill, and the resident population is in a state of alarm."⁸ James stated that "for a month there had been no attendance worth mentioning, and that the best policy was to discontinue."⁹

In 1890, the first attempts to control the spread of contagious diseases were made by the schools. At their June meeting, members of the Board of Education discussed the problem of crowded conditions in the schools and recommended limiting the number of students in a classroom to thirty-five.¹⁰ Later that year a former Omaha teacher raised the question of the spread of disease through the distribution of free school textbooks. In a letter to a local newspaper, she stated:

In Boston the health officers report that contagious diseases are increased from the free use of school books. In Pennsylvania the question is being agitated. I know that when there was a great deal of sickness in Pacific school last winter . . . the books were called in and fumigated or destroyed. But how many books are there in use, handed down from one pupil to another, that carry contagion in their leaves?¹¹

⁸ Ibid.

⁹ Omaha Daily Herald, October 19, 1888, p. 8.

¹⁰ Omaha Republican, June 3, 1890, p. 4.

¹¹ Omaha World Herald, August 7, 1890, p. 1.

Although physicians on the Board expressed doubts as to the danger, they agreed that "books could and should be fumigated after use by any pupil in whose family there has been a contagious disease."¹² They also expressed a concern over the distribution of pencils. One pointed out, "A child who has a diphtheretic sore throat chews a pencil. The next day some other child chews it. That can carry the disease."¹³ Despite discussions of this type, no actions were taken by the Board for over ten years. In 1902, they heard a recommendation made by Board member Emil Cermak, who reported that it would cost one hundred dollars to disinfect all the school books in the city. The Board adopted his recommendation that such disinfection be carried out.¹⁴

In October, 1890, a panic over diphtheria developed in the Walnut Hill school district. Over half the children were absent from school, and parents came daily to withdraw their youngsters. Dr. Gibbs, a member of the Board of Education indicated that there was no more diphtheria than usual, but steps to control the spread of the disease were taken by the schools for the first time. Teachers, "alarmed for the safety of their pupils and at their own expense had the

¹²Ibid.

¹³Ibid.

¹⁴Omaha Daily News, July 22, 1902, p. 8.

building fumigated."¹⁵ Post cards were sent to the superintendent by the city physician whenever a case of scarlet fever, diphtheria, or other contagious disease was reported in a family. Teachers were instructed to inquire about sickness, and to send home any children who showed symptoms of illness.¹⁶ Even with these precautions, however, Superintendent James noted in his annual report that "in some localities scarlet fever and diphtheria have become almost epidemic, nearly fifty pupils having died in the year from the latter cause alone."¹⁷

The next few years were relatively healthy ones for Omaha school children. The city's health commissioner, Dr. Gapen, suggested, in 1891, that the health of children in the high school was good largely because many of them were beyond the age to be affected by contagious diseases.¹⁸ In 1893, Superintendent Fitzpatrick reported that "the health of the children attending school will compare favorably with any preferred class in the city."¹⁹ He referred to

¹⁵Omaha World Herald, October 7, 1890, p. 1.

¹⁶Ibid.

¹⁷Annual Report of the Board of Education, 1891
(Omaha: Pokrok Zapadu Printing Company, 1891), p. 51.

¹⁸Omaha Daily Bee, October 12, 1891, p. 6.

¹⁹Annual Report for the Year Ending July 1st, 1893
(Omaha: Festner Printing Company, 1894), p. 67.

two studies, one in England and one in Cleveland, Ohio, which demonstrated that where public schools existed there was less disease and fewer fatalities. According to the superintendent, these studies showed that

in cities afflicted with epidemics of even malignant character, . . . the children attending the schools have enjoyed practical immunity as compared with other classes of the community.²⁰

Perhaps the low disease rate in the schools during these years can be partially attributed to the fact that the Omaha schools were actively attempting to prevent the spread of contagious diseases. The superintendent's annual report for 1896 noted, "The schools have been fortunate throughout the year in suffering very little from contagious disease."²¹ He praised teachers and principals for their care in "excluding children having any contagious disease, and in finding out where such disease existed, so that contagion from the family might be guarded against."²² Although such actions were often resented by the parents, Pearse argued that "the health of the schools demand[s] that it be done."²³ He also praised the cooperation of the Board of Health.

²⁰Ibid., p. 68.

²¹Annual Report of the Board of Education for the Year Ending June 30th, 1896 (Omaha: Omaha Printing Co., 1896), p. 60.

²²Ibid., pp. 60-61.

²³Ibid., p. 61.

The "inspector of contagious diseases" [Pearse stated] has at all times been ready to look up at once any doubtful cases referred to him. He has made many visits at the request of the schools and has notified the schools at once of any points where danger existed. In this way much suffering and much absence from school have been prevented, and there is little doubt that the lives of many children have been saved.²⁴

Further evidence of attempts by the Board of Education to take an active part in the control of contagious diseases was seen in the action taken on May 18, 1896. The Board approved an amendment to the rules governing the return to school of children known to have had a contagious disease. Such children were required to have a certificate from the health commissioner stating that all danger of infection was passed. Furthermore, any child afflicted with scarlet fever or diphtheria was required to remain out of school for six weeks after his recovery.²⁵ Additional proof of the Board's concern was seen in the provision that "no principal or teachers shall send any pupil to the home of another to enquire about the cause of absence."²⁶

In 1897 illness struck the schools in the form of various childrens' diseases. Again attempts at control

²⁴Ibid.

²⁵Minutes, May 18, 1896, p. 234. In 1903 these rulings were changed again. After that year, students who had contracted diphtheria or scarlet fever were required to remain out of school for four weeks, while those who had been exposed to the diseases were not readmitted for two weeks. Minutes, December 7, 1903, p. 705.

²⁶Ibid.

were initiated by the schools, although the result brought a drop in attendance. The superintendent reported:

Continuously, during the closing months of the year, hundreds of children were kept out of school because either they themselves or other members of the family were suffering from one or another of these diseases.²⁷

In response to the prevalence of measles, the Board of Health required students to stay out of school for ten days after the recovery of the last case of that disease within their families.²⁸ Superintendent Pearse, in discussing the effects of these epidemics, returned to a theme which had been discussed in 1890 - overcrowding of the schools. He warned the Board of Education that "the health of the pupils is suffering and must continue to suffer until suitable quarters are provided."²⁹ The following year he raised the point again, urging the Board to consider building a new high school rather than enlarging the existing one. In his annual report he noted that "the smaller buildings secure for each pupil more air and window space, and so better light and ventilation than can be given in the one great school."³⁰ He further argued:

²⁷Annual Report of the Board of Education for the Year Ending June 30th, 1897 (Omaha: Omaha Printing Co., 1897), p. 42.

²⁸Ibid.

²⁹Ibid.

³⁰Annual Report of the Board of Education for the Year Ending June 30th, 1898 (Omaha: Omaha Printing Company, 1898), p. 43.

Danger from contagious diseases is greater in the central school. The more students the more danger that contagion will be brought in. When once started it may from the central school be carried to every home in the city.³¹

But, despite these warnings and urgings, no action was taken by the Board.

In 1899 a threat of a smallpox epidemic brought still another area of emphasis into focus. The schools moved from concern and efforts to control epidemics to the problem of preventing contagious diseases.

Provisions for vaccination had been included in the earliest statement of rules and regulations of the Board of Education. Before 1899, the question of enforcing this rule had not arisen. When smallpox threatened, however, the Board was forced to take action. Their interpretation of the ruling resulted in the policy of requiring vaccination only in the schools where the disease was known to exist. Thus, students at Saratoga school were allowed to enter regardless of vaccination status,³² while parents of children attending Druid Hill, Davenport, and Pacific schools were informed by Superintendent Pearse that their children must present a physician's certificate of "very recent vaccination" before they would be admitted to these schools.³³

³¹Ibid., p. 47.

³²Omaha World Herald, January 3, 1899, p. 6.

³³Ibid., January 11, 1899, p. 8.

To facilitate this ruling, city physicians agreed to provide vaccination for those families who could not afford a private doctor.³⁴

The legality of requiring vaccination as a condition of attendance in school was scarcely questioned in 1899. The Omaha World Herald reported that at least two members of the Board of Education reasoned that

while there was some question of the right of the board to compel children to be vaccinated, . . . children who are not vaccinated can certainly be compelled to stay away from school, and . . . if the health officials thought it necessary the board would adopt resolutions making vaccination in all districts compulsory without waiting for smallpox to appear in them.³⁵

There was relatively little opposition to the vaccination order. Superintendent Pearse noted, in his annual report, that "for months hundreds of children were kept from school through fear of the disease, or from unwillingness to submit to vaccination, while thousands more were vaccinated."³⁶ The president of the Board of Education also commented on the success of the vaccination, praising the "prompt and effective work of the Board of Health and the Board of Education in applying precautionary measures before the disease

³⁴Ibid., January 14, 1899, p. 1.

³⁵Ibid., January 11, 1899, p. 8.

³⁶Annual Report of the Board of Education for the Year Ending June 30th, 1899 (Omaha: Klopp & Bartlett, Co., Printers, 1899), pp. 34-35.

had gained much headway."³⁷

Within two years another smallpox epidemic seemed imminent. Superintendent Pearce reported to the Board of Education that a case of smallpox had developed in Long school. In response to an order from the city health commissioner, he had directed the principal of that school to require evidence of vaccination from all pupils as a condition of attendance.³⁸ The Board took action immediately by passing a resolution requiring the superintendent to notify the principals of all schools that

the Board of Health request[s] all children attending school to be vaccinated at once unless they can show a physician's certificate of successful vaccination, or a plain vaccination scar.³⁹

Pearce interpreted this order to mean that "general vaccination will be enforced in districts where smallpox exists in families which have been associated with children who attend school," while in other districts principals would recommend vaccination.⁴⁰ Originally, March 5, 1902, was set as the last date for compliance with the ruling, but it was extended for two weeks to enable more people to comply. At the same time, the Board of Education passed a

³⁷Ibid., p. 18.

³⁸Minutes, January 21, 1901, p. 111.

³⁹Ibid., p. 116.

⁴⁰Omaha Daily Bee, January 22, 1901, p. 2.

resolution to include "janitors and other employees of the schools whose duties take them into or about the school buildings while teachers or pupils are there."⁴¹ Little controversy developed, however, for before the deadline date was reached, the Board rescinded the order, noting that a "great majority" had complied with the "suggestion of general vaccination."⁴² In addition, it was reported that the disease seemed to be declining in the city.⁴³

Although these circumstances removed the compulsory vaccination question from the public's consideration, it was not forgotten after 1902. At the beginning of the following school year, the judiciary committee of the Board of Education reported. After careful investigation and consultation with an attorney, it was their opinion that "the matter of enforcing the rule of compulsory vaccination rests with the Board of health and not with the Board of Education."⁴⁴ The revised City Ordinances of 1905, however, assigned the responsibility of enforcement to "the principals and teachers in the schools."⁴⁵ The next year

⁴¹Minutes, March 3, 1902, p. 341.

⁴²Ibid., p. 348.

⁴³Omaha Daily Bee, March 18, 1902, p. 5.

⁴⁴Minutes, September 15, 1902, p. 460.

⁴⁵B.F. Thomas (compiler), Revised Ordinances of the City of Omaha, Nebraska (Omaha: by authority of the City Council, 1905), Chapter 70, Rule 31. (See Appendix for a full text of this rule.)

the rules and regulations of the Board of Education were amended to read: "Principals shall have the authority, when directed by the commissioner of health to require of all pupils certificates of successful vaccination."⁴⁶ There seemed to be, then, an agreement between city officials and the Board of Education. Thus it came as a surprise that when smallpox visited the city again in 1907-1908, a major controversy should develop between the two.

The closing of Saratoga school in October, 1907, signalled the beginning of the dispute, although it was not until January, 1908, that smallpox was considered epidemic in the city. On January 16, Health Commissioner Connell requested the superintendent of schools to "notify all pupils attending the public schools that they must either be vaccinated within the last five years, or they can not return to school after Tuesday, Jan. 21st."⁴⁷ Superintendent Davidson complied with Connell's request and sent instructions to the principals.⁴⁸ As was done in 1899, city physicians offered to vaccinate children whose families could not afford the one dollar fee charged by private

⁴⁶Minutes, November 5, 1906, Item 4244.

⁴⁷Irenaeus P.A. Bruecher v. The School District of the City of Omaha et al., District Court of Douglas County, Nebraska, Document 100, No. 255, 1908. (Hereafter cited as Bruecher v. The School District of Omaha.)

⁴⁸Omaha Daily News, January 18, 1908, p. 1.

doctors.⁴⁹ Over 1,200 children reported to the health commissioner's office to be vaccinated before the announced deadline.⁵⁰

Certain exceptions to the ruling were noted. Children who had had smallpox were exempted, as were foreign born children who had been vaccinated aboard a ship. A physician's certificate stating health reasons why a child should not be vaccinated was also admitted. Christian Scientists, however, were "required to vaccinate under the same conditions as apply to others."⁵¹

On January 23, there were still 3,000 pupils out of school.⁵² Two days later the number had dropped to 1,800, and officials were estimating that the number who would ultimately refuse vaccination would be 1,000.⁵³ The Omaha World Herald reported:

There has been some talk about a test case to determine the right of the health office to enforce the regulation, but it is not anticipated that anything of the kind will be done until after another conference with the commissioner of health.⁵⁴

⁴⁹Omaha World Herald, January 21, 1908, p. 1.

⁵⁰Ibid.

⁵¹Omaha Daily News, January 21, 1908, p. 1.

⁵²Omaha World Herald, January 23, 1908, p. 1.

⁵³Ibid., January 25, 1908, p. 3.

⁵⁴Ibid.

Unlike the situation in 1902, there was no evidence that the disease was abating. The Omaha Daily Bee noted that Castellar school had been closed for fumigation because of the discovery of three cases of smallpox, and that this was the second such closing within a month.⁵⁵ Teachers had made provisions for the use of a private house in case the disease should strike them, but none had yet applied for admission.⁵⁶

On January 29, there were still over eight hundred children not in school, although some parents had sent their children in defiance of the vaccination ruling. Faced with the question of enforcement, the Board of Education declared that the health commissioner must take the responsibility, noting that the "board refuses to assume the role of policemen."⁵⁷ Superintendent Davidson argued that the schools had cooperated fully with Connell by giving publicity to his order, but that enforcement was up to him.⁵⁸ Nor did the law enforcing branch of the city government offer much support to the health commissioner. Police Chief Donahue stated that he had "enough work of a

⁵⁵Omaha Daily Bee, January 25, 1908, p. 7.

⁵⁶Omaha Daily News, February 4, 1908, p. 9.

⁵⁷Omaha World Herald, January 29, 1908, p. 1.

⁵⁸Ibid., February 4, 1908, p. 7.

different nature to keep his men busy, without detailing them to drag infants out of the kindergartens."⁵⁹

Two weeks after the January 21 deadline, Connell sent letters to parents whose children were in school in violation of his order. In these letters he reiterated his reasons for requiring vaccination and reminded the parents that free vaccination was available to them. He offered to examine those children whose parents felt it was unsafe for them to be vaccinated. In response to those who claimed that his order was illegal, he wrote:

. . . only the courts can test my right and I am willing for you or any other parent or combination of parents to arrange for a friendly suit in court, . . . and if such suit can be arranged so we can have a speedy hearing to test my rights, I am willing to go no further until after the disposal by the courts as to just what my rights are.⁶⁰

Less than a week after this letter was sent, two parents caused a considerable stir in the Columbian school district. E.H. Cochran sent a letter to the school's principal informing him that he had instructed his children to resist all efforts to remove them from school. H.W. Mattoon threatened to file a complaint of assault and battery if his child were ejected.⁶¹ On the morning of February 12,

⁵⁹Ibid., January 30, 1908, p. 7.

⁶⁰Bruecher v. The School District of Omaha.

⁶¹Omaha Daily News, February 11, 1908, p. 3.

Cochran announced to the press:

Mr. Matoon and myself are going to Columbian school with our children and make a demand that the children be allowed to remain in school, and if it is necessary for us to remain at the school with an arsenal we intend to stand up for our rights.⁶²

That afternoon, Dr. Connell sent a police officer to the school to remove these children. Cochran and Matoon were arrested on charges of disturbing the peace.⁶³ Although the charges were dropped the following day, police were sent to Columbian, Clifton Hill, Park, and Omaha View schools, where they removed ten unvaccinated children.⁶⁴

Relatively few people were involved, but the controversy did not diminish. On February 16, an anti-vaccination league was formed. The first meeting was attended by only forty-three people, thirteen of them children. Presiding was E.H. Cochran, who read an essay on the dangers of vaccination written by Dr. J.W. Hodge of New York. Superintendent of Schools Davidson, who was also in attendance, urged those present to obey the vaccination ruling and send their children back to school, but the league voted to secure an injunction against Health Commissioner Connell, pending a court test of his ruling.⁶⁵

⁶²Ibid., February 12, 1908, p. 2.

⁶³Ibid., February 13, 1908, p. 2.

⁶⁴Ibid., February 14, 1908, p. 1.

⁶⁵Ibid., February 16, 1908, p. 3.

At its regular meeting the following evening, the Board of Education ordered its judiciary committee to take the necessary steps to bring about legal action.⁶⁶ This decision was opposed by some members who contended that the persons refusing vaccination bore the responsibility of taking the matter to the courts.⁶⁷ Before the Board's committee could act, however, one such person filed suit against both Connell and the Board of Education. He was Irenaeus P.A. Bruecher, patron of Forest school and the father of four children who had been barred from school as a result of the vaccination ruling.

In his petition to the district court, Bruecher claimed that due to the "illegal acts and unwarranted orders" of the defendants, his children were not permitted to attend school. He declared that his action was brought not just for himself, but for all patrons of the schools.⁶⁸ Dealing first with the health commissioner, he charged that Connell had no authority to require vaccination as a condition of attendance in school. Citing the constitutions of both the state of Nebraska and the United States, he alleged that Connell's ruling denied his children their

⁶⁶Minutes, February 17, 1908, Item 4915.

⁶⁷Omaha World Herald, February 18, 1908, p. 2.

⁶⁸Bruecher v. The School District of Omaha.

constitutional rights.⁶⁹ Bruecher claimed that there was no smallpox epidemic in the city, nor was there any danger of one.⁷⁰ He denied that vaccination could prevent such an epidemic if it did exist, and charged that in fact it was dangerous to the health of those vaccinated. He argued

. . . that it is the inoculation into the system of a disease which itself is as bad as small pox, and that the process and act of vaccination is opposed by the larger number of intelligent people; is a monstrous fraud and a brazen monstrosity upon human credulity, . . . that the vaccination of children often endangers their lives, places them in a worse condition than they were before being vaccinated, and inoculates them with a disease, diminishing their mental and physical condition, and renders them less fit for school work than they were prior to such vaccination.⁷¹

With regard to the Board of Education, Bruecher noted that it ought not to be governed by either the city or the Board of Health. He contended that "at some remote period since the dark ages . . . the municipal affairs of the city of Omaha and the independent school district were merged together."⁷² This was a reference to Rule 31 of Chapter 70 of the Revised City Ordinances of 1905 which required principals and teachers to enforce compulsory vaccination. Bruecher alleged that "said act . . . of the city council . . . is illegal, unconstitutional and unwarranted" because all legislation affecting the Omaha public schools

⁶⁹Ibid.

⁷⁰Ibid.

⁷¹Ibid.

⁷²Ibid.

could be initiated only by the Board of Education or the State Legislature.⁷³

Connell responded to these allegations by observing that a smallpox epidemic did, indeed, exist in the city and that all possible precautions were necessary to prevent it from spreading further.⁷⁴ He claimed that his responsibilities and authority as health commissioner empowered him to

take all steps which to him seem necessary to protect the public health, and in times of epidemic . . . to issue and enforce rules and regulations on the part of the Health Department for the protection of public health.⁷⁵

The Board of Education, according to Connell, was obliged to obey all rulings necessary for protecting the health of school children. He further asserted:

It is the duty of said School Board in times of epidemic . . . to see that all rules and regulations made for the protection of public health . . . shall be enforced and carried out, so far as said rules and regulations relate to or are necessary to be enforced in the schools and on the part of the children in attendance therein.⁷⁶

The position of the Board of Education was somewhere between that of Bruecher and Connell. The right of Connell to require vaccination as a condition of attendance in school was not denied by the Board. In their view, it was the question of enforcement which needed to be settled.

⁷³Ibid.

⁷⁴Ibid.

⁷⁵Ibid.

⁷⁶Ibid.

Like Bruecher, the Board opposed Rule 31, arguing that

the rules and discretion of the Commissioner of Health and the Ordinances of the City of Omaha cannot be enforced by constituting the Board of Education, its members, officers, or employees as a constabulary for the physical ejectment of pupils who refuse to be vaccinated and insist upon attending school.⁷⁷

On February 29, Connell's ruling was upheld by Judge Howard Kennedy of the district court. In his decision Kennedy held that Rule 31 was "valid and enforceable" and that Connell had acted properly in determining that there was an epidemic of smallpox in the city.⁷⁸ Kennedy told reporters that his private view of the matter was that the health commissioner's ruling was superior to the preferences of the Board of Education, and that the Board should support Connell and enforce the vaccination order.⁷⁹

Despite the court's decision, not all citizens complied with the order to vaccinate. On March 20, Connell issued a statement saying that any child still out of school because of failure to be vaccinated would never be allowed to return to school until he had complied with the Health Office order.⁸⁰

The Board of Education, too, was not satisfied with the court's action. On April 20, it resolved to petition

⁷⁷Omaha World Herald, February 29, 1908, p. 1.

⁷⁸Ibid.

⁷⁹Ibid.

⁸⁰Omaha Daily News, March 20, 1908, p. 1.

the mayor and the city council to repeal Rule 31, thereby "leaving the question of vaccination to be dealt with as the emergency may demand, by the health commissioner under full authority given him and as decreed by the courts."⁸¹ Arguments of the Board of Education were heard by the city council the following week,⁸² and on May 12, the council voted, by a decision of seven to four, to repeal Rule 31.⁸³ The councilmen noted that although they were not opposed to vaccination, they were opposed to requiring it when there was no epidemic in the city. Their ruling did, however, allow the health commissioner to require vaccination whenever an epidemic threatened.⁸⁴

Thus, after nearly six months of controversy and litigation, the real problems surrounding the question of compulsory vaccination remained unsettled. The legality of requiring vaccination as a condition of attendance in school had been upheld by the courts, but school officials had never really questioned this. As a result of the city council's action, enforcement of compulsory vaccination now rested with the health commissioner, and the experiences

⁸¹Minutes, April 20, 1908, Item 5031.

⁸²Omaha World Herald, April 28, 1908, p. 4.

⁸³Record of City Council, Vol. A-71 (Omaha: Klopp & Bartlett Co., n.d.), May 12, 1908, Item 2033, p. 279.

⁸⁴Omaha World Herald, May 12, 1908, p. 2.

of the past few months had shown that such enforcement was not easy. But, with the threat of an epidemic ended, and with growing concern about other areas of health and safety in the schools, the question of enforcement was allowed to remain unanswered.

In the months which followed the vaccination controversy, public school officials and health officers of the city grew more aware of the importance of preventing epidemics. They reacted swiftly to threatened outbreaks of disease and attempted to institute programs to improve the general health of Omaha school children.

Two decades earlier, attempts had been made to originate regular eye examinations in the schools, but the program had been allowed to fall into disuse. In 1885, an Omaha newspaper reported that such examinations had taken place in Norwich, Connecticut, and the results showed that only fifty per cent of the youngsters examined had normal vision. The reporter speculated:

It would be interesting if a similar examination could be made of the eyes of school children in this city, in order to see how they would compare in this report with those of other places.⁸⁵

He noted that the lighting provided in Omaha classrooms was good and that the print in textbooks was "modern, clearly printed from good sized type," but added that "there

⁸⁵Omaha Republican, January 7, 1885, p. 3.

are many cloudy days, especially during the winter season, when the light in the school room must be so dim as to severely tax the eyes of the pupils."⁸⁶

In May, a resolution was presented to the Board of Education which proposed that such an examination be instituted. Several goals were to be accomplished by the examination. First, the general condition of the vision of the students would be reported. The percentage of color blind children was to be noted. The examiners would further record the proportion of near sighted children in different grades to see if there was an increase with age. Finally, the doctors would recommend any changes in lighting which might prevent "subsequential injury" to the students' eyes.⁸⁷ Dr. Grady, one of those named in the resolution as an examiner, addressed the Board, pointing out that such examinations were fashionable in Europe and in eastern schools. He indicated that as a result of such a study, he would be able to recommend to the Board exactly what kind of light was needed and what size print should be used in school books.⁸⁸ The matter was referred to a committee on teachers and text books, and to the superintendent.⁸⁹ No further reference

⁸⁶Ibid.

⁸⁷Minutes, May 4, 1885, p. 352.

⁸⁸Omaha Daily Bee, May 5, 1885, p. 4.

⁸⁹Ibid.

to the proposal appeared in the Board minutes, annual reports, or newspaper articles. In 1889, however, the Board heard the request of Dr. S.T. Allen, who applied for the position of "examining oculist" on the condition that he receive no remuneration. This request was referred to a committee on special instruction, and again there was no record of further action.⁹⁰

In 1896, the Board of Education took definite action. They appointed a committee to investigate special facilities for pupils with defective sight or impaired hearing.⁹¹ The committee recommended that

an expert aurist and oculist be engaged to conduct an examination of the children in school, with the assistance of the Board, with a view to ascertaining how many were in need of special care in order to protect their sight and hearing.⁹²

This report was adopted, but the committee was charged to incur no expense until authorized by the Board of Education. At the following meeting, the committee reported that two doctors had agreed to conduct the examination without charge, and this action was approved by the Board.⁹³ There is no record of the outcome of these examinations.

⁹⁰Minutes, April 15, 1889, p. 61.

⁹¹Ibid., August 3, 1896, p. 285.

⁹²Ibid., November 9, 1896, p. 326.

⁹³Ibid., November 16, 1896, p. 332.

These attempts to institute a form of medical examination were the only background of experience available to the school and health officials who had been awakened to the importance of preventive medicine as a result of the smallpox epidemic in 1908. In the months that followed the vaccination controversy, several attempts were made to improve the health program of the schools.

The first of these was unsuccessful. In December, a resolution was presented to the Board of Education as follows:

Resolved - - that the Board proceed to institute a system of medical inspection in the public schools of the city to begin operation January 1, 1909. And that a committee be appointed to recommend to this Board at the next meeting an available and suitable physician for chief inspector and to make such other recommendations in the matter as it deems best.⁹⁴

In the discussion which followed, it was urged that the inspectors should be especially concerned with the "physical defects" which might interfere with a student's studies.⁹⁵ Other Board members suggested that some of the work might be carried out by medical students in the community.⁹⁶ One member urged that a dentist be included in the team of inspectors.⁹⁷ Action on the resolution was

⁹⁴Minutes, December 7, 1908, Item 5589.

⁹⁵Omaha World Herald, December 8, 1908, p. 5.

⁹⁶Ibid.

⁹⁷Omaha Daily News, December 7, 1908, p. 1.

stopped, however, when a motion was introduced by Dr. Holovtchiner to have the Board of Education take steps to have a law passed making it the duty of the state to have medical inspection in the public schools. Holovtchiner pointed out that the project would be too costly for the schools to carry out themselves. His motion was adopted by the Board.⁹⁸ Before the year ended, the value of the defeated resolution was to prove itself. Meanwhile, the Board of Education acted on other proposals dealing with preventing diseases which were more successful.

In January, 1909, new rules governing the health of teachers were approved by the Board. An Omaha newspaper reported:

A new rule provides that no person afflicted with tuberculosis or other communicable disease shall be eligible to a place on the teaching force, and if a teacher contracts the disease, the committee may require a doctor's certificate as to her health, and act in accordance therewith, terminating a contract for such cause.⁹⁹

The question of spreading disease through shared pencils was raised again in 1909. Some schools adopted systems of providing each child with a special compartment for his pencil, and parents were urged to instruct their children of the dangers of sharing pencils with their classmates.¹⁰⁰ The use of a common drinking cup also came

⁹⁸Minutes, December 7, 1908, Item 5589.

⁹⁹Omaha World Herald, January 19, 1909, p. 7.

¹⁰⁰Omaha Daily Bee, January 29, 1909, p. 5.

under attack. One member of the Board of Education urged that individual paper cups be provided for each student. He noted that the Board had discussed the matter the previous fall after viewing the exhibit of the association for the prevention of tuberculosis.¹⁰¹ Omaha doctors publicly denounced the use of common drinking cups, warning of the danger of spreading disease in this manner,¹⁰² and they were supported by Health Commissioner Connell and the Women's Club.¹⁰³ There is no record of the action taken by the Board of Education in this matter.

In May, several cases of scarlet fever were discovered at Park and Mason schools. The swift action taken by school officials and the health commissioner showed their new awareness of the importance of preventing the spread of disease. Seven children were found to have the disease, and they were immediately quarantined. They were believed to have contracted scarlet fever from one child with whom they had played the day before he was diagnosed. The schools were closed one day for fumigation and were thoroughly aired the following day before any children were allowed to return to school.¹⁰⁴

¹⁰¹Omaha Daily News, April 26, 1909, p. 1.

¹⁰²Ibid., April 27, 1909, p. 1.

¹⁰³Ibid., April 28, 1909, p. 3.

¹⁰⁴Omaha Daily Bee, May 16, 1909, p. 4.

Five months later, however, the schools were not so fortunate. A new epidemic threatened, and the need for medical inspectors in the schools was made evident. In November it was reported that twenty-three cases of diphtheria had been discovered at Kellom school. Two children had died from the disease. Those who had contracted it were ordered to stay home, and their homes were placed under quarantine. Their parents were urged to have medication administered to all children who had been exposed, whether or not they had contracted diphtheria. Health Commissioner Connell reminded the public of

the oft-repeated recommendation he ha[d] made for regular public school medical inspectors. He cite[d] this instance of the Kellom school where a disease ha[d] begun to spread and ha[d] gained considerable headway which might have been caught in its incipency had the schools been regularly inspected as is done in many cities.¹⁰⁵

Ten days after the discovery of diphtheria, it was announced that an epidemic did exist in the schools, although it was not expected to develop into a general epidemic.¹⁰⁶ The following day twenty new cases were discovered in Kellom and Saunders schools. Connell announced his decision to urge the immediate appointment of a city medical inspector. His duties would include the examination of every child in

¹⁰⁵Omaha Daily News, November 2, 1909, p. 1.

¹⁰⁶Ibid., November 12, 1909, p. 1.

school at the opening of the school year and at regular intervals throughout the year. Connell maintained that if this had been done earlier, the diphtheria epidemic could have been prevented. In addition to his role in preventing the spread of contagious diseases, the inspector would "examine the eyes and ears of the pupils to ascertain if those organs . . . were . . . defective."¹⁰⁷

Although a medical inspector was not appointed, the progress made in the area of preventive medicine in the schools was significant. Epidemics continued to strike in the years after 1909, but school and health officials had learned how to prevent the diseases from becoming widespread. The health program of the schools during the next two decades included vaccination for all school children,¹⁰⁸ medical examinations at the beginning of the school year,¹⁰⁹ health clinics,¹¹⁰ and dental clinics.¹¹¹ The lessons learned during the first thirty-five years of its operation were well applied by the Board of Education in the years which followed.

¹⁰⁷Ibid., November 13, 1909, p. 1.

¹⁰⁸Ibid., December 5, 1921.

¹⁰⁹Ibid., August 8, 1924.

¹¹⁰Omaha World Herald, September 26, 1926.

¹¹¹Ibid., March 20, 1928.

CHAPTER III

FIRE PREVENTION IN THE SCHOOLS

There was no specific program of fire prevention in the schools before 1896. The rules and regulations of the Omaha public schools, first published in 1872, contained only one reference to fire prevention. Among the duties of principals was the periodic inspection of basements and unoccupied school rooms. Special caution "against danger, during the season of fires" and inspection "at least twice a year" were the only preventive measures required by the Board of Education.¹ However, the Board gradually enacted measures which provided some protection from fire.

In November, 1874, they appointed a committee to study the "expediency of introducing the Babcock fire extinguisher into the Central and High School Building."² The Board approved their recommendation to purchase such extinguishers,³ and instructed the committee on buildings and property to provide brackets on each floor of the high

¹Rules of the Board of Education, and Regulations for the Government of the Schools (Omaha: Omaha Bee, Steam Book and Job Printing House, 1872), p. 18.

²Minutes, November 2, 1874, p. 341.

³Ibid., December 7, 1874, p. 348.

school on which to place the fire equipment.⁴

No further fire equipment was considered for the schools until 1879 when the Board of Education received "an estimate for providing fire protection for the High School building." The cost of a Blake steam pump, hose, and other equipment was over three hundred dollars.⁵ There is no record of whether the Board actually purchased this equipment.

It was not until 1887 that plans were made to provide fire escapes for school buildings. In December, Board members considered proposals for installing fire escapes and stand pipes on the high school "for the better protection against fire and probable loss of life."⁶ The fire escapes, which were to be placed on the north and south ends of the building, were described as "ornate balconies in front of the double windows, connected with each other by zigzag stairways on one side and a perpendicular stairway on the other."⁷ The plans were approved by the Board and received the endorsement of the chief of the fire department who pronounced the fire escapes "perfectly safe and proper."⁸

⁴Ibid., December 23, 1874, p. 355.

⁵Omaha Daily Bee, June 17, 1879, p. 4.

⁶Minutes, December 5, 1887, p. 136.

⁷Omaha Daily Bee, January 24, 1888, p. 8.

⁸Omaha Daily Herald, March 6, 1888, p. 7.

Although the Board did not purchase any more equipment during this period, one other step toward fire prevention was worthy of note. In 1889, a resolution was passed by the Board instructing its secretary to request that the fire chief provide keys to school custodians for the fire alarm boxes nearest their schools.⁹ The following year an attempt to improve fire safety was less successful. Several members who had toured the high school recommended that the Board remove the carpenter shop from the school's basement, noting that it constituted a fire hazard. They reported that

in this shop desks are repaired and various other small jobs are attended to. A quantity of oil, varnish, and the ordinary accompaniments [sic] of a cabinet shop are kept in the place.¹⁰

The committee suggested that the shop be relocated at Pleasant school where it could be housed in a separate building, but their recommendations were not acted upon.¹¹

In addition to the fire prevention equipment purchased by the Board of Education, some attempts to institute regular fire drills were made before 1896. Eight years after the schools began operation, a small fire broke out in the high school. The committee which investigated

⁹Minutes, December 16, 1889, p. 229.

¹⁰Omaha Daily Bee, August 6, 1890, p. 5.

¹¹Ibid.

the origin of the fire recommended that "some system should be adopted to notify all teachers of any accident or fire and to clear the building with order and alacrity."¹² The Board adopted this recommendation, but no report regarding the progress of the plan was made until 1885, when Superintendent James reported on the success of fire alarm drills in the schools. James stated that "recently the alarm was sounded and the building cleared in four minutes," adding that with practice this time could be reduced to three minutes or less.¹³ Additional practice must have seemed advisable, for a month after the superintendent's report, a local newspaper announced:

The fire drill . . . which has been exercised only monthly heretofore will now be gone through weekly. The pupils have attained considerable proficiency in this exercise already, but it is determined to make it the greatest possible.¹⁴

Despite this apparent enthusiasm, fire drills did not continue to be a regular part of the school program, although several attempts were made during the following decade to reinstitute them. Three years after the announcement that fire drills were to be practiced weekly, the Board of Education instructed the superintendent to

¹²Omaha Daily Herald, July 7, 1880, p. 8.

¹³Omaha Daily Bee, March 3, 1885, p. 5.

¹⁴Omaha Republican, April 12, 1885, p. 4.

"cause a fire drill to be established and practiced in all public schools in the city."¹⁵ Emphasis was to be placed on training the pupils to obey the instructions of their teachers and to "vacate the building in an orderly and systematic manner."¹⁶

In 1890, further training was suggested by Fire Chief Galligan. He proposed that the Board of Education supply each school with a Babcock fire extinguisher and "that teachers and scholars be drilled in the use of the extinguishers."¹⁷ His recommendations were referred to the committee on buildings, but there is no record of any action being taken.

The Board renewed its efforts to establish regular fire drills in 1895. A committee report was adopted which provided for "the erection of a standpipe with hose connections on each floor of the High school."¹⁸ Principals were instructed to drill the pupils in the use of this equipment. This action was

¹⁵Minutes, January 30, 1888, p. 178.

¹⁶Omaha Daily Herald, January 31, 1888, p. 8.

¹⁷Omaha Daily Republican, June 3, 1890, p. 4.

¹⁸Omaha World Herald, October 22, 1895, p. 8.

intended to furnish a quick relief from any slight fire which . . . [might] occur and at the same time to drill the scholars to manage for themselves in case any such accident should occur.¹⁹

The following year fire drills were finally made a part of the regular school program, when the rules of the Board of Education were amended to provide for monthly fire drills in all public schools.²⁰

After 1896 the main concern of the Board of Education with regard to fire safety was the condition of school buildings. In the annual report of 1898, R.C. Jordon, president of the Board, stated that overcrowding in the high school was the most serious problem the Board faced. He pointed out the danger of using attic and basement rooms "in the event of fire breaking out in the building with several hundred pupils in the fourth or attic story where their escape would be uncertain."²¹ The following year the Board announced its intention to replace the school, observing that

the present high school building, by reason of its poor construction and unsanitary condition is unfit for school purposes, and . . . is pronounced a veritable fire trap by the fire chief of our city.²²

¹⁹Ibid.

²⁰Minutes, May 18, 1896, p. 234.

²¹Annual Report of the Board of Education for the Year Ending June 30th, 1898 (Omaha: Omaha Printing Company, 1898), p. 18.

²²Minutes, April 17, 1899, p. 296.

Despite these pronouncements, the upper floors of the school continued to be used for class rooms. In October, 1899, the Board appointed a committee to investigate the use of these rooms. The committee was composed of five Board members, four citizens, and the fire chief. They were instructed to "examine into the safety and advisability of using the upper floors of the high school."²³

Within two weeks the committee made its report, recommending that the Board "discontinue the use of the rooms in the mansard roof for school purposes."²⁴ The principal of the high school objected to this decision, arguing that greater problems would arise from scattering the students than in placing them in the relatively safe upper stories.²⁵ Nevertheless, the committee's report was adopted by the Board. At the same time, the carpenter shop in the basement of the high school, which had been recognized as a fire hazard for ten years, was removed. Additional fire fighting equipment was also ordered for the school.²⁶ In January a report was made on the progress of this action. The superintendent of construction noted that he "had placed fire standpipes in

²³Omaha World Herald, October 3, 1899, p. 5.

²⁴Minutes, October 16, 1899, p. 441.

²⁵Omaha World Herald, October 17, 1899, p. 5.

²⁶Ibid.

the high school; but that hose reels and axes should be immediately supplied to make the protection effective."²⁷

For several years the Board took no further notice of the problem of fire prevention. In February, 1903, a fire destroyed part of Beal school. The newspaper account of the fire told that the school was outside the water limits of the city and that the nearest hydrant was ten blocks from the school.²⁸ Surprisingly, no public concern was voiced following this announcement. In the days and weeks after the fire, no letters or editorials appeared in any of the local newspapers, and no petitions urging better protection were presented to the Board of Education.

Fire drills were evidently practiced during this period, although only one mention of them was found. In January, 1904, a local newspaper reported that fire drills held in the schools showed that students could evacuate in less than two minutes from most buildings. The report also mentioned that the volunteer fire brigade at the high school was ready within a minute.²⁹

The fire at Beal school aroused little public concern, perhaps because no injury or loss of life was involved.

²⁷Ibid., January 5, 1900, p. 1.

²⁸Ibid., February 4, 1903, p. 1.

²⁹Omaha Daily News, January 14, 1904, p. 1.

The thing that actually aroused Omaha citizens was a tragic school fire in Collinwood, Ohio. The Ohio fire, which was caused by an overheated furnace, resulted in the deaths of over 160 children. Most of the younger children in the school were in classrooms on the third floor of the building. The large death toll was attributed to this, combined with general panic and inward opening doors which made escape from the building nearly impossible.³⁰

The immediate response to the Ohio fire from school officials in Omaha was that such a disaster in Omaha was unlikely. They noted that pupils were drilled regularly in fire escape procedures. They claimed that buildings of more than two stories were equipped with fire escapes and that in most Omaha schools there was no direct passage between furnace rooms and school rooms.³¹ One spokesman asserted, "All janitors of Omaha schools are licensed engineers and none are addicted to drink so far as the school authorities are aware."³² The only exception to these general conditions was Omaha View school, which, according to Building Inspector Withnell, was condemned the previous fall and slated for replacement in the coming

³⁰Ibid., March 4, 1908, p. 1.

³¹Ibid., March 5, 1908, p. 1.

³²Ibid.

year.³³

These official statements were immediately challenged. School patrons charged that fire drills were not held regularly in some schools, and the principal of the high school admitted that "fire drills were discontinued when the new building was occupied inasmuch as the new school . . . [was] considered fireproof."³⁴

Less than two weeks after the Collinwood fire, reporters from the Omaha Daily News visited several Omaha schools to judge for themselves how safe they were. They reported that

the results of the investigation indicate that at almost every school the authorities ought to remedy at once defects which are likely to cause loss of life in case of fire or panic.³⁵

The reporters backed up their claims by citing a number of specific examples.

The Omaha View school was in the worst condition. The reporters discovered cracked walls and a roof which was braced to keep it from caving in. They noted that the floor of the fourth grade room had sunk until it rested nearly on top of the furnace. The rear of the school was "toppling into a ravine" according to the reporters. The

³³Omaha World Herald, March 5, 1908, p. 1.

³⁴Omaha Daily News, March 6, 1908, p. 1.

³⁵Ibid., March 14, 1908, pp. 1-2.

door on the north side of the building was barred shut because there were no steps to connect it to the ground level. The reporters noted that

The fire escapes are on the east and west sides of the building. They . . . are mostly ornamental, not being accessible. Access to them is only through windows from the hall. These windows are four feet above the hall floors. Frail wooden steps are built up to the windows.³⁶

Central Park school was reported to be in almost as bad condition as Omaha View. The school was two miles from the nearest fire engine station, and there was no fire fighting equipment in the school except a garden hose belonging to the janitor. The younger children were on the second floor, and in order to get from their rooms to the outside of the building, they were required to "make seven turns in a narrow dark stairway." The fire escapes were wooden, only eighteen inches wide, and poorly attached to the building. The reporters observed that the school supposedly had been condemned several times.³⁷

Many defects were noted in Lake school also. Doors to classrooms opened inward, and only three of the main outer doors opened outward. There were no fire escapes on the building, and, as at Central Park, the smaller children were located in classrooms on the second floor where the

³⁶Ibid.

³⁷Ibid.

wide halls were "cramped by wooden wardrobes."³⁸

Deficiencies were found in a number of other schools. Webster was a two story building with no fire escapes. Columbian school had an old fashioned furnace which frequently overheated and which was so located as to block a fire escape exit if it caught fire. The old part of the high school was also considered unsafe.³⁹

The reporters judged several schools to be in good condition. At Central school wide halls and outward opening doors were noted. There was metal below the wooden staircase, and the boiler room was enclosed by brick. Lincoln school also had a boiler boxed in masonry and steam pipes covered with asbestos. The Cass Street school was pronounced fireproof.⁴⁰

The reporters observed that a number of schools practiced fire drills regularly. These included Castellar, Pacific, Mason, and Comenius. The latter, it was reported, could be emptied in one minute and fifteen seconds. Regular fire drills were not mentioned in connection with the schools which the reporters found most defective.⁴¹

The Board of Education responded positively to the report of the Omaha Daily News. The day after the publi-

³⁸Ibid.

³⁹Ibid.

⁴⁰Ibid.

⁴¹Ibid.

cation of the report, the Board met and adopted several proposals for additional fire protection. It was agreed that Omaha View school should be abandoned, and the committee on buildings and property was authorized to begin arranging for plans for a new school.⁴² Board members noted that it would be at least a year before Central Park school could be replaced.⁴³ They arranged, however, for hoses and other equipment for the school.⁴⁴ Orders were also given to remove bolts and latches on doors of schools, and those doors which did not open outward were to be changed.⁴⁵

The following day, the principal of the high school announced that fire drills would be resumed there. He told the press that he was forming volunteer fire companies in the high school "to man the fire hose which . . . [was] stationed at various parts of the building."⁴⁶

Spokesmen for the reporters who had conducted the investigation seemed pleased with the response of the Board of Education. One stated:

⁴²Ibid., March 17, 1908, pp. 1-2.

⁴³Ibid., March 15, 1908, pp. 1-2.

⁴⁴Ibid., March 17, 1908, pp. 1-2.

⁴⁵Ibid., March 15, 1908, pp. 1-2.

⁴⁶Ibid., March 16, 1908, p. 1.

There is not one member of the board yet interviewed since the publication of the . . . investigation but has expressed a willingness to see that nothing is left undone to protect the 18,000 school children to the fullest degree.⁴⁷

A month after the report on the condition of the schools was published, a small fire broke out in Kellom school. The fire, which was caused by matches in a child's coat pocket, was confined to a cloakroom and was quickly extinguished with a coffee pot.⁴⁸ Superintendent Davidson "immediately conferred with the building and property committee and recommended the placing of standpipes and hose reels or fire extinguishers, in the various schools."⁴⁹ The next day the committee announced its intention to recommend that fire extinguishers be placed in all new schools, with stand pipes, reels, and hoses on all floors.⁵⁰

From these reports it seemed that a spirit of co-operation existed, and that the Board of Education was making every effort to correct existing defects in the schools. In September, however, a storm of controversy broke loose. An inspection of the city's schools by the

⁴⁷Ibid.

⁴⁸Ibid., April 18, 1908, p. 1.

⁴⁹Ibid.

⁵⁰Omaha Daily Bee, April 19, 1908, p. 8.

fire chief revealed that many remained in bad condition.

It was reported that

in several [schools] the means of exit from the upper stories to the main floor exceed in dimensions the exits from the ground floor to the open air, making certain the overcrowding of the lower halls in case of panic.⁵¹

Although the Board of Education announced that it was preparing to install fire extinguishers in school buildings, the fire chief's report stated that none of the buildings he inspected had fire protection. Chief Salter noted that at Park school the fire escapes on one floor were blocked by the teachers' cloakroom, while on another floor children could reach the windows leading to the fire escapes only by standing on chairs.⁵² The inspection also revealed that no telephones or fire alarm boxes had been installed in any of the buildings.⁵³ The revelations of the inspection surprised many citizens. One newspaper observed:

School buildings far outside the water limits and utterly without fire protection and many others located on elevations such that the water pressure is practically none at all are new disclosures made as the inspection of school buildings by the fire department progresses.⁵⁴

The fire chief urged that the old high school building be

⁵¹Omaha Daily News, September 23, 1908, p. 1.

⁵²Ibid.

⁵³Ibid.

⁵⁴Ibid., September 24, 1908, p. 1.

demolished and fire hydrants placed on the new building's grounds. He also recommended frequent fire drills at the beginning of the school year and monthly drills thereafter.⁵⁵

Two days after the announcement of the fire department's inspection of the schools, Chief Salter ordered a re-inspection and a report to be made to the Board of Education. New inspection sheets were given to fire captains, and Salter announced that "on the new sheets will be shown the exact condition of every building, both interior and exterior, hallways, stairways, basements and all."⁵⁶ At the same time, he recommended that shingle roofs be replaced and that heating plants be located outside school buildings.⁵⁷

In October it was reported that changes in the schools were being made as a result of the fire chief's inspection. Doors were changed to swing outward in several buildings, and "where doors or closets interfere [d] with the approach to stairways and fire escapes they . . . [were] to be changed."⁵⁸

While the re-inspection of the schools was in pro-

⁵⁵Ibid.

⁵⁶Ibid., September 25, 1908, p. 3.

⁵⁷Ibid.

⁵⁸Ibid., October 3, 1908, p. 5.

gress, a fire broke out in the basement of Mason school. Although it was quickly extinguished by the "engineer", it was noted by reporters that there was no fire escape or other equipment in the school of over four hundred students. Salter declared:

The fire originated from one of the causes of which I long have issued warning. . . . Soft coal in piles always becomes heated, and if left undisturbed will light itself.⁵⁹

By the middle of October, the fire chief's report was complete and was submitted to W.B. Christie, president of the Board of Education. He announced that the report would not be made public, telling reporters that "what is in the reports . . . about the schools is NONE OF THE PUBLIC'S D--N BUSINESS." He added that "every old woman in the city who has a kid in school is pestering me on the street about the buildings."⁶⁰

Meanwhile, the new Vinton school had to be closed for three days because coal was burning in the basement. The building, although new, had been condemned because it had no fire escapes. The press reminded the public of the recent coal fire at Mason school which was also without fire escapes.⁶¹

⁵⁹Ibid., October 10, 1908, p. 1.

⁶⁰Ibid., October 20, 1908, p. 1.

⁶¹Ibid.

The day after Christie's announcement, Mayor Johnson issued a statement saying that Christie should resign if he would not make the reports public. He noted that not even members of the Board of Education had seen the report which Christie was keeping so he could "investigate . . . [its] truth."⁶²

The Omaha Daily News, which had been crusading for better fire protection in the schools since the fire in Collinwood, Ohio, printed a portion of the questions on the inspection sheets of the fire captains, together with the answers. These questions revealed that Omaha View, the school under consideration, was only partially fireproof, with a wooden interior and wooden stairs. There was no way of giving a fire call from the building, and the nearest fire station was two and one half blocks from the school. "Four hundred and two little children daily are assembled," the reporter charged, "in the old Omaha View school building, which has been condemned by Building Inspector Withnell."⁶³

Since the Board of Education had taken no action to remedy these conditions, the City Council announced its intention of investigating the unsafe conditions of the schools, noting that "the council will not wait for Mr.

⁶²Ibid., October 21, 1908, p. 1.

⁶³Ibid., p. 3.

Christie or any other member of the school board to get ready to report on fire conditions in the schools."⁶⁴ The Council ordered Omaha View school torn down. One councilman observed, "All of our school buildings are fire traps and need immediate attention."⁶⁵ On November 2, it was announced that Omaha View school was to be closed in ten days if the Board of Education did not make the recommended improvements. These included the installation of a fireproof ceiling in the basement over the boilers and the storage of smaller amounts of coal.⁶⁶ Although this threat was not actually carried out, the school was replaced in 1909 by Howard Kennedy school which was built a few blocks away from Omaha View.

After 1908 there was little criticism of the condition of Omaha schools with regard to fire hazards. Older schools were found to be unsafe, but needed repairs were made. The program of fire prevention continued to be an important part of school policy, and it was expanded in the decades to come. In 1926 and again in 1929 Omaha school children took part in studies to discover fire hazards not just in the schools, but in the city as well.⁶⁷

⁶⁴Ibid., October 23, 1908, p. 1.

⁶⁵Ibid., October 22, 1908, p. 1.

⁶⁶Ibid., November 2, 1908, p. 1.

⁶⁷Ibid., January 26, 1926. Omaha World Herald, February 3, 1929.

CHAPTER IV

CONCLUSIONS

In reviewing the improvements in health and safety conditions made by the schools between 1872 and 1908, it is interesting to note the forces which brought about change. Often, new policies were initiated by a progressive Board of Education. This was the case with regard to fire drills. For nearly a decade, the Board of Education periodically directed school principals to practice fire drills at regular intervals in their respective schools. When these recommendations were not heeded consistently, the Board finally included the drills in the official rules and regulations.

The Board of Education, working closely with the city health department, was also responsible for taking the first steps in preventing epidemics from spreading through the schools. In 1896, acting on instructions from the Board, the superintendent of schools requested the health commissioner to notify him of cases of contagious diseases and to provide a student who had contracted such a disease with a certificate of health upon his recovery. In this year also the Board ruled that students must remain out

of school for six weeks after their recovery from a contagious disease.

Relations between the school board and the health commissioner were not always congenial, however, and sometimes it was the conflict between the two that brought about needed changes. The health department first condemned the dry closet system with which the schools experimented in 1893. Although the results were not immediately forthcoming, the closets were finally recognized as a menace to health and were removed from the schools.

When the controversy over vaccination arose in 1908, school and health officials clashed again. In this case, the responsibility of enforcing compulsory vaccination was first placed on the schools as a result of the court action. The city council, however, reversed the court's decision by repealing the ordinance in question, and the responsibility for enforcement reverted back to the health commissioner. Thus, the problem of vaccination was postponed to come up again at a later time. Nevertheless, without the pressures applied by the health department, the vaccination of students would not have been as widespread as it was, and the smallpox epidemic might have become even more serious.

Public opinion, expressed and stimulated by the press, was a third force which brought change in the health and safety programs of the schools. After the school fire

in Collinwood, Ohio, it was the press which started an investigation of the Omaha public schools. The inspection conducted by reporters for the Omaha Daily News resulted in a thorough examination of the schools by the fire department. Renovations, the purchase of new fire equipment, and the replacement of Omaha View school followed the fire chief's report.

The achievements realized as a result of these three forces were important. Although none of the problems which concerned the Board of Education during its first thirty-five years were totally solved by 1908, the improvements in health and safety conditions in the schools since 1872 were significant.

Providing good heating and ventilation and adequate sanitary facilities was no longer a matter of experimentation. After the rejection of dry closets by the Board, the problems connected with this area of health were primarily ones of maintenance. Although it sometimes took prodding from the public or the health department, the Board repaired or replaced defective plumbing and heating in the schools after 1908.

Preventive medicine had become an important part of school policy also. The Board of Education had learned, as a result of experience with contagious diseases, the importance of working closely with the health department. An

awareness of the need for regular medical inspection of pupils was growing as the schools entered their second thirty-five years, and within a decade, programs for this purpose would be initiated.

The Board of Education had tried to provide some form of fire protection in the schools for many years. But, many Omaha schools were growing old, and fire hazards were increasing in them. After 1908, partly as a result of the fire chief's inspection, the schools enlarged their program of fire prevention. Better equipment was provided for the schools, and those that were in bad condition were repaired or replaced. In addition, students were instructed about the dangers of fires and taught how to help prevent them as a part of their daily studies.

APPENDIX

Rule 31, Chapter 70

Thomas's Revised City Ordinances, 1905

No principal or teacher of any school, public, private or sectarian, shall admit to any such school any child or person who shall not have been vaccinated within seven years next preceding the application for admission to any such school, or any such child or person; nor shall any such principal or teacher retain or permit to attend in any such school any child or person who shall not have been vaccinated within seven years next preceding the attendance of such child or person, and evidence of such vaccination shall be presented to any such principal or teacher in the form of a certificate signed by the commissioner of health or any physician duly licensed under the laws of the state of Nebraska.

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