

MANIPULATING FEAR: THE TEXAS STATE GOVERNMENT AND THE SECOND RED SCARE, 1947-1954

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Thesis Prepared for the Degree of

MASTER OF SCIENCE

UNIVERSITY OF NORTH TEXAS

May 2019

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Bonewell, Shaffer Allen. *Manipulating Fear: The Texas State Government and the Second Red Scare, 1947-1954*. Master of Science (History), May 2019, 114 pp., bibliography, 57 primary sources, 31 secondary sources.

Between 1947 and 1954, the Texas State Legislature enacted a series of eight highly restrictive anti-communist laws. Designed to protect political, military, and economic structures in the state from communist infiltration, the laws banned communists from participating the political process, required registration of all communists who entered the state and eventually outlawed the Communist Party. Drawn from perceptions about Cold War events, such as the Truman Doctrine and the Korean War, and an expanding economy inside of Texas, members of the state legislature perceived that communism represented a threat to their state. However, when presented with the opportunity to put the laws into action during the 1953 Port Arthur Labor Strike, the state government failed to bring any charges against those who they labeled as communists. Instead of actually curtailing the limited communist presence inside of the state, members of the state government instead used the laws to leverage political control throughout the state by attacking labor, liberals in education and government, and racial minorities with accusations of communism.

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## ACKNOWLEDGMENTS

To my friends and family, there are far too many of you to mention individually but you all have my thanks for the endless assistance given to me while I worked on this project. To the countless educators who have influenced my life in innumerable ways during my education, I owe you all greatly for the love for history and learning that you instilled in me. To the members of my thesis committee—Drs. Todd Moye, Andrew Torget, and Graham Cox—the support, encouragement, and the continual stream of ideas provided by you all shaped this work in innumerable ways. You all have offered me the best support that a graduate student could possibly expect and for that, I will be forever grateful. Finally, to Marissa, your support has enabled me to complete this project and without you, this would not have been possible, thank you.

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## CHAPTER 1

### INTRODUCTION

From 1947 to 1954 the Texas State Legislature passed an expansive group of anti-communist laws, which effectively curtailed the ability of the Communist Party to exist within the state. Passed during each biannual legislative session between 1947 and 1954, the eight laws reflected not only the attitude of State Legislature to the possible threat of a communist incursion within the state, they revealed an attempt to deal with the rising power of the Soviet Union as well as the increasing geopolitical tension brought on by the Cold War. The actions taken by the Texas State Legislature were, however, not unique. Twenty-two states took legislative action focused on eliminating the potential for an individual communist or the Communist Party to influence the state.<sup>1</sup> Texas passed the most laws focused on halting the potential expansion of communist influence than any other state, and Governor Allan Shivers also used these laws to promote his own political fortunes in the 1950s through attacks on labor organizations.

Texas, when compared to other states in enacting anti-communist legislation during the Second Red Scare, tied with Arkansas as the most restrictive state in the United States (US). Between 1947 and 1954, Texas and Arkansas created comprehensive sets of legislation that banned the Communist Party, prevented communists from receiving state funds, removed the Communist Party from politics, and required any communists who entered the state to register

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<sup>1</sup> James L. Gibson, "Pluralism, Federalism, and the Protection of Civil Liberties," *The Western Political Quarterly* 43, no. 3 (September 1990): 522.

with the state government.<sup>2</sup> These actions, combined with a unique appropriation of \$75,000 to enforce the Communist Party-Related Organizations-Suppression act, cemented Texas as a unique case during the Second Red Scare.<sup>3</sup> One Second Red Scare scholar noted that “the residents of Texas were probably ‘safer’” from the threat of communism than any other group in the US.<sup>4</sup>

Anti-communism and anti-radical political thought did not originate in Texas during the early Cold War but instead owes its origins to the First Red Scare. Despite remaining on the periphery of the First Red Scare during the late 1910s and early 1920s, Texans during the 1920s and 1930s created a strong strain of political thought focusing on the suppression of radicals.<sup>5</sup> Foremost among anti-radical Texan politicians was Martin Dies Jr., who brought a staunch anti-radical political stance to the U.S. House of Representatives from 1931 to 1945 and 1953 to 1959. Dies’ anti-radical political bent took its most prominent form in the creation of the House Un-American Activities Committee in 1938, which he chaired from 1938 to 1944.<sup>6</sup>

With the strong anti-radical tradition of Texas coalescing with the arrival of the Cold War, in the mid-1940s the Texas State Legislature approached the coming of the Second Red

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<sup>2</sup> Gibson, “Pluralism, Federalism”: 520.

<sup>3</sup> Communist Party-Related Organizations-Suppression, *General and Special Laws of Texas*, ch. 3 (1954).

<sup>4</sup> Gibson, “Pluralism, Federalism”: 518.

<sup>5</sup> Randolph B. Campbell, *Gone to Texas: A History of the Lone Star State*, 3<sup>rd</sup> ed. (New York: Oxford University Press, 2018), 337.

<sup>6</sup> For a detailed breakdown of Dies’ career in the House of Representatives see George Norris Green, *The Establishment in Texas Politics: The Primitive Years, 1938-1957* (Norman: University of Oklahoma Press, 1979), 69-76. See John Joseph Gladchuk, *Hollywood and Anticommunism: HUAC and the Evolution of the Red Menace, 1935-1950* (New York: Taylor and Francis Group, LLC, 2007) for a complete history of the House Un-American activities Committee and Martin Dies Jr’s role in its founding and operation.

Scare with a concentrated legal effort, which culminated in harsh anti-communist laws passed from 1947 to 1954. In addition to the anti-radical focus of the State Legislature during the period, the two men who held the office of Governor also preyed upon heightened fears of domestic radicals to further their political goals. Both Buford H. Jester (1946-1949) and Allan Shivers (1949-1957) facilitated the rise of anti-radical laws and groups throughout the state during their tenure in the Governor's office.<sup>7</sup>

The anti-communist legislation created by members of the Texas State Legislature during the Second Red Scare approached the topic with an emphasis on addressing specific threats to their state. Focused around two consistent themes, the existence of a "world communist movement" and the threat that the movement posed to the "constitutional government" of the US and Texas, the authors of the anti-communist legislation, chiefly Marshal O. Bell, John Junior Bell, and Rogers Kelley, embed these ideas into the legislation. Arguments constructed around the broader worldwide threat of communism, these authors tied the strength of Texas industry and military infrastructure to an increased potential for communist infiltration and subversion. Using examples drawn from events throughout the world, such as the Korean War, members of the legislature presented a situation where the success of Texas potentially drew members of the Communist Party into the state to cause havoc.<sup>8</sup>

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<sup>7</sup> For a complete discussion of Beauford H. Jester's governorship see Green, *The Establishment*, 101-120. Green also provides a complete breakdown Allan Shivers's governorship. See Green, *The Establishment*, 135-170.

<sup>8</sup> Communist Control Law, *General and Special Laws of Texas*, ch. 8 (1951); Communist Party-Related Organizations-Suppression, *General and Special Laws of Texas*, ch. 3 (1954).



The Second Red Scare has received limited scholarly attention outside of numerous histories of Senator Joseph McCarthy's infamous campaign to discover communists within the federal government. However, the historiography of the broader Red Scare is not completely devoid of reputable scholarly works. Outside of histories focused on the career of Joseph McCarthy, many historians have thus far focused on either state-level histories of the Second Red Scare or the effects of the Second Red Scare on the national government. The following work will focus on filling a historiographic gap in the legal history of the Second Red Scare in Texas as well as addressing how Texans reacted to broader Cold War events in consideration with the rapid economic and military changes that the state underwent after the conclusion of the Second World War.

When constructing a historiographic framework to understand the current state of scholarship regarding the Second Red Scare one must consider the influence that Senator Joseph McCarthy played on the event. Typical historical works such as David Oshinsky's *A Conspiracy So Immense* study the Second Red Scare from the perspective of Joseph McCarthy and his Senate hearings, observing how his actions inspired fear throughout the US.<sup>9</sup> Oshinsky approaches the complex topic of Senator McCarthy's anti-communist campaign from a post-Cold War perspective focusing on fleshing out why the Senator behaved as he did as well arguing that by the early 1950s the threat of communist influence inside the federal government was essentially nonexistent.<sup>10</sup> McCarthy provides an excellent framework for

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<sup>9</sup> David M. Oshinsky, *A Conspiracy so Immense: The World of Joe McCarty* (Oxford: Oxford University Press, 2005).

<sup>10</sup> Oshinsky, *A Conspiracy*, xi.

understanding the development of the Second Red Scare on a national level, but it only allows for a limited perspective when observing the actions undertaken by specific states.

Directly opposed to the biographic strategy employed by Oshinsky is Landon Storrs's *The Second Red Scare and the Unmaking of the New Deal Left*. Storrs observes how conservative members of the federal government employed anti-communist ideas and practices to roll back New Deal reforms during the late 1940s.<sup>11</sup> Key to Storrs's argument is the concept that conservatives in and out of government wished to roll back New Deal reforms, which she believes furthered the "anti-democratic tendencies of unregulated capitalism." Storrs specifically targets President Harry Truman's 1947 Loyalty Oath Program, which forced numerous left-leaning bureaucrats to either resign or relocate within the government.<sup>12</sup> In 1953 the Texas State Legislature passed the State Employees and Others-Loyalty Oath act, which mirrored Truman's national government loyalty oath program. Thus, Storrs's account illuminates and identifies key aspects of loyalty oath programs from the Second Red Scare.

Additionally, the anti-communist crusade undertaken by the House Un-American Activities Committee (HUAC) is an important precursor to the Second Red Scare that occurred during the late 1940s and early 1950s. John Joseph Gladchuk's *Hollywood and Anticommunism HUAC and the Evolution of the Red Menace, 1935-1950* focuses on the development of the HUAC during the late 1930s up until the brutal examination of ten prominent members of the Hollywood Ten, a select group of prominent actors and directors, in the late 1940s for

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<sup>11</sup> Landon R. Y. Storrs, *The Second Red Scare and the Unmaking of the New Deal Left* (Princeton: Princeton University Press, 2013).

<sup>12</sup> Storrs, *The Second Red Scare*, 1-3.

suspected communist affiliation. Gladchuk posits that the investigation of the Hollywood Ten opened the floodgates for popular anti-communist investigations during the early stages of the Cold War and ultimately set the stage for the emergence of Senator Joseph McCarthy in the 1950s.<sup>13</sup> Gladchuk's work ties into the historical context of Martin Dies Jr. and the early history of Texas anti-communism. Martin Dies Jr. marks the starting point of major anti-communist attitudes within the state that eventually led to the legislation created in the state between 1947 and 1954.

While national studies of the Second Red Scare and the events that led up to it make up a substantial portion of the historiography, one cannot ignore the extensive group of historical works focusing on the political, economic, and social histories of Texas during the period. George Norris Green's *The Establishment in Texas Politics* represents the most holistic study of the rise of the "establishment," which consists of corporate control of the state government. Examining anti-labor laws, a repressive academic environment, and state-wide elections filled with demagoguery Green's work provides the necessary political background to the rise of massive anti-communist sentiment within the state.<sup>14</sup> While Green's work provides the necessary political background, Randolph B. Campbell's *Gone to Texas* provides background on economic and social aspects of the history of Texas during the Second Red Scare, but it does not cover the Second Red Scare in great. Of course, this is one of many surveys of Texas history.<sup>15</sup>

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<sup>13</sup> Gladchuk, *Hollywood and Anticommunism*, 3.

<sup>14</sup> Green, *The Establishment*, xi.

<sup>15</sup> Campbell, *Gone to Texas*.

The history of labor and civil rights, a growing area of scholarship in Texas history, adds an additional element to the historiography of the Second Red Scare. Max Krochmal's *Blue Texas* focuses on the creation of a multiracial Democratic voting base within the state of Texas during the mid-twentieth century and argues that it occurred as a process rather than as a predetermined conclusion.<sup>16</sup> Further, within the edited collection *The Texas Left*, historians George Norris Green and Michael R. Boston Jr. argue within their article *Looking for Lefty* that the labor movement in the state was home to strains of leftwing activism from the 1920s to the 1960s.<sup>17</sup> Krochmal, Green and Boston Jr. focus on different subjects, but within their works, there is an intersection—the effect of anti-communism of both the civil rights movement and labor in Texas. Further, works such as Katherine Bynum's "Weeding Out the Undesirables" reveals the lengths to which individuals within the elite classes of Texas used anti-communist sentiment and laws to drive liberal academics from Texas universities.<sup>18</sup> These works often tangentially touch upon this point, but it is an area that deserves increased focus. Despite members of the Texas State Legislature and the two governors had argued that the Texan anti-communist legislation only aimed to limit the expansion of radicals in the state both the groups often wielded the laws to suppress democratic racial movements, labor, and left-leaning individuals within the education system.

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<sup>16</sup> Max Krochmal, *Blue Texas: The Making of a Multiracial Democratic Coalition in the Civil Rights Era* (Chapel Hill: University of North Carolina Press, 2016), 8.

<sup>17</sup> George Norris Green and Michael R. Boston Jr., "Looking for Lefty: Liberal/Left Activism and Texas Labor, 1920s-1960s", in *The Texas Left: The Radical Roots of Lone Star Liberalism*, ed. David O'Donald Cullen and Kyle G. Wilkinson (College Station: Texas A&M University Press, 2010), 113-132.

<sup>18</sup> Katherine E. Bynum, "Weeding Out the Undesirables: The Red Scare in Texas Higher Education, 1936- 1958" (master's thesis, University of North Texas, 2014).

Further works on the evolution of Texas identity and political ideology during the Twentieth Century are an important part of the historiography of the Second Red Scare in Texas. Editors David O'Donald Cullen and Kyle G. Wilkinson's *The Texas Left* and *The Texas Right* provide an excellent base for understanding how the two competing political ideologies developed during the Nineteenth and Twentieth centuries within the state. These two works juxtapose the development of the political ideologies of both the Left and Right within the state during its long history.<sup>19</sup> An assessment of Texas identity during the period is also an essential component to understanding how and why Texas lawmakers fought so violently against the potential threat of communism within the state. Key to this understanding is Light Townsend Cummings's "History, Memory, and Rebranding Texas as Western for the 1936 Centennial," which contributes to an understanding of how Texan lawmakers viewed the identity of the state and the nature of how it fits into the larger US leading up to the Second Red Scare.<sup>20</sup>

Contextualizing the Second Red Scare in Texas also requires a look at the broader historiography of the domestic side of the early Cold War. Works such as Philip Jenkins's *The Cold War at Home* detail the history of the Second Red Scare in Pennsylvania with a focus on whether the threat of communist infiltration within the state warranted a drastic response.<sup>21</sup>

Jeff Woods's *Black Struggle Red Scare* offers a holistic interpretation of the Second Red Scare

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<sup>19</sup> *The Texas Left: The Radical Roots of Lone Star Liberalism*, ed. David O'Donald Cullen and Kyle G. Wilkinson (College Station: Texas A&M University Press, 2010); *The Texas Right: The Radical Roots of Lone Star Conservatism*, ed. David O'Donald Cullen and Kyle G. Wilkinson (College Station: Texas A&M University Press, 2014).

<sup>20</sup> Light Townsend Cummings, "History, Memory, and Rebranding Texas as Western for the 1936 Centennial," in *This Corner of Canaan: Essays on Texas in Honor of Randolph B. Campbell*, ed. Richard B. McCaslin, Donald E. Chipman, and Andrew J. Torget (Denton: University of North Texas Press, 2013).

<sup>21</sup> Philip Jenkins, *The Cold War at Home: The Red Scare in Pennsylvania, 1945-1960* (Chapel Hill: The University of North Carolina Press, 1999), 10.

from a Southern point of view. Focusing on the eleven states that made up the Confederacy, Woods argues that anti-communism and segregation made up the backbone of the extreme southern nationalism that developed during the period.<sup>22</sup> These works provide both a distinct Southern and Northern context for how the Second Red Scare developed throughout various areas of the country. The nation-wide context will provide necessary background information to contextualize the unique—and not so unique—aspects of the Second Red Scare in Texas.

The final historiographic grouping that this paper will fall into is foreign policy and national security of the early Cold War. Members of the Texas State Legislature created an intricate series of domestic checks against communism within the state during the Second Red Scare. The development of internal security policy within the state during the early Cold War is a historiographic area, which is currently relatively unexplored. Scholarly discussions on the development of the national security state since the collapse of the Soviet Union in the early 1990s has received significant focus, and it is a goal of this study to place the legislative history of the Second Red Scare in Texas within the field. No work has contributed to the historiography of national security more than Melvyn Leffler's *A Preponderance of Power*. Leffler argues that the Cold War developed out of a desire of the US to maintain the titular preponderance of power in military, economic, and technological prowess.<sup>23</sup> While Leffler focuses on tactile historical facts, dates, documents, and events, Michael Hogan in *A Cross of*

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<sup>22</sup> Jeff Woods, *Black Struggle, Red Scare: Segregation and Anti-Communism in the South, 1948-1968* (Baton Rouge: Louisiana State University Press, 2004), 2; Woods defines "southern nationalism as the desire to protect the southern way of life from outside threats.

<sup>23</sup> Melvyn P. Leffler, *A Preponderance of Power: National Security, the Truman Administration, and the Cold War* (Stanford: Stanford University Press, 1992.), 10.

*Iron* details the ideological conflicts between the proponents of either the welfare state or the warfare state within the US government, which led to the rise of an expansive national security state during the early Cold War.<sup>24</sup> Additionally, numerous general histories of the Cold War provide background information and historical contextualization for major events, both domestic and foreign, that influenced lawmakers in Texas.<sup>25</sup>

These works provide the theoretical and practical historical base for establishing that Texas lawmakers during the Second Red Scare attempted to create their own version of a national security state. The mechanisms created by the laws passed by the Texas State Legislature from 1947 to 1954 to curtail the potential threat of communism and other radical ideologies within the state constituted the development of a system of internal security. Internal security, as posited by this work, dictates a conceptual difference between the national security strategy employed by the US government to combat both domestic and foreign communism and the tailored legal systems put into place by states during the Second Red Scare. Designed to limit the impact of communism on a state, internal security laws in Texas focused on addressing issues that lawmakers identified as specifically relating to the state.

The goals of this work are three-fold. First, to explain the context from which the anti-communist legislation arose by observing the economic and political development of the state after the conclusion of the Second World War. This will provide further insight into ulterior motives of not only the members of the Texas Legislature but also the two Governors who

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<sup>24</sup> Michael J. Hogan, *A Cross of Iron: Harry S. Truman and the Origins of the National Security State, 1945-1954* (Cambridge: Cambridge University Press, 1998), x.

<sup>25</sup> John Lewis Gaddis, *The Cold War: A New History* (New York: Penguin Books, 2005); John Lamberton Harper, *The Cold War* (Oxford: Oxford University Press, 2011); and Melvyn P. Leffler, *For the Soul of Mankind: The United States, The Soviet Union, and the Cold War* (New York: Hill and Wang, 2007).

pushed for the creation of such legislation. The laws consistently reference the threats to not only the political structure of the state but also reference the damage that a potential communist coup could cause to the state's infrastructure. Census records, newspaper articles, and political commentary will provide the necessary information to construct a complete picture of the political and economic situation within the state to determine if a potential communist threat was worth fighting.

Second, to create a complete picture of the laws one must understand why they came into existence and the mechanisms they implemented to eliminate the potential threat of communist influence with the state. The text of the laws, Texas House and Senate Journals, and personal correspondence create the base for analyzing the laws and their various applications. Breaking down the laws is essential to completely understand how Texan lawmakers viewed the threat of communism and it is within the laws that their reactions become most evident.

Finally, and perhaps most important, to discern the nature of the reaction of the Texas Legislature to communism the limits of their fear is key to understanding the nature of the Second Red Scare in Texas. There is no stronger indication of the limits to the fear of communism that Texan lawmakers had than the laws that remained unpassed between 1947 and 1954. From 1947 to 1954 the Texas Legislature created twenty-one anti-communist bills; however, only seven of those became actual laws. The remaining fourteen bills did not pass final votes in the House and Senate, revealing the limits to anti-communist legislation even inside a climate of heightened fear.

Thus, the argument here boils down to an attempt to understand how and why the Second Red Scare developed within the Texas legislature and what effects it had outside of the



state goal of limiting communism. Why did the six laws that passed make it through the House and Senate? How did the perceptions of the threat of communism influence what laws they passed and did not pass? What influence did these laws have on labor movements throughout the state? Ultimately then, it is key to understand how the perception of communism and the potential for a possible insurrection drove the leaders of the Lone Star State to pass an increasingly strict set of regulations against the political movement during the early Cold War.

Organized into five body chapters, this work focuses on the Second Red Scare inside of the Texas State Government. The second chapter observes the foundations of the anti-communist and anti-union legislation passed from 1947 to 1949 and the emerging geopolitical context from which they emerged. Chapters Three and Four focus on the uptick in anti-communist legislation passed from 1951 to 1954 as the Second Red Scare grew inside of Texas. Chapter Five investigates the economic underpinnings of the Second Red Scare in the state as well as the response to it from citizens in their correspondence with Governors Beauford H. Jester and Allan Shivers. Chapter Six discusses the Port Arthur Strike of 1953 within the context of the Second Red Scare through the response of the Shivers administration to the event. The final chapter approaches the conclusion of the Second Red Scare via a discussion of the 1965 Supreme Court Case *Stanford v. Texas*, which established legitimate challenges to the event.

## CHAPTER 2

### THE ORIGINS OF FEAR: THE TEXAS LEGISLATURE AND THE SECOND RED SCARE, 1947-1949

The end of the Second World War could have brought an end to global conflict, but instead, it ushered in a new era that lasted until the early 1990s. The Cold War – the global political, economic, and military conflict between the US and the Soviet Union – dominated all aspects of internal and foreign policy. Texas was not immune to the struggle, for as rising fears about the Soviet Union and communism emerged, members of the state legislature began crafting anti-communist legislation during the 1947 and 1949 legislative sessions. Those members who began to push for anti-communist legislation in the late 1940s formed a rudimentary anti-communist voting bloc inside of the House and Senate. Led by Marshall O. Bell (House) and John Junior Bell (House and Senate), this group pushed for harsh restrictions on communists inside of the state, and despite passing six pieces of legislation with overwhelming majorities, they faced defeat on thirteen other attempts as members broke off when challenged on constitutional grounds. This loose coalition, however, successfully passed an extreme series of anti-communist legislation during the late 1940s and early 1950s.

During the 1947 session, the first instance of anti-communist legislation since 1941 appeared.<sup>1</sup> Three bills, one that passed and two that did not, set the groundwork for highly restrictive anti-communist legislation that appeared after 1950. The burgeoning anti-communist bloc within the state legislature in 1949 continued to pass legislation as well as a

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<sup>1</sup> Enacted during the Second World War, the Official Ballot in General Election—Additional Requirements act stipulated that no individual could be on a ballot in a Texas election that was a member of the Nazi, Fascist, or Communist Party: Official Ballot in General Elections—Additional Requirements, *General and Special Laws of Texas*, ch. 547 (1941).

House Concurrent Resolution (HCR). HCRs are resolutions proposed by the House and follow the traditional paths of bills but are not binding law.<sup>2</sup> Limiting the ability of individuals who held communistic leanings from participating in the electoral process within the state remained the primary objective of members of the anti-communist bloc during the late 1940s. The other pieces of anti-communist legislation focused on more restrictive reforms, but they failed to pass during either session.

Concurrent to the emergent anti-communist bloc's legislative efforts to restrict communist subversion an attack on unions, which began in the 1947 session. Anti-unionism became an essential portion of both Governor Beauford H. Jester and the State Legislature's agenda during the late 1940s, with renewed attention paid to strikes throughout the state.<sup>3</sup> Opposition to the growing presence of labor began in the late 1910s and 1920s when a coalition of businesspersons and conservative politicians began to seek the creation of an "open shop" environment that stipulated that a company could not require union membership for employees.<sup>4</sup> Throughout the 1930s and early 1940s, conservative members of government and businesspeople insistently linked unionism and communism throughout the state as they sought to delegitimize the movement.<sup>5</sup> Thus, by the 1947 legislative session unionism and communism had become synonymous in the minds of conservative figures.

In concurrence with the development of anti-unionism during the 1920s and 1930s,

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<sup>2</sup> Texas Legislature, *Rules of the House of Representatives Fifty-First Legislature with Texas Legislative Precedents, Congressional Precedents, and Annotations*, 1949, 214-16.

<sup>3</sup> Campbell, *Gone to Texas*, 385.

<sup>4</sup> George Norris Green and Michael R. Boston Jr., "Looking for Lefty," 113.

<sup>5</sup> Krochmal, *Blue Texas*, 37, 53-54, 67, and 88-89.

Texan politicians began to take up the cause of anti-communism on the national level. Martin Dies, Jr., a congressional representative from Houston, became the face of the movement as he created a reinvigorated House Un-American Activities Committee (HUAC) in the 1930s. Dies became synonymous with Texas anti-Communism as he led HUAC on a series of hearings against the Communist Party. Serving as a strong precursor to the Red Scare that developed in the late 1940s, Dies lit the flame of anti-communism in the state during the 1930s.<sup>6</sup>

Underneath the anti-union and anti-communist legislation that appeared during the 1947 and 1949 sessions lurked an underlying fear of communism, which developed into a Red Scare. The Red Scare that originated in the late 1940s differed significantly from the one that occurred from 1919 to 1921. Both developed soon after the conclusion of massive wars, which involved a communist state, but the contexts in which the phenomena arose differed drastically. The First Red Scare came about during a brief economic downturn, which caused tensions between soldiers returning from the First World War, leftist labor factions, and the general public to erupt amidst fear over the communist revolution in Russia.<sup>7</sup> Events surrounding the origins of the Second Red Scare concentrated on increased paranoia and international tension relating to the brewing conflict between the US and the Soviet Union. Further aggravating these issues, a series of high-profile cases of espionage including Julius and

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<sup>6</sup> For more information of Martin Dies, Jr. and Texan anti-communism of the 1930s see: Gladchuk, *Hollywood and Anti-Communism*; Green, *The Establishment*; and Dennis Kay McDaniel, "Martin Dies of Un-American Activities: His Life and Times" (PhD diss., University of Houston, 1988).

<sup>7</sup> Robert K. Murray, *Red Scare: A Study in National Hysteria, 1919-1920* (Minneapolis: University of Minnesota Press, 1955), 3-17.

Ethel Rosenberg and Alger Hiss produced increasing fears of Soviet aggression.<sup>8</sup>

The events that unfolded in Texas did not occur within a vacuum. Instead, a sense of paranoia crept over the state and nation motivated by external factors. International concerns remained dominant after the conclusion of the Second World War as tensions between the US and the Soviet Union gradually increased.<sup>9</sup> Despite frequent assertions that Senator Joseph McCarthy was the primary motivator of the phenomenon, it was ultimately the culmination of a series of unique events without a definitive origin.<sup>10</sup> Concerns over the ascendancy of the Soviet Union, communism spreading abroad, particularly in Greece and Turkey, and concerns of communist infiltration throughout the US all motivated the occurrence of a Red Scare.<sup>11</sup>

On March 12, 1947, President Harry Truman delivered a speech to the assembled members of both houses of Congress about Greece and Turkey. The speech marked the declaration of what became known as The Truman Doctrine with an emphasis on supporting nations against communist influence through military advisors and monetary aid. The Truman Doctrine became the first public statement of the Cold War foreign policy of the US.<sup>12</sup>

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<sup>8</sup> James T. Patterson, *Grand Expectations: The United States, 1945-1974* (Oxford: Oxford University Press, 1996), 194-195 and 204.

<sup>9</sup> Gaddis, *The Cold War*, 27-28.

<sup>10</sup> Don E. Carleton, "'McCarthyism Was More than McCarthy': Documenting the Red Scare at the State and Local Level," *The Midwestern Archivist* 12, no. 1 (1987), 13-14.

<sup>11</sup> The complex series of events that led to the onset of the Cold War and Second Red Scare at home have received considerable treatment by historians of both US foreign policy and domestic issues throughout the Twentieth Century. These complex debates gave rise to numerous historical interpretations, which modern historians still focus on. For a brief introduction to these topics see: H. W. Brands, *The Devil We Knew: Americans and the Cold War* (Oxford: Oxford University Press, 1993); Leffler, *A Preponderance of Power*; John Lewis Gaddis, *We Now Know: Rethinking Cold War History* (Oxford: Oxford University Press, 1997); Jenkins, *The Cold War at Home*; Joseph Gladchuk, *Hollywood and Anticommunism*.

<sup>12</sup> Numerous interpretations exist regarding the formation of the US approach to the Cold War focusing on differing policy decisions from The Long Telegram, the Truman Doctrine, and NSC-68. For more information regarding the Truman Doctrine and the early Cold War see: Hogan, *A Cross of Iron*; Leffler, *A Preponderance of*

Newspapers throughout Texas immediately began printing articles detailing various aspects of Truman's speech, specifically focusing on the money and military advisor requests. Simple breakdowns of the speech remained the main goal of newspapers throughout the state immediately after the President delivered the speech. *The Dallas Morning News* highlighted four areas of interest to readers from the President's speech: an allocation of \$400 million, the desire to send "American civilian and military" personnel to Greece and Turkey, the authority to train personnel in the countries, and to provide for the "speediest and most effective use" of funds allocated.<sup>13</sup> Along with discussions of monetary and personnel aid other papers highlighted the fact that Truman "attributed the Greek government's difficulties to communists" as well as asserting his concerns over the "spread of Russian Totalitarianism in the Middle East."<sup>14</sup> *The Brownsville Herald's* reporting concentrated on "bulwarking Democracy against communism" in the region to protect the interests of the US.<sup>15</sup>

In addition to merely providing the details of the speech, newspapers in Texas delivered the stories under sensationalist headlines, which set the tone for the coverage. A headline in *The San Antonio Light* noted that "quick action urged on Congress" as the main theme of the President's speech, accompanied by a map depicting the locations of Greece and Turkey with a

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Power; Gaddis, *We Know Now*; and Thomas G. Paterson, *On Every Front: The Making and Unmaking of the Cold War* (New York: W. W. Norton & Company, 1992).

<sup>13</sup> Walter C. Hornaday, "Greco-Turk Aid Sought: Congress Leaders Study Historic Bid," *The Dallas Morning News*, March 13, 1947.

<sup>14</sup> Alex H. Singleton, "Truman Asks Cash and U. S. Advisers for Greece, Turkey," *The Abilene Reporter News*, March 12, 1947; "Would Halt Red Wave: Truman Asks Money, Men for Two Nations; Moscow Calls Envoy," *The Amarillo Globe*, March 12, 1947.

<sup>15</sup> "Truman Will Tell Plans for Bulwark at Communism," *The Brownsville Herald*, March 12, 1947.

blurb discussing the “contest between Democracy and communism” in the region.<sup>16</sup> Papers such as the *Wichita Daily Times* concentrated on the role of “military advisors for [the] two countries” drawing attention to the potential for the involvement of US troops in the region, almost hinting at the potential for an armed conflict.<sup>17</sup>

After the initial reports on March 12, newspapers across the state began to publish opinion pieces on the protection of Greece and Turkey as well as the danger that communism posed to the security of the US. One author in the *Denton Record Chronicle* suggested that an application of the Monroe Doctrine could give Truman the ability to support Greece and Turkey. The author argued that since the rights of the US were “invaded [and] seriously menaced” due to the potential for the Soviet Union to “dominate the whole Middle East” if Greece and Turkey were to fall to communism that the country must take action.<sup>18</sup> Other opinion columns pondered the unnamed boogeyman in the President’s speech, the Soviet Union. One such author argued that “any communistic activities in Greece, or elsewhere in the world, have their connections” with the Soviet Union and represented a clear danger to the US.<sup>19</sup> The fate of Europe was a point of emphasis for others. With one claiming that, without US support for Greece, Italy would face “great pressure” and that “if the left were to capture the Italian Government, a Russian-dominated Europe [could] be in sight.”<sup>20</sup> Such assertions

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<sup>16</sup> “Truman Asks 400 Million for Greeks, Turks: Quick Action Urged on Congress,” *The San Antonio Light*, March 12, 1947.

<sup>17</sup> Alex H. Singleton, “Truman Asks Aid for Greece, Turkey: Urges Military Advisors for Two Countries,” *Wichita Daily Times*, March 12, 1947.

<sup>18</sup> James Marlow, “Monroe Doctrine May Justify Aid to Greece,” *The Denton Record Chronicle*, March 13, 1947.

<sup>19</sup> “Truman’s Message,” *The Galveston Daily News*, March 13, 1947.

<sup>20</sup> “European Relief Crises,” *The Brownsville Herald*, March 13, 1947.

demonstrated an awareness of events outside of the scope of just Texas. Expansive coverage of outside events provided by newspapers alerted individuals in Texas to the danger that communism posed to nations weakened by internal strife.

Discussions around Truman's speech did not escape the Texas State Legislature. On March 25, 1947, the legislature hosted Paul Griffith, the national commander of the American Legion who delivered a speech that concentrated on establishing a strong support system for veterans throughout the state as well as maintaining a strong military. He also included a section that "urged the Congress to support the President's plan for aid to Greece and Turkey."<sup>21</sup> Stressing the need to protect the "ideals of human liberty and justice" in areas "where military strength remain[ed] the measure of authority," Griffith concluded by urging support for universal military training.<sup>22</sup> In an attempt to support President Truman's foreign policy, members of the Texas House put forward an HCR on April 14, 1947, designed to urge Congress to "support the program of President Truman."<sup>23</sup> Members highlighted the threat that "runaway inflation" in Greece created a "spawning ground for the spread of communism" and fully agreed with the sending of "financial, military, and economic advice" to the country.<sup>24</sup> Despite the strong support for the President the resolution failed to be signed by the Governor rendering it dead.

As concerns about communism at home and abroad gained increased focus inside of

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<sup>21</sup> Texas Legislature, House, House Journal, 50<sup>th</sup> Regular Session, 1947, 996.

<sup>22</sup> House Journal, 50<sup>th</sup> Regular Session, 996.

<sup>23</sup> House Concurrent Resolution 82, 50<sup>th</sup> Regular Session, 1947

<sup>24</sup> House Concurrent Resolution 82, 1947.



Texas during the late 1940s, a group of anti-communist legislators inside the House and Senate began to construct legislation that would protect the state from communist influence. During the 1947 and 1949 legislative sessions, the anti-communist bloc of legislators put forward three pieces of anti-communist legislation, of which two would pass.<sup>25</sup> The first session in 1947 also featured the first two anti-union bills of the postwar era, put forward by Marshall O Bell and John Junior Bell of the anti-communist bloc. Despite not explicitly targeting communism, the fact that members of the anti-communist bloc produced the bills revealed that anti-unionism and anti-communism shared a common link in the state legislature.

When the members of the Texas State Legislature convened for the opening day of the 50<sup>th</sup> meeting of the body on January 14, 1947, no member expressed concerns for events happening throughout the world. Instead, their attention remained steadfastly on Texas. During the 50<sup>th</sup> session, the members introduced the first pieces of anti-communist legislation since 1941, starting the Second Red Scare within the body. Members of the House created three pieces of anti-communist legislation during the session, of which only one would pass. Before the creation of anti-communist legislation in the House, it passed two anti-union laws, which the government used to clamp down on unions throughout the state.

Introduced by Marshall O. Bell of Bexar County, the Labor-Right to Work-Closed Shop Outlawed act (Right to Work law) on January 30, 1947, fundamentally reformed how labor unions operated in the state. Based off a previous attempt to pass a similar law in 1945, the Right to Work law stipulated that an individual could or could not work at a business based

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<sup>25</sup> The Texas State Legislature meets biannually, on odd numbered years, from January to June. Special called sessions can occur when the Governor feels that it is necessary for the legislature to pass legislation focused on specific tasks.

upon whether they were or were not a member of a union. The Right to Work law also required that no contract could require employees or potential employees to be or not be members of a labor union.<sup>26</sup> Enacted after several edits in the House and Senate on April 8, 1947, the bill would be one of two pieces of anti-labor legislation during the session. Despite support for the law amongst those opposed to unions, the law faced steep opposition from those sympathetic to the cause of unions in the state. Unions proponents challenged the law under the assertion that it rewarded non-union workers for the gains that union members had made.<sup>27</sup>

Introduced on the same day as the Right to Work law, Representative John Junior Bell of DeWitt County submitted the Labor Organizations-Mass Picketing bill (Mass Picketing law) to the floor of the House. Like the Right to Work law, the Mass Picketing law regulated the ability of labor to operate in the state by targeting a vital form of protest. The law sought to regulate picketing within the state by outlawing “mass picketing:” defined as a situation where more than two pickets occur within fifty feet of each other regardless of whether or not they are acting together or a picket that limits the ability of those who work at an establishment from entering or exiting the premises.<sup>28</sup> If an individual violated the Mass Picketing law, they would receive a fine of no less than \$25 and no more than \$500. The law struck at an instrumental tactic of union action by outlawing picketing, furthering the anti-union agenda of the Texas State Legislature during the session. In concert with the Right to Work law, the Mass Picketing

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<sup>26</sup> Marc Dixon, “Limiting Labor: Business, Political Mobilization, and Union Setback in the States,” *Journal of Policy History* 19, no. 3 (2007): 326; Labor-Right to Work-Closed Shop Outlawed, *General and Special Laws of Texas*, ch. 74 (1947).

<sup>27</sup> Campbell, *Gone to Texas*, 385.

<sup>28</sup> Labor-Organizations-Mass Picketing, *General and Special Laws of Texas*, ch. 138 (1947).

law dealt a severe blow to labor organizations throughout the state. During the early 1950s, unions were the target of an anti-communist Gov. Allan Shivers, as he used these laws to restrict labor throughout Texas.

Systematic anti-communist legislation originated in 1947 with the passage of the Elected Offices-Eligibility act, which defined the eligibility of candidates to include individuals who have “resided in [the] State for [a] period of twelve months” and “six months in the county precinct, or municipality” in which they were running for office.<sup>29</sup> The Elected Offices-Eligibility act greatly expanded restrictions to include individuals “who advocate[ed] [for] the overthrow” of the government of the US or Texas. The law suggested that the lack of restrictions previously placed on the prior individuals created an “emergency and an imperative public necessity,” which required the “Constitutional rule requiring bills to be read on three [*sic*] days in each house be suspended.” Passed by a vote of 123-1 in the Texas House and 29-0 in the Senate, the Elected Offices Eligibility act revealed trends in anti-communist legislation that continued throughout the period.<sup>30</sup>

The Elected Offices-Eligibility act instituted a blanket ban on individuals who desired to run for state government that advocated to “overthrow by force or violence” of the government of the US and Texas.<sup>31</sup> By banning those who supported a radical regime change in Texas and the US, the law effectively outlawed the political participation of communists throughout the state. The act of placing restrictions on the eligibility of individuals who had not

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<sup>29</sup>Elected Offices-Eligibility, *General and Special Laws of Texas*, ch. 386 (1947).

<sup>30</sup> Elected Offices-Eligibility, 1947.

<sup>31</sup> Elected Offices-Eligibility, 1947.

lived inside Texas for at least a year, the legislature created a safety net that insulated the state's government from potential infiltration of communist influence.

After the successful passage of the Elected Offices-Eligibility act, the 50<sup>th</sup> Texas State Legislature attempted to pass two more pieces of anti-communist legislation. On March 17, 1954, Representative James C. Spencer of Henderson County introduced a bill to revise article 1274 of the 1925 Texas State Penal Code. Article 1274 dealt with libel on the grounds that someone is guilty of libel if they knowingly circulated, distributed, or sold material that possessed "malicious design."<sup>32</sup> The proposed bill would add an addendum to Article 1274 that modified the definition of what constituted circulated libel to include calling or reading an item that labeled an individual as Fascist or communist.<sup>33</sup> The bill was referred to the House Committee on Criminal Jurisprudence where it ultimately failed to pass. House Bill (HB) 709 marked the first piece of anti-communist legislation that failed to pass during the Second Red Scare in Texas. It also marked a continuance of a common theme among anti-communist legislation during the 1940s centered on restricting the ability of communists to participate in the political process.

The final piece of anti-communist legislation created during the 1947 session targeted business practices within Texas. On April 15, 1947, HB 803, once again authored by James C. Spencer, came to the floor. It aimed to cancel the Charter of *The Christian American*, a rightwing organization who opposed labor in the state, as well as forbidding the Secretary of

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<sup>32</sup> Texas Historical Statutes Project, *1925 Penal Code of the State of Texas*, 39<sup>th</sup> Texas Legislative Session, 1925, 291.

<sup>33</sup> Relating to amending the Penal Code to provide that calling any person a Fascist or Communist, either orally or in writing shall be libelous, per se., HB 709, 50<sup>th</sup> Regular Session, 1947.

State from giving business charters to organizations labeled as fascist or communist.<sup>34</sup> The targeting of *The Christian American* represented a unique departure for the Texas State Legislature and signaled that a fully intensified Red Scare had not started in the state at the time. The organization drew ire from the state legislature due to an attack ad launched against members of the body who voted against the Labor-Right to Work-Closed Shop Outlawed act from earlier during the session.

Representative Marshall O. Bell, from Bexar County, delivered a scathing speech denouncing *The Christian American* on the Floor of the House on March 13, over a month prior to the creation of HB 803. Bell drew attention to a bulletin from *The Christian American*, which labeled the thirty-seven members of the House who opposed Bell's right to work legislation as "friendly to the Communist Party." Attacking *The Christian American*, Bell proclaimed that all members of the House were "outstanding Texans."<sup>35</sup> Bell was not alone in criticizing the actions of *The Christian American*. James C. Spencer, the author of HB 803, rejected the political crucifixion offered by the organization claiming that he preferred to "follow the dictates of [his] own conscience" when choosing to support or not support the legislation.<sup>36</sup> Despite public proclamations against *The Christian American* and other propaganda-based organizations HB 803 ultimately failed to pass.

As the 50<sup>th</sup> session of the Texas State Legislature ended on June 6, 1947, the results

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<sup>34</sup> Relating to cancelling the Charter of The Christian American, prohibiting the issuance of Charters to Communist or Fascist groups, HB 803, 50<sup>th</sup> Regular Session, 1947; Don E. Carleton, *Red Scare! Right-wing Hysteria, Fifties Fanaticism, and Their Legacy in Texas* (Austin: Texas Monthly Press, 1985), 131.

<sup>35</sup> Texas Legislature, House, House Journal, 50<sup>th</sup> Regular Session, 1947, 754.

<sup>36</sup> House Journal, 50<sup>th</sup> Regular Session, 755.

marked the start of an internal attack against communism. The Elected Offices-Eligibility act marked the first of numerous pieces of anti-communist legislation that the legislature crafted from 1947 to 1954. Subsequently, it set a trend that continued into the 1949 51<sup>st</sup> session of focusing on restricting the ability of communists to participate in the electoral process. Despite the first piece of anti-communist legislation passing during the 50<sup>th</sup> session, anti-union bills held a much more prominent position to the state legislators. The two anti-union pieces of legislation came to the floor of the House almost two full months before the anti-communist legislation. Marshall O. Bell, the author of the Right to Work law, would come to prominence during the 1950s as a critical author of several pieces of anti-communist legislation.

Communism drew increased attention during the 51<sup>st</sup> meeting of the Texas State Legislature in 1949. Three bills and two House Concurrent Resolutions that restricted the actions of communists in the state came onto the floor of both the House and Senate during the session. Out of the five pieces of anti-communist legislation brought forward, only two passed. Then-Lieutenant Governor Allan Shivers drew attention to the cause of anti-communism early in the session when in a speech delivered on January 18, 1949, he declared that a “populace [that] is sufficiently educated need not fear the invasion of communism.”<sup>37</sup>

Anti-communist legislation appeared early in the 51<sup>st</sup> meeting of the Texas State Legislature with HB 19. Authored by Marshall O. Bell, HB 19 proposed sweeping restrictions against the Communist Party within the state. The law would have required state employees to swear a loyalty oath that they were not a member of the Communist Party, which bore

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<sup>37</sup> Texas Legislature, House, House Journal, 51st Regular Session, 1949, 43.

similarity to President Truman's loyalty oath program. HB 19 made it illegal for an individual to work for the state if they were affiliated with the Communist Party and required the Texas Department of Public Safety to make and circulate a list of communists to all necessary organizations. Finally, it imposed criminal penalties of up to five years in prison and a fine not to exceed \$5,000 to those found in violation of the law.<sup>38</sup> The law ultimately failed to pass after numerous amendments in the House and Senate, but Representative Bell and Rogers Kelley a Senator from Edinburg County of the anti-communist bloc incorporated parts of the bill into other pieces of anti-communist legislation during the 1950s.

Soon after the failure of HB 19, members of the Texas Senate launched their own anti-communist legislation. On February 10, 1949, John Junior Bell, now a member of the Senate, introduced the Election Ballots-Political Parties-Disqualification Act. The law outlawed "any political party whose members believe in or advocate the principles and teaching of communism." Furthermore, it stipulated that any party that featured the communist name could not be "placed on the official ballot at any General Election" that took place within the state.<sup>39</sup> Unlike the Elected Offices-Eligibility Act, the Election Ballots-Political Parties-Disqualifications act aimed to eliminate the participation of political parties instead of individuals. With the passage of the Election Ballots-Disqualification Act, members of the Texas State Legislature successfully eliminated the Communist Party and those affiliated with it from

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<sup>38</sup> Relating to the creation of the Texas State Loyalty Board and providing for the compilation of said Board of List of Communists and Subversive Organizations, and providing for the transmittal of said lists throughout the State and all agencies; declaring the public policy of this State with respect to the Communist Party and Communist Front organizations, and particularly with respect to the infiltration of the members of such Party and organizations into the government of this State; containing a severability clause, HB 19, 51<sup>st</sup> Regular Session, 1949.

<sup>39</sup> Election Ballots-Political Parties-Disqualification, *General and Special Laws of Texas*, ch. 131 (1949).

legally participating in the electoral process within the state.

After the passage of the Election Ballots-Disqualification act members of the House brought three more pieces of anti-communist legislation forward from March 22 to April 28, 1949. Two of these entered the floor on March 22, and both focused on preventing communist infiltration of education. HB 747 proposed making it illegal for an individual to enroll in a state college or university without signing a statement “that he is not a member of the Communist, Fascist, or Nazi Party,” and if an individual is found in violation of the statement they would face imprisonment for no more than ten years and receive up to a \$5,000 fine.<sup>40</sup> In conjunction with HB 747, HCR 50 sought to force state institutions of higher learning to remove individuals—either students or faculty—that held communistic leanings.<sup>41</sup> Both the bill and the resolution ultimately failed to pass, as they could not get through the editing process, but the two pieces of legislation marked a continued shift away from preventing communists from participating in the electoral process and instead targeted them as everyday citizens. The shift from political to the public would continue into the 1950s as anti-communist legislation got increasingly more restrictive.<sup>42</sup>

Introduced on April 28 and passed on May 2, 1949, HCR 89, otherwise known as the Communist Threat to the US, outlined the grave threat that communism posed to the US. Primarily concentrating on events abroad, the HCR called attention to Soviet expansionism, the

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<sup>40</sup> Relating to making it unlawful for any person to enter or enroll in any State University or State College without first signing a statement that he is not a member of the Communist, Fascist, or Nazi Party; providing a penalty; fixing an operative date for this Act; repealing all laws in conflict herewith, HB 747, 51<sup>st</sup> Regular Session, 1949.

<sup>41</sup> House Concurrent Resolution 50, 51<sup>st</sup> Regular Session, 1949.

<sup>42</sup> For more information on anti- communism in Texas education see: Katherine E. Bynum, “Weeding Out the Undesirables: The Red Scare in Texas Higher Education, 1936-1958,” (Master’s Thesis: University of North Texas, 2014).



threat of a communist controlled China, and warned against solely relying on the atomic bomb as the only means of defending the country. House members also highlighted the significant gains that Stalin and the Soviet Union had acquired in Europe after the conclusion of the Second World War as he had acquired a total population of “120,000,000” individuals to add to his “war machine” in preparation for a “Third World War.”<sup>43</sup> In China, members of the House saw an affront to the lives sacrificed in the Pacific Theater as the US allowed “Stalin to make the Chinese people his vassals through enslavement.”<sup>44</sup> Even the US nuclear monopoly drew the ire of members of the House. They likened the US reliance on the Atomic Bomb to “the foolish confidence [that] the French People had in the Maginot Line.”<sup>45</sup> The members of the House concluded by asserting that the US State Department had “adopted a policy of passive resistance towards the Soviet Union” and recommended that all of those responsible should be “dismiss[ed] from the Department of State.”<sup>46</sup> American vulnerability, not American strength, drew the attention of the legislators as they concluded their assessment of world events as they argued for increased steps to prevent the Soviet Union from gaining ground throughout the world.

HCR 89 represented a complete assessment of US foreign policy since the start of the Cold War, as viewed by members of the House. The Resolution highlighted what they interpreted as failings of the foreign policy construct, attributed to the State Department, and

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<sup>43</sup> Texas Legislature, Communist Threat to United States, House Concurrent Resolution, 51<sup>st</sup> Regular Session, 1949.

<sup>44</sup> Communist Threat to United States, House Concurrent Resolution, 51<sup>st</sup> Regular Session, 1949.

<sup>45</sup> Communist Threat to United States, House Concurrent Resolution, 51<sup>st</sup> Regular Session, 1949.

<sup>46</sup> Communist Threat to United States, House Concurrent Resolution, 51<sup>st</sup> Regular Session, 1949.

recommended changes to push the country in a direction that they saw as necessary. House members also offered intellectual critiques of communism as an ideology within the document noting that “the communist creed is the exact reverse and directly opposed” to the “American doctrine.”<sup>47</sup>

The critiques of communism and the critical assessment of US foreign policy reveal several factors about the motivations of the Texas State House. Members of the House drew attention to what they viewed as the perilous position of the US through a critical analysis of major world events. Their unique perspective provided a sense of the worldview that dominated the body in 1947 and 1949. National security broadly defined remained a substantial focus of the body as they grappled with dealing with communism in Texas. Instead of contending with issues out of their control, members of the House and Senate turned their attention inward, concentrating on establishing protections for their state against the threat of communism. Their effort to address national security through internal reforms constituted the start of an internal security structure, which would expand in the 1950s, designed to protect the interest of the state from internal threats. Insulating the legislators and their constituents from an ideology that they found to be directly in opposition to the ideals that they held, the anti-communist legislation passed during the late 1940s laid the foundation for the expansion of the Second Red Scare in the 1950s.

Thus, as the 1940s drew to a close the members of the Texas State Legislature had launched sweeping electoral reforms against communism. As the events of the Early Cold War

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<sup>47</sup> Communist Threat to United States, House Concurrent Resolution, 51<sup>st</sup> Regular Session, 1949.

unfolded members of the Texas State Legislature focused on preventing communists from participating in the electoral process at home. Some members attempted to broaden the anti-communist legislation by targeting communists in education and throughout government employment. Despite their efforts, those bills failed, but during the 1950s the state legislature would pass an increasingly restrictive series of anti-communist legislation that targeted communists at all levels of society within the state.

Anti-communist legislation developed during the late 1940s by the state legislature also marked the emergence of an anti-communist legislative bloc within the body. Chief among them were Marshall O. Bell, James C. Spencer, and John Junior Bell, who all authored significant pieces of anti-communist legislation as well as two key anti-union laws. Others joined these men during the 1950s and received support from a large but silent majority of men in the House and Senate as they continuously voted for harsh anti-communist measures throughout the period.

The three pieces of anti-communist legislation and two anti-union bills passed during the 1947 and 1949 sessions of the Texas State Legislature marked the start of the Second Red Scare in the body. Predating McCarthy by almost three years, the Texas Legislature undertook a campaign against communism within the electoral process as well as forming staunch anti-union restrictions. These changes reflected the attitudes of the state legislature towards communism and the threat that they perceived it to be to their state.

## CHAPTER 3

### TANGIBLE FEAR: COLD WAR CONTEXTS AND THE 1951 LEGISLATIVE SESSION

As the US emerged from the tumultuous decade of the 1940s the country experienced a resurgent economy and status as one of the two dominant powers in the world. However, underlying these positive changes lurked a fear of communism and communists, which became a preeminent part of life in the country with the first Soviet test of an atomic bomb, the start of the Korean War, the rise of Senator Joseph McCarthy.<sup>1</sup> These two outside factors greatly contributed to the heightened fear of communism in Texas, and ultimately played a significant part in motivating the state legislature to pass a series of restrictive anti-communist laws.

Texas during the 1950s remained a staunchly conservative state, controlled entirely by a splinter faction of the Democratic party devoted to upholding segregation. Further, the state's Democrat party undertook a renewed focus on stifling communists in the state by passing two highly restrictive laws during the 1951 legislative session. In conjunction with passed legislation, the Texas Legislature also attempted to pass an additional law, which focused on professional restrictions. Both the passed and unpassed laws reveal the extent to which the State Legislature was willing to go to disrupt the perceived threat of communism within the State.

The biannual legislative session of 1951 greatly increased the strength of anti-communist legislation compared to that of the late 1940s. The expansion of anti-communist legislation saw the passage of numerous laws that frequently met challenges from inside the

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<sup>1</sup> Gaddis, *The Cold War*, 41-50. Oshinsky, *A Conspiracy So Immense*. Patterson, *Grand Expectations*, 99.

House of the state legislature due to questions of the constitutionality of the bills. The laws passed during the early years of the Second Red Scare, 1947 and 1949, in Texas focused exclusively on curtailing the ability of communists from participating in the political process with the state. However, the legislative session in 1951 introduced a more restrictive series of anti-communist legislation designed to prevent potential communists from operating in private industry and from entering the state.

Anti-communist legislation passed in the late 1940s started out with a limited scope and effect compared with those that came about during the 1950s. The 1947 Elected Offices-Eligibility Act, which was the first anti-communist law passed during the Second Red Scare, barred individuals who wished to overthrow the governments of the US and Texas from participating in elections.<sup>2</sup> The legislature continued its efforts to pass anti-communist legislation in 1947 by putting forward two other bills that represented a direct departure from the Elected Offices Eligibility Act. First, an attempt to amend the 1925 State Penal Code that intended to make the action of falsely proclaiming an individual as either a fascist or communist a libelous crime became the first anti-communist legislation to fail to pass.<sup>3</sup> Finally, in 1947, the Texas Legislature attempted to pass a law that would reject all charters extended to organizations that held communistic affiliations.<sup>4</sup>

The 1949 session of the legislature saw another anti-communist law passed. The

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<sup>2</sup> Elected Offices-Eligibility, *General and Special Laws of Texas*, ch. 386 (1947); Bynum, "Weeding Out the Undesirables"; Carleton, *Red Scare!*.

<sup>3</sup> An Act to Amend Article 1274, Revised Penal Code of the State of Texas, 1925, H.B. 709, 50<sup>th</sup> Regular Session, 1947.

<sup>4</sup> An Act Cancelling the Charter of the Christian America, H.B. 803, 50<sup>th</sup> Regular Session, 1947.

Election Ballots-Political Parties-Disqualification act outlawed the participation of any political party that advocated a communist ideology.<sup>5</sup> The bills passed during the late 1940s signified a rational step in curtailing the potential threat of communism in the state by targeting their ability to participate in the electoral process, but during the 1950s the Texas Legislature would exponentially expand the strength of anti-communist legislation with an increased focus on criminal penalties.

The two pieces of anti-communist legislation passed during the 1940s targeted the ability of individuals who propagated or held communist ideology from legitimately participating in statewide elections. In comparison to the laws passed after 1950, the two addressed the perceived threat of communism rationally without falling into hysterical motivations. The unpassed laws of the 1940s set the stage for the laws of the 1950s by hinting at the hysteria that was just beginning to emerge by targeting organizational charters and attempting to create forced registration of communists throughout the state. As the Cold War expanded in the late 1940s and the early 1950s, members of the Texas State Legislature bought into the mass fear of communists and communism that plagued the country that coincided with the first confirmed Soviet test of an atomic bomb, the onset of the Korean War, and the rise of Senator Joseph McCarthy.<sup>6</sup>

Prior to 1949, the US had maintained an unchallenged monopoly on atomic weapons,

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<sup>5</sup> Elections Ballots-Political Parties-Disqualification, *General and Special Laws of Texas*, ch. 131 (1949)

<sup>6</sup> Fears of anti- communism dominated the zeitgeist of the country during the 1950s. With Senator McCarthy leading the charge on the national level numerous states bought into the hysteria bringing the fear into the populace of the country. For more information see Campbell, *Gone to Texas*, 383, 389-391; Patterson, *Grand Expectations*, 182-183, 185-187, 165, 169, and 179; Ricky F. Dobbs, *Yellow Dogs and Republicans: Allan Shivers and Texas Two-Party Politics* (College Station: Texas A&M University Press, 2005); Oshinsky, *A Conspiracy So Immense*.

but that would change quickly with official confirmation from the Truman administration in August that the Soviet Union had officially tested an atomic bomb.<sup>7</sup> The test inspired fear throughout the country and constituted a massive strategic reevaluation by the Harry S. Truman Administration—who had relied upon the atomic monopoly to maintain an advantage over the Soviet Union.<sup>8</sup> The loss of the atomic monopoly pushed the Truman Administration to reconsider its policy of economic aid to non-Communist countries and to greatly increase the military strength of the US. The possibility of militarizing the Cold War necessitated extensive consideration from the Truman administration and would have increased social fears throughout the country as well as putting an increased economic strain on citizens to remobilize the country.<sup>9</sup>

Concerns over the Soviet atomic bomb appeared throughout papers in Texas from 1947-1954, but after the first official test of a Soviet bomb in 1949 politicized coverage exploded. *The Austin American* dedicated six articles on its front page to the Soviet atomic bomb and Congress member's response to the test. These articles focused on the official response of the Soviet Union to a possible atomic test noting that the country declared that it had "an atomic weapon as long ago as 1947," and that the Soviet's "did not confirm or deny" the possibility of an atomic test.<sup>10</sup> Furthermore, in an article titled "Solons Question Russia's Move" the author summarized Congressmen's response to the Soviet test by noting that it was "imperative that

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<sup>7</sup> Gaddis, *The Cold War*, 35-6.

<sup>8</sup> Leffler, *A Preponderance of Power*, 312-13.

<sup>9</sup> Hogan, *A Cross of Iron*, 292.

<sup>10</sup> "Reds Give Neither 'Yes nor No' Answer on Report of Explosion," *The Austin American*, September 26, 1949.

the US move toward a showdown in the Cold War.”<sup>11</sup> In November of 1949, the *San Antonio Express* published an article that detailed the use of atomic weapons by the Soviet Union to “blow up mountains in Siberia to reverse the direction of two rivers.”<sup>12</sup> The *San Antonio Express* also published an article on November 7, 1949, that detailed the discussion of a Soviet official who declared that “with the atomic bomb in [the Soviet Union’s] hands a third world war would wipe out capitalism.”<sup>13</sup>

These articles published in *The Austin American* and the *San Antonio Express* in the immediate aftermath of the first official Soviet atomic bomb test provide insights into how Texas newspapers provided information to their readers regarding broader Cold War issues. First, Texans were keenly aware of the outside world, and they paid attention to the development of atomic bipolarity in the world.<sup>14</sup> Further, these articles revealed that coverage for broader outside events was common during the era that anti-Communist laws in Texas became law. Finally, the articles demonstrated the fear that permeated throughout Texan society regarding the military strength of the Soviet Union and the potential devastation that a communist ideological society could deliver to the US.

Shortly after the Soviet test of an atomic bomb in October of 1949, the leader of the Chinese Communist Party, Mao Zedong, declared victory for the communists in China against their nationalist opponents. After nearly four years of conflict, 1946-1949, the victory of the

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<sup>11</sup> “Solon Question Russia’s Motive,” *The Austin American*, September 26, 1949.

<sup>12</sup> “Reds Use Atomic Energy to Change River Courses,” *San Antonio Express*, November 6, 1949.

<sup>13</sup> “Russian Boasts of Power to Wipe Out Capitalism,” *San Antonio Express*, November 7, 1949.

<sup>14</sup> For an expanded broader response of the United States to the Soviet atomic tests see: Gaddis, *We Now Know*, 99-101; Patterson, *Grand Expectations*, 169-70.



communists in China marked a drastic expansion of the Cold War. The fall of China forced the Truman administration to revalue its approach to the Cold War as policymakers, such as Dean Acheson, attempted to craft a policy to address the rapidly changing situation in Asia.<sup>15</sup>

As Mao Zedong and the Chinese Communist Party solidified control of mainland China in October of 1949, newspapers throughout Texas provided substantial coverage of the event. Although not as politicized as the coverage of the Soviet test of the atomic bomb, the articles paid close attention to the relationship between the Soviet Union and the newly created People's Republic of China as the two governments quickly declared an alliance with one another.<sup>16</sup> In addition to allying with the Soviet Union, the papers focused on the ties between communist China and the communist controlled countries of Eastern Europe.<sup>17</sup>

The fears of a Chinese-Soviet alliance caused one article in *The Abilene Reporter-News* to highlight a statement by the Foreign Minister of the Nationalist Party of China-the opposition to the communists-that argued that the Soviet recognition of communist China threatened the "peace and security of the Far East."<sup>18</sup> These depictions of the creation of the People's Republic of China that focused on the country's relationship with the Soviet Union and the potential threat that such an alliance posed for the security of Asia, which in turn would threaten the US.

Broader fears of international communism inside of Texas appeared in full force with

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<sup>15</sup> Gaddis, *The Cold War*, 36-37; Harper, *The Cold War*, 98-99; Leffler, *A Preponderance of Power*, 333 and 336-340; and Brands, *The Devil We Knew*, 26-29.

<sup>16</sup> "Kremlin Bestows Official Mantle on China's Reds," *The Austin American*, October 3, 1949; "Soviet Recognizes China Red Regime: Nationalist Handed Note by Gromyko," *The Dallas Morning News*, October 3, 1949.

<sup>17</sup> "Chinese Commies Proclaim Republic: Chou Enlai Named Premier at Mammoth Peking Rally," *The Baytown Sun*, October 1, 1949.

<sup>18</sup> "Chines Call Red Action 'Aggression,'" *The Abilene Reporter-News*, October 3, 1949.

the outbreak of the Korean War in 1950. Prior to the invasion of South Korea by North Korea, the country had existed in a divided state with the US supporting the southern portion and the Soviet Union supporting the northern half. These states had existed in relative peace from 1945-1950, outside of Northern communist forces harassing the southern country, but in June 1950 North Korea seized on the perceived weakness of the South Korean regime and launched a full-scale assault.<sup>19</sup> The Korean war sparked fears of all-out war between the US and the Soviet Union and reinvigorated fears of communism throughout the country.<sup>20</sup>

Texan newspapers dedicated substantial coverage to events in Korea following the surprise attack by North Korea on South Korea, which often featured strong anti-communist language and ideas. An article published by *The Austin American*, broke down President Harry Truman's response to the Korea situation noting that the president "expressed full confidence" that "South Korea will be saved as a free nation." Additionally, the President "denounced the communist attackers as a bunch of bandits."<sup>21</sup> The possibility of the Korean War as the starting point for a third World War also appeared in publications following the onset of hostilities. The *Lubbock Avalanche Journal* published an article that discussed the possibility that a "victory for the communists [in Korea] would so inflame them as to make World War III more inevitable."<sup>22</sup>

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<sup>19</sup> Gaddis, *The Cold War*, 40-6; H.W. Brands, *The Devil We Knew*, 28-30; Melvyn P. Leffler, *A Preponderance of Power*, 365-369.

<sup>20</sup> Despite approaching the Korean conflict by observing it as a civil war instead of a broader Cold War Conflict, Cumings work is the standard text for the history of the Korean conflict: Bruce Cumings, *The Origins of the Korean War*, 2 vols., V 1: Studies of the East Asian Institute, Columbia University (Princeton, N.J.: Princeton University Press, 1981).

<sup>21</sup> "Truman Sees Korea Victory over 'Bandits'," *The Austin American*, June 30, 1950.

<sup>22</sup> "Danger is Great, The Task is Onerous," *Lubbock Avalanche Journal*, July 9, 1950.

The fear of a Communist-caused Third World War permeated Texas in the aftermath of the beginning of the Korean War, which only increased the fears of communism in Texas society.

Texas newspapers also highlighted the potential involvement of the Soviet Union at the start of the Korean War and their desire for a communist-controlled Asia. Articles such as “Korean Situation Outgrowth of Russia’s Policy for Expansion” argued that the attack on South Korea occurred because of “the communist Drive to take over all of Asia.”<sup>23</sup> An article in the *San Antonio Express* focused on “why the Kremlin ordered this most extreme communist adventure in anti-American aggression,” and subsequently argued that the war originated because of a “Russian sponsored invasion.”<sup>24</sup>

The papers’ depiction of the Korean War highlighted not only the continued presence of anti-communist attitudes from within the state but also an evolved fear of the expansionist tendencies of the Soviet Union. Articles published in the immediate aftermath of the start of the Korean War revealed the development of sophisticated anti-communist rhetoric that was taking hold throughout Texas. The rhetoric employed by newspapers showed clear signs of continued development from their previous reporting on the first official test of an atomic bomb by the Soviet Union.

The rise of Senator Joseph McCarthy in 1950 and his continued national dominance until his collapse during the Army-McCarthy hearings in 1954 greatly influenced how Texans perceived the threat of communism. February 9, 1950, became the coming out party for

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<sup>23</sup> Dewitt Mackenzie, “Korean Situation Outgrowth of Russia’s Policy for Expansion,” *Lubbock Avalanche Journal*, July 2, 1950.

<sup>24</sup> “War or Peace Decision Rests with Russia,” *San Antonio Express*, June 29, 1950.

McCarthy on the national stage with his speech in Wheeling, West Virginia where he proclaimed that the US State Department had an infestation of communists.<sup>25</sup> What followed McCarthy's Wheeling speech was a meteoric rise that quickly spurred a revitalized Red Scare throughout the US and, of course, in Texas. McCarthy unleashed a series of volatile attacks on prominent political figures throughout the US government.<sup>26</sup> McCarthy's meteoric rise represented the fears and concerns that citizens of the US held regarding the global conflict with communism. Moreover, McCarthy maintained strong support among the conservative base in Texas. In 1953, McCarthy received a Cadillac from E. M. Biggers, the father-in-law of the leader of the Houston Minute Women, and Gov. Allan Shivers declared him an honorary citizen of Texas.<sup>27</sup>

Joseph McCarthy faced resistance from one group during his tenure as the public figure at the head of the opposition to communism in the US. Throughout the state there existed a consensus that anti-communism was a necessary position to take, but there never truly existed a complete consensus on whether Senator McCarthy's approach was the correct method to seek out communists. Direct opposition to Senator McCarthy existed primarily inside of the student newspaper of the University of Texas, *The Daily Texan*. Despite resistance from *The Daily Texan*, newspapers of major cities throughout the state offered a generally positive depiction of the volatile senator.

The initial reactions from newspapers from within Texas focused primarily on the

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<sup>25</sup> Oshinsky, *A Conspiracy So Immense*, 108-114.

<sup>26</sup> Patterson, *Grand Expectations*, 196-203.

<sup>27</sup> Carleton, *Red Scare!*, 227-228.

continuing evolution of McCarthy's supposed list of names with numerous articles highlighting the number shrinking from 207 to 57, and finally to four. The *San Antonio Express* published an article on February 24, 1950, detailing the political effect on Secretary of State Dean Acheson, which grew out of "charges by Senator McCarthy (R-Wis.) that a communist spy ring is operating" within the State Department.<sup>28</sup> An article in the *Austin American* exemplifies the aggressive nature of the adoption of McCarthy by Texas newspapers. Victor Riesel's article "What Good Does Giving Information Do?" noted that McCarthy had read the column and that he "demanded that [he] be heard."<sup>29</sup> Riesel's article showed that anti-communism was already a mainstay in Texas newspapers at the time and that fervent Texan anti-communists were receiving national attention at the same time. In opposition to the widespread support that Senator McCarthy received within the state, substantial pushback against his agenda existed within student-run newspapers on college campuses throughout the state. The *Daily Texan*, which was the student-run newspaper at the University of North Texas, unleashed a consistent stream of articles challenging Senator McCarthy and McCarthyism in 1953 and 1954.

These articles keyed in on the Senator's investigative strategy describing them as "sensationalist" and noting that they "depend[ed] upon creation of fear" the reporters also noted that the investigations frequently went "beyond fairness and degenerated into mud throwing spectacles." An article in *The Campus Chat* used the example of a Texas Housewife who described a McCarthy hearing as akin to "monkeys in a cage going through their antics for

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<sup>28</sup> "Contempt Trial for Acheson Suggested: Senate Wants Action if Loyalty Data Refused," *San Antonio Express*, February 24, 1950.

<sup>29</sup> Victor Riesel, "What Good Does Giving Information Do?," *The Austin American*, February 16, 1950.

zoo visitors.”<sup>30</sup> These critiques of the McCarthy hearings provided a counter to the praise that the Senator received in the mainstream press throughout the state.

The staunchest opposition to Senator McCarthy occurred when he received the opportunity to speak at the San Jacinto Memorial Day. Between March 30 and April 6, 1954, student members of *The Daily Texan* organized a series of protests against the Senator’s invitation to speak at the San Jacinto Memorial. By April 6, students had circulated a petition that acquired a total of 1,571 signatures.<sup>31</sup> Despite the students’ best efforts McCarthy eventually participated in the San Jacinto Memorial event.

McCarthy’s legacy in Texas is a conflicted one; however, it undoubtedly affected how ordinary citizens and members of the state legislature viewed the potential threat of communism. Both support and opposition to Senator McCarthy within Texas continued to push his objective of expunging communists from within the US Government. The widespread coverage delivered a continuous stream of anti-communist thought to the citizens of the state. By consistently discussing the Senator and his actions *The Daily Texan* drew attention to the cause of anti-communism within the state.

Marked fear of anti-communism permeated throughout the thoughts of the citizens of Texas during the early 1950s. Spurred by outside events, these fears manifested in the creation of numerous legislative bills designed to eliminate the potential threat of communism from within the state. Between 1950 and 1954, members of the Texas State Legislature crafted

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<sup>30</sup> “Brain-washing Techniques Pose Tough New Problem for Military,” *The Daily Texan*, April 11, 1954; Virginia Linguist, “Taxpayers Tire of Money Loss Caused by Government-Backed JV Hearings,” *The Campus Chat*, May 14, 1954.

<sup>31</sup> “Kenny, Dugger to Take 40-Foot List to Cullen,” *The Daily Texan*, April 6, 1954.

fourteen pieces of anti-communist legislation that made having any affiliation with either the communist party or communist ideology illegal.<sup>32</sup> A small but vocal minority of House and Senate members, which constituted an anti-communist bloc, developed during the 1950s. Members of the anti-communist bloc included Marshall O. Bell, of Bexar County, who authored five pieces of legislation. The consistent group of individuals who authored the majority of the legislation did not speak in the official record often, but they led a silent majority of supported the laws that passed in massive numbers.

The 1951 session saw great success for Marshall O. Bell inside the state legislature as two of the three anti-communist bills passed. Members of the state legislature enacted a strict set of rules and regulations, which effectively established a repressive internal security construct within Texas. The internal security construct consisted of a desire to limit those who believed in the underlying ideology of communism from participating in elections, required registration to the state, criminal penalties, and loyalty oaths for those who worked for the state.

At 12 o'clock on January 9, 1951, the Fifty-Second session of the Texas State legislature officially opened to a speech by the Texas Secretary of State John Ben Shepperd to the House. Shepperd stressed the necessary duty that the members of the House were undertaking, noting that they must "maintain at home what [they were] now defending on the battlefield." He

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<sup>32</sup> Legislation and court cases often receive minimal examination within much of the wider historiography of the Second Red Scare. However, Philip Jenkins *The Cold War at Home* provides a contextual examination into the topic in Pennsylvania. Additionally, Jeff Woods *Black Struggle Red Scare* examines the impact that anti-communist legislation and court cases had on African Americans throughout the South during the Second Red Scare. Jenkins, *The Cold War at Home*, 81-88; Woods, *Black Struggle, Red Scare*, 82-101.

stressed the need for Texas to serve as a “fortress of liberty, justice, and tolerance” in the face of the threat of communism at home and abroad.<sup>33</sup> The Secretary of State highlighted the enormous nature of the task that lay before the members of the state legislature by couching his rhetoric in grandiose terms. The threat of communism immediately became the focus of the members of the House. The Fifty-Second session eventually brought three major pieces of anti-communist legislation to the floor of the House. Only two successfully passed.

The Acts passed in 1947 and 1949 formed a strong base for anti-communist legislation in Texas, but the cornerstone of the legislative efforts designed to prevent the spread of communism within the state went into effect in 1951. Put forward on January 15, 1951, what became known as the Communist Control Law quickly passed through the both the House, Senate, and the committee on State Affairs. In shortly over a month, from January 15 to February 21, the bill passed the necessary three readings in the House and Senate, and on February 27 Governor Allan Shivers formally signed the bill into law.<sup>34</sup>

The Preamble of the law described a “world communist movement” that was “directed by the Union of Soviet Socialist Republics” with the goal of “world control.” Following typical societal patterns that had developed by the early 1950s, the preamble of the Communist Control Law showed the fear and awareness of the potential threat that the Soviet Union had on not only the US but also Texas. Furthermore, the law referenced world events such as the Korean War to highlight the use of “fraud, espionage, sabotage, terrorism, and treachery” by

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<sup>33</sup> Texas Legislature, House, House Journal, 52<sup>nd</sup> Regular Session, 1951, 1.

<sup>34</sup> Per the Texas Constitution and House and Senate rules proposed bills had to be read on three separate legislative days unless suspended by a four-fifths vote; Texas Legislature, House, Rules of the House of Representatives Fifty-Second Legislature with Texas Legislative Precedents, Congressional Precedents, and Annotations, 1952, pg., 241-242; Communist Control Law, *General and Special Laws of Texas*, ch. 8 (1951).



communists to cause upheaval in other nations. Finally, the preamble argued that due to hosting a number of “Nation’s largest and most vital military establishments” and being the “producer of many of the most essential products for national defense” Texas represented a key target for potential communist infiltration. Because of these reasons, the State Legislature argued that communism “constitute[ed] a clear and present danger” to Texas and that it was necessary to codify a law to prevent the spread of such an ideology.<sup>35</sup>

The Communist Control Law featured two major sections. The first detailed the definitions for various terms related to communism, defining, for example, a communist as a person who was a member of the Communist Party whether they “[paid] dues to or [held] a card.” The second focused on legal restrictions for both the party and ideology, stipulating, among other things, that membership in the Communist Party include those who “knowingly contribut[ed] funds” or “property” and who advocated to “overthrow. . . the Government of the United States of America [or] the Government of the State of Texas.”<sup>36</sup> The bill harkened back to the 1947 Elected Office-Eligibility act where it broadly defined the motivating underlying ideology of communism, to include them in the definition of the Communist Party.<sup>37</sup> The law also defined the Communist Party as an “organization which [was] substantially directed, dominated, or controlled” by the Soviet Union. The final term that the Communist Control Law specifically defined was a “communist front organization.” A “communist front organization” had members who were not all communists, but was “substantially directed,

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<sup>35</sup> Communist Control Law, *General and Special Laws of Texas*, ch. 8 (1951).

<sup>36</sup> Communist Control Law, 1951.

<sup>37</sup> Elected Offices-Eligibility, *General and Special Laws of Texas*, ch. 386 (1947).

dominated, or control[led] by communists or the Communist Party.” A communist front organization also “advocate[ed], or act[ed] to further, the world communist Movement.”<sup>38</sup>

Having defined the complex language present inside of the law, legislators developed a blueprint for individuals in government and law enforcement to identify those associated with communism.

After the Communist Control Law defined the various forms of communism and organizations related to communism that potentially existed within Texas, the law then instituted expansive forms of control on communists within the state. First, the law required individuals who identified as a communist or were members of a communist front organization to “register with the Department of Public Safety” within five days of the passage of the law or their arrival in the state. The law also included a section that stipulated that a person found in violation of the registration provision could face fines between \$1,000 and \$10,000. A person found in violation of the Communist Control Law faced between two and twenty years of prison time if they advocated for communist ideas or principles as defined by the law. The law required individuals to submit personal information such as name, “address, business occupation, the purpose of presence in the State of Texas,” and numerous other small details of their life.<sup>39</sup> These details potentially allowed the state to not only track the individuals but also the ties that they possessed to other potential communist organizations or people.

The Communist Control Law formally codified an all-out attack on the ideas and principles expounded by the Communist Party. Reflecting an energized anti-communist stance

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<sup>38</sup> Communist Control Law, *General and Special Laws of Texas*, ch. 8 (1951).

<sup>39</sup> Communist Control Law, *General and Special Laws of Texas*, ch. 8 (1951).

throughout Texas, the Communist Control Law upheld and expanded upon previous trends in Texan society shown in the 1947 and 1949 laws. The Communist Control Law, having defined communism, embraced the all-out attack on communism in the state. The years from 1947-1951 featured the rise of extreme anti-communism in Texas society represented by radical movements such as the Minute Women of Houston, a radical movement of women dedicated to fighting communism, which directly contributed to the start of the Second Red Scare in Houston. The Texas Legislature fully embraced the hysteria with the passage of the Communist Control Law, which continued until the end of 1954.<sup>40</sup> The law passed unanimously with only one person in the House abstaining.

Despite the rapid advance of the bill from its creation to officially becoming a law one member of the Texas House expressed misgivings towards the criminal stipulations included inside. On February 1, 1951, members of the House John Newhall Barnhart, a Democrat, delivered a speech to the assembled legislators in which he explained the reason for voting no on the law. Barnhart questioned the constitutionality of the law because it required a “criminal. . .to declare himself as such” when asked to register under the Communist Control Law, which the Supreme Court had ruled as unconstitutional in *Blau v. United States*. Despite his resistance to the bill, Barnhart notes that he “was not opposed” but “in fact approved” of the intent behind the legislation.<sup>41</sup> The piecemeal resistance to the Communist Control Law by Representative Barnhart, which ultimately resulted in a halfhearted admittance, signified the

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<sup>40</sup> Carleton, *Red Scare!*, 101 and 122-124.

<sup>41</sup> *Blau v. United States* concerned an individual who resided in the State of Colorado and was accused of having information regarding activities and records of the Communist Party of Colorado. The court ruled that the defendant held a right to prevent self-incrimination under the Fifth Amendment: *Blau v. United States*, 340 US 332 (1950); Texas Legislature, House, House Journal, 52<sup>nd</sup> Regular Session, 1951, pg. 203-204.

beginning of staunch challenges to coming anti-communist legislation in the following sessions. These challenges hinged upon questions of constitutional validity like those expressed by Representative Barnhart.

The 1951 Communist Control law marked a transition point of the legislative effort to expand the Second Red Scare within Texas. By directly outlining the definitions of communist, Communist Party, and communist front organization the Texas State Legislature had effectively hamstrung the ability of any individual within the state who identified as such from participating the political process. Further, the Communist Control Law also revealed the depths of the fear that the members of the Texas State Legislature held regarding not only communism but also the potential for a communist revolution to occur within the state because of its strong economy and military infrastructure.

Despite the initial success of the Texas State Legislature in rapidly passing the Communist Control Law the next piece of anti-communist legislation failed to pass. House Bill 209 focused on preventing “communists and persons having communistic leanings” from practicing law within the state. The bill required that those who wished to practice law within the state take an oath that they were not a member of the Communist Party and that they did not hold any communistic leanings. The Supreme Court of Texas would then have the duty of requiring every lawyer in the state to renew their oath as they paid their annual membership fees. Finally, H.B. 209 proposed that those found in violation of the law be “disbarred and subject to all other penalties” that applied.<sup>42</sup> The bill failed to survive the Senate.

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<sup>42</sup> Relating to prohibiting communists and persons having communistic leanings from practicing law and receiving a license to practice law, prescribing an oath to be made by attorneys upon being licensed to practice law and

HB 209 marked the first shift from a focus on politics to a realm of private enterprise for the anti-communist legislation. By targeting private individuals who operate within their professional sphere, legislators had taken the first step to spread their anti-communist crusade to a wider audience. The State Legislature quickly corrected their failure to pass HB 209 by introducing a new law in the Senate soon after.

Introduced on February 28, 1951, the Pharmacy-Regulation-Licensing act became the second piece of anti-communist legislation passed by the Texas State Legislature during the 52<sup>nd</sup> session. Unlike the Communist Control Law, the bill originated in the State Senate and did not feature anti-communism as a specific focus, but instead targeting reforming the pharmaceutical and medicine industry within the state. The law took much longer to move through the legislative process than the Communist Control Law. After its introduction in the Senate on February 28, it took the bill two full months until May 30<sup>th</sup> for the bill to arrive in the House, and after numerous edits, Governor Allan Shivers finally signed the bill into law on June 21<sup>st</sup>, 1951.<sup>43</sup>

Much of the Law focused on reforming pharmaceutical practices within the state of Texas, but it did introduce major stipulations to those who wished to be a pharmacist within Texas. The law forbade individuals who were “member[s] of the Communist party, or who [were] affiliated with such party” from either being a pharmacist or acquiring a license to practice in the profession. The law required that all people who could be a practicing pharmacist within

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annually by members of the State Bar; and providing for disbursement and other penalties for making false affidavit, HB 209, 52nd Regular Session, 1952.

<sup>43</sup> Pharmacy-Regulation-Licensing, *General and Special Laws of Texas*, ch. 469 (1951).

the state take an oath after receiving their license. The oath that potential pharmacists had to take required the individuals to swear that they were “not a member of the Communist Party” and did not support “any group that believes in” overthrowing the Government of the US.<sup>44</sup>

The Pharmacy-Regulation-Licensing act passed near unanimously in both the House and Senate with only three individuals voting against. The Pharmacy-Regulation-Licensing act was the first instance of a shift from purely political anti-communism to a form that targeted individuals outside of the political sphere. Despite the departure from the Communist Control Law, the Pharmacy-Regulation-Licensing act indicated a new direction for anti-communist legislation within the state. By stepping away from targeting individuals involved in politics, as the three previously passed laws did, the Pharmacy-Regulation-Licensing act moved the anti-communist agenda into the private sector by attempting to regulate the political affiliation of individuals inside of a specific profession. The shift from private to public marked a dramatic expansion of the intrusiveness of the anti-communist crusade within the state.<sup>45</sup> Both the physical health of Texas and the political health came to the attention of legislators with the Pharmacy-Regulation-Licensing act with a dual focus on protecting citizens from fraudulent pharmacists and preventing communists from accessing necessary medical services within the state.

As members of the Texas State Legislature assembled for the 52<sup>nd</sup> legislative session in 1951 they faced a world that had rapidly changed since the last regular meeting of the body in

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<sup>44</sup> Pharmacy-Regulation-Licensing, 1951.

<sup>45</sup> Pharmacy-Regulation-Licensing, 1951.

1949.<sup>46</sup> The first test of an atomic bomb by the Soviet Union, the start of the Korean War, and the rise of Senator Joseph McCarthy brought fears of an expansion-minded communist threat into focus inside of the state legislature. As communist power expanded throughout the world, signified by the Soviet atomic bomb test, the rise of communist China, and the start of the Korean War, Marshall O. Bell—in the Communist Control Law—highlighted the growing presence of a “world communist movement,” which threatened Texas.<sup>47</sup> Tied to world events the Communist Control Law signified a departure from previously election-focused anti-communist legislation. However, the laws enacted during the 52<sup>nd</sup> session paled in comparison with the legislation created during the 53<sup>rd</sup> regular and called sessions in 1953 and 1954.

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<sup>46</sup> The Texas Legislature did meet in 1950 but it was for a Called Session, which did not discuss the topics of communism.

<sup>47</sup>Communist Control Law, 1951.

## CHAPTER 4

### THE HEIGHT OF THE FEAR: THE 1953 AND 1954 LEGISLATIVE SESSIONS

The 52<sup>nd</sup> (1951) legislative session saw the beginning of what would become a rapid expansion of anti-communist legislation during each subsequent legislative session. The 52<sup>nd</sup> meeting of the Texas State Legislature crafted the core piece of anti-communist legislation, the Communist Control Law, and moved the legislative effort to halt the expansion of communism within the state into the public sphere with the Pharmacy-Regulation-Licensing Act. These laws shifted the tenor of the Second Red Scare within the state, drawing on fear of both foreign and domestic communists to put into place sustainable restrictions on the potential threat. The transition into the 53<sup>rd</sup> legislative session showed that the Texas State Legislature had no intentions of stopping its assault on communism. During the 53<sup>rd</sup> Session, five pieces of anti-communist legislation entered the discussion in the legislature.<sup>1</sup>

Unlike the 52<sup>nd</sup> legislative session, the 53<sup>rd</sup> began with an auspicious, if not muted, start when compared with the call to action of the previous session. The legislators found themselves greeted with a new Secretary of State, Jack Ross, who delivered a more limited call to action than during previous sessions. Secretary of State Ross's opening speech to the House called for them to "attack" the problems that faced the state with "a spirit of patriotism."<sup>2</sup> In the coming months, internal resistance to several pieces of anti-communist legislation and a House Simple Resolution emerged from within the State Legislature.

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<sup>1</sup> Communist Control Law, *General and Special Laws of Texas*, ch. 8 (1951); Pharmacy-Regulation-Licensing, *General and Special Laws of Texas*, ch. 469 (1951).

<sup>2</sup> Texas Legislature, House, House Journal, 53<sup>rd</sup> Regular Session, 1953, 1.



The potential communist infiltration of the public was not the only area that the Texas State Legislature sought to address through legal means during the Second Red Scare. Introduced in 1953, the State Employees and Others-Loyalty Oath act focused on restricting the ability for communist influenced state employees to negatively impact the state. The law stipulated that “no funds of the State of Texas shall be paid to any person” who had not filed an “oath or affirmation” declaring loyalty to the state of Texas and the US Government. The loyalty oath required that individuals on the payroll of the state swear that they had never been “a member of the Communist Party,” which follows the definition established in the Communist Control Law. The loyalty oath prohibited state employees from having an association with any group that held “totalitarian, fascist, communist, or subversive” ideological tendencies.<sup>3</sup>

The act also greatly increased the role of the Department of Public Safety in anti-communist activities. The law directed the Department of Public Safety to “obtain a list of the organizations, associations, movements, [and] groups” mentioned in the law to give to various state agencies to prevent state funds from going to them. The law applied limitations on the State Board of Education dictating that it “shall neither adopt nor purchase any textbook for use in the schools” of Texas until the author “files with the Board an oath or affirmation” that included all elements of the loyalty oath for state employees.<sup>4</sup>

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<sup>3</sup> For a discussion of Loyalty Oaths in the national government of the United States, see Landon Storrs, *The Second Red Scare and the Unmaking of the New Deal Left* (Princeton: Princeton University Press, 2013); State Employees and Others-Loyalty Oath, *General and Special Laws of Texas*, ch. 41 (1953);

<sup>4</sup> State Employees and Others-Loyalty Oath, *General and Special Laws of Texas*, ch. 41 (1953); For more information regarding anti- communism in Texas focused around the education system, see Bynum, “Weeding Out the Undesirables.”

The State Employees and Others-Loyalty Oath act maintained the constitutional precedent to remove the required three separate readings in both legislative houses, and it upheld the continued unanimous passage trend that had existed since the 1947 law. Protection of the constitutional democracy in Texas continued to be a strong motivating factor of the anti-communist legislation passed from 1947 to 1954. The required loyalty oath added an extra level of protection to the state government because of the previously enacted ability to prosecute individuals who held communist affiliation established in the Communist Control Law.

Conceptually, the idea of codified loyalty oaths gave credence to the idea that democracy could defeat communism through its unique legal process. Additionally, the representative design of the Texas Legislative system enabled lawmakers to respond to not only their personal feelings toward communism but also to the general societal trends expressed by their constituents.

On January 22, 1953, a day after members of the House first put the State Employees and Others-Loyalty Oath act forward, a new piece of anti-communist legislation came onto the floor of the House. Designed to amend the Communist Control Law, House Bill 30 became the most contentious anti-communist law to appear within the record of the state legislature. HB 30 wished to expand the definition of what constituted a communist as well as introduced a new section to the Communist Control Law, which would allow for law enforcement officials to obtain search warrants to seek out communist materials.<sup>5</sup> The potential law would allow law

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<sup>5</sup> Relating to amending the Communist Control Law to enlarge the definition of a communist so as to include a person who knowingly in any manner advocates or acts to further the world communist Movement, and to provide for the issuance of search warrants for search and seizure of implements for sabotage or destruction of properties, facilities, or service connected with national defense, and for search and seizure of books, records, pamphlets, cards, receipts, paraphernalia, and memoranda of communistic membership or activity, HB 30, 53rd Regular Session, 1953.

enforcement members to receive search warrants for “seizing any books, records, pamphlets, paraphernalia. . .indicative of or showing that a person is a Communist or a member or officer of the Communist Party.”<sup>6</sup> HB 30 stipulated that any person in possession of such materials was “a person who [had] not registered with the Department of Public safety” as required by the Communist Control Law and thus was a member of the Communist Party.<sup>7</sup> The expansive nature of search warrants proposed under HB 30 caused much ire with several members of the House who opposed the bill, which they took to the floor in early February 1953.

On February 16, 1953, three members of the House voiced their complaints to the assembled members of the state legislature. Edgar L. Berlin, a representative from Jefferson County, argued that the section of HB 30 that contained the proposed changes to search warrants “[was] poorly drawn and capable of being construed to effect the confiscation of private property,” would potentially open the door for “flag-waving witch-hunters and publicity seekers to infringe upon the basic human rights” of citizens of Texas.<sup>8</sup> Richard S. Stark, a representative of Cook County, said that HB 30 presented a viable threat to the constitutional protection from “unreasonable searches and seizures” and that the law then was “unconstitutional.”<sup>9</sup> Representative Doug Crouch launched into a scathing critique of not only the contents of HB 30 but also against the validity of anti-communist legislation.

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<sup>6</sup> HB 30, 1953.

<sup>7</sup> HB 30, 1953.

<sup>8</sup> Texas Legislature, House, House Journal, 53<sup>rd</sup> Regular Session, 1953, 347.

<sup>9</sup> House Journal, 53<sup>rd</sup> Regular Session, 347.

Crouch first targeted previously passed legislation, claiming that the Communist Control Law had no impact on communists within the state because no individual “[had] registered under [the] Act” since its passage during the previous session.<sup>10</sup> Crouch attacked the proposed expansive enlargement of search warrants in Texas due to the proposed bill supposing that every law enforcement officer in the state could read and diagnose “what literature [was] subversive and what [was] not.”<sup>11</sup> Crouch concludes by arguing that he opposed communism under no certain terms and that “if war against Russia [was] declared” he would proudly “wear the military uniform of his country” in defense of the US.<sup>12</sup> Crouch’s comments succinctly summarized the criticisms brought against HB 30 and the bill failed to make it through the Senate Committee on State Affairs on April 13, 1953.

As the continuing conflict over HB 30 raged within the walls of the House, members of the House put forward two additional pieces of anti-communist legislation on March 9 and 10, 1953. The bill proposed on March 9 sought to prevent payment or salary from state funds to any individual who avoided questioning regarding a potential affiliation with communists or a communist front organization.<sup>13</sup> HB 542, suggested that individuals who failed to answer questions regarding their potential association with communist organizations could incriminate

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<sup>10</sup> House Journal, 53<sup>rd</sup> Regular Session, 347.

<sup>11</sup> House Journal, 53<sup>rd</sup> Regular Session, 347.

<sup>12</sup> House Journal, 53<sup>rd</sup> Regular Session, 349.

<sup>13</sup> Relating to prohibiting payment of any salary or other compensation from any State funds to any person refusing to answer questions pertaining to communist or communist front affiliations or connections before any court, grand jury, or legislative investigating committee on the ground that it might incriminate him; providing a penalty for violation of the Act, HB 542, 53<sup>rd</sup> Regular Session, 1953.

themselves.<sup>14</sup> Finally, HB 542 proposed that any individual who paid state funds to suspect persons could potentially receive fines between \$100 and \$1,000. HB 542 passed in the House, but it failed to make it through the Senate State Affairs Committee on April 8, 1953.<sup>15</sup>

Proposed on March 10, HB 566 sought to prevent public and state-supported educational institutions from using books that attempted to “discredit or reflect on the American form of Government” or were “written by persons with communist or subversive connections.”<sup>16</sup> HB 566 defined suspect books as those that “[sought] to discredit the family,” discredit “the American Constitutional form of government,” or “advocate[ed] the overthrow or destruction of the American Government by force or violence.” HB 566 stipulated the removal of material found in violation of the bill from the institution, and if they were not the responsible individual would not receive state funds for the remainder of the school year.<sup>17</sup>

HB 566 received a mixed reaction among members of the House who challenged the bill on constitutional grounds. On April 27, Representative Crouch once again voiced opposition to expansive anti-communist legislation because he viewed HB 566 as an attempt to “snipe at our [citizens of Texas] basic freedoms” as created by the Constitution of the US.<sup>18</sup> Representative A.

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<sup>14</sup> HB 542, 1953.

<sup>15</sup> HB 542, 1953.

<sup>16</sup> Relating to making it unlawful to use or keep or allow to be used or kept in any public school or State supported institution of higher learning certain types of books, or other publications or literature which seek to discredit or reflect on the American form of government or way of life, or which are written by persons with communist or subversive connections or background and are not so identified by certain printing and labeling; providing for complaints, investigations, determinations, orders, penalties, and forfeitures in connection with violations, HB 566, 53rd Regular Session, 1953.

<sup>17</sup> HB 566, 1953.

<sup>18</sup> Texas Legislature, House, House Journal, 53<sup>rd</sup> Regular Session, 1953, 1564.

D. Downer from Panola and Shelby counties joined Crouch in challenging the legitimacy of HB 566 claiming that it would “bring back the old book-burning regime of the Nazis.” It also noted that the only way to challenge communism was “by educating [the] public and school children about its atrocities and dangers not by eliminating it from their education.”<sup>19</sup> Truett Latimer, a representative from Taylor County, concurred with the previous objectors by arguing that they “must not take drastic moves which would regiment [their] people in a manner that would be detrimental to the basic philosophy of freedom” present in the US.<sup>20</sup> The numerous objections to HB 566 prevented the bill from becoming law as it met its demise on May 15 after failing to receive enough votes to be sent to the Senate.<sup>21</sup>

The final anti-communist action taken by the 53<sup>rd</sup> meeting of the Texas State Legislature was an attempt to pass a House Simple Resolution (HSR).<sup>22</sup> Proposed on April 20, HSR 236 suggested the creation of an Un-American Activities Committee (HUAC) beholden to the Texas State Legislature. Designed with a similar goal in mind as the national HUAC the Texas version of the organization would feature five members of the House appointed by the Speaker, and the organization would conduct investigations into “communist activity as well as all other subversive activities” within Texas. The Texas HUAC would have the power of subpoena, the full use of the Texas Attorney General’s Office and the Department of Public Safety, and access to

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<sup>19</sup> House Journal, 53<sup>rd</sup> Regular Session, 1591.

<sup>20</sup> House Journal, 53<sup>rd</sup> Regular Session, 1591.

<sup>21</sup> House Journal, 53<sup>rd</sup> Regular Session, 2429-2430.

<sup>22</sup> House Simple Resolutions are resolutions created by the House to accomplish a task, which do not require the Governor’s signature to go into effect; Texas Legislature, House, Rules of the House of Representatives Fifty-Second Legislature with Texas Legislative Precedents, Congressional Precedents, and Annotations, 1953, pg. 220.

House funds to fulfill all of the duties required of its members.<sup>23</sup> After being introduced, the bill underwent several successful revisions until May 27, when both Representatives Crouch and Downer launched a joint condemnation. The representatives claimed that the resolution represented little more than a “demagogue worthless publicity seeking communist bills,” which only existed as a record for [the author] to seek re-election.” Those who opposed the resolution asserted that it was “unconstitutional” and represented an attempt to destroy “the civil rights of the populace of Texas.” After the attacks, HSR 236 remained untouched until time ran out and the resolution was simply marked as “dead.”<sup>24</sup>

The 53<sup>rd</sup> legislative session continued trends set in the 52<sup>nd</sup> session regarding the introduction of numerous pieces of anti-communist legislation. Unlike the 52<sup>nd</sup>, the 53<sup>rd</sup> saw the first substantial resistance to anti-communist legislation, particularly from Representative Crouch from Denton County. Each bill outside of the State Employees and Others-Loyalty Oath act faced challenges on constitutional grounds as House members saw legal issues with the bills. Out of the four bills and one HSR that House members proposed, only one passed as the others fell to numerous mitigating factors. The failure to pass only one-fifth of the anti-communist legislation and resolutions became a trend that carried over into the 53<sup>rd</sup> First Called Session in 1954.

The final legislative session during which anti-communist legislation remained a part of the discussion was the First Called Session (F. C. S.) of the 53<sup>rd</sup> legislative session, which

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<sup>23</sup> Texas Legislature, To Provide for the Appointment of an Un-American Activities Committee of the Texas Legislature, House Simple Resolution, 53<sup>rd</sup> Regular Session, 1953.

<sup>24</sup> Texas Legislature, House, House Journal, 53<sup>rd</sup> Regular Session, 1953, pg. 2987.

occurred in 1954. Called by Governor Shivers, the 53<sup>rd</sup> F. C. S. opened to a speech written by the Governor and delivered by the Secretary of State Howard Carney. Among the various duties assigned to both houses were instructions urging members to “outlaw the Communist Party” within the state by any means necessary. The opening remarks dictated by Governor Shivers set the stage for the passage of the Communist Party-Related Organization act, which was the most restrictive anti-communist law passed during the Second Red Scare. During the 53<sup>rd</sup> F. C. S., five other pieces of anti-communist legislation faced rigorous challenges on the floor of the House and Senate of which none would pass.<sup>25</sup>

Submitted to the Senate on March 15, the Communist Party-Related Organizations-Suppression Act, known as Senate Bill 4 before it passed, greatly expanded the restrictions implemented under the Communist Control Law. Although previous laws targeted communism and those who believed in the ideology of the movement because of a supposed threat, the 1954 law specifically noted that an “international Communist conspiracy which is committed to the overthrow” of the US government existed in the world. Additionally, the law described a situation where the “international Communist conspiracy” included the state government of Texas in its revolutionary designs.<sup>26</sup>

The law expanded upon the definition of what constituted a communist and extended the ban to include the revised definition. The enlarged description included any individual who “commit[ed], or attempt[ed] to commit, or aid in the commission of any act intended to overthrow, destroy, or alter” the Government of the US or the State of Texas. The law

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<sup>25</sup> Texas Legislature, House, House Journal, 53<sup>rd</sup> First Called Session, 1954, 2.

<sup>26</sup> Communist Party Suppression act, 1954.



continued its expansion of communist to a person who “advocate[ed], abet[ted], or [taught]” other individuals to overthrow the established government of the country and state. The law included the destruction of “any books or records or files. . . of the Communist Party of the United States or any component or related part or organization” inside as an illegal act, which necessitated punishment. The law significantly increased the legal repercussions for having violated the law, as compared to the Communist Control Law, to include being “fined not more than Twenty Thousand (\$20,000) Dollars” or imprisonment of no “less than one (1) year nor more than twenty (20) years.”<sup>27</sup>

Legal repercussions expanded under the law to include permanent ineligibility to run for or hold office, appointed or otherwise, within the state of Texas if found in violation of the increased legal restrictions. Judges throughout the state gained the ability to “issue any and all proper restraining orders, temporary and permanent injunctions, and any other writs and processes” needed to enforce the 1954 law. The law also allowed for search warrants to discover “any books, records, pamphlets, cards, receipts, lists, memoranda, pictures, recordings, or any written instruments showing that a person or organization,” which violated the law.<sup>28</sup>

The Communist Party-Related Organizations-Suppression act continued and expanded upon previous trends established by prior laws. The fear of communists and the ideology that they propagated was in full force in the 1954 law. Massively increased restrictions revealed how the fear of communist infiltration into both the state government and overall political

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<sup>27</sup> Communist Party Suppression act, 1954.

<sup>28</sup> Communist Party Suppression act, 1954.

discourse had increased in the State. The 1954 law continued the constitutional precedent of forgoing the three readings in both houses of the State Legislature, which as previously discussed showed the desperate nature of the legislators to pass expansive anti-communist legislation quickly. The legitimization of the “international Communist conspiracy” continued to expand upon the fear that existed throughout society and politics inside of the state.<sup>29</sup>

Departing from the prior laws the 1954 law did not pass unanimously in the House of the Texas Legislature where it received 127 votes in favor and seven votes against. Despite the limited resistance in the House, the law unanimously passed in the Senate, which marked a return to previous trends.

Early indications of the lack of unanimous support for SB 4 arose in the House on April 9, 1954, when the members of the Senate rejected edits to the bill proposed by the House. The two parties agreed to form a joint Conference Committee to reconcile the differences between the two versions of SB 4.<sup>30</sup> The joint Conference Committee submitted a revised version of the bill on April 12, and it immediately met with dissent from several members of the House who voiced strong opposition to the final form of the bill. Complaints against the bill once again focused on constitutional violations. Representative Maury Maverick, Jr., from Bexar County, asserted that it represented “a most dangerous attack on constitutional liberty.” Curtis Ford, Jr., a representative for Nueces County, claimed the bill represented “a Nazi Police bill.”<sup>31</sup> These harsh criticisms did not prevail; however, they continued the challenges to numerous pieces of

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<sup>29</sup> Communist Party Suppression act, 1954.

<sup>30</sup> Texas Legislature, House, House Journal, 53<sup>rd</sup> First Called Session, 1954, pg., 446-447.

<sup>31</sup> House Journal, 53<sup>rd</sup> First Called Session, 593.

anti-communist legislation put forward during past sessions.

Submitted the same day as the Communist Party-Related Organizations-Suppression Act, Senate Bill 5 sought to outlaw any attempt to overthrow the United State Government, the government of Texas, and to make it illegal to for any organization which advocates for such to exist.<sup>32</sup> The law passed unanimously in the Senate but failed to make it out of the House Committee on Criminal Jurisprudence. SB 5 represented an amalgamation of numerous laws that the House and Senate debated since the start of the 52<sup>nd</sup> Legislative Session and it created several trends that the rest of the anti-communist legislation during the 53<sup>rd</sup> F. C. S. followed. Numerous bills that appeared during the 53<sup>rd</sup> F. C. S. represented either reiteration of previous bills or combinations of various bills that also failed to pass during earlier sessions. These bills often appeared only once or twice in legislative records and failed to make it through the committee process.

After the Senate heard SB 4 and 5, the House unleashed an onslaught of anti-communist bills beginning on March 16 when both HB 7 and 11 came onto the floor. HB 7 sought to declare the Communist Party illegal within the state, outlaw communistic speech and creating criminal penalties for such actions. The bill heavily overlapped with both the Communist Control Law and the then submitted Communist Party-Related Organizations-Suppression bill. HB 7 did propose the harshest penalties on violators of the bill with a fine between \$5,000 and \$20,000

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<sup>32</sup> Relating to making it unlawful to commit, attempt to commit, or aid in the commission of any act intended to overthrow, destroy, or alter, or assist in the overthrow, destruction, or alteration of, the constitutional form of the government of the United States, Texas, or any subdivision of either, by force or violence, or to advocate, abet, advise, or teach by any means any person to commit, attempt to commit, or aid in the commission of any such act; defining offenses and prescribing penalties, disqualifications, and forfeitures, SB 5, 53<sup>rd</sup> First Called Session, 1954.

and a prison sentence no less than five years with a maximum of twenty. The bill successfully passed its first reading on March 16<sup>th</sup> but then it failed to make it out of the House Committee on Criminal Jurisprudence on March 17.<sup>33</sup> HB 11 mirrored several of the provisions outlined in SB 5 but proposed even harsher criminal penalties of individuals who violated the bill than HB 7. The bill attempted to outlaw not only the Communist Party but also any organization affiliated with it. The law established a mandatory prison sentence between ten years and life for those found in violation of the bill. HB 11 met the same fate as HB 7 passing quickly in the main body of the House but failing to pass scrutiny in the House Committee on Criminal Jurisprudence.<sup>34</sup>

The final pieces of anti-communist legislation created by the Texas State Legislature during the Second Red Scare originated in the House on March 17<sup>th</sup>. HB 19 directly copied HB 30 from the 53<sup>rd</sup> Regular Session, which attempted to enlarge the definition of a communist inside of the state.<sup>35</sup> HB 19 successfully passed the required first realigning on the floor of the

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<sup>33</sup> Relating to declaring the Communist Party to be engaged in a conspiracy against the government; declaring it to be illegal, and depriving it of its rights, privileges, and immunities; making it unlawful to be a member of, participate in the activities of, or advocate or act to further the purpose of such Party; making it unlawful for any person adhering to or advocating the purpose of such Party to vote, speak in a public school or institution, to hold public office, or to speak over any radio or television station; making it unlawful to publish or distribute any newspaper or other periodical which adheres to or advocates the purpose of such Party; defining an offense and prescribing a penalty, HB 7, 53rd 1st Called Session, 1954; Texas Legislature, House, House Journal, 53rd First Called Session, 1954, pg., 36-37.

<sup>34</sup> Relating to declaring the Communist Party of the United States and similar revolutionary organizations illegal; making membership in, or participation in the revolutionary activities of, the Communist Party of the United States or any other organization with the same revolutionary purpose a felony; providing penalties, HB 11, 53rd 1st Called Session, 1954; Texas Legislature, House, House Journal, 53<sup>rd</sup> First Called Session, 1954, pg., 37.

<sup>35</sup> Relating to amending the Communist Control Law to enlarge the definition of a Communist so as to include a person who knowingly in any manner advocates or acts to further the World Communist Movement, and to provide for the issuance of search warrants for search and seizure of implements for sabotage or destruction of properties, facilities, or service connected with national defense, and for search and seizure of books, records, pamphlets, cards, receipts, paraphernalia, and memoranda of communistic membership or activity, HB 19, 53rd 1st Called Session, 1954; Texas Legislature, House, House Journal, 53rd First Called Session, 1954, pg., 51.

House but failed to pass through the committee on State Affairs, which it reached on March 22. The second piece of legislation put forward on March 17, HB 20, copied a bill from the previous session, HB 542. HB 20, like its predecessor, the new law attempted to prevent payment of salary or other forms of compensation from state funds to individuals who refused to answer questions about suspected communist affiliations. Just like HB 19, the bill first appeared on the House floor on March 17 and then reached the House Committee on State Affairs on March 22 where it failed to pass.<sup>36</sup>

These final bills represented the dying gasps of the Second Red Scare within the Texas State Legislature. They symbolized a feeble attempt to push even more bills through despite consistent rejection during the previous sessions. They even went as far as to recommend previous pieces of legislation, which failed to pass during a normal session. Only the Communist Party-Related Organizations-Suppression act passed out of the six pieces of legislation, and it received scant attention within the record of both the House and Senate compared to previous bills with little in the press focused only on the passage of the law and not any larger ramifications.

With the defeat of HB 20 on March 22, the Second Red Scare in the House and Senate came to an unofficial end. The historical legacy of the attempts to legislate a Red Scare in Texas became mixed at best. Of a total of fourteen bills and resolutions heard on the floor of both houses only four ultimately passed. These bills formed a formidable legal framework for

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<sup>36</sup> Relating to prohibiting payment of any salary or other compensation from any State funds to any person refusing to answer questions pertaining to communist or communist front affiliations or connections before any court, grand jury, or legislative investigating committee on the ground that it might incriminate him, HB 20, 53<sup>rd</sup> First Called Session, 1954; Texas Legislature, House, House Journal, 53<sup>rd</sup> First Called Session, 1954, pg., 51.

suppressing any potential communist influence in Texas. Fears of outside forces came into the focus of the members of the legislature on the first day of the 52<sup>nd</sup> session due to a call to action from the Secretary of State. communism became a key focus in the early months of each session, but what was the potential of the threat? Numerous members of the House challenged each anti-communist bill that passed on constitutional grounds claiming that they threatened the rights of the citizens of Texas. Many questioned the validity of the laws as they had seen no real impact created by any of the passed laws. To these people, the threat, while real abroad, seemed far removed from Texas.<sup>37</sup>

Regardless of the staunch opposition expressed by members of the House, four stringent anti-communist bills passed with very little resistance. Those who supported the bills often remained silent, choosing to simply demonstrate their convictions by voting in favor of the bills. The vast silent majority dictated the direction of Texas during the 1950s regarding anti-communist legislation, and it was that majority that allowed for the few pieces of anti-communist legislation that passed to do so.

The Second Red Scare is often difficult to evaluate from a historical perspective, especially on the state level due to its rapid appearance and its sudden end. From 1950 to 1954, the Texas State Legislature underwent a massive surge in anti-communist activity, passing four bills into law and debating eleven others and an HSR Anti-communist legislation quickly ceased to be a focus after the 53<sup>rd</sup> F. C. S. with zero appearances in House and Senate Journals. Ending

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<sup>37</sup> For more information on political repression and anti- communism see: James L. Gibson, "Political Intolerance and Political Repression During the McCarthy Red Scare," *The American Political Science Review* 82, no. 2 (June 1988): 511-529; James L. Gibson, "Pluralism, Federalism, and the Protection of Civil Liberties," *The Western Political Quarterly* 43, no., 3 (September 1990): 511-533.

as abruptly as it started, the focus on anti-communist legislation in the state legislature corresponded with the collapse of Senator McCarthy during the Army-McCarthy hearings.<sup>38</sup> The evolution of anti-communist legislation in Texas during the 1950s featured an increased desire to limit civil liberties, impose criminal penalties, and forced registration. Even though only four bills became law, the restrictive web created effectively eliminated any chance of legitimate participation by communists in Texas. The laws created the potential for the emergence of a repressive state, which controlled numerous aspects of citizens' lives through legislative means.

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<sup>38</sup> Oshinsky, *A Conspiracy So Immense*, 470-471.

## CHAPTER 5

### REACTION: ECONOMIC DETERMINANTS, DOMESTIC CONTEXTS, AND THE CITIZENS OF TEXAS

The rise of the Second Red Scare in the Texas State Legislature did not occur within a vacuum. Instead, the phenomenon emerged from the political, economic, and foreign contexts of the mid-to-late 1940s and continued throughout the early 1950s because of sustained support from the population and the two Governors—Beauford Jester and Allan Shivers. Massive economic expansion, particularly in manufacturing and industry during and after the conclusion of the Second World War, as well as a strong conservative presence throughout all levels of the state government, enabled anti-communism to take hold.

Underscoring the economic context of the Second Red Scare in Texas was the continued strenuous enforcement of segregation within the state, which remained a prominent political position throughout the late 1940s and early 1950s. Governor Shivers, particularly, combined the ideas of segregation and anti-communism to great political gain.<sup>1</sup> In the aftermath of the 1954 Supreme Court decision *Brown v. Board of Education*, the 1954 gubernatorial contest between Governor Shivers and Republican challenger Ralph Yarborough presented the perfect opportunity to combine segregationist and anti-communist politics.<sup>2</sup>

Always an undercurrent in Texas anti-communist politics, links between race and anti-communism had existed within the state since the 1930s as African and Hispanic Americans

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<sup>1</sup> Woods, *Black Struggle, Red Scare*, 64.

<sup>2</sup> Green, *The Establishment*, 156-157.



began their campaigns for equal rights.<sup>3</sup> However, by 1954 Governor Shivers had begun an all-out assault on the National Association for the Advancement of Colored People (NAACP). Governor Shivers, in response to the *Brown* decision, began attacking the NAACP not only for its stance on the desegregation of public schools within the state but also due to perceived links between the NAACP and communism through funding from perceived communist unions such as the Congress of Industrial Organizations.<sup>4</sup> Links between the NAACP and communism established throughout the Second Red Scare by political leaders underscored the economic gains made by Texas after the conclusion of the Second World War as political leaders used anti-communism to attack and limit the gains made by the civil rights movement during the period.

The attacks against the NAACP by Governor Shivers during the 1954 gubernatorial election were not the first. Instead, a long history that linked race, communism, and the NAACP existed within the state. As early as the late 1930s, communists became impeded inside of the NAACP in Texas, particularly inside of the University of Texas chapter of the organization. However, it was not until the 1956 gubernatorial election that politicians, particularly Attorney General John Ben Shepperd, inside of the state made a serious effort to curtail the organization.<sup>5</sup> In an attempt to curry favor with citizens throughout the during a bid for the governorship, Shepperd launched a series of legal actions against the NAACP with the intention of getting it banned inside of the state. Shepperd started criminal proceedings focused around

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<sup>3</sup> Krochmal, *Blue Texas*, 67, 88-89, 93, and 116.

<sup>4</sup> Green, *The Establishment*, 155-157; Campbell, 390 and 397.

<sup>5</sup>Michael Lowery Gillette, "The NAACP in Texas, 1937-1957" (PhD diss., University of Texas, 1984), 168-177

the NAACP conducting business in the state without a permit, which resulted in a temporary ban on the organization in October 1956. However, in April of 1957, a judge rebuffed Shepperd's efforts when he lifted the ban on the NAACP.<sup>6</sup>

Shepperd's actions against the NAACP harked back to actions taken against communists during the early 1950s. Attempts to ban the NAACP, paired with the use of race and anti-communism against it by Governor Shivers in the aftermath of the *Brown* decision, create a parallel between the organization and the treatment of communists and communism during the Second Red Scare. Using tactics tested against communists, Governor Shivers and his Attorney General, Shepperd, attacked the NAACP to leverage political gain. Perhaps the strongest connection between race, anti-communism, and the NAACP occurred after the conclusion of the Second Red Scare.

In 1957, shortly before a judge lifted the temporary ban against the NAACP, the Texas State Legislature attempted to pass HB 32, which would make it illegal for any individual who was a member of the NAACP to work for the state of Texas.<sup>7</sup> HB 32 mirrored several provisions of HB 542 (1953) and the 1953 Loyalty Oath Law, which both focused on restrictions of paying state money to communists or those who would not answer questions regarding communism. The links between these laws and the actions taken by Governor Shivers and Attorney General Shepperd show the links between anti-communism and the opposition to the NAACP in the 1950s.

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<sup>6</sup> For a complete account of Attorney General Shepperd's case against the NAACP see: Gillette, "NAACP in Texas," 297-322.

<sup>7</sup> Relating to making unlawful the employment by the State, any school district, any county, or municipality in the State of Texas any member of the National Association for the Advancement of Colored People; providing penalties, HB 32, 55<sup>th</sup> Regular Session, 1957.

As much as the laws passed from 1947 to 1954 were reactions to Cold War events abroad, such as Greece, Turkey, and Korea, they also drew from fears and anxieties at home, such as labor and a shifting and growing economy. While foreign events played a prominent role in the discourse that surrounded the anti-communist laws passed from 1947 to 1954 underscoring the discussion was a focus on protecting the rapidly growing economy of the state. Thus, instituting internal security policies became as much about protecting the state from potential communist influence as ensuring a continuation of the flourishing economy.

As the state legislature debated, passed, and rejected anti-communist laws from 1947 to 1954, individuals throughout the state wrote to both Governor Beauford Jester and Allan Shivers showing their support for the efforts. These correspondences discussed protecting the security of the state, removing the Communist Party from the political process, and ensuring the continuation of “Old-fashioned-Americanism” in the face of the communist menace.<sup>8</sup> A defense of “Americanism” represented not only the democratic institutions of the country and state but also, guaranteeing the continuation of the capitalist foundations of the country, which meant protecting the economy of Texas.

Predating the Cold War and Second Red Scare, the Great Depression, New Deal, and the Second World War laid the foundations for the expansion of the Texan economy. Texas deeply felt the impact of the Great Depression as it ravaged the state’s economy during the 1930s. The number and size of farms, the number of manufacturing establishments, and wages fell throughout the state during the Great Depression. In response to the economic collapse

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<sup>8</sup> G. C. Griffith Letter to Allan Shivers, March 12, 1954; Executive Department-Communism #2, Box 1977/081-129, Executive Department federal files, Records, Texas Governor Allan Shivers Archives and Information Services Division, Texas State Library and Archives Commission.

precipitated by the Great Depression, President Franklin D. Roosevelt launched the New Deal in 1933 to revive the economy of the country. Texas benefited greatly from the efforts of the federal government to relieve the economic pressures drew millions of dollars into the state. The Civilian Conservation Corps was particularly successful within the state, employee upwards of 50,000 from 1933 to 1942 and greatly aided in the construction of numerous parks throughout the state, including Big Bend and other sites.<sup>9</sup>

As the US entered the Second World War the country, and Texas, underwent an economic revitalization with an increased demand for oil, agricultural products, and manufactured goods. Manufactured goods, not oil, made up most of the economic gains made by Texas during the Second World War as the manufacturing establishments throughout the state contributed fuel, aircraft, paper, and much more to the Allied war effort. The Second World War also aided in the shift from a mostly rural to urban population as thousands of citizens flocked to growing urban industrial centers to take part in the flourishing economy and to support the war effort.<sup>10</sup>

A detailed look at the economic and population changes that occurred within Texas during the period leading up to and during the Second Red Scare provides key context to the rise of the Second Red Scare within the state. Between 1930 and 1950 the population within Texas grew 32%, from 5,824,715 to 7,711,194, which corresponded with an even more sizeable growth in urban population within the state. Urban population grew 102% from 1930 to 1950,

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<sup>9</sup> Campbell, *Gone to Texas*, 351 and 354-364.

<sup>10</sup> Campbell, *Gone to Texas*, 373-375.

2,389,348 to 4,838,060, as individuals flocked from failing farms to new manufacturing centers.<sup>11</sup>

As the population of the state moved towards the cities during the period from 1930 to 1950, the economic demographics began to shift as many individuals transitioned into manufacturing jobs. In 1930 only 124,498 individuals were employed in manufacturing establishments throughout the state with many citizens employed on farms. Industries throughout the state deeply felt the effects of the Great Depression as the total number of individuals employed in manufacturing barely increased by 2,000 in 1940 to 126,992. However, as noted by Randolph B. Campbell, the Second World War brought an increase to manufacturing throughout the state as the number over doubled between 1940 and 1950 with 372,909 individuals reporting employment in manufacturing industries. The growth in manufacturing from 1930 to 1950, corresponded with an enlargement of organized labor throughout the state.<sup>12</sup>

During the twenty-year period within the Great Depression and the Second World War, according to George Norris Green and Michel Boston Jr., the Texas State Federation of Labor and the Texas State Industrial Union Council, which split from the Federation in 1937, underwent a membership increase from a low point of approximately 25,000 in 1927 to a combined 375,000 during the 1950s. Under attack for their supposed communist affiliation,

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<sup>11</sup> Steven Manson, Jonathan Schroeder, David Van Riper, and Steven Ruggles, *IPUMS National Historical Geographic Information System: Version 13.0* [Database], Minneapolis: University of Minnesota. 2018. <http://doi.org/10.18128/D050.V13.0>; All census data obtained is from the National Historical Geographic Information System provided by the University of Minnesota. From this point forward, all citations of census data will use the shortened version of this citation for brevity-Mason, Schroeder, Van Riper, *NHGIS*.

<sup>12</sup> Mason, Schroeder, Van Riper, *NHGIS*.

which did exist in the late 1930s, labor organizations throughout Texas represented an easy target for anti-communist and anti-labor focused state legislatures in the late 1940s.<sup>13</sup>

Two major laws, among eleven others, most accurately portrayed the links between the economy, anti-communist, and anti-labor forces within the state government. The 1947 session of the Texas State Legislature, the first under Beauford H. Jester, saw the passage of the Labor-Right to Work-Closed Shop Outlawed act and the Labor Organization-Mass Picketing Act, which targeted the ability of labor organizations to operate closed shops and picket as a tool of strikes as previously mentioned in chapter two. However, the links between the two go far deeper as the changing economic structure of the state brought the potential of communist infiltration into sharp focus for members of the state legislature.<sup>14</sup>

The legislative sessions in 1947 and 1949 saw the first efforts of the state legislature to remove potential communists from the political process in the state, which corresponded with the crackdown on unionized labor. These early laws touched upon the anti-capitalist theory that motivated the political movement. The 1947 Elected Offices-Eligibility act referenced “the overthrow” of “the present constitutional form of government,” which while not directly mentioning economics or capitalism hinted at their motivations.<sup>15</sup> The government referenced in the law was that of Texas and it was the government that supported, and allowed to flourish, a capitalistic economic system. Pushing these underlying ideas even further, the Election Ballots-Political Parties-Disqualification act passed in 1949 noted the threat that “the principals

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<sup>13</sup> Green and Boston Jr., “Looking for Lefty” in *The Texas Left*, 116, 117, and 125.

<sup>14</sup> Labor-Right to Work-Closed Shop Outlawed, 1947; Labor Organization-Mass Picketing, 1947.

<sup>15</sup> Elected Offices-Eligibility, 1947.

or teachings of communism” posed to the “peace, prosperity, and happiness” of the citizens of the US. The “prosperity” mentioned in the law drew attention to the economic success experienced by individuals in the US, which a capitalistic economic system generated.<sup>16</sup>

Outside of the links between labor and communism and early mentions of the anti-capitalist ideology of communists presented in the late 1940s, the centerpiece of the anti-communist legislation, the Communist Control Law, drew attention to the threat that communism presented to the economy of the state. Noting in the preamble that not only was Texas a major bastion for the defense industry but that the state “[was] a producer of many of the most essential products for national defense.” To accomplish their goal, the law contended that communists would resort to “fraud, espionage, sabotage, terrorism, and treachery.”<sup>17</sup> While not a direct mention of the economy, as pointed out by Randolph B. Campbell, the manufacturing power of Texas was essential for the Second World War producing materials key to the war effort and the production only grew into the 1950s the number of individuals involved in production doubled.<sup>18</sup> The connection between the economy, anti-labor, and anti-communism is broadened because the author of the Labor-Right to Work-Closed Shop act and the Communist Control law was Representative Marshall O. Bell who would go on to author four other anti-communist pieces of legislation.

1951 also saw the passage of HCR 14, the Texas Industrial Week-Observance, which further tied the economy to the cause of anti-communism. Echoing the sentiments of the

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<sup>16</sup> Election Ballots-Political Parties-Disqualification, 1949.

<sup>17</sup> Communist Control Law, 1951.

<sup>18</sup> Campbell, *Gone to Texas*, 373-374.

preamble of the Communist Control Law, the Texas Industrial Week resolution argued that the economy of Texas was “the keystone in the battle for world peace and prosperity,” which obviously is a thinly veiled reference to the Cold War. The reference to industrial might and anti-communism continued by noting that the “vast industrialization of Texas in recent years places” the state “in a position to contribute” to the conflict against communism throughout the world. Passed days after the Communist Control Law appeared on the House floor, the resolution linked the Texan economy to the cause of anti-communism. Members of the state legislature consistently placed the economy of the state within the context of the Cold War. By tying the growth of industrial might to the struggle of the US against the Soviet Union the legislators constantly reinforced the ideas that Texas is vulnerable to communist infiltration, justifying their legislative actions.<sup>19</sup>

Even those members of the state legislature, as few as they were, who voiced opposition to the increasingly stringent anti-communist legislation proposed in the state legislature highlighted the threat that the ideology of communism posed to the economy of the state. In 1953, Hulon Brown spoke out against HB 566, which proposed prohibiting books that attempted to discredit the American form of government.<sup>20</sup> Featured prominently in his condemnation of the anti-communist legislation is a discussion of the threat that the communist ideology represented. Brown asserted that “communists throughout the world live and work in dedication of the International conspiracy” to overthrow the governments of the world by revolutionary means. To fulfill their revolutionary desires, according to Brown,

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<sup>19</sup> House Concurrent Resolution, Texas Industrial Week-Observance, 52<sup>nd</sup> Regular Session, 1951.

<sup>20</sup> HB 566, 1953.



communists would use “actions such as sabotage and espionage,” which targeted the manufacturing establishments of the state to ensure the “Soviet triumph of power in the United States.”<sup>21</sup> While in direct opposition to the strict anti-communist legislation, Brown’s statements harkened back to the preamble of the Communist Control Law, which highlighted similar aspects of communism.

The sentiments expressed by Brown’s statement and in the preamble of the Communist Control Law echoed throughout other pieces of anti-communist legislation passed by the state legislature. In 1954, Governor Allan Shivers called a special session of the state legislature, and within the session one of the primary goals, as directed by Governor Shivers, was implementing further restrictions on communism against the state.

The Communist Party-Related Organizations-Suppression act called attention to the “international Communist conspiracy,” which was being advanced inside of Texas by both the Communist Party and “its component [and] related parts and organizations.” These “related parts and organizations” tied directly into actions taken the previous year by Governor Shivers when he revived the Industrial Commission, a body appointed by the Governor to investigate labor organizations. On November 27, 1953, Governor Shivers published a Press Memorandum putting forward the idea that three unions in the state held communist affiliations: The Mine Mill and Smelter Workers Union, the International Fur and Leather Workers Union, and the Distributive Processing and Office Workers Union of America.<sup>22</sup> By once again linking unionism

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<sup>21</sup> Texas Legislature, House, House Journal, 53<sup>rd</sup> Regular Session, 1953, 1592.

<sup>22</sup> Communist Party-Related Organizations-Suppression, 1954; Allan Shivers Press Memorandum, November 27, 1953; Adjutant General’s Department, Box 1977/081-115, General Files II, General files, Records, Texas Governor Allan Shivers. Archives and Information Services Division, Texas State Library and Archives Commission.

and communism, members of the state government had placed the impetus of their legislative actions on the potential damage that a communist presence in the state could have on the state's economy.

Senator John Junior Bell, the co-author of Senate Bills 4 and 5, delivered a speech on March 31, 1954, which quoted William Z. Foster the head of the Communist Party USA. While delivered in defense of Senate Bill 5, the speech noted that Foster had asserted that “when a Communist head[ed]” the US government “the government [would] not be a capitalist government” but instead a “Soviet” one.<sup>23</sup> Using Foster's words against him, Bell drew attention to both the revolutionary aims of the communist threat and the imminent danger that it posed to the capitalist construction of the state government. Bell's assertion that the bill would “help strengthen the security of our state” obviously meant both the government and capitalist economic system.

While members of the state legislature debated the potential impacts of communism on the state, both in politics and to the economy, individuals throughout the state wrote to both Governor Jester and Shivers to express their support for his actions. The individuals who wrote to both Governors came from vastly different walks of life with professions ranging from pastors, priests, oilmen, businessmen, lawyers, and average citizens with no specific professional affiliations. They, however, expressed consistent ideas about the threat that communism and communists posed to the government and economy of the state.

Religious leaders, while a small minority, offered unique perspectives on the threat of

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<sup>23</sup> Texas Legislature, Senate, Senate Journal, 53rd 1st Called Session, 1954, 78; Originally published in: Committee on Un-American Activities, “100 Things You Should Know About Communism in the U.S.A.,” August 15, 1949.

communist infiltration within the state grounding their ideas in their Christian beliefs. Writing to Governor Jester in 1948, Joseph A. Kraus, the President of the Catholic State League of Texas, summarized the organization's resolutions about Catholicism and communism as presented at the forty-ninth meeting of the organization. The resolutions argued that "all organizations which encourage labor to violence and class struggle. . .should be regarded as furthering communism. . .and should be opposed as much as possible." These ideas reflect those implemented by the state legislature in their efforts to simultaneously link communism and unionism. Christianity opposed to "atheistic communism," played a major role in the organization's resolutions as they discussed the threat posed by communism and other "fellow-traveling organizations" to "Christian Civilization."<sup>24</sup> Echoing the Sentiments expressed by Kraus in 1948, G. C. Griffith, a pastor in Vidor, Texas, wrote to Governor Shivers in 1954 praising the Governor for the legislative efforts of his administration. Griffith professed that "when anybody advocates the violent overthrow of our good government, as the communists [did]," they should face punishment "as. . .old Elijah did on Mt. Carmel" where he "directed the beheading of 400 of the prophets of Baal."<sup>25</sup> Grounded in Christian assessments, these two individuals link Christianity and anti-communism as much as they highlight the economic realities of the underlying communist conspiracy that threatened the US.

While Christian leaders throughout Texas linked anti-communism and Christianity in their letters to the Governors' business leaders also wrote to show their support of the

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<sup>24</sup> Joseph A. Kraus Letter to Beauford H. Jester, August 13, 1948; General Files, Communist Party Folder, Box 4-14/67, Records, Texas Governor Beauford H. Jester. Archives and Information Services Division, Texas State Library and Archives Commission.

<sup>25</sup> G. C. Griffith Letter to Allan Shivers, March 12, 1954; Executive Department-Communism #2, Box 1977/081-129, Executive Department federal files.

Governors' actions. Correspondence from small business owners to prominent oilmen highlighted both the threat that communism presented to the security of the country and the fears of a communist conspiracy against Texas. Often the concept of "traitorous" actions by suspected communists is echoed strongly throughout their writings, and it is the "traitorous" nature of the communist threat that directly posed a threat to their station as business owners.<sup>26</sup>

Labeled as traitors to those businessmen who wrote to Governor Shivers, communism and communists was anathema to pro-capitalist business owners. The ideology of communism pushed businessmen to offer drastic steps to curb the potential for communist influence in the state. One individual likened the fight against communism in Texas to a "battlefield" and he saw "no difference in legally killing a Communist" in the state than one in a foreign land.<sup>27</sup> Others reiterated the concept of battling communists in the state as they viewed it as an honor to "[fight] such a dreadful thing" as there would "never be room in Texas for any subversive element," which could threaten the state politically or economically.<sup>28</sup> If any association with communism was equivalent to being a traitor in the eyes of the businessmen then Texans who supported the anti-communist campaign embodied an entirely different ideal. Those who

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<sup>26</sup> Robert W. Helbiny Letter to Allan Shivers, March 17, 1954; Executive Department-Communism #2, Box 1977/081-129, Executive Department federal files, Records, Texas Governor Allan Shivers Archives and Information Services Division, Texas State Library and Archives Commission.

<sup>27</sup> Sam K. Seymour Jr., Letter to Allan Shivers, February 23, 1954; General Files II, Executive Department, Jan-Dec., 1954, Box 1977/081-180, General files, Records, Texas Governor Allan Shivers. Archives and Information Services Division, Texas State Library and Archives Commission.

<sup>28</sup> Phil Hamburger Letter to Allan Shivers, February 12, 1954; General Files II, Executive Department, Jan-Dec., 1954, Box 1977/081-180, General files, Records, Texas Governor Allan Shivers. Archives and Information Services Division, Texas State Library and Archives Commission

upheld the “Old-fashioned-Americanism,” supporting the constitutional government and capitalism, were heralded as “loyal Texans.”<sup>29</sup> Texans who were loyal to the cause of anti-communism revered the leadership of Shivers and the state legislature and fully supported any and all efforts to curb the influence of communists.

Additionally, businessmen conceptualized the Shivers Administration’s effort as a beacon to other states on how to resist the influence of communism. Texas represented the first major steps in returning the country to “sound thinking regarding” the “national security” of the country according to one individual.<sup>30</sup> Through the passage of restrictive anti-communist legislation within Texas, it was the hope that the state would develop a blueprint to guide other states to “quicker action” against communism in the rest of the country.<sup>31</sup>

To best preserve, the capitalist economic system and constitutional government of the US, businessmen in Texas wrote to Governor Shivers to both congratulate him on the legislative efforts as well as promote their own conceptions of the communist threat. Couched in idealist rhetoric centered around concepts of loyalty, traitors, and battle these men pushed for even more legislative restrictions on communism, and they viewed the efforts as essential for cementing Texas and the people of the state as leaders on the national stage in the conflict against communism.

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<sup>29</sup> G. C. Griffith Letter to Allan Shivers, March 12, 1954; Executive Department-Communism #2, Box 1977/081-129, Executive Department federal files; Dan Lane Letter to Allan Shivers, February 25, 1954; General Files II, Executive Department, Jan-Dec., 1954, Box 1977/081-180, General files, Records, Texas Governor Allan Shivers. Archives and Information Services Division, Texas State Library and Archives Commission.

<sup>30</sup> Dan Lane Letter to Allan Shivers, February 25, 1954; General Files II, Executive Department, Jan-Dec., 1954, Box 1977/081-180, General files, Records.

<sup>31</sup> Harry Hines Letter to Allan Shivers, March 17, 1954; Executive Department-Communism #2, Box 1977/081-129, Executive Department federal files, Records, Texas Governor Allan Shivers Archives and Information Services Division, Texas State Library and Archives Commission.

While religious leaders and businessmen wrote to Governors Jester and Shivers with views expressed with the ideologic weight of their profession, average citizens also wrote to the Governors expressing their concerns, congratulations, and fears about communism. These individuals held a variety of professions, for those that listed them in their letters, came from throughout the state, and expressed their views in a variety of ways. It was the average citizens that wrote the most often to the Governors, and their ideas reflected the varied nature of their backgrounds.

Similar to the ideas expressed by businessmen of the state, other citizens stressed the local elements of communist control within the state as well as the role that Texas could play on the national stage when it came to guiding others in the ways of anti-communism. The localism expressed by individuals in the state often manifested itself in two dominant forms. First, that anti-communism activity was as much the responsibility of individuals on the local level under the direction of local leaders. These individuals expressed the desire for loyalty cards for employees or instruction on anti-communist activities by local organizations.<sup>32</sup> Second, they expressed both a distrust of outsiders and a vision that Texas could lead the rest of the nation in resisting the threat of communism.<sup>33</sup>

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<sup>32</sup> L. C. Sharpe Letter to Allan Shivers, April 13, 1954; Executive Department-Communism #2, Box 1977/081-129, Executive Department federal files, Records, Texas Governor Allan Shivers Archives and Information Services Division, Texas State Library and Archives Commission; John Ben Shepperd Letter to Beauford H. Jester, March 9, 1949; General Files, Communist Party Folder, Box 4-14/67, Records, Texas Governor Beauford H. Jester. Archives and Information Services Division, Texas State Library and Archives Commission.

<sup>33</sup> Jim Perry Letter to Allan Shivers, March 30, 1954; Executive Department-Communism #2, Box 1977/081-129, Executive Department federal files, Records, Texas Governor Allan Shivers Archives and Information Services Division, Texas State Library and Archives Commission; C. A. Bromley Letter to Allan Shivers, March 25, 1954; Executive Department-Communism #2, Box 1977/081-129, Executive Department federal files, Records, Texas Governor Allan Shivers Archives and Information Services Division, Texas State Library and Archives Commission.

The localist ideas expressed by individuals throughout the state represented a large portion of the correspondence with the two Governors and while they advocated similar approaches several differences between the letters is apparent. Ben D. McBride, of Longview, Texas, voiced the opinion that more emphasis on the “teaching of our own form of government” in the state’s schools could help prevent the threat.<sup>34</sup> Education influenced Jim Perry, an attorney from San Antonio, to believe that “a traitor” who sought to “overthrow our government” should receive the death penalty. Perry advanced the idea that “Texans, [he] believ[ed] could whip the world” because they were united “against outsiders.”<sup>35</sup> Anti-outsider influence remained a consistent concept inside of this subset of localists because, according to Leonard L. Gause Jr., “the people of Texas desir[ed] no strange bedfellows within their state.”<sup>36</sup> The localist belief in education, particularly of the US system of government, reinforced and played into the idea presented by other writers that Texas represented the best hope against the influence of communism on the US.

Even individuals from other states, such as Oklahoma in the case of C. A. Bromley, articulated the idea that Texas could become a leader against the influence of communism in the nation. Bromley argued that it was “time that we woke up in these United States” to the threat of communism, but he felt that “if Texas start[ed] something” then “other states [would

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<sup>34</sup> Ben D. McBride Letter to Allan Shivers, April 7, 1954; Executive Department-Communism #2, Box 1977/081-129, Executive Department federal files, Records, Texas Governor Allan Shivers Archives and Information Services Division, Texas State Library and Archives Commission

<sup>35</sup> Jim Perry Letter to Allan Shivers, March 30, 1954; Executive Department-Communism #2, Box 1977/081-129, Executive Department federal files

<sup>36</sup> Allan Shivers Letter to Leonard L. Gause, Jr., April 21, 1954; Executive Department-Communism #2, Box 1977/081-129, Executive Department federal files, Records, Texas Governor Allan Shivers Archives and Information Services Division, Texas State Library and Archives Commission.

follow.”<sup>37</sup> Localism even stretched to an individual advocating for the separation of Texas, via a constitutional amendment, from the US if the Soviet Union came to dominate the country.<sup>38</sup> Even local organizations, such as the Gladewater Chamber of Commerce, pushed the idea that Texas could “set an example and give hope and inspiration to American and the world” in the fight against communism.<sup>39</sup>

Local organizations also presented their views on communism, particularly by local Chambers of Commerce. The Gladewater Chamber of Commerce wrote to Governor Beauford Jester in 1949 advocating for a well-educated and “militant citizenship,” and local and state governments that were proactive in their efforts against communism. Directly embedded into the “Gladewater Plan” was the belief that “a man, a woman, or a child [could] serve his county best” was “right where he liv[ed].”<sup>40</sup> The localist sentiments expressed by the Gladewater Chamber of Commerce were echoed in 1954 by the Beaumont Chamber of Commerce when they showed support for the actions against communism and communists taken by Governor Shivers in “an attempt to rid [their] good state” of “subversive activities.”<sup>41</sup>

Localist ideas expressed by individuals throughout Texas highlight the unshakeable belief that they held in the success of their state as well as their antagonism towards those that

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<sup>37</sup> Allan Shivers Letter to C. A. Bromley, March 25, 1954; Executive Department-Communism #2, Box 1977/081-129, Executive Department federal files.

<sup>38</sup> Allan Shivers Letter to Leonard L. Gause, Jr., April 21, 1954; Executive Department-Communism #2, Box 1977/081-129, Executive Department federal files.

<sup>39</sup> John Ben Shepperd Letter to Beauford H. Jester, March 9, 1949; General Files, Communist Party Folder, Box 4-14/67.

<sup>40</sup> John Ben Shepperd Letter to Beauford H. Jester, March 9, 1949; General Files, Communist Party Folder, Box 4-14/67.

<sup>41</sup> Howard J. Hicks Letter to Allan Shivers, February 11, 1954; General Files II, Executive Department, Jan-Dec., 1954, Box 1977/081-180, General files, Records, Texas Governor Allan Shivers. Archives and Information Services Division, Texas State Library and Archives Commission.



they perceived as communists. While they all stressed different aspects of the strength of their state, they often crossed lines with one another in their expressions. These individuals emphasized the efforts of their own locality but correspondingly praised the strengths of Texas in their efforts to combat the influence of communism.

Despite the prominence of localism in the correspondence with the Governors, other people throughout the state also stressed completely different sentiments regarding how to handle the threat of communism. People expressed their ideas through religion, Americanism, expressions of violence, and wider condemnations of communism. These ideas represented the vested interests of individuals and their reactions to the actions taken by Governor Shivers to halt the perceived threat to communism.

Those who focused their thoughts on communism and communists around religion often made biblical comparisons along moral lines. Biblical associations conceptualized the threat of communism as the work of “the devil” arguing that those who threatened their own government was as bad “as a person committing murder on another soul.”<sup>42</sup> Morality and the biblical references drew the individual to formulate the conflict between the US and the Soviet Union within the framework of good and evil or through the work of an outside malevolent figure. J. N. Edwards, of Pipe Creek, Texas, argued that “it [was] the right to free [their] great state” from “the ideology of communistic code” because of references in the New Testament. Edwards touched upon morality when she argued that the Soviet Union denied young

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<sup>42</sup> Ethel P. Lefkowsky Letter to Allan Shivers, March 14, 1954; Executive Department-Communism #2, Box 1977/081-129, Executive Department federal files, Records, Texas Governor Allan Shivers Archives and Information Services Division, Texas State Library and Archives Commission.

individuals “instruct[ion] in truth and knowledge of right and wrong according to the teachings of the Holy Bible.”<sup>43</sup> Morality and biblical comparisons defined the opinions of communism and its threats to certain individuals in Texas. Through a discussion of communism influenced by Christianity, these writers offered a unique perspective on the conflict, which differed from other interpretations presented in correspondence with the Governors.

Other citizens of the state expressed a variety of ideas regarding communism and the threat that it posed to the state. Frank C. Nickerson, from Dallas, Texas, expressed enormous pride in the fact that Governor Shivers advocated for the death penalty for communists, likening his actions to that of “General Washington” when he hung “hundreds of traitors in his army.”<sup>44</sup> Violence, as expressed by Nickerson, was not the only reference to such actions taken from correspondence, however, other authors tied their view into their personal history. Writing on behalf of the Veterans of Foreign Wars Post 856, of Austin, Boyd Medkiff and others argued that due to their service “in foreign countries” they had seen “how the communist party work[ed]” and it was this experience that caused them to support the actions taken by Governor Shivers, such as advocating the death penalty for communists.<sup>45</sup>

While some people pushed for violent punishment for communists based on personal

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<sup>43</sup> J. N. Edwards Letter to Allan Shivers, March 25, 1945; Executive Department-Communism #2, Box 1977/081-129, Executive Department federal files, Records, Texas Governor Allan Shivers Archives and Information Services Division, Texas State Library and Archives Commission.

<sup>44</sup> Frank C. Nickerson Letter to Allan Shivers; General Files II, Executive Department, Jan-Dec., 1954, Box 1977/081-180, General files, Records, Texas Governor Allan Shivers. Archives and Information Services Division, Texas State Library and Archives Commission.

<sup>45</sup> Boyd Medkiff, J. H. Keough, and J. C. Reasoner Letter to Allan Shivers; General Files II, Executive Department, Jan-Dec., 1954, Box 1977/081-180, General files, Records, Texas Governor Allan Shivers. Archives and Information Services Division, Texas State Library and Archives Commission.

history or historical precedent others based their ideas on communism on vastly differing reasons. Concerned about the potential for communist infiltration of labor unions, Joe R. Townsend, a member of the Baptist General Convention of Texas, endorsed all legislative actions taken by the Shivers Administration due to the threat presented by communism.<sup>46</sup> Townsend was the only non-businessman to express concerns about labor unions inside of his correspondence, however, this provides an additional link to the connections between communism and labor within the state. Outside of concerns about the infiltration of labor, individuals also expressed their ideas in the form of ideological concepts. "Americanism," the topic of a series of talks given by R. V. Nabers in Pecos, Texas, focused on steps to limit the presence of communism by advocating deportation for any who "sought to disrupt [their] American way of life."<sup>47</sup>

Whether businesspersons, localists, or other people who held an assortment of ideas, these individuals wrote to both Governor Jester and Shivers on one specific topic, communism. To these people who lived during the early Cold War, communism was not an abstract concept, but instead represented a great threat to the government and the economy. The citizens wrote to the Governors to articulate their support for anti-communist actions taken by the state legislature; however, while writing, they revealed the underlying perceptions that motivated their actions.

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<sup>46</sup> Joe R. Townsend Letter to Allan Shivers, February 24, 1954; General Files II, Executive Department, Jan-Dec., 1954, Box 1977/081-180, General files, Records, Texas Governor Allan Shivers. Archives and Information Services Division, Texas State Library and Archives Commission.

<sup>47</sup> R. V. Nabers Letter to Allan Shivers, February 13, 1954; General Files II, Executive Department, Jan-Dec., 1954, Box 1977/081-180, General files, Records, Texas Governor Allan Shivers. Archives and Information Services Division, Texas State Library and Archives Commission.

As Texas entered the post-war era and the international conflict began to grow between the US and Soviet Union, Texans saw their economy massively transform into a manufacturing powerhouse. Further complicating the economic changes was the entrenchment of the Cold War, which caused latent fears of communism, which existed within the state since the 1920s, turned the focus of the state government towards limiting the potential impact of communism on the state government and the economy. As the economy of the state grew, conservative politicians wielded the ideas of anti-communism to draw public support for protecting the economy of the state and limiting the growing influence of the civil rights movement.

## CHAPTER 6

### “THE PORT ARTHUR STORY”: TEXAS ANTI-COMMUNIST POLICY IN ACTION

A camera panned across a desolate street, which depicted an empty and sullen Port Arthur while a narrator described the location as “Ghost City, Texas.” Near empty streets, marked only by the passage of a solemn car or the passage of the rare pedestrian, present “Ghost City” as one undergoing steep hardships. Children no longer play in the streets, the once bustling downtown sits empty as women do not frequent the stores, and restaurants, once the home to many businessmen drinking their morning coffee, sit empty seemingly abandoned.<sup>1</sup>

Port Arthur, the “Ghost City,” according to the 1954 political advertisement “The Port Arthur Story,” suffered a slow death caused by “Operation CIO,” which aimed to disseminate communist sympathizing union members throughout Texas industries. The communist efforts in Port Arthur had, according to the advertisement, destroyed the city, but “true Texans” were fighting back for their city. Calling upon memories of Texas legends Bowie, Crockett, Houston, and Travis, the piece urged the citizens to hold back the communist threat.<sup>2</sup>

On November 14, 1953, approximately 450 members of the Distributive Processing and Office Workers Association (DPOWA) launched a series of picket strikes against the retail establishment in Port Arthur, Texas.<sup>3</sup> Seeking recognition from the retail establishments, early reports on the strike noted that it affected department stores, women’s apparel stores, and the

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<sup>1</sup>“The Port Arthur Story,” movie housed in the Texas Archive of the Moving Image (TAMI), 1954.

<sup>2</sup> “The Port Arthur Story,” TAMI.

<sup>3</sup> Scholars often offer different variations of the name of this union with both Don Carleton (*Red Scare!*) and George N. Green (*The Establishment in Texas Politics*) describing it as the Congress of Industrial Organizations (CIO). Despite this, documents from Allan Shivers personal papers clearly note that it is DPOWA, which while affiliated with the CIO, was a separate organization.

two major hotels for the town, the Goodhue and Sabine.<sup>4</sup> As concern surrounding the strike spread, Allan Shivers began the process of interceding on behalf of the citizens of Port Arthur. Shivers did not act because he sought to free the town from the oppression of a strike strangling the lifeblood of the town, but instead, occurred because he believed that within the striking workers existed an underlying communist element. These actions taken by Governor Shivers in November and December 1953, resulted in the revival of a decades-old investigatory body called the Industrial Commission (IC) to investigate the suspected communist affiliations of unions in the strike and throughout the rest of the state.

Discussions of the Port Arthur Strike in works such as Green's *The Establishment*, Carleton's *Red Scare!*, and Campbell's *Gone to Texas* focus on the impact that it had on the Allan Shivers-Ralph Yarborough gubernatorial election of 1954. Within the traditional interpretation, Governor Shivers used the strike, along with a series of other anti-communist focused events, to persuade the citizens of Texas that Yarborough was soft on communism. However, within the argument of the present study, the Port Arthur Strike represents a completely different phenomenon. Instead of highlighting the effective use of anti-communism by Governor Shivers to undermine his electoral opponent, the Port Arthur Strike represents the failure of anti-union and anti-communist policy implemented by the state legislature from 1947 to 1953.<sup>5</sup> Instead of leveraging the weight of the combined efforts of the state legislature and the Governor's office to stop the strike, the Shivers administration completely ignored the

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<sup>4</sup> "Pickets Patrol Fronts of Port Arthur Stores," *Snyder Daily News*, November 15, 1953.

<sup>5</sup>For the traditional interpretation of the events see: Campbell, *Gone to Texas*, 390; Carleton, *Red Scare!*, 258; Green, *The Establishment*, 153 and 160.

option to criminally charge the individuals involved, which allowed the strike to continue for well over a year.<sup>6</sup>

By broadening the traditional historiographic interpretation, the present study is better able to situate the events surrounding the Port Arthur Strike. Three groups of records play a key role in interpreting the strike through the lens of the Second Red Scare: newspaper clippings saved by Governor Shivers, the revival of the Industrial Commission, and the short propaganda film “The Port Arthur Story.” These records allow for an expansion upon the traditional interpretation of the event to show how ineffective the previously passed anti-union and anti-communist laws were while simultaneously deepening the understanding of how Shivers perceived and practiced anti-communism during the period.

Anti-communist attitudes dominated the newspaper articles kept by Governor Shivers, in a general file focused on communism, after the outbreak of the Port Arthur Strike in November 1953. The earliest articles focused on the efforts of the Shivers administration in addressing the strike, particularly those made by Attorney General John Ben Shepperd. Shepperd operated as the first man on the ground for the Governor launching an investigation into the suspected communist activities inside of the strike. Shepperd initially reported that the Port Arthur Strike represented a “testing ground” for communist infiltration into the Texas Gulf Coastal region, arguing that the strikers aimed to take control of the oil industry throughout the region. Despite the accusations leveled by Shepperd, there appeared to be no relationship between the striking retail workers and the oil industry. The article also focused on the fears of

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<sup>6</sup>Ann J. Herlihy and Daniel P. Willis, Jr., “Analysis of Work Stoppages During 1954,” *Monthly Labor Review* 78, no. 5 (1955): 541.

the citizens in Port Arthur regarding the strike with John R. Sadler, a Port Arthur newspaper editor, noting that he had never seen a “town as jittery as Port Arthur.”<sup>7</sup>

Shivers' articles continued their focus on Shepperd's efforts to discover communists within the Port Arthur Strike with many highlighting the fear that more unions in the city had fallen to communist influence.<sup>8</sup> The fears surrounding the Port Arthur strike motivated Shepperd to send leaders of DPOWA a series of 402 questions to answer regarding their communist affiliations. Shepperd continued to expand upon his claims about communist infiltration within the region enlarging it from just the Gulf Coast region to include all unions throughout the state.<sup>9</sup>

While the focus of the articles remained on Port Arthur and Shepperd's efforts there, the potential for an increased communist presence throughout the oil industry of the entire state began to grow. Once such example discussed Shepperd's fear that the threat could reach from the Gulf Coast to West Texas sweeping cities such as Odessa and Midland.<sup>10</sup> The Shivers' articles added another perspective when the CIO adopted DPOWA, bringing the union under the organization's umbrella. The acquisition of DPOWA by the CIO did not stop investigations

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<sup>7</sup> “Shepperd Calls Port Arthur Testing Ground of Red Plot,” November 26, 1953; General Files-Communism, Box 1977/081-464, General files, Records, Texas Governor Allan Shivers. Archives and Information Services Division, Texas State Library and Archives Commission.

<sup>8</sup> “Shepperd Cites 3<sup>rd</sup> Union in ‘Red Plot,’” November 26, 1953; General Files-Communism, Box 1977/081-464, General files, Records, Texas Governor Allan Shivers. Archives and Information Services Division, Texas State Library and Archives Commission.

<sup>9</sup> “Legal Actions on Subversive Unions Viewed,” November 27, 1953; General Files-Communism, Box 1977/081-464, General files, Records, Texas Governor Allan Shivers. Archives and Information Services Division, Texas State Library and Archives Commission.

<sup>10</sup> “Red Plot Uncovered,” November 28, 1953; General Files-Communism, Box 1977/081-464, General files, Records, Texas Governor Allan Shivers. Archives and Information Services Division, Texas State Library and Archives Commission.



into the organization, instead, they only expanded.<sup>11</sup>

A report submitted to the Governor on November 25, 1953, by Shepperd revealed the true depth of the fear surrounding the Port Arthur Strike. Within the report, Shepperd argued that DPOWA had been undergoing investigations by HUAC for supposed communist ties, and he argued for the US Attorney General to prosecute the union offers for lying in affidavits regarding their non-communist affiliation. Shepperd also touched upon the fears of communist influence spreading into the Gulf Coast oil industries by recommending that the Oil Workers International Union cease its support of the Port Arthur strike.<sup>12</sup>

Dominated by fears of an expanding communist presence in unions throughout the state, Governor Shivers soon called for the formation of a dedicated body to investigate the charges of communist infiltration of unions throughout the state—the Industrial Commission. Made up of five individuals appointed by the governor, the IC operated under the assumption that there would “always be a place for sincere union labor” in the state but “there [could] be no place in Texas” for communist-affiliated labor organizations.<sup>13</sup> The articles curated by Governor Shivers shift after the creation of the IC from a focus on Shepperd’s investigations into the Port Arthur strike to ones dominated by the IC.

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<sup>11</sup> “State’s Only Concern is to Keep Reds Out of Texas Labor Unions,” November 30, 1953; General Files-Communism, Box 1977/081-464, General files, Records, Texas Governor Allan Shivers. Archives and Information Services Division, Texas State Library and Archives Commission; “CIO Would Take Over DPO Union,” November 28, 1953; General Files-Communism, Box 1977/081-464, General files, Records, Texas Governor Allan Shivers. Archives and Information Services Division, Texas State Library and Archives Commission.

<sup>12</sup> Special Report of the Attorney General’s Office, John Ben Shepperd, Attorney General, November 25, 1953; General Files, Industrial Commission Folder, Box 1977/081-115; General files, Records, Texas Governor Allan Shivers. Archives and Information Services Division, Texas State Library and Archives Commission.

<sup>13</sup> “State’s Only Concern is to Keep Reds Out of Texas Labor Unions,” General Files-Communism, Box 1977/081-464.

Created in 1920 to “hear and make reports on controversies between employees and employers,” the incarnation of the IC under Governor Shivers in November 1953 served a singular purpose—to expose any links between labor unions and communism in the state.<sup>14</sup> On November 27, 1953, the same day that the CIO adopted DPOWA, Governor Shivers released a press memorandum detailing the reasons for the revival of the IC. Shivers acknowledged that the purpose of the IC was to investigate potential communist infiltration of labor unions throughout the state, not to resolve a dispute between employer and employees as stipulated in the 1920 law. Targeting three specific organizations, Shivers argued that it was the responsibility of all labor leaders in the state to resist communist influence and that labor organizations, without communist affiliations, had a place inside the state. Thus, IC was to focus on the Mine, Mill, and Smelter Workers Union (MMSW), the International Fur and Leather Workers Union (IFLW), and DPOWA as they were the most likely to hold communist affiliations.<sup>15</sup>

Drawn from all parts of the state, the men appointed to the IC by Governor Shivers constituted individuals who represented labor, employers, and others who were not affiliated with either group as stipulated by the 1920 law. The individuals that constituted the IC were: C. E. Fulgham a farmer and rancher from Lubbock; William J. Harris the President of the Texas Federation of Labor from Dallas; L. E. Page the Commander of the Texas Department of the

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<sup>14</sup>Employers and Employees-Providing an Industrial Commission to Hear and Report on Industrial Controversies, *General and Special Laws of Texas*, ch. 9 (1920).

<sup>15</sup> Allan Shivers Press Memorandum, November 27, 1953; General Files, Industrial Commission Folder, Box 1977/081-115; General files, Records, Texas Governor Allan Shivers. Archives and Information Services Division, Texas State Library and Archives Commission.

American Legion from Carthage; Walter Buckner who was the editor and co-publisher of the San Marcos Record from San Marcos; and E. G. Rodman, Sr., who was the President of the Rodman Oil Field Supply Company from Odessa.<sup>16</sup> Given the power to conduct hearings regarding the potential influence of communism in Texas labor unions, the IC had the ability to call individuals to testify, “issue subpoenas, compel [the] attendance of witnesses, [and] to punish for contempt.”<sup>17</sup> Broadly equipped, the IC immediately began to conduct hearings with their mission in mind.

On December 3, 1953, the IC brought two individuals in for questioning due to their affiliation with both Texas labor organizations and the Communist Party. Maurice Malkin of Brooklyn, New York, identified by IC chairman C. E. Fulgham as one of the founders of the US Communist Party, a leading organizer of DPOWA and MMSW, was a prior leader of the IFLW. John Lautner, of Washington D. C., who, at the time, was a Federal Bureau of Investigation (FBI) consultant because of his ties to the Communist Party was the other witness.<sup>18</sup> From December 4 to 5 1953, Malkin testified that six of the leaders of DPOWA were official members of the Communist Party and that Communist Party officials considered Texas as one of the main “concentration points” for party activities in the country. The six leaders identified by Malkin were: Arthur Osman, President of DPOWA; David Livingston, a secretary-treasurer; Donald

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<sup>16</sup> Employers and Employees-Providing an Industrial Commission to Hear and Report on Industrial Controversies, 1947; Allan Shivers Press Memorandum; General Files, Industrial Commission Folder, Box 1977/081-115.

<sup>17</sup> Industrial Commission Duties; Allan Shivers Press Memorandum, November 27, 1953; General Files, Industrial Commission Folder, Box 1977/081-115

<sup>18</sup> “Founder of Red Party in U.S. to Testify at Texas Hearings,” December 3, 1953; General Files-Communism, Box 1977/081-464, General files, Records, Texas Governor Allan Shivers. Archives and Information Services Division, Texas State Library and Archives Commission.

Henderson, an organizational director; Jack Paley, who was an executive vice president; Williams Michelson, another organizational director; and Robert Burke.<sup>19</sup>

On the final day of the hearings, December 6, 1953, the IC called Fred C. Pieper, Sr., a national representative of the CIO to testify. Pieper's testimony presented a vastly different narrative of the events surrounding the Port Arthur Strike than either that of Malkin or Shepperd, claiming that within DPOWA there existed no communist sympathizers or ties to the Communist Party—directly contradicting Malkin's assertions of communist ties among union leaders. Pieper even addressed Shepperd's claims that the Port Arthur Strike represented the first steps to taking over the Gulf Coast oil operations, arguing that it was "a figment of someone's imagination." Despite his protective stance towards DPOWA, Pieper noted that he "agreed" with the charges that MMSW and IFLW were "influenced or dominated" by communists.<sup>20</sup>

In light of the testimony produced during the three-day hearings, the IC crafted a report, which focused on the validity of the claims that the Port Arthur Strike and the unions involved constituted a threat to the state based on communist influence. On December 7, 1953, a little less than a month after the Port Arthur Strike had begun, the IC released a preliminary report to Governor Shivers. Upon considering the testimony produced during the hearings, along with

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<sup>19</sup> "Texas Called Prime Target in Red Plot," December 6, 1953; General Files-Communism, Box 1977/081-464, General files, Records, Texas Governor Allan Shivers. Archives and Information Services Division, Texas State Library and Archives Commission; "Ex-Red Names Union Leaders as Communist Party Members," December 12, 1953; General Files-Communism, Box 1977/081-464, General files, Records, Texas Governor Allan Shivers. Archives and Information Services Division, Texas State Library and Archives Commission.

<sup>20</sup> "Shivers' Commission to Evaluate Conflict Claims Concerning Reds," December 7, 1953; General Files-Communism, Box 1977/081-464, General files, Records, Texas Governor Allan Shivers. Archives and Information Services Division, Texas State Library and Archives Commission.

the previous investigation conducted by Shepperd, the IC concluded that the DPOWA, IFLW, AND MMSW, were “communist controlled, dominated, or influenced.” The IC cited the unions’ international organizations as the mean throughout which they became beholden to the communist cause. Further signifying their belief in the communist nature of the unions, the IC report noted that all the unions had tied together due to their communistic influences and they were already operating or attempting to operate inside of Texas.<sup>21</sup>

Following the condemnation of the three unions by the IC report, came an unsettling pronouncement. The IC noted that, despite their previous claims, only the leaders named in the hearings held any communist association, and they even went as far as to state that “no testimony indicated that any member of a Texas labor union was a communist.” Regardless of only finding six supposed members under communist influence, the IC recommended a sweeping expansion of anti-communist laws within the state to combat the potential influence.<sup>22</sup> In response to the recommendations by the IC to create more restrictive anti-communist laws, Shepperd proposed four anti-communist laws. He sought to outlaw the Communist Party, ban any local organizations, union or otherwise, with connections to national subversive organizations, required affidavits swearing non-subversions from unions and union officers who wished to operate in Texas and create an advisory board to conduct hearings

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<sup>21</sup> Preliminary Report to Governor Allan Shivers by the Industrial Commission of Texas, December 7, 1953; General Files, Industrial Commission Folder, Box 1977/081-115; General files, Records, Texas Governor Allan Shivers. Archives and Information Services Division, Texas State Library and Archives Commission.

<sup>22</sup> Preliminary Report to Governor Allan Shivers by the Industrial Commission of Texas, December 7, 1953; General Files, Industrial Commission Folder, Box 1977/081-115.

regarding union officers' subversive tendencies.<sup>23</sup>

"The Port Arthur Story" advertisement created by the Shivers campaign in 1954 to help defeat Ralph Yarborough in the 1954 gubernatorial election, represented the final indication of the failure of anti-communist policy stemming from the Port Arthur Strike. Released at a key point in the Governor's race between the two candidates, Shivers shifted to an anti-communist anti-union message, which drove voters to the polls. The advertisement, however, pointed towards a complete failure of the Shivers administration to halt the Port Arthur Strike, in spite of claims of communist presence, using prior passed anti-communist and anti-union legislation.<sup>24</sup>

Inside of the advertisement, local business owners voiced concerns of the communist threat with one, Fred Miller, citing instances of the striking workers threatening violence on his person or his business even going as far as to state that a striking worker had punched him in the face and that the worker was "definitely [a] communist." Others highlighted the length of the strike noting at that time, that it had been going on for over ten months. The advertisement painted a bleak picture of the situation inside of the city, noting that it had "almost plunged into economic ruin by the plot of a red-tinged union." Behind the images of empty shops, suffering business owners, and desolate streets were images of oil refineries signaling the great threat posed by the events in Port Arthur, at least according to the advertisement.<sup>25</sup>

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<sup>23</sup> "Red Barrier is Pressed by Shepperd," December 12, 1953; General Files-Communism, Box 1977/081-464; General files, Records, Texas Governor Allan Shivers. Archives and Information Services Division, Texas State Library and Archives Commission.

<sup>24</sup> Dobbs, *Yellow Dogs and Republican*, 112-113; Green, *The Establishment*, 159-160.

<sup>25</sup> "The Port Arthur Story," TAMI.

Ending with a call to action by Texans throughout the state, “The Port Arthur Story” urged individuals to be watchful, even those far removed from the coastal regions. They cautioned Texans to be mindful of those around them, vigilant of any who seemed out of place, for they could mark one corrupted by communist influence. The narrator posited that communist forces could come at any time, “not out of the night but out of the clear Texas sunshine” to wreak havoc upon the state. The piece ends with the narrator expressing staunch support for Governor Shivers and his defense of “Texas and Texas Freedom” from the invading figures of communist-influenced “eastern and northern left-wingers.”<sup>26</sup>

“The Port Arthur Story,” and the actions taken by Attorney General Shepperd and the IC in response to the Port Arthur Strike provide several key insights into how the Shivers Administration perceived and reacted to communist threats in 1953 and 1954. First, no mention of the anti-labor Mass Picketing law, passed in 1947, appeared within either Attorney General Shepperd’s or the IC recommendations or reports. The Port Arthur Strike represented the perfect opportunity to employ the Mass Picketing Law as the strikers were interfering with the ability of patrons and workers to enter the establishments, which was in direct violation of the law. Particularly, the imagery used in “The Port Arthur Story” played into these ideas especially well as the empty streets and businesses without employees were blatantly in disregard to the law.<sup>27</sup>

Neither reports mentioned any of the previously passed anti-communist legislation,

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<sup>26</sup> “The Port Arthur Story,” TAMI.

<sup>27</sup> Labor-Organizations-Mass Picketing, (1947); “Survival in Peril, Says Port Arthur Newsman: Coast Warned of Trade Dip; Red-Led Union is Blamed,” November 26, 1953; General Files-Communism, Box 1977/081-464, General files, Records, Texas Governor Allan Shivers. Archives and Information Services Division, Texas State Library and Archives Commission.

either. The Port Arthur Strike, particularly considering the accusations leveled at the six union leaders, presented an opportunity to use one of the cornerstones of the anti-communist legislation—the Communist Control Law. The law required those who held communist affiliations or were members of the communist party to register with the Texas Department of Public Safety or face criminal penalties.<sup>28</sup> If communist union members had spread throughout Texas waiting to take control of the state’s industries, as portrayed in the advertisement, then using the Communist Control Law presented one of the best opportunities to track them. Like the Mass Picketing Law, the IC or Attorney General Shepperd made no mention of implementing the criminal penalties under the Communist Control law within the context of the Port Arthur Strike.

The failure of the Shivers administration to use the previously passed anti-communist legislation under both his and Governor Jester’s administrations signified the hollow nature of the Second Red Scare within Texas. Tremendous debate and thought by the representatives of the state had gone into crafting a sweeping series of laws designed to curb the ability of communists from impacting the state. For all of Governor Shivers’s grandstanding regarding the threat that communists presented to the state he and his administration had completely failed to leverage the anti-communist and anti-union legislation to halt the Port Arthur Strike. However, the details behind “The Port Arthur Story” provide additional context to the portrayal of the situation in the city. The somber picture presented by the advertisement was in part a sham. Filmed between 5:00 and 6:00 A.M. the advertisement did not accurately represent the

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<sup>28</sup> Communist Control Law, 1951.



city and instead presented a picture of it when many of its citizens were still in bed. So, of course, there would not be bustling shops, children in the street, or restaurants filled with patrons as the advertisement lamented.<sup>29</sup>

Instead of accurately portraying the city, even picketers were noticeably absent from the advertisement, the Shivers administration misrepresented the situation for political gain and to push for further restrictions on communism.<sup>30</sup> The abject failure of the Shivers administration to address the Port Arthur Strike with any of the means at their disposal arguably represents the greatest failure of the state government during the Second Red Scare. Even when presented with the perfect opportunity to demonstrate the effectiveness of their legislation, particularly in light of the belief throughout the state that Texas was a leader in the fight against communism, the administration took no action.

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<sup>29</sup> Green, *The Establishment*, 160; "The Port Arthur Story," TAMI.

<sup>30</sup> "Red Barrier is Pressed by Shepperd," December 12, 1953; General Files-Communism, Box 1977/081-464.

## CHAPTER 7

### *STANFORD v. TEXAS: THE LIMITS OF THE SECOND RED SCARE IN TEXAS*

On December 27, 1963, members of Texas law enforcement spent five hours searching John W. Stanford, Jr.'s home for communist related materials. By the end of the five-hour period, the law enforcement officials had seized 2,000 books and other documents from Stanford's home, ranging from books and pamphlets to his marriage license. According to James E. Barlow, the Criminal District Attorney of Bexar County, Texas, Stanford had violated the Communist Control Law (1951) and the Communist Party Suppression act (1954) because he had failed to register as a communist in Texas and held materials related to the Communist Party of Texas.<sup>1</sup> The raid on Stanford's home prompted an appeal made to the Magistrate who authorized the warrant, but it was determined that such an appeal was invalid under Texas law. In response, Stanford and his legal team, led by Texan Maury Maverick, Jr., challenged the constitutional validity of the search warrant, which the Supreme Court requested to hear the case by issuing a writ of certiorari.<sup>2</sup>

The warrant issued to search Stanford's property was based on testimony given by two anonymous sources who named Stanford as a person in possession of "books and records of the Communist Party." The warrant claimed that Stanford had sent "pro-communist material" out by mail on December 12, 1963.<sup>3</sup> These accusations, according to his attorneys, proved to be

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<sup>1</sup> Maury Maverick, Jr., John J. McAvoy, and Melvin L. Wulf, "1964 WL 81224 (Appellate Brief) Supreme Court of the United States on behalf of John W. Stanford, Jr., Petitioner," October 1, 1964, *Stanford v. Texas* (1965).

<sup>2</sup> *Stanford v. Texas*, 379 U.S. 476 (1965); a Writ of certiorari is issued by a higher court when requesting escalation of a case to the next highest level. In *Stanford v. Texas*, the case was only heard by the 57<sup>th</sup> District Court in Bexar County, Texas, before being called up to the Supreme Court.

<sup>3</sup> *Stanford*, 478.

invalid as the warrant did not establish what constituted “pro-communist materials” inside of the warrant. Even more damning, the officers who searched Stanford’s home did not find any records, lists, or dues payments relating to the Communist Party. Regardless they still took over 2,000 items from his home.<sup>4</sup>

By November 12, 1964, Stanford’s and the State of Texas’s lawyers had begun to conduct oral arguments before the Supreme Court. Stanford’s legal team presented several arguments based around the constitutional validity of the warrant, the issue of preemption between state and federal law, and whether it was possible for those who conducted the search to adequately establish what constituted literature related to communism.<sup>5</sup> The Supreme Court led in its opinion by Justice Potter Stewart, only ruled on one of the issues—the constitutional validity of the search warrant. Justice Stewart held that the warrant was invalid because it constituted a “general warrant” that did not “describe with particularity the things to be seized.” Particularly repugnant to the Fourth and First Amendments because the warrant focused on literature and the ideas contained within the Supreme Court ordered the warrant vacated and remanded the case to a lower court.<sup>6</sup>

The Supreme Court’s ruling in *Stanford v. Texas* signaled the limitations and deficiencies of the anti-communist legislation passed during the Second Red Scare in Texas. While the Supreme Court did not declare portions of the Communist Control Law or Communist Party Suppression act unconstitutional, the arguments presented by Maury Maverick, Jr., provided a

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<sup>4</sup> *Stanford*, 480.

<sup>5</sup> *Stanford v. Texas*, 1965, Oral Arguments (November 1964): <https://www.oyez.org/cases/1964/40>.

<sup>6</sup> *Stanford*, 476.

path to dismantling the laws. Maverick pointed to the Supreme Court's argument in the 1956 case *Pennsylvania v. Nelson*, as a major deficiency in the Texas anti-communist laws.

*Pennsylvania v. Nelson* establishes the preeminence of federal law over state law when it came to outlawing conduct that would advocate for the overthrow of the Government of the US.<sup>7</sup>

Both the Communist Control Law and the Communist Party Suppression act had sections which outlawed the act of advocating or attempting to overthrow the Government of the US. In his brief on behalf of Stanford, Maverick argued that due to the similarities between the laws discussed in the *Nelson* case and those passed in Texas that they were "invalid and unenforceable." Maverick also highlighted the similarities between federal and Texan anti-communist legislation inside of his argument. Noting parallels between the Communist Control Law, the Communist Party Suppression act and the federally enacted Subversive Activities Control Act (1950) and the Communist Control Act (1954) and the Smith Act (1940). Maverick asserted that these resemblances strengthen the application of the argument presented by the Supreme Court in *Nelson* to the anti-communist laws in Texas.<sup>8</sup>

Maverick did not only touch upon issues regarding the preeminence of federal law over state law, but he also brought in to the record a major shortcoming of the Shivers administration. According to Maverick, Governor Allan Shivers ordered Stanford questioned regarding potential ties to communism in 1949 or 1950 at the District Attorney's office in San Antonio. John Good, Jr., the District Attorney at the time, testified on behalf of Stanford in the

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<sup>7</sup> *Pennsylvania v. Nelson*, 350 U.S. 497 (1956); For more information on *Nelson* see Jenkins, *The Cold War at Home*, 188-189.

<sup>8</sup> Maury Maverick, Jr., John J. McAvoy, and Melvin L. Wulf, "1964 WL 81224 (Appellate Brief) Supreme Court of the United States on behalf of John W. Stanford, Jr., Petitioner," October 1, 1964, *Stanford v. Texas* (1965).

Supreme Court Case reminding Barlow that he had a file on Stanford inside his office.<sup>9</sup>

If Stanford truly was a communist, then how had the Shivers administration failed to identify him over a decade before the police searched his home on the very charge of being a communist in 1963? The failure of the Shivers administration to prosecute Stanford under either the Communist Control Law or the Communist Party Suppression act signified the major failure of the Second Red Scare in Texas. If communism and communists represented such a large threat to Texas, then how had Stanford escaped in 1949 or 1950 and how had the Shivers administration failed to stop the Port Arthur Strike in 1953 and 1954?

The failure to identify Stanford as a communist, if he even was one, is even more egregious when taken into context with Representative Doug Crouch's comments about anti-Communist legislation in 1953. Even then, Representative Crouch challenged the usefulness and legitimacy of the Texas anti-communist legislation when he argued that the Communist Control Law had completely failed because no individual "[had] registered under the act" since its passage in 1951. This even more shocking when considering the case of Stanford who the state had brought in for questioning in either 1949 or 1950. Crouch's comments in 1953 echo even more clearly when compared with Maverick's arguments in the *Stanford* case. In 1953, Crouch launched an attack against the proposed expansion of the Communist Control Law, because it supposed that law enforcement throughout Texas possessed the ability to differentiate between subversive and non-subversive material. Although the bill that Crouch fought against did not pass, many of its more restrictive measures made their way into the

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<sup>9</sup> *Stanford*, 1965, Oral Arguments, 1964.

Communist Party Suppression Act.<sup>10</sup>

However, Maverick's usage of Crouch's arguments should not come as a shock, because, at the time he was, in fact, a member of the Texas House along with Crouch. Maverick had also challenged the legitimacy of the Communist Party Suppression act in 1954 where he argued that the bill presented an "attack on constitutional liberty" due to the vague nature of what constituted materials related to communism.<sup>11</sup> Maverick's incorporation of Crouch's arguments into his own created a staunch defense for Stanford when his case made its way to the Supreme Court, and it highlighted the inherent shortcomings of the anti-communist legislation, especially when considered alongside the Port Arthur Strike.

The failure of the Shivers administration to impose the force of the Communist Control Law and the Communist Party Suppression act on Stanford or to use those laws and previously passed labor restrictions to halt the Port Arthur Strike reveal the underlying motivations behind the Second Red Scare in Texas—political gain. While the legislation passed in 1947 and 1949 drew upon fears of external threats to the state, the legislation enacted under Governor Shivers served to help him defeat electoral opponents or to shore up his political support within the state.<sup>12</sup> By whipping up communist addled hysteria, Shivers effectively leveraged his support within the state by presenting himself as tough on communism. The anti-communist legislation also provided a boost to those in the state legislature. Because every piece that passed did so with near unanimous support from within both the House and Senate.

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<sup>10</sup> House Journal, 53<sup>rd</sup> Regular Session, 347.

<sup>11</sup> House Journal, 53<sup>rd</sup> First Called Session, 446-447.

<sup>12</sup> Green, *The Establishment*, 159-160.

Between 1947 and 1954 members of the state legislature debated twenty-one pieces of anti-communist legislation and four resolutions that heavily focused on the threat of communism or communists. Of those twenty-one legislative bills eight went on to become law and of the four resolutions three passed. Within the context of the Cold War and the Second Red Scare, the failure to pass thirteen pieces of legislation revealed the limitations of the anti-communist crusade inside of the state. Defeated inside of committees, votes in the House and Senate, and even refusal of Governors Jester and Shivers to sign them the bills met opposition at all stages of the legislative process. However, those that did pass did so with overwhelming majorities with very few voices opposing them—Doug Crouch and Maury Maverick Jr. represented the major challenges to the anti-communist legislation.

Assessing the success of the effort made by the Texas State Legislature during the Second Red Scare is a difficult task. Presented with several opportunities to enforce the laws—the Port Arthur Strike and *Stanford*—members of the state government failed to properly implement the legislation created by the state legislature. The events both inside and outside of Texas during the Second Red Scare provided credence to the arguments presented by members of the legislature—chiefly Marshall O. Bell. However, how credible was the threat of communism to Texas?

In 1956, the FBI published a report detailing the Communist Party of the US, what it was, and an assessment of the threat it posed to the country and individual states. The report contained a detailed breakdown of estimates of party membership inside of every state in the US. Texas, according to the report, had only 196 members of the Communist Party in the state in 1951, a far cry from what one would have believed given the passage of the Communist

Control Law in the same year. Sitting at only 31, 608, even the estimated membership of the Communist Party for the entire country made by the FBI for 1951 remains far below a major threat to Texas, let alone the US.<sup>13</sup> The low estimated communist presence combined with the failure to enforce the laws when presented with the opportunity provides evidence to show that the existence of a supposed communist threat simply provided members of the state government with the ability to strengthen their hold on power in the state.

Although the anti-communist legislation passed from 1947 to 1954 saw limited use the laws are still, in a modified form, codified in the government code of Texas. Under Chapter 557 Sedition, Sabotage, and communism, in 2019, it is still illegal for a communist to appear on the ballot for any election within the state, illegal for anyone who identifies as a communist to hold office in the state, and illegal for an individual who identifies as a communist to receive any funds from the state government. The Texas government code also still employs the same language regarding sabotage, either to the Texas or US government, as implemented during the Second Red Scare. Last updated in 1993, these laws reveal the lasting impact of the Second Red Scare on Texas. Nearly two decades after the Soviet Union collapsed, the fear of communist influence still permeates throughout state law.<sup>14</sup>

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<sup>13</sup> Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Committee on the Judiciary, United States Senate, 84<sup>th</sup> Congress, 2<sup>nd</sup> Session, 1956, *The Communist Party of the United States of America: What it is, How it Works, A Handbook for Americans*, (Washington D. C.: United States Government Printing Office), 34; It is important to note that these are simply estimates made by the FBI, which were drawn from the total number of votes received for communist candidates inside of the US and Texas.

<sup>14</sup> Texas Const., Government Code: Chapter 557: Sedition, Sabotage, and Communism.



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Relating to amending the Penal Code to provide that calling any person a Fascist or Communist, either orally or in writing shall be libelous, per se. HB 709. 50th Regular Session, 1947.

Relating to canceling the Charter of The Christian American, prohibiting the issuance of Charters to Communist or Fascist groups. HB 803. 50th Regular Session, 1947.

Relating to the creation of the Texas State Loyalty Board and providing for the compilation of said Board of List of Communists and Subversive Organizations, and providing for the transmittal of said lists throughout the State and all agencies; declaring the public policy of this State with respect to the Communist Party and Communist Front organizations, and particularly with respect to the infiltration of the members of such Party and organizations into the government of this State; containing a severability clause. HB 19. 51st Regular Session, 1949.

Relating to making it unlawful for any person to enter or enroll in any State University or State College without first signing a statement that he is not a member of the Communist, Fascist, or Nazi Party; providing a penalty; fixing an operative date for this Act; repealing all laws in conflict herewith. HB 747. 51st Regular Session, 1949.

Relating to prohibiting communists and persons having communistic leanings from practicing law and receiving a license to practice law, prescribing an oath to be made by attorneys upon being licensed to practice law and annually by members of the State Bar; and providing for disbursement and other penalties for making a false affidavit. HB 209, 52<sup>nd</sup> Regular Session, 1951.

Relating to amending the Communist Control Law to enlarge the definition of a Communist so as to include a person who knowingly in any manner advocates or acts to further the World Communist Movement, and to provide for the issuance of search warrants for search and seizure of implements for sabotage or destruction of properties, facilities, or service connected with national defense, and for search and seizure of books, records, pamphlets, cards, receipts, paraphernalia, and memoranda of communistic membership or activity. HB 30, 53<sup>rd</sup> Regular Session, 1953.

Relating to making it unlawful to use or keep or allow to be used or kept in any public school or State-supported institution of higher learning certain types of books, or other publications or literature which seek to discredit or reflect on the American form of government or way of life, or which are written by persons with communist or subversive connections or background and are not so identified by certain printing and labeling; providing for complaints, investigations, determinations, orders, penalties, and forfeitures in connection with violations. HB 566, 53<sup>rd</sup> Regular Session, 1953.

Relating to prohibiting payment of any salary or other compensation from any State funds to any person refusing to answer questions pertaining to communist or communist front affiliations or connections before any court, grand jury, or legislative investigating committee on the ground that it might incriminate him; providing a penalty for violation of the Act. HB 542, 53<sup>rd</sup> Regular Session, 1953.

To Provide for the Appointment of an Un-American Activities Committee of the Texas Legislature. House Simple Resolution 236, 53<sup>rd</sup> Regular Session, 1953.

Relating to making it unlawful to commit, attempt to commit, or aid in the commission of any act intended to overthrow, destroy, or alter, or assist in the overthrow, destruction, or alteration of, the constitutional form of the government of the United States, Texas, or any subdivision of either, by force or violence, or to advocate, abet, advise, or teach by any means any person to commit, attempt to commit, or aid in the commission of any such act; defining offenses and prescribing penalties, disqualifications, and forfeitures. SB 5, 53<sup>rd</sup> First Called Session, 1954.

Relating to declaring the Communist Party to be engaged in a conspiracy against the government; declaring it to be illegal, and depriving it of its rights, privileges, and immunities; making it unlawful to be a member of, participate in the activities of, or advocate or act to further the purpose of such Party; making it unlawful for any person adhering to or advocating the purpose of such Party to vote, speak in a public school or institution, to hold public office, or to speak over any radio or television station; making it unlawful to publish or distribute any newspaper or other periodical which adheres to or advocates the purpose of such Party; defining an offense and prescribing a penalty. HB 7, 53<sup>rd</sup> 1<sup>st</sup> Called Session, 1954.

Relating to declaring the Communist Party of the United States and similar revolutionary organizations illegal; making membership in, or participation in the revolutionary activities of, the Communist Party of the United States or any other organization with the same revolutionary purpose a felony; providing penalties. HB 11, 53<sup>rd</sup> 1<sup>st</sup> Called Session, 1954.

Relating to amending the Communist Control Law to enlarge the definition of a Communist so as to include a person who knowingly in any manner advocates or acts to further the World Communist Movement, and to provide for the issuance of search warrants for search and seizure of implements for sabotage or destruction of properties, facilities, or service connected with national defense, and for search and seizure of books, records, pamphlets, cards, receipts, paraphernalia, and memoranda of communistic membership or activity. HB 19, 53<sup>rd</sup> 1<sup>st</sup> Called Session, 1954.

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