

WEEDING OUT THE UNDESIRABLES: THE RED SCARE IN
TEXAS HIGHER EDUCATION, 1936-1958

Katherine E. Bynum, B. A.

Thesis Prepared for the Degree of

MASTER OF ARTS

UNIVERSITY OF NORTH TEXAS

August 2014

APPROVED:

Todd Moye, Committee Chair

Randolph Campbell, Committee Member

Andrew Torget, Committee Member

Richard McCaslin, Chair of the Department of
History

Mark Wardell, Dean of the Toulouse Graduate
School

Bynum, Katherine E. *Weeding Out the Undesirables: The Red Scare in Texas Higher Education, 1936-1958*. Master of Arts (History), August 2014, 109 pp., bibliography, 83 titles.

When the national Democratic Party began to transform to progressive era politics because of the New Deal, conservative reactionaries turned against the social welfare programs and used red scare tactics to discredit liberal and progressive New Deal Democrat professors in higher education. This process continued during the Second World War, when the conservatives in Texas lumped fascism and communism in order to anchor support and fire and threaten professors and administrators for advocating or teaching “subversive doctrine.” In 1948 Texas joined other southern states and followed the Dixiecrat movement designed to return the Democratic Party to its original pro-business and segregationist philosophy. Conservatives who wanted to bolster their Cold Warrior status in Texas also played upon the fears of spreading communism during the Cold War, and passed several repressive laws intended to silence unruly students and entrap professors by claiming they advocated communist doctrine. The fight culminated during the Civil Rights movement, when conservatives in the state attributed subversive or communist behavior to civil rights organizations, and targeted higher education to protect segregated universities. In order to return the national Democratic Party to the pro-business, segregationist philosophy established at the early twentieth century, conservatives used redbaiting tactics to thwart the progressivism in the state’s higher education facilities.

Copyright 2014
by
Katherine E. Bynum

ACKNOWLEDGMENTS

First and foremost, I must thank my outstanding committee members: Dr. Todd Moye, Dr. Randolph Campbell, and Dr. Andrew Torget. Their thorough and patient guidance through this writing process provided me with the clarity and confidence to tackle this thesis. They believed in me, listened to me, and offered so much wonderful advice. For that, I am eternally grateful. Secondly, I must thank all my history department peers and colleagues who endlessly listened to my ideas, offered advice, and supported me through thick and thin. I could not have come this far without their support. Finally, I must thank my husband Brian for his wholehearted support through research trips and long hours at work. His support furthered my confidence not only as a graduate student, but also as a future historian.

TABLE OF CONTENTS

	Page
ACKNOWLEDGMENTS.....	iii
1. INTRODUCTION.....	1
2. NEW DEAL BACKLASH AND THE RED SCARE IN TEXAS HIGHER EDUCATION, 1936-1939.....	9
3. WORLD WAR II AND THE RED SCARE IN TEXAS HIGHER EDUCATION, 1940- 1945.....	32
4. THE COLD WAR AND MCCARTHYISM IN TEXAS HIGHER EDUCATION, 1948- 1954.....	53
5. “WHAT IS BLACK AND WHITE, AND RED ALL OVER?”: THE RED SCARE AND CIVIL RIGHTS IN TEXAS HIGHER EDUCATION, 1946-1958.....	75
6. CONCLUSION.....	98
BIBLIOGRAPHY.....	104

CHAPTER 1

INTRODUCTION

In the spring of 1916, Governor James Ferguson demanded the dismissal of six professors at the University of Texas. In his words, “they had skinned him from hell to breakfast,” and provided a written demand to the Board of Regents for the removal of the unwanted professors. The Board launched an official investigation, which fulfilled its original function and exonerated the accused, but shortly thereafter, rumors circulated that Ferguson planned to replace three retiring regents from the University of Texas with rubber-stamp politicians. In light of these rumors, the state legislature initiated a special resolution to investigate Ferguson’s administration, and in the process found ten specific impeachable offenses of embezzlement and corruption. Included in the list of charges, Ferguson was accused of securing members to the university’s Board of Regents to “servilely do his will,” and “maliciously and mendaciously traducing the institution, its faculty and students.” His impeachment led to the governor’s removal from office in August 1917.¹

Twenty-five years later, Governor W. Lee “Pappy” O’Daniel filled the Board of Regents at the University of Texas with his supporters in 1941, and persuaded his newly appointed officials to fire perceived “communist” professors in the university.² Although Ferguson faced impeachment for his involvement in university affairs, O’Daniel’s administration remained intact and never faced the same investigation that destroyed Ferguson’s second term. At the time of Ferguson’s removal, the Democratic political climate had only recently shifted from one that

¹ Cortez A. M. Ewing, “The Impeachment of James E. Ferguson,” *Political Science Quarterly* 48:2 (June 1933), 187-8, 191; House of Representatives. Investigation Committee. Proceedings of Investigation Committee, House of Representatives Thirty-Fifth Legislature: Charges Against Governor James E. Ferguson Together with Findings of Committee and Action of House with Prefatory Statement and Index to Proceedings. Austin, Texas.

² Don E. Carleton, *A Breed So Rare: The Life of J.R. Parten, Liberal Texas Oil Man*. (Texas Historical Association, 1998), 233.

avored a traditionally limited government to one that countenanced more active government involvement. O'Daniel's time in office marked a significant shift in the Texas political culture. When conservatives in the state opposed the New Deal, they sought to revert the national Democratic Party back to its original anti-government convictions. In doing so, politicians and Texans with political clout focused on higher education, in which they blamed New Deal Democrats for supposed communist indoctrination of the state's youth—an idea that fundamentally conflicted with the conservative, pro-business, and segregationist philosophy established before Ferguson's time in office.

In the early twentieth century, the Texas Democratic Party began to transform in response to progressive-era politics that favored more government regulation and oversight of industries, especially in the areas of women's suffrage, working conditions, labor rights, and prohibition. This transformation created an increasingly significant split between conservative Democrats in the state, who continued to advocate limited government involvement, and the new Progressive Democrats, who aimed to use active government regulation to protect the population from dangerous business and social entities.³ The initial split caused tremendous political quandaries for the established conservative politicians at the turn of the century, and the divide in the Democratic Party only intensified after the Great Depression led many more citizens to favor additional active government policies to restore the economy.

Texans barely noticed any type of economic decline in the immediate aftermath of the 1929 stock market crash, but when the economy went from bad to worse by 1933, the majority of Texans welcomed New Deal programs that brought stability and a better quality of life. Once the worst had passed, conservatives turned against the New Deal, argued the government was too

³ Randolph B. Campbell, *Gone to Texas: A History of the Lone Star State*. (New York: Oxford University Press, 2003), 349.

big, and called Roosevelt a “red” determined to destroy the Constitution. By 1936 small conservative political factions had formed in the state and aimed to prevent Roosevelt from winning a second term.⁴ This conservative backlash against Roosevelt and the New Deal inspired small factions of disgruntled traditionalists within the state Democratic Party to investigate, target, and attack the evolving ideologies that the national Democratic Party presented.

The historiography of the Texas political culture following the New Deal remains underdeveloped. Some historians discuss how activist government policies during the 1930s helped assuage horrific economic conditions, while others describe the widening divide in the Democratic Party. Few address the lasting effects of the New Deal and how Democrats in Texas continued to splinter over what critics charged as “communist” New Deal policies throughout the 1940s and 1950s. George Norris Green’s *The Establishment in Texas Politics: The Primitive Years, 1938-1957* covers the political period in which Texas politicians engaged in a three-way competition among liberal Democrats, conservative Democrats, and Republicans vying for control of the state’s government. He argues that one of the reasons Texans embraced conservatism resulted from the state’s “primitive years,” wherein the rapid and turbulent economic changes led politicians to clutch the states’ rights mentality, and in the process turned to witch-hunts and political scare tactics to protect the Establishment.⁵

Don Carleton’s *Red Scare! Right-Wing Hysteria, Fifties Fanaticism, and Their Legacy in Texas* focuses on the Second Red Scare in Houston, where oilmen, lawyers, and wealthy businessmen conducted a crusade against the politically liberal during the Cold War days of McCarthyism. He argues that the Second Red Scare in Texas involved power and greed rather

⁴ Lionel V. Patenaude, *Texans, Politics, and the New Deal*. (New York: Garland, 1983),109; Campbell, *Gone to Texas*, 360, 388, 390.

⁵ George Norris Green, *The Establishment in Texas Politics: The Primitive Years, 1938-1957*, 193, 196-97.

than a true communist influence in the state's political structure. Carleton produced the most thorough account of the Second Red Scare in Houston, and included the attacks against alleged subversives in that city, but he disregarded an analysis of the entire state's perception of alleged communist infiltration and how this particular idea originated from the conservatives' distrust of New Deal policies.⁶ Green and Carleton's works accurately account for the red scare politics in the state, but no study addresses how the New Deal marked an increase in the redbaiting antics toward universities and colleges in the state.

On the national level, more literature exists to explain the Second Red Scare and the McCarthy era, wherein the nation underwent major paranoid episodes in response to the Cold War. Landon R. Y. Storrs wrote *The Second Red Scare and the Unmaking of the New Deal Left* in which she posits that women played significant roles in policymaking from the 1930s into the 1950s, and that these women were part of a "varied group of leftists who shared a commitment to building a comprehensive welfare state that blended central planning with grassroots democracy." The women formed a cohort that included influential and intellectual men who had a social democratic agenda, and that conservative politicians, threatened by these changing gender roles and New Deal reform, used redbaiting antics to remove leftists from government service.⁷ Storrs explains the New Deal backlash and how conservatives used McCarthy-style tactics to weed out the undesirables from powerful positions, but she focuses on the national government and does not address how state legislatures also used redbaiting tactics to undermine and discredit leftist politicians.

⁶ Don E. Carleton, *Red Scare: Right-Wing Hysteria, Fifties Fanaticism, and Their Legacy in Texas*. (Austin: Texas Monthly Press, 1985).

⁷ Landon R. Y. Storrs, *The Second Red Scare and the Unmaking of the New Deal Left*. (Princeton: Princeton University Press, 2013), 2-3.

Ellen Schrecker wrote *No Ivory Tower: McCarthyism and the Universities*, one of the first books written about anti-communist inspired investigations in higher education. During the Second Red Scare, more than 600 professors and teachers lost their jobs. Schrecker focuses on 100 professors who lost their positions because of their affiliation with the Communist Party, their refusal to sign a loyalty oath, or their unwillingness to testify before an investigative body. Schrecker argues that the higher education blacklist existed, and that many of the professors purged from their positions had a difficult time finding work after their dismissal. Schrecker's work, though thoroughly researched and convincingly argued, focuses mostly on the Ivy League Universities in the United States, but she neglects to address that other universities also faced supposed threats of communist subversion during the Cold War days of McCarthyism.⁸ Schrecker plays up on the intensified post Second World War era, and ignores how other universities also faced communist accusations in reaction to the New Deal.

While the backlash against the New Deal further splintered the Democratic Party in Texas, it also affected the way conservatives treated higher education systems in the state. In the second chapter, I show how the establishment of new political factions significantly altered the way state representatives thought about and dealt with Texas universities and colleges. Frightened by the growing popularity of New Deal programs among university students, conservatives frequently intervened in university affairs to prevent New Deal Democrat professors from indoctrinating the state's youth from so-called communist doctrine. Conservatives believed that New Deal Democrats who taught "subversive doctrine" to young, impressionable (and advantaged) students could alter the political structure and further dismantle the remains of limited government policy. While the attempts to remove professors during the

⁸ Ellen Schrecker, *No Ivory Tower: McCarthyism and the Universities*. (New York: Oxford University Press, 1986).

conservative backlash against the New Deal failed, conservatives pursued politically active and forthright individuals on campus to combat the new progressivism in the Texas Democratic Party.

In the third chapter, I show how politicians in the state sought to silence students and fire professors whose political leanings conflicted with the conservatives in power. Still disgruntled by resonating New Deal programs and in response to the spread of fascism and socialism abroad during the Second World War, conservatives used the nation's fears of war to validate attacking and firing professors who supposedly advocated communism. Throughout the war years, O'Daniel's politically appointed board members lumped fascism and communism together in order to anchor support and justify their attacks on academic freedom and tenure at the University of Texas. The first two chapters deal with the University of Texas and the redbaiting antics at the institution for a few reasons. Firstly, the University of Texas was not only the largest university in the state, but also in the entire south. Its proximity to the Austin capitol gave politicians the motivation to protect the institution from supposed communist indoctrination, especially since Texas taxpayers funded the university. And secondly, the University of Texas represented other universities in the state, and conservatives felt that if subversive doctrine were advocated and supported at the institution in Austin, then other universities and colleges would follow suit.

The fourth chapter shows the intensifying split in the Democratic Party after the Second World War, and how it continued to divide politicians in the state. In 1948 Texas joined other southern states and followed the Dixiecrat movement designed to return the Democratic Party to its original pro-business and segregationist philosophy. Additionally, the threat of spreading communism increased after several terrifying domestic and international events. Though

Republican U.S. Senator Joseph McCarthy made the Second Red Scare famous across the nation, conservatives who wanted to bolster their Cold Warrior status in Texas also played upon those fears, and passed several repressive laws intended to silence unruly students and entrap professors by claiming they advocated communist doctrine. While the state government participated in anti-communist crusades, some conservatives labeled others as communist in order to defend right-wing traditionalism that had become readily outdated.

In chapters two through four, I used a chronological approach to show the growing civil rights movement beginning in the late 1930s. The Second World War and the beginning of the Cold War escalated the movement, and in turn intensified how politicians and conservatives used the term “communist” to stifle civil rights legislation. The Dixiecrat movement also intensified in Texas after the Supreme Court ruled in favor of the National Association for the Advancement of Colored People (NAACP) in two decisions that fundamentally threatened Jim Crow segregation and voter disfranchisement laws established at the turn of the twentieth century. My fifth chapter shows how, in order to combat racial integration in higher education, conservatives disregarded court rulings in the name of states’ rights, and instituted a new university of the “first class” specifically designated for African Americans. Some believed that segregated education offered the best opportunity for the educational advancement of African Americans while others opposed the continued efforts of segregated schools, and in turn faced accusations of communist affiliations for wanting to integrate the races. Though conservative whites and blacks favored segregation for different reasons, both used redbaiting antics to prevent the destruction of black universities and colleges in the state.

The Texas relationship with redbaiting politics was peculiar. Weeding out communism became synonymous with maintaining the conservative, pro-business, segregationist philosophy

that had dominated Texas in the early twentieth century. The term “communist” initially was used as a catch-all phrase in order to entrap and discredit New Deal Democrat professors from informing and educating students about New Deal economic policies. In the post World War II era, the term intensified and was justified by the Cold War philosophy. By this time, conservatives in Texas joined politicians in the state, and attacked universities in order to hinder integrationist philosophy and revert the resonating social reform programs of the New Deal. Threats against Texas conservatism rattled politicians; higher education became a target to maintain the “civic order” that was slowly and readily becoming outdated in the national Democratic Party. Ferguson attacked the University of Texas for the same supposed menace—the idea of liberal professors preaching liberal ideologies to students. Instead of acting on those fears, the state chose to investigate his administration. At that time the Texas political culture, even though it showed elements of division, had yet to experience the same kind of government interference from the New Deal. During the New Deal backlash, the Second World War, Cold War and McCarthyism, and the civil rights movement, conservatives perpetually attacked professors, students, and administrators in order to hold onto the traditional conservatism of the Democratic Party that had been evolving since the late 1930s.

CHAPTER 2

NEW DEAL BACKLASH AND THE RED SCARE IN TEXAS HIGHER EDUCATION, 1936-1939

Early coverage in Texas newspapers of the stock market crash downplayed the likelihood of more trouble on the horizon for Texans. Reports in the *Dallas Morning News* dismissed the significance of the economic collapse, stating: “Many individuals, undoubtedly have suffered a loss far heavier than they could afford. Yet economic conditions in general are sound.” Several months later the *Dallas Morning News* of March 1930 reported that unemployment in the United States was “not much more than normal” and that the numbers had been exaggerated for political purposes. Even smaller newspapers continued to downplay the effects of the depression. The *Cass County Sun* printed in Linden noted that in previous depressions, “The country survived them all—and came back quickly and strong.”¹

Major cities in the state throughout 1930 had little cause for concern. Dallas unemployment rates rested at 4.7 percent in 1930 and the discovery of oil 120 miles away in East Texas temporarily mitigated the economic crisis for a brief period. By 1931, however, businesses began to feel the effects of the economic downturn. Overproduction of oil drove the prices down from a dollar a barrel in 1930 to as little as eight cents in 1931. By the end of 1931 the construction industry in Dallas waned and more than 18,000 men and women applied for unemployment relief at Dallas City Hall. Employers fired married women and retailers cut back to a five-day workweek. In Houston unemployment rates reached 23 percent at the beginning of 1931, and even the city’s oil companies needed to scale back their work force. San Antonio had an estimated 20,000 people in dire circumstances by early 1932. Austin, cushioned by the

¹ Roger Biles, “The New Deal in Dallas,” *Southwestern Historical Quarterly* 95:1 (July 1991), 6-7; “Unemployment in United States Not Much More than Normal,” *Dallas Morning News*, March 17, 1930, 16; Randolph Campbell, *Gone To Texas: A History of the Lone Star State*. (New York: Oxford University Press, 2003), 377-380; “Coming Back, Good and Strong,” *The Cass County Sun*, September 30, 1930, 1.

presence of state government and the University of Texas, suffered the least among Texas major cities.²

While major cities suffered, Texas farmers fared even worse. At the time of the crash, nearly 40 percent of Texans were farmers and only a few had the slightest awareness that the stock market had crashed. Although few initially noticed any difference, the Great Depression accelerated disastrous economic trends that had begun after World War I. The sharp decrease in demand for cotton and corn after the First World War, coupled with the increase in demand for expensive and new machinery, decimated farmers' incomes. Many turned to investment loans from banks, but the falling prices after the crash caused many foreclosures and an increase in tenancy farming. By 1931 the bottom had fallen out of the cotton market and prices dropped to an all time low of five cents per pound. An estimated 70 percent of the population was directly or indirectly dependent upon the cotton market in Texas, so when the bottom fell out, many Texas farmers became desperate, penniless, and in debt.³

Minorities in the state saw an increase in unemployment throughout the 1930s. African Americans already experienced harsh economic conditions as a result of Jim Crow segregation and discrimination, but the crash inspired many business owners to give "Negro jobs" to the unemployed whites in Texas. Public school education for African Americans also declined as a result, and created a higher illiteracy rate compared to white Texans at this time. The dire circumstances also increased the racial violence for African Americans. On the national level, lynchings rose from seven in 1929 to more than twenty in 1930, and peaked with twenty-four in 1933. No exact figures exist for Texas alone, but the national rise demonstrates that violence

² Roger Biles, *The South and the New Deal*. (Lexington: University of Kentucky Press, 2004), 20; Biles, "The New Deal in Dallas," 7; Campbell, *Gone to Texas*, 378.

³ Keith J. Volanto, *Texas, Cotton, and the New Deal*. (College Station: Texas A&M University, 2004), 12; Lionel V. Patenaude, *Texans, Politics, and the New Deal*. (New York: Garland, 1983), 3-7;

toward African Americans existed and escalated in the state.⁴ This prolonged discrimination and rise in violence and unemployment rates advanced the efforts of the National Association for the Advancement of Colored People (NAACP) not only around the nation, but also in the state of Texas.⁵

While Texans continued to suffer the worsening effects from the crash of 1929, many pushed for a more active government to mitigate the poor economic conditions. Many looked to the Hoover administration for relief, but Hoover continued to balk at the decline, and asked his “countrymen” to aid the needy. Texans of the populist tradition lost faith in the president quickly and blamed him and the Republican Party for the downfall of the economy. Many Texans were out of work, starving, had lost their homes and built shantytowns outside of big cities called “Hooverilles,” and covered themselves with newspapers called “hoover blankets.” Even the small minority of Republicans in the state threw their support behind the Democratic candidates in the election of 1932. Republican Orville Bullington, a lawman from Wichita Falls, ran for governor in 1932 against Democrat Miriam Ferguson, and to prevent association with the Hoover Administration, Bullington endorsed Democratic nominee Franklin D. Roosevelt. When Franklin Roosevelt and Texan John Nance Garner became running mates in 1932, the citizens of Texas jumped at the chance to support “the new deal for the American people.” Due to Hoover’s inability to restore the economy and Roosevelt’s aid from Garner and Texas congressman Sam Rayburn, who helped secure Roosevelt’s nomination, Roosevelt defeated Hoover with 89 percent of the state’s vote.⁶

⁴ Harvard Sitkoff, *A New Deal for Blacks: The Emergence of Civil Rights as a National Issue: Volume I: The Depression Decade*. (New York: Oxford University Press, 1978), 35; Donald W. Whisenhunt, *The Depression in Texas. The Hoover Years*. (New York: Garland Publishing, Inc., 1983), 17.

⁵ This will be discussed further in chapter four.

⁶ “Hoover Urges People Give Aid to Needy,” *Dallas Morning News*, October 17, 1932, 1; Campbell, *Gone to Texas*, 380; “Democratic Group Formed to Work for Bullington” *Dallas Morning News*, October, 19 1932, 12.

Roosevelt's New Deal provided a more active federal government than ever before. His government's interference into the free market gave aid to thousands, including college and university students across the state. Soon after Roosevelt's inauguration, Congress passed the Federal Emergency Relief Administration (FERA) of 1933. FERA's main goal was to alleviate unemployment by creating unskilled jobs in local and state governments. One aspect of FERA aimed to help college students not only in raising college attendance during the Great Depression, but also help students graduate and embark on a successful career. FERA became an effort to prevent a "lost generation," a phrase of increasing frequency during the 1930s. The United States had always been proud of its education system, but attendance in the nation's colleges and universities dropped tremendously when many parents could no longer afford tuition and many college students could not find work to help pay their way.⁷

Between September 1, 1934, and June 1, 1935, FERA administered relief funds to colleges and universities around the nation, and in return offered part-time employment to college students. A total of 1,662 higher education institutions across the United States participated in the FERA student-aids program, including seventy-three schools in Texas. The government funding increased the student enrollment at several universities and colleges in the state of Texas. North Texas State Teacher's College reported an increase of 166 students in 1934 as a result of the federal monies. Rice Institute in Houston reported 130 students entered the university through FERA, while more than 650 male and female students received funding to attend the University of Texas. In return for the federal financial aid, students were paid an average of fifteen dollars per month and assigned to various occupations such as checking traffic

⁷ Robert A. Caro, *The Years of Lyndon Johnson: The Path to Power*. (New York: Alfred A. Knopf, Inc., 1982), 341.

and parking violations, repairing furniture, campus construction improvements, and research and other clerical work.⁸

The federal spending increase on higher education dramatically escalated enrollment rates for the state's university systems. The University of Texas saw an increase of 806 students from the year's previous 1,670. Enrollment at Texas Agricultural and Mechanical College increased by more than 40 percent; Texas Christian University reported in 1934 that their student enrollment increased by 25 percent. The enrollment at Rice Institute increased by 350 students, increasing the size of the student body in 1934 to more than 1,300 students, the largest student body at that time.⁹ The New Deal and the Roosevelt administration greatly affected the college attendance records that had been decreasing since the beginning of the Great Depression. Although not all students seen in the dramatic increase in university and college enrollments received this federal funding, the large majority of these new students directly benefited from the FERA funding plan.

Obtaining college educations became difficult for students who entered higher education based on the nine-month financial assistance from FERA. With the college fund set to expire on June 1, 1935, the Roosevelt administration designed a new program that specifically catered to the nation's youth called the National Youth Administration (NYA). "I have determined that we shall do something for the nation's unemployed youth because we can ill afford to lose skill and energy of these young men and women," Roosevelt declared. The NYA, originally under the auspices of the Works Progress Administration (WPA), provided education, jobs, recreation, and

⁸ Walter J. Greenleaf, "Federal Aid to College Students," *The Journal of Higher Education*, 6:2 (February 1935), 94; "FERA Appropriations Aid 12% of Students in Nation's Colleges: Workers Given Jobs on Record Financial Need," *The Campus Chat*, October 18, 1934, 1; "Institute In Full Swing As Registration Begins: 130 Students Given Relief By Government," *The Thresher*, September 13, 1934, 1; "F.E.R.A. Gives Jobs to 651 Needy Students," *The Daily Texan*, September 16, 1934, 1.

⁹ "Colleges Set New Enrollment Records: University's Third Day Mark Climbs to New High of 5,461 Students," *The Daily Texan*, September 22, 1934, 1.

counseling for male and female youth between the ages of eighteen and twenty-five who met the financial-need criteria. In his address to the New York Council, executive director Aubrey Williams outlined the various phases of the program, including how the NYA would hire some 200,000 to 250,000 young people for WPA projects, and that its \$22 million budget for those in school would be used to create “additional opportunities for the employment of young men and women for vocational guidance and training.” NYA-funded students had to carry at least 75 percent of a normal academic schedule, but could not exceed more than thirty hours of work per week. In order to avoid criticism that the students were “boondoggling,” the jobs had to be necessary and not “make work.”¹⁰

One of the central issues surrounding the implementation of the NYA was whether aid would be extended to African Americans. The NYA defined “youth” as those between the ages of eighteen and twenty-five, and did not indicate race as a specific requirement for receiving aid. In fact, Eleanor Roosevelt encouraged Williams to include blacks in the program. Williams, a “race liberal,” issued a memorandum stating that the policy of the NYA was to distribute aid to various racial groups to their representation of the population. Though many African Americans participated in New Deal programs such as the Civilian Conservation Corps, even when national efforts to extend aid to African Americans succeeded, racist southern politicians hampered equitable distribution of aid to black Texans.¹¹

John J. Corson, head of the national deputy administration, urged Texas state director of the NYA, Lyndon Johnson, to appoint an African American to his advisory board for the state NYA office. Johnson refused and even threatened to resign his position if he had to appoint an

¹⁰ Mitchell Lerner, “To Be Shot at by Whites and Dodged by the Negroes”: Lyndon Johnson and the Texas NYA, *Presidential Studies Quarterly* 39:2 (June 2009), 248; Christie Lynne Bourgeois, “Stepping Over the Lines: Lyndon Johnson, Black Texans, and the National Youth Administration,” *Southwestern Historical Quarterly* 91 (October 1987), 149; “NYA Director Addresses New York Council,” *The Thresher*, October 25, 1935, 1; Caro, 350.

¹¹ Bourgeois, “Stepping Over the Lines,” 149, 154-155.

African American to the board, not because he hoped to exclude African Americans from receiving aid in the New Deal program, but because he knew that an integrated board would upset most white Texans in the state and could threaten the credibility of the NYA. It was commonplace for politicians to discuss their dissatisfaction with the New Deal and its aid to African Americans. Coke Stevenson, lieutenant governor of Texas from 1937 to 1941, argued that New Deal programs aiding African Americans resembled communist Russia “with equality for all,” where a person walking down the street might hear the “horrificing” cry of “Nigger grab your white woman.”¹² Many white Texans feared that giving African Americans aid would push the desegregation movement in the public schools. Conservative politicians equated the desegregation of public facilities, especially the public school systems and universities, as communist in order to discredit a civil rights movement. Johnson had always planned to include African Americans in the NYA, but needed to be more covert about the projects and monies assigned to help them.

Though Johnson refused to establish an integrated advisory board for the New Deal program, he appealed to the Texas legislature and stated that aid would be given to African Americans, but that “not one of these 15,000 youths would darken the door of any school in the state of Texas.” After the legislature’s approval, Johnson appointed Mary Branch, who would later become president of the Austin chapter of the NAACP in 1943, to the state’s NYA Negro Advisory Board. By 1936 Branch reported that approximately 773 students in the state’s black colleges were assisted by the NYA directly. Prairie View State Normal and Industrial College for Negroes employed seventy-three African American males to build two dormitories on campus.

¹² Bourgeois, “Stepping Over the Lines,” 149; Olive D. Brown and Michael R. Heintze, “Mary Branch: Private College Educator,” in *Black Leaders: Texans for Their Times*, edited by Alwyn Barr and Robert A. Calvert. (Austin: Texas State Historical Association, 1981), 121; Patenaude, *Texans, Politics, and the New Deal*, 115.

The extended facilities allowed the college to accept more students, which swelled their graduation rates to forty-five in May 1937.¹³

Between 1936 and 1937, the NYA employed more than 7,300 college students in the state of Texas. The programs remained wildly popular for students and administrators. A survey conducted by the *Texas Observer* concluded that of 1,300 school officials polled in the summer of 1936, 97.8 percent thought that the NYA had been a benefit to both school and pupil. In December 1937 the Texas NYA was supplying money to a total of eighty-five post secondary schools, and of these, Prairie View ranked thirteenth in overall funding. The student aid program was accomplishing its purpose. In 1935, it encouraged students to return to school, and by 1940 more than a thousand graduating college seniors had received aid for each of their four years in college.¹⁴

Between 1933 and 1937, most prominent Texas politicians supported President Roosevelt and the New Deal policies. While the First New Deal promoted swift economic recovery to restore prosperity, the second New Deal after Roosevelt's reelection in 1936 endorsed social reform policies, and many Texans wanted to revert to the traditional conservative government that had been established in Texas for years. This created a split inside the Democratic Party between the traditional conservative Democrats, who initially advocated the New Deal but felt the time had come to rescale or repeal its measures, and the New Deal Democrats, who wanted to prevent a depression and a stock market crash from ever happening again. Vice President Garner did not agree with all New Deal legislation, but thought that their passage was important for the recovery of the nation. By 1937 many began to feel as though the New Deal had overstepped its original intention of restoring the economy. As Lionel Patenaude wrote,

¹³ Lerner, "To Be Shot at by Whites and Dodged by the Negroes," 248, 262; Journal of the Senate of Texas being the First Called Session of the Forty-Fourth Legislature, Legislative Document, 1935, 214.

¹⁴ *Texas Observer*, September 1936, 26; Caro, 364.

“[Garner] felt the drastic measures taken to cure a sick America had been justified. Now that the patient looked better, the time had come to consolidate or perhaps even repeal some of the emergency measures that had been enacted.” As the most prominent Texan in national politics, Garner became the leader of a cabal dedicated to slow down and modify some aspects of the New Deal.¹⁵

Other Texans led factions away from the changing national Democratic Party to overrule the Roosevelt administration and used the communist label as a political tool to discredit the progressive and liberal ideologies of New Deal Democrats. J. Evetts Haley, a prominent rancher and history professor at the University of Texas, led his own faction of conservatives who asked for a return to the traditional, strict construction of the Constitution. Haley turned against the New Deal after the passage of the Agricultural Adjustment Act (AAA) of 1933, with which Haley and his family ranch had to comply to avoid bankruptcy. Its mission was to reduce agricultural production, which would lower the supply and then increase demand and raise prices. Even though many ranches and farms survived the Texas drought and the AAA prevented many from capitulating (including his own), Haley raged against the Roosevelt administration, charging that the government interference had adversely affected the cattle industry and his business.¹⁶

Haley became so disgruntled that by August 1936, on the eve of Roosevelt’s reelection, he and Bullington organized a new political party of twenty-eight wealthy businessmen and lawyers, Democrats and Republicans, from around the state called the Jeffersonian Democrats. The Jeffersonian Democrats asserted their beliefs in the Constitution, states’ rights, and in what they called the Jeffersonian principle. They claimed Roosevelt had “aided and abetted the aims

¹⁵ Patenaude, *Texans, Politics, and the New Deal*, 43.

¹⁶ Stacy Sprague, *James Evetts Haley and the New Deal: Laying down the Foundations for the Modern Republican Party in Texas*. (Thesis: University of North Texas, 2004), 27; Caro, 255.

of Socialists and Communists, and has set up a board of advisers known as the ‘brain trust,’ which is largely made up of red radicals not in sympathy with our form of government.”¹⁷ Haley made erroneous allegations of the Roosevelt administration’s ties to communists and socialists in order to tarnish the new progressive aims of the Democratic Party.

By early 1936 conservative politicians led factions of political organizations to root out progressivism and liberals from every corner of the state. This included the state’s university systems, through which many conservatives believed progressivism and New Deal Democrats ran rampant and promoted liberal ideologies to young and impressionable students. The increase of the student population coupled with the growing support of New Deal programs on campus made conservatives in the state uneasy about their youths’ future. By attacking universities and especially professors that promoted New Deal ideologies, Texas conservative politicians anchored their hopes in dismantling the new progressivism by labeling liberals in the university as subversive, or even worse, as communists. At a time when the vast majority of Texans supported the New Deal, conservatives used politically loaded terminology in order to maintain the traditional, pro-business, segregationist philosophy that had been established in Texas since the turn of the twentieth century.

Haley openly criticized the NYA, which he deemed “a gigantic boondoggling, political adventure for the youthful unemployed.” Not only did Haley publicly denounce the NYA and other New Deal legislation, but he also held a long established prejudice against Dr. Robert H. Montgomery, an economics professor at the University of Texas. Montgomery often espoused New Deal progressivism to his students and on occasion made controversial and misinterpreted remarks about private enterprise. Chairman of the Board of Regents, Major J. R. Parten,

¹⁷ J. Evetts Haley, “Jefferson Democrats Declare Stand They Will Make in Coming Presidential Election: Texas Democrats Will Support Landon at the Polls in November,” *The Bartlett Tribune and News*, September 25, 1936, 5.

frequently received letters of complaint about Montgomery's controversial speeches; they believed Montgomery advocated "governmental ownership and control over a wide variety of corporate structures." In reality, Montgomery spoke publicly about the dangers of monopoly in a democratic system and called for a higher tax on known monopolies around the nation. Parten appeased many of the complaints by writing that an official investigation would take place in the Board of Regents meetings, but he ignored the numerous grievances against Montgomery largely because he knew the man was not a communist. Haley went to Parten's office in Houston to pursue his case about subversives in the university. Parten listened to Haley's concerns, but took no further action of investigation at that time. It appeared that the incident might go away on its own, and Parten refused to participate in what seemed like a non-issue at the time.¹⁸

Even though Parten refused to take the matter further, Texas politicians aimed their frustrations at *The Daily Texan*, the university's student newspaper. After the Democratic primary in mid 1936, an editorial referred to Texas Representative James "Buck" Buchanan as the "pork barrel chairman" of the House Appropriations Committee. Members of the University's Board of Regents were sensitive to any faculty or student criticism of Buchanan since his committee had control over Public Works Administration (PWA) appropriations. The university at the time had several pending applications for PWA grants to build dormitories and other facilities for the campus. UT President, H. Y. Benedict, drafted a censorship policy that created an editorial advisory committee of two faculty members and one student to screen any

¹⁸ J. Evetts Haley, *A Texan Looks at Lyndon: A Study in Illegitimate Power*. (Canyon, Texas: Palo Duro Press, 1964), 12; Frazier Moss to J. R. Parten, July 2, 1935, Letter, J.R. Parten Papers, 1890-1899, 1913-1992, 2009, Dolph Briscoe Center for American History, The University of Texas at Austin (herein after cited Parten Papers); Don E. Carleton, *A Breed So Rare: The Life of J. R. Parten, Liberal Texas Oil Man, 1896-1992*. (Austin: Texas State Historical Association, 1998), 155.

material for the newspaper containing “improper personal attacks, reckless accusations, opinion not based on fact.”¹⁹

At the end of July, the Austin *American Statesman* broke the news that the Board of Regents had placed the student newspaper under official censorship. Congressman Maury Maverick of San Antonio accused the Board of “Nazifying” the University of Texas. “That my university should adopt the policies of communists and fascists in suppressing the freedom of speech is astonishing,” Maverick declared. The student editors responded in a several-week crusade against the censorship in *The Daily Texan* beginning in August 1936. On August 20 the editor argued that “Neither the President Nor the Regents Own the Texan” and that five campus and Austin organizations had joined the fight to have the censorship removed. Many others joined the fight against the censorship issue. In early September the State Democratic Convention in Fort Worth engaged in a heated discussion over the *Texan* censorship, and a formal platform resolution was passed to urge the Board of Regents to discontinue the measures. After their resolution, the Board of Regents tried to work out an agreement to have the censorship lifted. In mid-September, *The Daily Texan* editors, hoping again that the issue would drop, discontinued their articles about censorship for several days. Still, no one decided on a formal agreement about how to discontinue the censorship policies of *The Daily Texan*, and the editors continued to publicly blast the Regents’ actions.²⁰

The relentless debate over censorship actually damaged the university’s image more so than the scathing editorial over Buchanan’s pork barrel practices. In addition to the censorship, the university quickly came under attack from a junior representative charging communist activity in the state’s university systems. In late September 1936 Representative Joe Caldwell, Jr.

¹⁹ Carleton, *A Breed So Rare*, 163-64.

²⁰ Carleton, *A Breed So Rare*, 164; “Daily Texan Censorship And Yours,” *The Daily Texan*, September 26, 1936, 1; “Daily Texan Censorship And Yours,” *The Daily Texan*, September 30, 1936, 1.

from Asherton appealed to the Texas House, and asked for a committee to investigate “certain State institutions of Higher Learning” that were allegedly teaching communism, atheism, and other un-American and subversive theories and doctrines to the state’s youth. He stated that he had proof of at least one professor who advocated communist teachings. Caldwell defined communism as “that form of government which is based on destruction of the church, the family, and private ownership of property” and argued that communists believe in “complete and full social equality among the races.” He asked the Speaker of the House to appoint five members to serve the committee to investigate the universities in Texas, and to have full and complete authority to summon witnesses and issue subpoenas for questioning of possible communist activity.²¹

The legislature approved Caldwell’s House Investigating Committee and appointed two other House members to the committee. In addition to Caldwell, Fred Harris of Dallas, and Tom Cooper of Tyler were appointed to investigate the universities for un-American activities. Opposition to the House Investigating Committee came from all different directions. H. Y. Benedict, president of the University of Texas, publicly denounced the House’s plan to investigate the university for communism. Representative Eugene Worley from Shamrock, Texas, mocked Caldwell’s intentions in the House meeting and sneeringly stated, “Let’s include the Prairie View College for Negroes!” Caldwell retorted, “Well, the communists believe that niggers ought to be allowed to go to social meetings with whites, and I understand that they’ve done that on some occasions at the University.”²²

²¹ “Communism Investigators Appointed: Caldwell, Harris, And Cooper Named; Committee to Call U.T., S.M.U. Profs, *The Daily Texan*, October 7, 1936, 1; House of Representatives, Journal of the House of Representatives of the Third Session of the Forty-Fourth Legislature of the State of Texas, Legislative Document, 1936, 27-28.

²² “House Votes to Probe Communism in Colleges,” *The Daily Texan*, October 3, 1936, 1.

After Caldwell and the other redbaiters began their investigation at the University of Texas, they spent several days interrogating two former students, members of the Progressive Democrats, and two Texas university professors, Montgomery and Dr. Charles A. Timm of the government department. Arthur Wright, youthful secretary of the Progressive Democrats, testified as the first witness before the legislative committee. When Caldwell presented letters from the Progressive Democrats to the House of Representatives, many questioned if Caldwell used illegal means to acquire the letters that allegedly contained radical material. Wright stated the letters had been stolen, yet Caldwell denied that he stole the letters, and also refused to mention how they came to be in his possession. Montgomery, the last witness of the hearing, told Caldwell that he did not believe in the abolition of private ownership of property. “Do you believe in the profit system?” Caldwell asked. Montgomery retorted, “I most certainly do. There is no greater advocate of it in the country. I would like to see it extended to 100,000,000 people.”²³

By mid October, newspapers reached the origin of Caldwell’s communist investigation. In February 1936 the Young Progressive Democrats publicly denounced the selection of Roy Miller, a sulfur lobbyist, as the financial director of the Democratic campaign in Texas. The students accused Miller of running a sulfur monopoly, which Montgomery had critically spoken against in public speeches. Though Caldwell did not specifically mention the University of Texas, the selection of Miller for the financial director of the Democratic campaign and the Progressive Democrats outburst left many to wonder if Caldwell’s true intentions were aimed at discrediting the young progressives at UT instead of combating communism in the state’s institutions. The House of Representatives repudiated the committee and fully exonerated the university of communist charges in November 1936 after Caldwell could not produce any

²³ “His Letter Stolen, Witness States in Communism Probe,” *Dallas Morning News*, October 14, 1936, 2.

substantial evidence of subversion at the university. Philosophy professor Dr. A. P. Brogan told the newspapers that the House of Representatives attacked a university full of “idealist young people.” “If you say a certain doctrine is forbidden,” Brogan continued, “if you say it must not be trusted or discussed, you not only create a tremendous interest in the doctrine, but you create a bias in the minds of the young people for that doctrine. If you suggest things must not be talked about or studied, you are only promoting them.”²⁴

The attacks on the university had nothing to do with communist activity, but rather dealt with liberal youth and two professors who publicly criticized the use of monopolies and those who promoted them. Texas conservatives in the House used the idea of the promotion of communism and other subversive doctrines in the universities in order to frighten the general public and censor left-leaning students from speaking out against House members’ decisions and political beliefs. Conservatives also used the fear of racial integration in schools to discredit the students political leanings –an attempt to continue the segregationist philosophy of Jim Crow that had been established since the early twentieth century. According to Texas conservatives, only communists would allow integration and equality of the races in public facilities. Protecting the state’s higher education systems, including the University of Texas, meant protecting the white supremacist mindset of many conservatives in the state.

After the House disbanded the investigating committee in 1936, a lobbyist named Hulen R. Carroll informed *The Daily Texan* editors that the Jeffersonian Democrats and unnamed investors in the Texas Gulf Sulphur Company had hired Caldwell to stir up problems for the university and Montgomery in the legislature. According to Carroll, the investors offered him \$7,000 to go to Texas in the summer of 1936 to “pin that Red label on the Young Democratic

²⁴ “Sulphur [sic] Fight Purpose for Pooled Fund: Barring of Students From Hearing Termed Outrage by Solon,” *The Breckenridge American*, October 15, 1936, 1; “Letter Possession Is Latest Probe,” *The Breckenridge American*, October 28, 1936, 5; “Red Probe Fizzles,” *The Canadian Record*, November 12, 1936, 5.

organization in Texas.” Haley, head of the Jeffersonian Democrats, had become increasingly disgruntled with the university. In early 1936, Haley resigned from the University because his six-month leave for exposing “the dangers of the so-called New Deal” would breach his contract with the Board of Regents. After he resigned, Haley told the newspapers that the Board fired him because of his anti-New Deal politics. He also detested Montgomery, an ardent New Deal supporter who had gone to Washington to help with Roosevelt’s administration, and especially since Chairman Parten refused to investigate Montgomery’s politics in 1935.²⁵ Haley and the Jeffersonian Democrats wanted to discredit any promotion of the New Deal, and by attacking the university and Montgomery, Haley sought to minimize politically liberal ideologies on campus.

After this debacle, communist-aimed attacks on universities in Texas from conservatives quietly dissipated. While the accusations simmered, the state saw a challenge to higher education’s segregation policies. George L. Allen, an African American, enrolled in a business extension course at the University of Texas in October 1938. Surprisingly enough, the confused admissions counselors admitted Allen to the university, and he began attending the courses for which he had paid. Allen applied to the university specifically to be refused admission so that the NAACP officials in Dallas could file suit in hopes that the Texas legislature would provide scholarships and stipends for black students to attend post-graduate facilities outside the state. Allen’s admission into the university program temporarily stalled efforts to accomplish the stipend program. However, ten days after Allen attended his class, a professor called Allen and informed him that he would have to withdraw from the class, and officials cancelled his enrollment and prevented his return to the course.²⁶

²⁵ Carleton, 168-171; “Storm, Pulliam, Hyatt’s Affidavits Charge Investigation ‘Fixed,’” *The Daily Texan*, October 28, 1936, 1.

²⁶ Michael L. Gillette, “Black Challenges the White University,” *The Southwestern Historical Quarterly* 86:2 (July 1982), 321.

At the time most of the general public barely noticed that Allen had tried to challenge the state's segregation policy. After officials cancelled his enrollment, Texas politicians and the general public refused to address the "separate but equal" issue until the December 1938 Supreme Court ruling of *Missouri ex. rel. Gaines v. Canada* in favor of Lloyd Gaines, an African American who was denied entrance into the University of Missouri for a law degree based solely on his skin color. Chief Justice Charles Evans Hughes held that Gaines must be admitted to the Missouri law school, and that to "compel him to attend schools outside of the state was in violation of the equal rights provision of the federal Constitution." Reports in *The Dallas Morning News* concluded that Gaines' admission into the university "may result in serious repercussions in Texas."²⁷

The University of Texas had the only state-supported law school, which meant that the Texas law that white and black students must attend "separate but equal" schools could be challenged. In response to the Supreme Court ruling, the Texas legislature convened and decided that providing more academic funding to African American students in Texas would delay the integration process that had already begun at the University of Missouri. The Texas legislature admitted that:

The Constitution of Texas requires that separate schools should be provided for the white and colored children, but requires equally as emphatically that 'impartial' provision shall be made for both. Impartial provision has not been made in many instances; but it is particularly true that the State has wholly failed to provide educational opportunities for negro students unable to pursue the courses of their choice in State supported institutions of higher learning. The State offers no facilities whatever to negroes for training in the professions of skilled trades. The Prairie View State Normal and Industrial College, in which the state probably receives the most value for each dollar spent, does not provide graduate work of any description and is unable to give training either in the professions or skilled trades. Negro students wishing this training must pursue their students in out-of-State institutions. Colored teachers required to do 'in-service preparatory training' must likewise attend out-of-State institutions. Even the teachers of our various negro

²⁷ "Ruling on Admittance of Negro to State College May Result in Serious Repercussions in Texas," *Dallas Morning News*, December 13, 1938, 1.

colleges, including Prairie View, must be trained in out-of-State institutions, thus denying most colored Texans the opportunity to render this service to the State themselves.

As a way to circumvent the state's own law and "in a spirit of fair play Texas owes its neglected negro citizens," the legislature passed a state-aid bill to help African Americans attend post-graduate university programs outside the state since the proposal seemed more economical and "would probably prove more satisfactory" than establishing separate post-graduate facilities in the state for African Americans.²⁸ The Supreme Court ruling in the Gaines case made Texans uneasy of a possible integration process in the state's higher learning institutions. Even though the higher courts ruled that compelling Gaines to attend a school outside of the state conflicted with the Fourteenth Amendment, Texas politicians established the same scholarship fund that was deemed unconstitutional in order to buy time, save money, and continue segregation at the state's university systems.

While Texas politicians avoided abiding by the state's own "separate but equal" laws, the University of Texas experienced growing threats against academic freedom. After the sudden death of President H. Y. Benedict in 1937, the university Board of Regents led a search to find a new president. After much consideration, the Board chose Homer Rainey, Texas-born and grade school-educated. Rainey earned his Bachelor's degree at Austin College in 1919 and received his Ph.D. from the University of Chicago in 1923. He proved his educational worth through two decades of strong academic service, first as college head at Franklin College in Indiana and then at Bucknell University in Pennsylvania.²⁹

Homer Rainey became president of the University of Texas in June 1939 under the unanimous decision of the committee of the faculty, the committee of the alumni, and the

²⁸ Journal of the Senate of the State of Texas, Regular Session of the Forty-Sixth Legislature, Legislative Document, 1939, 35.

²⁹ "Rainey Comes to Texas," *Dallas Morning News*, December 30, 1938, 6.

committee of the Board. The Board considered Rainey as the best candidate based on his educational background, reputation and his character rather than his political ideas. He had never taken any active role in politics directly, but he supported the New Deal and publicly announced that the state legislature needed to provide more equitable funds to black colleges and universities in the state. His primary concern was education and protecting his professors and students in acquiring an education without hindrance.³⁰

Rainey's inaugural address presented a list of predicaments that the University needed to handle. He outlined two definitive objects that the "people of Texas should do for their university is to provide it with adequate financial support, through legislative, endowment and gift funds," and second "to remove as far as practicable all hampering restrictions upon the university officials."³¹ Rainey was referring to the previous student censorship of *The Daily Texan* and the investigations by Representative Caldwell in 1936. Even though the speech made him wildly popular among the faculty and the students at the university, events took a downward spiral for President Rainey soon after his inaugural address.

Rumors of subversion and attacks against academic freedom began after Governor W. Lee "Pappy" O'Daniel made political appointments to the University of Texas' Board of Regents. O'Daniel, a native of Ohio, moved to Ft. Worth in 1925 and became the sales manager for Burrus Mills. In 1935 he organized his own flour company, Hillbilly Flour, and established his own band, the Hillbilly Boys. In 1938 O'Daniel, at the urging of his radio fans, entered the gubernatorial race and outlined his platform: the Ten Commandments, opposition to a sales tax, abolition of the poll tax (which he had not paid), and old age pensions. Even though O'Daniel disliked Roosevelt and the New Deal, he publicly advocated its policies since the New Deal still

³⁰ Oral History with Homer P. Rainey, UNT Digital Library, 72, 86.

³¹ "Things Are Looking Up at the University," *The Thresher*, December 15, 1939, 2.

garnered widespread support from Texas voters at the time. “Not saying that all Roosevelt’s plans are sound and right, but as long as the national grab-bag is open, and as long as other states are grabbing, I’m going to grab all I can for Texas.”³² O’Daniel said what he did to get elected; at the time the New Deal continued to be wildly popular among the vast majority of everyday citizens of Texas. Even though some Texas conservative politicians turned away from the Roosevelt administration during this time, the majority of Texans still supported the large amount of aid given to people in need.

O’Daniel’s first political appointment came after Dr. Edward Randall, a physician from Galveston, resigned unexpectedly in early 1940 largely due to the mishandling of the Medical School in Galveston, a unit of the University of Texas system. Randall’s resignation from the Board led O’Daniel to appoint Fred Branson, former state banking commissioner, to fill Randall’s remaining term scheduled to expire in 1941. Branson told Chairman Parten that O’Daniel hired him specifically to fire President Rainey and professors like Montgomery. According to Parten, Branson asked how to fire a professor with tenure. Parten told Branson of the process—that it was not an easy one, but that he needed to lodge a complaint against the professor before his peers, and they may clear him. At the next Board of Regents meeting, Branson made a motion to strike a specific line of a specific page from the 1940-1941 school year budget. Rainey pointed out that it was Montgomery’s position and salary. Chairman Parten immediately ruled the motion out of order on the grounds that it violated the rules of tenure.

³² Seth Shepard McKay, *W. Lee O’Daniel and Texas Politics, 1938-1942*. (Lubbock: Texas Tech Press, 1944), 32; Patenaude, *Texans, Politics, and the New Deal*, 100.

Branson seemed satisfied with the response, and Montgomery kept his position at the university.³³

After O'Daniel was reelected in late 1940, and sometime before his second inaugural speech, he called together a group of business-industrial leaders in Texas and told them that they needed to take control of education in Texas, "and the University of Texas in particular because that's the place where all these radical ideas are coming from." One of the first steps in this process included removing "liberal" members from the board, including replacing Chairman Parten after his term expired. By January 1941 O'Daniel had appointed two other regents based solely on political beliefs. Orville Bullington, former GOP gubernatorial candidate of 1932, and Dan J. Harrison, Republican and Houston oilman, were selected to fill the Parten appointment and another regent's vacancy.³⁴

Rainey's refusal to fire Montgomery in mid-1940 and his public admission that more needed to be done to establish equal higher education facilities for African Americans led many to believe Rainey was a "little pink." Rumors began circulating on campus that the governor had a personal vendetta against Rainey and the other New Deal Democrats on campus.³⁵ O'Daniel's political appointments to the Board clearly suggested that this was the case. The appointment of more conservatives to the Board of Regents caused Rainey and other professors at the university to frequently come under investigation as a way to maintain traditional conservatism in the university.

³³ "Galveston Man Chosen to Fill Randall Vacancy: Appointee Served with H.O.L.C., Banking Commission," *The Daily Texan*, February 1, 1940, 1; Oral History with J. R. Parten, UNT Rare Books and Archives, 28; Carleton, 232-3, 237.

³⁴ Oral History with Homer Price Rainey, UNT Digital Library, 87.

³⁵ J. R. Parten, Personal Notes about "Communitistic or subversive activity on the University of Texas campus," Parten papers; Ronnie Dugger, *Our Invaded Universities: Form, Reform and New Starts: A Nonfiction Play for Five States*. (New York: W. W. Norton & Company, Inc., 1974), 42.

While O'Daniel led his crusade against the New Dealers in the University of Texas, Martin Dies, Texas Representative and head of the House Un-American Activities Committee, turned his attention to fighting communists at the university as well. Dies, a native Texan, inherited the political genes from his father; Martin Dies, Sr. who was a county judge elected in Tyler county on the Populist ticket, later became the Attorney General, and then served as a state senator in Texas for ten years before his death in 1940. After graduating from the University of Texas in 1919, Dies, Jr. practiced law in Marshall, Texas, before his election as a state senator in 1930 on the Democratic ticket. He adamantly promoted Franklin Roosevelt for his presidential election in 1932, and in turn advocated New Deal programs like the WPA and the regulation of banks and businesses. As a result of his loyalty to Roosevelt and probably with the help of fellow Texan Garner, Dies climbed the political ladder and eventually participated in several congressional committees, including the House Rules Committee.³⁶

Dies, along with many other Texas Democrats, abruptly turned against the New Deal and its new social reform programs in 1937. He began a crusade against the New Deal and Roosevelt to discredit the administration and “return the government to its people,” a code word for a states’ rights mentality. In July 1937 Dies proposed to the House of Representatives a committee to investigate “un-American” propaganda, which included Nazism, fascism, and communism. This committee played mostly on the fears of the ongoing war in Europe, and the United States’ determination to stay out of it for as long as possible. To help pave the way for passage, he delivered an anti-Nazi speech, and by July 1938 the House approved the establishment of the House Un-American Activities Committee, also known as the Dies Committee. After the creation of the Dies Committee, President Roosevelt sent Dies a memorandum that asked him to

³⁶ An Interview with the Honorable Martin Dies, Jr. April 23, 1966, UNT Digital Library, 1, 2; George Norris Green, *The Establishment in Texas Politics: The Primitive Years, 1938-1957*. (Norman, OK: University of Oklahoma University Press, 1979), 69.

focus on fascism and Nazism in the United States, but Dies refused and investigated communism more so than the other “isms.”³⁷

Because of his disenchantment with the Roosevelt administration and the New Deal, as well as the imminent threat of war in Europe, Dies argued that if communism infiltrated and spread throughout the United States, the nation would not only be more susceptible to the downfall of free market capitalism, but would also become more vulnerable and involved with the problems in Europe. In a bid for reelection in Texas, Dies concocted erroneous allegations that communists existed in Texas, and especially so in the state university systems. His attacks against the University of Texas demonstrate that along with other Texas conservatives, he charged that if professors taught liberal New Deal ideology, it would disrupt the capitalist system in the United States. Additionally, he felt that teaching young and impressionable students in the state university systems would eventually change the conservative and traditional state government established in the early twentieth century.

³⁷ Patenaude, *Texans, Politics, and the New Deal*, 109; Green, *The Establishment in Texas Politics*, 70; William Gellermann, *Martin Dies*. (New York: The John Day Company, 1944), 61, 65.

CHAPTER 3

WORLD WAR II AND THE RED SCARE IN TEXAS HIGHER EDUCATION, 1940-1945

We do not want the socialism of Germany, the fascism of Italy, or the communism of Russia. We want a continuation of the Americanism of our forefathers in these United States.

--Coke Stevenson, Governor of Texas¹

After the fall of Poland in late 1939, the war in Europe dealt devastating blows for the Allied powers. Hitler had conquered most of the nations of Europe, and even France fell to the Germans by May 1940. Suddenly Great Britain was the only democratic power fighting the fascist government, and the British desperately sought American help to prevent Nazi Germany from taking over the world. Additionally, the Soviet Union formed an alliance with Nazi Germany and waged war against European and Baltic nations. While Europe faced capitulation, Americans refused to involve themselves militarily in the European fight. The Roosevelt administration preached neutrality and isolationism, two ideals in which most Americans agreed. Most understood though that at some point the United States would need to get involved in the conflict.

While the nation avoided military involvement in Europe, Texas conservative politicians and wealthy businessmen with political clout became concerned about the growing threat of war, the spread of communism and fascism, and a few resonating New Deal policies that continued into the early 1940s. Politicians took extra precautions in preventing the spread of communism into the schools. Similarly to the conservative backlash against the New Deal, conservatives in Texas aimed their frustrations at colleges and universities to protect the education of the state's youth. In order to promote their conservative values, they threatened academic freedom in order to protect higher education institutions from progressive and liberal ideologies.

¹ Journal of the House of Representatives of the Regular Session of the Forty-Ninth Legislature of the State of Texas, 1945, 57.

Representative Martin Dies continued the trend of attacking Texas universities for harboring liberal ideologies stemming from New Deal legislation. His committee to investigate un-American activities largely resulted from the deteriorating relationship he had with President Roosevelt, but it also played upon his fears of the spread of fascism and communism abroad considering the militancy of Nazi Germany and the Soviet Union. Though he primarily focused on the American Civil Liberties Union and the Congress of Industrial Organizations for communist affiliations, he turned his attention to Texas in mid-1940 during his reelection campaign. He knew that his reelection meant getting Texas on board with his anti-communist campaign, and what better way than to suggest that “fifth columns” existed in the state. It provided the best opportunity to solidify his reputation as a traditional conservative ready to combat communism and fascism for the people of Texas.

The *Dallas Morning News* reported in June 1940 that Dies had three leads against red subversion in Austin: first, the reported dangers of “fifth-column” planning in Mexico; second, the alleged presence near Austin of several active pro-Nazis; and third, the recurring severe criticisms of the teachings and attitudes of certain faculty members at the University of Texas. A *Houston Post* article reported that the Dies Committee obtained the records of the Communist Party in Texas, and that the records showed that the presence of a communist unit existed at the University of Texas. Chairman of the Board J. R. Parten wrote to Dies to inquire about these communist accusations. Parten knew that the accusations were false, but facing another communist investigation could damage the university’s image. He wanted to put an end to the allegations once and for all, and so he needed to confront the source for evidence. He asked Dies to dispense any information he might have about communists on the campus and noted, “Rumors

have been abroad for some time that there is communist activity at the University, but thus far we have been unable to locate evidence thereof.”²

While Parten waited for a reply from Dies, Robert Stripling and Wick Fowler, the committee’s investigators, proceeded to Austin to conduct their investigation of the university. In early August, the investigators gathered their witnesses and questioned their activities in Beaumont. Summoned was Emil Barwis, a government student at the University, who publicly stated in a summer issue of *The Daily Texan* that he believed the Dies Committee procedure to investigate un-American activity was illegal. Following his summoning, Barwis publicly blasted Dies’ actions further, stating, “Dies is interested in smearing personalities, disrupting respectable organizations, and foremost in seeing that Mr. Dies name appears in as many newspapers as possible.” That same month, the Dies investigating committee announced that communist literature had been found in the dorm room of Ernest Brown, Houston native and student at the university. Dies then released a statement that the university was harboring two communist groups on campus: Stalinists and Trotskyists. He then wrote back to Parten and promised that a report of the investigation would be sent to the university in due time, but Parten and the Board never received a transcript, and Dies continued to evade the issue throughout the rest of 1940.³

By early 1941, the Texas legislature became so inspired with Dies’ work in the state that they decided to start their own investigating committee known as the “Little Dies” committee. The committee would be responsible for investigating subversive activities in Texas and would cooperate with the national Dies Committee, the Federal Bureau of Investigation, and the Department of Public Safety in finding communist activity throughout the state. The Little Dies

² “Austin Awaits Investigation of Dies Group,” *Dallas Morning News*, June 25, 1940, 7; J. R. Parten to Martin Dies, July 31, 1940, Letter. From J. R. Parten Papers, 1890-1899, 1913-1992, 2009, Dolph Briscoe Center for American History, The University of Texas at Austin (herein after cited The Parten Papers).

³ “Congressman Assailed for Probe of Reds,” *Sweetwater Reporter*, August 12, 1940, 1; *The Mexia Weekly Herald*, August 9, 1940, 4; “Texas U. Learns About Reds,” *Sweetwater Reporter*, August 7, 1940, 1.

Committee could issue subpoenas and summon witnesses from around the state. The Committee also had political aims as well. Representative Joe Bailey of Dallas accused the Roosevelt administration of placing communists in “strategic places” during the 1940 presidential election.⁴

Before the creation of the Little Dies Committee, the charges against the University of Texas shifted from credible to obscure. Dies never responded to Chairman Parten’s request for the investigation paperwork, and the university believed that the issue would soon blow over. However, two editorials printed in *The Daily Texan* in March 1941 disturbed Representative Joe Ed Winfree of Houston. On the House floor, Winfree read the two editorials; one of which criticized a student who prominently declared that the United States never faced the same hunger issues plaguing Europe, and another involved the *Texan* editor Boyd Sinclair’s book review of Dies’ recent publication, *The Trojan Horse in America*, in which he characterized the congressman’s political views as “Fascism parading as Americanism.” In response to Boyd’s criticism, Winfree attacked the university for not censoring the column and demanded that “editorials and book reviews like these two must...stop.”⁵

Winfree’s attacks on the House floor resulted in further unrest and increased the spotlight on the University of Texas. By now, the university faced accusations of harboring and sympathizing with communists twice in the last six months, and the first accusation had never been resolved. Winfree’s accusations rubbed Homer Rainey the wrong way. He publicly asked the accusers to put up evidence or “shut up.” Dies had remained silent on the communist accusations since the summer of 1940. Now in the early months of 1941, with another

⁴ “Put Up Evidence or Shut Up, Rainey Tells Those Who Talk of Un-Americanism at Texas U,” *Dallas Morning News*, April 3, 1941, 9; George Norris Green, *The Establishment in Texas Politics: The Primitive Years, 1938-1957*. (Norman: The University of Oklahoma Press, 1978), 72; “Senate Votes Little Dies,” *The Denison Press*, February 5, 1941, 1.

⁵ Journal of the House of Representatives of the Regular Session of the Forty-Seventh Legislature of the State of Texas, Volume 1, 1941, 1415-1416.

representative accusing the university of harboring or assisting communists, Rainey grew tired of the incessant rumors and lack of evidence. “It will be recalled that European dictators rose to power by making charges against democratic institutions, thereby undermining people’s confidence,” Rainey said. “Our democracy is threatened both from without and from within, and instead of undermining the best institutions that we have in our democracy we ought to be finding ways of building them up...”⁶

After Rainey’s public statements asking Dies to put forth evidence, members of the Texas House also agreed that if Dies had evidence of a fifth column in the university, then he needed to present his evidence to the Texas legislature. The resolution failed to pass because of expiration of time for consideration. Facing public scrutiny, Dies finally admitted in a speech in Houston in June 1941 that subversive elements did not exist at the university, that “at most” there were no more than one or two communists. “That is nothing to be alarmed at,” Dies said. “I am proud that the University of Texas has had so few Communists.”⁷ The announcement came on the eve of a special election of a Senate seat left open by the death of Morris Sheppard. Dies concluded that the investigation found no subversion so that his reputation would be cleared from the erroneous allegations during his bid for the Senate seat.

Even though Dies admitted that his investigation produced no reliable evidence, the Texas legislature still felt that communism could potentially threaten the state’s youth. In July 1941, just one month after the Dies committee halted its investigation at the state university,

⁶ Don E. Carleton, *A Breed So Rare: The Life of J. R. Parten, Liberal Texas Oil Man, 1896-1992*. (Austin: Texas State Historical Association, 1998), 241; *The Borger Daily Herald*, March 28, 1941, 3; “Little Dies Committee in First Meeting,” *The Denison Press*, March 6, 1941, 1; “Put Up Evidence or Shut Up, Rainey Tells Those Who Talk of Un-Americanism at Texas U,” *Dallas Morning News*, April 3, 1941, 9.

⁷ “Resolution Would Ask Dies Tell Findings on Texas University,” *Dallas Morning News*, April 4, 1941, 4; Carleton, 242.

members of the Texas Forty-seventh Legislature during its regular session spoke out against communism in schools.

Nations abroad who have declared their intention to abolish democratic institutions in all the earth and since these Nations by systems of espionage and sabotage are striving to injure our material resources and weaken the morale of our people; therefore in order that the American people may be protected from all sources of alien and un-American propaganda, to the end that the American way of life shall be preserved, and to this end, in order that the youth of Texas may be protected against unscrupulous or unwise, and against unwise un-American doctrines and principles, it is hereby further provided that any member of any faculty of any State-supported institution who shall advocate, subscribe to or believe in communism, or any other form of totalitarian state doctrine, that is, that the individual exists for the benefit of the State, which is the antithesis of the American ideal and theory that all governments should exist for the benefit and glory of the citizens thereof, shall be discharged from such faculty when found guilty of advocating or encouraging such theories of government by the governing board of such institution.

The severity of the Second World War in Europe threatened politicians in Texas so much that they felt the need to take extraordinary measures to prevent any form of “totalitarian state doctrine,” though ironically only communism was mentioned by name, from being taught in the schools. The Texas House and Senate drafted a bill that any teacher or instructor of any tax-supported school “who shall have been found guilty of openly advocating doctrines which seek to undermine or overthrow by force or violence the republican and democratic forms of government in the United States” shall be dismissed from service. The bill was approved by the legislature in July 1941.⁸

In addition to the “Safeguard for Public Education Funds,” the act required every teacher in state-supported schools to take a loyalty oath. “The fact that much of the world is in a state of war, that fifth column enemies of America are openly declared to be working in our country, and subversive teachings are a threat and actual danger to our public educational funds and our

⁸ General and Special Laws of The State of Texas Passed By The Regular Session of the Forty-Seventh Legislature, Legislative Document, 1941, 1107-08; General and Special Laws of The State of Texas Passed By The Regular Session of the Forty-Seventh Legislature, Legislative Document, 1941, 1355.

government and nation as a whole,” the act would not pay any person as a teacher, instructor, et cetera, “until such person shall have taken the oath of office required to be taken.”⁹ Even though Dies cleared the university of charges of communist associations, the Texas legislature used the threat of war as a way to validate the legislation used to protect the state’s youth from communist or fascist doctrine by focusing on state-funded schools. In their minds, this prevented young people from the indoctrination of liberal and progressive professors.

The declaration of war on December 8, 1941 significantly altered American morale, specifically concerning the campaigns in the Philippines. Immediately after the declaration of war, the Japanese invaded the Philippines, a territory belonging to the United States since 1898, to prevent American forces from launching campaigns from the islands. Suddenly the country mobilized all efforts in defeating the Japanese in the Pacific. Under the direction of General Douglas MacArthur, the navy made life-altering decisions to try to take the island back. The ill-equipped and the ill-trained soldiers sought refuge in Corregidor and Bataan, two areas that worked against American forces, which had taken huge losses and were captured quickly by the Japanese¹⁰

In the midst of the failing campaign in the Philippines, people in Dallas protested the Fair Labor Standards Act, sometimes known as the Wage and Hour Law of 1938, a New Deal program that required industries to give employees time and a half for every hour if employees went over the established forty-hour workweek. Businessmen in Dallas blamed the Wage and Hour Law for this disastrous defeat of American forces in the Philippines, alleging that industries in the United States had trouble supplying military materiel to the Pacific islands. This New Deal

⁹ Ibid. “Instructors with ‘Ism’ Leanings Would Be Fired,” *The Daily Texan*, January 25, 1941, 1.

¹⁰ Richard Connaughton, *MacArthur and the Defeat in the Philippines*. (New York: The Overlook Press, 2001), 226.

law became the center of controversy for four economics professors at the University of Texas in March 1942.¹¹

Gordon Peach, an economics professor at the University of Texas, used many New Deal programs as part of his curriculum for his economics class. He explained the Wage and Hour Law to his students shortly after the war began in the Pacific. One day after his lecture, one of his students confronted Peach with a *Dallas Morning News* article that implied that Americans were losing the war because of the Fair Labor Standards Act. “Why do so many Americans have to die? Because there is a law that prevents Americans from working more than forty hours a week. Many loyal Americans want to work more than forty hours a week, but they can’t do it because of the law,” the article stated. Peach told the student that blaming the act for the losses in the Philippines was nonsense. However, Texas politicians blamed the law as well. Senators Tom Connally and W. Lee O’Daniel and Speaker of the House Sam Rayburn sent a telegram to President Roosevelt stating that “intrenched [*sic*] greed and selfishness are fast losing the war for our nation” and that “the House of Representatives passed by an overwhelming majority a bill eliminating the forty-hour week and removing many obstacles now seriously hindering the full prosecution of our all-out war effort.”¹²

Karl Hoblitzelle, owner of Interstate Theaters, organized a mass meeting in Dallas Fair Park in order to protest the Fair Labor Standards Act. Umphrey Lee, president of Southern Methodist University, was already set as the principal speaker. Hoblitzelle extended the invitation to every “patriotic citizen” in Dallas and adjoining counties. “Every section of this country has got to give its all to win the war, and the selfish interests and groups that are retarding the war effort and retarding passage of necessary legislation should be driven out of

¹¹ Oral History Interview with W. N. Peach, June 24, 1966, UNT Rare Books and Archives, 1.

¹² Ibid, 3; “Texans Ask for Passage of Work Bill,” *Dallas Morning News*, March 16, 1942, 1.

Washington,” Hoblitzelle declared. Hoblitzelle stated that the “We Want Action” rally was not being held for the purpose of attacking labor, but rather,

The sole objective of this mass meeting is to bring about total war production to the end that our fighting forces and those of our allies shall be as quickly and abundantly supposed with all kinds of munitions of war as it is within the human possibility of this country to produce and to the further end that the duration of this war might be shortened and our boys brought home.¹³

After Peach learned of the “We Want Action” rally in Dallas, he informed three other economics professors in the department: Wendell Gordon, J. Fagg Foster, a graduate assistant, and Valdemar Carlson, visiting professor from Antioch College. The four wrote to Hoblitzelle and asked if they could appear on the program and explain the provisions of the act, but Hoblitzelle stated that the program had been set and there was no additional time available for the professors to speak. The professors attended the “We Want Action” mass meeting in Fair Park even after Hoblitzelle denied them a chance to speak. After the rally, the professors went to the *Dallas Morning News* and told the newspaper the event was not spontaneous as was advertised and that the meeting was “loaded.” In their published statement the day after the rally, the *Dallas Morning News* wrote that professors from the University of Texas, W. N. Peach, Fagg Foster, V. E. Carlson and W. C. Gordon, signed a statement in which they “contended that the gathering was not spontaneous but well organized, complained that volunteer speakers were refused, those chosen were not representative but selected on a basis of [a] previously assured viewpoint, and that while all sides were condemned, labor was branded in particular.” They also stated that they had attempted to get on the program before the meeting started and were refused.¹⁴

¹³ Oral History Interview with W. N. Peach, 4; “Umphrey Lee to Speak at Action Rally,” *Dallas Morning News*, March 18, 1942, 1.

¹⁴ “Dallasites Ready for Total War,” *Dallas Morning News*, March 23, 1942, 9; Oral History Interview with W. N. Peach, 4; Oral History Interview with J. Fagg Foster, August 28, 1967, UNT Rare Books and Archives, 5.

After the professors returned to Austin, their statement to the *Dallas Morning News* reached national attention in *Time* magazine, and the recognition drew enemies from the state of Texas. Federal Judge T. Whitfield Davidson from Fort Worth blasted the actions of the professors in the *Dallas Morning News* stating, “these Communists ought to be fired from the University.” He then wrote to Regent Orville Bullington about the professors’ statements. Davidson had been in attendance at the rally with his wife, and he found nothing fraudulent or disparaging about the rally’s speeches. “My dear Mr. Bullington,” Davidson wrote. “The very spirit and basis of public education, or education at state expense, as originally announced by Jefferson, one of the founders of our country, was to insure a higher type of citizenship and thus to insure perpetuity of democracy. It seems that we have a branch of our University swinging away from true economics and routing our children into the camp of State Socialism borrowed from totalitarian Europe.” Bullington replied to Judge Davidson’s concerns and informed him that an investigation would take place, but since the resignation of Regent Leslie Waggener, Jr., and an illness of another member of the Board, the Regents had to wait until the entire Board could be present.¹⁵

In June the Board of Regents held individual meetings with Peach, Gordon, and Foster to discuss their activities at the Dallas rally. “Are you aware of the regents’ regulation that you’re not supposed to participate in partisan politics?” the Regents asked Peach. Fagg Foster also endured similar questioning—repeatedly informed that employees of the University should not openly express political beliefs. Though never directly told or asked, Foster certainly believed the Regents were asking, “Why does an instructor have the right to take a position on any issue

¹⁵ T. W. Davidson to Orville Bullington, March 25, 1942, Letter. The Parten Papers; Orville Bullington to Federal Judge T. Davidson Whitfield, April 1, 1942, Letter. The Parten Papers.

contrary to the opinion of even one member and certainly in contrast to the opinion of a majority of the members of the Board?”¹⁶

After the questioning, the Regents asked the professors to sign a statement of error and said that all would be forgiven if all three professors agreed to the terms. Gordon, Peach, and Forster each refused to sign the statement, and because of their refusal, all three were relieved of their teaching duties. According to Bullington, the professors violated Rule 6 of the Rules and Regulations under which faculty members were supposed to work. “In all matters, members of the staff should refrain from exhibiting rancor, prejudice, or undue partisanship, exhibiting contrariwise a dispassionate temperament and a power to present fully and fairly all the arguments on all sides of a controversial or political question. Members of the staff should refrain from involving the University in partisan politics, futile controversies, and harmful publicity.” The next day, the Board of Regents made a public statement as a result of the firings:

The Board of Regents unanimously was of the opinion that Messrs. Fagg Foster, Wendell Gordon and W. N. Peach by their conduct incident to the patriotic mass meeting which was held in Dallas on March 22, 1942, and in which the Rev. Umphrey Lee, the Rev. George W. Truett and Mrs. Karl Hoblitzelle were the principal speakers, have violated the rules and regulations of the Board of Regents for the government of the University of Texas. They were not re-employed.¹⁷

Peach explained that he and the professors were technically not fired, but they were not re-hired. None of these professors had tenure. Generally professors teach for a contracted amount of time, and if the Regents approve of the professor’s performance, then the University will ask the professors back for an additional contracted term until they reach tenure. Regardless of the technicality of “fired” or “not rehired,” President Rainey stood behind the professors during the Regents’ investigation and continued to stand behind them after they were dismissed. Professors

¹⁶ Oral History Interview with W. N. Peach, 6, 9; Oral History Interview with J. Fagg Foster, 14.

¹⁷ Carlson had been a visiting professor for a contracted year, so his contract was never in consideration for renewal. Oral History Interview with J. Fagg Foster, 14-15; Orville Bullington to L. H. Cullum, May 12, 1942, Letter. The Parton Papers; “Regents Oust Detractors of Dallas Meeting,” *Dallas Morning News*, June 28, 1942, 2.

in the economics department also supported the fired professors; it was their impression that the firings of Gordon, Foster and Peach threatened academic freedom, especially since these professors lost their jobs based on one incident at a political rally, wherein the Board of Regents disagreed with the professors' statements about the "We Want Action" rally published in the *Dallas Morning News*.¹⁸

This episode damaged the reputation of the university. Because the professor spoke in favor of the Fair Labor Standards Act and wanted to present their beliefs to the anti-labor rally, the Board of Regents, whose interests were very much invested in big business and would certainly benefit from the repeal of the Wage and Hour Bill, fired the professors because of political contradictions. The rally used the war and the boys fighting abroad with inadequate materiel in order to dismantle the New Deal program that allegedly affected big business. In this instance, to maintain the "Support the Troops" mentality, the conservatives on the board turned against this particular act of the New Deal, not because it was actually responsible for heavy American losses in the Philippines, but because it provided the necessary scapegoat to repeal New Deal programs and a return to the traditional conservative government.

After Governor O'Daniel left his term to fill the United States Senate seat in August 1941, succeeding Governor Coke Stevenson continued O'Daniel's trend and appointed new members to the Board of Regents based solely on political leanings. In June 1942, amidst the "We Want Action" Rally scandal, Stevenson appointed D. Frank Strickland, an attorney from Mission and well-known lobbyist for Interstate Theaters, and W. Scott Schreiner, corporate lawyer from Kerrville, to fill in the vacancies on the university Board. The Board consisted of

¹⁸ Oral Interview with W. N. Peach, 10.

nine members, four of whom were reappointed from previous governors.¹⁹ Both Strickland and Schreiner joined Harrison, Bickett and Bullington in the anti-Rainey campaign. President Rainey understood quickly that Stevenson wanted to run the school according to conservative political ideology. In the new Regents first board meeting, Strickland handed Rainey a three-by-five notecard that had the names of four professors: Robert Montgomery, Clarence Ayres, Everett Hale, and Clarence Wiley, all professors in the economics department and all employed with the department for at least fifteen years. “Why on earth would you want me to fire these men?” asked Rainey. “We just don’t like what they’re teaching,” Strickland responded.²⁰

Along with Montgomery, Clarence Ayres had been a target from conservatives since the late 1930s. Ayres was known for his outspoken economic beliefs that conflicted with many Texas politicians. In December 1938, at the Dallas Open Forum, Ayres called for a state income tax as a means to redistribute wealth, and the following year in October 1939, Ayres called for higher taxes on the wealthy. The Board also hired students to attend Montgomery’s class and write down anything he said that could be found offensive or defamatory. Rainey defended the professors and explained to the Board that all four of these men had tenure, and to fire them without reason or because the Regents disagreed with what they were teaching violated the rules of academic freedom and tenure. The Regents asked Rainey if the university could change the tenure rules for professors, and Rainey explained that if the university changed the rules, that the Association of American University Professors (AAUP) would investigate the university and

¹⁹ Members of the Board of Regents included Kenneth Aynesworth appointed by Governor Ferguson, John Bickett appointed by Governor Stevenson, Orville Bullington appointed by Governor O’Daniel, Marguerite Fairchild, appointed by Ferguson and reappointed by Stevenson, Dan Harrison, appointed by O’Daniel, Scott Schreiner, appointed by Stevenson, Frank Strickland, appointed by Stevenson, Hilmer Weinert, appointed by Governor Alfred and reappointed by Stevenson, and Lutch Stark, appointed by Governor Hobby and reappointed by Ferguson and Stevenson. “Former Regents,” *The University of Texas System* http://www.utsystem.edu/bor/former_regents/decade.htm (accessed February 13, 2014).

²⁰ “Two New Regents Named by Governor: Both Men are Ex-Students,” *The Daily Texan*, June 21, 1942, 1; Oral History Interview with Homer Rainey, 86, 91; “Fred Branson,” *The Daily Texan*, February 3, 1940; Oral History with J. R. Parton, 27; Carleton, *A Breed So Rare*, 232-3, 237.

that investigation would prevent new professors from wanting to work for the university altogether. The Board of Regents ended this fight unsuccessfully, and all the professors that Rainey was asked to fire remained employed with the university.²¹

After Rainey refused to fire the four economics professors in mid-1942, the Board of Regents had a vendetta against Rainey and wanted him out of his position. Several events between 1942 and 1944 led to the threat against academic freedom in the name of protecting the university from communism and fascism, subversive literature, and racial integration. The appointed members of the Board of Regents followed the political leanings of the conservative politics of both Governors O'Daniel and Stevenson, in which Bullington led the toughest charges against Rainey and his political beliefs. To the Board of Regents, threatening academic freedom meant protecting the conservative values of the state. The following events resulted in the firing of Homer Rainey in late 1944.

In 1943 Regent Bullington made a motion at a board meeting to delete the procedural clause in the tenure rule, which would effectively destroy tenure. This measure would put the faculty on a year-to-year, or day-to-day basis at the complete will of the Board. Rainey warned that removing the tenure clause would damage the reputation of the university and that it would be difficult to recruit new faculty members. The regents ignored Rainey's explanation, and accorded that the tenure rule violated the Texas Constitution because it vested the majority of the power in the faculty and not the Board of Regents. In a letter to Rainey, Regent Strickland wrote, "tenure, as it appears to me at the University of Texas is simply constituting the faculty of self-perpetuating feudal state organized and maintained by the faculty for its own benefit and to perpetuate themselves in office beyond the period fixed by law..." Chairman J. H. Bickett appealed to the Attorney General, Gerald Mann, and asked him to review the tenure rule. Mann

²¹ Carleton, *A Breed So Rare*, 152; Oral History Interview with Homer Rainey, 89, 92.

concluded that the tenure rule complied wholly with the Constitution. Amazed by the decision, the Board decided to revise the tenure rule instead and sought the approval of the faculty committee. The old tenure rule protected professors, associate professors, members of the teaching staff, and non-teaching staff. The new approved tenure rule eliminated non-teaching staff, but included instructors in its provisions.²²

Though not initially obvious, the Regents changed the rules of tenure in 1943 after three years of increasing strain on Rainey for his political beliefs. The revision in the tenure rule, the attempt to fire the four economics professors with tenure, and the firings of Peach, Gordon, and Foster caught the attention of the AAUP. The accreditation of the University of Texas, the largest university in the South, appeared to be in real jeopardy as a result of the AAUP investigation.²³ Now with the university under increased scrutiny, the Board of Regents disregarded the fact that their actions could cause the university significant damage. The Board continued to build a list of evidence to prove that Rainey was an unfit president and should be removed from his position at once. While the Regents began compiling evidence, Rainey continued to protect academic freedom within the university for as long as possible.

In 1943 the Regents received word that John Dos Passos' trilogy *U.S.A.* was required reading for a sophomore English class. Passos' trilogy involved twelve characters trying to find their place in American society. Passos had spent some time in the Soviet Union in the 1930s before publishing the three novels in the trilogy. Several members of the Board received letters from concerned parents who described the trilogy as filthy, vile, and "subversive Communist

²² Carleton, *A Breed So Rare*, 301; Alice Carol Cox, "The Rainey Affair: A History of the Academic Freedom Controversy at the University of Texas, 1938-1946," (Ph.D. Dissertation: University of Denver, 1971), 61-63; Gerald Mann to Chairman J. H. Bickett Texas Attorney General Opinion: O-5252, Text, 1943, 5; *An Educational Crisis: A Summary of Testimony Before a Senate Committee Investigating the University of Texas Controversy*, November 15-28, 1944, 7.

²³ "University Regents Accused of Violating Academic Freedom," *Dallas Morning News*, September 11, 1943, 6.

doctrine.” After receiving these complaints, members of the Board examined the books and found that the trilogy contained “much profanity, vulgarity, and was profusely interspersed with foul and obscene sex stories.” Bullington and his faction of Regents blamed Rainey for allowing the English department to add it to the sophomore reading list. The Regents wanted the book removed immediately, but Rainey argued that it violated academic freedom. Rainey admitted he had never read the book, but the professors in the English department stated that the trilogy was regarded as “highly moral, illustrating that the wages of sin is death.”²⁴

Even though Rainey felt removing the *U.S.A.* trilogy violated academic freedom, he wanted to appease the Board of Regents and their determination to remove the book. He told them of the proper procedure of objecting to the curriculum—that a notice of complaint needed to go directly through the English department and that the department would then determine whether or not to remove the book. The English department had already considered removing the book from the reading list by the end of the 1943-1944 school year, but the complaints from the Regents sped up the process. As of January 1944, the department dropped the book from the list, and the Regents won the battle against the “subversive” material.²⁵

In addition to the *U.S.A.* scandal, the Regents also began to monitor more of Rainey’s political beliefs, particularly when it came to his beliefs regarding African Americans. In 1944 Colonel T. N. Jones from Tyler wrote to Regent Bullington and informed him of Rainey’s participation in an “organization with headquarters in New York which is seeking to convince Negroes that they have been and are being mistreated.” According to an article in the Fort Worth

²⁴ *An Educational Crisis: A Summary of Testimony Before a Senate Committee Investigating the University of Texas Controversy*, November 15-28, 1944, 7, The Parten Papers; John A. Lomax to Orville Bullington, November 22, 1944, Letter. The Parten Papers; “Senate Inquiry Goes Into Week’s Recess,” *The Mexia Weekly Herald*, December 1, 1944, 1, 6.

²⁵ *An Educational Crisis: A Summary of Testimony Before a Senate Committee Investigating the University of Texas Controversy*, November 15-28, 1944, 5.

Star-Telegram, Jones noted that Rainey and Carter Wesley, an African American newspaperman from Houston, were the representatives of the organization in Texas. Jones asked that if Rainey were to continue his membership in the organization that he be removed as president of the University of Texas. Jones concluded his letter by stating,

I call to your attention to the fact that the Negroes throughout this section of the state have concluded that they do not have to work, and that the government will take care of them under all circumstances and positions. There are hundreds of them in Tyler and thousands of them throughout the state who have concluded that Mrs. Roosevelt and Mr. Roosevelt will see to it that politically, economically, and religiously they will be taken care of.

Bullington expressed concern over Rainey's participation in the organization, and wrote to Jones that an investigation would take place regarding Rainey's actions. He agreed with Jones that as Southerners, "we should do what we can to make good citizens out of the negroes" and that Roosevelt and his wife "have gone out of their way to stir up dissatisfaction among the negroes and to make them feel like they are not getting a square deal..."²⁶

The regents had previously dealt with Rainey's public speeches about improving African American education in the state. Rainey advocated establishing more equal black colleges and universities so that they could have an equal standing to the white universities in Texas. In mid-1944 Rainey made a speech at the University of New Mexico acknowledging that the country faced two battles, and that one important battle involved breaking down racial barriers. Rainey's speech at the University of New Mexico angered the Board of Regents, and in response the Regents issued Rainey a gag ultimatum, ordering him to stop making public speeches.

Rainey had had enough of the Regents' repressive behavior. For over two years, they found any and every reason to call emergency board meetings to discuss Rainey's behavior,

²⁶ *An Educational Crisis: A Summary of Testimony Before a Senate Committee Investigating the University of Texas Controversy*, November 15-28, 1944, 2; T. N. Jones to Orville Bullington, May 9, 1944, Letter. Box 2.116/18, The Parten Papers; Orville Bullington to T. N. Jones, May 20, 1944, Letter. Box 2.116/18, The Parten Papers.

monitor course curriculum, or forbid the sociology department from social science research projects because the regents “don’t want that kind of research going on.” Rainey considered the Board’s behavior as “harassment and it went on and on until it just became unbearable.” Disregarding the Regents’ ultimatum in order to protect the values of the university, Rainey delivered a speech to the university’s faculty and announced that the Regents had violated academic freedom in sixteen different instances of “repressive measures, actual or attempted.” In his speech, Rainey asked the Regents to “recognize, guarantee, and protect the essential freedoms of the University, freedom of thought, freedom of research, and freedom of expression.”²⁷

Rainey’s charges angered the regents. Strickland immediately called for another emergency hearing to address the charges, but Chairman Bickett refused to call the board meeting so early after the incident. At the beginning of the controversy, Governor Stevenson had offered to be an arbitrator between the regents and Rainey, but four days later he recanted his offer and decided to stay out of the fight in the Rainey-regents debacle. “I am not setting myself up as a dictator to run other state departments,” Stevenson said. “I think generally that political office holders should stay out of the educational field. Some claim [the] Regents are overstepping their authority. That’s what I would be doing if I stepped in.”²⁸

Stevenson’s act of submission entirely contradicted what had happened for the last ten years at the University of Texas. During the initial backlash of the New Deal and the fear of communism spreading into the United States throughout World War II, politicians and the Board of Regents attacked the university and its faculty repeatedly because certain professors fell on the

²⁷ Oral History with Homer Price Rainey, 105; “Rainey Lists 16 Charges on Regents,” *The Daily Texan*, October 13, 1944, 1.

²⁸ Bickett Says No Special Board Meeting,” *The Daily Texan*, October 15, 1944, 1; Stevenson Now Refuses to Intervene,” *The Daily Texan*, October 15, 1944, 1; “Strickland Right, Says Governor,” *The Daily Texan*, October 19, 1944, 1.

“wrong” side of the political spectrum. Stevenson, following O’Daniel’s precedent, aided the vendetta against Rainey by appointing regents who aligned with his own political leanings. Stevenson admitted that he did not understand the tenure rule and believed that the Regents should have “the power to dismiss any University official when it is believed by the Regents to be for the University’s good.”²⁹ His lack of formal education hindered him from understanding the academic concepts completely, but he understood that protecting the university from liberal political ideologies was more important to his own political life than protecting academic freedom and tenure.

On October 31, the Regents convened to discuss the “final settlement” regarding the controversy. No decision came the first day, but by November 1 the regents in a 6-2 decision ruled to remove Rainey from his position as the president of the University of Texas. Regents Marguerite Fairchild, originally appointed by Ferguson, and John Bickett both voted no.³⁰ The Regents issued the following statement:

Inasmuch Dr. Homer Price Rainey has failed and refused to conform to and be guided by the laws, rules, regulations, and policies of the Board and to properly and efficiently discharge in the opinion of the Board many of the terms and conditions of the trust committed to him by the Board, which acts and omissions by Dr. Homer Rainey Price are against the interest and welfare of the University to such an extent that it was the duty of the Board to enforce the law regarding the removal of ‘an officer when, in their judgment, the interests of the University shall require it.

After their statement, Regents Bickett, Harrison, and Weinert announced their resignation from the Board. Bickett and Harrison gave no official reason for resigning, but Weinert issued a statement saying, “My health does not permit me to stand any more of this.” The students at the university became outraged at Rainey’s firing and held a “funeral procession” for academic

²⁹ “Strickland Right, Says Governor,” 1.

³⁰ Regent Aynesworth died in Waco after a long illness in late October 1944, just two days before the Board met to discuss the Rainey controversy. Stevenson had yet to appoint a new member to the Board, so only eight regents voted to dismiss Rainey instead of nine. “Dr. K. H. Aynesworth Dies in Waco After A Long Illness,” *The Daily Texan*, October 31, 1944, 1.

freedom on campus the following day and more than 5,000 students participated in a peaceful march from the campus to the Austin capitol to protest the firing.³¹

The public scrutiny caused the Texas Senate to form an investigative committee to uncover what had gone awry during the ordeal. In early November, the Senate investigating committee called upon Penrose Metcalfe of San Angelo, A. M. Aiken, Jr., of Paris, Pat Bullock of Snyder, Wardlow Lane of Center, and G. C. Morriss of Greenville in order to “get at the bottom” of the controversy at the university. The investigating committee called upon all witnesses who felt they could contribute to the case to attend and allow questioning. Members of the faculty and the ex-students organization attended the investigation to give their testimony and opinion on the state of the university and of Rainey’s performance as president. Drs. Clarence Ayres and E. E. Wiley, two of the four professors whom the regents asked Rainey to fire in 1942, attended the investigation and represented the faculty members. Also present was Ralph E. Himstead, the executive secretary of the AAUP. Himstead had been following the university since 1942 when Foster reported his circumstances after his dismissal as a graduate assistant. Since then, the AAUP had been closely monitoring the actions of the Board, and flew in Himstead specifically for the investigation.³²

The investigation lasted through the last two weeks of November and addressed the numerous allegations against Homer Rainey and his time as president at the university regarding his so-called communist behavior, political connections, and racial equality. Strickland noted to the committee that he had “neighbors complain their children came home Communists” and that students personally told Strickland that they had been taught communism in class. Professors

³¹ “Boards to Convene with Exes, Faculty,” *The Daily Texan*, October 31, 1944, 1; Cox, “The Rainey Affair,” 97-98; “Funeral Procession’ Held for Academic Freedom,” *The Daily Texan*, November 3, 1944, 1.

³² *An Educational Crisis: A Summary of Testimony Before a Senate Committee Investigating the University of Texas Controversy*, November 15-28, 1944, 1.

Hale and Ayres immediately dismissed the idea that any professor in the economics or government department would advocate communism to the students. Rainey defended himself by stating he had no interest in communism and instead felt that democracy was “caught between Fascism and Communism—that’s the problem I see ahead. I’m a liberal Democrat. I want neither of the two extremes.”³³

The committee then investigated Rainey’s supposed “Negro-lover” accusation. Strickland had major qualms with Rainey’s speech at the University of New Mexico, but upon further questioning by the committee could not prove that Rainey ever advocated putting blacks and whites in the same school. Instead, he criticized Rainey for his association with “Nigger-white groups.” “I’d say he is a little ultra-liberal on the Nigger question,” Strickland stated. Regent Marguerite Fairchild and professor J. Frank Dobie both defended Rainey on the race equality interrogation. Dobie assured the committee that Rainey was only interested in the wellbeing of hundreds of thousands of African Americans in Texas. Rainey called himself a “friend of the Negroes, and I am happy to be called so” and said he supported more equal education facilities, not integrated schools.³⁴

The investigation also included the Regents’ harassing behavior into the removal of the *U.S.A.* trilogy from the core curriculum, the firings of Gordon, Peach and Foster, and the changes to the tenure rule. These actions coupled with Rainey’s firing had serious consequences from the AAUP and the Southern Association of Colleges and Secondary Schools. A censure from the AAUP could result in two things: 1) The school would be labeled with an unsatisfactory condition of academic freedom, which would make it difficult to hire outstanding faculty members to the school while under the censure; and 2) Many of the school’s faculty would be

³³ Ibid, 2.

³⁴ Ibid, 2-3.

inclined to leave the institution because the faculty would feel less inclined to research and teach without facing persecution. If the university faced a blacklisting from the Southern Association, which gave the university its accreditation, then students would not be able to transfer credits to other institutions.³⁵

In the end, the investigation did little to convince the legislature, the Board of Regents or Governor Stevenson that Rainey had been fired in violation of academic freedom and tenure. The legislature approved all of Stevenson's newly appointed regents since the three had resigned before the investigation began. By early 1945, the new Board of Regents met again and determined not to reappoint Rainey to his position as president at the university. The AAUP censured the University Board of Regents on June 9, and on July 22, 1945 the Southern Association of Colleges and Secondary school placed the university on probation.³⁶ The University Board of Regents failed to protect the fundamentally sound principles required of a university, in that they fired professors and the university president based solely on political leanings rather than legitimate and substantiating evidence to prove the fired men had damaged the reputation of the university. Ultimately the AAUP blacklisting damaged the reputation more so than the Board of Regents in trying to protect it from communist or subversive doctrines.

Just as conservatives during the New Deal used the communist label to discredit liberal ideologies, conservatives on the Board of Regents used the fear of World War II and the threat of spreading fascism and communism to validate their attacks on academic freedom and to support the firing of Homer Rainey and the four economics professors. Members of the Board believed that teaching fascism, communism and socialism to students meant advocating those fundamentally un-American principles. Playing upon the nation's fears of those principles gave

³⁵ Ibid, 4.

³⁶ Cox, "The Rainey Affair," 128, 133; Henry Smith Nash, *The Controversy at the University of Texas: A Documentary History, 1939-1946*. (Austin: University of Texas Student Association, 1946), 29.

the Board the validation they needed to remove professors and the university president to protect the traditional conservative values from corrupting the state's youth. Rainey's support for the four fired professors ultimately caused the Board to persecute and find anyway possible to remove him, and they accused Rainey allowed the education of harmful "isms" and it fundamentally threatened the conservative values of the institution.

By 1945, the state of Texas had endured over ten tumultuous years of a devastating depression and the tribulations of a Second World War. The Texas political culture had now split between two factions: The Texas Regulars and the liberal New Deal Democrats. The evolutionary times transformed the Democratic Party in the state, and the Texas Regulars, holding on to the true conservative, anti-government assessment in politics, tried to maintain every last ounce of power imaginable. The events at the University of Texas between 1940 and 1945 characterize the consolidation of power within the conservative Democrats, who endlessly encouraged the Board of Regents at the university to purge liberal New Deal Democrat professors, monitor and limit course work in the name of Americanism, and prevent the integration and equal rights of African Americans to prevent the spread of communism in the United States.

CHAPTER 4

THE COLD WAR AND MCCARTHYISM IN TEXAS HIGHER EDUCATION, 1948-1954

In our zeal to the save the world, we must not enslave our own people. The principles of democracy will become fragile bulwarks of freedom if, in protecting them abroad, we devalue our own heritage. Governor Allan Shivers, 1951¹

After the Second World War in Texas, the intensifying split in the Democratic Party continued to divide politicians in the state. In early 1944, after Roosevelt decided to run for reelection for the fourth time, Senator O'Daniel and Congressman Martin Dies spearheaded a group of conservatives in the state and formed the Texas Regulars, which specifically aimed to divert enough Democratic votes to prevent Roosevelt from winning a fourth term in office. Although the group disbanded in 1945, the faction of conservatives continued to break away from the national Democratic Party that had aligned itself with progressive and economically liberal interests throughout Roosevelt's first three administrations. Beginning in the late 1940s, Texas conservatives followed other Southern states and joined the Dixiecrat movement. Historian Kari Frederickson characterized the Dixiecrat movement as having a states' rights mentality, in which conservative southerners found that allegiance to one party was "neither necessary nor beneficial." Furthermore, the movement served as a crossover point from Democratic to Republican, and the reactionary protest organization comprised of economically conservative, segregationist Democrats who sought to reclaim their former prestige and ideological prominence in a party that they believed had moved away from them.²

The end of the Second World War and the division between the free-market and communist worlds resulted in unprecedented fears of communist infiltration in the United States

¹ Journal of the Senate of the State of Texas, Regular Session of the Fifty-Second Legislature, 1951, 36.

² Randolph B. Campbell, *Gone to Texas: A History of the Lone Star State*. (New York: Oxford University Press, 2004), 414; Kari Frederickson, *The Dixiecrat Revolt and the End of the Solid South, 1932-1968*. (Chapel Hill: University of North Carolina Press, 2001), 4-5.

government especially after several major events of the late 1940s. In 1947 President Truman issued what journalists later dubbed the ‘Truman Doctrine,’ which set the tone for fighting the spread of communism throughout the entirety of the Cold War. The Berlin Blockade separated East and West Germany in 1948 without the hope of reconciliation. The same year Czechoslovakia fell to a coup that toppled the democratically elected government and landed the nation under the protection and control of the Soviet Union. In 1949, China and Chiang Kai-Shek’s government lost the longstanding civil war, and the Communist Party seized control of the country. Just seven months later, the Soviet Union detonated its first atomic bomb, ending the nuclear monopoly the United States had enjoyed for the past four years.

In addition to these threatening international incidents, communist paranoia continued to increase in light of new domestic crises. The indictment of Alger Hiss in 1948 for lying under oath about his espionage practices in the 1930s frightened many Americans. In August 1950 a federal jury indicted Ethel and Julius Rosenberg for selling information to the Soviets about the atomic bomb—a real threat to the United States since the nation could no longer use the weapon as a bargaining chip. That same year, Republican U.S. Senator Joseph McCarthy, in a bid to gain notoriety and fame, proudly proclaimed that there were 205 “card carrying Communists” in the State Department, and that his mission to ferret out the reds in the state superseded all his other efforts as Senator. His four-year crusade at home involved erroneous allegations of communists in Hollywood, the military, and higher education systems that infamously became known as the Second Red Scare.³

The political climate during the Second Red Scare changed the way Texans used the term “communist.” Beforehand, communism never legitimately threatened the state, but politicians used the term to discredit liberal and progressive policies that originated from the Second New

³ Campbell, *Gone to Texas*, 411.

Deal and its social welfare programs. Now with the United States fighting the Cold War, the idea of the Communist Party of the USA (CPUSA) becoming involved in politics threatened conservative politicians and the general population alike. Even though the CPUSA existed in Texas in the 1930s and 1940s, the membership never reached more than 1,000 members, and never garnered any political clout that could ever conceivably have made Texans vulnerable to a communist overthrow. Regardless of the size of the party's membership, the Cold War frightened Texans, and many joined politicians in fighting communism wherever it may spread. While the Second Red Scare in Texas focused primarily on public secondary education, churches, libraries, art museums, and the state legislature, incidents of communist paranoia in higher education lingered, threatened academic freedom, and even damaged the reputation of private institutions.⁴ Though the real threat still did not involve communism, crying “communist” meant discrediting contrary opinions. Or as Houston Harte, newspaperman from Houston said, “The word Communist, at least in Texas usage, has come to mean practically anybody the rest of us don’t like—a regrettable perversion of the old-fashioned son-of-a-bitch.”⁵

Several politicians in Texas, influenced by the international and domestic paranoia, focused their attention on Texas higher education facilities because of the actions of a young student who had official ties with CPUSA. Wendell Addington, an army veteran of the Second World War, first learned of communism from a friend in the service who convinced him that “to be a Communist was the highest honor in the world, for the Communists represent the future of mankind.” After his military service ended in 1946, Addington returned to his hometown of

⁴ See Don E. Carleton's *Red Scare!: Right-Wing Hysteria, Fifties Fanaticism, and Their Legacy in Texas*. (Austin: Texas Monthly Press, 1985) for the state's focus on public secondary education, churches, libraries, art museums and the state legislature. (herein after cited *Red Scare!*)

⁵ Carleton, *Red Scare!*, 100; Don E. Carleton, *A Breed So Rare: The Life of J. R. Parten, Liberal Texas Oil Man, 1896-1992*. (Austin: Texas State Historical Association, 1998), 408.

Lubbock and joined the Communist Party. Around the same year, he also enrolled as an economics student at the University of Texas.⁶

While attending the university, Addington publicly advocated the party's principles to others in the school and around the state. In February 1948 Addington wrote in *The Ranger*, a University of Texas student publication, that the city of Austin had around forty members of the CPUSA and that twenty of them attended the state university. Later that year, Addington and Fred Estes of Dallas, Chief Communist in the Dallas area, held a forum at Southern Methodist University where the two publicly defended their communist ideologies to the school's students. Estes and Addington wanted to promote the values of their radical ideologies, but their ambitions stalled when the meeting focused less on why the gentlemen aligned with the CPUSA and more on the American draft system, communism and religion, and Russia's policies in Eastern Europe. In addition to his radical political beliefs, Addington also advocated equal rights for African Americans. He participated as a member of the Austin chapter of the NAACP and routinely spoke in front of the Texas legislature opposing segregation and promoting other civil rights causes.⁷

Addington's potential influence on students attracted the attention of several representatives of the Texas legislature. With the legislature set to meet in early 1949, Representative Sam Hanna of Dallas joined forces with Representative Preston Smith of Lubbock and initiated a bill that empowered and instructed all presidents of state-supported schools of higher learning to investigate and expel students found to be "disloyal to this nation." The bill passed unopposed in the House and Senate in early March 1949. At the same time,

⁶ "Lone Star v. Red," *Time*, April 4, 1949, 69.

⁷ UT Red Claims Texas Has 500," *Dallas Morning News*, February 15, 1948, 1; "Communists Get Say Before SMU Forum," *Dallas Morning News*, July 22, 1948, 7; "NAACP to Vote On Retaining UT Communist," *Dallas Morning News*, November 20, 1948, 10.

Representative John Crosthwait also of Dallas drafted a bill that required every student to sign a statement that “he is not a member of the Communist, Fascist or Nazi Party.” Violators would face five to ten years in prison and be fined \$5,000 to \$10,000. The issue was debated heatedly on the House floor. Representative James Sparks of Sherman called the measure a “nuisance affidavit” and argued that communist students would sign the oath and continue in school. Crosthwait joined forces with Representative Marshall O. Bell from San Antonio. Bell, a staunchly conservative Democrat, routinely exploited the nation’s fears of a communist infiltration. In 1947 he vehemently opposed labor unions and considered their behavior as communist-influenced since “Communists thrive on strikes.” He and Hanna became the leading statesmen to attack communism head-on and proposed numerous bills to the House to fight the movement in the state. In a statement to the *Dallas Morning News*, Hanna revealed his true target for combating communism in the schools: Addington’s open card-carrying status. “I have reason to believe there are many [communists] at the University of Texas and maybe a few teachers. If I had my way,” Hanna continued, “we’d escort them to the border.”⁸

Bell’s sensational behavior attracted enough attention that *Time* magazine covered the bill’s passage and Addington’s political beliefs in the April 1949 issue, right after the legislature approved the purge bill. Addington arduously opposed the loyalty pledge and attended the committee hearing to testify against it. “Political parties cannot have their principles tested anywhere but the polls,” he told the committee. “The issue is whether the Legislature has the right to determine political thoughts of students.” Hanna retorted that Texas tax money should not be spent on educating communists, and that the bill should also include the other “400

⁸ Journal of the House of Representatives of the Regular Session of the Fifty-First Legislature of the State of Texas, Volume 1, 1949, 909, 1036; “Further Action Anti-Red Bill Is Postponed,” *The Breckenridge American*, March 20, 1949, 1; “Prompt Action Seen on Red Ouster Bill,” *Dallas Morning News*, March 31, 1949, 22; Carleton, *Red Scare!*, 95.

subversive organizations.” Clarence Ayres, economics professor at the University of Texas, had been asked to speak on behalf of the American Civil Liberties Union, which he then had to defend against communist accusations. He said the civil liberties group was in “no sense a defender of communism” and that the organization considered the loyalty oath law an intervention in education. Despite the opposition from Ayres and Addington, the House and Senate agreed that the loyalty pledge served to protect the higher education systems from communist thought. The bill passed in the legislature’s regular session in May 1949, and oaths began the following September.⁹

The loyalty oath and communist purge bills became a desperate attempt to silence an unruly student who could potentially influence other youth at the public university. Addington’s sensational behavior attracted more attention and influence than he deserved. After the legislature passed the loyalty oath bill, Addington signed the pledge, but the university refused to remove him from the school, and he graduated in late 1949. In another instance, Representative S. J. Isaacks of El Paso sponsored an anti-lynching bill in 1949 under the suggestion of Governor Beauford Jester who wanted to “modernize” Texas and “take the wind out of the sails of northern Democrats and Republicans.” Addington attended the House Criminal Jurisprudence Committee in February 1949 to promote the bill’s passage. After Addington spoke in favor of prohibiting the “barbaric practice,” Isaacks left the committee and asked another representative to refer the bill to a subcommittee for further consideration and study after “an unexpected turn of events.” Since Addington publicly acknowledged his communist party affiliations, the Representatives deferred the bill to avoid accusations from others in the House for passing communist-supported

⁹ “Communism Given Drubbing in House,” *Dallas Morning News*, April 7, 1949, 1; “Communism Given Drubbing in House,” *Dallas Morning News*, April 7, 1949, 1; Carleton, *Red Scare!*, 96.

legislation.¹⁰ The card-carrying red alienated progressive Democrats from passing meaningful legislation to prevent looking soft on communism while conservatives passed unenforced repressive laws to show their ardent cold warrior status, including the ability to squash adverse and “subversive” political leanings.

The resonating effects of the loyalty oath bill once again affected the University of Texas and threatened academic freedom. Well-targeted economics professor Clarence Ayres continued to be a thorn in the side of the Texas legislature for many years after the Board unsuccessfully tried to fire him in 1942. While the Board backed off on Ayres as a potential target, a few state representatives looked for scapegoats and a way to bolster their anti-communist rhetoric. On March 12, 1951, Ayres spoke to members of the University Club about the growing hostility towards government. In his speech, he repeatedly attacked the growth of corporations and charged that people made excuses advocating free enterprise while “everything done by our government is bad.” A few days after Ayres’s speech, Representative Bell charged that Ayres advocated socialism and communism and that he should be removed from his position at the university.¹¹

In his statement to the House, Bell called Ayres an “educational termite” and argued that it was wrong for a professor paid by taxpayers under a free enterprise system to advocate its destruction. Bell also charged that Ayres went with Addington before the State Affairs Committee two years prior to protest a bill requiring a loyalty oath of all state employees—proof that Ayres had official Communist Party connections. Ayres’ opposition to the loyalty oath bill

¹⁰ The measure appeared to die until Governor Beauford Jester appealed before the Legislature to promote the bill’s passage one week after Isaacks deferred the bill. Journal of the House of Representatives of the Regular Session of the Fifty-First Legislature of the State of Texas, Volume 1, 1949, 139, 268; “Lynching Bill Is Deferred Following Endorsement From Austin Communist,” *The Orange Leader*, February 16, 1949, 1; Ricky F. Dobbs, *Yellow Dogs and Republicans: Allan Shivers and Texas Two-Party Politics*. (College Station: Texas A&M University Press, 2005), 48.

¹¹ “Hostility for Government Dangerous, Claims Ayres,” *The Daily Texan*, March 13, 1951, 1; “Legislators Seek Check on UT Prof,” *Dallas Morning News*, March 16, 1951, 1.

and Bell's use of articles published in *The Daily Texan*, including Ayre's speech to the University Club, convinced the legislators to explore the matter further. The House voted 130 to 1 demanding that the University of Texas Board of Regents investigate whether Ayres advocated such inimical teachings that conflicted with the United States Constitution. "We believe that his presence can contribute nothing to the culture and progress of this state," the legislators proclaimed. "If the university doesn't do something, we ought to knock out appropriations for the Economics department," Representative Joe Shannon of Forth Worth said. The one dissenting vote came from Representative John H. Barnhart of Beeville, a twenty-five year-old graduate of the University. Barnhart said he never had a class under Ayres, but that the "Legislature should not try to sit as a group of educators." The House gave the Board of Regents ten days to investigate and decide whether Ayres should keep his job with the university.¹²

The University already had dealings with the state legislature interfering in academic affairs, particularly involving the economics department. Exhausted by the ordeal, Ayres went straight to Chancellor James P. Hart and "assured him that I was at his service in every way." The university, still under the AAUP blacklisting for the firing of Homer Rainey in 1944, could ill afford more accusations of harboring communists or threats against academic freedom within the school. In response to the House investigation, the economics faculty issued a petition expressing "support and confidence" in Ayres as an economics professor. The petition read:

As faculty members in the Department of Economics of the University of Texas, we protest the Legislature's attack on Dr. Clarence Ayres as a violation of academic freedom and our rights as teachers in a free University. Dr. Ayres is one of the nation's foremost scholars in economics and enjoys our respect and confidence. We urge the University Administrators to refuse to dismiss Dr. Ayres.

¹² Journal of the House of Representatives of the Regular Session of the Fifty-Second Legislature of the State of Texas, 1951, 902-903; "130-1 Vote Implies Regents Should Fire UT Economist," *The Daily Texan* 16 March 1951, 1.

Students at the university also expressed their support for Ayres and wrote to *The Daily Texan* infuriated by the most recent attacks against academic freedom at the university, proclaiming, “We have been losing many fine minds at our school because they are not content to be treated in the manner that Dr. Ayres has been. There is wonder that we have not lost more.” An editorial published in mid-March agreed that Ayres did not “teach doctrines of a subversive or illegal nature” and that two points in the House resolution were incorrect. Ayres actually appeared before the State Affairs Committee to protest the College Loyalty Oath, which required students and faculty to sign an oath of allegiance to the US government. Ayres did not go to the committee hearing with Addington, but Addington had also shown up to protest the bill. The resolution also stated that Ayres advocated socialist policies in an issue of *The Daily Texan* in October 1950, but the speech actually came from the January 7, 1944 issue that had previously been investigated and dismissed because of reporting errors.¹³

Even after the publicity from the blacklisting of the university, some students and even one board member still misunderstood the concept of academic freedom. In 1944 the Board of Regents and Governor Stevenson admitted that the concept of academic freedom should have limits, and that the Board should be able to make official investigations of any information that might damage the reputation of the university. One student wrote to the editor of *The Daily Texan*, “Exactly what is the concept of academic freedom? If it is of such nature as to allow those who espouse the socialistic or communistic view to instruct our universities, then it should be discontinued. However, I do not think it as much an issue of academic freedom as it is of weeding out the undesirables.”¹⁴ The issue divided many in the university and in the Texas legislature, and the red-baiters never grasped that limiting academic freedom not only repressed

¹³ “Eco Faculty Start Petition,” *The Daily Texan*, March 16, 1951, 1; “Letter to the Editor: No Uncertain Terms,” *The Daily Texan*, March 16, 1951, 4; “An Assuring Voice,” *The Daily Texan*, March 16, 1951, 4.

¹⁴ “Letters to the Editor: Weeding Out,” *The Daily Texan*, March 22, 1951, 4.

the freedom of research, but it also hindered the freedom of speech and the freedom of education, all of which remain fundamentally imperative for the purpose of a university.

Despite the opposition, the Regents concluded their investigation and found no substantiating evidence to justify firing Ayres based on Bell's accusations. The Regents told the Texas House that Ayres was neither a communist nor subversive and that he had not gone beyond "the limitations which should properly control a professor of economics." In a five-page letter to the House, Regent Claude Voyles, Chancellor Hart, and President T. S. Painter observed, "We respectfully call your attention to the necessity that teachers should be free to discuss current problems within their special fields, subject of course to the limitation that they should not teach doctrines of a disloyal or illegal nature..." "We agree with the [House Resolution] that we face a 'world of chaos and peril,' but being sincere believers in the motto which is carved in stone on our Administration Building, 'Ye shall know the truth and the truth shall make you free,' we are certain that enlightened minds alone form the ultimate protection against those forces at home and abroad which are seeking to destroy this country."¹⁵

The Board of Regents successfully thwarted the attempts by an overzealous representative determined to make a name for himself. Bell's staunchly conservative approach mustered significant amounts of support from around the state, but the Board of Regents saw through his schemes and refused to tolerate any more accusations that could further damage the university's reputation. Bell's attacks on Clarence Ayres significantly altered the way conservatives viewed the University of Texas. In the 1930s and 1940s, the university in Austin received the brunt of accusations in which conservatives alleged that students or professors openly advocated communism. After the AAUP blacklisting in 1944, the Board of Regents understood the meaning of the university's reputation, and instead of capitulating to yet another

¹⁵ "Ayres Not Subversive, Seek Truth Fearlessly," *The Daily Texan*, April 1, 1951, 1.

dubious allegation from a junior representative, the university protected the faculty, its students, and academic freedom.

The culture of the Cold War significantly altered the political climate in the state of Texas. Now that the Board of Regents for the University of Texas defended their institution, the Texas legislature relented the consistent attacks concerning the university students. Red scare tactics continued through other politicians and local organizations in the state, but the University of Texas managed to escape additional accusations during the heyday of McCarthyism. However, one English professor at Southern Methodist University found inspiration in the redbaiting antics, especially when the school's journal spoke scathingly of the professor's publication. Dr. John Owen Beaty accused the university of harboring atheists and advocating Soviet-supported communist doctrine in a widely circulated publication called "How to Capture a University." In a bid to defend his reputation, he blamed his employers for a "certain powerful non-Christian element in our population to determine Southern Methodist University."¹⁶

John Owen Beaty, a native of Virginia, began teaching at SMU before receiving his doctorate from Columbia University in 1921. While teaching at the university in Dallas, he published a monograph and several textbooks in English literature. Specializing in Old English, Beaty grew agitated by new modern prose and subsequently published *The Image of Life* in 1940, a book about the evils of modern life wherein he charged that women were to blame for nefarious literature and that such "purveyors of foul literature" undermined the Christian religion and the Anglo-Saxon ideals. He wrote, "The true function of literature is so well known that a statement of it is a platitude. Its function is to present an image of life, to portray life as the heroic and dynamic thing that it really is." During the Second World War, Beaty left his position

¹⁶ John Beaty, "How to Capture a University: The Meaning of the Southwest Review Attack Upon John Beaty," 1, Box 1, Folder 2, in John O. Beaty controversy papers, Southern Methodist University Archives, DeGolyer Library, Southern Methodist University (herein after cited Beaty papers).

at SMU in 1941 to serve as an Army Colonel, and then came back to the University in 1947 newly inspired for his next polemic.¹⁷

A few years after returning to SMU from his military position abroad, Beaty published *The Iron Curtain Over America* in 1951. In his book, Beaty argued three main points: first, that Ashkenazi Jews were not really Semites, but rather descendants of Khazar Khanate, which in Beaty's opinion meant that Zionism's case for the creation of Israel was a historical fabrication. Secondly, Beaty asserted that the Bolshevik Revolution was dominated by Ashkenazi Jews and therefore should be considered a Jewish Revolution. Finally, he claimed that Ashkenazi Jews in the United States were working for the Soviet Union. Overall, Beaty stated that many Jews had immigrated into the United States between the 1880s and the 1940s, and therefore the Jewish community should be considered a threat since they provided a disproportionate amount of communist recruits. "By birth and by immigration either clandestine or in violation of the intent of the 'national origins' law of 1924, the Jewish population in the U.S. increased rapidly." "This powerful and rapidly growing minority," Beaty continued, "closely knit and obsessed with its own objectives which are not those of the Western civilization" were to blame for the rise and spread of communism around the world, and could potentially harm the United States.¹⁸

Beaty's book quickly gained notoriety and received praise from many in the community as a "highly documented volume of facts leading up to our present predicament." His supporters considered Beaty an inspiration because he successfully published the work so "that the poorly informed average American may know wherein the real threats to our country lurk." Beaty

¹⁷ "John Beaty Dies; Headed English Department at SMU," *Dallas Morning News* 10 September 1961, 3; John O. Beaty, *The Image of Life*. (New York: T. Nelson and Sons, 1940), 11, 151, 191, 196.

¹⁸ John Beaty, *The Iron Curtain Over America*. (Wilkinson Publishing Co., 1951), 11, 17. <https://archive.org/details/TheIronCurtainOverAmerica> (Accessed February 24, 2014); Karl Radl, "A Pleasant Surprise: John Beaty's 'The Iron Curtain Over America,'" *Semitic Controversies: A Daily Blog about Jews and Judaism*, May 4, 2010, <http://semiticcontroversies.blogspot.com/2010/05/pleasant-surprise-john-beatys-iron.html> (Accessed February 24, 2014).

published the 1951 prints with his own money, but soon after its initial distribution, the book reached Russell Maguire, an anti-Jewish and pro-white multimillionaire who previously bought *The American Mercury* to turn the magazine into his own political mouthpiece. Maguire agreed to shove more money behind the publication, allowing it to reach new audiences outside of Dallas. By mid-1952, Beaty's book reached new audiences around the nation. A book review in the *The Dixie Guide* called his work a "courageous volume," and *The National Defense* magazine called it "the American Bible."¹⁹

Though many praised the book for its "convincing" argument, a few members of the SMU faculty wanted the university to dissociate with Beaty's book. Ian McGreal, a member of the SMU faculty, wrote to the *Dallas Morning News* condemning Beaty's book, stating, "I have been disturbed to learn that some persons believe the faculty approves the anti-Jewish bias" in *The Iron Curtain over America*, adding that "Professor Beaty speaks for no one on the faculty at SMU but himself." Paul Boller, a professor of history, pushed hard for the university to denounce Beaty's racist and inaccurate remarks. Boller and Beaty had argued politics previously, most notably over Truman's decision to fire General MacArthur during the Korean War, which Boller supported. Beaty charged that critics of MacArthur were "playing the communist game" and that the dismissal shows people the "full measure of treason in our executive branch in Washington." Boller wrote to the SMU student newspaper calling *The Iron Curtain* a "dreary distortion" filled with half-truths and omissions, which "shows not the slightest understanding of modern history or the dynamics of Soviet communism." Lon Tinkle, a French professor at the university, wrote in his weekly book column for the *Dallas Morning News* that characterized

¹⁹ "Letter to the Editor: Beaty Controversy," *Dallas Morning News*, February 19, 1954, 2; Beaty, *The Iron Curtain Over America*, 1; Paul F. Boller, *Memoirs of an Obscure Professor*. (Fort Worth: Texas Christian University Press, 1992), 6; "Special Investigating Committee Appointee by the Board of Trustees, Southern Methodist University: Examining Literature," *The Dixie Guide* April 1952, *The National Defense* April 1952, Box 1, Folder 2, The Beaty Papers.

Beaty's publication as the worst book of the year, citing "Mr. Beaty is confused by a good deal" more than the other "least welcome books of the year."²⁰

The fight culminated when *The Southwest Review's* Assistant Editor Margaret Hartley wrote a scathing review and characterized Beaty's book as "the most extensive piece of racist propaganda in the history of the Anti-Semitic movement," a line she took from another reviewer, Ralph Roy of the *Zionism Herald*. Hartley's review continued, "Beaty charges that various elements of this restless aggressive minority nurtured the amazing quadruple aims of international communism, the seizure of power in Russia, Zionism, and continued migration to America." Hartley strongly emphasized that Beaty in no way spoke for the university, "whose administration, faculty and the student body have repudiated his thesis." By this time, Beaty had been receiving intense criticism not only from the faculty at the university, but also through other media outlets. With the encouragement from a few colleagues, and in response to the article in the *Southwest Review*, Beaty decided to retaliate with a review of his own.²¹

In February 1954 Beaty wrote "How to Capture A University: The Meaning of the Southwest Review Attack Upon John Beaty," and distributed the pamphlet to more than 200 people in the Dallas area. In his article, Beaty defended *The Iron Curtain Over America* and noted that several Methodist clergymen praised his work. He noted that the *Southwest Review* accused of him of being anti-Semitic, a member of the "the Protestant Underworld," defined as the "low, debased, or criminal element of humanity," and that his book contained half-truths and positive falsehoods. Acknowledging those accusations, Beaty retaliated by comparing the university to Washington, wherein "communists and criminals of a certain degraded type have

²⁰ "Letters from Readers: Speaks Only for Beaty," *Dallas Morning News*, February 16, 1952, 2; Boller, 4, 7; "Our Own Citations for This and That," *Dallas Morning News*, December 7, 1952, 24.

²¹ Margaret L. Hartley, "The Protestant Underworld," *Southwest Review* 33:3 (Autumn 1953), 344-45 located in Box 1, Folder 2, The Beaty Papers.

invaded the state department. At SMU,” Beaty continued, “those hostile to the Christian civilization are concentrating upon the publishing interests of the university.”²²

Beaty offered proof of communist subversion and the un-Christian mores that had been contaminating the university. In one example, Beaty took aim at Hartley’s review directly. He criticized her direct source, the Anti-Defamation League of B’nai B’rith, an organization whose sole purpose, he claimed, was to present propaganda and was sometimes referred to as the “Jewish Gestapo.” “The subject matter, the attitude, and even the phraseology of ‘The Protestant Underworld’” had been influenced by this communist front organization, Beaty argued. He also dismissed Tinkle, Boller and McGreal, the professors who spoke publicly against *The Iron Curtain*, and sneeringly stated that only one of them was of “full professorial rank” and another was a “novice in the rank.”²³

In addition, Beaty revealed that in 1952 the university refused to let Senator Joseph McCarthy speak at the McFarlin auditorium on campus while certain “leftist lecturers each belonging to many government-cited Communist front organizations” had spoken at McFarlin in the past, particularly “a locally prominent non-Christian” who spoke for the sponsoring committee of the Institute of Academic Freedom the previous year. At the time, the university informed the *Dallas Morning News* that McCarthy was a political figure and “McFarlin is not to be used for such rallies.” That answer hardly pleased Beaty. “Are the 30,000 card-carrying Communists in America actually less of a threat than the Congressional committees which

²² John Beaty, “How to Capture a University: The Meaning of the Southwest Review Attack Upon John Beaty,” 4-5. The Beaty Papers.

²³ Beaty, “How to Capture A University,” 2.

investigate them? Are the evil men really Messrs. Dies, McCarthy, Wood, Jenner and Velde, instead of those who are trying to deliver us to an alien power?" Beaty wrote.²⁴

Beaty also charged that the university sold three copies of a work on the philosophies of Vladimir Lenin for fifteen cents a copy, in which he disclosed that the cost was "one-seventh less than the price of a U. S. book of similar format purchased the same day"—proof that the Soviet Union distributed the literature as propaganda and not for profit. Beaty also noted that the university had "banned" his book from the bookstore, but that the store displayed *The British Labour Movement* by Friedrich Engels beginning in February 1952 until November 17, 1953. "I have not investigated the bookstore and do not know the full extent of its relations with the Soviet firm. But I do know that for a period of more than twenty months, SMU itself has been serving—openly and by displaying—as the outlet for official Soviet propaganda," Beaty proclaimed. He also made note that the university administration had yet to publicly acknowledge his book. In a distressed manner, Beaty wrote,

NOT SINCE THE IRON CURTAIN OVER AMERICA APPEARED IN DECEMBER 1951, HAVE I RECEIVED FROM PRESIDENT UMPHREY LEE, PROVOST HOSFORD, VICE PRESIDENT TATE, OR DEAN ALBRITON ANY COMMUNICATION WHATSOEVER ABOUT THE IRON CURTAIN OVER AMERICA.

"How did non-Christian power come to wield so great an influence in SMU? Why are even communists allowed to spawn propaganda in our halls while opposing books are banned?" Beaty questioned.²⁵

Soon after the pamphlet's dissemination to parents and students of the university, President Umphrey Lee referred the Beaty controversy to the Board of Trustees to begin an investigation into the professor's accusations. "SMU has remained loyal to the same high

²⁴ "Consistency, Rare Quality," *Dallas Morning News*, April 16, 1952, 2; "Professor Charges Infiltration at SMU," *Dallas Morning News*, February 11, 1954, 10.

²⁵ Beaty, "How to Capture a University," 3, 7.

Christian ideals on which it was founded,” Lee stated. “It is under the full control and direction of the Methodist church, and no teaching is tolerated which is in conflict with the Christian principles.” The faculty again met to discuss Beaty’s pamphlet, and voted almost unanimously to repudiate Beaty’s claims. Members of the faculty reached out to the President, the Rabbi and members of the Temple Emanu-el in late February 1954. In their letter, Chairman of the Faculty Merrimon Cuninggim expressed his displeasure in Dr. Beaty’s behavior and assured the Temple that Beaty “speaks for none of us and we are ashamed and scandalized that a colleague of ours should so offend against the plain canons of academic morality and the plainer canons of Christian love.” Cuninggim wished to reaffirm the positive principles of Christian faith and ethics, which justified active cooperation between Christians and Jews. “Anti-Semitism is,” Cuninggim continued, “in the Christian perspective, both a heresy and a sin—and we will have no part of it.” Even though the university faculty went through desperate measures to clear the school’s name from Beaty’s accusations, the public still criticized Lee and the reputation of the university. After reading about the literature exposed to students in the SMU student bookstore, a Denton man wrote to the *Dallas Morning News*, informing Dallas readers that based on his assessment of the university bookstore, Southern Methodist University should actually be called “Southern Marxist University.”²⁶

In a second bid to defend his reputation, Beaty wanted to put the anti-Semitic accusations to rest. In addition to his distributed first pamphlet, Beaty wrote a second article, “The Cry of ‘Anti-Semitic’: An Examination of One of the Tactics of the Propagandists of the Left.” “I am writing this paper on the false cry of anti-Semitic which has been raised against me,” Beaty began. “I consider the charge anti-Semitism most unfair, for, as I make clear in *The Iron Curtain*

²⁶ Merrimon Cuninggim to The President, The Rabbi and The Members of the Temple Emanu-el, February 22, 1954, Box 2, Folder 11, The Beaty Papers. “Lee Refers to Beaty Paper to Trustees,” *Dallas Morning News* February 14, 1954, 1; “Letters from Readers: Supports Dr. Beaty,” *Dallas Morning News*, February 18, 1954, 2.

Over America, I have no feelings except feelings of good friendship for pro American Jews.” In order to defend his reputation, he noted several instances that proved he was not an anti-Semite. In one instance, he noted that a Jewish student asked Beaty for an autograph of *The Iron Curtain Over America*, and that the boy informed Beaty that he never saw Beaty as anti-Semitic. Beaty even acknowledged that “certain Jews have given me substantial support to my book” and that one invited him for a visit and gave him permission to use “his valuable library.”²⁷

Secondly, he noted that when he came back to the university in 1947 after his military service, he was surprised to see that students were assigned the play *Awake and Sing* by Clifford Odets. The play, written in 1935 during the Great Depression, focused on the pain and lack of hope during a time period when the American dream was under question, a concept that Beaty had condemned in *The Image of Life*. Beaty found the work appalling, and printed some lines from the play, presented the papers to the English department staff meeting and asked that the reading be removed immediately from the curriculum. Beaty argued that Odets wrote *Awake and Sing* with the idea of corrupting and “degrading our youth in order that they might more easily fall for Communism” and that such a “degradation of youth is a principal part of the communist goal: infiltrate, corrupt, destroy.”²⁸

Beaty researched Odets and found that he was investigated by the House Un-American Activities Committee and admitted that he was a one-time member of the Communist Party. After Beaty presented the motion to the department, the department agreed to remove the play from the reading list. Beaty specifically pointed out in his article that he attacked no one—not

²⁷ John O. Beaty, “The Cry of the Anti-Semitic: An Examination of One of the Tactics of the Propagandists of the Left, 1 March 1954, 1, Box 1, Folder 2, The Beaty Papers.

²⁸ Beaty, “The Cry of the Anti-Semitic: An Examination of One of the Tactics of the Propagandists of the Left, 2; “Defying Poverty’s Everyday Despair in Odet’s ‘Awake and Sing!’” *The New York Times*, April 18, 2006, http://www.nytimes.com/2006/04/18/theater/reviews/18awak.html?_r=0&adxnnl=1&pagewanted=all&adxnnlx=1393444522-sKwbZGOD7LIZstvotdAx3w (accessed February 24, 2014).

even Odets. He never pursued having the book removed from the university bookstore or library, just that it be removed from the reading list for a “freshman course in a Christian college.” At the time, Beaty claimed he was unaware that Odets was Jewish and that his play had been published by a predominantly Jewish publishing company, but noted that critics used this incident to exemplify Beaty’s bigotry instead of what Beaty saw as removing profane and un-American material. “What a set up!” Beaty exclaimed. “In the practiced hands of wily leftists for applying the smear of anti-Semitic—John Beaty got a Jewish-authored play in Jewish-published book dropped from the SMU freshman course. What could that mean except that Beaty is anti-Semitic?”²⁹

Based on his continual circulation of “How to Capture a University” followed by the issuance of his second pamphlet, the Board of Trustees grew tired of Beaty’s accusations and proceeded to investigate the claims he made against the university. In late March the Board of Trustees issued a letter to families and students of the university regarding their upcoming actions against Beaty. After the initial pamphlet’s circulation, the Trustees agreed that President Lee’s statement that the matter would be referred to the board was a sufficient statement. However, in view of the continued distribution, the board decided to make a full and searching inquiry into each of the charges made in the Beaty paper, and report those findings at the board meeting in early May.³⁰ In a statement to the *Dallas Morning News*, the Chairman proclaimed that SMU was still “devoted to sound scholarship, to the principles of high patriotism and, above all, to the maintenance of Christian ideals in thought and action extends through a period of nearly forty years.” All the Dallas media attention created enough hysteria that *Time* magazine

²⁹ Beaty, “The Cry of the Anti-Semitic: An Examination of One of the Tactics of the Propagandists of the Left.”

³⁰ Open Letter from the Board of Trustees, Written by Chairman of the Board A. Frank Smith, March 30, 1954, Box 1, Folder 1, The Beaty Papers.

reported disparagingly of Dr. Beaty, calling him “The Friendly Professor” at face value, but that no professor at SMU had ever “proved more embarrassing than friendly Dr. Beaty”.³¹

During the month of April, the Board of Trustees gathered up any and all evidence that would help the members decide how to proceed with Beaty’s behavior and accusations. Under careful examination, the members read Beaty’s two pamphlets, Hartley’s review, and positive and negative book reviews of *The Iron Curtain Over America*. In addition, Beaty submitted excerpts of letters from prominent Congressmen from around the nation who wrote to praise Beaty for his book, including Congressman Martin Dies who wrote, “I received your very fine book and read it with considerable interest and profit!” He also submitted a letter from Senator Jack B. Tenney from California, who informed Beaty that the Anti-Defamation League of B’nai B’rith (the main source for Hartley’s review) had proven subversive connections. The letter stated,

We had uncovered two organizations which we had designated as Un-American, and named them in the report. I have told the story in detail in the ‘Tenney Committee: The American Record’ and I will therefore not repeat it here, other than to say that these two organizations turned out to be subsidized fronts for the Anti-Defamation League of B’nai B’rith.

The organizations involved the Institute for American Democracy and the Institute for Democratic Education.³² Beaty also submitted English final examinations that had contentious and un-American questions to ask of freshman and sophomore English students. In red pencil, Beaty circled questions regarding segregation and its consistency with democracy, the downside

³¹ “SMU Board Investigates Charges Made By Beaty,” *Dallas Morning News*, April 6, 1954, 6; “The Friendly Professor, *Time*, April 12, 1954, 69.

³² Excerpts from Letters to Congressman, Box 1, Folder 2, The Beaty Papers The Tenney Committee was the California equivalent to the Little Dies Committee in Texas. See also Edward L. Barrett, *The Tenney Committee Legislative Investigation of Subversive Activities in California*. (Ithaca: Cornell University Press, 1951). Senator Jack B. Tenney to Dr. John Beaty, March 8, 1954, Letter. Box 1, Folder 2, The Beaty Papers.

of capitalism, and an essay that asked students to discuss the protests against social injustice and oppression in relation to the novel *The Heart of Darkness* and the play *The Little Foxes*.³³

The Board also summoned a letter from a former student written to the Board of Trustees soon after the dissemination of “How to Capture a University.” Shearson Rovinsky attended the university between 1949 and 1953 and took a literature class under Dr. Beaty. In his letter, Rovinsky wrote that while taking Beaty’s class, he learned that most Jewish students avoided his lectures because “they had learned that Beaty did not stick to instruction of English Literature” and frequently spoke “at some length from the lecture platform on politics and other subjects foreign to the English course.” He said that Beaty’s lectures dealt with “diatribes against certain men in the United States government, various political factions and minority groups.” In one lecture in particular, Rovinsky noted that Beaty proceeded with a “bitter diatribe” against the New Deal, President Truman, Dean Acheson, the Jews as a group, and many of the most prominent lawmen in the United States.³⁴

After a month-long investigation that included various written documents, books, and correspondence, the Board finally came to a conclusion:

The material facts do not bear out the allegations made by Doctor Beaty in his pamphlets; it is deplorable that Doctor Beaty, an employee of the university, failed to present his allegations to the administrative officers of the university and failed to complain to the southwest review or request that he be permitted to answer the Protestant Underworld article through its columns—instead he presented his allegations to the students, patrons, and the press.

The Board of Trustees tried to reestablish the university’s reputation, stating that the institution remained committed, loyal and faithful to the teachings and concepts to high democratic ideals based on the way of life in America. The ideals and aims of the university, adopted by the board

³³ English One Final Examination, January 21, 1950; English Two Final Examination, May 22, 1953, Box 1 Folder 2, The Beaty Papers.

³⁴ Shearson Rovinsky to the Board of Trustees, February 10, 1954, Box 1 Folder 2, The Beaty Papers.

of trustees in 1933, still rang true—that the aim of the university was to produce and promote wholesome and superior intellectual life” and all those who found themselves “out of harmony” with those principles ought to retire from the university.³⁵

The controversies at the University of Texas and Southern Methodist University demonstrate the high levels of paranoia during the Cold War and Second Red Scare. Wendell Addington embodied the fears of the Texas legislature—that a self-avowed communist student who also supported civil rights legislation could influence other students and therefore dismantle the conservative power structure in the future. Though the university never suspended Addington for his ties to the Communist Party, the attempt to silence and intimidate students from voicing opinions contrary to members of the Texas legislature infringed on citizen’s rights. The controversy at UT followed the same pattern as the communist-deemed attacks in reaction to the New Deal and World War II wherein conservative politicians routinely attacked college professors for their supposed communist influence on students when the country faced significant vulnerability. John Beaty’s accusations against Southern Methodist University encapsulate the essence of Red Scare culture and tactics during the heyday of McCarthyism. The university censured Beaty’s pamphlet and behavior, but he never lost his job with the university, thanks in large part to the concept of academic freedom, a concept he threatened and attacked in the English department routinely. In Beaty’s case, he desperately sought to defend his reputation and hold on to his own political beliefs that were readily becoming outdated among many in the faculty and in the student population.

³⁵ “Beaty Committee Report,” May 6, 1954 Box 1, Folder 1, The Beaty Papers.

CHAPTER 5

“WHAT IS BLACK AND WHITE, AND RED ALL OVER?”: RED SCARE AND CIVIL RIGHTS IN TEXAS HIGHER EDUCATION, 1946-1958

When the NAACP initiated a Texas State Conference of Branches in 1937, its members' main targets included eliminating racial discrimination in the areas of voting rights, employment, housing, public accommodations, and desegregating the school systems. The consolidation of the local chapters helped NAACP membership grow in the late 1930s and into the 1940s. The World War II years witnessed increased membership as the Texas State Conference spearheaded the “Double Victory” campaign—victory against fascism and racism abroad and at home. In 1944, the Supreme Court decision in *Smith v. Allwright* eliminated the white primary, a decision which Lulu B. White, executive secretary of the Houston branch, heralded as the “second emancipation of the Negro.” The success of *Smith v. Allwright* accelerated membership around the state, making Houston the largest chapter in the entire South, and the Texas State Conference the second largest in the nation, exceeding over 30,000 members in the postwar years.¹

The success in 1944 also gave the State Conference new hope in fighting racial segregation in higher education.² When Heman Marion Sweatt, an African American from Houston, challenged the University of Texas law school in 1946, Texas conservatives scrambled to throw together a new “separate but equal” school to maintain segregation in higher education in the state. The Supreme Court decision in 1944 frightened many conservatives in the state, and many believed that the NAACP might be willing to settle for an institution of equal stature to

¹ Michael Gillette, “The Rise of the NAACP in Texas,” *Southwestern Historical Quarterly* 81:4 (April 1978), 393, 409.

² Ramona Houston, “The NAACP State Conference in Texas: Intermediary and Catalyst for Change, 1937-1957,” *The Journal of African American History* 94:4 (Fall 2009), 511, 512; Brian D. Behnken, *Fighting Their Own Battles: Mexican Americans, African Americans and the Struggle for Civil Rights in Texas*. (Chapel Hill: The University of North Carolina Press, 2011), 2.

educate black Texans. In order to prevent the University of Texas from integrating, conservatives used the communist label to discredit liberal ideologies, fire professors, and threaten academic freedom to prevent the NAACP or white supporters of racial integration from succeeding in the state.

Integration became a wedge issue in the 1946 gubernatorial election. Five candidates ran for the spot that Governor Stevenson left behind, and all wanted to either keep Texas in line with its traditional and conservative history or lean more toward the progressivism of the evolving national Democratic Party. After Roosevelt's death in 1944, many Texas Democrats continued to advocate his government oversight of industry and welfare programs while the conservative faction followed the states' rights mentality characterized by the Dixiecrat movement. When Homer Rainey entered the race in late spring, his conservative adversaries labeled Rainey a communist, alleged that he had profusely praised the novel *U.S.A.*, and that he supported blacks' entry into the university. Though Rainey publicly argued for better separate and equal facilities for African Americans, his opponents' mudslinging tactics compromised Rainey's campaign, and the election went to Beauford Jester, a conservative who said little about integration, though he believed in separate facilities.³

From the conservatives' standpoint, the idea that a gubernatorial candidate supported integration threatened the "separate but equal" clause established by *Plessy v. Ferguson* in 1896. The following year the panicked legislature initiated a bill entitled, "An Act providing for the establishment, support, maintenance, and direction of a University of the first class for the instruction and training of colored people of this state in all courses of instruction taught at the University of Texas and its branches to be known as 'The Texas State University for

³ Don E. Carleton, *A Breed So Rare: The Life of J. R. Parten, Liberal Texas Oil Man, 1896-1992*. (Austin: Texas State Historical Association, 1998), 362; George Norris Green, *The Establishment in Texas Politics: The Primitive Years, 1938-1957*. (Norman: University of Oklahoma Press, 1979), 94-95.

Negroes...” In order to keep the University of Texas a white institution, the lawmakers deemed it “impracticable to establish and maintain a College or Branch of the University of Texas for the instruction of colored youths” in keeping with the Texas Constitution that required blacks and whites be educated separately. In that regard, the act sought to establish an entirely separate and “equivalent university of the first class” for African American students to provide them with education in “arts and sciences, literature, law, medicine, pharmacy, dentistry, journalism, and other professional courses...”⁴ For the time being, the state legislature found an alternative they hoped would appease Sweatt and prevent the integration process for African Americans in Texas higher education school systems.

Soon after its establishment in 1947, the Texas State University for Negroes (TSU) became the center of conflict over the university president, Dr. R. O’Hara Lanier. A native of Winston-Salem, North Carolina, Lanier came to the university with a distinguished educational career. After earning his Ph.D. from Lincoln University in Pennsylvania, he served as first Acting Negro President of Hampton Institute, five years as Dean of Houston College for Negroes, and then later became the United States Ambassador for Liberia, a position he resigned from in order to take on the presidency at TSU. Because of his success as the Dean for Houston College, some believed that Lanier’s presidency at Texas Southern was intended to silence many in the black community who opposed the creation of the new black university. Though African Americans never trusted the white power structure in the state, some did trust Lanier and believed he would make the state live up to its obligation of providing a university of the “first class” for African Americans.⁵

⁴ Journal of the Senate of the State of Texas, Regular Session of the Fiftieth Legislature, February 20, 1947, 255, 256.

⁵ Ira B. Bryant, *Texas Southern University: Its Antecedents, Political Origins, and Future*. (Houston: Armstrong, 1975), 57.

While many in the black community praised the selection of Lanier as president, a few African Americans of the educational elite, including TSU faculty and members of the NAACP, hated the creation of a new black university to avoid the integration process. Trouble came to TSU after a Board of Control meeting decided to appropriate over \$10 million to the school for the next two years. Fearing the integration process would stall indefinitely, members of the NAACP allegedly tried to intimidate members of the faculty. “A good many of the faculty who agreed to come were either approached or something happened. They declined,” said W. R. Banks, President of Prairie View Normal College and vice-chairman of TSU’s Board of Regents. Banks also claimed that law students ready to register at the university were intimidated and encouraged to walk away. Lanier acknowledged that the NAACP planned to take the course catalog and compare it course-by-course with that of the University of Texas.⁶

The Law School was the favored project of the university since state officials hoped it would appease Sweatt, African Americans in the state, and federal judges who presided over the lawsuits. The Law School administration wanted the school to have complete autonomy, but Lanier objected to what he called “an attempt to create a University within a University.” The Vice Chairman of the Board and the Executive Assistant to the Board informed the law school administration, “Every man on the board will give you individual support.” This resulted in professors in the law school complaining about Lanier before the fall semester in 1948 to the Board of Directors so frequently that Board member J. N. R. Score suggested less than six months later that they find a new university president. The resolution failed to pass since the Board Chairman wanted a unanimous vote, and believed that the early removal of Lanier would cause unrest in the black community. After serving the board for a short while, Score died and

⁶ Houston, 513; “NAACP Accused of Fighting School,” *Dallas Morning News*, September 25, 1948, 1.

the idea of firing Lanier became dormant for several years.⁷ However, the contentious debate made Lanier an enemy among many of the Board of Directors, and they began to view the president in an unfavorable light throughout his administration.

During its first two years, students at TSU often protested the quality of the education, stating it lacked the educational standards of other schools since many of the programs offered vocational-style training, and that one professor, Hadley Simmons, had been hired using forged credentials. Soon after the *Sweatt v. Painter* decision mandated the integration of post-graduate facilities, a few TSU students hitchhiked from Houston to Austin to protest the school's administration, particularly John H. Robertson, the executive assistant to the Board of Directors. The students wanted more power to be vested in Lanier, who had been denied permission to purchase more materials for the school even though it had a budget surplus, and they accused Robertson of withholding that authority. In their protests at the Austin capitol, the students held signs that read "Give us a first-class college or let my people go to the University of Texas." Facing strong allegations and wanting to appease contentious members, Lanier advocated the university's strengths, stating the university had nearly 20,000 books in the law school library and the nation's second-best collection of books by and about African Americans.⁸ Though students and faculty tried to discredit the university by alleging the school lacked the educational standards of the white universities in the state, the Texas legislature continually ignored the students' requests to provide more educational advancement for African Americans.

While some opposed the university's creation, a few in the black community believed the establishment of an equal university facility for African Americans provided the best opportunity

⁷ Bryant, *Texas Southern University*, 65.

⁸ "Negroes Tell School Views," *Dallas Morning News*, March 14, 1947, 1; "Negro Students Protest School's Administration," *Dallas Morning News*, January 14, 1950, 10; "NAACP Accused of Fighting School," *Dallas Morning News*, September 25, 1948, 1.

for educational advancement. Prominent black newspaperman C. W. Rice, owner and editor of *The Negro Labor News* and an advocate of Booker T. Washington and the Tuskegee Institute of self-help for the race, routinely criticized the students on campus for “looking communist affiliated by staging picket lines and other communistic demonstrations to influence public officials.” The growing unrest worried Rice, who felt that politicians might misconstrue the picketing and protests for communist affiliated behavior. Rice blamed Lanier for the hostile atmosphere on campus, and in order to promote the institution and protect it from disintegrating, Rice accused Lanier of being a communist so that he would be removed for his position.⁹

In March 1953 Rice charged that the university should be probed for banning a review of a book written by Whittaker Chambers called *The Witness*, which exposed communist tactics and schemes in the United States. Rice demanded that the Board of Directors investigate the review’s removal. The dean of students Ina A. Bolton notified *The Negro Labor News* and argued that the issue of “communism was too controversial an issue to be discussed in a state school.” Rice argued that the decision to ban the book review threatened academic freedom, and that Lanier’s presidency continually thrived on silencing unruly professors. He claimed that Lanier fired more than seventy-five professors, and that he was personally responsible for hiring the professor with the forged credentials.¹⁰

In addition to Rice’s accusations, the Houston Negro American Legion Post 827 wrote a resolution asking the governor to call an investigation of the university for banning *The Witness*. The resolution argued that the university failed to meet the ideas of the state constitution in light

⁹ “Negroes Hurt Their Cause By Staging Picket Lines And Other Communistic Demonstrations To Influence Public Officials,” *The Negro Labor News*, February 17, 1951, 1; Ernest Obadele-Starks, “Black Labor, the Black Middle Class, and Organized Protest along the Upper Texas Gulf Coast, 1883-1945,” in Bruce A. Glasrud and James M. Smallwood (eds.), *The African American Experience in Texas*. (Lubbock: Texas Tech University Press, 2007), 210.

¹⁰ “The Ban on Anti-Communist Book Review at TSU Should Be Probed,” *The Negro Labor News*, March 14, 1953, 1; “We Thank the Board of Directors for Their Investigation of the Affairs at Texas Southern Univ.,” *The Negro Labor News*, May 16, 1953, 1.

of the student protests on and off campus, and that the professor with forged credentials stole money from the state for a position without meeting the proper qualifications. The Legion asked “an investigation as to who was responsible for receiving the transcripts that should have been presented before his employment. In view of this case, it seems there might be other cases similar to this.” The resolution continued, “Be it resolved, we pray; in the light of the aforementioned statements, the Governor of the Great State of Texas, would call a full investigation of the Texas Southern University.”¹¹

In early May 1953, the Board of Directors announced an official investigation would take place regarding the support of un-American doctrine and the discontinuation of “pro-American” literature. In Rice’s editorial, he charged that Lanier “is playing the role of a dictator and academic freedom is curbed.” “Texas Southern University does not belong to any one clique or group or faction,” Rice continued. “It belongs to the people of Texas and the people are entitled to know the facts. We must be willing to abide by the board’s decision. They know what’s best for the university.” When the American Legion Resolution was made public, the TSU alumni sprang into action and were determined to clear the university and Lanier of any wrongdoing. In a letter to Governor Shivers, the Alumni Association wrote,

We, the members of the Alumni Association, feel that since the graduates of the Institution are succeeding in many areas, and since they received their training at Texas Southern University, the attempts to discredit the present Administration are jeopardizing the educational opportunities of a group of Texans. We feel that the claims are unjust in light of the advancement made by our students.¹²

Given that TSU was a public institution and belonged to the people of Texas, the Board allowed a committee of “cross-section individuals” from Houston to lead the investigation and

¹¹ American Legion Post 827, Letter to the Governor of Texas, quoted in Bryant, *Texas Southern University*, 66, 67; “Texas Southern Probe,” *The Dallas Morning News*, June 11, 1953, 2.

¹² “Dr. Lanier’s Vicious Attack On the Writer and The Press Shows That He Is Desperate and Confused,” *The Negro Labor News*, April 11, 1953, 1; The Executive Committee of the Alumni Association to Governor Allan Shivers, Letter, June 25, 1953 quoted in Bryant, *Texas Southern University* 68.

report its findings directly to Shivers. The *Citizen's Report* recognized the difficulties of the institution—that the facility had been created to alter the ruling of the *Sweatt* case, and therefore some opposed its creation, while others believed African Americans should have equal opportunities in higher education, which could only be achieved through separate facilities. Though the school faced difficulties, the report acknowledged the great achievements of the university since its inception, notably that enrollment had increased from 500 students in 1947 to more than 2,000 in 1953. The report also addressed each of the allegations from Rice and the American Legion, particularly regarding the professor hired using forged credentials, student unrest on campus, and the dismissal of seventy-five faculty members. The report found that student morale was high and that no evidence of unrest existed in plain sight when visiting the campus. The “fake professor” had several letters of recommendation all stating Simmons received his Masters and Ph.D. from Northwestern University. Only eight professors had been dismissed for budgetary reasons, twenty-seven resigned for “better jobs,” while the Board released eleven professors. In August 1953 after the investigation and the publication of the *Citizen's Report*, the *Houston Informer* proclaimed, “There is No Unrest at T.S.U: Board Clears Dr. Lanier – School.”¹³

Though the investigation never produced any basis for removing Lanier as president, Rice used his newspaper to mount an anti-communist crusade directed toward Lanier. Throughout 1954 Rice repeatedly attacked Lanier and the university for supposed communist affiliations. In January he called Lanier's presidency a “disgrace to the race and a reflection of the separate but equal university plan in Texas” after Rice disapproved of the fall commencement speaker. In March Rice published a doctored photograph that showed Lanier and

¹³ *Citizen's Report* as quoted in Bryant, *Texas Southern University*, 69-74, “There is No Unrest at T.S.U: Board Clears Dr. Lanier – School,” *Informer*, August 22, 1953 as quoted in Bryant, 88.

his wife “wining and dining” with the top communist in Houston, Morris Bogdanow, an attorney with card-carrying communist connections. In his editorial, Rice urged Lanier to disclose the location of the rendezvous. “Was it in the \$65,000 mansion that the state furnishes the President of TSU? Or was it in the home of other known Communists where Reds met and planned treacherous schemes to destroy and confuse the patriotic liberty loving citizens of Houston?”¹⁴

A reader of the Houston *Informer* recognized the photo and wrote to editor Carter Wesley asking that the true photo be published. She wrote, “The picture was not taken at the ‘\$65,000 mansion that the state furnishes for the President of T.S.U!’ It was taken at the humbler abode of Theodore and Euneida Hogrobrooks. This picture was taken by Van Pell Evans on June 13, 1949 of our friends who had assembled at our home to help us celebrate our 12th wedding anniversary.” The clarification hardly satisfied Rice. He argued that Lanier needed to speak for himself, and that many of Dr. Lanier’s friends “made excuses” for his association with Bogdanow. “The LABOR NEWS published the picture to substantiate the charges we have made from time to time about Dr. Lanier’s Red Record,” Rice wrote. He continued,

We then left it to Dr. Lanier to explain to the public his association with Mr. Bogdanow since he is a servant of the state, and Communism is the hottest issue that has been before the Texas people for many years. The only issue that concerns us and should concern all citizens and taxpayers in Texas is: why would a president of Texas Southern University associate in a social manner with a white Communist leader? We wonder what would happen if the president of the University of Texas, University of Houston or any other white university was exposed at a social gathering with known Communists especially at a time when the Governor of Texas is advocating laws of death penalty for Communist membership.¹⁵

¹⁴ “Lanier’s Conduct at TSU Is a Disgrace to the Race and a Reflection on the Separate But Equal University Plan in Texas,” *The Negro Labor News*, January 30, 1954, 1; “TSU President Wining and Dining with Top Communists in Houston; Legislature May Be Asked to Probe,” *The Negro Labor News*, March 20, 1954, 1.

¹⁵ Governor Allan Shivers called a special session of the Legislature in the spring of 1954, which passed a bill making membership in the Communist Party a felony punishable of \$20,000 and twenty years in jail. He originally suggested the death penalty, but the Legislature refused to pass that measure in the act. Randolph B. Campbell, *Gone to Texas: A History of the Lone Star State*. (New York: Oxford University Press, 2004), 418;; “Dr. Lanier Is Of Age Let Him Speak For Himself,” *The Negro Labor News*, March 27, 1954, 1.

Rice's perpetual attacks against Lanier never initiated further investigations from the Board of Directors. Rice's philosophy led him to believe that communist affiliations within the university would cause the state to dismantle the black university, which would then allow more African Americans to enter white schools. His only way of protecting the institution that he saw as pertinent to gaining equality through a black university of the first class resulted in unprecedented and erroneous allegations against a man whose presidency had caused student and faculty unrest shortly after the *Sweatt* decision. The accusations of communist infiltration at the university proved unfounded, but the damage to Lanier's reputation had already been damaged in the eyes of many in the black community. Houston area residents felt conflicted about the creation of the black university and never had consensus about how to handle the institution. Some saw Lanier as a potential civil rights leader while others felt his participation in the university's establishment jeopardized the standards of African American education, and prolonged the integration process. Even after the *Brown v. Board of Education of Topeka* (hereafter called *Brown v. Board*) decision, Lanier continued to publicly advocate the need for black universities in the state. "For many years to come, there will be shown a great desire and preference on the part of the Negro student to attend an institution, equal in every respect, where there will exist many opportunities for development of qualities of leadership and where full participation in every phase of the college life will be assured," Lanier wrote in his formal report.¹⁶ Lanier tried to maintain a positive outlook of the university, and continued to promote the school's accomplishments instead of give heed to all the negative and erroneous allegations that came his way.

¹⁶ "Presidents of Negro Schools See Continued Need for Them," *Dallas Morning News*, June 25, 1954, 24.

Unexpectedly, and after several months of defending his reputation, the *Dallas Morning News* reported in June 1955 that Lanier had resigned from the university, but Lanier claimed he was fired. Facing speculation, the Board released a statement of their version of events.

After convening in Executive Session at the request of the President, and with all persons excluded except the President and the Board members. Dr. Lanier discussed various problems of the University with the Board. Dr. Lanier tendered his resignation as President of the University. On motion properly made and seconded, the resignation was unanimously accepted and made effective as of midnight, June 8, 1955.

The unexpected turn left many to question whether the Board's statements were entirely accurate. The Board met on June 8, 1955, approved Lanier's travelling plans to recruit new professors from seven cities with an estimated cost of \$500, and then adjourned the meeting at 2:45 PM. That same day, Lanier tendered his resignation, but the Board remained tight-lipped and never discussed what led to the dismissal of Lanier, and this caused many African Americans to demand an explanation. A Houston businessman came forward and charged that Governor Allan Shivers ordered the Board of Directors to fire Lanier because he supported integration. Informed sources claimed that Lanier had been "falsely accused of political aspirations, communist associations and of general un-American attitudes."¹⁷ The *Citizen's Report* cleared the university from all the accusations that Lanier faced, and the fact that the university continued to grow and educate black Texans suggested that Lanier's dismissal had nothing to do with his performance as the president of the university, but rather his political beliefs and continually angering members of the Board.

One month after Lanier's firing, the Board of Directors selected Dr. Samuel M. Nabrit, a Georgia-born biologist who gave up a life tenure position at Atlanta University, as Lanier's

¹⁷ "Houston Business, Political Leader Says Lanier Was Fired," *The Dallas Star Post*, August 13, 1955, R. O'Hara Lanier Papers, Texas Southern University Archives, Scrapbook Box 1; Bryant, *Texas Southern University*, 89; Minutes of Regular Meeting of Board of Directors, Texas Southern University, June 8, 1955, 6, 17, Texas Southern University Archives.

replacement set to take office at the beginning of September. In March 1956, the Houston branch of the NAACP organized a protest of 200 members at Nabrit's inaugural celebration against Shivers, the guest speaker. Shivers, a staunch segregationist who disregarded the ruling of *Brown v. Board*, butted heads frequently with the NAACP over his resistance to enforce desegregation orders. The membership in Houston approved a resolution voicing the right to refrain from listening "to a man who has publicly declared he will do everything in his power to abridge the rights of Negro citizens and their children in this state."¹⁸

Given the success of the NAACP in Texas with *Sweatt v. Painter*, and the organization's continual campaigns to desegregate public school education during the 1950s, white Texans sought to obstruct and impede the desegregation campaigns. Several other states in the South waged battles against the NAACP, charging the group used communist propaganda and engaged in various "un-American" activities. In September Representative Joe Poole from Dallas urged Shivers to call a special session of the legislature to consider laws to dismantle the NAACP in Texas. Later that month, Attorney General John Ben Sheppard launched an official investigation into the regional offices of U. Simpson Tate in Dallas and the local chapter in Houston. Sheppard cited a list of reasons to NAACP officials regarding the investigation, which claimed the NAACP had illegally made political contributions and actively engaged in politics. A top regional officer thoroughly examined the law books, and proclaimed the "organization to be perfectly legal."¹⁹

¹⁸ Minutes of Special Meeting of Board of Directors, Texas Southern University, July 13, 1955, 2, Texas Southern University Archives; "Board Elects Georgia Man To Head TSU," *Dallas Morning News*, July 14, 1955, 8; Houston, 522; Campbell, 425; "NAACP Preparing to Picket Shivers," *Dallas Morning News*, March 18, 1956, 9.

¹⁹ Tate had recently been involved in the crisis at Mansfield High, wherein the Federal District Court ordered the integration of the Mansfield Independent School District in August 1956. After much unrest at the school, Shivers ordered the Texas Rangers to cooperate with local authorities to restore peace and instructed his men to "arrest anyone, white or colored, whose actions are such as to represent a threat to the peace at Mansfield." Robyn Duff Ladino, *Desegregating Texas Schools: Eisenhower, Shivers, and the Crisis at Mansfield High*. (Austin: University of Texas Press, 1996), 102, 132-3. Houston, 523; "State Check Of NAACP Data Opens," *Dallas*

Later that month, District Judge Otis T. Dunagan of Tyler ordered the NAACP to stop operating in Texas through a temporary restraining order. The order restrained the organization from

further conducting their business within the State of Texas, from organizing other chapters or organization of any kind in connection with their operations in Texas; from soliciting money for purpose of instigating lawsuits and hiring lawyers therefore, and from soliciting and requesting individuals to file lawsuits; and from soliciting and collecting fees of any kind.

Sheppard charged that the organization earned a \$100,000 profit in 1955 and owed franchise taxes. “The suit against the NAACP is no different from any other suit brought by the Attorney General to determine if a Texas organization is complying with the laws of Texas,” Sheppard stated. In his decision on the case of *State of Texas v. The National Association for the Advancement of Colored People et al.*, Dunagan placed the organization on a permanent injunction, which barred the NAACP from operating in the state of Texas. The injunction allowed the organization to participate in “educational and charitable” activities, but the temporary restraining order was upheld.²⁰

The permanent injunction placed on the NAACP stalled desegregation efforts in the state for many years. The organization lost many members in the local branches throughout Texas as whites and blacks began to question the organization’s legitimacy. White segregationists used the communist label to discredit the organization’s desegregation efforts, and in turn held onto the Jim Crow segregation laws established at the turn of the century. The NAACP ardently opposed the creation of Texas Southern University and continually fought for African Americans

Morning News, September 14, 1956, 1; “Reasons Cited For Probe of NAACP Files,” *Dallas Morning News*, September 15, 1956, 1.

²⁰ *The State of Texas v. The National Association for the Advancement of Colored People, A Corporation, et. al*, Plaintiff’s Original Petition, 4, Box 86-107/1, Allan Shivers Papers, Dolph Briscoe Center for American History, University of Texas at Austin; “NAACP’s Activity In Texas Blocked By Judge’s Order,” *Dallas Morning News*, September 22, 1956, 1; Houston, 523; “Order Restricts NAACP Activities,” *Dallas Morning News*, May 9, 1957, 1.

to attend white colleges and universities around the state after the *Sweatt* ruling in 1950. While some colleges and school districts agreed to follow the *Brown v. Board* decision in 1954, the NAACP still saw the separate facilities in undergraduate programs across the state as detrimental to the advancement of African Americans in the quest for equality.

Although the permanent injunction placed on the NAACP gave conservatives a chance to maintain the segregationist philosophy, they still felt the need to continually reproach academic liberals from espousing integrationist philosophy that could potentially influence young students. Two professors at the Texas Technological College lost their faculty positions because of their political activities. The two professors, both known for their liberal associations with the Democratic Party and pro-integration stance, influenced many of the Board of Regents to attack academic freedom and damage the university's reputation in order to protect the segregationist philosophy in Texas that had been threatened in higher education within the last ten years. J. Evetts Haley, the conservative who infamously fought for the traditional conservative values in 1936 against New Deal Democrats, led the charges against the liberal professors. Haley had been appointed to the Board of Regents by Governor Allan Shivers in 1955 after the recommendation of Clifford Jones, president of Texas Tech. Ever since his resignation from the University of Texas in 1936, Haley kept his presence in politics to a bare minimum until he ran as a Republican for Senator in 1948, but then ran as a Democrat in a bid to return the party to its original conservative platform for the gubernatorial election in 1956. In his platform, he called himself a strict constructionist of the Constitution and a Christian, and vowed to find communist teachers in the state and fire them. His personal beliefs directly influenced the other members of the Board of Regents, particularly regarding integration in higher education. Haley advocated the doctrine of interposition, an official action on part of the state government to question the

Constitutionality of a policy approved by the federal government. Many white southerners advocated this principle as a way to defer the integration process of the school systems after the *Brown v. Board* decision in 1954. Haley believed racial integration would lead to a “biological decline” and a “spiritual degradation,” and often associated the NAACP with the Communist Party. He also charged that the Supreme Court had communist influences and sought to agitate the races by integrating after the *Brown v. Board* decision in 1954.²¹

The controversy involved two professors of the Texas Technological College (now known as Texas Tech University) faculty whose political leanings contradicted Haley’s and other conservative members of the board. Dr. Herbert Greenberg, an assistant professor in the psychology department, joined the faculty at Texas Technological College in 1955. Much of Greenberg’s work involved the effects of racial segregation. By 1957 he had published six articles in scholarly journals, including one article published in the *Journal of Applied Psychology* called “Attitude of White and Negro High School Students in a West Texas Town Toward School Integration.” Greenberg used questionnaires to determine how white and black students at two high schools in a West Texas town of 25,000 felt about possible integration of the schools after the *Brown v. Board* ruling. In his article, Greenberg acknowledged that while most parents often felt conflicted about racial integration, students at both the black and white schools felt less inclined toward racial agitation in a prospective integration process. “White students showed a number of positive attitude responses toward many aspects of school integration,” Greenberg wrote, “thus easing the expressed fear of widespread interracial conflicts in integrated schools in this area.” In addition to his 1957 publication, Greenberg also polled

²¹ Green, *The Establishment in Texas Politics*, 185; Stacy Sprague, “James Evetts Haley and the New Deal: Laying the Foundations for the Modern Republican Party in Texas.” (M.A. thesis, University of North Texas, 2004), 82, 83; Felix Morley, “Interposition: Its History is a Study in American Political Philosophy,” Essay, Box 86-107/3, Allan Shivers Papers; “Ex-Professor of U of T Enters Governor’s Race,” *Dallas Morning News*, March 1, 1956, 11.

college students on the campus, which determined that nearly 80 percent favored integration at the university.²²

Alongside Greenberg, tenured professor Byron Abernethy of the government department also became a target. Abernethy came to the college in 1941 as an instructor and then earned a full time position in 1947. In 1951, he was granted a leave of absence until 1953 to fill the position of Regional Director and Chairman of the Regional Wage Stabilization Board in Dallas. Abernethy had been a longtime member of the Democratic Party, and his affiliations left him susceptible to his firing in 1957. In the gubernatorial election in 1956, the election in which Haley had run for governor, Abernethy called for the liberal-laborites who organized the Democrats of Texas to wage war on the conservative control of the party machinery, which primarily targeted then-Governor Allan Shivers and current Governor Price Daniel. Abernethy's participation with the liberal faction of the Democratic Party drew him many enemies from around the state.²³

Abernethy's political affiliations and Greenberg's research caused a significant amount of dissatisfaction among a few members of the Board of Regents, particularly Haley. When Greenberg's student poll became public, Haley convinced the other regents to investigate the professors. That summer, the regents conducted an investigation and decided to fire the two in their summer board meeting. The Board's minutes only stated that the "The Board declines to

²² AAUP Report on Texas Tech, 1958, 3. Box 1, Folder 1, Censure Records, 1957-1999, Southwest Collection/Special Collections Library, Texas Tech University, Lubbock, Texas (herein after cited Censure Records); Herbert Greenberg, Arthur L. Chase, and Thomas M. Cannon, Jr., "Attitude of White and Negro High School Students in a West Texas Town Toward School Integration," *Journal of Applied Psychology* 41:1 (1957) 1, 5; "Board Chief At Tech Gets Firing Data," *The Dallas Morning News*, July 26, 1957, 5.

²³ AAUP Report on Texas Tech, Censure Records, 2; "Party Fight May Result From Firing," *Dallas Morning News*, July 16, 1957, 1, 3; Byron Abernethy, interviewed by Floyd Jenkins and Sam Barton January, 6, 1981, UNT Rare Books and Archives, 15 (herein after cited Abernethy oral history).

renew the contracts of Dr. Herbert M. Greenberg and Dr. Byron R. Abernethy.” Neither of the professors were given prior notification or given a hearing regarding the Board’s actions.²⁴

After the dismissal, rumors spread about what led to the firings. Some charged that Abernethy neglected his duties as professor, while one report claimed that both he and Greenberg were communists and homosexuals. Haley told the *Dallas Morning News* that President Jones had routinely ignored complaints “from the board and from others” about the relieved professors, and that despite these complaints, “Dr. Jones recommended to the board that [Abernethy and Greenberg] be given substantial raises in salary.” Haley opposed this measure, and stated, “As both a former college faculty member and as a broken down cowhand I’m for academic freedom. I’m also for the academic freedom of the board of regents to hire and fire. The right to fire is just as fundamental a freedom as to hire. If the board is denied the right to fire, who is going to run the school? As far as I’m concerned, those three men are fired—and that’s that.” Haley still charged that the University of Texas had fired him in 1936 because of his affiliations with the Jeffersonian Democrats. Even though Haley exaggerated the story, he defended his dismissal from UT in order to legitimize the firings at Tech. “I’m not saying I didn’t deserve to be fired. I didn’t think it was up to me to question the authority of the board of regents and I still don’t.”²⁵

Haley’s statement and influence over the Board brought significant outrage to many in the state. Tech students wrote to Haley, accused him of the rising “thought control” amongst students and faculty on campus, and urged the Board of Regents to look into the matter to protect Texas Tech from ruin. “This seemingly punishment for non-academic reasons or any other

²⁴ Abernethy oral history, 12; “Texas Tech Board Drops 2 Teachers, Cuts Adult Program,” *Dallas Morning News*, July 15, 1957, 1; Minutes of the Board of Directors Meeting, July 13, 1957, 7.

²⁵ Abernethy oral history, 18; “Association of Professors Probing Texas Tech Firings,” *Dallas Morning News*, July 20, 1957, 7; “Haley States Readiness to Back Firings,” *Dallas Morning News*, July 24, 1957, 1.

justified reason appears to be un-American, un-democratic, and un-Christian,” one student wrote. Governor Daniel refused to intervene in the situation, but believed the Board should have conducted an open discussion so that “both sides could be heard.” The Lubbock *Avalanche-Journal* reported that the two were removed from the faculty for espousing political views. Other newspapers around the state agreed with that assessment. Archer Fullingim of the *Kountze News* wrote, “[Haley] ran for governor on a crackpot platform in 1956...Being the type of radical conservative that he is, Haley is the kind who wants to purge people who do not agree with him.”²⁶

The tight-lipped nature of the Board’s decision left many to continually speculate why the professors had been fired. Chairman of the Board, W. D. Watkins, who was not present at the time of the firing, issued a statement to the *Texas Observer*. “After careful study and due deliberation and with the approval of the board I wish to make the following statement, as promised:”

The board’s unanimous and carefully deliberative action in refusing to renew the contracts of the professors in question was carried out in compliance with its legal obligation to the citizens of Texas, assumed under the oath of office, with the firm conviction that it was for the best interests of Texas Technological College.

Watkins’ statement did little to stop the speculation of the firings. Both Greenberg and Abernethy wrote the Chairman and asked him to give a reason to explain their dismissal. Greenberg had been under the impression that his superiors praised his performance as a professor and researcher at the college and had recommended a raise in his salary to express that satisfaction. Abernethy found difficulties in finding work because of the refusal of the Board to make a public statement citing the reason, and that the accusations brought on “suspicion of the

²⁶ Kim Milling to J. Evetts Haley, July 22, 1957, Letter, Box 1, Folder 3, Censure Records; An Open Letter from the Faculty to the Board of Regents, Undated, Box 1, Folder 3, Censure Records; “Daniel Feels Colleges Erred,” *Dallas Morning News*, July 17, 1957, 1; “AAUP Studies Tech,” *Texas Observer*, August 9, 1957, Scrapbook, Censure Records.

most sinister causes.” “Such a situation makes it impossible for me to request professional employment elsewhere, and seems calculated not only to remove me from employment at Texas Technological College, but to destroy my professional career,” Abernethy wrote.²⁷

In early August, the University of Texas chapter of the AAUP voted unanimously to investigate what led the Board to fire Greenberg and Abernethy and to determine whether the firings threatened the concept of academic freedom and tenure. In view of the public scrutiny, the board members met to discuss the issue in their regular August session. Chairman Watkins offered a motion that would authorize him to appoint a special committee to prepare a statement of policy relating to tenure. Haley instead offered to invite the Texas legislature to determine whether professors could legally hide under “the unctuous and dishonest cloak of ‘academic freedom’” for job security. Haley believed that because of the prolonged backlash of the board’s decision, the only way to clear up any misgivings would be to allow the Representatives of Texas to clarify the legality of academic freedom and tenure. “We pledge the tax-paying parents of Texas,” Haley continued, “that this Board of Directors...will continue to run this school in keeping with the clear mandate of the law and our oaths thereunder...for the true moral and educational benefit of the young men and women of this sovereign State, irrespective of the left-wing clamor, innuendo and agitation.”²⁸

In asking for the legislature to investigate, Haley knew that certain conservatives in the state also felt that academic freedom and tenure protected liberal rather than “irresponsible” and “inefficient” professors. The evidence from the professors’ departments contradicted the supposed evidence Haley possessed about the two, and in reality showed how Haley felt about

²⁷ Texas Bolts the Door Against Prof Rehearing,” *Texas Observer*, August 2, 1957, Scrapbook Collection in Censure Records, Box 1, Folder 1; Herbert Greenberg to Chairman W. D. Watkins, August 12, 1957, Letter, Censure Records; Byron R. Abernethy to Chairman W. D. Watkins, August 6, 1957, Letter, Censure Records.

²⁸ Excerpt from the Board Minutes of August 17, 1957, Box 1, Folder 2, Censure Records.

the two professors as far as their personal and political leanings. For the Board of Regents, threatening academic freedom and tenure meant protecting the segregationist tradition at the university. At the August board meeting, Chairman Watkins read the letters of Abernethy and Greenberg wherein both had requested to be given a hearing regarding their dismissal. Board member Lindsey stated, “In the Board meeting of July 13, 1957, at which I presided in the absence of Mr. Watkins, we had specific information about Dr. Greenberg. The board deemed it imperative that, in the best interest of Texas Tech, we do not renew his teaching contract.” He then made a motion that the Board decline the request of a hearing for the dismissed professors. Haley felt it was not in the best interest of Texas Tech to deny the requests for a hearing.²⁹

In November 1957, the administration and faculty reviewed the university’s tenure policy, outside employment, and professors’ political activity, specifically to address the scrutiny the Board faced when Greenberg and Abernethy were fired. In the tenure policy, the Board agreed that written charges and a hearing before a five-man faculty committee would be given to any faculty member whose tenure was disputed, and then that committee would report its findings to the Board of Directors. Under this plan, the report stated, the burden of proof would be with the institutional executive or board that wishes to dismiss the teacher and that the right to continuing appointment would not protect any person from “loss of position due to incompetence, moral turpitude, insubordination, failure to abide by College regulations, or actions which are not to the best interests of the College.” Additionally, the Board wanted to address outside employment. Abernethy had been told his firing resulted from neglecting his professorial duties while on leave from 1951 to 1953—an accusation that Abernethy denied. The Outside Employment policy stated that it was “desirable” that the faculty of the college seek

²⁹ Minutes of the Board of Directors Meeting, August 13, 1957, 5, Texas Tech University, Southwest Collections/Special Collections Library, <http://collections.swco.ttu.edu/handle/10605/1422/browse> (Accessed March 24, 2014).

outside work, but that the work not interfere with normal College duties, including “those extra responsibilities expected of all faculty members.” In regards to political affiliations, the Board encouraged “freedom of speech, thought and action as any other American citizen,” but as an employee of the State of Texas, the employee should “show respect for the opinions of others, should emphasize that he is not a College spokesman, and should be mindful of the best interests of the College.”³⁰

The AAUP ended its investigation and censured the university administration for its handling of the controversy. On April 25, 1958, the organization released a written statement that concluded that the Board of Regents violated accepted principles of academic freedom and tenure, and that the Board failed to accord Abernethy and Greenberg with any measure of academic due process. “No effort was made by the Board to allay faculty and public apprehension that the dismissals resulted from the social, political, or economic views of the dismissed teachers,” the decision read. After the AAUP decision, the organization sent newsletters to the university faculty outlining their conclusions of the investigative committee; that the firing of Abernethy and Greenberg amounted to “arbitrary action and a flagrant denial of the principles of due process as set forth in the 1940 Statement of Principles on Academic Freedom and Tenure.” Additionally, the revised tenure policy called for the filing of charges, open hearings, and decisions based on full consideration of evidence before an appointment may be terminated. “Recognition of these fundamental requirements of due process by the Board would seem to the committee to call for an immediate offer by the Board to reinstate [Professors Abernethy and Greenberg], and to make arrangements for the conducting of full and adequate

³⁰ Board Adopts Policy on Tenure and Rights,” *The Toreador*, November 12, 1957, 1; A Tenure Policy for Texas Technological College, Board Minutes November 8, 1957, Attachment No. 7, Item No. 54, 1-7, Texas Technological College. Lubbock, Texas. Index of Minutes of Board of Directors Meetings, 1957-1958. <http://collections.swco.ttu.edu/handle/10605/1422/browse> (Accessed March 24, 2014).

hearings for them.” Since the Board failed to live up to its own policies, the AAUP censured the university for ten years.³¹

Haley’s tenure with the Board of Directors expired in 1958, and Governor Price Daniel refused to reappoint him for another term. His brief time as a member of the Board caused the university tremendous damage to the school’s reputation and accreditation. Even though he repeatedly criticized Abernethy and Greenberg’s political affiliations, Haley himself participated in politics while a member of the Board of Directors. He never resigned as a member of the Board when he ran for governor in 1956, and in 1957 he started a campaign called Texans for America, an organization Haley described as a political action committee “devoted to the preservation of the Constitution, which is being threatened by the inroads of communism.”³² Haley’s accusations against Abernethy and Greenberg that their performances had regressed were untrue. He and other members of the Board decided to fire the professors because the two played politics, and not by Haley’s rules. Haley’s anti-communist agenda and his support for the doctrine of interposition influenced his decision in convincing the other Board members to fire liberal professors that threatened conservative values in the state. By protecting segregation and the conservative Democratic Party in Texas, Haley threatened academic freedom and tenure and damaged the college’s reputation for ten years.

The increase of the NAACP membership significantly altered the way conservatives viewed the organization. With the success of *Smith v. Allwright* in 1944 and *Sweatt v. Painter* in 1950, conservatives in the state tried any alternative to appease the black community in the state. The creation of Texas Southern University appeased a few, but the NAACP continued to challenge segregated higher education systems around the state, which eventually led to the

³¹ AAUP Report on Texas Tech, Censure Records, 1.

³² Sprague, 86.

organization's permanent injunction in 1957. While conservatives celebrated that win, they still vied to silence the liberals in the university systems, and the anti-communist crusades inspired the board of Texas Tech to investigate and purge liberal professors who either challenged conservative politicians or the segregationist tradition in public secondary education.

CHAPTER 6

CONCLUSION

The controversy at Texas Technological College marked a decline on the attacks against higher education in the state. Southern politics focused less on McCarthy-style tactics to prevent supposed communist indoctrination, and instead felt threatened by the desegregation of public secondary schools throughout the state. By 1958 the majority of Texas colleges and universities had integrated, and only a few maintained the segregationist philosophy into the early 1960s. The birth of the Southern Manifesto in response to the *Brown v. Board* ruling followed by the crisis at Mansfield High School in August fueled the battle in which conservatives felt the state's white children faced dangers in the desegregation campaigns.¹ Though they often labeled integration as communist influenced, the redbaiting antics of the 1930s, 1940s, and early 1950s focused more on the active government encroachment while the civil rights movement percolated.

In order to reverse the New Deal, conservatives in the state used the fears of Soviet espionage or communist affiliation to stifle regulatory policies intended to prevent the free-market capitalist system from collapsing. Though the majority of Texans supported the New Deal and welcomed the growing stability in the state, the traditionalists countenanced an anti-government involvement and soon equated the federal government's involvement in the economy as being communist in nature. Alarmed by the growing support of FERA and the NYA among college students, adversaries of the New Deal found it necessary to censor left-leaning students and remove leftist professors like Robert Montgomery and Clarence Ayres, who ardently supported many of Roosevelt's programs and advocated those programs to students.

¹ Amilcar Shabazz, *Advancing Democracy: African Americans and the Struggle for Access and Equity in Higher Education in Texas*. (Chapel Hill: University of North Carolina Press, 2011), 197; Robyn Duff Ladino, *Desegregating Texas Schools: Eisenhower, Shivers, and the Crisis at Mansfield High*. (Austin: University of Texas Press, 1996), 33.

When those efforts failed, Governor O'Daniel filled members of the Board of Regents with his supporters to accomplish that goal.

When the nation feared the spread of fascism and socialism in the Second World War, Congressman Martin Dies charged that a fifth-column existed in the state university, but his allegations proved baseless when no substantial evidence came forward to support his claims. Inspired by Dies' sensationalism, the Texas legislature passed a law prohibiting the instruction of "unscrupulous" or "unwise" un-American doctrine to protect the state's youth. Once O'Daniel filled the Board with his supporters, the Regents at the University of Texas targeted New Deal-supporting professors and fired them in the name of protecting the students from the inimical teachings. Since the four professors at the "We Want Action" rally supported the Fair Labor Standards Act, the board members used the supposed pro-American and anti-labor rally as collateral evidence in the dismissals. When Homer Rainey defended the professors, the conservative board members targeted their frustrations toward Rainey, and tried any reason to remove him from his position, including that Rainey supported professors who advocated communism and fascism. The two-year vendetta against the president ended in favor of the conservative board, but the AAUP blacklisting as a result damaged the university's reputation more so than the Board of Regents' claim in trying to protect the institution from subversive or communist doctrines.

The beginning of the Cold War dramatically shifted the political climate in the state. The fear and the potential spread of communism posed a greater threat to the United States than ever before. When Wendell Addington advocated his Communist Party affiliations, members of the legislature tried to silence the defiant student by passing required student loyalty oaths at public universities in the state. The issue came to a head when Clarence Ayres was again targeted as a

communist when he publicly advocated the continuation of government regulation in business. Conservative members of the legislature called for the dismissal of Ayres, but the Board of Regents defended the professor and academic freedom. Texans joined politicians in the state in rooting out communism wherever it may exist. When Southern Methodist University English professor John Beaty wrote *The Iron Curtain Over America*, many in the university called his work anti-Semitic propaganda. In a bid to defend his reputation and his book, Beaty charged SMU with harboring communists in order to discredit his adversaries' anti-Semitic charges. Beaty's behavior encapsulated the essence of Red Scare culture and tactics during the heyday of McCarthyism. By labeling his opponents as communists, Beaty understood that the accusation would uphold his reputation and destroy theirs.

Throughout the backlash against the New Deal, the Second World War, and the Cold War, conservatives tried to stifle a percolating civil rights movement in the state. Southerners before the New Deal hardly worried about a civil rights movement; the establishment of the Jim Crow system at the turn of the twentieth century positioned African Americans in an inferior and humiliating status in society. Aid dispersion to African Americans under the New Deal threatened the discrimination practices in the South, and in turn many conservatives turned against Roosevelt and his administration. The extension of aid to black Texans, conservative politicians believed, resembled communist Russia, and thus they often prevented African Americans from receiving aid from New Deal programs. The establishment of the State Conference of Branches of the NAACP in 1937 allowed George L. Allen to challenge the "separate but equal" school facilities in post-graduate studies. Though Allen and the NAACP intended to fight for scholarship programs to send African Americans to out-of-state universities, the legislature realized how unequal the separate facilities were in Texas. In order to buy time,

save money, and prevent desegregation movements, they passed the scholarship funds for qualifying black students.

While Rainey faced allegations of being a communist, he also faced scrutiny for supposedly advocating black entry into the University of Texas. The regents gathered evidence including Rainey's alleged involvement in a civil rights organization led by Carter Wesley and his speeches wherein he promoted better and more equal facilities of higher education for black Texans. During the investigative committee hearing after Rainey's firing, the Board of Regents continually argued that Rainey supported equal rights for African Americans, and used that idea to justify Rainey's dismissal. Rainey faced the same accusations when he ran for governor in 1946. His opponent's mudslinging tactics compromised his campaign and he lost the election. Similarly, when Communist Wendell Addington threw his support behind the anti-lynching bill sponsored by Representative S. J. Isaacks from El Paso in 1949, Isaacks sent the bill to a subcommittee for further consideration. The card-carrying red alienated progressive Democrats from passing meaningful legislation in order to prevent being associated with a communist.

The NAACP made monumental advancements in membership size during the Second World War and the success of *Smith v. Allwright* in 1944 led Heman Sweatt to challenge the University of Texas in 1946. Even though the organization had once fought for out-of-state scholarship funds, they realized that many black Texans never returned once they received their degree. After Sweatt tried to gain entry, the panicked legislature created Texas State University for Negroes (later called Texas Southern University) in order to alter the *Sweatt v. Painter* ruling. Members of the NAACP hated the creation of a university to prevent the desegregation movement, and a few in the black community believed that a separate and equal university provided the best opportunity for educational advancement. Amidst the growing unrest at TSU,

C. W. Rice feared that the picketing on campus would be associated with communist behavior, and he blamed the University President R. O'Hara Lanier for inciting the hostile atmosphere at the university. He wanted Lanier fired, so he charged time and time again that Lanier affiliated with communists in order to protect the university from disintegrating.

After the NAACP decided to protest Allan Shivers at the inauguration of TSU's new president, white conservatives in the state felt threatened by the organization's success in Texas within the last ten years. Texas conservatives joined other southern states in rooting out the NAACP for being "subversive," and placed the organization on a permanent injunction and barred them from operating in the state. The desegregation movement had escalated throughout the 1950s, first with the ruling in *Sweatt v. Painter* in 1950 and then with *Brown v. Board* in 1954. In order to prevent the desegregation movement from spreading throughout the rest of the school systems, white conservatives used the communist label to discredit the organization's tactics.

The removal of the NAACP temporarily mitigated conservatives' fears of integration. When Herbert Greenberg published controversial research about the effects of desegregation, the leading conservative adversary of the New Deal and Texas Tech board member, J. Evetts Haley convinced other members of the board to fire Greenberg and another tenured professor for their political leanings. Haley had run for governor in the 1956 election, and vowed to fire every communist teacher in the state if elected. His support of the interposition against the Supreme Court in the *Brown v. Board* ruling inspired his decision to fire the professors in order to protect the institution from integration. Haley knew the AAUP blacklisting would damage the reputation of the university, but he attacked academic freedom and the Tech faculty in order to protect the segregationist philosophy that had been deteriorating in higher education within the last decade.

Texas higher education faced erroneous allegations of communist subversion in reaction to the New Deal, which continued when international crises of the Second World War and the Cold War escalated fears of spreading fascism or communism, and culminated when segregation slowly eroded in the state. Conservatives embraced the traditional values of the Democratic Party and targeted universities and colleges in order to maintain that control. Conservatives in the party broke away and formed smaller factions inside the Democratic Party that better suited their political beliefs. The Jeffersonian Democrats, the Texas Regulars, the Dixiecrats, and the signers of the Southern Manifesto resisted the increased government oversight of business and state affairs. They feared an educated electorate, and resorted to wedge-issue redbaiting to thwart the progressivism of liberal Democrats and civil rights activists who could influence students in higher education. While the national Democrats began to turn away and aligned themselves with more progressive politics, conservatives sought to maintain the traditional, pro-business, and segregationist philosophy that had been established at the turn of the twentieth century.

BIBLIOGRAPHY

Primary Sources

Manuscript Collections

Allan Shivers Papers, 1949-1984, Dolph Briscoe Center for American History, The University of Texas at Austin.

Clarence Edwin Ayres Papers, 1919-1972, Dolph Briscoe Center for American History, The University of Texas at Austin.

Censure Records, 1957-1999, Southwest Collection/Special Collections Library, Texas Tech University, Lubbock, Texas.

John O. Beaty Controversy Papers, Southern Methodist University Archives, DeGolyer Library, Southern Methodist University.

J. R. Parten Papers, 1890-1899, 1913-1992, 2009, Dolph Briscoe Center for American History, The University of Texas at Austin.

R. O'Hara Lanier Papers, 1948-1955, Special Collections Library, Texas Southern University Archives, Houston, Texas.

Texas Southern University Archives, Special Collections Library, Houston, Texas.

Newspapers

Dallas Morning News, 1930, 1932, 1938, 1940, 1941, 1942, 1943, 1948, 1949, 1952, 1954, 1956, 1957

The Bartlett Tribune and News, 1936

The Borger Daily Herald, 1941

The Breckenridge American, 1936, 1949

The Campus Chat, 1934

The Canadian Record, 1936

The Cass County Sun, 1930

The Daily Texan, 1934, 1936, 1940, 1941, 1944, 1951

The Denison Press, 1941

The Mexia Weekly, 1940, 1944

The Negro Labor News, 1951, 1953, 1954, 1955

The Orange Leader, 1949

The Rice Thresher, 1934, 1939

The Sweetwater Reporter, 1940

The Toreador, 1957

Magazines

Time, 1949, 1954

Texas Observer, September 1936, August 1957

Oral Histories

Cochran, Kendall & Foster, J. Fagg. *Oral History Interview with J. Fagg Foster, August 28, 1967*. Denton, Texas. UNT Digital Library. <http://digital.library.unt.edu/ark:/67531/metaph223563/>. Accessed July 30, 2013.

Cochran, Kendall & Peach, William Nelson. *Oral History Interview with W. N. Peach, June 24, 1966*. Denton, Texas. UNT Digital Library <http://digital.library.unt.edu/ark:/67531/metaph223556/>. Accessed July 30, 2013.

Cochran, Kendall & Rainey, Homer P. *Oral History Interview with Homer P. Rainey, August 1967*. Denton, Texas. UNT Digital Library. <http://digital.library.unt.edu/ark:/67531/metaph223559/>. Accessed July 30, 2013.

Odom, E. Dale and J. R. Parten, *Oral History Interview with J. R. Parten, October 17, 1967*, Denton, Texas. UNT Rare Books and Archives.

Stephens, A. Ray & Dies, Martin. *Oral History Interview with Martin Dies, April 23, 1966*. Denton, Texas. UNT Digital Library. <http://digital.library.unt.edu/ark:/67531/metaph223553/>. Accessed July 30, 2013.

Legislative Documents

General and Special Laws of The State of Texas Passed By The Regular Session of the Forty-Seventh Legislature, Legislative Document, 1941.

House of Representatives. Investigation Committee.. *Proceedings of Investigation Committee, House of Representatives Thirty-Fifth Legislature: Charges Against Governor James E. Ferguson Together with Findings of Committee and Action of House with Prefatory Statement and Index to Proceedings*, Book, March 1917.

Journal of the House of Representatives of the Third Session of the Forty-Fourth Legislature of the State of Texas, 1936.

Journal of the House of Representatives of the Regular Session of the Forty-Seventh Legislature of the State of Texas, Volume 1, 1941.

Journal of the House of Representatives of the Regular Session of the Forty-Ninth Legislature of the State of Texas, 1945.

Journal of the House of Representatives of the Regular Session of the Fifty-First Legislature of the State of Texas, Volume 1, 1949.

Journal of the House of Representatives of the Regular Session of the Fifty-Second Legislature of the State of Texas, Volume 1, 1951.

Journal of the Senate of Texas being the First Called Session of the Forty-Fourth Legislature, 1935.

Journal of the Senate of the State of Texas, Regular Session of the Forty-Sixth Legislature, 1939.

Journal of the Senate of the State of Texas, Regular Session of the Fifty-Second Legislature, 1951.

Secondary Sources

Books and Monographs

Barr, Alwyn and Robert A. Calvert. *Black Leaders: Texans for Their Times*. Austin: Texas State Historical Association, 1981.

Barret, Edward L. *The Tenney Committee Legislative Investigation of Subversive Activities in California*. Ithaca: Cornell University Press, 1951.

Beaty, John O. *The Image of Life*. New York: T. Nelson and Sons, 1940.

--*The Iron Curtain Over America*. Wilkinson Publishing Co., 1951.

Behnken, Brian D. *Fighting Their Own Battles: Mexican Americans, African Americans and the Struggle for Civil Rights in Texas*. Chapel Hill: University of North Carolina Press, 2011.

Biles, Roger. *The South and the New Deal*. Lexington: University of Kentucky Press, 2004.

- Boller, Paul F. *Memoirs of an Obscure Professor*. Fort Worth: Texas Christian University Press, 1992.
- Bryant, Ira B. *Texas Southern University: Its Antecedents, Political Origins, and Future*. Houston: Armstrong, 1978.
- Campbell, Randolph B. *Gone to Texas: A History of the Lone Star State*. New York: Oxford University Press, 2003.
- Carleton, Don E. *A Breed So Rare: The Life of J. R. Parten, Liberal Texas Oil Man, 1896-1992*. Austin: Texas State Historical Association, 1998.
- *Red Scare: Right-Wing Hysteria, Fifties Fanaticism, and Their Legacy in Texas*. Austin: Texas Monthly Press, 1985.
- Caro, Robert A. *The Years of Lyndon Johnson: The Path to Power*. New York: Alfred A. Knopf, Inc., 1982.
- Connaughton, Richard. *MacArthur and the Defeat in the Philippines*. New York: The Overlook Press, 2001.
- Dobbs, Ricky F. *Yellow Dogs and Republicans: Allan Shivers and Texas Two-Party Politics*. College Station: Texas A&M University Press, 2005.
- Dugger, Ronnie. *Our Invaded Universities: Form, Reform and New Starts: A Nonfiction Play for Five States*. New York: W. W. Norton & Company, Inc., 1974.
- Frederickson, Kari. *The Dixiecrat Revolt and the End of the Solid South, 1932-1968*. Chapel Hill: University of North Carolina Press, 2001.
- Gellermann, William. *Martin Dies*. New York: The John Day Company, 1944.
- Green, George Norris. *The Establishment in Texas Politics: The Primitive Years, 1938-1957*. Norman: University of Oklahoma Press, 1978.
- Haley, J. Evetts. *A Texan Looks at Lyndon: A Study in Illegitimate Power*. Canyon, TX: Palo Duro Press, 1964.
- Ladino, Robyn Duff. *Desegregating Texas Schools: Eisenhower, Shivers, and the Crisis at Mansfield High*. Austin: University of Texas Press, 1996.
- McKay, Seth Shepard. *W. Lee O'Daniel and Texas Politics, 1938-1942*. Lubbock: Texas Tech Press, 1944.
- Nash, Henry Smith. *The Controversy at the University of Texas: A Documentary History, 1939-1946*. Austin: University of Texas Student Association, 1946.

- Patenaude, Lionel V. *Texans, Politics and the New Deal*. New York, NY: Garland, 1983.
- Schrecker, Ellen. *No Ivory Tower: McCarthyism and the Universities*. New York: Oxford University Press, 1986.
- Sitkoff, Harvard. *A New Deal for Blacks: The Emergence of Civil Rights as a National Issue: Volume I: The Depression Decade*. New York: Oxford University Press, 1978.
- Storrs, Landon R. Y. *The Second Red Scare and the Unmaking of the New Deal Left*. Princeton: Princeton University Press, 2013.
- Volanto, Keith J. *Texas, Cotton, and the New Deal*. College Station: Texas A&M University, 2004.
- Whisenhunt, Donald. *The Depression in Texas, The Hoover Years*. New York: Garland, 1983.

Articles

- Biles, Roger. "The New Deal in Dallas," *Southwestern Historical Quarterly* 95:1 (July 1991), pp. 1-19.
- Bourgeois, Christie Lynne. "Stepping over the Lines: Lyndon Johnson, Black Texans, and the National Youth Administration," *Southwestern Historical Quarterly* 91 (October 1987), pp. 149-172.
- Brown, Olive D., and Michael R. Heintze, "Mary Branch: Private College Educator," in *Black Leaders: Texans for Their Times*, Alwyn Barr and Robert A. Calvert (eds). Austin: Texas State Historical Association, 1981, pp. 113-128.
- Carleton, Don E. "McCarthyism was more than just McCarthy," *The Midwestern Archivist* XXI:1 (1987), pp. 13-19.
- Ewing, Cortez A. M. "The Impeachment of James E. Ferguson," *Political Science Quarterly* 48:2 (June 1933), pp. 184-210.
- Gillette, Michael L. "Black Challenges the White University," *The Southwestern Historical Quarterly* 86:2 (July 1982): 321-344.
- "The Rise of the NAACP in Texas," *The Southwestern Historical Quarterly* 81:4 (April 1978), pp. 393-416.
- Greenberg, Herbert, Arthur L. Chases, and Thomas M. Cannon, Jr., "Attitude of White and Negro High School Students in a West Texas Town Toward School Integration," *Journal of Applied Psychology* 41:1 (1957), pp. 1-5.

Greenleaf, Walter J. "Federal Aid to College Students," *The Journal of Higher Education*, 6:2 (February 1935), pp. 94-97.

Houston, Ramona. "The NAACP State Conference in Texas: Intermediary and Catalyst for Change, 1937- 1957," *The Journal of African American History* 94:4 (Fall 2009), pp. 509-528.

Lerner, Mitchell. "To Be Shot at by Whites and Dodged by the Negroes": Lyndon Johnson and the Texas NYA, *Presidential Studies Quarterly* 39:2 (June 2009), pp. 245-274.

Obadele-Starks, Ernest. "Black Labor, the Black Middle Class, and Organized Protest along the Upper Texas Gulf Coast, 1883-1945," Bruce A. Glasrud and James M. Smallwood (eds), *The African American Experience in Texas*. Lubbock: Texas Tech University Press, 2007, pp. 203-217.

Radl, Karl. "A Pleasant Surprise: John Beaty's 'The Iron Curtain Over America,'" *Semitic Controversies: A Daily Blog about Jews and Judaism* 4 May 2010, <http://semiticcontroversies.blogspot.com/2010/05/pleasant-surprise-john-beatys-iron.html> (Accessed February 24, 2014).

Theses and Dissertations

Cox, Alice Carol. "The Rainey Affair: A History of the Academic Freedom Controversy at the University of Texas, 1938-1946." (Ph.D., Dissertation, the University of Denver, 1971).

Sprague, Stacey. "James Evetts Haley and the New Deal: Laying the Foundations for the Modern Republican Party in Texas." (M.A. thesis, University of North Texas, 2004).

Websites

"Former Regents," *The University of Texas System* http://www.utsystem.edu/bor/former_regents/decade.htm (Accessed February 13, 2014).