



# The Battle for the Texas Mind: The Firing of Homer Price Rainey and the Fight for the Survival of Academic Freedom and New Deal Liberalism at the University of Texas, 1939-1945

By John Moretta

On November 1, 1944, Homer Price Rainey, one of the nation's most enlightened and progressive educators, was fired as president of the University of Texas. Rainey was the victim of a conservative, anti-New Deal backlash that had emerged in the Lone Star state. Beginning in 1937 and continuing through the war years, a powerful coalition of conservative oilmen, bankers, and businessmen unleashed upon Texas an aggressive and unscrupulous campaign to drive from positions of power those whom they believed threatened the status quo by publicly championing New Deal liberalism. They perceived Rainey to be potentially the most dangerous of all Texas liberals

because of his status as president of the state's most important public institution: the University of Texas. From the moment Rainey took office in 1939 until he was finally discharged in November of 1944, the conservatives did all they could to discredit Rainey and his vision for the University of Texas.

Rainey's firing represented a direct assault on both liberalism and academic freedom, which in the conservative mind were symbiotic and therefore had to be simultaneously suppressed. When the smoke cleared after months of vicious accusations, name-calling, student protests, and faculty dissension, all thoroughly covered by both state and national media, the

university's president was fired, "subversive" professors purged, and the school formally censured by the AAUP (the Association of American University Professors). The Southern Association of Colleges and Secondary Schools, the school's most significant accrediting agency, placed the university on probation.

The power of the UT Board of Regents in 1939 represented the culmination of a national process that began at the turn of the twentieth century. In the 1920s, historians Charles and Mary Beard observed that, "the roster of American trustees of higher learning reads like a corporation directory." By the late 1930s and early 1940s, 84 percent of the individuals sitting on the boards

HOME EDITION Price 5 Cents

## THE HOUSTON CHRONICLE

VOL. 44 NO. 20

HOUSTON, TEXAS, THURSDAY, NOVEMBER 2, 1944

THIRTY-EIGHT PAGES

**THE WEATHER**  
Houston: Cloudy with occasional light rains tonight and Friday; cooler Friday night or early Saturday.  
East Texas: Mostly cloudy tonight and Friday; not much temperature change.  
More data on Page 11.

# GVERNOR STUDIES RAINEY-REGENTS ROW

## Yanks Open New Push

### ATTACKS MADE IN FORESTS IN AACHEN AREA

Allies Advance Rapidly in Drive to Hurl Nazis From Aachen; Approaches to Belgian Port of Antwerp.

By Associated Press. — With American Infantry in Germany, Nov. 2.—American doughboys attacked through the dense forest of Hergen southeast of Aachen Thursday and advanced from one to more than two miles. The assaults were heavy and were shown in from the area about 12 miles southeast of Aachen. One, directed to the northeast, overran the village of Gerneter and reached the town of Hergen, seven miles southwest of Hergen, for a gain of a mile. The second and longer thrust was directed due west and overran the town of Vassancq.

### Antwerp Waterway Being Cleared



Arrows indicate Allied moves at the western end of the Netherlands front. British and Canadians, landed on the west shore of Walcheren Island, had almost captured Vlissingen (Flushing). A tiny German pocket, on the south shore of the Scheide River, was left out except for about 100 troops in Fort Knocke. On the Dutch mainland, Canadians pressed toward Steenberg north of Bergen op Zoom. Shaded lines indicate battlefront sectors.

### NAZI DEFENSES NEAR HUNGARY CAPITAL CUT

Resistance Before Budapest Weakening as Russians Advance Steadily on Rolling Plain.

By Associated Press. — London, Nov. 2.—The Red Army's lightning Hungarian offensive has eroded German defenses at Kunszentmiklos, 28 miles south of Budapest's outskirts, the German radio said Thursday. Col. Ernst von Hammer, Nazi commentator, described the Kunszentmiklos action as a "breach" in the German defenses.

The Germans asserted they had frustrated repeated attempts of several Soviet armies to break through their Narew River front between Warsaw and East Prussia in "hard defensive battles within the last few weeks."

### ROOSEVELT TO TOP CAMPAIGN TALKS TONIGHT

Many Speakers to Take to Air as Vote Drive Near End; Ten Broadcasts Are Slated.

By Associated Press. — Eyes a bit blurry and ears hard pounded by presidential campaign arguments, America's voters can choose between dozens of more speakers in the few days before they choose between President Roosevelt and Governor Dewey.

At least 10 network programs are on tonight's political broadcast schedule. The speakers include top-flight politicians, labor leaders and still more of the Hollywood movie actors who have been swarming to microphones in great numbers this campaign.

## Fired President Plans for Fight

### RESIGNATIONS FROM THREE ARE RECEIVED

### Explosive Climax Is Reached

### STEVENSON TO MEET "EXES" AND FACULTY

Dispute Began Shortly After Election of Dr. Rainey in 1938.

Issues Involve Academic Freedom and Cannot Be Compromised, Says Statement by President.

Students Return to Campus From March on Capitol After Promise to Aid in Settling Dispute.

In a fighting statement, Dr. Homer Price Rainey, discharged as president of the University of Texas Wednesday night by the board of regents after a hectic two-day secret meeting, declared Thursday that he could not compromise or sacrifice his stand before his presidential honeymoon came in the series of events that led ultimately to the board's failure to re-employ Dr. John W. Spies as dean of the medical branch at Galveston.

Three members of the board announced their resignations following adjournment of the session shortly before 10 p.m. Those other regents were reported to have resigned or to plan, on

Austin, Nov. 2.—Governor Coke R. Stevenson Thursday agreed to confer with ex-students and faculty representatives in an attempt to iron out the situation at the University of Texas caused by the discharge of President Homer P. Rainey. He deferred until after the conference an answer to a student plea that he resign, to meet three who had resigned, to meet here with the students Saturday morning, and explain why Doctor Rainey was discharged and elect a new president.



*Homer Price Rainey (1896-1985).*

Courtesy Prints and Photographs Collection, CN10158, Center for American History, The University of Texas at Austin

of trustees at the nation's top twenty public and private universities were a combination of businessmen, bankers, and lawyers.<sup>1</sup>

Without question, money was the most important factor contributing to the increased presence of businessmen on university governing boards. As universities expanded their curriculums and athletic programs, hired more faculty, staff, and administrators, placed greater emphasis on research, and built new buildings, they increasingly solicited funding from wealthy donors. Much to the initial delight of university officials, many corporate chieftains were willing to donate hundreds of thousands of dollars to local universities, especially if it meant a way for them to be appointed to the board of trustees.

As universities became more dependent on outside donations for growth, the size of gifts changed the relationship between donor and recipient. As one educator observed, "in the case of 90 percent of the money given to a large institution the initia-

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tive is taken by the donor, and not by the university concerned."<sup>2</sup> Increasingly, university presidents found it difficult to control the use of large bequests. This inevitably led to confrontations between donors and faculty and administrators over a variety of issues. None was more important than academic freedom, which the business elite at times believed threatened directly their personal and collective interests.

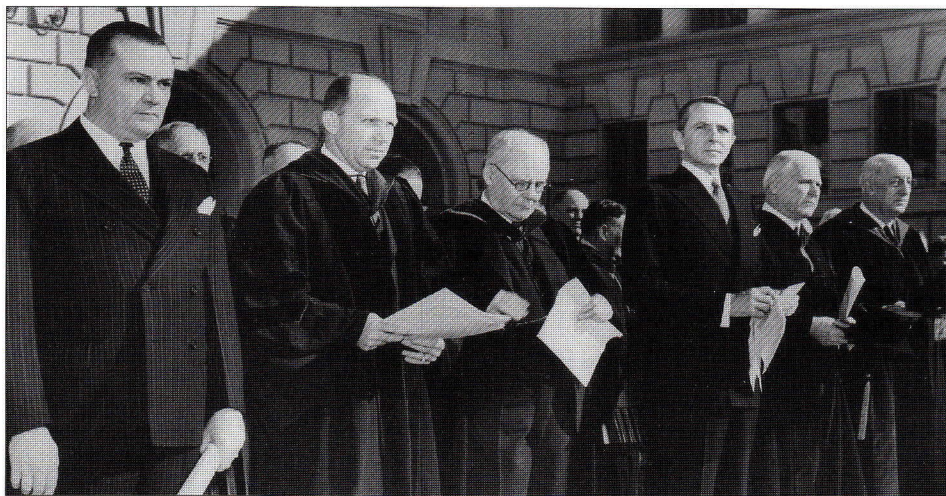
Antagonisms became especially manifest during the 1930s and the years of World War II, when New Deal liberalism energized and emboldened many academics to challenge the domination of the wealthy of both their university and state. Liberal educators maintained that the morality of rugged individualism that fed the growth of corporations in the late nineteenth century had produced an amoral and undisciplined "plutocracy" that endangered democratic institutions, callously exploited workers, and increased poverty, creating the potential for class war and despair in the land of opportunity. For many academics, the tragedy of the social and economic hardships of the Depression was compounded by the fact that the very men responsible for the collapse were now dictating policy at their universities.

By the late 1930s, the University of Texas Board of Regents was firmly controlled by this "business element." In Texas, as in most states, the governor appointed public university trustees or regents. In the late 1930s and early 1940s, regents appoint-

ed by governors "Pappy" O'Daniel and Coke Stevenson plunged UT into a deep crisis. The ultraconservatives, or "ultras," cowed both politicians into appointing individuals known to be rabid anti-New Dealers. At UT, as elsewhere, the regents' policies reflected not only their conservative ethos but also their determination to repress any ideas or reforms that threatened their control of the university and their perception of what should be taught. They were determined to ensure that UT remained a bastion of "traditional thinking" on a variety of subjects and that the individuals in charge of instructing and administering higher education in Texas were "sound" in their adherence to the conservative ethos.

The driving force behind the regents' hostility toward Rainey was their fear that Rainey and his faculty supporters were conspiring to transform the university into the center of Texas liberalism, whose graduates would become the vanguard of change in the Lone Star State. Such a "revolution" could end the regents' control of the university and even challenge their hegemony over the state. Consequently, the regents' war on Rainey, the faculty, and liberalism, had the fervor and fanaticism of a holy crusade against any idea or individual they considered even remotely associated with progressive thinking.

Unfortunately for Homer Rainey, his appointment as president of UT came as the New Deal was in retreat both nationally and in Texas. Had Rainey been appointed in



*From L-R: Governor W. Lee O'Daniel; Homer P. Rainey, Chester H. Rowell, columnist and former editor, the San Francisco Chronicle; Major J.R. Parten, Chairman of the Board of Regents, Houston; Dr. George W. Truett, world-known Baptist leader from Dallas; Thomas Stone Clyce, of Sherman, president emeritus of Austin College at Sherman, Dr. Rainey's alma mater.*

Courtesy Prints and Photographs Collection, CN05741, Center for American History, The University of Texas at Austin

1934-1936, when New Deal liberalism was at its zenith, he might have survived the conservative backlash and remained as UT's president. He would have had more time to implement his reform agenda, winning popular and political support for his initiatives, before Texans swung back to the right. FDR's popularity in Texas and by extension Texans' acceptance of most New Deal legislation, might have given Rainey enough momentum to defeat any conservative coup of the Board of Regents.

By the late 1930s, a Southern-led opposition in the national Congress made it difficult, if not impossible, for FDR to enact any major new programs. Moreover, the threat of world crisis shifted attention from domestic reform to preparations for war, opening the way for Texas conservatives to mount an all-out attack on New Deal liberalism. Such was the environment in which Homer Price Rainey became president of the University of Texas in December 1939, just after the declaration of war in Europe.<sup>3</sup>

Born in 1896 in Clarksville in Red River County, East Texas, Homer Price Rainey was every bit a renaissance man. He was a renowned innovator in higher education; an ex-professional baseball player who pitched for the Galveston Wave of the Texas League after graduating from Austin College in 1919 and was offered a contract by the St. Louis Cardinals that same year; an ordained Baptist minister at nineteen; and a trained tenor singer. Rainey earned both his master's and doctorate degrees in education from the University of Chicago, specializing in college administration. Rainey attended the University of Chicago in the 1920s, when the school was in the vanguard of the educational reform impulse then sweeping parts of the nation. The university had been home to an impressive host of education modernizers, who instilled in their protégés a passion to reform the nation's colleges and universities.

In 1927, the thirty-one-year-old Rainey became the nation's youngest college president when he took charge of Franklin College in Indiana. There, in 1929, he published his first book on college administration, *Public School Finance*. He became president of Bucknell University in Pennsylvania in 1931, and is still regarded as one of that school's most innovative, creative, and popular presidents.<sup>4</sup>

In 1935, Rainey left Bucknell to

become director of the Rockefeller Foundation's American Youth Commission in Washington D.C., where he had frequent contact with a host of New Dealers, ranging from Harry Hopkins and Eleanor Roosevelt, to fellow Texans Wright Patman, Maury Maverick, and J.R. Parten, who was then chairman of the University of Texas Board of Regents.

Parten, a wealthy oilman, was a rarity among the Texas business elite: he was a New Deal liberal. Parten had been charged by Governor Jimmy Allred (also a New Dealer) to find a new president for the university. He selected Homer Price Rainey. Interestingly, Parten met little opposition from other board members in securing Rainey's appointment. For the most part, the regents during Parten's tenure as chair were, according to historian Joe B. Frantz, "fairly enlightened, decent individuals who had a positive view of the university."<sup>5</sup> Moreover, Rainey's profile appeared perfect for the university. He had all the credentials of that local ideal, "a good ol' boy"—a Mason and Rotarian "to boot"—who was coming home to help his state and university.

Indeed, as Hart Stilwell of *Collier's* observed, at the time of his appointment, "No Texan would have associated the word 'radical' with Doctor Rainey, and many Texas liberals wondered if they dared use even the word 'liberal' in connection with him."<sup>6</sup> However, few knew that Rainey's "years abroad" had transformed him into a very sophisticated, cosmopolitan, liberal reformer. The only remaining vestige of his rural East Texas heritage was his Baptist-inspired evangelism to bring to the University of Texas the progressive ideas that had informed his life during his years of "exile" away from the Lone Star State.

As a Texan, Rainey saw a great opportunity to make his state's premier school of higher learning "a university of the first class," a goal originally stated in the 1876 state constitution. In its first half-century, the university had grown steadily but unspectacularly. Most disturbing to Rainey and to many faculty, was the university's poor reputation for academic freedom and shamefully low faculty salaries. Indeed, UT had become a "feeder" school for the better universities, yearly providing them with the best UT professors who left Austin for better pay, greater respect, and prestige.

One of Rainey's priorities was to reverse

this trend by bringing to UT the best professors or young scholars from the more prestigious schools to help transform UT into one of the nation's top public universities. Motivating Rainey toward this end was a faculty report that greeted him his first day on the job, declaring that the faculty accepted as fair judgment the statement that there was no first-class university in the country south of the Ohio River and east of California.<sup>7</sup>

UT's faculty was not entirely devoid of outstanding, nationally-recognized scholars. There were the historians Walter Prescott Webb and Eugene C. Barker; the naturalist Roy Bedichek; and J. Frank Dobie, Henry Nash Smith, Mody Boatright, Wilson Hudson, and John Henry Faulk in literature. The Economics Department was also recognized as "up and coming," for it contained such promising younger professors as Clarence Ayres, Robert Montgomery, Wendell Gordon, and J. Fagg Foster.

Most important for the Rainey controversy was the fact that all of these individuals, except Barker, were staunch pro-FDR, New Deal liberals, who welcomed fellow progressive Rainey with open arms and pledged to support his reform agenda no matter how difficult its implementation might be. By the time of Rainey's appointment, all these men were considered by conservatives to be subversive traitors to Texas traditions and values. With Rainey leading the charge, the university's faculty was about to engage in a battle for Texas against, as J. Frank Dobie declared, "reactionary millionaires and corporation lawyers."<sup>8</sup> In short, as Rainey and his supporters saw it, Texas history had reached a point where a fight had to be made to guarantee intellectual freedom and the life of the mind as inalienable human rights.

Rainey knew that the Board of Regents during his tenure would reflect the conservative revolt against FDR underway in Texas as he took on the presidency. He remained confident, however, that no matter how conservative these individuals might be in their politics, they would respect the integrity and importance of academic freedom, and as Texans, would want to see their university become one of the best. He was wrong on both counts. Rainey underestimated just how strongly the board was devoted to the conservative ethos. The principal of academic freedom had no rele-

vancy in their lives; indeed to them the idea was code for the propagation of such dangerous—and un-American and un-Texas—ideas as labor unionism, civil rights for blacks, federal fair labor standards and antitrust laws, and corporate and personal income taxes. They had no intention of allowing the state's dominant institution of higher learning to be run by people who threatened their interests and power.

The board's shift in composition and mentality began in earnest during the governorship of W. Lee "Pappy" O'Daniel, who was elected to his first term in 1938. Within months of taking office, O'Daniel began surrounding himself with right-wingers. Many of these men were far more politically savvy, educated, and sophisticated than the governor. Although most disliked him personally and dismissed him as a huckster, they nonetheless saw his administration as their entrée back into power. With their help and advice, O'Daniel ran again and won easily in 1940.<sup>9</sup>

During O'Daniel's second term, many Texans felt that these ultra conservative advisors, not the governor, were running the state. Those individuals included Orville Bullington of Wichita Falls, who made his millions in railroads, banks, and flour mills; Dallas insurance magnate Carr Collins; oilman Jim West of Fort Worth; D.K. Martin, chairman and president of the Alamo National Bank of San Antonio; Dr. E. W. Bertner of Houston, former president of the Texas State Medical Association; oil and cattle millionaire Dan Harrison; and University of Texas regent, millionaire banker and oilman H.H. Weinert of Seguin. These staunch, anti-New Deal conservatives encouraged the governor to support their assault on liberalism at the University of Texas.

There could be no doubt of the feelings of Bullington and Harrison, the two regents appointed by O'Daniel in January of 1941. In 1934, Bullington had publicly declared that the New Deal was "run by gutter reds and parlor pinks." Before his appointment, Harrison had told his friend D.K. Martin, that there was "a far-reaching evil" in Texas colleges, claiming that "unscrupulous, designing, subversive professors have been 'diggin' in' in our schools more than we dare admit."<sup>10</sup>

Prior to making these two appointments, O'Daniel met secretly in 1940 with a group of conservative war-horses at what

became known as the "Houston Gag Conference." The group discussed how to restrict academic freedom in Texas colleges, how to forbid the teaching of certain subjects, and how to get rid of certain professors. According to J.R. Parten, "a certain political activity was started about the year 1940 to eliminate from our institutions of higher learning the so-called radical teachers." A prominent Texas lawyer, who refused to let Parten reveal his name, confirmed the oilman's premonitions by confiding that he had attended a meeting "of several business executives and attorneys whose declared purpose was to influence educational board appointments of men who could be counted upon to eliminate from the teaching staffs in higher education of Texas all radical elements in the faculties."

Even more ominous for UT was the attorney's message that "this group was particularly after Dr. Rainey." John H. McCurdy, secretary of the University of Texas Ex-Students Association, reinforced the alarm that the Right was on the march: "As early as 1940 we [the association] began to get warnings that worried us from ex-students who had been supporting Dr. Rainey's vision for the university and his support of New Deal ideas. They said 'Stay out of politics, and if you have any views in favor of the New Deal keep them to yourself.'" <sup>11</sup>

As Joe Frantz noted, the Houston gathering decided, "to suspend old rules, to make new rules of convenience, and in general, to reorder life in the university so as to stifle outspoken liberalism and broad questioning." According to Robert Lee Bobbitt, former Speaker of the Texas House of Representatives, state attorney general, and member of the state highway commission, UT was the principal target of their planned purge, but the state's other main universities—Texas A&M, Texas Tech, and Texas A&I (currently Texas A&M University at Kingsville)—were also on the agenda. At all of these schools, "the scheme was to limit and restrict the teaching of certain subjects and get rid of certain professors and administrators" who represented threats to "the economic ideas of certain monopolists, corporation executives, and rich industrialists in the State of Texas, or of those beyond our borders who own and control large industries and properties in this state." These "wise men of big industries" claimed they only wanted to rid the schools of radicalism and communism, but their broader purpose



*Orville Bullington urged Pappy O'Daniel to appoint him to the UT Board of Regents in 1941. Once on the board, Bullington had the power needed to "clean up" UT's educational system.*

Courtesy Prints and Photographs Collection, CN09632, Center for American History, The University of Texas at Austin

was to "control and supervise what the youth of Texas may be taught in the public schools of the state."<sup>12</sup>

After O'Daniel went off to Washington as "Senator O'Daniel," the conservatives secured the ear and favor of his successor, Coke Stevenson. The new governor helped the Houston Gag Conference plan by appointing conservative rancher Scott Shreiner of Kerrville to UT's Board of Regents to replace Fred Branson, who died of a stroke in June 1942. When regent E.J. Blackert resigned unexpectedly after Branson's death, Stevenson replaced him with Judge D. F. Strickland of Mission, a wealthy corporate attorney and lobbyist for the state's largest movie theater chain. With the appointment of Schreiner and Strickland, the conservatives had effective control of the Board of Regents. They stood ready to do battle with the university and its president.

Schreiner and Strickland immediately bonded with Bullington and Harrison to form an anti-Rainey bloc. Two other long-time regents, Hilmer Weinert and Lutch Stark, could be counted on to support the other four. Thus, out of the nine total regents, six were hardcore conservatives determined to implement the Gag Conference agenda. The other three board

members, J.R. Parten, Ida Fairchild, and Ely Thornton, were pro-Rainey liberals. However, unfortunately for Rainey and the university, Parten, the most powerful of the liberal contingent, had just resigned as chairman of the Board of Regents, leaving Rainey no aegis against the conservatives' onslaught.<sup>13</sup>

At the first meeting of the newly constituted board, D.F. Strickland passed a small card across the table to Rainey. Written on the card were the names of four full professors of economics, Robert Montgomery, Clarence Ayres, E. E. Hale, and Clarence Wiley, each of whom had taught at the university for at least fifteen years. "We want you to fire these men," Strickland announced to Rainey. The president, shocked, asked why. "We don't like what they are teaching," the regent replied.

Rainey told him he could not fire these men because they all had tenure; the best he could do would be to call a hearing in which Strickland and others could present their charges.<sup>14</sup>

The professor that most alarmed the regents was "Doctor Bob," Robert H. Montgomery, a bushy-haired, Texas-born, Hill-country, Scotch Presbyterian, whose specialty was public utilities. Montgomery had persuaded fellow liberal, Governor Jimmy Allred, that Texas needed a commission to control the price people paid for their lights, water, and phone. Montgomery believed in free enterprise competition, but when it came to such necessary services as utilities, he advocated public ownership. Rainey charged Parten to review "Doctor Bob's" work. After scouring everything Montgomery had written and said in lec-

tures, Parten told Rainey, as well as the senate investigative committee that was called into session after Rainey's firing in 1944, that Montgomery was "just simply a New Deal economist."<sup>15</sup>

At a subsequent board meeting, Strickland tried again to purge the Economics Department by introducing a motion to have all university employees take a written loyalty exam, which he believed would reveal Communists among the faculty. The test asked such questions as "Do you believe in communism? Would you fight for your country if asked? And do you support the US government?" When Rainey asked for proof of alleged Communists among his faculty, Strickland presented only transcripts of economics

*Continued on page 59*



*The struggle between their president Homer Price Rainey and the Board of Regents captivated UT students. The Daily Texan ran headline articles and printed editorials throughout the controversy.*

Photograph by Neal Douglass, Courtesy Prints and Photographs Collection, Center for American History, The University of Texas at Austin

## Battle for the Texas Mind

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professor Clarence Ayres' lectures calling for federal government "pump priming." Rainey explained to the regent that Ayres' was presenting Keynesian, not Marxist theory. Strickland's motion died for lack of a second, not because Strickland or any other regents understood or accepted Rainey's explanation. They remained convinced that Rainey and his faculty did "not believe in our system of government" and that the president had to be removed as soon as possible before he could hire "more radicals of his stripe."<sup>16</sup>

Temporarily defeated by the tenure rule, the conservatives attacked three junior economics professors not protected by tenure. In March 1942, the three instructors—J. Fagg Foster, Wendell Gordon, and W. Nelson Peach—publicly criticized an anti-labor rally in Dallas, allegedly sponsored by mothers of servicemen. In reality, Karl Hoblitzelle, a Dallas millionaire movie theater magnate and client of Strickland's, was behind the whole affair. The mothers supposedly offered "every citizen an opportunity to express his statements," but the convocation focused on denouncing the forty-hour work week and the New Deal law that was encouraging it—the Fair Labor Standards

Act. The professors asked Hoblitzelle for two minutes to explain and defend the law, but he refused their request. According to Hoblitzelle, the professors then became enraged and "subjected" him "to such insulting behavior, the likes of which I have never experienced."<sup>17</sup>

After the meeting, the professors stated to the press that the rally had been stacked with anti-labor speakers and "agitators," and thus a "fraud." Reporting that they had been denied their right of free speech and been verbally abused and "jostled" by the crowd, they argued that the purpose of the meeting was "to hinder our National war effort and that the protest [the meeting] was either



*Ex-servicemen demonstrated as well, marching with "We Want Rainey" signs in 1944.*

Photograph by Stanley Depwe, Courtesy Prints and Photographs Collection, Center for American History, The University of Texas at Austin

malicious or came from ignorance [about the law's intent]." After the protest, Federal District Judge T. Whitfield Davidson complained to Bullington about the instructors. "It seems we have a branch of our University swinging away from true economics [laissez faire capitalism] and routing our children into the camp of state socialism." He demanded a purge of the Economics Department and Bullington was happy to help promote such an effort.<sup>18</sup>

Rainey rose to the defense of the fired instructors, whom the regents wanted to have sign a statement admitting that "they had done wrong" and that their remarks to the press had "embarrassed and brought discredit upon the University of Texas." The regents pressed Rainey to "encourage" the instructors to sign the prepared statement if they hoped to be "retained." Rainey refused to even consider such "coercion," because "the board wanted those men to sign an abject and humiliating apology." Led by J. Fagg Foster, the professors declared that they would not sign any statement, regardless of what it said, and if given the opportunity to speak out against such "censorship," "they would gladly do it all over again."

Such "impertinence" infuriated the regents, who believed Rainey was behind the professors' stand. After a token hearing and over Rainey's heated objections, the regents dismissed Peach, Gordon, and Foster. News of their firing created an "anger on the campus [that] broke out like a fire in a Kansas wheatfield."<sup>19</sup>

The firings also attracted the attention of the American Association of University Professors (AAUP), which investigated the controversy and concluded that, "the action of the board of regents of the university in terminating their [the three professors'] services constituted a violation of the principles of good academic practice concerning academic freedom generally observed in accordance with their rights and privileges as teachers and as citizens." From this point

on, the AAUP kept a watchful eye on the events unfolding on the UT campus.<sup>20</sup>

From the summer of 1942 until Rainey's firing in the fall of 1944, the president fought a running battle with the regents to protect the faculty and preserve his own job. The issues ranged from censorship and the banning of certain books, like John Dos Passos's acclaimed, Pulitzer-prize winning novel, *U.S.A.*, for being obscene and subversive; to refusing grants for a number of faculty research projects; to attacks on faculty tenure rules, which forced Rainey to revise them so the regents could dispense with giving an accused professor a hearing and fire him at will.

Personal vindictiveness also played a role, as Lutcher Stark, a board member since 1919, demanded that Rainey fire the famed naturalist, Roy Bedichek, and two others who were in charge of the university's high school interscholastic league. Stark did not like a rule Bedichek favored, which barred Stark's two sons from further high school

by preventing the recruitment of good faculty members from other universities with sound tenure rules. Strickland responded that if that was the case, then he was in favor of abolishing tenure even more passionately because he would not want foreign, probably Yankee professors, coming to the university and spreading their communist doctrines. He was certain they could find good patriotic Texans (from smaller Texas schools that had no tenure) to teach at the university.<sup>22</sup>

Led by Bullington and Strickland, the ultras pushed hard to change the tenure rule, regardless of the irreparable damage it would do to the university's credibility and prestige. To that end, Bullington and his supporters argued that the present tenure rule was unconstitutional because the state constitution vested all power in the Board of Regents, including the right to hire and fire faculty, authority presently under faculty and administrative auspices. Bullington and Strickland persuaded the other board mem-

bers to let state attorney general Gerald Mann determine the rule's legality. Much to their dismay, Mann declared the rule constitutional and further stipulated that no changes were needed. Despite Mann's official rendering, Bullington and Strickland persisted by convincing a committee of old guard faculty members to drastically revise and weaken



"Academic Freedom is Dead" cried protestors as they marched through the streets of Austin.

Photograph by Neal Douglass, Courtesy Prints and Photographs Collection, Center for American History, The University of Texas at Austin

competition. The rule forbade any student/athlete over the age of nineteen from playing sports. Bedichek later told the senate investigating committee as well as the press, that Stark had approached him in a sporting goods store and told him that "I'm going to clean you out; I gave you your chance and President Rainey too."<sup>21</sup>

On the key issue of tenure, Strickland told Rainey that the system allowed the faculty to operate "a self-perpetuating feudal state." Rainey countered that the removal of tenure would destroy the University of Texas

tenure rules. As Hart Stilwell observed, tenure had been "kicked out" of all the rest of Texas' major universities by the same "cabal" of businessmen/regents and thus UT "was the last bulwark of academic freedom in Texas." However, thanks to some faculties' "betrayal," UT "has become the latest victim of what seems to be a nation-wide assault to undermine our universities and what professors are allowed to say and do and think!"<sup>23</sup>

J.R. Parten was certain that the emasculation of the tenure rule would "spell out

two results: first, the loss of some of our best teachers and; second, serve as a positive deterrent to recruitment." J. Frank Dobie was now completely convinced that there was a politically-driven conspiracy behind the attacks on Rainey and the faculty and that "a master plan has been operating in this state to expunge liberal thinkers not only from the University of Texas but from other institutions of learning as well. . . ."<sup>24</sup>

The conservatives' stranglehold of the board made Rainey's presidency untenable. His clashes with the regents over academic freedom continued and intensified throughout 1944. The board majority, now chaired by a Stevenson appointee, Judge John H. Bickett, chief counsel for Southwestern Bell Telephone Company, made it clear to Rainey that the regents believed that academic freedom and tenure were used to protect subversive professors who disseminated un-American ideas and other "filth" in the classroom.

The regents then struck at Rainey personally by removing the director of public relations for the university, Arthur L. Brandon, a close friend of Rainey's who had accompanied Rainey from Bucknell. After removing Brandon as director of public relations, the regents then named him an instructor at an insultingly low salary. Rainey recognized this move as a personal affront and a blatant usurpation of his authority as president to appoint and remove administrative personnel without board interference.<sup>25</sup>

The final straw for Rainey occurred in September 1944, when regent D. F. Strickland went behind Rainey's back to try to solicit the support of the university's vice-president, J. Alton Burdine. Strickland's animosity toward Rainey was so intense that at least one other regent feared the judge might physically assault Rainey at a board meeting. Most disturbing to Strickland and some of the other regents was Rainey's constant out-of-state travel and "the giving of too many speeches on topics he should not be discussing." Certain that the vice-president was on "the right side" in the conflict, Strickland wanted Burdine to help the regents censor Rainey, but the vice-president flatly rebuffed "such an overture of betrayal and subterfuge." After declaring his unequivocal support for the president, Burdine immediately informed Rainey of Strickland's "most egregious request." This so outraged Rainey

that he called a press conference at which he and Burdine told the press of the regent's latest escapades "to get Rainey."<sup>26</sup>

Press coverage of the Strickland-Burdine conversation simultaneously created a public outcry against the regents and gave the regents grounds to fire Rainey. The overwhelming majority of Texas dailies supported Rainey with stinging criticisms of the regents' meddling in university affairs and harassment of its president. Many Texans feared that the regents' heavy-handedness would undermine all that Rainey had accomplished during his tenure.

The *Mission Evening Valley Monitor* declared, "The University of Texas has never enjoyed wider academic recognition than under the administration of Dr. Rainey, despite the handicap of a predominantly hostile Board of Regents." The *San Angelo Standard-Times* found it hard to believe the regents would want to silence Rainey, for "anything which builds good will for the south's largest educational institution is good business. We are at a loss to understand why speeches, even to religious groups, would be detrimental to the University." The *Tyler Telegraph*, lauded Rainey for his "broad-mindedness and tolerance," which had helped to make UT "the leading educational institution of the state and one of the best in the nation," before admonishing the regents to stop their opposition to the president's "vision" for the school and "render him hearty cooperation."<sup>27</sup>

Strickland's conversation with Burdine convinced Rainey that he had to go public with all the false accusations that had been leveled at him and his faculty, and the harm they had done to the university's image and morale. Parten and other close associates urged restraint, but Rainey believed that he could show Texans that the regents were out to destroy "their university." On October 12, 1944, before an assembly of four hundred of the university's faculty and staff, Rainey dramatically rendered sixteen grievances against the regents as evidence of their "long series of restrictive actions" that sought to destroy academic freedom. The real question, Rainey argued, was "whether or not our state universities can be operated in ways that will guarantee their essential freedom from undue political interference. . . ." Yet, he somehow remained sanguine that all the tension between him and the regents could be resolved and that a fresh start was possi-

ble on the basis of "long established and well-accepted principles of university administration." He hoped a solution could be found by the next board meeting. Rainey had drawn the line. The faculty gave him a prolonged ovation and a vote of confidence with not one dissenting voice.<sup>28</sup>

Once again the majority of the Texas press supported Rainey's position and criticism of the regents. Throughout the state Rainey's "plain statement" as well as his "clean, competent, and inspiring" leadership, which had helped the university to "grow in educational stature," was applauded. Scores of journals endorsed Rainey's "conception of the University without reservation." "Rainey had made UT "more than a diploma mill"; he had made it "the center of leadership in the cultural life of Texas and the southwest." Most impressive was Rainey's display "of courage of the highest order," in speaking out against the regents' "restrictive attitudes which endanger the freedom of thought and expression, and the freedom of research and investigation which are the sources of the university's greatness." It was obvious "that the regents have not caught the vision which actuates Dr. Rainey."<sup>29</sup>

The sympathy of the press did not, however, protect Rainey from the Board of Regents. At its next meeting in late October in Houston, its conservative members were determined to fire Rainey. Parten, J. Frank Dobie, Walter Prescott Webb, Roy Bedichek, as well as a host of other faculty members and powerful members from the Ex-Students Association like Federal Judge Joseph C. Hutcheson, powerful corporate lawyer W. H. "Bill" Francis, former Texas attorney general Robert Lee Bobbitt, and Humble Oil executive Hines Baker, all sought compromise. The board nevertheless fired Rainey by a vote of 6 to 1 on November 1, 1944. Regent John Bickett abstained from the process and regent Leslie Waggener did not attend. Only Ida Marguerite Fairchild of Lufkin voted against Rainey's dismissal, stating to her fellow regents and to the press that she "greatly regretted" their action and that she believed "a great wrong is being done a good man."

The issue that finally led to Rainey's dismissal was his refusal to retract his October 12 statements, which the regents demanded he do before any negotiations could begin. According to Rainey, Orville Bullington was so enraged by the statement



of grievances that he threatened to issue a "counter-statement" to the press that "would be the end of you personally. It will blast you from one end of the country to the other." D. F. Strickland echoed Bullington's threat by telling Rainey, "Brother, we will ruin you and see that you never hold another job in American education."<sup>30</sup>

The vote to fire Rainey took a toll on the board itself. As the regents left the Rice Hotel in Houston, Hilmer Weinert, John Bickett, and Dan Harrison, announced their resignations as regents. A board spokesman announced to reporters that Rainey had been dismissed because his October 12th speech impugned the regents' "motives and good faith." Interestingly, not one of the regents refuted Rainey's charges against them. Never one to shun the limelight, a teary-eyed Orville Bullington declared of Rainey's firing that he "never regretted anything in my life so much."<sup>31</sup>

In the same breath, however, Bullington intimated that if the public knew "the real reasons" behind Rainey's firing, they would wholeheartedly support the regents' decision. This created in the public mind the possibility that there were more ominous issues involved in Rainey's firing than simply disputes over who should run the university. Could it be true that Rainey was a communist? Could it be true he wanted to admit "Negroes" to the university? In the ensuing weeks, Bullington, Strickland, and their supporters unleashed a barrage of dark hints and innuendoes that did indeed make many Texans "wonder" about Homer Price Rainey.

The news of Rainey's firing made front-page headlines of every major newspaper in the state and received extensive coverage in many of the larger, national metropolitan such as the *Chicago Sun* and *Washington Post*. The *Sun* proclaimed Rainey's firing to be "the sordid triumph" of the "blind interests of special privilege over academic freedom" and "beyond shadow of doubt" the victory of conservatism over liberalism. One had only to read "a few details of the case"

to readily see that the regents were "actuated by animus against the rights of labor and liberalism generally-interests bent on stifling free discussion concerning unions, public utilities, and other fundamentals of the people's business." To the *Washington Post*, Rainey's firing portended more ominous "tendencies," especially in higher education, "to make teaching conform to the prejudices and narrow purposes of the economically dominant elements in our society."<sup>32</sup>

Although the majority of Texas news-

business elite had been staunch anti-New Dealers and thus rejoiced when he was ousted as UT's president. The fact that the "Houston Gag Conference" took place in the Bayou City speaks volumes about the city's generally inhospitable environment relative to New Deal liberalism. With notable exceptions such as Jesse Jones, who served in the Roosevelt administration, the majority of the city's business leaders remained steadfast in their commitment to the conservative ethos. Moreover, some of Rainey's proposals directly threatened the interests of many of Houston's elite.<sup>34</sup>

Rainey's supporters connected the ideological struggle of World War II with the conflict between Rainey and the regents. One of the most outraged of Rainey's supporters was Dr. Blake Smith, pastor of the University Baptist Church and president of the Austin Ministerial Alliance and the University Religious Worker's Association. To Smith, Rainey's firing was "a body blow to Democracy by as bloody a bunch of Fascists that ever wore a swastika." As "thousands of exes" were "fighting and dying on German soil to crush the ugly thing [fascism]," a similar struggle was about to commence in Texas because "the

*"They [certain regents] made mountains out of molehills. Ever since he came to the university, he was harassed by board members with many petty things. I was often ashamed at the way he was being treated. I felt sorry for him but he never wavered in his commitment to do what he thought best for the university and the faculty."*

—Ida Marguerite Fairchild

Board of Regents left no doubt in anybody's mind that they are fighting Hitler's battle here at home." Smith called on fellow Texans to "hear the cries of the thousands of Texas youths fighting this ghastly thing," and honor them by declaring "here and now war up to the hilt" against the regents.<sup>35</sup>

The vociferous, well organized, and determined student response surprised those on both sides of the battle. The students' first and most dramatic display of support for Rainey occurred on November 2, when about six thousand marched in mute mourning from the campus to the capital and the governor's mansion where they demanded an audience with Coke Stevenson. They marched in step to the slow roll of drums and the low moan of trombones by the Longhorn band playing Chopin's "Funeral March." They carried a

papers supported Rainey, some did not. Both the *Houston Post* and the *Houston Chronicle* unequivocally sustained the regents' position, accusing Rainey of using the issue of academic freedom to "disguise" his desire to have UT "completely autonomous, emancipated from all control by its authorized agents, the taxpayers who support it." The *Post* lauded the regents for being "patient to a fault in tolerating Rainey's open insubordination." If they had not finally fired him, and if he had been "given the free hand he so desired, the university would have become an autocracy." Finally, the *Chronicle* believed the crisis was "simply a case of an administrative officer publicly defying his superiors."<sup>33</sup>

The *Chronicle's* and the *Post's* anti-Rainey, pro-regent position surprised few liberal Texans. The majority of Houston's

coffin, draped in black with the label "ACADEMIC FREEDOM IS DEAD" displayed on it. Placards read "DO WE WANT A REGENT REICHSTAG?"; "I WOULD RATHER BE RIGHT THAN A REGENT"; and "RATS AND REGENTS LEAVE A SINKING SHIP."

Malcolm "Mac" Wallace, Student Body President and one of the key leaders of the protest, later recalled, "I had never believed that 6,000 people could be that quiet or that purposeful. A twelve block long parade of students, silent except for breathing, brought tears to the eyes and sobs to the throats of many of the onlookers from the sidewalks." Austin police listed the procession as a legitimate funeral and cleared traffic from the streets. The students then called for a strike until Rainey was reinstated.<sup>36</sup>

When the students finally reached the Capitol around noon, they proceeded to the governor's office and requested an "audience with the governor, Coke Stevenson." Stevenson declined to meet with the students, telling them through a secretary that as far as he was concerned, he was "out of it" and that the crisis was now a "public issue" because Rainey had made it so when he aired his grievances with the regents. It was now "for the people of Texas to decide on the matter." About four thousand students then went outside and gathered under Stevenson's office window where they sang "The Eyes of Texas Are Upon You," and chanted "We Want Rainey," "No classes until Rainey reinstated," "Hitlerism," and "No Compromise." Mac Wallace then called on Stevenson and the regents to meet with the students on campus on Saturday, November 5, and explain to them why Rainey was fired. Stevenson, once again through an intermediary, rejected the students' request to meet. The governor also said he was "speaking for the regents" as well.<sup>37</sup>

*The Daily Texan*, the student newspaper, declared that "the only way we have of combating a selfish clique of millionaires who are disgracing our university" was to boycott classes for several days. Another *Texan* editorial advocated, that if necessary, it would be better to close the university

down completely and have all the students return home than "to permit it to endure in a shameful manner void of freedom and a disgrace in the eyes of intelligent people of the entire nation."<sup>38</sup>

On Saturday, November 5, another show of student and community support for Rainey took place at halftime of the Texas-SMU football game. While the Longhorn band played "The Eyes of Texas Are Upon You," the entire crowd of around 13,000 stood and sang in tribute to Rainey. After finishing the song, the crowd remained standing and went completely silent for over a minute, honoring the deposed president. According to reports, Rainey "wept openly and tears streamed down the faces of the majority of those in attendance."<sup>39</sup>

Over the next several weeks virtually every campus student organization, includ-

the "liberty" of academic freedom.<sup>40</sup>

Letters from fighting servicemen supporting Rainey poured into the school newspaper's office and were printed in full. As the *Daily Texan* predicted, "When the headlines of November 2nd get around the world, there are going to be a lot of mighty bewildered and discouraged ex-students in some mighty damp foxholes trying to understand what they are fighting for thousands of miles from home when the same enemy has invaded and taken over their beloved university." The paper then warned the regents that if they continued on their "reckless, arbitrary, and arrogant course," they would have to face "the wrath of hundreds of returning soldiers" who would come to campus "ready to do battle, driven by the same grim determination that allowed them to vanquish their enemies in Europe and in

Asia." As they were doing in Europe, they would also bring to the university "a new dawn for the principles of American democracy."<sup>41</sup>

Most Texans, however, were probably more astonished than angry, for it had been twenty-seven years, almost a generation, since the last student "uprising" occurred—the university's battle with James "Pa" Ferguson in 1917. Since then, the Depression and the New Deal had politicized students across the country, making them

more concerned with larger social, political, and economic issues. Students also had become more willing to speak out against such injustices and to directly participate in political action. As D.B. Hardeman, editor of the *Daily Texan* observed, "the rah-rah days of the twenties are gone."

Mac Wallace later assured the Senate Investigating Committee that the students' actions "were on their own initiative, spontaneous—no faculty or administrator made any official encouragement." To Wallace, the matter was simple: the regents were "reckless politicians of the old 'status quo type' who want us to think their way. President Rainey wants us to think for ourselves. He wants a liberal education that will teach us the principles of American democracy and justice. We're still young enough and hot-headed enough to live by what we believe in."<sup>42</sup>

*In the long run it didn't matter whether I was president of the university but that the important thing was the manner in which the university was operated...*

—Homer Price Rainey

ing the Navy ROTC-V12 unit and the Ex-Servicemen's Association, joined the campaign to reinstate Rainey. The active participation of ex-servicemen as well the endorsement of former university students currently in the armed services greatly bolstered the students' cause. As the *Daily Texan* announced on the third day of the crisis, it was "THE VOICE OF EX-SERVICEMEN" that the nation was "WAITING TO HEAR." By late 1944, the allied effort was closing in fast on both Germany and Japan, and college students were fully aware that the conflict represented a struggle to see whether democracy, best exemplified and fulfilled by the United States, would prevail over fascist totalitarianism. UT students believed they were involved in the same conflict on the university "home front" in their battle against the regents to preserve

weary—even Rainey. If the crisis did not end soon, irreparable damage might be inflicted on the university as well as the state. Indeed, virtually every major national periodical had “exposed” the controversy to its readers. Most agreed with *Harper’s* Bernard De Voto, that Rainey’s firing was the handiwork of “vicious, dishonorable and dishonest” men who purposely “invoked mass prejudice and mass fear” by using the “right buzz words” to terrify Texans into believing Rainey was a “Negro-loving communist and homosexual sympathizer.” De Voto agreed with Dobie that the regents were “native fascists” in “the service to entrenched wealth, privilege, and powerful corporations: they are agents of ruthless industry and finance.” Unfortunately for Rainey and UT, many Texans believed the regents’ claim that “they were saving Texas from outside domination and terrible evils.”<sup>51</sup>

In a conciliatory gesture, Stevenson appointed six new regents after three resigned and the terms of three others expired. Although the six new appointees were all conservatives, they were more political than their predecessors. In further displays of reconciliation, the new board opened up social science funds and offered to hire back the fired economics instructors, two of whom returned. The regents, however, refused to reinstate Rainey, who by now, no longer wanted his old job. The regents adopted a statement in favor of academic freedom, then proclaimed that their actions had ushered in “an era of tranquility.” They even asked the faculty to advise the board in selecting a new president, which they finally did in April 1946. They simply allowed the acting president, geneticist Theophilis S. Painter, to become the permanent president.<sup>52</sup>

Rainey’s supporters were disappointed. J.R. Parten lamented that Rainey’s ousting represented a major victory for “the enemies of intellectual freedom” that left Texas and the university firmly “in the control of corporation lawyers and corporation people.” Roy Bedichek was as despondent as Parten telling his friend, J. Frank Dobie, that henceforth “Texas youth are going to be taught by intellectual geldings and won’t be permitted contact with what [Walt] Whitman calls the great seminal ideas of our time.” English professor Sing Stephenson eulogized, “Poor Rainey, really he was the

regents’ kind of man if they only had the sense to see it. A Christian, a former baseball player, a school-of-education and YMCA stalwart, a fellow without any vices or dangerous ideas, who never quoted from anything more subversive than Ortega y Gasset’s *La rebelion de las masas*, he had only the trifling shortcoming of moral courage.”<sup>53</sup>

As had been predicted by student leader Mac Wallace, the AAUP formally censured the university, blacklisting it because of “attempts by a politically dominant group to impose its social, and educational views on the University.” In July 1945, the Southern Association of Colleges and Universities placed the school on probation. Although such sanctions had no legal standing, they undoubtedly hurt the university, especially student and faculty morale, for years to come. No one knows how many good teachers drifted away, how many did not come who might have. Yet, as J.R. Parten noted, “Rainey went down with guns blazing and it [the crisis] put the fear of God in some of the regents. It was a healthy thing, the fight we made. It had the effect, in the long run, of benefiting the university. I believe for several years after that it made the regents far more cautious about interfering in the day to day administrative affairs of the University.”<sup>54</sup>

The firing of Homer Price Rainey demonstrated the growing power of the conservative business elite in Texas. The regents’ efforts to silence both Rainey and professors, to abolish tenure, to defile academic freedom in general, all reflected their phobia that Rainey and his liberal professors were conspiring to bring about their overthrow as soon as they had sufficient popular support for their crusade.

As the firing of Homer Rainey confirmed, the Texas plutocracy was more entrenched and powerful than either Rainey or his liberal allies had reckoned. Yet, such hostile reception to liberalism in Texas would not last forever, nor could the plutocracy prevent the marriage of intellectuals to liberalism, which continued long after Rainey left UT and the New Deal ended.

Indeed, the association had become so nearly complete by the 1960s that it is hard to imagine that it was ever otherwise. Equally momentous was the alliance of intellectuals and the poor that seems so natural today only came about during the 1930s. FDR’s New Deal programs con-

vinced many young people that government should be active and compassionate, willing to help those who through no fault of their own could not help themselves. This was the source of the “liberal establishment,” led by Homer Rainey, that so threatened the economic and political power of UT’s Board of Regents. Whether or not Rainey was as determined to “liberalize” The University of Texas as the regents’ believed, is moot; in their mind, he was and thus he had to go.

To Rainey, the regents defined liberalism as, “any teachings that were out of line with extreme conservatism.” To the conservatives, “radicalism” meant being pro-labor, or displaying “any friendliness to Negroes,” such as improving their educational opportunities. They also considered “heresy” basic civil liberties such as freedom of thought and expression and “any questioning of the operation of the economic system [laissez faire capitalism].” Largely as a result of the New Deal’s overall positive effect, most Texans were not as fearful of these issues as they once were.<sup>55</sup>

Perhaps Homer Rainey summed up the essence of the whole affair best in his own words years later. Needless to say, he was in torment throughout the entire ordeal. He saw himself in “a conflict to maintain the ideals of the university against the efforts of a ruling political group to subvert it for their own purposes.” To Rainey, it became a clash between the business culture and Judeo-Christian ethics, between reactionary new rich capitalism and the concepts of liberal democracy, the old South and the new, the frontier and modern industrialism, the old world and the modern world. In the end, he “reasoned” with himself and concluded “that in the long run it didn’t matter whether I was president of the university but that the important thing was the manner in which the university was operated....I was able to set aside all personal considerations....one must attach himself to a cause much bigger than himself and lose himself in working for it.”<sup>56</sup> ★