



*Sooner State Civil  
Liberties in  
Perilous  
Times,  
1940–  
1941,  
Part 1*

*The Oklahoma Federation for  
Constitutional Rights*

*By Wayne A. and Shirley A. Wiegand\**

During the summer of 1940 many citizens of the United States became increasingly nervous as England endured the Battle of Britain and Germany ran over the Low Countries and France. As often happens in times of perceived peril, events abroad led Americans to favor measures at home to strengthen domestic security at the expense of individual liberties. During that

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summer a climate of near hysteria seemed to have swept the nation. For example, Congress overwhelmingly passed the Smith Act (officially the Alien Registration Act) on June 28. This legislation criminalized the publication or circulation of "any written or printed matter" advocating the government's overthrow and penalized anyone who joined any group that advocated the government's overthrow with knowledge of its purposes.<sup>1</sup>

Oklahoma was hardly immune to these pressures, which in the Sooner State manifested in many ways. For example, in spring 1940 University of Oklahoma President William Bizzell was already cooperating with agents of the Federal Bureau of Investigation's (FBI) Oklahoma City office, who had professor of Romance languages Maurice Halperin under surveillance. "Replying to your request this morning," Bizzell wrote a local FBI agent on May 24, "I am enclosing herewith a photograph of Dr. Halperin, and I am giving you the following information taken from our records." On July 18 Bizzell forwarded Halperin's summer address to the FBI.<sup>2</sup> Then, early in the fall term of his final year as president (he had announced that he would resign effective June 30, 1941), he publicly staked out a position. "There is no place on this campus for a person who doesn't believe in the democratic principles of our government," he said in a convocation address to 3,000 students and faculty, "and I want to say . . . I intend to keep a close watch for disloyalty among those connected with this institution."<sup>3</sup>

Between spring and fall 1940 Oklahoma City experienced a parallel series of events that threatened civil liberties. In early June Pentecostal preacher E. F. Webber announced on his "Southwest Church of the Air," a thrice-weekly morning radio program, that he would host in the stadium of his Calvary Tabernacle a public burning of un-American books that had recently come into his possession. He did not connect this to an earlier raid on the Progressive Book Store, an Oklahoma City enterprise run by members of the state chapter of the Communist Party of the United States. Webber welcomed between five hundred and a thousand people to his tabernacle. As they watched, the materials that somehow had been obtained from the bookstore went up in flames, and he led the crowd in a chorus of "America the Beautiful." On August 9 Southeastern State College Professor Streeter Stuart wrote from Durant to his U.S. Representative, Wilburn Cartwright, "I call upon you as my representative to . . . vote against any form of conscription of individuals," he said. "War is insanity." The solon forwarded Stuart's letter to Southeastern President T. T. Montgomery, who immediately

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fired Stuart. On August 17, in a move choreographed by Assistant Oklahoma County Attorney John T. Eberle, police officers raided the Progressive Book Store and arrested twenty people, both employees and customers, threw them all in jail, and held them incommunicado for three days. State Communist Party Secretary Robert “Bob” Wood was quickly put on trial and just as quickly convicted. In mid-October eleven others were awaiting similar trials.<sup>4</sup>

By fall 1940 advocates for civil liberties in the Sooner State had become so alarmed by these events that they began to discuss the need to organize. In the first part of this two-part article, we examine citizen action in Oklahoma initiated in the fall of 1940 on behalf of civil liberties. In the second part we examine government reaction in the winter and spring of 1941.


### **Part I: The Oklahoma Federation for Constitutional Rights**

“Dies Committee attempting smear civil rights movement in Oklahoma,” wrote Nena Beth Stapp in an October 19, 1940, telegram to the International Labor Defense (ILD), a Communist-front, New York City–based organization monitoring civil liberties violations around the nation. Stapp, a recent University of Oklahoma graduate, was at that time chair of the Oklahoma Committee to Defend Political Prisoners, a group that had been organized to protest the August 17 arrests of the state Communist Party’s Progressive Book Store proprietors and customers, most of whom were still in jail. One of those arrested (and still in jail) was her husband, Alan Shaw, secretary of the Oklahoma City branch of the party. Another, State Secretary Bob Wood, had already received a ten-year sentence and a \$5,000 fine for selling books that, in court, Assistant County Attorney John T. Eberle, a very aggressive anti-Communist, and his boss, Lewis Morris, had argued violated a twenty-one-year-old state criminal syndicalism law.<sup>5</sup>

Stapp reported to the ILD that Reverend Nicholas “Nick” Comfort of the Oklahoma School of Religion in Norman, Reverend John B. Thompson of the First Presbyterian Church in Norman, and Reverend Paul Wright of the First Presbyterian Church in Oklahoma City had been summoned to appear the next day before Wick Fowler and E. T. Seale, staff members of the U.S. House of Representatives Un-American Activities Committee (known as the “Dies Committee” for its chairman, Texas’s U.S. Representative Martin Dies, Jr.), who had come to Oklahoma City to survey un-American activities

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in the Sooner State. In their subpoena Fowler and Seale asked Comfort, Thompson, and Wright to bring with them “all financial and membership records of the Communist party of Oklahoma and letters, books, papers, and other written matter concerning the Communist party and members thereof.”<sup>6</sup>

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BOB WIRTZ I L D  
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DIES COMMITTEE ATTEMPTING TO SMEAR CIVIL RIGHTS MOVEMENT IN OKLAHOMA, SUBPOENED REV. PAUL WRIGHT, FIRST PRESBYTERIAN CHURCH AND CHAIRMAN OKLAHOMA COMMITTEE FOR CONSTITUTIONAL RIGHTS. ALSO REV. JOHN THOMPSON, CHAIRMAN OF AMERICAN PEACE MOBILIZATION AND COWORKER OF REV. WRIGHT. ALSO NENA BETH STAPP, SECRETARY OKLAHOMA COMMITTEE TO DEFEND POLITICAL PRISONERS. MUST APPEAR 9 O'CLOCK THIS MORNING. CIVIL RIGHTS MOVEMENT HERE FIGHTING DISMISSAL OF PROFESSOR STREETER WHO OPPOSED CONSCRIPTION, FIGHTING PERSECUTION OF JEHOVAH'S WITNESSES, FIGHTING CRIMINAL SYNDICALISM FRAME-UPS--ONE ALREADY SENTENCED TO 10 YEARS IN PRISON AND TEN AWAIT TRIAL. VIGILANTE TERROR AND TIGHT CENSORSHIP MAKE NECESSARY IMMEDIATE FUNDS FROM WHOLE MIDWEST. PLEASE HELP.

NENA BETH STAPP  
OKLAHOMA CITY

*(Courtesy Wayne and Shirley Wiegand, from Tim Wood manuscript collection)*

On October 21, 1940, Fowler and Seale questioned Comfort, Thompson, and Wright in a closed session held at the Oklahoma County Courthouse. Why the Dies Committee had picked these three clergymen was not immediately obvious. Comfort had moved to Norman in 1924 and in 1930 had become dean of the Oklahoma School of Religion, which was loosely affiliated with the University of Oklahoma and through which its students received academic credit. In that position he had been irritating Oklahoma conservatives for years with his liberal views.<sup>7</sup> Thompson had arrived in Norman in 1937 from College of the Ozarks in Arkansas. In Oklahoma he had two clear goals—to get more women involved in leadership roles in the church throughout the state, and to promote peace activities. Wright came to Oklahoma from Minneapolis in 1935 and immediately became active in projects to benefit the poor.<sup>8</sup>

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In the courtroom the three ministers asked: Why us? Fowler refused to reveal the source of his list. Was Oklahoma County Attorney John Eberle involved? Fowler would not confirm or deny, but he told Wright that because he had been observed working with bookstore defendant Alan Shaw on an unemployment welfare committee, “you became identified with the Communist party. You know, preachers sometimes become so interested in humanity that they likely are to become gullible.” Wright responded, “I just like to be a little more wide awake than the fellow next to me and be aware when liberties are being threatened.” Comfort was more aggressive. “I am not and never have been a member of the party or associated with it,” he told Fowler and Seale. “I have fought for civil liberties and will continue to fight for them.” When Fowler then began lecturing Comfort on being a liberal and “in these days sticking his neck out,” Comfort responded, “Young man, it’s a shame to see such a nice fellow as you working for such a rotten boss like Martin Dies.”<sup>9</sup>

Thompson was asked if he knew of any Communists or communist organizations on the University of Oklahoma campus. “No,” Thompson responded. When asked to list organizations to which they belonged, Comfort reported the American Association of University Professors (AAUP), the American Federation of Teachers, the Oklahoma Education Association, the Southern Conference for Human Welfare, and the Norman Forum. Thompson listed Phi Beta Kappa, the American Peace Mobilization Committee, the American Civil Liberties Union (ACLU), and the Southern Conference for Human Welfare. Wright noted the Oklahoma City Chamber of Commerce, the American Legion, the Community Fund Budget Committee, the Council for Social Welfare, the Men’s Dinner Club, and “oh yes, the Oklahoma City Rose Society.”<sup>10</sup>

After the session concluded, Fowler and Seale were eager to tell the *Daily Oklahoman* that the inquiry did not imply those subpoenaed were Communists or associated with Communists. But Comfort, Thompson, and Wright were not kind in their response. “The clear implication of the subpoenas summoning us to this investigation,” they said, “is that we are in possession of information about the finances and membership of the Communist party in Oklahoma.” However, because none had ever been members, “we suspect that back of this is an effort on the part of local reactionaries to intimidate or discredit those who are trying to uphold American constitutional rights and democratic processes in a time of world and national crisis.” Nor were they reluctant to name the individual they thought most responsible. After noting that a federal subpoena had

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been delivered to them by an Oklahoma County deputy sheriff and an Oklahoma City detective, they concluded: "We have every reason to believe that John Eberle . . . is the inspiration of the whole farce. All our attempts to discover who is responsible for this attempt to discredit us lead to John Eberle's office."<sup>11</sup>

Besides Communists unfairly being prosecuted by Assistant County Attorney Eberle under the state's criminal syndicalism law, Comfort also cited other civil liberties violations by public officials across Oklahoma. These included persecutions of Jehovah's Witnesses, the wrongful conviction of a Hugo, Oklahoma, African American whose confession had been beaten out of him, and Streeter Stuart's dismissal from Southeastern State College for writing his representative to vote against conscription. To a *Norman Transcript* reporter Comfort noted that "there are forces in Oklahoma City who are trying to knock down the ears of every liberal in the state."<sup>12</sup>

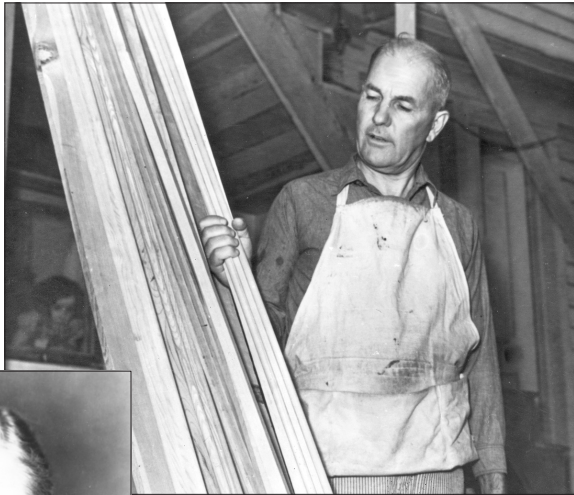
Some people came to their defense, at least in private. Members of the First Presbyterian Church in Ada passed a resolution confirming their belief "in the absolute loyalty" of "these Christian gentlemen." Grade-school principal Bryan W. Biles called the inquiry "a rotten and disgraceful thing." It was "shameful," he wrote Comfort, "that a man who really still believes in the deep principals [*sic*] of Democracy is not allowed to express himself without being called to one side and told to watch his step." Moderator of the Presbyterian Synod of Oklahoma Reverend H. W. Curtis stated, "I know that all three are fine Christian gentlemen. If we are beyond the place where any American citizen has freedom of conscience and the freedom to express himself, I'm afraid our government is no longer American."<sup>13</sup> U.S. Representative Mike Monroney (Oklahoma Fifth District) told the press that the three were "as good American citizens as can be found anywhere. . . . It's a shame with all the subversive activities going on all over the country that good citizens with liberal leaning can't speak their minds without getting smeared as Communists." He noted for the record, however, that he hated Communists and had voted for the Dies Committee. From New York City the ACLU asked Comfort if "we can be of any service to you in this matter." Comfort's response was characteristic: "So far as I know I will not have the slightest need for help as I know nothing about subversive activities around the campus and told the Sub-committee so."<sup>14</sup>

On October 23 Fowler concluded his investigation and told the *Daily Oklahoman* he would report his findings to Dies, who would then decide whether to conduct an investigation of Communist and

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*Rev. Nick Comfort  
of the Oklahoma  
School of Religion  
was a man of  
many talents, in-  
cluding carpentry  
(Courtesy Western  
History Collec-  
tions, University  
of Oklahoma).*

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*U.S. Representative  
Mike Monroney  
(OHS photo).*

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Nazi activities in the Sooner State, and perhaps hold hearings in Oklahoma City. Fowler denied Eberle had anything to do with his preliminary investigation and counseled the clergymen before him on Saturday not to be alarmed: “The fact that a person is summoned to appear before a Dies Committee investigation does not imply he is connected in any way with un-American activities. Information in the possession of respected persons frequently sheds light on others who should be the subject of investigation.” The *Oklahoman* was much harsher on the Dies Committee staffers. For known Communists, a subpoena “would have been perfectly proper,” it editorialized on October 23. In the case of the three ministers the use of the subpoena “was an asinine performance.” The *Oklahoman* argued in an October 25 editorial titled “Overdoing Witch Hunts” that “the most formidable handicap confronting those who are doing genuine and effective work against communism is the fact that

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some red-hunters overdo the job and attempt to put the red mark on innocent victims.”<sup>15</sup>

Potential links to the state Communist Party may not have been the only reasons the Dies Committee and the Oklahoma County Attorney’s office were interested in the three men. Catalyzed by the kinds of events Comfort had enumerated in his October 20, 1940, interview with the *Daily Oklahoman*, planning for a civil rights watchdog organization had been going on for several months, and organizers had been in touch with civil rights organizations across the country for advice. On October 7 ACLU headquarters had asked its president, E. A. Ross (a University of Wisconsin professor), to deliver two addresses in the Oklahoma City area to a group of “liberals” concerned with civil liberties. The talks were intended “to off-set some of the hysteria being produced by local anti-democratic forces who have caused the arrest and prosecution of a number of Communists.” Ross agreed to take the trip. “I should do my best to put in some heavy licks of liberal contentions and against the persecutions being set up by the wave of hysteria that is sweeping over the country.”<sup>16</sup>

For an initial meeting of “liberals” in early October, the Reverends Thompson and Wright invited several OU faculty to discuss the need for such an organization. Although Oklahoma City-based *Black Dispatch* editor Roscoe Dunjee was unable to attend, he did accompany Wright to a second meeting a week later. There organizers discussed the rough draft of a leaflet an OU faculty member had prepared to outline the group’s objectives. The group’s third meeting occurred in Wright’s parsonage, where about thirty people defined a “program of work for the coming year.” On October 22 they launched it. Paul Wright (“Convening Chairman”) and University of Oklahoma Philosophy Professor Charles M. Perry (“Temporary Secretary” who had been ACLU state chair for three years) issued a circular (and also sent it to every Oklahoma newspaper) headlined “Oklahoma Committee on Constitutional Rights.”<sup>17</sup>

The circular invited “Dear Friend” to attend a state conference on November 8 in Oklahoma City on the subject of constitutional rights. “A small group of Oklahoma citizens have recently had a number of discussions of the urgent problem of preserving constitutional rights in this state,” the letter said. “We have worked out a statement which we think may well serve as a working basis for cooperation and for beginning this task.” The circular noted that the group had already received endorsements from Nick Comfort, John Thompson, Roscoe Dunjee, and others. “Will you join us in endors-

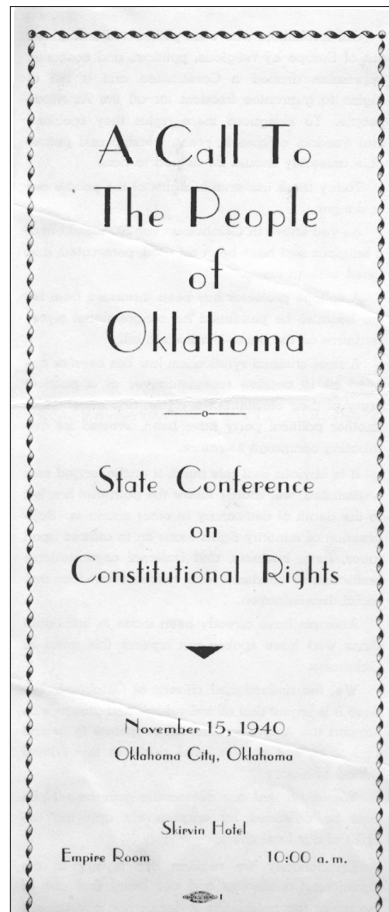


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ing this statement?" a subsequent press release asked. "We, the citizens of Oklahoma, believe it is most urgent that all individuals and groups who support the American tradition of constitutional rights cooperate to defend and to extend those liberties in this critical period of history."<sup>18</sup>

Accompanying the circular was a separate call, which stated that "those inalienable rights, free speech, press, worship, and peaceable assembly which our forefathers specified in the Constitution are in danger" in the Sooner State. It specifically cited persecution of Jehovah's Witnesses, the firing of Streeter Stuart, and the criminal syndicalism trials, where a state law "has been so applied as to deprive representatives of a political party of their constitutional rights, and members of another political party have been arrested for distributing campaign literature." If left "unchallenged and unstemmed," the call concluded, "this trend . . . will shortly follow the path that has led to the death of democracy in other countries. To deprive any minority in our democracy of its rights is to endanger the rights of all minorities and intensify racial discrimination."<sup>19</sup>

Roscoe Dunjee quoted the call freely in his *Black Dispatch*. "Negroes of Oklahoma should not hesitate to join with this fine, liberal group of whites," he said. The organization of the committee was "an attempt to curb present day radical trends" that violate civil liberties. The Communist Party's New York-based *Daily Worker* was also quick to notice, saying that "local reactionaries of Oklahoma City abetted by the Dies Committee are not having the easy time of



(Courtesy Wayne and Shirley Wiegand, from Tim Wood manuscript collection)

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it that they anticipated when they railroaded [book store manager] Robert Wood." Comfort and Thompson "have taken a courageous and outspoken stand against the Dies Committee hearings which were instituted to bolster the local wave of terror." But the major Oklahoma City dailies and other state newspapers gave both the circular and the call only cursory attention.<sup>20</sup>

On October 28 the OU AAUP chapter took two actions at its monthly meeting that addressed civil liberties issues in Oklahoma higher education. It gave Nick Comfort a vote of confidence by authorizing its executive committee to condemn the Dies Committee for interrogating him. It also endorsed action taken by the national AAUP to investigate Streeter Stuart's dismissal. An OU mathematics professor, W. C. Randels, told his colleagues that \$160 had been collected on campus and sent to Stuart for living expenses; by fall 1940 Stuart was in desperate straits, having sold his furniture and having moved with his pregnant wife to his mother-in-law's Pennsylvania home.<sup>21</sup>

By that time other OU faculty members joined the call for a conference on constitutional rights in Oklahoma. These included Maurice Halperin (Romance languages), Willard Z. Park (anthropology), and Edward Murray Clark (English), as well as Helen Ruth Holbrook, the general secretary of the campus YWCA. "The committee wasn't organized because of the recent communist trials in Oklahoma City or the Jehovah's Witnesses cases in the state," Committee Secretary Perry told the university's student newspaper, the *Oklahoma Daily*. "We have nothing to do with specific cases, although we are interested in them." Perry stated that the committee wanted primarily to distribute "accurate, current education material" on the subject of civil liberties, identifying civil liberties violations in the state and nation, defending those who have suffered, and raising money for the "adequate legal defense for victims of the abridgement of constitutional rights." Several days later the committee announced that twenty-eight people from ten Oklahoma cities had endorsed the conference, including six OU faculty members and twelve clergymen. The group was shifting its initial meeting from November 8 to November 15 to accommodate a scheduling conflict for E. A. Ross, their keynote speaker.<sup>22</sup>

Oklahoma officials did not hesitate to lash back at the organizers, however. On October 28 Oklahoma City Manager W. A. Quinn warned his fellow citizens "not to stick your neck out" by joining a movement to organize a statewide civil liberties committee. "People can still say what they think," he added, "but they've got to be re-

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responsible for their statements.”<sup>23</sup> At a November 12 press conference Governor Leon “Red” Phillips warned OU faculty members against attending what was now being referred to as the “State Conference on Constitutional Rights.” “They’re hired to teach school down there in Norman, not to go around the state working on something which does not concern them,” he explained. He wondered out loud whether “they don’t have enough to do.” Phillips also said that anyone from OU who attended the meeting would be identified: “I hope they send me a petition with all their names attached. I’ll turn over all letters and petitions of this kind to the federal bureau of investigation for their information.”<sup>24</sup>



*Oklahoma's Governor Leon C. "Red" Phillips worried about Communists in the state's higher education system (OHS photo).*

Several OU faculty members quickly responded. “I never used any of the time I usually devoted to the university to work on the organization of the civil rights group,” said School Administration Professor John F. Bender. Willard Park noted, “All Phillips has to do is check the reports in President Bizzell’s office and he will find out that members of the faculty are carrying a heavier load than those in many other schools. None of our actions have been secret.” He also argued that the group was actually a “very conservative organization in that it is trying to maintain the status quo as defined by our constitution. I can’t see why the FBI would be interested in the investigation of any group that is trying to uphold the constitution.” Maurice Halperin considered it his “duty as a citizen” to protect civil rights, “as much as voting or participating in civic affairs.” Both Bizzell and OU Board Chair Lloyd Noble declined comment.<sup>25</sup> Elsewhere in the country the press was watching. On November 15 New York City liberal daily *PM* ran a story on Phillips’s reaction to conference organizers.<sup>26</sup>

The major Oklahoma City dailies only lightly reported on the core documents the committee sent out, but they spared little ink in reporting on the conference itself, which began on November 15 at 10 a.m. at the Skirvin Hotel. It generated plenty of fireworks to attract attention. Two hundred people attended (only the *Black Dispatch* noted they were “black and white”<sup>27</sup>). The day began with a brief address by ACLU President E. A. Ross and then quickly

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moved to a series of meetings. In its account the *Oklahoma City Times* focused most attention on action surrounding Stuart's dismissal. Reverend Paul Wright called it "the only clear-cut case we believe where a citizen's rights have been violated." The *Times* quickly called Southeastern State College President T. T. Montgomery for comment. Stuart's letter to U.S. Representative Wilburn Cartwright, Montgomery said, "seemed to me to go much further than a simple protest to a proposed law." That is why he fired Stuart, he said.<sup>28</sup>

The *Daily Oklahoman's* coverage was more comprehensive. "While majority and minority members kept the air hot with their thrusts and jibes," the *Oklahoman* reported, an Oklahoma Federation for Constitutional Rights nonetheless was formed. "Leading the opposition," the paper noted, "Rev. W. B. Harvey, pastor of [Oklahoma City's] Trinity Baptist Church, offered amendments or spoke against three of the resolutions passed and drew constant laughter, rebuttals and heckling from the crowd." The newspaper made no mention of the fact that Governor Phillips had appointed Harvey (whose sermons were heard every Sunday morning on radio station WKY) to the State Board of Education. For several years Harvey had been in the news, leading fights to close the State Fair on Sundays and vehemently opposing Franklin Roosevelt's 1937 attempt to pack the Supreme Court.<sup>29</sup>

The *Norman Transcript* especially focused on "flaring tempers." For one hour at the morning session Harvey held forth with his objections to the proceedings. "The audience booed and hooted Harvey during most of the hour," the *Transcript* reported, and at one point he responded, "I expected to be hooted because I am here casting pearls before swine." To this unfortunate turn of phrase, Elk City physician (and organizer of the nation's first cooperative hospital) Michael A. Shadid took great exception. He rushed toward Harvey and shouted, "I did not come here to be insulted." Halperin also rushed toward Harvey, "I demand that you retract that statement and apologize." When a semblance of order was restored, Harvey said he did not believe that either man was "swine," but he refused to apologize. "This is the sort of thing that leads to fascism," conference organizer Hugh Fouke said. "If you don't sit down, Harvey, I will call the police." Three women simply refused to listen to Harvey, left the meeting, and asked to be called when he finished talking.<sup>30</sup>

Still standing, Harvey then turned his attention to Charles Perry. "If a professor believes in Communism or Fascism," he fumed, "would he be justified in teaching it to his students under your defi-

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dition of academic freedom?" Perry refused to answer unless Harvey sat down; Harvey still refused. Ultimately, the standoff ended when Perry asked Harvey to take three steps back. When Harvey agreed, Perry said, "A college professor should always remain objective. He should teach about Communism and Fascism as they are existent in the world today. However, he should not propagandize his students or inject his personal opinions into his objective lectures. He should propose change in our government only through the existing structure of the constitution."<sup>31</sup>

When the conference considered Stuart's case, Harvey and several others said that "they knew of other causes than his draft letter were behind" his dismissal.<sup>32</sup> An American Legion representative denounced a subsequently passed resolution condemning Stuart's dismissal and asked that Stuart's letter to Cartwright be read. Reverend Thompson refused, the *Oklahoman* noted, and instead urged the conference to focus on the university's statement dismissing Stuart. When Harvey countered, "I demand that we call the board of regents and get their side of the question," the annoyed assembly ruled that Harvey would not be recognized for the remainder of the morning session.<sup>33</sup>

A motion on the syndicalism trials "also brought a storm of protest," the *Oklahoman* reported. "We're not making any criticism of any particular public official, but we think somebody has been making martyrs out of this bunch of punks," declared one federation opponent. Another opined, "It's time to put our feet on the neck of every Communist in the United States and send them back to Russia," then denounced "all the Streeter Stuarts." Adding to the cacophony on the floor were similar protests shouted from the balcony. Gomer Smith, former Fifth District U.S. Representative, noted that the syndicalism law "was passed just after the World War when Oklahoma and the entire country was in a state of hysteria. I have been listening here this morning and I believe we are closely approaching that same hysteria today." Perry urged the assembly to take a clear position on the syndicalism trials.<sup>34</sup>

The assembly took that position later in the day. "We hold that the foundations of democracy are in danger when any law can be made the tool of special persecution of any group," a resolution stated, adding "that the freedom of the press is threatened when citizens may be punished for possessing or distributing books; that the 8th amendment to the Constitution is abrogated by the imposing of excessive bail; and that justice itself is made a travesty when convictions are secured on insufficient or irrelevant evidence." The

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resolution concluded, “Fully conscious of the implications of such actions for all of us, . . . we condemn the extra-legal and illegal treatment of any minority group and demand further safeguards of the rights granted in the 4<sup>th</sup> and 8<sup>th</sup> amendments of our Constitution.”<sup>35</sup>

After the conference passed a resolution affirming the U.S. Constitution and Bill of Rights and condemning “the use of a national emergency on the part of any interests to destroy the legal equitable rights of labor,” Harvey announced, “I’m going to pray God to open Paul Wright’s eyes so he can see what a mess he’s gotten in.” Although Wright tried to silence supporters who rushed to defend him against Harvey’s comments, Unitarian clergyman A. E. Von Still managed to be heard above the din, “I want to ask Doctor Harvey whether he’s speaking of the universal God, or the Baptist God.”<sup>36</sup> At the end of the afternoon session the group elected an executive committee and state council. Von Still suggested Harvey’s name should be on the list, since every group needs “a gadfly.” His suggestion was greeted with laughter but was not accepted. Members of the Executive Committee included eight people—men and women, African American and white. State council members reflected a similarly diverse profile. As a group, the organization’s leadership was much more demographically and socioculturally representative of Sooner State citizens than their public adversaries.<sup>37</sup>

At the concluding session held in the Shrine Auditorium that evening, Wright read to an audience of about four hundred (“attended by both whites and Negroes,” the *Black Dispatch* again noted <sup>38</sup>) from nearly fifty telegrams from civil liberties groups and notable educators across the nation (including philosopher John Dewey) encouraging the new organization to press on in Oklahoma. In a keynote that followed, E. A. Ross began by noting that in Harvey’s protests that morning he heard “the voice of Herrod uttered right here in the guise of a minister of the gospel.” He then continued with more general comments. “We don’t want to change the form of government, we don’t want to change the constitution—that’s what we’re trying to preserve, the rights of the people under the constitution no matter what form they advocate. What we want,” he concluded, “is to protect Oklahoma against the rise of night riders.”<sup>39</sup> With that line, Ross received a standing ovation from most members of the audience.

When Ross returned home, he wrote a friend that he was appalled by the opposition’s behavior: “Never have I seen a more shameless endeavor by a little knot of 8 to 10 persons led by a preacher to ditch such a movement.” To ACLU Chair Roger Baldwin

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he reported that the federation consisted of “decent people” now “in position to get an upper hand of the vigilantes and Fascists, and further infractions will be met with vigorous protest. Had the state gone on a couple of years longer without protest, the state of civil liberties would have been very bad indeed.”<sup>40</sup>

Across the state, reaction to the federation was mixed. County Attorney Lewis Morris connected its formation to the remaining criminal syndicalism trials and accused the group of “trying to prejudice the jury ahead of time.” OU President Bizzell regretted “the embarrassing situation due to the feeling on the part of some of our so-called ‘liberals’ that they must protect the civil rights of people who may or may not be entitled to have their rights protected,” he wrote Regent C. B. Memminger. “I have never questioned that they have the legal right to do this kind of thing; but certainly they have lost complete sight of the best interests of the University.” Within the month the OU Board of Regents decided to omit School of Religion courses from the university’s second-semester class schedule, thus denying students enrolled in the courses university credit. When the *Norman Transcript* asked Nick Comfort for his reaction, he said he did not blame the Regents: “This is just another step in the personal fight on me by Governor Phillips and the American Legion.”<sup>41</sup>

About the meeting the *Daily Oklahoman* noted that “those who differed from the majority had rough going—mighty rough going. . . . Some fine, sincere folks are getting excited over civil liberties. The peril to such domestic bugaboos pales into insignificance compared with the danger of the triumph of nazism, communism and fascism, all of which have ruthlessly throttled civil liberties as soon as they have achieved power.” The *Norman Transcript* was less aggressive. Mostly it worried about good people creating organizations that later might be infiltrated by Communists: “The best course for patriotic citizens who wish to defend civil liberties is to make sure they stay entirely clear of the Communists. Then suspicions will not be directed at them.”<sup>42</sup> Neither editorial spoke to the merits of resolutions passed by the conference.

From New York City the International Labor Defense rather precipitously called the new organization “a powerful bulwark in defense of democracy through the United States.” The *Wilson (Oklahoma) Post Democrat* was also supportive. “A bunch of professors, ministers and others are getting themselves in a tub of hot water by having the audacity to organize a civil liberties league and plug for the rights of individuals as guaranteed by our national and state constitution,” it said. “Foremost among them is good old Nick Com-

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fort, our one-time teacher of religion, who is always getting himself in trouble because he wants to help the fellow who needs help. We just wish our state had more like him.”<sup>43</sup>

Roscoe Dunjee pulled no punches. The few conference hecklers “who pose as ambassadors of God breathed a type and brand of intolerance during the sessions which would have done credit to any totalitarian form,” he said. “All one had to do . . . was observe the type of insufferable bigotry present to appreciate the need of a federation to preserve constitutional rights.” Dunjee harbored no sympathy for Communist dogma, he said, but as an African American in a Jim Crow state he did recognize violations of civil liberties when he saw them. “If a fair trial is denied Communists, if excessive bail is demanded of Communists and if free speech is denied Communists,” he concluded, “the same rule can be forced upon this writer, his race and all minority groups.”<sup>44</sup>

Perhaps the most balanced editorial came from Edith Walker, campus columnist for the *Oklahoma Daily*. Although the “unseemly conduct of hecklers who attended the committee meeting to stir up confusion and create unfavorable publicity only served to strengthen” its cause, the newly formed organization still had a difficult task ahead. She noted, however, that the federation had received encouraging support from liberals across the country “to stem the outrages which have been perpetrated against the rights of [Oklahoma] citizens,” and she wished it well. “Between a communist and an American who seeks to preserve the rights of a communist, there is a vast difference.”<sup>45</sup>

To kick off its membership drive the federation printed a ten-page pamphlet listing its officers, explaining its goals, and soliciting membership (\$1 for individuals, \$5 for organizations). Anyone could join, the pamphlet noted. The organization had no political affiliations and was not tied to any out-of-state group. Its purpose was solely “to safeguard for all the people the rights guaranteed them by both the Federal and State Constitutions and Bill of Rights.” Although the federation did not share the views of all those whose rights it defended, it saw the threat to those rights as paramount: “It is the lawless disregard of the Bill of Rights which threatens the very core of our democratic system.” The federation specifically addressed the Oklahoma City criminal syndicalism cases, which it judged “a constant source of infringement of the Bill of Rights.” The pamphlet’s final page contained the Bill of Rights.<sup>46</sup>

Understandably, the existence of the federation functioned as a catalyst for opposition. To protest its creation, Reverend Webber



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scheduled himself for an address at the Shrine Auditorium on November 18 because booklets passed out “by out-of-state liberals” at the federation’s organizational meeting had called him a “rabble rouser.” He also arranged to bring *Red Network* author and noted red-baiter Elizabeth Dilling from Chicago to Oklahoma City for a speaking appearance on November 20. Civil rights groups were defending the “uncivil rights of Communists,” she charged in her speech. “What are we going to do with these well-meaning intellectuals with soft hearts and heads?” What Americans needed was a good dose of common sense. People with common sense “won’t give civil liberties to cancers. Getting some Communist out of jail,” she concluded, “they call that civil liberties?”<sup>47</sup>

To show that OU faculty who helped organize the federation did not speak for all on campus, Dean of the Business College A. B. Adams argued that the position articulated in the federation’s principles was against the federal government and should not be tolerated. Conversely, Governor Phillips, although still angry with OU faculty members who attended the Skirvin Hotel assembly, became more philosophical. “After all,” he told reporters, “it’s sort of like a windstorm—it passes on.” He did announce, however, that through the National Patriotic Council he would cosponsor a speech that Martin Dies, Jr., was scheduled to deliver in Oklahoma City. Dies had just published *The Trojan Horse in America*, a histrionic account that played to the fears of many Americans panicked over Hitler’s conquest of France and the treaty he had negotiated with Moscow in August 1939 to prevent a two-front war. On December 13 Dies told an audience of 500 in the Municipal Auditorium that in the absence of federal action, state and local governments were justified in taking steps against un-American activities. He also said that the ILD “is nothing more nor less than an organization to defend Communists in court trials,” and that “we are still getting information about the Oklahoma situation.” Both Oklahoma County Attorney Lewis Morris and his assistant, John Eberle, were in the audience. Dies’s perspective justified actions that they and their allies had been taking in the book trials and against the Oklahoma Federation for Constitutional Rights.<sup>48</sup>

A month later, several state legislators would happily join the fray when they organized an investigating body that in Oklahoma quickly became known as “the Little Dies Committee.”

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### ENDNOTES

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<sup>1</sup> The Smith Act can be found in 18 U.S.C. sec. 2385. See also Samuel Walker, *In Defense of American Liberties: A History of the ACLU* (New York: Oxford University Press, 1990), 123.

<sup>2</sup> *Daily Oklahoman* (Oklahoma City), April 30, 1940; *New Masses* 35 (May 7, 1940): 19; Bizzell to Bryce, May 24, 1940; Bizzell to "Mr. Burke," July 18, 1940, Maurice Halperin File, Personnel Files, Basement, Evans Hall, University of Oklahoma, Norman, Oklahoma (hereafter cited as Halperin File).

<sup>3</sup> *Oklahoma Daily* (University of Oklahoma, Norman), September 18, 1940.

<sup>4</sup> *Daily Oklahoman*, June 10 and 17, 1940; Motion for a Change of Venue, *Oklahoma v. Ina Wood*, Number 14494, p. 2; Elizabeth Green, "Fascism: Oklahoma Brand," *New Masses* 39 (December 10, 1940): 18; Wilma Jaffe, "Oklahoma Story, Eli Jaffe Papers, Box 1, Western History Collections, University of Oklahoma, Norman (hereafter cited as Jaffe Papers); Streeter Stuart to U.S. Representative Wilburn Cartwright, August 9, 1940, Cartwright to Montgomery, August 27, 1940, and South-eastern State College President T. T. Montgomery to Stuart, August 31, 1940, all in E. A. Ross Papers, Box 23, Archives Division, Wisconsin Historical Society, Madison, Wisconsin (hereafter cited as Ross Papers).

<sup>5</sup> Copy of telegram, dated October 19, 1940, in a collection of correspondence and materials in possession of Tim Wood, New York City (hereafter cited as Wood Mss).

<sup>6</sup> *Daily Oklahoman*, October 20, 1940.

<sup>7</sup> For more information on Comfort, see Robert C. Cottrell, *The Social Gospel of E. Nicholas Comfort: Founder of the Oklahoma School of Religion* (Norman: University of Oklahoma Press, 1997).

<sup>8</sup> *Seminole* (Oklahoma) *Producer*, October 20 1940; *First Presbyterian Church Publication*, 11–13, Jaffe Papers, Box 1. See also *Daily Oklahoman*, March 13, 1940 and September 11, 1941.

<sup>9</sup> *Daily Oklahoman*, October 20, 1940.

<sup>10</sup> Thompson, Comfort and Wright each gave accounts to a *Daily Oklahoman* reporter after the session. See *Daily Oklahoman*, October 20, 1940. See also *Seminole Producer*, October 20, 1940.

<sup>11</sup> *Daily Oklahoman*, October 20, 1940.

<sup>12</sup> *Norman* (Oklahoma) *Transcript*, October 20, 1940; *Daily Oklahoman*, October 20, 1940.

<sup>13</sup> Harryle Miller to Comfort, October 20, 1940; Bryan W. Biles to Comfort, October 21, 1940, Oklahoma School of Religion Papers, Box 1, Western History Collections, University of Oklahoma, Norman (hereafter cited as OSR Papers).

<sup>14</sup> Monroney, quoted in *International Labor Defense Newsletter*, October 25, 1940, Papers of the American Civil Liberties Union, Seeley G. Mudd Library, Princeton University, Princeton, New Jersey, Reel 190, Vol. 2241 (hereafter cited as ACLU Papers). See also Paul Allen (ACLU) to Comfort, October 23, 1940, and Comfort to Allen, October 31, 1940, ACLU Papers, Reel 179, Vol. 2152.

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<sup>15</sup> *Daily Oklahoman*, October 23, 1940, October 21, 1940, and October 25, 1940. See also *Black Dispatch* (Oklahoma City, Oklahoma), February 15, 1941.

<sup>16</sup> Ira Latimer (ACLU) to Ross, October 7, 1940, Ross to Latimer, October 11, 1940, and Jerome Britchey (ACLU) to Latimer, October 16, 1940, Ross Papers, Box 23.

<sup>17</sup> "Dear Friend," Circular from Oklahoma Committee on Constitutional Rights, October 22, 1940, OSR Papers, Box 4, and Ross Papers, Box 23. See also *Black Dispatch*, February 15, 1941, and John Thompson to Ira Latimer, October 22, 1940, Ross Papers, 23.

<sup>18</sup> "Dear Friend," Circular from Oklahoma Committee on Constitutional Rights, October 22, 1940.

<sup>19</sup> "A Call to the People of Oklahoma," Wood Mss.

<sup>20</sup> *Black Dispatch*, November 12 and 16, 1940; *Daily Worker* (New York), October 24, 1940; *Norman Transcript*, October 27, 1940; *Daily Oklahoman*, October 27, 1940.

<sup>21</sup> Streeter Stuart to Jerome Britchey, October 3, 1940, ACLU Papers, Reel 179, Vol. 2152.

<sup>22</sup> *Oklahoma Daily*, October 29, 1940, November 6 1940; *Daily Oklahoman*, October 29, 1940; *Norman Transcript*, November 5, 1940. See also Latimer to Ross, October 24, 1940; Ross to Latimer, October 25, 1940, and Perry to Ross, November 2, 1940, Ross Papers, Box 23.

<sup>23</sup> *Oklahoma Daily*, October 29, 1940.

<sup>24</sup> *Norman Transcript*, November 12 and 13, 1940; *Oklahoma Daily*, November 14, 1940. See also ILD Press Release, November 23, 1940, Wood Mss. Evidence the authors uncovered through the Freedom of Information Act requests reveal that by this time the FBI had already begun building files on all federation officers. See File 100-386 (dated February 21, 1942), Federal Bureau of Investigation, Department of Justice, Washington, D.C. (hereafter cited as Alan Shaw FOIA Files).

<sup>25</sup> *Oklahoma Daily*, November 13, 14, and 15, 1940; *Norman Transcript*, November 14, 1940. Just before the conference, Phillips modified his stance. "Professors of state institutions have as much right to join such a group as I have to join the Elks or the Shrine," he said, "but they have no business interfering in such matters as the discharge of a fellow professor at Durant." See *Daily Oklahoman*, November 15, 1940.

<sup>26</sup> *PM* (New York), November 15, 1940.

<sup>27</sup> *Black Dispatch*, November 23, 1940.

<sup>28</sup> *Oklahoma City Times*, November 16, 1940.

<sup>29</sup> *Daily Oklahoman*, November 16, 1940. See also *Daily Oklahoman*, September 21, 1942. Charles Perry thought the major Oklahoma City dailies were "unexpectedly friendly" toward the fledgling organization. Perry to Ross, November 16, 1940, Ross Papers, Box 23.

<sup>30</sup> *Norman Transcript*, November 15, 1940. For Shadid's organizing successes, see Michael A. Shadid, *Crusading Doctor: My Fight for Cooperative Medicine* (Norman: University of Oklahoma Press, 1956).

<sup>31</sup> *Norman Transcript*, November 15, 1940.

<sup>32</sup> *Daily Oklahoman*, November 16, 1940.

<sup>33</sup> *Norman Transcript*, November 15, 1940. The New York ACLU office had asked Ross to monitor discussion of the Stuart case at the meeting. The ACLU had only recently succeeded in convincing the American Association of University Professors to investigate the case. See Paul Allen (NYC ACLU) to Ross, October 3, 1940, and November 25, 1940, Ross Papers, Box 23. Stuart's letter, in fact, did more than request a vote against conscription. It suggested that the legislator might reap personal gain by a vote for conscription, called war "insanity," said he would "cooperate in no way

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with anyone . . . in killing human beings under any pretense,” and added, “any man who kills is a murderer before God.” Stuart to Cartwright, August 9, 1940, ACLU Papers, Reel 179, Vol. 2152.

<sup>34</sup> *Daily Oklahoman*, November 16, 1940; *Norman Transcript*, November 15, 1940.

<sup>35</sup> Resolution, reprinted in ILD Press Release, November 23, 1940, Wood Mss. See also “Resolutions Passed by the Recent Oklahoma Federation for Constitutional Rights,” *Black Dispatch*, November 30, 1940.

<sup>36</sup> *Daily Oklahoman*, November 16, 1940.

<sup>37</sup> *Ibid.*

<sup>38</sup> *Black Dispatch*, November 23, 1940.

<sup>39</sup> *Daily Oklahoman*, November 16, 1940.

<sup>40</sup> Ross to Harry W. Laidler, November 22, 1940, Ross to Baldwin, November 22, 1940, and November 25, 1940, Ross Papers, Box 23. See also Ross to Baldwin, November 25, 1940, ACLU Papers, Reel 190, Vol. 2242.

<sup>41</sup> Lewis Morris, quoted in *New Masses* 39 (November 26, 1940): 20; Bizzell to Memminger, December 3, 1940, Papers of William Bennett Bizzell, Box 160, 9443.3, Western History Collections, University of Oklahoma, Norman; *Norman Transcript*, January 9, 1941. See also *Oklahoma City Times*, November 22, 1940 and *PM*, November 14, 1940.

<sup>42</sup> *Daily Oklahoman*, November 17, 1940, editorial; *Norman Transcript*, November 17, 1940.

<sup>43</sup> ILD Press Release, November 23, 1940, Wood Mss.; Undated *Wilson* (Oklahoma) *Post-Democrat* editorial, quoted in *Oklahoma City Times*, November 28, 1940, Jaffe Papers, Box 1.

<sup>44</sup> *Black Dispatch*, November 23, 1940. See also Robert Wood, “Peace Advocacy is Crime in Eyes of Okla. Authorities,” *Daily Worker*, November 25, 1940. At a meeting of Southwestern Regional Conference of the Oklahoma Conference of Branches, NAACP, in Watonga on December 6, 1940, John Thompson said in a keynote address, “We have drifted off to a dangerous place where we have become extremely intolerant.” See also *Black Dispatch*, December 7, 1940.

<sup>45</sup> *Oklahoma Daily*, November 17, 1940.

<sup>46</sup> Pamphlet, Jaffe Papers, Box 1, and ACLU Papers, Reel 201, Vol. 2340.

<sup>47</sup> *Daily Oklahoman*, November 18 and 21, 1940. Historian Michael Ybarra notes Dilling used her husband’s money to self-publish *Red Network*. He also concludes that “Dilling was, to put it mildly, insane.” See Michael Ybarra, *Washington Gone Crazy: Senator Pat McCarran and the Great American Communist Hunt* (Hanover, N.H.: Steerforth Press, 2004), 225.

<sup>48</sup> *Norman Transcript*, November 18, 1940. See also ILD Press Release, Oklahoma Committee to Defend Political Prisoners, November 28, 1940, Wood Mss., and “Adams Flays Subversive Actions,” *Oklahoma Daily*, November 19, 1940. See also *Daily Oklahoman*, December 14, 1940.