

sixth in a series

by David W. Levy

The historian Eric Goldman has called 1949 “the year of shocks” for the American people. By mid-autumn, it was clear to everyone that the Communist forces were going to be victorious in China—Chiang Kai-shek, America’s ally, had fled the mainland for Formosa in May. Then, on the morning of September 23, the Truman administration announced that it had unmistakable evidence that the Soviet Union had exploded a nuclear device, years ahead of all the predictions; the American monopoly on atomic weaponry was at an end. And stretching through most of the year was the sensational trial of Alger Hiss, a high-level public official accused of giving secrets to the Russians and eventually convicted of perjury in November.

“The shocks of 1949,” Goldman wrote, “loosed within American life a vast impatience, a turbulent bitterness, a rancor akin to revolt.” By the end of February 1950, Senator Joseph McCarthy of Wisconsin was leading a spirited crusade aimed at rooting out the Red traitors inside the United States. Didn’t China’s fall, didn’t Russia’s bomb and Hiss’s trial show that the nation was beset by betrayers and renegades, servants of a foreign power that aimed at nothing short of the destruction of the American way of life? Before the spring of 1950 was over, “McCarthyism” was a term in common usage, and by June, Americans were fighting Communists in dead earnest on the bloody battlefields of South Korea.

Millions of Americans who had always been wary of the Red menace abroad now demanded the ferreting out of suspected infiltrators at home. The early 1950s were characterized, therefore, by rather frenzied efforts to hunt down, expose and punish Americans who were sympathetic to communism. Oklahoma, like every other state, was eager to join in this national crusade against the Reds.

One of the most popular weapons against communism, brought into play in many states, was the so-called “loyalty oath,” a statement that differed from place to place but that generally required signers to swear loyalty to the United States of America and to attest that they were not now, nor had they ever been, members of the Communist Party or of subversive groups bent on the violent overthrow of the American government.

In March 1951, the Oklahoma legislature began to fashion a loyalty oath that was to apply to all state, county and municipal employees. In late March and early April, as the items on the following pages indicate, the University of Oklahoma’s student newspaper, *The Oklahoma Daily*, was filled with debate over the wisdom, necessity and constitutionality of that oath. Particularly controversial was the provision requiring signers to bear arms in time of war. How would this apply to women, conscientious objectors or professors who were citizens of other countries? Only slightly less controversial was the complete reliance on the wisdom of the U.S. Attorney General, a single individual, after all, to flatly decide which groups were so subversive that membership in them might cost someone his job.

Revisiting the debate gives us a glimpse into the political and moral climate of the Cold War in the state and on the campus of this

University. But it also raises again for us, 45 years later, all those difficult questions about the meaning of freedom, the sanctity of conscience, the proper limits of governmental authority and the nature of loyalty and patriotism itself.

Oklahoma’s loyalty oath was signed into law on April 9, 1951. An opinion by the Oklahoma attorney general in 1968 (No. 68-137) declared the 1951 loyalty oath “overbroad” and thus unconstitutional, and the state adopted a simpler and less controversial version that is still in use.

The Hunt for RED Professors

The Loyalty Oath Crisis of 1951



Governor Johnston Murray

* * * *

Thursday, March 22, 1951:

MURRAY SAYS HE WILL SIGN ANTI-COMMUNIST OATH BILL

The house completed legislative action on an inclusive anti-Communist bill Wednesday and Gov. Johnston Murray said he will sign it. The lower chamber concurred in minor senate amendments to the house bill and then passed and sent it to the governor.

The bill says that "any officer or employee of the state, county, school district, municipality, public agency, public authority or public district who fails to take the oath" will lose his job. Persons required to take the oath must swear they aren't a member of the communist party or "affiliated directly or indirectly" with it. The oath must be taken within 30 days after the bill becomes law. A person who "states as true any material matter which he knows to be false is guilty of perjury" and can be sentenced from one to 14 years in the state penitentiary. . . .

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Wednesday, March 28, 1951:

FACULTY MEMBER EXPRESSES OPINION ON ANTI-COMMIE OATH

To the Editor: As a member of the faculty, I should like to express my personal opinion concerning the forthcoming anti-communist oath. Perhaps I can stimulate a little healthy discussion on this subject. Actually the wording of this oath is not the important thing to me; it is the principle behind the measure which is at fault. After careful thought, I have formulated the following objections:

1. Any intimidation or coercion by the state is a violation of civil rights and personal integrity. An employee's position should not be threatened in any way because of his opinions.

2. I personally believe that a communist should be allowed to teach and to express his views in public. An



Cortez A. M. Ewing

dom of speech and thought will suffer most from refusing to sacrifice their principles if coercion is employed—and not the communists themselves.

4. My greatest fear is that this "harmless" oath may be the first step in a long line of restrictions upon the "academic freedom" and personality of the individual. Is this a situation in which the remedy is more frightening than the disease?

Richard A. Bodge

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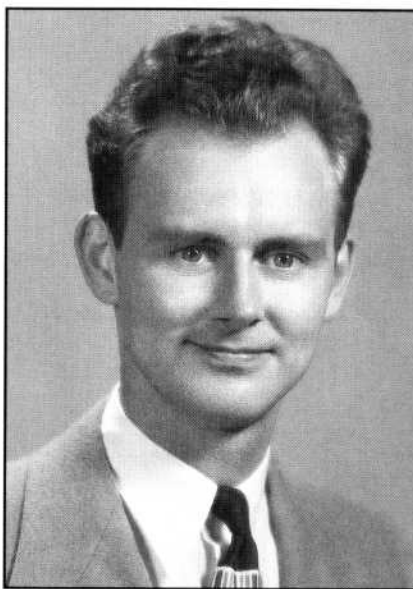
Friday, March 29, 1951:

"OATH" DRAWS FACULTY OPINION; NOT ALL PRAISE

By Willard McCracken
Daily Staff Writer

Interviews with faculty members Wednesday regarding the forthcoming anti-communist oath bill showed that OU educators are not deliriously happy over the measure, but most of them will go along with the state legislators.

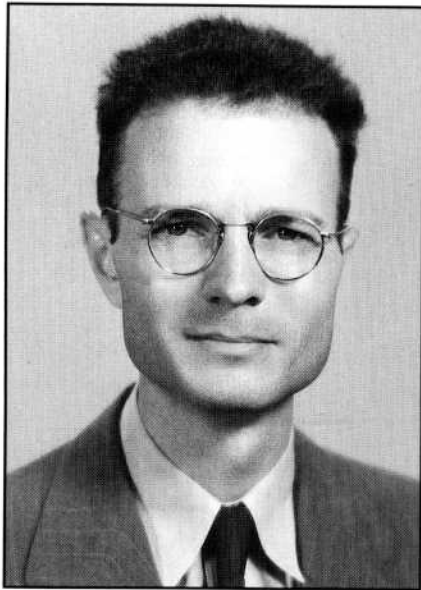
Richard A. Bodge, instructor in English, whose letter to the editor of the Oklahoma Daily presented an adverse opinion, said during the interview, "I believe that a lot of people are in sympathy with my opinions but



Richard A. Bodge

open discussion of conflicting ideologies should be beneficial in a "democratic" nation. Disturbance of the peace is one thing; expression of ideas is another.

3. I feel that this oath is discriminatory if it applies only to certain vocational groups. Also, I fear that the conscientious believers in free-



Paul R. David

I don't believe they want to come out in the open and say that." He added, "They're playing it safe." One of Bodge's colleagues who was present during the interview commented, "I agree with you, but in my position I must remain impartial."

Dr. Cortez A. M. Ewing, research professor of government, said, "I think that everybody will sign and any communists will be the first to sign. The only people it will catch are the non-communists who don't like to be pushed around." Dr. Ewing agreed with Thomas Reid Powell of the Harvard law school who remarked when confronted with the same question, "The constitution has supported me for 35 years, I guess I can support it."

Dr. Paul R. David, [associate professor of zoology and] director of the institute of human relations, prepared a typewritten statement which contains the crux of a letter he intends to send to Governor Murray. The statement reads as follows:

"Without having seen the bill itself, I obviously cannot give a final opinion on its merits. But if its contents are substantially as reported in

the Daily Oklahoman . . . I think that its implications are insidious in the extreme. First, I think that any legislation which requires a political test for eligibility to public employment is squarely against the soundest tradition of American freedom of thought. Second, insofar as the bill may require a public employee to reveal his political affiliations (if he is to hold his job), I think that our traditional secrecy of the ballot is seriously threatened. Third, if it is correct that current or recent membership in any organization, association or group which has been officially determined by the United States attorney general or authorized public agency to be a communist front or subversive organization must also be denied, I think this sets a dangerous precedent in leaving it up to Attorney General McGrath (or his successor) to say who shall or shall not be allowed public employment in the state of Oklahoma. . . ."

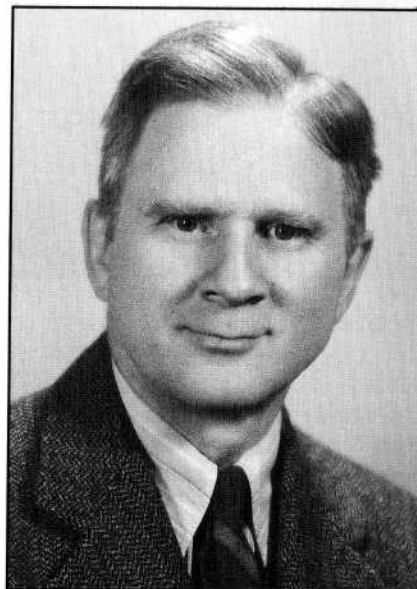
When asked directly whether he would or would not sign the oath, David replied "If I sign, I will sign under protest."

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Friday, March 29, 1951:

READER SAYS BODGE WRONG ABOUT REDS

Editor of the Daily: This letter is sent



Howard O. Eaton

in regard to the letter by Mr. Richard Bodge, English instructor, which appeared in the Daily on Wednesday, where he expressed his views on the anti-communist oath.

Mr. Bodge, you said that only after careful thought you formulated your ideas on this subject. I find that rather difficult to believe. You said you believed a Communist should be allowed to teach and express his views in public. I ask if you know what Communism really is. (I seriously doubt that this law was designed primarily to "catch" Communists, but rather I suggest it might have been designed to jail perjurers.)

Be advised, Mr. Bodge, that even intelligent people can be warped beyond measure to describe, and imbued with bitter hatred which they can impose upon the plastic minds of students. It is easy to prove something to them on paper.

In my opinion it is much better to lose a little freedom by shackling the fangs of subversive elements, than it is to be so "democratic" as to allow these very people who abuse our system to thereby, and because of it, gradually eliminate all thought of freedom for the rest of us.

Upon the basis of your argument, Mr. Bodge, you cannot possibly deny, without contradicting yourself, that a Nazi also should be allowed to teach and that he should be granted the right to express his views in public. Or are you just limiting these "rights" to Communists? Though it may not concern your letter directly, I would like to remind you, Mr. Bodge, that though our system may not be as theoretically perfect as the Communistic system it most assuredly works better practically.

Virginia Delf

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Thursday, March 29, 1951:

LOYALTY OATH CREATES GUILT BY ASSOCIATION

Editor of the Daily: It is a comforting thought to know that even in these times of hysteria there are a few people who refuse to relinquish their integrity. Throughout this land, men and women who regard the unfettered



OATH OF ALLEGIANCE

UNITED STATES OF AMERICA }
STATE OF OKLAHOMA } SS:

"I, _____ do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Oklahoma against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Oklahoma; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

"And I do further swear (or affirm) that I do not advocate, nor am I a member of any party or organization, political or otherwise, that now advocates the overthrow of the Government of the United States or of the State of Oklahoma by force or violence or other unlawful means; That I am not affiliated directly or indirectly with the Communist Party, the Third Communist International, with any foreign political agency, party, organization or Government, or with any agency, party, organization, association, or group whatever which has been officially determined by the United States Attorney General or other authorized agency of the United States to be a communist front or subversive Organization, nor do I advocate revolution, teach or justify a program of sabotage, force or violence, sedition or treason, against the Government of the United States or of this State, nor do I advocate directly or indirectly, teach or justify by any means whatsoever, the overthrow of the Government of the United States or of

this State, or change in the form of Government thereof, by force or any unlawful means; that I will take up arms in the defense of the United States in time of War, or National emergency, if necessary; that within the five (5) years immediately preceding the taking of this oath (or affirmation) I have not been a member of The Communist Party, The Third Communist International, or of any agency, party, organization, association, or group whatever which has been officially determined by the United States Attorney General or other authorized public agency of the United States to be a communist front or subversive organization, or of any party or organization, political or otherwise, that advocated the overthrow of the Government of the United States or of the State of Oklahoma by force or violence or other unlawful mean;

And I do further swear (or affirm) that during such time as I am

an employee of the University

of Oklahoma

I will not advocate and that I will not become a member of any party or organization, political or otherwise, that advocates the overthrow of the Government of the United States or of the State of Oklahoma by force or violence or other unlawful means.

Subscribed and sworn to before me this the _____ day of _____ 19____

My Commission Expires _____, 19____ Notary Public _____

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search for truth as a first obligation, face a serious problem. They rightly fear the sterility of patterned thinking.

Loss of professional integrity must follow from the insistence on teaching only that which is not in conflict with current dogma. Loyalty oaths, cries of heresy and purges are becoming commonplace in American colleges. The force of law is put behind the practice of tagging unorthodox ideas as subversive: it establishes a legal basis for guilt by association. It makes the loss of career and professional reputation the price of courage.

Historically it has been shown that such laws only initiate further measures which would abrogate the rest of our civil liberties. In a democratic nation, it is many diverse thoughts which lead to a growth of freedom—

and it is these "restrictive laws" which constitute the subversive element.

The supposed threat of communism, hysterical conditions and an intimidated people allowed fascism to devastate Europe. It all started with a few "harmless" laws like this. . . .

Edward Thaler

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Friday, March 30, 1951:

EATON SAYS OATH PROTECTS PROF FREEDOM

Editor of the Daily: I deeply resent the insinuation that anyone who signs the oath of loyalty to democratic principles can do so only under protest or grudgingly in order to keep his job. A person of integrity is not compelled to choose between being a fascist or com-

munist. I will sign the oath because I believe we should give full support to the legislature and the governor in their efforts to dig subversive tendencies, fascist as well as communist or any other totalitarian ideology, out of our public life. Democracy has every right to protect itself from those who if they won power would destroy democracy and every freedom of democracy including academic freedom.

Howard O. Eaton
[professor of philosophy]

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Friday, March 30, 1951:

READER SAYS BILL AIMS AT EXPRESSION OF OPINION
Editor of the Daily: Yesterday's [Norman] Transcript carried a story

concerning a university instructor's objection to the forthcoming state loyalty oath. . . . Both Elmer Fraker [state adjutant of the American Legion] and William S. Shibley [representative from Bristow who authored the legislation] state that House Bill 8 was intended to effect the dismissal of men like Mr. Bodge, who has broken no law, but merely expressed his opinion on a subject of importance to every citizen. Mr. Fraker could not have read the above-mentioned objections very carefully if he concluded that the O.U. instructor "does not recognize countries, only international thinking." There is nothing in the letter to give that idea, either implicitly or explicitly. Mr. Fraker is perfectly right when he says that "no state employee should seek to destroy the government that feeds him," but this has nothing to do with the views expressed in Mr. Bodge's letter. Altogether, Mr. Fraker's statement was typical of much American Legion thinking, which is often hysterical, seldom logical, and sometimes dangerous to the civil liberties guaranteed by the Constitution. Among those liberties is freedom of speech, which implies both freedom of thought and freedom to differ from the majority. Mr. Bodge wrote in behalf of those freedoms. Communists and other totalitarians oppose those freedoms—and many others. Let us hope that Americans do not become so busy fighting totalitarianism abroad that they become blind to its encroachments at home, even if it takes the form of 200 per cent Americanism. "The price of liberty is eternal vigilance."

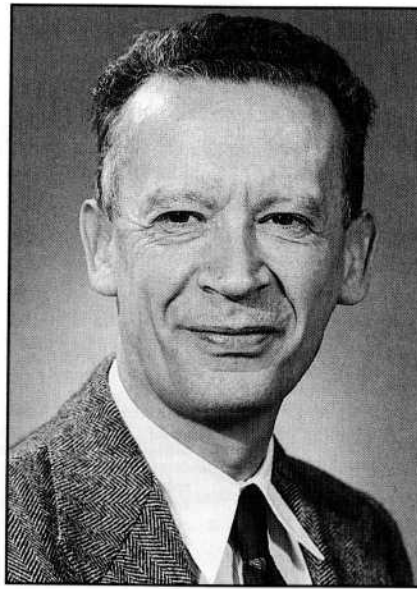
Dick Underwood

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Saturday, March 31, 1951:

BODGE DEFENDS ORDAINED RIGHTS

Editor of the Daily: I hadn't intended to say anything more about the present situation. However, various individuals have been calling me names and I find it necessary to say a few words in my own defense. I expressed my per-



Gustav E. Mueller

sonal opinion, and that is all I intended to do. I don't believe that I should be called a communist when this accusation is untrue.

I have expressed my belief in freedom of speech and American democracy. I feel that this oath is a violation of our freedom. Is it a crime to defend the basic beliefs of one's country?

Richard A. Bodge

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Saturday, March 31, 1951:

G. E. MUELLER FAVORS OATH

Editor of the Daily: If I hire a tutor, I expect that he will not seduce my daughter, and that he will not use his knowledge of my house to inform burglars of their best opportunities. This moral assumption should be self-evident without saying. But there is nothing wrong in saying it and putting it in explicit and legal form.

Analogously, if the state employs me in its service, it can expect me to be loyal and not to be in alliance with its enemy. This also should be self-evident without saying. But there is nothing wrong with saying it and putting it in explicit and legal form.

The "liberal" who sees academic freedom endangered by political loyalty confuses loyalty to that organized political power which protects his own

existence with that freedom of thought which is based on serving the truth. He fails to distinguish between practical and theoretical values. This failure to distinguish between political power and freedom of thought is precisely one symptom of every political totalitarianism.

Gustav E. Mueller
[professor of philosophy]

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Tuesday, April 3, 1951:

EATON GIVES REASONS FOR OPPOSING OATH

To the Editor: My reasons for signing the oath are diametrically opposite to the reasons offered by the correspondent who published a letter in your columns on March 31. He draws a distinction between theoretical and practical which, if accepted, would destroy the ethical basis [of] American democracy.

According to his view one can bow to the power of the state while keeping his freedom of thought to himself. It would seem that to sign the oath on such a basis would raise the question of whether it was signed with mental reservations.

My view is that separation of the theoretical from the practical opens the way to subterfuges of all sorts which soon undermine the democratic political structure and the character of the citizens. Thence follow complete disintegration and decay as we have witnessed in the Nazi regime.

Under a totalitarian dictator it may be necessary to distinguish between practical and theoretical values in order to survive. But the political power of a democracy is the child of the freedom of thought of all the citizens. The oath, for instance, has been passed by the legislature acting as the elected representatives of a free people. . . .

Howard O. Eaton

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Thursday, April 5, 1951:

OATH LETTER IS CLARIFIED

Editor of the Daily: There are readers who are puzzled by the distinction of theoretical and practical values made in my statement concerning the loyalty oath on March 31. So it seems necessary to add some clarification.

The practical act of digesting food does not wait for the science of physiology; rather the physiologist depends on his practical ability to digest food to make theoretical statements about it. A political oath, similarly, is a practical act of commitment in defense of moral values, which act is not at all identical with an ethical theory concerning those same moral values. In normal times such a commitment should "go without saying," while in abnormal times it may become necessary to make it explicit.

Gustav Mueller

provisions in the bill may still be unconstitutional.

"I refer particularly to the provision with reference to the United States attorney general's list of Communist front organizations and the provision in the oath with regard to the bearing of arms. In regard to the first mentioned provision, I doubt the wisdom or constitutionality of leaving to the continually recurring judgment of any man or public agency the responsibility of determining from time to time the names or lists of organizations deemed by him or them to be communistic or subversive in nature. . . . With regard to the other provision mentioned, it is my personal feeling that every citizen should be willing to defend his country in whatever manner and to whatever extent may be necessary, but I am also cognizant that neither the state nor the federal constitutions make the willingness to

controversial bill as the governor had requested. . . . Shortly before the senate overrode the governor's request the house had voted 49-45 to recall the bill. That action was nullified when the senate refused to join the recall. . . . Murray's objections to the bill had stemmed from protests by University of Oklahoma officials. . . .

Both houses listened to a lot of oratory on the bill. Murray came in for particularly harsh discussion in the senate where Senator George Miskovsky, Oklahoma City, said he "has been duped by some smooth talking propagandists." The senate also passed a resolution commending R. T. Stuart, member of the board of regents for Oklahoma A&M colleges, who said that anyone not signing the oaths should be fired. . . .

[T]he bill, sponsored largely by the American Legion, had loud support. Miskovsky made one of the strongest arguments. "It's time we start getting rough with these Reds," he shouted. "If there are any Reds down at the University of Oklahoma, this senate wants to know where they are. I'm afraid they shoved some of that smooth propaganda at the governor and stam-peded him. The only persons that need fear signing that oath are those damnable Reds."

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"If there are any Reds down at the University of Oklahoma, this senate wants to know where they are. . . . The only persons that need fear signing that oath are those damnable Reds."

Tuesday, April 10, 1951:

THE EIGHT O'CLOCK

By Leif Olsen

It's done! The senate refused to recall the anti-communist oath and the governor signed it into a law. There isn't much to say today except to sit tight and see what the faculty will do. It's their baby now and probably they will do the wisest thing possible. Students should remember that professors, those who feel conscientious about the oath, will have a hard time deciding. There's a lot in the balance.

[Source: All material is reprinted from The Oklahoma Daily, March 22-April 10, 1951.] 

Saturday, April 7, 1951:

MURRAY ASKS HOUSE TO RECALL OATH BILL

The house of representatives Friday was asked to recall the anti-communist oath bill and fix two questioned provisions. . . . In a message to the house Murray said: "I am wholeheartedly in accord with your motives and it is my strong personal conviction that no person who is worthy of being called a loyal American citizen should find any reason for objecting to make a reaffirmation of his loyalty and allegiance to his country as often as he may be called upon to do so. Yet it does appear to me that some of the

bear arms a requisite for citizenship or holding public office; and further that there are some people whose religious beliefs prevent them bearing arms, yet who are willing to serve in non-combatant capacities in the armed forces."

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Tuesday, April 10, 1951:

OATH NOW LAW AS RECALL FAILS; SENATOR SAYS MURRAY HIT BY "SMOOTH OU PROPAGANDA"

Governor Johnston Murray yielded to the state senate Tuesday and signed the anti-communist oath bill into law. His action came shortly after the senate stubbornly refused to recall the