

NORTH TEXAS STATE UNIVERSITY  
ORAL HISTORY COLLECTION  
NUMBER 15

Interview with  
J. Fagg Foster  
August 1967

Place of Interview: Denver, Colo.  
Interviewer: Dr. Kendall Cochran  
Terms of Use: No restrictions  
Approved: J. Fagg Foster  
Date: 4-16-68

Oral History Collection

J. Fagg Foster

Interviewer: Dr. Kendall Cochran

Place of Interview: Denver, Colorado

August 28, 1967

Dr. Cochran: Professor Foster, it's indeed nice of you to take time away from a busy schedule and vacation time both, I'm sure, to be willing to discuss this with us. What's the highlight of your memory of this particular incident? How did you happen to go up to Dallas? What was the issue that was involved that took you to Dallas that day?

Dr. Foster: Well, there was a move afoot to repeal the Fair Labor Standards Act. And this move was, as you might well recall, presented in association with earlier events in the Philippines following the incident at Pearl Harbor. And we three instructors had, as economists and as students of social affairs, been watching for efforts to promote movements of this kind under the banner of patriotism. And one of these appeared in a full page advertisement, as I recall, in the Dallas News which advertised what was, in the advertisement, called "a spontaneous mass meeting called in the name of the mother's boys on Baton." And this effort was designed to arouse sentiment for the repeal of the Fair Labor Standards Act which we thought was an improper move at that time.

Dr. Cochran: You say "we." That would be you and Professor Gordon, and Professor

Peach?

Foster: That's correct--and a visiting professor at Texas from Antioch College, Professor Carlson.

Cochran: Carlson?

Foster: Yes, Dr. Valdimar Carlson. So the three of us, along with Carlson, decided that we would protest this effort.

Cochran: Was there any particular issue that you were protesting, any particular incident? Or was this just the whole general movement that was under way there?

Foster: Well, both. First, the obviously surreptitious nature of the appeal, and, second, the misstatement of the advertisement itself. It's very difficult to imagine a spontaneous mass meeting which is widely and expensively advertised.

Cochran: That's a bit incongruous, isn't it? (chuckle)

Foster: Yes. We were against the effort to repeal the Fair Labor Standards Act, and particularly during the rearmament effort, which was our major concern at the time.

Cochran: This was early in 1942, wasn't it?

Foster: Must have been...yes. I can't recall the precise date. Anyway, we decided to go to Dallas and do the best we could at getting the facts of the case before the mass meeting, which was to be held in an auditorium at the fair grounds in Dallas.

Cochran: Who was the chairman of this spontaneous meeting? Do you recall?

Foster: Well, this was difficult to ascertain. But when we got to Dallas, I began to call acquaintances there. I was mostly raised in Dallas and knew some of the persons who would likely be involved. We had

great difficulty in getting anyone to inform us about anybody who had anything to do with this. But I finally found that the meeting was being pretty well sponsored by--although that verb is probably inaccurate--Mr. Hoblittzelle who was then, I believe, President of Interstate Theaters.

Cochran: That's right, that's right. Interstate.

Foster: Mr. Hoblittzelle was an important member of the Chamber of Commerce in Dallas and a civic figure of some note. I called him on the telephone and talked to him about this mass meeting, asking time for one of us to appear before the meeting and to state our view. I think our demands or requests finally got down to either of two alternatives: One, to read, without comment, the portions of the law which were in question; or, second, to read simply the statement of the President of the United States about this law so that the members of the meeting could know what they were talking about.

Cochran: What was the specific issue? Do you recall? What portion of the law were you referring to at this time?

Foster: Well, it was mostly the portions of the law which allowed unionization under rather favorable conditions for the promotion of the union movement. As you know this was prior to the amendment that is called the Taft-Hartley Act.

The Taft-Hartley Act, which is an amendment to the Fair Labor Standards Act, assigns certain rights to labor but none to the employers of labor in generic terms. This was under the supposition that the oligopolistic character of the hiring groups is different than the

essentially competitive character of the labor-selling groups and that no one worker could affect the price of labor. Thus the community could rely on competition to regulate the supply of labor. In the case of the employers, however, there is sufficient communication and unity of action so that one employer could affect the price of labor and thus take the demand side out of the competitive category. The effort that was being promoted then to repeal the Fair Labor Standards Act was different than the Taft Hartley thing that came subsequently. It simply sought to remove the protection of labor, in its right to organize and so on. The Taft-Hartley thing, which came after the war, was an effort to give guarantees to employers in the bargaining process somewhat similar to those associated with labor in the original act. In any event, the four of us went to Dallas to protest this, and we were unable to get any opportunity from the rostrum to accomplish our ends.

Cochran: Well, this was...the result of your phone call to Mr. Hoblitzelle, then. You were unable to get on the platform. What was his reason? Anything particular that he...

Foster: Simply a position of power, I presume. He very curtly, and I thought uncivilly, denied our request without any consideration of the issues involved or any consideration of the right of a public mass meeting to hear the facts of what they were concerned with. In any event, we were unable to get any agreement from those in control of the meeting. But we had told the press that we would either make a statement before or after this meeting. And since we had no basis for making a statement prior to the meeting, we promised

them that we would make a statement for them after the meeting at which we intended to make an effort to be heard. We did attend the meeting.

Cochran: It was out at the fair grounds?

Foster: At the fair grounds in the...I think they call it the auditorium.

Cochran: Good size crowd there?

Foster: An enormous crowd...overflowing crowd. I don't recall the size of the attendance, but it impressed me very much. There were more persons there than could get into the hall which holds several thousand.

Cochran: Why were there so many people there? Do you have any...

Foster: Well, there of course was the highly advertised aspect of the meeting presented in emotional terms, not only with respect to the Fair Labor Standards Act, but in some vague association with our very serious circumstances in the war after the severe blow we took at Pearl Harbor and the consequent difficulties we had in supplying our military personnel in the Philippines. At that time, this almost catastrophic situation we found ourselves in militarily was, of course, in the mind of every American; and the effort to associate this circumstance with the Fair Labor Standards Act threatened, it seemed to those of us involved in this incident, to threaten productive efficiency in the country at large and especially in the war production portion of the economy. And this, we felt, would be very harmful to the nation's effort and would be a disservice to the men involved directly in the military effort. And so we thought we'd try to inhibit this. We were unable to, as I said, get an opportunity to speak from the rostrum, and so we sought, each of us,

recognition from the floor. We separated to various locations in the auditorium in an effort to gain attention from the chair, and we asked for permission to speak--asked for recognition by the chair. This we were unable to get.

Cochran: What was the general nature of the program, if I can interrupt? What did they do? What went on? Was there just one speaker or a bunch of speakers or...?

Foster: Well my memory on this is not very clear. There was an awful lot of speaking pretty well in line with the advertisement. I can't even remember who made the major pronouncement. But in general my impression remains that it was an effort to arouse sentiment for the repeal of the Fair Labor Standards Act, under such cliches as, "while our boys are dying on Baton Americans don't have the right to work at their own discretion" and so on. Incidentally, one of the ways I got suspicious about this meeting was that when I read the advertisement I contacted a mother of a boy on Baton who was a very close friend of mine--both the mother and the son--and asked her since she was the mother of one of the boys that was involved and a boy who was and is a prominent military hero, if she had been contacted by whoever placed the advertisement as if it were sponsored by the "mothers of the boys on Baton." I asked if they had contacted her and if she was involved in it in any way. She said that she had never heard of it. This, of course, made me doubly suspicious.

Cochran: But this boy was a well-enough-known hero that anybody that had wanted to do it would have contacted some such mother?

Foster: Oh, of course. I think that they would have unless by deliberate decisions on other grounds they would have had to involve her in the meeting. In any event, that was obviously not the case, and so the rest of it followed, I think, pretty much as I have indicated.

But after the meeting we did make a statement to the Dallas Morning News, as I recall. Perhaps the Herald was involved also. But there were other reporters interested including Time, Life, and periodicals of that sort.

Cochran: Was this generally just a news conference that you held?

Foster: It seems to me that we had told them that we would either contact them by telephone or directly and I believe we contacted them directly. And I think that Dr. Nelson Peach went to the office of the Dallas Morning News and made a statement up on which we had agreed--a rather carefully worded statement so as not to allow for easy misinterpretation. This is a precaution which one would normally take where Hoblittzelle et. al. were apparently dead set on misinterpreting whatever they could in the direction of the propaganda technique they had been using. In any event, this statement caused something of a stir. Our statement which was published I think quite fairly by the News and by other newspapers and news magazines.

Cochran: Your statement then did receive some nation-wide circulation. It wasn't just...

Foster: Oh yes. It was in most of the widely circulated papers and in many magazines, especially those with news functions like Time,



And it was taken up almost immediately by those persons who were mostly interested in accomplishing what the mass meeting had been called to do: to repeal the Fair Labor Standards Act. And this involved Senator...what was his name, "pass the bisquits Pappy" O'Daniel who was then Senator and a former governor. And it included a former candidate for governor as a nominee of the Republican Party by the name of...I can't bring up his name. I can see him as well as I can see you. He was a member of the Board of Regents of the University, and he led the questioning and arguments from that side.

Cochran: Strickland?

Foster: Strickland? That doesn't sound right. I shall think of it presently.

Cochran: Well, Senator O'Daniel then, was one of the men who responded vigorously to your statement, and the name of the other member of the Board of Regents we will have to state later. Well what happened then? What happened the next day or two or three?

Foster: I don't remember the time intervals between the events that came later, but immediately there was some communication between the Board and the member whose name escapes me at the moment...

Cochran: T. Whitfield Davidson from Fort Worth, was he involved in this?

Foster: I don't recall his being so. It seems vaguely familiar but I can't bring it up. But President Rainey, President of the University at the time, clearly was contacted by these persons in their official capacity as regents and by political figures who were associated with the Senator's office in Washington. In any event, the Uni-

versity was asked apparently to check on us, and it did so, as it should, although we didn't know what was going on at the time. And the department of economics was asked to check into our behavior as professional employees of the University, and it did so and reported to the President apparently in a manner which was apparently not harmful to us in any professional way. I've not yet known just what that report contained. But in any event, the department was sufficiently convinced of the adequacy of our services that they took a protective position in our regard.

Cochran: Had you at all discussed in any vague form before you went up there that there might be any consequences? Had you stopped to consider that somebody might react a bit?

Foster: Yes. We knew that if we were successful there would be opposition to the action. Otherwise, there would have been no initial effort to repeal the act. We did not anticipate that it would be of the proportions that it assumed.

Cochran: Headed against you personally.

Foster: Against us personally. We thought that it would be simply an incident, a minor incident, that would hardly be news-worthy except maybe locally, and that there would be no involvement of the University, since we did not present ourselves as representatives of the University but rather as interested citizens taking a position contrary to that being taken by those who sponsored the mass meeting. In any event, certainly we did not anticipate the ruckus that arose from this incident. When the University questioned us about whatever had been suggested to them...

Cochran: By the University? Do you mean Dr. Rainey or Dr. Rainey's office?

Foster: Well, the department. I suppose it came from President Rainey down through the dean and to the department. We then became aware, since the local newspapers in Austin and elsewhere took up this matter because of circumstances of the moment, that it appeared to be an important issue. And the discussion of the incident by the newspapers, I thought, was very well done. As a matter of fact, I was rather surprised because I had a notion that if the newspapers did treat it, they would treat it in somewhat different fashion. But the treatment they gave us, I thought was fairly well...whatever... I'm looking for a word that bespeaks non-partisan presentation of the news. Of course subsequently, editorially sides were taken in both directions. But initially, they were simply reporting the news, and as is the bent of most news media, there was an effort to make it as dramatic as might be managed without doing some extreme violence to the facts.

Cochran: Well then the department; you mean the departmental chairman called you in just to ascertain what you had done or what the facts were?

Foster: We were asked about these matters and of course we were quite candid and full in our statement of what we had done. And I believe all of us were without tenure--instructors. I was a student instructor at the time and I think that Peach and Gordon were full-time instructors.

Cochran: Meaning you were both at the University. You were a student pursuing a Ph. Degree and teaching at the same time.

Foster: That's correct... I believe I had just been employed as some kind of an instructor beyond that state. I can't recall what it was.

In any event, a demand was received apparently--quite apparently--by the University that we be dismissed forthwith. At about the same time, an effort was made to involve the senior members of the department which was my major concern, personally, and I think also the concern of the other two involved in this Dallas incident. And some of the major professors were so angered by the Board's effort to dismiss us, that they wanted to take whatever action was available to them as tenured members of the department. Well, a meeting, as I recall, was held by the Board at Galveston at which two or three of the major professors were fired. President Rainey, by whatever circumstances prevailed at the time, was not at the meeting at the time the action was taken, as I understood it, and, of course, when informed of this immediately presented himself there to inform the Board about the importance of their act and the fact that they couldn't do this without destroying the University as a whole. So they rescinded this act, as I recall, and then centered their attention on us, the unimportant items in the situation, and dismissed us.

Cochran: Immediately or at the end of the contract year?

Foster: I suppose at the end of the contract year. It's inconceivable to me in retrospect that they could've taken the other action.

Cochran: Did you have a hearing at all? Did you ever appear before the Board?

Foster: Oh yes. Hearings were held after the newspapers and members of the faculty--and particularly certain members of the faculty--brought out pretty clearly to the Board that what they were trying to do was a matter of considerable significance because it raised the question of academic freedom which had not been a part of the original con-

troversy. But once this question was raised, since it was of primary concern to me and the others involved in professional scholarship, the problem took on a new color, and it became centered primarily on the question of academic freedom for the University. And the same sides were taken by the same groups in pretty much the same manner. Then the hearings were held, in effect, to determine what the Board should do. We attended at least one of these meetings. And I attended a subsequent meeting from which the other two members of the original trio were absent. But I was there, and, by virtue of this circumstance, I had to speak for the three of us. At this meeting, we were initially informed that this would be an effort to get a common position established between us and them and that we could save the University the rigors of controversy and so on in public debate. Well, this of course was good news to me and I presume to President Rainey and to the members of the Board who were more or less inclined in our direction. However, the rules set down in this regard in the meeting were not followed and it came to be a sort of trial by attorney only for one side on the part of Mr....his name I can't recall...the same person who acted as sort of a prosecution attorney and as a member of the Board. I believe his name may have been Bullock.

Cochran: What were the kinds of questions he asked you, if you can remember?

Foster: Questions of motivation interspersed with assertions about impropriety of motivation; questions of personal character, of political inclination, about beliefs associated with places of birth and family background. I recall for example his discovering that my father

was a good friend of Congressman Rayburn. And this divided the Board along political lines pretty much.

Cochran: This would be Speaker Sam Rayburn?

Foster: Sam Rayburn, then long-time Speaker of the House of Representatives. There had been some, of course, severe give-and-take between the faculty members and the Board members.

Cochran: Did the hearing concern itself at all with what the basic issue was? I mean the Taft-Hartley...not the Taft-Hartley--the Fair Labor Standards Act?

Foster: Practically none--some of course. It came to be centered on the question of academic freedom. The facts of the initiation of the difficulty in relation to the Fair Labor Standards Act was brought out. But the efforts of the opposing members of the Board quite clearly and almost immediately was made apparent as an effort to have us stand convicted of something which was improper in our behavior, and to guide the record away from the central issue of academic freedom which was then the central issue. And of course our effort, at least my effort, was to keep the consideration focused on the issue.

Cochran: Did you have counsel or was a lawyer there to help you?

Foster: Oh no, no. And I think it was not necessary under the rules set down by the President of the Board who was presiding. These questions were to be mutually an effort to clear up the difficulty, to obtain a common statement to be signed by us and the Board, and to solve the matter in this fashion in an amicable way and to get the issue resolved. This we were unable to do because of the behavior of

Mr. Bullock and others who were rather vehement and thus provoked the rather strong reaction on our part, I think.

Cochran: What were the issues of this man from Wichita Falls? What were the issues that he got on?

Foster: Well, whether...why a university instructor should, in the first place, consider a matter of public controversy, involving indirectly the University in such a controversy, and why particularly instructors as distinct from the higher ranking faculty members would feel that they had a right to express an opinion contrary to that which was clearly held a majority of the Board. Of course, we pointed out that this was within our area of presumed competence and certainly within our area of interest and comprehension, and that the opinions of the Board were not our concern. Our concern was with what was the fact and truth of the matter and what was the correct position for the community to take. It seemed to some members of the Board that the issue was really " why does an instructor have the right to take a position on any issue contrary to the opinion of even one member and certainly in contrast to the opinion of a majority of the members of the Board?" Well, this of course is of supreme importance to university faculties. And we had to take a rather strong position contrary to that expressed by some members of the Board.

In any event, I appealed to the chair of the Board to keep the questioning within the limits and under the rules set forth by the chair which were not followed. And so it became a matter of presenting these two general positions on academic freedom as force-

fully as might be. And this is the way it proceeded. However, by the end of the meeting ostensibly position agreement had been reached on the facts which were recited very carefully there by us and by others on the Board and that we could make a common statement. The agreement was that we would proceed as we had done before, that the Board would then drop its punitive action, and that we would simply consider the issue closed. Under this impression I went home. But by this time it was late in the evening and the Board had been at it all day. The Board remained in session, and subsequently that same evening President Rainey called me and informed me that the Board had changed its mind after some communication, as I gathered later, between certain members of the Board and Washington, D. C.--the Senator's office. President Rainey asked me if I would come back and meet with the Board and see if we would agree to what the Board had written up as a common statement. I went back to the University, and President Rainey read me the statement that the Board had written. It was simply a confession of error on our part, an abandonment in effect--of what we had been struggling to maintain which was the principle of academic freedom. And of course I refused to sign this although I had been asked by the others to speak for them. They would accede to and stand by whatever I felt was the position of the three of us--our opinions. Dr. Carlson's involvement was not pursued extensively because he was a visiting professor. He did however receive some comment as a "foreign" meddler and so forth.

Cochran: Where were the other two at this time? Do you recall?



Foster: I can't recall what the circumstances were. I believe one of them was in the Army had been drafted or something of that sort.

Cochran: This is still during that same academic year, though?

Foster: Yes. Very rapidly, you know, we were building up the army at the time. Well, of course I refused to sign the Board's statement, and President Rainey said he recognized after I had refused that I couldn't very well sign it.

Cochran: What was President Rainey's role during this?

Foster: He was...

Cochran: As much as you saw of it anyhow at the meetings when you were there.

Foster: He was, except for matters of advice toward proper procedure and matters of fact, as noncommittal in our presence, when we were before the Board, as he could be, as properly befitted his role as President of the University. I gather that he was quite forceful in his effort to protect the University from what we considered, and I still consider, vicious attacks on the University's essential conscience. I consider Dr. Rainey one of the great educational administrators of our time. And he certainly was a magnificent administrator at the University, and he was a defender of the essential functions of the University.

He accepted the responsibility for successful communication simply because he recognized, like anyone does who has thought about it at any length, that if you understand and your communicant doesn't, the responsibility for successful communication is yours. I think he exercised himself as well as could be in this direction and toward this end. In any event, he gave me some rather sage advice on my

immediate reaction to this statement that I mentioned that had been written by members of the Board. I was quite incensed that the Board had broken faith with their agreement with me in my presence and had written a statement contrary to our agreement and had tried by surreptitious procedure to get me to sign it. And my anger, I suppose, was apparent to President Rainey who was then showing me this statement in a side-room to the Board's meeting room where I did refuse to sign it. I expressed a desire to reappear before the Board to tell them what I thought about their behavior in connection with this statement, and he advised calming my emotional state of anger and resentment at what I still think was very unbecoming a Board of that sort. He successfully advised me in this direction. And I didn't appear before the Board subsequently, but I did refuse to sign the statement. And the Board then proceeded to fire the three of us. And then the incident was taken up nationally.

Immediately after that a matter of days anyway, I appealed to the American Association of University Professors with the advice and knowledge of the department and other members of the faculty including Professor J. Frank Dobie, and others, who were fighting-made about the whole thing anyway. Of course that reaction would be in character for Professor Dobie.

Cochran: What was the department's reaction to your request? Did they give you any advice one way or another what you should be doing at this juncture?

Foster: Well, of course they corroborated my opinion that it was within my right to appeal to the AAUP. And I don't recall whether they gave

me any specific advice about the character of the appeal. I did so in an official way, pointing out the issue and the grounds for it and the offenses by the Board of Regents. The AAUP took the case and subsequently took direct action. The secretary of the Association came to Austin and raked the Board over the coals pretty well, and I believe the University was blacklisted as an official action of the Association.

Cochran: What do you think the Board was trying to do in all this? They surely weren't that concerned over three young instructors that would probably be leaving the school anyhow. What were they trying to do?

Foster: Oh, we were, of course, minor matters. My feeling at the time was that certain members of the Board were after the hides of some of the major members of the department, particularly Professor Hale, who was chairman of the department at the time, Professor Montgomery, Professor Ayres, and perhaps Professor Wylie. This, of course, would have broken up what amounted to the greatest Department of Economics in the world. Part of its greatness was precisely in relation to rational analysis of attributes, capacities, and attitudes to which some members of the Board were taking strong exception, as is almost always the case. My feeling was, and still is, that that was what the Board was after. And this is evidenced by their action in the Galveston meeting in which they dismissed some members of the Department, not knowing the circumstances and the seriousness of the problem this would present. And it is evidenced also by the fact that these same members of various political bod-

ies had harrassed some members of the faculty throughout their tenure there. The department, especially those members who were opposed by some of the Regents, had supported us quite strongly. Professor Ayres went so far as to insist that if they were going to treat us in that fashion, they would have to treat the other members of the department, at least himself, in the same fashion by virtue of the fact that although he wasn't involved in the incident, that if he had known that we were doing this, he would have been. He insisted on being involved. He thought that our action was correct, and he would have taken the same action if he had thought about it--this sort of thing.

There was an awful lot of goings on, about this incident you know. The newspapers were playing this back and forth all over the place. And in the meantime the other members of this trio, I believe, went into the armed services--at least they did before I did. I completed the current assignment; I believe by then it was the summer assignment, but I am not sure that it was not still the long session.

Cochran: When did you hear about your firing, I mean after that night when you refused to sign the statement and went home?

Foster: Immediately.

Cochran: Just that very evening, huh?

Foster: Yes. Then I wrote to several institutions of higher learning, seeing if I could find employment elsewhere. But before I mailed the letters, I received by telegram, telephone, and by written

message, I believe twelve offers of employment in colleges and universities around the country, which I think is something of a compliment to American higher education as a whole. I accepted one at Kenyon College, which was extended at their volition, as a perfect opportunity to do some thinking and perhaps writing. And then, of course, from there I--it's of no concern to the matter at hand--but to complete the chronology, I went to work for the government since the college there, which is a men's school, almost disappeared during the year. I went into the government's war housing effort, Federal Public Housing Authority, it was then called under the Lanham Act. And from there, I went into the Army, served in the Philippines, the Philippine campaign, and I have been here at the University of Denver since the war.

Cochran: Did the University in 1945, '46, did they offer you your position back again?

Foster: Yes. While we were overseas, I think we were rehired, at the insistence of President Rainey, and perhaps even under some rulings set down in law for re-employment benefits or something of the sort that veterans would have. In any event, we were all rehired and Dr. Gordon did return to the University and is still there. Dr. Peach went to the University of Oklahoma.

Cochran: He returned for about a year.

Foster: Did he?

Cochran: Um'hum. He went back to Texas for about a year and then subsequently...He took them up on their offer and did return.

Foster: Yes. I can't recall. I refused to go back. I came here and have

been here since.

Cochran: Well, as you look back upon it, what would you do if you were doing it over? Do differently?

Foster: I can't think of anything I would do differently in substance. Certainly I would take the same position. My immediate behavior might be different here or there. I rather think we were a little too mannerly about it under the caution that a minor member of a department would feel in his responsibility to the department as a whole. We were very cautious about, and tender in our treatment of, the Board, giving them repeated opportunity to correct their mistakes which they refused. I subsequently thought that the optimum--I started to say maximum--educational effect on the Board would have been perhaps a much rougher treatment. I think that they understood such action better than they did the extremely decorous procedures and actions we engaged in.

Cochran: Once the issue was joined and it was clear that you had run counter to the views of the Board...oh, I don't know quite how to say what I'm thinking. Did you...what did this young instructor...I look back on my own career. At that same juncture I wouldn't have had the wisdom to act like you acted. Did you go find somebody to talk to? Was there some local AAUP officer? Did you have anybody to go to for counsel and advice at the University?

Foster: Well, there were plenty there, of course, and they would have been freely offered. We did consult with the senior members of the faculty on occasion. They were very careful not to give any promptings which would be counter to our own conscience, acting in a fashion, I think, that you would expect of men of that caliber.

I think the mistake I mentioned, the failure to use the language and tactics that those whole education was at stake directly, the members of the Board of Regents, was a failure that is fairly uniform among academicians assuming that everyone understands the language to which they are accustomed. And they aren't. No, the members of the Department gave us whatever advice we requested.

Our decisions and our pronouncements and our news releases and so on were entirely our own. We felt responsible and very grateful to the other members of the department and to President Rainey, who staunchly supported us throughout all this and subsequently as a result found himself in...well...fatal conflict with the Board over the same issues. This resulted in his deciding, as a service to his native state I believe, to run for Governor in an effort to bring the issues before the community as a whole. During that time, I was in the army overseas and didn't know much about it. But we returned to the States before the election itself, and I was in Austin when the final campaign was being run. I think I came back in November--October even, maybe. What was it... '45? I came here to the University of Denver in '46, September 1946. The campaign was on, and, in the first campaign for the primary, I believe Professor...who was it? I can't bring his name up either... was actively engaged in recruiting help among academic folk in Dr. Rainey's campaign. I believe Rainey won the plurality in that campaign, didn't he?

Cochran: No, he came in second.

Foster: Did he?

Cochran: Um'hum.

Foster: He got thirty-something percent of the vote, didn't he?

Cochran: Um'hum. Yes. Beauford Jester led the first primary and Rainey came in second. So then the two of them went into a run-off.

Foster: And then in the run-off campaign, my notion was, after talking to Rainey and others, that Dr. Rainey should have run a much rougher campaign than he did on the same grounds that I think I made an error in not treating the Board in a fashion that they could understand--those members of the Board here in focus. Of course, you understand the Board was made up of several different types of persons. And the ones of whom I speak are not really characteristic. They were the vociferous, raucous, heavy-handed members, typically.

Cochran: Well, we'll still think of that regent's name or we can stick it in later. But at the time and/or today, as you look back upon it, what were the regents, or at least the clique of the regents--and clearly now all of them weren't involved in this--but what was this clique of regents trying to do? They surely couldn't be very concerned about three unknown, minor, economics instructors who didn't have tenure.

Foster: That's right. My opinion was and is that an institution with a budget of this size, and particularly a university, they wanted to control directly and intimately in a political fashion and were trying to, as I think you or somebody put it, take it over from its legal designation to whatever uses they could make of it politically and otherwise. And of course, as always, universities



who are always under pressures of this sort in some measure. So... Partly because economics departments are always vulnerable in this regard, having to deal with matters which are always subject to controversy. And secondly I think because the Economics Department at the University of Texas at that time was the greatest department of economics in the world and...was greatly respected around the world. And opinions expressed by members of that department were taken seriously in economics circles. So that it was...if you were to try to take over the University, you could always find an issue of some sort in the economics department. And always there was at least some support to be given to any position you might want to take which was antagonistic to the economics department. You can always find something there, you see. And of course this incident, which was simply an incident, had little to do with the major efforts to take over the University itself. I don't suppose they ever heard of any of us and cared less, so to speak. The opportunity to go after us was simply an incident in the major effort.

Cochran: Did you at the time--I know it may be difficult to reconstruct-- did you at the time have any view of why Senator O'Daniel's office would be involved in this? Why would he have anything to do with it?

Foster: Well, I think Senator O'Daniel was uncomfortable in the presence of any institution seeking the truth. Any scholarly action was antipathy...antipathetic to his inclinations and to his situation and to his intellectual conditioning. The independence of the University, intellectually, disturbed him mightily, I think. The

sort of politics in which a man like O'Daniel engaged, and which certainly has not disappeared since, was always ill at ease in an atmosphere seeking the truth in terms of evidence.

[There is a blank space in the tape here.]

I learned from direct sources that Bullington, who is the man I believe whose name I couldn't recall a moment ago and who was a member of the Board, contacted, or was contacted by, Senator O'Daniel during the meeting of the Board which I attended and before which I appeared. He received advice, or consultation at least, from and with O'Daniel about the proper decisions by the Board, being informed that they could not agree to make a statement unless the statement was a recitation of the original position taken by Bullington and other members of the Board. When we did reach an agreement prior to the tentative statement I have since presumed that Senator O'Daniel and Mr. Bullington thought they would write the statement according to their own specifications, and that the chance existed that I might well sign it.

But after I refused to sign the statement, O'Daniel again contacted Mr. Bullington and informed him that he could not--No. Let's get the sequence in order. After the Board and I agreed on a statement, O'Daniel and Bullington were in contact by telephone between Washington and the Board room and instructions were given to make this statement the original position of the Board. Then when I refused to sign that statement, O'Daniel again was in contact with Mr. Bullington by telephone and the decision was made that we

should be dismissed immediately.

Cochran: Now this was...this position that you should be dismissed was determined between Bullington and O'Daniel?

Foster: Well, it was determined by the Board. But it was agreed upon by telephone between O'Daniel and Bullington and through Bullington presented to the Board for action, an official action by the Board.

Cochran: What I'm trying to get straight here, because the sequence is becoming, in my mind at least, it seems a bit jumbled. As you understand it, the decision was really made by O'Daniel, and O'Daniel told Bullington, "No, these men have to be fired." And Bullington took it to the Board.

Foster: Yes. The Board was in session. Now, I could not say with assurance...

Cochran: I understand that.

Foster: ...that O'Daniel specified immediately what the Board did, but the Board did do what O'Daniel specified as a general position.

Cochran: I see.

Foster: You see.

Cochran: Yes, well this was what I was trying to get straight, that at least according to your information O'Daniel, who was then a Senator--no longer Governor--was still in effect trying to tell the Board what to do about the University.

Foster: Yes. He had appointed several members of the Board, and perhaps a majority from his then immediately preceding tenure as Governor of the State of Texas, and he had personal connections with the Board by virtue of his appointment of some of them, I think a

majority of the Board. In any event, he was in direct contact with Bullington during the meeting and after I left the meeting, and subsequently was in contact with members of the Board in relation to the actions he contemplated them taking.

Cochran: Um'hum. Well I know there was a lot of...to revert back for a moment to after you returned from the meeting in Dallas, I know there was a great deal of controversy running through the campus. Do you recall specifically?

Foster: Yes, there was a lot of activity going on in the controversy. Students, many of them, wanted to organize a march on the state capitol and so on.

Cochran: This was in response to the regents reaction to your...

Foster: Yes. And shortly after the incident itself. Initially, the Board acted in a fashion that we mentioned before, you know in...I think in the Galveston meeting, for example, in which they attacked some of the senior members of the department. There was a big turmoil. The Daily Texan, which is the University's newspaper, took up the issue and carried it on throughout the controversy. Efforts were made to expand the case by the editor of the Daily Texan, who was a young fellow by the name of Elgin Williams. He subsequently was a professor of economics in various institutions, and he was author of some fairly important treatises, I think. In any event, it seemed to me at the time, and it still does, that what the regents wanted to do was take over the University. And the politicians, through a highly political and partisan Board, wanted to make the institution into something of a handmaiden for the ends, whatever

ends that they might have in view.

The members of the faculty who were known to me to be, what should we say, highly volatile about matters of this sort gave me some concern because since the Board wanted to take over the University in the direct sense, which would destroy the University as such, I was afraid that they would act precipitously and without sufficient consideration of the objectives of the Board and the politicians involved. And indeed this did occur in some degree. And various members of the faculty did resign, and others suggested that the entire faculty resign, at least the members of the faculty who were standing for academic freedom should resign and leave the University to whatever the Board wanted to make of it.

My fear of this kind of action prompted me to consult with Professor Clarence Ayres about this matter and ask him to use his influence with the faculty to stop any movement toward resignations by members of the faculty, and especially the senior members of the faculty, which would be exactly what the Board wanted. Because if they could get rid of the strongest minds and the best scholars in the faculty, then the rest of the University would be much more amenable to their uses. They could hire folks to suit their own taste. This I wanted to prevent, and this I feared more than anything else. But for whatever reason, the movement in this direction did not become very extensive. There were some resignations, and some of the departments as a whole threatened to resign. And sug-

gestions were made that the entire economics department resign, but this was successfully counteracted so that finally, of course, the University won its position as universities always do when they stand and support their central functions in an instrumental way. In any event, we did avoid what I dreaded most that might result from that sort of controversy.

Cochran: Well, before we finish this interview, and I know we're about to run down, I made...I made a couple of little notes here. Back at your last meeting with the Board, you said that President Rainey took you into a side room and showed you the statement and asked you if you would read it and sign it and said that the time after reading it, he gave you some very sage advice. But I think we got off on to a digression at that time. What was the sage advice?

Foster: After reading this statement and, of course, refusing to sign it for reasons I indicated, I felt that I should go back into the Board room and tell the Board, and particularly Mr. Bullington, what I thought about their actions. President Rainey, noting my anger and chagrin at this situation and this breach of faith by some members of the Board, suggested that we talk about it for a moment to see if we could determine the proper action on my part. He informed me, of course, that I had a right to go in and confront them with my opinion about their action which I intended to put in very strong terms. And he suggested that this would bring about a personal confrontation between Bullington and me which might even extend to physical encounter. I then expressed the hope that this would indeed be the case. In reply to that Dr. Rainey asked me a

series of simple questions. He asked if I thought this would help Mr. Bullington, and of course the obvious answer was, "No."

Cochran: That is, your having a fist fight or something?

Foster: Yes. He then asked if it would help the University, and again the obvious answer of course, was, "No, it would do the University great harm." And he then asked if it would do me any good and the answer to that was, "Yes." Then he asked a very sage question, I think. Should it be then my benefit or the University's benefit, that should determine the course of behavior, and of course I saw the point and agreed that I should not confront Mr. Bullington with the proper personal retort to his misbehavior, but should instead try to protect the University's interest as best we could. And so I did not go back to confront the Board but simply refused to sign the statement.

Cochran: Now there's no question in my mind, of course, I'm a great partisan, but there's no question in my mind but to echo exactly what you said a few moments ago that President Rainey really was one of the truly outstanding educational administrators that the country has had. And it was a tremendous loss to the University and to Texas when he was fired. And it set the University back I know many, many years in its development.

Foster: Yes, and this is the most unfortunate outcome of the controversy, although there have been fortunate results also. The University of Texas was on its way very rapidly under Rainey's leadership, to becoming one of the really great universities in the world. And this sequence of events with the Board of Regents which existed at

that time set it back, as you say, for some time. It has only recently fully overcome this difficulty and I think again is on its way toward what ought to be its proper destiny. And it has gone a long way down that path, I think.

Cochran: Well, let me thank you again, Professor Foster, on behalf of the Oral History Research Project at North Texas for your contribution to our files. I know it will add significantly to our background, and reminiscences, and memories of Texas political movements. We will send you a copy of it for your editing and it will go into the files of our library. Any closing comments as you look back upon this incident as a young man just out fighting the world?

Foster: None that I can think of.